



SAN FRANCISCO PLANNING DEPARTMENT

Subject to: (Select only if applicable)

- Affordable Housing (Sec. 415)
- Jobs Housing Linkage Program (Sec. 413)
- Downtown Park Fee (Sec. 412)
- First Source Hiring (Admin. Code)
- Child Care Requirement (Sec. 414)
- Other (TIDF, Sec. 411 & EN Impact Fees, Sec. 423)

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Planning Commission Motion No. 19523

HEARING DATE: DECEMBER 3, 2015

Date: December 3, 2015
Case No.: 2011.0671X
Project Address: 1395 22nd STREET & 790 PENNSYLVANIA AVENUE
Zoning: UMU (Urban Mixed-Use) Zoning District &
PDR-1-G (Production, Distribution & Repair-General) Zoning District
40-X Height and Bulk District
Block/Lot: 4167/011 & 013
Project Sponsor: Redmond Lyons, R Group
650 Texas Street
San Francisco, CA 94107
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ADOPTING FINDINGS RELATING TO A LARGE PROJECT AUTHORIZATION PURSUANT TO PLANNING CODE SECTION 329, TO ALLOW EXCEPTIONS TO 1) REAR YARD PURSUANT TO PLANNING CODE SECTION 134, 2) DWELLING UNIT EXPOSURE PURSUANT TO PLANNING CODE SECTION 140, AND 3) OFF-STREET PARKING PURSUANT TO PLANNING CODE SECTION 15.1, TO ALLOW CONSTRUCTION OF A NEW THREE-STORY PDR BUILDING (APPROXIMATELY 47,575 GSF) AND A NEW FOUR-TO-EIGHT-STORY RESIDENTIAL BUILDING (APPROXIMATELY 236,449 GSF) WITH 250 DWELLING UNITS (CONSISTING OF 6 STUDIOS, 146 1-BEDROOM UNITS, 90 2-BEDROOM UNITS, AND 10 3-BEDROOM UNITS), LOCATED AT 1395 22ND STREET AND 790 PENNSYLVANIA AVENUE, LOTS 011 & 013 IN ASSESSOR'S BLOCK 4167, WITHIN THE UMU (URBAN MIXED-USE) & PDR-1-G (PRODUCTION, DISTRIBUTION & REPAIR-GENERAL) ZONING DISTRICTS AND A 40-X HEIGHT AND BULK DISTRICT, AND ADOPTING FINDINGS UNDER THE CALIFORNIA ENVIRONMENTAL QUALITY ACT.

PREAMBLE

On January 13, 2014, Redmond Lyons of RMTX22, LLC (hereinafter "Project Sponsor") filed Application No. 2011.0671X (hereinafter "Application") with the Planning Department (hereinafter "Department") for a Large Project Authorization to construct a new three-story PDR building at 790 Pennsylvania Avenue (Block 4167 Lot 013) and a new four-to-eight-story residential building with 250 dwelling units at 1395 22nd Street (Block 41678 Lot 011) in San Francisco, California.

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

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

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

On July 2, 2015, the Department determined that the proposed application did not require further environmental review under Section 15183 of the CEQA Guidelines and Public Resources Code Section 21083.3. The Project is consistent with the adopted zoning controls in the Eastern Neighborhoods Area Plan and was encompassed within the analysis contained in the Eastern Neighborhoods Final EIR. Since the Eastern Neighborhoods Final EIR was finalized, there have been no substantial changes to the Eastern Neighborhoods Area Plan and no substantial changes in circumstances that would require major revisions to the Final EIR due to the involvement of new significant environmental effects or an increase in the severity of previously identified significant impacts, and there is no new information of substantial importance that would change the conclusions set forth in the Final EIR. The file for this project, including the Eastern Neighborhoods Final EIR and the Community Plan Exemption certificate, is available for review at the San Francisco Planning Department, 1650 Mission Street, Suite 400, San Francisco, California.

Planning Department staff prepared a Mitigation Monitoring and Reporting Program (MMRP) setting forth mitigation measures that were identified in the Eastern Neighborhoods Plan EIR that are applicable

to the project. These mitigation measures are set forth in their entirety in the MMRP attached to the draft Motion as Exhibit C.

On December 3, 2015, the Planning Commission ("Commission") conducted a duly noticed public hearing at a regularly scheduled meeting on Large Project Authorization Application No. 2011.0671X.

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. 2011.0671X, subject to the conditions contained in "EXHIBIT A" of this motion, based on the following findings:

FINDINGS

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

1. The above recitals are accurate and constitute findings of this Commission.
2. **Site Description and Present Use.** The proposed project is located on two irregularly shaped lots (with a collective lot area of 119,885± square feet) that are roughly bounded by Pennsylvania Avenue and 22nd, Missouri and Texas Streets. The project site currently bisects 22nd Street. A portion of 22nd Street is a paper street from the northwest edge of the subject lot west to Missouri Street. The subject lots have 79-ft of frontage along 22nd Street at Missouri Street, 79-ft of frontage along 22nd Street at Texas Street, and 83-ft of frontage along Pennsylvania Avenue. The subject lot (Assessor's Block 4167 Lot 013) tapers in width from 234-ft along 22nd Street down to 187-ft at the southern end. From Texas Street to Missouri Street, the project site has a unique slope with a slight grade along the eastern edge of the site for the first 100-ft, and steep grade moving west towards Missouri Street. Currently, the subject lot contains temporary storage containers and does not possess any permanent built structures.
3. **Surrounding Properties and Neighborhood.** The project site is located in the UMU (Urban Mixed-Use) and PDR-1-G (Production, Distribution and Repair-General) Zoning Districts within a mixed-use neighborhood in the Showplace Square/Potrero Hill Area Plan. The project site is located on the border between the industrial areas to the south, the smaller-scale residential neighborhood to the north, and the I-280 freeway to the east. The immediate neighborhood includes a larger-scale, three-to-five-story residential complex at 22nd and Texas Street, and smaller-scale, two-to-three-story, industrial buildings along Pennsylvania Avenue. Further east along Texas Street and Pennsylvania Avenue are two-to-three-story, single-family and multi-family residences. Further north at 22nd and Missouri Street, the surrounding area is characterized by two-to-three-story residential properties and an entryway into Potrero Terrace, a public housing complex. Other zoning districts in the vicinity of the project site include: MUR

(Mixed-Use Residential); RH-2 (Residential, House, Two-Family); P (Public); and RM-2 (Residential, Mixed, Moderate Density).

4. **Project Description.** The proposed project includes demolition of the temporary storage containers (measuring approximately 74,500 square feet) on the subject lots, and new construction of a three-story PDR (Production, Distribution & Repair) building with approximately 47,575 gross square feet along Pennsylvania Avenue and a four-to-eight-story, residential building with approximately 236,449 gross square feet and 250 dwelling units along 22nd Street. For the PDR building, the project includes 12 off-street parking spaces, one off-street freight loading space, 4 Class 1 bicycle parking spaces and 2 Class 2 bicycle parking spaces. For the residential building, the project includes 208 off-street parking spaces, 2 off-street freight loading spaces, 3 car-share parking spaces, 138 Class 2 bicycle parking spaces and 13 Class 2 bicycle parking spaces. The project includes a dwelling unit mix consisting of 10 three-bedroom units, 90 two-bedroom units, 146 one-bedroom units, and 4 studio units. The proposed project includes a new public stairwalk and open space measuring 6,578 square feet along the north lot line, private open space for 158 dwelling units and common open space (approximately 16,500 square feet) via a shared terrace on the rooftop of the PDR building. The entrance to the below-grade off-street parking would be located along Pennsylvania Avenue in the PDR building, while the exit would be located along 22nd Street.
5. **Public Comment.** The Department has received public correspondence in support and opposition to the proposed project.
6. **Planning Code Compliance:** The Commission finds that the Project is consistent with the relevant provisions of the Planning Code in the following manner:
 - A. **Permitted Use in UMU Zoning District.** Planning Code Sections 843.45 states that residential use is principally permitted use within the UMU Zoning District.

The Project would construct 250 new dwelling units within the UMU Zoning District; therefore, the Project complies with Planning Code Section 843.45.
 - B. **Permitted Use in PDR-1-G Zoning District.** Planning Code Sections 210.3 states that PDR use is principally permitted use within the UMU Zoning District.

The Project would construct new 47,575 gsf of new PDR use within the PDR-1-G Zoning District. The new PDR use would adhere to the uses permitted within Planning Code Section 210.3; therefore, the Project complies with Planning Code Sections 210.3.
 - C. **Floor Area Ratio.** Planning Code Section 124 and 210.3 establishes a FAR (Floor Area Ratio) of 3:0 for properties within the PDR-1-G Zoning District and a 40-X Height and Bulk District.

The subject lot (Assessor's Block 4167 Lot 011) is 18,950 sq ft, thus resulting in a maximum allowable floor area of 56,850 sq ft for non-residential uses. The proposed project would construct approximately 47,575 sq ft of PDR space, and would comply with Planning Code Section 124.

