



SAN FRANCISCO PLANNING DEPARTMENT

Subject to: (Select only if applicable)

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- Downtown Park Fee (Sec. 412)
- First Source Hiring (Admin. Code)
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- Other (EN Impact Fee – Sec. 423)

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Planning Commission Motion No. 18793 HEARING DATE: JANUARY 31, 2013

Date: January 10, 2013
Case No.: **2012.0700X**
Project Address: **801 Brannan Street**
Zoning: UMU (Urban Mixed Use) Zoning District
 68-X Height and Bulk District
Block/Lots: 3783 / 001
Project Sponsor: Archstone
 807 Broadway, Suite 210
 Oakland, CA 94607
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ADOPTING FINDINGS RELATING TO LARGE PROJECT AUTHORIZATION PURSUANT TO PLANNING CODE SECTION 329 TO ALLOW THE CONSTRUCTION OF A NEW SIX-STORY, 68-FOOT BUILDING WITH UP TO 432 DWELLING UNITS, APPROXIMATELY 19,650 SQUARE FEET OF RETAIL AND UP TO 422 OFF-STREET PARKING SPACES, AND TO ALLOW EXCEPTIONS INCLUDING (1) REAR YARD PURSUANT TO PLANNING CODE SECTION 134, (2) OFF-STREET LOADING PURSUANT TO PLANNING CODE SECTION 152.1, (3) HORIZONTAL MASS REDUCTION PURSUANT TO PLANNING CODE SECTION 270.1, AND TO ADOPT FINDINGS AND MITIGATION MONITORING AND REPORTING PROGRAM UNDER THE CALIFORNIA ENVIRONMENTAL QUALITY ACT. THE SUBJECT PROPERTY IS LOCATED WITHIN THE UMU (URBAN MIXED USE) ZONING DISTRICT AND A 68-X HEIGHT AND BULK DESIGNATION.

PREAMBLE

On May 31, 2012, Archstone (Project Sponsor) filed an application with the Planning Department (hereinafter “Department”) for Large Project Authorization under Planning Code Section 329 to allow construction of a new six-story, 68-foot building consisting of up to 432 dwelling units, approximately 19,650 square feet of ground floor retail, and parking for up to 422 spaces, and exceptions including rear yard, off-street freight loading and horizontal mass reduction within the UMU (Urban Mixed Use) Zoning District and within a 68-X Height and Bulk Designation.

On January 24, 2013, the Planning Commission reviewed and considered the Final Environmental Impact Report (FEIR) in Planning Department File No. 2000.618E consisting of the Draft EIR and the Responses to Comments document, and found that the contents of said report and the procedures through which the FEIR was prepared, publicized and reviewed complied with the provisions of the California Environmental Quality Act (CEQA), the CEQA Guidelines and Chapter 31 of the San Francisco Administrative Code and found further that the FEIR reflects the independent judgment and analysis of the City and County of San Francisco, is adequate, accurate and objective, and that the Comments and Responses document contains no significant revisions to the Draft EIR, and certified the completion of said FEIR in compliance with CEQA and the CEQA Guidelines.

The Commission has reviewed and considered the information contained in the FEIR, all written and oral information provided by the Planning Department, the public, relevant public agencies, and other experts and the administrative files for the Project and the EIR. The Project and EIR files have been made available for review by the Planning Commission and the public, and those files are part of the record before this Commission.

Planning Department staff prepared proposed findings, as required by CEQA, (CEQA Findings) and a proposed Mitigation, Monitoring and Reporting Program (MMRP), which material was made available to the public and the Commission for the Commission's review, consideration and action.

This Commission has reviewed and considered the FEIR and hereby adopts the CEQA Findings, including the statement of overriding considerations, attached hereto as Exhibit B and incorporated herein as part of this Motion by this reference thereto, and adopts the MMRP attached to this Motion as Exhibit C and incorporated herein as part of this Motion by this reference thereto.

On January 24, 2013, the Commission adopted findings pursuant to CEQA as set forth in Motion No. 18793, which findings are incorporated herein by this reference thereto as if fully set forth in this Motion.

The Planning Department, Jonas P. Ionin, is the custodian of records, located in the File for Case No. 2012.0700X at 1650 Mission Street, Fourth Floor, San Francisco, California.

On January 24, 2013, the Planning Commission (hereinafter "Commission") conducted a duly noticed public hearing at a regularly scheduled meeting on Large Project Authorization Application No. 2012.0700X.

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

MOVED, that the Commission hereby authorizes the Large Project Authorization requested in Application No. 2012.0700X, 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 801 Brannan Street site is bounded by 825-foot long Brannan Street to the north, 275-foot frontage at 7th Street to the east, and 275-foot frontage at 8th Street to the west, for a total lot size of approximately 226,875 square feet. The project site contains three interconnected buildings: two heavy-timber frame former freight depot sheds constructed in 1909 connected by a two-story steel-frame and glass structure constructed in 1980. The combined structures house the Concourse Exhibit Hall. The project site is located in an UMU (Urban Mixed Use) Zoning District and within a 68-X Height and Bulk District.
3. **Surrounding Properties and Neighborhood.** The 801 Brannan Street project site occupies the northern portion of a large block bounded by 7th, 8th, Brannan, and Townsend Streets. The project site is separated from buildings on the southern half of the block by a driveway (Bluxome Alley) that runs east-west between 7th and 8th streets. Properties in the vicinity contain one- to six-story industrial/commercial buildings. On the north side of Brannan Street opposite the project site is 870 Brannan Street (aka 545-599 8th Street - 888 Brannan Gift Center), a large, four-story, reinforced concrete, former industrial building listed on the National and California Registers, and 808 Brannan Street (aka 598 7th Street), a two-story, brick, industrial building identified as a potential historic resource in several surveys. At the southeast corner of Block 3783, south of the proposed new construction, is 600 Townsend Street, a three-story, brick, former industrial building identified as a potential historic resource in several surveys. Other properties in the vicinity contain one- to five-story industrial/commercial buildings or surface parking lots. Lots across the street from Brannan and Townsend are zoned UMU while lots across the street from 8th Street are zoned PDR-1-G and lots across from 7th Street are zoned SLI.
4. **Project Description.** The project proposes demolition of existing structures and the construction of a new six-story, 68-foot building construction of a new six-story, 68-foot building consisting of up to 432 dwelling units, approximately 19,650 square feet of ground floor retail, and parking for up to 422 spaces, and Planning Code exceptions for rear yard, off-street freight loading, and horizontal mass reduction.

The proposed project is identified as Variant Three in the FEIR and is associated with the development at 1 Henry Adams. 1 Henry Adams proposes the construction of two new six-story, 68-foot building consisting of up to 239 dwelling units, approximately 11,770 square feet of ground floor retail, and parking for up to 164 spaces, and Planning Code exceptions including (1) rear yard from Planning Code Section 134, (2) street frontage from Planning Code Section 145.1, (3) off-street loading from Planning Code Section 152.1, (4) horizontal mass reduction from Planning Code Section 270.1. 801 Brannan Street is combining its affordability requirement with the proposal at 1 Henry Adams Street and has elected to satisfy the requirement for the Project

through a combination of land dedication and on-site alternatives. Both the land dedication and on-site affordable units will be provided at the 801 Brannan site.

