



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 Fee, Sec. 423)

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Planning Commission Motion No. 19488

HEARING DATE: OCTOBER 8, 2015

Date: October 8, 2015
Case No.: 2013.1390CUA_2
Project Address: 1532 Harrison Street
Zoning: WMUG (Western SoMa Mixed-Use General) Zoning District
 Western SOMA Special Use District
 55/65-X Height and Bulk District
Block/Lot: 3521/056
Project Sponsor: Michael Yarne, Build, Inc.
 315 Linden Street
 San Francisco, CA 94101
Staff Contact: Richard Sucre – (415) 575-9108
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Recommendation: **Approval with Conditions**

ADOPTING FINDINGS RELATING TO THE APPROVAL OF A CONDITIONAL USE AUTHORIZATION PURSUANT TO SECTIONS 151.1, 263.29, 303 AND 823(C)(11) OF THE PLANNING CODE FOR MAJOR DEVELOPMENT REQUESTING A HEIGHT BONUS AND OFF-STREET PARKING EXCEEDING THE PRINCIPALLY PERMITTED AMOUNT WITH MODIFICATIONS TO THE REQUIREMENTS FOR REAR YARD (PLANNING CODE SECTION 134), OPEN SPACE (PLANNING CODE SECTION 135 AND 823(C)(2)), CURB CUT WIDTH (PLANNING CODE SECTION 145.1(C)(2)) AND OFF-STREET FREIGHT LOADING (PLANNING CODE SECTION 152.1) FOR THE PROJECT INVOLVING NEW CONSTRUCTION OF A SEVEN-STORY (65-FT TALL) MIXED-USE BUILDING WITH 136 DWELLING UNITS, 1,463 SQUARE FEET OF GROUND FLOOR COMMERCIAL SPACE AND 68 OFF-STREET PARKING SPACES AT 1532 HARRISON STREET, LOT 056 IN ASSESSOR’S BLOCK 3521 WITHIN THE WMUG (WESTERN SOMA MIXED-USE GENERAL) ZONING DISTRICT, WESTERN SOMA SPECIAL USE DISTRICT, AND A 55/65-X HEIGHT AND BULK DISTRICT.

PREAMBLE

On July 29, 2013, Michael Yarne of Build, Inc. (hereinafter “Project Sponsor”) filed an application with the Planning Department (hereinafter “Department”) for Conditional Use Authorization under Planning Code Sections 151.1, 263.29, 303 and 823(c)(11) of the Planning Code for major development requesting a height bonus in the Western SoMa SUD and to permit off-street parking exceeding the principally-

permitted amount within the WMUG (Western SoMa Mixed-Use General) Zoning District, Western SOMA Special Use District and a 55/65-X Height and Bulk District.

The environmental effects of the Project were determined by the San Francisco Planning Department to have been fully reviewed under the Western SoMa Area Plan Environmental Impact Report (hereinafter "EIR"). The EIR was prepared, circulated for public review and comment, and, at a public hearing on December 6, 2012, by Motion No. 18756, 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 Commissions review as well as public review.

The Western SoMa Area Plan 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. 18756 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 September 9, 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.

The Planning Department, Jonas P. Ionin, is the custodian of records, located in the File for Case No. 2013.1390CUA_2 at 1650 Mission Street, Fourth Floor, 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 October 8, 2015, the Commission conducted a duly noticed public hearing at a regularly scheduled meeting on Conditional Use Application No. 2013.1390CUA_2.

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

MOVED, that the Commission hereby authorizes the Conditional Use requested in Application No. 2013.1390CUA_2, 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 the corner parcel (with a lot area of 23,092± square feet) bounded by Norfolk, Harrison and 12th Streets. The project site has approximately 214-ft of frontage along Norfolk Street, 101-ft 6-in of frontage along 12th Street, and 175-ft of frontage along 12th Street. Currently, the subject lot contains a surface parking lot.
3. **Surrounding Properties and Neighborhood.** The project site is located within the WMUG (Western SoMa Mixed-Use General) Zoning District in the Western SoMa Area Plan. The immediate context is mixed in character with a mix of residential, commercial and industrial development. The immediate neighborhood includes one-to-three-story commercial and industrial buildings, a one-story bar (d.b.a. The Eagle), and three-to-four-story live/work and residential complexes. Along 12th Street adjacent to the project site is a two-and-one-half-story single-family residence (aka Lopez Residence). Along Norfolk Street, the project site abuts a parking lot associated with a nearby two-story industrial building. The project site has three street frontages: 12th Street, which is identified as a two-way street with horizontal on-street parking on either side of the street; Harrison Street, which is a four-lane, two-way street with horizontal on-street parking on either side of the street; and, Norfolk Street, which is a smaller-scale, one-way alley with on-street parking along the east side of the street. Other zoning districts in the vicinity of the project site include: RED-MX (Residential Enclave District - Mixed);

WMUO (Western SoMa Mixed Use-Office); PDR-1-G (Production, Distribution and Repair-General); and SALI (Service/Arts/Light Industrial).

4. **Project Description.** The proposed project includes demolition of the surface parking lot and the new construction of a seven-story, 65-ft tall, mixed-use building (measuring approximately 127,609 gsf) with 136 dwelling units, 1,463 square feet of ground floor commercial space, 68 off-street parking spaces, one car-share parking space, 136 Class 1 bicycle parking spaces, and 10 Class 2 bicycle parking spaces. The dwelling unit mix includes 62 studios, 19 one-bedroom units and 55 two-bedroom units. The project includes open space via two sunken courtyards, private balconies and a roof deck, which collectively measure 11,367 square feet. The project also includes streetscape improvements including sidewalk widening, street trees, planting strips, and addition of an on-street loading and pedestrian drop-off zone along Harrison Street.
5. **Public Comment.** The Department has received a number of public correspondences, which have primarily expressed support for the proposed project.
6. **Planning Code Compliance:** The Commission finds that the Project is consistent with the relevant provisions of the Planning Code in the following manner:
 - A. **Permitted Uses in WMUG Zoning District.** Per Planning Code Sections 844.20 and 844.45, dwelling units and ground floor retail are principally permitted use within the WMUG (Western SoMa-Mixed Use General) Zoning District.

The proposed project would construct 136 dwelling units and approximately 1,463 square feet of ground floor retail use within the WMUG Zoning Districts. Therefore, the proposed project complies with Planning Code Sections 844.20 and 844.45.

- B. **Rear Yard.** Planning Code Section 134 requires a minimum rear yard equal to 25 percent of the total lot depth of the lot to be provided at ground level. In addition, per Planning Code Section 823(c)(1), the rear yard must be provided at grade. Therefore, the Project would have to provide a rear yard, which measures approximately 5,773 sq ft, located along the rear property line.

Currently, the Project does not feature a code-complying rear yard; however, the Project does provide ample open space for the new dwelling units. The Project provides open space through: two 25-ft wide sunken courtyards, which are located approximately 5-ft below the grade of the sidewalk and which extend from 12th Street to Norfolk Street; private open space; and, a roof deck. Thus, the Project provides a total of 11,367 sq ft of code-complying and non-code-complying open space. Therefore, the Project does provide open space, which far exceeds the amount of square footage that would have been provided in a code-complying rear yard. Thus, the total amount of open space, which would have been provided through the required rear yard, exceeds the amount, which would have been provided in the required rear yard. The Project is seeking a modification of the rear yard requirement as part of the Conditional Use Authorization (See Below).

The Project occupies a corner lot at the intersection of 12th, Norfolk and Harrison Streets. Since the surrounding area is mixed in character, the subject block does not possess a definitive pattern of mid-block open space. There is only one residential property on the subject block. The Project provides quality open space, which is equivalent to the amount of open space, which would have been provided in a rear yard.

- C. **Useable Open Space.** Within the WMUG Zoning District, Planning Code Section 135 requires a minimum of 80 sq ft of open space per dwelling unit. Per Planning Code Section 823(c)(2), all dwelling units within the Eastern Neighborhoods Mixed Use Districts shall provide 80 square feet of open space per dwelling units regardless of whether the open space is privately or publicly accessible. Per Planning Code Section 135.3, one square foot of open space is required for every 250 square feet of retail use.

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 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.

Per Planning Code Section 823(c)(2)(B), roof decks within the Western SoMa Special Use District do not qualify as required private or common useable open space.

Therefore, the Project is required to provide 10,880 square feet of open space for the 136 dwelling units, and 6 square feet of open space for the 1,463 square feet of open space for ground floor commercial space.

The Project provides open space via two sunken courtyards, private balconies for 56 dwelling units, and a roof deck (measuring 3,406 square feet). The two sunken courtyards collectively measuring 5,813 square feet, and are recognized as outer courts since they have frontage onto a public street. All of the private balconies are code-complying: 35 out of 38 private balconies measure 36 square feet (or 6-ft by 6-ft); while, the remaining three private balconies measure 80 square feet. Therefore, the Project provides 7,961 square feet of code-complying open space via the two sunken courtyards and private balconies.

However, the Project does fall short of the required amount of open space, since the roof deck (measuring 3,406 square feet) may not count as code-complying open space pursuant to the controls within the Western SoMa Special Use District. Despite the shortfall, the Project does provide a comparable amount of open space (both code-complying and non-code-complying); therefore, the Project is seeking a modification of the open space requirement through the Conditional Use Authorization (See Below).

- D. **Permitted Obstructions.** Planning Code Section 136 outlines the requirements for features, which may be permitted over street, alleys, setbacks, yards or useable open space.

Currently, the Project includes balconies, which project over the street and useable open space that are approximately 6-ft wide and project approximately 3-ft over the property line/useable open space; therefore, these features comply with Planning Code Section 136(c)(2).

- E. **Streetscape and Pedestrian Improvements.** Planning Code Section 138.1 requires a streetscape plan, which includes elements from the Better Streets Plan, for projects that are located on a lot larger than one-half acre and which proposed new construction.

Per Ordinance No. 119-15 (effective August 14, 2015), the Department of Public Works (DPW) is responsible for implementing the required number of street trees along the public rights-of-way, as formerly required in Planning Code Section 138.1.

The Project includes the new construction of a seven-story mixed-use building on a lot with 175-ft of frontage along 12th Street, 101-ft 6-in of frontage along Harrison Street, and 215-ft of frontage along Norfolk Street.

Currently, the Project includes a streetscape plan consisting of: new street trees and planting strips along Harrison Street; new street trees, planting strips and bike racks along 12th Street; and sidewalk widening from 3.5-ft to 7-ft along Norfolk Street. The Project would also add a raised crosswalk at the intersection between Norfolk and Harrison Streets. All proposed work would comply with the Better Streets Plan. Therefore, the proposed project complies with Planning Code Section 138.1.

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

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

- G. **Dwelling Unit Exposure.** Planning Code Section 140 requires that at least one room of all dwelling units face onto a public street, public alley at least 20-ft wide, side yard at least 25-ft wide, outer court at least 25-wide, 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 12th, Harrison or Norfolk Streets, or along the two outer courts, which extend from 12th to Norfolk Streets. Norfolk Street is a public alley measuring 25-ft wide. Therefore, the Project complies with Planning Code Section 140.

