



SAN FRANCISCO PLANNING DEPARTMENT

Executive Summary Large Project Authorization

HEARING DATE: MAY 20, 2010

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San Francisco,
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Date: May 6, 2010

Case No.:	2007.0689EKX	2007.0690EKX
Project Address:	900 Folsom Street	260 5th Street
Zoning:	MUR (Mixed Use Residential) 85/45-X Height and Bulk District	MUR (Mixed Use Residential) 85-X Height and Bulk District
Block/Lot:	3732/009, 018, 048, and 147	3732/008 and 150
Project Sponsor:	Eric Tao 100 Bush Street, 22 nd Floor San Francisco, CA 94104	
Staff Contact:	Corey Teague – (415) 575-9081 corey.teague@sfgov.org	
Recommendation:	Approval with Conditions	

PROJECT DESCRIPTION

900 Folsom Street

The Project proposes to construct a 9-story, 85-foot tall building with ground and basement level parking, creating up to 269 dwelling units, approximately 4,146 square feet of ground floor commercial space along 5th Street, and up to 221 off-street parking spaces (including stackers). The eight units on the ground floor fronting Folsom Street are designed to be “Flexible-Occupancy” units that may contain certain commercial uses on the ground floor, as limited in the conditions of approval, while the remainder of the unit is residential. Open space is provided on private balconies, an inner courtyard, rooftop decks, and a new publicly accessible mid-block pedestrian pathway connecting Folsom and Clementina Streets that will be more than 30 feet wide and will serve as a park. The building will have a rectangular footprint with four functioning facades. The 5th Street façade includes ground floor commercial space with 7 stories of residential use above. The Folsom Street façade includes the “Flexible-Occupancy” units on the ground and 2nd floor, with 6 floors of residential above. The Clementina Street façade includes a four story building element containing a combination of dwelling units, including townhouse units that directly access the street. The remaining façade will face the newly created park connecting Folsom and Clementina Streets, and will include townhouse units that directly access the park. The Project will seek a Leadership in Energy and Environmental Design (LEED) Gold certification or equivalent rating as determined by the Planning Department.

260 5th Street

The Project proposes to demolish the existing light industrial building on the site and construct a 9-story, 85-foot tall building with a basement level parking garage, creating up to 179 dwelling units, approximately 5,281 square feet of ground floor commercial space along 5th Street, and up to 102 off-

street parking spaces (including stackers). Open space is provided on private balconies and two rooftop decks. The building has an “L” shaped footprint with two primary wings: the 5th Street wing and the Clementina Street wing. The 5th Street wing includes ground floor commercial space with 7 stories of residential use above, and the sole parking access on Tehama Street. The Clementina Street wing includes 9 stories of residential use, including the residential lobby for the entire building and ground floor townhouse units that directly access Clementina Street. The Project will seek a Leadership in Energy and Environmental Design (LEED) Gold certification or equivalent rating as determined by the Planning Department.

SITE DESCRIPTION AND PRESENT USE

900 Folsom Street

The project site fronts Folsom Street to the south, 5th Street to the west, and Clementina Street (a one-way eastbound alley) to the north. The project site is comprised of four contiguous lots that form a 56,000 square foot rectangle. The project site is currently occupied by a 270-space surface parking lot divided into two parts: a private area with parking spaces leased to neighborhood businesses, and a public parking area where drivers can pay to park. The entire parking area is surrounded by a chain-link fence. The site also contains two 40-foot tall billboards. There are no trees, open space, or other vegetation on the site.

260 5th Street

The project site fronts Clementina Street (a one-way eastbound alley) to the south, Tehama Street (a one-way westbound alley) to the north, and 5th Street to the east. The project site is comprised of two contiguous lots that form a 28,641 square foot “L” shaped property. The project site is currently occupied by a 35-space surface parking lot and a two-story-plus-mezzanine warehouse building with approximately 42,000 square feet of interior space that houses an art gallery and, until recently, an event promotion company. The surface parking is enclosed by a chain-link fence, and there are no trees, open space, or other vegetation on the property.

SURROUNDING PROPERTIES & NEIGHBORHOOD

The project site falls in the East SoMa neighborhood, which is characterized by a mixture of light industrial, residential, and commercial uses. The project site is about five blocks west of the Transbay Terminal and three blocks south of Market Street. The recently completed Intercontinental Hotel at 5th and Howard Streets is one block to the north. Land uses in the immediate vicinity are a mix of residential, retail, office, parking, hotel, and light industrial uses. The area is currently transitioning to a more mixed use and residential neighborhood, with numerous mixed use and residential developments being built or approved over the last fifteen years.

The Projects are surrounded by a plethora of public transit routes. Routes within a several block radius include the MUNI and BART Powell Street station, the MUNI F line, the 8A-8X-8BX, 12, 14-14L-14X, 27, 30, 45, and several other MUNI bus lines north of Market Street. Golden Gate Transit and SamTrans also operate bus routes in this radius.

ENVIRONMENTAL REVIEW STATUS

The Planning Commission will vote to certify the Final Environmental Impact Reports (hereinafter “FEIR”) for both Projects as prepared by the Planning Department in compliance with CEQA on May 20, 2010.

HEARING NOTIFICATION REQUIREMENTS

TYPE	REQUIRED PERIOD	REQUIRED NOTICE DATE	ACTUAL NOTICE DATE	ACTUAL PERIOD
Classified News Ad	20 days	April 30, 2010	April 30, 2010	20 days
Posted Notice	20 days	April 30, 2010	April 30, 2010	20 days
Mailed Notice	20 days	April 30, 2010	April 29, 2010	21 days

PUBLIC COMMENT

As of the date of this report, the Projects have been endorsed by the Yerba Buena Alliance, San Francisco Housing Action Coalition, Clementina Cares, United Brotherhood of Carpenters and Joiners of America (Local 22), San Francisco Planning + Urban Research Center (SPUR), and the South of Market Project Area Committee (SOMPAC). The Department also received one letter of support from an adjacent neighbor.

ISSUES AND OTHER CONSIDERATIONS

- The Project Sponsor shall comply with the Eastern Neighborhoods Public Benefit Fund provisions of proposed Planning Code Section 327 through payment of an approximately \$4.16 Million (total for both projects) Impact Fee to the Treasurer, the execution of a Waiver Agreement, or In-Kind agreement approved as described per Planning Code Section 327 prior to the issuance by Department of Building Inspection of the first site or building permit for the development project.
- The Projects will result in significant improvements to the surrounding pedestrian environment and activate a dreary portion of Clementina Street, including ground level dwelling units, a new mid-block pedestrian pathway, numerous street trees, sidewalk upgrades, and crosswalk improvements.
- The Projects both fall within the SoMa Youth and Family Special Use District. However, only Lot 048 in the 900 Folsom Street Project is subject to the increased housing affordability requirement.
- The Projects will provide up to 68 Below Market Rate (BMR) units on-site: 27 units at 260 5th Street, and 41 units at 900 Folsom Street.
- The Project Sponsors participated in a significant amount of public outreach over the last three years, which resulted in an evolution of improvement to the project, and garnered endorsements from multiple community groups.

REQUIRED COMMISSION ACTION

900 Folsom Street

The Planning Commission must authorize or disapprove a Large Project under Planning Code Section 329 to construct a 9-story, 85-foot tall building with ground and basement level parking, creating up to 269 dwelling units, up to 4,146 square feet of ground floor commercial space along Folsom Street, and up to 221 off-street parking spaces, and to:

1. allow exceptions to the rear yard requirements of Planning Code Section 134 and 134(f);
2. allow exceptions to obstructions permitted over a sidewalk as permitted in Planning Code Section 136;
3. allow exceptions to ground floor parking setback per Planning Code Section 145.1;
4. provide off-street parking spaces pursuant to Planning Code Section 151.1 and 151.1(f);
5. allow exceptions to vertical non-habitable architectural elements per Planning Code Section 263.21; and
6. allow exceptions to horizontal mass reduction requirements per Planning Code Section 270.1, within the Mixed Use Residential (MUR) zoning district, an 85/45-X height and bulk district, and the SoMa Youth and Family Special Use District.

260 5th Street

The Planning Commission must authorize or disapprove a Large Project under Planning Code Section 329 to demolish the existing light industrial building and construct a 9-story, 85-foot tall building with a basement level parking garage, creating up to 179 dwelling units, up to 5,281 square feet of ground floor commercial space along 5th Street, and up to 102 off-street parking spaces, and to:

1. allow exceptions to the rear yard requirements of Planning Code Section 134 and 134(f);
2. allow exceptions to obstructions permitted over a sidewalk as permitted in Planning Code Section 136;
3. allow exceptions to dwelling unit exposure requirements of Planning Code Section 140 for up to 48 units that would not face onto a street or public alley, or code-complying rear yard or open space;
4. provide off-street parking spaces pursuant to Planning Code Section 151.1 and 151.1(f);
5. allow exceptions to vertical non-habitable architectural elements per Planning Code Section 263.21; and
6. allow exceptions to horizontal mass reduction requirements per Planning Code Section 270.1, within the Mixed Use Residential (MUR) zoning district, an 85-X height and bulk district, and the SoMa Youth and Family Special Use District.

BASIS FOR RECOMMENDATION

- The Projects are in-fill construction that will create up to 448 new dwelling units and approximately 9,500 square feet of commercial space in an established urban area planned for mid to high density residential development near downtown employment and entertainment centers.
- The Projects are situated in close proximity to a plethora of public transportation options and staff expects many residents to walk, bicycle, and use public transit as their primary modes of transportation. For these reasons the proposed projects adhere to the City's "Transit First" policy.
- The Projects will result in significant improvements to the surrounding pedestrian environment, including a new mid-block pedestrian pathway, numerous street trees, sidewalk upgrades, and crosswalk improvements.
- The Projects will provide a total of up to 68 Below Market Rate (BMR) units on-site.
- The Projects provide at least 40 percent of their units as 2-bedroom or larger.
- The Projects will provide approximately \$4.16 Million of impact fees to the Eastern Neighborhoods Public Benefit Fund (excluding any potential in-kind agreement).
- The Projects' designs are of high quality and complement the transitional nature of their location on the border of the Yerba Buena entertainment area and the more traditionally industrial SoMa neighborhood.
- The Projects will seek a Leadership in Energy and Environmental Design (LEED) Gold certification or equivalent rating as determined by the Planning Department.
- The Projects are consistent with the Planning Code, Priority Policies, and General Plan.

RECOMMENDATION:	900 Folsom Street and 260 5th Street – Approve with Conditions
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Exhibit Checklist

- | | |
|---|--|
| <input checked="" type="checkbox"/> Executive Summary | <input checked="" type="checkbox"/> Support Letters |
| <input checked="" type="checkbox"/> Draft Motions | <input checked="" type="checkbox"/> Affordable Housing – Declaration of Intent |
| <input type="checkbox"/> Environmental Determination | <input checked="" type="checkbox"/> First Source Hiring Agreement |
| <input checked="" type="checkbox"/> Zoning District Map | <input checked="" type="checkbox"/> Project sponsor submittal |
| <input checked="" type="checkbox"/> Height & Bulk Map | <input checked="" type="checkbox"/> Summary of Projects |
| <input checked="" type="checkbox"/> Parcel Map | Drawings: <u>Proposed Project</u> |
| <input checked="" type="checkbox"/> Sanborn Map | <input checked="" type="checkbox"/> Check for legibility |
| <input checked="" type="checkbox"/> Aerial Photo | |
| <input type="checkbox"/> Context Photos | |
| <input checked="" type="checkbox"/> Site Photos | |

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

Planner's Initials

CT: G:\DOCUMENTS\IX\2007\260 5th St and 900 Folsom St\Planning Commission Materials\Executive Summary.doc



SAN FRANCISCO PLANNING DEPARTMENT

Subject to: (Select only if applicable)

- Inclusionary Housing (Sec. 315)
- Jobs Housing Linkage Program (Sec. 313)
- Downtown Park Fee (Sec. 139)
- First Source Hiring (Admin. Code)
- Child Care Requirement (Sec. 314)
- Other (EN Impact Fee – Sec. 327)

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Planning Commission Draft Motion

HEARING DATE: MAY 20, 2010

Date: May 6, 2010
Case No.: **2007.0689EKX**
Project Address: **900 Folsom Street**
Zoning: MUR (Mixed Use Residential)
 85/45-X Height and Bulk District
Block/Lot: 3732/009, 018, 048, and 147
Project Sponsor: Eric Tao
 AGI Capital
 100 Bush Street, 22nd Floor
 San Francisco, CA 94104
Staff Contact: Corey Teague – (415) 575-9081
corey.teague@sfgov.org

ADOPTING FINDINGS RELATING TO LARGE PROJECT AUTHORIZATION PURSUANT TO SECTION 329 OF THE PLANNING CODE TO ALLOW A NINE-STORY, 85 FEET TALL MIXED USE BUILDING INCLUDING UP TO 269 DWELLING UNITS, APPROXIMATELY 4,146 SQUARE FEET OF GROUND FLOOR COMMERCIAL SPACE, AND UP TO 221 PARKING SPACES ON THE GROUND FLOOR AND IN A BASEMENT LEVEL GARAGE, AND TO: (1) ALLOW EXCEPTIONS TO THE REAR YARD REQUIREMENTS OF PLANNING CODE SECTIONS 134 AND 134(f); (2) ALLOW EXCEPTIONS TO OBSTRUCTIONS PERMITTED OVER A SIDEWALK PER PLANNING CODE SECTION 136; (3) ALLOW EXCEPTIONS TO GROUND FLOOR PARKING SETBACK PER PLANNING CODE SECTION 145.1; (4) PROVIDE OFF-STREET PARKING PURSUANT TO PLANNING CODE SECTIONS 151.1 AND 151.1(f); (5) ALLOW EXCEPTIONS TO VERTICAL NON-HABITABLE ARCHITECTURAL ELEMENTS PER PLANNING CODE SECTION 263.21; (6) ALLOW EXCEPTIONS TO HORIZONTAL MASS REDUCTION REQUIREMENTS OF PLANNING CODE SECTION 270.1; AND, (7) ADOPTING FINDINGS AND MITIGATION MONITORING AND REPORTING PROGRAM UNDER THE CALIFORNIA ENVIRONMENTAL QUALITY ACT, WITHIN THE MUR (MIXED USE RESIDENTIAL) DISTRICT, SOMA YOUTH AND FAMILY SPECIAL USE DISTRICT, SOUTH OF MARKET EARTHQUAKE REDEVELOPMENT AREA, AND AN 85/45-X HEIGHT AND BULK DISTRICT.

PREAMBLE

On July 6, 2007, Eric Tao (hereinafter "Project Sponsor") filed Environmental Review Application No. 2007.0689E with the Planning Department (hereinafter "Department"), and on January 24, 2008, filed Conditional Use Application No. 2007.0689C that was subsequently updated to Large Project Authorization Application No. 2007.0689X (hereinafter "Application") per Planning Code Section 329 to create a Large Project to allow the construction of a nine-story, 85 feet tall mixed use building including up to 269 dwelling units, approximately 4,146 square feet of ground floor commercial space, and up to 221 parking spaces and including the following exceptions: (1) rear yard; (2) obstructions over a sidewalk; (3) ground floor parking setback; (4) off-street parking spaces; (5) vertical non-habitable architectural elements; and (6) horizontal mass reduction.

On February 11, 2008, Project Sponsor filed a Review of Shadow Impacts on Public Park (2007.0689K) with the Department.

The Department determined that an Environmental Impact Report ("EIR") was required and the Department printed and circulated a Notice of Preparation on June 11, 2008, that solicited comments regarding the content of the proposed EIR for the Project. The Department accepted comments on the EIR content through July 11, 2008. Subsequently, the Department published the Draft EIR on July 29, 2009, on which comments were accepted until September 15, 2009. A public hearing on the Draft EIR was held on September 10, 2009. Following the close of the public review and comment period, the Department prepared written responses that addressed all of the substantive written and oral comments on the Draft EIR, and the EIR was revised accordingly.

Several comments on the Draft EIR were made both in writing and at a public hearing in front of the Planning Commission (hereinafter "Commission") on September 10, 2009, and those comments were incorporated in the Final EIR with a response. The comment and response did not substantially revise the Draft EIR and therefore no recirculation was required under the State CEQA Guidelines Section 15073.3.

On May 20, 2010, the Commission certified the final EIR (FEIR) for the Project. This Motion, including Exhibit C attached hereto, sets forth the necessary California Environmental Quality Act (CEQA) findings, and said Exhibit C is hereby incorporated in this Motion by reference as if set forth in full.

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

On May 20, 2010, the Commission conducted a duly noticed public hearing at a regularly scheduled meeting on Large Project Application No. 2007.0689EKX.

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. 2007.0689EKX, 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 fronts Folsom Street to the south, 5th Street to the west, and Clementina Street (a one-way eastbound alley) to the north. The project site is comprised of four contiguous lots that form a 56,000 square foot rectangle. The project site is currently occupied by a 270-space surface parking lot divided into two parts: a private area with parking spaces leased to neighborhood businesses, and a public parking area where drivers can pay to park. The entire parking area is surrounded by a chain-link fence. The site also contains two 40-foot tall billboards. There are no trees, open space, or other vegetation on the site.
3. **Surrounding Properties and Neighborhood.** The project site falls in the East SoMa neighborhood, which is characterized by a mixture of light industrial, residential, and commercial uses. The project site is about five blocks west of the Transbay Terminal and three blocks south of Market Street. The recently completed Intercontinental Hotel at 5th and Howard Streets is one block to the north. Land uses in the immediate vicinity of the site are a mix of residential, retail, office, parking, hotel, and light industrial warehouse uses. The area is currently transitioning to a more mixed use and residential neighborhood, with numerous mixed use and residential developments being built or approved over the last fifteen years.
4. **Project Description.** The Project proposes to construct a 9-story, 85-foot tall building with ground and basement level parking, creating up to 269 dwelling units, approximately 4,146 square feet of ground floor commercial space along 5th Street, and up to 221 off-street parking spaces (including stackers) on the ground and basement levels. The eight units on the ground floor fronting Folsom Street are designed to be "Flexible-Occupancy units" that may contain certain commercial uses on the ground floor, as limited in the Conditions of Approval, while the remainder of the unit is residential.

Open space is provided on private balconies, an inner courtyard, rooftop decks, and a new publicly accessible mid-block pedestrian pathway connecting Folsom and Clementina Streets that will be more than 30 feet wide and will serve as a park. The building will have a rectangular footprint with four functioning facades. The 5th Street façade includes ground floor commercial space with 7 stories of residential use above. The Folsom Street façade includes the "Flexible-Occupancy units" on the ground and 2nd floor, with 7 floors of residential above. The Clementina Street façade includes a four story building element containing a combination of dwelling units, including townhouse units that directly access the street. The remaining façade will face the newly created park connecting Folsom and Clementina Streets, and will include townhouse units that directly access the park.

The Project will seek a Leadership in Energy and Environmental Design (LEED) Gold certification or equivalent as determined by the San Francisco Planning Department. It will include the following features in order to achieve the certification:

- Vegetated roof to reduce stormwater runoff and decrease the urban heat island effect;
 - Water-efficient landscaping;
 - Optimized energy performance;
 - Low VOC-emitting adhesives, sealants, paints, coatings and carpet to limit off-gassing and promote high air quality within the residential units;
 - Potentially on-site renewable energy (solar and/or wind); and
 - Preferred parking for low-emitting and fuel-efficient vehicles.
5. **Public Comment.** The Department received letters of endorsement the Yerba Buena Alliance, San Francisco Housing Action Coalition, Clementina Cares, United Brotherhood of Carpenters and Joiners of America (Local 22), San Francisco Planning + Urban Research Center (SPUR), and the South of Market Project Area Committee (SOMPAC). The Department also received one letter of support from an adjacent neighbor.
6. **Mixed Use Residential (MUR) Zoning District.** The Mixed Use — Residential District (MUR) serves as a buffer between the higher-density, predominantly commercial area of Yerba Buena Center to the east and the lower-scale, mixed use service/industrial and housing area west of Sixth Street. The MUR serves as a major housing opportunity area within the eastern portion of the South of Market. The district controls are intended to facilitate the development of high-density, mid-rise housing, including family-sized housing and residential hotels. The district is also designed to encourage the expansion of retail, business service and commercial and cultural arts activities. Continuous ground floor commercial frontage with pedestrian-oriented retail activities along major thoroughfares is encouraged. Hotels, nighttime entertainment, movie theaters, adult entertainment and heavy industrial uses are not permitted.
7. **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.** Planning Code Section 841 identifies residential use and various nonresidential uses as principally permitted uses in the Mixed Use Office (MUR) Zoning District within a minimum residential to nonresidential ratio of at least 3 to 1.
- The Project includes residential units on the 2nd story and above with ground floor commercial space, resulting in a residential to nonresidential ratio well above 3 to 1.*
- B. **Residential Open Space.** Planning Code Section 135 requires that usable open space be located on the same lot as the dwelling units it serves. At least 80 square feet of usable open space per dwelling unit, or 54 square feet per dwelling unit of publicly accessible open space, is required. Up to 50 percent of the publicly accessible open space may be provided off-site. The Project has a residential open space requirement of up to 21,520 square feet of usable open space.

The Project includes 18 private decks that meet the minimum open space requirements for their respective units. While additional decks are provided, they do not meet the minimum requirements for useable open space. An "L" shaped roof deck will provide 12,326 square feet of useable open space for 154 units. The proposed publicly accessible park connecting Folsom and Clementina Streets will provide 5,465 square feet of useable open space for 101 units. These open spaces combine to exceed the minimum useable open space required for the project.

- C. **Commercial Open Space.** Planning Code Section 135.3 requires usable open space for uses other than dwelling units. For retail use, one square foot per 250 square feet of occupied floor area of usable open space is required. In Eastern Neighborhoods Mixed Use Districts, this open space requirement may be satisfied through payment of a fee of \$76 for each square foot of usable square footage not provided pursuant to this Code section.

The Project is required to provide at least 17 feet of commercial open space, and it will meet the requirement by establishing the publicly accessible park connecting Folsom and Clementina Streets. After accounting for required residential open space, the park provides an additional 227 square feet, which exceeds the required 17 feet of commercial open space.

- 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 20 feet of frontage of the property along each street or public alley.

The project meets the requirement by providing 18 trees on Clementina Street, 8 trees on 5th Street, and 18 trees on Folsom Street.

- E. **Street Frontages.** Planning Code Section 145.1 requires the following for street frontages in Eastern Neighborhood Mixed Use Districts: (1) not more than 1/3 the width of the building facing the street may be devoted to ingress/egress to parking; (2) off-street parking at street grade must be set back at least 25 feet; (3) "active" use shall be provided within the first 25 feet of building depth at the ground floor; (4) ground floor non-residential uses in MUR zoning district shall have a floor-to-floor height of 14-feet; (5) frontages with active uses shall be fenestrated with transparent windows; and, (6) decorative railings or grillwork placed in front of or behind ground floor windows, shall be at least 75 percent open to perpendicular views.

The project meets the requirements of Section 145.1 as follows: (1) providing an approximately 20-foot wide garage opening, which is less than 1/3 the width of the approximately 310-foot wide building; (2) incorporating an approximately 4,146 square foot ground floor commercial ("active" use) space within the first 25 feet of the building depth at ground floor along 5th Street, residential lobbies and "Flexible-Occupancy" units along Folsom Street, and residential units along Clementina Street; (3) providing a floor-to-floor ground floor height of 18 feet 11 inches for the commercial frontage; and, (4) providing transparent windows at the ground floor active use. The required 25-foot off-street parking setback at the ground floor is met for the vast majority of the project. However, an approximately 40-foot section adjacent to the garage entrance on Clementina Street is only 20 feet deep in order to permit acceptable vehicular maneuverability within the ground floor parking area. An exception for this area is detailed in 9C below.

- F. **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. Additionally, the project meets the alley setback requirements of Section 261.1 in regard to the proposed publicly accessible park connecting Folsom and Clementina Streets.

- G. **Bicycle parking.** Planning Code Section 155.5 requires projects with more than 50 dwelling units to provide at least 25 bicycle parking spaces plus 1 additional space for every 4 dwelling units above 50. Therefore, the project requires 80 bicycle parking spaces.

The project meets, and exceeds, this requirement with 109 bicycle spaces on the ground floor.

- H. **Car Sharing.** Planning Code Section 166 requires developments creating more than 200 dwelling units to provide at least two car share spaces, plus 1 for every 200 dwelling units over 200, to be made available, at no cost, to a certified car-share organization for purposes of providing car-share services for its car-share service subscribers.

The Project will provide 3 car share spaces in the ground floor parking area.

- I. **Dwelling unit mix.** Planning Code Section 207.6 requires at least 40 percent of the total number of proposed dwelling units to contain two bedrooms or more bedrooms. Any fraction resulting from this calculation shall be rounded to the nearest whole number of dwelling units.

The Project will provide 41.3 percent of the dwelling units as 2-bedroom units or larger.

- J. **Height.** Lots 009, 018, and the front half of 147 fronting on Folsom Street are located in an 85-X height and bulk district. Lots 048 and the rear half of 147 fronting on Clementina Street are located in a 45-X height and bulk district.

The height of the finished roof on lots 009 018, and the front half of 147 fronting on Folsom Street will be 85-feet. The height of the finished roof on lots 048 and the rear half of 147 fronting on Clementina Street will be 45-feet or less. Mechanical and elevator and stair penthouses will meet the requirements of Section 260(b) for height exceptions. The Project also requests an exception for a vertical non-habitable architectural element per Section 263.21, discussed in 9E below.

- K. **SoMa Youth and Family Special Use District.** The project site is located in the SoMa Youth and Family Special Use District. This District requires Conditional Use Authorization for certain land uses and increased affordable housing requirements for properties that front only on smaller streets within the District.

The Project does not propose any land use restricted by this District. Lot 048 only fronts on Clementina Street, and as such, is subject to the additional affordability requirements of the District, as discussed in 8L below.

- L. **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 on Lots 009, 018, and 147 as on-site affordable units. Pursuant to Planning Code Sections 249.40A and 319.4, the Project has elected to provide 22 percent of the total units on Lot 048 as on-site affordable units.

The Project Sponsor filed an EE application on July 6, 2007. 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. The Project also falls within the SoMa Youth and Family Special Use District, which requires a higher rate of affordable housing for any properties that only front on the alleys within the District. The Project site includes one property (Lot 048) that meets this threshold, as it only fronts on Clementina Street. As such, 22 percent of the units that fall within Lot 048 are required to be BMR units. A total of 11 units have any significant portion within this Lot.

- M. **Eastern Neighborhoods Public Benefit Fund.** The Project Sponsor shall comply with the Eastern Neighborhoods Public Benefit Fund provisions of Planning Code Section 327 through payment of an Impact Fee to the Treasurer, the execution of a Waiver Agreement or In-Kind agreement approved as described per Planning Code Section 327 prior to the issuance by Department of Building Inspection of the first site or building permit for the development project.

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

- A. Overall building massing and scale;

The Project conforms to the applicable height and bulk requirements. The community in the vicinity of the Project is constantly evolving with development in the entire South of Market region and the recent Eastern Neighborhoods Area Plans, and contains a range of building masses. The project, with residential and commercial uses, will be consistent with the evolving character of the area. The Project massing will improve the character of the neighborhood and general pedestrian accessibility by providing a midblock park that allows pedestrian access from Folsom Street to Clementina Street, breaking up the existing South of Market block layout that is not conducive to pedestrian walkability. Additionally, the Project steps down in height as it approaches Clementina Street, providing light and air access to the alleyway.

The most substantial structure in the vicinity is the Intercontinental Hotel (888 Howard St.), which rises 32-stories (340 feet) above the northeast corner of the intersection of Fifth and Howard Streets, one-half block north of the project site. There are several residential loft or condominium buildings within the surrounding blocks, including a new 65-foot residential building (436 Clementina Street) to the immediate northwest of the site, and a new 85 foot residential building (829 Folsom Street) one half-block to the east on Folsom Street. The Project will replace a surface parking lot with a new residential building with ground floor commercial space along 5th Street. A defining trend in the area has been redevelopment and adaptive reuse of underutilized parcels to meet the increased demand for housing and service-based businesses. The project falls within this trend and will be compatible with its surroundings. The proposed buildings will be approximately 85-feet in height, with lot number 48 and a portion of lot 147 approximately 45 feet in height. The buildings will fall within height restrictions set in the Planning Code and will be similar in scale to uses within a block of the project site, such as the aforementioned recently constructed projects. In addition, the Yerba Buena Lofts building (885 Folsom Street), one half-block east of the project site across Folsom Street, is approximately 85-feet in height, and the 14-story Alexis Towers apartment building directly across from the project site on Fifth Street, is approximately 120 feet in height.

B. Architectural treatments, facade design and building materials;

The architecture of this Project responds to the site's location at an axis between the traditional warehouse aesthetic of West Soma, and the contemporary architecture of the Yerba Buena District to the east. The Project's facades along Folsom Street and 5th Street present a fenestration pattern and scale similar to the expressed frame of an industrial warehouse common in the area, expressed through modern materials including white and grey composite panel rainscreens and painted fiber cement siding. White aluminum framed window openings slide behind the expressed frame and meet at the corner of 5th and Folsom Streets in a dynamic expression of the coming together of two districts with distinct architectural styles. This intersection is expressed through multi-directional cantilevered balconies with glass and aluminum railings, colored glass panels and white composite panels. Variations in fenestration and treatment of the cornice line at the building's roof allow the architecture to read as distinct pieces of a whole.

Architectural treatments along Clementina Street and at the mid-block park are of a more residential character and specifically pedestrian scale. The building steps down to Clementina Street, creating architecture of an appropriate scale for the narrow alley. A stone base, planters, decorative fencing, gates and plant material, define and screen residential entries. Details including individual address numbers, lighting and change in paving pattern signify each residential entry. Privacy is achieved through use of materials including patterned glass, plant material, setbacks, and fenced patios at the Park.

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

The ground floor character of the building is two-fold; active, commercially oriented and viable space along Folsom and 5th Streets, and an equally active—yet smaller scaled—residential character along the Park and at the Clementina alleyway. Two residential entries along Folsom Street are indicated by the architecture of the building via recessed entries with canopies, signage, and a change in paving

material. The Project's commercial space is located along 5th Street, with "Flexible-Occupancy" units located along Folsom Street. Townhomes are located immediately off the park and along Clementina Street. Townhouses also flank the mid-block park with patios opening directly onto park space, making it a more active open space. The park is open to the public and provides public seating, shade, trees, and green space, and serves as a pedestrian connection between Folsom Street and Clementina Street. "Flexible-Occupancy" unit entries are recessed with a planter, and individual blade signage demarcates each space. The commercial corner at 5th and Folsom is carved out at the ground floor, inviting pedestrians, and providing an opportunity for outdoor seating. Along 5th Street, commercial space has 19 ft clear ceiling height at the ground floor. Curb cuts are minimized to one parking access point for entire project. Street trees along all street frontages are proposed per the Planning Code, in most cases below the prescribed 20' spacing with the exception of building entries, corners and at the vehicular access point. Utility access will be from Clementina Street, adjacent to the parking entry and the stair tower. Superior outdoor open space will be provided by roof terraces and an inner courtyard in lieu of a rear yard.

- 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 adequate open space, all on-site. The open spaces are provided in the form of private balconies and a large roof deck, and a publicly accessible park connecting Folsom and Clementina Streets. The total open spaces provided exceed the amount required.

- E. The provision of mid-block alleys and pathways on frontages as required by the criteria set forth in 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, as follows;

1. Generally be located as close to the middle portion of the subject block face as possible, perpendicular to the subject frontage and connect to existing adjacent streets and alleys;

The proposed mid-block pathway is perpendicular to and connects Folsom and Clementina Streets, and is located at the far end of the Project site, which is as close to the middle portion of the subject block as possible.

2. Provide pedestrian access;

The proposed mid-block pathway will provide direct pedestrian access from Folsom and Clementina Streets, and will provide direct access to ground floor townhouse units.

3. Provide no, limited or full vehicular access, as specific conditions warrant;

The proposed mid-block pathway will provide no vehicular access.

4. Have a minimum width of 20 feet from building face to building face, exclusive of those obstructions allowed pursuant to Section 136, and a minimum clearance height from grade of 15 feet at all points;

The proposed mid-block pathway has a width of 39 feet 10 inches along Folsom Street, and a width of 32 feet 10 inches for the majority of its length where it fronts the ground floor patios of townhouse units. The pathway is completely open, with no obstructions pursuant to Section 136 or otherwise.

5. Have a minimum clear walking width of 10 feet free of any obstructions in the case of a pedestrian-only right-of-way, and dual sidewalks each of not less than 6 feet in width with not less than 4 feet minimum clear walking width in the case of an alley with vehicular access;

The proposed mid-block pathway will act as a park and include a cleared walking width in excess of 10 feet.

6. In the Eastern Neighborhoods Mixed Use Districts, be at least 60% open to the sky, including those encroachments permitted in front setbacks by Section 136 of this Code;

The proposed mid-block pathway will be 100 percent open to the sky.

7. Provide such ingress and egress as will make the area easily accessible to the general public;

The proposed mid-block pathway will have a frontage of nearly 40 feet along Folsom Street, and nearly 33 feet along Clementina Street. Additionally, the sponsor and Planning Department will coordinate with the Municipal Transportation Agency (MTA) to add bulb-outs at each entry to provide a more inviting entry at each end of the pathway.

8. Be protected from uncomfortable wind, as called for elsewhere in this Code;

The proposed mid-block pathway will not be significantly impacted by uncomfortable wind.

9. Be ungated and publicly accessible 24 hours per day, as defined elsewhere in this Section;

The proposed mid-block pathway will be ungated and publicly accessible 24 hours per day.

10. Be provided with appropriate paving, furniture, and other amenities that encourage pedestrian use, and be landscaped to greatest extent feasible;

A line of trees will buffer the pathway from the immediately adjacent building to the southwest. A forked pedestrian seating wall will run nearly the length of the pathway and encase a grassed open space.

11. Be provided with ample pedestrian lighting to ensure pedestrian comfort and safety;

The proposed mid-block pathway will have ample lighting to ensure pedestrians' and townhouse occupants' comfort and safety.

12. Be free of any changes in grade or steps not required by the underlying natural topography and average grade;

The proposed mid-block pathway includes no grade changes or steps.

13. Be fronted by active ground floor uses, as defined in Section 145.1, to the extent feasible;

The proposed mid-block pathway will be fronted by ground floor townhouse units.

14. New buildings abutting mid-block alleys provided pursuant to this Section 270.2 shall feature upper story setbacks according to the provisions of Section 261.1.

The proposed mid-block pathway is nearly 40 feet wide. A 30-foot wide pathway would require a 5-foot setback above 25 feet. The Project effectively provides a nearly 10-foot setback.

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

The Project proposes the installation of street trees along all three frontages, public seating along 5th Street, sidewalk improvements on Clementina Street, and a publicly accessible park connecting Folsom and Clementina Streets.

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

The Project provides a single ingress/egress on Clementina Street and is not anticipated to create traffic problems. No ingress/egress is proposed on Clementina Street by the proposed project at 260 5th Street (Case No. 2007.0690EKX) to prevent possible conflicts and congestion. Additionally, the proposed mid-block pedestrian pathway will improve circulation on a very long block.

- H. Bulk limits;

The Project site is located in an X Bulk District, which provides no bulk restrictions.

- 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 generally meets the Objectives and Policies of the General Plan and is compliant with the East SoMa Area Plan.

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

- A. Planning Code Section 134 requires a minimum rear yard equal to 25 percent of the total lot depth beginning at the lowest story containing a dwelling unit. The subject property is a triple-frontage lot. Planning Code Section 329(d) allows an exception for the rear yard requirement pursuant to requirements of Planning Code Section 134(f).

1. Residential uses are included in the new or expanding development and a comparable amount of readily accessible usable open space is provided elsewhere on the lot:

The Project is occupied by residential uses, except for a small amount of ground floor commercial space, and a comparable amount of readily accessible open space is proposed. Per the Planning Code, the required rear yard should equal 25 percent of the lot area, which is approximately 14,015 square feet for this property. The proposed mid-block pathway and inner courtyard combine to provide approximately 13,900 square feet. Private decks and the large roof deck combine to provide more than 13,000 additional square feet of usable open space.

2. The proposed new or expanding structure will not significantly impede the access to light and air from adjacent properties:

The Project will occupy the northwestern corner of the block and be surrounded by three streets and a nearly 40-foot wide park. The tallest portions of the building will front Folsom and 5th Streets, which are both approximately 80-foot rights-of-way. The proposed structure will step down as it reaches Clementina Street in response to the alley controls of Planning Code Section 261.1. As a result, the Project will have no significant impact on light and air to adjacent properties.

3. The proposed new or expanding structure will not adversely affect the interior block open space formed by the rear yards of adjacent properties:

Adjacent buildings to the Project provide no rear yard, resulting in no existing interior block open space. However, the Project includes a nearly 40-foot wide pedestrian pathway and a second floor inner courtyard.

- B. Planning Code Section 136 limits the types and dimensions of building features that may project over a sidewalk in the public right-of-way. Bay windows are permitted to obstruct over sidewalks and required yards as long as they 1) do not extend more than 3 feet, 2) be no more than 15 feet at the line establishing the required open area, and 3) be reduced in proportion to the distance from such line by means of 45 degree angles drawn inward from the ends of such 15-foot dimension, reaching a maximum of nine feet along a line parallel to and at a distance of three feet from the line establishing the required open area. The proposal includes bays that exceed the minimum dimensions.

The Project includes enlarged, angled bays at the corner of Folsom and 5th Streets that are 18 feet 8 inches wide, and project 8 feet 9 inches over the sidewalk at their longest points. The bays fronting Clementina Street are "box" bays that do not include any glazing on the sides. The bays on the corner of Folsom Street and the mid-block pedestrian pathway are long, narrow, and follow a stitch pattern. While the corner bays are somewhat longer than traditional bays, and the Clementina Street bays are somewhat non-traditional, they all add unique value and detail to the overall contemporary design of the building.

- C. Planning Code Section 145.1 requires that all ground floor parking be set back at least 25 feet from each street frontage. The proposal includes an approximately 40-foot portion of parking along Clementina Street that is only set back 20 feet from the street.

This minor deviation is needed to ensure adequate vehicular maneuverability in the ground floor parking area. This exception will not be visible from the street, and the overall intent of the Section 145.1 will still be met.

- D. Planning Code Section 151.1 allows for provision of up to one parking space for each four dwelling units, or up to .75 parking space for each unit when the criteria of Planning Code Sections 151.1(f) and 329(d) are met. Additionally, up to one parking space is permitted for each dwelling unit that is two or more bedrooms and at least 1,000 square feet of occupied floor area, subject to the requirements of Sections 151.1(f) and 329(d). No additional parking is permitted above these amounts. Based on the proposed dwelling unit mix, the maximum parking rate permitted is .82 spaces per dwelling unit. The project proposes a parking rate of approximately .82 spaces per dwelling unit.

In granting an exception for parking in excess of that principally permitted, the Planning Commission shall make the following affirmative findings per Planning Code Section 151.1(f).

1. Vehicle movement in or around the Project does not unduly impact pedestrian spaces or movement, transportation service, bicycle movement, or the overall traffic movement in the district:

The project includes 221 off-street parking spaces, which represents .82 spaces per dwelling unit. The basement and ground level parking garage will have a single ingress/egress point on Clementina Street. The project is projected to generate no more than 110 additional vehicle trips per weekday at the PM peak hour. These additional vehicle trips are not projected to reduce the Level of Service (LOS) rating at any surrounding intersection. The Final EIR for this project found no significant pedestrian or bicycle impacts. There are also mitigation measures for this project, such as curb ramp upgrades, sidewalk improvements, and bus stop relocations that will improve access and use of pedestrian facilities.

2. Accommodating excess accessory parking does not degrade the overall urban design quality of the project proposal:

All parking will be accessed through a single ingress/egress point on Clementina Street. The primary facades on 5th Street and Folsom Street, which include commercial entrances and ground floor "Flexible-Occupancy" units, do not include any curb cuts. Additionally, all on-site parking on the ground floor is wrapped by active uses. As such, the parking does not significantly impact the overall urban design of the project.

3. All above-ground parking is architecturally screened and where appropriate 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 the Code:

All the ground floor parking will be screened by active uses. The requested exception to Section 145.1 is extremely minor, and will not be visible from the street, thereby meeting the overall intent of the Section.

4. Excess accessory parking does not diminish the quality and viability of the planned streetscape improvements:
The proposed parking is not anticipated to impact planned streetscape improvements.
- E. Planning Code Section 263.21 permits projects subject to Section 329 and within a height district of 85 feet or less to include a vertical, non-habitable architectural feature to rise above the designated height district under the following limitations: 1) only one such feature is permitted per lot; 2) the feature shall not exceed 1,000 gross square feet in area; 3) no plan dimension shall be greater than 50 feet; 4) the feature shall not exceed a height greater than 50 percent of the underlying height district; and 5) such feature shall be consistent with the design, materials, and character of the building.

The Project includes such a feature at the corner of Folsom and 5th Streets. The feature is 27 feet by 18 feet 6 inches, with an angled face and an area of 500 square feet. The feature extends 11 feet above the 85-foot height limit, which is less than 50 percent of the height limitation (42.5 feet).

- F. Planning Code Section 270.1 requires any project with a frontage of more than 200 feet to incorporate one or more mass reduction breaks in the building that reduce the horizontal scale of the building into discrete sections not more than 200 feet in length. The minimum dimensions required for such a break are 30 feet of width and 60 feet of depth above 25 feet. The proposal includes a two smaller mass reduction breaks that are both 15 feet deep, and 24 feet 6 inches wide and 20 feet 6 inches wide, respectively.

In granting an exception for horizontal mass reductions, the Planning Commission shall consider the following criteria per Planning Code Section 270.1(d).

1. No more than 50 percent of the required mass is reduced unless special circumstances are evident;

The proposed mass reduction breaks represent 38 percent of required amount. The special circumstance for the Project is that the vast majority of developments large enough to trigger this requirement will include double-loading corridors to access its dwelling units, as it is the most efficient means of doing so. A mass reduction break that is 60 feet deep makes this extremely difficult, and would effectively split the proposed Project into two separate building, doubling its egress requirements. This in turn would result in fewer units, but higher construction costs, and thus significantly impacting the creation and affordability of new units in the City.

Regarding the intent of the requirement, providing two smaller breaks along such a large frontage is most likely more effective than one large break. Additionally, the proposed southern break extends all the way to the ground floor, instead of starting at the third floor as the Section requires. This provides additional volume to the break and increases its visibility to pedestrians on the street.

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

The proposed mass reduction breaks are 15 feet deep.

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

As discussed above, providing two smaller breaks along such a large frontage is most likely more effective than one large break. Additionally, the proposed southern break extends all the way to the ground floor, instead of starting at the third floor as the Section requires. This provides additional volume to the break and increases its visibility to pedestrians on the street. These combined elements provide a superior effect of breaking down the mass of the Folsom Street façade.

4. The proposed building achieves unique and superior architectural design.

The building achieves unique and superior architectural design by including a 6,000 square foot publicly accessible park that also functions as a midblock throughway, located most proximate to the middle of the block. Additionally, the building mass contains two mass breaks, as opposed to the code-required single break. Further, the building contains colored glass at the massing breaks, cornice variation for movement at the roofline, and building material and color variation at the façade to create a unique and vibrant architectural rhythm. The dynamic nature of the design of the Project is emphasized through the horizontal breakdown of the Folsom Street façade, the depth and hierarchy of the design elements, the overlying organization of the frames, the motion of the windows slipping behind, and the corner element with projecting balconies and colored glass panels. Other architectural features include a podium accessible from the second floor, providing the opportunity for an interior courtyard open to the sky, and a roof terrace. The roof terrace will provide 12,000 square feet of open space for the Project's tenants, and will be the site of many of the Project's sustainable features.

10. **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.

Policy 1.4:

Locate in-fill housing on appropriate sites in established residential neighborhoods.

The Project is a high density residential development in an underutilized, transitioning industrial area adjacent to downtown. The Project site is a large opportunity site that is currently only used as a surface parking lot with two large billboards, all of which significantly degrades the built and pedestrian environment that surrounds it. The area around the Project site was recently rezoned to MUR as part of a long range planning goal to create a cohesive, high-to-medium density residential neighborhood adjacent to downtown.

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 proposes 269 dwelling units in place of an effectively vacant parcel.

Housing Density, Design and Quality of Life

Policy 11.2:

Ensure housing is provided with adequate public improvements, services and amenities.

Policy 11.3:

Encourage appropriate neighborhood-serving commercial activities in residential areas, without causing affordable housing displacement.

The Proposed Project will site 269 dwelling units on an in-fill site within an established mixed-use neighborhood that is well served by mass transit, thereby meeting the goals of providing housing near employment, transportation, and commercial/retail locations. No affordable housing would be displaced by the project.

Regional and State Housing Needs

OBJECTIVE 11:

IN INCREASING THE SUPPLY OF HOUSING, PURSUE PLACE MAKING AND NEIGHBORHOOD BUILDING PRINCIPLES AND PRACTICES TO MAINTAIN SAN

FRANCISCO'S DESIRABLE URBAN FABRIC AND ENHANCE LIVABILITY IN ALL NEIGHBORHOODS.

Policy 11.10:

Include energy efficient features in new residential development and encourage weatherization in existing housing to reduce overall housing costs and the long-range cost of maintenance.

The Project will be constructed to meet LEED Gold certification or equivalent standards through the use of vegetated roof decks, on-site renewable energy, water-efficient landscaping, low VOC-emitting materials, and location efficiency. All of these features may help reduce overall energy and transportation costs for future residents, as well as contribute to a more environmentally friendly living environment.

OBJECTIVE 12:

STRENGTHEN CITYWIDE AFFORDABLE HOUSING PROGRAMS THROUGH COORDINATED REGIONAL AND STATE EFFORTS.

Policy 12.2:

Support the production of well-planned housing region-wide that addresses regional housing needs and improve the overall quality of life in the Bay Area.

The Project will site 269 dwelling units on an in-fill site within an established mixed-use neighborhood that is well served by mass transit, thereby meeting the goals of providing housing near employment, transportation, and commercial/retail locations.

RECREATION AND OPEN SPACE ELEMENT

Objectives and Policies

OBJECTIVE 4:

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

Policy 4.5:

Require private usable outdoor open space in new residential development.

Policy 4.6:

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

The Project will create private outdoor open space in new residential development through numerous private balconies and two large, vegetated roof decks. It will not cast shadows over any open spaces under the jurisdiction of the Recreation and Park Department. Additionally, a new pedestrian pathway will be created to connect Folsom and Clementina Streets, and it will function like a public park.

TRANSPORTATION ELEMENT

Objectives and Policies

OBJECTIVE 24:

IMPROVE THE AMBIENCE OF THE PEDESTRIAN ENVIRONMENT.

Policy 24.2:

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

Policy 24.3:

Install pedestrian-serving street furniture where appropriate.

Policy 24.4:

Preserve pedestrian-oriented building frontages.

The Project will install street trees at approximately 20 foot intervals all along the three site frontages on Folsom, 5th, and Clementina Streets. Pedestrian-serving street furniture will be installed in front of the commercial space along 5th 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 109 bicycle parking spaces in a secure, convenient location on the ground floor and basement level.

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 .82 spaces per unit. The 221 parking spaces are accessed by a single ingress/egress point on Clementina Street.

URBAN DESIGN ELEMENT

Objectives and Policies

OBJECTIVE 1:

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

Policy 1.7:

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

OBJECTIVE 2:

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

Policy 2.6:

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

The Project lies on the border of the Yerba Buena arts and entertainment area to the east and an area to the east and south that is transitioning from low-scale industrial uses to a mid to high density residential neighborhood. As such, the proposed building provides a more intricate 5th Street façade that responds to the buildings to the east, while providing a more structured façade along Folsom and Clementina Streets that respond to the industrial influences of the buildings to the west and south.

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.

While the Project has three street frontages, it only provides one vehicular access point for the entire project, limiting conflicts with pedestrians and bicyclists. Numerous street trees will be planted on each façade, pedestrian seating will be installed along 5th street, the ground floor will have active uses, and Clementina and Folsom Streets will have ground floor dwelling units directly accessing the street. All of this will improve the pedestrian experience along the Project site.

ENVIRONMENTAL PROTECTION ELEMENT

Objectives and Policies

OBJECTIVE 1:

ACHIEVE A PROPER BALANCE AMONG THE CONSERVATION, UTILIZATION, AND DEVELOPMENT OF SAN FRANCISCO'S NATURAL RESOURCES.

Policy 1.4:

Assure that all new development meets strict environmental quality standards and recognizes human needs.

The Project plans to achieve a LEED Gold certification or equivalent through various environmentally friendly elements of the proposal.

OBJECTIVE 15:

INCREASE THE ENERGY EFFICIENCY OF TRANSPORTATION AND ENCOURAGE LAND USE PATTERNS AND METHODS OF TRANSPORTATION WHICH USE LESS ENERGY.

Policy 15.3:

Encourage an urban design pattern that will minimize travel requirements among working, shopping, recreation, school and childcare areas.

The Project is sited in an area planned for mid to high density residential uses directly adjacent to downtown, which serves as the major employment and shopping center for the region. The site is well served by pedestrian, bicycling and transit infrastructure. Additionally, parking is provided at a rate of less than one space per dwelling unit.

EAST SOMA AREA PLAN

Objectives and Policies

Land Use

OBJECTIVE 1.2:

MAXIMIZE HOUSING DEVELOPMENT POTENTIAL IN KEEPING WITH NEIGHBORHOOD CHARACTER.

Policy 1.2.1:

Encourage development of new housing throughout East SoMa.

Policy 1.2.3:

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

The Project will add a significant amount of housing in the East SoMa area on a currently underutilized property. The ground floor along 5th Street will include commercial uses.

Housing

OBJECTIVE 2.3:

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

OBJECTIVE 2.4:

LOWER THE COST OF THE PRODUCTION OF HOUSING.

Policy 2.4.1:

Require developers to separate the cost of parking from the cost of housing in both for sale and rental developments.

The Project includes a variety of housing types, including studio, 1-bedroom, Jr. 2-bedroom, and 2-bedroom units. Unit types include both flats and townhouses. The available parking will be unbundled and sold or leased separately from the dwelling units.

OBJECTIVE 2.5:

PROMOTE HEALTH THROUGH RESIDENTIAL DEVELOPMENT DESIGN AND LOCATION.

Policy 2.5.3:

Require new development to meet minimum levels of "green" construction.

The Project plans to achieve a LEED Gold certification through various environmentally friendly elements of the proposal.

Built Form

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.

Policy 3.1.12:

Establish and require height limits and upper story setbacks to maintain adequate light and air to sidewalks and frontages along alleys.

The Project adequately responds to the width and character of Clementina Street by capping the height at the street front to 40 feet and then stair-stepping away from the street to ensure the alley receives adequate light and air. The overall design of the Project is contemporary, but it also responds well to its surroundings.

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 3.2.2:

Make ground floor retail and PDR uses as tall, roomy and permeable as possible.

Policy 3.2.3:

Minimize the visual impact of parking.

Policy 3.2.5:

Building form should celebrate corner locations.

The Project includes a nearly 19-foot floor to ceiling height for the commercial space along 5th Street. This space is of ample size and has significant transparency. The majority of the parking for the project is below grade and only visible by the single curb cut and garage door on Clementina Street. The ground floor parking is all wrapped in active uses. The primary corner at 5th Street and Folsom Street is celebrated through an enlarged bay system that is visually distinct.

