



Department of Public Works
Office of the City and County Surveyor

1155 Market Street, 3rd Floor
San Francisco, CA 94103

Bruce R. Storrs, City and County Surveyor

Edwin M. Lee, Mayor
Mohammed Nuru, Director

Fuad S. Sweiss, PE, PLS,
City Engineer & Deputy Director of Engineering

RECEIVED
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2013.10159 P

TENTATIVE MAP DECISION

Date: July 24, 2013

Department of City Planning
1650 Mission Street, Suite 400
San Francisco, CA 94103

Project ID: 7633			
Project Type: 320 Units New Construction Condominium Units			
Address#	StreetName	Block	Lot
- 45	LANSING ST	3749	059
Tentative Map Referral			

Attention: Mr. Scott F. Sanchez

The subject Tentative Map has been reviewed by the Planning Department and does comply with applicable provisions of the Planning Code. On balance, the Tentative Map is consistent with the General Plan and the Priority Policies of Planning Code Section 101.1 based on the attached findings. The subject referral is exempt from environmental review per Class 1 California Environmental Quality Act Guidelines.

X

The subject Tentative Map has been reviewed by the Planning Department and does comply with applicable provisions of the Planning Code subject to the following conditions (Any requested documents should be sent in with a copy of this letter to Scott F. Sanchez at the above address): **SEE ATTACHED.**

The subject Tentative Map has been reviewed by the Planning Department and does not comply with applicable provisions of the Planning Code. Due to the following reasons (Any requested documents should be sent in with a copy of this letter to Scott F. Sanchez at the above address):

Enclosures:

- Application
- Print of Tentative Map

Sincerely,

Bruce R. Storrs, P.L.S.
City and County Surveyor

PLANNING DEPARTMENT

DATE 08.21.13

Mr. Scott F. Sanchez, Zoning Administrator



SAN FRANCISCO PLANNING DEPARTMENT

Per Rincon EIR and NSR #2011J188657 for Case No. 2011.0108EUX adopted by the Planning Commission of the City and County of San Francisco on April 14, 2011, as set forth in Planning Commission Motion No. 18316 per Building Application Nos. 2013.02.06.9592 to construct a 39-story building (320 residential units).

1650 Mission St.
Suite 400
San Francisco,
CA 94103-2479

Reception:
415.558.6378

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415.558.6409

Planning
Information:
415.558.6377

CL: G:\DOCUMENTS\2013\Condos\43-45 Lansing St - Approval Memo.doc

6068-1 2/14

NOTICE OF SPECIAL RESTRICTIONS UNDER THE PLANNING CODE

RECORDING REQUESTED BY:)

And When Recorded Mail To:)

Name: Steve Atkinson)

Luce Forward Hamilton & Scripps)

Address: 121 Spear St., Ste. 200)

City: San Francisco)

California 94105)

CONFORMED COPY of document recorded

05/27/2011, 2011J188657

on _____ with document no. _____
This document has not been compared with the original
SAN FRANCISCO ASSESSOR-RECORDER

) Space Above This Line For Recorder's Use

I (We) 45 Lansing Development, LLC the owner(s) of that certain real property situated in the City and County of San Francisco, State of California, more particularly described as follows (or see attached sheet marked Exhibit A on which property is more fully described):

Being Assessor's Block 3749, Lot 059, commonly known as 45 Lansing Street, hereby give notice that there are special restrictions on the use of said property under Part II, Chapter II of the San Francisco Municipal Code (Planning Code).

Said restrictions consist of conditions attached to Section 309 Application No. 2010.1044X authorized by the Planning Commission of the City and County of San Francisco on May 10, 2011 as set forth in Planning Commission Motion No. 18316, to authorize modification and re-entitlement of a project approved under Motion No. 17397 within the RH DTR (Rincon Hill Downtown Residential Mixed Use) District with a 65/400-R Height and Bulk Designation.

The restrictions and conditions of which notice is hereby given are:

NOTICE OF SPECIAL RESTRICTIONS UNDER THE PLANNING CODE

AUTHORIZATION

This authorization is for a determination of compliance under Planning Code Section 309.1 to allow a modification and re-entitlement of a project approved under Motion No. 17397 within the RH DTR (Rincon Hill Downtown Residential Mixed Use) District with a 65/400-R Height and Bulk District; in general conformance with plans, dated March 08, 2011, and stamped "EXHIBIT B" included in the docket for Case No.2010.1044X and subject to conditions of approval reviewed and approved by the Commission on April 14, 2011, under Motion No 18316. This authorization and the conditions contained herein run with the property and not with a particular Project Sponsor, business, or operator.

RECORDATION OF CONDITIONS OF APPROVAL

Prior to the issuance of the building permit or commencement of use for the Project the Zoning Administrator shall approve and order the recordation of a Notice in the Official Records of the Recorder of the City and County of San Francisco for the subject property. This Notice shall state that the project is subject to the conditions of approval contained herein and reviewed and approved by the Planning Commission on April 14, 2011 under Motion No. 18316.

PRINTING OF CONDITIONS OF APPROVAL ON PLANS

The determination of compliance under Planning Code Section 309.1 under the 'Exhibit A' of this Planning Commission Motion No. 18316 shall be reproduced on the Index Sheet of construction plans submitted with the Site or Building permit application for the Project. The Index Sheet of the construction plans shall reference to the determination of compliance under Planning Code Section 309.1 and any subsequent amendments or modifications.

SEVERABILITY

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

Conditions of Approval, Compliance, Monitoring, and Reporting PERFORMANCE

1. **Validity and Expiration.** The authorization and right vested by virtue of this action is valid for of 24 months after the approval by the Planning Commission, or the Board of Permit Appeals. Specific procedures regarding the performance requirement follow Planning Code Section 309.1(e). A building permit from the Department of Building Inspection to construct the project and/or commence the approved use must be issued as this approval is only an approval of the proposed project and conveys no independent right to construct the project or to commence the approved use. The Planning Commission may, in a public hearing, consider the revocation of the approvals granted if a site or building permit has not been obtained within two (2) years of the date of the Motion approving the Project. Once a site or building permit has been issued,

NOTICE OF SPECIAL RESTRICTIONS UNDER THE PLANNING CODE

construction must commence within the timeframe required by the Department of Building Inspection and be continued diligently to completion. The Commission may also consider revoking the approvals if a permit for the Project has been issued but is allowed to expire and more than two (2) years have passed since the Motion was approved.

For information about compliance, contact Code Enforcement, Planning Department at 415-575-6863, www.sf-planning.org.

DESIGN

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

For information about compliance, contact the Case Planner, Planning Department at 415-558-6378, www.sf-planning.org.

3. **Streetscape Improvements.** The project sponsor shall make sidewalk improvements pursuant to the proposed Rincon Hill Streetscape Plan, in accordance with Planning Code Section 827(g) and as directed by staff. The project sponsor shall work with staff to ensure the improvements are of good quality, compatible with the neighborhood, and compliant with any applicable requirements of the Public Works Department, the Bureau of Light, Heat and Power of the Public Utilities Commission and the Art Commission. The owners of abutting properties to the improved sidewalk shall hold harmless the City and County of San Francisco, its officers, agents, and employees, from any damage or injury caused by reason of the design, construction or maintenance of the improvements, and shall require the owner or owners or subsequent owner or owners of the respective property to be solely liable for any damage or loss occasioned by any act or neglect in respect to the design, construction or maintenance of the sidewalk improvements.
4. The property shall be kept free of weeds, debris, and blight. The Project Sponsor shall install a fence to prevent vagrant camping, unlawful dumping and to minimize the security threat to the neighborhood. The fence shall be kept free of graffiti and postings.
5. **Street Trees.** Pursuant to Planning Code Section 428 (formerly 143), the Project Sponsor shall submit a site plan to the Planning Department prior to Planning approval of the building permit application indicating that street trees, at a ratio of one street tree of an approved species for every 20 feet of street frontage along public or private streets bounding the Project, with any remaining fraction of 10 feet or more of frontage requiring an extra tree, shall be provided. The street trees shall be evenly spaced along the street frontage except where proposed driveways or other street obstructions do not permit. The exact location, size and species of tree shall be as approved by the Department of Public Works (DPW). In any case in which DPW cannot grant approval

NOTICE OF SPECIAL RESTRICTIONS UNDER THE PLANNING CODE

for installation of a tree in the public right-of-way, on the basis of inadequate sidewalk width, interference with utilities or other reasons regarding the public welfare, and where installation of such tree on the lot itself is also impractical, the requirements of this Section 428 may be modified or waived by the Zoning Administrator to the extent necessary.