5. **Public Comment.** The Department has received general inquiries on the proposed project from members of the public expressing concerns on the timing of construction and the accommodation of tenants in the existing buildings.
6. **Planning Code Compliance:** The Commission finds that the Project is consistent with the relevant provisions of the Planning Code in the following manner:

- A. **Zoning District.** The project site is located within Urban Mixed Use (UMU) District in the South of Market neighborhood and within the Showplace Square/Potrero Area Plan of the General Plan. The UMU District is intended to promote a vibrant mix of uses while maintaining the characteristics of this formerly industrially-zoned area. It is also intended to serve as a buffer between residential districts and PDR districts in the Eastern Neighborhoods. Within the UMU, allowed uses include production, distribution, and repair uses such as light manufacturing, home and business services, arts activities, warehouse, and wholesaling. Additional permitted uses include retail, educational facilities, and nighttime entertainment. Housing is also permitted, but is subject to higher affordability requirements. Family-sized dwelling units are encouraged. The project proposes retail and residential uses that include 42 percent two-bedroom unit, or family-sized units, in the UMU Zoning District.

- B. **Use.** Planning Code Section 843 identifies residential use and various nonresidential uses as principally permitted uses in the UMU Zoning District. In general, the principally permitted uses are industrial and business service, assembly and social service, retail, recreation and arts, and residential.

The proposed residential, flex and retail uses are compatible and consistent with the zoning designation. The flex units are units that can be residential or principally permitted non-residential uses such as retail, arts activities, trade shops, or catering services.

- C. **Rear Yard.** Planning Code Section 134 requires a minimum rear yard equal to 25 percent of the total lot depth beginning at the lowest story containing a dwelling unit.

The Project does not comply with the rear yard requirement and is seeking an exception as part of the Large Project Authorization (See discussion below).

- D. **Residential Open Space.** Planning Code Section 135 requires that usable open space be located on the same lot as the dwelling units it serves. At least 80 square feet of usable open space per dwelling unit, or 54 square feet per dwelling unit of publicly accessible open space, is required. Up to 50 percent of the publicly accessible open space may be provided off-site. The Project has a residential open space requirement of up to 34,560 square feet of usable open space if private, or 23,330 square feet of publically accessible open space.

The Project has a residential open space requirement of up to 34,560 square feet of usable open space if private, or 23,328 square feet of publically accessible open space. The Project complies with the open

space requirement by providing a total of approximately 38,000 square feet of qualifying open space in the form of private courtyard, publically accessible courtyard and mews.

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

The Project is required to provide at least 118 square feet of commercial open space. The project proposes more open space areas and square footage than the requirement.

- F. Streetscape and Pedestrian Improvements.** Planning Code Section 138.1 requires improvement of the public right-of-way associated with development projects. The owner or developer of a new building in this District must install street trees. Each street tree must be a minimum of 24-inch box for every 20 feet of frontage of the property along each street or public alley with any remaining fraction of 10 feet or more of frontage requiring an additional tree. Planning Code Section 138.1 also requires streetscape and pedestrian elements in conformance with the Better Streets Plan when a project is on a lot that is greater than ½-acre in total area and the project includes new construction.

The project has a tree requirement of 32 at the Brannan Street frontage and twelve at the 8th Street frontage. The project proposes 29 street trees at the Brannan Street frontage and ten trees at the 8th Street frontage. The project sponsor will pay an in-lieu fee for five trees pursuant to Planning Code Section 428 prior to the issuance of a certificate of occupancy for the project.

- G. Bird-Safe Standards.** Planning Code Section 139 outlines bird-safe standards for new construction to reduce bird mortality from circumstances that are known to pose a high risk to birds and are considered to be "bird hazards." Feature-related hazards may create increased risk to birds and need to be mitigated. The project site is not located within an urban bird refuge.

The Project meets the requirements of Planning Code Section 139, and does not contain any feature-related hazards, such as free-standing glass walls, wind barriers, or balconies that have unbroken glazed segments 24 square feet or larger in size.

- H. Dwelling Unit Exposure.** Planning Code Section 140 requires dwelling units to have at least one window facing a street or alley, a Code-complying rear yard.

All proposed dwelling units enjoy ample light and air with the proposed open spaces, setbacks, mews, and meet the dimensional and square footage requirements for dwelling unit.

- I. Street Frontages.** Planning Code Section 145.1 requires the following for street frontages in Eastern Neighborhood Mixed Use Districts: (1) not more than 1/3 the width of the building facing the street may be devoted to ingress/egress to parking; (2) off-street parking at street

grade must be set back at least 25 feet; (3) "active" use shall be provided within the first 25 feet of building depth at the ground floor; (4) ground floor non-residential uses in UMU zoning district shall have a floor-to-floor height of 17-feet; (5) frontages with active uses shall be fenestrated with transparent windows; and, (6) decorative railings or grillwork placed in front of or behind ground floor windows, shall be at least 75 percent open to perpendicular views.

The project meets the requirements of Section 145.1 as follows: (1) providing two 22-foot wide garage openings, which total less than 1/3 the width of the approximately 615-foot wide building; (2) all off-street parking spaces are set back at least 25 feet; (3) incorporating active uses on all street frontages, including commercial, dwellings with stoops and flex units within the first 25 feet of the building depth at ground floor; (4) providing a floor-to-floor ground floor height of 18 feet for the commercial frontage; and, (5) providing transparent windows at the ground floor active use.

- J. **Shadow.** Planning Code Section 147 requires reduction of substantial shadow impacts on public plazas and other publicly accessible spaces other than those protected under Planning Code Section 295. Section 295 restricts new shadow, cast by structures exceeding a height of 40 feet, upon property under the jurisdiction of the Recreation and Park Commission.

The Shadow Analysis conducted for the Project indicates that the Project will not cast shadow upon Public, Publicly Accessible or Publicly Financed or Subsidized Open Space.

- K. **Residential Off-Street Parking.** Planning Section 151.1 allows for provision of up to three parking spaces for each four dwelling units. Additionally, up to one parking space is permitted for each dwelling unit that is two or more bedrooms and at least 1,000 square feet of occupied floor area, subject to the requirements of Sections 151.1. No additional parking is permitted above these amounts.

Based on the proposed dwelling unit mix, the maximum number of parking spaces permitted is 370, or a parking ratio of approximately .85 spaces per dwelling unit. The project proposes 312 parking spaces, or a parking ratio of approximately .72 spaces per dwelling unit. Therefore, the project complies with the principally permitted parking amounts.

- L. **Commercial Off-Street Parking.** The project has an off-site parking requirement of 72 spaces for 690 Townsend Street and 23 spaces for 600 Townsend Street as recorded in a Notice of Special Restrictions (NSR), which are exempted from the parking allowance for the project.

The project provides the required 72 spaces for 690 Townsend Street and 23 spaces for 600 Townsend Street and additional 15 commercial off-street parking space, less than the maximum permitted 39 spaces, based on the proposed 19,650 square feet of commercial use.

- M. **Off-Street Loading.** Planning Code Section 152.1 requires two off-street freight loading spaces for a residential use in UMU Districts when the gross floor area is between 200,001 and 500,000 square feet, and one space for a commercial use between 10,001 and 30,000 square feet.

The project proposes six loading spaces at curbside, with two on Brannan Street and four on the proposed alley at the rear of the site. Therefore, an exception has been requested as part of the Large Project Authorization (See discussion below).

- N. **Bicycle parking.** Planning Code Section 155.4 requires 3 bicycle spaces for commercial and industrial projects where the gross square footage of the floor area exceeds 25,000 square feet but is no greater than 50,000 feet. Planning Code Section 155.5 requires projects over 50 dwelling units to provide 25 Class 1 spaces plus one Class 1 space for every 4 dwelling units over 50.

The project proposes approximately 19,650 square feet of retail and industrial spaces, less than the square footage trigger of 25,000 square feet. Therefore, no bicycle parking is provided for commercial uses. The proposed total number of 432 dwelling units requires a total of 120 bicycle parking spaces. The project complies with this requirement by providing up to 489 bicycle parking spaces.

- O. **Car Share.** Planning Code Section 166 requires two spaces plus 1 for every 200 dwelling units over 200.

The project exceeds the minimum three-car car share requirement by providing five car share spaces.