- D. **Rear Yard.** Within the UMU Zoning District, Planning Code Section 134 requires a minimum rear yard equal to 25 percent of the total lot depth of the lot to be provided at every residential level. Therefore, the Project would have to provide a rear yard, which measures approximately 29,971 sq ft.

Currently, the Project does not provide a code-complying rear yard at the lowest level containing a dwelling unit. Rather, the Project incorporates a 15-ft setback along the west lot line, a 10-ft setback along the east lot line, and a side setback along the north lot line for the new publically-accessible stair and open space. The Project provides additional open space through a series of private balconies, terraces and a rooftop common open space on the PDR building. The Project provides a total of 37,467 sq ft of open space (includes compliant and non-complaint open space) through the publically-accessible sideyard stair walk, private useable open space, and rooftop third floor common open space. Therefore, the amount of open space, which would have been provided through the required rear yard, is thus exceeded. However, since the proposed setbacks do not meet the requirements of the Planning Code, the Project is seeking a modification of the rear yard requirement as part of the Large Project Authorization (See Below).

The Project occupies two irregular lots with frontage on 22nd Street (at Missouri and Texas Streets) and Pennsylvania Avenue). The subject block does not possess a pattern of mid-block open space, due to the mixed-character of the surrounding neighborhood. The proposed unit layout and courtyard configuration continues the courtyard design of the adjacent development across 22nd Street, thus maximizing access to light and air for all residential units.

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

For the proposed 250 dwelling units, the Project is required to provide 6,480 sq ft of publically accessible open space for 120 dwelling units, and 10,400 sq ft of common open space for the remaining 130 dwelling units.

In total, the Project exceeds the requirements for open space by constructing a total of 23,078 sq ft of code-complying useable open space. The Project would construct a publically-accessible sideyard stair and open space measuring 6,578 square feet, and a rooftop third floor common open space measuring 16,500 square feet. In addition, the Project would construct private code-complying balconies for 24 dwelling units. Therefore, the project complies with Planning Code Section 135.

- F. Streetscape and Pedestrian Improvements.** Planning Code Section 138.1 requires a streetscape plan in compliance with the Better Streets Plan for new construction on a lot that is greater than one-half acre in area..

The Project includes the new construction of a three-story PDR building on Pennsylvania Avenue and four-to-eight residential building along 22nd Street on two lots with a collective area of 119,885 square feet.

In compliance with the Better Streets Plan, the Project minimizes the number of vehicular openings to two along Pennsylvania Avenue and one along 22nd Street. The Project includes several streetscape improvements, including new street trees, sidewalk improvements, site furnishings and construction of a publically-accessible stair and overlook, which will provide a pedestrian connection on 22nd Street between Missouri and Texas Streets. The stair includes an entry plaza at Texas Street, a winding staircase, planters, public art, lighting and an overlook at the top of the grade at Missouri Street. Therefore, the Project complies with Planning Code Section 138.1.

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

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

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

The Project organizes the dwelling units to have exposure either on the 15th setback along the west property line, the 25-ft wide courtyard at the second floor, or along the 10-ft setback along the east property line. The 25-ft wide courtyard qualifies as an outer court, since it is at least 25-ft wide and opens onto a side yard. Currently, 58 dwelling units (twenty on the first floor, nineteen on the sixth floor, and nineteen on the seventh floor) do not face onto an open area, which meets the dimensional requirements of the Planning Code. Therefore, the Project is seeking a modification of the dwelling unit exposure requirements for 58 dwelling units as part of the Large Project Authorization (See Below).

- I. **Street Frontage in UMU Zoning District.** Planning Code Section 145.1 requires off-street parking at street grade on a development lot to be set back at least 25 feet on the ground floor; that no more than one-third of the width or 20 feet, whichever is less, of any given street frontage of a new structure parallel to and facing a street shall be devoted to parking and loading ingress or egress; that space for active uses be provided within the first 25 feet of building depth on the ground floor; that non-residential uses have a minimum floor-to-floor height of 17 feet; that the floors of street-fronting interior spaces housing non-residential active uses and lobbies be as close as possible to the level of the adjacent sidewalk at the principal entrance to these spaces; and that frontages with active uses that are not residential or PDR be fenestrated with transparent windows and doorways for no less than 60 percent of the street frontage at the ground level.

The Project meets the requirements of Planning Code Section 145.1. For the portion located within the UMU Zoning District, the Project has one, 14-ft wide, vehicular opening off of 22nd Street, which functions as the residential garage exit. All off-street parking is located below grade. The Project features active uses on the ground floor of 22nd Street (at Texas Street) with residential lobby that is less than 40-ft wide and an access stair to the 10-ft wide shared walkway along the east property line. Finally, the Project features appropriate street-facing ground level spaces, as well as the ground level transparency and fenestration requirements.

- J. **Ground Floor Standards in Industrial Districts.** Planning Code Section 145.5 requires a minimum floor-to-floor height of 17-ft as measured from grade for all new construction in an Industrial District.

Within the PDR-1-G Zoning District, the Project meets the requirements of Planning Code Section 145.5, since the Project incorporates a 18-ft floor-to-floor ground floor height for the PDR building.

- K. **Off-Street Parking.** Within the UMU Zoning District, Planning Code Section 151.1 of the Planning Code allows off-street parking at a maximum ratio of .75 per dwelling unit. However, per Planning Code Section 151.1, dwelling units in the UMU District with at least 2 bedrooms and at least 1,000 square feet of occupied floor area, may provide off-street parking at a ratio of one car per dwelling unit, as subject to the criteria of 151.1(g). Within the PDR-1-G Zoning District, Planning Code Section 151.1 allows off-street parking for manufacturing and industrial uses at a ratio of one off-street parking space for each 1,500 square feet of occupied floor area.

For the 250 dwelling units located within the UMU Zoning District, the Project is allowed a maximum of 187 off-street parking spaces. Since the Project includes 80 dwelling units, which have at least 2 bedrooms and are at least 1,000 square feet, the Project may request authorization from the Planning Commission to permit a maximum of 208 off-street parking spaces for the Project.

For the 47,575 gsf of PDR use in the PDR-1-G Zoning District, the Project is allowed a maximum of 32 off-street parking spaces.

Currently, the Project provides 208 off-street parking spaces within the UMU Zoning District and 12 off-street parking spaces within the PDR-1-G Zoning District. For the PDR building, the Project meets the requirements of Planning Code Section 151.1. For the residential building, the Project is seeking a modification of the off-street parking requirements for the dwelling units as part of the Large Project Authorization (See Below). The Commission does support a modification of the off-street parking requirements given the existing site conditions and limited street frontage.

- L. **Off-Street Freight Loading.** Within the PDR-1-G Zoning District, Planning Code Section 152 requires one off-street freight loading space for manufacturing uses between 10,001 and 60,000 gsf.

Within the UMU Zoning District, Planning Code Section 152.1 requires two off-street freight loading space for apartment use between 200,001 and 500,000 gsf.

The Project includes approximately 236,449 square feet of apartment use and 47,575 gsf of PDR use, thus at least three off-street freight loading spaces are required. The Project includes three off-street freight loading spaces within the PDR building, which also serves the residential building. Therefore, the Project complies with Planning Code Sections 152 and 152.1.

- M. **Bicycle Parking.** For the residential use, Planning Code Section 155.2 requires at least 100 Class 1 bicycle parking spaces plus one Class 1 bicycle parking space for every four dwelling units and one Class 2 bicycle parking spaces for every 20 dwelling units. For the PDR use, Planning Code Section 155.2 requires one Class 1 bicycle parking space for every 12,000 square feet of occupied floor area and a minimum of 2 Class 2 bicycle parking space.

The Project is required to provide 138 Class 1 bicycle parking spaces and 13 Class 2 bicycle parking spaces for the 250 dwelling units, and 4 Class 1 bicycle parking spaces and 2 Class 2 bicycle parking spaces for the 47,575 gsf of PDR use.

The Project will meet the requirements of Planning Code Section 155.2 by providing 138 Class 1 bicycle parking spaces and 13 Class 2 bicycle parking spaces for the 250 dwelling units, and 4 Class 1 bicycle parking spaces and 2 Class 2 bicycle parking spaces for the 47,575 gsf of PDR use.

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

The Project includes 250 **dwelling** units and is required to provide a minimum of two car-share parking spaces.

The Project complies with Planning Code Section 166 by providing three car-share parking spaces.

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

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

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

For the 250 dwelling units, the Project is required to provide at least 100 two-bedroom units or 75 three-bedroom units. The Project provides 4 studios, 146 one-bedroom units, 90 two-bedroom units, and 10 three-bedroom units. Therefore, the Project meets the requirements for dwelling unit mix.

- Q. **Height.** Planning Code Section 260 defines the method of measurement for calculating the height of a buildings or structures subject to Zoning Maps. Where the lot has frontage on two or more streets, the Project Sponsor may choose the street or streets from which the measurement of height is to be taken, within the scope of the rules stated above.