For information about compliance, contact the Case Planner, Planning Department at 415-558-6378, www.sf-planning.org.

6. **Transformer Vault.** The location of individual project PG&E Transformer Vault installations has significant impacts to San Francisco streetscapes when improperly located. However, they may not have any impact if they are installed in preferred locations. Therefore, the Planning Department recommends the following preference schedule in locating new transformer vaults, in order of most to least desirable:
 - a. On-site, in a basement area accessed via a garage or other access point without use of separate doors on a ground floor façade facing a public right-of-way;
 - b. On-site, in a driveway, underground;
 - c. On-site, above ground, screened from view, other than a ground floor façade facing a public right-of-way;
 - d. Public right-of-way, underground, under sidewalks with a minimum width of 12 feet, avoiding impacts on streetscape elements, such as street trees; and based on Better Streets Plan guidelines;
 - e. Public right-of-way, underground; and based on Better Streets Plan guidelines;
 - f. Public right-of-way, above ground, screened from view; and based on Better Streets Plan guidelines;
 - g. On-site, in a ground floor façade (the least desirable location).
 - h. Unless otherwise specified by the Planning Department, Department of Public Work's Bureau of Street Use and Mapping (DPW BSM) should use this preference schedule for all new transformer vault installation requests.

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

PARKING AND TRAFFIC

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

For information about compliance, contact Code Enforcement, Planning Department at 415-575-6863, www.sf-planning.org.

NOTICE OF SPECIAL RESTRICTIONS UNDER THE PLANNING CODE

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

For information about compliance, contact Code Enforcement, Planning Department at 415-575-6863, www.sf-planning.org

9. **Bicycle Parking.** The Project shall provide no fewer than 93 Class 1 bicycle parking spaces as required by Planning Code Sections 155.1 and 155.5.

For information about compliance, contact Code Enforcement, Planning Department at 415-575-6863, www.sf-planning.org.

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

For information about compliance, contact Code Enforcement, Planning Department at 415-575-6863, www.sf-planning.org.

AFFORDABLE UNITS

11. **Requirement.** Pursuant to Planning Code Section 415.5, the Project Sponsor must pay an Affordable Housing Fee at a rate equivalent to the applicable percentage of the number of units in an off-site project needed to satisfy the Inclusionary Affordable Housing Program Requirement for the principal project. Affordable unit count is tied to the number of units approved.

12. **Other Conditions.** The Project is subject to the requirements of the Inclusionary Affordable Housing Program under Section 415 et seq. of the Planning Code and the terms of the City and County of San Francisco Inclusionary Affordable Housing Program Monitoring and Procedures Manual ("Procedures Manual"). The Procedures Manual, as amended from time to time, is incorporated herein by reference, as published and adopted by the Planning Commission, and as required by Planning Code Section 415. Terms used in these conditions of approval and not otherwise defined shall have the meanings set forth in the Procedures Manual. A copy of the Procedures Manual can be obtained at the Mayor's Office of Housing ("MOH") at 1 South Van Ness Avenue or on the Planning Department or Mayor's Office of Housing's websites, including on the internet at:

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

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

NOTICE OF SPECIAL RESTRICTIONS UNDER THE PLANNING CODE

13. The Project Sponsor must pay the Fee in full sum to the Development Fee Collection Unit at the DBI for use by MOH prior to the issuance of the first construction document, with an option for the Project Sponsor to defer a portion of the payment prior to issuance of the first certificate of occupancy upon agreeing to pay a deferral surcharge that would be deposited into the Citywide Inclusionary Affordable Housing Fund in accordance with Section 107A.13.3 of the San Francisco Building Code.
14. Prior to the issuance of the first construction permit by the DBI for the Project, the Project Sponsor shall record a Notice of Special Restriction on the property that records a copy of this approval. The Project Sponsor shall promptly provide a copy of the recorded Notice of Special Restriction to the Department and to MOH or its successor.
15. If project applicant fails to comply with the Inclusionary Affordable Housing Program requirement, the Director of DBI shall deny any and all site or building permits or certificates of occupancy for the development project until the Planning Department notifies the Director of compliance. A Project Sponsor's failure to comply with the requirements of Planning Code Sections 415 et seq. shall constitute cause for the City to record a lien against the development project and to pursue any and all other remedies at law.

PROVISIONS

16. **First Source Hiring.** The Project shall adhere to the requirements of the First Source Hiring Construction and Employment Program approved by the First Source Hiring Administrator, pursuant to Section 83.4(m) of the Administrative Code. The Project Sponsor shall comply with the requirements of this Program regarding construction work and on-going employment required for the Project.
For information about compliance, contact the First Source Hiring Manager at 415-401-4960, www.onestopSF.org
17. **Rincon Hill Community Infrastructure Impact Fee.** Pursuant to Planning Code Section 418.3 (b) (1) (formerly 318), the Project is subject to the Rincon Hill Community Infrastructure Impact Fee, Section 418 of the Planning Code. The project sponsor intends to satisfy the requirements of the Rincon Hill Community Infrastructure Impact Fee through the provision of in-lieu improvement that has been cursorily reviewed by the City. Generally the project sponsor intends to implement street improvements identified in the Rincon Hill Area Plan. The project sponsor and the City are still coordinating on the design, valuation and terms of agreement. The project sponsor will return to the Planning Commission for a fee waiver and approval of an in-kind agreement when the schematic design and an in-kind agreement are finalized.
For information about compliance, contact the Case Planner, Planning Department at 415-558-6613, www.sf-planning.org

NOTICE OF SPECIAL RESTRICTIONS UNDER THE PLANNING CODE

18. **Rincon Hill South of Market Area (SOMA) Community Stabilization Fee.** Pursuant to Planning Code Section 418.3(b)(2) (formerly 318), the Project shall pay the SOMA Community Stabilization Fee to the Development Fee Collection Unit at DBI, execute of a Waiver Agreement with the Planning Department, or execute an In-Kind Agreement with the Planning Department, prior to issuance of the first construction document. *For information about compliance, contact the Case Planner, Planning Department at 415-558-6613, www.sf-planning.org*
19. Consistent with the process set forth in the Rincon Hill Infrastructure Partnership, the Project Sponsor will diligently and in good faith work with the Planning Department, the Mayor's Office of Economic and Workforce Development, and members of the Rincon Hill community to explore whether the Project can combine its Rincon Hill Infrastructure Impact Fee requirements with potential tax increment finance proceeds from the Rincon Hill Infrastructure Finance District to expand the scope and accelerate the rate of development of the public realm adjacent to and near the Project Site, consistent with the Rincon Hill Streetscape Master Plan.

MONITORING

20. **Enforcement.** Violation of any of the Planning Department conditions of approval contained in this Motion or of any other provisions of Planning Code applicable to this Project shall be subject to the enforcement procedures and administrative penalties set forth under Planning Code Section 176 or Section 176.1. The Planning Department may also refer the violation complaints to other city departments and agencies for appropriate enforcement action under their jurisdiction. *For information about compliance, contact Code Enforcement, Planning Department at 415-575-6863, www.sf-planning.org*
21. **Monitoring.** The Project requires monitoring of the conditions of approval in this Motion. The Project Sponsor or the subsequent responsible parties for the Project shall pay fees as established under Planning Code Section 351(e) (1) and work with the Planning Department for information about compliance. *For information about compliance, contact Code Enforcement, Planning Department at 415-575-6863, www.sf-planning.org*
22. **Revocation due to Violation of Conditions.** Should implementation of this Project result in complaints from interested property owners, residents, or commercial lessees which are not resolved by the Project Sponsor and found to be in violation of the Planning Code and/or the specific Conditions of Approval for the Project as set forth in Exhibit A of this Motion, the Zoning Administrator shall refer such complaints to the Commission, after which it may hold a public hearing on the matter to consider revocation of this authorization.

