



# SAN FRANCISCO PLANNING DEPARTMENT

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## Executive Summary Large Project Authorization

HEARING DATE: JUNE 19, 2014

*Date:* June 12, 2014  
*Case No.:* **2012.0673X**  
*Project Address:* **119 7<sup>TH</sup> STREET**  
*Zoning:* MUG (Mixed Use-General) Zoning District  
85-X Height and Bulk District  
*Block/Lot:* 3726/103  
*Project Sponsor:* Victoria Yu, American Pacific International Capital, Inc.  
222 SW Columbia Street, Ste. 820  
Portland, OR 97201  
*Staff Contact:* Richard Sucre – (415) 575-9108  
[richard.sucre@sfgov.org](mailto:richard.sucre@sfgov.org)  
*Recommendation:* **Approval with Conditions**

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### PROJECT DESCRIPTION

The proposed project includes demolition of the existing surface parking lot (with twenty-seven off-street parking spaces), and new construction of an eight-story, residential building (approximately 50,996 gross square feet) with 39 dwelling units, two ground floor retail spaces located along 7<sup>th</sup> and Minna Streets (measuring approximately 1,893 gsf and 427 gsf, respectively or a total of 2,320 gsf), 24 off-street, below-grade parking spaces, 40 Class 1 bicycle parking spaces, and 6 Class 2 bicycle parking spaces. The project includes a dwelling unit mix consisting of 17 two-bedroom units and 22 one-bedroom units. The proposed project also includes private open space for two dwelling units on the second floor (total of 280 sq ft.) and common open space for thirty-seven dwelling units (approximately 3,594 square feet) via a second-story terrace and a roof deck. The entrance to the off-street parking is approximately 12-ft 4-in wide and is located off of Minna Street.

### SITE DESCRIPTION AND PRESENT USE

The project site is at the northeast corner of 7<sup>th</sup> and Minna Streets. It is an irregularly-shaped corner lot (with a lot area of 8,084± sq ft) with approximately 102-ft 6-in of frontage along Minna Street, and 80-ft of frontage along 7<sup>th</sup> Street. Currently, the subject lot contains a surface parking lot with 27 off-street parking spaces.

### SURROUNDING PROPERTIES AND NEIGHBORHOOD

The project site is located in the MUG Zoning District along a predominantly commercial corridor on the western border of the East SoMa Area Plan. The eastern border of the Western SoMa Special Use District (SUD) is located directly across from the project site across 7<sup>th</sup> Street. The immediate neighborhood

includes a few smaller-scale two-story retail shops, several four-to-six-story tourist and residential hotels, and larger scale civic buildings, including the San Francisco Federal Building and the United States Court of Appeals for the 9<sup>th</sup> Circuit. The project site is located in close proximity to Mission Street (less than half a block away), which is a vehicular transit corridor with a number of public transit routes. Along 7<sup>th</sup> Street, the immediate context includes a five-story residential hotel with ground floor retail (1095 Mission Street) to the north, and a two-to-four-story tourist hotel (d.b.a Best Western Americana Hotel). 1095 Mission Street includes property line windows, which directly front onto the project site. The majority of these property line windows provide ventilation to toilet rooms or dwelling units, which have alternate means of light and air. Along Minna Street, the project site is bordered by a vacant lot and beyond that, a five-story-tall apartment/live work complex to the east. Other zoning districts in the vicinity of the project site include: RED (Residential Enclave District), WMUG (Western SoMa Mixed-Use General), RED-MX (Residential Enclave District-Mixed), P (Public), and C-3-G (Downtown General Commercial District).

## ENVIRONMENTAL REVIEW

The Department anticipates publication of a Community Plan Exemption for the proposed project, as outlined in Section 15183 of the CEQA Guidelines and California Public Resources Code Section 21083.3. Copies of the environmental review determination shall be forwarded to the Commissioners prior to the public hearing, and shall be made available to the public upon completion.

## AMENDED HEARING NOTIFICATION

TYPE	REQUIRED PERIOD	REQUIRED NOTICE DATE	ACTUAL NOTICE DATE	ACTUAL PERIOD
Classified News Ad	20 days	May 30, 2014	May 30, 2014	20 days
Posted Notice	20 days	May 30, 2014	May 30, 2014	20 days
Mailed Notice	20 days	May 30, 2014	May 30, 2014	20 days

The proposal requires a Section 312 Neighborhood notification, which was conducted in conjunction with the required hearing notification for the Large Project Authorization.

## PUBLIC COMMENT

As of June 12, 2014, the Department has received two public correspondences from the same individual regarding the proposed project (See Attached). This correspondence has expressed neither support nor opposition to the proposed project.

## ISSUES AND OTHER CONSIDERATIONS

- Large Project Authorization Modifications: As part of the Large Project Authorization (LPA), the Commission may grant modifications from certain Planning Code requirements for projects that exhibit outstanding overall design and are complementary to the design and values of the surrounding area. The proposed project requests modifications from: 1) rear yard (Planning Code Section 134); 2) permitted obstructions over the street (Planning Code Section 136); 3) dwelling unit exposure (Planning Code Section 140); and, 4) off-street parking (Planning Code

Section 140). Department staff is generally in agreement with the proposed modifications given the overall project and its design.

- Affordable Housing Fee: The Project Sponsor has elected the affordable housing fee, identified in Planning Code Section 415.5. Per Planning Code Section 415.5(b)(1), the amount of the fee shall be based upon the number of units equivalent to the applicable off-site percent of the number of units in the project, which is 20 percent of the total number of units. The Project includes 39 dwelling units (22 one-bedroom units and 17 two-bedroom units); therefore, the Project is required to pay the affordable housing fee for eight units (4 one-bedroom units and 4 one-bedroom units).
- Property Line Windows at 1095 Mission Street: The proposed project would obscure property line windows along the south façade of 1095 Mission Street. The majority of these windows provide light and air to toilet rooms or dwelling units, which have windows facing another exterior façade or a light well. Therefore, the proposed project’s impact upon the adjacent building would be limited.
- Development Impact Fees: The Project would be subject to the following development impact fees, which are estimated as follows:

FEE TYPE	PLANNING CODE SECTION/FEE	AMOUNT
Affordable Housing Fee (4) – 1 Bedroom Units	415 (@ \$261,271)	\$1,045,084
Affordable Housing Fee (4) – 2 Bedroom Units	415 (@ \$357,034)	\$1,428,136
Eastern Neighborhoods Impact Fee (48,096 sq ft – Tier 2; New Residential)	423 (@ \$13.87)	\$667,092
Eastern Neighborhoods Impact Fee (2,423 sq ft – Tier 2; New Non-Residential)	423 (@ \$11. 56)	\$28,010
	<b>TOTAL</b>	<b>\$3,168,322</b>

Please note that these fees are subject to change between Planning Commission approval and approval of the associated Building Permit Application, as based upon the annual updates managed by the Development Impact Fee Unit of the Department of Building Inspection.

## REQUIRED COMMISSION ACTION

In order for the project to proceed, the Commission must grant a Large Project Authorization pursuant to Planning Code Section 329 to allow the new construction of a eight-story residential building with 39 dwelling units and ground floor retail, and to allow modifications to the requirements for rear yard (Planning Code Section 134), permitted obstructions over the street (Planning Code Section 136), dwelling unit exposure (Planning Code Section 140), and off-street parking (Planning Code Section 151.1).

## BASIS FOR RECOMMENDATION

The Department believes this project is approvable for the following reasons:

- The Project complies with the applicable requirements of the Planning Code.
- The Project is consistent with the objectives and policies of the General Plan.
- The Project is located in a zoning district where residential and ground floor commercial uses are principally permitted.
- The Project produces a new mixed-use development with ground floor retail and significant site updates, including street trees, landscaping, and common open space.
- The Project is consistent with and respects the existing neighborhood character, and provides an appropriate massing and scale for a large block.
- The Project complies with the First Source Hiring Program.
- The Project adds 39 new dwelling units to the City's housing stock.
- The Project will fully utilize the Eastern Neighborhoods Area Plan controls, and will pay the appropriate development impact fees.

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

Draft Motion-Large Project Authorization  
Parcel Map  
Sanborn Map  
Aerial Photograph  
Zoning Map  
Architectural Drawings  
Affidavit for Compliance with the Inclusionary Affordable Housing Program  
Affidavit for First Source Hiring Program  
Public Correspondence



Attachment Checklist

- |   |  |
|---|--|
| <input checked="" type="checkbox"/> Executive Summary   | <input checked="" type="checkbox"/> Project Sponsor Submittal  |
| <input checked="" type="checkbox"/> Draft Motion        | Drawings: <u>Existing Conditions</u>   |
| <input type="checkbox"/> Environmental Determination    | <input checked="" type="checkbox"/> Check for legibility   |
| <input checked="" type="checkbox"/> Zoning District Map | Drawings: <u>Proposed Project</u>  |
| <input checked="" type="checkbox"/> Height & Bulk Map   | <input checked="" type="checkbox"/> Check for legibility   |
| <input checked="" type="checkbox"/> Parcel Map          | <input type="checkbox"/> Health Dept. Review of RF levels  |
| <input checked="" type="checkbox"/> Sanborn Map         | <input type="checkbox"/> RF Report   |
| <input checked="" type="checkbox"/> Aerial Photo        | <input type="checkbox"/> Community Meeting Notice  |
| <input checked="" type="checkbox"/> Context Photos      | <input checked="" type="checkbox"/> Inclusionary Affordable Housing Program:<br>Affidavit for Compliance |
| <input checked="" type="checkbox"/> Site Photos         |  |

Exhibits above marked with an "X" are included in this packet

\_\_\_\_\_ RS \_\_\_\_\_  
Planner's Initials

*RS: G:\Documents\Large Project Authorization\2012.0673X 119 7th St\ExecutiveSummary\_119 7th St.doc*



# SAN FRANCISCO PLANNING DEPARTMENT

*Subject to: (Select only if applicable)*

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

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## Planning Commission Draft Motion

HEARING DATE: JUNE 19, 2014

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*Project Address:* **119 7<sup>TH</sup> STREET**  
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[richard.sucre@sfgov.org](mailto:richard.sucre@sfgov.org)

**ADOPTING FINDINGS RELATING TO A LARGE PROJECT AUTHORIZATION PURSUANT TO PLANNING CODE SECTION 329, TO ALLOW EXCEPTIONS TO 1) REAR YARD PURSUANT TO PLANNING CODE SECTION 134, 2) PERMITTED OBSTRUCTIONS OVER A STREET PURSUANT TO PLANNING CODE SECTION 136, 3) DWELLING UNIT EXPOSURE PURSUANT TO PLANNING CODE SECTION 140 AND, 4) OFF-STREET PARKING PURSUANT TO PLANNING CODE SECTION 151.1, TO ALLOW CONSTRUCTION OF A NEW EIGHT-STORY RESIDENTIAL BUILDING (APPROXIMATELY 50,996 GSF) WITH 39 DWELLING UNITS (CONSISTING OF 22 1-BEDROOM UNITS AND 17 2-BEDROOM UNITS) AND GROUND FLOOR COMMERCIAL SPACE (APPROXIMATELY 2,320 GSF), LOCATED AT 119 7<sup>TH</sup> STREET, LOT 103 IN ASSESSOR'S BLOCK 3726, WITHIN THE MUG (MIXED USE-GENERAL) ZONING DISTRICT AND A 85-X HEIGHT AND BULK DISTRICT, AND ADOPTING FINDINGS UNDER THE CALIFORNIA ENVIRONMENTAL QUALITY ACT.**

### PREAMBLE

On May 23, 2013, Victoria Yu of American Pacific International Capital, Inc. (hereinafter "Project Sponsor") filed Application No. 2012.0673X (hereinafter "Application") with the Planning Department (hereinafter "Department") for a Large Project Authorization to construct a new eight-story residential building with 39 dwelling units and ground floor corner commercial space at 119 7<sup>th</sup> Street (Block 3726 Lot 103) 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 June XX, 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 June 19, 2014, the Planning Commission ("Commission") conducted a duly noticed public hearing at a regularly scheduled meeting on Large Project Authorization Application No. 2012.0673X.

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. 2012.0673X, subject to the conditions contained in "EXHIBIT A" of this motion, based on the following findings:

## **FINDINGS**

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

1. The above recitals are accurate and constitute findings of this Commission.
2. **Site Description and Present Use.** The project site is at the northeast corner of 7<sup>th</sup> and Minna Streets. It is an irregularly-shaped corner lot (with a lot area of 8,084± sq ft) with approximately 102-ft 6-in of frontage along Minna Street, and 80-ft of frontage along 7<sup>th</sup> Street. Currently, the subject lot contains a surface parking lot with 27 off-street parking spaces.
3. **Surrounding Properties and Neighborhood.** The project site is located in the MUG Zoning District along a predominantly commercial corridor on the western border of the East SoMa Area Plan. The eastern border of the Western SoMa Special Use District (SUD) is located directly across from the project site across 7<sup>th</sup> Street. The immediate neighborhood includes a few smaller-scale two-story retail shops, several four-to-six-story tourist and residential hotels, and larger scale civic buildings, including the San Francisco Federal Building and the United States Court of Appeals for the 9<sup>th</sup> Circuit. The project site is located in close proximity to Mission Street (less than half a block away), which is a vehicular transit corridor with a number of public transit routes. Along 7<sup>th</sup> Street, the immediate context includes a five-story residential hotel with ground floor retail (1095 Mission Street) to the north, and a two-to-four-story tourist hotel (d.b.a Best Western Americana Hotel). 1095 Mission Street includes property line windows, which directly front onto the project site. The majority of these property line windows provide ventilation to toilet rooms or dwelling units, which have alternate means of light and air. Along Minna Street, the project site is bordered by a vacant lot and beyond that, a five-story-tall apartment/live work complex to the east. Other zoning districts in the vicinity of the project site include: RED (Residential Enclave District), WMUG (Western SoMa Mixed-Use General), RED-MX (Residential Enclave District-Mixed), P (Public), and C-3-G (Downtown General Commercial District).

4. **Project Description.** The proposed project includes demolition of the existing surface parking lot (with twenty-seven off-street parking spaces), and new construction of an eight-story, residential building (approximately 50,996 gross square feet) with 39 dwelling units, two ground floor retail spaces located along 7<sup>th</sup> and Minna Streets (measuring approximately 1,893 gsf and 427 gsf, respectively or a total of 2,320 gsf), 24 off-street, below-grade parking spaces, 40 Class 1 bicycle parking spaces, and 6 Class 2 bicycle parking spaces. The project includes a dwelling unit mix consisting of 17 two-bedroom units and 22 one-bedroom units. The proposed project also includes private open space for two dwelling units on the second floor (total of 280 sq ft.) and common open space for thirty-seven dwelling units (approximately 3,594 square feet) via a second-story terrace and a roof deck. The entrance to the off-street parking is approximately 12-ft 4-in wide and is located off of Minna Street.
5. **Public Comment.** As of June 12, 2014, the Department has received two public correspondences from the same individual regarding the proposed project (See Attached). This correspondence has expressed neither support nor opposition to the proposed project.
6. **Planning Code Compliance:** The Commission finds that the Project is consistent with the relevant provisions of the Planning Code in the following manner:

- A. **Permitted Uses in MUG Zoning Districts.** Planning Code Sections 840.20 and 840.45 states that residential and retail uses are principally permitted use within the MUG Zoning District.

*The Project would construct new residential and retail uses within the MUG Zoning District; therefore, the Project complies with Planning Code Sections 840.20 and 840.45.*

- B. **Floor Area Ratio.** Planning Code Section 124 establishes a FAR (Floor Area Ratio) of 6.0 to 1 for properties within the MUG Zoning District and an 85-X Height and Bulk District.

*The subject lot is 8,084 sq ft, thus resulting in a maximum allowable floor area of 48,504 sq ft for non-residential uses. The Project would construct a total of 2,320 gsf 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 25-ft 6-in from the rear lot line (or approximately 2,050 sq ft).