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

The off-street parking spaces provided for the dwelling units will be unbundled and sold and/or leased separately from the dwelling units. Therefore, the Project meets this requirement.

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

The Project will provide 42 percent of the dwelling units as 2-bedroom units or larger (185 units).

- R. **Height Limit.** Planning Code Section 260 requires that the height of buildings not exceed the limits specified in the Zoning Map and defines rules for the measurement of height. The Project Site is within a 68-foot Height District.

The Project complies. The height of the roof is no higher than 68 feet.

- S. **Horizontal Mass Reduction.** Planning Code Section 270.1 requires any project with a frontage of more than 200 feet to incorporate one or more mass reduction breaks in the building that reduce the horizontal scale of the building into discrete sections not more than

200 feet in length. The minimum dimensions required for such a break are 30 feet of width and 60 feet of depth above 25 feet.

The Project does not comply with the horizontal reduction requirement and is seeking an exception as part of the Large Project Authorization (See discussion below).

- T. **Inclusionary Affordable Housing Program.** Planning Code Section 419 sets forth the requirements and procedures for the Inclusionary Affordable Housing Program. Under Planning Code Section 419.3, these requirements would apply to projects that consist of five or more units, where the first application was applied for on or after July 18, 2006. Under Planning Code Section 419.6, the Land Dedication Alternative may be elected as an alternative to the inclusionary housing component. As further described in Planning Code Section 419.5(a)(2), an Applicant may dedicate a portion of the total development area of the principal site to the City and County of San Francisco for the purpose of constructing units affordable to qualifying households. To meet this requirement, the developer must convey title to land in fee simple absolute to the Mayor's Office of Housing (MOH). The dedicated site must result in a total amount of inclusionary units not less than 40 units; however, MOH may conditionally approve and accept dedicated sites which result in no less than 25 units at their discretion. Per Planning Code Section 419.2, all sites within the UMU Zoning District electing to utilize the land dedication alternative would be subject to the "Tier A" requirements. 801 Brannan Street is combining its requirement with the proposal at 1 Henry Adams Street.

The Project Sponsor has elected to pursue a combination of the land dedication and on-site alternatives to meet the inclusionary affordable housing program requirements. The Project Sponsor has demonstrated that it is eligible for the On-Site and Land Dedication Affordable Housing Alternative under Planning Code Section 419.5, and has submitted a 'Affidavit of Compliance with the Inclusionary Affordable Housing Program: Planning Code Section 419,' to satisfy the requirements of the Inclusionary Affordable Housing Program by providing the affordable housing through on-site and land dedication instead of through payment of the Affordable Housing Fee. In order for the Project Sponsor to be eligible for the On-Site Affordable Housing Alternative, the Project Sponsor must submit an 'Affidavit of Compliance with the Inclusionary Affordable Housing Program: Planning Code Section 419,' to the Planning Department stating that any affordable units designated as on-site units shall be sold as ownership units and will remain as ownership units for the life of the project or submit to the Department a contract demonstrating that the project's on- or off-site units are not subject to the Costa Hawkins Rental Housing Act, California Civil Code Section 1954.50 because, under Section 1954.52(b), the Project Sponsor has entered into an agreement with a public entity in consideration for a direct financial contribution or any other form of assistance specified in California Government Code Sections 65915 et seq. All such contracts entered into with the City and County of San Francisco must be reviewed and approved by the Mayor's Office Housing and the City Attorney's Office. The Project Sponsor has indicated intent in writing to enter into an agreement with the City to qualify for a waiver from the Costa-Hawkins Rental Housing Act based upon the proposed density bonus and concessions provided by the City and approved herein. The Project Sponsor submitted such Affidavit on December 17, 2012. 55 units (ten studios, 22 one-bedroom, 22 two-bedroom, and one three-bedroom) of the 671 total units (432 units at 801 Brannan Street and 239 units at 1 Henry Adams) provided will be affordable units, in addition to 37,800 square feet of area designated for land dedication. If the Project becomes ineligible to meet its Inclusionary Affordable Housing Program

obligation through the On-site Affordable Housing Alternative, it must pay the Affordable Housing Fee with interest, if applicable. The Project must execute the agreement documenting the exception to Costa Hawkins prior to Planning Commission approval or must revert to payment of the Affordable Housing Fee.

U. Eastern Neighborhoods Public Benefit Fund. The project shall comply with the provisions of Planning Code Section 423, including payment of the Eastern Neighborhoods Impact Fee, or execution of an In-Kind Agreement with the Planning Department prior to issuance of the first site or building permit.

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

A. Overall building massing and scale;

The Project conforms to the applicable height and bulk requirements. The community in the vicinity of the Project is constantly evolving with development in the South of Market and Showplace regions and the recent Eastern Neighborhoods Area Plans, and contains a range of building masses. The project, with residential and retail, will be consistent with the existing and evolving character of the area. The Project massing will improve the character of the neighborhood and general pedestrian accessibility by providing two midblock mews that allows pedestrian access from Brannan Street to the private easement, breaking up the 650-foot continuous block layout that is not conducive to pedestrian walkability. Furthermore, from a visual perspective, the massing and scale are generally consistent with the adjacent buildings along the Brannan Street frontage. With the associated project at 1 Henry Adams, these groupings of structures will engender a cohesive building pattern in the area.

B. Architectural treatments, facade design and building materials;

The architecture of this Project responds to the site's location between the industrial nature and the contemporary architecture of the residential use. The Project's facades all present fenestration patterns and scale similar to the expressed frame of residential and industrial uses common in the area. The exterior is designed with modern materials including smooth troweled cement plaster, hardi trim, aluminum storefronts and windows. The aluminum punched window openings with cement plaster recesses on the aluminum framed building provide a stimulating and visually interesting buffer between the I-80 and 101 Freeway split and the Brannan and 8th Street facades. Variations in fenestration and treatment of the building facades allow the architecture to read as distinct pieces of a whole.

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

The ground floor character of the building is active with retail oriented and viable spaces along Brannan and 8th Streets, which interact and lead to the active residential spaces with transparent storefront along the mews. Exposed residential entries are on every façade as expressed by the architecture of the building via stoops, recessed entries and landscaped metal screens. The Project's

retail spaces are located at the corner of Brannan and 8th Streets. "Flexible-Occupancy" units are also proposed at the short stretch of Brannan Street and one of the publicly accessible mews. Two publicly accessible mews and a publicly accessible courtyard provide public seating, shade, trees, green space, and serve as a pedestrian connection between Brannan Street and the proposed 40-foot publicly accessible private alley. The retail corners and facades are carved out at the ground floor, inviting pedestrians, and providing an opportunity for outdoor seating. Retail spaces have 17-foot clear ceiling heights at the ground floor. Curb cuts are minimized to two parking access points in the alley for entire project. Street trees along all street frontages are proposed per the Planning Code, with the exception of building entries and at the vehicular access point.

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

The Project provides adequate open space, all on-site. The open spaces are provided in the form of courtyards and publicly accessible mews. The total open spaces provided exceed the total square footage required.

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

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

The proposed mid-block pathways are perpendicular to Brannan Street and connect Brannan Street with the proposed private alley. The proposed mews also provide visual connection to Brannan Street. The locations of the mews are as close to the middle portion of the subject block as possible.

2. Provide pedestrian access;

The proposed mid-block pathways will provide direct pedestrian access from Brannan to the proposed alley, and will provide direct access to ground floor Flexible-Occupancy units. The proposed private alley will allow access from 8th Street to 7th Street.

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

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

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

The proposed mid-block pathways have a width exceeding 40 feet at the ground level. The pathway will decrease to a width of approximately 35 to 41 feet for levels two to six. One of the pathways will be completely open, with no obstructions pursuant to Section 136 or otherwise, while the other is approximately 80 percent open.