NOTICE OF SPECIAL RESTRICTIONS UNDER THE PLANNING CODE

For information about compliance, contact Code Enforcement, Planning Department at 415-575-6863, www.sf-planning.org.

MITIGATION MEASURES

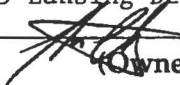
23. Mitigation measures described in the MMRP attached as Exhibit C are necessary to avoid potential significant effects of the proposed project and have been agreed to by the project sponsor. Their implementation is a condition of project approval.

OPERATION

24. Sidewalk Maintenance. The Project Sponsor shall maintain the main entrance to the building and all sidewalks abutting the subject property in a clean and sanitary condition in compliance with the Department of Public Works Streets and Sidewalk Maintenance Standards. *For information about compliance, contact Bureau of Street Use and Mapping, Department of Public Works, 415-695-2017, <http://sfdpw.org/>*

The use of said property contrary to these special restrictions shall constitute a violation of the Planning Code, and no release, modification or elimination of these restrictions shall be valid unless notice thereof is recorded on the Land Records by the Zoning Administrator of the City and County of San Francisco; except that in the event that the zoning standards above are modified so as to be less restrictive and the uses therein restricted are thereby permitted and in conformity with the provisions of the Planning Code, this document would no longer be in effect and would be null and void.

Dated: _____ at San Francisco, California

45 Lansing Development, LLC
By:  _____
(Owner's Signature)

(Agent's Signature)

This signature(s) must be acknowledged by a notary public before recordation; add Notary Public Certification and Official Notarial Seal.

BF:gwf

STATE OF FLORIDA)

COUNTY OF MIAMI DADE)

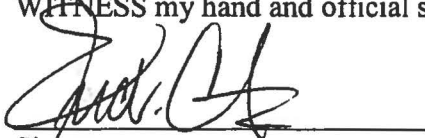
On May 19, 2011 before me, Erica V. Carter, Notary Public,

personally appeared Sharon Christenbury

who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.

WITNESS my hand and official seal.



Signature

(Seal)



ERICA V. CARTER
NOTARY PUBLIC
STATE OF FLORIDA
Comm# DD0933162
Expires 1/29/2014

ORDER NO. : 0227008774-DP

EXHIBIT A

The land referred to is situated in the County of San Francisco, City of San Francisco, State of California, and is described as follows:

Beginning at a point on the northwesterly line of Harrison Street, distant thereon 125 feet southwesterly from the southwesterly line of First Street; running thence southwesterly along said line of Harrison Street 100 feet; thence at a right angle northwesterly 150 feet to the southeasterly line of Lansing Street; thence at a right angle northeasterly along said line of Lansing Street 100 feet; thence at a right angle southeasterly 150 feet to the point of beginning.

Being portion of 100 Vara Block No. 349.

Assessor's Lot 059; Block 3749



SAN FRANCISCO PLANNING DEPARTMENT

Subject to: (Select only if applicable)

- Inclusionary Housing (Sec. 415)
- Jobs Housing Linkage Program (Sec. 313)
- Downtown Park Fee (Sec. 139)
- First Source Hiring (Admin. Code)
- Child Care Requirement (Sec. 314)
- Other

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Planning Commission Motion No. 18316

HEARING DATE: APRIL 14, 2011

Date: March 10, 2011
Case No.: 2010.1044X
Project Address: 45 LANSING STREET
Zoning: RH DTR (Rincon Hill Downtown Residential Mixed Use) District
65/400-R Height and Bulk Designation
Block/Lot: 3749/059
Project Sponsor: Steve Atkinson
45 Lansing Development LLC
Luce, Forward, Hamilton & Scripps LLP
Rincon Center II
121 Spear Street, Suite 200
San Francisco, CA 94105
Staff Contact: Ben Fu – (415) 558-6318
ben.fu@sfgov.org

ADOPTING FINDINGS UNDER PLANNING CODE SECTIONS 309.1, 352, 825, AND 827 TO AUTHORIZE MODIFICATION AND RE-ENTITLEMENT OF A PROJECT APPROVED UNDER MOTION NO. 17397 WITHIN THE RH DTR (RINCON HILL DOWNTOWN RESIDENTIAL MIXED USE) DISTRICT WITH A 65/400-R HEIGHT AND BULK DESIGNATION.

PREAMBLE

On November 18, 2010, Luce, Forward, Hamilton & Scripps LLP (hereinafter "Project Sponsor") filed Application No. 2010.1044X (hereinafter "Application") on behalf of 45 Lansing Development LLC with the Planning Department (hereinafter "Department") for the modification and re-entitlement per Planning Code Sections 309.1, 352, 825 and 827 for a project approved under Motion No. 17397. The proposal would increase the number of dwellings from 227 to 320 and number of parking spaces from 227 to 265, and would require a determination of compliance under Planning Code Section 309.1, including exceptions to allow greater than one parking space for every two dwelling units, provide off-site open space in lieu of on-site, and allow dwelling units without Code-required exposure. The project was originally approved on March 15, 2007, under Motion No. 17397 to demolish the existing office building and construct a tower reaching 400 feet (exclusive of mechanical penthouses) and consisting of approximately 227 dwelling units and up to 227 non-independently accessible parking spaces. The proposal included exceptions to allow greater than one parking space for every two units, to provide off-

site open space in lieu of on-site, and for dwelling unit exposure. The project included extensive streetscape improvements for Lansing Street between First Street and Essex Street.

The environmental effects of the Project were determined by the San Francisco Planning Department (hereinafter "Department") to have been fully reviewed under the Rincon Hill Plan Environmental Impact Report (hereinafter "Rincon EIR"). The Rincon EIR was prepared, circulated for public review and comment, and on May 5, 2005, by Motion No. 17007 certified by the Commission as complying with the California Environmental Quality Act (Cal. Pub. Res. Code Section 21000 et. Seq., hereinafter "CEQA"). The Rincon EIR is a Program EIR. A copy of the Final Rincon Hill EIR on CD-Rom is included in the Commission's packet for informational purposes.

The Commission adopted CEQA findings related to the Rincon EIR in support of its approval of the Rincon Hill Plan and related actions in its Motion No. 17008 and hereby incorporates such findings by reference. The current application to modify the number and type of dwelling units was determined by the San Francisco Planning Department (hereinafter "Department") not to require additional environmental review under the California Environmental Quality Act (Cal. Pub. Res. Code Section 21000 et seq., hereinafter "CEQA"). An addendum to the Rincon Hill Final EIR related to this determination is attached for reference.

On April 14, 2011, the San Francisco Planning Commission (hereinafter "Commission") conducted a duly noticed public hearing at a regularly scheduled meeting on Case No. 2010.1044X.

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 extension of the performance period requested in Application No. 2010.1044X, subject to the conditions contained in "EXHIBIT A" of this motion, based on the following findings:

FINDINGS

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

1. The above recitals are accurate and constitute findings of this Commission.
2. **Site Description and Present Use.** The approximately 15,025 square foot project site consists of one parcel that is located on a through lot with frontages on the southeastern side of Lansing Street and the northwestern side of Harrison Street. The previously existing single-story brick office building that was originally constructed in the early 1940's and significantly altered in the 1960's was demolished. The existing Pollinator Garden and art installation will be maintained until start of building construction.

3. **Past History and Actions.** On March 02, 2006, the Commission held a duly advertised public hearing and approved with conditions a proposal to demolish the existing improvements, and construct a residential project that would consist of one 400-foot tall tower-on-podium building with approximately 265 dwelling units, 265 off-street parking spaces (non-independently accessible), for the design, location, and size of publicly accessible open space under Planning Code Sections 827(e) and 309.1(b)(1)(g), to provide reduction in the required on-site residential open space and to allow an exception for one to one parking.