Transportation

OBJECTIVE 4.1:

IMPROVE PUBLIC TRANSIT TO BETTER SERVE EXISTING AND NEW DEVELOPMENT IN THE SOUTH OF MARKET.

Policy 4.1.4:

Reduce existing curb cuts where possible and restrict new curb cuts to prevent vehicular conflicts with transit on important transit and neighborhood commercial streets

The Project will actually reduce the number of curb cuts on the site from three to one. Additionally, the lone curb cut will be placed on Clementina Street.

Streets and Open Space

OBJECTIVE 5.2:

ENSURE THAT NEW DEVELOPMENT INCLUDES HIGH QUALITY PRIVATE OPEN SPACE.

Policy 5.2.1:

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

The Project includes numerous private balconies well above the minimum dimensions required for private open space. Additionally, the proposed roof deck is quite large and, combined with the pedestrian pathway connecting Folsom and Clementina Streets, will provide open space well in excess of the minimum requirements.

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

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

There are no existing neighborhood-serving retail uses in the existing building. The Project will provide 4,146 square feet of ground floor space adequate for various commercial uses that will create opportunities for local resident employment and ownership opportunities.

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

No housing exists on the project site. The project will provide up to 269 new dwelling units, significantly increasing the neighborhood housing stock. The design of the Project is compatible with the surrounding neighborhood. For these reasons, the proposed project would protect and preserve the cultural, economic and historic significance of the neighborhood.

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

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

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

The Project is surrounded by a plethora of public transit routes. Routes within a several block radius include the MUNI and BART Powell Street station, the MUNI F line, the 8A-8X-8BX, 12, 14-14L-14X, 27, 30, 45, and several other MUNI bus lines north of Market Street. Golden Gate Transit and SamTrans also operate bus routes in this radius. The majority of future residents are expected to use alternative methods of transportation other than private automobiles, and the small number of vehicle trips generated by this project would not impede MUNI transit service or overburden 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 does not include any commercial office development. The Project will displace an underutilized property and would eliminate the potential for future development of Production, Distribution, and Repair (PDR) uses on the site. However, the replacement with dwelling units and commercial space will increase the diversity of the City's housing supply, a top priority in the City, and provide 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 comply with all current seismic requirements.

- G. That landmarks and historic buildings be preserved.

The Project will not impact any existing landmarks or historic buildings.

- 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.

12. The Project has completed the requirements of the First Source Hiring Construction and Employment Program approved by the First Source Hiring Administrator as they apply to permits for residential development (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.

13. 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.

14. Findings under the California Environmental Quality Act (CEQA).

a. Project Sponsor Objectives

The Final Environmental Impact Report (FEIR) discusses several Project objectives identified by the Project Sponsor. The objectives are as follows:

- To create a high-quality, sustainable, well-designed project that is responsive to the surrounding neighborhood.
- To provide residential and retail mixed-uses consistent with land use and design goals adopted for the Eastern Neighborhoods.

- To create transit-oriented housing opportunities located in Downtown San Francisco.
- To provide 15 percent BMR units to contribute to the City's supply of moderate income housing; and
- To construct a project that will qualify for Leadership in Energy and Environmental Design (LEED) Gold certification.

b. Planning and Environmental Review Process

The Project Sponsor applied for environmental review on July 6, 2007. The San Francisco Planning Department (the "Department") determined that an Environmental Impact Report was required and the Department printed and circulated a Notice of Preparation on June 11, 2008, that solicited comments regarding the content of the proposed EIR for the Project. The Department accepted comments on the EIR content through July 11, 2008. Subsequently, the Department published the Draft EIR on July 29, 2009, on which comments were accepted until September 15, 2009. The DEIR, together with the Comments and Responses document constitute the Final Environmental Impact Report (FEIR.) The Commission certified the FEIR on May 20, 2010 in Motion No. [_____].

c. Location and Custodian of Records.

The public hearing transcript, a copy of all letters regarding the FEIR received during the public review period, the administrative record, and background documentation for the FEIR are located at the Planning Department, 1650 Mission Street, San Francisco. The Planning Commission Secretary, Linda Avery, is the custodian of records for the Planning Department and the Planning Commission.

d. Alternatives Analyzed in the FEIR

The FEIR analyzed two alternatives to the Project: the No Project Alternative and the No Subsurface Parking Alternative. The No Project Alternative analyzes no immediate change to the Project site, including no demolition of the two buildings on the Project site and no construction of the new residential and/or office building with ground floor retail and underground parking. The No Subsurface Parking Alternative analyzes construction of a similarly sized building without subsurface parking and with fewer dwelling units.

e. Alternatives Rejected and Reasons for Rejection

1. No Project Alternative. The No Project Alternative would not be desirable or meet the Project Sponsor's goals. The No Project Alternative would amount to a continuation of the existing conditions at the Project site, which is underutilized. The No Project Alternative is rejected in favor of the Project and is found infeasible for the following environmental, economic and social reasons:

- (a) The No Project Alternative would not meet any of the Project Sponsor's objectives.
- (b) The No Project Alternative would be inconsistent with key goals of the East SoMa Area Plan.
- (c) The Project site would remain underutilized and the City would not achieve its objective of providing more housing and commercial space at this site to contribute to the neighborhood and improve the area.

2. No Subsurface Parking Alternative. The No Subsurface Parking Alternative would not be desirable or meet the Project Sponsor's goals. The Code Complying Alternative is rejected in favor of the Project and is found infeasible for the following environmental, economic and social reasons:

- (a) The No Subsurface Parking Alternative would meet some but not all of the Project Sponsor's objectives.
- (b) The No Subsurface Parking Alternative would create 212 rather than 269 new dwelling units resulting in only 79 percent of the housing that would otherwise be accommodated on the project site, thus adversely affecting the City's total housing supply.
- (c) The No Subsurface Parking Alternative would result in less retail space.

f. **Significant Impacts and Mitigation Measures**

In the course of the project planning and design, mitigation measures were identified that would reduce or eliminate potential significant environmental impacts. The significant impacts and the mitigation measures to reduce the significant impacts are described in chapter 4 of the FEIR, and outlined as follows:

Air Quality (Initial Study)

- Construction Noise and Vibration Significant Impact
 - Initial Study Mitigation Measure 1: Construction Noise and Vibration
- Construction Air Quality Significant Impact
 - Initial Study Mitigation Measure 2: Construction Air Quality

Cultural and Paleontological Resources (Draft EIR)

- Archaeological Resources Impact CR-1: Significant Effect on Archaeological Resources
 - Draft EIR Mitigation Measure M-CR-1: Archaeological Resources
- Paleontological Resources Impact CR-2: Significant Effect on Paleontological Resources
 - Draft EIR Mitigation Measure M-CR-2: Paleontological Resources

The Project Sponsor has agreed to implement and comply with all mitigation measures identified in the FEIR. Therefore, the mitigation measures that have been incorporated into the Project will avoid or substantially lessen the potential significant environmental effects

identified in the FEIR. To assure the implementation of these measures, they are included in the mitigation monitoring and reporting program for the Project, which is attached as Exhibit C to the this motion and incorporated herein by this reference. Implementation of all the mitigation measures contained in the FEIR will be included as a condition of approval for the Project. All mitigation measures proposed in the FEIR are adopted and the full text of the mitigation measures is set forth in the Mitigation Monitoring and Reporting Program attached as Exhibit C to this motion.

g. Unavoidable Significant Environmental Impacts

The Project, as approved, would not have a Project-specific or cumulative unavoidable significant environmental impact. The proposed Project would not contribute to cumulatively significant impacts to the quantity of PDR space available within the Eastern Neighborhoods plan area. The Project would not have significant project-level or cumulative effects on transportation conditions. The project would avoid potentially significant adverse impacts on archaeological and paleontological resources with implementation of mitigation measures identified in the Mitigation Monitoring and Reporting Program.

15. Mitigation. Pursuant to CEQA, the Commission has considered the mitigation measures as described in the FEIR and will include these measures and the mitigation monitoring program as conditions of Project approval (see Exhibit C).
16. The Commission hereby finds that approval of the Large Project Authorization would promote the health, safety and welfare of the City.

DECISION

The Commission, after carefully balancing the competing public and private interests, and based upon the Recitals and Findings set forth above, in accordance with the standards specified in the Code, hereby approves a Large Project Authorization under Planning Code Section 329 to allow the construction of a 9-story, 85-foot tall building with up to 269 dwelling units, up to 4,146 square feet of ground floor commercial space, and up to 221 parking spaces in the SoMa Youth and Family Special Use District and MUR zoning district with an 85/45-X Height and Bulk Designation subject to the conditions of approval attached hereto as **Exhibit A** and in general conformance with plans filed with the plans as received on May 4, 2010, 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 FEIR and contained in the MMRP are included as conditions of approval.

APPEAL AND EFFECTIVE DATE OF MOTION: Any aggrieved person may appeal this Large Project Authorization to the Board of Appeals within fifteen (15) days after the date of this Motion No. XXXXX. The effective date of this Motion shall be the date of this Motion if not appealed (After the 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 in person at 1660 Mission Street, (Room 3036) or call 575-6880.

I hereby certify that the Planning Commission ADOPTED the foregoing Motion on May 20, 2010.

Linda D. Avery
Commission Secretary

AYES:

NAYS:

ABSENT:

ADOPTED: May 20, 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 approval is for authorization under Planning Code Section 329 on the property at 900 Folsom Street, Lots 009, 018, 048 and 147 in Assessor's Block 3732 (hereinafter "Property") to allow for the construction of a nine-story, 85-foot high building with approximately 353,301 gross square feet of floor area containing up to 269 dwelling units, up to 4,146 square feet of ground floor commercial space, and up to 221 off-street parking spaces, and exceptions to: (1) rear yard; (2) obstructions over a sidewalk; (3) ground floor parking setback; (4) off-street parking spaces; (5) vertical non-habitable architectural element; and (6) horizontal mass reduction.
2. The Project approved by this Motion is in general conformity with the plans dated May 4, 2010, on file with the Department in the docket for Case No. 2007.0689EKX (labeled EXHIBIT B), reviewed and approved by the Commission on May 20, 2010.

Design

3. The final plans shall meet the standards of the Planning Code and be in general conformity with the plans approved by the Commission on May 20, 2010, as Exhibit B found in the Case docket.
4. The project sponsor shall continue to work with Planning Department staff on the details of the design of the project.
5. 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.
6. The Project shall comply with the provision of street trees as required by Planning Code Section 143.
7. Ground level storefronts in general conformity with Exhibit A shall be maintained in an attractive manner, providing transparency into the tenancy behind. Visibility of the commercial interiors and activity through all storefront windows shall be maintained in order to ensure that the ground level of the building remains visually active, provides visual interest to pedestrians, and enhances sidewalk security. Commercial interior layouts should be designed with these requirements in mind. Generally, storefront windows should not be visually obscured with the following: blinds, shades or curtains; shelving; equipment; darkly tinted, translucent or opaque film; painted, stenciled or adhesive signage applied to individual window surfaces that has an overall transparency of less than 50%, or any signage that covers more than 1/3 of the area of any individual window; full or partial height interior partition walls placed directly against or within 10 feet from the window glazing; or any other items that significantly block the vision of

pedestrians through the storefront windows into the occupiable commercial space. Solid roll-down security gates shall not be installed in storefront openings. The property owner shall ensure that this condition of approval is incorporated into all commercial leases.

8. The mid-block pedestrian pathway proposed per Planning Code Section 270.2 shall meet all design criteria of Subsection (e). It shall also meet the following criteria:
 - a. **Maintenance.** The mid-block pedestrian pathway shall be maintained at no public expense. The owner of the property on which the alley is located shall maintain it by keeping the area clean and free of litter and by keeping it in an acceptable state of repair. Conditions intended to assure continued maintenance of the right-of-way for the actual lifetime of the building giving rise to the open space requirement may be imposed in accordance with the provisions of Section 309.1 for DTR or 329 for Eastern Neighborhoods Mixed Use Districts.
 - b. **Informational Plaque.** Prior to issuance of a permit of occupancy, a plaque shall be placed in a publicly conspicuous location for pedestrian viewing. The plaque shall state the right of the public to pass through the alley and stating the name and address of the owner or owner's agent responsible for maintenance. The plaque shall be of no less than 24 inches by 36 inches in size.
 - c. Property owners providing a pathway or alley under this section will hold harmless the City and County of San Francisco, its officers, agents and employees, from any damage or injury caused by the design, construction or maintenance of the right-of-way, and are solely liable for any damage or loss occasioned by any act or neglect in respect to the design, construction or maintenance of the right-of-way.

Housing

9. 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.
10. **Flexible-Occupancy Units.** The ground floor dwelling units that front directly on Folsom Street are designated as Flexible-Occupancy Units and are subject to the following conditions:
 - a. The units are considered dwelling units and are subject to the affordability controls of Planning Code Section 315. The total gross floor area of each unit is subject to the residential rate of Eastern Neighborhood Impact Fee per Planning Code Section 327.3.
 - b. The ground floor of these units may be occupied by the following non-residential uses:
 - i. All retail sales and services permitted as of right in the MUR Zoning District (Sec. 841.45);
 - ii. All arts activities permitted as of right in the MUR Zoning District (Sec. 841.55);
 - iii. Trade shops (Sec. 841.80); and
 - iv. Catering services (Sec. 841.81).
 - v. Other uses not specified herein that are permitted as of right in the MUR Zoning District and deemed appropriate by the Zoning Administrator.

- c. Non-residential uses permitted on the ground floor are subject to the Conditional Use Authorization requirements of the SoMa Youth and Family Special Use District, where applicable.
- d. Changes of non-residential uses are subject to the notification requirements of Planning Code Section 312.
- e. Permitted non-residential uses may occupy the ground floor only. Any conversion of residential space on the 2nd floor shall be tantamount to the removal of a dwelling unit and be subject to the controls of Planning Code Section 317.
- f. Non-residential uses permitted on the ground floor are subject to all applicable requirements of the Building and Fire Codes.

Below Market Rate Units (BMR Units)

- 11. **Requirement.** Pursuant to Planning Code 315.6, the Project Sponsor elected to provide 15 percent of the total dwelling units falling within Lots 009, 018, and 147 on-site as affordable below-market-rate units ("BMR units") to satisfy its Inclusionary Requirement. The Project Sponsor elected to provide 22 percent of the total dwelling units falling within Lot 048 on-site as affordable below-market-rate units ("BMR units") to satisfy its Inclusionary Requirement of the SoMa Youth and Family Special Use District.
- 12. **Other Conditions.** The Project is subject to the requirements of the Inclusionary Affordable Housing Program 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://www.sfgov.org/site/uploadedfiles/planning/inclusionaryhousingproceduresmanual6_28_07.pdf.

As provided in the Inclusionary 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. Prior to the issuance of the first site or building 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 the Mayor's Office of Housing or its successor (MOH), the monitoring agency for the BMR requirements.
- b. If project applicant fails to comply with the Inclusionary 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 applicant's failure to comply with the

requirements of Planning Code Sections 315 to 315.9 shall constitute cause for the City to record a lien against the development project.

- c. **Future Applicable Controls:** If the Interim Controls contained in Board of Supervisors Resolution No. 100047 entitled "Planning Code – Interim Controls Related to Affordable Housing Requirements" or permanent controls in substantially similar form to those contained in Ordinance No. 100046 entitled "Planning Code – Amending Inclusionary Housing Ordinance" proposing amendments to Planning Code Section 315 et seq. (collectively "applicable future controls") are approved by the Board of Supervisors 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 provisions of Planning Code Section 315 et seq. Specifically, the Project shall pay the affordable housing fee as provided in the applicable future controls unless it is eligible to meet the requirements of Section 315 et seq. through an alternative method. The affordable housing fee currently designated in the draft applicable future controls is set at the same amount as the current in lieu fee in Planning Code Section 315.6 and the Planning Commission does not anticipate, except for standard indexing provided for by ordinance, that it shall increase as a result of the future permanent controls.

Parking

13. 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.
14. 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

Eastern Neighborhoods Public Benefit Fund

15. The Project Sponsor shall comply with the Eastern Neighborhoods Public Benefit Fund provisions of Planning Code Section 327 through payment of an Impact Fee to the Treasurer, or the execution of a Waiver Agreement or an In-Kind agreement approved as described per proposed Planning Code Section 327 prior to the issuance by Department of Building Inspection of the first site or building permit for the development project.

Performance

16. 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.
17. Prior to the issuance of any new building or site permit for the construction of 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, which notice shall state that construction of the Project 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 or the successor thereto, the Zoning Administrator shall affirm in writing the extent to which the conditions of this Motion have been satisfied.

18. 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 for up to two years 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

19. 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

20. 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.



SAN FRANCISCO PLANNING DEPARTMENT

Subject to: (Select only if applicable)

- Inclusionary Housing (Sec. 315)
- Jobs Housing Linkage Program (Sec. 313)
- Downtown Park Fee (Sec. 139)
- First Source Hiring (Admin. Code)
- Child Care Requirement (Sec. 314)
- Other (EN Impact Fee – Sec. 327)

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Planning Commission Draft Motion

HEARING DATE: MAY 20, 2010

Date: May 6, 2010
Case No.: **2007.0690EKX**
Project Address: **260 5th Street**
Zoning: MUR (Mixed Use Residential)
 85-X Height and Bulk District
Block/Lot: 3732/008 and 150
Project Sponsor: Eric Tao
 AGI Capital
 100 Bush Street, 22nd Floor
 San Francisco, CA 94104
Staff Contact: Corey Teague – (415) 575-9081
corey.teague@sfgov.org

ADOPTING FINDINGS RELATING TO LARGE PROJECT AUTHORIZATION PURSUANT TO SECTION 329 OF THE PLANNING CODE TO ALLOW A NINE-STORY, 85 FEET TALL MIXED USE BUILDING INCLUDING UP TO 179 DWELLING UNITS, APPROXIMATELY 5,281 SQUARE FEET OF GROUND FLOOR COMMERCIAL SPACE, AND UP TO 102 PARKING SPACES IN A BASEMENT LEVEL GARAGE, AND TO: (1) ALLOW EXCEPTIONS TO THE REAR YARD REQUIREMENTS OF PLANNING CODE SECTIONS 134 AND 134(f); (2) ALLOW EXCEPTIONS TO OBSTRUCTIONS PERMITTED OVER A SIDEWALK PER PLANNING CODE SECTION 136; (3) ALLOW EXCEPTIONS TO DWELLING UNIT EXPOSURE REQUIREMENTS OF PLANNING CODE SECTION 140 FOR UP TO 48 UNITS THAT WOULD NOT FACE ONTO A STREET OR PUBLIC ALLEY, OR CODE-COMPLYING REAR YARD OR OPEN SPACE; (4) PROVIDE OFF-STREET PARKING PURSUANT TO PLANNING CODE SECTIONS 151.1 AND 151.1(f); (5) ALLOW EXCEPTIONS TO VERTICAL NON-HABITABLE ARCHITECTURAL ELEMENTS PER PLANNING CODE SECTION 263.21; (6) ALLOW EXCEPTIONS TO HORIZONTAL MASS REDUCTION REQUIREMENTS OF PLANNING CODE SECTION 270.1; AND, (7) ADOPTING FINDINGS AND MITIGATION MONITORING AND REPORTING PROGRAM UNDER THE CALIFORNIA ENVIRONMENTAL QUALITY ACT, WITHIN THE MUR (MIXED USE RESIDENTIAL) DISTRICT, SOMA YOUTH AND FAMILY SPECIAL USE DISTRICT, SOUTH OF MARKET EARTHQUAKE REDEVELOPMENT AREA, AND AN 85-X HEIGHT AND BULK DISTRICT.

PREAMBLE

On July 6, 2007, Eric Tao (hereinafter "Project Sponsor") filed Environmental Review Application No. 2007.0690E with the Planning Department (hereinafter "Department"), and on January 24, 2008, filed Conditional Use Application No. 2007.0690C that was subsequently updated to Large Project Authorization Application No. 2007.0690X (hereinafter "Application") per Planning Code Section 329 to create a Large Project to allow the construction of a nine-story, 85 feet tall mixed use building including up to 179 dwelling units, approximately 5,281 square feet of ground floor commercial space, and up to 102 basement level parking spaces and including the following exceptions: (1) rear yard; (2) obstructions over a sidewalk; (3) dwelling unit exposure; (4) off-street parking spaces; and (5) horizontal mass reduction.

On February 11, 2008, Project Sponsor filed a Review of Shadow Impacts on Public Park (application no. 2007.0690K) with the Department.

The Department determined that an Environmental Impact Report ("EIR") was required and the Department printed and circulated a Notice of Preparation on June 11, 2008, that solicited comments regarding the content of the proposed EIR for the Project. The Department accepted comments on the EIR content through July 11, 2008. Subsequently, the Department published the Draft EIR on July 29, 2009, on which comments were accepted until September 15, 2009. A public hearing on the Draft EIR was held on September 10, 2009. Following the close of the public review and comment period, the Department prepared written responses that addressed all of the substantive written and oral comments on the Draft EIR, and the EIR was revised accordingly.

On August 19, 2009, the San Francisco Historic Preservation Commission (hereinafter "Preservation Commission") conducted a duly noticed public hearing at a regularly scheduled meeting to review the Draft EIR and provide comment.

Several comments on the Draft EIR were made both in writing and at a public hearing in front of the Planning Commission (hereinafter "Commission") on September 10, 2009, and those comments were incorporated in the Final EIR with a response. The comment and response did not substantially revise the Draft EIR and therefore no recirculation was required under the State CEQA Guidelines Section 15073.3.

On May 20, 2010, the Commission certified the final EIR (FEIR) for the Project. The Project's FEIR identifies a Project specific unavoidable significant impact on the 260 5th Street building resulting from its demolition. Mitigation measures that are recommended for implementation by the Project Sponsor would reduce but not eliminate this impact. This Motion, including Exhibit C attached hereto, sets forth the necessary California Environmental Quality Act (CEQA) findings, including a statement of overriding considerations, and said Exhibit C is hereby incorporated in this Motion by reference as if set forth in full.

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

On May 20, 2010, the Commission conducted a duly noticed public hearing at a regularly scheduled meeting on Large Project Application No. 2007.0690EKX.

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. 2007.0690EKX, 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 fronts Clementina Street (a one-way eastbound alley) to the south, Tehama Street (a one-way westbound alley) to the north, and 5th Street to the east. The project site is comprised of two contiguous lots that form a 28,641 square foot "L" shaped property. The project site is currently occupied by a 35-space surface parking lot and a two-story-plus-mezzanine warehouse building with approximately 42,000 square feet of interior space that houses an art gallery and, until recently, an event promotion company. The surface parking is enclosed by a chain-link fence, and there are no trees, open space, or other vegetation on the property.
3. **Surrounding Properties and Neighborhood.** The project site falls in the East SoMa neighborhood, which is characterized by a mixture of light industrial, residential, and commercial uses. The project site is about five blocks west of the Transbay Terminal and three blocks south of Market Street. The recently completed Intercontinental Hotel at 5th and Howard Streets is one block to the north. Land uses in the immediate vicinity of the site are a mix of residential, retail, office, parking, hotel, and light industrial warehouse uses. The area is currently transitioning to a more mixed use and residential neighborhood, with numerous mixed use and residential developments being built or approved over the last fifteen years.
4. **Project Description.** The Project proposes to demolish the existing light industrial building on the site and construct a 9-story, 85-foot tall building with a basement level parking garage, creating up to 179 dwelling units, up to 5,281 square feet of ground floor commercial space along 5th Street, and up to 102 off-street parking spaces (including stackers). Open space is provided on private balconies and two rooftop decks. The building has an "L" shaped footprint with two primary wings: the 5th Street wing and the Clementina Street wing. The 5th Street wing includes ground floor commercial space with 7 stories of residential use above, and the sole parking access on Tehama Street. The Clementina Street wing includes 9 stories of residential use, including the residential lobby for the entire building and ground floor townhouse units that directly access Clementina Street.

The Project will seek a Leadership in Energy and Environmental Design (LEED) Gold certification or equivalent as determined by the San Francisco Planning Department. It will include the following features in order to achieve the certification:

- Vegetated roof to reduce stormwater runoff and decrease the urban heat island effect;
 - Water-efficient landscaping;
 - Optimized energy performance;
 - Low VOC-emitting adhesives, sealants, paints, coatings and carpet to limit off-gassing and promote high air quality within the residential units;
 - Potentially on-site renewable energy (solar and/or wind); and
 - Preferred parking for low-emitting and fuel-efficient vehicles.
5. **Public Comment.** The Department received letters of endorsement the Yerba Buena Alliance, San Francisco Housing Action Coalition, Clementina Cares, United Brotherhood of Carpenters and Joiners of America (Local 22), San Francisco Planning + Urban Research Center (SPUR), and the South of Market Project Area Committee (SOMPAC). The Department also received one letter of support from an adjacent neighbor.
6. **Mixed Use Residential (MUR) Zoning District.** The Mixed Use — Residential District (MUR) serves as a buffer between the higher-density, predominantly commercial area of Yerba Buena Center to the east and the lower-scale, mixed use service/industrial and housing area west of Sixth Street. The MUR serves as a major housing opportunity area within the eastern portion of the South of Market. The district controls are intended to facilitate the development of high-density, mid-rise housing, including family-sized housing and residential hotels. The district is also designed to encourage the expansion of retail, business service and commercial and cultural arts activities. Continuous ground floor commercial frontage with pedestrian-oriented retail activities along major thoroughfares is encouraged. Hotels, nighttime entertainment, movie theaters, adult entertainment and heavy industrial uses are not permitted.
7. **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.** Planning Code Section 841 identifies residential use and various nonresidential uses as principally permitted uses in the Mixed Use Office (MUR) Zoning District within a minimum residential to nonresidential ratio of at least 3 to 1.
- The Project includes residential units on the 2nd story and above with ground floor commercial space, resulting in a residential to nonresidential ratio well above 3 to 1.*
- B. **Residential Open Space.** Planning Code Section 135 requires that usable open space be located on the same lot as the dwelling units it serves. At least 80 square feet of usable open space per dwelling unit, or 54 square feet per dwelling unit of publicly accessible open space, is required. Up to 50 percent of the publicly accessible open space may be provided off-site. The Project has a residential open space requirement of approximately 14,320 square feet of usable open space.

The Project includes 13 private decks that meet the minimum open space requirements for their respective units. While additional decks are provided, they do not meet the minimum requirements for useable open space. Two roof decks are proposed to provide 7,156 square feet and 6,744 square feet of useable open space. The 13,900 square feet of total roof deck area provides approximately 84 square feet of useable open space to each of the remaining units.

- C. **Commercial Open Space.** Planning Code Section 135.3 requires usable open space for uses other than dwelling units. For retail use, one square foot per 250 square feet of occupied floor area of usable open space is required. In Eastern Neighborhoods Mixed Use Districts, this open space requirement may be satisfied through payment of a fee of \$76 for each square foot of usable square footage not provided pursuant to this Code section.

The project will meet the requirement by payment of an in lieu fee of approximately \$1,600 for the approximately 21 square feet of usable open space required for the 5,281 square feet of proposed ground floor commercial space.

- 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 20 feet of frontage of the property along each street or public alley.

The project meets the requirement by providing 5 trees on Tehama Street, 8 trees on 5th Street, and 14 trees on Clementina Street.

- E. **Street Frontages.** Planning Code Section 145.1 requires the following for street frontages in Eastern Neighborhood Mixed Use Districts: (1) not more than 1/3 the width of the building facing the street may be devoted to ingress/egress to parking; (2) off-street parking at street grade must be set back at least 25 feet; (3) "active" use shall be provided within the first 25 feet of building depth at the ground floor; (4) ground floor non-residential uses in MUR zoning district shall have a floor-to-floor height of 14-feet; (5) frontages with active uses shall be fenestrated with transparent windows; and, (6) decorative railings or grillwork placed in front of or behind ground floor windows, shall be at least 75 percent open to perpendicular views.

The project meets the requirements of Section 145.1 as follows: (1) providing an approximately 20-foot wide garage opening, which is less than 1/3 the width of the 100-foot wide building; (2) situating parking at the basement level; (3) incorporating an approximately 5,281 square foot ground floor commercial ("active" use) space within the first 25 feet of the building depth at ground floor along Tehama and 5th Streets, and residential units along Clementina Street; (4) providing a floor-to-floor ground floor height of 18 feet 11 inches for the commercial frontage; and, (5) providing transparent windows at the ground floor active use.

- F. **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.

- G. **Bicycle parking.** Planning Code Section 155.5 requires projects with more than 50 dwelling units to provide at least 25 bicycle parking spaces plus 1 additional space for every 4 dwelling units above 50. Therefore, the project requires 57 bicycle parking spaces.

The project meets, and exceeds, this requirement with 60 bicycle spaces on the ground floor.

- H. **Car Sharing.** Planning Code Section 166 requires developments creating between 50 and 200 dwelling units to provide at least one car share space to be made available, at no cost, to a certified car-share organization for purposes of providing car-share services for its car-share service subscribers.

The Project will provide one car share space in the basement level garage.

- I. **Dwelling unit mix.** Planning Code Section 207.6 requires at least 40 percent of the total number of proposed dwelling units to contain two bedrooms or more bedrooms. Any fraction resulting from this calculation shall be rounded to the nearest whole number of dwelling units.

The Project will provide 71 dwelling units as 2-bedroom units or larger, which represents 40 percent of the total.

- J. **Height.** The project site is located in an 85-X height and bulk district.

The height of the finished roof will be 85-feet. Mechanical and elevator and stair penthouses will meet the requirements of Section 260(b) for height exceptions. The Project also requests an exception for a vertical non-habitable architectural per Section 263.21, discussed in 9E below.

- K. **SoMa Youth and Family Special Use District.** The project site is located in the SoMa Youth and Family Special Use District. This District requires Conditional Use Authorization for certain land uses and increased affordable housing requirements for properties that front only on smaller streets within the District.

The Project does not propose any land use restricted by this District. It also does not occupy any property that fronts only on Clementina or Tehama Street. Therefore, there are no additional affordable housing requirements.

- L. **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 July 6, 2007. 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. The Project also falls within the SoMa Youth and Family Special Use District, which requires a higher rate of affordable housing for any properties that only front on the alleys within the District. However, the Project site includes two properties, of which both have frontage on 5th Street. Therefore, the higher affordability rate does not apply.

M. **Eastern Neighborhoods Public Benefit Fund.** The Project Sponsor shall comply with the Eastern Neighborhoods Public Benefit Fund provisions of Planning Code Section 327 through payment of an Impact Fee to the Treasurer, the execution of a Waiver Agreement or In-Kind agreement approved as described per Planning Code Section 327 prior to the issuance by Department of Building Inspection of the first site or building permit for the development project.

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

A. Overall building massing and scale;

The Project conforms to the applicable height and bulk requirements. The community in the vicinity of the Project is constantly evolving with development in the entire South of Market region and the Eastern Neighborhoods Area Plans, and contains a range of building masses. The Project, with residential and retail uses, will be consistent with the character of the area. The Project massing responds to the unique and challenging L-shaped parcel, providing a massing and scale that is appropriate at the 5th Street corridor, while reducing the scale with a setback at the building fronting Clementina Street to provide adequate light and air to the alleyway.

The most substantial structure in the vicinity is the Intercontinental Hotel (888 Howard St.), which rises 32-stories (340 feet) above the northeast corner of the intersection of 5th and Howard Streets, one-half block north of the project site. There are several residential loft or condominium buildings within the surrounding blocks, including a new 65-foot residential building (436 Clementina Street) at the western edge of the Project, and a new 85-foot residential building (829 Folsom Street.) one half-block to the east on Folsom Street. The Project will replace a surface parking lot with a new residential building with ground floor commercial space along 5th Street. The defining trend in the area is toward modernization of historically industrial facilities to meet the increased demand for housing and service-based businesses. The Project falls within this trend and will be compatible with its surroundings. The proposed building will be approximately 85-feet in height and similar in scale to uses within a block of the project site, such as the aforementioned recently constructed projects. In addition, the Yerba Buena Lofts building (885 Folsom Street), one half-block east of the project site across Folsom Street, is approximately 85 feet in height, and the 14-story Alexis Towers apartment building directly across from the Project site on 5th Street, is approximately 120 feet in height. This approximately 85-foot Project will function as a transition between the 120-foot Alexis Towers immediately to the east, and the 65-foot residential project immediately to the west.

B. Architectural treatments, facade design and building materials;

The architecture of this project responds to the site's location on 5th Street, at the western edge off the Yerba Buena District, a neighborhood defined by contemporary architectural gestures. A dynamic roof-top element, set-back glazing and cantilevered balconies at the corner of 5th and Tehama, give the building a dynamic identity and gesture toward the taller buildings to the northeast of the project. Fenestration patterns and material selections create a dynamic but coherent architecture. Neutral colored pop-outs are set against metallic colored paneling along 5th Street, and warm wood tones at the ground level storefront are set behind aluminum clad columns expressed along the street. Wood benches span between columns on the 5th Street façade offering a small piece of publicly accessible open space.

The façade along Clementina Street is comprised of a horizontal element clad in horizontal wood-look paneling from the ground to sixth floor. The structure behind the façade is expressed through use of reveals flanking the column locations. A double story expression at the building's base is articulated by a horizontal element at the second floor line. This wood-toned element helps demarcate the townhomes located along Clementina Street with gated recessed entries and louvered wood screening both inside and out at the double height storefront glazing. The building changes material above the sixth floor, to the metallic colored paneling of the 5th Street façade with similar pop-outs, set back to respect the alley sun-angle requirements.

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;

In keeping with the architecture of the neighborhood, the building meets the street edge with setbacks only at the individual townhomes. Townhomes are articulated along Clementina Street with double height glazing, recessed entries, and louvered wood screens. Planters sit between the building and the sidewalks in the 18 inch ground and second floor setback, providing screening and greenery at street level. The Project's main residential entry is located along Clementina Street between the townhouses and the corner commercial space. The building entry is covered by a cantilevered canopy. Double height commercial space is located at the corner of Clementina and 5th Street, and extends the entire length of the 5th Street façade. The wood-toned storefront glazing is set back 3 feet 6 inches from the property line, with the upper stories sitting on columns flush at the property line. This setback creates a covered, set back space at the ground floor with wood benches spanning from column to column, offering a definitively pedestrian oriented street edge. The double-height base on all sides of the building reflects the scale of neighboring building in the district, as well as the street frontage requirements of Planning Code Section 145.1.

A 13,900 square foot rooftop terrace provides open space for all tenants. Below grade parking is accessed via a single curb cut along Tehama Street. Utility access is provided along Tehama Street. Service vehicle parking is located in the below grade parking area in lieu of providing a loading dock

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 adequate open space, all on-site. The open spaces are provided in the form of private balconies and two large roof decks. The total open spaces provided exceed the amount required.

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

The project has a frontage of 275 feet along Clementina Street. However, there is no opportunity to establish a through-block connection between two existing alleys or streets, and the property does not extend over the central portion of the block face. Therefore, no mid-block alley or pathway is required.

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

The Project proposes the installation of street trees along all three frontages, public seating along 5th Street, and sidewalk improvements on Clementina Street.

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

The Project provides a single ingress/egress on Tehama Street and is not anticipated to create traffic problems. No ingress/egress was provided on Clementina Street to prevent possible conflicts and congestion from proposed parking at the project at 900 Folsom Street (Case No. 2007.0689EKX).

- H. Bulk limits;

The Project site is located in an X Bulk District, which provides no bulk restrictions.

- 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 generally meets the Objectives and Policies of the General Plan and is compliant with the East SoMa Area Plan.

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

- A. Planning Code Section 134 requires a minimum rear yard equal to 25 percent of the total lot depth beginning at the lowest story containing a dwelling unit. The subject property is "L" shaped with varying depths, depending on the perspective. This results in an "L" shaped required rear yard beginning at the second story. Planning Code Section 329(d) allows an exception for the rear yard requirement pursuant to requirements of Planning Code Section 134(f).

1. Residential uses are included in the new or expanding development and a comparable amount of readily accessible usable open space is provided elsewhere on the lot:

The Project is occupied by residential uses, except for a small amount of ground floor commercial space, and a comparable amount of readily accessible open space is proposed. Per the Planning Code, the required rear yard should equal 25 percent of the lot area, which is approximately 7,160

square feet for this property. The proposed "L" shaped rear yard and the mass reduction break that begins at the third floor combine to provide approximately 7,300 square feet. Additionally, private decks and the two large roof decks combine to provide more than 15,000 square feet of usable open space.

2. The proposed new or expanding structure will not significantly impede the access to light and air from adjacent properties:

The adjacent structure on Clementina Street is six stories high. The adjacent structures on Tehama Street are three and four stories high. The majority of these sites provide little or no rear or side yard spaces. The proposal will not significantly impede the access of light and air to these properties.

3. The proposed new or expanding structure will not adversely affect the interior block open space formed by the rear yards of adjacent properties:

Existing buildings on adjacent parcels are generally built to the lot lines and there is no pattern of interior block open space. The only exceptions are the first two adjacent buildings on Tehama Street, which have rear yards of less than 20 feet and 10 feet.

- B. Planning Code Section 136 limits the types and dimensions of building features that may project over a sidewalk in the public right-of-way. Bay windows are permitted to obstruct over sidewalks and required yards as long as they 1) do not extend more than 3 feet, 2) be no more than 15 feet at the line establishing the required open area, and 3) be reduced in proportion to the distance from such line by means of 45 degree angles drawn inward from the ends of such 15-foot dimension, reaching a maximum of nine feet along a line parallel to and at a distance of three feet from the line establishing the required open area. The proposal includes bays that exceed the minimum dimensions.

The Project includes angled bays along each façade, and in the rear, which are 23 feet 6 inches wide. The shallowest point of the bays projects 1 foot 6 inches, while the deepest portion projects 3 feet. Additionally, the bays on the corner of 5th Street and Tehama Street project approximately 7 feet from the corner. While somewhat longer than traditional bays, these bays add unique character and detail to the overall contemporary design of the building.

- C. Planning Code Section 140 requires dwelling units to have at least one window facing a street or alley, a Code-complying rear yard or an open space with certain minimum dimensions. Up to 48 of the 179 proposed dwelling units will not meet the requirement because the open space they face is not a Code-complying rear yard.

The required rear yard for building section along Clementina Street is 18 feet 9 inches. Each rear unit in this section will face a rear yard space of just more than 16 feet, which is not Code-complying. However, the deficiency is not significant, and combined with the moderate heights of the adjacent buildings on Tehama Street, there will still be adequate access to light and air.

- D. Planning Code Section 151.1 allows for provision of up to one parking space for each four dwelling units, or up to .75 parking space for each unit when the criteria of Planning Code Sections 151.1(f) and 329(d) are met. Additionally, up to one parking space is permitted for each dwelling unit that is two or more bedrooms and at least 1,000 square feet of occupied

floor area, subject to the requirements of Sections 151.1(f) and 329(d). Based on the proposed dwelling unit mix, the maximum parking rate permitted is approximately .77 spaces per dwelling unit. The project proposes a parking rate of approximately .57 spaces per dwelling unit.

In granting an exception for parking in excess of that principally permitted, the Planning Commission shall make the following affirmative findings per Planning Code Section 151.1(f).

1. Vehicle movement in or around the Project does not unduly impact pedestrian spaces or movement, transportation service, bicycle movement, or the overall traffic movement in the district:

The project includes 102 off-street parking spaces, which represents .57 spaces per dwelling unit. The basement level parking garage will have a single ingress/egress point on Tehama Street. The project is projected to generate no more than 130 additional vehicle trips per weekday at the PM peak hour. These additional vehicle trips are not projected to reduce the Level of Service (LOS) rating at any surrounding intersection. The Final EIR for this project found no significant pedestrian or bicycle impacts. There are also mitigation measures for this project, such as curb ramp upgrades, that will improve sidewalk access and use.

2. Accommodating excess accessory parking does not degrade the overall urban design quality of the project proposal:

All parking will be accessed through a single ingress/egress point on Tehama Street, which is the shortest frontage on this site, and is not adjacent to pedestrian access points to the project. The primary facades on 5th Street and Clementina Street, which include commercial entrances and ground floor residential units, do not include any curb cuts. As such, the parking does not significantly impact the overall urban design of the project.

3. All above-ground parking is architecturally screened and where appropriate 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 the Code:

The proposed parking is all on the basement level. The Project is not requesting any exceptions or variances related to such treatments elsewhere in the Code.

4. Excess accessory parking does not diminish the quality and viability of the planned streetscape improvements:

The proposed parking is not anticipated to impact planned streetscape improvements.

- E. Planning Code Section 263.21 permits projects subject to Section 329 and within a height district of 85 feet or less to include a vertical, non-habitable architectural feature to rise above the designated height district under the following limitations: 1) only one such feature is permitted per lot; 2) the feature shall not exceed 1,000 gross square feet in area; 3) no plan dimension shall be greater than 50 feet; 4) the feature shall not exceed a height greater than 50 percent of the underlying height district; and 5) such feature shall be consistent with the design, materials, and character of the building.

The Project includes such a feature at the corner of Tehama and 5th Streets. The feature is angled to a point and measures approximately 38 feet by 39 feet, and an area of 990 square feet. The feature extends 12 feet 6 inches above the 85-foot height limit, which is less and 50 percent of the height limitation (42.5 feet).

- F. Planning Code Section 270.1 requires any project with a frontage of more than 200 feet to incorporate one or more mass reduction breaks in the building that reduce the horizontal scale of the building into discrete sections not more than 200 feet in length. The minimum dimensions required for such a break are 30 feet of width and 60 feet of depth above 25 feet. The proposal includes a mass reduction that is 60 feet deep, but only 16 feet wide.

In granting an exception for horizontal mass reductions, the Planning Commission shall consider the following criteria per Planning Code Section 270.1(d).

1. No more than 50 percent of the required mass is reduced unless special circumstances are evident;

The proposed mass reduction break represents 53.3 percent of required amount.

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

The proposed mass reduction break is 60 feet deep.

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

The Project proposes an "L" shaped design based on the underlying property configuration. The location of the proposed mass reduction break is a natural break point in the overall structure and effectively separates the larger section along 5th Street from the smaller, more residential portion along Clementina Street.

4. The proposed building achieves unique and superior architectural design.

The building achieves unique and superior architectural design by including a transparent glass bridge that connects the Clementina Street wing with the 5th Street wing of this L-shaped building, allowing the two sides of the building to maintain a connection to the single elevator core while respecting the need for a mass break as described in Planning Code section 270.1. A Horizontal Mass Reduction as prescribed by this code section coupled with the unique L-shape of the Project site will completely bisect the building, creating a highly inefficient and less functional design. Because the proposed mass break is contiguous with a 10-foot setback at the upper four floors, the building presents a significant and coherent modulation at the Clementina Street frontage.

10. **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.

Policy 1.4:

Locate in-fill housing on appropriate sites in established residential neighborhoods.

The Project is a high density residential development in an underutilized, transitioning industrial area adjacent to downtown. A portion of the Project covers a currently vacant lot being used for surface parking. The area around the Project site was recently rezoned to MUR as part of a long range planning goal to create a cohesive, high-to-medium density residential neighborhood adjacent to downtown.

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 proposes 179 dwelling units in place of a vacant parcel and industrial building.

Housing Density, Design and Quality of Life

Policy 11.2:

Ensure housing is provided with adequate public improvements, services and amenities.

Policy 11.3:

Encourage appropriate neighborhood-serving commercial activities in residential areas, without causing affordable housing displacement.

The Proposed Project will site 179 dwelling units on an in-fill site within an established mixed-use neighborhood that is well served by mass transit, thereby meeting the goals of providing housing near employment, transportation, and commercial/retail locations. No affordable housing would be displaced by the project.

Regional and State Housing Needs

OBJECTIVE 11:

IN INCREASING THE SUPPLY OF HOUSING, PURSUE PLACE MAKING AND NEIGHBORHOOD BUILDING PRINCIPLES AND PRACTICES TO MAINTAIN SAN FRANCISCO'S DESIRABLE URBAN FABRIC AND ENHANCE LIVABILITY IN ALL NEIGHBORHOODS.

Policy 11.10:

Include energy efficient features in new residential development and encourage weatherization in existing housing to reduce overall housing costs and the long-range cost of maintenance.

The Project will be constructed to meet LEED Gold certification or equivalent standards through the use of vegetated roof decks, on-site renewable energy, water-efficient landscaping, low VOC-emitting materials, and location efficiency. All of these features may help reduce overall energy and transportation costs for future residents, as well as contribute to a more environmentally friendly living environment.

OBJECTIVE 12:

STRENGTHEN CITYWIDE AFFORDABLE HOUSING PROGRAMS THROUGH COORDINATED REGIONAL AND STATE EFFORTS.

Policy 12.2:

Support the production of well-planned housing region-wide that addresses regional housing needs and improve the overall quality of life in the Bay Area.

The Project will site 179 dwelling units on an in-fill site within an established mixed-use neighborhood that is well served by mass transit, thereby meeting the goals of providing housing near employment, transportation, and commercial/retail locations.

RECREATION AND OPEN SPACE ELEMENT

Objectives and Policies

OBJECTIVE 4:

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

Policy 4.5:

Require private usable outdoor open space in new residential development.

The Project will create private outdoor open space in new residential development through numerous private balconies and two large, vegetated roof decks. The Project will not cast shadows over any open spaces under the jurisdiction of the Recreation and Park Department.

TRANSPORTATION ELEMENT

Objectives and Policies

OBJECTIVE 24:

IMPROVE THE AMBIENCE OF THE PEDESTRIAN ENVIRONMENT.

Policy 24.2:

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

Policy 24.3:

Install pedestrian-serving street furniture where appropriate.

Policy 24.4:

Preserve pedestrian-oriented building frontages.

The Project will install street trees at approximately 20 foot intervals all along the three site frontages on Tehama, 5th, and Clementina Streets. Pedestrian-serving street furniture will be installed in front of the commercial space along 5th 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 60 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 has a parking to dwelling unit ratio of .57 spaces per unit. The 102 parking spaces are accessed by a single ingress/egress point on Tehama Street.

URBAN DESIGN ELEMENT

Objectives and Policies

OBJECTIVE 1:

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

Policy 1.7:

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

OBJECTIVE 2:

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

Policy 2.6:

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

The Project lies on the border of the Yerba Buena arts and entertainment area to the east and an area to the east and south that is transitioning from low-scale industrial uses to a mid to high density residential neighborhood. As such, the proposed building provides a more intricate 5th Street façade that responds to the buildings to the east and the rest of 5th Street, while providing a more structured façade along Clementina Street that responds to the industrial influences of the buildings to the west and south.

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.

While the Project has three 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 façade, pedestrian seating will be installed along 5th Street, the ground floor will have active uses, and Clementina Street will have ground floor dwelling units directly accessing the street. All of this will improve the pedestrian experience along the Project site.

ENVIRONMENTAL PROTECTION ELEMENT

Objectives and Policies

OBJECTIVE 1:

ACHIEVE A PROPER BALANCE AMONG THE CONSERVATION, UTILIZATION, AND DEVELOPMENT OF SAN FRANCISCO'S NATURAL RESOURCES.

Policy 1.4:

Assure that all new development meets strict environmental quality standards and recognizes human needs.

The Project plans to achieve a LEED Gold certification or equivalent through various environmentally friendly elements of the proposal.

OBJECTIVE 15:

INCREASE THE ENERGY EFFICIENCY OF TRANSPORTATION AND ENCOURAGE LAND USE PATTERNS AND METHODS OF TRANSPORTATION WHICH USE LESS ENERGY.

Policy 15.3:

Encourage an urban design pattern that will minimize travel requirements among working, shopping, recreation, school and childcare areas.

The Project is sited in an area planned for mid to high density residential uses directly adjacent to downtown, which serves as the major employment and shopping center for the region. The site is well served by pedestrian, bicycling and transit infrastructure. Additionally, parking is provided at a rate well below one space per dwelling unit.

EAST SOMA AREA PLAN

Objectives and Policies

Land Use

OBJECTIVE 1.2:

MAXIMIZE HOUSING DEVELOPMENT POTENTIAL IN KEEPING WITH NEIGHBORHOOD CHARACTER.

Policy 1.2.1:

Encourage development of new housing throughout East SoMa.

Policy 1.2.3:

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

The Project will add a significant amount of housing in the East SoMa area on a currently underutilized property. The ground floor along 5th Street will include commercial uses.

Housing

OBJECTIVE 2.3:

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

OBJECTIVE 2.4:

LOWER THE COST OF THE PRODUCTION OF HOUSING.

Policy 2.4.1:

Require developers to separate the cost of parking from the cost of housing in both for sale and rental developments.

The Project includes a variety of housing types, including studio, 1-bedroom, Jr. 2-bedroom, 2-bedroom, and 3-bedroom units. Unit types include both flats and townhouses. The available parking will be unbundled and sold or leased separately from the dwelling units.

OBJECTIVE 2.5:

PROMOTE HEALTH THROUGH RESIDENTIAL DEVELOPMENT DESIGN AND LOCATION.

Policy 2.5.3:

Require new development to meet minimum levels of "green" construction.

The Project plans to achieve a LEED Gold certification through various environmentally friendly elements of the proposal.

Built Form

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.

Policy 3.1.12:

Establish and require height limits and upper story setbacks to maintain adequate light and air to sidewalks and frontages along alleys.

The Project adequately responds to the width and character of Clementina Street by stepping back at least 10 feet at the 6th floor and above. The design is contemporary, but also responds well to its surroundings.

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 3.2.2:

Make ground floor retail and PDR uses as tall, roomy and permeable as possible.

Policy 3.2.3:

Minimize the visual impact of parking.

Policy 3.2.5:

Building form should celebrate corner locations.

The Project includes a nearly 19-foot floor to ceiling height for the commercial space along 5th Street. This space is of ample size and has significant transparency. The parking for the project is below grade and only visible by the single curb cut and garage door on Tehama Street. The primary corner at 5th Street and Tehama Street is celebrated through an angled bay system that is visually distinct.

Transportation

OBJECTIVE 4.1:

IMPROVE PUBLIC TRANSIT TO BETTER SERVE EXISTING AND NEW DEVELOPMENT IN THE SOUTH OF MARKET.

Policy 4.1.4:

Reduce existing curb cuts where possible and restrict new curb cuts to prevent vehicular conflicts with transit on important transit and neighborhood commercial streets

The Project will actually reduce the number of curb cuts on the site from three to one. Additionally, the lone curb cut will be placed on Tehama Street.

Streets and Open Space

OBJECTIVE 5.2:

ENSURE THAT NEW DEVELOPMENT INCLUDES HIGH QUALITY PRIVATE OPEN SPACE.

Policy 5.2.1:

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

The Project includes numerous private balconies well above the minimum dimensions required for private open space. Additionally, the two proposed roof decks are quite large and will provide open space well in excess of the minimum requirements.

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

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

There are no existing neighborhood-serving retail uses in the existing building. The Project will provide 5,281 square feet of ground floor space adequate for various commercial uses that will create opportunities for local resident employment and ownership opportunities.

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

No housing exists on the project site. The project will provide up to 179 new dwelling units, significantly increasing the neighborhood housing stock. The existing warehouse building was constructed in 1923, and its demolition will eliminate a structure that could contribute to the identified potential California Register-eligible historic district in the area. However, the Eastern Neighborhoods FEIR found that development in the East SoMa would result in a cumulative loss of historical structures, including those in the potential historic district, which is an unavoidable impact. Implementation of Mitigation Measures M-CR-3 and M-CR-4 found in the project's FEIR will reduce the impact of the proposal on historic resources. The design of the Project is otherwise compatible with the potential historic district and surrounding neighborhood. For these reasons, the proposed Project would protect and preserve the cultural, economic and historic significance of the neighborhood.

