



SAN FRANCISCO PLANNING DEPARTMENT

Subject to: (Select only if applicable)

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|---|---|
| <input checked="" type="checkbox"/> Inclusionary Housing (Sec. 315) | <input checked="" type="checkbox"/> First Source Hiring (Admin. Code) |
| <input type="checkbox"/> Jobs Housing Linkage Program (Sec. 313) | <input type="checkbox"/> Child Care Requirement (Sec. 314) |
| <input type="checkbox"/> Downtown Park Fee (Sec. 139) | <input type="checkbox"/> Other |

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Planning Commission Motion No. 18108

HEARING DATE: JUNE 17, 2010

Date: June 10, 2010
Case No.: **2006.1348EKC**
Project Address: **246 RITCH STREET**
Zoning: SLI (Service/Light Industrial)
55-X Height and Bulk District
Block/Lot: 3776/092
Project Sponsor: Bruce Baumann
1221 Harrison Street
San Francisco, CA 94103
Staff Contact: Corey Teague – (415) 575-9081
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ADOPTING FINDINGS RELATING TO CONDITIONAL USE AUTHORIZATION PURSUANT TO SECTIONS 175.6, 303, 817 AND 890.88(C) OF THE PLANNING CODE TO CONSTRUCT A FIVE-STORY RESIDENTIAL BUILDING WITH 19 SINGLE ROOM OCCUPANCY (SRO) UNITS AND FOUR GROUND FLOOR PARKING SPACES IN THE SLI (SERVICE/LIGHT INDUSTRIAL) DISTRICT AND A 55-X HEIGHT AND BULK DISTRICT AND ADOPTING FINDINGS UNDER THE CALIFORNIA ENVIRONMENTAL QUALITY ACT.

PREAMBLE

On August 13, 2009, Bruce Baumann (Project Sponsor) filed an application with the Planning Department (hereinafter "Department") for Conditional Use Authorization under Planning Code Sections 303, 817 and 890.88(c) of the Planning Code to construct a five-story, 50-foot residential building with 19 market-rate Single Room Occupancy (SRO) units and four ground floor parking spaces in the SLI (Service/Light Industrial) District, and 55-X Height and Bulk District.

On June 17, 2010, the Planning Commission (hereinafter "Commission") conducted a duly noticed public hearing at a regularly scheduled meeting on Conditional Use Application No. 2006.1348C.

On August 19, 2009, Draft Initial Study/Mitigated Negative Declaration (IS/MND) for the Project was prepared and published for public review; and

The Draft IS/MND was available for public comment until September 8, 2009; and

On June 17, 2010, the Planning Department/Planning Commission reviewed and considered the Final Mitigated Negative Declaration (FMND) and found that the contents of said report and the procedures through which the FMND was prepared, publicized, and reviewed complied with the California Environmental Quality Act (California Public Resources Code Sections 21000 et seq.) (CEQA), 14 California Code of Regulations Sections 15000 et seq. (the "CEQA Guidelines") and Chapter 31 of the San Francisco Administrative Code ("Chapter 31"): and

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

The Planning Department, Linda Avery, is the custodian of records, located in the File for Case No. 2006.1348E, at 1650 Mission Street, Fourth Floor, San Francisco, California.

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

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

MOVED, that the Commission hereby authorizes the Conditional Use requested in Application No. 2006.1348EK, 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 approximately 4,130 square foot project site is located mid-block along Ritch Street, between Bryant and Brannan Streets within the East South of Market (East SoMa) neighborhood, the SLI (Service/Light Industrial) Zoning District, and a 55-X height and bulk district. The project site contains a 4,130 square foot vacant building that is in very poor structural condition and does not contain a roof or north-facing wall.
3. **Surrounding Properties and Neighborhood.** The proposed building fronts on Ritch Street with development to the north, south, and west of the project site's property lines. The lot directly

north of the project site at 234-236 Ritch Street is occupied by a two-story live/work building. The buildings directly south of the project site are occupied by two two-story Victorian buildings, each with two residential dwelling units. The lots directly north of the project site are occupied by five and eight unit buildings. The lot directly west of the project site at 49 Zoe Street is a three story live/work building with 15 units. Ritch Street within the project area between Bryant and Brannan Streets is a one-way southbound street. Parking is available on the west side of Ritch Street, although cars also park on the east side of the street as well. There are two parking lots in close vicinity to the project site: one located just south of the adjacent Victorian buildings, and one located across from the project site, extending from Ritch Street to Third Street. South Park, a 550 square foot oval grassy park, is located one block east of the project site.

4. **Project Description.** The proposed project includes demolition of the existing 4,130 square-foot building on the project site, and construction of a new five-story, 50-foot tall building with 19 market-rate Single Room Occupancy (SRO) residential units totaling approximately 16,442 gross square feet. Each SRO unit would be about 350 square feet with 8,690 gross square feet dedicated to common areas, circulation, garage and storage. The project includes a ground floor parking garage for four off-street parking spaces and ten bicycle spaces. Floors two through five contain 19 SRO units. The project includes planting three street trees along the Ritch Street frontage.
5. **Public Comment.** The Department received seven letters of support for the project.
6. **Planning Code Compliance:** The Commission finds that the Project is consistent with the relevant provisions of the Planning Code in the following manner:
 - A. **Use.** As of the date of this motion, Planning Code Section 817 permits SROs Dwelling units in the SLI District as a conditional use pursuant to Sections 303, 316, 817.14, and 817.16 provided that such dwellings units are provided as affordable units. However, any SRO project in the Eastern Neighborhoods plan area that filed its first development application before January 19, 2007, is subject to the land use controls in place at the time of filing, per Planning Code Section 175.6.