On March 15, 2007, the Commission held a held a duly advertised public hearing and approved with conditions under Motion No. 17397 a revised proposal consisting of up to 227 dwelling units and 227 off-street parking spaces, in a development that would include one tower reaching 400-feet in height (exclusive of mechanical penthouses) and for the granting of exceptions to allow greater than one parking space for every two dwelling units under Planning Code Sections 151.1(d) and 309.1(b)(1)(b), for reduction of the dwelling unit exposure requirements under Planning Code Sections 140 and 309.1(b)(1)(d), for the design, location, and size of publicly accessible open space under Planning Code Sections 827(e) and 309.1(b)(1)(g), and to provide reduction in the required on-site residential open space of 36 square feet per unit under Planning Code Sections 827(e)(2)(a) and 309.1(b)(1)(f).

On June 11, 2009, the Commission held a held a duly advertised public hearing and approved an extension request under Motion No. 17902 for 12 months, to March 15, 2010. On May 27, 2010, the Commission held a held a duly advertised public hearing and approved an extension request under Motion No. 18094 for 12 months, to March 15, 2011.

4. **Project Description.** The project proposes to increase the number of dwellings from 227 to 320 and number of parking spaces from 227 to 265, and require a determination of compliance under Planning Code Section 309.1, including exceptions to allow greater than one parking space for every two dwelling units, provide off-site open space in lieu of on-site, and allow dwelling units without Code-required exposure.
5. **Public Comment.** The Department has received no opposition to the proposal.
6. **The Rincon Hill Downtown Residential Mixed Use District – Planning Commission Design Review and Determination of Compliance Required.** On July 26, 2005, the Board of Supervisors approved the Rincon Hill Plan Element of the General Plan and associated General Plan Amendments. On August 2, 2005, the Board of Supervisors approved General Plan amendments, zoning text and map amendments, along with other associated legislation in adopting the new Rincon Hill Plan. The new Rincon Hill Plan further encourages the conversion of the existing Rincon Hill area to a high-density residential neighborhood with significant pedestrian and residential amenities such as parks and open space. The proposed new zoning provides more specific direction in designing new buildings, to assure their bulk and height is appropriate and that their interaction with the pedestrian realm contributes to the creation of a new neighborhood. Among the goals of the new zoning controls is to encourage high-rise development in slender towers amply separated, and to limit the amount of excessive off-street parking. To provide more specific direction to project sponsors and to help assure a more

predictable project review process, the controls are designed to be more specific and allow less variability. The new controls utilize a design review process before the Commission, similar to the project review process for Downtown C-3 Districts, rather than utilizing the Conditional Use and Planned Unit Development review processes.

7. **Planning Code Compliance.** The Planning Commission finds that the proposed project is compliant with the Planning Code as follows:

- a. **Height.** For the 400-R Height and Bulk District, buildings are restricted to 400-feet in height. Height is measured from the mid-point of the building or building step. In the Rincon Hill Downtown Residential District, uninhabitable mechanical penthouses are allowed to extend ten percent above the allowed building height. (Planning Code Section 261(b)(1)(H)). The proposed tower would be 400-feet and would be measured from the Lansing Street grade at the mid-point of the building as allowed by Code. The uninhabitable mechanical penthouses would be approximately 40-feet tall, equal to the 10% allowance for such penthouses.
- b. **Bulk.** Planning Code Section 270(e) limits the plan dimension of towers between 351-feet and 550-feet from having a plan length dimension of 115-feet and a diagonal dimension of 145-feet. The floor plate is limited to 10,000 square feet; the top 1/3 of the tower's floor plates are required to be reduced by 10% (9,000 square feet), unless the overall tower floor plate is reduced by an equal or greater volume. The proposed tower would have a maximum plan dimension of 115-feet and a maximum diagonal dimension of 145-feet. The average floor plate would be approximately 9,654 square feet for the tower floor area, thereby meeting the bulk limitations. No tower sculpting is required since the overall volume is reduced by a volume greater than the 10% reduction required for the top 1/3 of the building.
- c. **Open Space.** The proposed Rincon Hill Downtown Residential District controls would require 75 square feet of open space per unit, or 24,000 square feet for the 320 proposed units, with at least 40 percent or 9,600 square feet as common open space and at least 48 percent or 11,520 square feet be provided on-site (without an exception being granted).

The current proposal provides approximately 16,540 square feet of private on-site open space and approximately 10,539 square feet of off-site open space on Lansing Street, for a total of approximately 27,079 square feet of open space. The project provides 658 square feet of on-site common open space; therefore an exception is required, like the project approved in March 2007. An exception was approved with the previous proposal.

- d. **Setback / Street Frontage Requirements.** Planning Code Section 827(d)(5) provides specific dimension requirements for those areas where ground floor units are required and encourages the adherence to the standards along certain streets, including Lansing Street. Although ground floor units are not required along Lansing Street, these standards are encouraged. They include a front setback between three and ten feet, stoops that are at least three-feet above grade, front recesses that are at least one-foot

deep, and five-feet wide, and at least as tall as the ground story; the front setback area is required to be landscaped for all portions that are not occupied by stoops or by porches. The proposed dwelling unit frontages on Lansing Street incorporate most of these requirements.

- e. **Parking.** The Rincon Hill Plan limits the number of off-street parking spaces for dwelling units to no more than one parking space for every two dwelling units. Exceptions can be granted to allow up to one-to-two parking through the Design Review process as long as those parking spaces above the initial one-to-two ratio are either provided on lifts, or are not independently accessible, and that they meet the criteria provided under Planning Code Section 151. The approved project proposed a one-to-one parking ratio. As currently proposed, the project provides approximately 265 spaces, or a ratio of 0.83 to 1, and none of which would be independently accessible spaces.
- f. **Location of Parking.** Planning Code Section 827(d)(8)(A) requires that parking be provided below grade. It allows exceptions through the design review process to be above grade as long as it meets the criteria listed therein. The project meets these criteria as follows:
 - i. All off-street parking must be located below-grade:

Except for one independently accessible ADA drop-off space located on the ground level, all parking spaces are located below grade at five basement levels.
 - ii. For sloping sites with a grade change of at least ten feet laterally along the street, no less than 50-percent of the perimeter of all floors with off-street parking shall be below the level of said sloping street:

The project site does not have a lateral slope in excess of ten feet. All five levels of parking are below grade.
- g. **Loading.** Planning Code Section 152.2 allows up to one loading space plus one additional loading space for every 200 units after the initial 100 units. For 320 units, up to two loading spaces are permitted. One space is proposed.
- h. **Bicycle Parking.** Planning Code Section 155.5 requires one Class I bicycle parking space for every four dwelling unit over 50-units plus 25 bicycle parking spaces. For the proposed 320-unit project, 93 Class I bicycle spaces are required and are being provided.
- i. **Maximum Width of Parking and Loading Entries.** Planning Code Section 827(d)(8)(B) limits the width of openings for auto ingress and egress to no more than 22-feet and for loading to no more than 15-feet. The proposed project would include a 12-foot wide loading entrance on Harrison Street and a 22-foot parking entrance and exit on Harrison Street.

- j. **Wind.** Section 827(f) establishes a target maximum equivalent wind speed of 7 miles per hour (mph) in public sitting areas and 11 mph in areas of substantial pedestrian use, known as comfort criteria. New buildings and additions to buildings may not cause ground-level winds to exceed these levels more than 10 percent of the time. According to the Planning Code, if existing wind speeds exceed the criteria, new buildings and additions must be designed to reduce ambient wind speeds to meet these requirements, unless certain requirements are met for an allowable exception.

According to the wind tunnel tests conducted for the project, the average wind speed for selected test points would increase by about 0.5 m.p.h. to an average of 12 m.p.h. for the cumulative scenario. Wind speeds in these existing pedestrian areas would range from 8 to 20 m.p.h. with the project, compared to 6 to 18 m.p.h. under the existing conditions. With the project, there would be two new exceedances of the pedestrian comfort criteria on publicly accessible pedestrian locations.

Pursuant to Planning Code Section 249.1(b)(3), the Zoning Administrator may allow the building or addition of a proposed project to add to the amount of time the comfort level is exceeded by the least practical amount if:

- It can be shown that a building or addition cannot be shaped and other wind-baffling measures cannot be adopted to meet the foregoing requirements without creating an unattractive and ungainly building form and without unduly restricting the development potential of the building site in question, and
- It is concluded that, because of the limited amount by which the comfort level is exceeded, the limited location in which the comfort level is exceeded, or the limited time during which the comfort level is exceeded, the addition is insubstantial.

