



# SAN FRANCISCO PLANNING DEPARTMENT

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*Subject to: (Select only if applicable)*

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|---|---|
| <input checked="" type="checkbox"/> Affordable Housing (Sec. 415) | <input checked="" type="checkbox"/> First Source Hiring (Admin. Code) |
| <input type="checkbox"/> Jobs Housing Linkage Program (Sec. 413)  | <input type="checkbox"/> Child Care Requirement (Sec. 414)            |
| <input type="checkbox"/> Downtown Park Fee (Sec. 412)             | <input type="checkbox"/> Other (In-lieu Fee Agreement)                |

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## Planning Commission Motion No. 18730 HEARING DATE: OCTOBER 25, 2012

*Date:* October 4, 2012

*Case No.:* **2012.0045CE**

*Project Address:* 5800 Third Street

*Block/Lot(s):* 5431A/ 041 – Building No. 3  
5431A/ 042 – Building No. 4  
5431A/ 043 – Buildings No. 1 & 2  
5415/ 002, 005 – Carroll Avenue

*Zoning:* M-1 (Manufacturing, General) District  
Bayview-Hunters Point Redevelopment Plan  
65-J Height & Bulk District

*Project Sponsor:* Lots 041 & 043:  
Holiday Development  
Third Street Equity Partners LLC  
1201 Pine Street, Suite 151,  
Oakland, CA 94607

Lots 042, 002, 005:  
McCormack Baron Salazar  
50 California Street, Suite 1500  
San Francisco, CA 94111

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**ADOPTING FINDINGS TO MODIFY THE PROJECT KNOWN AS "5800 THIRD STREET" WHICH WAS ORIGINALLY APPROVED THROUGH CASE NO. 2003.0672CEK, MOTION NO. 17089, ON SEPTEMBER 1, 2005, AS A CONDITIONAL USE AUTHORIZATION PURSUANT TO SECTIONS 134, 140, 215, 303, AND 304 OF THE PLANNING CODE FOR A PLANNED UNIT DEVELOPMENT, TO MODIFY THE SITE PLAN AND OVERALL DESIGN TO BUILDINGS NO. 3 AND NO. 4 AS**

**ORIGINALLY APPROVED, TO CONSTRUCT A FIVE-STORY RESIDENTIAL BUILDING WITH 150 MARKET-RATE UNITS AND 129 OFF-STREET PARKING SPACES (NOW BUILDING NO. 3, PARCEL 041), AND CONSTRUCT A FIVE-STORY RESIDENTIAL BUILDING WITH 121 AFFORDABLE UNITS SPECIFICALLY DESIGNED FOR SENIOR CITIZENS, A 14,967 SQUARE FOOT SENIOR COMMUNITY CENTER, AND 54 OFF-STREET PARKING SPACES (NOW BUILDING NO. 4, PARCEL 042), FOR PROPERTY LOCATED IN THE M-1 (MANUFACTURING, GENERAL) ZONING DISTRICT, THE 65-J HEIGHT AND BULK DISTRICT, AND THE BAYVIEW-HUNTERS POINT AREA PLAN, AND ADOPTING FINDINGS UNDER THE CALIFORNIA ENVIRONMENTAL QUALITY ACT AND PLANNING CODE SECTION 101.1.**

## **PREAMBLE**

On September 1, 2005, under Case No. 2003.0672CEK and Motion No. 17089, the San Francisco Planning Commission approved a Conditional Use Authorization/Planned Unit Development pursuant to Planning Code Sections 303 and 304 allowing construction of a moderate density mixed use development of 343 dwelling units, approximately 13,000 square feet of ground floor commercial space, up to 381 off-street parking spaces, and three loading spaces. The Planning Commission also approved modifications of Planning Code requirements related to location of the required rear yard and density, and made CEQA findings.

On July 12, 2012, SF Third Street Equity Partners LLL (Holiday Development) and McCormack Baron Salazar, in conjunction with the Mayor's Office of Housing, filed with the Planning Department ("hereinafter Department"), a Conditional Use Authorization application under Planning Code Sections 303 and 304 to modify the previously approved Planned Unit Development to change the project's site plan and use program, request exceptions to the rear yard location, dwelling unit exposure, density, and incorporate Lots 002 & 005 in Block 5415, for the property known as "5800 Third Street", located in an M-1 (Manufacturing, General) Zoning District, and within a 65-J Height and Bulk District and the Bayview-Hunters Point Redevelopment Plan – Area B ("modified project").

On October 25, 2012, the San Francisco Planning Commission (hereinafter "Commission") conducted a duly noticed public hearing at a regularly scheduled meeting on Conditional Use Authorization Application No. 2012.0045CE.

On April 30, 2005, under Case No. 2003.0672E, a Draft Initial Study/Mitigated Negative Declaration ("IS/MMD") for a project proposing construction of 355 multi-family residential units in four buildings, 13,000 square feet of retail, and 379 off-street parking spaces was prepared and published for public review. The Planning Department reviewed and considered the Final Mitigated Negative Declaration ("FMND") and found that the contents of said report and the procedures through which the FMND was prepared, publicized, and reviewed complied with the California Environmental Quality Act (California Public Resources Code Sections 21000 et seq.) (CEQA), 14 California Code of Regulations Sections 15000 et seq. (the "CEQA Guidelines") and Chapter 31 of the San Francisco Administrative Code ("Chapter 31").

On September 1, 2005, the Planning Commission found the FMND was adequate, accurate and objective, reflected the independent analysis and judgment of the Planning Department and the Planning

Commission, and approved the FMND for the Project in compliance with CEQA, the CEQA Guidelines and Chapter 31.

On October 17, 2007, an Addendum to Mitigated Negative Declaration, Case No. 2003.0672CEK, was prepared and certified, which analyzed the increase of the retail space from 13,000 square feet to 21,000 square feet to accommodate a grocery store ("Fresh & Easy"). The Addendum to Mitigated Negative Declaration, Case No. 2003.0672E, concluded that the FMND adopted and issued on September 1, 2005 remains valid and that no supplemental environmental review is required for the revised project aforementioned.

On October 12, 2012, an Addendum to Mitigated Negative Declaration, Case No. 2003.0672E, was prepared and certified which analyzed the current project, Case No. 2012.0045CE, proposing modifications to the Planned Unit Development, specifically, to modify the site plan and overall design to Buildings No. 3 and No. 4 as originally approved, to construct a five-story residential building with 150 market-rate units and 129 off-street parking spaces (now Building No. 3, parcel 041), and to construct a five-story residential building with 121 affordable units specifically designed for senior citizens, a 14,967 square foot senior community center, and 54 off-street parking spaces (now Building No. 4, parcel 042), and the incorporation of streetscape and pedestrian improvements along the northern portion of the site and Carroll Avenue. The Addendum to Mitigated Negative Declaration, Case No. 2012.0045E, concluded that the FMND adopted and issued on September 1, 2005 remains valid and that no supplemental environmental review is required for the revised project aforementioned.

On October 25, 2012, the Planning Commission found the FMND and the Addendum to Mitigated Negative Declaration, under Case Nos. 2012.0045E, were adequate, accurate and objective, reflected the independent analysis and judgment of the Planning Department and the Planning Commission, [and that the summary of comments and responses contained no significant revisions to the Draft IS/MND,] and reaffirmed the FMND and approved the Addendum for the currently proposed project under Case No. 2012.0045C, in compliance with CEQA, the CEQA Guidelines and Chapter 31. Planning Department staff prepared a Mitigation Monitoring & Reporting Program ("MMRP"), which material was made available to the public and this Commission for this Commission's review, consideration and action.

To provide current project information to the Planning Commission and the public, this Motion contains a full description of the development (the original project as modified) and its compliance with the Planning Code and General Plan.

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.

The Planning Department, Linda Avery, is the custodian of records, and they are located in the File for Case No. 2012.0045CE at 1650 Mission Street, Fourth Floor, San Francisco, California.

**MOVED**, that the Commission hereby authorizes the Conditional Use Authorization requested in Application No. 2012.0045CE, subject to the conditions of Motion Nos. XXXX, except as specifically modified herein, 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 6.15-acre site (275,096 square feet) consists of five lots and is located off Third Street between Carroll and Paul Avenues in the Bayview District. The site is divided into four "quadrants". The western portion of the site faces the Caltrain railroad tracks/right-of-way. There is a private road ("Private Drive") that runs north-south off of Carroll Avenue which splits the site into two halves, and provides access to the rear two lots. Lots 041 and 042 are interior lots and abut each other, with lot 042 being to the north of lot 041. Lots 002 & 005 (Block 5415) are triangle-shaped lots that will be incorporated into the larger site to provide open space, drop-off services for Lot 042, and as a portion of Carroll Avenue. Currently lot 041 is partially paved and used as a parking lot, and lot 042 is undeveloped land.

Lot 043 contains Buildings No. 1 & 2, which were approved in 2005. There are 137 residential units in these two buildings with 17 below-market-rate units located on site. There is 21,000 square feet of retail and commercial space at the ground floor along Third Street, which is currently occupied by a grocery store ("Fresh & Easy") and a restaurant ("Limon Restaurant"). The remainder of the retail use is currently vacant.

Carroll Avenue is a plotted street but only partially developed. It is paved from Third Street to the Private Drive, with sidewalks and utilities. There is an active rail spur that runs along Carroll Avenue. This spur consists of rail lines that are flush with grade.

3. **Ownership.** 5800 Third Street was owned by Third Street Equity Partners LLC (Holiday Development) when the project was originally approved in 2005. Since the 2005 approval, the site has been subdivided into three lots. Two of the lots (041 & 043) are still owned by SF Third Street Equity LLC (Holiday Development), who was the original project sponsor. Lot 042 is owned by the Mayor's Office of Housing in conjunction with McCormack Baron Salazar. In addition, Lots 002 and 005 (Block 5415) are currently being purchased by the City of San Francisco in conjunction with McCormack Baron Salazar and incorporated into the project for access to Carroll Avenue and accompanying open space. All five parcels are included in the modified Planned Unit Development.
4. **Surrounding Properties and Neighborhood.** 5800 Third Street is in the Bayview neighborhood in the southeast portion of San Francisco. This area has undergone considerable change due to the implementation of area plans and redevelopment in the past decade. The neighborhood is transitioning from a heavy industrial neighborhood to a mixed-use neighborhood with a mix of residential, retail, open space, and light industrial uses. There are several large housing developments to the north of the site and Candlestick Park is several blocks to the east of Third Street. Caltrain runs along the rear of 5800 Third Street and Bayshore Boulevard, and Highway 101, are a few blocks to the west of the site. The Third Street light rail runs north-south along the

east of the subject property. The Martin Luther King public pool and community center, Bayview Park, and K.C. Jones playground are diagonally across from the project site on Third Street. There is an active rail spur that runs south from Mendall Street and turns onto Carroll Avenue, which is the northern edge of the site, terminating at South Basin on the bay. Building heights range from one to two stories in the immediate vicinity, with Buildings No. 1 & 2 at 5800 Third Street being five stories. The surrounding area is zoned M-1 (Manufacturing, General) and PDR-2 (Core Production, Distribution, and Repair), the Third Street Special Use District runs along Third Street, and the Design & Development District is adjacent to the site.