- H. **Street Frontage in Mixed Use Districts.** Planning Code Section 145.1 requires off-street parking at street grade on a development lot to be set back at least 25 feet on the ground floor; that no more than one-third of the width or 20 feet, whichever is less, of any given

street frontage of a new structure parallel to and facing a street shall be devoted to parking and loading ingress or egress; that space for active uses be provided within the first 25 feet of building depth on the ground floor; that non-residential uses have a minimum floor-to-floor height of 14 feet; that the floors of street-fronting interior spaces housing non-residential active uses and lobbies be as close as possible to the level of the adjacent sidewalk at the principal entrance to these spaces; and that frontages with active uses that are not residential or PDR be fenestrated with transparent windows and doorways for no less than 60 percent of the street frontage at the ground level.

The Project meets the majority of the requirements of Planning Code Section 145.1. Off-street parking is located below grade. The Project features active uses on the ground floor with walk-up dwelling units with direct, individual pedestrian access to a public sidewalk along 12th and Norfolk Streets and retail use at the corner of Harrison and 12th Streets. The main residential lobby is located along Harrison Street with a secondary, smaller residential lobby on Norfolk Street. At the corner of 12th and Harrison Streets, the non-residential use at the ground floor has a 16-ft 2-in floor to floor height. Finally, the Project features appropriate street-facing ground level spaces, as well as the ground level transparency and fenestration requirements.

The Project includes one 29-ft wide garage entrance and curb cut along Norfolk Street, which provides access to an at-grade car-share parking space and the below-grade off-street parking. Since the curb cut and garage entrance exceed the maximum width of 20-ft, the Project requires a modification under the Conditional Use Authorization (See Below). Generally, the Commission supports this modification given the overall reduction in curb cuts along the project site and lot configuration.

- I. **Off-Street Parking.** In the WMUG Zoning District, Planning Code Section 151.1 principally permits one parking space for each four dwelling units. With Conditional Use Authorization from the Planning Commission, the parking ratio may be increased to a maximum of .75 parking spaces per dwelling unit.

For the 136 dwelling units in the WMUG Zoning District, the Project is principally permitted 34 off-street parking spaces, and conditionally permitted a maximum of 102 off-street parking spaces.

Currently, the Project provides 68 below-grade off-street parking spaces. Of these 68 off-street parking spaces, two handicap parking spaces have been identified. The off-street parking spaces are organized into mechanical stackers.

Since the Project exceeds the principally permitted amount of parking, the Project is seeking Conditional Use Authorization to permit off-street parking at a ratio of .5 parking spaces per dwelling unit (or 68 off-street parking spaces).

The Commission supports the specified number of off-street parking spaces, which exceed the principally permitted amount, due to the site's existing conditions, proposed use and proposed parking configuration in mechanical stackers (See Below).

- J. **Off-Street Freight Loading.** Planning Section 152.1 of the Planning Code requires one off-street freight loading space for apartment use between 100,001 and 200,000 gsf.

The Project includes approximately 126,146 square feet of apartment use, thus at least one off-street freight loading space is required.

The Project does not possess any off-street freight loading; rather, the Project is proposing one on-street loading space on Harrison Street. Therefore, the Project is seeking a modification of this requirement as part of the Conditional Use Authorization (See Below).

- K. **Bicycle Parking.** Planning Section 155.2 of the Planning Code requires at least one Class 1 bicycle parking spaces for each dwelling unit and one Class 2 bicycle parking space for every 20 dwelling units. For buildings containing more than 100 dwelling units, 100 Class 1 spaces plus one Class 1 space for every four dwelling units over 100. For the retail use, one Class 1 bicycle parking space is required for every 7,500 square feet of occupied floor area and one Class 2 space for every 2,500 square feet of occupied floor area.

The Project includes 136 dwelling units; therefore, the Project is required to provide 109 Class 1 bicycle parking spaces and 7 Class 2 bicycle parking spaces.

The Project will provide 136 Class 1 bicycle parking spaces and 10 Class 2 bicycle parking spaces, thus exceeding the requirement. Therefore, the proposed project complies with Planning Code Section 155.2.

- L. **Car Share Requirements.** Planning Code Section 166 requires one car-share parking space for projects constructing 50 to 200 dwelling units.

The Project includes 136 dwelling units; therefore, it is required to provide a minimum of one car-share parking space.

The Project provides one car-share parking space; therefore, the proposed project complies with Planning Code Section 166.

In addition, the Commission will require one additional car-share parking space to support the City's transit initiatives, and increase the access to alternate modes of transportation. Therefore, the Project is required to provide a total of two (2) car-share parking spaces, in accordance with the rules of Planning Code Section 166.

- M. **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.

- N. **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 136 dwelling units, the Project is required to provide at least 55 two-bedroom units or 41 three-bedroom units.

The Project provides 55 two-bedroom units, 19 one-bedroom units, and 62 studios. Therefore, the Project meets the requirements for dwelling unit mix.

- O. **Narrow Streets.** Planning Code Section 261.1 outlines height and massing requirements for projects that front onto a "narrow street," which is defined as a public right of way less than or equal to 40-ft in width. Norfolk Street measures approximately 25-ft wide and is considered a narrow street. For the subject frontage along a narrow street, a 10-ft setback is required above a height of 31-ft 4-inches. Subject frontage is defined as any building frontage more than 60-ft from an intersection with a street wider than 40-ft.

Along Norfolk Street, the Project incorporates a 10-ft setback for the portion of the building, which is more than 60-ft from the intersection. Therefore, the proposed project complies with Planning Code 261.1.

- P. **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 detailed shadow analysis, the Project does not cast any net new shadow upon property under the jurisdiction of the Recreation and Parks Commission.

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

The Project includes 1,463 sq ft of new retail use, and will pay the appropriate Transit Impact Development Fees prior to issuance of the first construction document.

- R. **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, these requirements would apply to projects that consist of 10 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, 415.6 and 823(c)(11), the Inclusionary Affordable Housing Program requirement for the On-Site Affordable Housing Alternative is to provide 16% of the proposed dwelling units as affordable.

The Project Sponsor has demonstrated that it is eligible for the On-Site Affordable Housing Alternative under Planning Code Section 415.5, 415.6 and 823(c)(11), and 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 by providing the affordable housing on-site instead of through payment of the Affordable Housing Fee. In order for the Project Sponsor to be eligible for the On-Site Affordable Housing Alternative, the Project Sponsor must submit an 'Affidavit of Compliance with the Inclusionary Affordable Housing Program: Planning Code Section 415,' to the Planning Department stating that any affordable units designated as on-site units shall be sold as ownership units and will remain as ownership units for the life of the project or submit to the Department a contract demonstrating that the project's on- or off-site units are not subject to the Costa Hawkins Rental Housing Act, California Civil Code Section 1954.50 because, under Section 1954.52(b), the Project Sponsor has entered into an agreement with a public entity in consideration for a direct financial contribution or any other form of assistance specified in California Government Code Sections 65915 et seq. and submits an Affidavit of such to the Department. All such contracts entered into with the City and County of San Francisco must be reviewed and approved by the Mayor's Office Housing and the City Attorney's Office. The Project Sponsor has indicated the intention to enter into an agreement with the City to qualify for a waiver from the Costa-Hawkins Rental Housing Act based upon the proposed density bonus and concessions provided by the City and approved herein. The Project Sponsor submitted such Affidavit on August 31, 2015 and a draft of the Costa Hawkins Agreement on September 2, 2015. The EE application was submitted on December 30, 2013. Pursuant to Planning Code Section 415.3, 415.6, and 823(c)(11)(B)(vi), the on-site requirement is 16%. 22 units (10 studios, 3 one-bedroom, and 9 two-bedroom) of the 136 units provided will be affordable rental units. If the Project becomes ineligible to meet its Inclusionary Affordable Housing Program obligation through the On-Site Affordable Housing Alternative, it must pay the Affordable Housing Fee with interest, if applicable. The Project must execute the Costa Hawkins agreement prior to Planning Commission approval or must revert to payment of the Affordable Housing Fee.

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

The proposed project includes approximately 109,616 gross square feet of new residential development and 1,463 gsf of new retail use. These uses are subject to Eastern Neighborhood Infrastructure Impact Fees, as outlined in Planning Code Section 423. These fees must be paid prior to the issuance of the building permit application.

- T. **Western SoMa Special Use District.** Planning Code Section 823 outlines the requirements for projects located within the Western SoMa Special Use District. Additional controls are provided for rear yard, open space, exposure, nonconforming uses, vertical architectural

elements, SRO units, recreational facilities, nighttime entertainment and animal services, and major developments.

The Project complies with the majority of the requirements outlined in the Western SoMa Special Use District. However, the Project is seeking modifications to the open space requirements under the Conditional Use Authorization. In addition, the Project is seeking Conditional Use Authorization for Major Developments Requesting Height Bonuses, as outlined in Planning Code Section 823(c)(11) (See Below). This Conditional Use Authorization allows the Project to construct up to 65-ft tall.

7. **Planning Code Section 303** establishes criteria for the Planning Commission to consider when reviewing applications for Conditional Use Authorization. On balance, the project does comply with said criteria in that:

- (1) The proposed new uses and building, at the size and intensity contemplated and at the proposed location, will provide a development that is necessary or desirable, and compatible with, the neighborhood or the community.

The Project will demolish a surface parking lot and construct a new seven-story mixed-use development with ground floor retail use and 136 dwelling units. Given the objectives of the Western SoMa Area Plan, the Project is necessary and desirable in promoting the transformation of the surrounding neighborhood, while also maintaining and contributing to the important aspects of the existing neighborhood, such as providing neighborhood-serving goods and services. The size and intensity of the proposed development is necessary and desirable for this neighborhood and the surrounding community because they will provide new opportunities for local businesses and add new site amenities that will contribute to the character of the surrounding neighborhood. The Project will also replace an underutilized corner site, while also providing new public amenities, including landscaping, sidewalk widening and corner retail. The immediate area is extremely varied in character and features a variety of uses, including light industrial, commercial, and residential. The new retail uses will complement the mix of goods and services currently available in the surrounding district and will contribute to the economic vitality of the neighborhood by providing a new mixed-use development, which is a positive contribution to the neighborhood. In summary, the Project is an appropriate urban invention and infill development.

- (2) That such use or feature as proposed will not be detrimental to the health, safety, convenience or general welfare of persons residing or working in the vicinity, or injurious to property, improvements or potential development in the vicinity, with respect to aspects including but not limited to the following:

- i. Nature of proposed site, including its size and shape, and the proposed size, shape and arrangement of structures;

The Project would establish a new seven-story mixed-use development in a varied neighborhood context, which includes one-to-two story commercial properties, three-to-five-story tall residential developments and one-to-three story light industrial buildings. The proposed mix of uses would be complimentary to the surrounding neighborhood, since the

ground floor commercial use is focused at the corner of 12th and Harrison Streets, and the new residential use is focused on the upper floors. The Project incorporates two sunken courtyards, which provide sufficient light and air to the proposed units, while also providing for an attractive visual amenity from the public rights-of-way. Overall, this Project will be beneficial to the surrounding neighborhood.