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

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

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

The Project is surrounded by a plethora of public transit routes. Routes within a several block radius include the MUNI and BART Powell Street station, the MUNI F line, the 8A-8X-8BX, 12, 14-14L-14X, 27, 30, 45, and several other MUNI bus lines north of Market Street. Golden Gate Transit and SamTrans also operate bus routes in this radius. The majority of future residents are expected to use alternative methods of transportation other than private automobiles, and the small number of vehicle trips generated by this project would not impede MUNI transit service or overburden 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 does not include any commercial office development. The Project will displace an underutilized industrial space and would eliminate the potential for future development of Production, Distribution, and Repair (PDR) uses on the site. However, the replacement with dwelling units and commercial space will increase the diversity of the City's housing supply, a top priority in the City, and provide 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 comply with all current seismic requirements.

- G. That landmarks and historic buildings be preserved.

The Project site is located within an identified potential California Register-eligible historic district in the area. However, the Eastern Neighborhoods FEIR found that development in the East SoMa would result in a cumulative loss of historical structures, including those in the potential historic district, which is an unavoidable impact. Implementation of Mitigation Measures M-CR-3 and M-CR-4 found in the project's FEIR will reduce the impact of the proposal on historic resources. The design of the Project is otherwise compatible with the potential historic district and surrounding neighborhood. Therefore, landmarks, including the historic district, would be preserved by the Project.

- 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.

12. The Project has completed the requirements of the First Source Hiring Construction and Employment Program approved by the First Source Hiring Administrator as they apply to permits for residential development (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.

13. 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.

14. Findings under the California Environmental Quality Act (CEQA).

a. Project Sponsor Objectives

The Final Environmental Impact Report (FEIR) discusses several Project objectives identified by the Project Sponsor. The objectives are as follows:

- To create a high-quality, sustainable, well-designed project that is responsive to the surrounding neighborhood.
- To provide residential and retail mixed-uses consistent with land use and design goals adopted for the Eastern Neighborhoods.
- To create transit-oriented housing opportunities located in Downtown San Francisco.
- To provide 15 percent BMR units to contribute to the City's supply of moderate income housing; and
- To construct a project that will qualify for Leadership in Energy and Environmental Design (LEED) Gold certification.

b. Planning and Environmental Review Process

The Project Sponsor applied for environmental review on July 6, 2007. The San Francisco Planning Department (the "Department") determined that an Environmental Impact Report was required and the Department printed and circulated a Notice of Preparation on June 11, 2008, that solicited comments regarding the content of the proposed EIR for the Project. The Department accepted comments on the EIR content through July 11, 2008. Subsequently, the Department published the Draft EIR on July 29, 2009, on which comments were accepted until September 15, 2009. The DEIR, together with the Comments and Responses document constitute the Final Environmental Impact Report (FEIR.) The Commission certified the FEIR on May 20, 2010 in Motion No. [_____].

c. Location and Custodian of Records.

The public hearing transcript, a copy of all letters regarding the FEIR received during the public review period, the administrative record, and background documentation for the FEIR are located at the Planning Department, 1650 Mission Street, San Francisco. The Planning Commission Secretary, Linda Avery, is the custodian of records for the Planning Department and the Planning Commission.

d. Alternatives Analyzed in the FEIR

The FEIR analyzed four alternatives to the Project: the No Project Alternative, the Adaptive Reuse/Preservation New Development of Lot 150 Alternative, the Adaptive Reuse/Partial Preservation Addition to 260 Fifth Street Alternative, and the Adaptive Reuse/Partial Preservation With PDR Space Alternative. The No Project Alternative analyzes no immediate change to the Project site, including no demolition of the 260 5th Street building on the Project site and no construction of the new residential building with ground floor retail and underground parking. The Adaptive Reuse/Preservation New Development of Lot 150 Alternative analyzes the construction of a smaller building on Lot 150 while preserving the existing 260 5th Street building. The Adaptive Reuse/Partial Preservation Addition to 260 Fifth Street Alternative analyzes a project that would involve the construction of a new 2-story addition to the 260 5th Street building and new construction of a 6-story building on Lot 150. The Adaptive Reuse/Partial Preservation With PDR Space Alternative analyzes a project that would involve the construction of a new 2-story addition to the 260 5th Street building with PDR uses included, and new construction of a 4-story building on Lot 150. The No Project Alternative, the Adaptive Reuse/Preservation New Development of Lot 150 Alternative, the Adaptive Reuse/Partial Preservation Addition to 260 Fifth Street Alternative, and the Adaptive Reuse/Partial Preservation With PDR Space Alternative are rejected for the reasons explained below.

e. Alternatives Rejected and Reasons for Rejection

1. No Project Alternative. The No Project Alternative would not be desirable or meet the Project Sponsor's goals. The No Project Alternative would amount to a continuation of the existing conditions at the Project site, which is underutilized. The No Project Alternative is rejected in favor of the Project and is found infeasible for the following environmental, economic and social reasons:
 - (a) The No Project Alternative would not meet any of the Project Sponsor's objectives.
 - (b) The No Project Alternative would be inconsistent with key goals of the East SoMa Area Plan.
 - (c) The Project site would remain underutilized.

2. Adaptive Reuse/Preservation New Development of Lot 150 Alternative. The Adaptive Reuse/Preservation New Development of Lot 150 Alternative would not be desirable or meet the Project Sponsor's goals. The Code Adaptive Reuse/Preservation New Development of Lot 150 Alternative is rejected in favor of the Project and is found infeasible for the following environmental, economic and social reasons:
 - (a) The Adaptive Reuse/Preservation New Development of Lot 150 Alternative would meet some but not all of the Project Sponsor's objectives.
 - (b) The Adaptive Reuse/Preservation New Development of Lot 150 Alternative would not result in the adaptively re-used building at 260 Fifth Street being LEED certified.
 - (c) The Adaptive Reuse/Preservation New Development of Lot 150 Alternative would create 46 rather than 179 new dwelling units resulting in only 26 percent of

the housing that would otherwise be accommodated on the project site, thus adversely affecting the City's total housing supply.

3. Adaptive Reuse/Partial Preservation Addition to 260 Fifth Street Alternative. The Adaptive Reuse/Partial Preservation Addition to 260 Fifth Street Alternative would not be desirable or meet the Project Sponsor's goals. The Adaptive Reuse/Partial Preservation Addition to 260 Fifth Street Alternative is rejected in favor of the Project and is found infeasible for the following environmental, economic and social reasons.
 - (a) The Adaptive Reuse/Partial Preservation Addition to 260 Fifth Street Alternative would reduce but not avoid project-level and cumulative impacts on an historical resource.
 - (b) The Adaptive Reuse/Partial Preservation Addition to 260 Fifth Street Alternative would attain most, but not all, of the basic objectives of the project.
 - (c) The Adaptive Reuse/Partial Preservation Addition to 260 Fifth Street Alternative would create 80 rather than 179 new dwelling units resulting in only 45 percent of the housing that would otherwise be accommodated on the project site, thus adversely affecting the City's total housing supply

4. Adaptive Reuse/Partial Preservation With PDR Space Alternative. The Adaptive Reuse/Partial Preservation With PDR Space Alternative would not be desirable or meet the Project Sponsor's goals. The Adaptive Reuse/Partial Preservation With PDR Space Alternative is rejected in favor of the Project and is found infeasible for the following environmental, economic and social reasons.
 - (a) The Adaptive Reuse/Partial Preservation With PDR Space Alternative would meet some but not all of the Project Sponsor's objectives.
 - (b) The Adaptive Reuse/Partial Preservation With PDR Space Alternative would reduce but not avoid project-level and cumulative impacts on an historical resource; therefore, the effect on the historical resource would still be considered significant with this alternative.
 - (c) The Adaptive Reuse/Partial Preservation With PDR Space Alternative would create 52 rather than 179 new dwelling units resulting in only 29 percent of the housing that would otherwise be accommodated on the project site, thus adversely affecting the City's total housing supply.

f. **Significant Impacts and Mitigation Measures**

In the course of the project planning and design, mitigation measures were identified that would reduce or eliminate potential significant environmental impacts. The significant impacts and the mitigation measures to reduce the significant impacts are described in chapter 4 of the FEIR, and outlined as follows:

Air Quality (Initial Study)

- Construction Air Quality Significant Impact
 - Initial Study Mitigation Measure 1: Construction Air Quality

Cultural and Paleontological Resources (Draft EIR)

- Archaeological Resources Impact CR-1: Significant Effect on Archaeological Resources
 - Draft EIR Mitigation Measure M-CR-1: Archaeological Resources
- Paleontological Resources Impact CR-2: Significant Effect on Paleontological Resources
 - Draft EIR Mitigation Measure M-CR-2: Paleontological Resources

The Project Sponsor has agreed to implement and comply with all mitigation measures identified in the FEIR. Therefore, the mitigation measures that have been incorporated into the Project will avoid or substantially lessen the potential significant environmental effects identified in the FEIR. To assure the implementation of these measures, they are included in the mitigation monitoring and reporting program for the Project, which is attached as Exhibit C to the this motion and incorporated herein by this reference. Implementation of all the mitigation measures contained in the FEIR will be included as a condition of approval for the Project. All mitigation measures proposed in the FEIR are adopted and the full text of the mitigation measures is set forth in the Mitigation Monitoring and Reporting Program attached as Exhibit C to this motion.

g. **Unavoidable Significant Environmental Impacts**

The Project, as approved, would have a Project-specific unavoidable significant environmental impact on the 260 5th Street building, a historic resource, resulting from its demolition as a part of the Project. There is no feasible or prudent mitigation measure for this impact for the reasons set forth in Section III. However, Mitigation Measure M-CR-3 in the Mitigation Monitoring and Reporting Program, which calls for documentation and commemoration of the building, would reduce impacts on historical resources, but the impact would remain significant and unavoidable.

The Project, as approved, would have a cumulative unavoidable significant environmental impact through the loss of opportunity for PDR use on the project site and the potential associated displacement of PDR businesses and jobs. No mitigation measure has been identified for the proposed project's contribution to the cumulative loss of land available for PDR use in the Eastern Neighborhoods area.

h. Statement of Overriding Considerations

Notwithstanding this significant unavoidable impact noted above, pursuant to CEQA Section 21081(b), the CEQA Guidelines, and Chapter 31 of the Administrative Code, the Commission finds, after considering the FEIR, that specific overriding economic, legal, social and other considerations, as set forth below, outweigh the identified significant effect on the environment. In addition, the Commission finds that the rejected Project Alternatives are also rejected for the following specific economic, social or other considerations, in addition to the specific reasons discussed in Section III above.

1. The Project would promote the objectives and policies of the General Plan by creating new housing, improving retail options, and being well located near public transit.
 2. The Project would provide housing in the East SoMa Plan Area by the development of 179 homes, which will be close to an array of public transit and close to offices and jobs.
 3. Although the Project would have a significant, unavoidable impact on the 260 5th Street Building, the history of the 260 5th Street building will be commemorated with an exhibit at the Project site pursuant to the Mitigation Measure M-CR-3 that the Project Sponsor has accepted.
 4. The Project would revitalize the Project site and the surrounding neighborhood.
 5. The Project would make a substantial contribution to the creation of affordable housing in the City pursuant to the provisions of Section 315 of the Planning Code.
 6. The Project would provide opportunities for new sources of jobs and would over its life result in substantial property taxes and transfer tax revenues for the City.
15. Mitigation. Pursuant to CEQA, the Commission has considered the mitigation measures as described in the FEIR and will include these measures and the mitigation monitoring program as conditions of Project approval (see Exhibit C).
16. The Commission hereby finds that approval of the Large Project Authorization would promote the health, safety and welfare of the City.

DECISION

The Commission, after carefully balancing the competing public and private interests, and based upon the Recitals and Findings set forth above, in accordance with the standards specified in the Code, hereby approves a Large Project Authorization under Planning Code Section 329 to allow the demolish of the existing two-story, 41,250 square feet industrial building and construction of a 9-story, 85-foot tall building with up to 179 dwelling units, up to 5,281 square feet of ground floor commercial space, and up to 102 parking spaces in a basement level parking garage in the SoMa Youth and Family Special Use District and MUR zoning district with an 85-X Height and Bulk Designation subject to the conditions of approval attached hereto as **Exhibit A** and in general conformance with plans filed with the plans as received on May 4, 2010, 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 FEIR and contained in the MMRP are included as conditions of approval.

APPEAL AND EFFECTIVE DATE OF MOTION: Any aggrieved person may appeal this Large Project Authorization to the Board of Appeals within fifteen (15) days after the date of this Motion No. XXXXX. The effective date of this Motion shall be the date of this Motion if not appealed (After the 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 in person at 1660 Mission Street, (Room 3036) or call 575-6880.

I hereby certify that the Planning Commission ADOPTED the foregoing Motion on May 20, 2010.

Linda D. Avery
Commission Secretary

AYES:

NAYS:

ABSENT:

ADOPTED: May 20, 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 approval is for authorization under Planning Code Section 329 on the property at 260 5th Street, Lots 008 and 150 in Assessor's Block 3732 (hereinafter "Property") to allow for the construction of a nine-story, 85-foot high building with approximately 235,000 gross square feet of floor area containing up to 179 dwelling units, up to 5,281 square feet of ground floor commercial space, and up to 102 off-street parking spaces, and exceptions to: (1) rear yard; (2) obstructions over a sidewalk; (3) dwelling unit exposure; (4) off-street parking spaces; (5) vertical non-habitable architectural element; and (6) horizontal mass reduction.
2. The Project approved by this Motion is in general conformity with the plans dated May 4, 2010, on file with the Department in the docket for Case No. 2007.0689EKX (labeled EXHIBIT B), reviewed and approved by the Commission on May 20, 2010.

Design

3. The final plans shall meet the standards of the Planning Code and be in general conformity with the plans approved by the Commission on May 20, 2010, as Exhibit B found in the Case docket.
4. The project sponsor shall continue to work with Planning Department staff on the details of the design of the project.
5. 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.
6. The Project shall comply with the provision of an in-lieu fee for approximately 21 square feet of usable open space for the approximately 5,281 square feet of proposed ground floor commercial space as required by Planning Code Section 135.3.
7. The Project shall comply with the provision of street trees as required by Planning Code Section 143.
8. Ground level storefronts in general conformity with Exhibit A shall be maintained in an attractive manner, providing transparency into the tenancy behind. Visibility of the commercial interiors and activity through all storefront windows shall be maintained in order to ensure that the ground level of the building remains visually active, provides visual interest to pedestrians, and enhances sidewalk security. Commercial interior layouts should be designed with these requirements in mind. Generally, storefront windows should not be visually obscured with the following: blinds, shades or curtains; shelving; equipment; darkly tinted, translucent or opaque

film; painted, stenciled or adhesive signage applied to individual window surfaces that has an overall transparency of less than 50%, or any signage that covers more than 1/3 of the area of any individual window; full or partial height interior partition walls placed directly against or within 10 feet from the window glazing; or any other items that significantly block the vision of pedestrians through the storefront windows into the occupiable commercial space. Solid roll-down security gates shall not be installed in storefront openings. The property owner shall ensure that this condition of approval is incorporated into all commercial leases.

Housing

9. 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)

10. **Requirement.** Pursuant to Planning Code 315.6, the Project Sponsor elected to provide 15 percent of the total dwelling units on-site as affordable below-market-rate units ("BMR units") to satisfy its Inclusionary Requirement.

11. **Other Conditions.** The Project is subject to the requirements of the Inclusionary Affordable Housing Program 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://www.sfgov.org/site/uploadedfiles/planning/inclusionaryhousingproceduresmanual6_28_07.pdf.

As provided in the Inclusionary 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. Prior to the issuance of the first site or building 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 the Mayor's Office of Housing or its successor (MOH), the monitoring agency for the BMR requirements.
- b. If project applicant fails to comply with the Inclusionary 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 applicant's failure to comply with the requirements of Planning Code Sections 315 to 315.9 shall constitute cause for the City to record a lien against the development project.

- c. **Future Applicable Controls:** If the Interim Controls contained in Board of Supervisors Resolution No. 100047 entitled "Planning Code – Interim Controls Related to Affordable Housing Requirements" or permanent controls in substantially similar form to those contained in Ordinance No. 100046 entitled "Planning Code – Amending Inclusionary Housing Ordinance" proposing amendments to Planning Code Section 315 et seq. (collectively "applicable future controls") are approved by the Board of Supervisors 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 provisions of Planning Code Section 315 et seq. Specifically, the Project shall pay the affordable housing fee as provided in the applicable future controls unless it is eligible to meet the requirements of Section 315 et seq. through an alternative method. The affordable housing fee currently designated in the draft applicable future controls is set at the same amount as the current in lieu fee in Planning Code Section 315.6 and the Planning Commission does not anticipate, except for standard indexing provided for by ordinance, that it shall increase as a result of the future permanent 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

Eastern Neighborhoods Public Benefit Fund

14. The Project Sponsor shall comply with the Eastern Neighborhoods Public Benefit Fund provisions of Planning Code Section 327 through payment of an Impact Fee to the Treasurer, or the execution of a Waiver Agreement or an In-Kind agreement approved as described per proposed Planning Code Section 327 prior to the issuance by Department of Building Inspection of the first site or building permit for the development project.

Performance

15. 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.
16. Prior to the issuance of any new building or site permit for the construction of 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, which notice shall state that construction of the Project 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 or the

successor thereto, the Zoning Administrator shall affirm in writing the extent to which the conditions of this Motion have been satisfied.

17. 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 for up to two years 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.

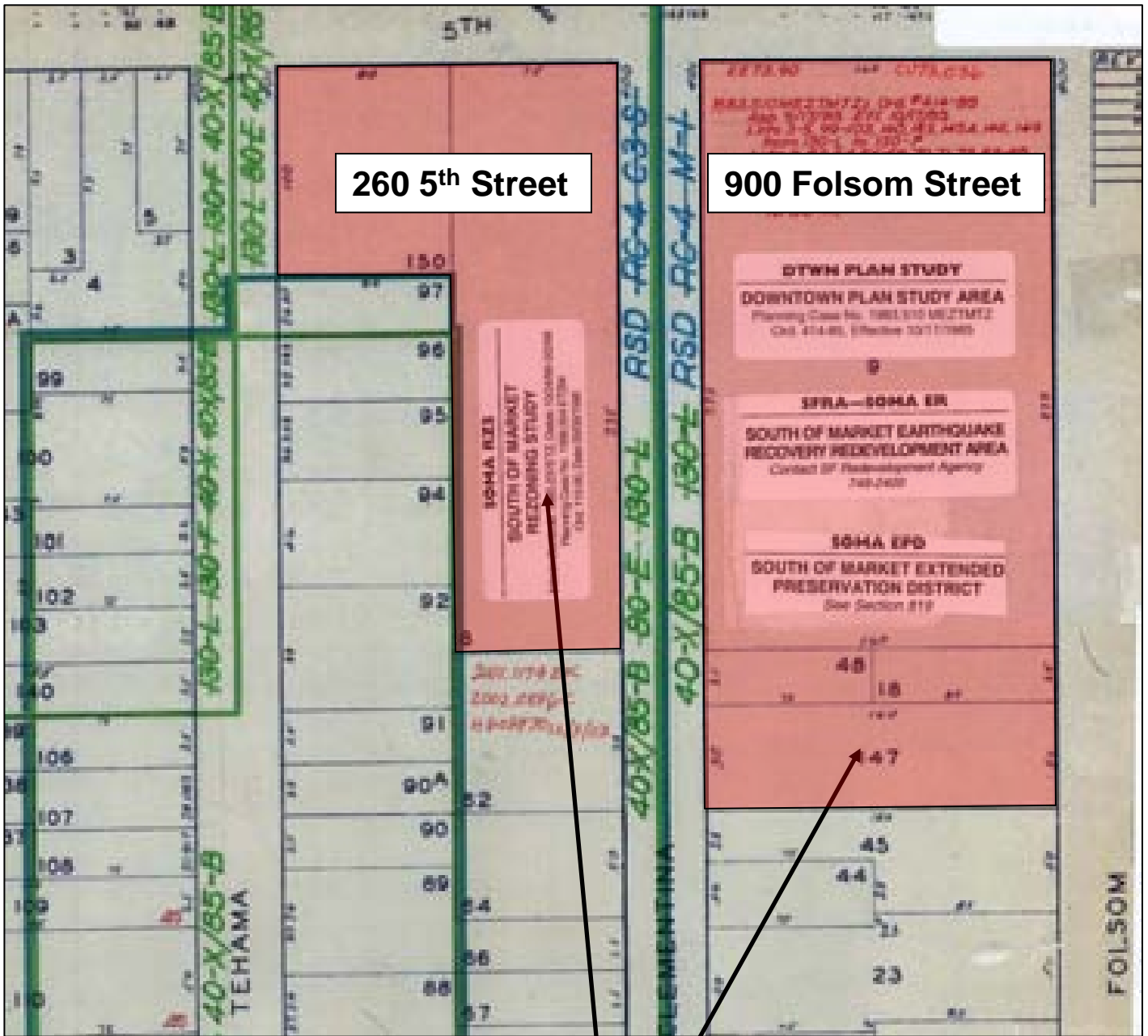
Mitigation Measures

18. 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

19. 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.

Parcel Map



260 5th Street

900 Folsom Street

SUBJECT PROPERTY



Large Project Authorization
Case Numbers 2007.0689EKX and 2007.0690EKX
Mid-Rise Residential
900 Folsom Street and 260 5th 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
 Case Numbers **2007.0689EKX** and **2007.0690EKX**
 Mid-Rise Residential
 900 Folsom Street and 260 5th Street

Aerial Photo



SUBJECT PROPERTY



Large Project Authorization
Case Numbers 2007.0689EKX and 2007.0690EKX
Mid-Rise Residential
900 Folsom Street and 260 5th Street

Aerial Photo



SUBJECT PROPERTY



Large Project Authorization
Case Numbers 2007.0689EKX and 2007.0690EKX
Mid-Rise Residential
900 Folsom Street and 260 5th Street

Aerial Photo



SUBJECT PROPERTY



Large Project Authorization
Case Numbers 2007.0689EKX and 2007.0690EKX
Mid-Rise Residential
900 Folsom Street and 260 5th Street

Site Photos – 260 5th Street



5th Street Facade



Clementina Street Facade

Large Project Authorization
Case Numbers 2007.0689EKX and 2007.0690EKX
Mid-Rise Residential
900 Folsom Street and 260 5th Street

Site Photos – 900 Folsom Street



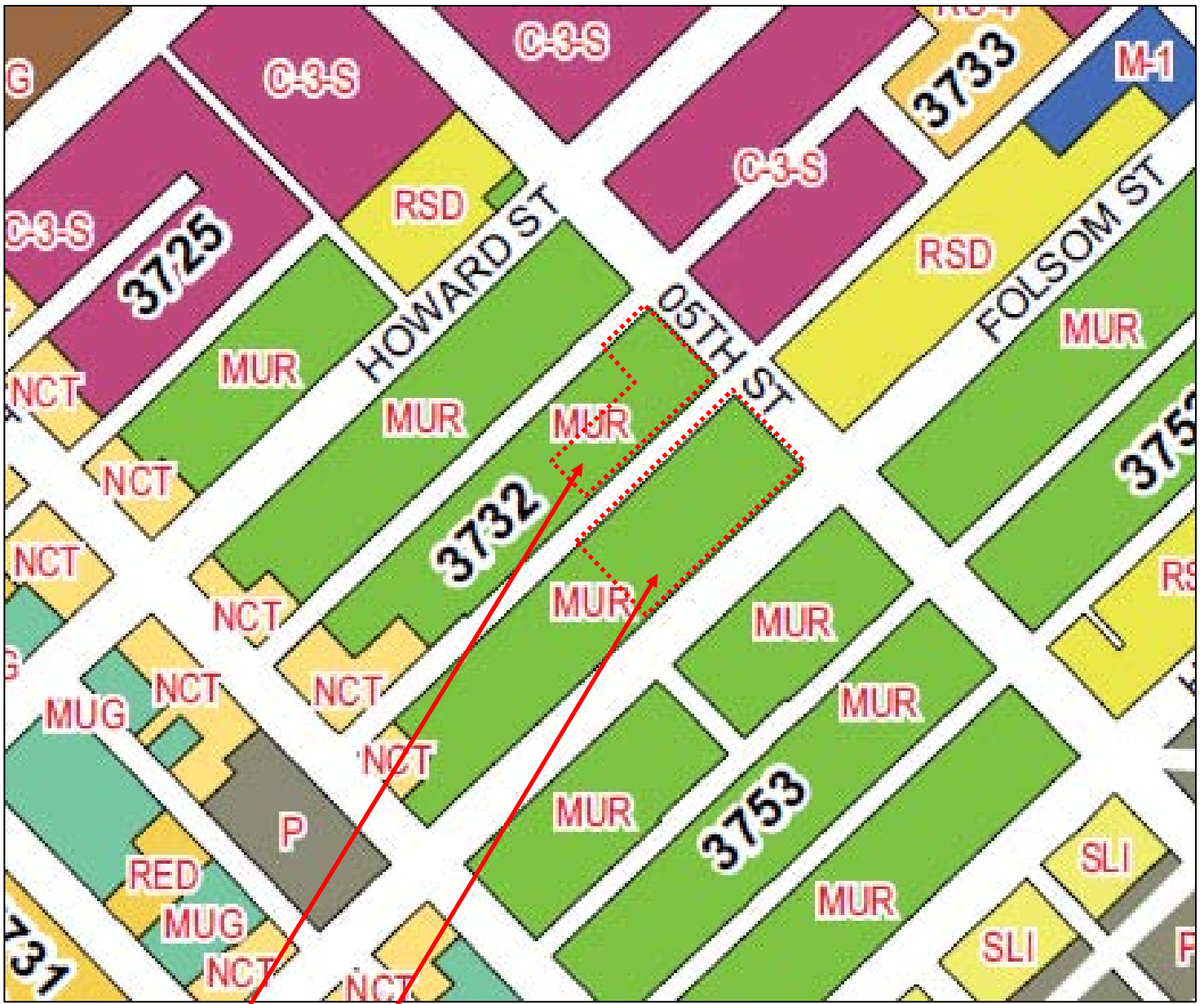
Folsom Street Frontage



5th Street Frontage

Large Project Authorization
Case Numbers 2007.0689EKX and 2007.0690EKX
Mid-Rise Residential
900 Folsom Street and 260 5th Street

Zoning Map



SUBJECT PROPERTY



Large Project Authorization
Case Numbers 2007.0689EKX and 2007.0690EKX
Mid-Rise Residential
900 Folsom Street and 260 5th Street



SAN FRANCISCO PLANNING DEPARTMENT

1650 Mission Street, Suite 400

San Francisco, California 94103

www.sfgov.org/planning

SECTION 315: DECLARATION OF INTENT

This completed form must be filed with the Planning Department prior to any Planning Commission hearing or if principally permitted, Planning Approval of the Site Permit for all projects subject to Planning Code Section 315 (five or more residential units), the Inclusionary Housing Requirement

260 5th Street 3732/008, 150
Project Address Block/Lot(s)

Building Permit Application No 2007.0690EKX Case No. (if applicable) Motion No. (if applicable)

Cory Teague 5/5/10
Name of Planner (SF Planning Department Contact) Date

NUMBER OF ALL UNITS IN THE PRINCIPAL PROJECT:					
TOTAL UNITS	STUDIOS	ONE-BEDROOM	TWO-BEDROOM	THREE-BEDRM	
179	28	80	71	0	

This project will comply with Planning Code Section 315 by: (select one of four options below)

1. PAYMENT OF AN IN-LIEU FEE PRIOR TO THE FIRST SITE OR BUILDING PERMIT ISSUANCE:

2. PROVISION OF BMR UNITS ON-SITE AT 15 % OF THE UNIT TOTAL:

NUMBER OF SALE BMR UNITS ON SITE IN THE PRINCIPAL PROJECT:					
TOTAL BMR UNITS	STUDIOS	ONE-BEDROOM	TWO-BEDROOM	THREE-BEDRM	
27	4	12	11	0	

NUMBER OF RENTAL BMR UNITS ON SITE IN THE PRINCIPAL PROJECT:					
TOTAL BMR UNITS	STUDIOS	ONE-BEDROOM	TWO-BEDROOM	THREE-BEDRM	

3. CONSTRUCTION OF BMR UNITS OFF-SITE AT 20 % OF THE UNIT TOTAL:

NUMBER OF SALE BMR UNITS CONSTRUCTED OFF SITE:					
TOTAL BMR UNITS	STUDIOS	ONE-BEDROOM	TWO-BEDROOM	THREE-BEDRM	

NUMBER OF RENTAL BMR UNITS CONSTRUCTED OFF SITE:					
TOTAL BMR UNITS	STUDIOS	ONE-BEDROOM	TWO-BEDROOM	THREE-BEDRM	

AREA OF DWELLINGS IN PRINCIPAL PROJECT: _____ S.F. AREA OF DWELLINGS IN OFF-SITE PROJECT: _____ S.F.

Off-Site Project Address (if more than one lot, attach additional sheet) Off-Site Block/Lot(s)

Building Permit Application No Case No. (if applicable) Motion No. (if applicable)

APPLICANT'S DECLARATION OF INTENT FOR SECTION 315 COMPLIANCE

ADDRESS OF PRINCIPAL PROJECT: 260 5th Street

PAGE 2

Number of market-rate units in the off-site project _____

4. USING A COMBINATION OF PAYMENT OF AN IN-LIEU FEE &/OR PROVISION OF ON-SITE BMR UNITS, &/OR CONSTRUCTION OF OFF-SITE BMR 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 BMR units for rent and/or for sale

1. In-lieu fee _____ % of BMR requirement

2. On-Site _____ % of BMR requirement

NUMBER OF SALE BMR UNITS ON SITE IN THE PRINCIPAL PROJECT:					
TOTAL BMR UNITS:	STUDIOS	ONE-BEDROOM	TWO-BEDROOM	THREE-BEDRM	
NUMBER OF RENTAL BMR UNITS ON SITE IN THE PRINCIPAL PROJECT:					
TOTAL BMR UNITS:	STUDIOS	ONE-BEDROOM	TWO-BEDROOM	THREE-BEDRM	

3. Off-Site _____ % of BMR requirement

NUMBER OF SALE BMR UNITS CONSTRUCTED OFF SITE:					
TOTAL BMR UNITS:	STUDIOS	ONE-BEDROOM	TWO-BEDROOM	THREE-BEDRM	
NUMBER OF RENTAL BMR UNITS CONSTRUCTED OFF SITE:					
TOTAL BMR UNITS:	STUDIOS	ONE-BEDROOM	TWO-BEDROOM	THREE-BEDRM	
AREA OF DWELLINGS IN PRINCIPAL PROJECT	S.F.		AREA OF DWELLINGS IN OFF-SITE PROJECT	S.F.	

Off-Site Project Address _____

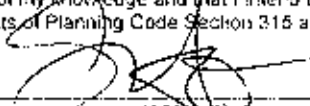
Off-Site Block/Lot(s) _____

Building Permit Application No. _____

Case No. (if applicable) _____

Motion No. (if applicable) _____

Number of market-rate units in the off-site project: _____

CONTACT INFORMATION AND DECLARATION OF SPONSOR OF PRINCIPAL PROJECT	CONTACT INFORMATION AND DECLARATION OF SPONSOR OF OFF-SITE PROJECT (IF DIFFERENT)
Print Name Eric Tao	Print Name
Address 100 Bush Street, 22nd Floor	Address
City, State, Zip San Francisco, Ca 94104	City, State, Zip
Phone 415-775-7005	Phone
Fax 415-775-7002	Fax
E-mail etao@agicapital.com	E-mail
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 315 as indicated above.  (Signature)	I hereby declare that the information herein is accurate to the best of my knowledge and that I intend to provide off-site BMR housing for the principal project as indicated. (Signature)

Cc: Mayor's Office of Housing, Chanora Egan
Historic File, Principal Project
Case Docket, Principal Project, if any

Historic File, Off-Site Project, if any
Case Docket, Off-Site Project, if any

Doc Version 7
07/08/08



SAN FRANCISCO PLANNING DEPARTMENT

1656 Mission Street, Suite 400

San Francisco, California 94103

www.sf.gov/planning

SECTION 315: DECLARATION OF INTENT

This completed form must be filed with the Planning Department prior to any Planning Commission hearing or if principally permitted, Planning Approval of the Site Permit for all projects subject to Planning Code Section 315 (five or more residential units) the Inclusionary Housing Requirement

900 Folsom Street
Project Address

3732/009, 018, 048, 147
Block/Lot(s)

Building Permit Application No. Case No. (if applicable) Motion No. (if applicable)

Corey Teague
Name of Planner (SF Planning Department Contact) Date

NUMBER OF ALL UNITS IN THE PRINCIPAL PROJECT:					
TOTAL UNITS	STUDIOS	ONE-BEDROOM	TWO-BEDROOM	THREE-BEDRM	
269	27	131	111	0	

This project will comply with Planning Code Section 315 by: (select one of four options below)

1. PAYMENT OF AN IN-LIEU FEE PRIOR TO THE FIRST SITE OR BUILDING PERMIT ISSUANCE:

2. PROVISION OF BMR UNITS ON-SITE AT 15 % OF THE UNIT TOTAL: Lot 48 22%

NUMBER OF SALE BMR UNITS ON SITE IN THE PRINCIPAL PROJECT:					
TOTAL BMR UNITS	STUDIOS	ONE-BEDROOM	TWO-BEDROOM	THREE-BEDRM	
40	4	20	16		
NUMBER OF RENTAL BMR UNITS ON SITE IN THE PRINCIPAL PROJECT:					
TOTAL BMR UNITS	STUDIOS	ONE-BEDROOM	TWO-BEDROOM	THREE-BEDRM	

3. CONSTRUCTION OF BMR UNITS OFF-SITE AT 20 % OF THE UNIT TOTAL:

NUMBER OF SALE BMR UNITS CONSTRUCTED OFF SITE:					
TOTAL BMR UNITS	STUDIOS	ONE-BEDROOM	TWO-BEDROOM	THREE-BEDRM	
NUMBER OF RENTAL BMR UNITS CONSTRUCTED OFF SITE:					
TOTAL BMR UNITS	STUDIOS	ONE-BEDROOM	TWO-BEDROOM	THREE-BEDRM	
AREA OF DWELLINGS IN PRINCIPAL PROJECT:	S.F.			AREA OF DWELLINGS IN OFF-SITE PROJECT:	S.F.

Off-Site Project Address (if more than one lot, attach additional sheet) Off-Site Block/Lot(s)

Building Permit Application No. Case No. (if applicable) Motion No. (if applicable)

APPLICANT'S DECLARATION OF INTENT FOR SECTION 315 COMPLIANCE

ADDRESS OF PRINCIPAL PROJECT 900 Folsom Street

PAGE 2

Number of market-rate units in the off-site project _____

4. USING A COMBINATION OF PAYMENT OF AN IN-LIEU FEE &/OR PROVISION OF ON-SITE BMR UNITS, &/OR CONSTRUCTION OF OFF-SITE BMR 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 BMR units for rent and/or for sale

1. In-lieu fee _____ % of BMR requirement
 2. On-Site _____ % of BMR requirement

NUMBER OF SALE BMR UNITS ON SITE IN THE PRINCIPAL PROJECT:					
TOTAL BMR UNITS	STUDIOS	ONE-BEDROOM	TWO-BEDROOM	THREE-BEDRM:	
NUMBER OF RENTAL BMR UNITS ON SITE IN THE PRINCIPAL PROJECT:					
TOTAL BMR UNITS	STUDIOS	ONE-BEDROOM	TWO-BEDROOM	THREE-BEDRM:	

- 3 Off-Site _____ % of BMR requirement

NUMBER OF SALE BMR UNITS CONSTRUCTED OFF SITE:					
TOTAL BMR UNITS	STUDIOS	ONE-BEDROOM	TWO-BEDROOM	THREE-BEDRM:	
NUMBER OF RENTAL BMR UNITS CONSTRUCTED OFF SITE:					
TOTAL BMR UNITS	STUDIOS	ONE-BEDROOM	TWO-BEDROOM	THREE-BEDRM:	
AREA OF DWELLINGS IN PRINCIPAL PROJECT:			SF	AREA OF DWELLINGS IN OFF-SITE PROJECT:	

Off-Site Project Address _____

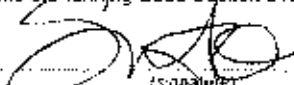
Off-Site Block/Lot(s) _____

Building Permit Application No. _____

Case No. (if applicable) _____

Motion No. (if applicable) _____

Number of market-rate units in the off-site project: _____

CONTACT INFORMATION AND DECLARATION OF SPONSOR OF PRINCIPAL PROJECT	CONTACT INFORMATION AND DECLARATION OF SPONSOR OF OFF-SITE PROJECT (IF DIFFERENT)
Eric Tao <small>Print Name</small>	 <small>Print Name</small>
900 Folsom Street <small>Address</small>	 <small>Address</small>
San Francisco, CA 94104 <small>City, State, Zip</small>	 <small>City, State, Zip</small>
415-775-7005 <small>Phone</small> 415-775-7002 <small>Fax</small>	 <small>Phone</small> <small>Fax</small>
etao@agicapital.com <small>E-mail</small>	 <small>E-mail</small>
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 315 as indicated above	I hereby declare that the information herein is accurate to the best of my knowledge and that I intend to provide off-site BMR housing for the principal project as indicated
 <small>(signature)</small>	 <small>(signature)</small>

CC Mayor's Office of Housing, Chandra Egan
 Historic File, Principal Project
 Case Docket, Principal Project, if any

Historic File, Off-Site Project, if any
 Case Docket, Off-Site Project, if any

Doc. Version 7
 07/08/08



Christina Olague
San Francisco Planning Commission
1650 Mission Street
San Francisco, CA 94103-2414

3/18/2010

Madame Vice President:

In response to AGI Capital and Avant Housing's plans to develop 900 Folsom Street and 260 Fifth Street, I am pleased to endorse the proposed project on behalf of Clementina Cares, Inc. As custodians of the public interest, our charter is to protect, maintain and enhance the quality of life for residents in the Clementina Alley neighborhood. We are satisfied that AGI Capital sought to understand and support the community's best interest as reflected in the design of the residential development.

We believe AGI Capital practised a sound due diligence process to solicit and incorporate feedback from the community, in an iterative design process, to propose a housing development that meets the community's aesthetic and civil expectations as well as the financial expectations of the equity partner, CalPERS.

AGI Capital community outreach campaign brought them in front of community activists, local residents and business owners, developers and architects whose projects have influenced the SOMA neighborhood. We commend AGI Capital's commitment to gather information in spite of the self-interests represented in these meetings and their leadership's commitment to maintain the primary focus.

In response to community feedback, AGI Capital made design concessions resulting in an \$11 million loss of revenue by reducing the density and adding a mid block park. In addition, the design now includes provisions to mitigate traffic through Clementina, a commitment to provide a "greener" design with roof gardens and sidewalk landscaping, and an innovative approach to create an inviting "pedestrian experience" along Folsom Street. The original plans for the project did not include any of these elements.

As South of Market neighborhoods become increasingly more desirable to residents, and therefore to developers, we walk a thin line between aggressive development and perpetuation of a unique live/work lifestyle that is family oriented, artistic yet tech savvy. It is our opinion that AGI Capital's method of canvassing the community should be heralded as a "best practise" for real estate developers. We commend AGI Capital for setting an example of how we believe developers should interact with the community from the initial onset of the project.

Regards,

ClementinaCares, Inc.
C/O Rocket Postcards
363 Clementina Street
San Francisco, CA 94103
415-345-4375



United Brotherhood of Carpenters
and Joiners of America
LOCAL UNION NO. 22

September 10, 2009

San Francisco Planning Commissioners
1650 Mission Street, Suite 400
San Francisco, CA 94103

Re: 900 Folsom Street & 260 Fifth Street, San Francisco

Dear Commissioners,

Carpenters Local 22 is writing to express its support of the 900 Folsom Street and 260 Fifth Street, San Francisco projects. These huge projects will provide affordable housing and much needed job opportunities to our membership.

We urge your favorable consideration and support of these projects.

Respectfully,

Manuel Flores Jr.
Marketing Representative

cc:

Michael T. Brown, Carpenters Local 22 Senior Field Representative
Michael Thierault, San Francisco Building Trades Council Secretary-Treasurer
Jesse Herzog, AGI Capital Project Manager
Linda Avery, Commission Secretary
Patricia Gerber, Commission Secretary Assistant

kkwlopeki-3-08-09





995 Market Street
Suite 1825
San Francisco, CA 94102
415.541.9001 ext
415.251.2868 fax
info@sfhac.org
www.sfhac.org

November 4, 2008

Eric Tao
Executive Vice President & CIO
AGI Capital
100 Bush Street, 22nd Floor
San Francisco, CA 94104

Re: Proposed project on 900 Folsom Street

Dear Mr. Tao:

The San Francisco Housing Action Coalition (SFHAC) is pleased to offer our enthusiastic endorsement of the proposed mixed-use residential building at 900 Folsom Street. Our Endorsement Committee believes the project has strong merit and will make a substantial contribution to SFHAC's goals of increasing the supply of appropriately located housing that meets the needs of present and future San Franciscans. With this project, AGI Capital is helping address the fact that this city needs more access to transit oriented housing.

The proposed project meets our endorsement criteria in the following ways:

Land Use:

The proposed high-density, transit-oriented and mixed-use project is an appropriate use of the site given the surrounding context. The project site, due to its location and size, is well suited for the surrounding environment. It is within walking distance to the City's job centers, entertainment, shopping and cultural venues. The project will develop two surface parking lots into mixed-use housing, a key goal of ours.

Density:

We understand that the project proposes 460 housing units, increased density above the base-zoning for this site. This proposed project would also provide 10,400 sq ft of ground-floor, neighborhood-serving retail.

Affordability:

The project sponsor intends to subsidize thirty-four million dollars in onsite affordable housing through the San Francisco inclusionary housing program. The proposed project will support the creation of sixty-nine units of below-market-rate housing.

Transit Orientation and Parking:

The project sponsor proposes 1:1 parking, which is the maximum allowed under SFHAC guidelines, but, considering the location, a missed opportunity. We commend the project sponsor for attempting to reduce the parking ratio, but we still have concerns that it is not low enough given the transit rich location of the project site. The proposed project is within walking distance of Market Street, which includes several BART and MUNI stations. One suggestion is to increase bicycle parking for residents as well as car share spaces. With the high cost of each parking space adding further to the overall expense of the project, reducing parking further not only adds to the livability of the project, but also to its financial success.

Design:

The proposed project promotes SFHAC's principles of good urban design by its visual appeal to pedestrians and its transit-friendly site planning. The project sponsor seeks to create a vibrant pedestrian realm through several improvements to the streetscape and Clementina Alleyway. The proposed project proposes to create a privately maintained publicly accessible pocket park that will connect Folsom street to Clementina Street. We are highly supportive of this idea.

Historic Preservation:

There are no preservation issues associated with this site.

Greening and Energy Efficiency:

The proposed project would employ several energy efficient components and "green" features such as low flow flush toilets that will reduce water use by thirty percent each year and the installation of vegetated roof surfaces to reduce heat island effect. The proposed project is seeking LEED Gold certification.

Community Input:

The project sponsor has met with several community groups on an ongoing basis since June of 2007. The SFHAC encourages the project team to continue this dialogue with the community as the project site plan moves forward.

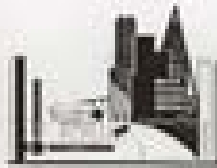
Thank you for submitting the 900 Folsom Street project to the SFHAC Endorsement Committee. We are pleased to fully endorse your excellent project. It meets our guidelines in an exemplary fashion. Please let us know how we may be of assistance.

Sincerely,



Tim Colen
Executive Director

Cc: Jesse Herzog, AGI Capital



SOUTH OF MARKET PROJECT AREA COMMITTEE

1035 FOLSOM STREET SAN FRANCISCO, CA 94103
415.487.2188 Fax 415.487.2189 website: <http://www.sompac.com>
Advisory body to the San Francisco Redevelopment Agency

February 24, 2010

Planning Commissioners
San Francisco Planning Department
1850 Mission Street, Suite 400
San Francisco, CA 94103

Re: 260 5th & 900 Folsom Street Project

Dear Planning Commissioners:

The South of Market Project Area Committee ("SOMPAC") is an advisory body formed to advise the San Francisco Redevelopment Agency ("Agency"). SOMPAC has been working with and advising the Agency since 1997 with respect to the area bounded by 5th to 7th and Harrison to Stevenson Streets.

AGI Capital has met with our Housing Subcommittee and General PAC ten times over the past four years and has worked with SOMPAC to implement changes and recommendations on the 260 5th and 900 Folsom Street project.

On October 20, 2008 the PAC endorsed the 260 5th and 900 Folsom Street project at their General PAC meeting. The following motion was made at the meeting:

Motion: "The PAC endorses the AGI Capital project located at 900 Folsom/260 5th Street, as it meets the project goals of the South of Market Redevelopment Plan. This endorsement is conditional based on the project's sponsor (AGI Capital) performing the following:

- A) Assigning a project liaison to SOMPAC's HS & HS Subcommittee to develop solutions for pedestrian safety and street maintenance issues between 5th and 6th Streets
- B) Exploring further landscaping design on Clementina and Folsom Streets to mitigate traffic and parking congestion
- C) Review of the EIR when it is available and
- D) Entrance/exit to the parking garage is to be located on Folsom or 5th Street."

Vote: Yes: 11 No: 3 Abstain: 0 Motion Passes

We would like to extend our appreciation to AGI Capital for involving us in the community process and listening to our concerns.

Sincerely,

Antoinetta Stadman
SOMPAC Chair

c: SOMPAC Members
Mike Gress/SCM Project Manager

- Chair
Antoinetta Stadman
SPO Residential Tenant
- Vice Chair
Charles Ringe
CEO SF Medical
Outreach Program
- Parliamentarian
Henry Kaminowitz
Business Owner
Server
- Ngini Aquino
Non-SPO Residential
Tenant
- Stephen Bell
Residential Property
Owner/Occupant
- Marvin Burns
SPO Residential Tenant
- William Cury II
Residential Owner
Non-Occupant
- Arena Dabson
CEO SF Green City Coalition
- John Elberling
CEO TDCOC
- Christine Evenden
Non-SPO Residential Tenant
- Jean Hattis
CEO Essex Commercial
Park
- Dane Jones
SPO Residential Tenant
- Alan Morath
CEO Autodesk Studio
- Don Morris
CEO South of
Market Employment
Center
- Liz Matthews
Non-SPO Residential
Tenant
- Paul Mehta
Residential Property
Owner/Occupant
- Steph Patel
SPO Hotel Owner
- Neal Patel
SPO Hotel Owner
- Maia Roberts
8th Street Retail
Commercial Tenant
- Raymond Smith
CEO Senior Action
Network
- Mark Swanson
Wholesale Business Owner



SAN FRANCISCO
PLANNING + URBAN RESEARCH
ASSOCIATION

654 Mission Street
San Francisco, California
94105

415.781.8726 t
415.781.7291 f

www.spur.org

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Steve Vettel
Debra Walker
Brooks Walker, III
Cynthia Wilusz-Lovell

April 28, 2010

Jesse Herzog
AGI Capital
100 Bush Street, 22nd Floor
San Francisco, CA 94104

Re: SPUR Endorsement of Proposed Development at Folsom & Fifth Street

Dear Mr. Herzog:

On behalf of the members of the SPUR Project Review Committee, we would like to thank your team for bringing the proposed development at 900 Folsom & 260 Fifth Street to our group for consideration and review at our September 2008 meeting, and for further review and clarification of the plans with the committee chairs in January 2010. As a result of our review at those meetings and in subsequent discussions, we are very pleased to offer SPUR's endorsement of the project.

We believe that the proposed project will provide much needed housing in this transit-rich neighborhood, and will provide welcome public amenities including a mid-block park and an enlivened streetscape at the alley on Clementina. Based on our review criteria, we offer the following comments in support of our reasons behind our endorsement, and a few suggestions that we think would make the project even more compelling.

Land Use

The project proposes two buildings of up to nine-stories in height. The building with the larger footprint, 900 Folsom Street, is to be built on an underutilized surface parking lot at the corner of Folsom and Fifth, and a smaller one, at 260 Fifth Street, would occupy a parcel to the north across Clementina St. Plans call for 448 (down from 466) residential units, 9,400 square feet of retail along Fifth St. (including 2,500 sq. ft. housing the Bill Graham Museum), and eight nineteen foot high "dwelling units with accessory commercial" space along Folsom Street. Covered parking spaces (42% using stackers) are provided on two levels, one at grade (in Folsom St. building only) and one below grade beneath each building. Access to the Folsom Street parking would be from Clementina, and to the Fifth Street parking, from Tehama.

The committee is supportive of residential development at this location. The site is well served by public transport, located a ten minute walk to Powell Street BART and MUNI stations and about fifteen minutes walk from the CalTrain station. The project sponsor is considering providing the below market rate housing on site, and we urge the sponsor to pursue this option.

Since the project has such good access to public transportation, the committee is pleased that the project sponsor accepted our recommendation and reduced the number of parking spaces from one space per unit to a ratio of 0.72 to 1.

The committee appreciates the inclusion of the Bill Graham Museum, and feel it is appropriately located at the northern end of the project on Fifth Street.

Public Realm Interface and the Promotion of a Pedestrian-Oriented Environment

The two elements which most strongly enhance the pedestrian experience are the mid-block park west of 900 Folsom and the activation of the Clementina Street alley.

The park will serve the residents and the general public, is a welcome break in the long Folsom Street block, allows access between Folsom and Clementina. We see promising landscape design taking shape, and encourage the sponsor to continue their thoughtful design of this urban space, and maintain twenty-four hour public access to the park as they have assured us they would.

The alley at Clementina is lined by an appropriately scaled four-story building with townhomes, with the last 25% or so of the elevation nearest Fifth St. rising to create a full nine-story height portal. The lower level townhomes have entrances directly off the street, which have the potential to add pedestrian life on this stretch of the lane. We are pleased to see that, consistent with our earlier suggestions, the sponsor has made a number of improvements that will enhance the streetscape and increase the opportunity for neighborly interactions. Planters and recessed entryways, creating transitional spaces, have been added, as have upper story balconies. The configuration of the lower units has also been changed to add more living space on the ground level closer to the street. All these changes add to the vitality of the alley by lending “eyes on the street”, and these façade articulations help reinforce the residential scale of the alley. Additionally, since most people on foot will be walking to and from Fifth St., all but one of the vehicular entries have been removed from Clementina, and the one remaining entry is at the far west end, away from the majority of pedestrians. A bulb-out has been added at the northern end of the park (near the vehicle entry) to provide an additional safety element. We urge the sponsor to pay careful attention to lighting both the park and the alley.

The live-work lofts, or “dwelling units with accessory commercial” spaces, on Folsom Street offer a good opportunity to add some life to this busy vehicular thoroughfare. We view these as a good transitional solution until the area can support more intensive retail uses.

Building & Landscape Design

The buildings are appropriately scaled for this location, and we appreciate the sponsor’s intent to design a contemporary building. Given the relative lack of detailing and specificity of materials at this stage, we will withhold further comment on the design. We addressed architectural comments for the streetwall at Clementina in the previous section.