*Currently, the Project is designed to have full lot coverage on the ground floor level, which contains non-residential use and support spaces. The Project provides a rear yard at the second floor, which is the lowest level possessing a dwelling unit. This rear yard measures approximately 25-ft 9-in from the rear lot line, and will function as a private open space for two dwelling units measuring approximately 280 sq ft, and a common terrace measuring approximately 1,550 sq ft. In addition, the Project provides additional common open space via a roof deck, which will measure approximately*

*2,044 sq ft. Therefore, the Project's total amount of common open space (3,594 sq ft) exceeds the amount of open space that would have been provided through the rear yard. However, the proposed rear yard is not parallel to the rear lot line as it does not provide the requisite indent due to the lot's irregular shape; therefore, 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 at the northeast intersection of 7<sup>th</sup> and Minna Streets. The subject block possesses a limited pattern of mid-block open space, which is primarily formed by a large loft apartment complex. The Project maintains the street wall along 7<sup>th</sup> and Minna Streets, and provides an urban intervention which closely resembles the required rear yard.*

- 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 are 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 39 dwelling units, the Project is required to provide at least 160 sq ft for two dwelling units and 2,960 sq ft of common open space for 37 dwelling units.*

*In total, the Project meets the requirements for open space by constructing 280 sq ft of private open space for two dwelling units located on the second floor, and a total of 3,594 sq ft of code-complying useable open space via a second-story common terrace and roof deck. The private open space is located on a second-story terrace, is at least 10-ft in horizontal dimension, and is appropriately screened/separated from the common open space. As defined in Planning Code Section 102.4, the second-story common terrace is considered an outer court, since one side of this courtyard faces a street. Therefore, the project complies with Planning Code Section 135.*

*In addition, the Project also includes private balconies for four corner dwelling units on the second, third, fourth and fifth floors, which are not credited towards the open space requirement, but provide private useable open space for these units.*

- 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 an eight-story residential building on a lot with approximately 80-ft of frontage along 7<sup>th</sup> Street and 102-ft 6-in of frontage along Minna Street. Therefore, the Project is required to provide a total of 4 street trees along 7<sup>th</sup> Street and 5 street trees along Minna Street.*

*Currently, the Project meets this requirement, and will plant 4 street trees along 7<sup>th</sup> Street and 5 street trees along Minna Street. Therefore, the 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 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 either 7<sup>th</sup> Street, Minna Street, or along the second-story common terrace. Currently, seven dwelling units (one located at the northeast corner of the subject building on the second through eighth floors) 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 seven 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. The off-street parking is located below grade with an entrance along Minna Street, which is 12-ft wide. The Project features active uses on the ground floor with retail use on 7<sup>th</sup> Street and Minna Street. The ground floor ceiling height is*

*14-ft 11-in, which meets the requirements for ground floor ceiling height. Finally, the Project features appropriate street-facing ground level spaces, as well as the ground level transparency and fenestration requirements.*

- I. **Off-Street Parking.** Per Planning Code Section 151.1, off-street parking is principally permitted within the MUG Zoning District at a ratio of one car for each four dwelling units. Under the Large Project Authorization, parking would be permitted at a ratio of .75 cars for each dwelling unit.

*For the 39 dwelling units, ten off-street parking spaces are principally permitted, and a maximum of 29 off-street parking spaces are permitted under the Large Project Authorization by the Planning Commission.*

*Currently, the Project proposes 24 off-street parking spaces via mechanical stackers for the residential use, which is a parking ratio of .61 per dwelling unit. The project will not include any off-street parking for the retail use. Of these 24 off-street parking spaces, one handicap parking space has been identified. Therefore, the Project is seeking a modification of the off-street parking requirement, as part of the Large Project Authorization (See Finding 8).*

- J. **Bicycle Parking.** Per Planning Code Section 155.2, one Class 1 bicycle parking spaces for each dwelling unit, and one Class 2 bicycle parking space for each 20 dwelling units. For retail use below 7,500 sq ft, a minimum of two Class 2 bicycle parking spaces are required, as well as one Class 2 bicycle parking space for every 2,500 sq ft. of occupied floor area.

*The Project includes 39 dwelling units and 2,320 sq ft of retail use; therefore, the Project is required to provide 39 Class 1 bicycle parking spaces and 3 Class 2 bicycle parking spaces. The Project will provide 40 Class 1 bicycle parking spaces and 6 Class 2 bicycle parking spaces, which exceeds the requirement. Therefore, the proposed project complies with Planning Code Section 155.2.*

- K. **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.*

- L. **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 39 dwelling units, the Project is required to provide at least 16 two-bedroom units or 12 three-bedroom units. The Project provides 22 one-bedroom units and 17 two-bedroom units. Therefore, the Project meets and exceeds the requirements for dwelling unit mix.*

- M. **Narrow Streets.** Planning Code Section 261.1 outlines height and massing requirements for projects that front onto a “narrow street,” which is defined as a public right of way less than or equal to 40-ft in width. Minna Street measures approximately 35-ft wide, and is considered an east-west “narrow street.” All subject frontages onto a narrow street shall have upper stories set back at least 10-ft at the property line above a height equivalent to 1.25 times the width of the abutting “narrow street.” Therefore, the Project is required to provide a 10-ft setback above a height of 43-ft 9-in. The project site is located on the north side of an east-west “narrow street.”

*The proposed project features a 10-ft setback along Minna Street at the fourth floor (approximately 34-ft 11-in above grade) and above for the area of the Project more than 60-ft from the corner. Therefore, the proposed project complies with Planning Code 261.1.*

- N. **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.*

- O. **Inclusionary Affordable Housing Program.** Planning Code Section 415 sets forth the requirements and procedures for the Inclusionary Affordable Housing Program. Under Planning Code Section 415.3, the current percentage requirements apply to projects that consist of ten or more units, where the first application (EE or BPA) was applied for on or after July 18, 2006. Pursuant to Planning Code Section 415.5, the Project must pay the Affordable Housing Fee (“Fee”). This Fee is made payable to the Department of Building Inspection (“DBI”) for use by the Mayor’s Office of Housing for the purpose of increasing affordable housing citywide.

*The Project Sponsor has submitted a ‘Affidavit of Compliance with the Inclusionary Affordable Housing Program: Planning Code Section 415,’ to satisfy the requirements of the Inclusionary Affordable Housing Program through payment of the Fee, in an amount to be established by the Mayor’s Office of Housing at a rate equivalent to an off-site requirement of 20%. The project sponsor has not selected an alternative to payment of the Fee. The Environmental Evaluation Application was submitted on August 14, 2012.*

- P. **Transit Impact Development Fees.** Planning Code Section 411 is applicable to new retail development over 800 sq ft.

*The Project includes 2,320 sq ft of new retail use. This use is subject to Transit Impact Development Fees, as outlined in Planning Code Section 411. These fees must be paid prior to the issuance of the building permit application.*

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

*The Project includes approximately 50,996 gross square feet of new development consisting of approximately 48,676 sq ft of new residential use and 2,320 sq ft of new 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, four-to-six-story tourist hotels, residential hotels and apartment complexes. The Project successfully addresses and defines the corner of 7<sup>th</sup> and Minna Street with a projecting cornice and articulated bay. In addition, the Project includes projecting bay windows, which help to relate to the scale of the adjacent five-story residential hotel. Along Minna Street, the project includes a transition from an open balcony to an enclosed bay window, which helps to visually reduce the overall scale. The broader context of the surrounding blocks includes buildings over eight stories in height, which is indicative of the urban fabric in close proximity to Market and Mission Streets. 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, façade design and building materials include bay windows, open balconies, colored stucco, tinted vision glass, metal panels, and stone tile. The Project has two street frontages that offer varying façade treatments and articulation. Along 7<sup>th</sup> Street, the Project is primarily rendered in stucco with metal panel accents, and includes two projecting bay windows, which extend from the second to sixth floor. These bay windows assist in relating the building's overall scale with the adjacent five-story residential hotel. Along Minna Street, the Project is also rendered in stucco and metal accent panels, and includes bay windows from the second floor to eighth floor, as well as a massing setback, which starts approximately 60-ft from the corner. Overall, the Project offers an architectural treatment, which provides for contemporary, yet contextual, architectural design that appears 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.

*On the lower floors, the Project provides regularly-spaced glazed storefront openings surrounded by a stone tile base. The Project includes two individual retail spaces on 7<sup>th</sup> Street and Minna Street. On Minna Street, the Project includes a 10-ft setback approximately 60-ft from the corner. The Minna Street façade provides access to the residential lobby and the entrance to off-street parking. Overall, the design of the lower floors enhances the pedestrian experience and accommodates new street activity.*

- 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 39 dwelling units through private balconies and common open space on the second floor terrace and a roof deck. In total, the Project provides 3,874 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.

*Planning Code Section 270.2 does not apply to the Project.*

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

*In compliance with Planning Code Section 138.1, the Project provides the four new street trees along 7<sup>th</sup> Street, and five new street trees along Minna Street. These improvements will enhance the public realm.*

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

*Since the subject lot has two street frontages, the Project provides ample circulation around the project site. The Project includes ground floor retail along 7<sup>th</sup> Street. The primary focal point for the residents would occur on Minna Street through the residential lobby, which is adjacent to a smaller-scale retail space. Automobile access is limited to the one entry/exit (measuring 12-ft 4-in wide) along Minna Street.*

- 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. Exceeding the principally permitted accessory residential parking ratio described in Section [151.1](#) and pursuant to the criteria therein;

(1) In granting such Conditional Use or exception per 329 for parking in excess of that principally permitted in Table 151.1, the Planning Commission shall make the following affirmative findings according to the uses to which the proposed parking is accessory:

(A) Parking for All Uses.

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

*The Project would not unduly impact pedestrian movement or transit in the neighborhood. Entrances to off-street parking are limited to one opening (measuring approximately 12-ft 4-in) located off of Minna Street.*

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

*The Project is principally permitted to 10 off-street parking spaces. The accommodation of the additional 14 below grade parking does not degrade or impact the overall Project and its urban design quality. The Project maintains a strong ground floor level, and also encourages and facilitates pedestrian circulation around the project site.*

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

*The Project does not include any above-grade parking.*

- (iv) Excess accessory parking does not diminish the quality and viability of existing or planned streetscape enhancements.

*The proposed 24 off-street below-grade parking spaces do not impact any ground floor uses or any other planned streetscape improvements. Entrance to the off-street parking is via a 12-ft 4-in garage door located on Minna Street.*

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

(1) 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.

(A) 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 8,084 gsf in size, and would be required to provide a rear yard measuring 2,021 sq ft. The Project provides 3,874 sq ft of open space through private balconies, a second floor courtyard and a roof deck, thus exceeding the amount of space, which would have been provided in a code-conforming rear yard.*

(B) 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

*Although the adjacent property has property line windows, the Project will not significantly impede access to light and air, since the adjacent residential hotel has window frontage onto 7<sup>th</sup> and Mission Streets, as well as an interior courtyard. The project site is a corner lot, and the existing block has a limited pattern of mid-block open space. The adjacent parcel along Minna Street is currently a vacant lot.*

(C) 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 seven of the 39 dwelling units. Overall, the majority of the Project meets the intent of exposure requirements defined in Planning Code Section 140. Currently, these seven dwelling units do not front onto a code-complying rear yard.*

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

*In addition to the modification of the requirements for rear yard and off-street parking, the proposed project is seeking modifications of the requirements for permitted obstructions (Planning Code Section 136) and exposure (Planning Code Section 140).*

*Under Planning Code Section 136, an overhead horizontal projection (leaving at least 7½-ft of headroom) of a purely architectural or decorative character, such as cornices, eaves, sills, and belt courses, with a vertical dimension of no more than two feet six inches deep: at the roof level, these overhead horizontal projections may not project more than three feet over a street, alley or setback; while, at every other level, these horizontal projections may not project more than one foot from the face of the façade. Further, Planning Code Section 136 states that rectangular bay windows are limited to 9-ft wide, and 3-ft deep over a street, alley or setback. The Project proposes bay windows over the street and rear yard, which exceed the dimensions outlined within Planning Code Section 136. Further, the Project includes horizontal elements, which project a maximum of 3-ft 6-in over 7<sup>th</sup> and Minna Street, thus exceeding the depth permitted by the Planning Code. Given the overall design and composition, the Commission finds this modification is warranted, due to the project's quality of design and the emphasis placed upon the corner by the proposed bay window, which is a strong urban design element.*

*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 7<sup>th</sup> or Minna Street, or along the second-story terrace. This terrace does not meet the rear yard requirements, since the open space does not mirror the rear lot line. Currently, seven dwelling units (one located at the northeast corner of the subject building on the second through eighth floors) do not face onto an open area, which meets 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 Commission finds this modification is warranted, due to the Project's 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 mixed-use development in a mixed-use area that features civic, commercial and residential uses. The subject lot is an ideal infill site occupied by an at-grade parking lot. The project site was rezoned to MUG as part of a long range planning goal to create a cohesive, higher density residential and mixed-use neighborhood. The surrounding neighborhood features a wide variety of zoning, which is consistent with the desired mixed-use character. The Project will pay the Affordable Housing Fee, which will provide opportunities for affordable housing across the City.*

**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 mixed-use area with civic, commercial and residential uses. The Project's facades provide an expression that relates to the surrounding neighborhood, while providing for a material palette and aesthetic, which is contemporary in character and relatively simple in design. The exterior is designed with modern materials including colored, metal panels, and tinted vision glass. The massing and scale are indicative of the urban fabric of the surrounding area.*

**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 24.4:**

Preserve pedestrian-oriented building frontages.

*The Project will install new street trees along 7<sup>th</sup> and Minna Streets. Street 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 40 Class 1 bicycle parking spaces in secure, convenient locations, and 6 Class 2 bicycle parking spaces, which are publically-accessible.*

**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 .61 parking spaces per unit, which is below the maximum permitted ratio of .75 per unit. The parking spaces are accessed by one ingress/egress point measuring 12-ft 4-in wide from Minna Street. The Project does not include any off-street parking for the retail uses. The Eastern Neighborhoods Area Plan does not require off-street parking for retail use. Overall, the proposed 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.

*The Project is located within the East SoMa neighborhood across from the eastern boundary of the Western SoMa Special Use District. The surrounding area is characterized by the mixed in character with civic, commercial and residential uses. As such, the Project provides an appropriate ground floor, massing and scale, which responds to the form and scale of the existing neighborhood, while also providing a new contemporary architectural vocabulary and a better pedestrian experience, as compared to the existing site.*

#### **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 two 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. The Project provides ample frontages for commercial and residential use and an active ground floor, which appropriately engages the street. Along the project site, the pedestrian experience will be greatly improved. Currently, the site contains an at-grade parking lot.*

## **EAST AREA PLAN**

### **Objectives and Policies**

**Land Use**

**OBJECTIVE 1.1**

ENCOURAGE PRODUCTION OF HOUSING AND OTHER MIXED-USE DEVELOPMENT IN EAST SOMA WHILE MAINTAINING ITS EXISTING SPECIAL MIXED-USE CHARACTER

**Policy 1.1.8**

Permit small and moderate retail establishments in mixed use areas of East SoMa, but permit larger retail only as part of a mixed-use development.

**OBJECTIVE 1.2**

MAXIMIZE HOUSING POTENTIAL IN KEEPING WITH NEIGHBORHOOD CHARACTER

**Policy 1.2.1**

Encourage development of new housing throughout East SoMa.

**Policy 1.2.2**

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

**Policy 1.2.3**

For new construction, and as part of major expansion of existing buildings, encourage housing development over commercial.

**Policy 1.2.4**

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

**Housing**

**OBJECTIVE 2.3**

ENSURE THAT NEW RESIDENTIAL DEVELOPMENTS SATISFY AN ARRAY OF HOUSING NEEDS WITH RESPECT TO TENURE, UNIT MIX AND COMMUNITY SERVICES

**Policy 2.3.5**

Explore a range of revenue-generating tools including impact fees, public funds and grants, assessment districts, and other private funding sources, to fund community and neighborhood improvements.

**Policy 2.3.6**

Establish 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.

**Built Form**

**OBJECTIVE 3.1**

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

**Policy 3.1.1**

Adopt heights that are appropriate for SoMa's location in the city, the prevailing street and block pattern, and the anticipated land uses, while preserving the character of its neighborhood enclaves.

**Policy 3.1.8**

New development should respect existing patterns of rear yard open space. Where an existing pattern of rear yard open space does not exist, new development on mixed-use-zoned parcels should have greater flexibility as to where open space can be located.

**Policy 3.1.11**

Establish and require height limits along alleyways to create the intimate feeling of an urban room.

**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 3.2.4**

Strengthen the relationship between a building and its fronting sidewalk.

**Policy 3.2.5**

Building form should celebrate corner locations.

*The Project is largely residential, but does include two ground floor retail spaces. 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 43% or 17 units are two-bedroom dwellings. Further, the Project includes the appropriate massing setbacks along Minna Street, which is identified as a narrow street, and also addresses the corner through projecting architectural elements and façade articulation. The Project introduces a contemporary architectural vocabulary, which responds to the prevailing scale and neighborhood fabric and, which compliments the broader context of large buildings along Mission and Market Streets. The Project provides an exterior, which features a variety of materials, colors and textures, including cement plaster, metal panels, and tinted vision glass. 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 use includes a surface parking lot. No retail uses exist on the project site. The Project improves the urban form of the neighborhood by removing this existing parking lot. The Project would add new residents, visitors, and employees to the neighborhood, which would strengthen nearby retail uses and would provide new opportunity for retail employment/ownership.*

- 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 39 new dwelling units, thus resulting in an increase in the neighborhood housing stock. The Project is simple in design, and relates to the scale and form of the surrounding neighborhood by providing architectural gestures to the surrounding residential complexes and residential hotels. 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 pay into the Affordable Housing Fund.*

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

*The project site is well-served by public transportation. The Project is located within half a block from bus routes. In addition, the Project is located within walking distance to the Powell Street Muni and BART 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 .61 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 East SoMa Area Plan, which encourages new mixed-use development. The Project would enhance opportunities for resident employment and ownership by providing 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 or within the immediate vicinity.*

- 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.*

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. 2012.0673X** under Planning Code Section 329 to allow the new construction of a eight-story residential building with 39 dwelling units and ground floor retail, and a modification to the requirements for: 1) rear yard (Planning Code Section 134); 2) permitted obstructions over the street (Planning Code Section 136); 3) dwelling unit exposure (Planning Code Section 140); and, 4) off-street parking (Planning Code Section 151.1), within the MUG (Mixed-Use General) Zoning District, and a 85-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 May 13, 2014, and stamped "EXHIBIT B", which is incorporated herein by reference as though fully set forth.

