



SAN FRANCISCO PLANNING DEPARTMENT

Subject to: (Select only if applicable)

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Planning Commission Motion No. 20107 Downtown Project Authorization

HEARING DATE: FEBRUARY 8, 2018

Case No.: 2015-012994GPA/PCA/MAP/DNX/CUA
 Project Address: 200 – 214 Van Ness Avenue Street
 Existing Zoning: C-3-G Downtown General
 96-X Height and Bulk District
 Proposed Zoning C-3-G Downtown General
 120-X Height and Bulk District
 Block/Lot: 0342/001, 002, 004, and 014
 Project Sponsor: Suzanne Brown, on behalf of
 SF Conservatory of Music
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ADOPTING FINDINGS RELATED TO THE APPROVAL OF A SECTION 309 DETERMINATION OF COMPLIANCE AND REQUEST FOR EXCEPTIONS FOR REAR YARD PER PLANNING CODE SECTION 134, USABLE OPEN SPACE PER SECTION 135, OBSTRUCTIONS OVER STREETS AND ALLEYS PER SECTION 136, EXPOSURE REQUIREMENTS PER SECTION 140, GROUND FLOOR HEIGHT REQUIREMENTS PER PLANNING CODE SECTION 145.1, REDUCTION OF GROUND-LEVEL WIND CURRENTS PER PLANNING CODE SECTION 148, AND OFF-STREET LOADING REQUIREMENTS PER PLANNING CODE SECTION 161 TO ALLOW A PROJECT TO DEMOLISH THE EXISTING THREE-STORY RESIDENTIAL BUILDING AT 200 VAN NESS AVENUE AND THE TWO STORY COMMERCIAL BUILDING AT 214 VAN NESS AVENUE AND CONSTRUCT A 12-STORY, 120-FOOT TALL, 168,200 SQUARE-FOOT MIXED-USE BUILDING FOR AN EDUCATIONAL INSTITUTION. THE PROJECT WOULD INCLUDE 113 STUDENT GROUP HOUSING UNITS (420 BEDS), 30 DWELLING UNITS (27 REPLACEMENT UNITS AND 3 NEW UNITS FOR FACULTY), APPROXIMATELY 49,600 SQUARE FEET OF EDUCATIONAL AND PERFORMANCE SPACE, 4,320 SQUARE FEET OF BROADCASTING STUDIO SPACE, AND 2,600 SQUARE FEET OF GROUND-FLOOR RESTAURANT/RETAIL SPACE, AT 200-214 VAN NESS AVENUE, ASSESSOR'S BLOCK NO. 0811, LOTS 010 AND 012 WITHIN THE C-3-G (DOWNTOWN GENERAL) DISTRICT AND THE PROPOSED 120-X HEIGHT AND BULK DISTRICT AND ADOPTING FINDINGS UNDER THE CALIFORNIA ENVIRONMENTAL QUALITY ACT.

PREAMBLE

On September 29, 2015, Lawrence Badiner on behalf of the San Francisco Conservatory of Music ("Project Sponsor" or "SFCM") filed an application with the Planning Department ("Department") for Environmental Review, to demolish the existing three-story residential building at 200 Van Ness Avenue and the two-story commercial building at 214 Van Ness Avenue and construct a 12-story over two-level basement, approximately 120-foot tall building with up to 420 student beds in 113 group housing units, up to 30 dwelling units (including 27 replacement units), approximately 49,600 Gross Square Feet (GSF) of educational/institutional use with approximately 2,900 gsf of ground floor restaurant/retail space.

On September 28, 2016, the Project Sponsor filed an application with the Department for a Determination of Compliance with Planning Code Section 309 as modified and supplemented on November 14, 2017, with exceptions to the requirements for Rear Yard (Section 134), Open Space (Section 135), Obstructions Over Streets and Alleys (Section 136), Group Housing Exposure (Section 140), Ground (Section 145.1), Reduction of Ground-Level Wind Currents in C-3 Districts (Section 148), and Off-Street Loading (Section 161) within the C-3-G (Downtown General) District.

On September 28, 2016, the Project Sponsor also filed an application with the Department for a Conditional Use Authorization as modified and supplemented on November 14, 2017, under Planning Code Sections 124(k), 210.2, 303 and 317, to remove and replace 27 existing dwelling units to allow additional square footage above that permitted by the base FAR limit for Student Housing as defined in Section 102 within the C-3-G (Downtown General) District and a 96-X Height and Bulk District.

On November 14, 2017, the Project Sponsor filed an application to reclassify the existing 96-X Height and Bulk District to a 120-X Height and Bulk District, amend Map 5 of the Downtown Plan of the General Plan, amend the HT02 Height Map of the Zoning Map and amend Section 260 of the Planning Code.

On December 27, 2017, the Planning Department's Environmental Review Office issued a Notice of Completion, and published a Preliminary Mitigated Negative Declaration (PMND) for the project that included a Mitigation Monitoring and Reporting program (MMRP) which is included as a Condition of Approval for the project. The comment period for the PMND expired on January 17, 2018 with no appeals. The PMND/IS. The Final Mitigated Negative Declaration (MND) was issued on January 23, 2018, and is available online at <http://tinyurl.com/sfceqadocs>. The Planning Department Planning Department Commission Secretary is the custodian of records, located in File No. 2015-012994ENV, at 1650 Mission Street, Fourth Floor, San Francisco, California.

The Commission has reviewed and considered and hereby adopts the MND and concurs in the Planning Department's determination that the MND is adequate, accurate and complete and reflects the independent judgment of the Planning Department.

On January 10, 2018, after extensive discussions with City staff, the Project Sponsor also filed an application with the Department for a Development Agreement, under Administrative Code Article 56, which include the specified public benefits above and beyond that required by City codes, including the expanding the City's supply of student housing, replacing 27 existing units on site, assuring the interim relocation and right to return of the existing tenants, creating much needed state-of-the-art educational and performance space, providing added artistic and cultural resources, while providing development certainty to the Project Sponsor.

On January 11, 2018, the San Francisco Planning Commission (hereinafter "Commission") conducted a duly noticed public hearing at a regularly scheduled meeting and initiated a General Plan Amendment pursuant to Planning Code Section 340. The proposed amendment would revise Map 5 of the Downtown Area Plan by changing the height designation of Assessor's Block 811, Lots 10 and 12 (200-214 Van Ness Avenue) from 96-X to 120-X.

On February 8, 2018, the Commission conducted a duly noticed public hearing at a regularly scheduled hearing on the Downtown Plan Project Authorization and Exception from certain provisions of the Planning Code under Section 309.

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 approves the Downtown Project Authorization and exceptions requested in Application No. 2015-012994DNX, subject to the conditions contained in "EXHIBIT A" of this motion, based on the following findings:

FINDINGS

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

1. The above recitals are accurate and constitute findings of this Commission.
2. **Site Description and Present Use.** The project site is located across two lots that occupy the entire eastern block face of Van Ness Avenue between Hayes Street and Tom Waddell Place on Assessor's Block 0811, Lots 010 and 012. The approximate 13,076 square-foot site is currently developed with two buildings: 200 Van Ness Avenue, a 27-unit residential building, and 214 Van Ness Avenue, a currently vacant office building that was previously occupied by Lighthouse for the Blind.

The site is located within the Downtown General Commercial Zoning District (C-3-G), the 96-X Height and Bulk District, and is located within the Downtown and Civic Center Plan Areas.
3. **Surrounding Properties and Neighborhood.** The project site is prominently located on Van Ness Avenue in the Downtown Civic Center neighborhood, adjacent to both the Hayes Valley and South of Market neighborhoods. The surrounding mixed-use area contains diverse building types including residential, office and educational, civic and commercial. The project site is located directly across Tom Waddell Place from the San Francisco Civic Center Historic District.
4. **Project Description.** The project would demolish the existing structures and construct a 12-story (above two basement levels), 120-foot tall, approximately 168,200 square-foot building. The new building would include 420 student beds for students of the San Francisco Conservatory of Music (SFCM), 30 dwelling units, approximately 49,600 square feet of educational and performance space, 4,320 square feet of broadcasting studio space, and 2,600 square feet of ground-floor restaurant/retail space. Of the new dwelling units, 27 would be replacement units and three would be new units for SFCM faculty.

5. **Community Outreach and Public Comment.** Community outreach has included meetings with the Project's neighbors, local businesses, community groups, individual residents at 200 Van Ness, schools, and non-profits, including the Tenderloin Neighborhood Development Corporation, Van Ness Neighborhood Corridor Association, Civic Center CBD, Hayes Valley Neighborhood Association, SF School of the Arts, Housing Action Coalition, SPUR, Emerald Fund, San Francisco Ballet, San Francisco War Memorial, Davies Symphony Hall, and SF Jazz. The Department has received two letters of support for the proposed project.
6. **Planning Code Compliance:** The Conditional Use Authorization Findings set forth in Motion No. 20108, Case No. 2015-012994CUA (Conditional Use Authorization, pursuant to Planning Code Sections 124(k), 303 and 317, concurrently considered) apply to this Motion, and are incorporated herein as though fully set forth. The Commission finds that the Project is consistent with the relevant provisions of the Planning Code as proposed to be amended in the following manner:

- A. **Maximum Floor Area Ratio.** Planning Code Section 124 establishes a Floor Area Ratio (FAR) of 6.0 to 1 for properties within the C-3-G Zoning District. Under Sections 123 and 128 of the Planning Code, FAR can be increased to 9.0 to 1 with the purchase of transferable development rights ("TDR"), and floor area devoted to Student Housing can be exempted under 124(k) with a Conditional Use Authorization.

The Project Site has a lot area of approximately 13,080 square feet. Therefore, up to 78,480 square feet of Gross Floor Area ("GFA") is allowed under the basic FAR limit, and up to 117,720 of GFA is permitted with the purchase of TDR.

As shown in the conceptual plans for the Project, the proposal includes 153,200 square feet of GFA, resulting in an FAR of 11.7 to 1. The student housing constitutes approximately 86,000 square feet of GFA, which when excluded from FAR calculations, results in approximately 67,200 of GFA (FAR of 5.1 to 1). The Project is seeking a Conditional Use Authorization per Sections 303 and 124(k) to exempt student housing GFA from the calculation of FAR as part of the related Case No. 2015-012994CUA.

- B. **Rear Yard Requirement.** Planning Code Section 134 requires that any building containing a dwelling unit in a Downtown Commercial District must provide a rear yard equal to 25 percent of the total lot depth at all residential levels.

The Project does not provide a rear yard that complies with this Code requirement, and as such, requires a rear yard exception under Planning Code Section 309. A 309 exception may be granted so long as the "building location and configuration assure adequate light and air to windows within the residential units and to the usable open space provided." See Section 7, below, for Section 309 findings.