- ii. The accessibility and traffic patterns for persons and vehicles, the type and volume of such traffic, and the adequacy of proposed off-street parking and loading;

The Project would not adversely affect public transit in the neighborhood. The project site is close to several MUNI bus lines, including the 9-Downtown, 14-Mission and is within one-half mile of the Van Ness Avenue MUNI Station and the Civic Center MUNI and BART stations. The Project provides a limited amount of off-street parking in support of the City's transit first policies. This off-street parking is located in a below-grade garage. The garage would be accessible from Norfolk Street, in order to minimize pedestrian or other conflicts on 12th and Harrison Streets. Provision of bicycle storage areas along with the close proximity to mass transit is anticipated to encourage residents, employees and visitors to use alternate modes of transportation. The Project also incorporates an on-street loading and pedestrian drop-off zone, in lieu of providing for off-street freight loading.

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

The Project will comply with the City's requirements to minimize noise, glare, odors, or other harmful emissions. Conditions of Approval are included to address potential issues.

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

The Project will provide required number of street trees and new bicycle parking along the public rights-of-way. The Project would also widening the sidewalks along Norfolk Street, and construct a raised crosswalk at the intersection of Norfolk and Harrison Streets. These upgrades will be beneficial to the surrounding neighborhood because it will provide new street improvements, lighting, and vegetation.

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

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

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

The Project is not located within a Neighborhood Commercial District. The WMUG Zoning District is an Eastern Neighborhoods Mixed-Use District.

8. **Planning Code Section 823(c)(11)** establishes additional criteria for the Planning Commission to consider when reviewing applications for Major Development Requesting a Height Bonus. On balance, the project does comply with said criteria in that:

- a) The project shall demonstrate that it minimizes the impacts of proposed non-residential uses on any adjacent properties in the RED and RED-MX Districts. Specifically, the following potential conflicts shall be addressed:

- a. **Social Interaction.** Given the diversity of uses and users in Western SoMa, large developments should appropriately buffer conflicting uses, such as housing and late night uses, and commercial uses and playgrounds.

The Project includes a buffer between residential uses and late night uses, including the adjacent bar (d.b.a The Eagle). The residential uses are oriented towards the two sunken courtyards or along Norfolk and Harrison Street, away from the adjacent bar. Similarly, the ground floor commercial use provides active uses at the street, and complements the adjacent bar at the southwest corner of Harrison and 12th Streets.

- b. **Hours of Operation.** Hours of operation for commercial uses within the project shall consider their proximity and potential impacts to residential uses within the project and near the development site.

The Project includes ground floor retail use. Currently, the Project anticipates a café that would feature standard hours of operation, and would not extend into late night hours.

- c. **Site Access.** Avoid loading and vehicular entries near pedestrian entries, open space, and high traffic areas, and locations that would disturb other users on the site.

Overall, the Project avoids vehicular entries near pedestrian entries, open space and high traffic areas. Pedestrian entrances are located off of Harrison Street and 12th Street. The Project includes one vehicular access point along Norfolk Street, which is located away from the on-street loading and pedestrian drop-off zone along Harrison Street. The Project minimizes conflicts with pedestrians and bicyclists by providing the garage entrance along an alley.

- d. **Environmental Conflicts.** Commercial uses that create noise, fumes, and light shall be designed to minimize any impacts on sensitive users of the site. Buildings shall be designed to minimize the impact of wind and shadows on open spaces on the development site and adjacent properties.

The Project does not include commercial uses, which would create noise, fumes and lights. The Project has been designed to maximize the access to light and air to the adjacent single-

family residence. As based upon the environmental determination, the Project will not cause wind or shadow impacts.

- e. Architectural Design. Locate fenestration, decks, doors, and open spaces to minimize potential on-site conflicts between uses and users (e.g. residential and commercial uses).

The Project locates fenestration, decks, doors and open space in a manner that reduces the on-site conflicts between the residential and commercial use. The ground floor commercial use is oriented towards 12th Street, while the residential uses are oriented towards the two sunken courtyards, Norfolk Street, and Harrison Street.

- 9. **Conditional Use Authorization Modifications/Exceptions.** Planning Code Section 823(c)(11) allows modifications and exceptions to the Planning Code as provided under Planning Code Section 329:

- 1. Exceeding the principally permitted accessory residential parking ratio described in Section 151.1 and pursuant to the criteria therein;

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 does minimize vehicular movement in and around the Project, since the off-street parking garage is located below grade and there is only one entrance to this garage, which is located along Norfolk Street. Norfolk Street is a one-way street accessed from Harrison Street. The garage location and configuration minimizes the potential for conflicts with pedestrians and bicyclists along 12th Street, and at the intersection of Harrison and Norfolk Streets. Within the proposed building, the garage ramp accommodates vehicles entering and exiting the garage.

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

The Commission finds that accommodating excess accessory parking would not degrade the overall urban design quality of the Project. All off-street parking is located below grade and is minimized by the use of mechanical stackers. The garage entrance/exit is limited to one opening along an alley, thus maximizing the frontage associated with active uses, including the walk-up dwelling units and ground floor retail space.

(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 includes one above-grade, car-share parking space, which would be hidden behind a garage door. The Project Sponsor is requesting an exception to the requirements for garage entrances and curb cut width. Per Planning Code Section 145.1, a garage entrance and curb cut is limited to 20-ft. Currently, the Project calls for a 29-ft curb cut and garage entrance. The Commission supports the larger curb cut given the overall reduction in curb cuts on the project site.

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

Since the excess parking would be located below-grade, the excess accessory parking would not impact any existing or planned streetscape enhancements. All of the excess accessory parking is accommodated via mechanical stackers.

(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.

Currently, the Project calls for 68 off-street parking spaces, which is equivalent to .5 off-street parking spaces per dwelling unit. The Commission supports the Project's amount of off-street parking, which is in excess of the principally permitted amounts. The Project does accommodate the accessory parking via mechanical stackers, thus complying with this requirement.

2. Exception from residential useable open space requirements. In circumstances where such exception is granted a fee shall be required pursuant to the standards in Sections 135(j), pursuant to the criteria of Section 305(c).

Per Planning Code Section 135 and 823(c)(2), the Project is required to provide 10,880 square feet of open space for the 136 dwelling units. Currently, the Project provides 7,961 square feet of code-complying open space via the two sunken courtyards and private balconies. In addition, the Project provides open space through a roof deck measuring 3,406 square feet. Although the roof deck cannot be classified as code-complying open space due to the code requirements of the Western SoMa Special Use District, the Project does provide open space in excess of the required amount when factoring both code-complying and non-code-complying open space. Given the overall amount of open space, design and the quality of the Project, the modification to the classification of the proposed roof deck would not severely impact the usability and quality of the proposed open space. Further, the reduction in the overall amount of code-complying open space due to exclusion of the proposed roof deck as open space is warranted given the quality of design and merits of the overall project.

3. Exception from satisfaction of loading requirements per Section 152.1 pursuant to the criteria contained therein.

For projects in the Eastern Neighborhoods Mixed Use Districts that are subject to Section 329, the Planning Commission may waive these requirements per the procedures of Section 329 if it finds that the design of the project, particularly ground floor frontages, would be improved and that such loading could be sufficiently accommodated on adjacent streets and alleys.

The Project would provide one on-street loading parking space on Harrison Street, which would meet the residential loading needs of the Project. By providing for on-street loading and a pedestrian drop-off zone, the Project maximizes the amount of active street frontage.

4. Exception for rear yards, pursuant to the requirements of Section 134(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 23,092 sq ft in size, and would be required to provide a rear yard measuring 5,773 sq ft. The Project provides private open space for 56 dwelling units and approximately 5,813 sq ft of common open space through two sunken courtyards, thus exceeding the amount of space, which would have been provided in a code-conforming rear yard. In addition, the Project provides additional open space via a roof deck measuring 3,406 sq ft.

- (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 is located adjacent to a single-family residence and an industrial building on a block, which does not have a pattern of mid-block open space. One of the sunken courtyards lies adjacent to the rear yard of the neighboring single-family residence, thus maximizing the potential for light and air. The adjacent industrial property does not possess a rear yard. Therefore, the Project does not impede access to light and air for the adjacent properties.

- (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 seeking a modification to open space requirements, since the proposed roof deck does not conform to the requirements of the Planning Code. Given the overall quality of the Project and its design, the Commission supports the modifications to the rear yard, since the proposed units would not be afforded undue access to light and air. Overall, the Project meets the intent of the open space requirements defined in Planning Code Section 135; therefore, the Commission finds the modification of the rear yard to be acceptable.

5. 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, open space and off-street freight loading, the Project is seeking modifications of the requirements for parking and loading entrances (Planning Code Section 145.1).

Under Planning Code Section 145.1, parking and loading entrances are limited to 20-ft wide. Currently, the Project calls for a parking and loading entrance, which measures 29-ft wide, along Norfolk Street. This entrance accommodates an entry and exit to the below-grade off-street parking and at-grade car-share parking space. Given the site conditions, the Commission does support this modification, since the Project reduces the number of curb cuts along the street and improves the pedestrian environment. The increased curb cut will provide for at-grade access to one of the car-share parking spaces.

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 residential development in a transitioning area. The Project is located within a mixed-character neighborhood with residential, commercial and industrial properties. The Project site is an ideal infill site, since the existing site is a surface parking lot. The project site was recently rezoned as part of a long range planning goal to create a cohesive residential and mixed-use neighborhood. The Project is consistent with the WMUG Zoning District, which calls for low-scale PDR uses mixed with housing and small-scale retail. Within the WMUG, housing is encourages over ground floor commercial.

The Project includes 22 on-site affordable housing units for rent, which complies with the City's affordable housing goals.

OBJECTIVE 4

FOSTER A HOUSING STOCK THAT MEETS THE NEEDS OF ALL RESIDENTS ACROSS LIFECYCLES.

Policy 4.1

Develop new housing, and encourage the remodeling of existing housing, for families with children.

Policy 4.5

Ensure that new permanently affordable housing is located in all of the City's neighborhoods, and encourage integrated neighborhoods, with a diversity of unit types provided at a range of income levels.

Out of 136 new dwelling units, the Project will provide 22 on-site affordable units for rent, thus meeting the affordable housing requirements and encourage diversity among income levels within the new development.

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 Project responds to the site's location within a mixed-character neighborhood. The Project appropriately responds to the varied residential-industrial character of the larger neighborhood. The Project's facades provide a unique expression not commonly found within the surrounding area, while providing for a material palette which evokes the surrounding industrial context.

COMMERCE AND INDUSTRY ELEMENT

Objectives and Policies

OBJECTIVE 6:

MAINTAIN AND STRENGTHEN VIABLE NEIGHBORHOOD COMMERCIAL AREAS EASILY ACCESSIBLE TO CITY RESIDENTS.

Policy 6.1

Ensure and encourage the retention and provision of neighborhood-serving goods and services in the city's neighborhood commercial districts, while recognizing and encouraging diversity among the districts.

The Project provides new opportunity for new ground floor retail use, which is consistent with the goals for WMUG Zoning District.

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 residential mixed-use development through private balconies, two sunken courtyards and a roof deck. The project will not cast shadows over open spaces under the jurisdiction of the Recreation and Park Department.

TRANSPORTATION ELEMENT

Objectives and Policies

OBJECTIVE 11

ESTABLISH PUBLIC TRANSIT AS THE PRIMARY MODE OF TRANSPORTATION IN SAN FRANCISCO AND AS A MEANS THROUGH WHICH TO GUIDE FUTURE DEVELOPMENT AND IMPROVE REGIONAL MOBILITY AND AIR QUALITY.