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

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

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

One proposed mid-block pathway will be approximately 80 percent open to the sky while the other is 100% open to the sky.

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

The proposed mid-block pathways will have a minimum frontage of 40 feet along Brannan Street.

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

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

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

The proposed mid-block pathways will not be gated and will be publicly accessible 24 hours per day.

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

A line of trees will buffer the pathways. The pathway leads to a proposed private alley.

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

The proposed mid-block pathways will have ample lighting to ensure comfort and safety for the users.

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

The proposed mid-block pathways include no grade changes or steps.

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

The proposed mid-block pathways will be fronted by ground floor Flexible-Occupancy units.

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

The proposed mid-block pathways are over 40 feet wide at grade. The top four stories have a 30-foot wide pathway, excluding private balconies. The Project effectively provides a nearly 10-foot setback.

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

The Project proposes the installation of street trees along all frontages and open spaces, sidewalk improvements, and publicly accessible mews connecting Brannan Street and a proposed alley.

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

The Project provides two ingress/egress accesses on the proposed alley and is not anticipated to create circulation problems. No ingress/egress is proposed on any other street frontages to prevent possible conflicts and congestion. Additionally, two proposed mid-block pedestrian pathways will improve circulation on a 650-foot block.

- H. Bulk limits;

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

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

The Project generally meets the Objectives and Policies of the General Plan.

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

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

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

The Project is occupied by residential uses, ground floor retail, flex units, and a comparable amount of readily accessible open space. Per the Planning Code, the required rear yard should equal 25 percent of the lot area, which is approximately 44,340 square feet for this property. The proposed mid-block pathways, inner courtyard, easement, and public open spaces combine to provide approximately 64,500 square feet.

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

The Project will occupy an independent rectangular lot bounded by Brannan Street, 7th Street, and 8th Streets, with plenty of open space in the form of two public mews, an alley, and courtyards. The mews and alley have a minimum width exceeding 40 feet. The Project will result in no significant impediment on light and air to adjacent properties.

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

The project is located on its own block with no adjacent buildings. Adjacent buildings across the proposed alley have no interior mid-block open spaces. Buildings across Brannan, 7th and 8th Streets are approximately 82 feet away.

- B. Planning Code Section 152.1 requires two off-street freight loading spaces for a residential use in UMU Districts when the gross floor area is between 200,001 and 500,000 square feet, and one space for a commercial use between 10,001 and 30,000 square feet. The project proposes six loading spaces at curbside, with two on Brannan Street and four on the proposed alley at the rear of the site.

Providing interior loading areas would significantly alter the building configuration and coverage, resulting in larger or more curb cuts and reduce active ground floor uses. The on-street loading zones are in close proximity to building entrances and will likely be more utilized and provide easier access.

- C. Planning Code Section 270.1 requires any project with a frontage of more than 200 feet to incorporate one or more mass reduction breaks in the building that reduce the horizontal scale of the building into discrete sections not more than 200 feet in length. The minimum dimensions required for such a break are 30 feet of width and 60 feet of depth above 25 feet. Although a 50-foot wide setback is provided at the 8th Street frontage for the entire length of the block, the building façade at 8th Street is still over 200 feet wide (220 feet).

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

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

Although not proposed at the required location, the proposed mass reduction break in the form of an alley at 8th Street (33,000 square feet) represents 280 percent of required amount. The 8th Street façade has articulated notches that divide the building mass. The notches, although occurring throughout the façade, do not meet the dimensional requirements. The special circumstance for the Project is that the vast majority of developments large enough to trigger this requirement will include double-loaded corridors to access its dwelling units, as it is the most efficient means of doing so. A mass reduction break that is 60 feet deep makes this extremely difficult, and would effectively reduce the Project into multiple smaller buildings. This in turn could result in fewer units, thus significantly impacting the creation and affordability of new units in the City. Additionally, articulating the building by providing notches on a large frontage is an effective alternative in separating the building mass than one large break. The proposed alley provides a break from the adjacent six-story tall Zynga building to the south.

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

There is a proposed building break at 13 feet wide and 180 feet deep at the ground floor. The proposed 40-foot wide alley essentially breaks up the block and creates a larger than required mass reduction.

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

As discussed above, articulating the building by providing notches on a large frontage is an effective alternative to separate the building mass than one large break. The building design incorporates many setbacks and recesses that achieve the effect of horizontal dimension reduction.

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

The building achieves unique and superior architectural design by including two publicly accessible mews, each approximately 9,500 square feet in area, an at-grade publicly accessible courtyard of approximately 12,900 square feet, and a 40-foot wide alley at the rear of the property. Additionally, the building proposes modular articulations and notches, as opposed to the code-required single break. Further, the building contains varied building materials, colors, and recesses at the façade to create a unique and vibrant architectural rhythm. The dynamic nature of the design of the Project is emphasized through the horizontal breakdown, the depth and hierarchy of the design elements, the overlying organization of the frames, curved elements which express an undulating rhythm, the recessed punched windows, and the corner elements with balconies and setbacks.

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

HOUSING

Objectives and Policies

OBJECTIVE 1

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

Policy 1.1

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

Policy 1.8

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

The Project is a high density mixed-use development in an underutilized, transitioning industrial area. The Project site is a large opportunity site that is currently used as an exhibition space. The area around the Project site was recently rezoned to UMU as part of a long range planning goal to create a cohesive, high density residential and mixed-use neighborhood. The project includes 55 on-site affordable housing units and land dedication for the construction of additional affordable units. The Project also provides flex units and commercial spaces for new businesses.

OBJECTIVE 11

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

Policy 11.1

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

Policy 11.2

Ensure implementation of accepted design standards in project approvals.

Policy 11.3

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

Policy 11.4

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

Policy 11.5

Ensure densities in established residential areas promote compatibility with prevailing neighborhood character.

Policy 11.6

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

Policy 11.8

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

The architecture of this Project responds to the site's location and provides a design that blends the industrial and the contemporary architecture of residential and lofts. The Project's facades all present fenestration patterns and scale similar to the expressed frame of residential and industrial uses common in the area. The exterior is designed with modern materials including cement plaster, hardi trim, and aluminum storefronts and windows. The aluminum punched window openings with cement plaster recesses on the aluminum framed building provide a stimulating and visually interesting buffer between the I-80 and 101 Freeway split and the Brannan and 8th Street facades. Variations in fenestration and treatment of the building facades allow the architecture to read as distinct pieces of a whole.

OBJECTIVE 12

BALANCE HOUSING GROWTH WITH ADEQUATE INFRASTRUCTURE THAT SERVES THE CITY'S GROWING POPULATION.

Policy 12.2

Consider the proximity of quality of life elements, such as open space, child care, and neighborhood services, when developing new housing units.

The Project provides adequate open space, all on-site. The open spaces are provided in the form of a private court, publicly accessible courtyard and mews, and a new alley. The open space areas are tentatively designed to include a play area, built-in seating and ample landscaping.

RECREATION AND OPEN SPACE ELEMENT

Objectives and Policies

OBJECTIVE 4:

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

Policy 4.5:

Require private usable outdoor open space in new residential development.

Policy 4.6:

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

The Project will create private and public outdoor open space areas in a new residential mixed-use development through private balconies, podium courtyard, and ground floor open spaces. It will not cast shadows over any open spaces under the jurisdiction of the Recreation and Park Department. Additionally,

two new pedestrian pathways will be created to connect Brannan Street with the proposed alley at the rear of the property.

TRANSPORTATION ELEMENT

Objectives and Policies

OBJECTIVE 24:

IMPROVE THE AMBIENCE OF THE PEDESTRIAN ENVIRONMENT.

Policy 24.2:

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

Policy 24.3:

Install pedestrian-serving street furniture where appropriate.