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

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

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

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

I hereby certify that the Planning Commission ADOPTED the foregoing Motion on June 19, 2014.

Jonas P. Ionin  
Commission Secretary

AYES:

NAYS:

ABSENT:

ADOPTED: June 19, 2014

## EXHIBIT A

### AUTHORIZATION

This authorization is for a Large Project Authorization to allow for the new construction of a eight-story residential building with 39 dwelling units and ground floor commercial space, and a modification to the requirements for rear yard, permitted obstructions over the street, dwelling unit exposure, and off-street parking, located at 119 7<sup>th</sup> Street, Lot 103 in Assessor's Block 3726 pursuant to Planning Code Section 329 within the MUG (Mixed Use-General) Zoning District, and a 85-X Height and Bulk District; in general conformance with plans, dated May 13, 2014, and stamped "EXHIBIT B" included in the docket for Case No. 2012.0673X and subject to conditions of approval reviewed and approved by the Commission on June 19, 2014 under Motion No. XXXXXX. This authorization and the conditions contained herein run with the property and not with a particular Project Sponsor, business, or operator.

### RECORDATION OF CONDITIONS OF APPROVAL

Prior to the issuance of the building permit or commencement of use for the Project the Zoning Administrator shall approve and order the recordation of a Notice in the Official Records of the Recorder of the City and County of San Francisco for the subject property. This Notice shall state that the project is subject to the conditions of approval contained herein and reviewed and approved by the Planning Commission on June 19, 2014 under Motion No. XXXXXX.

### PRINTING OF CONDITIONS OF APPROVAL ON PLANS

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

### SEVERABILITY

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

### CHANGES AND MODIFICATIONS

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



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

### PERFORMANCE

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

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

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

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

**Mitigation Measures.** Mitigation measures described in the MMRP for the Eastern Neighborhoods Plan EIR (Case No. 2012.0673E) 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 four street trees along 7<sup>th</sup> Street and five street trees along Minna 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)*

## 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 24 off-street parking spaces for the 39 dwelling units (or .61 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)*

**Bicycle Parking.** Pursuant to Planning Code Sections 155.1, 155.4, and 155.5, the Project shall provide no fewer than 39 Class 1 bicycle parking spaces and 3 Class 2 bicycle parking spaces. Currently, the Project provides 40 Class 1 bicycle parking spaces and 6 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)*

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

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

**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)*

## INCLUSIONARY HOUSING

1. **Requirement.** Pursuant to Planning Code 415.5, the Project Sponsor must pay an Affordable Housing Fee at a rate equivalent to the applicable percentage of the number of units in an off-site project needed to satisfy the Inclusionary Affordable Housing Program Requirement for the principal project. The applicable percentage for this project is twenty percent (20%).

*For information about compliance, contact the Case Planner, Planning Department at 415-558-6378, [www.sf-planning.org](http://www.sf-planning.org) or the Mayor's Office of Housing at 415-701-5500, [www.sf-moh.org](http://www.sf-moh.org).*

2. **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 the terms of the 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 Mayor's Office of Housing ("MOH") at 1 South Van Ness Avenue or on the Planning Department or Mayor's Office of Housing's websites, including on the internet at:

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

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

*For information about compliance, contact the Case Planner, Planning Department at 415-558-6378, [www.sf-planning.org](http://www.sf-planning.org) or the Mayor's Office of Housing at 415-701-5500, [www.sf-moh.org](http://www.sf-moh.org).*

- a. The Project Sponsor must pay the Fee in full sum to the Development Fee Collection Unit at the DBI for use by MOH prior to the issuance of the first construction document, with an option for the Project Sponsor to defer a portion of the payment prior to issuance of the first certificate of occupancy upon agreeing to pay a deferral surcharge that would be deposited into the Citywide Inclusionary Affordable Housing Fund in accordance with Section 107A.13.3 of the San Francisco Building Code.
- b. Prior to the issuance of the first construction permit by the DBI for the Project, the Project Sponsor shall record a Notice of Special Restriction on the property that records a copy of this approval. The Project Sponsor shall promptly provide a copy of the recorded Notice of Special Restriction to the Department and to MOH or its successor.

- c. If project applicant 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 Sections 415 et seq. shall constitute cause for the City to record a lien against the development project and to pursue any and all other remedies at law.

## 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.</p>					

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Noise					
<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

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<p><b>Project Mitigation Measure M-NO-3 — Interior Noise (Mitigation Measure F-3 from the Eastern Neighborhoods FEIR).</b> For new development including noise-sensitive uses located along streets with noise levels above 60 dBA (Ldn), as shown in EIR Figure 18, where such development is not already subject to the California Noise Insulation Standards in Title 24 of the California Code of Regulations, the project sponsor shall conduct a detailed analysis of noise reduction requirements. Such analysis shall be conducted by person(s) qualified in acoustical analysis and/or engineering. Noise insulation features identified and recommended by the analysis shall be included in the design, as specified in the San Francisco General Plan Land Use Compatibility Guidelines for Community Noise to reduce potential interior noise levels to the maximum extent feasible.</p>	Project sponsor and contractor	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
<p><b>Project Mitigation Measure M-NO-4 — 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, for new development including noise-sensitive uses, the Planning Department shall require the preparation of an analysis that includes, at a minimum, a site survey to identify potential noise-generating uses within 900 feet of, and that have a direct line-of-sight to, the project site, and including at least one 24-hour noise measurement (with maximum noise level readings taken at least every 15 minutes), prior to the first project approval action. The analysis shall be prepared by persons qualified in acoustical analysis and/or engineering and shall demonstrate with reasonable certainty that Title 24 standards, where applicable, can be met, and that there are no particular circumstances about the proposed project site that appear to warrant heightened concern about noise levels in the vicinity. Should such concerns be present, the Department may require the completion of a detailed noise assessment by person(s) qualified in acoustical analysis and/or engineering prior to the first project approval action, in order to demonstrate that acceptable interior noise levels consistent with those in the Title 24 standards can be attained.</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-5 — 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>	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

Air Quality

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<p><b>Project Mitigation Measure M-AQ-1 – Construction Emissions Minimization (Mitigation Measure G-1 of the Eastern Neighborhoods FEIR).</b></p> <p>A. Prior to issuance of a construction permit, the project sponsor shall submit a Construction Emissions Minimization Plan (Plan) to the Environmental Review Officer (ERO) for review and approval by an Environmental Planning Air Quality Specialist. The Plan shall detail project compliance with the following requirements:</p> <p>1. All off-road equipment greater than 25 horsepower (hp) and operating for more than 20 total hours over the entire duration of construction activities shall meet the following requirements:</p> <p>a) Where access to alternative sources of power are available, portable diesel engines shall be prohibited;</p> <p>b) All off-road equipment shall have:</p> <p>i. Engines that meet or exceed either United States Environmental Protection Agency or California Air Resources Board (ARB) Tier 2 off-road emission standards, <i>and</i></p> <p>ii. Engines that are retrofitted with an ARB Level 3 Verified Diesel Emissions Control Strategy (VDECS).<sup>1</sup></p> <p>c) Exceptions:</p> <p>i. Exceptions to A(1)(a) <i>may</i> be granted if the project sponsor has submitted information providing evidence to the satisfaction of the ERO that an alternative source of power is limited or infeasible at the project site and that the requirements of this exception provision apply. Under this circumstance, the sponsor shall submit documentation of compliance with A(1)(b) for onsite power generation.</p>	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

<sup>1</sup> Equipment with engines meeting Tier 4 Interim or Tier 4 Final emission standards automatically meet this requirement, therefore a VDECS would not be required.



**ATTACHMENT D:  
MITIGATION MONITORING AND REPORTING PROGRAM  
(Includes Text for Adopted Mitigation Measures)**

<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>ii. Exceptions to A(1)(b)(ii) <i>may</i> be granted if the project sponsor has submitted information providing evidence to the satisfaction of the ERO that a particular piece of off-road equipment with an ARB Level 3 VDECS is: (1) technically not feasible, (2) would not produce desired emissions reductions due to expected operating modes, (3) installing the control device would create a safety hazard or impaired visibility for the operator, or (4) there is a compelling emergency need to use off-road equipment that are not retrofitted with an ARB Level 3 VDECS and the sponsor has submitted documentation to the ERO that the requirements of this exception provision apply. If granted an exception to A(1)(b)(ii), the project sponsor must comply with the requirements of A(1)(c)(iii).</p> <p>iii. If an exception is granted pursuant to A(1)(c)(ii), the project sponsor shall provide the next cleanest piece of off-road equipment as provided by the step down schedules in Table A1 below.</p>																	
<p align="center"><b>TABLE A1 OFF-ROAD EQUIPMENT COMPLIANCE STEP DOWN SCHEDULE*</b></p>																	
<table border="1"> <thead> <tr> <th data-bbox="247 1063 449 1138">Compliance Alternative</th> <th data-bbox="449 1063 651 1138">Engine Emission Standard</th> <th data-bbox="651 1063 852 1138">Emissions Control</th> </tr> </thead> <tbody> <tr> <td data-bbox="247 1138 449 1175">1</td> <td data-bbox="449 1138 651 1175">Tier 2</td> <td data-bbox="651 1138 852 1175">ARB Level 2 VDECS</td> </tr> <tr> <td data-bbox="247 1175 449 1219">2</td> <td data-bbox="449 1175 651 1219">Tier 2</td> <td data-bbox="651 1175 852 1219">ARB Level 1 VDECS</td> </tr> <tr> <td data-bbox="247 1219 449 1258">3</td> <td data-bbox="449 1219 651 1258">Tier 2</td> <td data-bbox="651 1219 852 1258">Alternative Fuel*</td> </tr> </tbody> </table>						Compliance Alternative	Engine Emission Standard	Emissions Control	1	Tier 2	ARB Level 2 VDECS	2	Tier 2	ARB Level 1 VDECS	3	Tier 2	Alternative Fuel*
Compliance Alternative	Engine Emission Standard	Emissions Control															
1	Tier 2	ARB Level 2 VDECS															
2	Tier 2	ARB Level 1 VDECS															
3	Tier 2	Alternative Fuel*															
<p>*How to use the table. If the requirements of (A)(1)(b) cannot be met, then the project sponsor would need to meet Compliance Alternative 1. Should the project sponsor not be able to supply off-road equipment meeting Compliance Alternative 1, then Compliance Alternative 2 would need to be met. Should the project sponsor not be able to supply off-road equipment meeting Compliance Alternative 2, then Compliance</p>																	

<b>ATTACHMENT D: MITIGATION MONITORING AND REPORTING PROGRAM (Includes Text for Adopted Mitigation Measures)</b>					
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<p>Alternative 3 would need to be met. **Alternative fuels are not a VDECS</p> <hr/> <p>2. The project sponsor shall require the idling time for off-road and on-road equipment be limited to no more than <i>two</i> minutes, except as provided in exceptions to the applicable state regulations regarding idling for off-road and on-road equipment. Legible and visible signs shall be posted in multiple languages (English, Spanish, Chinese) in designated queuing areas and at the construction site to remind operators of the two minute idling limit.</p> <p>3. The project sponsor shall require that construction operators properly maintain and tune equipment in accordance with manufacturer specifications.</p> <p>4. The Plan shall include estimates of the construction timeline by phase with a description of each piece of off-road equipment required for every construction phase. Off-road equipment descriptions and information may include, but is not limited to: equipment type, equipment manufacturer, equipment identification number, engine model year, engine certification (Tier rating), horsepower, engine serial number, and expected fuel usage and hours of operation. For VDECS installed: technology type, serial number, make, model, manufacturer, ARB verification number level, and installation date and hour meter reading on installation date. For off-road equipment using alternative fuels, reporting shall indicate the type of alternative fuel being used.</p> <p>5. The Plan shall be kept on-site and available for review by any persons requesting it and a legible sign shall be posted at the perimeter of the construction site indicating to the public the basic requirements of the Plan and a way to request a copy of the Plan. The project sponsor shall provide copies of Plan to members of the public as requested.</p>					

**ATTACHMENT D:  
MITIGATION MONITORING AND REPORTING PROGRAM  
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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>
<p><i>B. Reporting.</i> Quarterly reports shall be submitted to the ERO indicating the construction phase and off-road equipment information used during each phase including the information required in A(4). In addition, for off-road equipment using alternative fuels, reporting shall include the actual amount of alternative fuel used.</p> <p>Within six months of the completion of construction activities, the project sponsor shall submit to the ERO a final report summarizing construction activities. The final report shall indicate the start and end dates and duration of each construction phase. For each phase, the report shall include detailed information required in A(4). In addition, for off-road equipment using alternative fuels, reporting shall include the actual amount of alternative fuel used.</p>	Project sponsor/ contractor(s).	Quarterly.	Submit Quarterly reports.	Project sponsor/ contractor(s) and the ERO.	Considered complete on findings by ERO that Plan is being/was implemented.
<p><i>C. Certification Statement and On-site Requirements.</i> Prior to the commencement of construction activities, the project sponsor must certify (1) compliance with the Plan, and (2) all applicable requirements of the Plan have been incorporated into contract specifications.</p>	Project sponsor/ contractor(s).	Prior to construction activities requiring the use of off-road equipment.	Submit certification statement.	Project sponsor / contractor(s) and the ERO.	Considered complete on submittal of certification statement.

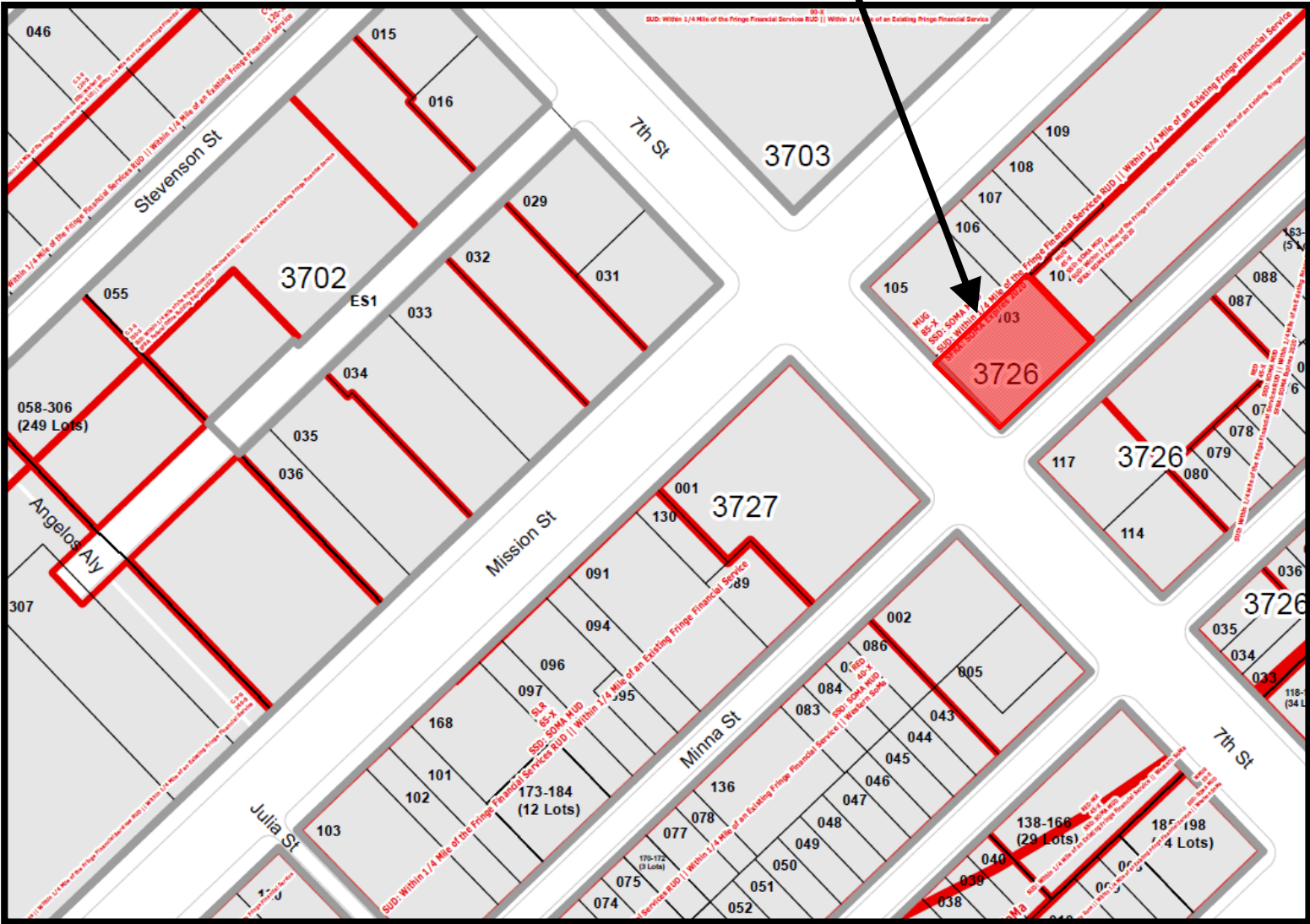
**ATTACHMENT D:  
MITIGATION MONITORING AND REPORTING PROGRAM  
(Includes Text for Adopted Mitigation Measures)**