The Project filed its Environmental Review application on November 8, 2006. Therefore, it is subject to the land use controls in place at the time of filing. At that time, market-rate SRO developments were permitted as a conditional use in the SLI District.
 - B. **Rear Yard.** Planning Code Section 134 requires SRO buildings less than 65 feet in height to provide a rear yard of no less than 15 feet.

The Project is less than 65 feet in height and provides a 15-foot rear yard.
 - C. **Residential Open Space.** Planning Code Section 135 requires at least 36 square feet of usable private open space per dwelling unit, 48 square feet of common useable open space per dwelling unit, or an adequate combination of the two. Additionally, SRO units are only required to provide one-third of the required open space of Section 135.

The Project includes 4 private decks that meet the minimum open space requirements for their respective units. A roof deck of approximately 285 square feet meets the minimum requirement for common open space for the remainder of the units.

- D. **Street Trees.** Planning Code Section 143 requires the owner or developer of a new building in this District to install street trees. Each street tree must be a minimum of 24-inch box for every 20 feet of frontage of the property along each street or public alley.

The Project sit has 55 feet of frontage on Ritch Street, requiring three new street trees. The Project will provide three new street trees.

- E. **Shadow.** Planning Code Section 147 requires reduction of substantial shadow impacts on public plazas and other publicly accessible spaces other than those protected under Planning Code Section 295. Section 295 restricts new shadow, cast by structures exceeding a height of 40 feet, upon property under the jurisdiction of the Recreation and Park Commission.

The Shadow Analysis conducted for the Project indicates that the Project will not cast shadow upon Public, Publicly Accessible or Publicly Financed or Subsidized Open Space.

- F. **Parking.** Planning Section 151 does not require any parking for SRO buildings. However, up to four parking spaces may be provided per Section 204.5.

The Project provides four off-street parking spaces on the ground floor.

- G. **Bicycle parking.** Planning Code Section 155.5 requires projects with up to 50 dwelling units to provide at least one bicycle parking for every two dwelling units. Therefore, the Project requires ten bicycle parking spaces.

The Project meets this requirement by providing ten bicycle spaces on the ground floor.

- H. **Height.** The Project site is currently within a 55-X height and bulk district. However, it fell within a 50-X height and bulk district when the first development application was submitted in 2006. Per Planning Code Section 175.6, the Project is required to stay within the original height district. Planning Code Section 260(b) permits certain height exemptions for rooftop features like parapets, stair and elevator penthouses, mechanical equipment, and other features.

The Project proposed a building height of 50 feet, which meets the original 50-foot height district. Additionally, the Project includes rooftop features (parapet and stair and elevator penthouses) that are within the controls of Section 260(b).

- I. **Residential Inclusionary Affordable Housing Program.** Planning Code Section 315 sets forth the requirements and procedures for the Residential Inclusionary Affordable Housing Program. Under Planning Code Section 315.3, these requirements apply to projects that consist of five or more units, where the first application was applied for on or after July 18,

2006. Pursuant to Planning Code Section 315.4, the Project has elected to provide 15 percent of the total units as on-site affordable units.

The Project Sponsor filed an EE application on November 8, 2006. As such, the current controls of Section 315.3 apply. A Declaration of Intent to satisfy the requirements of the Residential Inclusionary Housing Ordinance was submitted and indicates that the affordable housing requirements will be met by providing 15 percent of the total dwelling units as Below Market Rate units on-site.

- J. **Eastern Neighborhoods Public Benefit Fund.** The first development application for the project was filed on November 8, 2006. Therefore, per Planning Code Section 175.6, the Project is not subject to the Eastern Neighborhoods Public Benefit Fund provisions of Planning Code Section 327.
7. **Planning Code Section 303** establishes criteria for the Planning Commission to consider when reviewing applications for Conditional Use approval. On balance, the project does comply with said criteria in that:
- A. The proposed new uses and building, at the size and intensity contemplated and at the proposed location, will provide a development that is necessary or desirable, and compatible with, the neighborhood or the community.

The existing neighborhood is quite mixed in terms of land uses, housing density, building types, and building sizes. The area was recently part of the Eastern Neighborhood rezoning, and while this are of SLI zoning was not rezoned, the height district for the Project site was increased from 50 to 55 feet. Even though the Project can not take advantage of the height increase due to its Eastern Neighborhood pipeline status, this demonstrates that 55 feet is considered an appropriate height for new development on the Project site. Additionally, the proposed density and scale of the Project falls well within the existing range found in the area.