5. **Modified Project Description.** Planning Code Section 304 requires that the Planning Commission review and evaluate all Planned Unit Developments (“PUD”). The intent of a PUD is for projects on a site of considerable size, developed as integrated units, and designed to project an environment of stable and desirable character which will benefit the occupants, neighborhood, and the City as a whole. In certain cases, such a project may merit modification(s) of certain provisions contained in the Planning Code. Any substantial modification of an approved PUD must be reviewed by the Planning Commission.

Pursuant to Planning Code Section 304, the revised project is requesting Planning Code exceptions for location of the required rear yard (Section 134), dwelling unit exposure (Section 140), and density (Section 215). There will be the following modifications to the 2005 PUD:

a) Site Plan.

The project site will have the same general overall configuration as what was approved in 2005. There are four “quadrants”, each consisting of several buildings. The site is divided in half by a private road running north-south. The footprints of the buildings on Lots 041 and 042 are being reduced and reconfigured from a square-shaped plan with a series of connected buildings to two buildings running parallel to each other. There will be a shared open space in the form of a mews between and connecting the two quadrants. There are no changes to Lot 043.

b) Dwelling Units.

The Planned Unit Development approved on September 1, 2005 (Motion No. 17089) permitted 343 units but no more than 417 units on all four development parcels. 137 units were constructed in Buildings No. 1 and No. 2, with 206 units remaining to be built.

Planning Code Section 207.1 states that density must be calculated according to lot size and cannot be transferred from one lot to another. The original PUD was for one lot, thus allowing each ‘quadrant’ to have a flexible number of dwelling units. However, in 2007, the project site was subdivided into three separate lots – 041 (Building No. 3), 042 (Building No. 4), and 043 (Buildings No. 1 & 2). Therefore, in order for Buildings No. 3 & 4 to be constructed with the increased number of dwelling units proposed, the dwelling unit count must be reallocated to all three parcels. The total number of dwelling units in this revised PUD will be 408, and the maximum density under the Planning Code would remain 417 units.

	2005 Approval	2012 Proposed Modification
Buildings No. 1 & 2	140	137
Building No. 3	88	150
Building No. 4	115	121
<b>Total</b>	<b>343</b>	<b>408</b>

c) Senior Housing.

The original project was for market-rate housing on all four quadrants. The proposal for Building No. 4, Lot 042, is a five-story residential building with 121 affordable units specifically designed for senior citizens pursuant to Planning Code Section 102.6.1. All Code requirements related to senior housing will be met on this site.

d) Senior Community Center.

An approximately 14,967 square foot senior community center will be constructed at the ground floor of Building No. 4 (Lot 042). The senior community center will be open to the public and will provide meals, recreation activities, education classes, health and wellness activities, and social services/case management for approximately 50 seniors a day as well as the seniors who live on the property.

e) Affordable Housing.

The project was approved in 2005 with 41 on-site below-market-rate units (12 percent of 343 units), meeting the Affordable Housing Program of Planning Code Section 415 (formerly 315). 17 of these units were constructed in Buildings No. 1 & 2. Building No. 4, Lot 042, is constructing 100 percent affordable housing for seniors and under current Code requirements, is exempt from the Affordable Housing Program. Building No. 3, Lot 041, is meeting the Program by providing 23 below market rate units on-site.

6. **Public Comment.** As of October 18<sup>th</sup>, the Department has received no public comment with regard to the project at 5800 Third Street.

7. **Entitlement Required:** The Commission must approve the Conditional Use Authorization to allow for modifications to the 5800 Third Street PUD approved pursuant to Case No. 2003.0672CEK, Motion No. 17089, on September 1, 2005. Modifications to the original project's site plan through the rearrangement of building footprints, changes to the use program at Building No. 4 (Lot 042), changes in building architecture and massing and locations of courtyards and open space have been made. In addition, a number of Planning Code requirements have been adopted since the original Conditional Use Authorization/Planned Unit Development entitlement was approved in September 2005. All Code updates have been incorporated into the modified PUD. The project is seeking exceptions for three Code Sections: 1) exception of the required rear yard, per Planning Code Section 134, for a rear yard that is provided throughout the development rather than in one contiguous area parallel to the front property line; 2) exception of dwelling unit exposure, per Planning Code Section 140, for 34

dwelling units that do not meet the 25 foot dimensional exposure requirement (32 units at Building No. 3, parcel 041; 2 units at Building No. 4, parcel 042); and 3) exception of the density requirements, per Planning Code Section 215, to allow for the allocation of density to Lots 041 and 042 to increase the number of units on those lots.

8. **Planning Code Compliance:** The Commission finds that the modified Project is consistent with the relevant provisions of the Planning Code in the following manners:

Planning Code requirements for which modifications through a Planned Unit Development are requested.

1. Rear Yard. Planning Code Section 134 requires a minimum rear yard equal to 25 percent of the total lot depth of the lot. Rear yards are to be provided opposite the site's frontage (at the rear of the property). For the subject site, the required rear yard would be approximately the last 50 feet along parcel 041, and increasing to approximately 66 feet along parcel 042.

*The 2005 PUD included an exception for rear yard requirements. The site is 6.15 acres, or 275,096 square feet, in size and has been designed to provide sufficient housing while maximizing the amount of open space. The modified site plan contains approximately 37,196 square feet of common open space, which varies from interior courtyards, rooftop gardens and decks, communal food gardens, and outdoor activity space. There is a 25 foot wide open space 'buffer' along the western property line which serves as a fire access easement and will be landscaped. While there is not a rear yard that complies with the Code, there is sufficient open space that provides the needed light and air to the residents on the site. On Buildings No. 3 & 4, the proposal calls for 24,061 square feet of open space including shared mews between the two buildings, which is comparable to that of a required rear yard. Therefore, this Conditional Use Authorization/PUD includes a modification to the rear yard requirement so that the open space can be provided throughout the site instead of in one continuous space on the lot that is opposite the site's frontage.*

2. Dwelling Unit Exposure. Planning Code Section 140 requires all dwelling units to face an open area that do not face a public street, alley, or side or rear yard that is a minimum of 25 feet in width or a Code-complying rear yard on the first two floors of dwelling units, with an increase of five feet in every horizontal at each subsequent floor.

*On Building No. 3, Lot 041, there are approximately 32 units that do not meet these requirements, and on Building No. 4, Lot 042, there are approximately 2 units that do not meet this requirement because all of these units are west facing and front a rear yard that is not Code-complying as described above.*

3. Density. Planning Code Section 215 permits dwelling units in M-1 Districts at a density ratio not exceeding the number of dwelling units permitted in the nearest RM District. Planning Code Section 207.1 further states that density must be calculated according to lot size and cannot be transferred from one lot to another.

*The PUD approved on September 1, 2005 (Motion No. 17089) permitted 343 units but no more than 417 units on all four development parcels. 137 units were constructed in Buildings No. 1 and No. 2, with 206 units remaining to be built. The original PUD was for one lot, thus allowing each 'quadrant' to have a flexible number of dwelling units. However, in 2007, the project site was subdivided into three separate lots – 041 (Building No. 3), 042 (Building No. 4), and 043 (Buildings No. 1 & 2). Therefore, in order for Buildings No. 3 & 4 to be constructed with the increased number of dwelling units proposed, the dwelling unit count must be reallocated to all three parcels. The total number of dwelling units in this revised PUD will be 408, and the maximum density permitted would remain 4178 units.*

The Development complies with the following Planning Code requirements.

4. Use. The development includes residential, community facility, and retail in the M-1 Zoning District.

*Under Section 215(a), dwellings are permitted as-of-right in the M-1 Zoning District; Section 218(b) permits retail uses as-of-right in the M-1 Zoning District; and Section 217(d) permits "social service or philanthropic facility providing assistance of a charitable or public service nature" as-of-right in the M-1 Zoning Districts. Therefore, all the uses – both existing and proposed – for 5800 Third Street are Code complying.*

5. Senior Housing. Planning Code Section 102.6.1 defines a development that is specifically designed for and occupied by senior citizens as "a residential development developed, substantially rehabilitated or substantially renovated for, senior citizens that has at least 35 dwelling units." All senior citizen housing developments must meet the requirements of related city, state, and federal Codes, and must have specific design elements such as accessible entryways and walkways, railings, and common areas.

*Building No. 4 (Lot 042) is proposed to be a 121 dwelling unit senior citizen housing development and will meet all of the requirements of Planning Code Section 102.6.1, including design, accessibility, and occupancy. Building No. 4 will remain a senior housing development for the lifetime of the building. The proposal calls for all 121 units to be 100 percent affordable.*

6. Open Space. Planning Code Section 135 requires that 36 square feet of private usable open space be provided for every dwelling unit in M-1 Districts. The open space requirement must be multiplied by 1.33 when provided as common open space. For senior housing, the amount of required open space is ½ the amount otherwise required.

*Both buildings are providing common open space to meet this Code requirement. Building No. 3, (Lot 041), must provide 7,182 square feet of open space for 150 dwelling units - it is providing 9,031 square feet. Building No. 4, (Lot 042), must provide 2,896 square feet of open space for 121 dwelling units specifically designed for senior citizens – it is providing 14,858 square feet. The type of open space varies from interior courtyards, rooftop gardens and decks, communal food gardens, and outdoor activity space including dining and recreation spaces. In addition, there will*



*be several private patios provided on Building No. 4, there is an approximately 10,188 square feet shared mews between both buildings, and the ground floor loft-style dwelling units on Building No. 3 have front yards for their use. Buildings No. 1 & 2 are providing open space in the form of interior courtyards and a shared mews between the buildings. Further, the proposal calls for the incorporation of Lots 002 & 005 of Block 5415 at the north of the site, to provide additional open space in the form of garden and landscaped areas. Collectively, the project provides a minimum of 37,196 square feet of open space and thus satisfies open space requirements.*

7. Street Trees. Planning Code Section 138.1 requires street trees and other streetscape improvements to be installed by a project sponsor constructing a new building in an M-1 District at the rate of one tree for each 20 feet of frontage of the property along each street.

*Building No. 3 (Lot 041) is required to have 10 street trees along the frontage of the Private Drive. Building No. 4 (Lot 042) is required to have 9 street trees along Carroll Avenue and 10 on the Private Drive. Both buildings are meeting this requirement.*

8. 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.