<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-AQ-2 – Construction Emissions Minimization (Mitigation Measure G-1 of the Eastern Neighborhoods FEIR).</b> Within the Eastern Neighborhoods, new residential development that is proposed within 500 feet of the 1-80, US 101, and 1-280 freeways, or at any other location where total daily traffic volumes from all roadways within 500 feet of such location exceed 100,000 vehicles, shall, as part of its CEQA review, include an analysis of PM2.5 and shall, if warranted based on the results, incorporate upgraded ventilation systems to minimize exposure of future residents to PM2.5 (which includes DPM) and other pollutant emissions, as well as odors. The analysis shall employ either site-specific modeling of PM2.5 concentrations or other acceptable methodology to determine whether the annual average concentration of PM2.5 from the roadway sources within 500 feet would exceed the threshold or action level of 0.2 micrograms per cubic meter. For purposes of this mitigation measure, PM2.5 serves as a proxy for pollutant exposures from roadway vehicles that is amenable to both exposure analysis and the setting of a significance threshold. According to the Department of Public Health, this threshold, or action level, has been shown to result in an increase of approximately 0.28 percent in non-injury mortality, or an increase of approximately 20 "excess deaths" per year (i.e., deaths that would occur sooner than otherwise expected) per one million population in San Francisco. If the incremental annual average concentration of PM2.5 concentration (from roadway sources only) were to exceed 0.2 micrograms per cubic meter at the project site, the project sponsor shall be required to install a filtered air supply system to maintain all residential units under positive pressure when windows are closed. The ventilation system, whether a central HVAC (heating, ventilation and possibly air conditioning) or a unit-by-unit filtration system, shall include high-efficiency filters meeting minimum efficiency reporting value (MERV) 13, per American Society of Heating, Refrigerating and Air-Conditioning Engineers (ASHRAE) Standard 52.2 (equivalent to approximately ASHRAE Standard 52.1 Dust Spot 85%). Air intake systems for HVAC shall be placed based on exposure modeling to minimize roadway air pollution sources. The ventilation system shall be designed by an engineer certified by ASHRAE, who shall provide a written report documenting that the system offers the best available technology to minimize outdoor to indoor transmission of air pollution. In addition to installation of air filtration, the project sponsor shall present a plan that ensures ongoing maintenance plan for the ventilation and filtration systems. The project sponsor shall also ensure the disclosure to buyers and renters regarding the findings of the analysis and consequent and inform occupant's proper use of any</p>	<p>Project sponsor; licensed mechanical engineer or authorized professional.</p>	<p>Prior to issuance of a permit specified in <i>San Francisco Municipal Code</i> Section 106A.3.2.6</p>	<p>Submittal of construction documents</p>	<p>Department of Public Health (DPH); Planning Department; Department of Building Inspection (DBI).</p>	<p>Considered complete upon DPH approval of enhanced ventilation plan.</p>

<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>installed air filtration. If active recreation areas such as playgrounds are proposed as part of any future residential development, such areas shall be located at least 500 feet from freeways, if feasible.</p> <p>Within the Eastern Neighborhoods, new residential development that is proposed within 1,000 feet of warehousing and distribution centers or other uses served by at least 100 trucks per day or 40 refrigerated trucks per day, or uses that generate toxic air contaminants (TAGs) as part of everyday operations, the Planning Department shall require a screening-level health risk assessment or other comparable analysis prior to approval of such new residential development to ensure that the lifetime cancer risk from DPM or other TAGs emitted from the uses described above is less than 10 in one million, or that the risk can be reduced to less than 10 in one million through mitigation, such as air filtration described above.</p> <p>The above standard shall also apply to other sensitive uses such as schools, daycare facilities, and medical facilities. (It is noted that such facilities are somewhat more likely to employ central air systems than are residential developments.)</p>					

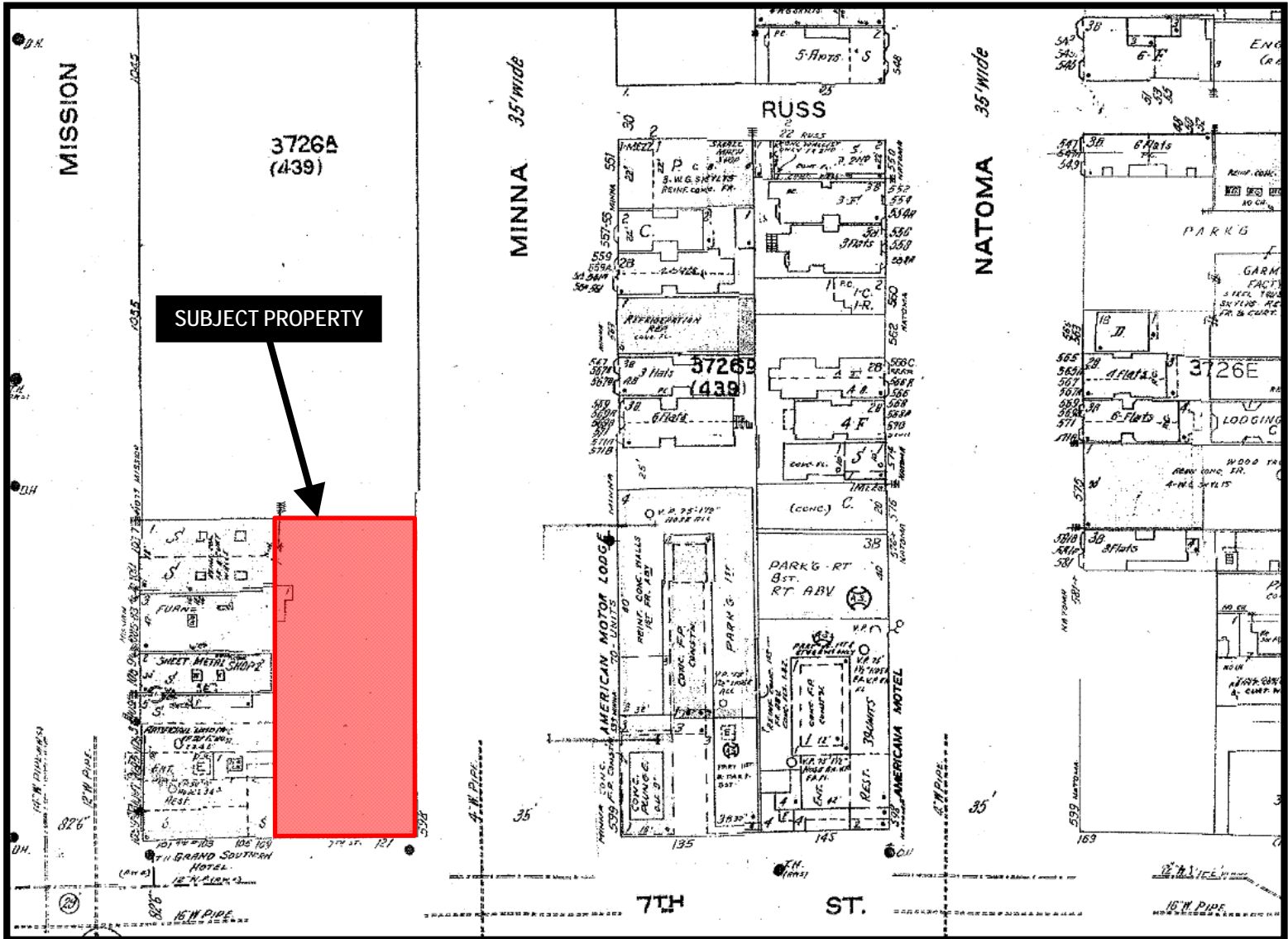
# Parcel Map

SUBJECT PROPERTY



Large Project Authorization Hearing  
Case Number 2012.0673X  
119 7<sup>th</sup> Street

# Sanborn Map\*

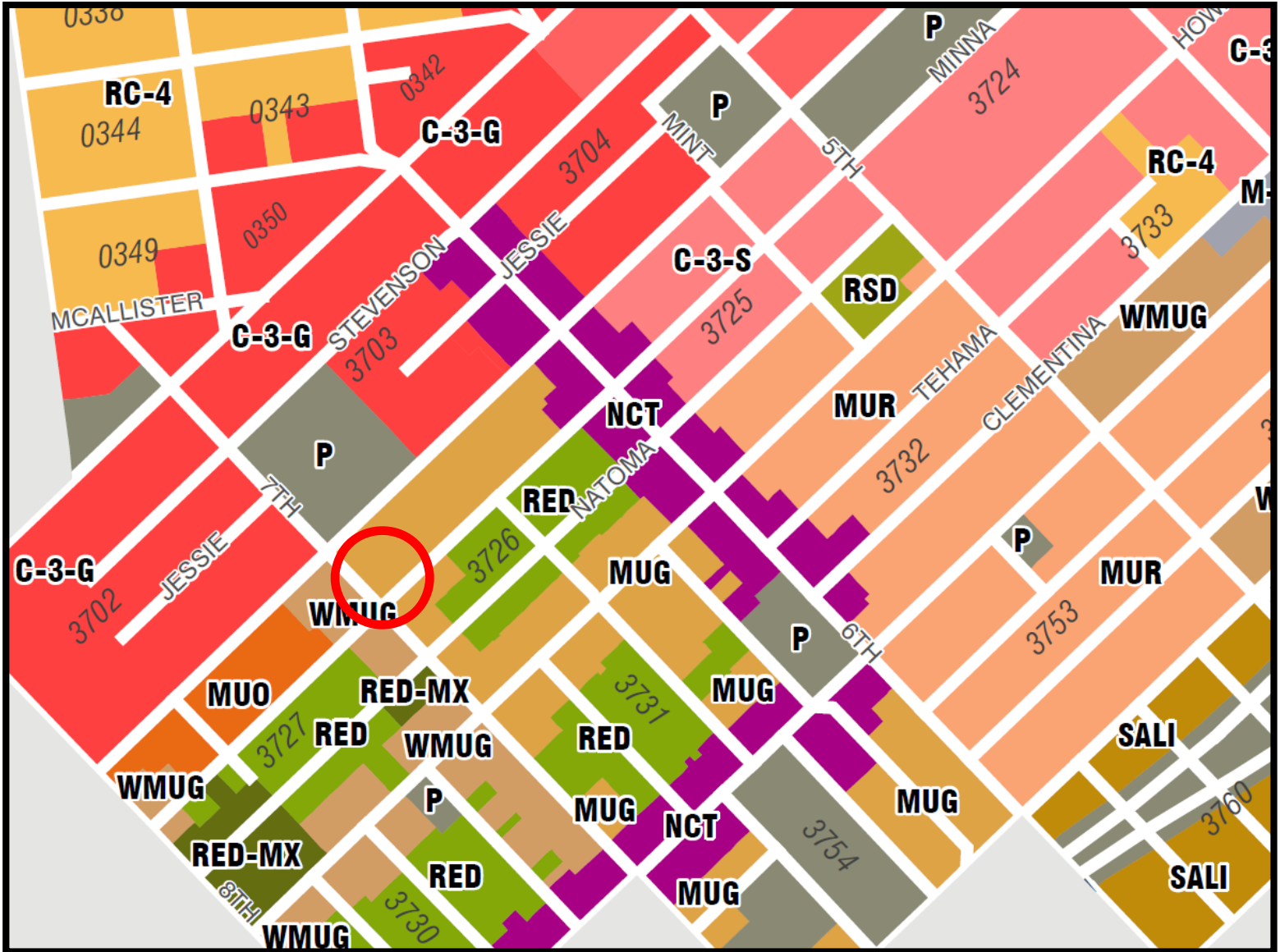


\*The Sanborn Maps in San Francisco have not been updated since 1998, and this map may not accurately reflect existing conditions.



Large Project Authorization Hearing  
Case Number 2012.0673X  
119 7th Street

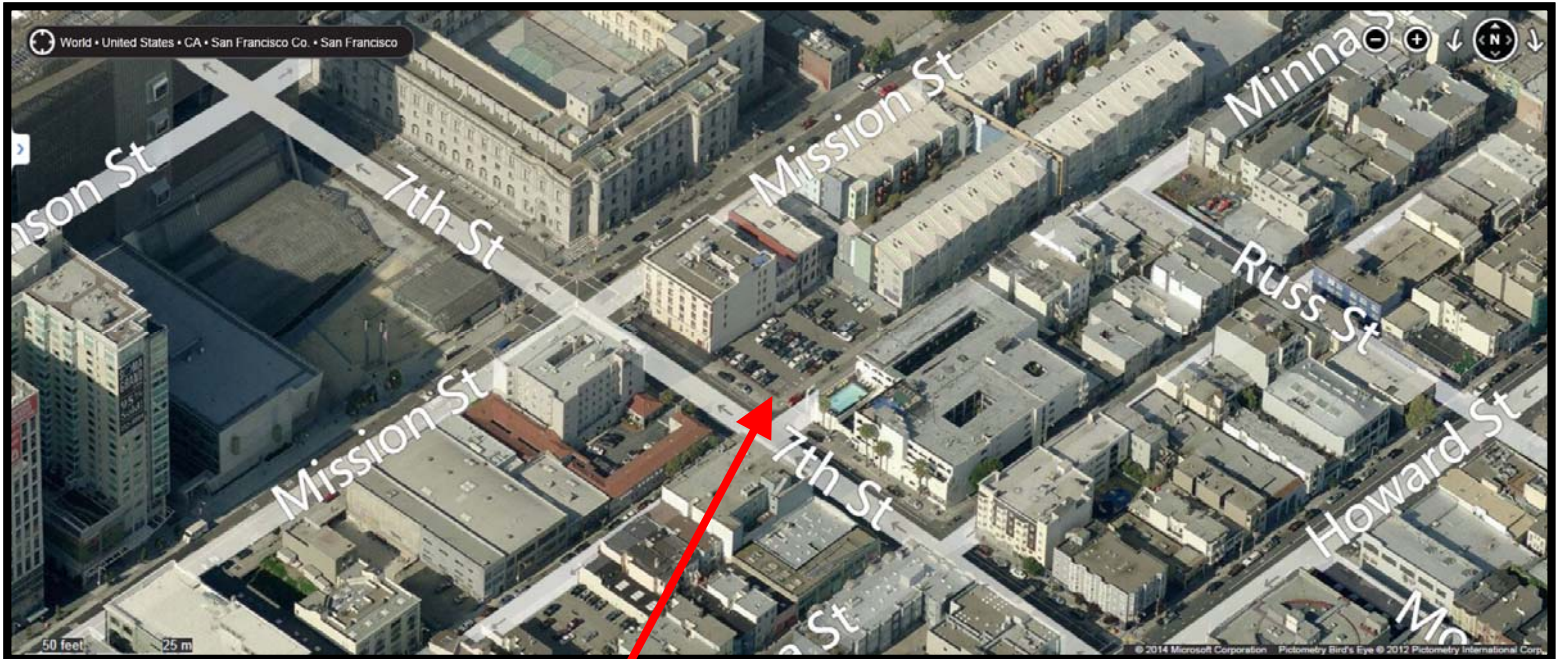
# Zoning Map



Large Project Authorization Hearing  
Case Number 2012.0673X  
119 7<sup>th</sup> Street