Where the lot is level with or slopes downward from a street at the centerline of the building or building step, such point shall be taken at curb level on such a street. This point shall be used for height measurement only for a lot depth not extending beyond a line 100 feet from and parallel to such street, or beyond a line equidistant between such street and the street on the opposite side of the block, whichever depth is greater. Measurement of height for any portion of the lot extending beyond such line shall be considered in relation to the opposite (lower) end of the lot, and that portion shall be considered an upward sloping lot in accordance with Subsection (C) below, whether or not the lot also has frontage on a lower street.

Where the lot slopes upward from a street at the centerline of the building or building step, such point shall be taken at curb level for purposes of measuring the height of the closest part of the building within 10 feet of the property line of such street; at every other cross-section of the building, at right angles to the centerline of the building or building step, such point shall be taken as the average of the ground elevations at either side of the building or building step at that cross-section. The ground elevations used shall be either existing elevations or the elevations resulting from new grading operations encompassing an entire block. Elevations beneath the building shall be taken by projecting a straight line between ground elevations at the exterior walls at either side of the entire building in the same plane.

The Project is located in a 40-X Height and Bulk District. Since the project site has three street frontages and the subject lot is wider than 100-ft, the Planning Code permits a method of measurement from each street frontage. Therefore, the Project is permitted to measure height from the existing grade of 22nd Street (closest to Missouri Street) as a down-sloping lot for 100-ft, and from the existing grade of 22nd Street (at Texas Street) as an upsloping lot, due to the unique topography of the subject lot. The Project meets the height requirements of the Planning by constructing a three-story PDR building that is 40-ft tall along Pennsylvania Avenue, and a four-to-eight-story residential building along 22nd Street that ranges in height from 40-ft to 77-ft due to the steeply sloping topography of the lot.

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

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

- S. **Transit Impact Development Fee.** Planning Code Section 411 is applicable to any development project with more than 3,000 gross square feet of new PDR use.

The Project includes approximately 47,575 gross square feet of new PDR use. These uses are subject to Transit Impact Development Fees, as outlined in Planning Code Section 411. These fees must be paid prior to the issuance of the building permit application.

- T. **Inclusionary Affordable Housing Program.** Planning Code Section 415 sets forth the requirements and procedures for the Inclusionary Affordable Housing Program. Under Planning Code Section 415.3, the current percentage requirements apply to projects that consist of ten or more units, where the first application (EE or BPA) was applied for on or after July 18, 2006. Pursuant to Planning Code Section 415.5, the Project must pay the Affordable Housing Fee ("Fee"). This Fee is made payable to the Department of Building Inspection ("DBI") for use by the Mayor's Office of Housing for the purpose of increasing affordable housing citywide.

The Project Sponsor has submitted a 'Affidavit of Compliance with the Inclusionary Affordable Housing Program: Planning Code Section 415,' to satisfy the requirements of the Inclusionary Affordable Housing Program through payment of the Fee, in an amount to be established by the Mayor's Office of Housing and Community Development at a rate equivalent to an off-site requirement. The Project Sponsor has not selected an alternative to payment of the Fee. The Environmental Evaluation Application was submitted on March 1, 2013.

- U. **Eastern Neighborhood Infrastructure Impact Fees.** Planning Code Section 423 is applicable to any development project within the UMU Zoning District that results in the addition of new construction of residential space.

The Project includes approximately 236,449 gross square feet of new residential use. These uses are subject to Eastern Neighborhood Infrastructure Impact Fees, as outlined in Planning Code Section 423. These fees must be paid prior to the issuance of the building permit application.

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

- A. Overall building mass and scale.

The Project's mass and scale are appropriate for an irregular oblong site on a hillside. The Project is divided into two distinct masses: an upper mass, which is punctuated by a strong vertical element (stair core) and a bow-tie roof, and a lower mass, which is more horizontal and accentuated by a dark frame and shifts in material palette. At 22nd Street, the Project provides an accent element with a angular, four-story mass that demarcates the entry and the new public stair. The massing scheme allows the Project to reduce its overall scale and also adhere to the unique topography of the site. The Project successfully blends with the hillside and provides variety in scale and form. Thus, the Project is appropriate for the surrounding neighborhood.

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

The Project's architectural treatments, facade design and building materials include fiber cement slat screens, standing seam metal siding, colored fiber cement panels, powder-coated steel railings, box rib metal siding, and anodized aluminum windows. The Project successfully uses the varied material palette to provide a unique expression to each "block" of buildings and to provide visual variety along the hillside. Along Pennsylvania Avenue, the Project expresses the industrial character of the new PDR building by incorporating industrial-sash windows and a simple concrete frame. At 22nd Street, the four-story angular mass features a glassy ground floor, which allows for an expansion of the adjacent public stair. This portion of the building features angled planes with metal ribs that provide a transition between the industrial and residential character of the surrounding neighborhood. Overall, the Project offers a high quality architectural treatment, which provides for unique and expressive architectural design that is compatible with the surrounding neighborhood.

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

Along the lower floor on 22nd Street, the Project provides for a gracious residential lobby, which complements the adjacent public stair and entry plaza. This lobby provides for activity along the street. On Pennsylvania Avenue, the Project provides an appropriate intervention for a PDR building with two vehicular openings and a glazed storefront.

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

The Project provides the required open space for the 250 dwelling units through private balconies, rooftop common open space, and the publically-accessible stair and open space along 22nd Street. This new stair assists in reconnecting two portions of 22nd Street between Missouri and Texas Street by introducing a new pedestrian element. In total, the Project provides 23,078 sq ft of code-complying open space, which far exceeds the required amount for the dwelling units.

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

The Project is not required to provide a mid-block alley. However, the Project does voluntarily incorporate a new publically-accessible stair and open space along the north lot line, which functions akin to a mid-block alley.

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

In compliance with the Better Streets Plan, the Project minimizes the number of vehicular openings to two along Pennsylvania Avenue and one along 22nd Street. The Project includes several streetscape improvements, including new street trees, sidewalk improvements, site furnishings and construction of a publically-accessible stair and overlook, which will provide a pedestrian connection on 22nd Street between Missouri and Texas Streets. The stair includes an entry plaza at Texas Street, a winding staircase, planters, public art, lighting and an overlook at the top of the grade at Missouri Street. The Department finds that these improvements would vastly improve the public realm in this neighborhood.

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

Since the subject lot has two primary street frontages, the Project provides ample circulation in and around the project site, including through the provided publically-accessible pedestrian stair. The primary focal point for the residents would occur on 22nd Street through the residential lobby, which is adjacent to the public stair. Automobile access is limited to the one entrance through the PDR building on Pennsylvania Avenue and one exit through the residential building on 22nd Street. Along Pennsylvania Avenue, the Project also incorporates a loading bay for the PDR use, which is appropriate given the surrounding context.

H. Bulk limits;

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

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

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

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

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

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

(A) Parking for All Uses.

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

The Project would not unduly impact pedestrian movement or transit in the neighborhood. Entrances to off-street parking are limited to one opening off of 22nd Street, and two openings along Pennsylvania Avenue (one for the garage entrance and the other for loading for the PDR use). The locations of the garage openings are sensitive to the movement of pedestrians, bikes and public transit. Currently, Muni does not operate a transit line along this portion of 22nd Street near the exit to the off-street parking. Along Pennsylvania Avenue, the 48 Muni Bus Line runs past the project site; however, the Project does not appear to impact this transit line.

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

The Project is principally permitted 188 off-street parking spaces for the 250 dwelling units. Currently, the Project provides 208 below grade, off-street parking spaces. The accommodation of the additional 20 below grade parking does not degrade or impact the overall Project and its urban design quality. Therefore, the Commission does support parking in excess of the principally-permitted amount due to the existing site condition and the limited street frontage. The Project maintains a strong ground floor level and encourages/facilitates pedestrian circulation around and through the project site.

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

The Project does not include any above-grade parking.

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

The proposed 208 off-street below-grade parking spaces do not impact any ground floor uses or any other planned streetscape improvements.

(B) Parking for Residential Uses.

(i) For projects with 50 dwelling units or more, all residential accessory parking in excess of 0.5 spaces per unit shall be stored and accessed by mechanical stackers or lifts, valet, or other space-efficient means that reduces space used for parking and maneuvering, and maximizes other uses.

The Project does not feature mechanical stackers. All off-street parking is independently-accessible. Given the site's existing condition and the limited street frontage, the Commission supports the provided amount of off-street parking.

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

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

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

The Project provides for a comparable amount of open space, in lieu of the required rear yard. Overall, the project site is 119,885 sq ft in size, and would be required to provide a rear yard measuring 29,971 sq ft. The Project provides 37,467 sq ft of open space through private balconies, a rooftop common open space and a publically-accessible stair and open space, thus exceeding the amount of space, which would have been provided in a code-conforming rear yard.

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

The Project does not impede access to light and air for the adjacent residential property, since the publically-accessible stair roughly aligns to 22nd Street, thus providing for sufficient distance from the adjacent property. Further, the Project is organized in a courtyard configuration that complements the courtyard configuration of the adjacent residential properties. To the south, the neighborhood is primarily characterized by industrial properties, which do not have rear yard requirements. Currently, the surrounding block does not possess a pattern of mid-block open space.