Policy 11.1

Maintain and improve the Transit Preferential Streets program to make transit more attractive and viable as a primary means of travel

OBJECTIVE 24:

IMPROVE THE AMBIENCE OF THE PEDESTRIAN ENVIRONMENT.

Policy 24.2:

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

Policy 24.3:

Install pedestrian-serving street furniture where appropriate.

Policy 24.4:

Preserve pedestrian-oriented building frontages.

The Project will provide new streetscape improvements along Norfolk, Harrison and 12th Streets. Further, the Project will provide a new raised crosswalk, street plantings, and new site furnishings. Frontages are designed with active spaces oriented at the pedestrian level. The new garage entrance is located on an alternate street frontage on Norfolk Street, in order to minimize pedestrian and bicycle conflicts.

The Commission recognizes the importance of a Transportation Demand Management Improvement Measure in forwarding the City's transit policies. Further, the Commission will require a car-share subsidy and an additional car-share parking space for the Project.

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 136 Class 1 bicycle parking spaces and 10 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 Project provides off-street parking via one ingress/egress point along Norfolk Street. The off-street parking is adequate for the Project and complies with maximums prescribed by the Planning Code.

URBAN DESIGN ELEMENT

Objectives and Policies

OBJECTIVE 1:

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

Policy 1.7:

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

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 Western SoMa neighborhood, which is characterized by the mix of 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.

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 three street frontages, it only provides one vehicular access point for the entire project, limiting conflicts with pedestrians and bicyclists. Numerous street trees will be planted on each street. Along the project site, the pedestrian experience will be greatly improved.

WESTERN SOMA AREA PLAN

Objectives and Policies

Land Use

OBJECTIVE 1.1

BUILD ON AN EXISTING MIXED-USED CHARACTER THAT ENCOURAGES PRODUCTION OF RESIDENTIAL USES IN AREAS MOST APPROPRIATE FOR NEW HOUSING WITH A PROXIMATE MIX OF USES AND SERVICES SERVING LOCAL NEEDS AND THEREBY DEVELOPING A COMPLETE NEIGHBORHOOD.

Policy 1.1.2

Western SoMa land uses should progress from non-residential uses south of Harrison Street northward to an increasingly residential neighborhood with retention of a mix of uses and new mixed-use developments where appropriate.

Policy 1.1.7

Establish vertical zoning standards in locations encouraging new mixed-use development and preserving a mix of uses.

Neighborhood Economy

OBJECTIVE 2.2

PROMOTE APPROPRIATE NEW NEIGHBORHOOD BUSINESS OPPORTUNITIES THAT CREATIVELY RESPOND TO NEIGHBORHOOD, CITYWIDE AND REGIONAL ECONOMIC NEEDS AND TRENDS.

Policy 2.2.5

Allow increased height limits on larger development sites in exchange for enhanced public benefits.

Policy 2.2.13

Clearly designate and differentiate streets and their associated zoning for functional goods and services movement from streets with pedestrian and bicycle orientations.

Policy 2.2.14

Provide adequate customer parking and goods loading areas in a manner that minimizes negative impacts on transit, bike and pedestrian movements on neighborhood commercial streets.

Housing

OBJECTIVE 3.2

ENCOURAGE NEW NEIGHBORHOOD RESIDENTIAL USES IN LOCATIONS THAT PROVIDE THE GREATEST OPPORTUNITIES TO BUILD ON THE EXISTING NEIGHBORHOOD PATTERNS.

Policy 3.2.2

Encourage in-fill housing production that continues the existing built housing qualities in terms of heights, prevailing density, yards and unit sizes.

Policy 3.2.3

Provide additional housing production incentives for areas identified as most appropriate for housing production.

Policy 3.2.6

Encourage creation of upper floor residential uses on major streets north of Harrison Street.

Policy 3.2.7

Create development controls on large sites that clearly direct and provide opportunities to replicated the scale, character and mix of existing uses.

Policy 3.2.8

Establish clear community benefit guidelines for the use of height or density bonuses for residential construction in the Western SoMa SUD.

OBJECTIVE 3.3

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

Policy 3.3.2

Where new zoning has conferred increased development potential; ensure that mechanisms are in place for developers to contribute towards community benefits programs that include open space, transit, community facilities/services, historic/social heritage preservation and affordable housing, above and beyond citywide inclusionary requirements.

Transportation and Street Network

OBJECTIVE 4.27

ESTABLISH PARKING POLICIES THAT IMPROVE NEIGHBORHOOD LIVABILITY, VITALITY, AND ENVIRONMENTAL QUALITY BY REDUCING PRIVATE VEHICLE TRIPS AND SUPPORTING WALKING, CYCLING AND PUBLIC TRANSIT USE.

Policy 4.27.1

Adopt the same parking maximum policies that were applied in the Eastern Neighborhood Plan.

Urban Design and Built Form

OBJECTIVE 5.1

Reinforce the diversity of the existing built form and the warehouse, industrial and alley character.

Policy 5.1.1

Promote, preserve and maintain the mixed use character of Western SoMa's small scale commercial and residential uses.

The Project features an appropriate mix of uses encouraged by the Area Plan for this location. The Project has obtained a height bonus per the Western SoMa SUD, and will provide the appropriate community benefits commensurate with the increased development. In addition, the Project is located within the prescribed height guidelines, and includes the appropriate dwelling unit mix, since approximately 40% or 55 units are two-bedroom dwellings. The Project introduces a contemporary architectural vocabulary, which is sensitive to the prevailing scale and neighborhood fabric. The Project provides for a high quality designed exterior, which features a variety of materials, colors and textures, including weathered steel, integrated color plaster, perforated panels and aluminum-sash windows. Off-street parking is limited and provided in a space efficient configuration below-grade. The Project will also pay the appropriate development impact fees, including the Eastern Neighborhoods Impact Fees.

10. **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.

Currently, the project site does not contain any existing neighborhood-serving uses. The Project improves the urban form of the neighborhood by constructing new ground floor retail and new dwelling units. This new retail use will provide goods and services to area workers, residents and visitors, while creating new ownership and employment opportunities for residents. 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 136 new dwelling units, thus resulting in an increase in the neighborhood housing stock. The Project is expressive in design, and relates to the scale and form of the surrounding neighborhood by providing relationships to the smaller-scale industrial properties as well as the newer, larger-scale nearby residential properties. For these reasons, the proposed project would protect and preserve the cultural and economic diversity of the neighborhood.

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

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

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

The Project will not alter the existing commuter traffic patterns. The project site is within walking distance to public transportation options. The location of the site will enable employees and visitors to the building to walk, bike, or use public transit.

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

The Project does not include commercial office development and does not displace the City's industrial and services sectors. The Project provides new ground floor retail use and housing, which is a top priority in the City. The new retail use will provide new opportunity for the service sector.

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

The Project will conform to the structural and seismic safety requirements of the City Building Code. The Project will not impact the property's ability to withstand an earthquake.

- G. That landmarks and historic buildings be preserved.

The Project will not impact any landmark or historic building, since the project site does not contain any landmarks or historic buildings.

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

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

11. **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.

12. 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.
13. The Commission hereby finds that approval of the Conditional Use Authorization would promote the health, safety and welfare of the City.

DECISION

That based upon the Record, the submissions by the Applicant, the staff of the Department and other interested parties, the oral testimony presented to this Commission at the public hearings, and all other written materials submitted by all parties, the Commission hereby **APPROVES Conditional Use Application No. 2013.1390CUA_2** under Planning Code Sections 151.1, 263.29, 303 and 823(c)(11) for major development requesting height bonuses and off-street parking exceeding the principally permitted amount at 1532 Harrison Street within the WMUG (Western SoMa Mixed-Use General) Zoning District, Western SOMA Special Use District, and a 55/65-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 10, 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 Western SoMa Area 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 Conditional Use Authorization to the Board of Supervisors within thirty (30) days after the date of this Motion No. 19488. The effective date of this Motion shall be the date of this Motion if not appealed (After the 30-day period has expired) OR the date of the decision of the Board of Supervisors if appealed to the Board of Supervisors. For further information, please contact the Board of Supervisors at (415) 554-5184, City Hall, Room 244, 1 Dr. Carlton B. Goodlett Place, San Francisco, CA 94102.

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

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

I hereby certify that the Planning Commission ADOPTED the foregoing Motion on October 8, 2015.

Jonas P. Ionin
Commission Secretary

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

Motion No. 19488
October 8, 2015

CASE NO. 2013.1390CUA_2
1532 Harrison Street

NAYS:

ABSENT: Moore

ADOPTED: October 8, 2015

EXHIBIT A

AUTHORIZATION

This authorization is for a conditional use for major development requesting height bonuses and off-street parking exceeding the principally permitted amount, with modifications to the requirements for rear yard, open space, freight loading and parking and curb cut width, for new construction of a seven-story (65-ft tall) mixed-use building with 136 dwelling units and 1,463 square feet of ground floor commercial use located at 1532 Harrison Street, Block 3521 and Lot 056, pursuant to Planning Code Section 151.1, 263.29, 303 and 823(c)(11) within the WMUG (Western SoMa Mixed-Use General) Zoning District, Western SOMA Special Use District, and a 55/65-X Height and Bulk District; in general conformance with information stamped "EXHIBIT B" included in the docket for Case No. 2013.1390CUA_2 and subject to conditions of approval reviewed and approved by the Commission on October 8, 2015 under Motion No. 19488. 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 October 8, 2015 under Motion No. 19488.

PRINTING OF CONDITIONS OF APPROVAL ON PLANS

The conditions of approval under the 'Exhibit A' of this Planning Commission Motion No. 19488 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 Western SoMa Area Plan EIR (Case No. 2013.1390E) 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

Improvement Measures. The Commission incorporates the following Transportation Demand Management (TDM) improvement measure:

Identify TDM Coordinator: The project sponsor should identify a TDM coordinator for the project site. The TDM Coordinator is responsible for the implementation and ongoing operation of all other TDM measures described below. The TDM Coordinator could be a brokered service through an existing transportation management association (e.g. the Transportation Management Association of San Francisco, TMA SF), or the TDM Coordinator could be an existing staff member (e.g., property manager); the TDM Coordinator does not have to work full-time at the project site. However, the TDM Coordinator should be the single point of contact for all transportation-related questions from building occupants and City staff. The TDM Coordinator should provide TDM training to other building staff about the transportation amenities and options available at the project site and nearby.

Transportation and Trip Planning Information:

Move-in packet: Provide a transportation insert for the move-in packet that includes information on transit service (local and regional, schedules and fares), information on where transit passes could be purchased, information on the 511 Regional Rideshare Program and nearby bike and car share programs, and information on where to find additional web-based alternative transportation materials (e.g., NextMuni phone app). This move-in packet should be continuously updated as local transportation options change, and the packet should be provided to each new building occupant. Provide Muni maps, San Francisco Bicycle and Pedestrian maps upon request.

New-Hire Packet: Provide a transportation insert in the new-hire packet that includes information on transit service (local and regional, schedules and fares), information on where transit passes could be purchased, information on the 511 Regional Rideshare Program and nearby bike and car share programs, and information on where to find additional web-based alternative transportation materials (e.g., NextMuni phone app). This new-hire packet should be continuously updated as local transportation options change, and the packet should be provided to each new building occupant. Provide Muni maps, San Francisco Bicycle and Pedestrian maps upon request.