- B. The proposed project will not be detrimental to the health, safety, convenience or general welfare of persons residing or working in the vicinity. There are no features of the project that could be detrimental to the health, safety or convenience of those residing or working the area, in that:
- i. Nature of proposed site, including its size and shape, and the proposed size, shape and arrangement of structures;
- The height and bulk of the proposal is compatible with the mixed nature of the area, which ranges from surface parking lots to 60-foot tall commercial buildings.*
- ii. The accessibility and traffic patterns for persons and vehicles, the type and volume of such traffic, and the adequacy of proposed off-street parking and loading;

The Planning Code does not require parking or loading for the Project, but it is providing four off-street parking spaces and ten bicycle spaces. The area is well served by transit and very walkable, resulting in fewer vehicle trips.

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

The proposed residential project will not produce any noxious or offensive emissions.

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

The Project does not include a front setback, and so no visible landscaping is included. The off-street parking is screened and set back from the front façade. All possible utilities are located inside the garage, with the exception of the PG&E transformer room, which was required by PG&E to be accessible from the street.

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

The Project complies with all relevant requirements and standards of the Planning Code and is consistent with objectives and policies of the General Plan as detailed below.

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

The Project does not fall within a Neighborhood Commercial District.

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

HOUSING

Objectives and Policies – 2004 Housing Element

Housing Supply

OBJECTIVE 1:

PROVIDE NEW HOUSING, ESPECIALLY PERMANENTLY AFFORDABLE HOUSING, IN APPROPRIATE LOCATIONS WHICH MEETS IDENTIFIED HOUSING NEEDS AND TAKES INTO ACCOUNT THE DEMAND FOR AFFORDABLE HOUSING CREATED BY EMPLOYMENT DEMAND.

Policy 1.1:

Encourage higher residential density in areas adjacent to downtown, in underutilized commercial and industrial areas proposed for conversion to housing, and in neighborhood

commercial districts where higher density will not have harmful effects, especially if the higher density provides a significant number of units that are affordable to lower income households.

Policy 1.3:

Identify opportunities for housing and mixed use districts near downtown and former industrial portions of the City.

Housing Choice

OBJECTIVE 8:

ENSURE EQUAL ACCESS TO HOUSING OPPORTUNITIES.

Policy 8.9:

Encourage the provision of new home ownership opportunities through new construction so that increased owner occupancy does not diminish the supply of rental housing.

The Project falls within a transitioning industrial area near downtown that includes a mix of uses and building types. The small nature of the units, and the lack of parking for most units, makes the units more "affordable by design."

TRANSPORTATION ELEMENT

Objectives and Policies

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 ten bicycle parking spaces in a secure, convenient location on the ground floor.

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 will provide only four off-street parking spaces for the 19 units, for a ratio of .2 parking spaces per unit, without creating a new curb cut. Additionally, the Project includes ten bicycle parking spaces.

EAST SOMA PLAN

Objectives and Policies

OBJECTIVE 1.2:

MAXIMIZE HOUSING DEVELOPMENT POTENTIAL IN KEEPING WITH NEIGHBORHOOD CHARACTER.

Policy 1.2.1:

Encourage development of new housing throughout East SoMa.

OBJECTIVE 2.1

ENSURE THAT A SIGNIFICANT PERCENTAGE OF NEW HOUSING CREATED IN THE EAST SOMA IS AFFORDABLE TO PEOPLE WITH A WIDE RANGE OF INCOMES

Policy 2.1.2

Allow single-resident occupancy hotels (SROs) and “efficiency” units to continue to be an affordable type of dwelling option and recognize their role as an appropriate source of housing for small households.

OBJECTIVE 2.4

LOWER THE COST OF THE PRODUCTION OF HOUSING

“There are a number of design and construction techniques that can make housing “affordable by design” – efficiently designed, less costly to construct, and therefore less costly to rent or purchase. For example, forgoing structured parking can significantly reduce construction costs. Thus, as part of this Plan, parking requirements will be revised to allow, but not require parking. This provision will allow developers to build a reasonable amount of parking if desired, and if feasible, while meeting the Plan’s built form guidelines. Small in-fill projects, senior housing projects or other projects that may desire to provide fewer parking spaces would have the flexibility to do so.”

Policy 2.4.3

Encourage construction of units that are “affordable by design.”

The Project will provide 19 dwelling units in the East SoMa Plan area. The fact that the East SoMa Area Plan recognizes and encourages the option for SRO and/or "efficiency" units supports the concept of market-rate SRO development. Additionally, the project is required to provide 3 Below Market Rate (BMR) units on-site. A non-SRO development at this site has a maximum density of 20 units, which would also require 3 BMR units if provided on-site. A "reasonable" amount of off-street parking is also recognized.

OBJECTIVE 3.1:

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

Policy 3.1.3:

Relate the prevailing heights of buildings to street and alley width throughout the plan area.

Policy 3.1.11:

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

The proposed building is actually five feet shorter than the permitted height. Additionally, the building has a ten-foot front setback at the fifth floor to ensure adequate light into the street, as called for in the East SoMa Area Plan.

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.

The Project will not remove or create any retail uses.

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

The Project falls in an area of SLI zoning that has a mixed housing and neighborhood character. The 19-unit development will fall within the range of other developments in the area.

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

The Project will not remove any housing and will result in three BMR units on-site, or the appropriate affordable housing in-lieu fee.

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

The Project's moderate size will not significantly impact MUNI or neighboring streets.

- 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 will not displace or create any service or industry establishment.

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

The Project will be constructed to meet all seismic safety requirements of the Building Code.