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

The Project is not seeking a modification to the open space requirements; however, the Project is seeking a modification to the dwelling unit exposure requirements for 58 of the 250 dwelling units. However, the Commission finds that the dwelling unit exposure modification is warranted given the overall quality of the Project and the amount of open space/open areas. Overall, the majority of the Project meets the intent of exposure requirements defined in Planning Code Section 140.

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

In addition to the modification of the requirements for rear yard, the Project is seeking modifications of the requirements for exposure (Planning Code Section 140).

Under Planning Code Section 140, all dwelling units must face onto a public street, rear yard or other open area that meets minimum requirements for area and horizontal dimensions. The Project organizes the dwelling units to have exposure either on the 15th setback along the west property line, the 25-ft wide courtyard at the second floor, or along the 10-ft setback along the east property line. Currently, 58 dwelling units (twenty on the first floor, nineteen on the sixth floor, and nineteen on the seventh floor) do not face onto an open area, which meets the dimensional requirements of the Planning Code. These dwelling units still face onto an open area and are also afforded sufficient access to light and air. Given the overall design and composition of the Project, the Department is in support of this modification, due to the Project's high quality of design and amount of open space/open areas.

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

HOUSING

Objectives and Policies

OBJECTIVE 1

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

Policy 1.1

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

The Project is a higher density mixed-use development in an underutilized, transitioning industrial and residential area. The Project site is an ideal infill site that is largely vacant except for temporary container structures. The project site was rezoned to PDR-1-G and UMU as part of the Eastern Neighborhood's long range planning goal to create a cohesive, higher density residential and mixed-use neighborhood. To the south, the zoning is primarily PDR. The surrounding neighborhood features a wide variety of zoning, which is consistent with the Project's residential and industrial character. The Project will pay the Affordable Housing Fee, which will provide opportunities for affordable housing across the City.

**OBJECTIVE 4
FOSTER A HOUSING STOCK THAT MEETS THE NEEDS OF ALL RESIDENTS ACROSS LIFECYCLES**

Policy 4.4

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

The Project meets the affordable housing requirements for the UMU Zoning District by paying the Affordable Housing Fee. The Project will provide 250 dwelling units into the City's housing stock.

**OBJECTIVE 11
SUPPORT AND RESPECT THE DIVERSE AND DISTINCT CHARACTER OF SAN FRANCISCO'S NEIGHBORHOODS.**

Policy 11.1

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

Policy 11.2

Ensure implementation of accepted design standards in project approvals.

Policy 11.3

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

Policy 11.4

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

Policy 11.6

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

Policy 11.8

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

The architecture of this Project responds to the site's location as a transition between industrial zones and the contemporary and traditional architecture of residential zones. The Project's facades provide a unique expression not commonly found within the surrounding area, while providing for a varied material palette, which successfully scales down the overall mass. The exterior is designed with modern materials including fiber cement slat screens, standing seam metal siding, colored fiber cement panels, powder-coated steel railings, box rib metal siding, and anodized aluminum windows.

RECREATION AND OPEN SPACE ELEMENT

Objectives and Policies

OBJECTIVE 4:

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

Policy 4.5:

Require private usable outdoor open space in new residential development.

Policy 4.6:

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

The Project will create private and common open space areas in a new mixed-use development through private balconies, a rooftop common open space and a publically-accessible stair that will reconnect two portions of 22nd Street. 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 includes several streetscape improvements, including new street trees, sidewalk improvements, site furnishings and construction of a publically-accessible stair and overlook, which will provide a pedestrian connection on 22nd Street between Missouri and Texas Streets. The stair includes an entry plaza at Texas Street, a winding staircase, planters, public art, lighting and an overlook at the top of the grade at Missouri Street.

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 142 Class 1 bicycle parking spaces and 17 Class 2 bicycle parking spaces in secure, convenient locations.

OBJECTIVE 34:

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

Policy 34.1:

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

Policy 34.3:

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

Policy 34.5:

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

The Commission does support the provided off-street parking, which exceeds the principally-permitted amount. Overall, the Project provides off-street parking at a ratio of .83 off-street parking spaces per dwelling unit. The parking spaces are accessed by one ingress point on Pennsylvania Avenue and on egress point on 22nd Street. Parking is adequate for the Project.

URBAN DESIGN ELEMENT

Objectives and Policies

OBJECTIVE 1:

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

Policy 1.7:

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

OBJECTIVE 2:

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

Policy 2.6:

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

The Project is located within the Potrero Hill neighborhood in an area that transitions from residential to industrial uses. As such, the Project provides expressive street façades, which respond to form, scale and material palette of the existing neighborhood, while also providing a new contemporary architectural vocabulary. The Project provides a unique intervention that successfully addresses the unique topography and scale of the area.

OBJECTIVE 4:

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

Policy 4.5:

Design walkways and parking facilities to minimize danger to pedestrians.

Policy 4.13:

Improve pedestrian areas by providing human scale and interest.

Although the project site has two primary street frontages, it only provides three vehicular access points for the entire project, thus limiting conflicts with pedestrians and bicyclists. The vehicular access points accommodate PDR use along Pennsylvania Avenue and the off-street parking for the residential building. Numerous street trees will be planted on each street. Ample frontages, common and private open spaces,

and ground floor active uses directly accessing the street will be provided. Along the project site, the pedestrian experience will be greatly improved. Currently, the site is largely vacant except for temporary storage containers.

COMMERCE AND INDUSTRY ELEMENT

OBJECTIVE 1:

MANAGE ECONOMIC GROWTH AND CHANGE TO ENSURE ENHANCEMENT OF THE TOTAL CITY LIVING AND WORKING ENVIRONMENT.

Policy 1.1

Encourage development which provides substantial net benefits and minimizes undesirable consequences. Discourage development which has substantial undesirable consequences that cannot be mitigated.

Policy 1.3

Locate commercial and industrial activities according to a generalized commercial and industrial land use plan.

OBJECTIVE 3:

PROVIDE EXPANDED EMPLOYMENT OPPORTUNITIES FOR CITY RESIDENTS, PARTICULARLY THE UNEMPLOYED AND ECONOMICALLY DISADVANTAGED.

Policy 3.1

Promote the attraction, retention and expansion of commercial and industrial firms which provide employment improvement opportunities for unskilled and semi-skilled workers.

The Project will provide substantial net benefits to the City by providing new contemporary PDR space. This Project would accommodate new uses consistent with the PDR-1-G Zoning District, and will provide new opportunity for employment. The project site is located in the PDR-1-G Zoning Districts, and is located in an area that currently possesses industrial uses adjacent to residential uses. The Project is consistent with both zoning districts and will enhance the industrial capabilities of the site. The Project will provide new PDR space and will attract, retain and expand an existing PDR use, which will result in new opportunities for employment of unskilled or semi-skilled workers.

SHOWPLACE SQUARE/POTRERO AREA PLAN

Objectives and Policies

Land Use

OBJECTIVE 1.1

ENCOURAGE THE TRANSITION OF PORTIONS OF SHOWPLACE/POTRERO TO A MORE MIXED-USE AND NEIGHBORHOOD-SERVING CHARACTER, WHILE PROTECTING THE CORE OF DESIGN-RELATED PDR USES.

Policy 1.1.5

While continuing to protect traditional PDR functions that need large, inexpensive spaces to operate, also recognize that the nature of PDR businesses is evolving gradually so that their production and distribution activities are becoming more integrated physically with their research, design and administrative functions.

OBJECTIVE 1.2

IN AREAS OF SHOWPLACE/POTRERO WHERE HOUSING AND MIXED-USE IS ENCOURAGED, MAXIMIZE DEVELOPMENT POTENTIAL IN KEEPING WITH NEIGHBORHOOD CHARACTER

Policy 1.2.1

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

Policy 1.2.2

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

OBJECTIVE 1.7

RETAIN THE ROLE OF SHOWPLACE SQUARE AS AN IMPORTANT LOCATION FOR PRODUCTION, DISTRIBUTION, AND REPAIR (PDR) ACTIVITIES, FOCUSING IN PARTICULAR ON DESIGN RELATED ACTIVITIES

Policy 1.7.3

Require development of flexible buildings with generous floor-to-ceiling heights, large floor plates, and other features that will allow the structure to support various businesses.

Housing

OBJECTIVE 2.3

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

Policy 2.3.3

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

Policy 2.3.5

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

Policy 2.3.6

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

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.

Policy 2.4.2

Revise residential parking requirements so that structured or off-street parking is permitted up to specified maximum amounts in certain districts, but is not required.

Built Form

OBJECTIVE 3.1

PROMOTE AN URBAN FORM THAT REFLECTS SHOWPLACE SQUARE AND POTRERO HILL'S DISTINCTIVE PLACE IN THE CITY'S LARGER FORM AND STRENGTHENS ITS PHYSICAL FABRIC AND CHARACTER

Policy 3.1.1

Adopt heights that are appropriate for Showplace Square's location in the city, the prevailing street width and block pattern, and the anticipated land uses, while respecting the residential character of Potrero Hill.