City Access for Data Collection:

As part of an ongoing effort to quantify the efficacy of TDM measures, City staff may need to access the project site (including the garage) to perform trip counts, and/or intercept surveys and/or other types of data collection. All on-site activities shall be coordinated through the TDM Coordinator. Project sponsor assures future access to the site by City Staff.

Bicycle Measures:

Parking: Increase the number of on-site secured bicycle parking beyond Planning Code requirements and/or provide additional bicycle facilities in the public right-of-way on public right-of-way locations adjacent to or within a quarter mile of the project site (e.g., sidewalks, on-street parking spaces).

Bay Area Bike Share: Project Sponsor shall cooperate with the San Francisco Municipal Transportation Agency, San Francisco Department of Public Works, and/or Bay Area Bike Share

(agencies) and support installation of a bike share station in the public right-of-way along the project's frontage.

Additional TDM Measures

In addition to the TDM measures described above, the Project Sponsor will additionally provide the following TDM measures consistent with TransForm's GreenTRIP program. According to TransForm, GreenTRIP is an innovative program that certifies residential and mixed-use developments that apply strategies to reduce traffic and excessive parking. GreenTRIP staff help applicants find the most appropriate trip reduction strategies, like transit passes and carsharing for residents. GreenTRIP transportation analysis and communication materials are used to explain the benefits, and often to justify reduced parking provisions, to decision makers and the public. Consistent with the GreenTRIP program, the Project Sponsor will provide the following additional TDM measures:

- Encourage retail tenants to allow bicycles in the workplace;
- Facilitate direct access to bicycle facilities in the study area (e.g., Route 25 on 11th and Route 30 on Folsom and Howard Streets) through on-site signage; and
- Provide free or subsidized car share membership to residents and tenants.

For information about compliance, contact Code Enforcement, Planning Department at 415-575-6863, 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

DESIGN

Final Materials. The Project Sponsor shall continue to work with Planning Department on the building design. Final materials, glazing, color, texture, landscaping, and detailing shall be subject to Department staff review and approval. The architectural addenda shall be reviewed and approved by the Planning Department prior to issuance.

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

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.

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>

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

Entertainment Commission-Recommended Noise Attenuation Conditions for Chapter 116 Residential Projects. The Project Sponsor shall comply with the "Recommended Noise Attenuation Conditions for Chapter 116 Residential Projects," which were recommended by the Entertainment Commission on August 25, 2015. These conditions state:

- **Community Outreach:** Project Sponsor shall include in its community outreach process any businesses located within 300 feet of the proposed project that operate between the hours of 9PM-5AM. Notice shall be made in person, written or electronic form.
- **Sound Study:** Project sponsor shall conduct an acoustical sound study, which shall include sound readings taken when performances are taking place at the proximate Places of Entertainment, as well as when patrons arrive and leave these locations at closing time. Readings should be taken at locations that most accurately capture sound from the Place of Entertainment to best of their ability. Any recommendation(s) in the sound study regarding window glaze ratings and soundproofing materials including but not limited to walls, doors, roofing, etc. shall be given highest consideration by the project sponsor when designing and building the project.
- **Design Considerations:**
 - (1) During design phase, project sponsor shall consider the entrance and egress location and paths of travel at the Place(s) of Entertainment in designing the location of (a) any entrance/egress for the residential building and (b) any parking garage in the building.
 - (2) In designing doors, windows, and other openings for the residential building, project sponsor should consider the POE's operations and noise during all hours of the day and night.
- **Construction Impacts:** Project sponsor shall communicate with adjacent or nearby Place(s) of Entertainment as to the construction schedule, daytime and nighttime, and consider how this schedule and any storage of construction materials may impact the POE operations.
- **Communication:** Project Sponsor shall make a cell phone number available to Place(s) of Entertainment management during all phases of development through construction. In addition, a line of communication should be created to

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

PARKING AND TRAFFIC

Unbundled Parking. All off-street parking spaces shall be made available to Project residents only as a separate "add-on" option for purchase or rent and shall not be bundled with any Project dwelling unit for the life of the dwelling units. The required parking spaces may be made available to residents within a quarter mile of the project. All affordable dwelling units pursuant to Planning Code Section 415 shall have equal access to use of the parking as the market rate units, with parking spaces priced commensurate with the affordability of the dwelling unit. Each unit within the Project shall have the first

right of refusal to rent or purchase a parking space until the number of residential parking spaces are no longer available. No conditions may be placed on the purchase or rental of dwelling units, nor may homeowner's rules be established, which prevent or preclude the separation of parking spaces from dwelling units.

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

Parking Maximum. Pursuant to Planning Code Section 151.1, the Project shall provide no more than 68 off-street parking spaces for the 136 dwelling units.

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 155.2, the Project shall provide no fewer than 136 Class 1 bicycle parking spaces and 10 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

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

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

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

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

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

OPERATION

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

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://sfdptw.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

INCLUSIONARY HOUSING

Affordable Units

1. **Number of Required Units.** Pursuant to Planning Code Sections 415.6 and 823(c)(11)(B)(vi), the Project is required to provide 16% of the proposed dwelling units as affordable to qualifying households. The Project contains 136 units; therefore, 22 affordable units are required. The Project Sponsor will fulfill this requirement by providing the 22 affordable units on-site. If the number of market-rate units change, the number of required affordable units shall be modified accordingly with written approval from Planning Department staff in consultation with the Mayor's Office of Housing and Community Development ("MOHCD").
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. **Unit Mix.** The Project contains 62 studios, 19 one-bedroom, and 55 two-bedroom units; therefore, the required affordable unit mix is 10 studios, 3 one-bedroom, and 9 two-bedroom. If the market-rate unit mix changes, the affordable unit mix will be modified accordingly with written approval from Planning Department staff in consultation with MOHCD.
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.
3. **Unit Location.** The affordable units shall be designated on a reduced set of plans recorded as a Notice of Special Restrictions on the property prior to the issuance of the first construction permit.
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.
4. **Phasing.** If any building permit is issued for partial phasing of the Project, the Project Sponsor shall have designated not less than sixteen percent (16%) of the each phase's total number of dwelling units as on-site affordable units.
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.
5. **Duration.** Under Planning Code Section 415.8, all units constructed pursuant to Section 415.6, must remain affordable to qualifying households for the life of the project.
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.
6. **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 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 MOHCD at 1 South Van Ness Avenue or on the Planning Department or Mayor's Office of Housing's websites, including on the internet at:

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

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

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 affordable unit(s) shall be designated on the building plans prior to the issuance of the first construction permit by the Department of Building Inspection ("DBI"). The affordable unit(s) shall (1) reflect the unit size mix in number of bedrooms of the market rate units, (2) be constructed, completed, ready for occupancy and marketed no later than the market rate units, and (3) be evenly distributed throughout the building; and (4) be of comparable overall quality, construction and exterior appearance as the market rate units in the principal project. The interior features in affordable units should be generally the same as those of the market units in the principal project, but need not be the same make, model or type of such item as long they are of good and new quality and are consistent with then-current standards for new housing. Other specific standards for on-site units are outlined in the Procedures Manual.
- b. If the units in the building are offered for rent, the affordable unit(s) shall be rented to qualifying households, as defined in the Procedures Manual, whose gross annual income, adjusted for household size, does not exceed an average fifty-five (55) percent of Area Median Income under the income table called "Maximum Income by Household Size derived from the Unadjusted Area Median Income for HUD Metro Fair Market Rent Area that contains San Francisco." The initial and subsequent rent level of such units shall be calculated according to the Procedures Manual. Limitations on (i) occupancy; (ii) lease changes; (iii) subleasing, and; are set forth in the Inclusionary Affordable Housing Program and the Procedures Manual.
- c. The Project Sponsor is responsible for following the marketing, reporting, and monitoring requirements and procedures as set forth in the Procedures Manual. MOHCD shall be responsible for overseeing and monitoring the marketing of affordable units. The Project Sponsor must contact MOHCD at least six months prior to the beginning of marketing for any unit in the building.

- d. Required parking spaces shall be made available to renters of affordable units according to the Procedures Manual.
- e. Prior to the issuance of the first construction permit by DBI for the Project, the Project Sponsor shall record a Notice of Special Restriction on the property that contains these conditions of approval and a reduced set of plans that identify the affordable units satisfying the requirements of this approval. The Project Sponsor shall promptly provide a copy of the recorded Notice of Special Restriction to the Department and to MOHCD or its successor.
- f. The Project Sponsor has demonstrated that it is eligible for the On-site Affordable Housing Alternative under Planning Code Section 415.6 instead of payment of the Affordable Housing Fee, and has submitted the *Affidavit of Compliance with the Inclusionary Affordable Housing Program: Planning Code Section 415* to the Planning Department stating the intention to enter into an agreement with the City to qualify for a waiver from the Costa-Hawkins Rental Housing Act based upon the proposed density bonus and concessions (as defined in California Government Code Section 65915 et seq.) provided herein. The Project Sponsor has executed the Costa Hawkins agreement and will record a Memorandum of Agreement prior to issuance of the first construction document or must revert payment of the Affordable Housing Fee.
- g. If the Project Sponsor 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 Section 415 et seq. shall constitute cause for the City to record a lien against the development project and to pursue any and all available remedies at law.
- h. If the Project becomes ineligible at any time for the On-site Affordable Housing Alternative, the Project Sponsor or its successor shall pay the Affordable Housing Fee prior to issuance of the first construction permit or may seek a fee deferral as permitted under Ordinances 0107-10 and 0108-10. If the Project becomes ineligible after issuance of its first construction permit, the Project Sponsor shall notify the Department and MOHCD and pay interest on the Affordable Housing Fee and penalties, if applicable.