- G. That landmarks and historic buildings be preserved.

The existing building proposed for demolition is in extreme disrepair and was found to not be a historical resource.

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

The project will have no negative impact on existing parks and open spaces.

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 Conditional Use authorization would promote the health, safety and welfare of the City.

DECISION

That based upon the Record, the submissions by the Applicant, the staff of the Department and other interested parties, the oral testimony presented to this Commission at the public hearings, and all other written materials submitted by all parties, the Commission hereby **APPROVES Conditional Use Application No. 2006.1348C** subject to the following conditions attached hereto as "EXHIBIT A" in general conformance with plans filed with the Application as received on June 7, 2010 and stamped "EXHIBIT B", which is incorporated herein by reference as though fully set forth.

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

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

APPEAL AND EFFECTIVE DATE OF MOTION: Any aggrieved person may appeal this Conditional Use Authorization to the Board of Supervisors within thirty (30) days after the date of this Motion No. 18108. The effective date of this Motion shall be the date of this Motion if not appealed (After the 30-day period has expired) OR the date of the decision of the Board of Supervisors if appealed to the Board of Supervisors. For further information, please contact the Board of Supervisors at (415) 554-5184, City Hall, Room 244, 1 Dr. Carlton B. Goodlett Place, San Francisco, CA 94102.

I hereby certify that the Planning Commission ADOPTED the foregoing Motion on June 17, 2010.

Linda D. Avery
Commission Secretary

AYES: Commissioners Antonini, Lee, Miguel, Moore, Olague, and Sugaya.

NAYS: None

ABSENT: Commissioner Borden.

ADOPTED: June 17, 2010

Exhibit A

Conditions of Approval

Whenever "Project Sponsor" is used in the following conditions, the conditions shall also bind any successor to the Project or other persons having an interest in the Project or underlying property.

General Conditions

1. This authorization is for a Conditional Use Authorization under Planning Code Section 175.6, 303, 817 and 890.88(c) to demolition of the existing 4,130 square-foot building on the project site, and construction of a new five-story, 50-foot tall building with 19 market-rate Single Room Occupancy (SRO) residential units at 246 Ritch Street within the SLI (Service/Light Industrial) District and a 55-X Height and Bulk District, in general conformance with plans filed with the Application as received on June 7, 2010, and stamped "EXHIBIT B" included in the docket for **Case No. 2006.1348C**, reviewed and approved by the Commission on June 17, 2010.
2. The Project approved by this Motion is in general conformity with the plans dated June 7, 2010, on file with the Department in the docket for Case No. 2006.1348EKC (labeled EXHIBIT B), reviewed and approved by the Commission on June 17, 2010.
3. Space for the collection and storage of garbage shall be provided within enclosed areas on the property. Garbage containers shall be kept inside buildings, and placed outside only when being serviced by the disposal company. Space for the collection and storage of recyclable 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 building.
4. The Project shall comply with the provision of street trees as required by Planning Code Section 143.

Housing

5. Covenants, conditions and restrictions approved by the Planning Department shall be imposed upon the project units to restrict use to occupancy for permanent residents and to preclude time-share ownership or occupancy. No residential units shall be used as hotel units, as defined in Section 203.8 of the San Francisco Housing Code.

Below Market Rate Units (BMR Units)

6. **Number of Required Units.** Pursuant to Planning Code Section 315.6, the Project is required to provide 15% of the proposed dwelling units as affordable to qualifying households ("BMR Units").
7. **Unit Mix.** The Project contains 19 SRO units; therefore, the required BMR unit mix is 3 SRO units. If the market-rate unit mix changes, the BMR unit mix will be modified accordingly.

8. **Unit Location.** The BMR units shall be designated on a reduced set of plans recorded as a Notice of Special Restrictions on the Property prior to the issuance of the first site or building permit.
9. **Phasing.** If any building permit is issued for any partial phase of the Project, the Project Sponsor shall have designated not less than fifteen percent (15%) of the each phase's total number of dwelling units as on-site BMR units.
10. **Duration.** Under Planning Code Section 315.7, all units constructed pursuant to Sections 315.6 must remain affordable to qualifying households for the life of the project.
11. **Other Conditions.** The Project is subject to the requirements of the Affordable Housing Ordinance under Section 315 et seq. of the Planning Code and the terms of the Residential Inclusionary Affordable Housing Monitoring and Procedures Manual (hereinafter "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 315 (collectively the "Inclusionary Housing Ordinance"). 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 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 Affordable Housing Ordinance, the applicable Procedures Manual is the manual in effect at the time the subject units are made available for sale or rent.
 - a. The BMR units shall be designated on the building plans prior to the issuance of the first site or building permit by the Department of Building Inspection (DBI). The BMR units shall (1) reflect the unit size mix in number of bedrooms of the market rate units, (2) shall be constructed, completed, ready for occupancy and marketed no later than the market rate units, and (3) shall be of comparable overall quality, construction and exterior appearance as the market rate units in the principal project.
 - b. Unless the Project Sponsor has entered into an agreement with the City, the units in the building must be offered for sale, and the BMR unit(s) shall be sold to first time home buyer households, as defined in the Procedures Manual, whose gross annual income, adjusted for household size, does not exceed an average of one hundred (100) percent of the median income for the City and County of San Francisco as defined in the Affordable Housing Ordinance, Section 315.1. The initial sales price of such units shall be calculated according to the Procedures Manual. Limitations on (i) marketing; (ii) renting; (iii) recouping capital improvements, and (iv) procedures for inheritance apply and are set forth in the Affordable Housing Ordinance and the Procedures Manual.
 - c. If the Project Sponsor has entered into an agreement with the City permitting the on-site units to be rental, the BMR unit(s) shall be rented to a household of low income, as defined in the Affordable Housing Ordinance and as further defined in the Procedures Manual, whose gross annual income, adjusted for household size, does not exceed sixty (60) percent of the median income for the City and County of San Francisco as defined in the Affordable Housing