Policy 3.1.2

Development should respect the natural topography of Potrero Hill.

Policy 3.1.6

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

OBJECTIVE 3.2

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

Policy 3.2.1

Require high quality design of street-facing building exteriors.

Policy 3.2.2

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

OBJECTIVE 5.2

ENSURE THAT NEW DEVELOPMENT INCLUDES HIGH QUALITY PRIVATE OPEN SPACE

Policy 5.2.4

Encourage publicly accessible open space as part of new residential and commercial development.

The Project is a mix of residential and PDR. The Project provides the mix of uses consistent with the PDR-1-G and UMU Zoning Districts and is encouraged by the Area Plan for this location. In addition, the Project is located within the prescribed height and bulk guidelines, and includes the appropriate dwelling unit mix, since approximately 40% or 100 units are two- or three-bedroom dwellings. The Project introduces a contemporary architectural vocabulary, which is sensitive to the prevailing scale and neighborhood fabric, as well as the unique topography. The Project provides for a high quality designed exterior, which features a variety of materials, colors and textures, including fiber cement slat screens, standing seam metal siding, colored fiber cement panels, powder-coated steel railings, box rib metal siding, and anodized aluminum windows. The Project also introduces a publically-accessible stair, which provides a pedestrian connection between two portions of 22nd Street, and provides off-street parking at the maximum principally permitted ratio. The Project will also pay the appropriate development impact fees, including the Transit Impact Development Fee and Eastern Neighborhoods Impact Fees.

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

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

The project site is largely vacant with no permanent structures. The project site does not contain any existing neighborhood-serving retail uses. The Project improves the urban form of the neighborhood by removing a largely vacant lot. The Project would add new residents, visitors, and employees to the neighborhood, which would assist in strengthening nearby retail uses.

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

No housing exists on the project site. The project will provide up to 250 new dwelling units, thus resulting in a significant increase in the neighborhood housing stock. The Project is expressive in design, and relates to the scale and form of the surrounding neighborhood by addressing successfully addressing the unique topography and grade. For these reasons, the Project would protect and preserve the cultural and economic diversity of the neighborhood.

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

The Project will not displace any affordable housing because there is currently no housing on the site. The Project will comply with the City's Inclusionary Housing Program by contributing to the fund for new affordable housing.

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

The project site is served by public transportation. The Project is located within walking distance to the 22nd Street Caltrain Station and is nearby the 48 Muni Bus Line. Future residents would be afforded close proximity to bus or rail transit. The Project also provides sufficient off-street parking and sufficient bicycle parking for residents and their guests.

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

The Project is consistent with the Showplace Square/Potrero Area Plan, which provides for a balance between industrial and residential development. The Project does not include commercial office development, and provides new opportunities for housing and PDR, which are top priorities for the City.

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

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

- G. That landmarks and historic buildings be preserved.

There are no landmarks or historic buildings on the project site.

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

The Project will not affect the City's parks or open space or their access to sunlight and vistas. A shadow study was completed and concluded that the Project will not cast shadows on any property under the jurisdiction of, or designated for acquisition by, the Recreation and Park Commission. In fact, the Project will provide additional public open space via the mid-block alley.

9. **First Source Hiring.** The Project is subject to the requirements of the First Source Hiring Program as they apply to permits for residential development (Section 83.4(m) of the Administrative Code), and the Project Sponsor shall comply with the requirements of this Program as to all construction work and on-going employment required for the Project. Prior to the issuance of any building permit to construct or a First Addendum to the Site Permit, the Project Sponsor

shall have a First Source Hiring Construction and Employment Program approved by the First Source Hiring Administrator, and evidenced in writing. In the event that both the Director of Planning and the First Source Hiring Administrator agree, the approval of the Employment Program may be delayed as needed.

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

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

DECISION

That based upon the Record, the submissions by the Applicant, the staff of the Department and other interested parties, the oral testimony presented to this Commission at the public hearings, and all other written materials submitted by all parties, the Commission hereby **APPROVES Large Project Authorization Application No. 2011.0671X** under Planning Code Section 329 to allow the new construction of a three-story PDR building with 45,575 gsf and a four-to-eight-story residential building with 250 dwelling units, and a modification to the requirements for: 1) rear yard (Planning Code Section 134) and 2) dwelling unit exposure (Planning Code Section 140), within the UMU (Urban Mixed-Use) and PDR-1-G Zoning Districts and a 40-X Height and Bulk District. The project is subject to the following conditions attached hereto as "EXHIBIT A" in general conformance with plans on file, dated September 22, 2015, and stamped "EXHIBIT B", which is incorporated herein by reference as though fully set forth.

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

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

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

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

**Motion No. 19523
December 3, 2015**

**CASE NO. 2011.0671X
1392 22nd Street & 790 Pennsylvania Avenue**

I hereby certify that the Planning Commission ADOPTED the foregoing Motion on December 3, 2015.

Jonas P. Ionin
Commission Secretary

AYES: Antonini, Fong, Hillis, Moore, Richards and Wu

NAYS:

ABSENT: Johnson

ADOPTED: December 3, 2015

EXHIBIT A

AUTHORIZATION

This authorization is for a Large Project Authorization to allow for the new construction of a three-story PDR building and a four-to-eight-story residential building with 250 dwelling units, and a modification to the requirements for rear yard and dwelling unit exposure, located at 1395 22nd Street and 790 Pennsylvania Avenue, Lots 011 & 013 in Assessor's Block 4167, pursuant to Planning Code Section 329 within the PDR-1-G (Production, Distribution & Repair-General) and UMU (Urban Mixed-Use) Zoning Districts, and a 40-X Height and Bulk District; in general conformance with plans, dated September 23, 2015, and stamped "EXHIBIT B" included in the docket for Case No. 2011.0671X and subject to conditions of approval reviewed and approved by the Commission on December 3, 2015 under Motion No. 19523. 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 December 3, 2015 under Motion No. 19523.

PRINTING OF CONDITIONS OF APPROVAL ON PLANS

The conditions of approval under the 'Exhibit A' of this Planning Commission Motion No. 19523 shall be reproduced on the Index Sheet of construction plans submitted with the Site or Building permit application for the Project. The Index Sheet of the construction plans shall reference to the Office Development Authorization and any subsequent amendments or modifications.

SEVERABILITY

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

CHANGES AND MODIFICATIONS

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

Conditions of Approval, Compliance, Monitoring, and Reporting

PERFORMANCE

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

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

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

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

Diligent Pursuit. Once a site or Building Permit has been issued, construction must commence within the timeframe required by the Department of Building Inspection and be continued diligently to completion. Failure to do so shall be grounds for the Commission to consider revoking the approval if more than three (3) years have passed since this Authorization was approved.

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

Extension. All time limits in the preceding three paragraphs may be extended at the discretion of the Zoning Administrator where implementation of the project is delayed by a public agency, an appeal or a legal challenge and only by the length of time for which such public agency, appeal or challenge has caused delay.

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

Conformity with Current Law. No application for Building Permit, Site Permit, or other entitlement shall be approved unless it complies with all applicable provisions of City Codes in effect at the time of such approval.

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

Mitigation Measures. Mitigation measures described in the MMRP for the Eastern Neighborhoods Plan EIR (Case No. 2011.0671E) attached as Exhibit C are necessary to avoid potential significant effects of the proposed project and have been agreed to by the project sponsor.

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

DESIGN – COMPLIANCE AT PLAN STAGE

Façade Design. The Project Sponsor shall work with the Planning Department, the Commission and community members on the design of the upper building. In particular, the Project Sponsor shall revise the design of the upper building to better address the topography. The revised design shall be presented back to the Commission no later than February 2016.

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

Final Materials. The Project Sponsor shall continue to work with Planning Department on the building design. Final materials, glazing, color, texture, landscaping, and detailing shall be subject to Department staff review and approval and to be reviewed against interim design controls anticipated to be brought forward to the Board of Supervisor in the near future. The architectural addenda shall be reviewed and approved by the Planning Department prior to issuance.

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

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

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

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

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

architectural addenda, and shall complete construction of all required street improvements prior to issuance of first temporary certificate of occupancy.

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

Transformer Vault. The location of individual project PG&E Transformer Vault installations has significant effects 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:

1. 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;
2. On-site, in a driveway, underground;
3. On-site, above ground, screened from view, other than a ground floor façade facing a public right-of-way;
4. Public right-of-way, underground, under sidewalks with a minimum width of 12 feet, avoiding effects on streetscape elements, such as street trees; and based on Better Streets Plan guidelines;
5. Public right-of-way, underground; and based on Better Streets Plan guidelines;
6. Public right-of-way, above ground, screened from view; and based on Better Streets Plan guidelines;
7. On-site, in a ground floor façade (the least desirable location).

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

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

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

Parking Maximum. Pursuant to Planning Code Section 151.1, the Project shall provide no more than 208 off-street parking spaces for the 250 dwelling units (or .83 off-street parking spaces for each dwelling unit) contained therein.