Policy 24.4:

Preserve pedestrian-oriented building frontages.

The Project will install street trees at approximately 20 foot intervals all along the three frontages on Brannan, 7th and 8th Streets. Frontages are designed with active spaces oriented at the pedestrian level. The two proposed mid-block mews and alley also provide connection through the site.

OBJECTIVE 28:

PROVIDE SECURE AND CONVENIENT PARKING FACILITIES FOR BICYCLES.

Policy 28.1:

Provide secure bicycle parking in new governmental, commercial, and residential developments.

Policy 28.3:

Provide parking facilities which are safe, secure, and convenient.

The Project includes 496 bicycle parking spaces in secure, convenient locations on the ground floor.

OBJECTIVE 34:

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

Policy 34.1:

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

Policy 34.3:

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

Policy 34.5:

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

The Project has a parking to dwelling unit ratio of .72 spaces per unit. The parking spaces are accessed by two ingress/egress points at the proposed alley. Parking is adequate for the project and complies with maximums prescribed by the Planning Code.

URBAN DESIGN ELEMENT

Objectives and Policies

OBJECTIVE 1:

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

Policy 1.7:

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

OBJECTIVE 2:

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

Policy 2.6:

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

The Project is located within the South of Market neighborhood that is transitioning from industrial uses to a mid- to high-density residential mixed-use neighborhood. As such, the proposed building provides more intricate street façades that respond to the existing industrial built environment, while respecting the residential influences of the surrounding buildings.

OBJECTIVE 4:

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

Policy 4.5:

Design walkways and parking facilities to minimize danger to pedestrians.

Policy 4.13:

Improve pedestrian areas by providing human scale and interest.

While the rectangular corner lot has two street frontages, it only provides two vehicular access points for the entire project, limiting conflicts with pedestrians and bicyclists. Numerous street trees will be planted on each street. Ample frontages, public and private open spaces, ground floor active uses, and ground floor flexible occupancy units directly accessing the street will be provided. The pedestrian experience along the Project site will be improved.

SHOWPLACE SQUARE/POTRERO AREA PLAN

Objectives and Policies

OBJECTIVE 1.1:

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

Policy 1.1.2:

In the northern part of Showplace Square (around 8th and Brannan, east of the freeway and along 16th and 17th Streets) revise land use controls to create new mixed use areas, allowing mixed-income housing as a principal use, as well as limited amounts of retail, office, and research and development uses, while protecting against the wholesale displacement of PDR uses.

Policy 1.1.3:

Allow for active ground floor uses and a more neighborhood commercial character in newly designated mixed use areas within Showplace Square.

The project is a mixed-use development along Brannan and 8th Streets with active ground floor uses and a neighborhood commercial character.

OBJECTIVE 1.2

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

The project maximizes its development potential while remaining in keeping with the neighborhood character.

OBJECTIVE 1.7

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

Policy 1.7.3

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

The Project includes nonresidential spaces on the ground floor with large ground floor ceiling heights and adequate area for a range of uses, including PDR.

OBJECTIVE 2.1

ENSURE THAT A SIGNIFICANT PERCENTAGE OF NEW HOUSING CREATED IN THE SHOWPLACE / POTRERO IS AFFORDABLE TO PEOPLE WITH A WIDE RANGE OF INCOMES

Policy 2.1.1

Require developers in some formally industrial areas to contribute towards the City's very low, low, moderate and middle income needs as identified in the Housing Element of the General Plan.

The project includes on-site lower income affordable units and a portion of the land to qualify for the land dedication alternative, and the remainder of the units are contemplated to be held as rental housing, which is generally more affordable to moderate and middle income households than ownership housing.

OBJECTIVE 2.3

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

Policy 2.3.3

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

The project contains approximately 42% two-bedroom units.

OBJECTIVE 2.4

LOWER THE COST OF THE PRODUCTION OF HOUSING

Policy 2.4.1

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

Policy 2.4.2

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

The project has unbundled parking at a ratio of approximately 0.72 space per unit.

OBJECTIVE 3.2

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

Policy 3.2.1

Require high quality design of street-facing building exteriors.

Policy 3.2.2

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

Policy 3.2.3

Minimize the visual impact of parking.

Policy 3.2.4

Strengthen the relationship between a building and its fronting sidewalk.

Policy 3.2.5

Building form should celebrate corner locations.

Policy 3.2.7

Strengthen the pedestrian network by extending alleyways to adjacent streets or alleyways wherever possible, or by providing new publicly accessible mid-block rights of way.

The Project's facades are of high quality materials. The ground floor will be tall enough to create attractive storefronts for pedestrians and viable space for a variety of uses, including PDR. The parking, although at grade, are only accessible by two garage doors and are only visible at the rear where the proposed alley is located. The buildings also include appropriate modulation of the facades to break them into distinct sections.

OBJECTIVE 5.2

ENSURE THAT NEW DEVELOPMENT INCLUDES HIGH QUALITY PRIVATE OPEN SPACE

Policy 5.2.1

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

Policy 5.2.2

Establish requirements for commercial development to provide on-site open space.

Policy 5.2.3

Encourage private open space to be provided as common spaces for residents and workers of the building wherever possible.

Policy 5.2.4

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

The project includes high quality private and common open space in balconies, decks, courtyards, and two mews, as well as publicly accessible open space.

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

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

There are no existing neighborhood-serving retail uses on the site. The Project will provide approximately 19,650 square feet of ground floor space adequate for various retail uses, including neighborhood serving retail, which will create opportunities for local resident employment and ownership opportunities.

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

No housing exists on the project site. The project will provide up to 432 new dwelling units, significantly increasing the neighborhood housing stock. The design of the Project is compatible with the surrounding neighborhood. For these reasons, the proposed project would protect and preserve the cultural and economic significance of the neighborhood.

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

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

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

The project site is well-served by public transportation. The majority of future residents are expected to use alternative methods of transportation other than private automobiles, and the number of vehicle trips generated by this project would not impede MUNI transit service or overburden streets.

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

The Project does not include any commercial office development as proposed. The proposal, with dwelling units and retail spaces, will increase the diversity of the City's housing supply, a top priority in the City, and will provide potential neighborhood-serving uses.

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

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

- G. That landmarks and historic buildings be preserved.

A landmark or historic building does not occupy the Project site.

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

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

11. **First Source Hiring.** The Project is subject to the requirements of the First Source Hiring Program as they apply to permits for residential development (Section 83.4(m) of the Administrative Code), and the Project Sponsor shall comply with the requirements of this Program as to all construction work and on-going employment required for the Project. Prior to the issuance of any building permit to construct or a First Addendum to the Site Permit, the Project Sponsor shall have a First Source Hiring Construction and Employment Program approved by the First Source Hiring Administrator, and evidenced in writing. In the event that both the Director of Planning and the First Source Hiring Administrator agree, the approval of the Employment Program may be delayed as needed.

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

12. **CEQA Findings.** Findings under the California Environmental Quality Act (CEQA) and statement of overriding considerations are herein incorporated by reference and attached as Exhibit B.

13. **Mitigation.** Pursuant to CEQA, the Commission has considered the mitigation measures as described in the FEIR and will include these measures and the mitigation monitoring program (MMRP) as conditions of Project approval and incorporated by reference and as Exhibit C.

14. 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.

15. The Commission hereby finds that approval of the Large Project authorization would promote the health, safety and welfare of the City.

DECISION

That based upon the Record, the submissions by the Applicant, the staff of the Department and other interested parties, the oral testimony presented to this Commission at the public hearings, and all other written materials submitted by all parties, the Commission hereby **APPROVES Large Project Authorization Application No. 2012.0700X** under Planning Code Section 329 to allow the proposed construction of a new six-story, 68-foot building consisting of up to 432 dwelling units, approximately 19,650 square feet of ground floor retail, and parking for up to 422 spaces, and exceptions including rear yard, off-street freight loading and horizontal mass reduction, within the UMU (Urban Mixed Use) Zoning District and within a 68-X Height and Bulk Designation. The project is subject to the following conditions attached hereto as "EXHIBIT A" in general conformance with plans on file, dated June 18, 2011, and stamped "EXHIBIT D", which is incorporated herein by reference as though fully set forth.