Ordinance, Section 315.1. The qualifying household income limits and maximum monthly rent for BMR units shall be calculated by Mayor's Office of Housing (MOH.).

- d. The Applicant is responsible for following the marketing, reporting, and monitoring requirements and procedures as set forth in the Procedures Manual. The Mayor's Office of Housing shall be responsible for overseeing and monitoring the marketing of affordable units.
- e. Required parking spaces shall be made available to initial buyers or renters of BMR units according to the Procedures Manual.
- f. Prior to the issuance of the first site or building permit by DBI for the Project, the Project Sponsor shall record a Notice of Special Restriction on the Property that contains these conditions of approval and a reduced set of plans that identify the BMR units satisfying the requirements of this approval. The Project Sponsor shall promptly provide a copy of the recorded Notice of Special Restriction to the Department and to the Mayor's Office of Housing or its successor (MOH), the monitoring agency for the BMR unit(s).
- g. The Project Sponsor has demonstrated that it is eligible for the on-site alternative under Planning Code Section 315.4(e) instead of payment of the Affordable Housing Fee, and shall submit an affidavit to the Planning Department within 30 days of the date of this Authorization stating that any affordable units designated as on-site units shall be sold as ownership units and will remain as ownership units for the life of the Project.
- h. If project applicant fails to comply with the Affordable Housing requirement, the Director of Building Inspection 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 315 to 315.10 shall constitute cause for the City to record a lien against the development project.
- i. If the Project becomes ineligible at any time for the on-site alternative, the Project Sponsor or its successor in interest shall pay the Affordable Housing Fee prior to issuance of the first site or building permit. If the Project becomes ineligible after issuance of its first site or building permit, the Project Sponsor shall pay interest on the Affordable Housing Fee at a rate equal to the Development Fee Deferral Surcharge Rate in Section 107A.13.3.2 of the San Francisco Building Code (as amended by Ordinance No. 0107-10.)
- j. **Future Applicable Controls.** Interim Controls contained in Board of Supervisors Resolution No. 100047 approved by the Board on February 02, 2010, entitled "Planning Code – Interim Controls Related to Affordable Housing Requirements" apply to this Project. The Board of Supervisors is currently considering permanent controls in Ordinance No. 100046 entitled "Planning Code – Amending Inclusionary Housing Ordinance" proposing amendments to Planning Code Section 315 et seq. ("applicable future controls"). If Ordinance No. 100046 is approved by the Board prior to issuance of the first certificate of occupancy for the Project, the Project shall be subject to the applicable future controls and not the current Interim Controls.

Parking

12. 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 units. Each unit within the Project shall have the first right of refusal to rent or purchase a parking space.
13. The parking spaces must be marketed and sold or leased as an addition to, not a subtraction from, the base purchase or rental price of a dwelling unit, and units may not be marketed or offered as a bundled package that includes parking without clear accompanying language that the parking is available only at additional cost. 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.

Performance

14. The Project Sponsor shall appoint a community liaison officer to deal with issues of concern to the owners and occupants of nearby properties at all times during Project construction. Prior to the commencement of Project construction, the Project Sponsor shall give the Zoning Administrator and the owners of properties within 300 feet of the Project site boundaries written notice of the name, business address and telephone number of the community liaison.
15. Prior to the issuance of the Building Permit 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 premises (Assessor’s Block 3776, Lot 092), which notice shall state that construction has been authorized by and is subject to the conditions of this Motion. From time to time after the recordation of such notice, at the request of the Project Sponsor, the Zoning Administrator shall affirm in writing the extent to which the conditions of this Motion have been satisfied.
16. The authorization and right vested by virtue of this action shall be deemed void and canceled if, within 3 years of the date of this Motion, a site permit or building permit for the Project has not been secured by Project Sponsor. This authorization may be extended at the discretion of the Zoning Administrator only if the failure to issue a permit by the Department of Building Inspection is delayed by a city, state, or federal agency or by appeal of the issuance of such permit.

Mitigation Measures

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

Monitoring and Violation

18. Violation of the conditions noted above or any other provisions of the Planning Code may be subject to abatement procedures and fines up to \$500 a day in accordance with Code Section 176.