# Aerial Photo

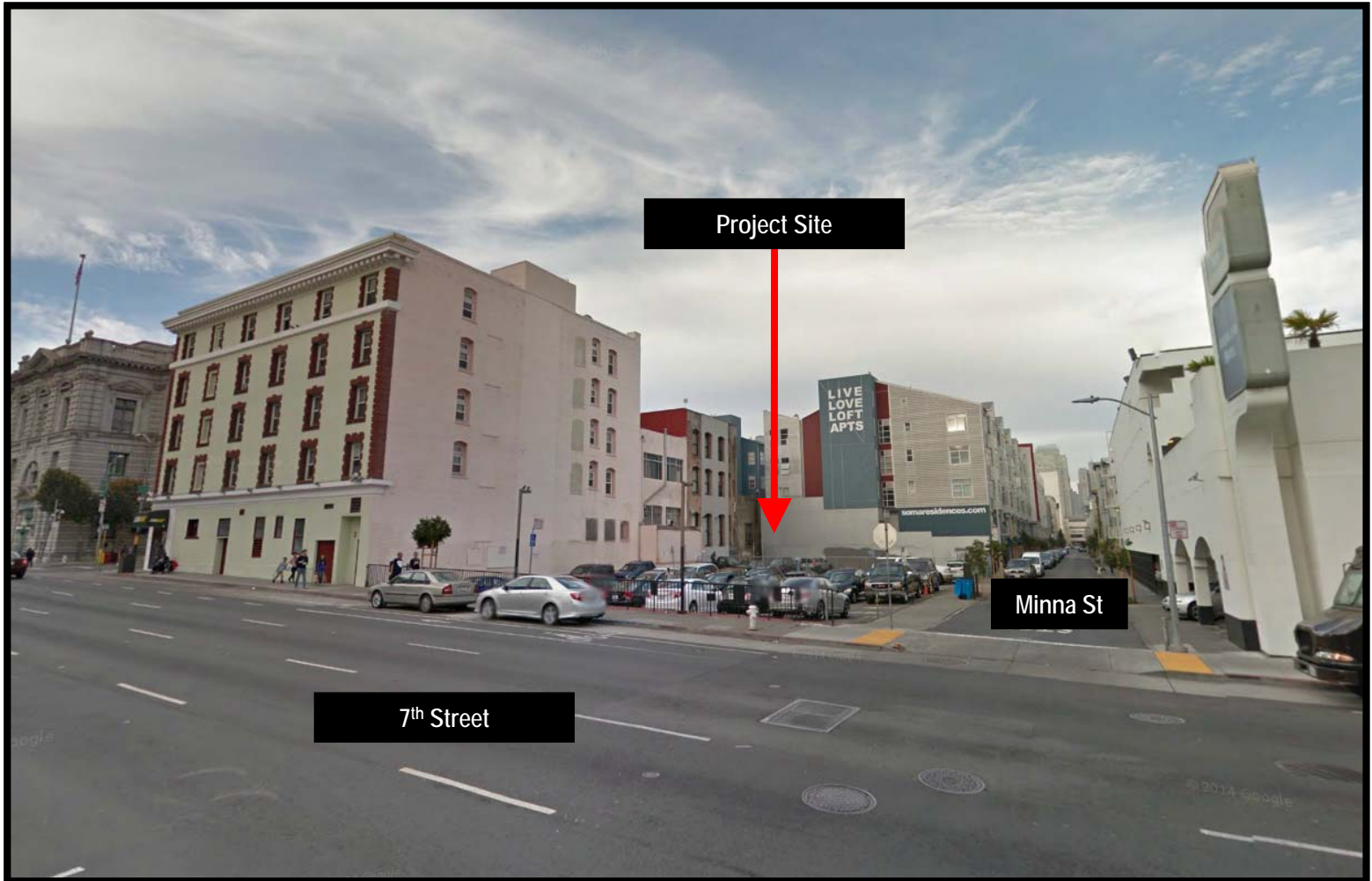


PROJECT SITE



Large Project Authorization Hearing  
Case Number 2012.0673X  
119 7<sup>th</sup> Street

# Site Photo



119 7<sup>th</sup> Street, View along 7<sup>th</sup> Street at Minna Street

Large Project Authorization Hearing  
Case Number 2012.0673X  
119 7<sup>th</sup> Street



# Site Photo



Minna Street

119 7<sup>th</sup> Street, View along Minna Street (November 2013)

Large Project Authorization Hearing  
Case Number 2012.0673X  
119 7<sup>th</sup> Street






# 119 SEVENTH STREET SAN FRANCISCO, CA

5/13/2014

OWNER  
**AMERICAN PACIFIC INTERNATIONAL CAPITAL, INC.**

ARCHITECT  

**AI** LTD  
**ARCHITECTURE INTERNATIONAL**  
 225 MILLER AVENUE  
 MILL VALLEY  
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CONSULTANTS

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PROJECT  
 -  
**119 SEVENTH STREET**  
**SAN FRANCISCO, CA**

MARK	DATE	DESCRIPTION
---	03/05/2014	INTERDEPARTMENTAL REVIEW
---	03/18/2014	PLANNING REVIEW COMMENTS
---	05/09/2014	PRE-APPLICATION MEETING
---	05/13/2014	PLANNING COMMISSION HEARING
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GENERAL NOTES  
 THESE DRAWINGS INDICATE THE GENERAL SCOPE OF THE PROJECT IN TERMS OF ARCHITECTURAL DESIGN CONCEPT, THE DIMENSIONS OF THE BUILDING, THE MAJOR ARCHITECTURAL ELEMENTS, AND THE TYPE OF STRUCTURAL, MECHANICAL, SANITARY, FIRE PROTECTION AND ELECTRICAL SYSTEMS. AS CONSTRUCTION DOCUMENTS THE DRAWINGS DO NOT NECESSARILY INDICATE OR DESCRIBE ALL WORK REQUIRED FOR FULL PERFORMANCE AND COMPLETION OF THE REQUIREMENTS OF THE CONTRACT DOCUMENT. ON THE BASIS OF THE GENERAL SCOPE INDICATED OR DESCRIBED THE CONTRACTORS SHALL FURNISH ALL ITEMS REQUIRED FOR THE PROPER EXECUTION AND COMPLETION OF THE WORK.

SHEET TITLE  
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SHEET **T0.01** OF -



# 119 Seventh Street

American Pacific international Capital, Inc.  
Architecture International, Ltd.

# Program Summary

6.6.14


Site Area	Building Area	Level	Floor GSF	Parking (S-3)	Storage (S-2)	Retail (M)	Bike 3 Storage	Mech.	Accessory Residential	Residential Unit NSF (R-1)	Open 3,4,6 Space	Parking 5 Spaces
8,087	621	Roof	132	0	0	0	0	162	132	0	2,044	0
8,087	6,026	8	6,026	0	0	0	0	0	1,085	4,941	0	0
8,087	6,026	7	6,026	0	0	0	0	0	1,085	4,941	0	0
8,087	6,084	6	6,084	0	0	0	0	0	1,085	4,999	0	0
8,087	6,009	5	6,009	0	0	0	0	0	1,085	4,924	0	0
8,087	6,009	4	6,009	0	0	0	0	0	1,085	4,924	0	0
8,087	6,186	3	6,186	0	0	0	0	0	1,085	5,101	0	0
8,087	6,091	2	6,091	0	0	0	0	0	1,161	4,930	1,710	0
8,087	7,623	G	6,115	1,096	608	2,411	412	554	2,832		0	0
8,087	8,179	B	2,318	4,955	368	0	0	726	1,950	0	0	24
	58,854	Total	50,996	6,051	976	2,411	412	1,442	12,585	34,760	3,754	24

**Notes:**

1. Residential NSF taken from centeline of demising wall to outside of exterior and corridor walls. Net Residential Saleable TBD.
2. Per SF Planning, floor GSF taken from exterior face of exterior wall and excludes parking, bike storage, and mechanical spaces at basement and at roof.
3. Not included in GSF
4. 80 SF per unit Open Space is required: (39\*80 = 3120 sf Open Space required)
5. Parking spaces are based on the utilization of car stackers in the basement level parking.
6. Level 2 Open Space = 1,550 sf Common Open Space + 160 sf Private Open Space = 1,710 sf Total Open Space

OWNER  
**AMERICAN PACIFIC INTERNATIONAL CAPITAL, INC.**

---

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PROJECT  
 -  
**119 SEVENTH STREET**  
 SAN FRANCISCO, CA

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REVISIONS

MARK	DATE	DESCRIPTION
—	05/05/2014	INTERDEPARTMENTAL REVIEW
—	05/18/2014	PLANNING REVIEW COMMENTS
—	05/13/2014	PLANNING COMMISSION HEARING
—	—	—
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 CHK'D BY: - DATE: ---

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SHEET OF - -  
**A0.02**

# 119 Seventh Street

# Unit Area Matrix

6.6.14

American Pacific international Capital, Inc.  
Architecture International, Ltd.

	2 Bed/2 Bath	1 Bed/1 Bath	1 Bed+/1 Bath	1 Bed/1 Bath	1 Bed/1 Bath	1 Bed/1 Bath	2 Bed/2 Bath	1 Bed/1 Bath	2 Bed/2 Bath	1 Bed/1 Bath	1 Bed/1 Bath	Number of Units	Unit Area Per Floor (nsf)
Level	Unit A	Unit B	Unit C	Unit D	Unit E	Unit F	Unit G	Unit H	Unit J	Unit K	Unit L		
8	1,156	556	710	0	0	0	1,107	0	1,412	0	0	5	4,941
7	1,156	556	710	0	0	0	1,107	0	1,412	0	0	5	4,941
6	1,156	584	740	0	0	0	1,107	0	1,412	0	0	5	4,999
5	1,092	584	740	0	0	0	1,107	0	0	641	760	6	4,924
4	1,092	584	740	0	0	0	1,107	0	0	641	760	6	4,924
3	1,092	584	740	0	0	702	1,107	876	0	0	0	6	5,101
2	1,092	584	740	0	737	702	1,075	0	0	0	0	6	4,930
G	0	0	0	0	0	0	0	0	0	0	0	0	0
B	0	0	0	0	0	0	0	0	0	0	0	0	0
<b>Total</b>	<b>7,836</b>	<b>4,032</b>	<b>5,120</b>	<b>0</b>	<b>737</b>	<b>1,404</b>	<b>7,717</b>	<b>876</b>	<b>4,236</b>	<b>1,282</b>	<b>1,520</b>	<b>39</b>	<b>34,760</b>

(Unit Deleted)

<b>Total 1 BR Units</b>	<b>0</b>	<b>7</b>	<b>7</b>	<b>0</b>	<b>1</b>	<b>2</b>	<b>0</b>	<b>1</b>	<b>0</b>	<b>2</b>	<b>2</b>	<b>22</b>	<b>56.4%</b>
<b>Total 2 BR Units</b>	<b>7</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>7</b>	<b>0</b>	<b>3</b>	<b>0</b>	<b>0</b>	<b>17</b>	<b>43.6%</b>

**Notes:**

1. Residential NSF taken from centeline of demising wall to outside of exterior and corridor walls. Net Residential Saleable TBD.

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SAN FRANCISCO, CA

REVISIONS

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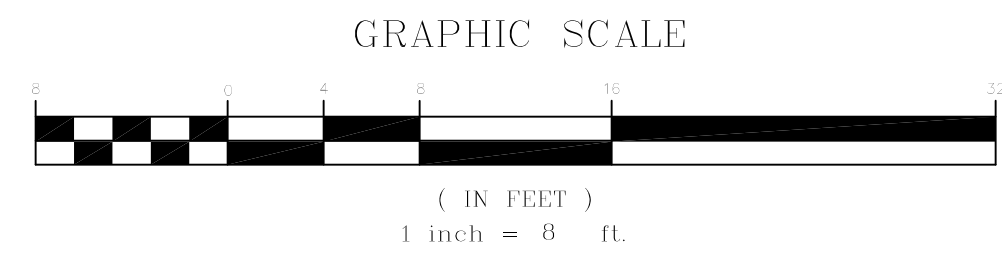
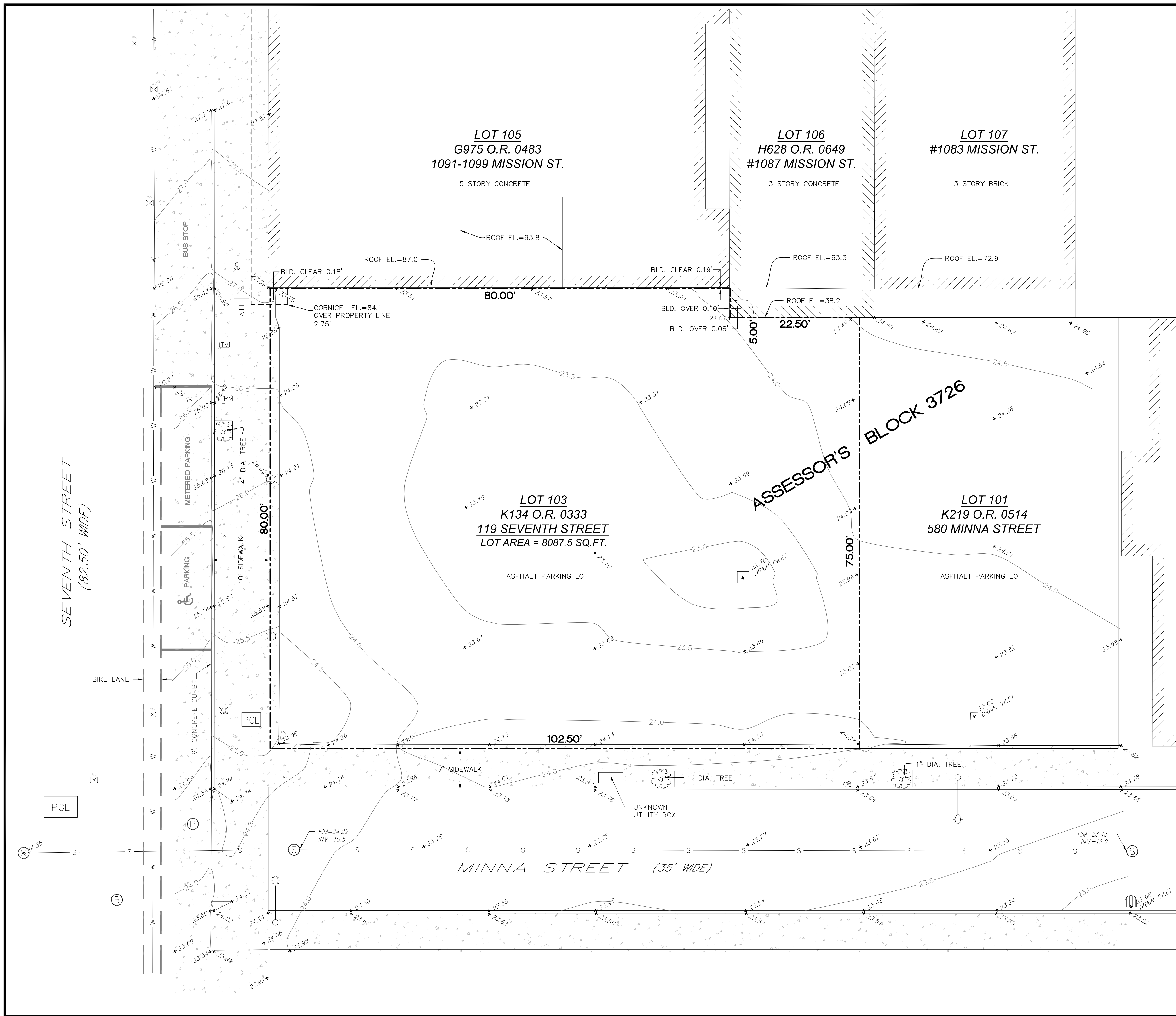
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TRUE PLAN



**LEGEND**

	PG&E BOX
	AT&T BOX
	WATER VALVE
	CABLE TV BOX
	SEWER CLEANOUT
	SEWER MANHOLE
	BELL SYSTEM MANHOLE
	PG&E MANHOLE
	FIRE HYDRANT
	PARKING METER
	LIGHT POLE
	STREET LIGHT
	PROPERTY LINE
	EXISTING SPOT ELEVATION
	WATER LINE
	SEWER LINE
	CONCRETE SURFACE

**BOUNDARY NOTE**  
Property and Right-Of-Way lines shown hereon are based on record data and not intended to be a detailed Final Survey of the property. Boundary information shown hereon is for planning purposes only.

**UTILITY NOTE**  
Underground utilities shown hereon were plotted from a combination of observed surface evidence (conditions permitting) and record information obtained from the respective utility companies, are not intended to represent their actual locations. Therefore, all utilities must be verified with respect to sizes, horizontal and vertical locations by the owner and/or contractor prior to design or construction. It is recommended to have all underground utilities accurately located prior to any excavation. No responsibility is assumed by the surveyor for the location of underground or hidden utilities.

- GENERAL NOTES**
- All distances are in decimal feet unless otherwise noted.
  - All angles are at 90° unless otherwise noted.
  - This map represents the site conditions on date of field survey, April 26, 2012.
  - Elevations are based upon San Francisco City Datum.
  - The dimensions from building corners to property lines shown hereon may vary depending upon the point of the building corner measured to and these dimensions should not be relied upon for re-establishing the property lines.

**SURVEYOR'S STATEMENT**  
This map correctly represents a survey made by me at the request of American Pacific International Capital Inc. in April of 2012.