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

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

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

Bicycle Parking. Pursuant to Planning Code Sections 155.1, 155.4, and 155.5, the Project shall provide no fewer than 151 Class 1 bicycle parking spaces and 17 Class 2 bicycle parking spaces.

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

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

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

PROVISIONS

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

For information about compliance, contact the First Source Hiring Manager at 415-581-2335, www.onestopSF.org

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

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

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

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

MONITORING

Enforcement. Violation of any of the Planning Department conditions of approval contained in this Motion or of any other provisions of Planning Code applicable to this Project shall be subject to the enforcement procedures and administrative penalties set forth under Planning Code Section 176 or Section 176.1. The Planning Department may also refer the violation complaints to other city departments and agencies for appropriate enforcement action under their jurisdiction.

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

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

OPERATION

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

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

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

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

Noise Control. The premises shall be adequately soundproofed or insulated for noise and operated so that incidental noise shall not be audible beyond the premises or in other sections of the building and fixed-source equipment noise shall not exceed the decibel levels specified in the San Francisco Noise Control Ordinance.

For information about compliance with the fixed mechanical objects such as rooftop air conditioning, restaurant ventilation systems, and motors and compressors with acceptable noise levels, contact the Environmental Health Section, Department of Public Health at (415) 252-3800, www.sfdph.org.

For information about compliance with the construction noise, contact the Department of Building Inspection, 415-558-6570, www.sfdbi.org.

For information about compliance with the amplified sound including music and television contact the Police Department at 415-553-0123, www.sf-police.org

Community Liaison. Prior to issuance of a building permit to construct the project and implement the approved use, the Project Sponsor shall appoint a community liaison officer to deal with the issues of concern to owners and occupants of nearby properties. The Project Sponsor shall provide the Zoning Administrator with written notice of the name, business address, and telephone number of the community liaison. Should the contact information change, the Zoning Administrator shall be made aware of such change. The community liaison shall report to the Zoning Administrator what issues, if any, are of concern to the community and what issues have not been resolved by the Project Sponsor.

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

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

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

Public Open Space. The Project Sponsor has agreed to construct a publically-accessible stair and open space in alignment with 22nd Street between Texas and Missouri Streets. The Project Sponsor shall also maintain the stair and open space in perpetuity.

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

INCLUSIONARY HOUSING

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

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

1. **Requirement.** Pursuant to Planning Code 415.5 and 419.3, the Project Sponsor must pay an Affordable Housing Fee at a rate equivalent to the applicable percentage of the number of units in an off-site project needed to satisfy the Inclusionary Affordable Housing Program Requirement for the principal project. The applicable percentage for this project is twenty-three percent (23%).

For information about compliance, contact the Case Planner, Planning Department at 415-558-6378, www.sf-planning.org or the Mayor's Office of Housing and Community Development at 415-701-5500, www.sf-moh.org.

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

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

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

For information about compliance, contact the Case Planner, Planning Department at 415-558-6378, www.sf-planning.org or the Mayor's Office of Housing and Community Development at 415-701-5500, www.sf-moh.org.

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

MITIGATION MONITORING AND REPORTING PROGRAM
1395 22nd Street/790 Pennsylvania Avenue (Case No. 2011.0671E)
(Also includes text for Improvement Measures)

MONITORING AND REPORTING PROGRAM

Adopted Mitigation Measures	Responsibility for Implementation	Mitigation Schedule	Mitigation Action	Mitigation Reporting Responsibility	Monitoring Schedule
MITIGATION MEASURES AGREED TO BY PROJECT SPONSOR					
NOISE					
<p><u>Project Mitigation Measure 1 – Construction Noise (Mitigation Measure F-2 of the Eastern Neighborhoods PEIR).</u></p> <p>Where environmental review of a development project undertaken subsequent to the adoption of the proposed zoning controls determines that construction noise controls are necessary due to the nature of planned construction practices and the sensitivity of proximate uses, the Planning Director shall require that the sponsors of the subsequent development project develop a set of site-specific noise attenuation measures under the supervision of a qualified acoustical consultant. Prior to commencing construction, a plan for such measures shall be submitted to the Department of Building Inspection to ensure that maximum feasible noise attenuation will be achieved. These attenuation measures shall include as many of the following control strategies as feasible:</p> <ul style="list-style-type: none"> • Erect temporary plywood noise barriers around a construction site, particularly where a site adjoins noise-sensitive uses; • Utilize noise control blankets on a building structure as the building is erected to reduce noise emission from the site; • Evaluate the feasibility of noise control at the receivers by temporarily improving the noise reduction capability of adjacent buildings housing sensitive uses; • Monitor the effectiveness of noise attenuation measures by taking noise measurements; and • Post signs on-site pertaining to permitted construction days and hours and complaint procedures and who to notify in the event of a problem, with telephone numbers listed. 	Project sponsor and construction contractor(s).	Submit noise attenuation plan prior construction; implement it during construction period.	Prepare and implement construction-phase noise-attenuation plan.	Project sponsor to provide monthly noise reports during construction.	Considered complete upon final monthly report.
<p><u>Project Mitigation Measure 2 – Siting of Noise-Sensitive Uses (Mitigation Measure F-4 of the Eastern Neighborhoods PEIR).</u></p> <p>To reduce potential conflicts between existing noise-generating uses and new sensitive</p>	Project sponsor; project contractor(s).	During environmental review process.	Design measure to be incorporated into project	Planning Department; Department of Building	Considered complete upon approval of

MONITORING AND REPORTING PROGRAM

Adopted Mitigation Measures	Responsibility for Implementation	Mitigation Schedule	Mitigation Action	Mitigation Reporting Responsibility	Monitoring Schedule
<p>receptors, for new development including noise-sensitive uses, the Planning Department shall require the preparation of an analysis that includes, at a minimum, a site survey to identify potential noise-generating uses within 900 feet of, and that have a direct line-of-sight to, the project site, and including at least one 24-hour noise measurement (with maximum noise level readings taken at least every 15 minutes), prior to the first project approval action. The analysis shall be prepared by persons qualified in acoustical analysis and/or engineering and shall demonstrate with reasonable certainty that Title 24 standards, where applicable, can be met, and that there are no particular circumstances about the proposed project site that appear to warrant heightened concern about noise levels in the vicinity. Should such concerns be present, the Department may require the completion of a detailed noise assessment by person(s) qualified in acoustical analysis and/or engineering prior to the first project approval action, in order to demonstrate that acceptable interior noise levels consistent with those in the Title 24 standards can be attained.</p>			design; prior to issuance of a building permit.	Inspection.	final construction drawing set.
<p><u>Project Mitigation Measure 3 – Siting of Noise-Generating Uses (Mitigation Measure F-5 of the Eastern Neighborhoods PEIR).</u></p> <p>To reduce potential conflicts between existing sensitive receptors and new noise-generating uses, for new development including commercial, industrial or other uses that would be expected to generate noise levels in excess of ambient noise, either short-term, at nighttime, or as a 24-hour average, in the proposed project site vicinity, the Planning Department shall require the preparation of an analysis that includes, at a minimum, a site survey to identify potential noise-sensitive uses within 900 feet of, and that have a direct line-of-sight to, the project site, and including at least one 24-hour noise measurement (with maximum noise level readings taken at least every 15 minutes), prior to the first project approval action. The analysis shall be prepared by persons qualified in acoustical analysis and/or engineering and shall demonstrate with reasonable certainty that the proposed use would comply with the use compatibility requirements in the General Plan and in Police Code Section 2909I, would not adversely affect nearby noise-sensitive uses, and that there are no particular circumstances about the proposed project site that appear to warrant heightened concern about noise levels that would be generated by the proposed use. Should such concerns be present, the Department may require the completion of a detailed noise assessment by person(s) qualified in acoustical analysis and/or engineering prior to the first project approval action.</p>	Project sponsor; project contractor(s).	During environmental review process.	Design measure to be incorporated into project design; prior to issuance of a building permit.	Planning Department; Department of Building Inspection.	Considered complete upon approval of final construction drawing set.

MONITORING AND REPORTING PROGRAM

Adopted Mitigation Measures	Responsibility for Implementation	Mitigation Schedule	Mitigation Action	Mitigation Reporting Responsibility	Monitoring Schedule
<p><u>Project Mitigation Measure 4 – Open Space in Noisy Environments (Mitigation Measure F-6 of the Eastern Neighborhoods PEIR).</u></p> <p>To minimize effects on development in noisy areas, for new development including noise-sensitive uses, the Planning Department shall, through its building permit review process, in conjunction with noise analysis required pursuant to Mitigation Measure F-4, require that open space required under the Planning Code for such uses be protected, to the maximum feasible extent, from existing ambient noise levels that could prove annoying or disruptive to users of the open space. Implementation of this measure could involve, among other things, site design that uses the building itself to shield on-site open space from the greatest noise sources, construction of noise barriers between noise sources and open space, and appropriate use of both common and private open space in multi-family dwellings, and implementation would also be undertaken consistent with other principles of urban design.</p>	Project sponsor; project contractor(s).	During environmental review process.	Design measure to be incorporated into project design; prior to issuance of a building permit.	Planning Department; Department of Building Inspection.	Considered complete upon approval of final construction drawing set.