The massing of the building is formidable, in keeping with the industrial heritage and context of the site. Given the deep shadow of the second floor roof podium at 900 Folsom, and the fact that it is lined with private, fenced patios which would discourage use of the space, we are pleased that the sponsor has reconsidered and that this area is no longer included as open space. The enlargement of the roofscape area above the ninth floor accessible to residents is another improvement.

Other landscape issues have been discussed previously as they relate to the pedestrian experience at the park and along Clementina Street.

Environmental Effects

SPUR believes it is essential for projects to build environmental sustainability into their design and function, and we appreciate the specifics with which the project sponsor has made this an ongoing priority from the outset and delineated their design priorities to achieve LEED Gold certification. As climate data press the case for sustainability ever more urgently, and more and more sustainable building elements and systems have become mainstream, we view integrated sustainability as an essential element of any new development.

Conclusion

We find the proposed project at 900 Folsom & 260 Fifth Street to be an appropriate use of the site. The dense residential development will enliven and enhance this transit-rich neighborhood. We are also encouraged by the project team's genuine commitment to building a demonstrably sustainable project.

We thank you for committing your time and resources to the presentation at SPUR, appreciate the fact that you have presented your proposal to us at an early stage in its development so that you were able to take many of our recommendations into consideration.

We are pleased to endorse this carefully considered, worthwhile project.

Sincerely,

  *For:*
Charmaine Curtis Mary Beth Sanders Reuben Schwartz
SPUR Project Review Committee Co-Chairs

cc: SPUR Board of Directors



October 20, 2008

Christina Olague, Chair
San Francisco Planning Commission
1650 Mission Street, Suite 400
San Francisco, CA 94103-2414

Dear Madame President:

On behalf of the Board of the Yerba Buena Alliance, I commend AGI Capital and Avant Housing for the significant community outreach they have accomplished regarding the housing project at 900 Folsom and 260 Fifth Streets. Over the last 12 months, AGI Capital has presented the project at three Yerba Buena Neighborhood meetings (10/4/07, 3/6/08, and 6/5/08). These presentations were designed to solicit community feedback and ensure open communication between the project's sponsors and the members of the Yerba Buena Neighborhood.

Based on community feedback, Avant Housing made significant changes to the project. As a result, the scope of the project (height and bulk) is appropriate for the area, effectively reflecting the changing nature of the community it will impact. The project will bring needed housing, infrastructure improvements (including traffic calming and streetscape and alley improvements), and additional public green space to the area. In addition, the proposed uses are consistent with the mixed-use nature and vision of the Yerba Buena community.

Since 1991 the Yerba Buena Alliance has supported the Yerba Buena Neighborhood by strengthening partnerships, providing critical neighborhood-wide leadership and infrastructure, serving as an information source and forum for the area's diverse residents, businesses, and visitors, and promoting the area as a destination. The Yerba Buena Alliance believes stable and vibrant businesses, beautiful and accessible public spaces, mutually-beneficial and lasting relationships, and an engaged community are key to ensuring a high quality of life in San Francisco and the Yerba Buena Neighborhood.

Avant Housing's proposed project will be a vast improvement to the existing uses and structures on the proposed sites. It is critical for providing improved access to the booming and culturally rich Yerba Buena Neighborhood. I urge you to support this exciting new development.

Sincerely,

A handwritten signature in black ink, appearing to read "Heather A. Hoell", is written over the word "Sincerely".

Heather A. Hoell
Executive Director

CC: Planning Commissioners, John Rahaim

From: [T.J. Kniveton](#)
To: corey.teague@sfgov.org
Subject: Comment on Case 2007.0689EKX
Date: 05/01/2010 12:36 AM

Hello,

I received your written notice of hearing for Case No. 2007.0689EKX: 900 Folsom Street.

As a neighbor, I would like to make the following comment on this case: I have spent years studying the proposed project, and I strongly support this proposed project.

As the representative of my HOA for the building where I live with 12 live-work units, our building overwhelmingly supports this project.

Please pass it through the zoning and building inspection process with all possible haste.

Sincerely,

T.J. Kniveton
468 Tehama St., #4
San Francisco, CA 94103
(owner)



Gavin Newsom, Mayor

MEMORANDUM OF UNDERSTANDING

This Memorandum of Understanding ("MOU") is entered into as of 4/26/10, by and between the City and County of San Francisco (the "City") through its First Source Hiring Administration ("FSHA") and Avant Housing LLC ("Project Sponsor").

WHEREAS, Project Sponsor, as developer, proposes to construct 269 new dwelling units, with up to 4,146 square feet of commercial space and 221 accessory, off-street parking spaces ("Project") at 900 Folsom Street, Lots 9I 18, 48, 147 in Assessor's Block 3732, San Francisco California ("Site"); and

WHEREAS, the Administrative Code of the City provides at Chapter 83 for a "First Source Hiring Program" which has as its purpose the creation of employment opportunities for qualified Economically Disadvantaged Individuals (as defined in Exhibit A); and

WHEREAS, the Project requires a building permit for a commercial activity of greater than 25,000 square feet and/or is a residential project greater than ten (10) units and therefore falls within the scope of the Chapter 83 of the Administrative Code; and

WHEREAS, Project Sponsor wishes to make a good faith effort to comply with the City's First Source Hiring Program.

Therefore, the parties to this Memorandum of Understanding agree as follows:


- A. Project Sponsor, upon entering into a contract for the construction of the Project after the date of this MOU, will include in that contract a provision in the form attached hereto as Exhibit A and Exhibit B. It is the Project Sponsor's responsibility to promptly provide a signed copy of Exhibit A to First Source Hiring program and CityBuild.
- B. Project Sponsor, as the developer of the Project, will comply with the requirements of Chapter 83 and upon entering into leases for the commercial space at the Project that are subject to Chapter 83, will include notice of the requirements of Chapter 83 in leases and other occupancy contracts. Project Sponsor will inform the FSIA when leases or occupancy contracts have been negotiated.
- C. Any lessee(s) or operator(s) of commercial space within the Project shall have the same obligations under this MOU as the Project Sponsor.
- D. CityBuild shall represent the First Source Hiring Administration and will provide referrals of Qualified economically disadvantaged individuals for employment on the construction phase of the Project as required under Chapter 83. The First Source Hiring Program will provide referrals of Qualified economically disadvantaged individuals for the permanent jobs located within the commercial space of the Project.

- E. The owners or residents of the residential units within the Project shall have no obligations under this MOU, or the attached First Source Hiring Agreement.
- F. FSHA shall advise Project Sponsor, in writing, of any alleged breach on the part of the Project's contractor and/or tenant(s) with regard to participation in the First Source Hiring Program at the Project prior to seeking an assessment of liquidated damages pursuant to Section 83.12 of the Administrative Code.
- G. As stated in Section 83.10(d) of the Administrative Code, if Project Sponsor fulfills its obligations as set forth in Chapter 83, it shall not be held responsible for the failure of a contractor or commercial tenant to comply with the requirements of Chapter 83.
- H. This MOU is an approved "First Source Hiring Agreement" as referenced in Section 83.11 of the Administrative Code. The parties agree that this MOU shall be recorded and that it may be executed in counterparts, each of which shall be considered an original and all of which taken together shall constitute one and the same instrument.
- I. Except as set forth in Section E, above: (1) this MOU shall be binding on and inure to the benefit of all successors and assigns of Project Sponsor having an interest in the Project and (2) Project Sponsor shall require that its obligations under this MOU shall be assumed in writing by its successors and assigns. Upon Project Sponsor's sale, assignment or transfer of title to the Project, it shall be relieved of all further obligations or liabilities under this MOU.

Date: 4/26/10

AGI Capital

By:


Eric Tao

Its: Officer

Date

5/6/2010


James Whelley

First Source Hiring Program Manager

**Exhibit A:
First Source Hiring Agreement**

This First Source Hiring Agreement (this "Agreement"), is made as of _____, by and between _____, the First Source Hiring Administration, (the "FSHA"), and the undersigned contractor _____ ("Contractor");

RECITALS

WHEREAS, Contractor has executed or will execute an agreement (the "Contract") to construct or oversee a portion of the project to construct _____ new dwelling units, with up to _____ square feet of commercial space and _____ accessory, off-street parking spaces ("Project") at _____, Lots _____ in Assessor's Block _____, San Francisco California ("Site"), and a copy of this Agreement is attached as an exhibit to, and incorporated in, the Contract; and

WHEREAS, as a material part of the consideration given by Contractor under the Contract, Contractor has agreed to execute this Agreement and participate in the San Francisco Workforce Development System established by the City and County of San Francisco, pursuant to Chapter 83 of the San Francisco Administrative Code;

NOW, THEREFORE, in consideration of the mutual covenants set forth herein and other good and valuable consideration, the receipt and sufficiency of which is hereby acknowledged, the parties covenant and agree as follows:

1. DEFINITIONS

For purposes of this Agreement, initially capitalized terms shall be defined as follows:

- a. **Economically Disadvantaged Individual:** An individual who is either (a) eligible for services under the Workforce Investment Act of 1998 (WIA) (29 U.S.C.A. 2801, et seq.), as determined by the San Francisco Office of Economic and Workforce Development (OEWD); or (b) designated as "economically disadvantaged" by the FSHA as an individual who is at risk of relying upon, or returning to, public assistance.
- b. **Entry Level Position:** A non-managerial position that requires no education above a high school diploma or certified equivalency, and less than two (2) years training or specific preparation, and shall include temporary and permanent jobs, and construction jobs related to the development of a commercial activity.
- c. **First Opportunity:** Consideration by Contractor of System Referrals for filling Entry Level Positions prior to recruitment and hiring of non-System Referral job applicants.

- d. **Job Classification:** Categorization of employment opportunity or position by craft, occupational title, skills, and experience required, if any.
- e. **Job Notification:** Written notice, in accordance with Section 2(b) below, from Contractor to FSHA for any available Entry Level Position during the term of the Contract.
- f. **Publicize:** Advertise or post available employment information, including participation in job fairs or other forums.
- g. **Qualified:** An Economically Disadvantaged Individual who meets the minimum bona fide occupational qualifications provided by Contractor to the System in the job availability notices required this Agreement.
- h. **System:** The San Francisco Workforce Development System established by the City and County of San Francisco, and managed by the Office of Economic and Workforce Development (OEWD), for maintaining (1) a pool of Qualified individuals, and (2) the mechanism by which such individuals are certified and referred to prospective employers covered by the First Source Hiring requirements under Chapter 83 of the San Francisco Administrative Code. Under this agreement, CityBuild will act as the representative of the San Francisco Workforce Development System.
- i. **System Referrals:** Referrals by CityBuild of Qualified applicants for Entry Level Positions with Contractor.
- j. **Subcontractor:** A person or entity who has a direct contract with Contractor to perform a portion of the work under the Contract.

2. PARTICIPATION OF CONTRACTOR IN THE SYSTEM

- a. As soon as reasonably practicable after execution of this Agreement, Contractor shall provide CityBuild the following information about Contractor's employment needs under the Contract:
 - i. On Exhibit B, the CityBuild Workforce Projection Form, Contractor will provide a detailed numerical estimate of journey and apprentice level positions to be employed on the project for each trade.
 - ii. Contractor will collaborate with CityBuild staff in completing the CityBuild Workforce Hiring Plan, to identify, by trade, the number of Core workers at project start and the number of workers at project peak; and the number of positions that will be required to fulfill the First Source local hiring expectation.
 - iii. A negotiated and signed CityBuild Workforce Hiring Plan will constitute

the First Source Hiring Plan as required under Chapter 83.

- b.
 - i. Contractor must (A) give good faith consideration to all CityBuild Referrals, (B) review the resumes of all such referrals, and (C) conduct interviews for posted Entry Level Positions in accordance with the non-discrimination provisions of this contract.
 - ii. Contractor must provide constructive feedback to CityBuild on all System Referrals in accordance with the following:
 - (A) If Contractor meets the criteria in Section 5(a) below that establishes "good faith efforts" of Contractor, Contractor must only respond orally to follow-up questions asked by the CityBuild account executive regarding each System Referral; and
 - (B) After Contractor has filled at least 5 Entry Level Positions under this Agreement, if Contractor is unable to meet the criteria in Section 5(b) below that establishes "good faith efforts" of Contractor, Contractor will be required to provide written comments on all CityBuild Referrals.
- c. Contractor must provide timely notification to CityBuild as soon as the job is filled, and identify by whom.

3. CONTRACTOR RETAINS DISCRETION REGARDING HIRING DECISIONS

Contractor agrees to offer the System the First Opportunity to provide Qualified applicants for employment consideration in Entry Level Positions, subject to any enforceable collective bargaining agreements. Contractor shall consider all applications of Qualified System Referrals for employment. Provided Contractor utilizes nondiscriminatory screening criteria, Contractor shall have the sole discretion to interview and hire any System Referrals.

4. COMPLIANCE WITH COLLECTIVE BARGAINING AGREEMENTS

Notwithstanding any other provision hereunder, if Contractor is subject to any collective bargaining agreement(s) requiring compliance with a pre-established applicant referral process, Contractor's only obligations with regards to any available Entry Level Positions subject to such collective bargaining agreement(s) during the term of the Contract shall be the following:

- a. Contractor shall notify the appropriate union(s) of the Contractor's obligations under this Agreement and request assistance from the union(s) in referring

Qualified applicants for the available Entry Level Position(s), to the extent such referral can conform to the requirements of the collective bargaining agreement(s).

- b. Contractor shall use "name call" privileges, in accordance with the terms of the applicable collective bargaining agreement(s), to seek Qualified applicants from the System for the available Entry Level Position(s).
- c. Contractor shall sponsor Qualified apprenticeship applicants, referred through the System, for applicable union membership.

5. CONTRACTOR'S GOOD FAITH EFFORT TO COMPLY WITH ITS OBLIGATIONS HEREUNDER

Contractor will make good faith efforts to comply with its obligations to participate in the System under this Agreement. Determinations of Contractor's good faith efforts shall be in accordance with the following:

- a. Contractor shall be deemed to have used good faith efforts if Contractor accurately completes and submits prior to the start of demolition and/or construction Exhibit B, the CityBuild Workforce Projection Form; and
- b. Contractor, at minimum, achieves 75% of the First Source Hiring Expectation as documented on Form 2: the CityBuild Workforce Hiring Plan.
- c. Contractor's failure to meet the criteria set forth in Section 5(b) does not impute "bad faith." Failure to meet the criteria set forth in Section 5(b) shall trigger a review of the referral process and the Contractor's efforts to comply with this Agreement. Such review shall be conducted by FSIA in accordance with Section 11 (c) below.

6. COMPLIANCE WITH THIS AGREEMENT OF SUBCONTRACTORS

In the event that Contractor subcontracts a portion of the work under the Contract, Contractor shall determine how many, if any, of the Entry Level Positions are to be employed by its Subcontractor(s) using Form 1: the CityBuild Workforce Projection Form and minimum hiring goals using Form 2: the CityBuild Workforce Hiring Plan, provided, however, that Contractor shall retain the primary responsibility for meeting the requirements imposed under this Agreement. Contractor shall ensure that this Agreement is incorporated into and made applicable to such Subcontract.

7. EXCEPTION FOR ESSENTIAL FUNCTIONS

Nothing in this Agreement precludes Contractor from using temporary or reassigned existing employees to perform essential functions of its operation; provided, however, the obligations of this Agreement to make good faith efforts to fill such vacancies permanently with System Referrals remains in effect. For these purposes, "essential functions" means those functions absolutely necessary to remain open for business.

8. CONTRACTOR'S COMPLIANCE WITH EXISTING EMPLOYMENT AGREEMENTS

Nothing in this Agreement shall be interpreted to prohibit the continuation of existing workforce training agreements or to interfere with consent decrees, collective bargaining agreements, or existing employment contracts. In the event of a conflict between this Agreement and an existing agreement, the terms of the existing agreement shall supersede this Agreement.

9. HIRING GOALS EXCEEDING OBLIGATIONS OF THIS AGREEMENT

Nothing in this Agreement shall be interpreted to prohibit the adoption of hiring and retention goals, first source hiring and interviewing requirements, notice and job availability requirements, monitoring, record keeping, and enforcement requirements and procedures which exceed the requirements of this Agreement.

10. OBLIGATIONS OF CITYBUILD

Under this Agreement, CityBuild shall:

- a. Upon signing the CityBuild Workforce Hiring Plan, immediately initiate recruitment and pre-screening activities.
- b. Recruit Qualified individuals to create a pool of applicants for jobs who match Contractor's Job Notification and to the extent appropriate train applicants for jobs that will become available through the First Source Program;
- c. Screen and refer applicants according to qualifications and specific selection criteria submitted by Contractor;
- d. Provide funding for City-sponsored pre-employment, employment training, and support services programs;
- e. Follow up with Contractor on outcomes of System Referrals and initiate corrective action as necessary to maintain an effective employment/training delivery system;
- f. Provide Contractor with reporting forms for monitoring the requirements of this Agreement; and
- g. Monitor the performance of the Agreement by examination of records of Contractor as submitted in accordance with the requirements of this Agreement.

11. CONTRACTOR'S REPORTING AND RECORD KEEPING OBLIGATIONS

Contractor shall:

- a. Maintain accurate records demonstrating Contractor's compliance with the First Source Hiring requirements of Chapter 83 of the San Francisco Administrative Code including, but not limited to, the following:
 - (1) Applicants
 - (2) Job offers
 - (3) Hires
 - (4) Rejections of applicants
- b. Submit completed reporting forms based on Contractor's records to CityBuild quarterly, unless more frequent submittals are reasonably required by FSHA. In this regard, Contractor agrees that if a significant number of positions are to be filled during a given period or other circumstances warrant, CityBuild may require daily, weekly, or monthly reports containing all or some of the above information.
- c. If based on complaint, failure to report, or other cause, the FSHA has reason to question Contractor's good faith effort, Contractor shall demonstrate to the reasonable satisfaction of the City that it has exercised good faith to satisfy its obligations under this Agreement.

12. DURATION OF THIS AGREEMENT

This Agreement shall be in full force and effect throughout the term of the Contract. Upon expiration of the Contract, or its earlier termination, this Agreement shall terminate and it shall be of no further force and effect on the parties hereto.

13. NOTICE

All notices to be given under this Agreement shall be in writing and sent by: certified mail, return receipt requested, in which case notice shall be deemed delivered three (3) business days after deposit, postage prepaid in the United States Mail, a nationally recognized overnight courier, in which case notice shall be deemed delivered one (1) business day after deposit with that courier, or hand delivery, in which case notice shall be deemed delivered on the date received, all as follows:

If to FSHA:

First Source Hiring Manager
3120 Mission Street
San Francisco, CA 94110
Attn: Mr. Jim Whelley

If to CityBuild:

CityBuild Compliance Officer
30 Van Ness Avenue, Suite 4900
San Francisco, CA 94102
Attn:

If to Developer:

Attn:

If to Contractor:

Attn:

- a. Any party may change its address for notice purposes by giving the other parties notice of its new address as provided herein. A "business day" is any day other than a Saturday, Sunday or a day in which banks in San Francisco, California are authorized to close.
- b. Notwithstanding the forgoing, any Job Notification or any other reports required of Contractor under this Agreement (collectively, "Contractor Reports") shall be delivered to the address of FSHA pursuant to this Section via first class mail, postage paid, and such Contractor Reports shall be deemed delivered two (2) business days after deposit in the mail in accordance with this Subsection.

14. ENTIRE AGREEMENT

This Agreement contains the entire agreement between the parties to this Agreement and shall not be modified in any manner except by an instrument in writing executed by the parties or their respective successors in interest.

15. SEVERABILITY

If any term or provision of this Agreement shall, to any extent, be held invalid or unenforceable, the remainder of this Agreement shall not be affected.

16. COUNTERPARTS

This Agreement may be executed in one or more counterparts. Each shall be deemed an original and all, taken together, shall constitute one and the same instrument.

17. SUCCESSORS

This Agreement shall inure to the benefit of and shall be binding upon the parties to this Agreement and their respective heirs, successors and assigns. If there is more than one person comprising Seller, their obligations shall be joint and several.

18. HEADINGS

Section titles and captions contained in this Agreement are inserted as a matter of convenience and for reference and in no way define, limit, extend or describe the scope of this Agreement or the intent of any of its provisions

19. GOVERNING LAW

This Agreement shall be governed and construed by the laws of the State of California.

IN WITNESS WHEREOF, the following have executed this Agreement as of the date set forth above.

CONTRACTOR:

By: _____

Name:

Its:



SAN FRANCISCO

CITY AND COUNTY OF SAN FRANCISCO
OFFICE OF ECONOMIC AND WORKFORCE DEVELOPMENT
CITYBUILD PROGRAM



FIRST SOURCE HIRING PROGRAM
EXHIBIT B - CITYBUILD
CONSTRUCTION CONTRACTS

FORM 1: CITYBUILD WORKFORCE PROJECTION FORM

For Projects with a total bid price in excess of \$350,000, successful Bidder and each of its Subcontractors slated to perform work valued at \$50,000 or greater must submit a completed CityBuild Workforce Projection Form within two (2) weeks of receiving the written project contract or notice to proceed, but no later than four (4) business days prior to the start of work, regardless of when a given Subcontractor's portion of work may begin.

Prime Contractor and each Subcontractor scheduled to perform work in an amount of \$50,000 or greater will meet with CityBuild Workforce Staff before commencement of work on the Project to provide a detailed numerical estimate of journey and apprentice level positions to be employed on the project in each trade, report on estimated dates and duration of employment, and collaboratively generate and sign a Project-specific Workforce Hiring Plan.

For Construction Contracts: Use this form to indicate the TOTAL estimated number of Journey Level Positions and Entry Level/Apprentice Position that will be needed to perform the work

For Non-Construction Contracts: Use this form to indicate all entry-level positions that will be needed to perform the work

Failure to submit this form in a timely manner may deem contractors or subcontractors to be nonresponsive.

Contract No. _____ Contract Name: _____

Department: _____ Project Manager: _____

Trade, Position, or Title	Journey or Apprentice / Entry-Level (J/A)	Number of Positions at Mobilization	Number of Position(s) at Peak	Est. Start Date	Est. End Date	Estimated Total Number of Work Hours	Subject to Collective Bargaining?
	J <input type="checkbox"/> A <input type="checkbox"/>						Yes <input type="checkbox"/> No <input type="checkbox"/>
	J <input type="checkbox"/> A <input type="checkbox"/>						Yes <input type="checkbox"/> No <input type="checkbox"/>
	J <input type="checkbox"/> A <input type="checkbox"/>						Yes <input type="checkbox"/> No <input type="checkbox"/>
	J <input type="checkbox"/> A <input type="checkbox"/>						Yes <input type="checkbox"/> No <input type="checkbox"/>
	J <input type="checkbox"/> A <input type="checkbox"/>						Yes <input type="checkbox"/> No <input type="checkbox"/>
	J <input type="checkbox"/> A <input type="checkbox"/>						Yes <input type="checkbox"/> No <input type="checkbox"/>

**Continue on separate sheet, if necessary. For assistance or questions in completing this form, contact the CityBuild Program of the Department of Economic and Workforce Development, (415) 581-2303*

Successful Bidder/SubContractor's Name _____ Street Address _____

Name of Signer _____ Title _____ City _____ Zip _____ Email _____

Signature of Authorized Representative _____ Date _____ Office Telephone _____ Cell Phone _____ Fax _____



MEMORANDUM OF UNDERSTANDING

This Memorandum of Understanding ("MOU") is entered into as of 4/26/10, by and between the City and County of San Francisco (the "City") through its First Source Hiring Administration ("FSHA") and Avant Housing LLC ("Project Sponsor").

WHEREAS, Project Sponsor, as developer, proposes to construct 179 new dwelling units, with up to 5,281 square feet of commercial space and 102 accessory, off-street parking spaces ("Project") at 260 5th Street, Lots 8, 150 in Assessor's Block 3732, San Francisco California ("Site"); and

WHEREAS, the Administrative Code of the City provides at Chapter 83 for a "First Source Hiring Program" which has as its purpose the creation of employment opportunities for qualified Economically Disadvantaged Individuals (as defined in Exhibit A); and

WHEREAS, the Project requires a building permit for a commercial activity of greater than 25,000 square feet and/or is a residential project greater than ten (10) units and therefore falls within the scope of the Chapter 83 of the Administrative Code; and

WHEREAS, Project Sponsor wishes to make a good faith effort to comply with the City's First Source Hiring Program.

Therefore, the parties to this Memorandum of Understanding agree as follows:

- A. Project Sponsor, upon entering into a contract for the construction of the Project after the date of this MOU, will include in that contract a provision in the form attached hereto as Exhibit A and Exhibit B. It is the Project Sponsor's responsibility to promptly provide a signed copy of Exhibit A to First Source Hiring program and CityBuild.
- B. Project Sponsor, as the developer of the Project, will comply with the requirements of Chapter 83 and upon entering into leases for the commercial space at the Project that are subject to Chapter 83, will include notice of the requirements of Chapter 83 in leases and other occupancy contracts. Project Sponsor will inform the FSHA when leases or occupancy contracts have been negotiated.
- C. Any lessee(s) or operator(s) of commercial space within the Project shall have the same obligations under this MOU as the Project Sponsor.
- D. CityBuild shall represent the First Source Hiring Administration and will provide referrals of Qualified economically disadvantaged individuals for employment on the construction phase of the Project as required under Chapter 83. The First Source Hiring Program will provide referrals of Qualified economically disadvantaged individuals for the permanent jobs located within the commercial space of the Project.

- E. The owners or residents of the residential units within the Project shall have no obligations under this MOU, or the attached First Source Hiring Agreement.
- F. FSHA shall advise Project Sponsor, in writing, of any alleged breach on the part of the Project's contractor and/or tenant(s) with regard to participation in the First Source Hiring Program at the Project prior to seeking an assessment of liquidated damages pursuant to Section 83.12 of the Administrative Code.
- G. As stated in Section 83.10(d) of the Administrative Code, if Project Sponsor fulfills its obligations as set forth in Chapter 83, it shall not be held responsible for the failure of a contractor or commercial tenant to comply with the requirements of Chapter 83.
- H. This MOU is an approved "First Source Hiring Agreement" as referenced in Section 83.11 of the Administrative Code. The parties agree that this MOU shall be recorded and that it may be executed in counterparts, each of which shall be considered an original and all of which taken together shall constitute one and the same instrument.
- J. Except as set forth in Section E, above: (1) this MOU shall be binding on and inure to the benefit of all successors and assigns of Project Sponsor having an interest in the Project and (2) Project Sponsor shall require that its obligations under this MOU shall be assumed in writing by its successors and assigns. Upon Project Sponsor's sale, assignment or transfer of title to the Project, it shall be relieved of all further obligations or liabilities under this MOU.

Date: 4/26/10

Avant Housing LLC

By:

Eric Tao

Its:

Director

Date

5/6/2010

James Whelley

First Source Hiring Program Manager

**Exhibit A:
First Source Hiring Agreement**

This First Source Hiring Agreement (this "Agreement"), is made as of _____, by and between _____, the First Source Hiring Administration, (the "FSHA"), and the undersigned contractor _____ ("Contractor"):

RECITALS

WHEREAS, Contractor has executed or will execute an agreement (the "Contract") to construct or oversee a portion of the project to construct _____ new dwelling units, with up to _____ square feet of commercial space and _____ accessory, off-street parking spaces ("Project") at _____, Lots _____ in Assessor's Block _____, San Francisco California ("Site"), and a copy of this Agreement is attached as an exhibit to, and incorporated in, the Contract; and

WHEREAS, as a material part of the consideration given by Contractor under the Contract, Contractor has agreed to execute this Agreement and participate in the San Francisco Workforce Development System established by the City and County of San Francisco, pursuant to Chapter 83 of the San Francisco Administrative Code:

NOW, THEREFORE, in consideration of the mutual covenants set forth herein and other good and valuable consideration, the receipt and sufficiency of which is hereby acknowledged, the parties covenant and agree as follows:

1. DEFINITIONS

For purposes of this Agreement, initially capitalized terms shall be defined as follows:

- a. **Economically Disadvantaged Individual:** An individual who is either (a) eligible for services under the Workforce Investment Act of 1998 (WIA) (29 U.S.C.A. 2801, et seq.), as determined by the San Francisco Office of Economic and Workforce Development (OEWD); or (b) designated as "economically disadvantaged" by the FSHA as an individual who is at risk of relying upon, or returning to, public assistance.
- b. **Entry Level Position:** A non-managerial position that requires no education above a high school diploma or certified equivalency, and less than two (2) years training or specific preparation, and shall include temporary and permanent jobs, and construction jobs related to the development of a commercial activity.
- c. **First Opportunity:** Consideration by Contractor of System Referrals for filling Entry Level Positions prior to recruitment and hiring of non-System Referral job applicants.

- d. **Job Classification:** Categorization of employment opportunity or position by craft, occupational title, skills, and experience required, if any.
- e. **Job Notification:** Written notice, in accordance with Section 2(b) below, from Contractor to FSHA for any available Entry Level Position during the term of the Contract.
- f. **Publicize:** Advertise or post available employment information, including participation in job fairs or other forums.
- g. **Qualified:** An Economically Disadvantaged Individual who meets the minimum bona fide occupational qualifications provided by Contractor to the System in the job availability notices required this Agreement.
- h. **System:** The San Francisco Workforce Development System established by the City and County of San Francisco, and managed by the Office of Economic and Workforce Development (OEWD), for maintaining (1) a pool of Qualified individuals, and (2) the mechanism by which such individuals are certified and referred to prospective employers covered by the First Source Hiring requirements under Chapter 83 of the San Francisco Administrative Code. Under this agreement, CityBuild will act as the representative of the San Francisco Workforce Development System.
- i. **System Referrals:** Referrals by CityBuild of Qualified applicants for Entry Level Positions with Contractor.
- j. **Subcontractor:** A person or entity who has a direct contract with Contractor to perform a portion of the work under the Contract.

2. PARTICIPATION OF CONTRACTOR IN THE SYSTEM

- a. As soon as reasonably practicable after execution of this Agreement, Contractor shall provide CityBuild the following information about Contractor's employment needs under the Contract:
 - i. On Exhibit B, the CityBuild Workforce Projection Form, Contractor will provide a detailed numerical estimate of journey and apprentice level positions to be employed on the project for each trade.
 - ii. Contractor will collaborate with CityBuild staff in completing the CityBuild Workforce Hiring Plan, to identify, by trade, the number of Core workers at project start and the number of workers at project peak; and the number of positions that will be required to fulfill the First Source local hiring expectation.
 - iii. A negotiated and signed CityBuild Workforce Hiring Plan will constitute

the First Source Hiring Plan as required under Chapter 83.

- b.
 - i. Contractor must (A) give good faith consideration to all CityBuild Referrals, (B) review the resumes of all such referrals, and (C) conduct interviews for posted Entry Level Positions in accordance with the non-discrimination provisions of this contract.
 - ii. Contractor must provide constructive feedback to CityBuild on all System Referrals in accordance with the following:
 - (A) If Contractor meets the criteria in Section 5(a) below that establishes "good faith efforts" of Contractor, Contractor must only respond orally to follow-up questions asked by the CityBuild account executive regarding each System Referral; and
 - (B) After Contractor has filled at least 5 Entry Level Positions under this Agreement, if Contractor is unable to meet the criteria in Section 5(b) below that establishes "good faith efforts" of Contractor, Contractor will be required to provide written comments on all CityBuild Referrals.
- c. Contractor must provide timely notification to CityBuild as soon as the job is filled, and identify by whom.

3. CONTRACTOR RETAINS DISCRETION REGARDING HIRING DECISIONS

Contractor agrees to offer the System the First Opportunity to provide Qualified applicants for employment consideration in Entry Level Positions, subject to any enforceable collective bargaining agreements. Contractor shall consider all applications of Qualified System Referrals for employment. Provided Contractor utilizes nondiscriminatory screening criteria, Contractor shall have the sole discretion to interview and hire any System Referrals.

4. COMPLIANCE WITH COLLECTIVE BARGAINING AGREEMENTS

Notwithstanding any other provision hereunder, if Contractor is subject to any collective bargaining agreement(s) requiring compliance with a pre-established applicant referral process. Contractor's only obligations with regards to any available Entry Level Positions subject to such collective bargaining agreement(s) during the term of the Contract shall be the following:

- a. Contractor shall notify the appropriate union(s) of the Contractor's obligations under this Agreement and request assistance from the union(s) in referring

Qualified applicants for the available Entry Level Position(s), to the extent such referral can conform to the requirements of the collective bargaining agreement(s).

- b. Contractor shall use "name call" privileges, in accordance with the terms of the applicable collective bargaining agreement(s), to seek Qualified applicants from the System for the available Entry Level Position(s).
- c. Contractor shall sponsor Qualified apprenticeship applicants, referred through the System, for applicable union membership.

5. CONTRACTOR'S GOOD FAITH EFFORT TO COMPLY WITH ITS OBLIGATIONS HEREUNDER

Contractor will make good faith efforts to comply with its obligations to participate in the System under this Agreement. Determinations of Contractor's good faith efforts shall be in accordance with the following:

- a. Contractor shall be deemed to have used good faith efforts if Contractor accurately completes and submits prior to the start of demolition and/or construction Exhibit B, the CityBuild Workforce Projection Form; and
- b. Contractor, at minimum, achieves 75% of the First Source Hiring Expectation as documented on Form 2: the CityBuild Workforce Hiring Plan.
- c. Contractor's failure to meet the criteria set forth in Section 5(b) does not impute "bad faith." Failure to meet the criteria set forth in Section 5(b) shall trigger a review of the referral process and the Contractor's efforts to comply with this Agreement. Such review shall be conducted by FSHA in accordance with Section 11 (c) below.

6. COMPLIANCE WITH THIS AGREEMENT OF SUBCONTRACTORS

In the event that Contractor subcontracts a portion of the work under the Contract, Contractor shall determine how many, if any, of the Entry Level Positions are to be employed by its Subcontractor(s) using Form 1: the CityBuild Workforce Projection Form and minimum hiring goals using Form 2: the CityBuild Workforce Hiring Plan, provided, however, that Contractor shall retain the primary responsibility for meeting the requirements imposed under this Agreement. Contractor shall ensure that this Agreement is incorporated into and made applicable to such Subcontract.

7. EXCEPTION FOR ESSENTIAL FUNCTIONS

Nothing in this Agreement precludes Contractor from using temporary or reassigned existing employees to perform essential functions of its operation; provided, however, the obligations of this Agreement to make good faith efforts to fill such vacancies permanently with System Referrals remains in effect. For these purposes, "essential functions" means those functions absolutely necessary to remain open for business.

8. CONTRACTOR'S COMPLIANCE WITH EXISTING EMPLOYMENT AGREEMENTS

Nothing in this Agreement shall be interpreted to prohibit the continuation of existing workforce training agreements or to interfere with consent decrees, collective bargaining agreements, or existing employment contracts. In the event of a conflict between this Agreement and an existing agreement, the terms of the existing agreement shall supersede this Agreement.

9. HIRING GOALS EXCEEDING OBLIGATIONS OF THIS AGREEMENT

Nothing in this Agreement shall be interpreted to prohibit the adoption of hiring and retention goals, first source hiring and interviewing requirements, notice and job availability requirements, monitoring, record keeping, and enforcement requirements and procedures which exceed the requirements of this Agreement.

10. OBLIGATIONS OF CITYBUILD

Under this Agreement, CityBuild shall:

- a. Upon signing the CityBuild Workforce Hiring Plan, immediately initiate recruitment and pre-screening activities.
- b. Recruit Qualified individuals to create a pool of applicants for jobs who match Contractor's Job Notification and to the extent appropriate train applicants for jobs that will become available through the First Source Program;
- c. Screen and refer applicants according to qualifications and specific selection criteria submitted by Contractor;
- d. Provide funding for City-sponsored pre-employment, employment training, and support services programs;
- e. Follow up with Contractor on outcomes of System Referrals and initiate corrective action as necessary to maintain an effective employment/training delivery system;
- f. Provide Contractor with reporting forms for monitoring the requirements of this Agreement; and
- g. Monitor the performance of the Agreement by examination of records of Contractor as submitted in accordance with the requirements of this Agreement.

11. CONTRACTOR'S REPORTING AND RECORD KEEPING OBLIGATIONS

Contractor shall:

- a. **Maintain accurate records demonstrating Contractor's compliance with the First Source Hiring requirements of Chapter 83 of the San Francisco Administrative Code including, but not limited to, the following:**
 - (1) Applicants
 - (2) Job offers
 - (3) Hires
 - (4) Rejections of applicants
- b. **Submit completed reporting forms based on Contractor's records to CityBuild quarterly, unless more frequent submittals are reasonably required by FSHA. In this regard, Contractor agrees that if a significant number of positions are to be filled during a given period or other circumstances warrant, CityBuild may require daily, weekly, or monthly reports containing all or some of the above information.**
- c. **If based on complaint, failure to report, or other cause, the FSHA has reason to question Contractor's good faith effort, Contractor shall demonstrate to the reasonable satisfaction of the City that it has exercised good faith to satisfy its obligations under this Agreement.**

12. DURATION OF THIS AGREEMENT

This Agreement shall be in full force and effect throughout the term of the Contract. Upon expiration of the Contract, or its earlier termination, this Agreement shall terminate and it shall be of no further force and effect on the parties hereto.

13. NOTICE

All notices to be given under this Agreement shall be in writing and sent by: certified mail, return receipt requested, in which case notice shall be deemed delivered three (3) business days after deposit, postage prepaid in the United States Mail, a nationally recognized overnight courier, in which case notice shall be deemed delivered one (1) business day after deposit with that courier, or hand delivery, in which case notice shall be deemed delivered on the date received, all as follows:

If to FSHA:

First Source Hiring Manager
3120 Mission Street
San Francisco, CA 94110
Attn: Mr. Jim Whelley

If to CityBuild:

CityBuild Compliance Officer
30 Van Ness Avenue, Suite 4900
San Francisco, CA 94102
Attn:

If to Developer:

Attn:

If to Contractor:

Attn:

- a. Any party may change its address for notice purposes by giving the other parties notice of its new address as provided herein. A "business day" is any day other than a Saturday, Sunday or a day in which banks in San Francisco, California are authorized to close.
- b. Notwithstanding the forgoing, any Job Notification or any other reports required of Contractor under this Agreement (collectively, "Contractor Reports") shall be delivered to the address of FSHA pursuant to this Section via first class mail, postage paid, and such Contractor Reports shall be deemed delivered two (2) business days after deposit in the mail in accordance with this Subsection.

14. ENTIRE AGREEMENT

This Agreement contains the entire agreement between the parties to this Agreement and shall not be modified in any manner except by an instrument in writing executed by the parties or their respective successors in interest.

15. SEVERABILITY

If any term or provision of this Agreement shall, to any extent, be held invalid or unenforceable, the remainder of this Agreement shall not be affected.

16. COUNTERPARTS

This Agreement may be executed in one or more counterparts. Each shall be deemed an original and all, taken together, shall constitute one and the same instrument.

17. SUCCESSORS

This Agreement shall inure to the benefit of and shall be binding upon the parties to this Agreement and their respective heirs, successors and assigns. If there is more than one person comprising Seller, their obligations shall be joint and several.

18. HEADINGS

Section titles and captions contained in this Agreement are inserted as a matter of convenience and for reference and in no way define, limit, extend or describe the scope of this Agreement or the intent of any of its provisions

19. GOVERNING LAW

This Agreement shall be governed and construed by the laws of the State of California.

IN WITNESS WHEREOF, the following have executed this Agreement as of the date set forth above.

CONTRACTOR:

By: _____

Name:

Its:



CITY AND COUNTY OF SAN FRANCISCO
 OFFICE OF ECONOMIC AND WORKFORCE DEVELOPMENT
 CITYBUILD PROGRAM



FIRST SOURCE HIRING PROGRAM
 EXHIBIT B - CITYBUILD
 CONSTRUCTION CONTRACTS

FORM 1: CITYBUILD WORKFORCE PROJECTION FORM

For Projects with a total bid price in excess of \$350,000, successful Bidder and each of its Subcontractors slated to perform work valued at \$50,000 or greater must submit a completed CityBuild Workforce Projection Form within two (2) weeks of receiving the written project contract or notice to proceed, but no later than four (4) business days prior to the start of work, regardless of when a given Subcontractor's portion of work may begin.

Prime Contractor and each Subcontractor scheduled to perform work in an amount of \$50,000 or greater will meet with CityBuild Workforce Staff before commencement of work on the Project to provide a detailed numerical estimate of journey and apprentice level positions to be employed on the project in each trade, report on estimated dates and duration of employment, and collaboratively generate and sign a Project-specific Workforce Hiring Plan.

For Construction Contracts: Use this form to indicate the TOTAL estimated number of Journey Level Positions and Entry Level/Apprentice Position that will be needed to perform the work.

For Non-Construction Contracts: Use this form to indicate all entry-level positions that will be needed to perform the work

Failure to submit this form in a timely manner may deem contractors or subcontractors to be nonresponsive

Contract No: _____ Contract Name: _____

Department: _____ Project Manager: _____

Trade, Position, or Title	Journey or Apprentice / Entry-Level (J/A)	Number of Positions at Mobilization	Number of Position(s) at Peak	Est. Start Date	Est. End Date	Estimated Total Number of Work Hours	Subject to Collective Bargaining?
	J <input type="checkbox"/> A <input type="checkbox"/>						Yes <input type="checkbox"/> No <input type="checkbox"/>
	J <input type="checkbox"/> A <input type="checkbox"/>						Yes <input type="checkbox"/> No <input type="checkbox"/>
	J <input type="checkbox"/> A <input type="checkbox"/>						Yes <input type="checkbox"/> No <input type="checkbox"/>
	J <input type="checkbox"/> A <input type="checkbox"/>						Yes <input type="checkbox"/> No <input type="checkbox"/>
	J <input type="checkbox"/> A <input type="checkbox"/>						Yes <input type="checkbox"/> No <input type="checkbox"/>
	J <input type="checkbox"/> A <input type="checkbox"/>						Yes <input type="checkbox"/> No <input type="checkbox"/>

**Continue on separate sheet, if necessary. For assistance or questions in completing this form, contact the CityBuild Program of the Department of Economic and Workforce Development, (415) 581-2303.*

Successful Bidder/SubContractor's Name _____ Street Address _____

Name of Signer _____ Title _____ City _____ Zip _____ Email _____

Signature of Authorized Representative _____ Date _____ Office Telephone _____ Cell Phone _____ Fax _____

260 5th Street
&
900 Folsom Street

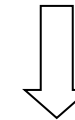




-900 Folsom Street & 260 5th Street is located at the fulcrum of East & West Soma and in the SoMa Redevelopment Plan Area



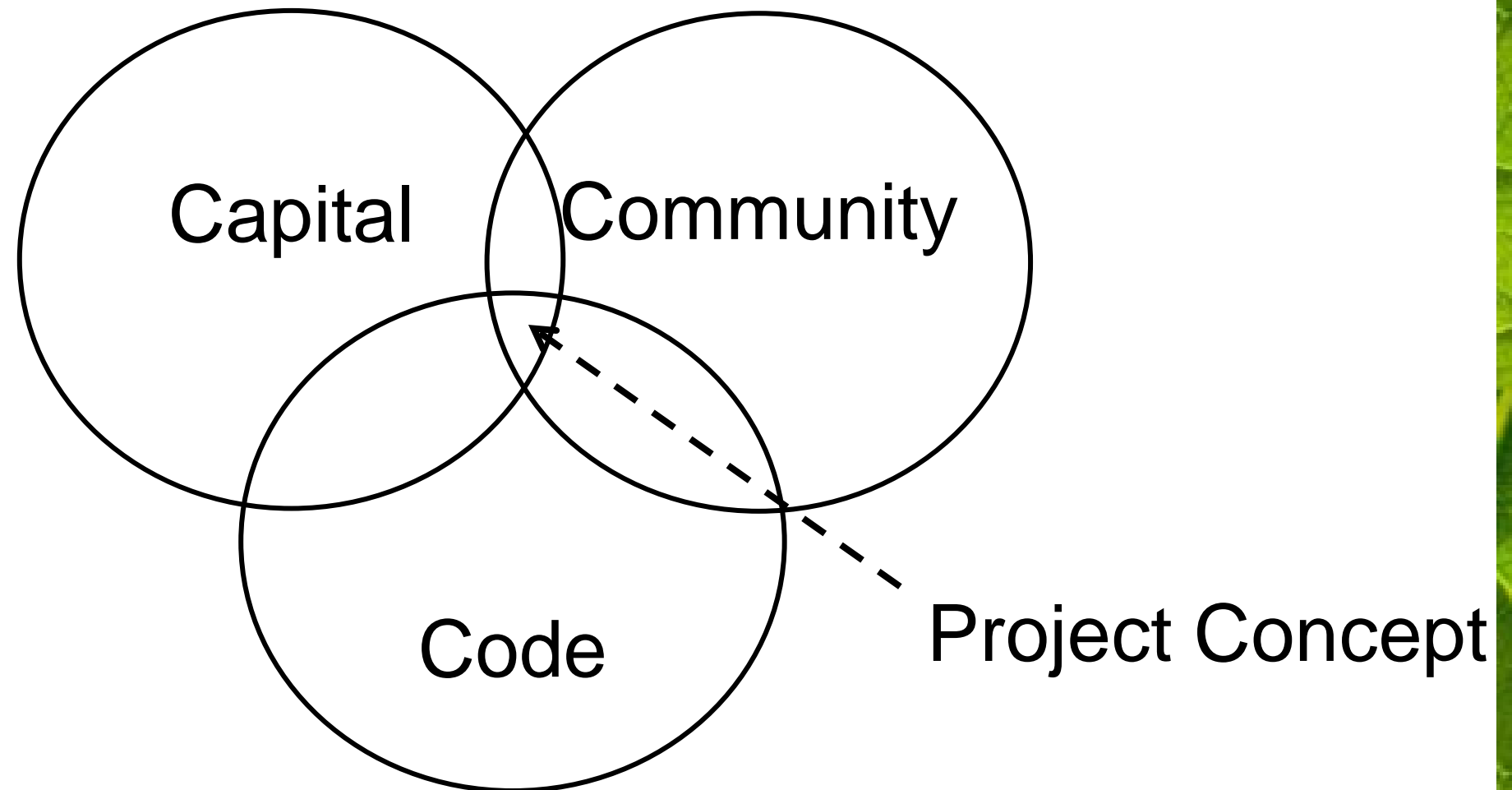
260 5th Street
Existing two-story office building and adjoining surface parking lot.



900 Folsom Street
Existing 56,000 square foot surface parking lot and two billboards.

- Two underutilized parcels
- Zero displacement

Project Concept “3 C’s”



We undertook a balanced approach to the Project, incorporating the community in the design process from the beginning and giving it equal weight in balancing the other major factors of Code and Capital considerations.

Project Concept

Capital - Three years ago, the Project Sponsor began with two parcels and rough plan that achieved economic needs for project financing. The result was a project that maximized density and included approximately 485 dwelling units and 485 parking spaces.



Code - The Project Sponsor simultaneously commenced review with the Planning Department. The City Review focused on conforming to the Eastern Neighborhoods rezoning. This resulted in decreased density associated with the preservation of light-planes to the Clementina alleyway, the creation of a mid-block throughway, conformance to the 45 ft. height cap and 22% affordability requirements of the Youth and Family zone, reduced parking counts, and breaking up the Folsom Street frontage into three distinct buildings.



Community – Also at the same time, the Project Sponsor initiated what would be over 30 meetings with 9 community groups as well as a public forum on the project. The midblock throughway was voluntarily doubled in width to create a usable public open space, the depth of ground floor spaces were expanded and designed to accommodate commercial uses, and an entire tray of at-grade parking was

removed to reduce curb cuts, reduce the parking ratio, and create a more pedestrian-oriented experience at the streetscape.

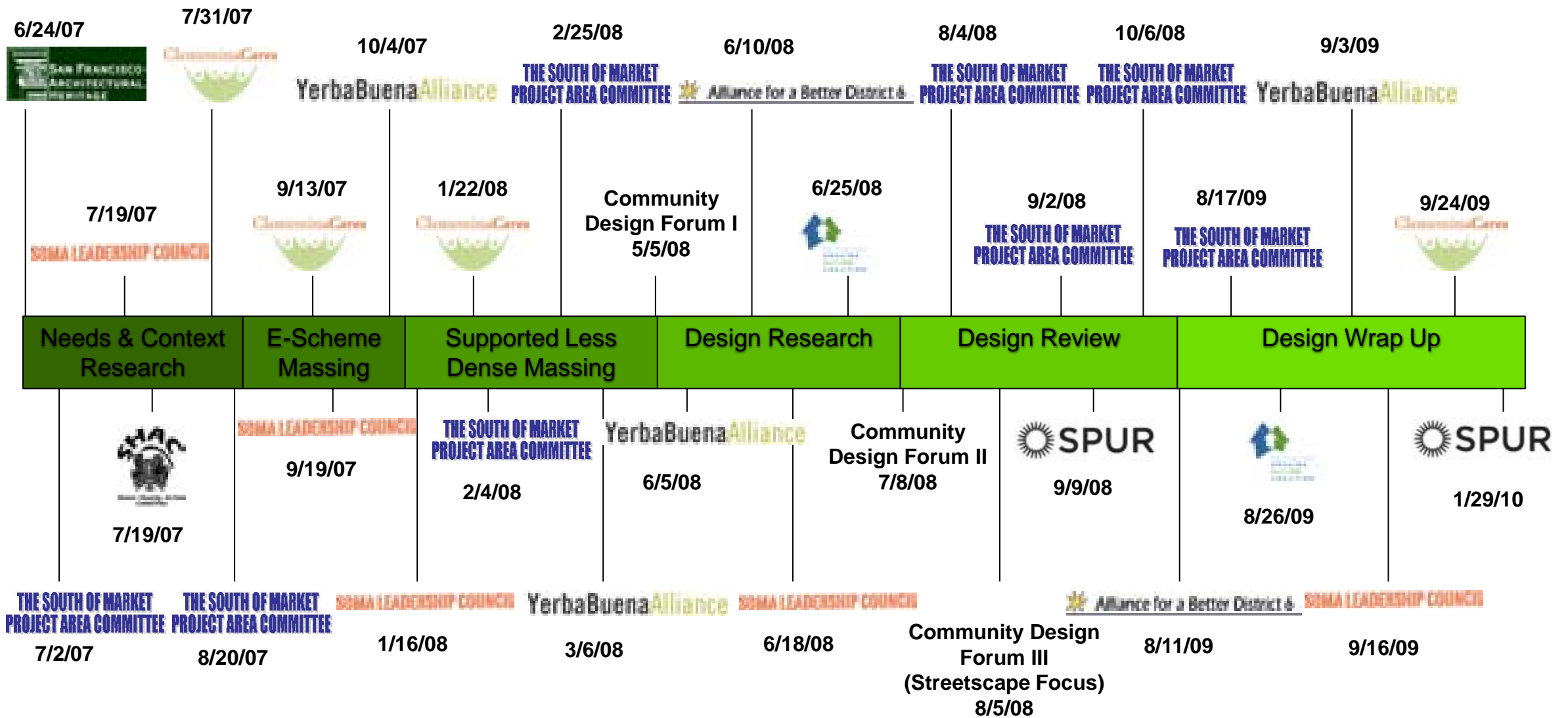
Design Issues - Code

	Issue	Resolution
45' Height Cap	Eastern Neighborhoods height cap	Adopted.
Youth and Family Special Use District	Use and affordability restrictions	Adopted.
Alleyway Setback	Eastern Neighborhoods light plane setback	Adopted.
Large Parcel Throughway	Eastern Neighborhoods mid-block throughway	Adopted.
SoMa Historical Context Statement	Proposed Historical District	Adopted HPC mitigation measures

Design Issues – Community

	Issue	Resolution
More Green Less Grey	Desire more green, less concrete in Soma.	Adopted. Included 6,000 sq ft pocket park.
Massing	Break up “monolithic” mass along Folsom st.	Adopted. Folsom façade broken up into three distinct buildings.
Parking	Existing shortage of street parking vs safety.	No transportation impacts in EIR.
Appropriate & Usable Space at Streetscape	Functional mix of uses desired at streetscape	Deepened frontages from 20 ft to 30 ft, and 10ft to 40ft. Added approximately 12,000 sq ft of flex space along Folsom.
Light to Alleyway	Provide adequate light access to alleyway.	Adopted. Decrease in density at alleyway
Soma Aesthetic	Respect light industrial and residential character while acknowledging existing modern architecture	Adopted. Combination of industrial architectural gestures to the West, and a contemporary aesthetic to the East.
Safety	No inlets and nooks at street level. Increased lighting.	Adopted. Townhomes at street level – eyes on street. No loading docks.