*Both buildings have been designed to reduce the impact of bird risks. The majority of building materials are solid, such as wood panels and siding, cement plaster block, and hardi-trim panels. There are no large expanses of glass that would create a bird hazard. Therefore the project complies with the treatments required by Planning Code Section 139.*

9. Streetscape and Pedestrian Improvements. Planning Code Section 138.1(c)(2) requires that the Better Streets Plan must be met for lots that are greater than half an acre (21,780 square-feet) and includes new construction. Projects that meet these requirements must submit a streetscape plan that is consistent with the Better Streets Plan.

*5800 Third Street has provided a streetscape plan which provides streetscape improvements on Carroll Avenue and the Private Road. Lots 002 & 005 in Block 5415 are being incorporated into the PUD and will be used as a part of the Better Streets program. Improvements include regrading Carroll Avenue and extending it up towards the Caltrain track/right-of-way. There will be a curved garden space on the north side of the Avenue, which will have landscaping and a minimum of 15 trees. The sidewalk on this side of the Avenue will be 6 feet wide and have 18 street trees with planting beds between the trees and new street lights installed. There will be approximately 14 street parking spaces that will be parallel to the sidewalk and curb. There will be 6 street trees and planting areas at the eastern end of Carroll Avenue near Third Street. Two new bulb-outs and crosswalks will be created – one at the western side of the street and one at the Private Drive. On the southern side of Carroll Avenue, there will be a 13 foot-wide sidewalk with 16 street trees, planting beds between, and new street lights. There will be no parking on this side*

of the Avenue. Lot 005, Block 5415 will be incorporated into the PUD and be used for access to Building No. 4 (Lot 042) and landscaping. A short "U" shaped driveway to Building No. 4 will be created (the "Drop Off Plaza"), with three parallel parking spaces. There will be a variety of landscaping and trees installed on the northern portion of Building No. 4, including "The Grove". In addition to the improvements on Carroll Avenue, the proposal also calls for the creation of additional bulb-outs at the north of the Private Road, the installation of several speed tables, and additional landscaping and buffers. The railroad spur and tracks along with a 25 foot wide easement will remain and will not have any streetscape improvements that may impede its use or services.

The revised proposal for 5800 Third Street calls for extensive streetscape, landscape, and public improvements that were not a part of the original PUD. These elements will greatly enhance the quality of life for the residents and users of 5800 Third Street and the neighborhood. Lastly, it will pave this portion of Carroll Avenue, which is currently undeveloped and unused. The project is meeting the requirements of the Better Streets Plan under Code Section 138.1.

10. Rooftop Screening. Section 141 requires that all rooftop mechanical features in M-1 Districts be screened from the public right of way.

The new buildings at 5800 Third Street will have a series of solar hot water and PV panels, as well as other mechanical penthouses and equipment. Both buildings will have a 42 inch high parapet on all facades, thus shielding any rooftop features from view.

11. Off-Street Parking. Planning Code Section 151.1 does not require off-street parking for any uses in the M-1 District, and provides maximum parking amounts based on land use type. Section 151.1 permits up to one car for each two dwelling units as-of-right, and any additional off-street parking is permitted under Section 223(p).

There were 381 off-street parking spaces approved in the 2005 PUD. 189 spaces were constructed in Buildings No. 1 & 2 (137 for residential uses, 52 for retail uses). Building No. 3 (Lot 041) will have 129 spaces, and Building No. 4 (Lot 042) will have 54 spaces. The total number of off-street parking spaces in this modified PUD will be 372, which is less than what was approved in 2005. The project is meeting the off-street parking requirements of Sections 151.1 and 223(p).

12. Loading. Section 152 requires certain amounts of off-street freight loading spaces based on the type and size of uses in a project. For the revised project at 5800 Third Street, one loading space is required for both Buildings No. 3 & 4.

Building No. 3 (Lot 041) will have one loading space on Carroll Avenue directly in front of the main building entrance. Building No. 4 (Lot 042) will have two loading spaces in the drop off area at the front of the building off of Carroll Avenue. Both buildings are meeting the requirements of Section 152.

13. Bicycle Parking, Showers & Lockers. Planning Code Section 155.5 states that new residential buildings install spaces devoted to bicycle parking. For projects that have over 50 units, 25 spaces plus 1 space for every four units are required. Dwellings designed and dedicated to senior citizens do not have bicycle parking requirements. In addition, Planning Code Section 155.3 requires one shower and two lockers be provided in new buildings with 10,000 to 20,000 square feet of commercial uses for employees and/or tenants.

*Building No. 3 (Lot 041) is required to have 50 bicycle spaces and is providing 72 for the use of the residents. There are no shower and locker requirements for Building No. 3.*

*As a senior citizen development, Building No. 4 (Lot 042) is not required to provide bicycle parking, but is proposing 34 spaces for the use of the residents and users of the senior community center. In addition, Building No. 3 will provide one shower and two lockers in the senior community center. These facilities will be available for the staff of the community center.*

14. Car Share. Planning Code Section 166 requires all newly constructed buildings provide car-share spaces which are available to the general public. For residential buildings, the number of car-share spaces is determined by the total number of dwelling units. Buildings with 50 to 200 dwelling units must provide 1 car share space.

*Both Buildings No. 3 & 4 are required to have one car share space available to the general public. The two spaces are proposed to be located on the Private Drive in front of Building No. 3's (Lot 041) entrance (adjacent to the required loading space). These spaces will be clearly marked and the curb will have necessary markings to indicate that these spaces are to be used solely for car share. If at any time this location becomes unavailable to the general public or if they cannot remain dedicated to car share then they will be moved to another location on the site.*

15. 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.

*Buildings No. 3 & 4 are providing off-street parking that is accessory to the residential dwellings on site. These spaces will be unbundled and sold and/or leased separately from the dwelling units. For Building No. 3 (Lot 041), the 7 spaces dedicated to the senior community center shall not be subject to this requirement, but they must be clearly delineated and grouped together in the parking garage.*

16. Shadows. Planning Code Section 295 generally does not permit new buildings over 40-feet in height to cast new shadows on a property owned and operated by the Recreation and Park Commission.

*The proposed height for Buildings No. 3 & 4 is 57 and 55 feet, respectively. A shadow analysis conducted by the Department shows that there will be no shadows cast upon the Martin Luther King Pool and Bayview & K.C. Jones Playground.*

17. Affordable Housing. Planning Code Section 415 sets forth the requirements and procedures for the Inclusionary Affordable Housing Program. Under Planning Code Section 415.3, these requirements would apply to projects that consist of five or more units, where the first application was applied for on or after July 18, 2006.

Pursuant to Planning Code Section 415.3(c)(4)(A)(i) and (ii), the Inclusionary Housing Program shall not apply to 1) a project using California Debt Limit Allocation Committee (CDLAC) tax-exempt bond financing as long as the project provides 20 percent of the units as affordable at 50 percent of area median income for on-site housing or 25 percent of the units as affordable at 50 percent of area median income for off-site housing, or to 2) a project that is an 100% affordable housing project in which rents are controlled or regulated by any government unit, agency or authority, and in which the Mayor's Office of Housing confirms that the project meets this requirement.

In addition, Planning Code Section 415.5 and 415.6, permit projects to meet the Inclusionary Affordable Housing Program requirement through the On-site Affordable Housing Alternative by providing 15% of the proposed dwelling units as affordable.

*Building No. 3 (Lot 041) has demonstrated that it is eligible for the On-Site Affordable Housing Alternative under Planning Code Section 415.5 and 415.6, and has submitted a 'Affidavit of Compliance with the Inclusionary Affordable Housing Program: Planning Code Section 415,' to satisfy the requirements of the Inclusionary Affordable Housing Program by providing the affordable housing on-site instead of through payment of the Affordable Housing Fee. In order for the Project Sponsor to be eligible for the On-Site Affordable Housing Alternative, the Project Sponsor must submit an 'Affidavit of Compliance with the Inclusionary Affordable Housing Program: Planning Code Section 415,' to the Planning Department stating that any affordable units designated as on-site units shall be sold as ownership units and will remain as ownership units for the life of the project. The Project Sponsor submitted such Affidavit on October 22, 2012. The EE application was submitted on April 13, 2012. 23 units (6 two-bedroom, 10 one-bedroom, and 7 studios) of the 150 units provided will be affordable units. If the Project becomes ineligible to meet its Inclusionary Affordable Housing Program obligation through the On-site Affordable Housing Alternative, it must pay the Affordable Housing Fee with interest, if applicable.*

*Building No. 4 (Lot 042) is proposing to provide 100 percent of the units as affordable for senior citizens and has submitted an 'Affidavit of Compliance with the Inclusionary Affordable Housing Program: Planning Code Section 415.' The Mayor's Office of Housing confirms, through a letter on file, that the project meets this requirement. In this case, the requirements of the Inclusionary Housing Ordinance, Planning Code Section 415 would not apply to the Project for so long as all of the conditions set forth in Planning Code Section 415.3(c)(4) are satisfied. If the Building No.*

*4 fails to provide rents that are controlled by any government agency at any time, Building No. 4 shall not be deemed to satisfy the requirements of the Planning Code Section 415.3(c)(4) exemption, and must pay the Affordable Housing Fee with interest, if applicable or provide the required amount of units on-site.*

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

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

*5800 Third Street was approved as a Planned Unit Development in September 2005 (Motion No. 17089). The revised project site will generally have a similar configuration and plan as what was approved in 2005. There are four 'quadrants', each consisting of several buildings. The site is divided in half by a private road running north-south. The footprints on Lots 041 and 042 are being reduced and reconfigured from a square-shaped plan with a series of connected buildings to two buildings running parallel to each other. There will be a shared open space in the form of a mews between and connecting the two quadrants. Buildings No. 1 and 2 have been constructed and conform to the original PUD.*

*The project's use, size, density and height are compatible with the surrounding community. The mixed use character of the project is compatible with adjacent and nearby land uses. The surrounding neighborhood has undergone considerable change as a result of the implementation of area plans and redevelopment in the past decade, and is transitioning from a heavy industrial neighborhood to a mixed-use neighborhood with a mix of residential, retail, open space, and light industrial uses, and there are varying building heights to create a diversity of building character. Furthermore, the project's location will compliment the Third Street light rail line by providing a higher density along a transit corridor.*

*The project will provide additional housing to this portion of the Bayview neighborhood, both market-rate and senior housing. There is little housing dedicated solely as affordable for senior citizens, and the addition of 271 dwelling units will help bring additional population to the area and help create a vibrant, engaged community. The senior community center is desirable and compatible with this portion of the Bayview neighborhood and will enable seniors to interact with each other and engage with the community.*

*5800 Third Street will enhance and preserve the diversity of the Bayview neighborhood by providing quality housing for a range of incomes and families. Building No. 4 (Lot 042) will be dedicated exclusively to affordable housing for low-income seniors, which is a needed housing type and will help ensure that the neighborhood continues to be accessible to current residents. Building No. 3 (Lot 041) will provide additional market-rate housing which will add to the limited supply of new dwelling units in the neighborhood.*