AIR QUALITY

<p><u>Project Mitigation Measure 5 – Construction Emissions Minimization (Portion of Mitigation Measure G-1 of the Eastern Neighborhoods PEIR).</u></p> <p>The project sponsor or the project sponsor’s Contractor shall comply with the following:</p> <p>The project sponsor or the project sponsor’s Contractor shall comply with the following</p> <p>A. <i>Engine Requirements.</i></p> <ol style="list-style-type: none"> 1. All off-road equipment greater than 25 hp and operating for more than 20 total hours over the entire duration of construction activities shall have engines that meet or exceed either U.S. Environmental Protection Agency (USEPA) or California Air Resources Board (ARB) Tier 3 off-road emission standards, and have been retrofitted with an ARB Level 3 Verified Diesel Emissions Control Strategy. Equipment with engines meeting Tier 4 Interim or Tier 4 Final off-road emission standards automatically meet this requirement. 2. Where access to alternative sources of power are available, portable diesel engines shall be prohibited. 3. Diesel engines, whether for off-road or on-road equipment, shall not be left idling for more than two minutes, at any location, except as 	Project sponsor; project contractor(s).	Prior to construction activities requiring the use of off-road equipment.	Submit certification statement.	Project sponsor/ contractor(s) and the ERO.	Considered complete on submittal of certification statement.
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MONITORING AND REPORTING PROGRAM

Adopted Mitigation Measures	Responsibility for Implementation	Mitigation Schedule	Mitigation Action	Mitigation Reporting Responsibility	Monitoring Schedule
<p>provided in exceptions to the applicable state regulations regarding idling for off-road and on-road equipment (e.g., traffic conditions, safe operating conditions). The Contractor shall post legible and visible signs in English, Spanish, and Chinese, in designated queuing areas and at the construction site to remind operators of the two minute idling limit.</p>					
<p>4. The Contractor shall instruct construction workers and equipment operators on the maintenance and tuning of construction equipment, and require that such workers and operators properly maintain and tune equipment in accordance with manufacturer specifications.</p>					
<p>B. <i>Waivers.</i></p>					
<p>1. The Planning Department's Environmental Review Officer or designee (ERO) may waive the alternative source of power requirement of Subsection (A)(2) if an alternative source of power is limited or infeasible at the project site. If the ERO grants the waiver, the Contractor must submit documentation that the equipment used for onsite power generation meets the requirements of Subsection (A)(1).</p>					
<p>2. The ERO may waive the equipment requirements of Subsection (A)(1) if: a particular piece of off-road equipment with an ARB Level 3 VDECS is technically not feasible; the equipment would not produce desired emissions reduction due to expected operating modes; installation of the equipment would create a safety hazard or impaired visibility for the operator; or, there is a compelling emergency need to use off-road equipment that is not retrofitted with an ARB Level 3 VDECS. If the ERO grants the waiver, the Contractor must use the next cleanest piece of off-road equipment, according to Table below. If seeking an exception to (A)(1), the project sponsor shall be required to demonstrate that resulting construction emissions would not exceed significance thresholds for construction.</p>					

MONITORING AND REPORTING PROGRAM

Adopted Mitigation Measures

Responsibility for Implementation	Mitigation Schedule	Mitigation Action	Mitigation Reporting Responsibility	Monitoring Schedule
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Table – Off-Road Equipment Compliance Step-down Schedule

Compliance Alternative	Engine Emission Standard	Emissions Control
1	Tier 3	ARB Level 2 VDECS
2	Tier 3	ARB Level 1 VDECS
3	Tier 3	Alternative Fuel*

How to use the table: If the ERO determines that the equipment requirements cannot be met, then the project sponsor would need to meet Compliance Alternative 1. If the ERO determines that the Contractor cannot supply off-road equipment meeting Compliance Alternative 1, then the Contractor must meet Compliance Alternative 2. If the ERO determines that the Contractor cannot supply off-road equipment meeting Compliance Alternative 2, then the Contractor must meet Compliance Alternative 3.

** Alternative fuels are not a VDECS.

C. *Construction Emissions Minimization Plan.* Before starting on-site construction activities, the Contractor shall submit a Construction Emissions Minimization Plan (Plan) to the ERO for review and approval. The Plan shall state, in reasonable detail, how the Contractor will meet the requirements of Section A.

1. The Plan shall include estimates of the construction timeline by phase, with a description of each piece of off-road equipment required for every construction phase. The description may include, but is not limited to: equipment type, equipment manufacturer, equipment identification number, engine model year, engine certification (Tier rating), horsepower, engine serial number, and expected fuel usage and hours of operation. For VDECS installed, the description may include: technology type, serial number, make, model, manufacturer, ARB verification number level, and installation date and hour meter reading on installation date. For off-road equipment using alternative fuels, the description shall also specify the type of alternative fuel being used.

Project sponsor/ contractor(s).	Prior to issuance of a permit specified in Section 106A.3.2.6 of the Francisco Building Code.	Prepare and submit a Plan.	Project sponsor/ contractor(s) and the ERO.	Considered complete on findings by ERO that Plan is complete.
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MONITORING AND REPORTING PROGRAM

Adopted Mitigation Measures	Responsibility for Implementation	Mitigation Schedule	Mitigation Action	Mitigation Reporting Responsibility	Monitoring Schedule
<p>2. The ERO shall ensure that all applicable requirements of the Plan have been incorporated into the contract specifications. The Plan shall include a certification statement that the Contractor agrees to comply fully with the Plan.</p> <p>3. The Contractor shall make the Plan available to the public for review on-site during working hours. The Contractor shall post at the construction site a legible and visible sign summarizing the Plan. The sign shall also state that the public may ask to inspect the Plan for the project at any time during working hours and shall explain how to request to inspect the Plan. The Contractor shall post at least one copy of the sign in a visible location on each side of the construction site facing a public right-of-way.</p> <p>D. <i>Monitoring.</i> After start of Construction Activities, the Contractor shall submit quarterly reports to the ERO documenting compliance with the Plan. After completion of construction activities and prior to receiving a final certificate of occupancy, the project sponsor shall submit to the ERO a final report summarizing construction activities, including the start and end dates and duration of each construction phase, and the specific information required in the Plan.</p>	Project sponsor/contractor(s).	Quarterly.	Submit quarterly reports.	Project sponsor/contractor(s) and the ERO.	Considered complete on findings by ERO that Plan is being/was implemented.
<p><u>Project Mitigation Measure 6 – Air Quality for Sensitive Land Uses (Mitigation Measure G-2 of the Eastern Neighborhoods PEIR).</u></p> <p>Prior to receipt of any building permit, the project sponsor shall submit an enhanced ventilation plan for the proposed building(s). The enhanced ventilation plan shall be prepared and signed by, or under the supervision of, a licensed mechanical engineer or other individual authorized by the California Business And Professions Code Sections 6700-6799. The enhanced ventilation plan shall show that the building ventilation system will be capable of achieving protection from particulate matter (PM2.5) equivalent to that associated with a Minimum Efficiency Reporting Value (MERV) 13 filtration, as defined by American Society of Heating, Refrigeration and Air Conditioning Engineers (ASHRAE) standard 52.2. The enhanced ventilation plan shall explain in detail how the project will meet the MERV-13 performance standard identified in this measure.</p> <p><i>Maintenance Plan.</i> Prior to receipt of any building permit, the project sponsor shall present a plan that ensures ongoing maintenance for the ventilation and filtration systems.</p> <p><i>Disclosure to Buyers and Renters.</i> The project sponsor shall also ensure the disclosure to buyers (and renters) that the building is located in an area with existing sources of air</p>	Project sponsor/project engineer.	Prior to receipt of building permits.	Submit enhanced ventilation plan prior to receipt of building permit.	Project sponsor.	Ongoing maintenance of the enhanced ventilation system required.
	Project sponsor/leasing agent.	During unit buying/leasing	Disclose presence of	Project sponsor.	Ongoing during