Community Presentation Timeline



9 Community Groups
30+ Meetings
Open Public Forums



Community Involvement



Streetscape design forum

Sponsored community tree planting

Project Evolution

Warehouse typology reflected in expressed frame architecture (from community input to reflect West Soma character)



Façade modulated with vertical breaks and varying cornice line

Ground floor deepened and designed to accommodate commercial uses

Project Evolution

Height capped at 45 ft. to accommodate Youth and Family Zone, reduced original density by 19 units



Mid-block throughway voluntarily doubled to create usable public open space, further reducing density and requiring a major economic concession

Project Evolution

Decreased density and 45 degree light plane adopted to create better access to light and air at alleyway.



Active, townhome uses at streetscape. 3 curb cuts removed during review to create more pedestrian oriented experience at alleyway.

Project Evolution

A dynamic rooftop element, cantilevered balconies, and material selection create a contemporary aesthetic



Townhome depth doubled to create more usable ground-floor space

19 at-grade parking spaces removed to orient alleyway to a pedestrian-first experience. Curb-cut eliminated.

Community Endorsements

Project endorsed by:

1. The South of Market Project Area Committee (SOMPAC)
2. ClementinaCares
3. Yerba Buena Alliance
4. San Francisco Planning and Urban Research (SPUR)
5. San Francisco Housing Action Coalition
6. Carpenters Local 22

**THE SOUTH OF MARKET
PROJECT AREA COMMITTEE**

YerbaBuenaAlliance



 **SPUR**

ClementinaCares



 **AGICAPITAL** 

Benefits

Benefit	Summary
Affordable Housing	Approximately \$25M in affordable housing subsidies (67 on-site units)
SoMa Redevelopment Plan Area	Tax increment financing will support approximately \$20M in additional bonding capacity for the SoMa redevelopment plan area
General Community Improvements	Approximately \$4.2M in community impact fees
Infrastructure Improvements	Approximately \$1.1M in PUC Fees
School Improvements	Approximately \$900K in SF Unified School District Fees
Job Creation	Create approximately 1,200 jobs during 2 year construction

Affordable housing subsidization and bonding capacity based on current market conditions and subject to change

Benefits

Benefit	Summary
Park Dedication	Approximately 6,000 sq ft private/public open space equaling approximately \$6M in lost revenue
LEED Gold or Equivalent	Highest rating ever achieved for a multi-family project of this magnitude in the Bay Area
Greening and Cleaning	Sponsored planting of 60 trees in the neighborhood, and continued sponsorship of daily street cleaning for the neighborhood
Yerba Buena CBD	Approximately \$100K/yr in property tax revenue to the Yerba Buena CBD
Streetscape Improvements	\$500K-\$1M public streetscape improvements and traffic calming measures such as chicanes, bus shelter relocation, and upgraded curb ramps for the sight impaired

Yerba Buena CBD property tax revenue based on current market conditions and subject to change

Conclusion

Instead of taking a one-sided profit driven approach, the Project Sponsor initiated the design of the projects through a community process and elected to embrace the new Eastern Neighborhoods zoning. As a result, after 3-years of planning and over 30 community meetings, we are proud to present a project that successfully balances the Capital, Community and Code considerations necessary to achieve good urban planning and design.

We will provide onsite affordable housing, represent a LEED Gold rating or equivalent, and provide approximately \$20 million in additional bonding capacity for the South of Market Redevelopment Project Area.

Consistent with the goals and principles of the General Plan, the Planning Code, and the South of Market Redevelopment Project Area Plan, the projects remove deleterious uses such as surface parking lots, billboards, and an underutilized office building, and provide a vibrant range of housing opportunities and commercial uses within walking distance of public transportation options, the central business district, and multiple cultural resources.

900 FOLSOM STREET MIXED-USE SAN FRANCISCO, CA SCHEMATIC DESIGN DRAWINGS PRESENTED TO THE SAN FRANCISCO PLANNING COMMISSION MAY, 2010

VICINITY MAP



PLANNING DATA

ZONING: EASTERN NEIGHBORHOODS MIXED USE DISTRICT, MUR
 PLANNING DISTRICT: 1
 BLOCK: 3732, LOTS: 009, 018, 048, 147
 LOT AREA: 56,058 sf (1.287 acres)
 PROPOSED FAR: 5.65 (PARKING, PODIUM, AND BALCONY AREAS NOT INCLUDED IN CALC.)
 PROPOSED DWELLING UNIT (D.U.) COUNT: 269
 PROPOSED BLDG. HT.: 85 ft. / 45 ft.
 PROPOSED PARKING SPACES: 221
 PROPOSED ACCESSIBLE PARKING SPACES: 9 SPACES (4% OF TOTAL REQUIRED PER SEC. 155(i) OF SF PLANNING CODE)
 PROPOSED BICYCLE PARKING SPACES: 109 (80 SPACES REQUIRED PER SEC. 155.5 OF SF PLANNING CODE)
 PROPOSED CAR SHARE SPACES: 3 SPACES PER SECTION 166, LOCATED ON GROUND FLOOR
 PROPOSED DEMOLITION: SURFACE PARKING

DRAWING INDEX

SURVEY (MARTIN RON ASSOCIATES)
 SP.01 SITE PLAN - COMBINED
 SP.02 SITE PLAN - 900 FOLSOM STREET
 L1.01 LANDSCAPE PLAN
 L1.02 ENLARGED MID-BLOCK PARK PLAN
 A1.00 LOWER LEVEL PLAN
 A1.01 GROUND LEVEL PLAN
 A1.02 2ND LEVEL PLAN
 A1.03 3RD LEVEL PLAN
 A1.04 4TH LEVEL PLAN
 A1.05 5TH LEVEL PLAN
 A1.06 6TH LEVEL PLAN
 A1.07 7TH LEVEL PLAN
 A1.08 8TH LEVEL PLAN
 A1.09 9TH LEVEL PLAN
 A1.10 ROOF PLAN
 A2.01 FOLSOM STREET ELEVATION
 A2.02 FIFTH STREET ELEVATION
 A2.03 CLEMENTINA ELEVATION
 A2.04 PARK ELEVATION
 A3.01 SECTION B-B EAST
 A3.02 SECTION F-F
 A3.03 SECTION G-G
 A4.01 ENLARGED UNIT PLANS
 A4.02 ENLARGED UNIT PLANS
 A4.03 ENLARGED UNIT PLANS
 APPENDIX
 RENDERING - FOLSOM STREET AND FIFTH STREET
 RENDERING - MID-BLOCK PARK
 RENDERING - CLEMENTINA ALLEYWAY
 RENDERING - 900 FOLSOM IN CONTEXT

AREA SUMMARY

Level	Parking	Spaces	Type I Building		900 Folsom - Detailed Area Breakdown							Unit Count	Town Houses	D.U. w/ A.C.	
			Residential Net Area	Dwell. Unit w/ Access. Comm.	Retail Area	Lobby & Am.& Serv.	Core Circulation	Gross Area							
Lower Level	42,076	183	-	-	-	4,911	1,785	48,614							
Ground	19,778	38	13,832	-	4,146	4,461	2,591	45,948				26	17	8	
2	-	-	24,552	-	-	1,261	4,445	30,994				12	-		
3	-	-	33,619	-	-	629	5,352	40,043				48	11		
4	-	-	34,607	-	-	615	4,401	40,054				34			
5	-	-	26,016	-	-	538	3,884	30,940				32			
6	-	-	25,536	-	-	561	4,002	30,476				32			
7	-	-	24,922	-	-	538	3,904	29,793				31			
8	-	-	23,675	-	-	538	3,807	28,559				27			
9	-	-	23,010	-	-	538	3,785	27,880				27			
TOTAL	61,854	221	229,769	-	4,146	14,590	37,956	353,301				269	28	8	

Average Unit Size (net SF): 854 sf

Two Levels of Two-Story Town Houses: lower unit accessible from street level and podium, upper unit accessible corridor (3rd floor of building)

D.U. w/ A.C. = Dwelling Unit with Accessory Commercial

Parking: 2br > 1,000 = (8 ground, 3 second, 18 third, 9 fourth, 7 fifth, 8 sixth, 6 seventh, 8 eighth, 9 ninth) 76 units

Parking: dwelling units = (193 x 0.75 = 145 spaces) + (76 x 1=76) = 221 spaces permitted

Ground Floor Parking includes 29 standard spaces, 5 accessible spaces, and 4 tandem spaces = 38 spaces

Lower Level Parking includes 94 standard spaces, 86 stackers, 4 accessible spaces = 183 spaces

Parking also includes 3 designated 'car share' spaces at the ground floor level (not included in total)

Parking also includes 4% HC Accessible Parking per Planning Code section 155(i), = 9 spaces

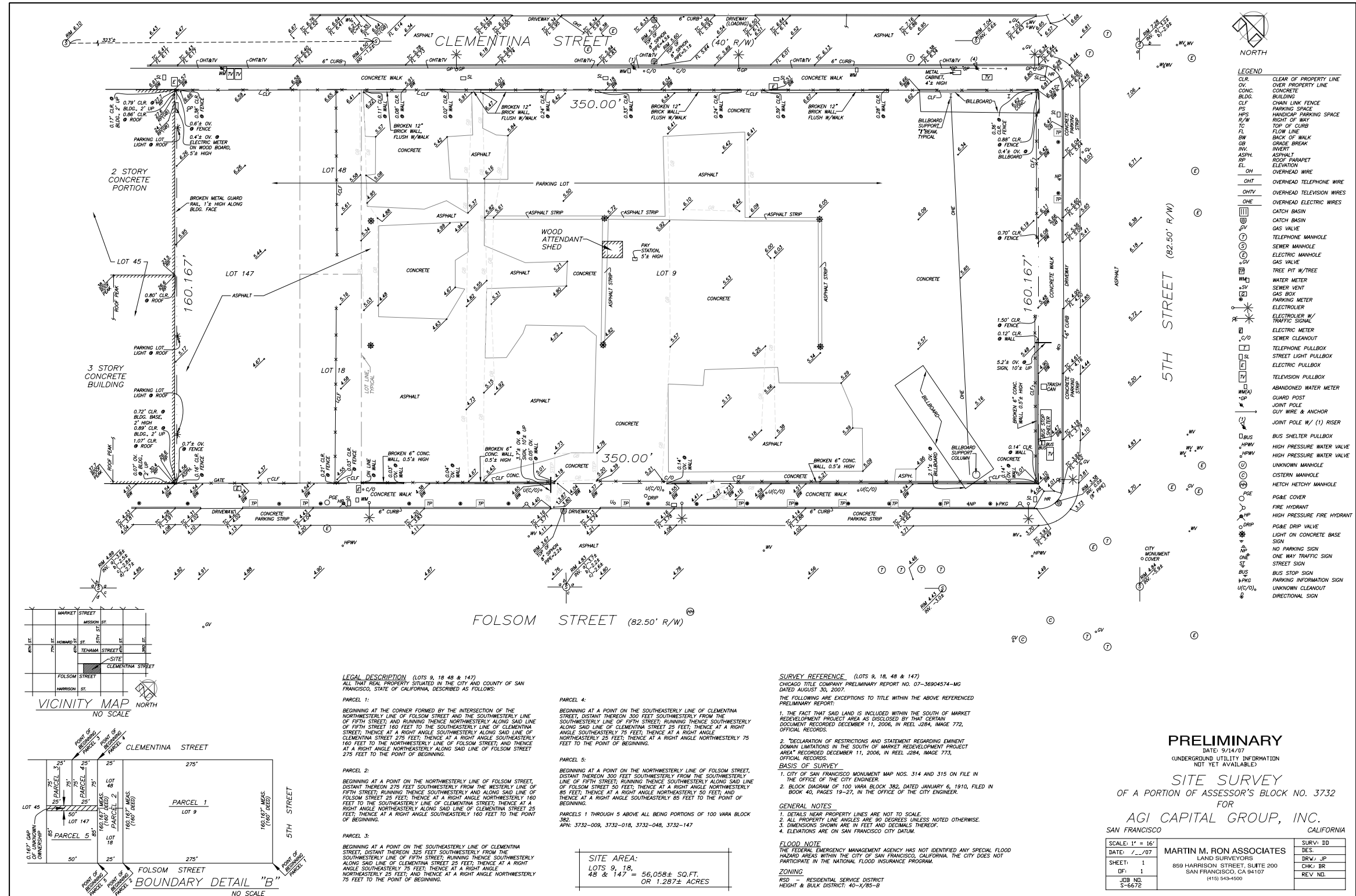
Unit Mix - Revised 8-6-09 with expanded 4th floor townhouses

	G	2	3	4	5	6	7	8	9	TOTAL	
Studio	1	-	5	4	5	5	5	1	1	27	10.04%
1 BR	-	7	13	14	16	16	15	4	7	92	34.20%
JR 2BR	1	2	7	5	1	2	1	11	9	39	14.50%
2 BR	24	3	23	11	10	9	10	11	10	111	41.26%
TOTAL	26	12	48	34	32	32	31	27	27	269	

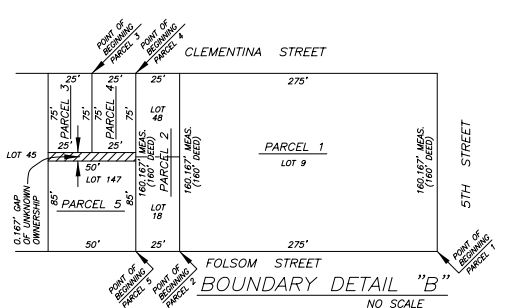
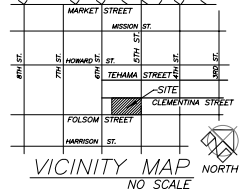
Level	Open Space			No. Units Accommodated
	Area	Quantity	Location	
Lower Level				
Ground	Public - 54 s	5465 sf	at pocket park	101 units
	Private - 80	6	patios	6 units
2	-	-	-	0 units
3	-	-	-	0 units
4	-	-	-	0 units
5	Private - 80	2	-	2 units
6	Private - 80	2	-	2 units
7	Private - 80	2	-	2 units
8	Private - 80	2	-	2 units
9	Private - 80	2	-	2 units
Roof	Common - 80	12,326 sf	roof terraces	154 units
				271 units

TOTALS

Residential & Retail Net Area	Unit Count
17,978	26
24,552	12
33,619	48
34,607	34
26,016	32
25,536	32
24,922	31
23,675	27
23,010	27
233,915	269



- LEGEND**
- CLF CLEAR OF PROPERTY LINE
 - OV OVER PROPERTY LINE
 - CONC CONCRETE
 - BLDG BUILDING
 - CLF CHAIN LINK FENCE
 - PS PARKING SPACE
 - HPS HANDICAP PARKING SPACE
 - R/W RIGHT OF WAY
 - TC TOP OF CURB
 - FL FLOW LINE
 - OB BACK OF WALK
 - GB GRADE BREAK
 - INVERT INVERT
 - ASPH ASPHALT
 - RF ROOF PARAPET
 - EL ELEVATION
 - OH OVERHEAD WIRE
 - OHT OVERHEAD TELEPHONE WIRE
 - OHTV OVERHEAD TELEVISION WIRES
 - OHE OVERHEAD ELECTRIC WIRES
 - CB CATCH BASIN
 - GV GAS VALVE
 - TM TELEPHONE MANHOLE
 - SM SEWER MANHOLE
 - EM ELECTRIC MANHOLE
 - GV GAS VALVE
 - TP TREE PIT W/TREE
 - WM WATER METER
 - SV SEWER VENT
 - CB CATCH BASIN
 - PM PARKING METER
 - EL ELECTROLIER
 - EM ELECTROLIER W/ TRAFFIC SIGNAL
 - EM ELECTRIC METER
 - SC SEWER CLEANOUT
 - TP TELEPHONE PULLBOX
 - SL STREET LIGHT PULLBOX
 - EL ELECTRIC PULLBOX
 - TV TELEVISION PULLBOX
 - AW ABANDONED WATER METER
 - GP GUARD POST
 - JP JOINT POLE
 - CU CUY WIRE & ANCHOR
 - JP JOINT POLE W/ (1) RISER
 - BS BUS SHELTER PULLBOX
 - HPV HIGH PRESSURE WATER VALVE
 - HPV HIGH PRESSURE WATER VALVE
 - UM UNKNOWN MANHOLE
 - CM CISTERN MANHOLE
 - HC HATCH HATCH MANHOLE
 - PC&E PG&E COVER
 - FD FIRE HYDRANT
 - HP HIGH PRESSURE FIRE HYDRANT
 - PC&E PG&E DRIP VALVE
 - LC LIGHT ON CONCRETE BASE
 - SN SIGN
 - NP NO PARKING SIGN
 - OW ONE WAY TRAFFIC SIGN
 - ST STREET SIGN
 - BS BUS STOP SIGN
 - PKG PARKING INFORMATION SIGN
 - UC/CO UNKNOWN CLEANOUT
 - D DIRECTIONAL SIGN



LEGAL DESCRIPTION (LOTS 9, 18, 48 & 147)
 ALL THAT REAL PROPERTY SITUATED IN THE CITY AND COUNTY OF SAN FRANCISCO, STATE OF CALIFORNIA, DESCRIBED AS FOLLOWS:

PARCEL 1:
 BEGINNING AT THE CORNER FORMED BY THE INTERSECTION OF THE NORTHWESTERLY LINE OF FOLSOM STREET AND THE SOUTHWESTERLY LINE OF FIFTH STREET; AND RUNNING THENCE NORTHWESTERLY ALONG SAID LINE OF FIFTH STREET 160 FEET TO THE SOUTHEASTERLY LINE OF CLEMENTINA STREET; THENCE AT A RIGHT ANGLE SOUTHWESTERLY ALONG SAID LINE OF CLEMENTINA STREET 275 FEET; THENCE AT A RIGHT ANGLE SOUTHWESTERLY 160 FEET TO THE NORTHWESTERLY LINE OF FOLSOM STREET; AND THENCE AT A RIGHT ANGLE NORTHEASTERLY ALONG SAID LINE OF FOLSOM STREET 275 FEET TO THE POINT OF BEGINNING.

PARCEL 2:
 BEGINNING AT A POINT ON THE NORTHWESTERLY LINE OF FOLSOM STREET, DISTANT THEREON 275 FEET SOUTHWESTERLY FROM THE WESTERLY LINE OF FIFTH STREET; RUNNING THENCE SOUTHWESTERLY AND ALONG SAID LINE OF FOLSOM STREET 25 FEET; THENCE AT A RIGHT ANGLE NORTHWESTERLY 160 FEET TO THE SOUTHEASTERLY LINE OF CLEMENTINA STREET; THENCE AT A RIGHT ANGLE NORTHEASTERLY ALONG SAID LINE OF CLEMENTINA STREET 25 FEET; THENCE AT A RIGHT ANGLE SOUTHWESTERLY 160 FEET TO THE POINT OF BEGINNING.

PARCEL 3:
 BEGINNING AT A POINT ON THE SOUTHEASTERLY LINE OF CLEMENTINA STREET, DISTANT THEREON 325 FEET SOUTHWESTERLY FROM THE SOUTHWESTERLY LINE OF FIFTH STREET; RUNNING THENCE SOUTHWESTERLY ALONG SAID LINE OF CLEMENTINA STREET 25 FEET; THENCE AT A RIGHT ANGLE NORTHEASTERLY 75 FEET; THENCE AT A RIGHT ANGLE NORTHWESTERLY 25 FEET; AND THENCE AT A RIGHT ANGLE NORTHWESTERLY 75 FEET TO THE POINT OF BEGINNING.

PARCEL 4:
 BEGINNING AT A POINT ON THE SOUTHEASTERLY LINE OF CLEMENTINA STREET, DISTANT THEREON 300 FEET SOUTHWESTERLY FROM THE SOUTHWESTERLY LINE OF FIFTH STREET; RUNNING THENCE SOUTHWESTERLY ALONG SAID LINE OF CLEMENTINA STREET 25 FEET; THENCE AT A RIGHT ANGLE SOUTHWESTERLY 75 FEET; THENCE AT A RIGHT ANGLE NORTHEASTERLY 25 FEET; THENCE AT A RIGHT ANGLE NORTHWESTERLY 75 FEET TO THE POINT OF BEGINNING.

PARCEL 5:
 BEGINNING AT A POINT ON THE NORTHWESTERLY LINE OF FOLSOM STREET, DISTANT THEREON 300 FEET SOUTHWESTERLY FROM THE SOUTHWESTERLY LINE OF FIFTH STREET; RUNNING THENCE SOUTHWESTERLY ALONG SAID LINE OF FOLSOM STREET 50 FEET; THENCE AT A RIGHT ANGLE NORTHWESTERLY 85 FEET; THENCE AT A RIGHT ANGLE NORTHWESTERLY 50 FEET; AND THENCE AT A RIGHT ANGLE SOUTHWESTERLY 85 FEET TO THE POINT OF BEGINNING.

PARCELS 1 THROUGH 5 ABOVE ALL BEING PORTIONS OF 100 VARA BLOCK 362.
 APN: 3732-009, 3732-018, 3732-046, 3732-147

SURVEY REFERENCE (LOTS 9, 18, 48 & 147)
 CHICAGO TITLE COMPANY PRELIMINARY REPORT NO. 07-36904574-MG DATED AUGUST 30, 2007.

THE FOLLOWING ARE EXCEPTIONS TO TITLE WITHIN THE ABOVE REFERENCED PRELIMINARY REPORT:

1. THE FACT THAT SAID LAND IS INCLUDED WITHIN THE SOUTH OF MARKET REDEVELOPMENT PROJECT AREA AS DISCLOSED BY THAT CERTAIN DOCUMENT RECORDED DECEMBER 11, 2006, IN REEL J284, IMAGE 772, OFFICIAL RECORDS.
2. "DECLARATION OF RESTRICTIONS AND STATEMENT REGARDING EMINENT DOMAIN LIMITATIONS IN THE SOUTH OF MARKET REDEVELOPMENT PROJECT AREA" RECORDED DECEMBER 11, 2006, IN REEL J284, IMAGE 773, OFFICIAL RECORDS.

BASIS OF SURVEY

1. CITY OF SAN FRANCISCO MONUMENT MAP NOS. 314 AND 315 ON FILE IN THE OFFICE OF THE CITY ENGINEER.
2. BLOCK DIAGRAM OF 100 VARA BLOCK 362, DATED JANUARY 6, 1910, FILED IN BOOK 40, PAGES 19-27, IN THE OFFICE OF THE CITY ENGINEER.

GENERAL NOTES

1. DETAILS NEAR PROPERTY LINES ARE NOT TO SCALE.
2. ALL PROPERTY LINE ANGLES ARE 90 DEGREES UNLESS NOTED OTHERWISE.
3. DIMENSIONS SHOWN ARE IN FEET AND DECIMALS THEREOF.
4. ELEVATIONS ARE ON SAN FRANCISCO CITY DATUM.

FLOOD NOTE
 THE FEDERAL EMERGENCY MANAGEMENT AGENCY HAS NOT IDENTIFIED ANY SPECIAL FLOOD HAZARD AREAS WITHIN THE CITY OF SAN FRANCISCO, CALIFORNIA. THE CITY DOES NOT PARTICIPATE IN THE NATIONAL FLOOD INSURANCE PROGRAM.

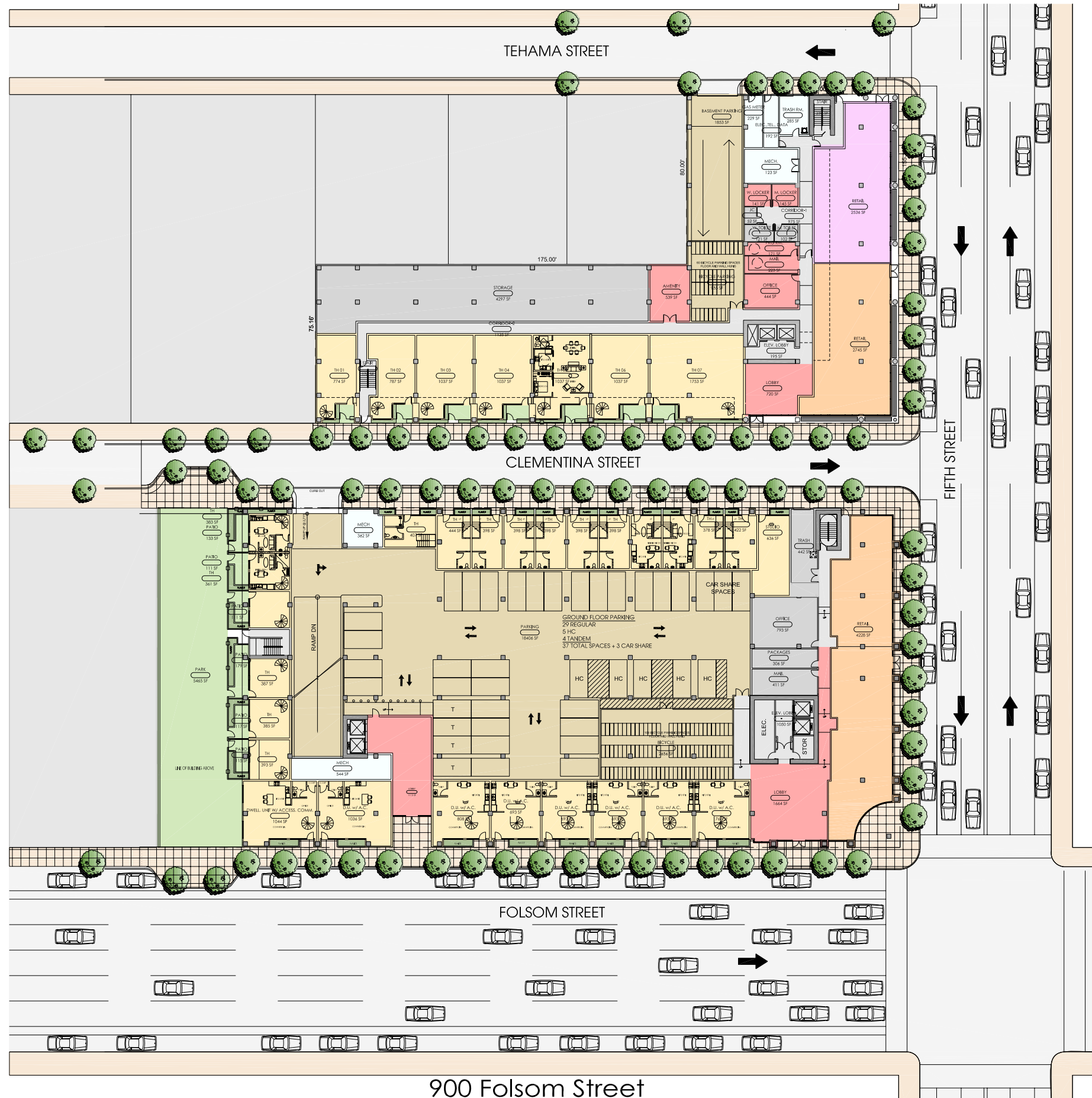
ZONING
 R2D - RESIDENTIAL SERVICE DISTRICT
 HEIGHT & BULK DISTRICT: 40-X/85-B

SITE AREA:
 LOTS 9, 18,
 48 & 147 = 56,058± SQ.FT.
 OR 1.287± ACRES

PRELIMINARY
 DATE: 9/14/07
 UNDERGROUND UTILITY INFORMATION
 NOT YET AVAILABLE

SITE SURVEY
 OF A PORTION OF ASSESSOR'S BLOCK NO. 3732
 FOR
AGI CAPITAL GROUP, INC.
 SAN FRANCISCO CALIFORNIA

SCALE: 1" = 16'	MARTIN M. RON ASSOCIATES LAND SURVEYORS 859 HARRISON STREET, SUITE 200 SAN FRANCISCO, CA 94107 (415) 543-4500	SURV. DD
DATE: 7-2007		DES.
SHEET: 1		DRW. JP
DPI: 1		CHK. BR
JOB NO. S-6672		REV. ND.



900 Folsom Street

SAN FRANCISCO, CALIFORNIA
MAY, 2010



1 SITE PLAN
SCALE: 1/32" = 1'-0"



SP-01



1 SITE PLAN
SCALE: 1/32"=1'-0"

900 Folsom Street

SAN FRANCISCO, CALIFORNIA
MAY, 2010



SP-02



260 FIFTH STREET

900 FOLSOM STREET

1 LANDSCAPE PLAN WITH STREET TREES
nts



900 Folsom Street

SAN FRANCISCO, CALIFORNIA
MAY, 2010



L1.01



SEATING WALL WITH INTEGRAL LIGHTING

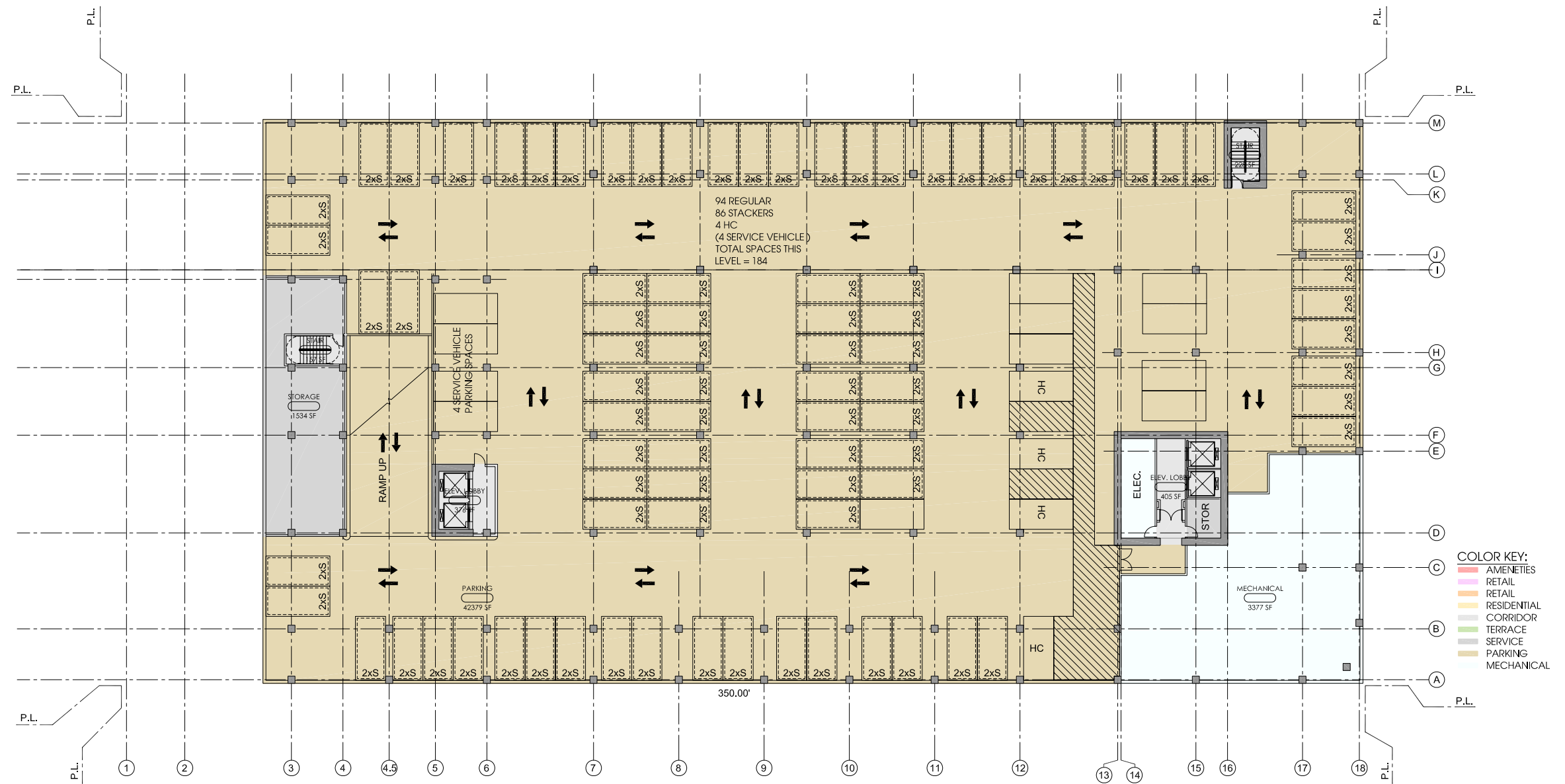
1 ENLARGED PLAN - MID-BLOCK PARK
SCALE: NTS

900 Folsom Street

SAN FRANCISCO, CALIFORNIA
MAY, 2010



L1.02



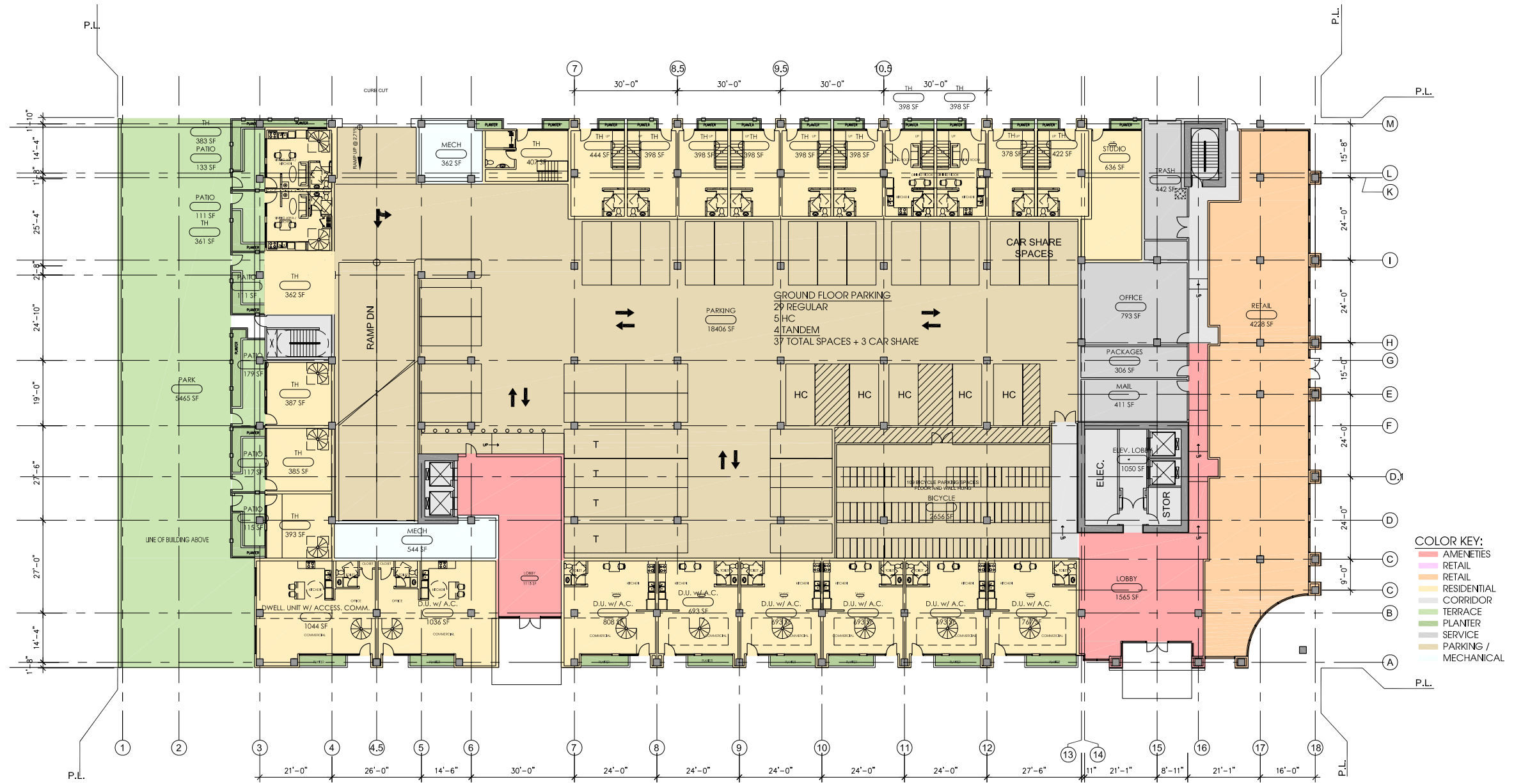
1 LOWER LEVEL PLAN
SCALE: 3/64"=1'-0"



900 Folsom Street
SAN FRANCISCO, CALIFORNIA
MAY, 2010



A1.00

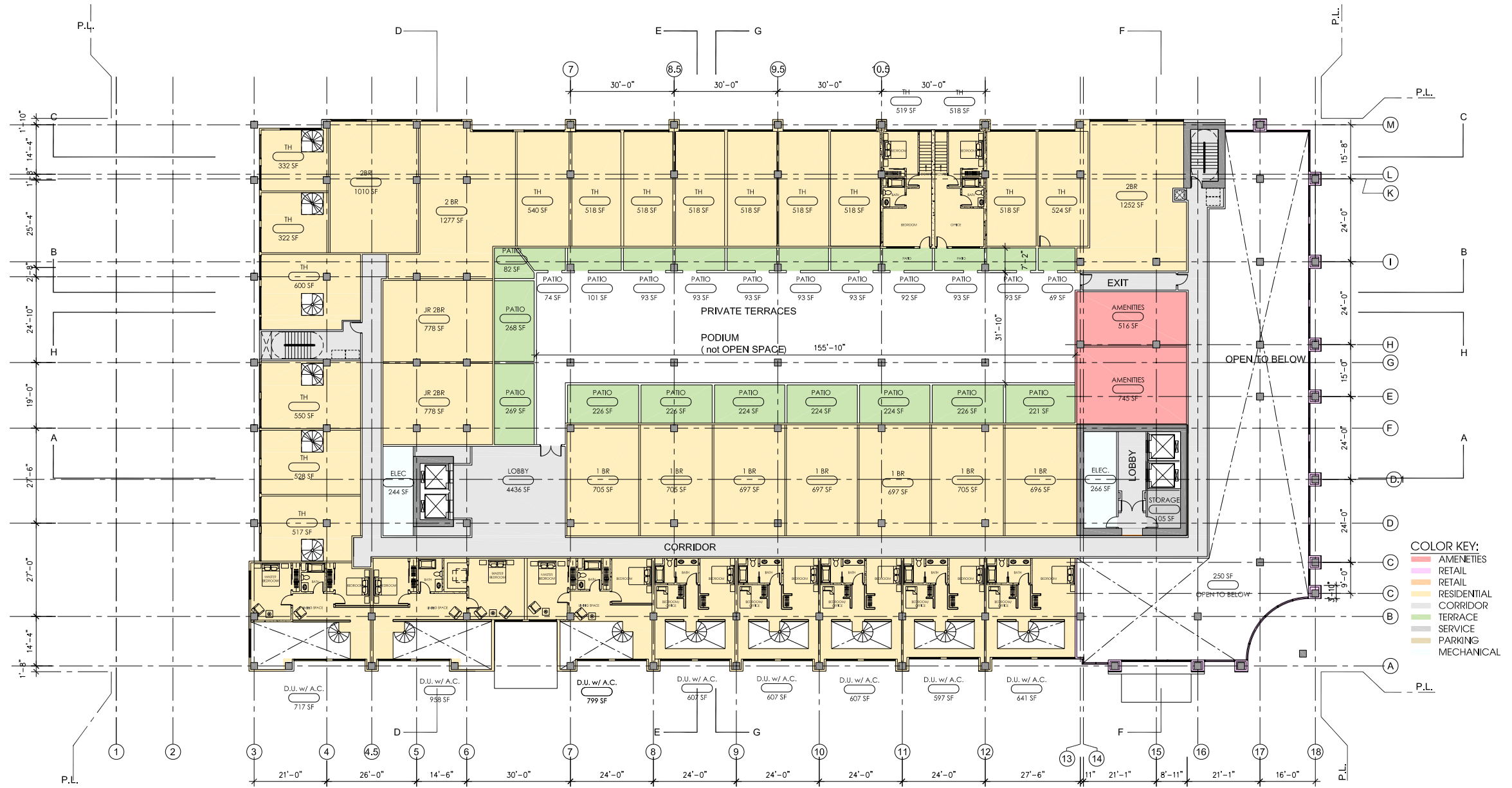


1 GROUND LEVEL PLAN
 SCALE: 3/64"=1'-0"



900 Folsom Street
 SAN FRANCISCO, CALIFORNIA
 MAY, 2010

AVANT HOUSING
 A1.01



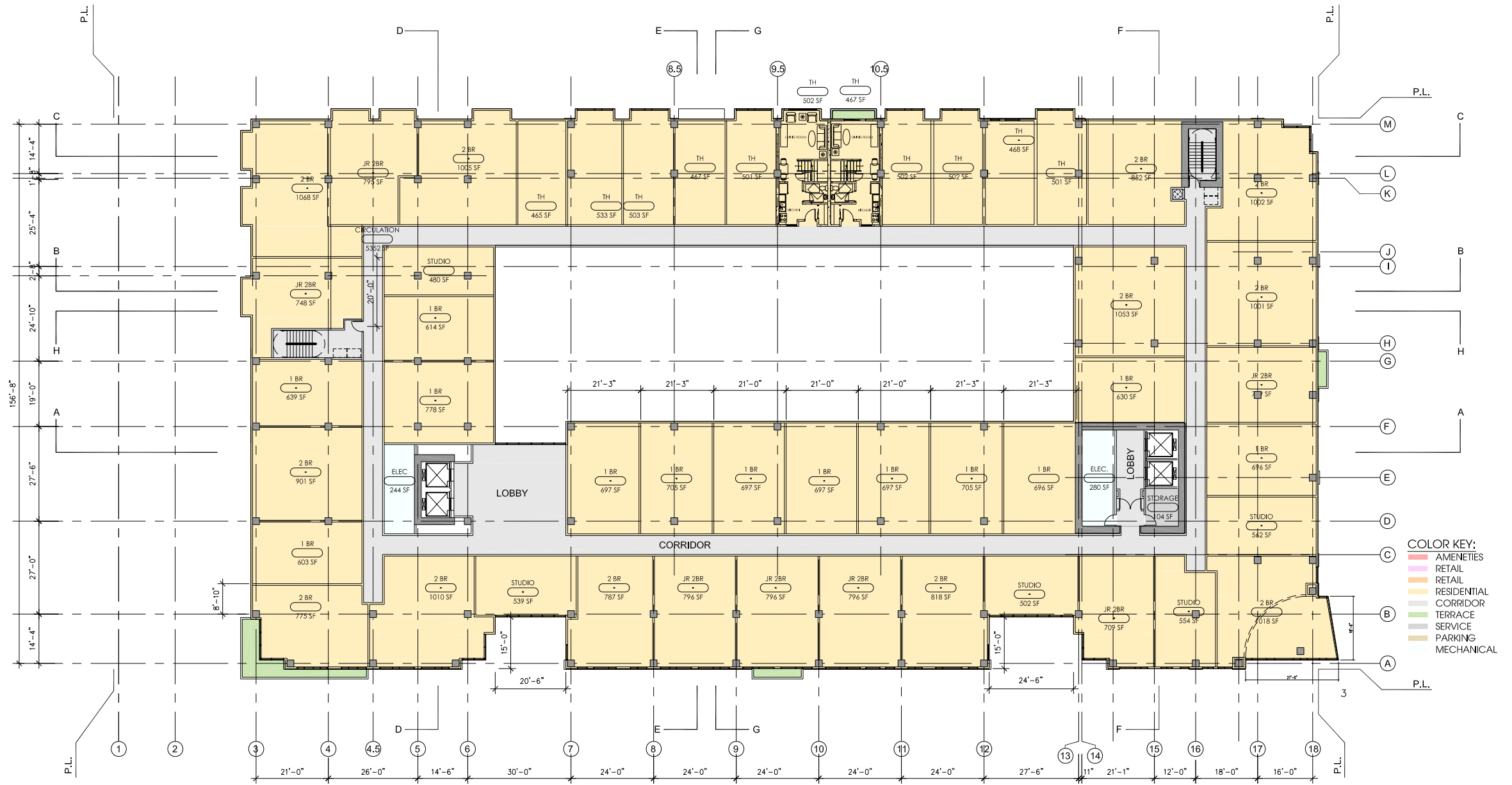
1 SECOND LEVEL PLAN
SCALE: 3/64"=1'-0"



900 Folsom Street
SAN FRANCISCO, CALIFORNIA
MAY, 2010



A1.02



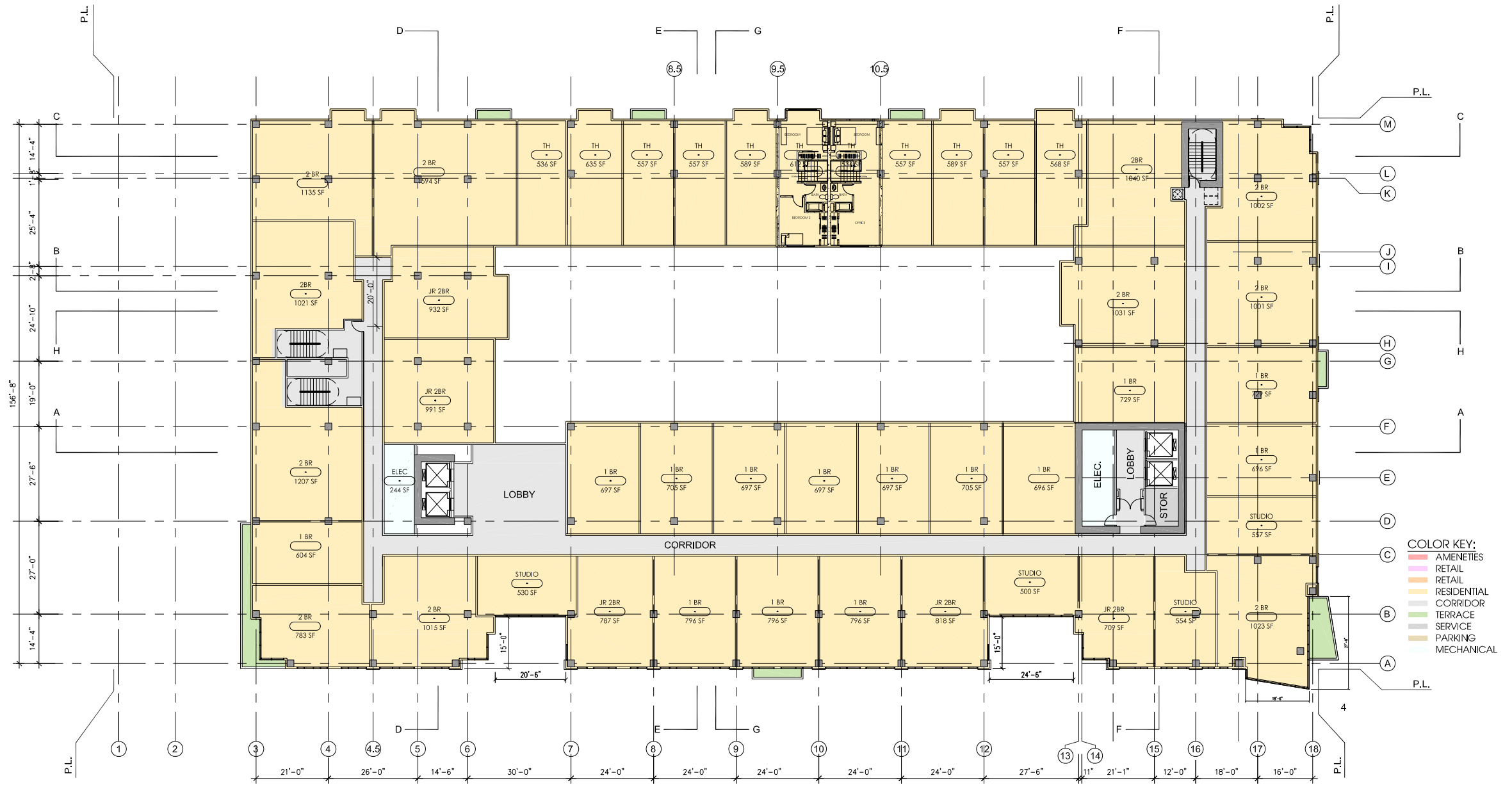
1 THIRD LEVEL PLAN
SCALE: 3/64"=1'-0"



900 Folsom Street
SAN FRANCISCO, CALIFORNIA
MAY, 2010



A1.03



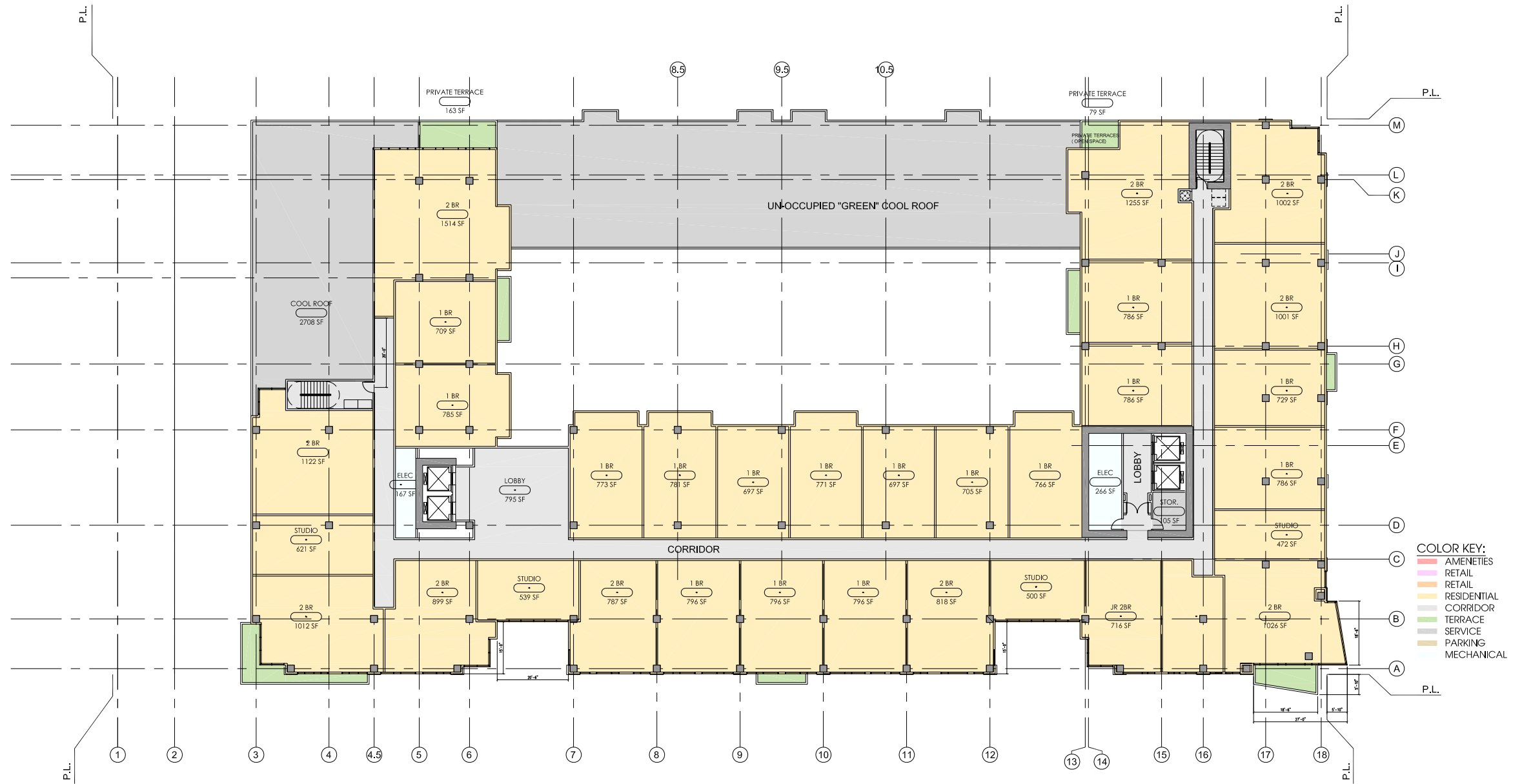
1 FOURTH LEVEL PLAN
SCALE: 3/64"=1'-0"