*5800 Third Street is consistent with the Bayview Hunters Point Area Plan, Third Street Special Use District, Bayview Hunters Point Redevelopment Plan, and the Bayview Hunters Point Revitalization Concept Plan, all of which contemplate residential and community service uses in this portion of Bayview.*

*Lastly, the project will provide a significant amount of new open space, and will complete the development of Carroll Avenue on this block. The Avenue will be heavily landscaped and will provide much needed improvements to this portion of the Bayview neighborhood.*

- B. The proposed project will not be detrimental to the health, safety, convenience or general welfare of persons residing or working in the vicinity. There are no features of the project that could be detrimental to the health, safety or convenience of those residing or working the area, in that:

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

*5800 Third Street is located on an odd-shaped site. Carroll Avenue is only partially developed, and there is little access to Lots 041 & 042, which are located at the rear of the site. The revised site plan better accommodates the shape of the lots and reduces the massing, thus opening up each lot to more open space. The revised buildings are arranged to maximize sunlight and air, while being sensitive to the adjacent Caltrain rail tracks on the western portion of the site. The overall height and massing of the buildings are compatible with the existing Buildings No. 1 & 2, and with the surrounding neighborhood.*

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

*The 2005 PUD contained 381 off-street parking spaces. The revised project will decrease this amount to 372 spaces, all of which will be underground. 5800 Third Street is well served by MUNI and a variety of other transit options. Carroll Avenue has been designed to encourage walking to and from the site, in particular the senior community center, and there are a minimal number of parking spaces on the Avenue. There will be two car share spaces on site, encouraging residents to take advantage of this service and decrease the number of cars on the site. Further, there will be 150 bicycle spaces on the site. The revised site plan has been designed to take advantage of all means of transit, with a focus on public modes and walking.*

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

*Since this will primarily be a residential project, unusual noise, odor, dust and glare as a result of its operations will generally not occur. The buildings will comply with Title 24 standards for noise insulation. The materials for the facades of the buildings will not result in glare. The project*

*would generate additional night lighting, but not in amounts unusual for an urbanized area. Design of exterior lighting will ensure that off-site glare and lighting spillover are minimized.*

*Construction noise impacts would be less than significant because all construction activities would be conducted in compliance with the San Francisco Noise Ordinance (Article 29 of the San Francisco Police Code, as amended November 2008). The SF Board of Supervisors approved the Construction Dust Control Ordinance (Ordinance 176-08, effective July 30, 2008) with the intent of reducing the quantity of dust generated during site preparation, demolition and construction work in order to protect the health of the general public and of on-site workers, minimize public nuisance complaints, and to avoid orders to stop work by the Department of Building Inspection. Therefore, the project sponsor and construction contractor would be required to follow specified practices to control construction dust and compliance with this new ordinance.*

*The 21,000 square feet of retail space has been approved and constructed in Buildings No. 1 & 2, and contain a grocery store and restaurant businesses. These uses are subject to the standard conditions of approval for restaurants and outlined in Exhibit A. These conditions specifically obligates the mitigation of odor and noise generated by these uses.*

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

*5800 Third Street has carefully thought-out and designed the open spaces of the site. The incorporation of Lots 002 & 005 (Block 5415) has enabled Carroll Avenue to have additional landscaped areas as well as providing public spaces for the community. Carroll Avenue will be paved and developed, will have a minimum amount of parking, and a large amount of greening. There will be at least 56 trees planted on both sides of the Avenue with planting beds, new lighting, and other pedestrian-friendly features.*

*Buildings No. 3 & 4 are providing a large amount of landscaping and open spaces. The type of open space varies from interior courtyards, rooftop gardens and decks, communal food gardens, and outdoor activity space including dining and recreation spaces. There are additional open spaces in the form of interior courtyards and a shared mews between the buildings. The ground floor loft-style dwelling units on Building No. 3, Lot 041, have landscaped front yards, and there is a 25 foot wide open space 'buffer' along the western property line which serves as a fire access easement and will be landscaped. Buildings No. 1 & 2 have landscaped areas incorporated into their sites, mainly in interior courtyards and between the buildings.*

*The three drop off parking spaces off of Carroll Avenue for Building No. 4 (Lot 042) will be appropriately screened from view with street trees. Site lighting will be a combination of pole, building mounted and low level lighting to provide necessary illumination levels, while complementing the site design. The lighting will be designed to support the security of the site and the surrounding neighborhood.*

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

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

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

*5800 Third Street is not located within a neighborhood commercial district. However, the proposed uses are in conformity with the Bayview Hunters Point Area Plan, Third Street Special Use District, Bayview Hunters Point Redevelopment Plan, and the Bayview Hunters Point Revitalization Concept Plan. Lastly, the project is compatible with the surrounding neighborhood.*

10. **Planning Code Section 304** establishes criteria and limitations for the Planning Commission to consider when reviewing applications for the authorization of PUD's over and above those applicable to Conditional Uses. On balance, the project does comply with said criteria and limitations in that:

- a. Affirmatively promote applicable objectives and policies of the General Plan;

*This project furthers multiple existing General Plan and the Bayview Hunters Point Plan Area objectives and policies relating to housing, transportation and circulation, recreation and open space, and urban design.*

*Specifically, this mixed use project will create approximately 408 dwelling units of varying sizes, types and affordability levels in four 'quadrants', each with several interconnected buildings. The project will provide affordable and high quality living units, with 121 units being designed and dedicated to low-income senior citizens at Lot 042. In addition, the project will include a senior community center welcoming to seniors and the community.*

*In terms of promoting the City's transportation policies, the project provides on-site parking of up to 372 spaces. In Buildings No. 3 & 4 (Lots 041 and 042), the cost of the parking space will be unbundled from the housing costs borne by the residents. Consistent with the City's Transit First policy, the uses that are neighborhood oriented (e.g., retail and community facility) are located closest to Third Street's transit lines. Pedestrian circulation through the site is encouraged by the Private Drive and by the wide sidewalks and bulb-outs that occur at the site's corners.*

- b. Provide off street parking adequate for the occupancy proposed;

*The project will provide 372 off-street parking spaces in four underground garages. All of the off-street parking is accessed from the Private Drive, thus minimizing the impact on Third Street, which is heavily trafficked and has light rail transportation. There will be two car share spaces*



*and 4 loading spaces. Approximately 150 secure, on-site bike parking spaces would be available, in four locations throughout the development.*

- c. Provide open space usable by the occupants and, where appropriate, by the general public, at least equal to the open spaces required by this Code;

*The common and public open space provided at 5800 Third Street totals approximately 37,196 square feet. The project is required to have 10,078 square feet of open space. The requirements for residential private and common open space under the M-1 zoning is 36 square feet of private usable open space be provided for every dwelling unit in M-1 Districts. The open space requirement must be multiplied by 1.33 when provided as common open space. For senior housing, the amount of required open space is ½ the amount otherwise required.*

- d. Be limited in dwelling unit density to less than the density that would be allowed by Article 2 of this Code for a district permitting a greater density, so that the PUD will not be substantially equivalent to a reclassification of property;

*The PUD approved on September 1, 2005 (Motion No. 17089) permitted 343 units but no more than 417 units on all four development parcels. 137 units were constructed in Buildings No. 1 & No. 2, with 206 units remaining to be built. The original PUD was for one lot, thus allowing each 'quadrant' to have a flexible number of dwelling units. However, in 2007, the project site was subdivided into three separate lots – 041 (Building No. 3), 042 (Building No. 4), and 043 (Buildings No. 1 & 2). Therefore, in order for Buildings No. 3 & 4 to be constructed with the increased number of dwelling units proposed, the dwelling unit count must be reallocated to all three parcels. The total number of dwelling units in this revised PUD will be 408, and the maximum density would remain 417 units.*

- e. In R Districts, include commercial uses only to the extent that such uses are necessary to serve residents of the immediate vicinity, subject to the limitations for NC-1 (Neighborhood Commercial Cluster) districts under the Code;

*This criterion is not applicable for 5800 Third Street, which is located within an M-1 Zoning District.*

- f. Under no circumstances be excepted from any height limit established by Article 2.5 of this Code, unless such exception is explicitly authorized by the terms of this Code. In the absence of such an explicit authorization, exceptions from the provisions of this Code with respect to height shall be confined to minor deviations from the provisions for measurement of height in Sections 260 and 261 of this Code, and no such deviation shall depart from the purposes or intent of those sections;

*5800 Third Street is within the 65 foot height limit and is not seeking any exceptions or alterations under this application.*

- g. In NC Districts, be limited in gross floor area to that allowed under the Floor Area Ratio limit permitted for the district in Section 124 and Article 7 of this Code.

*This criterion is not applicable for 5800 Third Street, which is located within an M-1 Zoning District.*

- h. In NC Districts, not violate the use limitations by story set forth in Article 7 of this Code.

*This criterion is not applicable for 5800 Third Street, which is located within an M-1 Zoning District.*

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

Bayview Hunters Point Area Plan

OBJECTIVE 2 Improve use of land on Third Street by creating compact commercial areas, establishing nodes for complementary uses, and restricting unhealthy uses.

Policy 2.1 Improve the physical and social character of Third Street to make it a more livable environment.

Policy 2.4 Encourage new mixed-use projects in defined nodes along Third Street to strengthen the corridor as the commercial spine of the neighborhood.

*5800 Third Street meets the objective of this Plan by creating a large mixed use development along Third Street. This development replaced an underused and vacant industrial building with a series of interconnected residential 'quadrants'. The PUD will create a more livable environment in this portion of the Bayview neighborhood, and improve the social, residential, and commercial character of the area.*

OBJECTIVE 6 Encourage the construction of new affordable and market rate housing at locations and density levels that enhance the overall residential quality of Bayview Hunters Point.

Policy 6.1 Encourage development of new affordable ownership units, appropriately designed and located and especially targeted for existing Bayview Hunters Point residents.

Policy 7.2 Encourage complementary development adjacent to the Third Street core commercial area.

*5800 Third Street currently contains 17 below market rate units. The revised PUD will provide 121 units that are specifically designed for senior citizens and will be dedicated to low-income people. There will be 38 units constructed at an off-site location that will be at 50 percent of the median income. In addition to the affordable units, 5800 Third Street will provide 270 market-rate units to people in this portion of the Bayview neighborhood.*

OBJECTIVE 14 Assure adequate numbers, types, and locations of community facilities and services to meet the needs of the local community.

*5800 Third Street will provide a 14,967 square foot senior community center which will be available to the residents of the building as well as to senior citizens in the community. This facility will help meet the needs of the local community by providing social and educational services.*

OBJECTIVE 15 Combine social revitalization with physical and economic revitalization efforts.

Policy 15.2 Shape new housing growth to include adequate provision of physical facilities for the social and health needs of senior citizens.