- C. **Open Space.** Planning Code Section 135 requires that private usable open space be provided at a ratio of 36 square feet per dwelling unit or that common usable open be provided at a ratio of 48 square feet per dwelling unit. For group housing, Section 135(d)(2) requires one-third of the amount required for a dwelling unit, or 16 sf per bedroom. For purposes of these calculations, the number of bedrooms on a lot shall in no case be considered to be less than one bedroom for each two beds. Where the actual number of beds exceeds an average of two beds for each bedroom, each two beds shall be considered equivalent to one bedroom

The Project does not provide sufficient Open Space for either the Dwellings or Student Group Housing. As such, the Project is seeking a 309 exception from the requirements of Section 135 pursuant to Section 260(b)(1)(L), as permitted by the ordinance proposed under Case No. 2015-012994PCA/MAP and as outlined in Section 7 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.

The Project proposes bays projecting over Van Ness Avenue, Hayes Street and Tom Waddell Place. As such, the Project is seeking a 309 exception from the requirements of Section 136 pursuant to Section 260(b)(1)(L), as permitted by the ordinance proposed under Case No. 2015-012994PCA/MAP and as outlined in Section 7 below.

- E. **Privately Owned Public Open Space.** Planning Code Section 138 requires that new buildings in the C-3-G Zoning District provide public open space at a ratio of one sq. ft. per 50 gsf of all uses, except residential uses, institutional uses, and uses in a predominantly retail/personal services building.

The Project is an institutional and residential building, and thus exempt from Section 138. The Project includes approximately 2,564 sf of ground floor retail space accessory to the institutional use, which does not require public open space under Section 138.

- F. **Streetscape Improvements.** Planning Code Section 138.1 requires that when a new building is constructed in the C-3 District, street trees and sidewalk paving must be provided. Under Section 138.1(c), the Commission may also require the Project Sponsor to install additional sidewalk improvements such as lighting, special paving, seating and landscaping in accordance with the guidelines of the Downtown Streetscape Plan if it finds that these improvements are necessary to meet the goals and objectives of the General Plan.

The Project proposes streetscape elements along Hayes Street, Van Ness Avenue and Dr. Tom Waddell Place as part of a streetscape plan designed by the Project's landscape architect. Features include street trees, special pavers and landscaping within a continuous trench, and a bulb out Dr. Tom Waddell Place with bike, the details of which will be refined during the Building Permit process, per the Conditions of Approval. As such, the Project is consistent with the provisions of Section 138.1.

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

The proposed Project meets this requirement for all dwelling units as they front on a street or alley. Of the 113 student group housing units, 87 front on a street or alley and meet the exposure requirement. Because 26 of the student housing units do not meet exposure requirements, the Project is seeking a 309 exception from Section 140 pursuant to Section 260(b)(1)(L), as permitted by the ordinance proposed under Case No. 2015-012994PCA/MAP and as outlined in Section 7 below.

- H. **Street Frontage in Commercial 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 ground floor space along Van Ness Avenue, Hayes Street, and Dr. Tom Waddell Place have "active uses" with direct access to the sidewalk within the first 25 feet of building depth and are thus compliant with this Code Section. The restaurant back-of-house functions and building services are located along Dr. Tom Waddell Place and are not considered "active uses."

The building is designed so that the first two floors read as one 22-foot tall glass element built to the property line. The strong and transparent base with a restaurant, student lounge and recital hall will create an interesting pedestrian-oriented and fine-grained streetscape. The lobby and the ground floor recital space measure 22 feet from floor to ceiling and occupy 70% of the Van Ness Avenue frontage, while the recital hall occupies 29% of the Hayes Street frontage. The remaining ground floor spaces measure 11 feet from floor to ceiling height in order to accommodate institutional support spaces on the second floor.

The ground floor is designed with the columns either set back or on front of the glass façade and provides ample fenestration along all street frontages with 95 percent along Hayes Street, 100 percent along Van Ness Avenue, and 65 percent along Dr. Tom Waddell Place. The Project meets the transparency requirement of the Planning Code.

Because the building does not strictly comply with minimum floor-to-floor height and required active uses of Section 145.1, the Project is seeking a 309 exception pursuant to Section 260(b)(1)(L), as permitted by the ordinance proposed under Case No. 2015-012994PCA/MAP and as outlined in Section 7 below.

- I. **Sunlight Access to Public Sidewalks.** Planning Code Section 146(a) establishes design requirements for buildings on specified streets in order to maintain direct sunlight on public sidewalks in downtown areas during critical use periods. Section 146(c) requires that other buildings, not located on the specific streets identified in Section 146(a), shall be shaped to reduce substantial shadow impacts on public sidewalks, if it can be done without unduly creating an unattractive design and without unduly restricting development potential.

Section 146(a) does not apply to construction on Van Ness Avenue, Hayes Street and Dr. Tom Waddell Place, and therefore does not apply to the Project.

As it relates to Section 146(c), the Project would replace two- and three-story buildings with a 12-story structure. Although there would be new shadows on sidewalks and pedestrian areas adjacent to the site, the Project's shadow effects would be limited in scope and would not increase the total amount of shading above levels that are commonly and generally accepted in urban areas. The Project proposes to increase the height from 96 feet to 120 feet and will be consistent with the height classification of the adjacent parcels

that have a 120-foot height limit. As such, the Project is consistent with the provisions of Section 146(c) of the Planning Code.

- J. **Shadows on Public Open Spaces.** Planning Code Section 147 seeks to reduce substantial shadow impacts on public plazas and other publicly accessible open spaces other than those protected under Section 295. Consistent with the dictates of good design and without unduly restricting development potential, buildings taller than 50 feet should be shaped to reduce substantial shadow impacts on open spaces subject to Section 147. In determining whether a shadow is substantial, the following factors shall be taken into account: the area shaded, the shadow's duration, and the importance of sunlight to the area in question.

The shadow analysis determined that the Project would not cast net new shadow on Civic Center Plaza or any other open space under the jurisdiction of, or designated to be acquired by the Recreation and Park Commission. No other significant public or private open spaces – including those not protected by Section 295 – would be affected by shadows from the Project. As such, the Project is complies with the provisions of Section 147 of the Planning Code.

- K. **Ground Level Wind.** Pursuant to Section 148, in C-3 Districts, buildings and additions to existing buildings shall be shaped, or other wind-baffling measures shall be adopted, so that the developments will not cause ground-level wind currents to exceed more than 10 percent of the time year round, between 7:00 a.m. and 6:00 p.m., the comfort level of 11 miles per hour equivalent wind speed in areas of substantial pedestrian use and seven miles per hour equivalent wind speed in public seating areas.

When preexisting ambient wind speeds exceed the comfort level, or when a proposed building or addition may cause ambient wind speeds to exceed the comfort level, the building shall be designed to reduce the ambient wind speeds to meet the requirements. An exception may be granted, in accordance with the provisions of Section 309, allowing the building or addition to add to the amount of time that the comfort level is exceeded by the least practical amount if (1) it can be shown that a building or addition cannot be shaped and other wind-baffling measures cannot be adopted to meet the foregoing requirements without creating an unattractive and ungainly building form and without unduly restricting the development potential of the building site in question, and (2) it is concluded that, because of the limited amount by which the comfort level is exceeded, the limited location in which the comfort level is exceeded, or the limited time during which the comfort level is exceeded, the addition is insubstantial. No exception shall be granted and no building or addition shall be permitted that causes equivalent wind speeds to reach or exceed the hazard level of 26 miles per hour for a single hour of the year.

Wind tunnel tests were performed for the proposed project and the results were provided to the Department via a report dated April 11, 2017. A total of 45 test point locations along sidewalk areas in the vicinity of the Project Site were selected for the purpose of analyzing existing and proposed wind levels.

The existing conditions at the Project Site indicate that 35 of the 45 test locations exceeded the Planning Code's pedestrian comfort level of 11 mph (more than 10 percent of the time) and three of the 45 locations exceeded the hazard level of 26 mph (for a single hour of the year). With the Project, 12 comfort exceedances would be increased, 13 would decrease, 20 would remain unchanged, and two new

exceedances are created resulting in a total of 35 comfort exceedances. There are three hazardous wind speeds existing, and that number is reduced by two with by the Project. A Section 309 exception is being sought because the Project creates a net increase of two comfort exceedances for a total of 35 locations that exceed the Planning Code's comfort criterion. The Commission may grant an exception to the requirements after considering the criteria specified in Section 148. Conformance with these criteria is discussed under item #7 below.

- L. **Parking.** Planning Code Section 151.1 does not require any off-street parking spaces be provided, but instead provides maximum parking amounts based on land use type.

Off-street parking would not be provided for the proposed commercial or residential use.

- M. **Loading.** Planning Code Section 152 requires certain amounts of off-street freight loading space based on the type and size of uses in a project. For a retail use up to 10,000 gsf, no off-street loading spaces are required. Residential Uses above 100,000 gsf, require one off-street freight loading space.

The gross floor area of the Project is approximately 153,000 sf and would require one full sized loading space which the project will not provide. The Project is seeking a 309 exception to Section 152 pursuant to Section 260(b)(1)(L), as permitted by the ordinance proposed under Case No. 2015-012994PCA/MAP and as outlined in Section 7 below.

- N. **Bicycle Parking.** Planning Code Section 155.5 requires projects provide at least one Class 1 bicycle parking spaces per dwelling unit. One Class 2 space shall be provided per 20 units. Student Group Housing Units shall provide 25 Class 1 spaces plus one space for every five beds over 100 beds and two Class 2 spaces for every 100 beds, plus 50 percent. Institutional (Post-Secondary Education) uses shall provide one Class 1 space for every 20,000 square feet of Occupied Floor Area and one Class 2 space for every 10,000 square feet of Occupied Floor Area.

The Project requires a minimum of 166 Class 1 bicycle parking spaces (30 for the dwellings; 134 for student housing; two for Institutional Uses; and one for retail uses) and 20 Class 2 spaces (two for the dwellings; 12 for student housing; four for Institutional Uses; and two for retail uses). The basement would accommodate approximately 166 Class 1 bicycle parking spaces, and bicycle racks on the sidewalks would accommodate 20 Class 2 spaces.

- O. **Car Share.** Planning Code Section 166 does not require any car-sharing spaces since there is no off-street parking proposed as part of this Project.

The project has no off-street parking and therefore does not provide car-sharing spaces, and therefore complies with Section 166 of the Planning Code.

- P. **Use.** Per Planning Code Section 210.2, within the C-3-G Zoning District, residential and retail uses are principally permitted and hotel uses require a Conditional Use Authorization.

The residential, institutional, and retail uses of the Project would be consistent with the permitted Downtown General uses, pursuant to Planning Code Sections 210.2. The demolition of the existing 27 units requires Conditional Use Authorization under Planning Code Section 317. The Project is seeking a

Conditional Use Authorization per Sections 210.2, 303, and 317 as part of the related Case No. 2015-012994CUA.