900 Folsom Street
SAN FRANCISCO, CALIFORNIA
MAY, 2010



A1.04



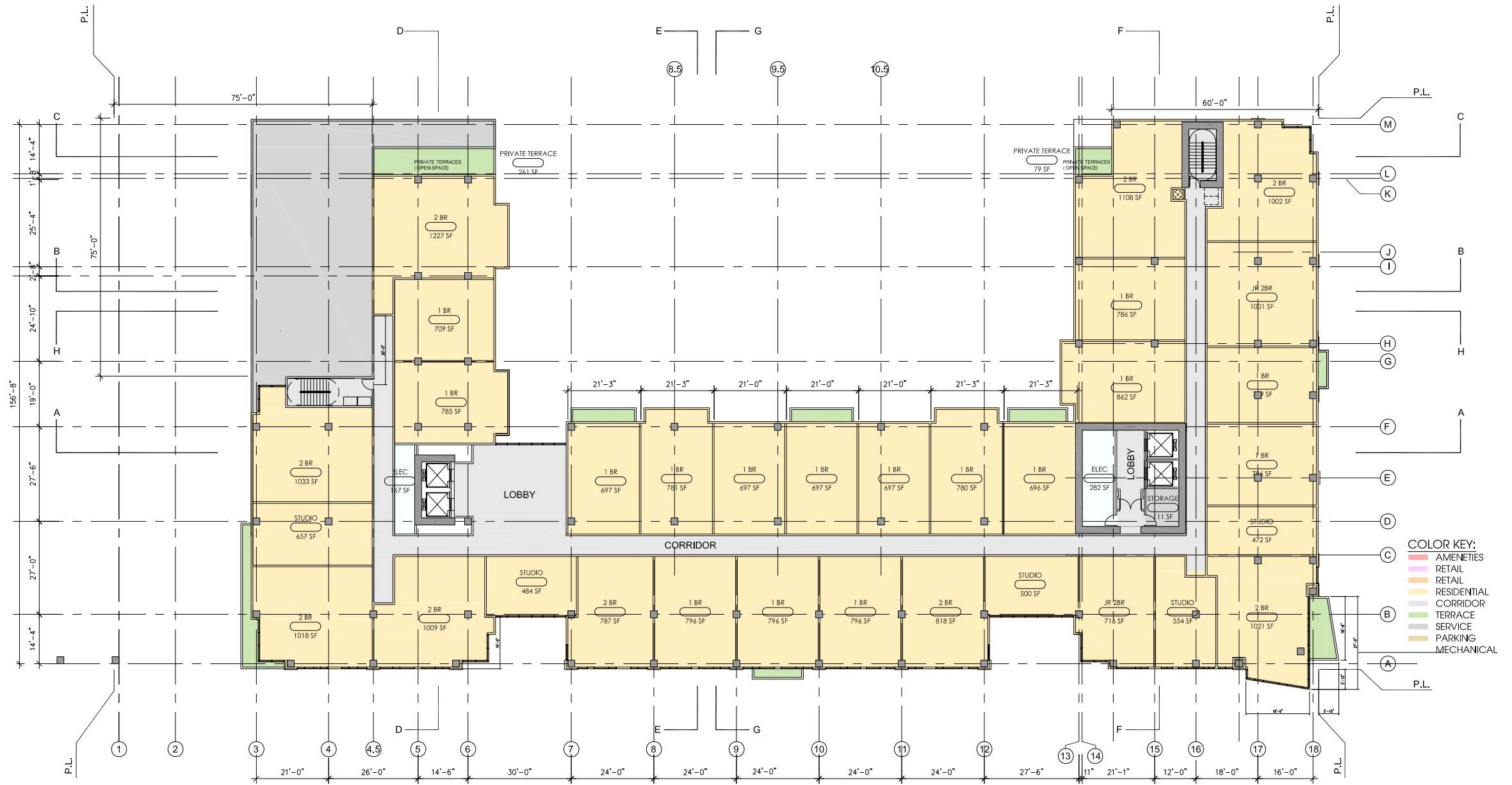
- COLOR KEY:**
- AMENITIES
 - RETAIL
 - RESIDENTIAL
 - CORRIDOR
 - TERRACE
 - SERVICE
 - PARKING
 - MECHANICAL

1 FIFTH LEVEL PLAN
SCALE: 3/64"=1'-0"



900 Folsom Street
SAN FRANCISCO, CALIFORNIA
MAY, 2010

AVANT
 HOUSING
A1.05

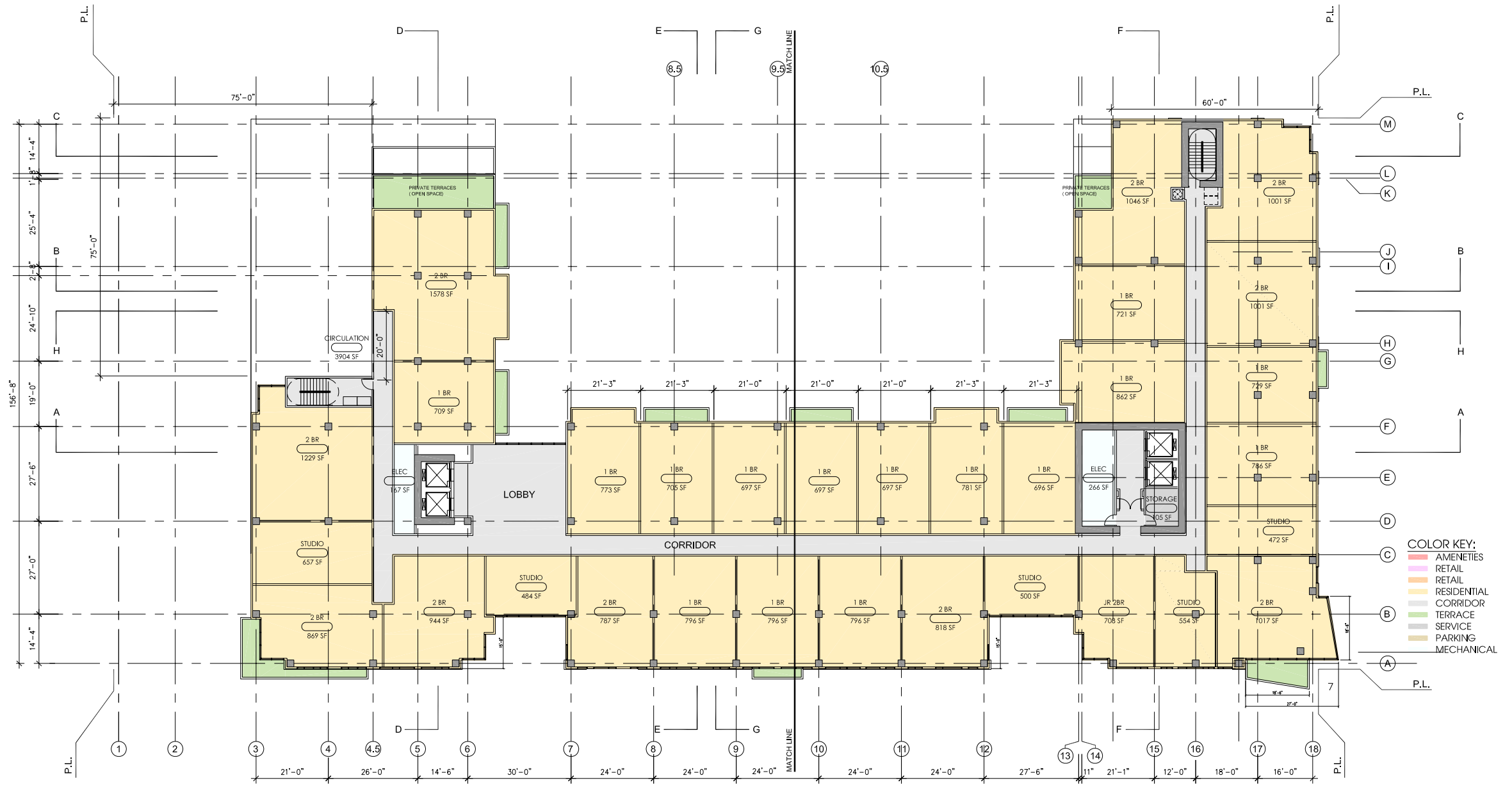


1 SIXTH LEVEL PLAN
SCALE: 3/64"=1'-0"



900 Folsom Street
SAN FRANCISCO, CALIFORNIA
MAY, 2010

AVANT HOUSING
A1.06



- COLOR KEY:**
- AMENITIES
 - RETAIL
 - RESIDENTIAL
 - CORRIDOR
 - TERRACE
 - SERVICE
 - PARKING
 - MECHANICAL

1 SEVENTH LEVEL PLAN
SCALE: 3/64"=1'-0"



900 Folsom Street
SAN FRANCISCO, CALIFORNIA
MAY, 2010



A1.07



- COLOR KEY:**
- AMENITIES
 - RETAIL
 - RETAIL
 - RESIDENTIAL
 - CORRIDOR
 - TERRACE
 - SERVICE
 - PARKING
 - MECHANICAL

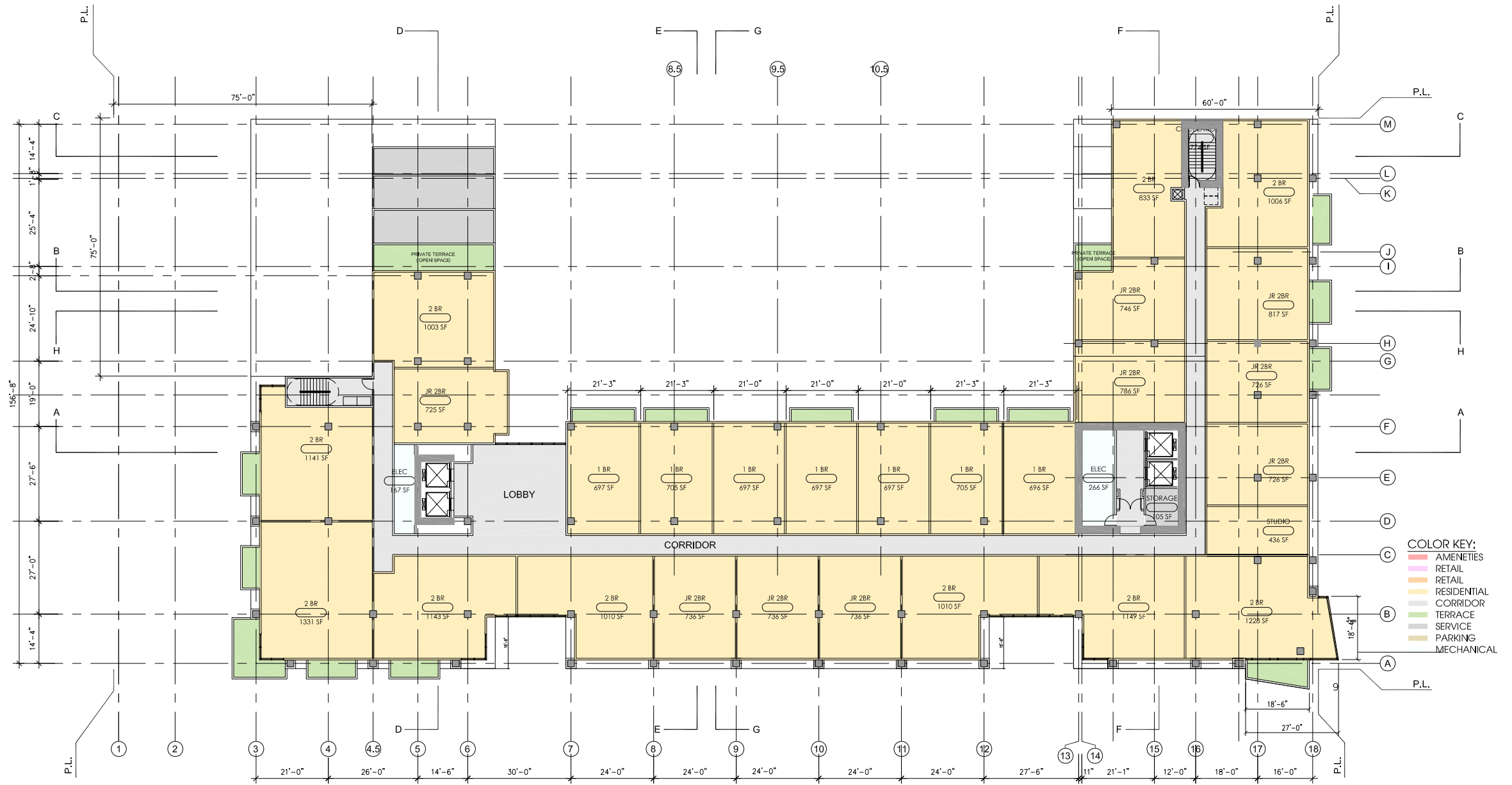
1 EIGHTH LEVEL PLAN
SCALE: 3/64"=1'-0"



900 Folsom Street
SAN FRANCISCO, CALIFORNIA
MAY, 2010



A1.08



- COLOR KEY:**
- AMENITIES
 - RETAIL
 - RESIDENTIAL
 - CORRIDOR
 - TERRACE
 - SERVICE
 - PARKING
 - MECHANICAL

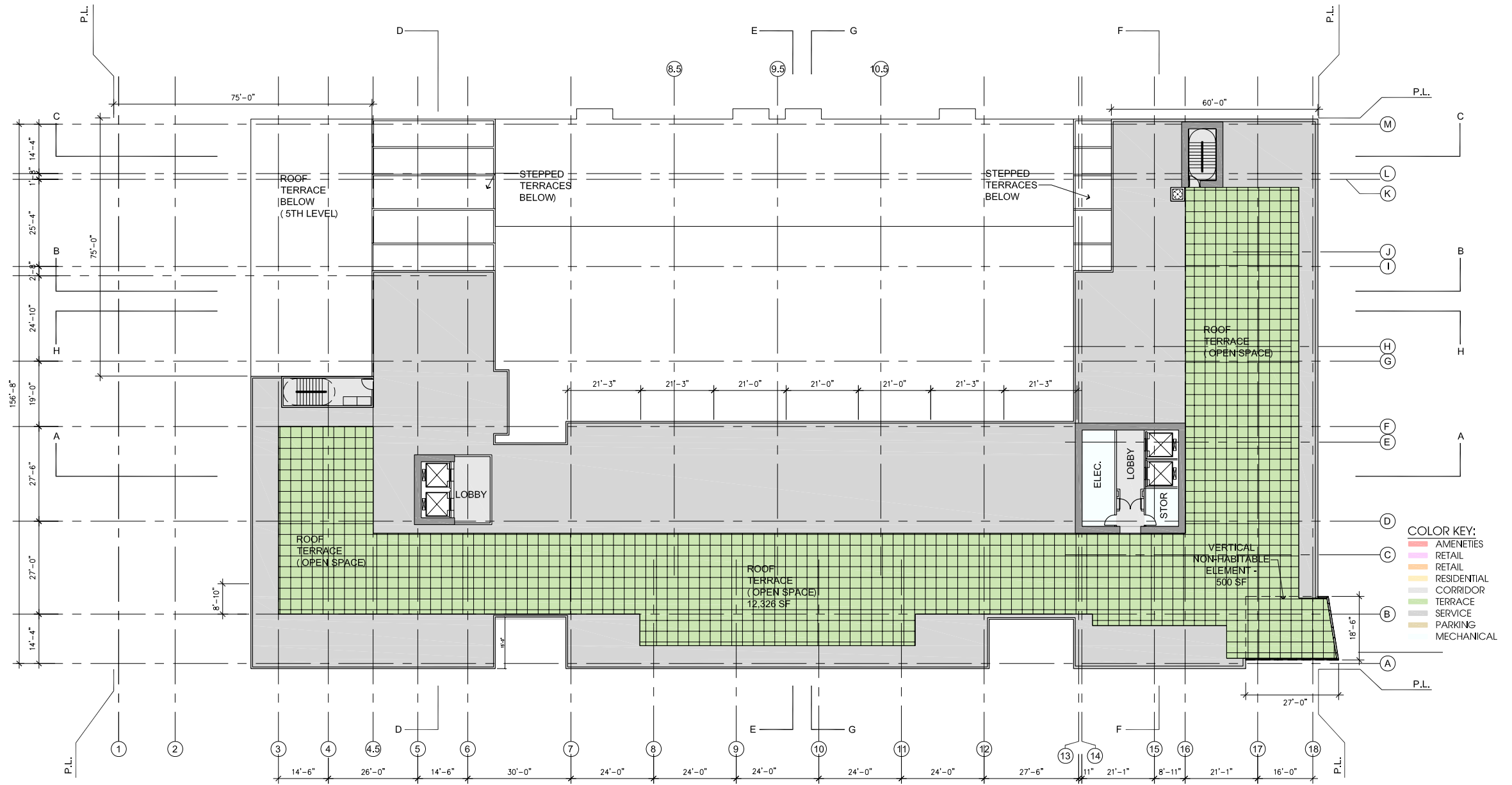
1 NINTH LEVEL PLAN
SCALE: 3/64"=1'-0"



900 Folsom Street
SAN FRANCISCO, CALIFORNIA
MAY, 2010



A1.09



1 ROOF LEVEL PLAN
SCALE: 3/64"=1'-0"



900 Folsom Street
SAN FRANCISCO, CALIFORNIA
MAY, 2010

AVANT HOUSING
A1.10



1 FOLSOM STREET ELEVATION
SCALE: NTS



900 Folsom Street
SAN FRANCISCO, CALIFORNIA
MAY, 2010



A2.01



1 FIFTH STREET ELEVATION
 SCALE: NTS
 SEE SECTION A3.01 FOR HEIGHT AND DIMENSIONAL INFORMATION



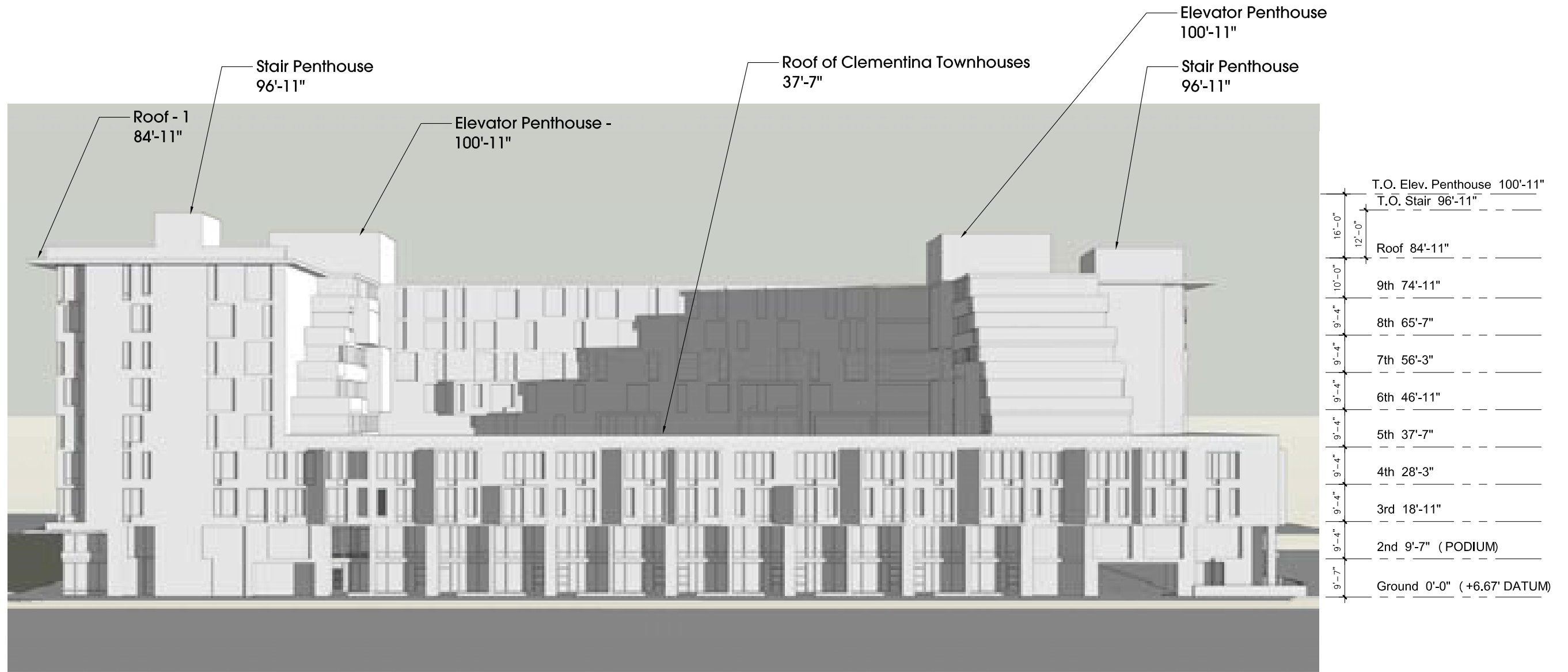
900 Folsom Street

SAN FRANCISCO, CALIFORNIA
 MAY, 2010



AVANT
 HOUSING

A2.02



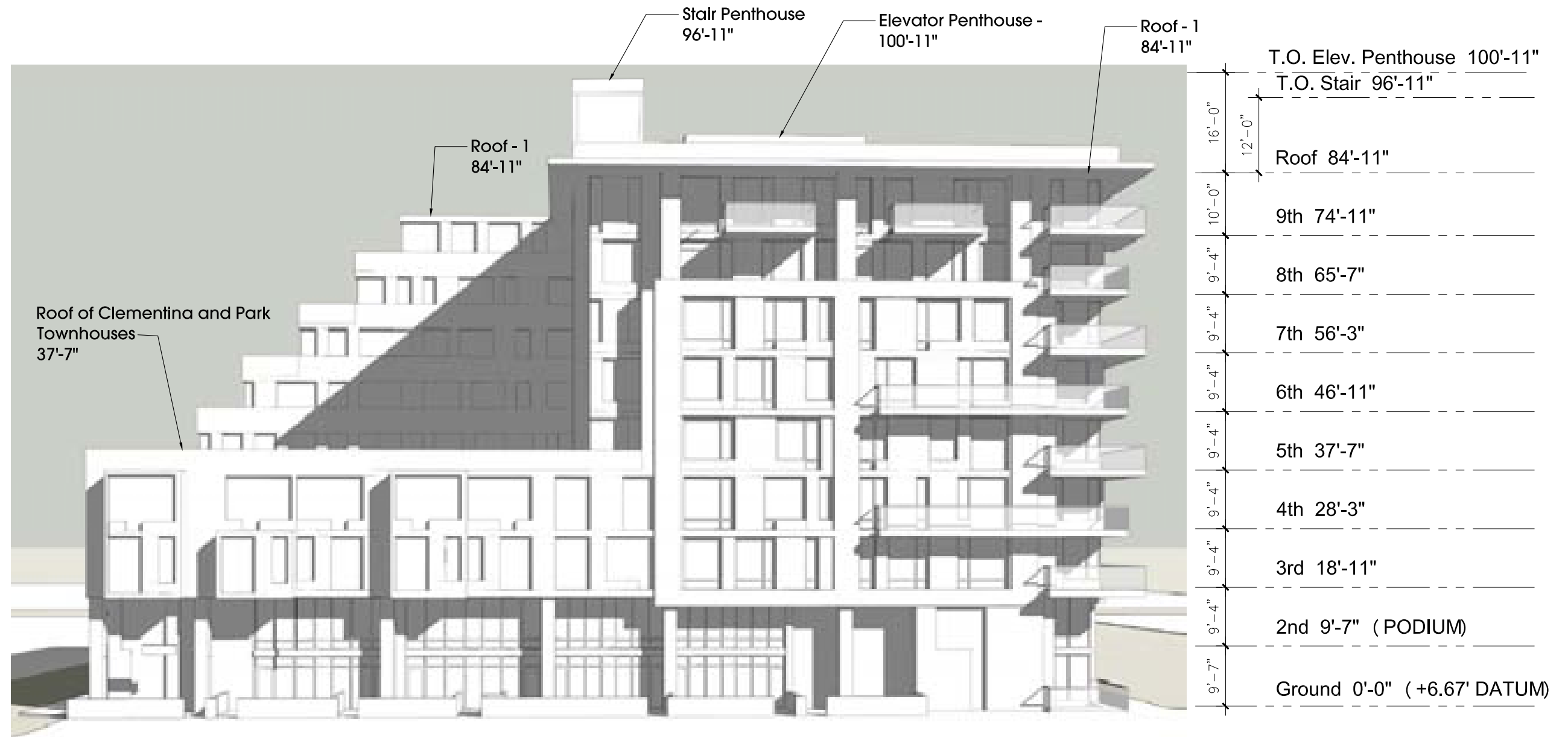
1 CLEMENTINA STREET ELEVATION
 SCALE: NTS
 SEE SECTION A3.01 FOR HEIGHT AND DIMENSIONAL INFORMATION



900 Folsom Street
 SAN FRANCISCO, CALIFORNIA
 MAY, 2010

AVANT
HOUSING

A2.03



1 PARK ELEVATION
SCALE: NTS

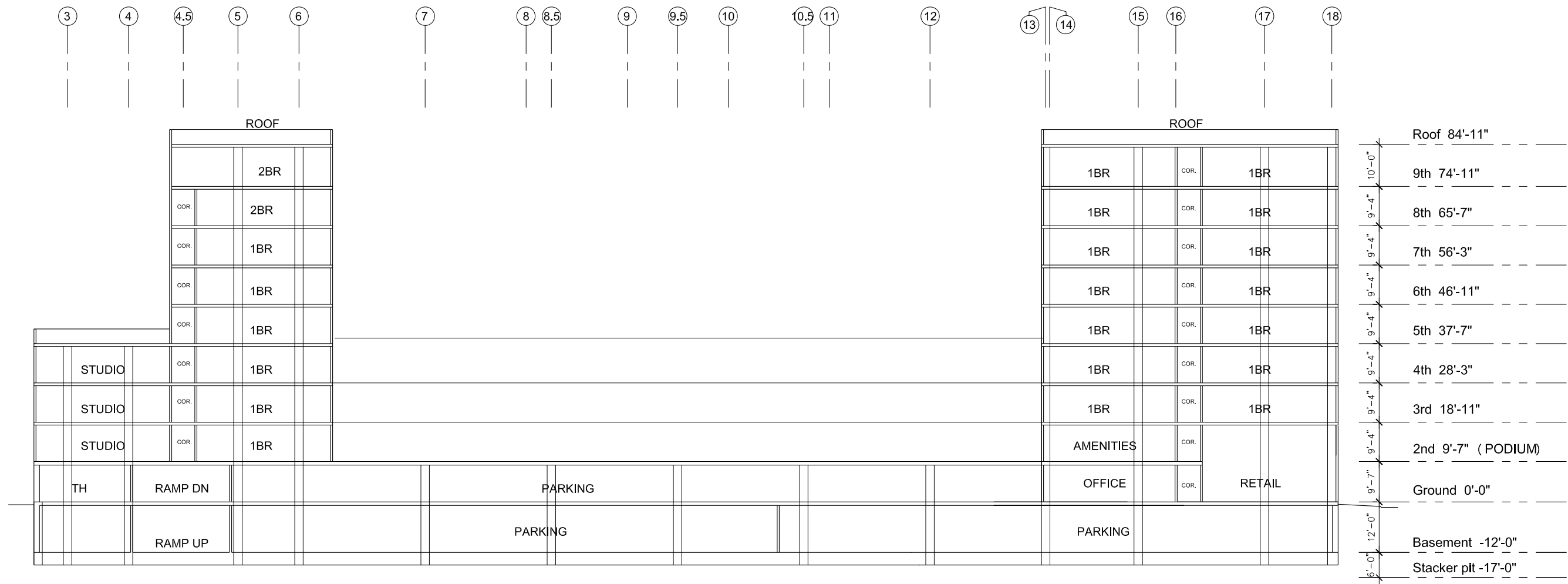


900 Folsom Street

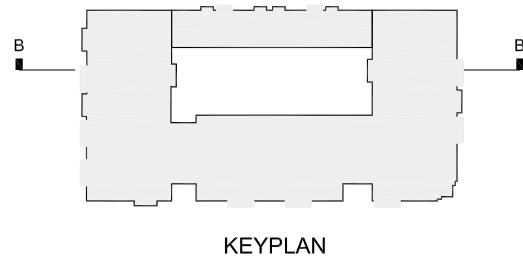
SAN FRANCISCO, CALIFORNIA
MAY, 2010



A2.04



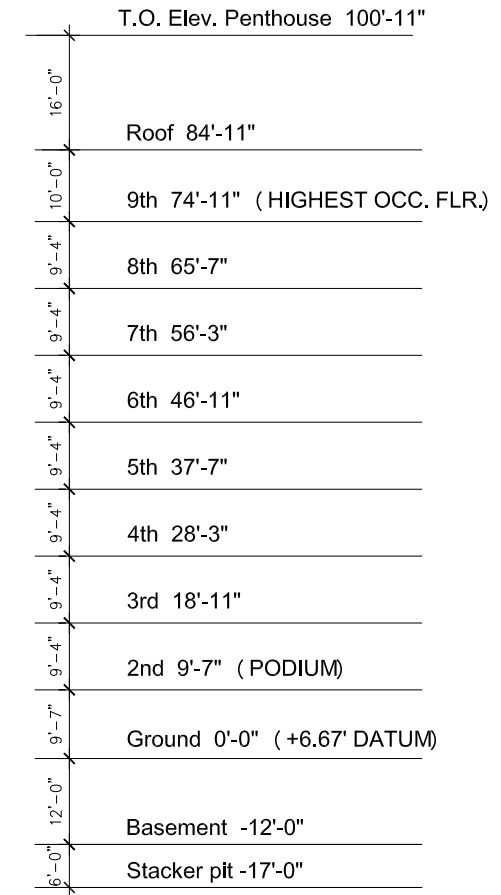
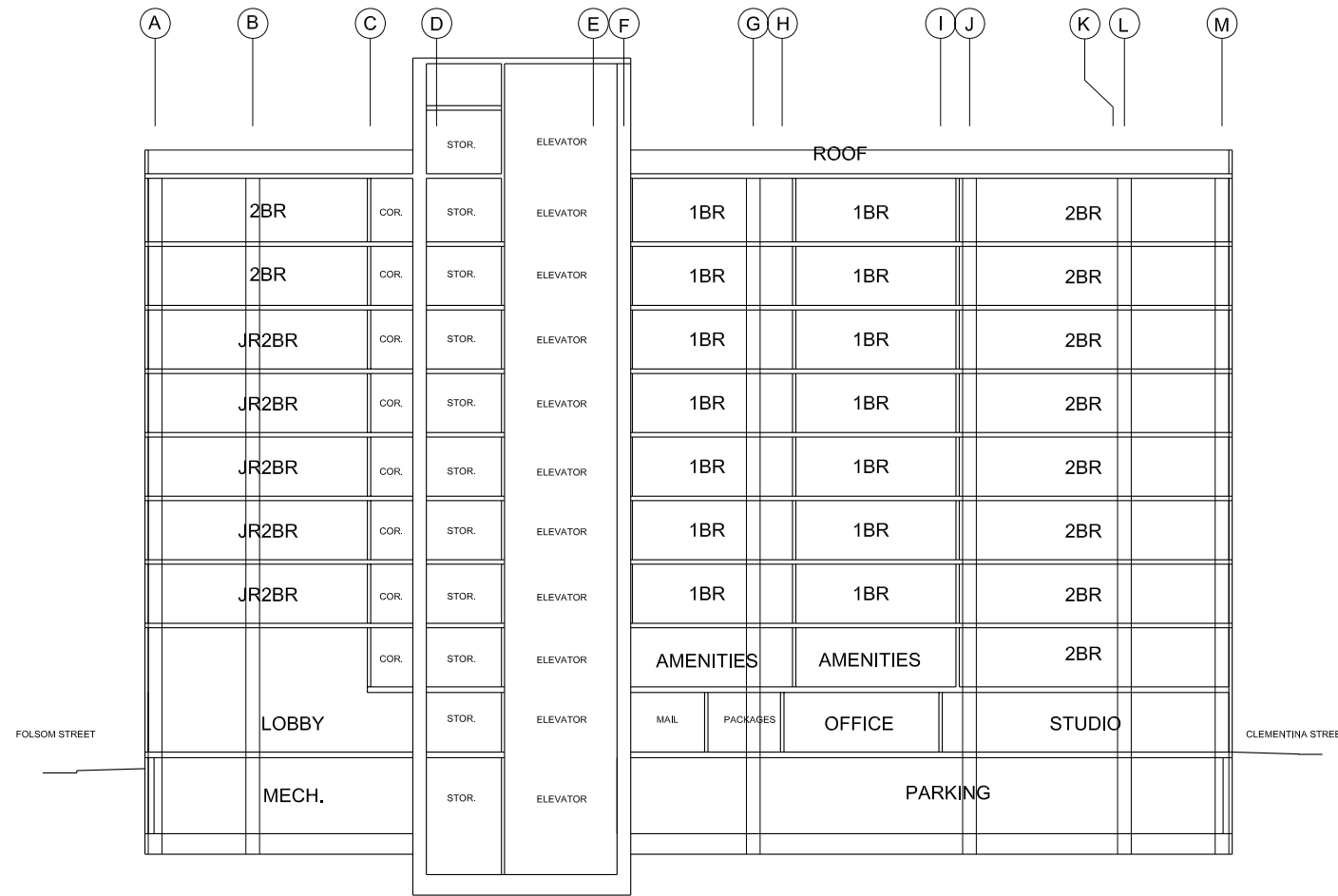
1 LONGITUDINAL SECTION B-B
SCALE: 1/16"=1'-0"



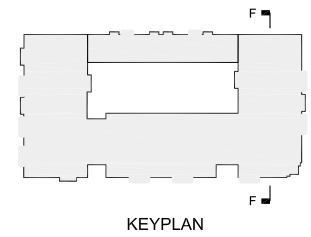
900 Folsom Street
SAN FRANCISCO, CALIFORNIA
MAY, 2010



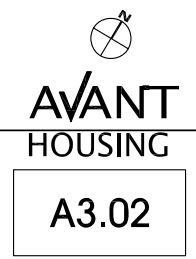
A3.01

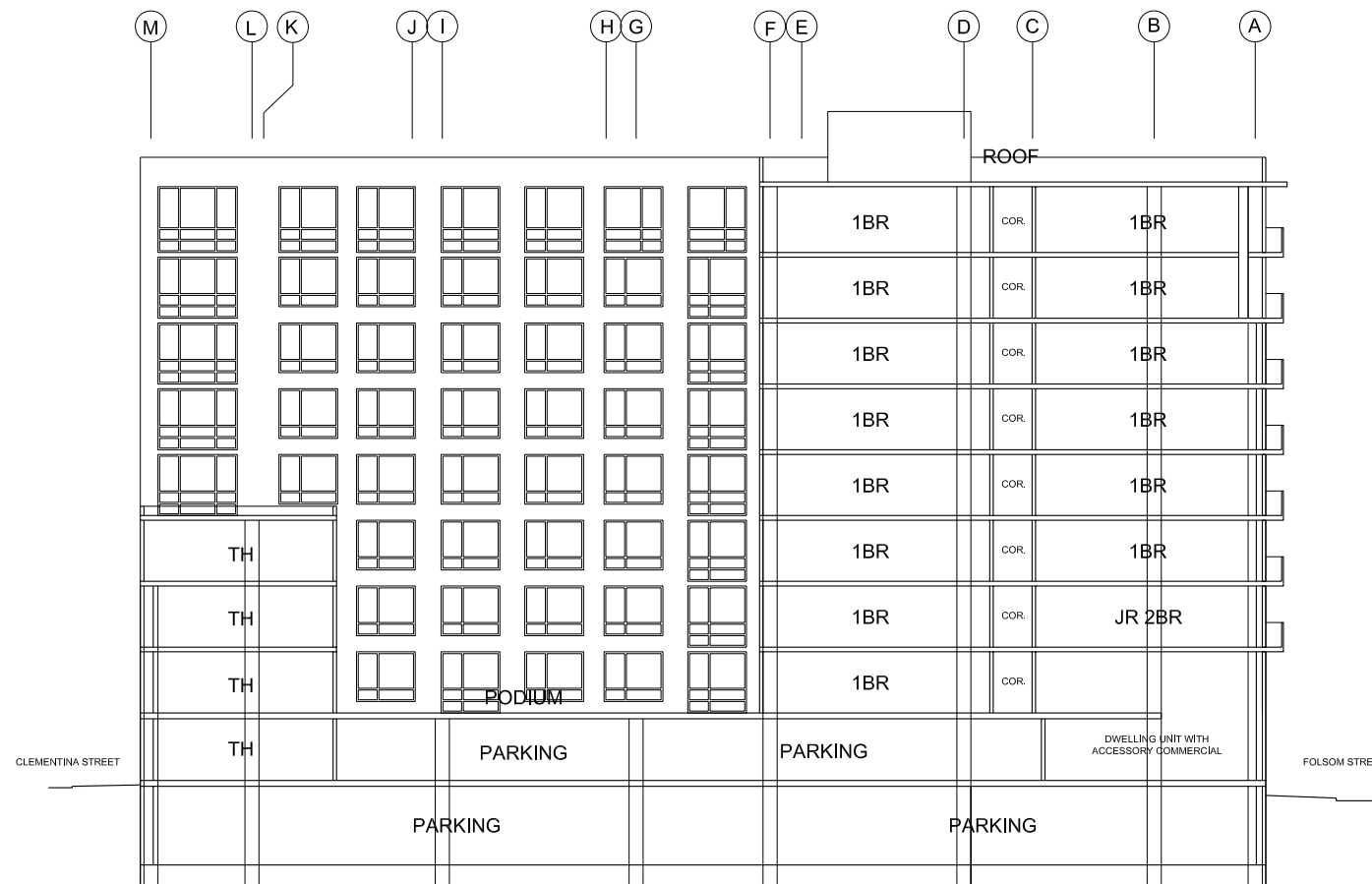


1 CROSS SECTION F-F
SCALE: 1/16"=1'-0"



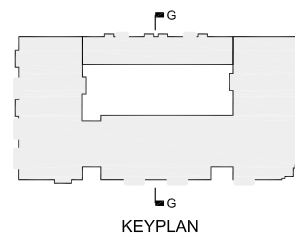
900 Folsom Street
SAN FRANCISCO, CALIFORNIA
MAY, 2010





Roof	84'-11"
9th	74'-11" (HIGHEST OCC. FLR.)
8th	65'-7"
7th	56'-3"
6th	46'-11"
5th	37'-7"
4th	28'-3"
3rd	18'-11"
2nd	9'-7" (PODIUM)
Ground	0'-0" (+6.67' DATUM)
Basement	-12'-0"
Stacker pit	-17'-0"

1 CROSS SECTION G-G
SCALE: 1/16"=1'-0"

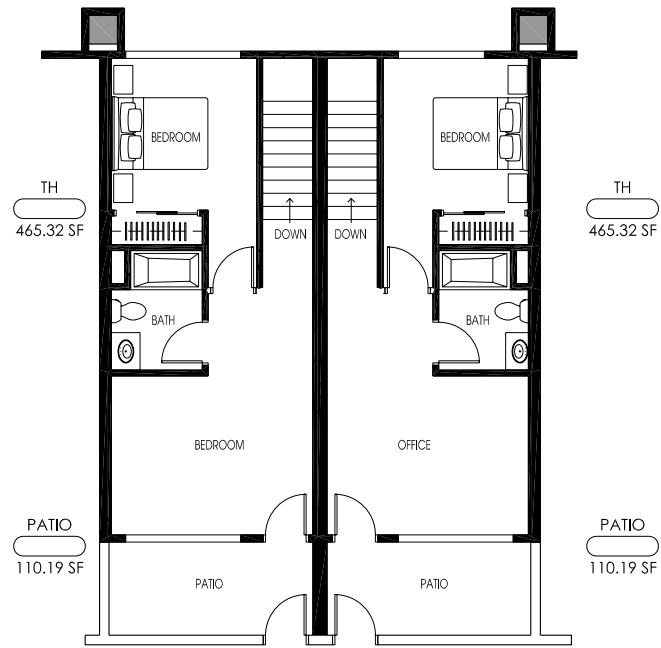


900 Folsom Street

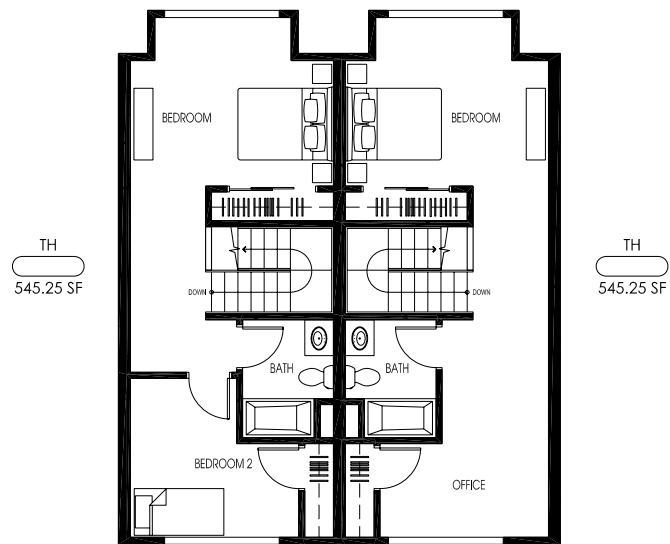
SAN FRANCISCO, CALIFORNIA
MAY, 2010



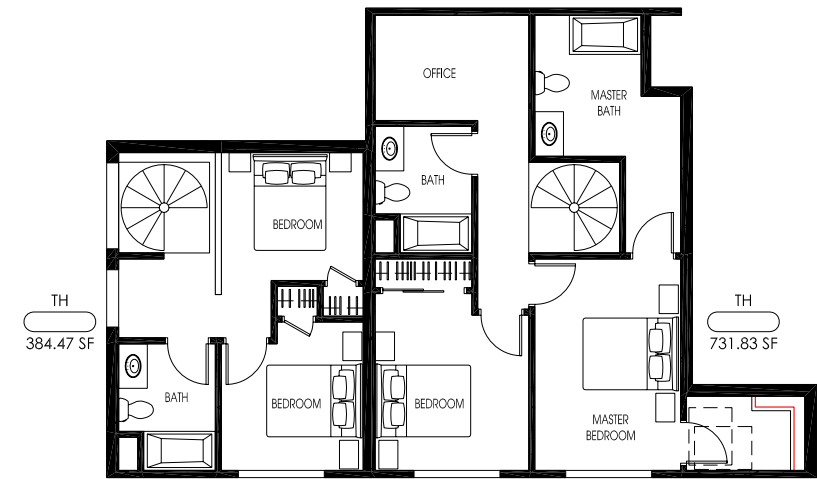
A3.03



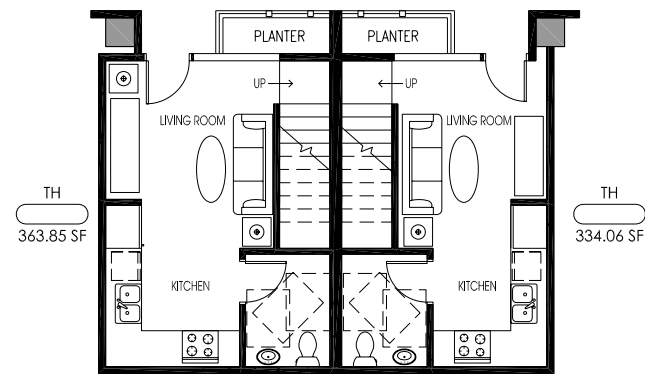
SECOND LEVEL - PODIUM



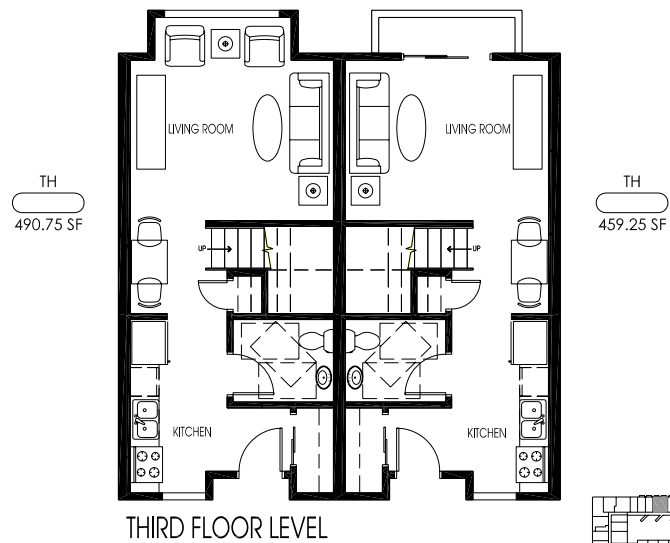
FOURTH FLOOR LEVEL



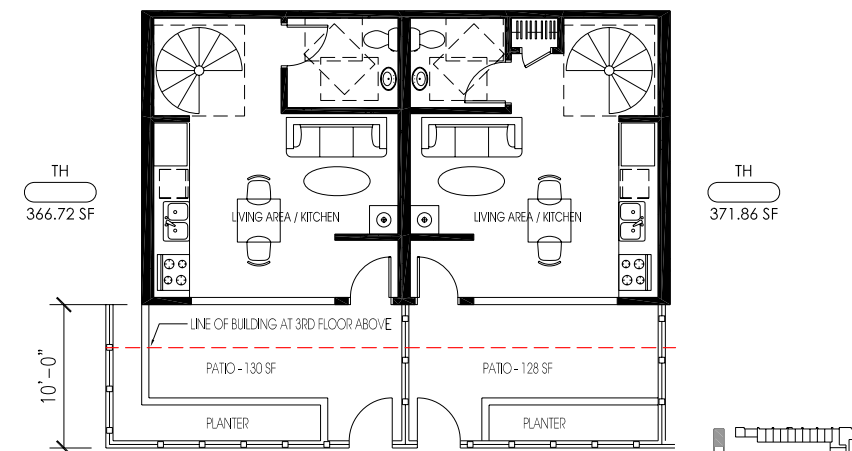
SECOND LEVEL - PODIUM



GROUND FLOOR LEVEL



THIRD FLOOR LEVEL



GROUND FLOOR LEVEL

1 TYPICAL TOWNHOUSE LAYOUT 810 sf
SCALE: 1/8"=1'-0" 2 BR+ - Clementina - Lower

2 TYPICAL TOWNHOUSE LAYOUT 958 - 989 sf
SCALE: 1/8"=1'-0" 2BR - Clementina - Upper

3 TYPICAL TOWNHOUSE LAYOUT 750 - 1,100 sf
SCALE: 1/8"=1'-0" 2BR / 2 BR+ - Park

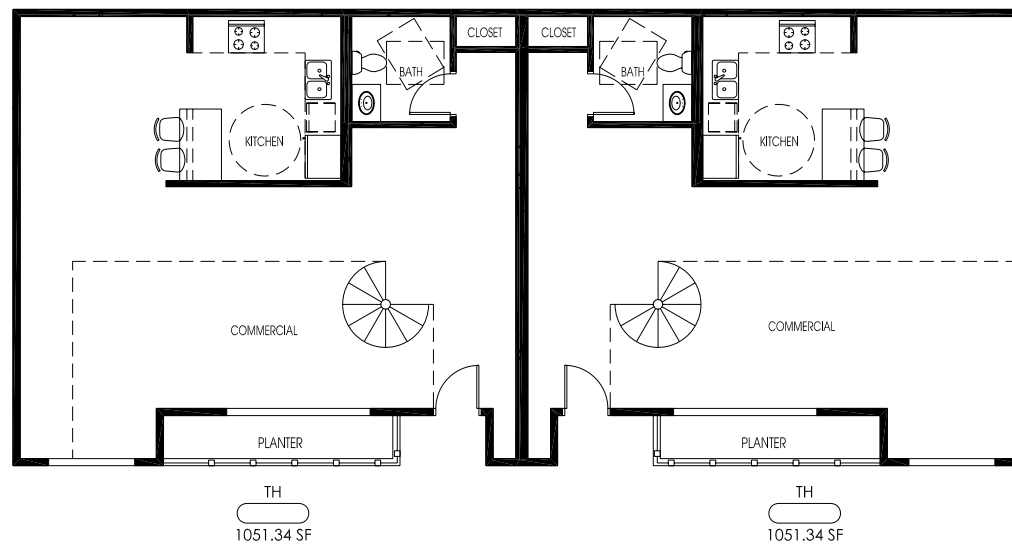
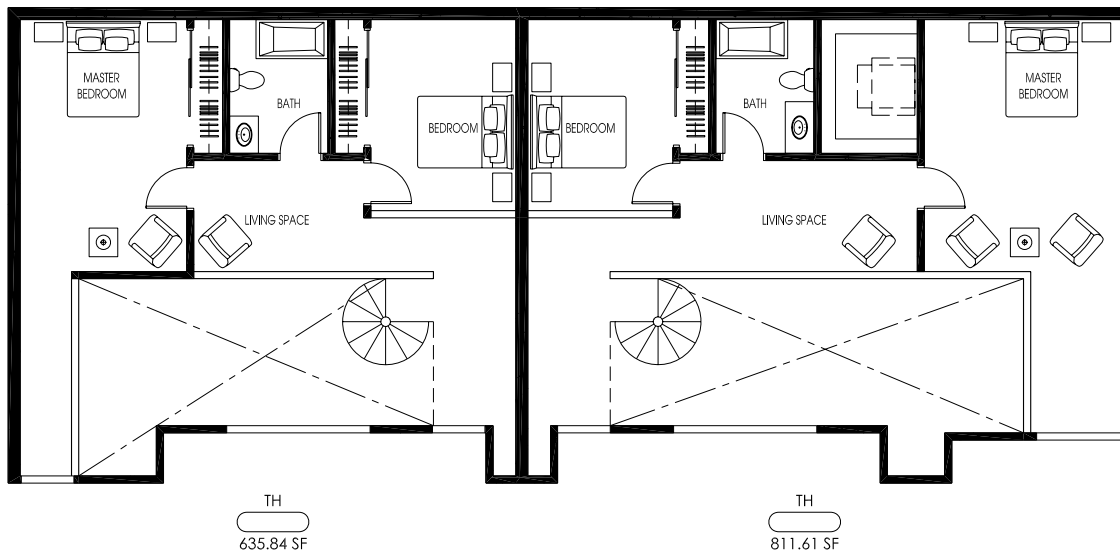