*5800 Third Street contains a 121 unit building that is designed and dedicated solely for the use of senior citizens. This building will meet all of the requirements of Planning Code Section 102.6.1 as well as relevant local, state, and federal Codes.*

Housing Element

OBJECTIVE 1: Identify and make available for development adequate sites to meet the City's housing needs, especially permanently affordable housing.

Policy 1.1: Plan for the full range of housing needs in the City and County of San Francisco, especially affordable housing.

Policy 1.10: Support new housing projects, especially affordable housing, where households can easily rely on public transportation, walking and bicycling for the majority of daily trips.

*5800 Third Street provides a range of housing types, sizes, as well as affordable low-income senior housing in an area where there is low supply and where these households can easily rely on public transportation, walking, and bicycling for many of their daily trips.*

OBJECTIVE 4: Foster a housing stock that meets the needs of all residents across lifestyles.

Policy 4.2 Provide a range of housing options for residents with special needs for housing support and services.

Policy 4.3 Create housing for people with disabilities and aging adults by including universal design principles in new and rehabilitated housing units.

Policy 4.5 Ensure that new permanently affordable housing is located in all of the City's neighborhoods, and encourage integrated neighborhoods, with a diversity of unit types provided at a range of income levels.

*5800 Third Street provides housing for senior citizens and is designed to meet Planning Code Section 102.6.1, which includes universal design principles in the senior units. These units are proposed to be designated for low-income residents and will remain as such for the life of the building.*

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

*5800 Third Street is well designed, respects the neighborhood character through building height and design, and does not substantially or adversely affect the character of the existing Bayview neighborhood. The project fosters community interaction by including retail uses, publicly accessible open space, and a senior community center.*

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.
- Policy 12.3: Ensure new housing is sustainably supported by the City's public infrastructure systems.

*5800 Third Street is sited in an area that currently provides adequate access to infrastructure. As part of the development, new public open space, street improvements on Carroll Avenue, a senior community center, senior services, and community outdoor areas will be constructed. These elements will contribute to the quality of life of the residents on site and the surrounding community.*

#### Transportation Element

OBJECTIVE 1 Meet the needs of all residents and visitors for safe, convenient, and inexpensive travel within San Francisco and between the city and other parts of the region while maintaining the high quality living environment of the Bay Area.

- Policy 1.2 Ensure the safety and comfort of pedestrians throughout the city.

*5800 Third Street has been designed to promote transit-first policies, in particular, public transportation, bicycling, and walking. The existing rail spur that runs along Carroll Avenue has been incorporated into the landscape and streetscape plans, and its impacts will be minimized. Pedestrian safety elements such as bulb-outs, speed tables, wide sidewalks, and large crosswalks are included in the project. Vehicular entrances to parking garages would be accessed via the Private Drive with minimal curb cuts.*

OBJECTIVE 11 Establish public transit as the primary mode of transportation in San Francisco and as a means through which to guide future development and improve regional mobility and air quality.

- Policy 11.3 Encourage development that efficiently coordinates land use with transit service, requiring that developers address transit concerns as well as mitigate traffic problems.

*The project's location furthers the City's Transit First policy. There are numerous MUNI lines within easy walking distance of the project. The Third Street light rail runs along the front of the project site, and there are several bus lines nearby. Due to the frequency and number of MUNI routes near the site, there should be a high rate of ridership.*

Commerce and Industry Element

OBJECTIVE 1 Manage economic growth and change to ensure enhancement of the total city living and working environment.

- Policy 1.1 Encourage development which provides substantial net benefits and minimizes undesirable consequences. Discourage development which has undesirable consequences which cannot be mitigated.

*5800 Third Street provides substantial net benefits by utilizing currently vacant and isolated parcels in this portion of Bayview. It provides approximately 408 dwelling units in four 'quadrants'. There will be approximately 37,196 square feet of open space, including the recreation uses provided on Buildings No. 3 & 4. There will be a 14,967 square foot senior community center for social and cultural use by the neighborhood residents and 21,000 square feet of neighborhood serving retail uses.*

Urban Design Element

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 1.2: Recognize, protect and reinforce the existing street pattern, especially as it is related to topography.

- Policy 1.3 Recognize that buildings, when seen together, produce a total effect that characterizes the city and its districts.

*The new buildings at 5800 Third Street are designed to complement the architectural character of the existing buildings already constructed as a part of the PUD while emphasizing the unique character of the population and history of the Bayview neighborhood. Building heights, materials, massing and bulk, have all been designed to be compatible with the existing built environment but also are of a contemporary design that brings a new architectural vocabulary to the neighborhood.*

Recreation and Open Space Element

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.

*5800 will provide approximately 37,196 square feet of open space to serve project residents that exceeds the requirements of the Planning Code. 5800 Third Street has provided a streetscape plan which provides streetscape improvements on Carroll Avenue and the Private Road. Lots 002 & 005 in Block 5415 are being incorporated into the PUD and will be used as a part of the Better Streets Program. Improvements include regrading Carroll Avenue and extending it up towards the Caltrain track/right-of-way. There will be a curved garden space on the north side of the Avenue, which will have landscaping and street trees. A short "U" shaped driveway to Building No. 4, Lot 042, will be created (the "Drop Off Plaza"), with three parallel parking spaces. There will be a variety of landscaping and trees installed on the northern portion of Building No. 4, including "The Grove". In addition to the improvements on Carroll Avenue, the proposal also calls for the creation of additional bulb-outs at the north of the Private Road, the installation of several speed tables, and additional landscaping and buffers. The railroad spur and tracks, along with a 25 foot wide easement, will remain and will not have any streetscape improvements that may impede its use or services.*

*The modified site plan contains 24,061 square feet of recreational open space on Buildings No. 3 & 4. The type of open space varies from interior courtyards, rooftop gardens and decks, communal food gardens, and outdoor activity space including dining and recreation spaces. The ground floor loft-style dwelling units on Building No. 3 (Lot 041) have front yards for their use, and there is a 25 foot wide open space 'buffer' along the western property line which serves as a fire access easement and will be landscaped. Further, the proposal calls for the incorporation of Lots 002 & 005 of Block 5415 at the north of the site, to provide additional open space in the form of garden and landscaped areas. Buildings No. 1 & 2 are providing open space in the form of interior courtyards and a shared mews between the buildings.*

12. **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.

*5800 Third Street currently has 21,000 square feet of retail and commercial space on Third Street. There is a grocery store and a restaurant on site with the remainder of the space vacant. These businesses will continue to provide opportunities for on-site resident employment as well as employment opportunities for residents in the surrounding neighborhoods.*

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

*5800 Third Street originally contained an industrial warehouse bottling plant for the Coca-Cola Company. This structure was demolished as a part of the original PUD. Half of the site has been developed; the remaining two parcels (Lots 041 & 042) have been vacant for several years. The site never provided housing.*

*The project proposes to revitalize the site and the neighborhood in the following ways. First, the project will provide approximately 408 dwelling units, a 14,967 square foot senior community center, and 21,000 square feet of retail and commercial uses, all serving the residents on site and throughout the community. In addition, the project provides approximately 37,196 square feet of open space. The project further enhances the site accessibility and circulation by creating a mews between Buildings Nos. 3 & 4.*

*Lastly, the site includes up to 21,000 square feet of ground floor neighborhood serving retail space, and 14,967 square feet of community center space. This active, pedestrian oriented space will enhance the livability and activities of the project site itself, being a destination for both residents of the project and the surrounding neighborhoods.*

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

*There are currently 17 below market units constructed in Buildings No. 1 & 2 as a part of the original 2005 PUD. The revised plan calls for 121 affordable dwelling units for low-income seniors at Building No. 4 (lot 042). There will be 38 low income units constructed at an off-site project located at 833 Jamestown Avenue, located within a mile of the subject site, and which is more than the 23 required if they provided these units on-site. In sum, the project at 5800 Third Street is increasing the supply of affordable housing in the neighborhood.*

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

*Neither existing on-street parking supply nor MUNI will be detrimentally affected by the project. The project provides adequate on-site parking for residents via four underground parking garages, thus minimizing competition for on-street parking resources in the surrounding neighborhood. 2 car share parking spaces are provided, which will decrease the need for residents to own their own vehicles. The project also proposes up to 150 Class I bicycle spaces in at least four different locations throughout the site.*

*The project's location furthers the City's Transit First policy. The Third Street light rail runs along the eastern side of the site, and there are numerous MUNI lines within easy walking distance of the project. Due to the frequency and number of MUNI routes near the site, the site should have a high rate of ridership. Even with a high rate of ridership, there would be no significant effect on MUNI operations.*

- 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.

*5800 Third Street is located in a portion of the Bayview neighborhood that is transitioning from industrial to mixed-use in character. Despite the construction of 408 dwelling units, the site is*

*surrounded by light industrial uses to the south, north, and east. There are several area plans that have been carefully crafted to preserve industrial uses while enabling other uses to locate here. There will continue to be industrial uses and businesses in this portion of San Francisco.*

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

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

- G. That landmarks and historic buildings be preserved.

*There are no designated landmarks or historic buildings on the Project site.*

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

*A shadow analysis conducted by the Department shows that there will be no shadows cast upon the Martin Luther King Pool and Bayview & K.C. Jones Playground.*

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



## DECISION

That based upon the Record, the submissions by the Applicant, the staff of the Department and other interested parties, the oral testimony presented to this Commission at the public hearings, and all other written materials submitted by all parties, the Commission hereby **APPROVES Conditional Use Application No. 2012.0045CE** for modification of a project approved under Case No. 2003.0672CEK and Motion 17089, subject to the following conditions attached hereto as "EXHIBIT A" including all applicable mitigation measures of the Final Mitigated Negative Declaration ("FMND"), in general conformance with plans on file, dated September 19, 2012, and stamped "EXHIBIT B", which is incorporated herein by reference as though fully set forth.

The Planning Commission has reviewed and considered the FMND and the record as a whole and finds that there is no substantial evidence that the Project will have a significant effect on the environment with the adoption of the mitigation measures contained in the FMRP to avoid potentially significant environmental effects associated with the Project, and hereby adopts the FMND.

The Planning Commission hereby adopts the FMND and the Mitigation Monitoring Report Program ("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 FMND are included as conditions of approval.

**APPEAL AND EFFECTIVE DATE OF MOTION: Any aggrieved person may appeal this Conditional Use Authorization to the Board of Supervisors within thirty (30) days after the date of this Motion No. 18730. The effective date of this Motion shall be the date of this Motion if not appealed (After the 30-day period has expired) OR the date of the decision of the Board of Supervisors if appealed to the Board of Supervisors. For further information, please contact the Board of Supervisors at (415) 554-5184, City Hall, Room 244, 1 Dr. Carlton B. Goodlett Place, San Francisco, CA 94102.**

I hereby certify that the Planning Commission ADOPTED the foregoing Motion on October 25, 2012.