- Q. **Height of Rooftop Appurtenances (Section 260).** Planning Code Section 260(b) exempts certain rooftop features from height limits, so long as such features do not exceed 20 percent of the horizontal area of the roof above which they are situated. Subject to the 20 percent horizontal limit, mechanical equipment and appurtenances necessary to the operation or maintenance of the building or structure itself and elevator, stair and mechanical penthouses are permitted up to 16 feet in height.

The property is located in a 96-X Height and Bulk District and the project seeks a reclassification from 96-X to 120-X.

The Project would reach a height of approximately 120 feet to the cornice of the building, with various features such as elevator/stair penthouses, mechanical structures, and wind screens extending above the 120 feet in accordance with Planning Code Section 260(b). A portion of the performance space roof and mechanical screening slopes upward to 132 feet at the corner of Van Ness and Hayes, as permitted by the ordinance proposed under Case No. 2015-012994PCA/MAP that amends Section 260(b)(1)(L).

- R. **Shadows on Parks.** Section 295 requires any project proposing a structure exceeding a height of 40 feet to undergo a shadow analysis in order to determine if the project would result in the net addition of shadow to properties under the jurisdiction of the Recreation and Park Department.

Following completion of the preliminary shadow fan analysis prepared by the Planning Department, a detailed shadow study was prepared for the project. The nearest public open space to the project site that would be subject to Section 295 is Civic Center Plaza, which is located 400 feet northwest of the project site. The shadow study depicts the projected shadows in the morning and afternoon for each equinox and solstice for the project. The analysis concluded that the Project would not cast new shadow on Civic Center Plaza, and would not cast shadow on any other open space under the jurisdiction of, or designated to be acquired by the Recreation and Park Commission. As such, the Project is consistent with the provisions of Section 295 of the Planning Code.

7. **Exceptions Requested Pursuant to Planning Code Section 309.** The Planning Commission has considered the following exceptions to the Planning Code, makes the following findings and grants each exception as further described below:

- a. **Section 134: Rear Yard.** Section 134(a)(1) of the Planning Code requires a rear yard equal to 25 percent of the lot depth to be provided at the first level containing a dwelling unit, and at every subsequent level. Per Section 134(d), exceptions to the rear yard requirements may be granted provided that the building location and configuration assure adequate light and air to the residential units and the open space provided.

While the Project does not propose a rear yard and thus does not meet the strict requirements of the Planning Code, it does ensure adequate open space and allows sufficient light and air to reach the residential units. Section 134(d) allows for an exception from the strict application of these requirements through the Section 309 review process, provided that the building location and configuration assure adequate light and air to all residential units and to the usable open space areas.

All 30 dwelling units face the street, providing more than adequate access to light and air and have access to the 800 sf of open space in the courtyard, and are one block from the Civic Center Plaza open space. Due to the adequate air and light and open space provided by the project, it is appropriate to grant an exception from the rear yard requirements of Planning Code Section 134.

- b. **Section 135: Open Space.** Under Planning Code Section 135, the standard residential open space requirement is 36 sf per dwelling unit if the open space is private and 48 sf per dwelling unit if it is provided through common open space. For group housing units (here, student housing), the requirement is reduced to one-third of the otherwise required open space pursuant to Section 135(d)(2), which equals 16 sf per bedroom where there are a minimum of 2 beds per room.

Section 135(g)(1) sets forth the minimum dimensions of an open space, requiring that common usable open space shall be at least 15 feet in every horizontal dimension. The Project is seeking a 309 exception from the Dwelling Unit and Student Group Housing requirements of Section 135 pursuant to Section 260(b)(1)(L), as permitted by the ordinance proposed under Case No. 2015-012994PCA/MAP.

The Project is required to provide 1,440 square feet of common open space for 30 dwelling units, and 3,360 sf of common open space for 420 student-housing beds in 113 student-housing units. The Project includes an 800 square-foot second floor courtyard devoted to the dwelling units, however due to its dimensions, it does not count towards Usable Open Space. The Project includes a 1,937 square-foot roof terrace devoted to the student housing, 1,391 square feet less open space than strictly required.

While the Project does not provide the minimum amount of open space required, the project increases the amount of open space to dwelling units from that of existing conditions, and provides an adequate roof-top deck for the new student housing units. Additionally, the project is located in an area with many public open spaces and is within on block of Civic Center Plaza. Granting the limited relief requested by this exception will not be materially detrimental to the public welfare or materially injurious to nearby land or improvements.

- c. **Section 136(c): Obstructions Over Streets and Alleys.** Planning Code Section 136 outlines the requirements for features, which may be permitted over street, alleys, setbacks, yards or useable open space.

The Project proposes bays projecting over Van Ness Avenue, Hayes Street and Tom Waddell Place and is seeking an exception to the requirements pursuant to Section 260(b)(1)(L), as permitted by the ordinance proposed under Case No. 2015-012994PCA/MAP.

The Project is designed in a modern aesthetic and has a publically accessible performance space on the 11th and 12th Levels. The performance space has minimum dimensions and proportions set by concert and acoustical requirements, necessitating a broader projection than is permitted by the Planning Code. The Project's envelope is constrained by the desire to replace 27 dwelling units on site and to avoid shadowing Civic Center Plaza as well as the acoustic and design requirements of a performance spaces in the Project.

Code-complying bays could result in projections totaling 6,732 sf, while the projections from the proposed bays would only be approximately 2,751 sf, approximately 40 percent of the square footage of Code-complying bay windows. This reduced amount of potential bay space demonstrates that the

Project Sponsor is applying for this exception to promote visual interest in the Project and not to maximize the Project's square footage.

For all of these reasons, it is appropriate to grant an exception from the Obstructions over Streets and Alleys requirements of Planning Code Section 136.

- d. **Section 140: Exposure.** Planning Code Section 140 requires at least one room within every dwelling unit to face directly on an open area that is either (1) a public street or alley that is at least 25 feet in width, or a side yard or rear yard that meets the requirements of the Planning Code, or (2) an open area that is unobstructed and is no less than 25 feet in every horizontal dimension for the floor at which the dwelling unit in question is location and at the floor immediately above it, with an increase of five feet in every horizontal dimension at each subsequent floor.

Twenty-six units out of 113 student group housing units face on the interior courtyard that does not meet the minimum dimension requirements, and as such, the Project Sponsor seeks an exception to the requirements pursuant to Section 260(b)(1)(L), as permitted by the ordinance proposed under Case No. 2015-012994PCA/MAP.

The purpose of the Project is to address SFCM's student housing needs, a City goal and something that many higher education institutions do not attempt to address. The Project's allowable envelop is constrained by the requirement to avoid shadowing the Civic Center Plaza playground and the desire to replace the existing 27 dwelling units on site. The units in question are located on the interior light court that faces east over 150 Hayes Street, a six story, 76 foot-tall building. The courtyard lacks sufficient depth by only 6 inches, however is 55-feet in length. Although the area onto which the units face does not strictly meet dimensional requirements for exposure, the area should be sufficient to provide substantial light and air, to the units. Additionally, only 26 or 22% of the group housing units require the exception.

For all of these reasons, it is appropriate to grant an exception from Exposure for Group Housing Units requirements of Planning Code Section 140.

- e. **Section 145.1: Street Frontage in Commercial 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.

Because the building does not strictly comply with minimum floor-to-floor height and required active uses of Section 145.1, the Project is seeking a 309 exception pursuant to Section 260(b)(1)(L), as permitted by the ordinance proposed under Case No. 2015-012994PCA/MAP.

The ground floor space along Van Ness Avenue, Hayes Street, and Dr. Tom Waddell Place have "active uses" with direct access to the sidewalk within the first 25 feet of building depth and are thus compliant with this Code Section. The restaurant back-of-house functions and building services are located along Dr. Tom Waddell Place and are not considered "active uses."

The Project fronts onto three street and emphasizes the major streets of Van Ness Avenue and Hayes Street and provides "active uses" for a majority of the ground floor street frontage. The Project has minimized street frontage of these uses and located them at the extreme northeast of the site on Dr. Tom Waddell Place where these uses will have a minimal impact.

The building is designed so that the first two floors read as one 22-foot tall glass element built to the property line. The strong and transparent base with a restaurant, student lounge and recital hall will create an interesting pedestrian-oriented and fine-grained streetscape. The lobby and the ground floor recital space measure 22 feet from floor to ceiling and occupy 70% of the Van Ness Avenue frontage, while the recital hall occupies 29% of the Hayes Street frontage. The remaining ground floor spaces measure 11 feet from floor to ceiling height in order to accommodate institutional support spaces on the second floor.

An exception is warranted due to the site constraints, the desire to replace the existing dwelling units on site, and by a complicated program that includes addressing SFCM's student housing needs, educational space and performance space needs.

For all of these listed above, it is appropriate to grant, an exception from minimum floor-to-floor height and required active uses of Section 145.1.

- f. **Section 148: Ground-Level Wind Currents.** In C-3 Districts, buildings and additions to existing buildings shall be shaped, or other wind-baffling measures shall be adopted, so that the developments will not cause ground-level wind currents to exceed more than 10 percent of the time year round, between 7:00 a.m. and 6:00 p.m., the comfort level of 11 miles per hour equivalent wind speed in areas of substantial pedestrian use and seven miles per hour equivalent wind speed in public seating areas.

When preexisting ambient wind speeds exceed the comfort level, or when a proposed building or addition may cause ambient wind speeds to exceed the comfort level, the building shall be designed to reduce the ambient wind speeds to meet the requirements. An exception may be granted, in accordance with the provisions of Section 309, allowing the building or addition to add to the amount of time that the comfort level is exceeded by the least practical amount if (1) it can be shown that a building or addition cannot be shaped and other wind-baffling measures cannot be adopted to meet the foregoing requirements without creating an unattractive and ungainly building form and without unduly restricting the development potential of the building site in question, and (2) it is concluded that, because of the limited amount by which the comfort level is exceeded, the limited location in which the comfort level is exceeded, or the limited time during which the comfort level is exceeded, the addition is insubstantial.

Section 309(a)(2) permits exceptions from the Section 148 ground-level wind current requirements. No exception shall be granted and no building or addition shall be permitted that causes equivalent wind speeds to reach or exceed the hazard level of 26 miles per hour for a single hour of the year.

Independent consultants analyzed ground-level wind currents in the vicinity of the Project Site. A wind tunnel analysis, the results of which are included in a technical memorandum prepared by RWDI Consulting Engineers & Scientists, was conducted using a scale model of the Project Site and its immediate vicinity.