Daniel J. Westover, P.L.S. 7779  
License expiration: 12/31/13



Date: 5/08/12

336 CLAREMONT BLVD., STE 2  
SAN FRANCISCO, CA 94117  
(415) 242-5400  
www.westoversurveying.com

**W.S.**  
WESTOVER  
SURVEYING

R. NO.	DATE	COMMENTS

DRAWN BY: DJW	JOB NO. 12010
CHECKED BY: DJW	
DATE: 5/08/2012	
SCALE: 1"=8'	

**SITE SURVEY**  
119 SEVENTH STREET  
LOT 103  
ASSESSOR'S BLOCK 3726  
CITY AND COUNTY OF SAN FRANCISCO, CALIFORNIA











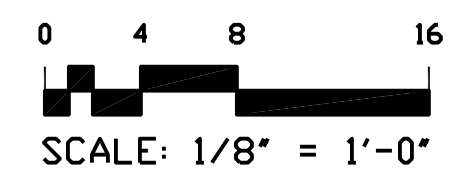
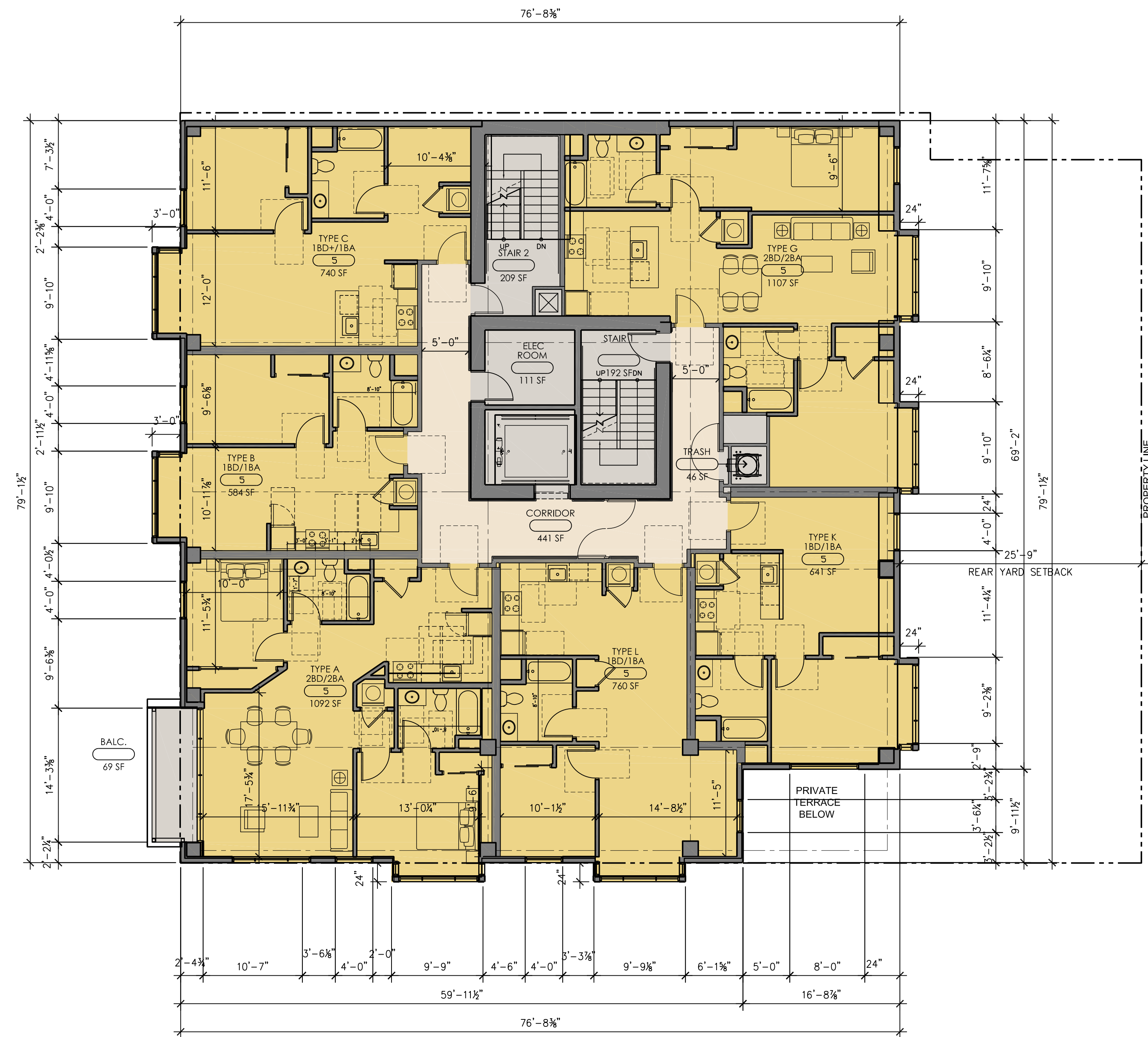












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INTERNATIONAL  
CAPITAL, INC.

ARCHITECT



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415.381.2075 F  
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CONSULTANTS

STAMP

PROJECT

**119 SEVENTH STREET**  
SAN FRANCISCO, CA

MARK	DATE	DESCRIPTION
---	03/04/14	INTERDEPARTMENTAL REVIEW
---	03/18/2014	PLANNING REVIEW COMMENTS
---	05/09/2014	PRE-APPLICATION MEETING
---	05/13/2014	PLANNING COMMISSION HEARING
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GENERAL NOTES

THESE DRAWINGS INDICATE THE GENERAL SCOPE OF THE PROJECT IN TERMS OF ARCHITECTURAL DESIGN CONCEPT, THE DIMENSIONS OF THE BUILDING, THE MAJOR ARCHITECTURAL ELEMENTS, AND THE TYPE OF STRUCTURAL, MECHANICAL, FIRE PROTECTION AND ELECTRICAL SYSTEMS. AS CONSTRUCTION DOCUMENTS THE DRAWINGS DO NOT NECESSARILY INDICATE OR DESCRIBE ALL WORK REQUIRED FOR FULL PERFORMANCE AND COMPLETION OF THE REQUIREMENTS OF THE CONTRACT DOCUMENT. ON THE BASIS OF THE GENERAL SCOPE INDICATED OR DESCRIBED THE CONTRACTORS SHALL FURNISH ALL ITEMS REQUIRED FOR THE PROPER EXECUTION AND COMPLETION OF THE WORK.

SHEET TITLE

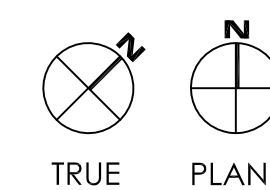
**5TH LEVEL FLOOR PLAN**

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CAD DWG FILE: A1.05 5TH LEVEL FLOOR PLAN.DWG

DRAWN BY: - PROJECT NO: 140220

CHKD BY: - DATE: ----



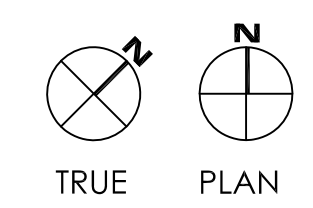
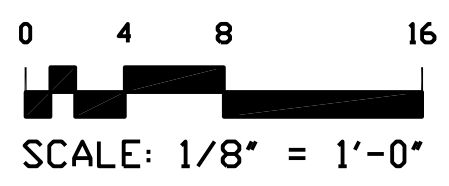
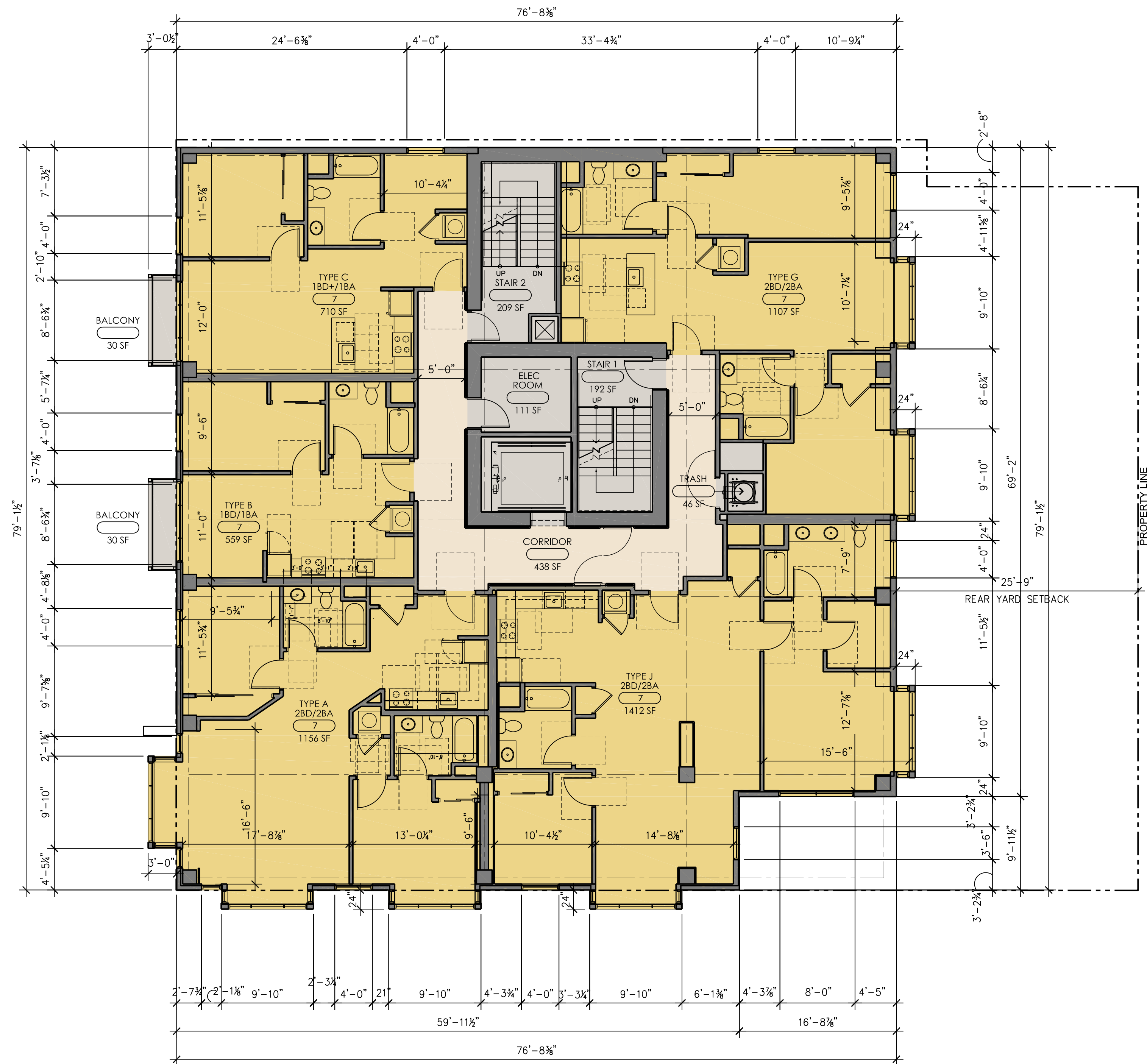
**A1.05**

SHEET OF









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PROJECT  
**119 SEVENTH STREET**  
**SAN FRANCISCO, CA**

REVISIONS		
MARK	DATE	DESCRIPTION
---	03/05/14	INTERDEPARTMENTAL REVIEW
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---	05/08/2014	PRE-APPLICATION MEETING
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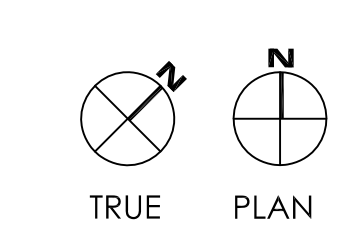
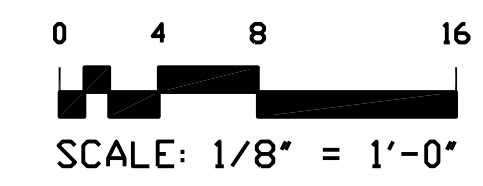
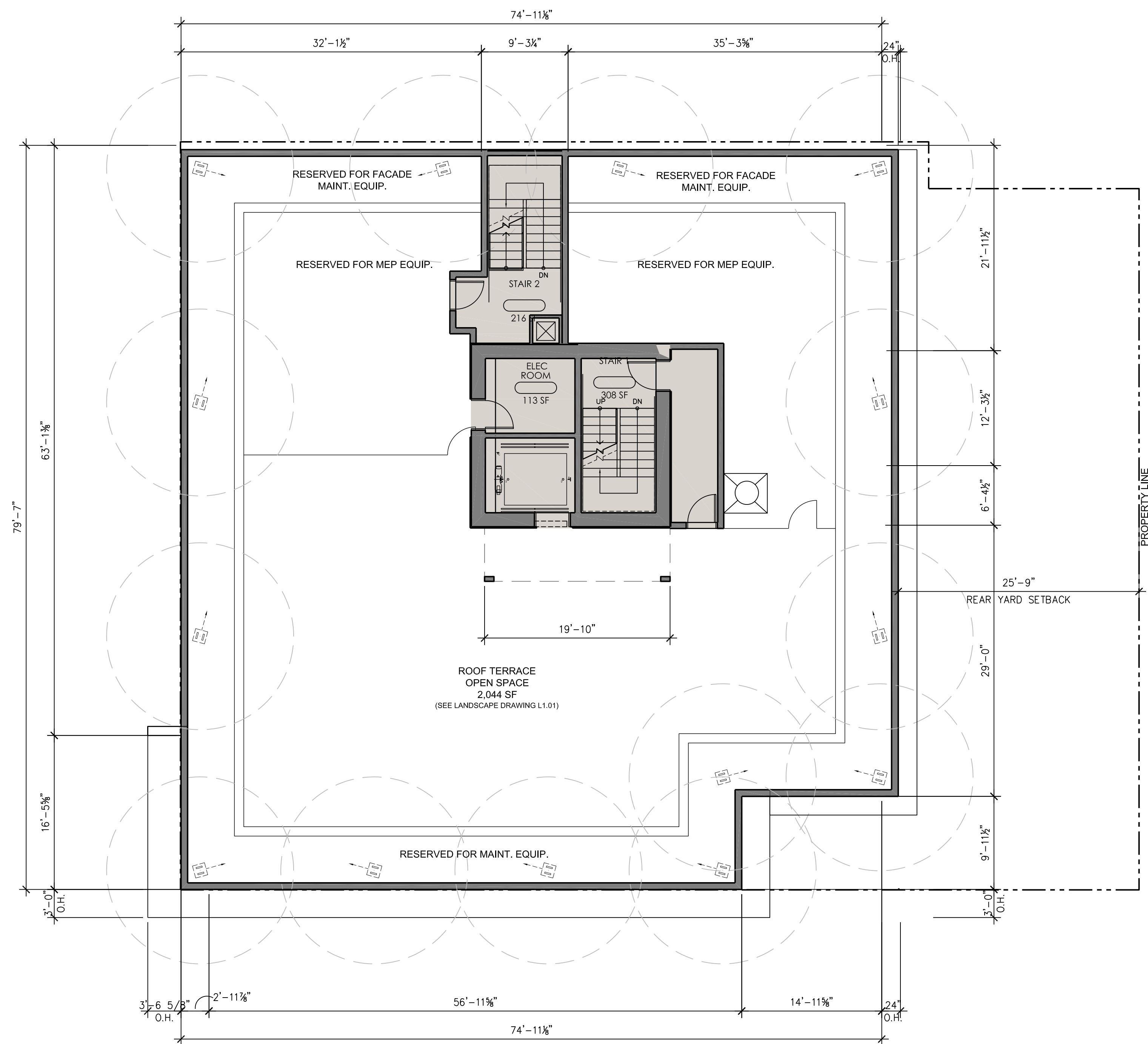
SHEET TITLE  
**7TH LEVEL FLOOR PLAN**

COPYRIGHT: ARCHITECTURE INTERNATIONAL LTD.  
 CAD DWG FILE: A1.07 7TH LEVEL FLOOR PLAN.DWG  
 DRAWN BY: - PROJECT NO: 140220  
 CHK'D BY: - DATE: ----

**A1.07**

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**AI LTD ARCHITECTURE INTERNATIONAL**  
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**119 SEVENTH STREET  
SAN FRANCISCO, CA**

REVISIONS

MARK	DATE	DESCRIPTION
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SHEET TITLE  
**ROOF LEVEL FLOOR PLAN**

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CAD DWG FILE: A1.09 ROOF LEVEL FLOOR PLAN.DWG  
DRAWN BY: - PROJECT NO: 140220  
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**A1.09**