MITIGATION MONITORING AND REPORTING PROGRAM – 1532 HARRISON COMMUNITY PLAN EXEMPTION

Mitigation Measures	Responsibility for Implementation	Mitigation Schedule	Monitoring/Reporting Responsibility	Status / Date Complete
Cultural and Paleontological Resources				
<p>Project Mitigation Measure 1 – Archeological Testing Program (M-CP-4a of the Western SoMa PEIR). Based on a reasonable presumption that archeological resources may be present within the project site, the following measures shall be undertaken to avoid any potentially significant adverse effect from the proposed project on buried or submerged historical resources. The project sponsor shall retain the services of an archaeological consultant from the rotational Department Qualified Archaeological Consultants List (QAACL) maintained by the Planning Department archaeologist. The project sponsor shall contact the Department archaeologist to obtain the names and contact information for the next three archeological consultants on the QAACL. The archeological consultant shall undertake an archeological testing program as specified herein. In addition, the consultant shall be available to conduct an archeological monitoring and/or data recovery program if required pursuant to this measure. The archeological consultant's work shall be conducted in accordance with this measure at the direction of the Environmental Review Officer (ERO). All plans and reports prepared by the consultant as specified herein shall be submitted first and directly to the ERO for review and comment, and shall be considered draft reports subject to revision until final approval by the ERO. Archeological monitoring and/or data recovery programs required by this measure could suspend construction of the project for up to a maximum of four weeks. At the direction of the ERO, the suspension of construction can be extended beyond four weeks only if such a suspension is the only feasible means to reduce to a less than significant level potential effects on a significant archeological resource as defined in CEQA Guidelines Sect. 15064.5 (a)(c).</p>	<p>Project sponsor/ archeological consultant at the direction of the ERO.</p>	<p>Prior to any soil-disturbing activities on the project site.</p>	<p>Project sponsor to retain a qualified archeological consultant who shall report to the ERO.</p>	<p>Archeological consultant shall be retained prior to any soil-disturbing activities. Date archeological consultant retained: _____ Date of initial soil disturbing activities: _____</p>
<p><i>Consultation with Descendant Communities:</i> On discovery of an archeological site (intended here to minimally include any archeological deposit, feature, burial, or evidence of burial) associated with descendant Native Americans, the Overseas Chinese, or other descendant group an appropriate representative of the descendant group and the ERO shall be contacted. (An "appropriate representative" of the descendant group is here defined to mean, in the case of Native Americans, any individual listed in the current Native American Contact List for the City and County of San Francisco maintained by the California Native American Heritage Commission and in the case of the Overseas Chinese, the Chinese Historical Society of America. An appropriate representative of other descendant groups should be determined in consultation with the Department archaeologist.) The representative of the descendant group shall be given the opportunity to monitor archeological field investigations of the site and to consult with ERO regarding appropriate archeological treatment of the site, of recovered data from the site, and, if applicable, any interpretative treatment of the associated archeological site. A copy of the Final Archaeological Resources Report shall be provided to the representative of the descendant group.</p>	<p>Project sponsor/ archeological consultant and representative of descendant group, at the direction of the ERO.</p>	<p>Initiated upon discovery of an archeological site associated with descendant groups. Complete upon completion of archeological field investigations and ERO consultation.</p>	<p>Project sponsor to retain a qualified archeological consultant who shall report to the ERO.</p>	<p>Date archeological site discovered: _____ Date field investigations monitored: _____ Date ERO consulted: _____ Date final report sent to descendant group representative: _____</p>

MITIGATION MONITORING AND REPORTING PROGRAM – 1532 HARRISON COMMUNITY PLAN EXEMPTION (Continued)

Mitigation Measures	Responsibility for Implementation	Mitigation Schedule	Monitoring/Reporting Responsibility	Status / Date Complete
Cultural and Paleontological Resources (continued)				
<p><i>Archeological Testing Program.</i> The archeological consultant shall prepare and submit to the ERO for review and approval an archeological testing plan (ATP). The archeological testing program shall be conducted in accordance with the approved ATP. The ATP shall identify the property types of the expected archeological resource(s) that potentially could be adversely affected by the proposed project, the testing method to be used, and the locations recommended for testing. The purpose of the archeological testing program will be to determine to the extent possible the presence or absence of archeological resources and to identify and to evaluate whether any archeological resource encountered on the site constitutes an historical resource under CEQA.</p>	<p>Project sponsor/ archeological consultant at the direction of the ERO.</p>	<p>Prior to any soil-disturbing activities on the project site.</p>	<p>Archeologist shall prepare and submit draft ATP to the ERO. ATP to be submitted and reviewed by ERO prior to any soil-disturbing activities on the project site.</p>	<p>Date ATP submitted to the ERO: Date ATP approved by the ERO: Date of initial soil disturbing activities:</p>
<p>At the completion of the archeological testing program, the archeological consultant shall submit a written report of the findings to the ERO. If based on the archeological testing program the archeological consultant finds that significant archeological resources may be present, the ERO in consultation with the archeological consultant shall determine if additional measures are warranted. Additional measures that may be undertaken include archeological testing, archeological monitoring, and/or an archeological data recovery program. No archeological data recovery shall be undertaken without the prior approval of the ERO or the Planning Department archeologist. If the ERO determines that a significant archeological resource is present and that the resource could be adversely affected by the proposed project, at the discretion of the project sponsor either:</p> <p>A. The proposed project shall be re-designed so as to avoid any adverse effect on the significant archeological resource; or</p> <p>B. A data recovery program shall be implemented, unless the ERO determines that the archeological resource is of greater interpretive than research significance and that interpretive use of the resource is feasible.</p>	<p>Project sponsor/ archeological consultant at the direction of the ERO.</p>	<p>After completion of the archeological testing program.</p>	<p>Archeological consultant shall submit a report of findings of the ATP to the ERO.</p> <p>ERO determination of significant archeological resource present? Y N Would resource be adversely affected? Y N Additional mitigation to be undertaken by project sponsor? Y N</p>	<p>Date archeological findings report submitted to the ERO: ERO determination of significant archeological resource present? Y N Would resource be adversely affected? Y N Additional mitigation to be undertaken by project sponsor? Y N</p>
<p><i>Archeological Monitoring Program.</i> If the ERO in consultation with the archeological consultant determines that an archeological monitoring program shall be implemented the archeological monitoring program shall minimally include the following provisions:</p> <ul style="list-style-type: none"> The archeological consultant, project sponsor, and ERO shall meet and consult on the scope of the AMP reasonably prior to any project-related soils disturbing activities commencing. 	<p>Project sponsor/ archeological consultant/ monitor/ contractor(s), at the direction of the ERO.</p>	<p>ERO and archeological consultant shall meet prior to commencement of soil-disturbing activities. If</p>	<p>Project sponsor/ archeological consultant/ monitor/ contractor(s) shall implement the AMP, if</p>	<p>AMP required? Y N Date: Date AMP submitted to the ERO:</p>

MITIGATION MONITORING AND REPORTING PROGRAM – 1532 HARRISON COMMUNITY PLAN EXEMPTION (Continued)

Mitigation Measures	Responsibility for Implementation	Mitigation Schedule	Monitoring/Reporting Responsibility	Status / Date Complete
Cultural and Paleontological Resources (continued)				
<p>The ERO in consultation with the archeological consultant shall determine what project activities shall be archeologically monitored. In most cases, any soils- disturbing activities, such as demolition, foundation removal, excavation, grading, utilities installation, foundation work, driving of piles (foundation, shoring, etc.), site remediation, etc., shall require archeological monitoring because of the risk these activities pose to potential archaeological resources and to their depositional context;</p> <ul style="list-style-type: none"> ▪ The archeological consultant shall advise all project contractors to be on the alert for evidence of the presence of the expected resource(s), of how to identify the evidence of the expected resource(s), and of the appropriate protocol in the event of apparent discovery of an archeological resource; ▪ The archeological monitor(s) shall be present on the project site according to a schedule agreed upon by the archeological consultant and the ERO until the ERO has, in consultation with project archeological consultant, determined that project construction activities could have no effects on significant archeological deposits; ▪ The archeological monitor shall record and be authorized to collect soil samples and artifactal/ecofactual material as warranted for analysis; ▪ If an intact archeological deposit is encountered, all soils-disturbing activities in the vicinity of the deposit shall cease. The archeological monitor shall be empowered to temporarily redirect demolition/excavation/pile driving/construction activities and equipment until the deposit is evaluated. If in the case of pile driving activity (foundation, shoring, etc.), the archeological monitor has cause to believe that the pile driving activity may affect an archeological resource, the pile driving activity shall be terminated until an appropriate evaluation of the resource has been made in consultation with the ERO. The archeological consultant shall immediately notify the ERO of the encountered archeological deposit. The archeological consultant shall make a reasonable effort to assess the identity, integrity, and significance of the encountered archeological deposit, and present the findings of this assessment to the ERO. <p>Whether or not significant archeological resources are encountered, the archeological consultant shall submit a written report of the findings of the monitoring program to the ERO.</p>		<p>the ERO determines that an AMP is necessary, monitor throughout all soil-disturbing activities at the project site.</p>	<p>required by the ERO.</p>	<p>Date AMP approved by the ERO: _____</p> <p>Date AMP implementation complete: _____</p> <p>Date written report regarding findings of the AMP received: _____</p>
<p><i>Archeological Data Recovery Program.</i> The archeological data recovery program shall be conducted in accord with an archeological data recovery plan (ADRP). The archeological consultant, project sponsor, and ERO shall meet and consult on the scope of the ADRP prior to preparation of a draft ADRP. The archeological consultant shall submit a draft ADRP to the ERO. The ADRP shall identify how the proposed data recovery program will preserve the significant information the archeological resource is expected to contain. That is,</p>	<p>Archeological consultant at the direction of the ERO.</p>	<p>If there is a determination that an ADRP program is required.</p>	<p>Project sponsor/ archeological consultant/ monitor/contractor(s) shall prepare an ADRP if required by the ERO.</p>	<p>ADRP required? Y N Date: _____</p>

MITIGATION MONITORING AND REPORTING PROGRAM – 1532 HARRISON COMMUNITY PLAN EXEMPTION (Continued)

Mitigation Measures	Responsibility for Implementation	Mitigation Schedule	Monitoring/Reporting Responsibility	Status / Date Complete
Cultural and Paleontological Resources (continued)				
<p>the ADRP will identify what scientific/historical research questions are applicable to the expected resource, what data classes the resource is expected to possess, and how the expected data classes would address the applicable research questions. Data recovery, in general, should be limited to the portions of the historical property that could be adversely affected by the proposed project. Destructive data recovery methods shall not be applied to portions of the archeological resources if nondestructive methods are practical.</p> <p>The scope of the ADRP shall include the following elements:</p> <ul style="list-style-type: none"> ▪ Field Methods and Procedures. <i>Descriptions of proposed field strategies, procedures, and operations.</i> ▪ Cataloguing and Laboratory Analysis. <i>Description of selected cataloguing system and artifact analysis procedures.</i> ▪ Discard and Deaccession Policy. <i>Description of and rationale for field and post-field discard and deaccession policies.</i> ▪ Interpretive Program. <i>Consideration of an on-site/off-site public interpretive program during the course of the archeological data recovery program.</i> ▪ Security Measures. <i>Recommended security measures to protect the archeological resource from vandalism, looting, and non-intentionally damaging activities.</i> ▪ Final Report. <i>Description of proposed report format and distribution of results.</i> <p><i>Curation.</i> Description of the procedures and recommendations for the curation of any recovered data having potential research value, identification of appropriate curation facilities, and a summary of the accession policies of the curation facilities.</p> <p><i>Human Remains and Associated or Unassociated Funerary Objects.</i> The treatment of human remains and of associated or unassociated funerary objects discovered during any soils disturbing activity shall comply with applicable State and Federal laws. This shall include immediate notification of the Coroner of the City and County of San Francisco and in the event of the Coroner's determination that the human remains are Native American remains, notification of the California State Native American Heritage Commission (NAHC) who shall appoint a Most Likely Descendant (MLD) (Pub. Res. Code Sec. 5097.98). The archeological consultant, project sponsor, ERO, and MLD shall make all reasonable efforts to develop an agreement for the treatment of, with appropriate dignity, human remains and associated or unassociated funerary objects (CEQA Guidelines, Sec. 15064.5(d)). The agreement should take into consideration the appropriate excavation, removal, recordation, analysis, custodianship, curation, and final disposition of the human remains and associated or unassociated funerary objects.</p>	<p>Project sponsor/ archeological consultant in consultation with the San Francisco Coroner, NAHC, and MLD.</p>	<p>In the event human remains and/or funerary objects are found.</p>	<p>Project sponsor/ archeological consultant to monitor (through-out all soil disturbing activities) for human remains and associated/ unassociated funerary objects and, if found, contact the San Francisco Coroner, NAHC/MLD.</p>	<p>Date of scoping meeting for ADRP: _____</p> <p>Date Draft ARDP submitted to the ERO: _____</p> <p>Date ARDP approved by the ERO: _____</p> <p>Date ARDP implementation complete: _____</p>
<p><i>Human Remains and Associated or Unassociated Funerary Objects.</i> The treatment of human remains and of associated or unassociated funerary objects discovered during any soils disturbing activity shall comply with applicable State and Federal laws. This shall include immediate notification of the Coroner of the City and County of San Francisco and in the event of the Coroner's determination that the human remains are Native American remains, notification of the California State Native American Heritage Commission (NAHC) who shall appoint a Most Likely Descendant (MLD) (Pub. Res. Code Sec. 5097.98). The archeological consultant, project sponsor, ERO, and MLD shall make all reasonable efforts to develop an agreement for the treatment of, with appropriate dignity, human remains and associated or unassociated funerary objects (CEQA Guidelines, Sec. 15064.5(d)). The agreement should take into consideration the appropriate excavation, removal, recordation, analysis, custodianship, curation, and final disposition of the human remains and associated or unassociated funerary objects.</p>	<p>Project sponsor/ archeological consultant in consultation with the San Francisco Coroner, NAHC, and MLD.</p>	<p>In the event human remains and/or funerary objects are found.</p>	<p>Project sponsor/ archeological consultant to monitor (through-out all soil disturbing activities) for human remains and associated/ unassociated funerary objects and, if found, contact the San Francisco Coroner, NAHC/MLD.</p>	<p>Human remains and associated/unassociated funerary objects found? Y N</p> <p>Date: _____</p> <p>Persons contacted: _____</p>