900 Folsom Street

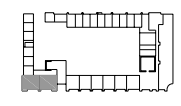
SAN FRANCISCO, CALIFORNIA
MAY, 2010



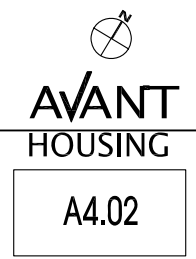
A4.01



1 MULTI-STORY HOUSING UNIT LAYOUT 1,687 - 1,863 sf
SCALE: 1/8" = 1'-0" 2 BR+ - Folsom Street D.U.w/A.C.

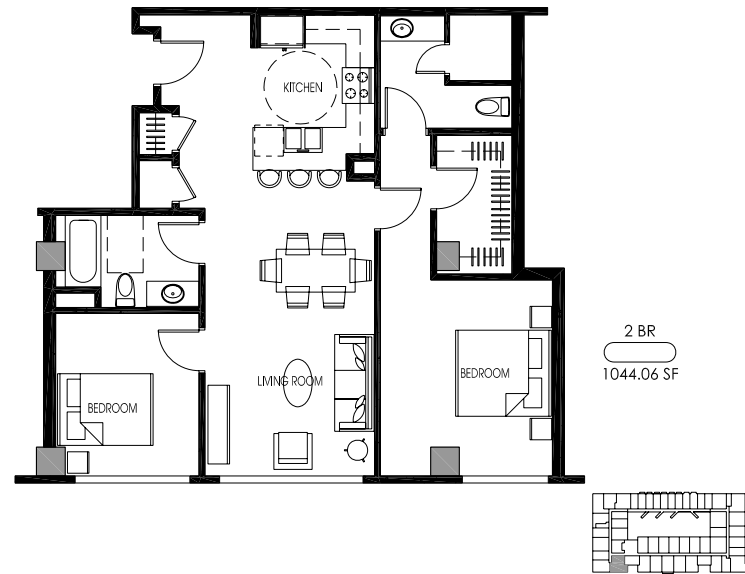


900 Folsom Street
SAN FRANCISCO, CALIFORNIA
MAY, 2010

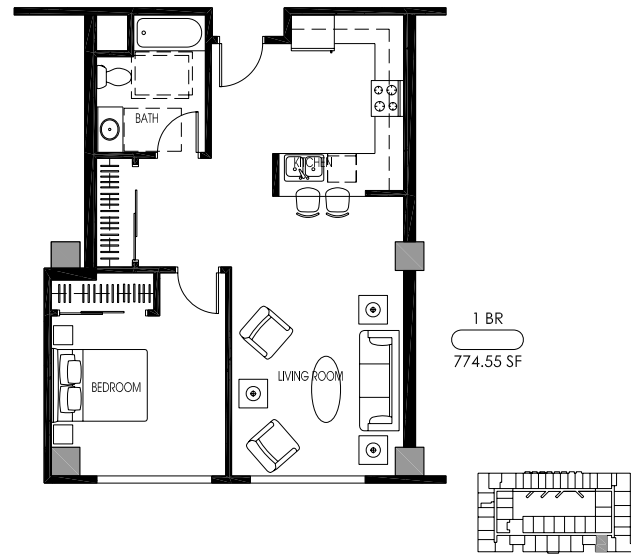




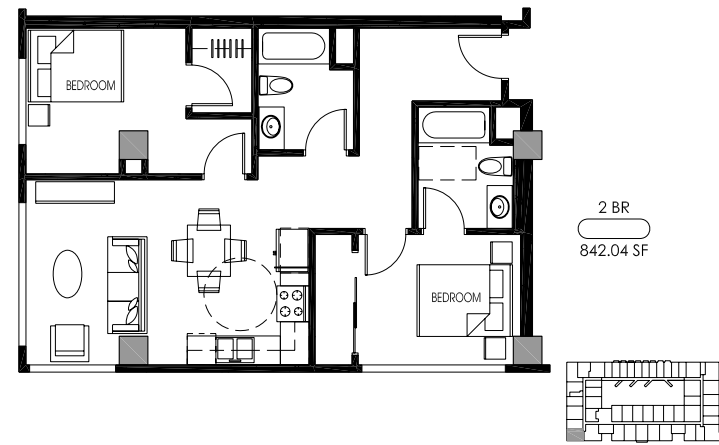
2 TYPICAL FLAT LAYOUT
 SCALE: 1/8"=1'-0" JR 2 BR - 900 Folsom



4 TYPICAL FLAT LAYOUT
 SCALE: 1/8"=1'-0" 2 BR - 900 Folsom



1 TYPICAL FLAT LAYOUT
 SCALE: 1/8"=1'-0" 1 BR - 900 Folsom



3 TYPICAL FLAT LAYOUT
 SCALE: 1/8"=1'-0" 2 BR - 900 Folsom



900 Folsom Street
 SAN FRANCISCO, CALIFORNIA
 MAY, 2010



A4.03



① 900 FOLSOM - VIEW FROM FOLSOM AND FIFTH STREETS
SCALE: nts



900 Folsom Street

SAN FRANCISCO, CALIFORNIA
MAY, 2010





① 900 FOLSOM - VIEW OF MID-BLOCK PARK
SCALE: nts



900 Folsom Street

SAN FRANCISCO, CALIFORNIA
MAY, 2010





① 900 FOLSOM - VIEW OF CLEMENTINA ST. TOWNHOUSES
SCALE: nts



900 Folsom Street

SAN FRANCISCO, CALIFORNIA
MAY, 2010





① 900 FOLSOM - AERIAL VIEW OF PROJECT LOOKING TOWARD DOWNTOWN
SCALE: nts



② 900 FOLSOM - AERIAL VIEW OF PROJECT SHOWING
ALLOWABLE HEIGHTS OF ADJACENT BUILDINGS ON FOLSOM (IN RED)
SCALE: nts

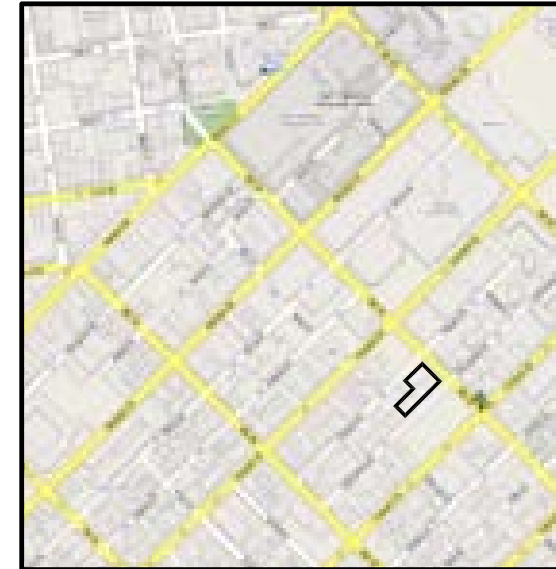
260 5TH STREET MIXED-USE

SAN FRANCISCO, CA

SCHEMATIC DESIGN DRAWINGS

PRESENTED TO THE SAN FRANCISCO PLANNING COMMISSION
MAY, 2010

VICINITY MAP



PLANNING DATA

ZONING: EASTERN NEIGHBORHOODS, MIXED USE DISTRICT
 PLANNING DISTRICT: 1
 BLOCK: 3732, LOTS: 8 & 150
 LOT AREA: 28,641 sf (.6575 acres)
 OPEN SPACE REQUIRED: see AREA SUMMARY BELOW
 PROPOSED DWELLING UNIT (D.U.) COUNT: 179
 PROPOSED BLDG. HT.: 85 ft.
 PROPOSED PARKING SPACES: 102
 PROPOSED ACCESSIBLE PARKING SPACES: 4 SPACES (EQUAL TO 4% OF TOTAL REQUIRED PER SEC. 155(i) OF SF PLANNING CODE)
 PROPOSED BICYCLE PARKING SPACES: 60 (57 SPACES REQUIRED PER SEC.155.5 OF SF PLANNING CODE)
 PROPOSED CAR SHARE SPACES: 1 SPACE PER SEC. 166 OF SF PLANNING CODE, LOCATED ON LOWER LEVEL
 PROPOSED DEMOLITION: SURFACE PARKING @ LOT 8 & 2-STORY CONC. BUILDING @ LOT 150

DRAWING INDEX

SURVEY (MARTIN RON ASSOCIATES)
 SP.01 SITE PLAN - OVERALL
 SP.02 SITE PLAN
 L1.01 LANDSCAPE PLAN
 A1.00 LOWER LEVEL PLAN
 A1.01 GROUND LEVEL PLAN
 A1.02 2ND LEVEL PLAN
 A1.03 3RD LEVEL PLAN
 A1.04 4TH LEVEL PLAN
 A1.05 5TH LEVEL PLAN
 A1.06 6TH LEVEL PLAN
 A1.07 7TH LEVEL PLAN
 A1.08 8TH LEVEL PLAN
 A1.09 9TH LEVEL PLAN
 A1.10 ROOF PLAN
 A2.01 CLEMENTINA ELEVATION
 A2.02 TEHAMA ELEVATION
 A2.03 WEST ELEVATION
 A2.04 FIFTH STREET ELEVATION
 A3.01 SECTION A-A
 A3.02 SECTION B-B
 A3.03 SECTION C-C
 A4.01 ENLARGED UNIT PLANS
 APPENDIX
 RENDERING - CLEMENTINA ELEVATION
 RENDERING - CORNER OF TEHAMA AND FIFTH
 RENDERING - CLEMENTINA TOWNHOMES

AREA SUMMARY

Level	Type I Building	260 5th Street - Overall Building Summary										Open Space		179 units x 80 sf each.		
		Parking Area	Parking Spaces	Residential Net Area	Lobby & Amenities	Mech/Service	Retail Area	Core Circulation	Gross Area	Gross Check	Unit Count	Town Houses	Area	Quantity	Location	Units
Lower Level		22,575	102		0	4,732		577	28,641	27,884	-	-				
Ground		2,809		7,463	1,454	6,525	5,281	2,765	26,542	26,297						179
2				12,044	0	108		2,226	14,783	14,378		10				
3				19,917	0	108		2,236	22,312	22,261		24				
4				19,886	0	108		2,236	22,277	22,230		24				
5				19,817	0	108		2,236	22,518	22,161		24				
6				17,596	0	108		2,214	20,046	19,918		22				
7				17,847	0	108		2,214	20,222	20,169		22				
8				17,141	0	108		2,214	19,521	19,463		23				
9				16,750	0	108		2,214	19,173	19,072		23				
Roof					0				19,173							
TOTAL		25,384	102	148,461	1,454	12,121	5,281		235,208			179				

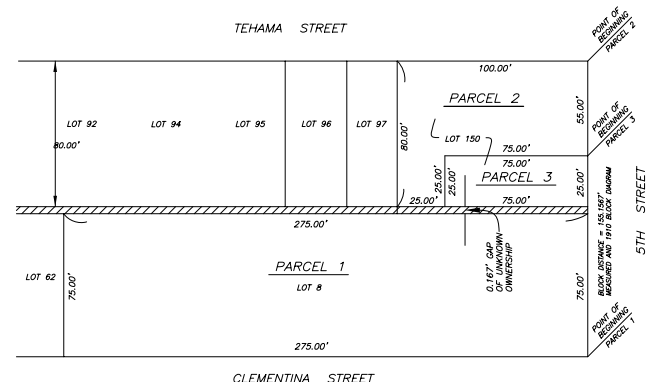
Notes:

Average Unit size = 829
Parking: dwelling units = (168 x 0.75 = 126 spaces) + (11 x 1=11) = 137 spaces - Permitted
 Parking includes: Lower Level - 49 standard spaces, 49 stackers, 4 accessible spaces = 102 spaces
 Parking includes: Ground Level - 0 spaces
 Parking includes 1 designated 'car share' space (not included in total)
 Parking includes 4% accessible parking spaces - 4 spaces total.
Total Provided Parking = 102 Spaces

Sixth Floor - Setback at 6th floor.

Unit Mix - Revised 04-01-2010

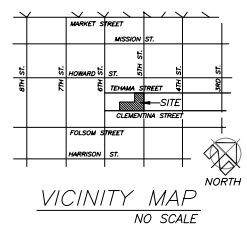
	G	2	3	4	5	6	7	8	9	TOTAL	
S		1	3	3	3	4	4	5	5	28	16%
1 BR		4	6	6	6	8	6	9	9	54	30%
JR 2BR		2	5	5	5	3	3	3	3	26	15%
2 BR		5	10	10	10	10	9	6	6	71	40%
TOTAL		7	10	24	24	24	22	23	23	179	



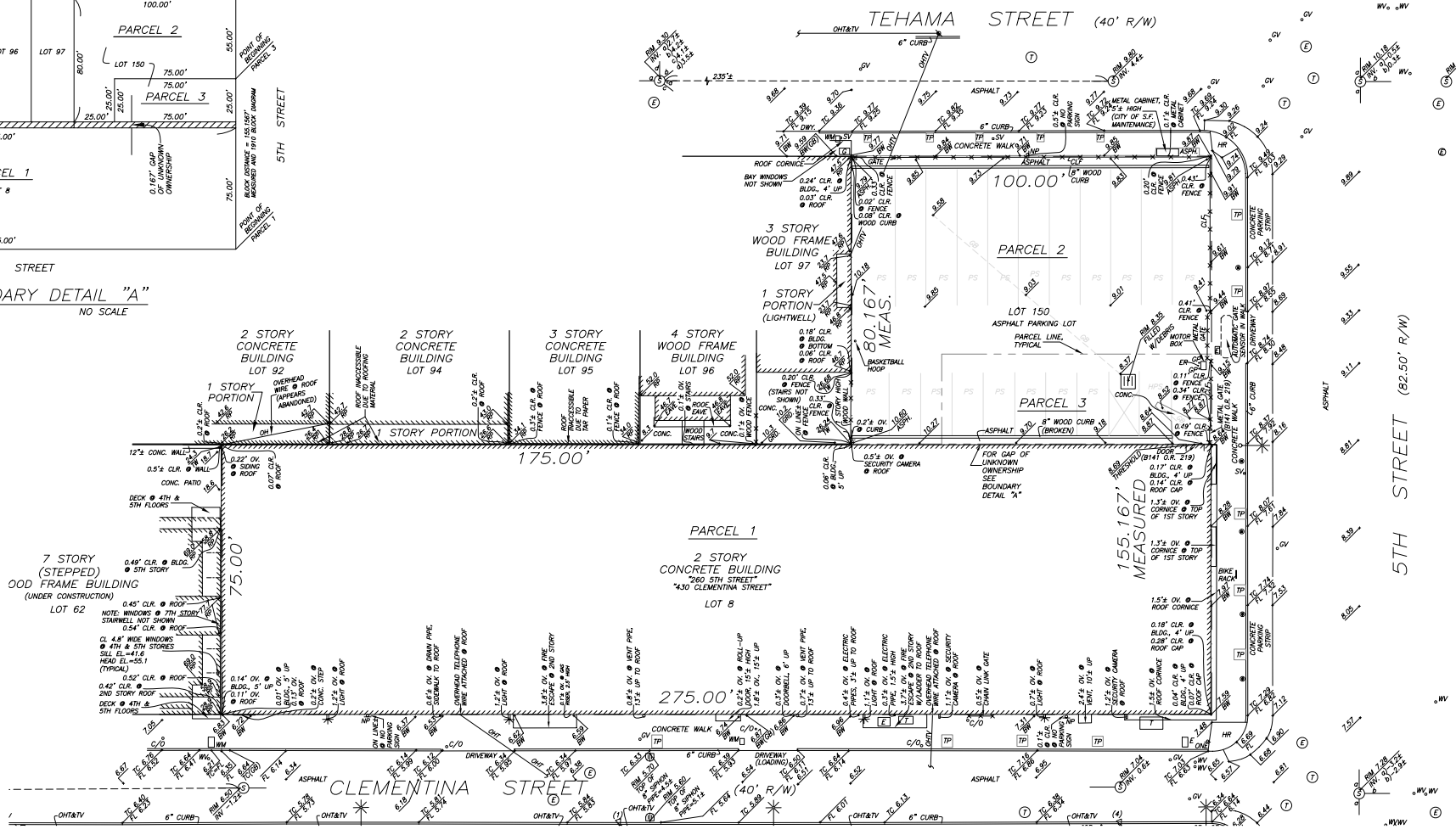
BOUNDARY DETAIL "A"
NO SCALE

LEGAL DESCRIPTION (LOTS 8 & 150)
ALL THAT REAL PROPERTY SITUATED IN THE CITY AND COUNTY OF SAN FRANCISCO, STATE OF CALIFORNIA, DESCRIBED AS FOLLOWS:

- PARCEL 1:**
COMMENCING AT THE POINT OF INTERSECTION OF THE SOUTHWESTERLY LINE OF FIFTH STREET WITH THE NORTHWESTERLY LINE OF CLEMENTINA STREET; RUNNING THENCE NORTHWESTERLY ALONG THE SAID SOUTHWESTERLY LINE OF FIFTH STREET, 75 FEET; THENCE AT A RIGHT ANGLE SOUTHWESTERLY 275 FEET; THENCE AT A RIGHT ANGLE SOUTHWESTERLY 75 FEET TO THE NORTHWESTERLY LINE OF CLEMENTINA STREET; THENCE AT A RIGHT ANGLE NORTHEASTERLY ALONG SAID LINE OF CLEMENTINA STREET 275 FEET TO THE POINT OF COMMENCEMENT.
BEING A PORTION OF 100 VARA BLOCK 382.
- PARCEL 2:**
COMMENCING AT THE POINT OF INTERSECTION OF THE SOUTHWESTERLY LINE OF FIFTH STREET AND THE SOUTHWESTERLY LINE OF TEHAMA STREET; RUNNING THENCE SOUTHWESTERLY ALONG SAID LINE OF TEHAMA STREET 100 FEET; THENCE AT A RIGHT ANGLE SOUTHWESTERLY 80 FEET; THENCE AT A RIGHT ANGLE NORTHEASTERLY 25 FEET; THENCE AT A RIGHT ANGLE NORTHWESTERLY 75 FEET TO THE SOUTHWESTERLY LINE OF FIFTH STREET; THENCE NORTHWESTERLY ALONG SAID LINE OF FIFTH STREET 55 FEET TO THE POINT OF COMMENCEMENT.
BEING A PORTION OF 100 VARA BLOCK 382.
- PARCEL 3:**
BEGINNING AT A POINT ON THE SOUTHWESTERLY LINE OF FIFTH STREET, DISTANT THEREON 50 FEET SOUTHEASTERLY FROM THE SOUTHWESTERLY LINE OF TEHAMA STREET; RUNNING THENCE SOUTHEASTERLY ALONG THE SOUTHWESTERLY LINE OF FIFTH STREET 25 FEET; THENCE AT A RIGHT ANGLE NORTHWESTERLY 75 FEET; THENCE AT A RIGHT ANGLE NORTHWESTERLY 25 FEET; THENCE AT A RIGHT ANGLE NORTHEASTERLY 75 FEET TO THE POINT OF BEGINNING.
BEING A PORTION OF 100 VARA BLOCK 382.
APN: 3732-008, 3732-150



VICINITY MAP
NO SCALE



- LEGEND**
- CLR CLEAR OF PROPERTY LINE
 - OV OVER PROPERTY LINE
 - CONC CONCRETE BUILDING
 - CLF CHAIN LINK FENCE
 - PS PARKING SPACE
 - HPS HANDICAP PARKING SPACE
 - R/W RIGHT OF WAY
 - FL FLOW LINE
 - SW BACK OF WALK
 - GB GRADE BREAK
 - INV INVERT
 - ASPH ASPHALT ROOF PARAPET ELEVATION
 - OH OVERHEAD WIRE
 - OHTV OVERHEAD TELEPHONE WIRE
 - OHTV OVERHEAD TELEVISION WIRES
 - OHE OVERHEAD ELECTRIC WIRES
 - CB CATCH BASIN
 - CB CATCH BASIN
 - GV GAS VALVE
 - TM TELEPHONE MANHOLE
 - SM SEWER MANHOLE
 - EM ELECTRIC MANHOLE
 - GV GAS VALVE
 - TP TREE PIT / TREE
 - WM WATER METER
 - SV SEWER VENT
 - GB GAS BOX
 - PM PARKING METER
 - EL ELECTROLIER W/ TRAFFIC SIGNAL
 - EM ELECTRIC METER
 - SC SEWER CLEANOUT
 - TP TELEPHONE PULLBOX
 - SL STREET LIGHT PULLBOX
 - EL ELECTRIC PULLBOX
 - TP TELEVISION PULLBOX
 - AW ABANDONED WATER METER
 - GP GUARD POST
 - JP JOINT POLE
 - GA GUY WIRE & ANCHOR
 - JP JOINT POLE W/ (1) RISER
 - BS BUS SHELTER PULLBOX
 - HPV HIGH PRESSURE WATER VALVE
 - HPW HIGH PRESSURE WATER VALVE
 - UM UNKNOWN MANHOLE
 - CM CISTERN MANHOLE
 - HC HATCH HATCH MANHOLE
 - PC POLE COVER
 - FI FIRE HYDRANT
 - HF HIGH PRESSURE FIRE HYDRANT
 - POV POLE VALVE
 - LC LIGHT ON CONCRETE BASE SIGN
 - NP NO PARKING SIGN
 - OT ONE WAY TRAFFIC SIGN
 - ST STREET SIGN
 - BS BUS STOP SIGN
 - PI PARKING INFORMATION SIGN
 - UC UNKNOWN CLEANOUT
 - DS DIRECTIONAL SIGN

SURVEY REFERENCE (LOTS 8 & 150)
CHICAGO TITLE COMPANY PRELIMINARY REPORT NO. 07-36904575-MG DATED AUGUST 30, 2007.
THE FOLLOWING ARE EXCEPTIONS TO TITLE WITHIN THE ABOVE REFERENCED PRELIMINARY REPORT:
1. THAT CERTAIN LETTER FROM THE CITY PLANNING COMMISSION REQUIRING A 5 FOOT EASEMENT FOR PEDESTRIAN ACCESS FROM THE DOOR ALONG THE NORTHWESTERLY BUILDING LINE TO THE SOUTHWESTERLY LINE OF 5TH STREET RECORDED MAY 8, 1987, IN BOOK 8141 PAGE 219, OFFICIAL RECORDS, SINCE LOTS 8 & 150 ARE OWNED BY THE SAME ENTITY THERE CANNOT BE AN EASEMENT.
2. THE FACT THAT SAID LAND IS INCLUDED WITHIN THE SOUTH OF MARKET REDEVELOPMENT PROJECT AREA AS DISCLOSED BY THE REDEVELOPMENT PLAN RECORDED DECEMBER 11, 2006, IN REEL J284, IMAGE 772, OFFICIAL RECORDS.
3. DECLARATION OF RESTRICTIONS AND STATEMENT REGARDING EMINENT DOMAIN LIMITATIONS IN THE SOUTH OF MARKET REDEVELOPMENT PROJECT AREA RECORDED DECEMBER 11, 2006, IN REEL J284, IMAGE 773, OFFICIAL RECORDS.

BASIS OF SURVEY
1. CITY OF SAN FRANCISCO MONUMENT MAP NOS. 314 AND 315 ON FILE IN THE OFFICE OF THE CITY ENGINEER.
2. BLOCK DIAGRAM OF 100 VARA BLOCK 382, DATED JANUARY 6, 1910, FILED IN BOOK 40, PAGES 19-27, IN THE OFFICE OF THE CITY ENGINEER.

GENERAL NOTES
1. DETAILS NEAR PROPERTY LINES ARE NOT TO SCALE.
2. ALL PROPERTY LINE ANGLES ARE 90 DEGREES UNLESS NOTED OTHERWISE.
3. DIMENSIONS SHOWN ARE IN FEET AND DECIMALS THEREOF.
4. ELEVATIONS ARE ON SAN FRANCISCO CITY DATUM.

FLOOD NOTE
THE FEDERAL EMERGENCY MANAGEMENT AGENCY HAS NOT IDENTIFIED ANY SPECIAL FLOOD HAZARD AREAS WITHIN THE CITY OF SAN FRANCISCO, CALIFORNIA. THE CITY DOES NOT PARTICIPATE IN THE NATIONAL FLOOD INSURANCE PROGRAM.

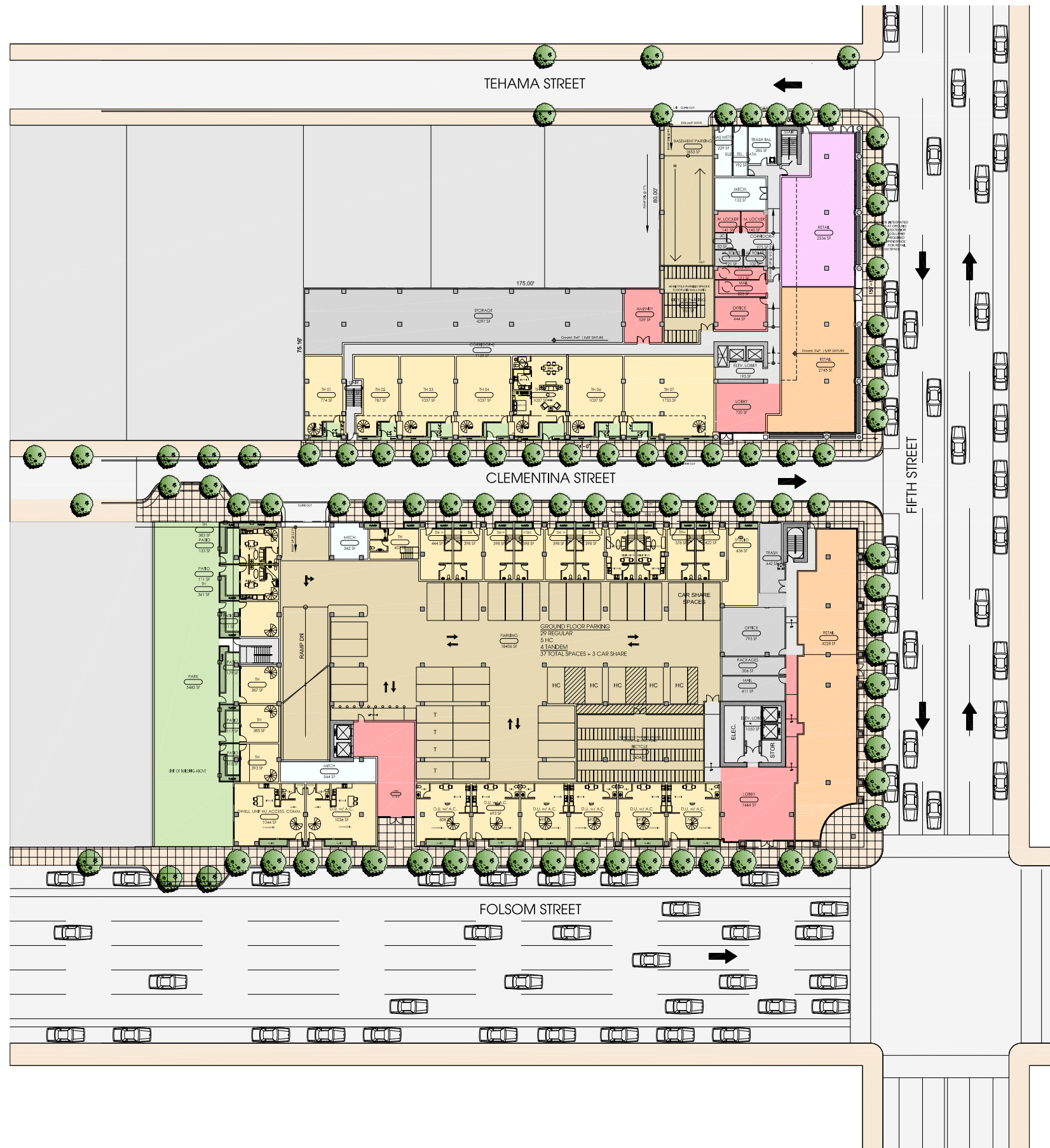
ZONING
RSD - RESIDENTIAL SERVICE DISTRICT
HEIGHT & BULK DISTRICT: 40-X/85-B

SITE AREA:
LOTS 8 & 150 = 28,642± SQ.FT.

PRELIMINARY
DATE: 9/14/07
UNDERGROUND UTILITY INFORMATION NOT YET AVAILABLE
SITE SURVEY
OF A PORTION OF ASSESSOR'S BLOCK NO. 3732
FOR
AGI CAPITAL GROUP, INC.
SAN FRANCISCO CALIFORNIA