Linda D. Avery  
Commission Secretary

AYES: Fong, Wu, Moore, Sugaya, Antonini, Hillis

NAYS:

ABSENT: Borden

ADOPTED: October 25, 2012

## **Exhibit A**

### **AUTHORIZATION**

This is for a Conditional Use Authorization to allow for modifications to the 5800 Third Street Planned Unit Development approved pursuant to Case No. 2003.0672CEK, Motion No. 17089, on September 1, 2005, to modify the original project's site plan and overall design to Buildings No. 3 and No. 4 as originally approved, to construct a five-story residential building with 150 market-rate units and 129 off-street parking spaces (now Building No. 3, Lot 041), and construct a five-story residential building with 121 affordable units specifically designed for senior citizens, a 14,967 square foot senior community center, and 54 off-street parking spaces (now Building No. 4, Lot 042), provide approximately 24,061 square feet of open space including a shared mews between the two buildings, incorporate Planning Code requirements that have been adopted since the original Conditional Use Authorization/Planned Unit Development entitlement was approved in September 2005, and exceptions for three Code Sections: 1) the required rear yard, per Planning Code Section 134, for a rear yard that is provided throughout the development rather than in one contiguous area parallel to the front property line; 2) dwelling unit exposure, per Planning Code Section 140, for 34 dwelling units that do not meet the exposure requirements (32 units at Building No. 3, parcel 041; 2 units at Building No. 4, parcel 042); and 3) density requirements, per Planning Code Section 215, to allow for the allocation of density to Lots 041 and 042 to increase the number of units on those lots for a total of 408 units on the site, and to incorporate Lots 002 & 005 in Block 5415, for streetscape and pedestrian improvements along the northern portion of the site and Carroll Avenue for the property known as "5800 Third Street", located in an M-1 (Manufacturing, General) Zoning District, and within a 65-J Height and Bulk District and the Bayview-Hunters Point Redevelopment Plan – Area B, in general conformance with plans, dated September 19, 2012, and stamped "EXHIBIT B" included in the docket for Case No. 2012.0045CE and subject to conditions of approval reviewed and approved by the Commission on October 25, 2012 under Motion No 18730. This authorization and the conditions contained herein run with the property and not with a particular Project Sponsor, business, or operator.

### **RECORDATION OF CONDITIONS OF APPROVAL**

Prior to the issuance of the building permit or commencement of use for the Project the Zoning Administrator shall approve and order the recordation of a Notice in the Official Records of the Recorder of the City and County of San Francisco for the subject property. This Notice shall state that the project is subject to the conditions of approval contained herein and reviewed and approved by the Planning Commission on **October 25, 2012** under Motion No **18730**.

All five lots that are subject to this Planned Unit Development – 041 (Building No. 3), 042 (Building No. 4), and 043 (Buildings No. 1 & 2), in Block 5431, and Lot 002 & 005 in Block 5415 must have separate Notices recorded on the property that must reference the Planned Unit Development and incorporate all conditions contained in this Motion. This Motion may not be severed to accommodate individual lots.

## PRINTING OF CONDITIONS OF APPROVAL ON PLANS

The conditions of approval under the 'Exhibit A' of this Planning Commission Motion No. 18730 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 Conditional Use 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 to the Planned Unit Development and modifications of conditions shall require Planning Commission approval of a new Conditional Use Authorization.

## Conditions of Approval, Compliance, Monitoring, and Reporting

### PERFORMANCE

**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 Conditional Use 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](http://www.sf-planning.org)*

**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](http://www.sf-planning.org)*

**Mitigation Measures.** Mitigation measures described in the FMND attached as Exhibit C of Motion 18730 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.

*For information about compliance, contact Code Enforcement, Planning Department at 415-575-6863, [www.sf-planning.org](http://www.sf-planning.org)*

## **DESIGN & CODE COMPLIANCE**

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

*For information about compliance, contact the Case Planner, Planning Department at 415-558-6378, [www.sf-planning.org](http://www.sf-planning.org)*

**Senior Housing.** Building No. 4, Lot 042 in Block 5431, is a qualified senior housing development as defined in Planning Code Section 102.6.1. The project will meet the requirements of related city, state, and federal Codes, and must have specific design elements. The senior citizen housing development must be occupied by senior citizens and shall be limited to the occupancy of senior citizens or other qualifying residents under Civil Code Section 51.3 for the actual lifetime of the building, regardless, of whether the units will be owner-occupied or renter-occupied. If at any time the project fails to comply and qualify as a senior housing development then all Planning Code provisions apply and must be met.

*For information about compliance, contact Code Enforcement, Planning Department at 415-575-6863, [www.sf-planning.org](http://www.sf-planning.org)*

**Lighting Plan.** The Project Sponsor(s) shall submit an exterior lighting plan to the Planning Department prior to Planning Department approval of the building / site permit application for each building.

*For information about compliance, contact the Case Planner, Planning Department at 415-558-6378, [www.sf-planning.org](http://www.sf-planning.org)*

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

*For information about compliance, contact the Case Planner, Planning Department at 415-558-6378, [www.sf-planning.org](http://www.sf-planning.org)*

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

The revised PUD at 5800 Third Street includes streetscape improvements on Carroll Avenue and the Private Road. Lots 002 & 005 in Block 5415 are being incorporated into the PUD and will be used as part of Carroll Avenue and for access to Building No. 4 (Lot 042) and landscaping. Improvements on Carroll Avenue include regrading and paving, developing sidewalks and park areas, and installing street trees, planting beds, and light fixtures, bulb outs, speed tables, and cross walks. The sidewalk widths shall be 13 feet wide on the north side of Carroll Avenue and 6 feet wide on the southern side of Carroll Avenue. There will be a minimum of 39 trees installed along Carroll Avenue and the northern park. There will be no more than 14 street parking spaces which will be parallel to the sidewalk. The railroad spur and tracks along with a 25 foot wide easement will remain and will not have any streetscape improvements that may impede its use or services.

*For information about compliance, contact the Case Planner, Planning Department at 415-558-6378, [www.sf-planning.org](http://www.sf-planning.org)*

**Street Trees.** Pursuant to Planning Code Section 138.1, the Project Sponsor(s) shall submit a site plan to the Planning Department prior to Planning approval of the building permit application for each building indicating that street trees, at a ratio of one street tree of an approved species for every 20 feet of street frontage along public or private streets bounding the Project, with any remaining fraction of 10 feet or more of frontage requiring an extra tree, shall be provided. The street trees shall be evenly spaced along the street frontage except where proposed driveways or other street obstructions, such as street lights, do not permit or public safety could be improved. The exact location, size and species of tree shall be as approved by the Department of Public Works (DPW). In any case in which DPW cannot grant approval for installation of a tree in the public right-of-way, on the basis of inadequate sidewalk width, interference with utilities or other reasons regarding the public welfare, and where installation of such tree on the lot itself is also impractical, the requirements may be modified or waived by the Zoning Administrator to the extent necessary.

Building No. 3 (Lot 041) is required to have 10 street trees along the frontage of the Private Drive. Building No. 4 (Lot 042) is required to have 9 street trees along Carroll Avenue and 10 on the Private Drive.

*For information about compliance, contact the Case Planner, Planning Department at 415-558-6378, [www.sf-planning.org](http://www.sf-planning.org)*

**Landscaping.** Pursuant to Planning Code Section 132, the Project Sponsor shall submit a site plan to the Planning Department prior to Planning approval of the building permit application for each building indicating that 50% of the front setback areas shall be surfaced in permeable materials and further, that 20% of the front setback areas shall be landscaped with approved plant species. The size and specie of plant materials and the nature of the permeable surface shall be as approved by the Department of Public Works.

*For information about compliance, contact the Case Planner, Planning Department at 415-558-6378, [www.sf-planning.org](http://www.sf-planning.org)*

**Landscaping, Screening of Parking and Vehicular Use Areas.** Pursuant to Planning Code Section 142, the Project Sponsor shall submit a site plan to the Planning Department prior to Planning approval of the building permit application indicating the screening of parking and vehicle use areas not within a

building. The design and location of the screening and design of any fencing shall be as approved by the Planning Department. The size and species of plant materials shall be as approved by the Department of Public Works.

Building No. 4, Lot 042, will have three parking spaces located at the front entry drive. These spaces will be screened from Carroll Avenue by the installation of street trees and other plantings.

*For information about compliance, contact the Case Planner, Planning Department at 415-558-6378, [www.sf-planning.org](http://www.sf-planning.org)*

**Public Access to the Private Drive.** There shall be no gates, chains, signage, medallions or similar feature(s) serving to regulate pedestrians or bicycles at the entrances, exits or thoroughfares of Private Drive at any time. Both car share parking spaces will be located on this Private Drive and must be accessible to the general public at all times. If at any time the Private Drive is made unavailable to the general public, these Code-required car share spaces must be relocated to another place on the site that is generally accessible to the public.

*For information about compliance, contact the Case Planner, Planning Department at 415-558-6378, [www.sf-planning.org](http://www.sf-planning.org).*

**Showers and Clothes Lockers.** Pursuant to Planning Code Section 155.3, the Project shall provide no fewer than one shower and two clothes lockers.

Building No. 4, Lot 042 must provide a minimum of 1 shower and 2 clothes locker as a part of the senior community center. There are no requirements for showers and lockers for Building No. 3, Lot 041.

*For information about compliance, contact Code Enforcement, Planning Department at 415-575-6863, [www.sf-planning.org](http://www.sf-planning.org).*

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

*For information about compliance, contact the Case Planner, Planning Department at 415-558-6378, [www.sf-planning.org](http://www.sf-planning.org).*

## **PARKING AND TRAFFIC**

**Parking.** Pursuant to Planning Code Section 151.1, the Project shall provide no more than one space for each two dwelling units, and any spaces above this amount are permitted under Section 223(p). There will be a total of up to 372 off-street parking spaces on site, with 189 spaces at Buildings No. 1 & 2 (Lot 043), 129 spaces at Building No. 3 (Lot 041), and 54 spaces at Building No. 4 (Lot 042), with seven of the off-street spaced dedicated solely for the senior community center employees and visitors.

*For information about compliance, contact Code Enforcement, Planning Department at 415-575-6863, [www.sf-planning.org](http://www.sf-planning.org)*

**Unbundled Parking.** All off-street parking spaces at Buildings No. 3 & 4 (Lots 041 & 042) shall be made available to all 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. 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.

The seven off-street parking spaces at Building No.4, Lot 042, which are dedicated for the senior community center are not subject to this requirement. These spaces must be grouped together and be accessible to the employees and users of the community center.

*For information about compliance, contact Code Enforcement, Planning Department at 415-575-6863, [www.sf-planning.org](http://www.sf-planning.org)*

**Off-street Loading.** Pursuant to Planning Code Section 152, the Project will provide a minimum 5 off-street loading spaces. Building No. 3, Lot 041, will have 1 loading space along the Private Drive directly in front of the building. Building No. 4, Lot 042 will have 1 loading space at the north of the site off Carroll Avenue. Buildings No. 1 & 2, Lot 043, has 3 loading spaces which are located to the south of Building No. 2. These spaces will be clearly marked and the curb will have necessary markings to indicate that these spaces are to be used solely for loading. If at any time these locations become unavailable or if they cannot remain dedicated to loading then they will be moved to another location on the site.