Comfort Criterion

In the Existing Configuration 33 of the 45 test points currently exceed the 11 mph criterion with wind speeds ranging from 7 to 20 mph across all test points. With the Project, there are two additional comfort exceedances at grade, ranging from 12 to 17 mph, maintaining the average wind speeds of approximately 13 mph. Additionally, one exceedance above grade would be created with an average wind speed of 19 mph. The range of wind speeds with the Project would be similar to existing conditions, with wind speeds in sidewalk pedestrian areas ranging from 8 to 20 mph.

Hazard Criterion

The current conditions on the Project Site were found to include three hazard exceedances where winds exceeded 36 mph; (1) along the West façade of the existing building, (2) at the intersection of Hayes and Polk Street, and (3) at the intersection of Hayes Street and Van Ness Avenue (Locations 6, 13 and 33, respectively).

The Project is expected to improve conditions at Locations 6 and 33 with winds reducing to 27 mph and 34 mph, respectively, to below the hazard criterion. The winds at Location 13 are expected to increase to 38 mph and have an additional 2 hours per year of winds speeds, which exceed the hazard criterion. However, on an area-wide basis, the proposed building is expected to provide an overall reduction to the total number of exceeding hours per year from four to three.

An exception is justified under the circumstances, because the changes in wind speed and frequency due to the project are slight and unlikely to be noticeable. For the existing configuration in the vicinity of the project site, wind conditions were generally low with wind speeds averaging 13 mph for all 45 measurement locations. For the existing plus project configuration, wind speeds generally remained similar with the average wind speed for all test locations being maintained at 13mph. The 11mph criterion was exceeded 20% of the time, a 1% increase from existing conditions on and around the project site. With the proposed building, wind hazards were reduced from four to three.

In addition, the Project cannot be shaped or other incorporate other wind baffling measures that would reduce the wind at the exceedance locations to comply with Section 148(a) without creating an unattractive building or unduly restricting the development potential of the Project Site. The wind analysis demonstrates that (a) the proposed addition will not generate adverse pedestrian level winds given the nature of the built environment surrounding the proposed development, and that (b) there is no reason to believe that modification of the design would improve the existing windy conditions that occur in the vicinity. For the reasons discussed above, an exception from the comfort criterion is appropriate and hereby granted.

- g. **Sections 152.1: Off-street Loading Requirements.** The Project requires an exception to the freight loading requirement because the proposed building would not include Code-compliant freight loading spaces. Section 152.1 establishes off-street freight loading requirements in the C-3 Districts. Additionally, Section 155 establishes general standards for the location and arrangement of off-street loading spaces. For the proposed 92,244 square-foot addition, one loading space would be required.

Under Section 309 of the Code, a waiver or a reduction of the freight loading requirements may be granted subject to consideration of the following criteria from Code Section 161(f):

- 1) Provision of freight loading and service vehicle spaces cannot be accomplished underground because site constraints will not permit ramps, elevators, turntables and maneuvering areas with reasonable safety;

The site has frontage on Van Ness Avenue, Hayes Street and Dr. Tom Waddell Place. Van Ness Avenue is a Transit Preferential Street and freight loading access is prohibited on this street. It would also interfere with pedestrian traffic on the sidewalk. Similarly, Hayes Street has the 21 Hayes Muni line, and is not appropriate for a freight dock or ramp. Dr. Tom Waddell Place is 35' wide. Its narrow width precludes maneuvering a full-sized truck on the site. No surface or subsurface parking is proposed, and a loading dock would be difficult to accommodate on the ground floor without constraining other uses, including the lobby, retail and performance spaces. Similarly, the substitution of two service vehicle spaces would require multiple freight loading doors, making it difficult to maintain the ground floor transparency requirements and deadening the streetscape.

- 2) Provision of the required number of freight loading and service vehicle spaces on-site would result in the use of an unreasonable percentage of ground-floor area, and thereby preclude more desirable use of the ground floor for retail, pedestrian circulation or open space uses;

As discussed above, the ground floor is constrained by the lobbies for both student housing and replacement housing units, a performance space, a retail/restaurant space and back of house service uses. Freight loading spaces would eliminate these more publicly oriented uses.

- 3) A jointly-used underground facility with access to a number of separate buildings and meeting the collective needs for freight loading and service vehicles for all uses in the buildings involved, cannot be provided;

There are no possibilities for a jointly used freight loading facility.

- 4) Spaces for delivery functions can be provided at the adjacent curb without adverse effect on pedestrian circulation, transit operations or general traffic circulation, and off-street space permanently reserved for service vehicles is provided either on-site or in the immediate vicinity of the building;

The Project will reconfigure Dr. Tom Waddell Place to accommodate on-street loading spaces adjacent to the site. There is curbside metered parking on the north side of Dr. Tom Waddell Place. Six of these metered spaces on the western end of Dr. Tom Waddell Place will be removed, the cartway will be shifted north, and the south side will have a sidewalk bulbing and two on-street loading spaces. This will have no negative effect on pedestrian circulation, transit operations or general traffic circulation.

For all of these reasons, it is appropriate to grant, an exception from the Freight Loading requirements pursuant to Planning Code Section 161(e).

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

HOUSING ELEMENT

OBJECTIVE 1:

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

Policy 1.3

Work proactively to identify and secure opportunity sites for permanently affordable housing.

The Project Sponsor is an educational institution that is working to meet its own student housing needs through the Project and has an accepted Abbreviated Institutional Master Plan on file with the Planning Department. By providing housing for its own students and replacing the existing dwelling units, the project meets this goal.

Policy 1.8

Promote mixed use development, and include housing, particularly permanently affordable housing, in new commercial, institutional or other single use development projects.

Policy 1.9

Require new commercial developments and higher educational institutions to meet the housing demand they generate, particularly the need for affordable housing for lower income workers and students.

The Project supports these Policies. The proposed Project would construct a significant amount of new student housing units within an existing urban environment that is in need of more access to housing. The Project proposes to demolish two two-to three-story and construct a mixed-use building that includes replacement housing units that are subject to the Rent Control Ordinance.

OBJECTIVE 2:

RETAIN EXISTING HOUSING UNITS, AND PROMOTE SAFETY AND MAINTENANCE STANDARDS, WITHOUT JEOPARDIZING AFFORDABILITY.

Policy 2.4

Promote improvements and continued maintenance to existing units to ensure long term habitation and safety.

The Project supports this Policy by replacing the existing housing units with a structure that is more sound than the existing structure.

OBJECTIVE 3:

PROTECT THE AFFORDABILITY OF THE EXISTING HOUSING STOCK, ESPECIALLY RENTAL UNITS.

Policy 3.1

Preserve rental units, especially rent controlled units, to meet the City's affordable housing needs.

The Project supports this policy through building replacement housing and relocating the tenants. The Project includes a Replacement Housing and Interim Housing Relocation Plan, which, among other things, provides that the existing tenants will be provided with equivalent-sized units at the same rents, and provided with similar interim housing and relocation assistance during Project construction as more specifically provided in the Development Agreement.

ARTS ELEMENT

OBJECTIVE IV-1

ADVOCATE AND ASSIST IN PROVIDING ARTS EDUCATION PROGRAMMING AT ALL LEVELS.

Policy IV-1.1

Advocate for arts education opportunities for all residents of San Francisco.

The Project satisfies POLICY IV-1.1 through providing a high-quality arts education at all levels. SFCM provides arts education opportunities for San Franciscans, as well as students and patrons from around the world. It is a nationally recognized music conservatory.

- *SFCM provides nearly 500 performances each year, 90% of which are free and open to the public. A consistent flow of public workshops and seminars add to the offerings of SFCM's growing outreach initiatives.*
- *SFCM Community Service Program provides live music for schools, hospitals, retirement homes, and children's facilities among others.*

The Conservatory in the Schools Program provides SFCM students with invaluable classroom training while supporting music education in San Francisco's public school system. Student mentors teach instrumental lessons, lead sectionals, coach chamber groups, and assist classroom teachers. Each year, student interns assist classroom teachers in instructing over 1,600 students at local elementary, middle, and high schools.

OBJECTIVE VI-1

SUPPORT THE CONTINUED DEVELOPMENT AND PRESERVATION OF ARTISTS' AND ARTS ORGANIZATIONS' SPACES.

Policy VI-1.10

Assist artists and arts organizations in attaining ownership or long-term control of arts spaces.

The Project supports POLICY VI-1.10 by allowing an arts organization to provide its own student housing and performance spaces in close proximity to its main building, strengthening the organization.

Policy VI-1.11

Identify, recognize, and support existing arts clusters and, wherever possible, encourage the development of clusters of arts facilities and arts related businesses throughout the city.

The Project supports POLICY VI-1.11 by improving and supporting the Civic Center arts cluster and the SFCM campus. The Project will promote and expand upon the existing synergy between the SF Symphony, SF Ballet, SF Jazz Center and the SF Opera. Many of the professional musicians in the music corps of these institutions teach at SFCM. Providing student housing with supportive educational facilities in proximity to the SFCM campus at 50 Oak Street will enable a more integrated and efficient education for the students. Additional performance and practice spaces will allow more flexibility for the professional performing arts groups.

URBAN DESIGN ELEMENT

OBJECTIVE 3:

MODERATION OF MAJOR NEW DEVELOPMENT TO COMPLEMENT THE CITY PATTERN, THE RESOURCES TO BE CONSERVED, AND THE NEIGHBORHOOD ENVIRONMENT.

Policy 3.1

Promote harmony in the visual relationships and transitions between new and older buildings.

Policy 3.2

Avoid extreme contrasts in color, shape and other characteristics which will cause new buildings to stand out in excess of their public importance.

Policy 3.6

Relate the bulk of buildings to the prevailing scale of development to avoid an overwhelming or dominating appearance in new construction.

SFCM is a civic institution with public uses that deserves a more prominent design than a private, purely residential building but without creating extreme contrasts or being overtly expressive. The building must acknowledge the importance of its location within the Civic center cultural precinct and the inherent quality of the historic buildings as well as the more modern performance institutions. Accordingly, the public rooftop performance space is prominently signaled on the exterior as an identifying beacon on the skyline, visible by day and by night when performances are underway. The ground floor recital hall at the corner of Hayes and Van Ness is acknowledged in a subtler manner but is glassy and transparent so that the activity within is clearly signaled, similar to SF Jazz. The main body of the building, encompassing the student housing and residential units, is more restrained and reserved as described in Policy 15.1.

TRANSPORTATION ELEMENT

OBJECTIVE 2:

USE THE TRANSPORTATION SYSTEM AS A MEANS FOR GUIDING DEVELOPMENT AND IMPROVING THE ENVIRONMENT.

Policy 1.2:

Use rapid transit and other transportation improvements in the city and region as the catalyst for desirable development, and coordinate new facilities with public and private development.