MITIGATION MONITORING AND REPORTING PROGRAM – 1532 HARRISON COMMUNITY PLAN EXEMPTION (Continued)

Mitigation Measures	Responsibility for Implementation	Mitigation Schedule	Monitoring/Reporting Responsibility	Status / Date Complete
Cultural and Paleontological Resources (continued)				
<p><i>Final Archeological Resources Report.</i> The archeological consultant shall submit a Draft Final Archeological Resources Report (FARR) to the ERO that evaluates the historical significance of any discovered archeological resource and describes the archeological and historical research methods employed in the archeological testing/monitoring/data recovery program(s) undertaken. Information that may put at risk any archeological resource shall be provided in a separate removable insert within the final report.</p> <p>Once approved by the ERO, copies of the FARR shall be distributed as follows: California Archaeological Site Survey Northwest Information Center (NWIC) shall receive one (1) copy and the ERO shall receive a copy of the transmittal of the FARR to the NWIC. The Environmental Planning division of the Planning Department shall receive one bound, one unbound and one unlocked, searchable PDF copy on CD of the FARR along with copies of any formal site recordation forms (CA DPR 523 series) and/or documentation for nomination to the National Register of Historic Places/California Register of Historical Resources. In instances of high public interest in or the high interpretive value of the resource, the ERO may require a different final report content, format, and distribution than that presented above.</p>	<p>Archeological consultant at the direction of the ERO.</p>	<p>After completion of archeological data recovery, inventory, and analysis.</p>	<p>Project sponsor/ archeological consultant/monitor/ contractor(s) shall prepare an FARR to the ERO.</p>	<p>Name: _____ Date: _____ Name: _____ Date: _____ Date Draft FARR submitted to ERO: Date FARR approved by ERO: Date of distribution of Final FARR: Date of submittal of Final FARR to information center:</p>
Noise				
<p>Project Mitigation Measure 2 – Siting of Noise-Sensitive Uses (Mitigation Measure M-NO-1b of the Western SoMa PEIR). To reduce potential conflicts between existing noise-generating uses and new sensitive receptors, for new residential development and development that includes other noise-sensitive uses (primarily, residences, and also including schools and child care, religious, and convalescent facilities and the like), the San Francisco 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 average and maximum noise level readings taken so as to be able to accurately describe maximum levels reached during nighttime hours) prior to the first project approval action. The analysis shall be prepared by persons qualified in</p>	<p>Project sponsor, architect, acoustical consultant, and construction contractor.</p>	<p>Analysis completed during environmental review of subsequent projects in the Project Area; architect to incorporate findings of noise study into building plans prior to issuance of final building permit and certificate of occupancy.</p>	<p>Planning Department and Department of Building Inspection.</p>	<p>Considered complete upon approval of final construction plan set.</p>

MITIGATION MONITORING AND REPORTING PROGRAM – 1532 HARRISON COMMUNITY PLAN EXEMPTION (Continued)

Mitigation Measures	Responsibility for Implementation	Mitigation Schedule	Monitoring/Reporting Responsibility	Status / Date Complete
Noise (continued)				
<p>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 individual project site that appear to warrant heightened concern about noise levels in the vicinity. The analysis shall be conducted prior to completion of the environmental review process. Should the Planning Department conclude that such concerns be present, the San Francisco Planning 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>				
<p>Project Mitigation Measure 3 – Open Space in Noisy Environments (Mitigation Measure M-NO-1d of Western SoMa PEIR) To minimize effects on development in noisy areas, for new development including noise-sensitive uses (primarily, residences, and also including schools and child care, religious, and convalescent facilities and the like), the San Francisco Planning Department shall, through its building permit review process, in conjunction with noise analysis required pursuant to Mitigation Measure M-NO-1b, 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. Implementation of this measure shall be undertaken consistent with other principles of urban design.</p>	<p>Project sponsor, architect, acoustical consultant, and construction contractor.</p>	<p>Analysis completed during environmental review.</p>	<p>Planning Department</p>	<p>Considered completed upon approval of project plans by the Planning Department.</p>
<p>Project Mitigation Measure 4 – General Construction Noise Control Measures (Mitigation Measure M-NO-2a of the Western SoMa PEIR). To ensure that project noise from construction activities is minimized to the maximum extent feasible, the sponsor of a subsequent development project shall undertake the following:</p> <ul style="list-style-type: none"> The sponsor of a subsequent development project shall require the general contractor to ensure that equipment and trucks used for project construction use the best available noise control techniques (e.g., improved mufflers, equipment redesign, use of intake silencers, ducts, engine enclosures and acoustically attenuating shields or shrouds, wherever feasible). The sponsor of a subsequent development project shall require the general contractor to locate stationary noise sources (such as compressors) as far from adjacent or nearby sensitive receptors as possible, to muffle such noise sources, and to construct barriers around such sources and/or the construction site, which could reduce construction noise by as much as 5 dBA. To further reduce noise, the contractor shall locate stationary equipment in pit areas or excavated areas, if feasible. 	<p>Project sponsor and construction contractor.</p>	<p>During construction period.</p>	<p>Project sponsor to provide monthly noise reports during construction.</p>	<p>Considered complete upon final monthly report.</p>

MITIGATION MONITORING AND REPORTING PROGRAM – 1532 HARRISON COMMUNITY PLAN EXEMPTION (Continued)

Mitigation Measures	Responsibility for Implementation	Mitigation Schedule	Monitoring/Reporting Responsibility	Status / Date Complete
<p>Noise (continued)</p> <ul style="list-style-type: none"> The sponsor of a subsequent development project shall require the general contractor to use impact tools (e.g., jack hammers, pavement breakers, and rock drills) that are hydraulically or electrically powered wherever possible to avoid noise associated with compressed air exhaust from pneumatically powered tools. Where use of pneumatic tools is unavoidable, an exhaust muffler on the compressed air exhaust shall be used, along with external noise jackets on the tools, which could reduce noise levels by as much as 10 dBA. The sponsor of a subsequent development project shall include noise control requirements in specifications provided to construction contractors. Such requirements could include, but not be limited to, performing all work in a manner that minimizes noise to the extent feasible; undertaking the most noisy activities during times of least disturbance to surrounding residents and occupants, as feasible; and selecting haul routes that avoid residential buildings inasmuch as such routes are otherwise feasible. Prior to the issuance of each building permit, along with the submission of construction documents, the sponsor of a subsequent development project shall submit to the San Francisco Planning Department and Department of Building Inspection (DBI) a list of measures to respond to and track complaints pertaining to construction noise. These measures shall include: (1) a procedure and phone numbers for notifying DBI, the Department of Public Health, and the Police Department (during regular construction hours and off-hours); (2) a sign posted on-site describing noise complaint procedures and a complaint hotline number that shall be answered at all times during construction; (3) designation of an on-site construction complaint and enforcement manager for the project; and (4) notification of neighboring residents and non-residential building managers within 300 feet of the project construction area at least 30 days in advance of extreme noise-generating activities (defined as activities generating noise levels of 90 dBA or greater) about the estimated duration of the activity. <p>Additionally, the noise study also identifies additional noise-attenuation measures to be implemented as feasible to further reduce noise impacts, in compliance with Mitigation Measure M-NO-2a (Project Mitigation Measure 4). The following site-specific noise-attenuation measures would be implemented as feasible:</p> <ul style="list-style-type: none"> Conduct noise monitoring at the beginning of major construction phases (e.g., demolition, excavation) to determine the need and the effectiveness of noise-attenuation measures. Erect temporary plywood noise barriers around the construction site where the site adjoins noise-sensitive receivers, such as the neighboring 365 12th Street residence. 				

MITIGATION MONITORING AND REPORTING PROGRAM – 1532 HARRISON COMMUNITY PLAN EXEMPTION (Continued)

Mitigation Measures	Responsibility for Implementation	Mitigation Schedule	Monitoring/Reporting Responsibility	Status / Date Complete
Noise (continued)				
<ul style="list-style-type: none"> Utilize noise control blankets on the building structure adjacent to the 365 12th Street residence – and possibly other noise-sensitive receivers – as the building is erected to reduce noise emission from the site. 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. Notify the Department of Building Inspection (DBI) and neighbors in advance of the schedule for each major phase of construction and expected loud activities. Limit construction to the hours of 7:00 a.m. to 8:00 p.m. per San Francisco Police Code Article 29. Construction outside of these hours may be approved through a development permit based on a site-specific construction noise mitigation plan and a finding by DBI that the construction noise mitigation plan is adequate to prevent noise disturbance of affected residential uses. When feasible, select “quiet” construction methods and equipment (e.g., improved mufflers, use of intake silencers, engine enclosures). Mobile noise-generating equipment (e.g., dozers, backhoes, and excavators) would be required to prepare the entire site. However, the developer would endeavor to avoid placing stationary noise generating equipment (e.g., generators, compressors) within noise-sensitive buffer areas (measured at linear 20 feet) between immediately adjacent neighbors. Require that all construction equipment be in good working order and that mufflers are inspected to be functioning properly. Avoid unnecessary idling of equipment and engines. 				
Air Quality				
<p>Project Mitigation Measure 5 – Construction Emissions Minimization Plan (Mitigation Measure M-AQ-7 of the Western SoMa PEIR). To reduce the potential health risk resulting from project construction activities, the project sponsor of each development project in the Draft Plan Area and on the Adjacent Parcels shall undertake a project-specific construction health risk analysis to be performed by a qualified air quality specialist, as appropriate and determined by the Environmental Planning Division of the San Francisco Planning Department, for diesel-powered and other applicable construction equipment, using the methodology recommended by the Bay Area Air Quality Management District (BAAQMD) and/or the San Francisco Planning Department. If the health risk analysis determines that construction emissions would exceed health risk significance thresholds identified by the BAAQMD and/or the San Francisco Planning Department, the project sponsor shall develop a Construction Emissions Minimization Plan for Health Risks and Hazards designed to reduce health risks from construction equipment to less-than-significant levels.</p>	Project sponsor/contractor(s)	Prior to issuance of a permit specified in Section 106A.3.2.6 of the Francisco Building Code.	Health Risk Analysis complete. ERO to review and approve the Construction Emissions Minimization Plan prior to construction with diesel equipment. Contractor or sponsor to provide monthly reports on equipment.	Submit Plan for review prior to construction. Monitor measures as part of everyday operations; during project construction. Considered complete upon final monthly construction report.