*For information about compliance, contact Code Enforcement, Planning Department at 415-575-6863, [www.sf-planning.org](http://www.sf-planning.org)*

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

Buildings No. 3, Lot 041, and Building No. 4, Lot 042 are required to provide one car share space each. The proposed location of these two spaces are along the Private Drive directly in front of Building No. 3 (Lot 041). These spaces will be clearly marked and the curb will have necessary markings to indicate that these spaces are to be used solely for car share. If at any time this location becomes unavailable to the general public or if they cannot remain dedicated to car share then they will be moved to another location on the site that is publically accessible.

*For information about compliance, contact Code Enforcement, Planning Department at 415-575-6863, [www.sf-planning.org](http://www.sf-planning.org)*

**Bicycle Parking.** Pursuant to Planning Code Sections 155.5, the Project shall provide no fewer than 150 bicycle parking spaces.

Building No. 3, Lot 041 must provide a minimum of 50 Class 1 bicycle spaces. There are no requirements for bicycle parking for Building No. 4, Lot 042, as long as it remains a senior citizen development as defined by Planning Code Section 102.6.1.

*For information about compliance, contact Code Enforcement, Planning Department at 415-575-6863, [www.sfplanning.org](http://www.sfplanning.org)*

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

*For information about compliance, contact Code Enforcement, Planning Department at 415-575-6863, [www.sfplanning.org](http://www.sfplanning.org)*

## **PROVISIONS**

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

*For information about compliance, contact the First Source Hiring Manager at 415-581-2335, [www.onestopSF.org](http://www.onestopSF.org)*

**Carroll Avenue.** The project sponsor shall improve the remainder of Carroll Avenue as described above including all related infrastructure and streetscape improvements. The project sponsor shall provide maintenance services for those portions that are incorporated into the site for the life of the Project and shall assume all liability with respect thereto.

*For information about compliance, contact Code Enforcement, Planning Department at 415-575-6863, [www.sfplanning.org](http://www.sfplanning.org)*

**Transit Impact Development Fee.** Pursuant to Planning Code Section 411 (formerly Chapter 38 of the Administrative Code), the Project Sponsors of Building No. 3 & 4 shall pay the Transit Impact Development Fee (TIDF) to those portions of the projects that apply, as required by and based on drawings submitted with the Building Permit Application. Prior to the issuance of a temporary certificate of occupancy, each Project Sponsor shall provide the Planning Director with certification that the fee has been paid.

*For information about compliance, contact the Case Planner, Planning Department at 415-558-6378, [www.sfplanning.org](http://www.sfplanning.org)*

## **MONITORING - AFTER ENTITLEMENT**

**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.sfplanning.org](http://www.sfplanning.org)*



**Revocation due to Violation of Conditions.** Should implementation of this Project result in complaints from interested property owners, residents, or commercial lessees which are not resolved by the Project Sponsor and found to be in violation of the Planning Code and/or the specific conditions of approval for the Project as set forth in Exhibit A of this Motion, the Zoning Administrator shall refer such complaints to the Commission, after which it may hold a public hearing on the matter to consider revocation of this authorization.

*For information about compliance, contact Code Enforcement, Planning Department at 415-575-6863, [www.sf-planning.org](http://www.sf-planning.org)*

## **OPERATION**

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

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

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

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

**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](http://www.sf-planning.org)*

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

*For information about compliance, contact Code Enforcement, Planning Department at 415-575-6863, [www.sf-planning.org](http://www.sf-planning.org)*

## **INCLUSIONARY HOUSING**

### **1. Requirement.**

- a) Buildings No. 1 & 2, Lot 043. There are 17 on-site below-market-rate units which complies with the Affordable Housing Program as approved under Case No. 2003.0672CEK, and Motion No. 17089. These units are not proposed to be removed and will meet all conditions applied under Motion No. 17089.
- b) Building No. 3, Lot 041. Pursuant to Planning Code Section 415.6, the Project is required to provide 15% of the proposed dwelling units as affordable to qualifying households. The Project contains 150 units; therefore, 23 affordable units are required. The Project Sponsor will fulfill this requirement by providing the 23 affordable units on-site. If the number of market-rate units change, the number of required affordable units shall be modified accordingly with written approval from Planning Department staff in consultation with the Mayor's Office of Housing ("MOH").

*For information about compliance, contact the Case Planner, Planning Department at 415-558-6378, [www.sf-planning.org](http://www.sf-planning.org) or the Mayor's Office of Housing at 415-701-5500, [www.sf-moh.org](http://www.sf-moh.org).*

Unit Mix. The Project contains 46 studios, 64 one-bedroom, and 40 two-bedroom units; therefore, the required affordable unit mix is 7 studios, 10 one-bedroom, and 6 two-bedroom units. 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](http://www.sf-planning.org) or the Mayor's Office of Housing at 415-701-5500, [www.sf-moh.org](http://www.sf-moh.org).*

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](http://www.sf-planning.org) or the Mayor's Office of Housing at 415-701-5500, [www.sf-moh.org](http://www.sf-moh.org).*

Phasing. If any building permit is issued for partial phasing of the Project, the Project Sponsor shall have designated not less than fifteen percent (15%) 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](http://www.sf-planning.org) or the Mayor's Office of Housing at 415-701-5500, [www.sf-moh.org](http://www.sf-moh.org).*

- c) Building No. 4, Lot 042. The Project Sponsor is proposing to provide 100 percent of the units as affordable for senior citizens and has submitted an 'Affidavit of Compliance with the Inclusionary Affordable Housing Program: Planning Code Section 415.' The Mayor's Office of Housing confirms, through a letter on file, that the project meets this requirement. In this case, the requirements of the Inclusionary Housing Ordinance, Planning Code Section 415 would not apply to that portion of the project relating to Building No. 4 for so long as all of the conditions set forth in Planning Code Section 415.3(c)(4) are satisfied. If Building No. 4 fails to provide rents that are controlled by any government agency at any time, Building No. 4 shall not be deemed to satisfy the requirements of the Planning Code Section 415.3(c)(4) exemption, and must pay the Affordable Housing Fee with interest, if applicable or provide the required amount of units on-

site. In this case, the requirements of the Inclusionary Housing Ordinance, Planning Code Section 415 would not apply to this portion of the Project for so long as all of the conditions set forth in Planning Code Section 415.3(c)(4) are satisfied.

If the Building No. 4 fails to provide rents that are controlled by any government agency, Building No. 4 will not qualify for the Planning Code Section 415.3(c)(4) exemption from the Inclusionary Housing Program and must pay the Affordable Housing Fee with interest, if applicable, and meet the requirements of conditions 2 and 3. The requirements of condition 2 and 3 shall not apply for so long as all of the conditions set forth in Planning Code Section 415.3(c)(4) are satisfied. The Project Sponsor must record a Notice of Special Restrictions against the Property which provides that the Project no longer qualifies as a Project meeting the requirements of Planning Code Section 415.3(c)(4), the Project will either: (i) pay the Affordable Housing Fee plus interest from the date the project received its first construction document for the Project if no affordable units were ever provided or, if affordable units were provided and occupied, then the Affordable Housing Fee with no interest is due on the date the units were no longer occupied by qualifying households. The Project Sponsor shall promptly provide a copy of the recorded Notice of Special Restriction to the Department and to MOH or its successor.

- Affordable Housing Fee Requirement.** If any of the Project Sponsors fail to meet the requirements of Planning Code Section 415.3(c)(4) at any time, pursuant to Planning Code 415.5, the Project Sponsor(s) of that portion of the Project must pay an Affordable Housing Fee at a rate equivalent to the applicable percentage of the number of units in an off-site project needed to satisfy the Inclusionary Affordable Housing Program Requirement for the principal project. The applicable percentage for this project is twenty percent (20%).

*For information about compliance, contact the Case Planner, Planning Department at 415-558-6378, [www.sf-planning.org](http://www.sf-planning.org) or the Mayor's Office of Housing at 415-701-5500, [www.sf-moh.org](http://www.sf-moh.org).*

- Other Conditions.** If any of the Project Sponsor fail to meet the requirements of Planning Code Section 415.3(c)(4) at any time, that portion(s) of the Project is immediately subject to the requirements of the Inclusionary Affordable Housing Program under Section 415 et seq. of the Planning Code and the terms of the City and County of San Francisco Inclusionary Affordable Housing Program Monitoring and Procedures Manual ("Procedures Manual"). The Procedures Manual, as amended from time to time, is incorporated herein by reference, as published and adopted by the Planning Commission, and as required by Planning Code Section 415. Terms used in these conditions of approval and not otherwise defined shall have the meanings set forth in the Procedures Manual. A copy of the Procedures Manual can be obtained at the Mayor's Office of Housing ("MOH") at 1 South Van Ness Avenue or on the Planning Department or Mayor's Office of Housing's websites, including on the internet at: <http://sf-planning.org/Modules/ShowDocument.aspx?documentid=4451>. As provided in the Inclusionary Affordable Housing Program, the applicable Procedures Manual is the manual in effect at the time the subject units are made available for sale or rent.