SHEET OF





























































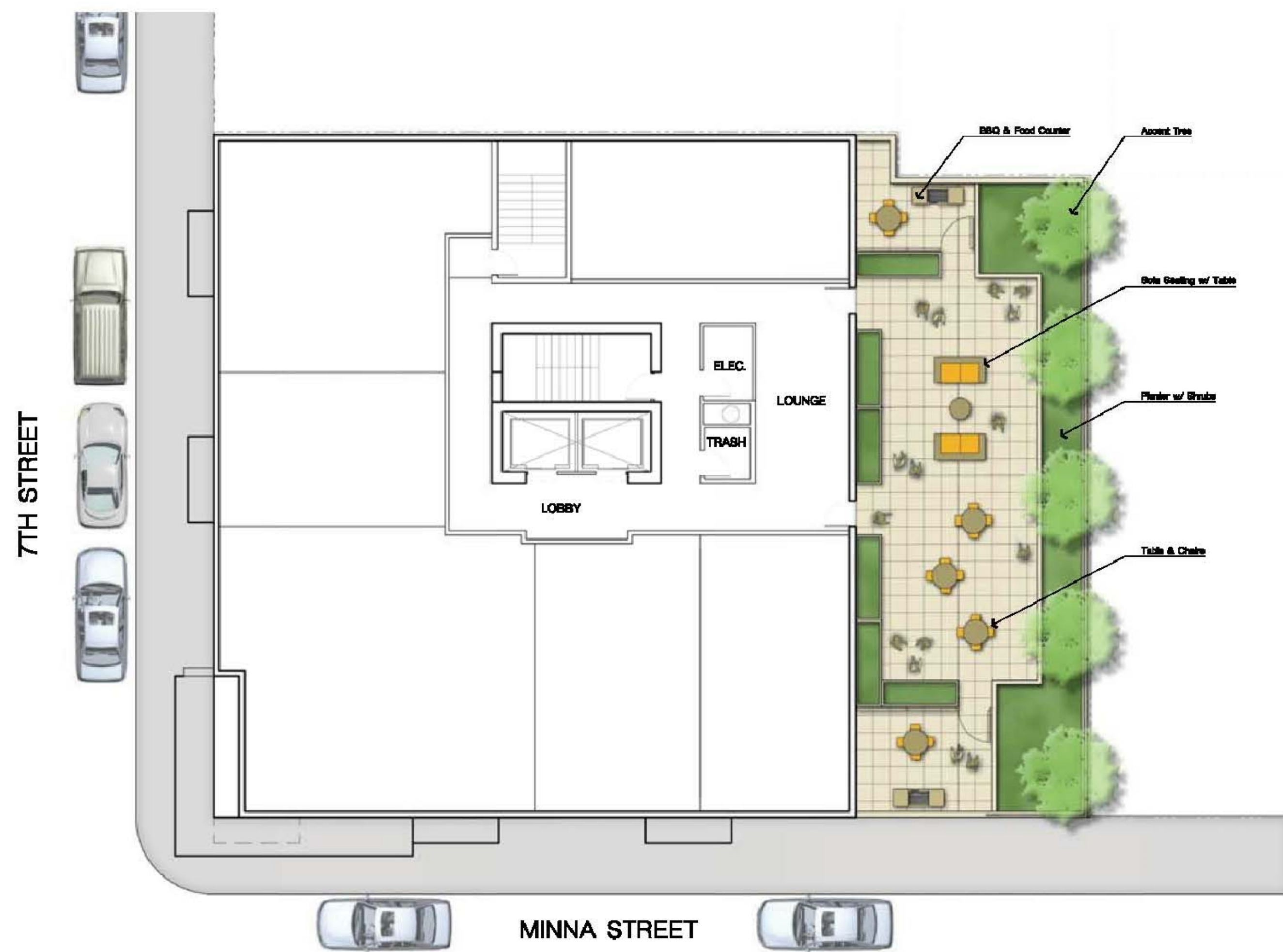








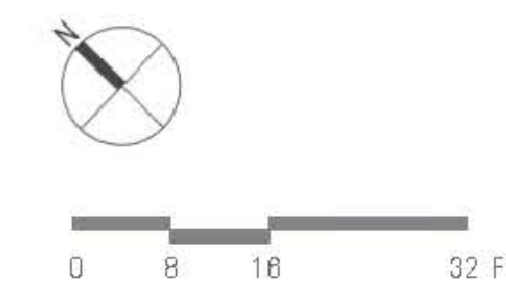
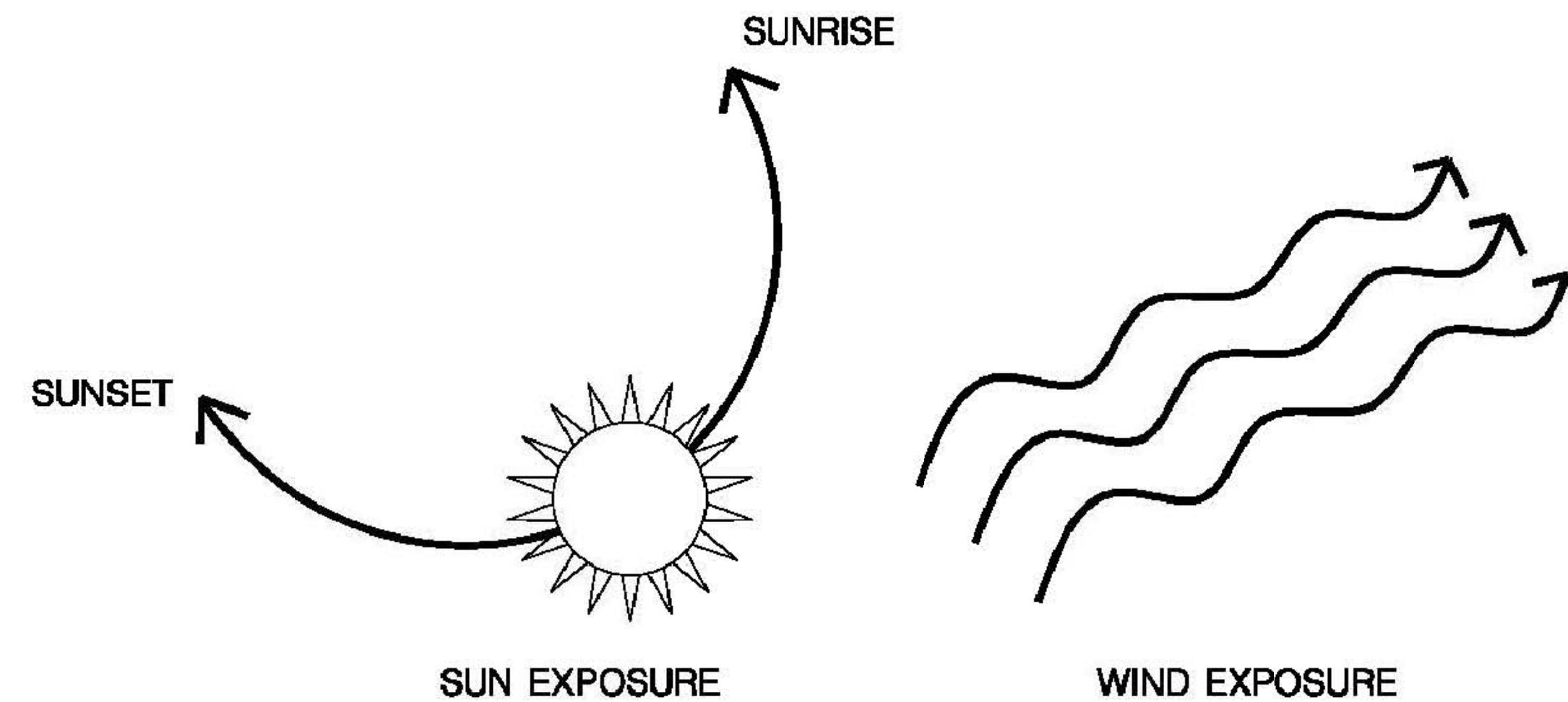




2ND FLOOR COMMON OPEN SPACE



ROOF FLOOR COMMON DECK SPACE



2nd Level & Roof Level  
Landscape Concepts

CONCEPT DESIGN September 5, 2013

OWNER

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CAPITAL, INC.

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PROJECT

119 SEVENTH STREET  
SAN FRANCISCO, CA

MARK	DATE	DESCRIPTION
---	03/05/2014	INTERDEPARTMENTAL REVIEW
---	03/18/2014	PLANNING REVIEW COMMENTS
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SHEET TITLE  
**LANDSCAPE PLAN**

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CAD DWG FILE: L1.01 LANDSCAPE PLAN.DWG  
DRAWN BY: - PROJECT NO: 140220  
CHKD BY: - DATE: ----

SHEET **L1.01** OF



# Affidavit for Compliance with the Inclusionary Affordable Housing Program: Planning Code Section 415

February 10, 2014

Date

I, Victoria Yu, do hereby declare as follows:

a. The subject property is located at (address and block/lot):

119 7th Street

Address

3726/003

Block / Lot

b. The proposed project at the above address is subject to the Inclusionary Affordable Housing Program, Planning Code Section 415 et seq.

The Planning Case Number and/or Building Permit Number is:

2012.0673

Planning Case Number

Not yet filed.

Building Permit Number

This project requires the following approval:

- Planning Commission approval (e.g. Conditional Use Authorization, Large Project Authorization)
- This project is principally permitted.

The Current Planner assigned to my project within the Planning Department is:

Rich Sucre

Planner Name

Is this project within the Eastern Neighborhoods Plan Area?

- Yes (if yes, please indicate Tier) Tier 2
- No

This project is exempt from the Inclusionary Affordable Housing Program because:

- This project uses California Debt Limit Allocation Committee (CDLAC) funding.
- This project is 100% affordable.

c. This project will comply with the Inclusionary Affordable Housing Program by:

- Payment of the Affordable Housing Fee prior to the first site or building permit issuance (Planning Code Section 415.5).
- On-site or Off-site Affordable Housing Alternative (Planning Code Sections 415.6 and 416.7).

Affidavit for Compliance with the Inclusionary Affordable Housing Program

d. If the project will comply with the Inclusionary Affordable Housing Program through an **On-site or Off-site Affordable Housing Alternative**, please fill out the following regarding how the project is eligible for an alternative and the accompanying unit mix tables on page 4.

- Ownership.** All affordable housing units will be sold as ownership units and will remain as ownership units for the life of the project.
- Rental.** Exemption from Costa Hawkins Rental Housing Act.<sup>2</sup> The Project Sponsor has demonstrated to the Department that the affordable units are not subject to the Costa Hawkins Rental Housing Act, under the exception provided in Civil Code Sections 1954.50 through one of the following:
  - Direct financial contribution from a public entity.
  - Development or density bonus or other public form of assistance.
  - Development Agreement with the City. The Project Sponsor has entered into or has applied to enter into a Development Agreement with the City and County of San Francisco pursuant to Chapter 56 of the San Francisco Administrative Code and, as part of that Agreement, is receiving a direct financial contribution, development or density bonus, or other form of public assistance.

e. The Project Sponsor acknowledges that failure to sell the affordable units as ownership units or to eliminate the on-site or off-site affordable ownership-only units at any time will require the Project Sponsor to:

- (1) Inform the Planning Department and the Mayor's Office of Housing and, if applicable, fill out a new affidavit;
- (2) Record a new Notice of Special Restrictions; and
- (3) Pay the Affordable Housing Fee plus applicable interest (using the fee schedule in place at the time that the units are converted from ownership to rental units) and any applicable penalties by law.

f. The Project Sponsor must pay the Affordable Housing Fee in full sum to the Development Fee Collection Unit at the Department of Building Inspection for use by the Mayor's Office of Housing prior to the issuance of the first construction document, with an option for the Project Sponsor to defer a portion of the payment to prior to issuance of the first certificate of occupancy upon agreeing to pay a deferral surcharge that would be deposited into the Citywide Affordable Housing Fund in accordance with Section 107A.13.3 of the San Francisco Building Code.

g. I am a duly authorized officer or owner of the subject property.

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.  
Executed on this day in:

San Francisco, CA  
Location

February 10, 2014  
Date

  
Signature

Victoria Yu, Director of Project Development  
Name (Print), Title

cc: Mayor's Office of Housing  
Planning Department Case Docket  
Historic File, if applicable  
Assessor's Office, if applicable

(415) 881-4489  
Contact Phone Number

Affidavit for Compliance with the Inclusionary Affordable Housing Program

## Unit Mix Tables

NUMBER OF ALL UNITS IN PRINCIPAL PROJECT					
Total Number of Units	SRO	Studios	One-Bedroom Units	Two-Bedroom Units	Three-Bedroom Units
38 39	0	0	21 22	17	0

If you selected an On-site or Off-Site Alternative, please fill out the applicable section below:

- On-site Affordable Housing Alternative (Charter Section 16.110 (g) and Planning Code Section 415.6): calculated at 12% of the unit total.

NUMBER OF AFFORDABLE UNITS TO BE LOCATED ON-SITE					
Total Affordable Units	SRO	Studios	One-Bedroom Units	Two-Bedroom Units	Three-Bedroom Units

- Off-site Affordable Housing Alternative (Planning Code Section 415.7): calculated at 20% of the unit total.

NUMBER OF AFFORDABLE UNITS TO BE LOCATED OFF-SITE					
Total Affordable Units	SRO	Studios	One-Bedroom Units	Two-Bedroom Units	Three-Bedroom Units
Area of Dwellings in Principal Project (in sq. feet)	Off Site Project Address				
Area of Dwellings in Off-Site Project (in sq. feet)					
Off-Site Block/Lot(s)	Mortgage No. (if applicable)			Number of Market-Rate Units in the Off-site Project	

- Combination of payment of a fee, on-site affordable units, or off-site affordable units with the following distribution:  
Indicate what percent of each option would be implemented (from 0% to 99%) and the number of on-site and/or off-site below market rate units for rent and/or for sale.

1. Fee \_\_\_\_\_ % of affordable housing requirement.

2. On-Site \_\_\_\_\_ % of affordable housing requirement.

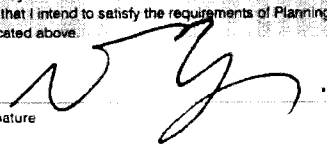
NUMBER OF AFFORDABLE UNITS TO BE LOCATED ON-SITE					
Total Affordable Units	SRO	Studios	One-Bedroom Units	Two-Bedroom Units	Three-Bedroom Units

3. Off-Site \_\_\_\_\_ % of affordable housing requirement.

NUMBER OF AFFORDABLE UNITS TO BE LOCATED OFF-SITE					
Total Affordable Units	SRO	Studios	One-Bedroom Units	Two-Bedroom Units	Three-Bedroom Units
Area of Dwellings in Principal Project (in sq. feet)	Off-Site Project Address				
Area of Dwellings in Off-Site Project (in sq. feet)					
Off-Site Block/Lot(s)	Mortgage No. (if applicable)			Number of Market-Rate Units in the Off-site Project	



Affidavit for Compliance with the Inclusionary Affordable Housing Program

CONTACT INFORMATION AND DECLARATION OF SPONSOR OF PRINCIPAL PROJECT	CONTACT INFORMATION AND DECLARATION OF SPONSOR OF OFF-SITE PROJECT (IF DIFFERENT)
Company Name	Company Name
American Pacific International Capital, Inc.	
Print Name of Contact Person	Print Name of Contact Person
Victoria Yu	
Address	Address
5 Thomas Mellon Circle, Suite 305	
City, State, Zip	City, State, Zip
San Francisco, CA 94134	
Phone, Fax	Phone, Fax
(415) 881-4489, (415) 814-0849	
Email	Email
vyu@apicincus.com	
I hereby declare that the information herein is accurate to the best of my knowledge and that I intend to satisfy the requirements of Planning Code Section 415 as indicated above.	I hereby declare that the information herein is accurate to the best of my knowledge and that I intend to satisfy the requirements of Planning Code Section 415 as indicated above.
	
Signature	Signature
Victoria Yu, Director of Project Development	
Name (Print), Title	Name (Print), Title



SAN FRANCISCO  
PLANNING  
DEPARTMENT

# AFFIDAVIT FOR First Source Hiring Program Administrative Code Chapter 83

Planning Department  
1650 Mission Street  
Suite 400  
San Francisco, CA  
94103-9425

T: 415.558.6378  
F: 415.558.6409

For all projects subject to Administrative Code Chapter 83, this completed form must be filed with the Planning Department prior to any Planning Commission hearing or, if principally permitted, Planning Department approval of the site permit.

PROJECT ADDRESS	BLOCK/LOT(S)	
119 7th Street	3726/103	
BUILDING PERMIT APPLICATION NO.	CASE NO (IF APPLICABLE)	MOTION NO.
Not yet filed	2012.0673	n/a

Please check the boxes below that are applicable to this project. Select all that apply.

- 1A. The project is wholly residential.
- 1B. The project is wholly commercial. (For the purposes of Administrative Code Chapter 83, any project that is not residential is considered to be a commercial activity.)
- 1C. The project is a mixed use.
- 2A. The project will create ten (10) or more new residential units.
- 2B. The project will create 25,000 square feet or more of new or additional gross floor area.
- 3A. The project will create less than ten (10) new residential units.
- 3B. The project will create less than 25,000 square feet of new or additional gross floor area.

If you checked either 2A or 2B, your project is subject to the First Source Hiring Program. Please contact the First Source Hiring Program Manager with the San Francisco Human Services Agency's Workforce Development Division to develop a contract to satisfy this requirement.

If you checked 3A and 3B, your project is not subject to the First Source Hiring Program.

For questions, please contact the First Source Hiring Manager at (415) 401-4960. For frequently asked questions, you may access First Source information at [www.onestopsf.org](http://www.onestopsf.org)

# Affidavit for First Source Hiring Program

## Contact Information and Declaration of Sponsor of Principal Project

NAME: Victoria Yu

ADDRESS:

5 Thomas Mellon Circle, Suite 305  
San Francisco, CA 94134

TELEPHONE:

( 415 ) 881-4489

FAX:

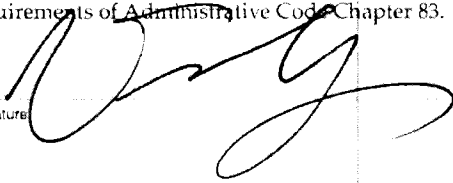
( 415 ) 814-0849

EMAIL:

[vyu@apicincus.com](mailto:vyu@apicincus.com)

I hereby declare the information herein is accurate to the best of my knowledge and that I intend to satisfy the requirements of Administrative Code Chapter 83.