The Project is located within an existing high-density urban context. The project area has a multitude of transportation options including the adjacent to multiple bus lines (47, 49 and 21), and the proposed Van Ness BRT. It is three short blocks from the Van Ness/Market Muni Metro Station, with 6 Muni Metro lines and multiple bus lines and the F-Street Car. The Project is also close to other bus lines such as the 5/5R, 9/9R and 19. The Project occupants would make good use of the existing transit services available in this area and would assist in maintaining the desirable urban characteristics and services of the area. The Project proposes no off-street parking, encouraging users of the building to seek transportation options other than private automobile use.

DOWNTOWN AREA PLAN

OBJECTIVE 1:

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

Policy 1.1

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

The Project satisfies Policy 1.1 by will bring additional housing, educational and performance space in a neighborhood that is well served by public transit on the in the Civic Center area. The Project will create substantial net benefits for the City without any undesirable consequences that cannot be mitigated.

OBJECTIVE 7:

EXPAND THE SUPPLY OF HOUSING IN AND ADJACENT TO DOWNTOWN.

Policy 7.1

Promote the inclusion of housing in downtown commercial developments.

Policy 7.2

Facilitate conversion of underused industrial and commercial areas to residential use.

The Project supports Polices 7.1 and 7.2 by constructing a twelve-story, residential and student housing building, with educational facilities, thereby increasing the City's limited supply of housing by replacing existing housing on-site in-kind and adding 420 student beds and relieving pressure of the City's housing stock. The existing site is underused, being occupied by low scale commercial and residential buildings.

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

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

The existing buildings do not have a retail presence. The Project includes a 2,900 sf restaurant and a student cafe/lounge of 1,610 square feet, which will enhance resident employment. The increased employment on site and visitors attracted to the area will support existing retail ownership and employment. Thus, the Project will enhance retail employment in the area.

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

The existing 27 units at 200 Van Ness Avenue will be replaced on-site in a modern building and current tenants will be offered the opportunity to return to the site. The expansion of the Conservatory of Music will add to the cultural diversity of the Civic Center neighborhood. Thus, the Project will enhance existing housing and neighborhood character.

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

The existing 27 units at 200 Van Ness Avenue will be replaced onsite in a modern building and current tenants will be offered the opportunity to return to the site. The creation of 420 student beds will relieve pressure on the City's affordable housing stock, as the students will vacate existing, likely affordable, dwelling units. Thus, the Project will enhance the City's supply of affordable housing.

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

There would be very little commuter traffic caused by school employees or the students. The students and employees would primarily come to the Project during off-peak hours. The creation of 420 student beds in close proximity to the Conservatory's main building at 50 Oak Street will mean that the students will walk between classes and their housing rather using private vehicles or Muni. The Project does not include any parking, thus reducing or eliminating vehicular conflicts with Muni, streets or pedestrians. Thus, there would be no negative effect upon Muni, streets or neighborhood parking.

- 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 propose any office development.

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

The Project is designed and will be constructed to conform to the structural and seismic safety requirements of the City Building Code.

- G. That landmarks and historic buildings be preserved.

There are no landmarks or historic structures on the site.

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

The project will cast no shadows on Civic Center Plaza, the only Rec/Park property or substantial open space in the area. The top of the Project will be visible from Civic Center Plaza, but will not obstruct any vistas. Thus, parks and open space will be protected from shadow.

No other significant public or private open spaces – including those not protected by Section 295 – would be affected by shadows created by the Project and therefore the project complies with Section 147.

10. The Project is consistent with and would promote the general and specific purposes of the Code provided under Section 101.1(b) in that, as designed, the Project would contribute to the character and stability of the neighborhood and would constitute a beneficial development.
11. The Commission hereby finds that approval of the Downtown Project Authorization and Request for Exceptions 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 Downtown Project Authorization Application No. 2015-012994DNX**, subject to the following conditions attached hereto as "EXHIBIT A" in general conformance with plans on file, dated January 31, 2018, and stamped "EXHIBIT B" attached to Case No. 2015-012994DNX, 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 contained in the MMRP are included as conditions of approval.

APPEAL AND EFFECTIVE DATE OF MOTION: Any aggrieved person may appeal this Section 309 Determination of Compliance and Request for Exceptions to the Board of Appeals within fifteen (15) days after the date of this Motion. The effective date of this Motion shall be the date of this Motion if not appealed OR the date of the decision of the Board of Appeals if appealed to the Board of Appeals. For further information, please contact the Board of Appeals in person at 1650 Mission Street, Room 304, San Francisco, CA 94103, or call (415) 575-6880.

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 constitutes 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 February 8, 2018.


Jonas P. Ioni
Commission Secretary

AYES: Moore, Koppel, Richards, Hillis, Fong, Melgar

NAYS: None

ABSENT: Johnson

ADOPTED: February 8, 2018

EXHIBIT A

AUTHORIZATION

This authorization is for a **Downtown Project Authorization and Request for Exceptions** related to the construction of a 12-story, 120-foot tall, 168,200 square-foot mixed-use building for an educational institution. The project would include 113 student group housing units (420 beds), 30 dwelling units (27 replacement units and 3 new units for faculty), approximately 49,600 square feet of educational and performance space, 4,320 square feet of broadcasting studio space, and 2,600 square feet of ground-floor restaurant/retail space at 200 Van Ness Avenue (Block 0811, and Lots 010 and 012), pursuant to **Planning Code Section 309 and 148, 134, 135, 136, 140, 145.1, 148, and 161** within the C-3-G Zoning District and the 96-X Height and Bulk district; in general conformance with plans, dated **January 31, 2018**, and stamped "EXHIBIT B" included in the docket for Case No. **2015-012994DNX** and subject to conditions of approval reviewed and approved by the Commission on **February 8, 2018** under Motion No. 20107. This authorization and the conditions contained herein run with the property and not with a particular Project Sponsor, business, or operator.

COMPLIANCE WITH OTHER REQUIREMENTS

The Conditional Use Authorization Findings set forth in Motion No. 20108, Case No. 2015-012994CUA (Conditional Use Authorization, pursuant to planning code section 303) apply to this motion, and are incorporated herein as though fully set forth.

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 **February 8, 2018** under Motion No. 20107.

PRINTING OF CONDITIONS OF APPROVAL ON PLANS

The conditions of approval under the 'Exhibit A' of this Planning Commission Motion No. **20107** 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 Downtown Project 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 Downtown Project Authorization.

Conditions of Approval, Compliance, Monitoring, and Reporting

PERFORMANCE

1. **Validity.** The authorization and right vested by virtue of this action is valid for the term of the Development Agreement.
For information about compliance, contact Code Enforcement, Planning Department at 415-575-6863, www.sf-planning.org
2. **Expiration and Renewal.** Should a Building or Site Permit be sought after the expiration or earlier termination of the Development Agreement, 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
3. **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.
For information about compliance, contact Code Enforcement, Planning Department at 415-575-6863, www.sf-planning.org
4. **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
5. **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 the Development Agreement with respect to 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
6. **Additional Project Authorization.** Except as provided in the Development Agreement, the Conditions of Approval set forth in Exhibit A of Motion No. 20108, Case No. 2015-012994CUA (Conditional Use Authorization) apply to this approval, and are incorporated herein as though fully set forth, except as modified herein. The conditions set forth below are additional conditions required in connection with the Project. If these conditions overlap with any other requirement imposed on the Project, the more restrictive or protective condition or requirement, as determined by the Zoning Administrator, shall apply except as provided in the Development Agreement.
For information about compliance, contact Code Enforcement, Planning Department at 415-575-6863, www.sf-planning.org

7. **Improvement and Mitigation Measures.** Improvement and Mitigation measures described in the MMRP attached as **Exhibit C** are necessary to avoid potential significant impacts of the Project and have been agreed to by the Project Sponsor. Their implementation is a condition of Project approval. *For information about compliance, contact Code Enforcement, Planning Department at 415-575-6863, www.sf-planning.org*

DESIGN – COMPLIANCE AT PLAN STAGE

8. **Final Materials.** The Project Sponsor shall continue to work with Planning Department on the building design. Final materials, glazing, color, texture, landscaping (including roof deck 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*
9. **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 building permit plans. 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*
10. **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. 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*
11. **Streetscape Elements.** 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 required Streetscape features so that it generally meets the standards of the Better Streets and Downtown Plans, as well as all applicable City standards. This includes, but is not limited to the use of the standard downtown paving pattern (dark grey concrete silicate carbonate, 3' scoring), and pedestrian-oriented street lighting. The Project Sponsor shall complete final design of all required street improvements, including procurement of relevant City permits, prior to issuance of the 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*
12. **Lighting Plan.** The Project Sponsor shall submit an exterior lighting plan to the Planning Department prior to Planning Department approval of the site permit application. *For information about compliance, contact the Case Planner, Planning Department at 415-558-6378, www.sf-planning.org*

13. **Signage.** The Project Sponsor shall develop a signage program for the Project which shall be subject to review and approval by Planning Department staff before submitting any building permits for construction of the Project. All subsequent sign permits shall conform to the approved signage program. Once approved by the Department, the signage program/plan information shall be submitted and approved as part of the site permit for the Project. All exterior signage shall be designed to complement, not compete with, the existing architectural character and architectural features of the building.

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

14. **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:

- a. On-site, in a basement area accessed via a garage or other access point without use of separate doors on a ground floor façade facing a public right-of-way;
- b. On-site, in a driveway, underground;
- c. On-site, above ground, screened from view, other than a ground floor façade facing a public right-of-way;
- d. Public right-of-way, underground, under sidewalks with a minimum width of 12 feet, avoiding effects on streetscape elements, such as street trees; and based on Better Streets Plan guidelines;
- e. Public right-of-way, underground; and based on Better Streets Plan guidelines;
- f. Public right-of-way, above ground, screened from view; and based on Better Streets Plan guidelines;
- g. On-site, in a ground floor façade (the least desirable location).

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>

15. **Noise, Ambient.** Interior occupiable spaces shall be insulated from ambient noise levels. Specifically, in areas identified by the Environmental Protection Element, Map1, "Background Noise Levels," of the General Plan that exceed the thresholds of Article 29 in the Police Code, new developments shall install and maintain glazing rated to a level that insulate interior occupiable areas from Background Noise and comply with Title 24.

For information about compliance, contact the Environmental Health Section, Department of Public Health at (415) 252-3800, www.sfdph.org

16. **Overhead Wiring.** The Property owner will allow MUNI to install eyebolts in the building adjacent to its electric streetcar line to support its overhead wire system if requested by MUNI or MTA.

For information about compliance, contact San Francisco Municipal Railway (Muni), San Francisco Municipal Transit Agency (SFMTA), at 415-701-4500, www.sfmta.org

PARKING AND TRAFFIC

17. **Bicycle Parking.** Pursuant to Planning Code Sections 155.2, the project shall provide 166 Class 1 bicycle parking spaces (30 for the dwellings; 134 for student housing; two for Institutional Uses; and one for retail uses) and 20 Class 2 spaces (two for the dwellings; 12 for student housing; four for Institutional Uses; and two for retail uses).