MITIGATION MONITORING AND REPORTING PROGRAM – 1532 HARRISON COMMUNITY PLAN EXEMPTION (Continued)

Mitigation Measures	Responsibility for Implementation	Mitigation Schedule	Monitoring/Reporting Responsibility	Status / Date Complete
<p>Air Quality (continued)</p> <p><i>A. Construction Emissions Minimization Plan.</i> Subsequent development projects that may exceed the standards for criteria air pollutants, as determined by the ERO or his/her designee, shall be required to undergo an analysis of the project's construction emissions and if, based on that analysis, construction period emissions may be significant, the project sponsor shall submit a Construction Emissions Minimization Plan (Plan) to the Environmental Review Officer (ERO) for review and approval by an Environmental Planning Air Quality Specialist. The Plan for Criteria Air Pollutants (as well as TACs, see Impact AQ-7) shall be designed to reduce criteria air pollutant emissions to the greatest degree practicable.</p> <p>The Plan shall detail project compliance with the following requirements:</p> <ol style="list-style-type: none"> 1. All off-road equipment greater than 25 horsepower and operating for more than 20 total hours over the entire duration of construction activities shall meet the following requirements: <ol style="list-style-type: none"> a) Where access to alternative sources of power are available, portable diesel engines shall be prohibited; b) All off-road equipment shall have: <ol style="list-style-type: none"> i. Engines that meet or exceed either U.S. Environmental Protection Agency or California Air Resources Board Tier 2 off-road emission standards, <i>and</i> ii. Engines that are retrofitted with an ARB Level 3 Verified Diesel Emissions Control Strategy (VDECS). c) Exceptions: <ol style="list-style-type: none"> i. Exceptions to A(1)(a) may be granted if the project sponsor has submitted information providing evidence to the satisfaction of the ERO that an alternative source of power is limited or infeasible at the project site and that the requirements of this exception provision apply. Under this circumstance, the sponsor shall submit documentation of compliance with A(1)(b) for onsite power generation. ii. Exceptions to A(1)(b)(ii) may be granted if the project sponsor has submitted information providing evidence to the satisfaction of the ERO that a particular piece of off-road equipment with an ARB Level 3 VDECS is: (1) technically not feasible, (2) would not produce desired emissions reductions due to expected operating modes, (3) installing the control device would create a safety hazard or impaired visibility for the operator, or (4) there is a compelling emergency need to use off-road equipment that are not retrofitted with an ARB Level 3 VDECS and the sponsor has submitted documentation to the ERO 				

MITIGATION MONITORING AND REPORTING PROGRAM – 1532 HARRISON COMMUNITY PLAN EXEMPTION (Continued)

Mitigation Measures	Responsibility for Implementation	Mitigation Schedule	Monitoring/Reporting Responsibility	Status / Date Complete												
<p>Air Quality (continued)</p> <p>iii. that the requirements of this exception provision apply. If granted an exception to A(1)(b)(ii), the project sponsor must comply with the requirements of A(1)(c)(iii).</p> <p>iv. If an exception is granted pursuant to A(1)(c)(ii), the project sponsor shall provide the next cleanest pieces of off-road equipment as provided by the step down schedules in Table A1 below.</p> <p style="text-align: center;">TABLE A1</p> <p style="text-align: center;">OFF-ROAD EQUIPMENT COMPLIANCE STEP DOWN SCHEDULE*</p> <table border="1" style="margin-left: auto; margin-right: auto;"> <thead> <tr> <th>Compliance Alternative</th> <th>Engine Emission Standard</th> <th>Emissions Control</th> </tr> </thead> <tbody> <tr> <td>1</td> <td>Tier 2</td> <td>ARB Level 2 VDECS</td> </tr> <tr> <td>2</td> <td>Tier 2</td> <td>ARB Level 1 VDECS</td> </tr> <tr> <td>3</td> <td>Tier 2</td> <td>Alternative Fuel*</td> </tr> </tbody> </table> <p>* How to use the table. If the requirements of (A)(1)(b) cannot be met, then the project sponsor would need to meet Compliance Alternative 1. Should the project sponsor not be able to supply off-road equipment meeting Compliance Alternative 1, then Compliance Alternative 2 would need to be met. Should the project sponsor not be able to supply off-road equipment meeting Compliance Alternative 2, then Compliance Alternative 3 would need to be met.</p> <p>** Alternative fuels are not a VDECS</p> <p>2. The project sponsor shall require the idling time for off-road and on-road equipment be limited to no more than two minutes, except as provided in exceptions to the applicable state regulations regarding idling for off-road and on-road equipment. Legible and visible signs shall be posted in multiple languages (English, Spanish, Chinese) in designated queuing areas and at the construction site to remind operators of the two minute idling limit.</p> <p>3. The project sponsor shall require that construction operators properly maintain and tune equipment in accordance with manufacturer specifications.</p> <p>4. The Plan shall include estimates of the construction timeline by phase with a description of each piece of off-road equipment required for every construction phase. Off-road equipment descriptions and information may include, but is not limited to: equipment type, equipment manufacturer, equipment identification number, engine model year, engine certification (Tier rating), horsepower, engine serial number, and expected fuel</p>	Compliance Alternative	Engine Emission Standard	Emissions Control	1	Tier 2	ARB Level 2 VDECS	2	Tier 2	ARB Level 1 VDECS	3	Tier 2	Alternative Fuel*				
Compliance Alternative	Engine Emission Standard	Emissions Control														
1	Tier 2	ARB Level 2 VDECS														
2	Tier 2	ARB Level 1 VDECS														
3	Tier 2	Alternative Fuel*														

MITIGATION MONITORING AND REPORTING PROGRAM – 1532 HARRISON COMMUNITY PLAN EXEMPTION (Continued)

Mitigation Measures	Responsibility for Implementation	Mitigation Schedule	Monitoring/Reporting Responsibility	Status / Date Complete
Air Quality (continued)				
usage and hours of operation. For the VDECS installed: technology type, serial number, make, model, manufacturer, ARB verification number level, and installation date and hour meter reading on installation date. For off-road equipment using alternative fuels, reporting shall indicate the type of alternative fuel being used.				
5. The Plan shall be kept on-site and available for review by any persons requesting it and a legible sign shall be posted at the perimeter of the construction site indicating to the public the basic requirements of the Plan and a way to request a copy of the Plan. The project sponsor shall provide copies of Plan as requested.				
B. Reporting. Monthly reports shall be submitted to the ERO indicating the construction phase and off-road equipment information used during each phase including the information required in A(4). In addition, for off-road equipment using alternative fuels, reporting shall include actual amount of alternative fuel used.	Project sponsor/ contractor(s)	Monthly during construction.	ERO to receive reports.	Considered complete on findings by ERO that Plan is being implemented. Date plan deemed implemented by ERO:
Within six months of the completion of construction activities, the project sponsor shall submit to the ERO a final report summarizing construction activities. The final report shall indicate the start and end dates and duration of each construction phase. For each phase, the report shall include detailed information required in A(4). In addition, for off-road equipment using alternative fuels, reporting shall include actual amount of alternative fuel used.	Project sponsor/ contractor(s)	Within six months of completion of construction activities.	ERO to receive reports.	Date report submitted to ERO:
C. Certification Statement and On-site Requirements. Prior to the commencement of construction activities, the project sponsor must certify (1) compliance with the Plan, and (2) all applicable requirements of the Plan have been incorporated into contract specifications.	Project sponsor/ contractor(s)	Prior to construction activities requiring the use of off-road equipment	ERO to receive certification statement.	Considered complete on submittal of certification statement. Date certification statement submitted:

MITIGATION MONITORING AND REPORTING PROGRAM – 1532 HARRISON COMMUNITY PLAN EXEMPTION (Continued)

Mitigation Measures	Responsibility for Implementation	Mitigation Schedule	Monitoring/Reporting Responsibility	Status / Date Complete
Biological Resources				
<p>Project Mitigation Measure 6 – Pre-Construction Special-Status Bird Surveys (Mitigation Measure M-BI-1a of Western SoMa PEIR). Conditions of approval for building permits issued for construction within the Draft Plan Area or on the Adjacent Parcels shall include a requirement for pre-construction special-status bird surveys when trees would be removed or buildings demolished as part of an individual project. Pre-construction special-status bird surveys shall be conducted by a qualified biologist between February 1 and August 15 if tree removal or building demolition is scheduled to take place during that period. If bird species protected under the Migratory Bird Treaty Act or the California Fish and Game Code are found to be nesting in or near any work area, an appropriate no-work buffer zone (e.g., 100 feet for songbirds) shall be designated by the biologist. Depending on the species involved, input from the California Department of Fish and Game (CDFG) and/or United States Fish and Wildlife Service (USFWS) may be warranted. As recommended by the biologist, no activities shall be conducted within the no-work buffer zone that could disrupt bird breeding. Outside of the breeding season (August 16 – January 31), or after young birds have fledged, as determined by the biologist, work activities may proceed. Special-status birds that establish nests during the construction period are considered habituated to such activity and no buffer shall be required, except as needed to avoid direct destruction of the nest, which would still be prohibited.</p>	<p>Project Sponsor; qualified biologist; CDFG; USFWS</p>	<p>Prior to issuance of demolition or building permits when trees or shrubs would be removed or buildings demolished as part of an individual project.</p>	<p>Project Sponsor; qualified biologist; CDFG; USFWS</p>	<p>Prior to issuance of demolition or building permits</p>
Hazardous and Hazardous Materials				
<p>Project Mitigation Measure 7 – Hazardous Building Materials Abatement (Mitigation Measure M-HZ-2 of the Western SoMa PEIR). The City shall condition future development approvals to require that the subsequent project sponsors ensure that any equipment containing polychlorinated biphenyls (PCBs) or mercury, such as fluorescent light ballasts, are removed and properly disposed of according to applicable federal, state, and local laws prior to the start of renovation, and that any fluorescent light tube fixtures, which could contain mercury, are similarly removed intact and properly disposed of. Any other hazardous materials identified, either before or during work, shall be abated according to applicable federal, state, and local laws.</p>	<p>Project Sponsor; Planning Department</p>	<p>Prior to any demolition or construction activities</p>	<p>Project Sponsor; Planning Department</p>	<p>Prior to any demolition or construction activities</p>