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

APPEAL AND EFFECTIVE DATE OF MOTION: Any aggrieved person may appeal this Large Project Authorization to the Board of Appeals within fifteen (15) days after the date of this Motion No. 18793. The effective date of this Motion shall be the date of this Motion if not appealed (After the 15-day period has expired) OR the date of the decision of the Board of Appeals if appealed to the Board of Appeals. For further information, please contact the Board of Appeals at (415) 575-6880, 1650 Mission Street, Room 304, San Francisco, CA 94102.

I hereby certify that the Planning Commission ADOPTED the foregoing Motion on January 24, 2013.

Jonas P. Ionin
Acting Commission Secretary

AYES: Commissioners Sugaya, Fong, Antonini, Moore, Borden, and Wu

NAYES: None

RECUSED: Commissioner Hillis

ADOPTED: January 31, 2013

EXHIBIT A

AUTHORIZATION

This authorization is to allow a Large Project Authorization and exceptions including (1) rear yard pursuant to Planning Code Section 134, (2) off-street loading pursuant to Planning Code Section 152.1, (3) horizontal mass reduction pursuant to Planning Code Section 270.1, for the proposed construction of a new six-story, 68-foot tall building consisting of up to 432 dwelling units, approximately 19,650 square feet of ground floor retail, and parking for up to 422 spaces; in general conformance with plans, dated December 17, 2012, and stamped "EXHIBIT D" included in the docket for Case No. 2012.0700X and subject to conditions of approval reviewed and approved by the Commission on January 24, 2013, under Motion No. 18793. This authorization and the conditions contained herein run with the property and not with a particular Project Sponsor, business, or operator.

RECORDATION OF CONDITIONS OF APPROVAL

Prior to the issuance of the building permit or commencement of use for the Project the Zoning Administrator shall approve and order the recordation of a Notice in the Official Records of the Recorder of the City and County of San Francisco for the subject property. This Notice shall state that the project is subject to the conditions of approval contained herein and reviewed and approved by the Planning Commission on January 24, 2013, under Motion No. 18793.

PRINTING OF CONDITIONS OF APPROVAL ON PLANS

The conditions of approval under the 'Exhibit A' of this Planning Commission Motion No. 18793 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 Large 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 Large Project Authorization.

Conditions of Approval, Compliance, Monitoring, and Reporting PERFORMANCE

1. **Validity and Expiration.** The authorization and right vested by virtue of this action is valid for three years from the effective date of the Motion. A building permit from the Department of Building Inspection to construct the project and/or commence the approved use must be issued as this Large Project Authorization is only an approval of the proposed project and conveys no independent right to construct the project or to commence the approved use. The Planning Commission may, in a public hearing, consider the revocation of the approvals granted if a site or building permit has not been obtained within three (3) years of the date of the Motion approving the Project. 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. The Commission may also consider revoking the approvals if a permit for the Project has been issued but is allowed to expire and more than three (3) years have passed since the Motion was approved. *For information about compliance, contact Code Enforcement, Planning Department at 415-575-6863, www.sf-planning.org.*
2. **Extension.** This authorization may be extended at the discretion of the Zoning Administrator only where failure to issue a permit by the Department of Building Inspection to perform said tenant improvements is caused by a delay by a local, State or Federal agency or by any appeal of the issuance of such permit(s). *For information about compliance, contact Code Enforcement, Planning Department at 415-575-6863, www.sf-planning.org.*

DESIGN

3. **Final Materials.** The Project Sponsor shall continue to work with Planning Department on the building design and the design and development of the streetscape and pedestrian elements in conformance with the Better Streets Plan. Final materials, glazing, color, texture, landscaping, and detailing shall be subject to Department staff review and approval. The architectural addenda shall be reviewed and approved by the Planning Department prior to issuance. Building design elements to be addressed shall include, but not limited to:
 - Exterior color scheme, materials, and texture shall be more consistent with the surrounding context of masonry building material.
 - Roofline expression, that may include a cap to the building, shall be more consistent to the neighborhood context of defined building cornices.
 - Segmented frame vertical glazing recesses elements shall be more consistent with the neighborhood context.

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

4. **Flexible-Occupancy Units.** The ground floor dwelling units are designated as Flexible-Occupancy Units and are subject to the following conditions:

- a. The units are considered dwelling units and are subject to the affordability controls of Planning Code Section 415 and 419. The total gross floor area of each unit is subject to the residential rate of Eastern Neighborhood Impact Fee per Planning Code Section 427.3.
 - b. The ground floor of these units may be occupied by the following non-residential uses:
 - i. All retail sales and services permitted as of right in the UMU Zoning District (Sec. 843.45);
 - ii. All arts activities permitted as of right in the UMU Zoning District (Sec. 843.55);
 - iii. Trade shops (Sec. 843.80); and
 - iv. Catering services (Sec. 843.81).
 - v. Other uses not specified herein that are permitted as of right in the UMU Zoning District and deemed appropriate by the Zoning Administrator.
 - c. Changes of non-residential uses are subject to the notification requirements of Planning Code Section 312.
 - d. Permitted non-residential uses may occupy the ground floor only. Any conversion of residential space on the 2nd floor shall be tantamount to the removal of a dwelling unit and be subject to the controls of Planning Code Section 317.
 - e. Non-residential uses permitted on the ground floor are subject to all applicable requirements of the Building and Fire Codes.
5. **The Mid-block Pedestrian Pathway.** Planning Code Section 270.2, the project shall meet all design criteria of Subsection (e). It shall also meet the following criteria:
- a. **Maintenance.** The mid-block pedestrian pathway shall be maintained at no public expense. The owner of the property on which the alley is located shall maintain it by keeping the area clean and free of litter and by keeping it in an acceptable state of repair. Conditions intended to assure continued maintenance of the right-of-way for the actual lifetime of the building giving rise to the open space requirement may be imposed in accordance with the provisions of Section 329 for Eastern Neighborhoods Mixed Use Districts.
 - b. **Informational Plaque.** Prior to issuance of a permit of occupancy, a plaque shall be placed in a publicly conspicuous location for pedestrian viewing. The plaque shall state the right of the public to pass through the alley and stating the name and address of the owner or owner's agent responsible for maintenance. The plaque shall be of no less than 24 inches by 36 inches in size.
 - c. Property owners providing a pathway or alley under this section will hold harmless the City and County of San Francisco, its officers, agents and employees, from any damage or injury caused by the design, construction or maintenance of the right-of-way, and are solely liable for any damage or loss occasioned by any act or neglect in respect to the design, construction or maintenance of the right-of-way.

6. **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 415-558-6613, www.sf-planning.org*
7. **Transformer Vault.** The location of individual project PG&E Transformer Vault installations has significant impacts to San Francisco streetscapes when improperly located. However, they may not have any impact if they are installed in preferred locations. Therefore, the Planning Department recommends the following preference schedule in locating new transformer vaults, in order of most to least desirable:
 - A. On-site, in a basement area accessed via a garage or other access point without use of separate doors on a ground floor façade facing a public right-of-way;
 - B. On-site, in a driveway, underground;
 - C. On-site, above ground, screened from view, other than a ground floor façade facing a public right-of-way;
 - D. Public right-of-way, underground, under sidewalks with a minimum width of 12 feet, avoiding impacts on streetscape elements, such as street trees; and based on Better Streets Plan guidelines;
 - E. Public right-of-way, underground; and based on Better Streets Plan guidelines;
 - F. Public right-of-way, above ground, screened from view; and based on Better Streets Plan guidelines;
 - G. On-site, in a ground floor façade (the least desirable location).