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

18. **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

19. **Transportation Demand Management (TDM) Program.** Pursuant to Planning Code Section 169, the Project shall finalize a TDM Plan prior to the issuance of the first Building Permit or Site Permit to construct the project and/or commence the approved uses. The Property Owner, and all successors, shall ensure ongoing compliance with the TDM Program for the life of the Project, which may include providing a TDM Coordinator, providing access to City staff for site inspections, submitting appropriate documentation, paying application fees associated with required monitoring and reporting, and other actions.

Prior to the issuance of the first Building Permit or Site Permit, 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 to document compliance with the TDM Program. This Notice shall provide the finalized TDM Plan for the Project, including the relevant details associated with each TDM measure included in the Plan, as well as associated monitoring, reporting, and compliance requirements.

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

PROVISIONS

20. **Anti-Discriminatory Housing.** The Project shall adhere to the requirements of the Anti-Discriminatory Housing policy, pursuant to Administrative Code Section 1.61.

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

21. **Number of Replacement Units.** The Project will replace the 27 existing units at the Project Site, as more fully detailed in the Development Agreement.

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

22. **Unit Location.** The replacement 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

23. **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

24. **Transportation Sustainability Fee.** Pursuant to Planning Code Section 411A, the Project Sponsor shall pay the Transportation Sustainability Fee (TSF) based on drawings submitted with the Building Permit Application if applicable. The fee shall be paid prior to the issuance of the first construction document.

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

25. **Child Care Fee - Residential.** The Project is subject to the Residential Child Care Fee, as applicable, pursuant to Planning Code Section 414A.

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

26. **Art.** Except as provided in the Development Agreement, the Project is subject to the Public Art Fee, as applicable, pursuant to Planning Code Section 429.

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

27. **Art Plaques.** Pursuant to Planning Code Section 429(b), the Project Sponsor shall provide a plaque or cornerstone identifying the architect, the artwork creator and the Project completion date in a publicly conspicuous location on the Project Site. The design and content of the plaque shall be approved by Department staff prior to its installation.

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

28. **Art.** Except as provided in the Development Agreement, pursuant to Planning Code Section 429, and the Project Sponsor and the Project artist shall consult with the Planning Department during design development regarding the height, size, and final type of the art. The final art concept shall be submitted for review for consistency with this Motion by, and shall be satisfactory to, the Director of the Planning Department in consultation with the Commission. The Project Sponsor and the Director shall report to the Commission on the progress of the development and design of the art concept prior to the submittal of the first building or site permit application

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

29. **Art.** Except as provided in the Development Agreement, pursuant to Planning Code Section 429, prior to issuance of any certificate of occupancy, the Project Sponsor shall install the public art

generally as described in this Motion and make it available to the public. If the Zoning Administrator concludes that it is not feasible to install the work(s) of art within the time herein specified and the Project Sponsor provides adequate assurances that such works will be installed in a timely manner, the Zoning Administrator may extend the time for installation for a period of not more than twelve (12) months.

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

30. **Art - Residential Projects.** Except as provided in the Development Agreement, pursuant to Planning Code Section 429 as applicable, the Project Sponsor must provide on-site artwork, pay into the Public Artworks Fund, or fulfill the requirement with any combination of on-site artwork or fee payment as long as it equals one percent of the hard construction costs for the Project as determined by the Director of the Department of Building Inspection. The Project Sponsor shall provide to the Director necessary information to make the determination of construction cost hereunder. Payment into the Public Artworks Fund is due prior to issuance of the first construction document.

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

MONITORING - AFTER ENTITLEMENT

31. **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

32. **Monitoring.** The Project requires monitoring of the conditions of approval in this Motion. The Project Sponsor or the subsequent responsible parties for the Project shall pay fees as established under Planning Code Section 351(e) (1) and work with the Planning Department for information about compliance.

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

33. **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

34. **Student Housing & MOH Monitoring.** Per Planning Code Section 415, the Project is required to provide information to the Mayor's Office of Housing (MOH) as follows:

The Mayor's Office of Housing (MOH) is authorized to monitor this program. MOH shall develop a monitoring form and annual monitoring fee to be paid by the owner of the real property or the Post-Secondary Educational Institution or Religious Institutions, as defined in Section 102 of this Code. The owner of the real property and each Post-Secondary Educational Institution or Institutions shall agree to submit annual documentation to the Mayor's Office of Housing (MOH) and the Planning Department, on or before December 31 of each year, that addresses the following:

- i. Evidence that the Post-Secondary Educational Institution continues to own or otherwise control the Student Housing project under a master lease or other contractual agreement with at least a 5 year term, including a certificate from the owner of the real property and the Post-Secondary Educational Institution attaching a true and complete copy of the master lease or other contractual agreement (financial information may be redacted) and certifying that the lease or contract has not otherwise been amended or terminated; and
- ii. Evidence, on an average annualized basis, of the percentage of students in good standing enrolled at least half time or more in the post-secondary Educational Institution or Institutions who are occupying the beds or accessory living space in the Student Housing project; and
- iii. The owner of the real property records a Notice of Special Restrictions (NSR) against fee title to the real property on which the Student Housing is located that states the following:
 - The Post-Secondary Educational Institution, or the owner of the real property on its behalf, must file a statement with the Department if it intends to terminate the Student Housing project at least 60 days before it terminates such use ("statement of termination");
 - The Student Housing project becomes subject to the Inclusionary Housing Ordinance requirements applicable to Housing Projects other than Qualified Housing Projects if (1) a Post-Secondary Educational Institution files a statement of termination with the Department and another post-secondary Educational Institution or Institutions have not been substituted or obligated to meet the requirements of this section; or (2) the owner of the real property or the post-secondary Educational Institution fails to file a statement of termination and fails to meet the requirements for a Student Housing project, then within not more than one year of a Notice Of Violation issued by the Planning Department;
 - If units in a Student Housing project become subject to the Inclusionary Housing Ordinance then the owner of those units shall (1) pay the Affordable Housing Fee plus interest from the date the project received its first construction document for the project if there is no evidence the Project ever qualified as Student Housing or, if Student Housing was provided and occupied, then the Affordable Housing Fee with no interest is due on the date the units were no longer occupied by qualifying households and interest would accrue from that date if the fee is not paid; or (2) provide the required number of on-site affordable units required at time of original project approval and that those units shall be subject to all of the requirements of this Program. In this event, the owner of the real property shall record a new NSR providing that the designated units must comply with all of the requirements of this Program.
 - The Post-Secondary Educational Institution is required to report annually as required in Subsection (C) above;

- The City may commence legal action against the owner and/or Post-Secondary Educational Institution to enforce the NSR and the terms of Article IV of the Planning Code and Planning Code Section 415 et seq. if it determines that the project no longer meets the requirements for a Student Housing project; and
- The Student Housing project may be inspected by any City employee to determine its status as a Student Housing project and its compliance with this Section at any time upon at least 24 hours' prior notice to the owner of the real property or to the master lessee.

OPERATION

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

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

36. **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 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

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

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

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

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

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

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

39. **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

MITIGATION MONITORING AND REPORTING PROGRAM

Adopted Mitigation Measures	Responsibility for Implementation	Mitigation Schedule	Monitoring/ Reporting Responsibility	Status/Date Completed
<i>Mitigation Measure M-CR-2 – Archeological Testing</i>				
<p>Based on a reasonable presumption that archeological resources may be present within the project site, the following measures shall be undertaken to avoid any potentially significant adverse effect from the proposed project on buried or submerged historical resources.</p> <p>The project sponsor shall retain the services of an archaeological consultant from the rotational San Francisco Environmental Planning Department Qualified Archaeological Consultants List maintained by the planning department archaeologist. The project sponsor shall contact the department archeologist to obtain the names and contact information for the next three archeological consultants on the list. 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.</p> <p>The archeological consultant's work shall be conducted in accordance with this measure at the direction of the Environmental Review Officer (ERO).</p> <p>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.</p> <p>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</p>	<p>The Project Sponsor</p>	<p>Prior to issuance of site permits.</p>	<p>Project Sponsor shall retain archaeological consultant to undertake archaeological measures detailed below in consultation with ERO.</p>	<p>Complete when Project Sponsor retains qualified archaeological consultant.</p>

MITIGATION MONITORING AND REPORTING PROGRAM

Adopted Mitigation Measures	Responsibility for Implementation	Mitigation Schedule	Monitoring/Reporting Responsibility	Status/Date Completed
resource as defined in CEQA Guidelines sections 15064.5 (a) and (c).				
<p><i>Consultation with Descendant Communities:</i> On discovery of an archeological site¹ associated with descendant Native Americans, the Overseas Chinese, or other potentially interested descendant group an appropriate representative² of the descendant group and the ERO shall be contacted. The representative of the descendant group shall be given the opportunity to monitor archeological field investigations of the site and to offer recommendations to the 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>	Project sponsor/ archeological consultant at the direction of the ERO	During ground-disturbing activities	Project sponsors/archaeological consultant shall contact the ERO upon discovery of an archeological site associated with descendant Native Americans or the Overseas Chinese.	Considered complete upon submittal of Final Archaeological Resources Report (discussed below).
<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 testing plan. The testing plan 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>	Project sponsor/ archeological consultant at the direction of the Environmental Review Officer (ERO).	Prior to issuance of site permits	Project sponsor to retain a qualified archeological consultant who shall report to the ERO. Qualified archeological consultant will scope archeological testing program	<p>Date Archeological consultant retained:</p> <hr/> <p>Date Archeological consultant received approval for archeological testing program</p>

¹ By the term “archeological site” is intended here to minimally include any archeological deposit, feature, burial, or evidence of burial.

² 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 archeologist.