The Zoning Administrator granted an application for a wind exception pursuant to Section 249.1(b)(3) on March 02, 2006.

- k. **Below Market Rate Affordability Requirement.** Planning Code Section 415 through 415.9 require the Project Sponsor to comply with the inclusionary housing requirements either by providing up to 12% (or 38 units with a project containing 320 units) on-site, up to 17% (or 54 units with a project containing 320 units) off-site within the area bounded by Market Street, the Embarcadero, King Street, Division Street, and South Van Ness Avenue pursuant to Section 827(b)(5)(B), pay an in-lieu fee pursuant to Planning Code Section 415.7, or a combination thereof. The Project Sponsor has elected to pay an in-lieu fee.
- l. **Streetscape Improvements.** The project would include streetscape improvements along both frontages as required by Planning Code Section 827(g).

- m. **Rincon Hill Infrastructure Impact Fee.** Planning Code Section 418 requires a payment of approximately \$8.60 per square foot for any residential project in the Rincon Hill Plan area. For the proposed 454,341 square foot structure, approximately \$3,907,333 will be charged. Alternatively, The Project Sponsor may wish to opt for (1) an In-Kind Provision of Community Improvements, which requires Planning Commission review and for possible reduction in the Community Improvement Impact Fee as result of an agreement with the City to provide in-kind improvements in the form of streetscaping, sidewalk widening, neighborhood open space, community center, and other improvements that result in new public infrastructure and facilities; or (2) Provision of Community Improvements via a Community Facilities (Mello-Roos) District, where the Commission may waive the Community Improvements Impact Fee, either in whole or in part, if the Project Sponsor has entered into a Waiver Agreement with the City.
 - n. **SOMA Stabilization Fund Fee.** Planning Code Section 418 requires a payment of approximately \$10.95 per square foot for any residential tower in the Rincon Hill area. For the proposed 454,341 square foot structure, approximately \$4,975,034 will be charged.
8. **General Compliance with the Rincon Hill Objectives.** Planning Code Section 309.1(a) lists eight aspects of design review in which a project must comply; the Planning Commission finds that the project is compliant with these eight aspects as follows:
- a. **Overall building mass and scale.** Project is located on a preferred tower site on this block. The project is in conformance with the Rincon Hill Plan, as the Plan calls for the "slender tower" concept and for a tower with a height of 400 feet on the Project site.
 - b. **Architectural treatments, façade design and building materials.** The tower design will feature a curtain wall system that combines aluminum and glass materials, along with a pre-cast punched window wall system. The design will provide a variety of texture, color and finishes on the different facades of the structure, in response to the urban context and to emphasize the height and slenderness of the towers as the structure appears on the San Francisco skyline. At the podium and ground levels the design will introduce stone cladding and wood or metal awnings. The design will create an open, transparent feel intended to provide a pedestrian scale, blend with the existing urban context, and provide an appropriate level of detail at the lower floors for the residential and community serving uses.
 - c. **The design of lower floors, including building setback areas, townhouses, entries and parking and loading access.** The project podium building, upon which the tower rests, is designed to maximize engagement with the pedestrian streetscape, and includes ground floor residential units with private entries along Lansing Street. Parking and loading access on Harrison Street has been limited to a 22-foot wide parking driveway (entrance and exit), and a 12-foot wide loading stall.

- d. **On sloping sites, parking provided above ground pursuant to Planning Code Section 827(7)(a).** Parking is allowed above grade as long as it meets the criteria listed therein. The project meets the following criteria:

For sloping sites with a grade change of at least ten feet laterally along the street, no less than 50-percent of the perimeter of all floors with off-street parking shall be below the level of said sloping street:

The project site has a lateral slope of less than ten feet. With the exception of one independently accessible ADA drop-off space located on the ground level, all parking is located below grade on five basement levels.

- e. **The provision of required open space, both on- and off-site.** The project would provide private open space for the use of project residents. Common on-site open space would include a landscaped terrace. Private open space would include balconies and patios that would be accessed from individual residences. Private open space will be provided for approximately 209 tower dwelling units, or approximately 65% of all units. Approximately 10,540 square feet of publicly accessible open space would be provided in the Lansing Street right-of-way.
- f. **Streetscape and other public improvements, including tree planting, street furniture, and lighting.** The project will include considerable usable public open space in the Lansing Street right-of-way. The project proposes to create a "shared street" along Lansing Street from Essex almost all the way to First Street. This public open space area measures approximately 36 feet wide by 293 feet in length, or approximately 10,540 square feet in area. The concept is to introduce concrete pavers and landscaping across the width and length of this area on Lansing Street, accented by trees and pedestrian-scale lighting.
- g. **Circulation, including streets, alleys and mid-block pedestrian pathways.** As noted above, the plan includes extensive improvements to the public right-of-way as part of the proposal. The project has frontages on Lansing and Harrison Streets. The Lansing Street frontage will provide primary pedestrian access to the building, and the Harrison Street frontage will provide vehicular and loading access. The ground level residential units will be accessible from Lansing Street.
- h. **Other changes necessary to bring the project into conformance with the Rincon Hill Plan or other elements and area plans of the General Plan.** No changes to the Project are necessary to bring the Project into conformance with the Rincon Hill Plan or other elements and area plans of the General Plan.
9. **Parking Exception.** Pursuant to Planning Code Sections 151.1(d) and 309.1(b)(1)(B), greater than one-to-one parking may be provided as long as it meets the criteria set forth therein. The Planning Commission finds that it meets these criteria in the following manner:

- a. All parking in excess of that allowed by right is stored and accessed by mechanical means, valet, or non-independently accessible methods that maximizes space efficiency and discourages use of vehicles for commuting or daily errands;

The parking in excess of that allowed by right would be stored and accessed by means of a valet system or mechanical system, to maximize space efficiency and discourage daily commuting and errands.

- b. Vehicle movement on or around the project site associated with the excess accessory parking does not unduly impact pedestrian spaces or movement, transit service, bicycle movement, or the overall traffic movement in the district;

The proposed Project will include only one curb cut on Harrison Street to accommodate all vehicles using the garage. That driveway would have no significant impact on pedestrian spaces or movement, transit service, bicycle movement, or the overall traffic movement in the district.

- c. Accommodating excess accessory parking does not degrade the overall urban design quality of the project proposal;

Accommodating the excess accessory parking will not degrade the overall urban design quality of the project. Only one curb cut is proposed for parking exit/entrance, and all parking is located underground.

- d. All parking in the project is set back from facades facing streets and alleys and lined with active uses, and that the project sponsor is not requesting any exceptions or variances requiring such treatments elsewhere in the Code; and

All parking, with the exception of one independently accessible ADA drop-off space, will be located below grade on five basement levels.

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

The excess accessory parking will not diminish the proposed Project's planned streetscape enhancements, which include considerable usable public open space in the Lansing Street right-of-way.

10. Exception to allow reduction of required on-site residential open space pursuant to Planning Code Sections 827(e)(2)(A) and 309.1(b)(1)(F).

The project will provide private balconies and patios for approximately 209 units, and approximately 658 square feet of common on-site open space in the form of a common terrace. The remaining approximately 10,539 square feet of open space will be provided off-site. The open space provided by the project on-site represents approximately 65% of the required open space.

11. Exception in the design, location, and size of publicly accessible open space as allowed by Planning Code Sections 827(e) and 309.1(b)(1)(G) and equivalence of proposed publicly accessible open space in size and quantity with required on-site open space.

Most units will be provided on-site open space in the form of private balconies and terraces accessible from individual residential units. The balance of the open space requirement (approximately 10,540 sf) will be provided in the immediate vicinity of the project.

The project will include considerable usable public open space in the Lansing Street right-of-way. The project proposes to create a "shared street" along Lansing Street from Essex almost all the way to First Street. This public open space area measures approximately 36 feet wide by 293 feet in length, or approximately 10,540 square feet in area. The concept is to introduce concrete pavers and landscaping across the width and length of this area on Lansing Street, accented by trees and pedestrian-scale lighting.