Signature



Date

2/12/14



# REUBEN, JUNIUS & ROSE, LLP

June 10, 2014

President Cindy Wu  
San Francisco Planning Commission  
1650 Mission Street, Suite 400  
San Francisco, CA 94103

**Re: 119 Seventh Street  
Planning Case No. 2012.0673X  
Hearing Date: June 19, 2014  
Our File No.: 6966.06**

Dear President Wu and Commissioners:

This office represents American Pacific International Capital, Inc., the Project Sponsor (“Sponsor”) of a proposed mixed-use development (the “Project”) at 119 Seventh Street, at the northeast corner of Minna and Seventh Streets in SoMa. The Project would revitalize the area by replacing a surface parking lot with an attractive new mixed-use building containing 39 residential units and two ground floor retail spaces along Seventh and Minna Streets.

The Sponsor respectfully requests that the Planning Commission grant a Large Project Authorization to allow the Project to proceed. We look forward to presenting the Project to you on June 19, 2014.

## **A. Surrounding Neighborhood**

The property is currently used as a 27-space surface parking lot. The building to the north of the property is a five-story mixed-use residential over retail building. The building to the south and across Minna Street is a four-story Best Western Hotel, and to the east is a modern four-story residential building. The buildings in the area are predominantly between four and six-stories.

The property is within the East SoMa Area Plan, which notes that the neighborhood contains a mix of PDR uses, technology companies and residential development. The intent of the Plan is to encourage new residential and retail development, without displacing PDR businesses. The Project is consistent with that intent.

## **B. Project Description**

The Project proposes to demolish the existing surface 27-space parking lot and construct an attractive, eight-story, 85-foot tall mixed-use residential and retail building. The

James A. Reuben | Andrew J. Junius | Kevin H. Rose | Daniel A. Frattin  
Sheryl Reuben<sup>1</sup> | David Silverman | Thomas Tunny | Jay F. Drake | John Kevlin  
Lindsay M. Petrone | Melinda A. Sarjapur | Kenda H. McIntosh | Jared Eigerman<sup>2,3</sup> | John McInerney III<sup>2</sup>

1. Also admitted in New York 2. Of Counsel 3. Also admitted in Massachusetts

One Bush Street, Suite 600  
San Francisco, CA 94104

tel: 415-567-9000  
fax: 415-399-9480

www.reubenlaw.com

Project would include 22 one-bedroom and 17 two-bedroom units, as well as two ground floor retail spaces along Seventh and Minna Streets, including a 1,893-square-foot retail space on Seventh Street and a 518-square-foot retail space on Minna Street to provide neighborhood commercial space and activate the street.

Open space in the Project would include a 1,710 square-foot landscaped podium on the second floor and a 2,044 square-foot roof deck, as well as six units with balconies and three units with private terraces, thereby providing easy access to open space for residents on every floor of the building and further connecting the building to the street front. One below-grade parking level would be accessed from Minna Street, providing 24 off-street parking spaces for the residents of the building, with 10 of the parking spaces accessed via stackers.

The Project has been consciously designed for the context of the neighborhood. A prominent architectural feature of the building is a “fin” element that extends vertically near the corner of the Seventh Street frontage and horizontally at the roofline along the Minna Street frontage. This feature provides a more visually stimulating design and breaks up the massing of the building. Numerous large bay windows and balconies, as well as several exterior colors, further break up the massing. The retail level of the building would consist of large glass walls to connect the retail space with the sidewalk on both frontages. Parking and utilities are all below-ground, leaving no blank walls or unsightly utilities or parking at street level. The result is a building that is harmonious with nearby older buildings while still incorporating a contemporary design.

### **C. Summary of Project Benefits**

The Project will provide significant benefits to the City, including the following:

- **Provides smart infill development.** The Project will construct an attractive new mixed-use residential and retail development on an underutilized site that is within easy walking distance of numerous forms of public transit. The Project is one block from Market Street, a major rail and bus transit corridor that provides convenient access from the property to neighborhoods throughout the City, East Bay, and Peninsula. In addition, the Project meets the East SoMa Area Plan’s goal of adding residential and retail development, particularly where no PDR uses are eliminated.
- **Adds 39 new dwelling units to the City’s housing stock.** San Francisco is suffering from a housing shortage that has resulted in pent-up demand and an undesirable escalation in rental and for-sale housing prices. The Project would construct 39 new dwelling units, 17 of which would be family-sized units.

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San Francisco, CA 94104

tel: 415-567-9000  
fax: 415-399-9480

- **Eliminates a surface parking lot.** The Project would eliminate the type of surface parking that is discouraged by current Planning Department policy and replace it with an attractive, architecturally interesting development and landscaping, including new street trees.
- **Reduces vehicle movement in the area.** Although the Project seeks an exception through the LPA process for off-street parking to exceed principally permitted levels, it decreases the number of parking spaces on the site, replacing a 27-space surface parking lot with a 24-space underground lot. In addition, instead of serving short-term parking needs with frequent entry and exit of vehicles, the parking would serve only the residents of the project, who would likely predominantly walk, bike or take public transportation to commute rather than using their vehicles. Finally, the Project would eliminate the large curb cut running along the entire Minna Street frontage and establish one 12-foot-wide curb cut on Minna Street, significantly set back from the Seventh Street intersection. Therefore, the Project would reduce traffic on the surrounding streets and decrease the risk of accidents involving cars entering and exiting from the large curb cut on Minna Street.
- **Improves neighborhood safety.** The property is presently occupied by a surface parking lot. The addition of both ground floor neighborhood-serving retail and the residents for 39 units will activate the sidewalk, provide eyes on the street, and generally increase the safety of the neighborhood.
- **Creates jobs.** In the short-term, the Project will create construction jobs. In the long-term, the new ground floor retail spaces will create full and part-time positions, many of which are anticipated to be filled by local residents.

**D. Required Project Approvals.** The Project requires approval of a Large Project Authorization under Planning Code Section 329. As part of the LPA, the Project seeks the following exceptions:

- **Off-Street Parking.** In Eastern Neighborhoods mixed-use districts, Planning Code Section 151.1 principally permits up to 1 off-street parking space per 4 dwelling units provided and up to 0.75 off-street parking spaces per dwelling unit if certain criteria are met. The Project proposes 39 dwelling units. Therefore up to 10 residential off-street parking spaces are principally permitted, but the Project proposes 24 spaces. The 24 off-street parking spaces proposed by the Project would constitute a parking ratio of 0.61 parking spaces per dwelling unit.

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San Francisco, CA 94104

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This Project meets the criteria required for the off-street parking increase. In sum, an exception is appropriate here because the increase in the allowable parking is simply to use the space that will already exist in the underground garage. There will be no impact to the design of the building and no parking that is visible from the street.

- **Permitted Street Encroachments.** An exception is also required for the architectural “fin” element due to its encroachment over the sidewalk. This exception should be granted here because the “fin” element provides a more-visually-stimulating design, and, along with the incorporation of varied exterior colors, bay windows and balconies, helps to break up the massing of the building. These visual distinctions make the Project more consistent with the existing built environment on Seventh Street and the area in general. Furthermore, allowing an extra six inches of encroachment over the sidewalk eight floors up will have little or no impact on the pedestrian experience below.
- **Rear Yard and Dwelling Unit Exposure.** The project site is essentially a rectangle, with a small “notch” at the north corner. Due to this notch, the Project technically needs an exception to the rear yard requirement, since the Project provides a straight rear yard line at 25% of depth for the lot. This also triggers the need for an exception since the dwelling units facing northeast aren’t facing a code-compliant rear yard. However, these exceptions are reasonable at the Property. The rear dwelling units still face an unobstructed 25% rear yard area, and only due to the irregular lot configuration is the exception required.

#### **E. Community Outreach**

The project sponsor has hosted two community meetings to present the project to the neighborhood. A pre-application meeting was held on May 14, 2013 and a second, update meeting was held on April 23, 2014. Those who attended the meetings did not express opposition, and expressed various concerns regarding construction of the project. The project sponsor has been working directly with TODCO, a local community development corporation that owns the Hotel Isabel adjacent to the north of the property. The project sponsor has agreed to pay for the cost of an engineer to review the project plans on behalf of TODCO, to ensure they adequately protect the Hotel Isabel building. The project sponsor will also cover the lot line windows on the Hotel Isabel, at their own cost. Finally, the project sponsor will work with the community to lease the retail space to a non-profit or neighborhood-preferred retailer at a below-market-rate rent.

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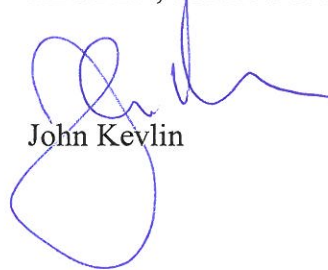
The project sponsor has gone out their way to ensure the Project is compatible with the neighborhood and incorporates community input, and as a result, the Project will be a positive addition to the neighborhood.

**F. Conclusion**

The Project would create an attractive new mixed-use residential and retail building on an underutilized site that currently has a surface parking lot. Its ground-floor retail spaces would activate the adjacent street frontage and create a safer atmosphere for nearby residents and pedestrians, as well as provide new jobs. In addition, the Project would add 39 desirable new housing units serving a range of housing needs to the City's housing stock and would contribute to the City's affordable housing program by paying an in lieu fee. For these reasons and those listed in the Large Project Application, we urge you to support this Project.

Very truly yours,

REUBEN, JUNIUS & ROSE, LLP



John Kevlin

Enclosures

- cc: Vice-President Rodney Fong  
Commissioner Michael Antonini  
Commissioner Gwyneth Borden  
Commissioner Rich Hillis  
Commissioner Kathrin Moore  
Commissioner Bill Sugaya  
Jonas P. Ionin – Commission Secretary  
John Rahaim – Planning Director  
Scott Sanchez – Zoning Administrator  
Rich Sucre – Project Planner  
Victoria Yu – American Pacific International Capital, Inc.

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## Sucre, Richard (CPC)

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**From:** John Elberling <johne@todco.org>  
**Sent:** Friday, April 11, 2014 10:56 AM  
**To:** vyu@picincus.com  
**Cc:** Gloria Lawson; Alice Light; Sucre, Richard (CPC)  
**Subject:** 119 Seventh Street Project

Thanks for showing us the latest plans. Several points to make from our community perspective:

- There is a very strong preference among all SOMA community advocates for all new residential projects to be rental housing with the inclusionary housing located on-site to address the immediate needs of this neighborhood.
- As a Community Benefit, the small retail space on Minna St. might be of good use for a small local nonprofit's office if the rent is \$1.50 per ft or less. It's commercial value is not great anyway.
- There are no dog runs anywhere nearby, so a 'dog relief' facility within the project's private open space would be convenient for its residents and better for neighborhood cleanliness overall.

Then as the adjacent building owner:

- The project's foundation design and construction methods are very important to us. The soils at this location are very complex and seismically hazardous, and our foundation work is extensive. We will thus need to have our engineer review the project's foundation plans at the developer's expense. The project's foundation installation work needs to minimize vibrations, especially from pile driving, that could damage our property's non-structural brick walls.
- Several lot line windows in our Hotel Isabel property will need to be filled in. we must perform for this work prior to start of the project's construction, with the developer paying that cost.
- The noise generated by the project's construction **MUST** be held to the minimum for the sake of our immediately adjacent residents. There should be no work done at night.



And also fyi, as we discussed the nearby street plaza at Minna and Russ Streets has become a major neighborhood concern. We hope to schedule a discussion about its status and future at an upcoming meeting of the Sixth Street Neighborhood Consortium. We will add you to the SSNC meeting notification list so you can join that discussion if interested.

John elberling  
President/ceo  
GP/TODCO A Inc.  
Managing General Partner  
Hotel Grand Southern LP

**From:** [John Elberling](#)  
**To:** [Victoria Yu](#)  
**Cc:** [Alice Light](#); [Mason Barrera](#); [Wilson Chen](#); [Jinshan Mao](#); [Sucre, Richard \(CPC\)](#)  
**Subject:** Re: 119 7th st project  
**Date:** Monday, June 09, 2014 2:57:32 PM  
**Attachments:** [Response letter 6-9-14.pdf](#)

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Thanks. The developer's commitments in the attached letter addressing the direct impacts of the project's construction on our adjacent Hotel Isabel building and its tenants are sufficient. But the community benefits are not quite what we hoped for. So it is not accurate to say we "support" the project, but we do not oppose it.

John e

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**From:** Victoria Yu <[vyu@apicincus.com](mailto:vyu@apicincus.com)>  
**Date:** Monday, June 9, 2014 at 9:58 AM  
**To:** John Elberling <[johne@todco.org](mailto:johne@todco.org)>  
**Cc:** Alice Light <[alice@todco.org](mailto:alice@todco.org)>, Mason Barrera <[MBarrera@apicincus.com](mailto:MBarrera@apicincus.com)>, Wilson Chen <[wchen@apicincus.com](mailto:wchen@apicincus.com)>, Jinshan Mao <[jmao@apicincus.com](mailto:jmao@apicincus.com)>  
**Subject:** RE: 119 7th st project

John,  
Thank you once again for supporting our project and your suggestions. Please review attached letter of response for your email that I received on April 11. I'll follow up with a phone call for your comments.

Kind regards,

*Victoria Yu*  
*Director of Development*  
*Director of Property Management*  
*Director of Public Relations*  
*American Pacific International Capital, Inc.*  
*5 Thomas Mellon Circle, Suite 305*  
*San Francisco, CA 94134*  
*Tel: (415) 881-4489*



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Dear John,

Thank you for meeting with us and reviewing the latest plan for our mixed-use residential Project at 119 7<sup>th</sup> street. We greatly appreciate your support and recommendations. We strive to incorporate the community's needs and perspective into our plan and deliver a sensible product to enhance the quality of life and security of the neighbourhood. We have seriously considered your recommendations. I would like to detail our thinking below for your consideration and feedback.

- 1. There is a very strong preference among all SOMA community advocates for all new residential projects to be rental housing with the inclusionary housing located on-site to address the immediate needs of this neighborhood.*

We have evaluated the rental option and understand the community's preference. APIC is a nascent company in its early stage of development in the Bay Area. We have not developed a strong rental property management team. It will be inefficient for us to stretch our limited personnel resources too thin. Based on the recommendation of our marketing consultants and financial analysis, it seems that the for sale option with in lieu payment for affordable housing would make the most sense for us at this time. However, market condition can change over the course of the next 15 months. We will continue to monitor and evaluate the situation and adjust our decision accordingly.

- 2. As a Community Benefit, the small retail space on Minna St. might be of good use for a small local nonprofit's office if the rent is \$1.50 per ft or less. Its commercial value is not great anyway.*

We appreciate your support of this Project and will make the small retail space available for a local non-profit at 70% or less of the market leasing rate.

- 3. There are no dog runs anywhere nearby, so a 'dog relief' facility within the project's private open space would be convenient for its residents and better for neighborhood cleanliness overall.*

We understand the need for a "dog relief" area and have discussed with our architects and marketing consultants the possibility of providing a dog run in the open space of the Project. Based on our market research, almost all the residential projects of the similar size in the City have eliminated dog runs because there doesn't seem to be any feasible solution for preventing the stench of dog waste. However we will work with our landscaping architects to design the tree wells along 7<sup>th</sup> and Minna streets to enable dog relief to a certain extent.

- 4. The project's foundation design and construction methods are very important to us. The soils at this location are very complex and seismically hazardous, and our foundation work is extensive. We will thus need to have our engineer review the project's*



*foundation plans at the developer's expense. The project's foundation installation work needs to minimize vibrations; especially from pile driving that could damage our property's non-structural brick walls.*

We understand the potential construction impact to our neighbours and sympathize with your concerns. We will work diligently with our General Contractor to address the issue and take necessary measures to prevent damage to the adjacent property's non-structural brick walls. We will submit foundation plan to your engineer for review at our expense. No pile driving will be required in order to construct the foundation or the project itself.

5. *Several lot line windows in our Hotel Isabel property will need to be filled in. we must perform for this work prior to start of the project's construction, with the developer paying that cost.*

We will work with our General Contractor in cooperation with you and the management of Hotel Isabel to fill in your lot line windows at our expense before the start of Project construction.

6. *The noise generated by the project's construction MUST be held to the minimum for the sake of our immediately adjacent residents. There should be no work done at night.*

We take the well-being of our neighbours seriously. The San Francisco Police Code prohibits significant construction activity between the hours of 8 p.m. and 7 a.m. We will go beyond that and simply conduct no construction work after 8p.m at night and further take necessary measures to minimize noise. We will establish regular communication with your point of contact during the construction.

Thank you for sharing your perspective and recommendations. We would truly appreciate the support of TODCO with a letter to the Planning Commission. Please let me know if you would like to meet and have a further discussion.

Sincerely,



Victoria Yu  
Director of Development  
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