MITIGATION MONITORING AND REPORTING PROGRAM

Adopted Mitigation Measures	Responsibility for Implementation	Mitigation Schedule	Monitoring/Reporting Responsibility	Status/Date Completed
			with ERO.	scope: _____
<p>At the completion of the archeological testing program, the archeological consultant shall submit a written report of the findings to the ERO. If based on the archeological testing program the archeological consultant finds that significant archeological resources may be present, the ERO in consultation with the archeological consultant shall determine if additional measures are warranted. Additional measures that may be undertaken include additional archeological testing, archeological monitoring, and/or an archeological data recovery program. 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>	Project sponsor/ archeological consultant at the direction of the ERO.	After completion of the Archeological Testing Program.	Archeological consultant shall submit report of the findings of the ATP to the ERO.	<p>Date archeological findings report submitted to the ERO:_____</p> <p>ERO determination of significant archeological resource present? Y N</p> <p>Would resource be adversely affected? Y N</p> <p>Additional mitigation to be undertaken by project sponsor? Y N</p>

MITIGATION MONITORING AND REPORTING PROGRAM

Adopted Mitigation Measures	Responsibility for Implementation	Mitigation Schedule	Monitoring/Reporting Responsibility	Status/Date Completed
<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> <p>The archeological consultant, project sponsor, and ERO shall meet and consult on the scope of the monitoring program reasonably prior to any project-related soils disturbing activities commencing. The ERO in consultation with the archeological consultant shall determine what project activities shall be archeologically monitored. In most cases, any soils- disturbing activities, such as demolition, foundation removal, excavation, grading, utilities installation, foundation work, driving of piles (foundation, shoring, etc.), site remediation, etc., shall require archeological monitoring because of the risk these activities pose to potential archaeological resources and to their depositional context.</p> <p>The archeological consultant shall advise all project contractors to be on the alert for evidence of the presence of the expected resource(s), of how to identify the evidence of the expected resource(s), and of the appropriate protocol in the event of apparent discovery of an archeological resource.</p> <p>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.</p> <p>The archeological monitor shall record and be authorized to collect soil samples and artifactual/ecofactual material as warranted for analysis.</p> <p>If an intact archeological deposit is encountered, all soils-disturbing</p>	<p>Project sponsor/ archeological consultant/ archeological monitor/ contractor(s), at the direction of the ERO.</p>	<p>ERO & archeological consultant shall meet prior to commencement of soil-disturbing activity. If the ERO determines that an Archeological Monitoring Program is necessary, monitor throughout all soil-disturbing activities.</p>	<p>Project sponsor/ archeological consultant/ archeological monitor/ contractor(s) shall implement the AMP, if required by the ERO.</p>	<p>AMP required? Y N Date: _____</p> <p>_____</p> <p>Date AMP submitted to the ERO: _____</p> <p>_____</p> <p>Date AMP approved by the ERO: _____</p> <p>_____</p> <p>Date AMP implementation complete: _____</p> <p>_____</p> <p>Date written report regarding findings of the AMP received: _____</p> <p>_____</p>

MITIGATION MONITORING AND REPORTING PROGRAM

Adopted Mitigation Measures	Responsibility for Implementation	Mitigation Schedule	Monitoring/Reporting Responsibility	Status/Date Completed
<p>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 or deep foundation activities (foundation, shoring, etc.), the archeological monitor has cause to believe that the pile driving or deep foundation activities may affect an archeological resource, the pile driving or deep foundation activities 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>				
<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 Project Sponsor and archaeological consultant</p>	<p>Prior to issuance of site permits.</p>	<p>Consultation with ERO on scope of AMP</p>	<p>After consultation with and approval by ERO of AMP</p>
<p><i>Archeological Data Recovery Program.</i> The archeological data recovery program shall be conducted in accord with an archeological data recovery plan. The archeological consultant, project sponsor, and ERO shall meet and consult on the scope of the data recovery program prior to preparation of a draft data recovery plan. The archeological consultant shall submit a draft data recovery plan to the ERO. The data recovery plan shall identify how the proposed data recovery program will preserve the significant information the archeological resource is expected to contain. That is, the data recovery plan 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</p>	<p>Archeological consultant at the direction of the ERO</p>	<p>If there is a determination that an ADRP program is required</p>	<p>Project sponsor/ archeological consultant/ archeological monitor/ contractor(s) shall prepare an ADRP if required by the ERO.</p>	<p>ADRP required? Y N Date: _____ _____ Date of scoping meeting for ARDP: _____ _____</p>

MITIGATION MONITORING AND REPORTING PROGRAM

Adopted Mitigation Measures	Responsibility for Implementation	Mitigation Schedule	Monitoring/Reporting Responsibility	Status/Date Completed
<p>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 archeological data recovery program shall include the following elements:</p> <p>Field methods and procedures: descriptions of proposed field strategies, procedures, and operations;</p> <p>Cataloguing and laboratory analysis: description of selected cataloguing system and artifact analysis procedures.</p> <p>Discard and deaccession policy: description of and rationale for field and post-field discard and deaccession policies.</p> <p>Interpretive program: consideration of an on-site/off-site public interpretive program during the course of the archeological data recovery program.</p> <p>Security measures: recommended security measures to protect the archeological resource from vandalism, looting, and non-intentionally damaging activities.</p> <p>Final report: description of proposed report format and distribution of results.</p> <p>Curation: 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>Date Draft ARDP submitted to the ERO: _____</p> <p>_____</p> <p>Date ARDP approved by the ERO: _____</p> <p>_____</p> <p>Date ARDP implementation complete: _____</p> <p>_____</p>
<p><i>Human Remains, Associated or Unassociated Funerary Objects.</i> The</p>	<p>Project sponsor /</p>	<p>In the event human</p>	<p>Project sponsor/</p>	<p>Human remains</p>

MITIGATION MONITORING AND REPORTING PROGRAM

Adopted Mitigation Measures	Responsibility for Implementation	Mitigation Schedule	Monitoring/Reporting Responsibility	Status/Date Completed
<p>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, including 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, who shall appoint a Most Likely Descendant (California Public Resources Code section 5097.98). The ERO shall also be immediately notified upon discovery of human remains. The archeological consultant, project sponsor, ERO, and most likely descendant shall have up to but not beyond six days after the discovery to make all reasonable efforts to develop an agreement for the treatment of human remains and associated or unassociated funerary objects with appropriate dignity (CEQA Guidelines section 15064.5(d)). The agreement should take into consideration the appropriate excavation, removal, recordation, analysis, curation, possession, and final disposition of the human remains and associated or unassociated funerary objects. Nothing in existing state regulations or in this mitigation measure compels the project sponsor and the ERO to accept recommendations of a most likely descendant. The archeological consultant shall retain possession of any Native American human remains and associated or unassociated burial objects until completion of any scientific analyses of the human remains or objects as specified in the treatment agreement if such as agreement has been made or, otherwise, as determined by the archeological consultant and the ERO. If no agreement is reached, state regulations shall be followed including the reinternment of the human remains and associated burial objects with appropriate dignity on the property in a location not subject to further subsurface disturbance.</p>	<p>archeological consultant in consultation with the San Francisco Coroner, NAHC, and MDL.</p>	<p>remains and/or funerary objects are found.</p>	<p>archeological consultant to monitor (throughout all soil disturbing activities) for human remains and associated or unassociated funerary objects and, if found, contact the San Francisco Coroner/ NAHC/ MDL</p>	<p>and associated or unassociated funerary objects found? Y N Date:_____</p> <p>Persons contacted: Date:_____</p> <p>Persons contacted: Date:_____</p> <p>Persons contacted: Date:_____</p> <p>Persons contacted: Date:_____</p>

MITIGATION MONITORING AND REPORTING PROGRAM

Adopted Mitigation Measures	Responsibility for Implementation	Mitigation Schedule	Monitoring/Reporting Responsibility	Status/Date Completed
<p><i>Final Archeological Resources Report.</i> The archeological consultant shall submit a Draft Final Archeological Resources Report 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 final report shall be distributed as follows: California Archaeological Site Survey Northwest Information Center shall receive one (1) copy and the ERO shall receive a copy of the transmittal of the final report to the information center. The Environmental Planning division of the Planning Department shall receive one bound, one unbound and one unlocked, searchable PDF copy on CD of the final report 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>	Project sponsor/ archeological consultant at the direction of the ERO.	After completion of the archeological data recovery, inventorying, analysis and interpretation.	Project sponsor/ archeological consultant	Following completion of soil disturbing activities. Considered complete upon distribution of final FARR.
Mitigation Measure M-CR-3 – Inadvertent Discovery of Human Remains				
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 the ERO, and in the event of the coroner’s determination that the human remains are Native American remains, notification of the California State Native	Project sponsor / archeological consultant in consultation with the San Francisco Coroner, NAHC,	In the event human remains and/or funerary objects are found.	Project sponsor/ archeological consultant to monitor (throughout all soil disturbing activities) for	Human remains and associated or unassociated funerary objects found? Y N

MITIGATION MONITORING AND REPORTING PROGRAM

Adopted Mitigation Measures	Responsibility for Implementation	Mitigation Schedule	Monitoring/Reporting Responsibility	Status/Date Completed
<p>American Heritage Commission (NAHC) who shall appoint a Most Likely Descendant (Public Resources Code Section 5097.98). The archeological consultant, project sponsor, ERO, and most likely descendant shall have up to but not beyond six days of discovery to make all reasonable efforts to develop an agreement for the treatment of human remains and associated or unassociated funerary objects with appropriate dignity (CEQA Guidelines section 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. Nothing in existing state regulations or in this mitigation measure compels the project sponsor and the ERO to accept recommendations of an MLD. The archeological consultant shall retain possession of any Native American human remains and associated or unassociated burial objects until completion of any scientific analyses of the human remains or objects as specified in the treatment agreement if such as agreement has been made or, otherwise, as determined by the archeological consultant and the ERO.</p>	and MDL.		human remains and associated or unassociated funerary objects and, if found, contact the San Francisco Coroner/ NAHC/ MDL	Date: _____ Persons contacted: Date: _____ Persons contacted: Date: _____ Persons contacted: Date: _____ Persons contacted: Date: _____
<i>Mitigation Measure M-CR-4 – Tribal Cultural Resources Interpretive Program</i>				
<p>If the ERO determines that a significant archeological resource is present, and if in consultation with the affiliated Native American tribal representatives, the ERO determines that the resource constitutes a tribal cultural resource and that the resource could be adversely affected by the proposed project, the proposed project shall be redesigned so as to avoid any adverse effect on the</p>	Project sponsor, archaeological consultant, and ERO, in consultation with the affiliated	If significant archeological resources are present, during implementation of the project.	Project sponsor, archaeological consultant, and ERO, in consultation with the affiliated Native	Considered complete upon project redesign, completion of ARPP, or interpretive

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<p>significant tribal cultural resource, if feasible.</p> <p>If the Environmental Review Officer (ERO), in consultation with the affiliated Native American tribal representatives and the project sponsor, determines that preservation-in-place of the tribal cultural resources is not a sufficient or feasible option, the project sponsor shall implement an interpretive program of the tribal cultural resource in consultation with affiliated tribal representatives. An interpretive plan produced in consultation with the ERO and affiliated tribal representatives, at a minimum, and approved by the ERO would be required to guide the interpretive program. The plan shall identify, as appropriate, proposed locations for installations or displays, the proposed content and materials of those displays or installation, the producers or artists of the displays or installation, and a long-term maintenance program. The interpretive program may include artist installations, preferably by local Native American artists, oral histories with local Native Americans, artifacts displays and interpretation, and educational panels or other informational displays.</p>	Native American tribal representatives.		American tribal representatives shall implement the project redesign, completion of archeological resource preservation plan, or interpretive program of the TCR, if required.	program of the TCR, if required.
<i>Mitigation Measure M-AQ-2: Construction Emissions Minimization</i>				
<p>The project sponsor or the project sponsor's Contractor shall comply with the following</p> <p>A. <i>Engine Requirements.</i></p> <p>1. All off-road equipment greater than 25 hp and operating for more than 20 total hours over the entire duration of construction activities shall have engines that meet or exceed either U.S. Environmental Protection Agency (USEPA) or California Air Resources Board (ARB) Tier 2 off-road emission standards, and have been retrofitted with</p>	Project sponsor	<p>Plan development to occur prior to issuance of a demolition, grading, or building permit.</p> <p>Monitoring to occur during construction.</p>	<p>Planning Department of review and approve the construction emissions minimization plan.</p> <p>Project sponsor to submit quarterly</p>	As specified in plan