The intent of the project's offsite open space program is to assist implementation of the Rincon Hill Plan's policies related to streetscapes, and specifically Policy 5.6: Implement Streetscape Improvements on Guy Place and Lansing Street that prioritize pedestrian use for the entire right-of-way. Policy 5.6 provides as follows:

Traffic volumes are very low on Guy Place and Lansing Street, largely because they form a closed loop. Because of the low traffic volumes, the "shared street" is an appropriate model for Guy Place and Lansing Street. The shared street prioritizes residential and pedestrian functions over regular provision for traffic. Such a facility provides a meandering streetscape which appeals to pedestrians with special landscaping and street furniture. It is intended to provide vehicular and pedestrian access to residences in the immediate vicinity and to serve as a place where residents can enjoy open space.

The physical design of Guy Place and Lansing Street should reinforce the very slow speed of the street at which mingling of people and vehicles is safe, and encourage open space used by residents. The design will signal to drivers that they should expect to encounter people in the street. Existing on-street parking and driveway access should be maintained.

The concept, similar to the Dutch "woonerf," is intended to enhance the residential nature of the right-of-way.

The project sponsor shall provide the Planning Department staff with a proposed construction budget and landscape plan for the level of proposed offsite open space. Should the Planning Department determine that this level of build-out for Lansing Street is sufficient; the Project Sponsor will construct these improvements concurrently with the construction of the Project. Should the Department wish to upgrade or expand the "shared street" improvements using additional Rincon Hill streetscape and open space funds, the project sponsor will contribute 100% of the approved offsite budget for this project into the Rincon Hill fund in exchange for a written release from the requirement to complete the work. It is the intent of the Commission

that the cost of providing the proposed shared street improvements would be the economic equivalent of what would be the net cost of providing the equivalent area of open space inside the Project as private space balconies.

12. **Exception to allow reduction for the dwelling unit** exposure requirements per Planning Code Sections 140 and 309.1(b)(1)(D).

Planning Code Section 140 requires that at least one room at least 120 square feet in area within a dwelling unit must face directly on an open area that is either (1) a public street or alley that is at least 25 feet in width, or a side yard or rear yard that meets the requirements of the Planning Code, or (2) an open area that is unobstructed and is no less than 25 feet in every horizontal dimension for the floor at which the dwelling unit in question is located and the floor immediately above it, with an increase of five feet in every horizontal dimension at each subsequent floor. Section 309.1(b)(1)(D), authorizes exceptions to the normally applicable requirements of Section 140.

A majority of the units comply with Section 140 requirements as they face either onto Lansing or Harrison Street. Approximately 127 units, or 40% of the units, do not comply with the dwelling unit exposure requirement, requiring an exception.

13. **General Plan Conformity.** The Project affirmatively promotes the objectives and policies of the General Plan as follows.

HOUSING ELEMENT

Objectives and Policies

OBJECTIVE 1:

TO 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 GROWTH.

Encourage housing development, particularly affordable housing, in neighborhood commercial areas without displacing existing jobs, particularly blue-collar jobs or discouraging new employment opportunities.

Policy 1.7:

Encourage and support the construction of quality, new family housing.

OBJECTIVE 5:

INCREASE THE EFFECTIVENESS AND EFFICIENCY OF THE CITY'S AFFORDABLE HOUSING PRODUCTION SYSTEM.

Policy 5.2:

Support efforts of for-profit and non-profit organizations and other community-based groups and expand their capacity to produce and manage permanently affordable housing.

The controls for Rincon Hill maintained the BMR percentage requirement for housing projects and require any off-site housing to be within the area bounded by Market Street, the Embarcadero, King Street, Division Street, and South Van Ness Avenue.

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.

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 11.1:

Use new housing development as a means to enhance neighborhood vitality and diversity.

This housing project incorporates all of the design aspects outlined in the Rincon Hill Plan in helping create a pedestrian friendly and activated residential neighborhood. The proposed project actively contributes to "place-making".

URBAN DESIGN ELEMENT

Objectives and Policies

OBJECTIVE 7:

To achieve an aesthetically pleasing residential community.

OBJECTIVE 9:

To respect the natural topography of the hill.

OBJECTIVE 10:

To preserve views of the bay and the Bay Bridge which are among the most impressive in the region.

The proposed project is at the top of Rincon Hill and one of the most visually prominent locations. The tall tower will be slender in its silhouette providing interest to the City skyline, while at the same time, providing a rich pedestrian environment at its base.

RECREATION AND OPEN SPACE ELEMENT

Objectives and Policies

OBJECTIVE 16:

To develop facilities for passive and active recreation serving residents, employees and visitors.

By improving the Lansing Street right-of-way the proposed project is contributing to the development of an active pedestrian network that will encourage active recreation in the form of walking or jogging, which will serve residents, employees and visitors.

OBJECTIVE 21:

To create safe and pleasant pedestrian networks within the Rincon Hill area, to downtown, and the bay.

The improvement of Lansing Street will create a safer, more inviting pedestrian environment.

OBJECTIVE 24:

To provide sufficient off-street parking space for residents.

The project will provide approximately 265 parking spaces, which is adequate given the context of being in close proximity to many forms of City and Regional transit. The parking spaces will all be in the form of valet or mechanical parking, thereby discouraging the use of the automobile for trips that can easily be accommodated by foot or by transit.

RINCON HILL PLAN

Objectives and Policies

Land Use

OBJECTIVE 1:

Encourage development of a unique dynamic, mixed-use residential neighborhood close to downtown which will contribute significantly to the City's housing supply.

OBJECTIVE 1.2:

Maximize housing in Rincon Hill to capitalize on Rincon Hill's central location adjacent to downtown employment and transit service, while still retaining the district's livability.

The proposed project would result in the construction of a 320-unit condominium dwelling in a neighborhood that is transitioning to and currently consists of similarly sized structures, in a location which is extremely close to Downtown.

Residential

Policy 1.1:

Allow housing as a principal permitted use throughout the district.

Policy 1.5:

Require street-facing residential units on the ground-floor on Spear, Main Beale, Fremont, First, Guy and Lansing Streets.

The project provides three residential units at the Lansing Street ground floor.

Policy 1.4:

Require parking to be located primarily underground so that the allowable above-ground building envelope can be used for housing.

With the exception of one ADA-accessible drop-off space located at the ground floor, all other parking is located below-grade at five basement levels.

Housing

OBJECTIVE 2.1:

Provide quality housing in a pleasant environment that has adequate access to light, air, open space and neighborhood amenities, and that is buffered from excessive noise.

OBJECTIVE 2.3:

Encourage new housing production of an adequate size and configuration to serve families.

The proposed project will contain up to 320 units, 40% of which will be two-bedroom units.

Policy 2.1:

Require all new developments of 10 or more units in the Rincon Hill district to meet the city's affordable housing requirement of at least 12 percent on-site or 17 percent off-site, regardless of whether a Conditional Use permit is required.

The project will comply with this requirement.

Urban Design

OBJECTIVE 3.8:

Minimize the visual impacts of residential parking, loading, utilities and services on the neighborhood.

The parking garage will be below grade except for one ADA-accessible drop-off space located on ground level.

Recreation, Open Space, and Community Facilities

OBJECTIVE 4.1:

Create a variety of new open spaces and community facilities for active and passive recreation to meet the needs of a significant new residential population.

The project will contribute to off-site open space on Lansing Street.

Streets and Transportation

OBJECTIVE 5.5:

Manage parking supply and pricing to encourage travel by foot, public transportation and bicycle.

Parking

Policy 5.16:

Require parking for bicycles at a ratio of one space per two units for buildings with 50 units or fewer, and 25 spaces plus one space per four units for buildings with greater than 50 units.

The project meets the policy by providing 93 bicycle parking spaces.

14. **General Plan Findings.** Planning Code Section 101.1 establishes Eight Priority Planning Policies and requires review of permits for consistency with said policies. The Project complies with said policies in that:

- a. No neighborhood serving retail uses are being displaced or otherwise affected by the proposal.