SCALE: 1" = 16'	SURV: DB
DATE: 7-1-07	DES:
SHEET: 1	DRW: JP
OF: 1	CHK: BR
JOB NO: S-6754	REV: ND

MARTIN M. RON ASSOCIATES
LAND SURVEYORS
859 HARRISON STREET, SUITE 200
SAN FRANCISCO, CA 94107
(415) 543-4500



260 Fifth Street

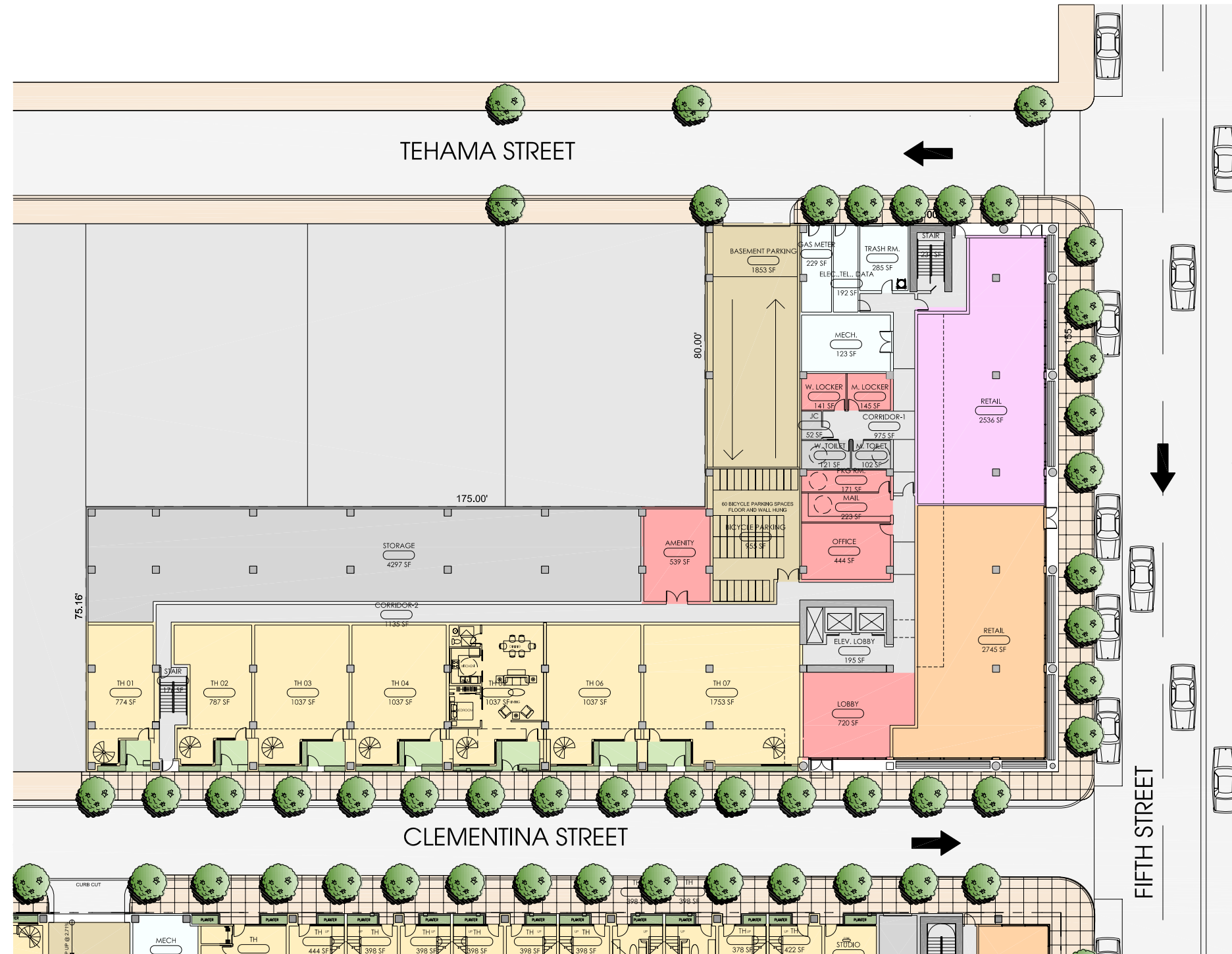
SAN FRANCISCO, CALIFORNIA
MAY, 2010



1 SITE PLAN
SCALE: 1/32" = 1'-0"



SP-01



1 SITE PLAN
SCALE: 3/64"=1'-0"

260 Fifth Street

SAN FRANCISCO, CALIFORNIA
MAY, 2010



SP-02



260 FIFTH STREET

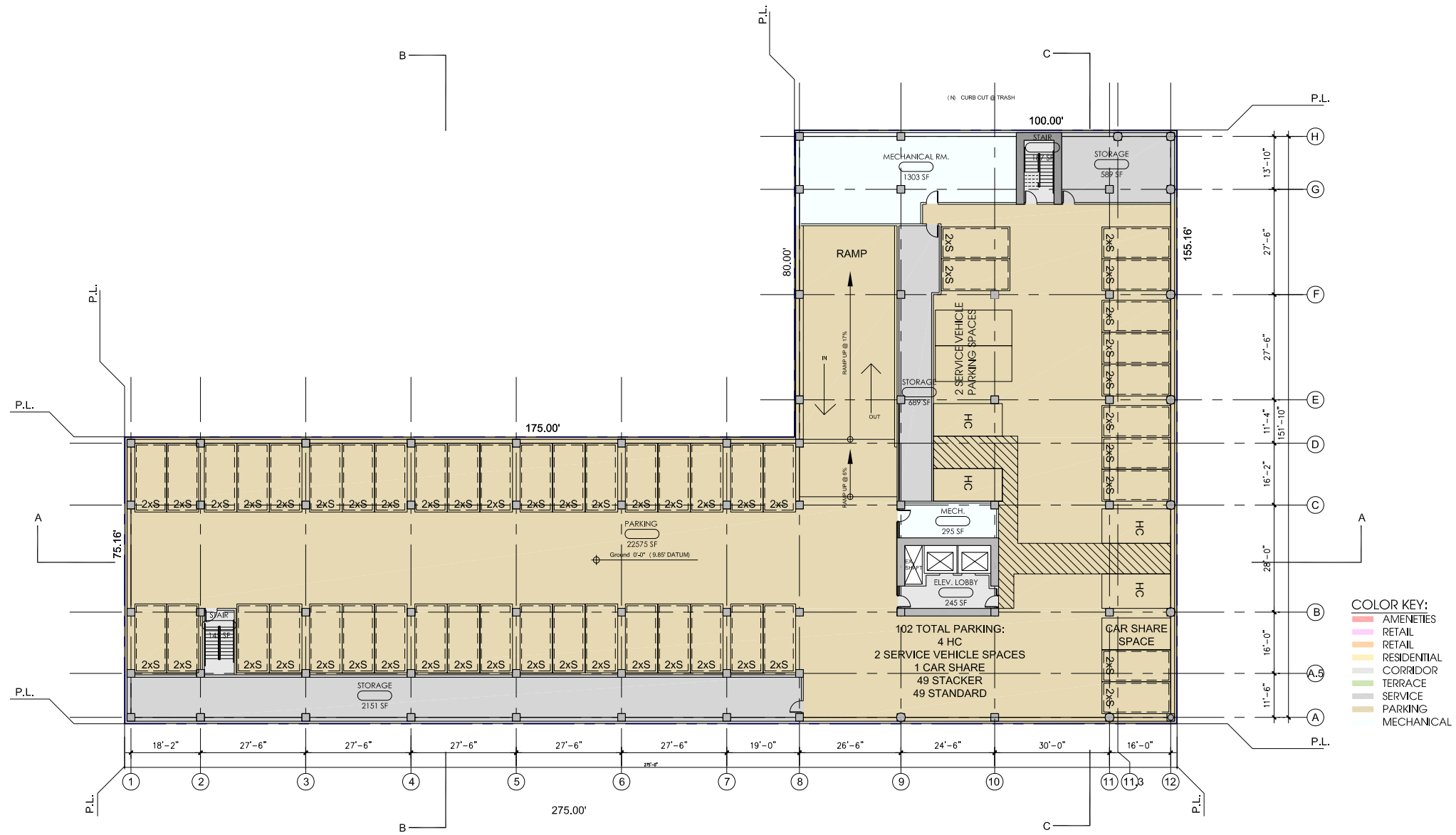
900 FOLSOM STREET

260 Fifth Street

SAN FRANCISCO, CALIFORNIA
MAY, 2010



L1.01



1 LOWER LEVEL PLAN
 SCALE: 3/64"=1'-0"



260 Fifth Street

SAN FRANCISCO, CALIFORNIA
 MAY, 2010



A1.00



1 GROUND LEVEL PLAN
SCALE: 3/64"=1'-0"

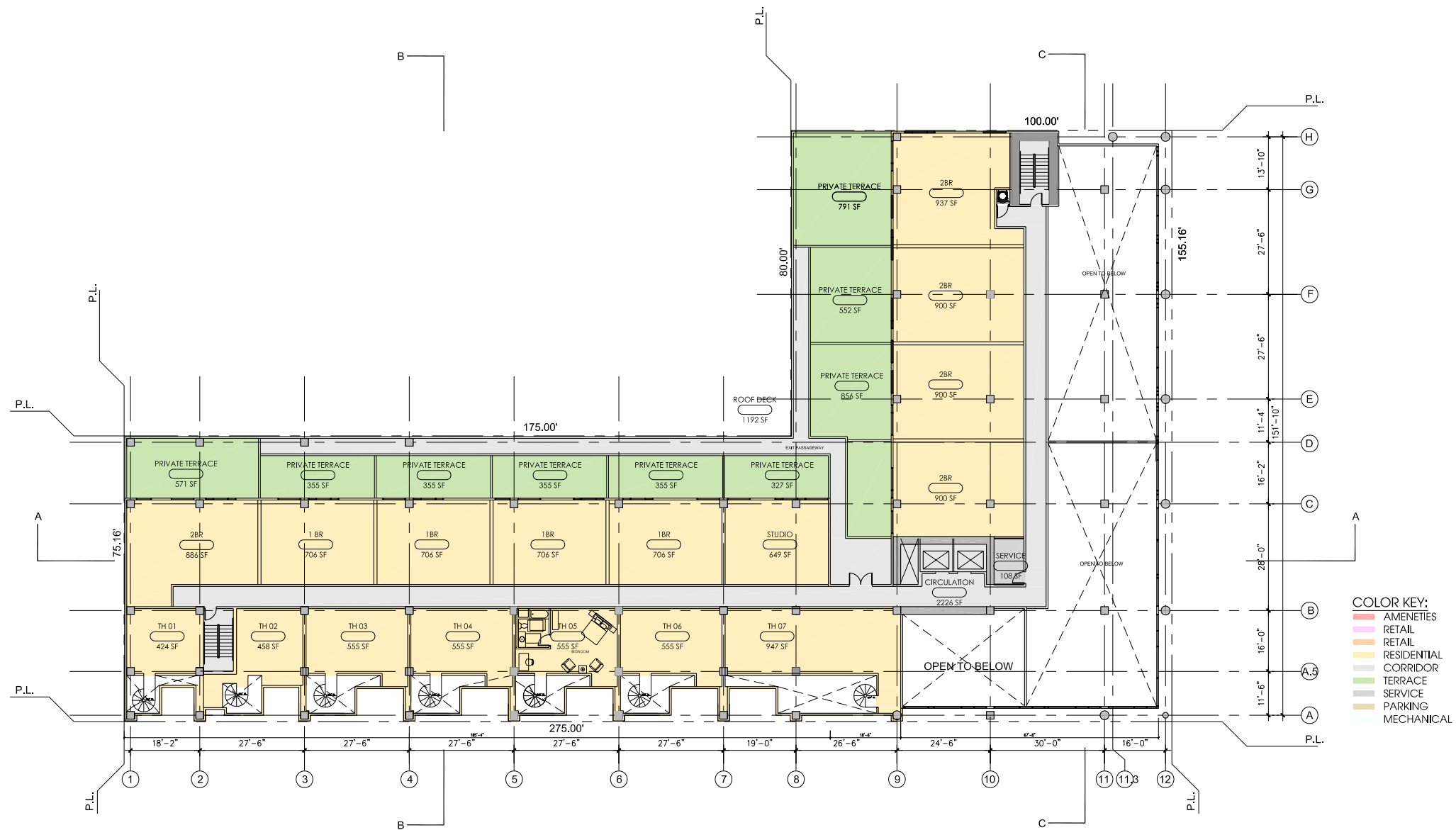


260 Fifth Street

SAN FRANCISCO, CALIFORNIA
MAY, 2010



A1.01



1 SECOND LEVEL PLAN
SCALE: 3/64"=1'-0"

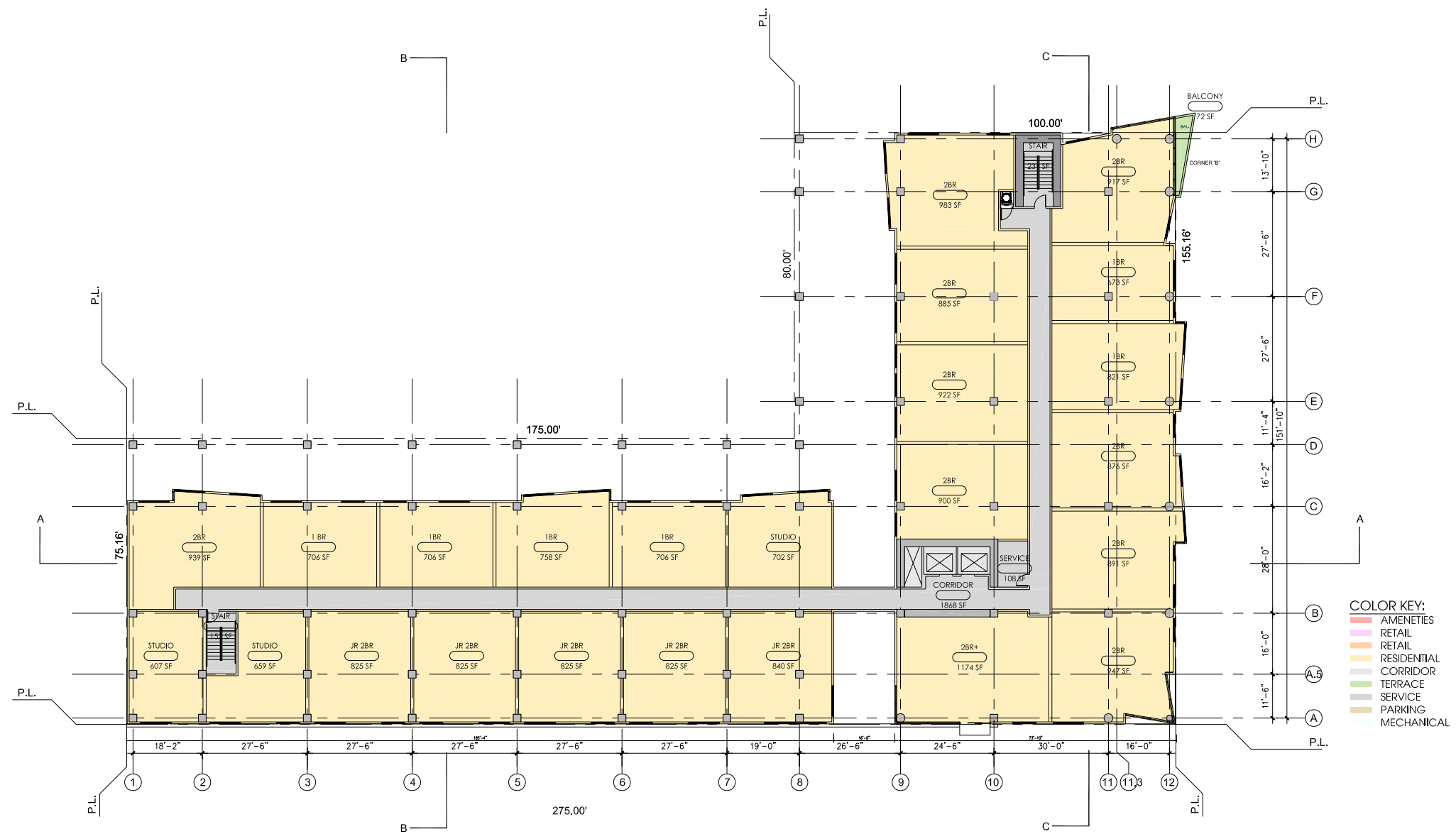


260 Fifth Street

SAN FRANCISCO, CALIFORNIA
MAY, 2010



A1.02



1 THIRD LEVEL PLAN
SCALE: 3/64"=1'-0"

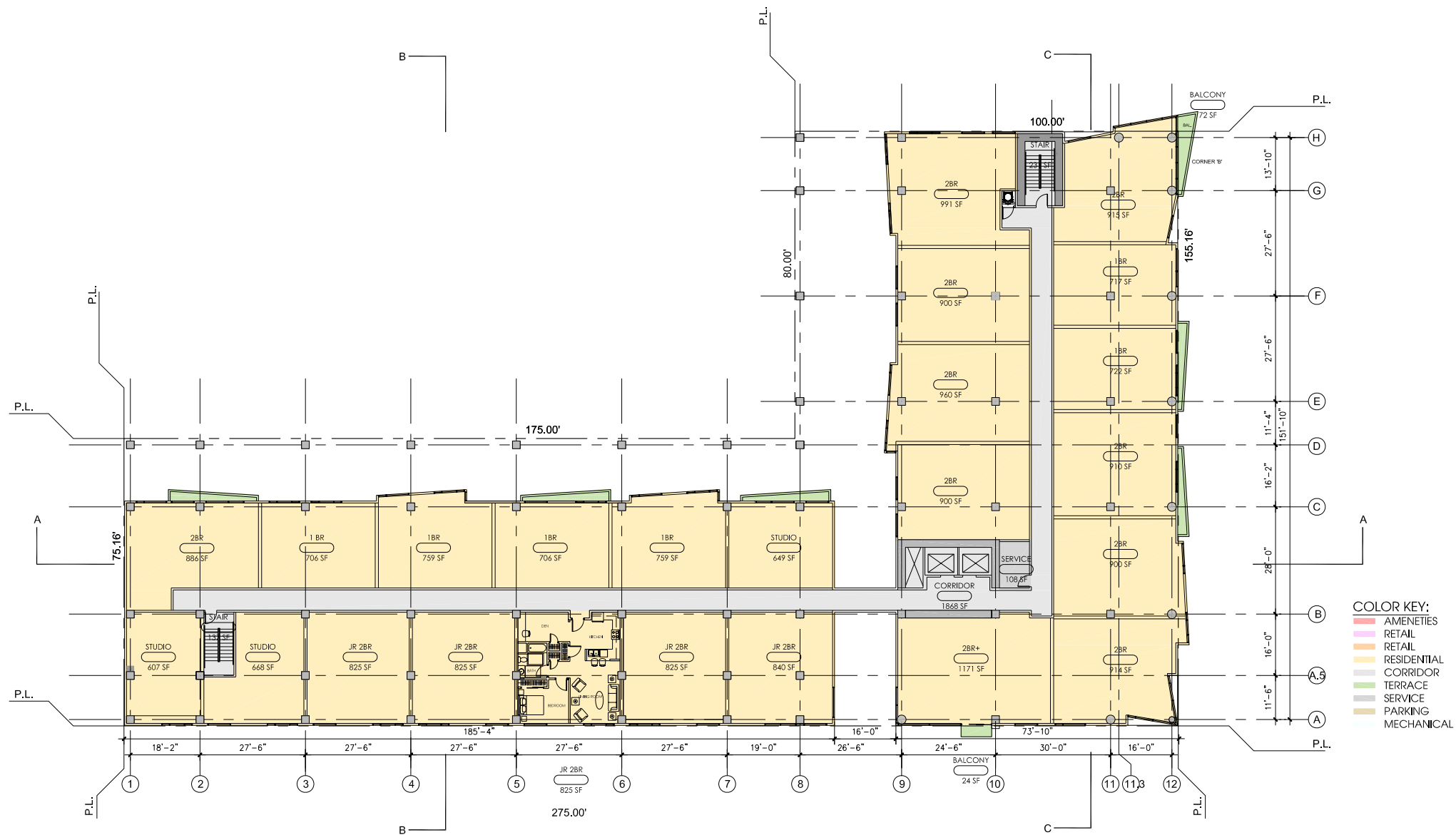


260 Fifth Street

SAN FRANCISCO, CALIFORNIA
MAY, 2010



A1.03



1 FOURTH LEVEL PLAN
SCALE: 3/64"=1'-0"

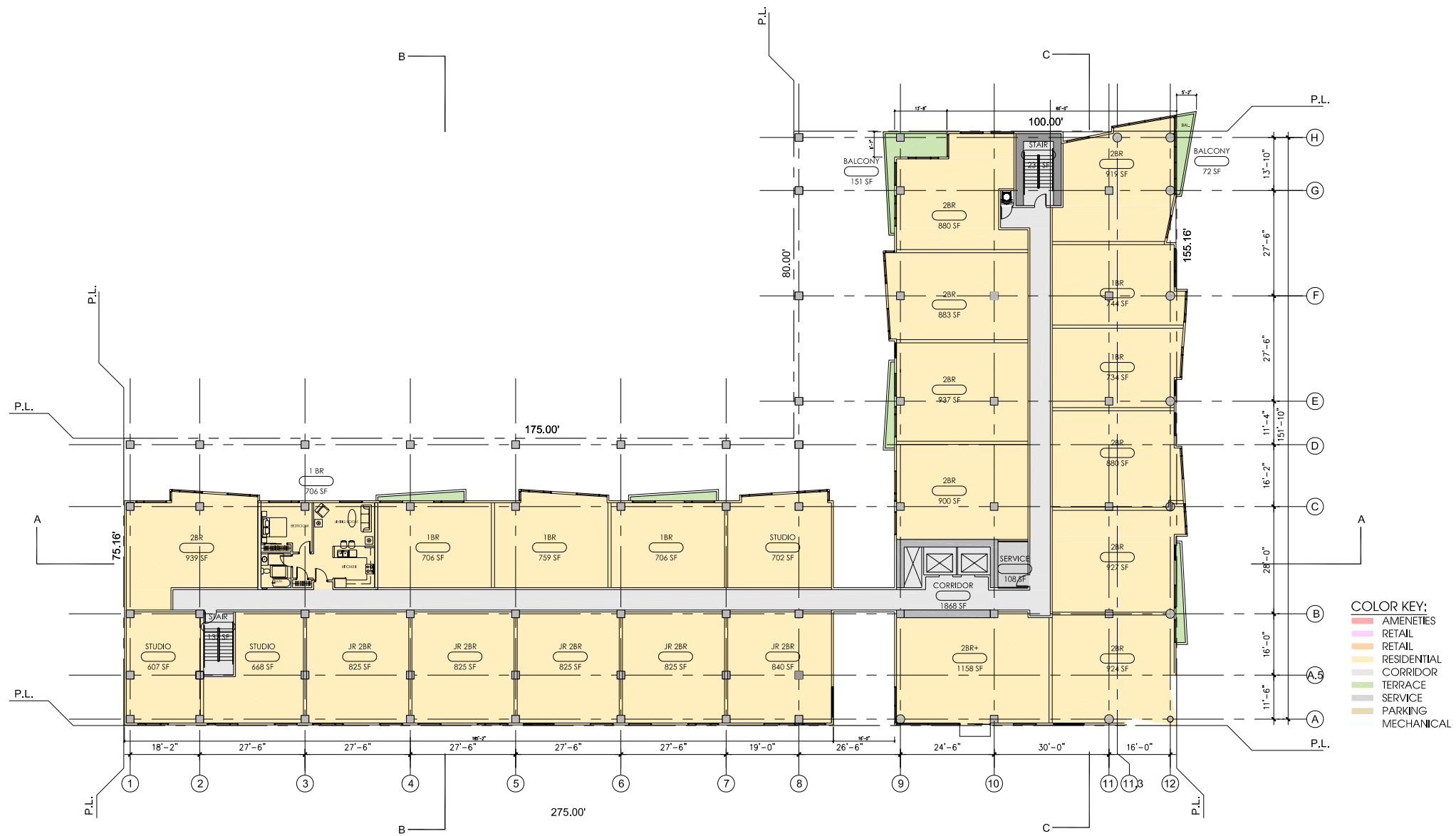


260 Fifth Street

SAN FRANCISCO, CALIFORNIA
MAY, 2010



A1.04



1 FIFTH LEVEL PLAN
SCALE: 3/64"=1'-0"

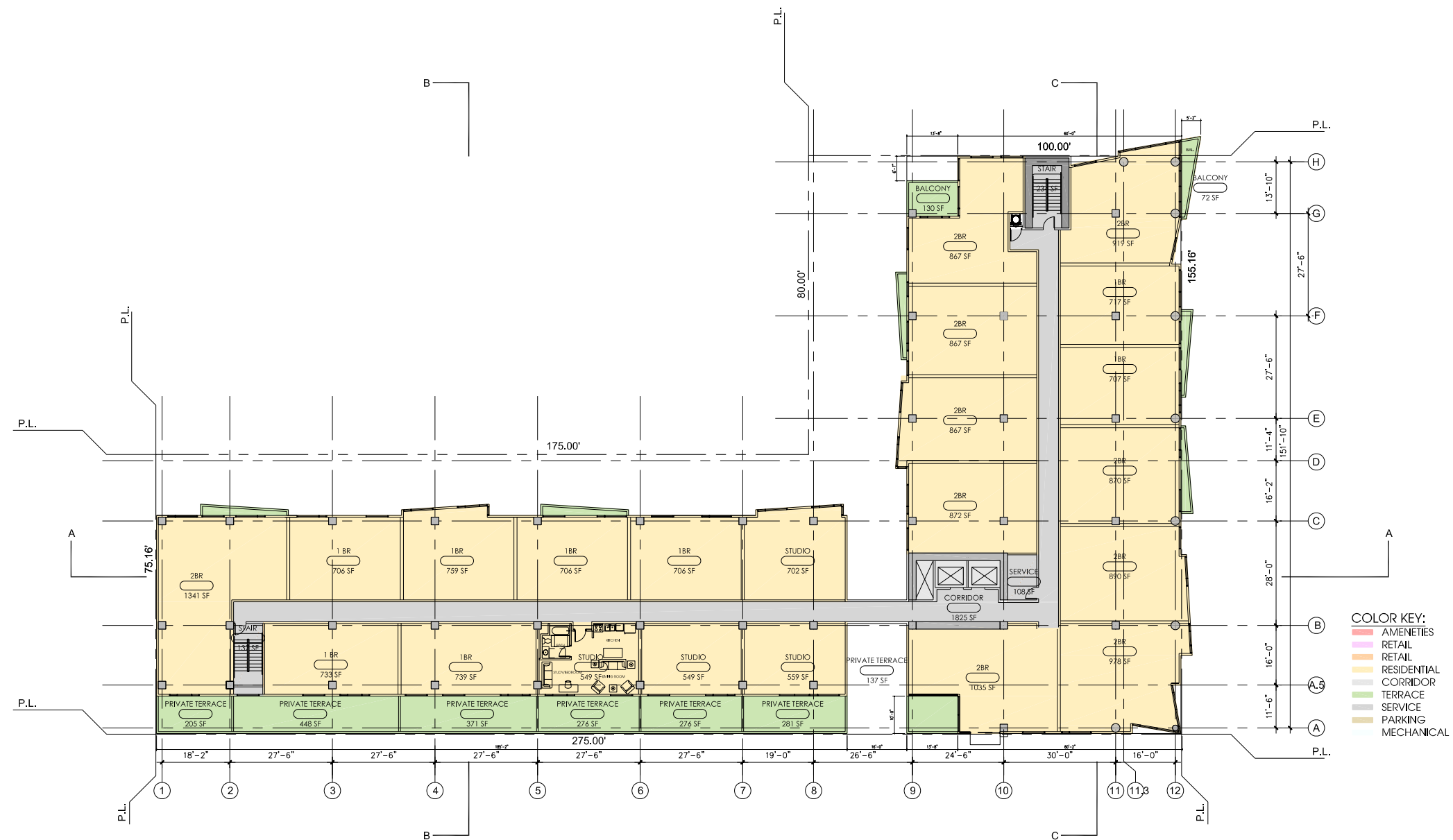


260 Fifth Street

SAN FRANCISCO, CALIFORNIA
MAY, 2010



A1.05



1 SIXTH LEVEL PLAN
SCALE: 3/64"=1'-0"

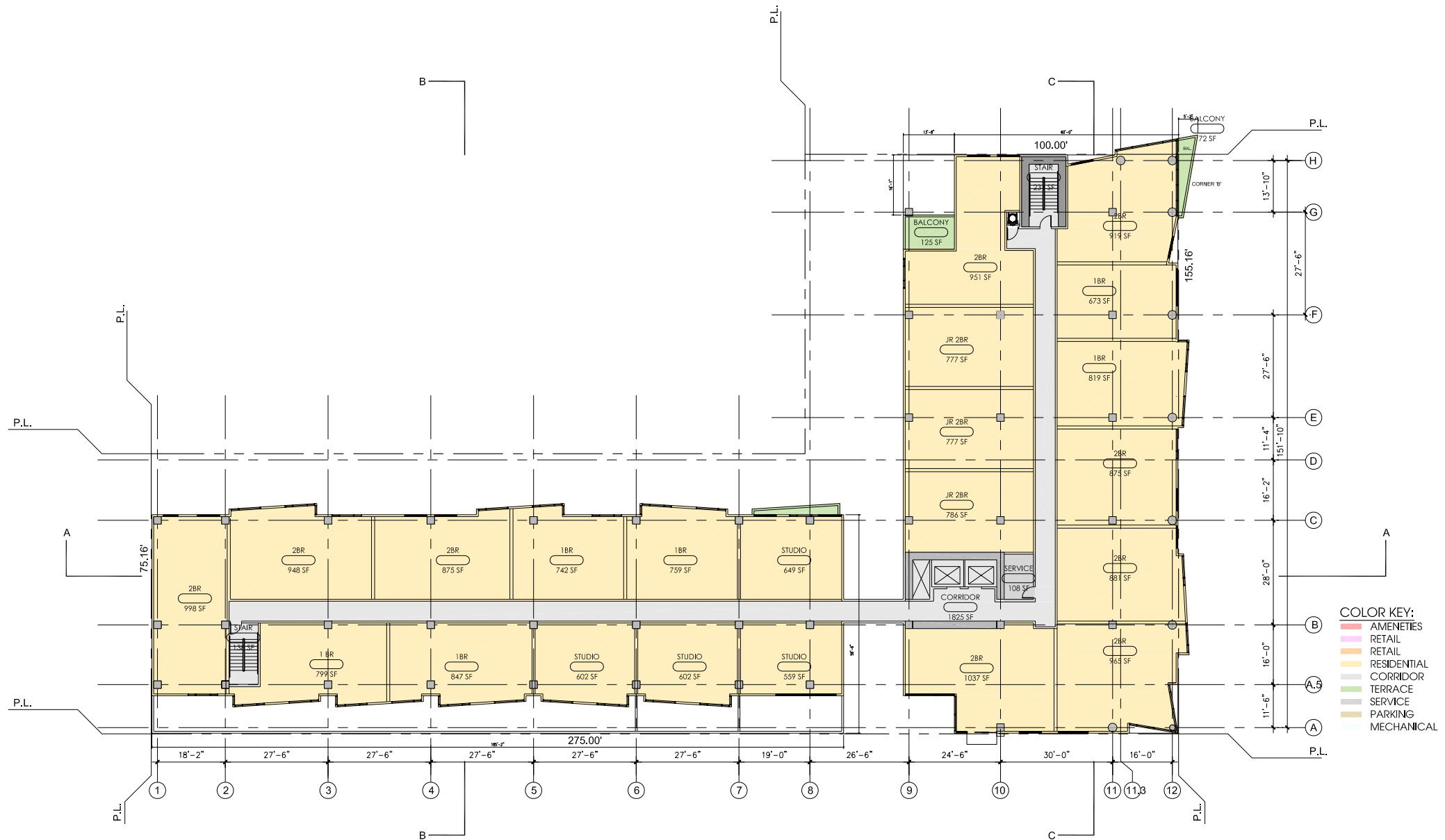


260 Fifth Street

SAN FRANCISCO, CALIFORNIA
MAY, 2010



A1.06



1 SEVENTH LEVEL PLAN
SCALE: 3/64"=1'-0"

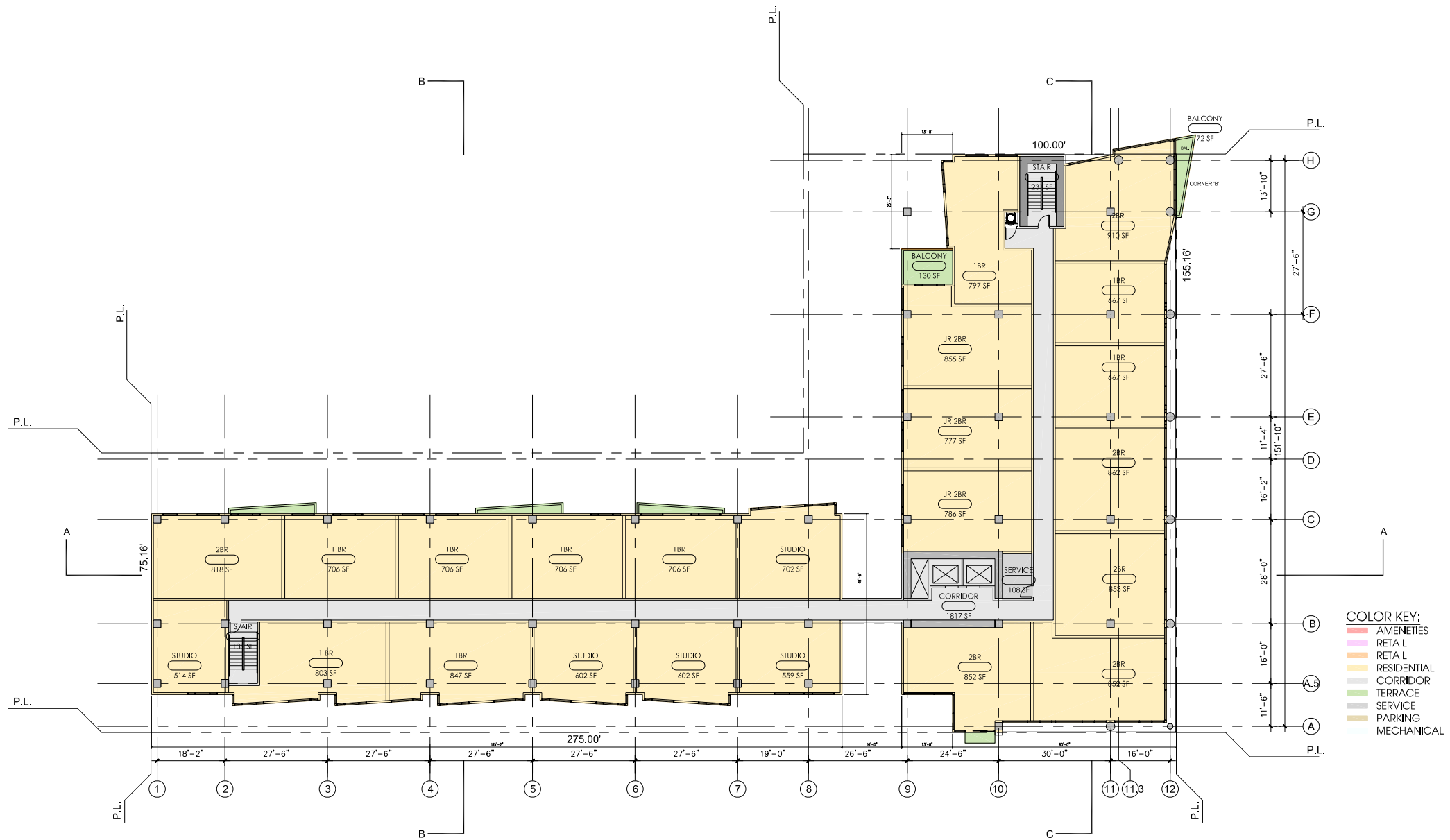


260 Fifth Street

SAN FRANCISCO, CALIFORNIA
MAY, 2010



A1.07



1 EIGHTH LEVEL PLAN
SCALE: 3/64"=1'-0"

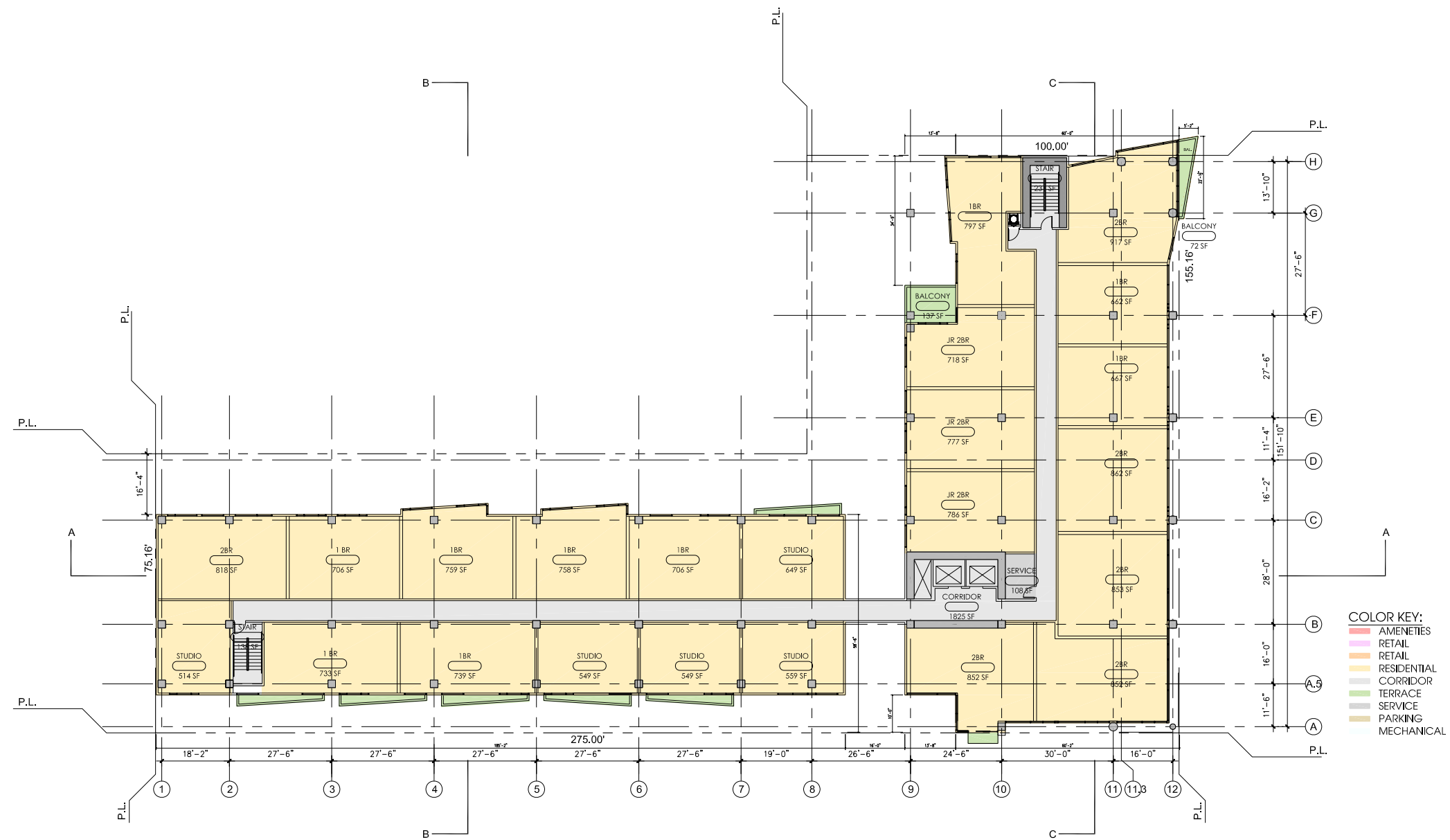


260 Fifth Street

SAN FRANCISCO, CALIFORNIA
MAY, 2010



A1.08



1 NINTH LEVEL PLAN
SCALE: 3/64"=1'-0"

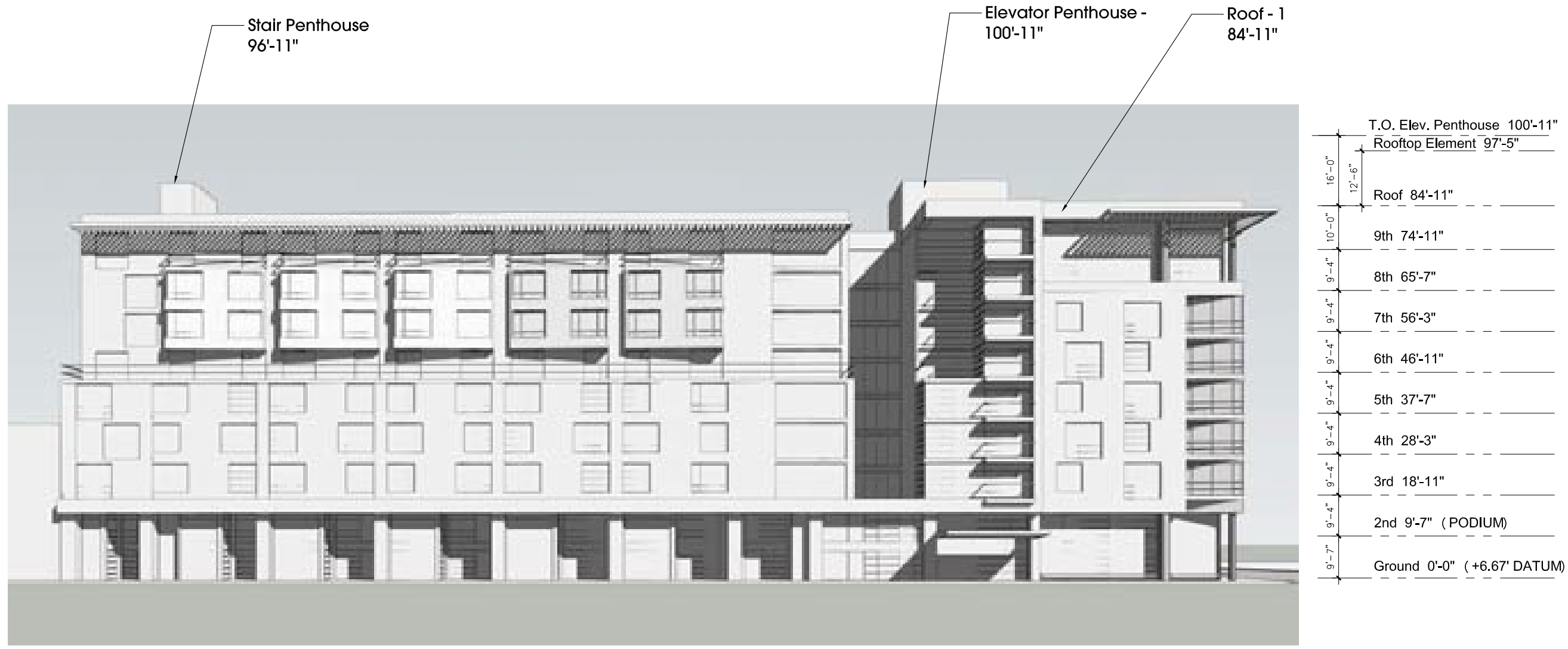


260 Fifth Street

SAN FRANCISCO, CALIFORNIA
MAY, 2010



A1.09



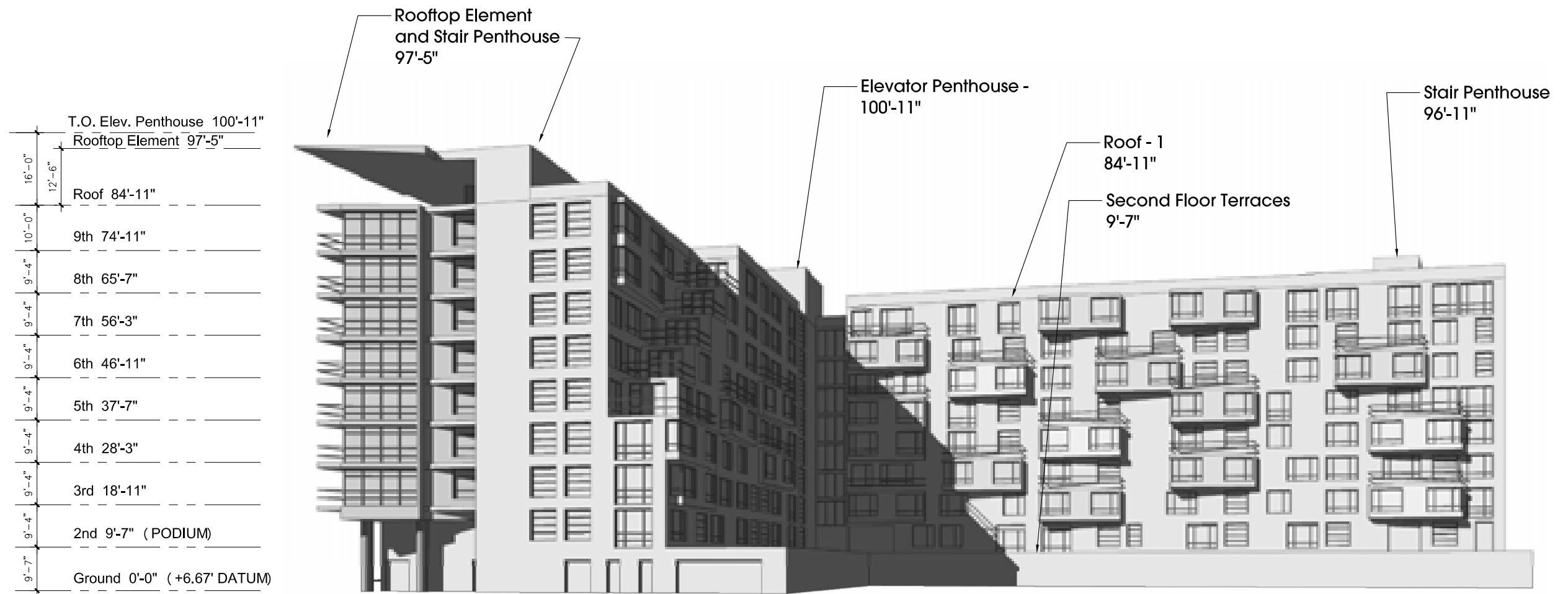
1 CLEMENTINA STREET ELEVATION
SCALE: NTS



260 Fifth Street
SAN FRANCISCO, CALIFORNIA
MAY, 2010

AVANT HOUSING

A2.01



1 TEHAMA STREET ELEVATION
SCALE: NTS

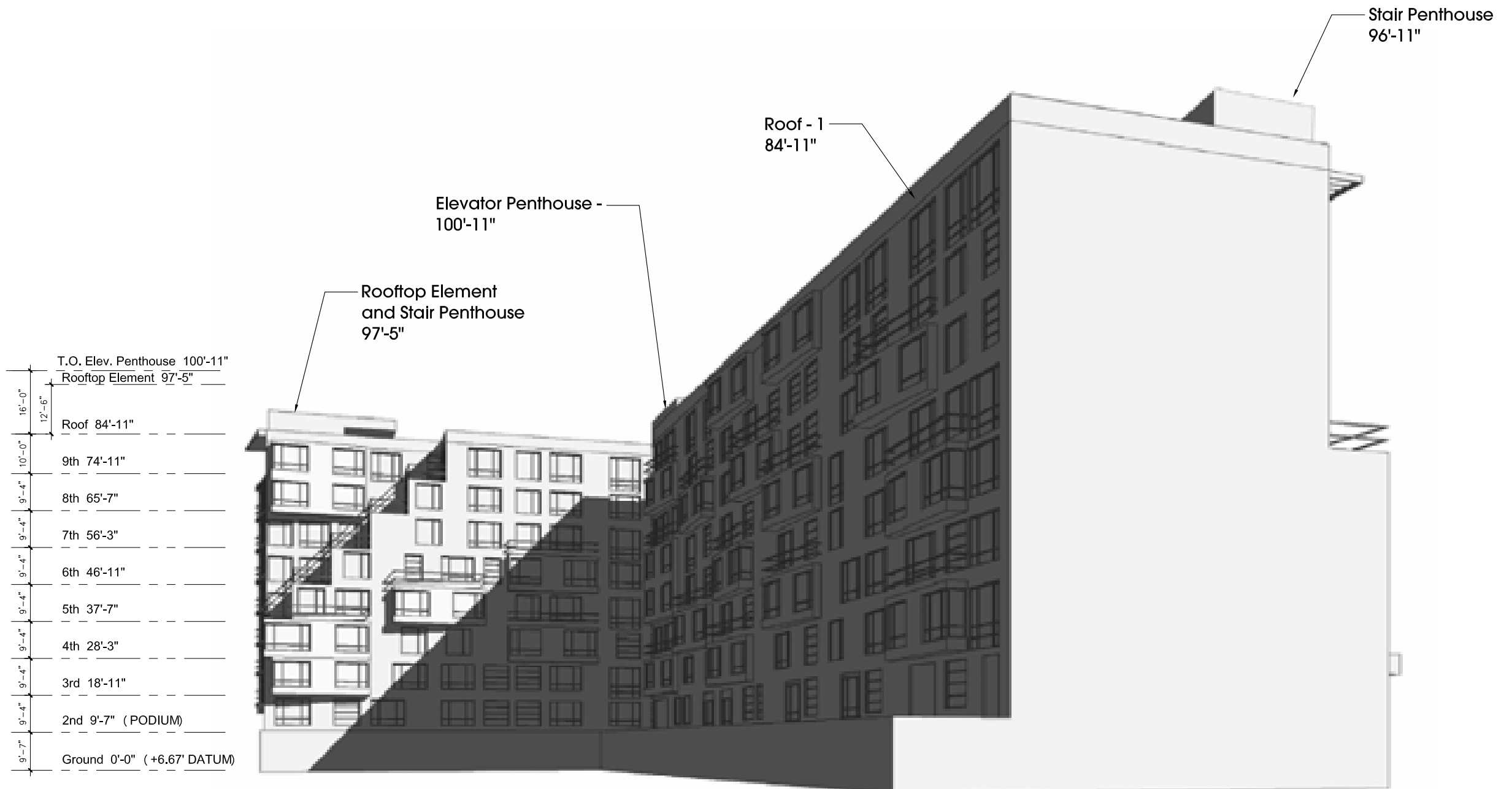


260 Fifth Street

SAN FRANCISCO, CALIFORNIA
MAY, 2010



A2.02



1 WEST ELEVATION
SCALE: NTS

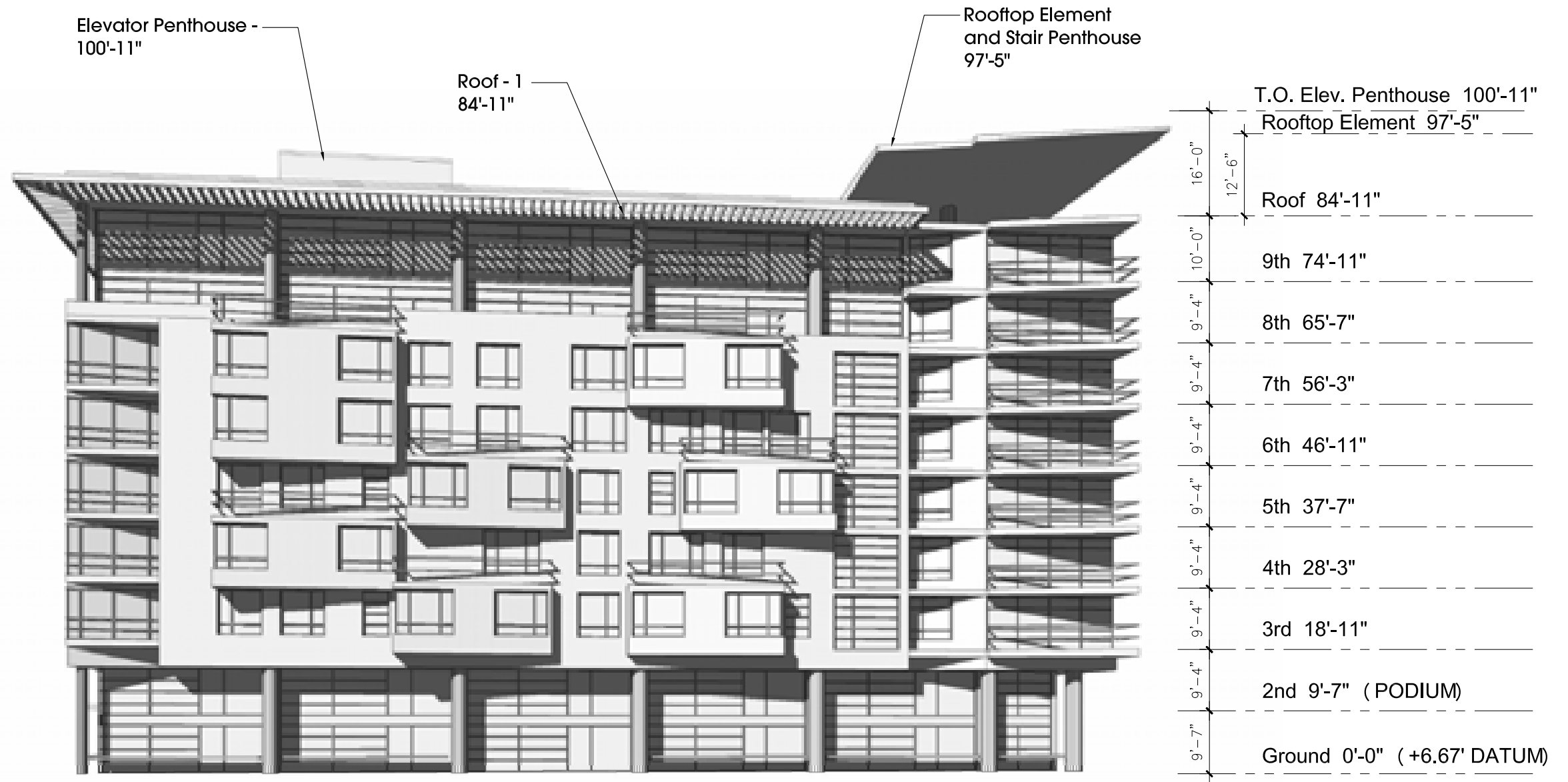


260 Fifth Street

SAN FRANCISCO, CALIFORNIA
MAY, 2010



A2.03



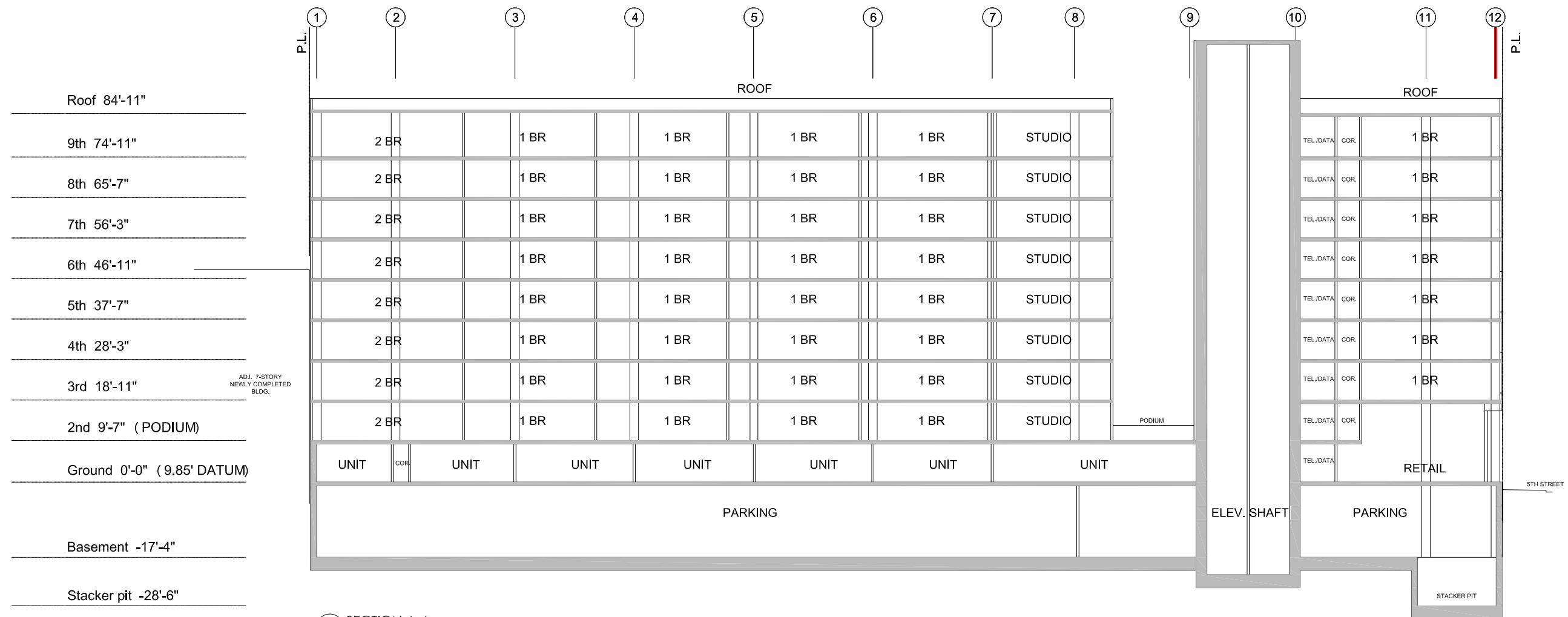
1 FIFTH STREET ELEVATION
SCALE: NTS



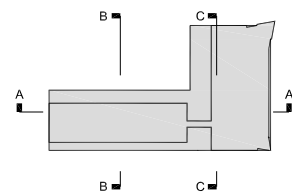
260 Fifth Street
SAN FRANCISCO, CALIFORNIA
MAY, 2010

AVANT
HOUSING

A2.04



1 SECTION A-A
SCALE: 1/16"=1'-0"

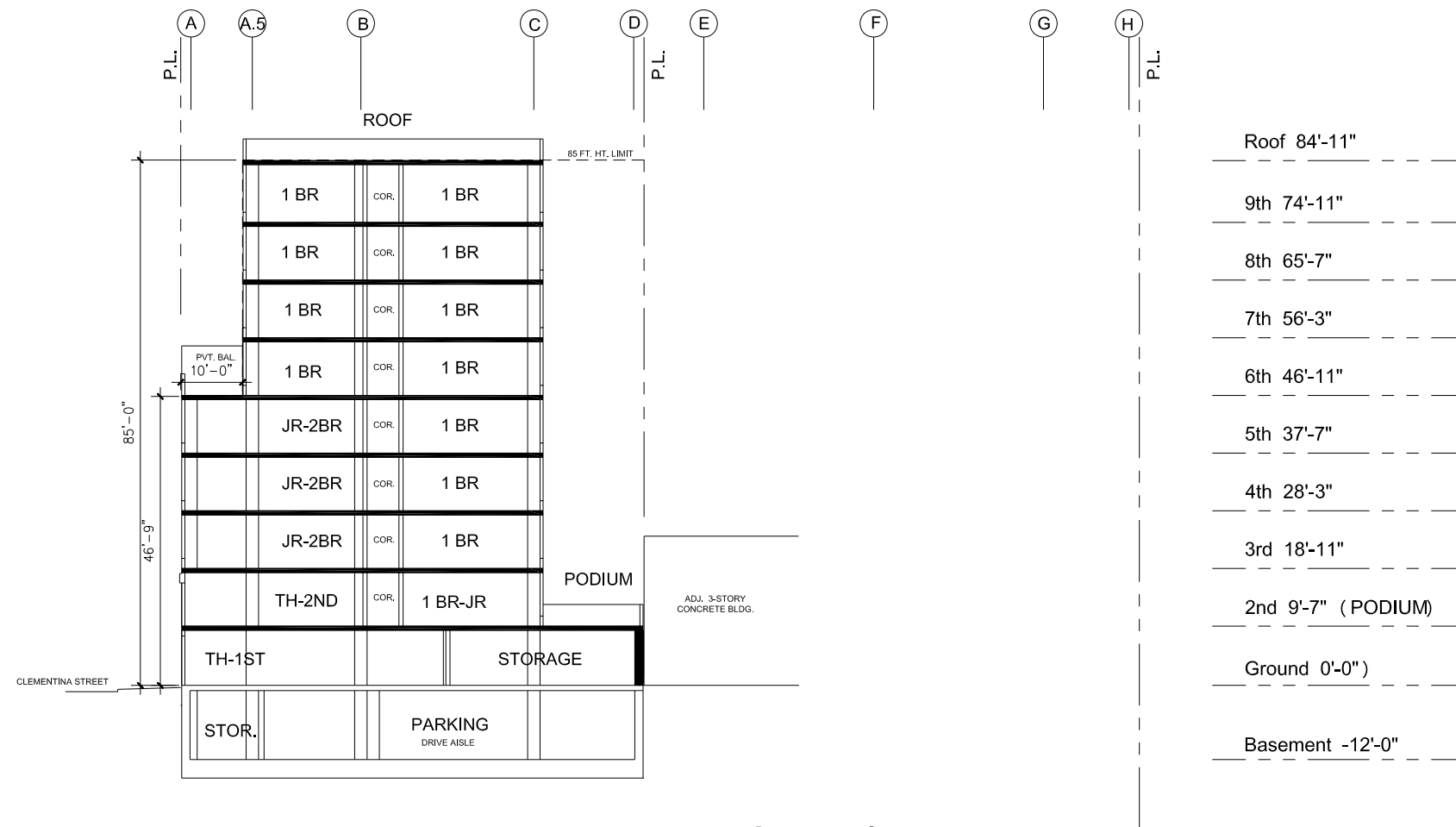


260 Fifth Street

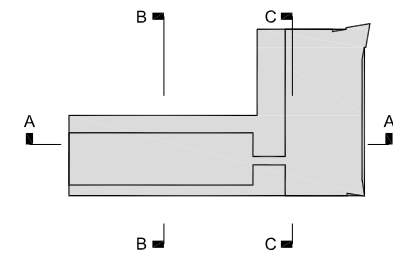
SAN FRANCISCO, CALIFORNIA
MAY, 2010



A3.01



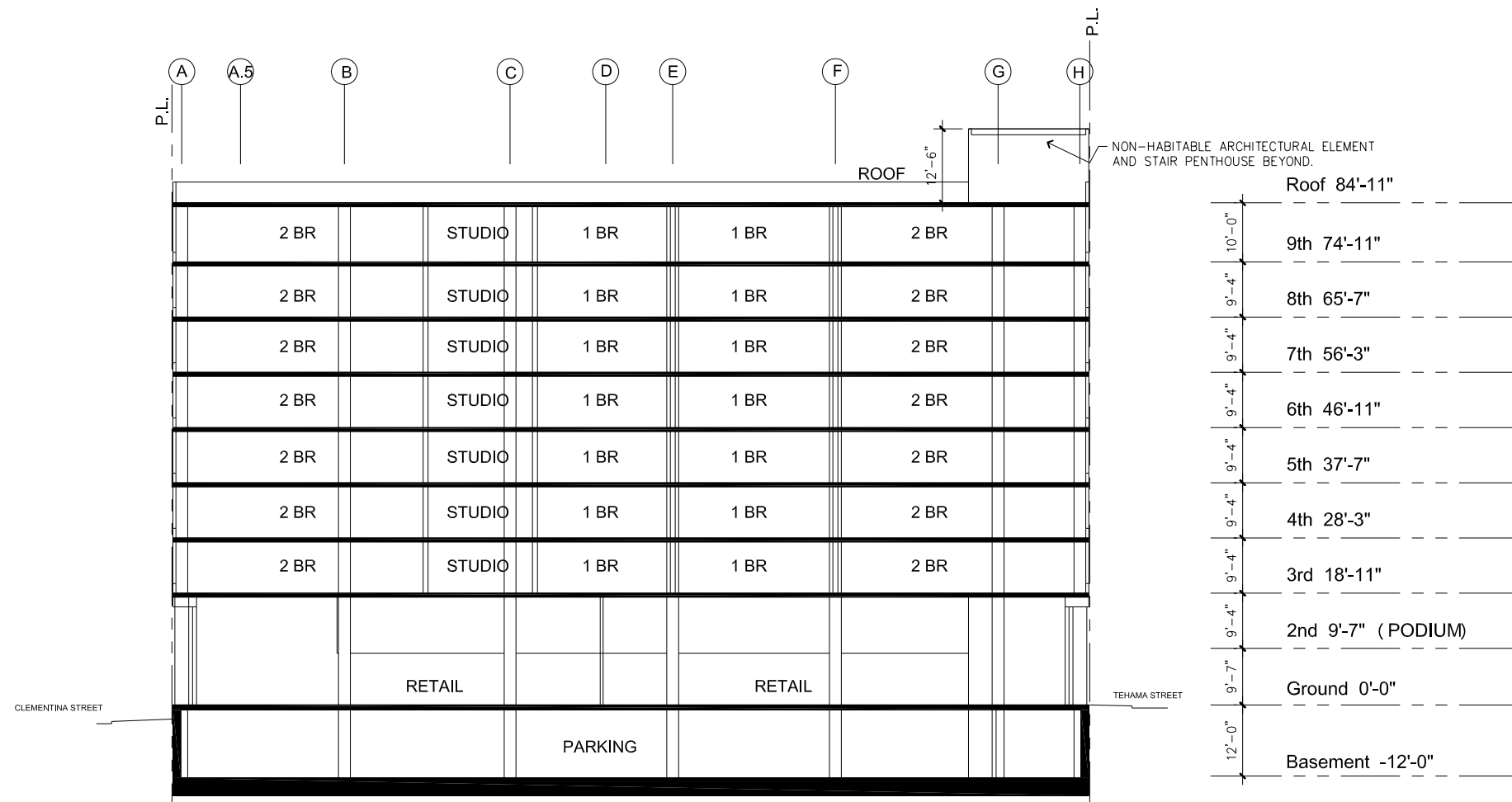
1 SECTION B-B
SCALE: 1/16"=1'-0"



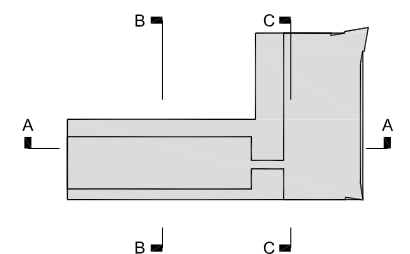
260 Fifth Street
SAN FRANCISCO, CALIFORNIA
MAY, 2010



A3.02

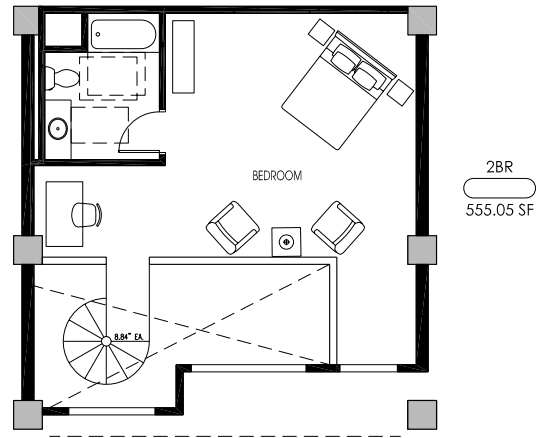


1 SECTION C-C
SCALE: 1/16"=1'-0"



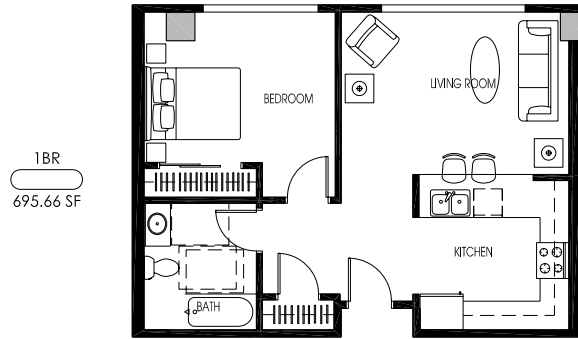
260 Fifth Street
SAN FRANCISCO, CALIFORNIA
MAY, 2010



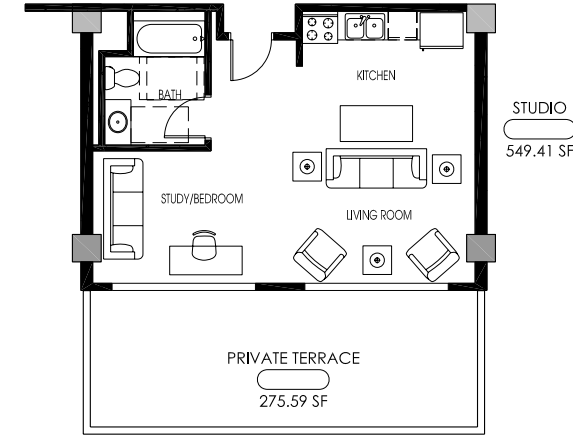


UPPER LEVEL

2BR
555.05 SF

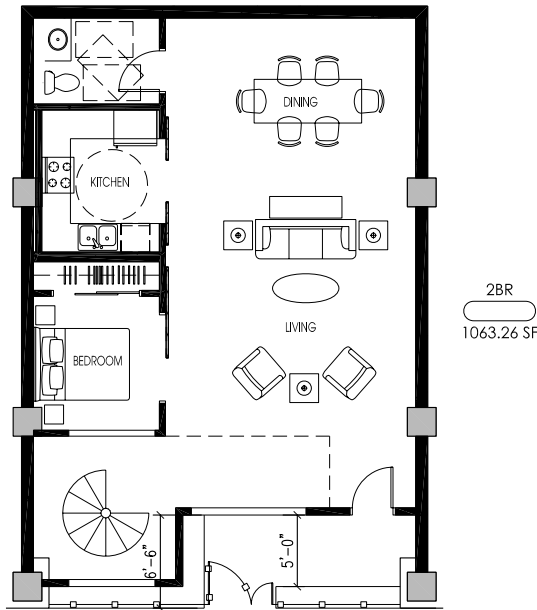


1BR
695.66 SF



STUDIO
549.41 SF

PRIVATE TERRACE
275.59 SF

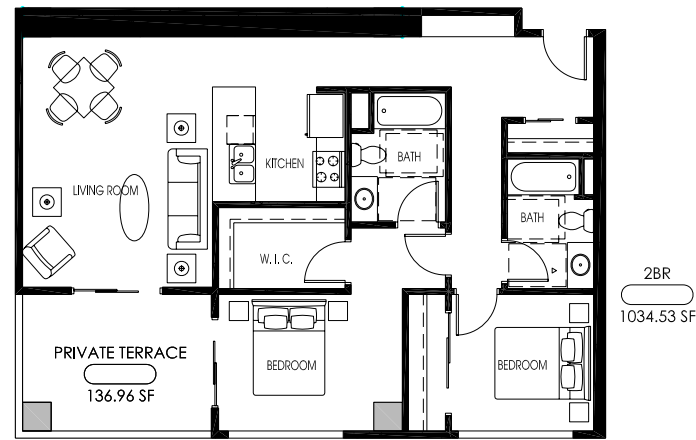


GROUND LEVEL

2BR
1063.26 SF

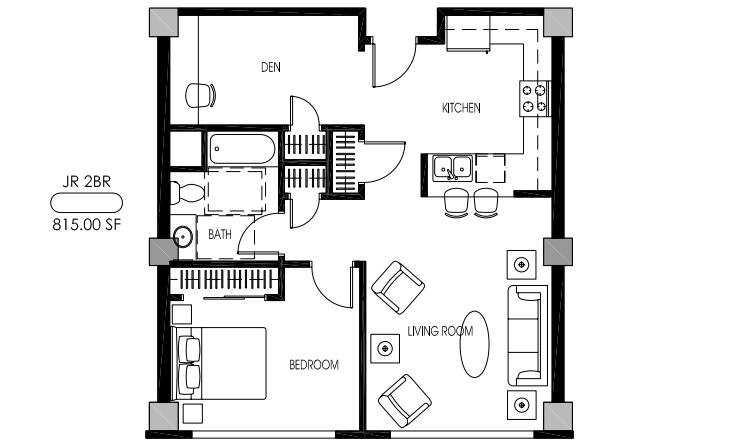
2 TYPICAL FLAT LAYOUT
SCALE: 1/8"=1'-0" 1 BR - 260 Fifth

4 TYPICAL FLAT LAYOUT
SCALE: 1/8"=1'-0" Studio - 260 Fifth



2BR
1034.53 SF

PRIVATE TERRACE
136.96 SF



JR 2BR
815.00 SF

1 TYPICAL TOWNHOUSE LAYOUT
SCALE: 1/8"=1'-0" 2 BR+ - 260 Fifth Street 1,270 sf

3 TYPICAL FLAT LAYOUT
SCALE: 1/8"=1'-0" 2 BR - 260 Fifth

5 TYPICAL FLAT LAYOUT
SCALE: 1/8"=1'-0" JR 2 BR - 260 Fifth



260 Fifth Street
SAN FRANCISCO, CALIFORNIA
MAY, 2010



A4.01



1 260 FIFTH STREET - CLEMENTINA ELEVATION
SCALE: NTS



260 Fifth Street

SAN FRANCISCO, CALIFORNIA
MAY, 2010





① 260 FIFTH STREET - CORNER OF TEHAMA AND FIFTH STREET
SCALE: NTS



260 Fifth Street

SAN FRANCISCO, CALIFORNIA
MAY, 2010



AVANT
HOUSING





1 260 FIFTH STREET - CLEMENTINA TOWNHOUSES
SCALE: NTS



260 Fifth Street

SAN FRANCISCO, CALIFORNIA
MAY, 2010