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<p>an ARB Level 3 Verified Diesel Emissions Control Strategy. Equipment with engines meeting Tier 4 Interim or Tier 4 Final off-road emission standards automatically meet this requirement.</p>			<p>reports to Planning Department during construction, and final report six (6) months after construction.</p>	
<p>2. Where access to alternative sources of power are available, portable diesel engines shall be prohibited.</p> <p>3. Diesel engines, whether for off-road or on-road equipment, shall not be left idling for more than two minutes, at any location, except as provided in exceptions to the applicable state regulations regarding idling for off-road and on-road equipment (e.g., traffic conditions, safe operating conditions). The Contractor shall post legible and visible signs in English, Spanish, and Chinese, in designated queuing areas and at the construction site to remind operators of the two minute idling limit.</p>				
<p>4. The Contractor shall instruct construction workers and equipment operators on the maintenance and tuning of construction equipment, and require that such workers and operators properly maintain and tune equipment in accordance with manufacturer specifications.</p>				
<p>B. <i>Waivers.</i></p> <p>1. The Planning Department’s Environmental Review Officer or designee (ERO) may waive the alternative source of power requirement of Subsection (A)(2) if an alternative source of power is limited or infeasible at the project site. If the ERO grants the waiver, the Contractor must submit documentation that the equipment used for onsite power generation meets the requirements of Subsection (A)(1).</p>				

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<p>2. The ERO may waive the equipment requirements of Subsection (A)(1) if: a particular piece of off-road equipment with an ARB Level 3 VDECS is technically not feasible; the equipment would not produce desired emissions reduction due to expected operating modes; installation of the equipment would create a safety hazard or impaired visibility for the operator; or, there is a compelling emergency need to use off-road equipment that is not retrofitted with an ARB Level 3 VDECS. If the ERO grants the waiver, the Contractor must use the next cleanest piece of off-road equipment, according to Table below.</p> <p>Table – Off-Road Equipment Compliance Step-down Schedule</p> <table border="1" data-bbox="201 760 1016 1057"> <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 ERO determines that the equipment requirements cannot be met, then the project sponsor would need to meet Compliance Alternative 1. If the ERO determines that the Contractor cannot supply off-road equipment meeting Compliance Alternative 1, then the Contractor must meet Compliance Alternative 2. If the ERO determines that the Contractor cannot supply off-road equipment meeting Compliance Alternative 2, then the Contractor must meet Compliance Alternative 3.</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														
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** Alternative fuels are not a VDECS.				
<p>C. <i>Construction Emissions Minimization Plan.</i> Before starting on-site construction activities, the Contractor shall submit a Construction Emissions Minimization Plan (Plan) to the ERO for review and approval. The Plan shall state, in reasonable detail, how the Contractor will meet the requirements of Section A.</p> <ol style="list-style-type: none"> 1. The Plan shall include estimates of the construction timeline by phase, with a description of each piece of off-road equipment required for every construction phase. The description may include, but is not limited to: equipment type, equipment manufacturer, equipment identification number, engine model year, engine certification (Tier rating), horsepower, engine serial number, and expected fuel usage and hours of operation. For VDECS installed, the description may include: technology type, serial number, make, model, manufacturer, ARB verification number level, and installation date and hour meter reading on installation date. For off-road equipment using alternative fuels, the description shall also specify the type of alternative fuel being used. 2. The project sponsor shall ensure that all applicable requirements of the Plan have been incorporated into the contract specifications. The Plan shall include a certification statement that the Contractor agrees to comply fully with the Plan. 3. The Contractor shall make the Plan available to the public for review on-site during working hours. The Contractor 				

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<p>shall post at the construction site a legible and visible sign summarizing the Plan. The sign shall also state that the public may ask to inspect the Plan for the project at any time during working hours and shall explain how to request to inspect the Plan. The Contractor shall post at least one copy of the sign in a visible location on each side of the construction site facing a public right-of-way.</p>				
<p>D. <i>Monitoring.</i> After start of Construction Activities, the Contractor shall submit quarterly reports to the ERO documenting compliance with the Plan. After completion of construction activities and prior to receiving a final certificate of occupancy, the project sponsor shall submit to the ERO a final report summarizing construction activities, including the start and end dates and duration of each construction phase, and the specific information required in the Plan.</p>				
<p><i>Mitigation Measures M-AQ-4: Best Available Control Technology for Diesel Generators</i></p>				
<p>The project sponsor shall ensure that the backup diesel generator meets or exceeds one of the following emission standards for particulate matter: (1) Tier 4 certified engine, or (2) Tier 2 or Tier 3 certified engine that is equipped with a California Air Resources Board (ARB) Level 3 Verified Diesel Emissions Control Strategy (VDECS). A non-verified diesel emission control strategy may be used if the filter has the same particulate matter reduction as the identical ARB verified model and if the Bay Area Air Quality Management District (BAAQMD) approves of its use. The project sponsor shall submit documentation of compliance with the BAAQMD New Source Review permitting process (Regulation 2, Rule 2, and Regulation 2, Rule 5) and the emission standard requirement of this mitigation measure to the Planning Department</p>	<p>Project sponsor</p>	<p>Prior to issuance of a permit for a backup diesel generator from any City agency</p>	<p>Project sponsor to submit and Planning Department to review and approve documentation of compliance.</p>	<p>Compliance documentation approved: Date _____</p>

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for review and approval prior to issuance of a permit for a backup diesel generator from any City agency.				
<i>Improvement Measure I-TR-1: Residential Move-in and Move-out Plan</i>				
<p>The project sponsor should develop and implement a Residential Move-in and Move-out Plan that would be distributed to students prior to the “Student Move-in Day,” and to new tenants of the replacement housing units as part of their move-in packet. The Plan should include, but not be limited to the following:</p> <ul style="list-style-type: none"> • Move-in and move-out activities for both replacement housing and student housing that are conducted by auto or truck should be scheduled with building management. • To the extent possible, move-in and move-out activities by auto or truck should be scheduled for weekends, or late evenings to avoid conflicts with adjacent street traffic. • If necessary, building management should request a reserved curbside permit from the SFMTA in advance of move-in or move-out activities by auto or truck. • Student move-in arrivals should be staggered, and student volunteers and staff should be available to assist students transport their belongings between the vehicle and the building. <p>The Residential Move-in and Move-out Plan should be reviewed and updated annually by the San Francisco Conservatory of Music, with assistance from the San Francisco Police Department the SFMTA, to ensure that the process occurs with minimal effect on the adjacent sidewalks and travel lanes.</p>	Project sponsor	<p>Distribute plan to students and tenants prior to move-in day/as part of move-in packet.</p> <p>Update plan annually in consultation with SFPD and SFMTA</p>	Project sponsor should develop and implement the Residential Move-in and Move-out Plan as specified and distribute to students and tenants.	<p>Move-in plan completed</p> <p>Date: _____</p>

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<i>Improvement Measure I-TR-2: Construction Management Plan and Public Updates</i>				
<p>The project sponsor or the project sponsor’s contractor should comply with the following:</p> <ul style="list-style-type: none"> • <i>Construction Management Plan</i>—The project sponsor should develop and, upon review and approval by the SFMTA and Public Works, implement a Construction Management Plan, addressing transportation-related circulation, access, staging and hours of delivery. The Construction Management Plan would disseminate appropriate information to contractors and affected agencies with respect to coordinating construction activities to minimize overall disruption and ensure that overall circulation in the project area is maintained to the extent possible, with particular focus on ensuring transit, pedestrian, and bicycle connectivity. The Construction Management Plan would supplement and expand, rather than modify or supersede, and manual, regulations, or provisions set forth by the SFMTA, Public Works, or other City departments and agencies, and the California Department of Transportation. Management practices could include: best practices for accommodating pedestrians and bicyclists, identifying routes for construction trucks to utilize, minimizing deliveries and travel lane closures during the AM (7:30 to 9:00 AM) and PM (4:30 to 6:00 PM) peak periods along Van Ness Avenue and Hayes Street (Monday through Friday). • <i>Carpool, Bicycle, Walk, and Transit Access for Construction Workers</i>—To minimize parking demand and vehicle trips associated with construction workers, the construction contractor should include as part of the Construction Management Plan methods to encourage carpooling, bicycle, walk and transit access to the project site by construction 	Project sponsor or project contractor	Prior to issuance of any site permits	<p>Develop Construction Management Plan and Construction Worker Parking Plan and submit to and, SFMTA and Public Works, for review and approval.</p> <p>Implement approved Construction Management Plan, including Construction Worker Parking Plan throughout construction</p>	<p>Plan approved: Date: _____</p>

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<p>workers, such as providing secure bicycle parking spaces, participating in free-to-employee and employer ride matching program from www.511.org, participating in emergency ride home program through the City of San Francisco (www.sferh.org), and providing transit information to construction workers.</p> <ul style="list-style-type: none"> • <i>Construction Worker Parking Plan</i>—As part of the Construction Management Plan that would be developed by the construction contractor, the location of construction worker parking could be identified as well as the person(s) responsible for monitoring the implementation of the proposed parking plan. The use of on-street parking to accommodate construction worker parking should be discouraged. 				
<ul style="list-style-type: none"> • <i>Project Construction Updates for Adjacent Businesses and Residents</i>—To minimize construction impacts on access to nearby residences and businesses, the project sponsor should provide nearby residences and adjacent businesses with regularly-updated information regarding project construction, including construction activities, peak construction vehicle activities (e.g., concrete pours), travel lane closures, and parking lane and sidewalk closures. A regular email notice should be distributed by the project sponsor that would provide current construction information of interest to neighbors, as well as contact information for specific construction inquiries or concerns. 	Project sponsor	Prior to the beginning of construction, monthly throughout construction, and prior to start of periods of more intensive or unusual site activity, as detailed	Sponsor to distribute email notice nearby residences and adjacent businesses with updates regarding project construction activities; copy planning to document compliance	Monthly notices received Dates: _____