*For information about compliance, contact the Case Planner, Planning Department at 415-558-6378, [www.sf-planning.org](http://www.sf-planning.org) or the Mayor's Office of Housing at 415-701-5500, [www.sf-moh.org](http://www.sf-moh.org).*

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

AUG 26 2005

5800 THIRD STREET RESIDENTIAL AND COMMERCIAL MIXED-USE PROJECT, MITIGATION, MONITORING AND REPORTING PLAN							OFFICE OF ENVIRONMENTAL REVIEW
MITIGATION MEASURES ADOPTED AS CONDITIONS OF APPROVAL	IMPLEMENTATION RESPONSIBILITY	MITIGATION SCHEDULE	MONITORING		REPORTING		NOTES/ SIGN-OFF STATUS/ COMPLETION DATE
			RESPONSIBILITY	ACTIONS	RESPONSIBILITY	ACTIONS	
<b>CONSTRUCTION AIR QUALITY</b>							
The Project Sponsor shall require the contractor(s) to spray the site with water during demolition, excavation, and construction activities; spray unpaved construction areas with water at least twice per day; cover stockpiles of soil, sand, and other material; cover trucks hauling debris, soils, sand or other such material; and sweep surrounding streets during demolition, excavation, and construction at least once per day to reduce particulate emissions.	Project Sponsor/ Construction Manager	During demolition, excavation and construction	DBI/ Construction Manager	- Maintain onsite observation as warranted, review daily field reports and inspect construction	Construction Manager	Prepare daily field reports and monthly compliance reports for the Public Works Department	Person Reporting _____ Documentation Received (DATE) _____ DPW Sign-off _____ SF Planning Dept. (SFPD) Sign-off _____
Ordinance 175-91, passed by the Board of Supervisors on May 6, 1991, requires that non-potable water be used for dust control activities. Therefore, the Project Sponsor shall require the contractor(s) to obtain reclaimed water from the Clean Water Program for this purpose. The Project Sponsor shall require the project contractor(s) to maintain and operate construction equipment so as to minimize exhaust emissions of particulates and other pollutants, by such means as a prohibition on idling motors when equipment is not in use or when trucks are waiting in queues, and to implement specific maintenance programs to reduce emissions for equipment that would be in frequent use for much of the construction period.	Project Sponsor/ Construction Manager	During demolition, excavation and construction	DBI/ Construction Manager	- Maintain onsite observation as warranted, review daily field reports and inspect construction	Construction Manager	Prepare daily field reports and monthly compliance reports for the Public Works Department	Person Reporting _____ Documentation Received (DATE) _____ DPW Sign-off _____ SF Planning Dept. (SFPD) Sign-off _____

**5800 THIRD STREET RESIDENTIAL AND COMMERCIAL MIXED-USE PROJECT, MITIGATION, MONITORING AND REPORTING PLAN**

MITIGATION MEASURES ADOPTED AS CONDITIONS OF APPROVAL	IMPLEMENTATION RESPONSIBILITY	MITIGATION SCHEDULE	MONITORING		REPORTING		NOTES/ SIGN-OFF STATUS/ COMPLETION DATE
			RESPONSIBILITY	ACTIONS	RESPONSIBILITY	ACTIONS	
<b>HAZARDOUS MATERIALS</b>							
<p>a. A Site Mitigation Plan shall be developed to address contaminated soil and/or groundwater, USTs/ASTs or other hazardous materials identified during the Phase II investigation or subsequent demolition activities.</p> <p>Since the site has a railroad track and it is not clear whether the subsurface is comprised of fill material, soil sampling that includes pesticides, metals, volatile organic compounds (VOCs) and semi-volatile organic compounds (SVOCs), asbestos and petroleum hydrocarbons need to be conducted. Sampling should occur at depths of proposed excavations for foundations, utilities elevators, etc.</p> <p>If deemed necessary, all impacted materials shall be mitigated prior to construction. Soils with elevated lead concentrations shall be disposed of off site in accordance with California hazardous waste disposal regulations (CCR Title 26) or shall be managed in place with approval of the California Department of Toxic Substances Control (DTSC) or the Regional Water Quality Control Board (RWQCB).</p> <p>The Phase II assessment requires the preparation of a Site Safety and Health Plan because contaminated soils and/or groundwater may be encountered; in addition to measures that protect on-site workers, the plan shall include measures to minimize public exposure to contaminated soils. Such measures shall include dust control, appropriate site security, restriction of public access, and posting of warning signs, and shall apply from the time of surface disruption through the completion of earthwork construction.</p>	Project Sponsor	Prior to undertaking any soil disturbing activities within the project site	Project Sponsor	Prepare Site Mitigation Plan	Project Sponsor	Submit the Site Mitigation Plan to San Francisco Department of Public Health, Environmental Services – Hazardous Waste Unit (SFDPH, EHS-HWU)	Person Reporting _____ Documentation Received (DATE) _____ DPH Sign-off _____ SF Planning Dept. (SFPD) Sign-off _____
<p>b. The UST and ASTs at the project site shall be further evaluated using geophysical techniques and subsurface exploration, as appropriate. The UST and ASTs shall be removed from the property and disposed of in accordance with applicable regulations or continue to be permitted and monitored as required by local and state laws. Soil beneath the UST and ASTs shall be visually inspected for soil and/or groundwater contamination. If contamination is detected, the impacted materials shall be tracked and managed throughout the construction phase. If deemed necessary, impacted materials shall be mitigated prior to construction.</p>	Project Sponsor	Prior to undertaking any soil disturbing activities within the project site	Project Sponsor with assistance of geotechnical specialist	- Identify and remove USTs - Inspect soil beneath USTs for contamination	Project Sponsor	Submit findings to San Francisco Department of Public Health, Environmental Services – Hazardous Waste Unit (SFDPH, EHS-HWU)	Person Reporting _____ Documentation Received (DATE) _____ DPH Sign-off _____ SF Planning Dept. (SFPD) Sign-off _____
<p>c. All waste oil and anti-freeze from the existing bus maintenance service performed on the site shall be disposed off-site in accordance with applicable regulations.</p>	Project Sponsor	Prior to undertaking any soil disturbing activities within the project site	Project Sponsor with assistance of professional hazardous waste disposal specialist	-Identify and remove all waste oil and anti-freeze from bus maintenance area	Project Sponsor	Submit findings to San Francisco Department of Public Health, Environmental Services – Hazardous Waste Unit (SFDPH, EHS-HWU)	Person Reporting _____ Documentation Received (DATE) _____ DPH Sign-off _____ SF Planning Dept. (SFPD) Sign-off _____

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d. All reports and plans prepared in accordance with this mitigation measure shall be provided to the San Francisco Department of Public Health and any other agencies identified by the Department of Public Health. When all hazardous materials have been removed from existing buildings, and soil and groundwater analysis and other activities have been completed, as appropriate, the Project Sponsor shall submit to the San Francisco Planning Department and the San Francisco Department of Public Health (and any other agencies identified by the Department of Public Health) a report stating that the mitigation measure has been implemented. The report shall describe the steps taken to comply with the mitigation measure and include all verifying documentation. The report shall be certified by a Registered Environmental Assessor or a similarly qualified individual who states that all necessary mitigation measures have been implemented.	Project Sponsor	After mitigation measures have been implemented	Project Sponsor	- Prepare report stating that mitigation measures have been implemented	Project Sponsor	Submit report to San Francisco Department of Public Health, Environmental Services – Hazardous Waste Unit (SFDPH, EHS-HWU) Report must be certified by a qualified Environmental Assessor or similarly qualified individual.	Person Reporting _____ Documentation Received (DATE) _____ DPH Sign-off _____ SF Planning Dept. (SFPD) Sign-off _____
<b>ARCHEOLOGICAL RESOURCES</b>							
The following mitigation measure is required to avoid any potential adverse effect from the proposed project on accidentally discovered buried or submerged historical resources as defined in <i>CEQA Guidelines</i> Section 15064.5(a)(c). The Project Sponsor shall distribute the Planning Department archeological resource ALERT sheet to the project prime contractor; to any project subcontractor (including demolition, excavation, grading, foundation, pile driving, etc. firms); or utilities firm involved in soils disturbing activities within the project site. Prior to any soils disturbing activities being undertaken each contractor is responsible for ensuring that the ALERT sheet is circulated to all field personnel, including, machine operators, field crew, pile drivers, and supervisory personnel. The Project Sponsor shall provide the Environmental Review Officer (ERO) with a signed affidavit from the responsible parties (prime contractor, subcontractor(s), and utilities firm) to the ERO confirming that all field personnel have received copies of the ALERT Sheet.  Should any indication of an archeological resource be encountered during any soils disturbing activity of the project, the project head foreman and/or Project Sponsor shall immediately notify the ERO and shall immediately suspend any soils disturbing activities in the vicinity of the discovery until the ERO has determined what additional measures should be undertaken.	Project Sponsor	Prior to undertaking any soil disturbing activities within the project site	Head Foreman	- Circulate the ALERT SHEET to all field personnel	Project Sponsor	- Submit a signed affidavit to the Environmental Review Officer (ERO) confirming that all field personnel have received copies of the ALERT SHEET  - In the event of a discovery immediately notify ERO	Person Reporting _____ Documentation Received (DATE) _____ SF Planning Dept. (SFPD) Sign-off _____

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MITIGATION MEASURES ADOPTED AS CONDITIONS OF APPROVAL	IMPLEMENTATION RESPONSIBILITY	MITIGATION SCHEDULE	MONITORING		REPORTING		NOTES/ SIGN-OFF STATUS/ COMPLETION DATE
			RESPONSIBILITY	ACTIONS	RESPONSIBILITY	ACTIONS	
<p>If the ERO determines that an archeological resource may be present within the project site, the Project Sponsor shall retain the services of a qualified archeological consultant. The archeological consultant shall advise the ERO as to whether the discovery is an archeological resource, retains sufficient integrity, and is of potential scientific/historical/cultural significance. If an archeological resource is present, the archeological consultant shall identify and evaluate the archeological resource. The archeological consultant shall make a recommendation as to what action, if any, is warranted. Based on this information, the ERO may require, if warranted, specific additional measures to be implemented by the Project Sponsor.</p> <p>Measures might include: preservation in situ of the archeological resource; an archaeological monitoring program; or an archeological testing program. If an archeological monitoring program or archeological testing program is required, it shall be consistent with the Major Environmental Analysis (MEA) division guidelines for such programs. The ERO may also require that the Project Sponsor immediately implement a site security program if the archeological resource is at risk from vandalism, looting, or other damaging actions.</p>	Project Sponsor	Prior to any physical removal of buildings or site features	Archaeological Consultant	<ul style="list-style-type: none"> <li>- Undertake archaeological monitoring program</li> <li>- Prepare a written report of findings</li> </ul>	Project Sponsor	Submit written report of findings to ERO	Person Reporting <hr/> Documentation Received (DATE) <hr/> SF Planning Dept. (SFPD) Sign-off <hr/>
<p>The project archeological consultant shall submit a final archeological resources report (FARR) to the ERO that evaluates the historical significance of any discovered archeological resource and describing the archeological and historical research methods employed in the archeological monitoring/data recovery program(s) undertaken. Information that may put at risk any archeological resource shall be provided in a separate removable insert within the final report.</p> <p>Copies of the Draft FARR shall be sent to the ERO for review and approval. Once approved by the ERO, copies of the FARR shall be distributed as follows: California Archaeological Site Survey Northwest Information Center (NWIC) shall receive one (1) copy and the ERO shall receive a copy of the transmittal of the FARR to the NWIC. The Major Environmental Analysis division of the Planning Department shall receive three copies of the FARR along with copies of any formal site recordation forms (CA DPR 523 series) and/or documentation for nomination to the National Register of Historic Places/California Register of Historical Resources. In instances of high public interest or interpretive value, the ERO may require a different final report content, format, and distribution than that presented above.</p>	Project Sponsor	When and if resources are found to be significant	Archaeological Consultant	<ul style="list-style-type: none"> <li>- Prepare a Draft Final Archaeological Resources Report (FARR)</li> </ul>	Project Sponsor	<ul style="list-style-type: none"> <li>- Submit FARR to ERO for Approval</li> <li>- Upon approval, distribute the FARR</li> </ul>	Person Reporting <hr/> Documentation Received (DATE) <hr/> SF Planning Dept. (SFPD) Sign-off <hr/>