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>*

AFFORDABLE HOUSING

8. **Land Dedication Alternative.** The Project Sponsor has chosen to satisfy the affordability requirement for the Project through a combination of land dedication and on-site pursuant to Planning Code Section 419.5. A portion of 801 Brannan Street is dedicated to the Mayor's Office of Housing (MOH) for the purpose of developing affordable housing units. The land dedication would satisfy the entire affordability requirement for 1 Henry Adams, which would have been 38 units. The land dedication also partially satisfies the affordability requirement for 801 Brannan Street, which would have been 69 units.

The Project Sponsor has been in discussions with the Mayor's Office of Housing (MOH) and the Planning Department. On January 9, 2013, MOH provided a letter to the Planning Department

that confirmed that the site that the Project Sponsor has selected, a portion of 801 Brannan [Block 3783 / Lot 001], is acceptable under Planning Code Section 419.5(2), subject to the following conditions precedent:

- Developer must demolish the existing improvements on the Dedication Site in a manner equivalent to the extent of the demolition on the Brannan Principal Site, including the removal of the railroad platforms and other concealed conditions.
- After demolition Developer must cap the site to prevent the off-site migration of contaminated soils and shall, at its sole expense, maintain the Dedication Site in good order, condition and repair, reasonable wear and tear excepted, and otherwise operate the Dedication Site in the same manner as if Developer were retaining the Dedication Site, until the date fee title to the Dedication Site is transferred to the City.
- Developer to deposit in escrow \$706,250 required for the full remediation of ubiquitous contaminants at the Dedication Site as established in that certain letter from Stellar Environmental Solutions, Inc., dated August 1, 2012, and attached as Exhibit A to this letter. Funds will be released from escrow to cover any and all costs for the excavation and offsite disposal of approximately 4,306 tons of Class 1 lead-contaminated soil at the Dedication Site.
- Developer to subdivide the property to create the Dedication Site as a separate legal parcel, to be evidenced by a completed ALTA Survey to be approved by the City.
- Where the Environmental Impact Report (EIR) requires mitigations and improvement measures affecting the Brannan Principal Site in its entirety or the Henry Adams Principal Site, Developer to complete the measures for the Dedication Site as well as the Principal Sites. Mitigations and improvements to include C-TR-38 (signalization for problem intersection of Division/Rhode Island), M-HZ-1 (EN-K-1) (hazardous building materials such as fluorescent lights and PCBs to be surveyed and abated), I-TR-5 (striping on 7th at Brannan), I-TR-22a (pedestrian crosswalk striping), I-TR-22b (corner bulbout at NW corner of Alameda/Rhode Island), Hazards 3(a) (Site Mitigation Plan for soil to the Department of Public Health, either as part of such Plan for the Brannan Principal Site or as a separate plan for the Dedication Site), and 3(b) (potential Underground Storage Tanks at Brannan Street). This condition may be addressed by the Planning Commission's Conditions of Approval, to require the mitigation work to occur over the course of the development of the Brannan Principal Site.
- Developer to perform necessary utility infrastructure planning and design for a total of 158 units (the proposed 150 affordable units plus 5%) to be developed at the Dedication Site, in conjunction with total infrastructure calculations for wet and dry utilities services for the Principal Site. Developer to include MOH in efforts to coordinate joint trench design and in outreach to utility service providers.
- Developer to deliver marketable and insurable fee simple title to the Dedication Site, the Improvements and the Appurtenances, by duly executed and acknowledged grant deed, free of the liens of any and all deeds of trust, mortgages, assignments of rents, financing

statements, creditors' claims, rights of tenants or other occupants, and all other exceptions, liens and encumbrances, other than those exceptions approved by MOH. At a minimum, Developer must either remove or mitigate to MOH's satisfaction the following exceptions on the title report dated August 21, 2012:

- Exception 5 – encroachment of Lot 7 improvements
- Exception 9 – obligations related to the Lot 8 easement
- Exception 10 – responsibility for maintaining vehicular access area
- Exception 15 – Agreement Imposing Restrictions

Satisfaction of the requirements under Planning Code Section 419 for the project through the land dedication alternative and the transfer of the site are subject to the approval of the Board of Supervisors.

In order to qualify for the land dedication alternative, all of the conditions precedent must be satisfied, and the fee title transferred to the City. In the event the land dedication process is not completed, the developer will have to satisfy the requirements under Planning Code Section 419 through on-site, off-site, or in-lieu fee.

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

9. **On-Site Alternative.** Pursuant to Planning Code Section 419, the Project has elected to satisfy the affordability requirement through a combination of land dedication and on-site alternatives as discussed in Condition No. 8. The project is therefore required to provide 8.14% of the proposed dwelling units as affordable to qualifying households and 37,800 square feet of space for land dedication. The Project contains a total of 671 units (432 units at 801 Brannan Street and 239 units at 1 Henry Adams Street); therefore, 55 affordable units are required. The Project Sponsor will fulfill this requirement by providing the 55 affordable units on-site at 801 Brannan Street and 37,800 square feet of area for land dedication. If the number of market-rate units change, the number of required affordable units shall be modified accordingly with written approval from Planning Department staff in consultation with the Mayor's Office of Housing ("MOH"). In the event the land dedication process is not completed, the developer will have to satisfy the requirements under Planning Code Section 419 through on-site, off-site, or in-lieu fee.

For information about compliance, contact the Case Planner, Planning Department at 415-558-6378, www.sf-planning.org or the Mayor's Office of Housing at 415-701-5500, <http://sf-moh.org/index.aspx?page=321>

10. **Unit Mix.** The Project contains 6 flexible-occupancy, 75 studios, 166 one-bedroom, 176 two-bedroom, and 9 three-bedroom units; therefore, the required affordable unit mix is 10 studios, 22 one-bedroom, 22 two-bedroom, and 1 three-bedroom units, for a total of 55 affordable units to be provided on-site at 801 Brannan Street. If the market-rate unit mix changes, the affordable unit mix will be modified accordingly with written approval from Planning Department staff in consultation with MOH.

For information about compliance, contact the Case Planner, Planning Department at 415-558-6378, www.sf-planning.org or the Mayor's Office of Housing at 415-701-5500, <http://sf-moh.org/index.aspx?page=321>

11. **Unit Location.** The affordable units shall be designated on a reduced set of plans recorded as a Notice of Special Restrictions on the property prior to the issuance of the first construction permit.

For information about compliance, contact the Case Planner, Planning Department at 415-558-6378, www.sf-planning.org or the Mayor's Office of Housing at 415-701-5500, <http://sf-moh.org/index.aspx?page=321>.

12. **Phasing.** If any building permit is issued for partial phasing of the Project, the Project Sponsor shall have designated not less than 12 percent (12%) of the each phase's total number of dwelling units as on-site affordable units.

For information about compliance, contact the Case Planner, Planning Department at 415-558-6378, www.sf-planning.org or the Mayor's Office of Housing at 415-701-5500, <http://sf-moh.org/index.aspx?page=321>.

13. **Duration.** Under Planning Code Section 419.8, all units constructed pursuant to Section 419.6, must remain affordable to qualifying households for the life of the project.

For information about compliance, contact the Case Planner, Planning Department at 415-558-6378, www.sf-planning.org or the Mayor's Office of Housing at 415-701-5500, <http://sf-moh.org/index.aspx?page=321>.