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<p>MITIGATION MEASURE 1</p> <p><i>Archeological Resources (Archeological Testing)</i></p>					
<p>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. The project sponsor shall retain the services of a qualified archeological consultant having expertise in California prehistoric and urban historical archeology. 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 submitted first and directly to the ERO for review and comment, and shall be considered draft reports subject to revision until final approval by the ERO. Archeological monitoring and/or data recovery programs required by this measure could</p>	<p>Project sponsor/ archeological consultant at the direction of the Environmental Review Officer (ERO).</p>	<p>Prior to any soil-disturbing activities on the project site</p>	<p>Project sponsor to retain a qualified archeological consultant who shall report to the ERO.</p>	<p>Complete when Project Sponsor retains qualified archaeological consultant.</p>	<p>Date Archeological consultant retained:</p> <p>_____</p>

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<p>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 to a less than significant level potential effects on a significant archeological resource as defined in CEQA Guidelines Sect. 15064.5 (a)(c).</p>					
<p><i>Archeological 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>Project sponsor/ archeological consultant at the direction of the ERO.</p>	<p>Prior to any soil-disturbing activities on the project site.</p>	<p>Archeologist shall prepare and submit draft ATP to the ERO. ATP to be submitted and reviewed by the ERO prior to any soils disturbing activities on the project site.</p>	<p>After consultation with and approval by ERO of ATP. Considered complete on finding by ERO that ATP implemented.</p>	<p>Date ATP submitted to the ERO: _____ Date ATP approved by the ERO: _____ Date of initial soil disturbing activities: _____</p>

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<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 on 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>Project sponsor/ archeological consultant at the direction of the ERO.</p>	<p>After completion of the Archeological Testing Program.</p>	<p>Archeological consultant shall submit report of the findings of the ATP to the ERO.</p>	<p>Archaeological consultant and Environmental Review Officer (ERO).</p>	<p>Date archeological findings report submitted to the ERO: _____</p> <p>ERO determination of significant archeological resource present? Y N</p> <p>Would resource be adversely affected? Y N</p> <p>Additional mitigation to be undertaken by project sponsor? Y N</p>
<p><i>Archeological Monitoring Program.</i> If the ERO in</p>	<p>Project sponsor/</p>	<p>ERO &</p>	<p>Project sponsor/</p>	<p>Considered</p>	<p>AMP required?</p>

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<p>consultation with the archeological consultant determines that an archeological monitoring program (AMP) shall be implemented the archeological monitoring program shall minimally include the following provisions:</p> <ul style="list-style-type: none"> 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. The ERO in consultation with the archeological consultant shall determine what project activities shall be archeologically monitored. In most cases, any soils- 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 archaeological resources and to their depositional context; 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>archeological consultant/ archeological monitor/ contractor(s), at the direction of the ERO.</p>	<p>Archeological Consultant meet prior to commencement of soil-disturbing activity. If ERO determines that an Archeological Monitoring Program is necessary, monitor throughout all soil-disturbing activities.</p>	<p>archeological consultant/ archeological monitor/ contractor(s) shall implement the AMP, if required by the ERO.</p>	<p>complete on finding by ERO that AMP implemented.</p>	<p>Y N Date: _____ Date AMP submitted to the ERO: _____ Date AMP approved by the ERO: _____ Date AMP implementation complete: _____</p>

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<ul style="list-style-type: none"> • 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; • The archeological monitor shall record and be authorized to collect soil samples and artifactual/ecofactual material as warranted for analysis; • 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 					

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<p>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>Project Sponsor/Archeological Consultant.</p>	<p>If ERO determines that an Archeological Monitoring Program is necessary, submit after completion of the Archeological Monitoring Program.</p>	<p>Archeological consultant to submit a report of findings of the Archeological Monitoring Program to the ERO.</p>	<p>Considered complete on submittal to ERO of the Archeological Monitoring Program.</p>	<p>Date written report regarding findings of the AMP received: _____</p>
<p><i>Archeological 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</p>	<p>Archeological consultant at the direction of the ERO</p>	<p>If there is a determination that an ADRP program is required</p>	<p>Project sponsor/ archeological consultant/ archeological monitor/ contractor(s)</p>	<p>If ADRP is required, considered complete upon date of implementatio</p>	<p>ADRP required? Y N Date: _____ Date of scoping</p>

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<p>preparation of a draft ADRP. The archeological consultant shall submit a draft ADRP to the ERO. The ADRP shall identify how the proposed data recovery program will preserve the significant information the archeological resource is expected to contain. That is, the ADRP will identify what scientific/historical research questions are applicable to the expected resource, what data classes the resource is expected to possess, and how the expected data classes would address the applicable research questions. Data recovery, in general, should be limited to the portions of the historical property that could be adversely affected by the proposed project. Destructive data recovery methods shall not be applied to portions of the archeological resources if nondestructive methods are practical.</p> <p>The scope of the ADRP shall include the following elements:</p> <ul style="list-style-type: none"> • <i>Field Methods and Procedures.</i> Descriptions of proposed field strategies, procedures, and operations. • <i>Cataloguing and Laboratory Analysis.</i> Description of selected cataloguing system and artifact analysis procedures. • <i>Discard and Deaccession Policy.</i> Description of and rationale for field and post-field 			shall prepare an ADRP if required by the ERO.	n of ARDP.	<p>meeting for ARDP: _____</p> <p>Date Draft ARDP submitted to the ERO: _____</p> <p>Date ARDP approved by the ERO: _____</p> <p>Date ARDP implementation complete: _____</p>

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<p>discard and deaccession policies.</p> <ul style="list-style-type: none"> • <i>Interpretive Program.</i> Consideration of an on-site/off-site public interpretive program during the course of the archeological data recovery program. • <i>Security Measures.</i> Recommended security measures to protect the archeological resource from vandalism, looting, and non-intentionally damaging activities. • <i>Final Report.</i> Description of proposed report format and distribution of results. • <i>Curation.</i> 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. 					