MONITORING AND REPORTING PROGRAM

Adopted Mitigation Measures	Responsibility for Implementation	Mitigation Schedule	Mitigation Action	Mitigation Reporting Responsibility	Monitoring Schedule
<p>pollution and as such, the building includes an air filtration and ventilation system designed to remove 80 percent of outdoor particulate matter and shall inform occupants of the proper use of the installed air filtration system.</p>		process.	enhanced ventilation system to buyers and renters that building is located in.		occupancy of residential building.
<p><u>Project Mitigation Measure 7 – Siting of Uses that Emit DPM (Mitigation Measure G-3 of the Eastern Neighborhoods PEIR).</u> The following uses shall be precluded from the site: warehousing and distribution centers, commercial, industrial, or other uses that would be expected to be served by at least 100 trucks per day or 40 refrigerated trucks per day, based on the Air Resources Board (ARB) Air Quality and Land Use Handbook.</p>	Project sponsor/leasing agent.	During leasing of the PDR building.	Preclude uses specified in the measure from building occupancy.	Project sponsor.	Ongoing during occupancy of PDR building.
<p><u>Project Mitigation Measure 8 – Siting of Uses that Emit Other TACs (Mitigation Measure G-4 of the Eastern Neighborhoods PEIR).</u> At the time that a proposed use for the production, distribution, and repair (PDR) portion of the proposed project is identified, this mitigation measure would apply if that use is expected to generate substantial amounts of toxic air contaminants (TACs) as part of its operations, or if any of the following uses are proposed: dry cleaners; drive-through restaurants; gas dispensing facilities; auto body shops; metal plating shops; photographic processing shops; textiles; apparel and furniture upholstery; leather and leather products; appliance repair shops; mechanical assembly cleaning; printing shops; hospitals and medical clinics; biotechnology research facilities; warehousing and distribution centers. Furthermore, this mitigation measure would apply only if the TACs related to the proposed use are not already regulated through the Bay Area Air Quality Management District (BAAQMD) permitting process. If this mitigation measure is determined to be applicable based on the above conditions, the project sponsor shall:</p> <ul style="list-style-type: none"> • Prepare an analysis that includes a site survey to identify residential or other sensitive uses within 1,000 feet of the project site; • Prepare a Health Risk Assessment (HRA) that analyzes the potential impacts of the proposed use on the nearby sensitive receptors; • Incorporate any TAC reduction measures specified in the HRA into the proposed project and/or install Best Available Control Technology for any TAC-emitting equipment proposed as part of the future PDR use. 	Project sponsor.	When proposed use for the PDR building is identified.	Prepare analysis and HRA and incorporate any required TAC reduction measures.	Project sponsor.	Considered complete upon incorporation of TAC reduction measures, as needed.

IMPROVEMENT MEASURES AGREED TO BY PROJECT SPONSOR

	Responsibility for Implementation	Implementation Schedule	Implementation Action	Implementation Reporting Responsibility	Monitoring Schedule
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TRANSPORTATION AND CIRCULATION

Project Improvement Measure 1 – Implement Additional and Project - Specific Travel Demand Strategies to Reduce Vehicle Trips.

The project sponsor or property owner, should implement a Transportation Demand Management (TDM) Program that seeks to annually reduce the number of single occupancy vehicle (SOV) trips to and from the project site because persons would be arriving/departing via alternative modes of transportation (e.g., walking, bicycling, transit, other). The project sponsor should make available biannually (every two years) monitoring reports, starting one year after 85 percent occupancy of the units for the new building (baseline year), for review by the Planning Department Environmental Review Officer (ERO). The biannual monitoring reports should include travel demand surveys (i.e., travel demand analysis information requested in the SF Guidelines¹), including trip counts of persons arriving and leaving the building for no less than one full day of the reporting period and a survey to be distributed to residents and employees of the building. Each survey should be completed within ninety days following the end of the applicable two year period. Each survey should be prepared by a qualified transportation consultant and the surveying methodology should be approved by the Planning Department ERO. The project sponsor should consider the following TDM measures:

Project sponsor, building management, Planning Department staff.	Prior to and during occupancy	Implement TDM measures.	Project sponsor.	Ongoing during occupancy
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- Provide TDM training to property managers/coordinators.
- Provide ongoing local and regional transportation information (e.g., transit maps and schedules, maps of bicycle routes, internet links) for new and existing tenants, including providing a transportation insert for the move-in packet that would provide information on transit service (Muni and BART lines, schedules and fares), information on where transit passes could be purchased, and information on the 511 Regional Rideshare Program.
- Provide information on transportation options, including updates and a “ride board” through which residents can offer/request rides, on the Homeowners Association website and/or lobby bulletin board.
- Ensure that the points of access to bicycle parking through elevators on the ground floor and the garage ramp include signage indicating the location of these facilities and encourage PDR tenants to allow bicycles in the workplace.

¹ City and County of San Francisco, *Transportation Impact Analysis Guidelines for Environmental Review*, October 2002, Chapter 3, Section 3.

- Ensure that bicycle safety strategies are developed along the sides of the property, avoiding conflicts with private cars, transit vehicles and loading vehicles.

In addition, the project sponsor could consider the following TDM measures and any others that would reduce SOV trips to and from the project site:

- Provide and maintain a fleet of bicycles (and related amenities such as locks, baskets, lights, etc.) for use by the building tenants.
- Provide fewer vehicle parking spaces than permitted per the San Francisco Planning Code and manage vehicle parking pricing.
- Increase the number of on-site bicycle racks and car-share spaces, making them convenient and easy to use (e.g., signage).
- Coordinate with San Francisco Municipal Transportation Agency and/or Bay Area Bike Share to potentially provide bicycle racks and/or a bike share station on adjacent sidewalks.
- Include a Muni FastPass (loaded onto a Clipper card) and/or car-share membership subsidized as part of the monthly rent, or homeowner association fee.

Project Improvement Measure 2 – Loading Monitoring and Queue Abatement.

As a standard condition of approval, the project sponsor or property owner, should monitor and ensure recurring vehicle queues do not occur on Texas Street and Pennsylvania Avenue for the proposed off-street parking facility. A vehicle queue is defined as one or more vehicles (destined to the parking facility) blocking any portion of any public street, alley or sidewalk for a consecutive period of three minutes or longer on a daily or weekly basis.

If recurring queuing occurs, the owner/operator of the parking facility shall employ abatement methods as needed to abate the queue. Appropriate abatement methods will vary depending on the characteristics and causes of the recurring queue, as well as the characteristics of the parking facility, the street(s) to which the facility connects, and the associated land uses (if applicable).

Suggested abatement methods include but are not limited to the following: redesign of facility to improve vehicle circulation and/or on-site queue capacity; employment of parking attendants; installation of LOT FULL signs with active management by parking attendants; use of valet parking or other space-efficient parking techniques; use of off-site parking facilities or shared parking with nearby uses; use of parking occupancy sensors and signage directing drivers to available spaces; travel demand management strategies such as those listed in Improvement Measure 1, including additional bicycle parking, delivery services; and/or parking demand management strategies such as parking time limits, paid parking, time-of-day parking surcharge, or validated parking.

Owner/operator of off-street parking facility.	Upon operation of the off-street parking facility.	Ensure a vehicle queue does not block any portion of public street, alley, or sidewalk for a consecutive period of three minutes or longer on a daily or weekly basis.	Owner/operator; Planning Department.	Ongoing during operation.
		Hire transportation consultant to evaluate conditions.		
		Employ abatement		

If the Planning Director, or his or her designee, suspects that a recurring queue is present, the Department shall notify the property owner in writing. Upon request, the owner/operator shall hire a qualified transportation consultant to evaluate the conditions at the site for no less than seven days. The consultant shall prepare a monitoring report to be submitted to the Department for review. If the Department determines that a recurring queue does exist, the facility owner/operator shall have 90 days from the date of the written determination to abate the queue.

methods.

Project Improvement Measure 3 – Construction Management Plan.

The project sponsor or property owner, should develop and implement a Construction Management Plan (CMP), addressing transportation-related circulation, access, staging, and hours for deliveries.

Project sponsor,
contractor(s).

Prior to and
during
construction.

Implement
Construction
Management
Plan.

Project sponsor.

Upon
completion of
project
construction.

The CMP would disseminate appropriate information to contractors and affected agencies with respect to coordinating construction activities to minimize overall disruptions and ensure that overall circulation in the project area is maintained to the extent possible, with particular focus on ensuring transit, pedestrian, and bicycle connectivity. The CMP would supplement and expand, rather than modify or supersede, any manual, regulations, or provisions set forth by the San Francisco Municipal Transportation Agency, the Department of Public Works, or other City departments and agencies, and the California Department of Transportation. The CMP should include, but not limited to, the following:

- Identify construction traffic management best practices in San Francisco, as well as others that, although not being implemented in the City, could provide valuable information for the project. Management practices include, but are not limited to the following:
 - Identifying ways to reduce construction worker vehicle-trips through transportation demand management programs and methods to manage construction worker parking demands
 - Identifying best practices for accommodating pedestrians, such as temporary pedestrian way finding signage or temporary walkways.
 - Identifying best practices for accommodating bicyclists and bicycle facilities such as bicycle way finding signage or temporary detours.
 - Identifying ways to consolidate truck delivery trips, including a plan to consolidate deliveries from a centralized construction material and equipment storage facility.
 - Identify a route for construction-related trucks to utilize during construction.
 - Restricting deliveries and trucks trips to the project site during off-peak hours (generally 7:00 A.M. to 9:00 A.M. and 4:00 P.M. to 6:00 P.M., but may

include other times during Giants game days), where feasible.

- Require consultation with surrounding community, including business and property owners near the project site to assist coordination of construction traffic management strategies as they relate to the needs of other users adjacent to the project site.
- Develop a public information plan to provide adjacent residents and businesses with regularly-updated information regarding project construction activities, peak construction vehicle activities, (e.g., concrete pours), travel lane closures, and other lane closures.