14. **Other Conditions.** The Project is subject to the requirements of the Inclusionary Affordable Housing Program under Section 419 et seq. of the Planning Code and City and County of San Francisco Inclusionary Affordable Housing Program Monitoring and Procedures Manual ("Procedures Manual"). The Procedures Manual, as amended from time to time, is incorporated herein by reference, as published and adopted by the Planning Commission, and as required by Planning Code Section 419. Terms used in these conditions of approval and not otherwise defined shall have the meanings set forth in the Procedures Manual. A copy of the Procedures Manual can be obtained at the MOH at 1 South Van Ness Avenue or on the Planning Department or Mayor's Office of Housing's websites, including on the internet at:

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

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

For information about compliance, contact the Case Planner, Planning Department at 415-558-6378, www.sf-planning.org or the Mayor's Office of Housing at 415-701-5500, <http://sf-moh.org/index.aspx?page=321>

- a. The affordable unit(s) shall be designated on the building plans prior to the issuance of the first construction permit by the Department of Building Inspection ("DBI"). The affordable unit(s) shall (1) reflect the unit size mix in number of bedrooms of the market rate units, (2) be constructed, completed, ready for occupancy and marketed no later than the market rate

- units, and (3) be evenly distributed throughout the building; and (4) be of comparable overall quality, construction and exterior appearance as the market rate units in the principal project. The interior features in affordable units should be generally the same as those of the market units in the principal project, but need not be the same make, model or type of such item as long they are of good and new quality and are consistent with then-current standards for new housing. Other specific standards for on-site units are outlined in the Procedures Manual.
- b. If the units in the building are offered for sale, the affordable unit(s) shall be sold to first time home buyer households, as defined in the Procedures Manual, whose gross annual income, adjusted for household size, does not exceed an average of one hundred (100) percent of the median income for the City and County of San Francisco as defined in the Inclusionary Affordable Housing Program, an amount that translates to ninety (90) percent of Area Median Income under the income table called "Maximum Income by Household Size" derived from the Unadjusted Area Median Income for HUD Metro Fair Market Rent Area that contains San Francisco. The initial sales price of such units shall be calculated according to the Procedures Manual. Limitations on (i) reselling; (ii) renting; (iii) recouping capital improvements; (iv) refinancing; and (v) procedures for inheritance apply and are set forth in the Inclusionary Affordable Housing Program and the Procedures Manual.
 - c. The Project Sponsor is responsible for following the marketing, reporting, and monitoring requirements and procedures as set forth in the Procedures Manual. MOH shall be responsible for overseeing and monitoring the marketing of affordable units. The Project Sponsor must contact MOH at least six months prior to the beginning of marketing for any unit in the building.
 - d. Required parking spaces shall be made available to initial buyers or renters of affordable units according to the Procedures Manual.
 - e. Prior to the issuance of the first construction permit by DBI for the Project, the Project Sponsor shall record a Notice of Special Restriction on the property that contains these conditions of approval and a reduced set of plans that identify the affordable units satisfying the requirements of this approval. The Project Sponsor shall promptly provide a copy of the recorded Notice of Special Restriction to the Department and to MOH or its successor.
 - f. The Project Sponsor has demonstrated that it is eligible for the On-site Affordable Housing Alternative under Planning Code Section 419.6 instead of payment of the Affordable Housing Fee, and has submitted the Affidavit of Compliance with the Inclusionary Affordable Housing Program: Planning Code Section 419 to the Planning Department stating the intention to enter into an agreement with the City to qualify for a waiver from the Costa-Hawkins Rental Housing Act based upon the proposed density bonus and concessions provided by the City provided herein. The Project must execute the Costa Hawkins agreement within 60 days of Planning Commission approval or must revert to payment of the Affordable Housing Fee.

- g. If the Project Sponsor fails to comply with the Inclusionary Affordable Housing Program requirement, the Director of DBI shall deny any and all site or building permits or certificates of occupancy for the development project until the Planning Department notifies the Director of compliance. A Project Sponsor's failure to comply with the requirements of Planning Code Section 419 et seq. shall constitute cause for the City to record a lien against the development project and to pursue any and all available remedies at law.
- h. If the Project becomes ineligible at any time for the On-site Affordable Housing Alternative, the Project Sponsor or its successor shall pay the Affordable Housing Fee prior to issuance of the first construction permit or may seek a fee deferral as permitted under Ordinances 0107-10 and 0108-10. If the Project becomes ineligible after issuance of its first construction permit, the Project Sponsor shall notify the Department and MOH and pay interest on the Affordable Housing Fee at a rate equal to the Development Fee Deferral Surcharge Rate in Section 107A.13.3.2 of the San Francisco Building Code and penalties, if applicable.

PARKING AND TRAFFIC

15. **Parking for Affordable Units.** All off-street parking spaces shall be made available to Project residents only as a separate "add-on" option for purchase or rent and shall not be bundled with any Project dwelling unit for the life of the dwelling units. The required parking spaces may be made available to residents within a quarter mile of the project. All affordable dwelling units pursuant to Planning Code Section 419 shall have equal access to use of the parking as the market rate units, with parking spaces priced commensurate with the affordability of the dwelling unit. Each unit within the Project shall have the first right of refusal to rent or purchase a parking space until the number of residential parking spaces are no longer available. No conditions may be placed on the purchase or rental of dwelling units, nor may homeowner's rules be established, which prevent or preclude the separation of parking spaces from dwelling units.

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

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

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

EASTERN NEIGHBORHOODS INFRASTRUCTURE IMPACT FEE

17. **Impact Fees.** The Eastern Neighborhoods Public Benefits Fund is implemented in part through district-specific Eastern Neighborhoods Impact Fee which applies to the Project Area. Fees shall be charged on net additions of gross square feet which result in a net new residential unit, contribute to a 20 percent increase of non-residential space in an existing structure, or create non-

residential space in a new structure. Fees shall be assessed on residential use, and on non-residential use within each use category of Cultural/Institution/Education; Management, Information & Professional Service; Medical & Health Service; Retail/Entertainment; and Visitor Services; with no substitutions across uses. Fees shall be assessed on mixed use projects according to the gross square feet of each use in the project. The project is within the Impact Fee Tier 1 for residential, which requires \$8 per gross square-foot of residential space, and Tier 2 for non-residential, which requires \$10 per gross square-foot of non-residential space.

Prior to the issuance by the Department of Building Inspection (DBI) of the first site or building permit, the sponsor of any project subject to the Eastern Neighborhoods Impact Fee shall pay to the Treasurer according to the schedule in Table 423.3. Planning Code Section 423.3 also provides alternatives satisfying this requirement.

PROVISIONS

18. **First Source Hiring.** The Project shall adhere to the requirements of the First Source Hiring Construction and Employment Program approved by the First Source Hiring Administrator, pursuant to Section 83.4(m) of the Administrative Code. The Project Sponsor shall comply with the requirements of this Program regarding construction work and on-going employment required for the Project. *For information about compliance, contact the First Source Hiring Manager at 415-401-4960, www.onestopSF.org*

MONITORING

19. **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*
20. **Revocation due to Violation of Conditions.** Should implementation of this Project result in complaints from interested property owners, residents, or commercial lessees which are not resolved by the Project Sponsor and found to be in violation of the Planning Code and/or the specific conditions of approval for the Project as set forth in Exhibit A of this Motion, the Zoning Administrator shall refer such complaints to the Commission, after which it may hold a public hearing on the matter to consider revocation of this authorization. *For information about compliance, contact Code Enforcement, Planning Department at 415-575-6863, www.sf-planning.org*

OPERATION

21. **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/>

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

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

23. **Mitigation Measures**

Mitigation measures described in the MMRP attached as Exhibit C are necessary to avoid potential significant effects of the proposed project and have been agreed to by the project sponsor. Their implementation is a condition of project approval. In addition, implementation of mitigation measures on the Dedication Site, as detailed in Condition 8 above, is required should the land transfer occur. Some of these measures will be implemented after the land transfer occurs.

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