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<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 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. Sec. 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>Project sponsor / archeological consultant in consultation with the San Francisco Coroner, NAHC, and MDL.</p>	<p>In the event human remains and/or funerary objects are found.</p>	<p>Project sponsor/ archeological consultant to monitor (throughout all soil disturbing activities) for human remains and associated or unassociated funerary objects and, if found, contact the San Francisco Coroner/ NAHC/ MDL.</p>	<p>Considered complete on notification of the San Francisco County Coroner and NAHC, if necessary.</p>	<p>Human remains and associated or unassociated funerary objects found? Y N Date: _____</p> <p>Persons contacted:</p> <p>(1) _____ _____</p> <p>date: _____</p> <p>(2) _____ _____</p> <p>date: _____</p> <p>(3) _____ _____</p> <p>date: _____</p>
<p><i>Final Archeological Resources Report.</i> The</p>	<p>Project sponsor/</p>	<p>After</p>	<p>Project sponsor/</p>	<p>Considered</p>	<p>Date Draft FARR</p>

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<p>archeological consultant shall submit a Draft Final Archeological Resources Report (FARR) to the ERO that evaluates the historical significance of any discovered archeological resource and describes the archeological and historical research methods employed in the archeological testing/monitoring/data recovery program(s) undertaken. Information that may put at risk any archeological resource shall be provided in a separate removable insert within the final report.</p>	<p>archeological consultant at the direction of the ERO</p>	<p>completion of the archeological data recovery, inventorying, analysis and interpretation.</p>	<p>archeological consultant</p>	<p>complete on submittal of FARR.</p>	<p>submitted to ERO: _____ Date FARR approved by ERO: _____</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 Major Environmental Analysis division of the Planning Department shall receive three copies of the FARR along with copies of any formal site recordation forms (CA DPR 523 series) and/or documentation for nomination to the National Register of Historic Places/California Register of Historical Resources. In instances of high public interest in or the high interpretive value of the resource, the ERO may require a different final report content, format, and distribution than that presented above.</p>	<p>Archeological Consultant at the direction of the ERO.</p>	<p>Written certification submitted to ERO that required FARR distribution has been completed</p>	<p>Archaeological consultant to distribute FARR</p>	<p>Considered complete on distribution of FARR.</p>	<p>Date of submittal of Final FARR to information center: _____</p>

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<ul style="list-style-type: none"> Impact tools used for construction shall be hydraulically or electrically powered wherever possible to avoid noise associated with compressed-air exhaust from pneumatically powered tools. However, where use of pneumatic tools is unavoidable, an exhaust muffler on the compressed-air exhaust shall be used; this muffler can lower noise levels from the exhaust by up to about 10 dBA. External jackets on the tools themselves shall be used where feasible, which could achieve a reduction of 4 dBA. Quieter procedures shall be used, such as drills rather than impact equipment, whenever feasible. Stationary noise sources shall be located as far from sensitive receptors as possible, and they shall be muffled and enclosed within temporary sheds, insulation barriers, or other measures shall be incorporated to the extent feasible. 	<p>Project sponsor and contractor.</p> <p>Project sponsor and contractor.</p>	<p>During construction activities.</p> <p>During construction activities.</p>	<p>equipment prior to commencement of construction activities.</p> <p>Project sponsor/contractor to provide list of impact tools anticipated to be used during construction and whether they can be powered hydraulically or electrically, or whether other noise control technologies can be used.</p> <p>Project sponsor/contractor to provide construction staging plan showing location</p>	<p>Prior to the start of construction.</p> <p>Prior to the start of construction.</p>	<p>Date list of impact tool control techniques received by ERO: _____</p> <p>Date construction staging plan received by ERO: _____</p>

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<ul style="list-style-type: none"> Ground clearing, excavation, foundation, building erection and exterior finishing activities shall be limited to Monday through Friday between the hours of 7:00 AM to 8:00 PM. All other work occurring on Saturday and Sunday shall be limited to the hours of 9:00 AM to 6:00 PM. 	Project sponsor and contractor.	During construction activities	of stationary noise sources, closest sensitive receptors and description of noise insulation features to be installed during construction. Limit construction activities to specified times.	During Construction.	Date construction activities completed: _____
MITIGATION MEASURE 3 Preconstruction Surveys for Nesting Birds					
The project sponsor shall implement the following protective measures to ensure implementation of the Migratory Bird Treaty Act and compliance with State regulations during construction. To the extent	Project sponsor and contractor	Prior to construction activities.	Should vegetation removal or construction	Prior to construction activities.	Date of vegetation removal: _____