There are no neighborhood serving retail uses on the Project site, and none will be displaced. The proposed Project consists of a high-density residential Project in the Rincon Hill DTR (Downtown Residential) Zoning District. The Rincon Hill DTR District is mixed-use district that encourages new high-density housing and associated neighborhood services. The Project complies with these zoning controls. More residents in this emerging neighborhood will result in an increased demand for these services, increase the number of neighborhood serving retail uses, and enhance the success of those businesses, in furtherance of this Priority Policy.

- b. Existing housing and neighborhood character will not be adversely affected by the proposed project.

The proposed project will not displace any existing housing and will further this policy by creating approximately 320 new housing units consistent with the Rincon Hill Plan objectives. The Project is compatible in its scale and design with the vision for the Rincon Hill neighborhood, and will be an integral component in implementing the Planning Department's Rincon Hill Plan. The Project will have a positive effect on this area by increasing the number of residents in an area with many desirable urban characteristics and services.

- c. The Project would have no adverse impact on the City's existing supply of affordable housing.

The Project will enhance the City's supply of affordable housing by providing for on-site below market rate units, off-site below market rate units or payment of an in lieu fee pursuant to the inclusionary housing requirements of the San Francisco Planning Code.

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

The proposed project will not include office space or other uses that generate commuter traffic. The project will also not impede Muni transit service or overburden streets. The project site is located in an area served by several modes of public transit, including Muni, BART, SamTrans, Golden Gate Transit, and AC Transit. The project site is located within walking distance of the Transbay Terminal and Ferry Building, and four blocks from Muni Metro and BART. The proposed project also will not overburden neighborhood parking, streets or neighborhood, as it will provide approximately 265 off-street parking spaces, none of which will be independently accessible.

- e. No industrial or service industry establishment would be displaced by the Project.

The proposed Project consists of the new construction of a high-rise residential building, and is not an office project, and will not displace any industrial or service sector uses. The Project will contribute to a diverse economic base by providing a significant number of new residential units in San Francisco. The shortage of housing in San Francisco has driven up housing costs, making it more and more difficult for people with jobs in San Francisco to live in the City. By making a significant contribution to the City's housing supply, the Project will further help San Francisco increase housing opportunities for resident workers, and thereby maintain a diverse economic base.

- f. Earthquake safety requirements would be considered during review of any building permit applications.

The project will be built to current seismic standards, thereby providing the greatest possible preparedness to protect against injury and loss of life in an earthquake.

- g. The subject building is not a landmark, within an historic district, and is not included on any historic or architectural surveys; they proposal will therefore not effect any historic properties.

The Project site does not include historic resources.

- h. The Project has no impact on open space or parks or their access to sunlight and vistas. The proposed project will have no adverse impact on existing parks, open space, or their access to sunlight or vistas.

The Project will have no impact on this policy, since the project site is not adjacent to any parks, or public or private open space, and will therefore have no affect on access to sunlight or vistas.

15. The Commission hereby finds that approval of the Section 309.1 (RH DTR review) would promote the health, safety and welfare of the City.
16. 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.
17. The Commission hereby finds that approval of the request for extension would promote the health, safety and welfare of the City.

DECISION

That based upon the Record, the submissions by the Applicant, the staff of the Department and other interested parties, the oral testimony presented to this Commission at the public hearings, and all other written materials submitted by all parties, the Commission hereby **APPROVES** Case No. 2010.1044X subject to the following conditions attached hereto as EXHIBIT A 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 Resolution/Motion by this reference thereto. All required mitigation measures identified in the EIR and contained in the MMRP are included as conditions of approval.

APPEAL AND EFFECTIVE DATE OF MOTION: Any aggrieved person may appeal this authorization to the Board of Appeals within fifteen (15) days after the date of this Motion No. 18316. 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 Supervisors. For further information, please contact the Board of Supervisors at (415) 554-5184, City Hall, Room 244, 1 Dr. Carlton B. Goodlett Place, San Francisco, CA 94102.

I hereby certify that the Planning Commission ADOPTED the foregoing Motion on April 14, 2011.

Linda D. Avery
Commission Secretary

AYES: Christina R. Olague, Ron Miguel, Michael J. Antonini, Gwyneth Borden, Rodney Fong, Kathrin Moore and Hisashi Sugaya

NAYS: None

ABSENT: None

ADOPTED: April 14, 2011

EXHIBIT A

AUTHORIZATION

This authorization is for a determination of compliance under Planning Code Section 309.1 to allow a modification and re-entitlement of a project approved under Motion No. 17397 within the RH DTR (Rincon Hill Downtown Residential Mixed Use) District with a 65/400-R Height and Bulk District; in general conformance with plans, dated March 08, 2011, and stamped "EXHIBIT B" included in the docket for Case No.2010.1044X and subject to conditions of approval reviewed and approved by the Commission on April 14, 2011, under Motion No 18316. This authorization and the conditions contained herein run with the property and not with a particular Project Sponsor, business, or operator.

RECORDATION OF CONDITIONS OF APPROVAL

Prior to the issuance of the building permit or commencement of use for the Project the Zoning Administrator shall approve and order the recordation of a Notice in the Official Records of the Recorder of the City and County of San Francisco for the subject property. This Notice shall state that the project is subject to the conditions of approval contained herein and reviewed and approved by the Planning Commission on April 14, 2011 under Motion No. 18316.

PRINTING OF CONDITIONS OF APPROVAL ON PLANS

The determination of compliance under Planning Code Section 309.1 under the 'Exhibit A' of this Planning Commission Motion No. 18316 shall be reproduced on the Index Sheet of construction plans submitted with the Site or Building permit application for the Project. The Index Sheet of the construction plans shall reference to the determination of compliance under Planning Code Section 309.1 and any subsequent amendments or modifications.

SEVERABILITY

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

Conditions of Approval, Compliance, Monitoring, and Reporting

PERFORMANCE

1. **Validity and Expiration.** The authorization and right vested by virtue of this action is valid for of 24 months after the approval by the Planning Commission, or the Board of Permit Appeals. Specific procedures regarding the performance requirement follow Planning Code Section 309.1(e). A building permit from the Department of Building Inspection to construct the project and/or commence the approved use must be issued as this approval is only an approval of the proposed project and conveys no independent right to construct the project or to commence the

For information about compliance, contact Code Enforcement, Planning Department at 415-575-6863, www.sf-planning.org.

DESIGN

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

For information about compliance, contact the Case Planner, Planning Department at 415-558-6378, www.sf-planning.org.

3. **Streetscape Improvements.** The project sponsor shall make sidewalk improvements pursuant to the proposed Rincon Hill Streetscape Plan, in accordance with Planning Code Section 827(g) and as directed by staff. The project sponsor shall work with staff to ensure the improvements are of good quality, compatible with the neighborhood, and compliant with any applicable requirements of the Public Works Department, the Bureau of Light, Heat and Power of the Public Utilities Commission and the Art Commission. The owners of abutting properties to the improved sidewalk shall hold harmless the City and County of San Francisco, its officers, agents, and employees, from any damage or injury caused by reason of the design, construction or maintenance of the improvements, and shall require the owner or owners or subsequent owner or owners of the respective property to be solely liable for any damage or loss occasioned by any act or neglect in respect to the design, construction or maintenance of the sidewalk improvements.
4. The property shall be kept free of weeds, debris, and blight. The Project Sponsor shall install a fence to prevent vagrant camping, unlawful dumping and to minimize the security threat to the neighborhood. The fence shall be kept free of graffiti and postings.
5. **Street Trees.** Pursuant to Planning Code Section 428 (formerly 143), the Project Sponsor shall submit a site plan to the Planning Department prior to Planning approval of the building permit application indicating that street trees, at a ratio of one street tree of an approved species for every 20 feet of street frontage along public or private streets bounding the Project, with any remaining fraction of 10 feet or more of frontage requiring an extra tree, shall be provided. The street trees shall be evenly spaced along the street frontage except where proposed driveways or other street obstructions do not permit. The exact location, size and species of tree shall be as

approved by the Department of Public Works (DPW). In any case in which DPW cannot grant approval for installation of a tree in the public right-of-way, on the basis of inadequate sidewalk width, interference with utilities or other reasons regarding the public welfare, and where installation of such tree on the lot itself is also impractical, the requirements of this Section 428 may be modified or waived by the Zoning Administrator to the extent necessary.

For information about compliance, contact the Case Planner, Planning Department at 415-558-6378, www.sf-planning.org.

6. **Transformer Vault.** The location of individual project PG&E Transformer Vault installations has significant impacts to San Francisco streetscapes when improperly located. However, they may not have any impact if they are installed in preferred locations. Therefore, the Planning Department recommends the following preference schedule in locating new transformer vaults, in order of most to least desirable:
 - a. On-site, in a basement area accessed via a garage or other access point without use of separate doors on a ground floor façade facing a public right-of-way;
 - b. On-site, in a driveway, underground;
 - c. On-site, above ground, screened from view, other than a ground floor façade facing a public right-of-way;
 - d. Public right-of-way, underground, under sidewalks with a minimum width of 12 feet, avoiding impacts on streetscape elements, such as street trees; and based on Better Streets Plan guidelines;
 - e. Public right-of-way, underground; and based on Better Streets Plan guidelines;
 - f. Public right-of-way, above ground, screened from view; and based on Better Streets Plan guidelines;
 - g. On-site, in a ground floor façade (the least desirable location).
 - h. Unless otherwise specified by the Planning Department, Department of Public Work's Bureau of Street Use and Mapping (DPW BSM) should use this preference schedule for all new transformer vault installation requests.

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

PARKING AND TRAFFIC

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

For information about compliance, contact Code Enforcement, Planning Department at 415-575-6863, www.sf-planning.org.

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

For information about compliance, contact Code Enforcement, Planning Department at 415-575-6863, www.sf-planning.org.

9. **Bicycle Parking.** The Project shall provide no fewer than 93 Class 1 bicycle parking spaces as required by Planning Code Sections 155.1 and 155.5.

For information about compliance, contact Code Enforcement, Planning Department at 415-575-6863, www.sf-planning.org.

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

For information about compliance, contact Code Enforcement, Planning Department at 415-575-6863, www.sf-planning.org.

AFFORDABLE UNITS

11. **Requirement.** Pursuant to Planning Code Section 415.5, the Project Sponsor must pay an Affordable Housing Fee at a rate equivalent to the applicable percentage of the number of units in an off-site project needed to satisfy the Inclusionary Affordable Housing Program Requirement for the principal project. Affordable unit count is tied to the number of units approved.

12. **Other Conditions.** The Project is subject to the requirements of the Inclusionary Affordable Housing Program under Section 415 et seq. of the Planning Code and the terms of the City and County of San Francisco Inclusionary Affordable Housing Program Monitoring and Procedures Manual ("Procedures Manual"). The Procedures Manual, as amended from time to time, is incorporated herein by reference, as published and adopted by the Planning Commission, and as required by Planning Code Section 415. Terms used in these conditions of approval and not otherwise defined shall have the meanings set forth in the Procedures Manual. A copy of the Procedures Manual can be obtained at the Mayor's Office of Housing ("MOH") at 1 South Van Ness Avenue or on the Planning Department or Mayor's Office of Housing's websites, including on the internet at:

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

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

13. The Project Sponsor must pay the Fee in full sum to the Development Fee Collection Unit at the DBI for use by MOH prior to the issuance of the first construction document, with an option for the Project Sponsor to defer a portion of the payment prior to issuance of the first certificate of occupancy upon agreeing to pay a deferral surcharge that would be deposited into the Citywide Inclusionary Affordable Housing Fund in accordance with Section 107A.13.3 of the San Francisco Building Code.
14. Prior to the issuance of the first construction permit by the DBI for the Project, the Project Sponsor shall record a Notice of Special Restriction on the property that records a copy of this approval. The Project Sponsor shall promptly provide a copy of the recorded Notice of Special Restriction to the Department and to MOH or its successor.
15. If project applicant fails to comply with the Inclusionary Affordable Housing Program requirement, the Director of DBI shall deny any and all site or building permits or certificates of occupancy for the development project until the Planning Department notifies the Director of compliance. A Project Sponsor's failure to comply with the requirements of Planning Code Sections 415 et seq. shall constitute cause for the City to record a lien against the development project and to pursue any and all other remedies at law.

PROVISIONS

16. **First Source Hiring.** The Project shall adhere to the requirements of the First Source Hiring Construction and Employment Program approved by the First Source Hiring Administrator, pursuant to Section 83.4(m) of the Administrative Code. The Project Sponsor shall comply with the requirements of this Program regarding construction work and on-going employment required for the Project.
For information about compliance, contact the First Source Hiring Manager at 415-401-4960, www.onestopSF.org
17. **Rincon Hill Community Infrastructure Impact Fee.** Pursuant to Planning Code Section 418.3(b)(1) (formerly 318), the Project is subject to the Rincon Hill Community Infrastructure Impact Fee, Section 418 of the Planning Code. The project sponsor intends to satisfy the requirements of the Rincon Hill Community Infrastructure Impact Fee through the provision of in-lieu improvement that has been cursorily reviewed by the City. Generally the project sponsor intends to implement street improvements identified in the Rincon Hill Area Plan. The project sponsor and the City are still coordinating on the design, valuation and terms of agreement. The project sponsor will return to the Planning Commission for a fee waiver and approval of an in-kind agreement when the schematic design and an in-kind agreement are finalized.
For information about compliance, contact the Case Planner, Planning Department at 415-558-6613, www.sf-planning.org
18. **Rincon Hill South of Market Area (SOMA) Community Stabilization Fee.** Pursuant to Planning Code Section 418.3(b)(2) (formerly 318), the Project shall pay the SOMA Community Stabilization Fee to the Development Fee Collection Unit at DBI, execute of a Waiver Agreement

with the Planning Department, or execute an In-Kind Agreement with the Planning Department, prior to issuance of the first construction document.

For information about compliance, contact the Case Planner, Planning Department at 415-558-6613, www.sf-planning.org

19. Consistent with the process set forth in the Rincon Hill Infrastructure Partnership, the Project Sponsor will diligently and in good faith work with the Planning Department, the Mayor's Office of Economic and Workforce Development, and members of the Rincon Hill community to explore whether the Project can combine its Rincon Hill Infrastructure Impact Fee requirements with potential tax increment finance proceeds from the Rincon Hill Infrastructure Finance District to expand the scope and accelerate the rate of development of the public realm adjacent to and near the Project Site, consistent with the Rincon Hill Streetscape Master Plan.

MONITORING

20. **Enforcement.** Violation of any of the Planning Department conditions of approval contained in this Motion or of any other provisions of Planning Code applicable to this Project shall be subject to the enforcement procedures and administrative penalties set forth under Planning Code Section 176 or Section 176.1. The Planning Department may also refer the violation complaints to other city departments and agencies for appropriate enforcement action under their jurisdiction.
For information about compliance, contact Code Enforcement, Planning Department at 415-575-6863, www.sf-planning.org
21. **Monitoring.** The Project requires monitoring of the conditions of approval in this Motion. The Project Sponsor or the subsequent responsible parties for the Project shall pay fees as established under Planning Code Section 351(e) (1) and work with the Planning Department for information about compliance.
For information about compliance, contact Code Enforcement, Planning Department at 415-575-6863, www.sf-planning.org
22. **Revocation due to Violation of Conditions.** Should implementation of this Project result in complaints from interested property owners, residents, or commercial lessees which are not resolved by the Project Sponsor and found to be in violation of the Planning Code and/or the specific Conditions of Approval for the Project as set forth in Exhibit A of this Motion, the Zoning Administrator shall refer such complaints to the Commission, after which it may hold a public hearing on the matter to consider revocation of this authorization.
For information about compliance, contact Code Enforcement, Planning Department at 415-575-6863, www.sf-planning.org.

MITIGATION MEASURES

23. 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.

OPERATION

24. **Sidewalk Maintenance.** The Project Sponsor shall maintain the main entrance to the building and all sidewalks abutting the subject property in a clean and sanitary condition in compliance with the Department of Public Works Streets and Sidewalk Maintenance Standards. *For information about compliance, contact Bureau of Street Use and Mapping, Department of Public Works, 415-695-2017, <http://sfdpw.org/>*