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<p>feasible, the project sponsor and/or the construction contractor(s) shall trim/remove all vegetation/tree limbs necessary for project construction between September 1, December 31. Should construction activities or vegetation removal commence between January 1 to August 31, pre-construction surveys for nesting birds shall be conducted for the two street trees located within the public right of way north of the project site, in front of 234-236 Ritch Street, by a qualified ornithologist or wildlife biologist to ensure that no nests would be disturbed during project implementation. A pre-construction survey shall be conducted no more than 14 days prior to the initiation of demolition/construction activities during the early part of the breeding season (January through April) and no more than 30 days prior to the initiation of these activities during the late part of the breeding season (May through August). During this survey, the qualified person shall inspect the two street trees located within the public right of way north of the project site, in front of 234-246 Ritch Street, and in areas immediately adjacent to the project site for nests. If an active nest is found close enough to the construction area to be disturbed by these activities, the ornithologist, in consultation with the California Department of Fish and Game (CDFG), shall determine the extent of a construction-free buffer</p>			<p>activities commence during the breeding season, the project sponsor's qualified biologist/ornithologist shall conduct a pre-construction survey for nesting birds in accordance with this mitigation measure. Results of preconstruction survey shall be submitted to the ERO.</p>		<p>Pre-construction bird survey required? Y or N</p> <p>Consultation with CDFG required? Y or N</p>

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zone to be established around the nest until the young have fledged.					
<p>MITIGATION MEASURE 4</p> <p>Hazardous Materials (Contaminated Soil)</p>					
<p><i>Step 1: Preparation of Site Mitigation Plan:</i></p> <p>DPH has determined that the soils on the project site are contaminated with lead at or above potentially hazardous levels, and DPH has determined that preparation of a Site Mitigation Plan (SMP) is warranted. The SMP shall include a discussion of the level of lead on the project site and mitigation measures for managing contaminated soils on the site, including, but not limited to: 1) the alternatives for managing contaminated soils on the site (e.g., encapsulation, partial or complete removal, treatment, recycling for reuse, or a combination); 2) the preferred alternative for managing contaminated soils on the site and a brief justification; and 3) the specific practices to be used to handle, haul, and dispose of contaminated soils on the site. The SMP shall be submitted to the DPH for review and approval. A copy of the SMP shall be submitted to the Planning Department to become part of the case file.</p>	Project sponsor	Prior to excavation.	The project sponsor to prepare an SMP, subject to approval by the DPH.	Prior to excavation. Considered complete upon receipt of final SMP by ERO.	<p>Date SMP submitted to DPH: _____</p> <p>Date SMP approved by DPH: _____</p> <p>Date Final SMP received by ERO: _____</p>
<i>Step 2: Handling, Hauling, and Disposal of</i>	Project sponsor and	Prior to any soil	Contractor shall	Considered	DPH determination

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<p><i>Contaminated Soils</i></p> <p>(a) <u>specific work practices</u>: The construction contractor shall be alert for the presence of such soils during excavation and other construction activities on the site (detected through soil odor, color, and texture and results of on-site soil testing), and shall be prepared to handle, profile (i.e., characterize), and dispose of such soils appropriately (i.e., as dictated by local, state, and federal regulations, including OSHA metal, or petroleum hydrocarbon, or volatile organic compounds, safe work practices) when such soils are encountered on the site.</p> <p>(b) <u>dust suppression</u>: Soils exposed during excavation for site preparation and project construction activities shall be kept moist throughout the time they are exposed, both during and after work hours.</p> <p>(c) <u>surface water runoff control</u>: Where soils are stockpiled, visqueen shall be used to create an impermeable liner, both beneath and on top of the soils, with a berm to contain any potential surface water runoff from the soil stockpiles during inclement weather.</p> <p>(d) <u>soils replacement</u>: If necessary, clean fill or other suitable material(s) shall be used to bring portions of the project site, where metal, or</p>	<p>construction contractor</p>	<p>disturbing activities.</p>	<p>take the indicated mitigation action, and shall provide DPH weekly reports during the construction period. The sponsor shall forward copies of these reports to the ERO.</p>	<p>complete if DPH determines the absence of contaminants or receipt of final weekly monitoring reports.</p>	<p>that contaminants are present: Y N Date: _____</p> <p>Date final monitoring reports received: _____</p>

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<p>petroleum hydrocarbon, or volatile organic compound-contaminated soils have been excavated and removed, up to construction grade.</p> <p>(e) <u>hauling and disposal</u>: Contaminated soils shall be hauled off the project site by waste-hauling trucks appropriately certified with the State of California and adequately covered to prevent dispersion of the soils during transit, and shall be disposed of at a permitted hazardous waste disposal facility registered with the State of California.</p>					
<p><i>Step 3: Preparation of Closure/Certification Report</i></p> <p>After excavation and foundation construction activities are completed, the project sponsor shall prepare and submit a closure/certification report to DPH for review and approval. The closure/certification report shall include the mitigation measures in the SMP for handling and removing lead from the project site, whether the construction contractor modified any of these mitigation measures, and how and why the construction contractor modified those mitigation measures.</p>	<p>Project sponsor and construction contractor</p>	<p>During demolition, excavation, and construction.</p>	<p>Project sponsor to provide DPH and the ERO with final closure/certification report.</p>	<p>Considered complete upon ERO receipt of final closure/certification report at completion of construction.</p>	<p>Date closure report submitted to DPH: _____</p> <p>Date closure report approved by DPH: _____</p> <p>Date of ERO receipt of final closure report: _____</p>