File No. 091477 Committee Item No. 1
Board Item No. 09

COMMITTEE/BOARD OF SUPERVISORS

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Committee: Land Use and Economic Development **Date** February 22, 2010

Board of Supervisors Meeting **Date** 03/09/10

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* ☒	☒	Final Environmental Impact Report
☐	☐	
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Completed by: Alisa Somera **Date** February 18, 2010
Completed by: Alisa Somera **Date** February 25, 2010

An asterisked item represents the cover sheet to a document that exceeds 25 pages.
The complete document can be found in the file and the online version.

FILE NO. 091477 ORDINANCE NO.

[Approving Zoning Map Amendments for the 1415 Mission Street Project at Mission and Tenth Streets]

Ordinance amending the Zoning Map of the City and County of San Francisco by amending Sectional Map 7 to change the use classification of the property located at 1415 Mission Street (Assessor's Block 3510, Lot No. 001) from C-M (Heavy Commercial) to C-3-G (Downtown General Commercial) and adopting General Plan, Planning Code Section 101.1, and environmental findings.

Note: Additions are *single-underline italics Times New Roman*; deletions are ~~*strikethrough italics Times New Roman*~~. Board amendment additions are double underlined. Board amendment deletions are ~~strikethrough normal~~.

Be it ordained by the People of the City and County of San Francisco:

Section 1. Findings.

A. On February 27, 2009, the Project Sponsor filed an application for an amendment of Sectional Map No. 7 of the Zoning Map of the City and County of San Francisco to change the use classification of the property located at 1415 Mission Street (Assessor's Block 3510, Lot No. 001) ("Project Site") from C-M (Heavy Commercial) to C-3-G (Downtown General Commercial) (the "Proposed Zoning Map Amendment").

B. The Proposed Zoning Map Amendment is part of a project proposed by the Project Sponsor to demolish an existing one-story 18-foot tall building at 1415 Mission Street ("Site"), which along with the adjoining asphalt parking lot is currently used as an attended parking facility, and replace it with a 14-story, 130-foot tall building with 117 residential units above 2,742 sq. ft. of street-level retail, and up to 46 off-street independently accessible accessory parking spaces (or up to 101 valet spaces) in a three-level underground parking garage ("Project").

C. The Project Sponsor has also filed applications for: (1) Downtown Permit Review, including exceptions, under Planning Code Section 309; (2) a Conditional Use authorization pursuant to Planning Code Section 303; (3) a Variance under Planning Code Section 305; and (4) a determination of insignificant shadow impact under Planning Code Section 295.

D. The City wishes to ensure appropriate development of the Project Site as an important part of an ongoing effort to revitalize the Mid-Market area and to encourage the development of a high-density, transit-oriented neighborhood in the vicinity of Market Street and Van Ness Avenue.

E. On November 12, 2009, at a duly noticed public hearing, the Planning Commission certified the Final Environmental Impact Report ("Final EIR") for the proposed Project, by Motion No. 17976 finding that the Final EIR reflects the independent judgment and analysis of the City and County of San Francisco, is adequate, accurate and objective, contains no significant revisions to the Draft EIR, and the content of the report and the procedures through which the Final EIR was prepared, publicized and reviewed comply with the provisions of the California Environmental Quality Act (California Public Resources Code sections 21000 et seq., "CEQA"), the State CEQA Guidelines (California Code of Regulations Title 14 sections 15000 et seq.), and Chapter 31 of the San Francisco Administrative Code ("Chapter 31"). A copy of the Final EIR is on file with the Clerk of the Board in File No. 091477.

F. At the same hearing during which the Planning Commission certified the Final EIR, the Planning Commission adopted CEQA Findings with respect to the approval of the proposed Project, including the Proposed Zoning Map Amendment, in Motion 17977 and adopted the Proposed Zoning Map Amendment in Resolution No. 17980.

G. The letter from the Planning Department transmitting the Proposed Zoning Map Amendment to the Board of Supervisors, the Final EIR and supplemental material described above, the CEQA Findings adopted by the Planning Commission with respect to the approval of the Project, including a mitigation monitoring and reporting program, the Proposed Zoning Map Amendments and the Resolution approving the Proposed Zoning Map Amendments are on file with the Clerk of the Board in File No. 091477. These and any and all other documents referenced in this Ordinance have been made available to, and have been reviewed by, the Board of Supervisors, and may be found in either the files of the City Planning Department, as the custodian of records, at 1650 Mission Street in San Francisco, or in File No. 091477 with the Clerk of the Board of Supervisors at 1 Dr. Carlton B. Goodlett Place, San Francisco, and are incorporated herein by reference.

H. The Board of Supervisors has reviewed and considered the Final EIR, the environmental documents on file referred to herein, and the CEQA Findings adopted by the Planning Commission in support of the approval of the proposed Project, including the mitigation monitoring and reporting program. The Board of Supervisors has adopted the Planning Commission's CEQA findings as its own and hereby incorporates them by reference as though fully set forth herein.

I. The Board of Supervisors finds, pursuant to Planning Code Section 302, that the Proposed Zoning Map Amendment will serve the public necessity, convenience and general welfare for the reasons set forth in Planning Commission Resolution No. 17980 and incorporates those reasons herein by reference.

J. The Board of Supervisors finds that the Proposed Zoning Map Amendment is in conformity with the General Plan, as amended, and the eight priority policies of Planning Code Section 101.1 for the reasons set forth in Planning Commission Resolution No. 17980.

The Board hereby adopts the findings set forth in Planning Commission Resolution No. 17980 and incorporates those findings herein by reference.

Section 2. Pursuant to Sections 106 and 302(c) of the Planning Code, the following change in use classifications is hereby adopted as an amendment to Sectional Map 7 of the Zoning Map of the City and County of San Francisco:

Description of Property	**Use District to be Superseded**	**Use District Approved**
1415 Mission Street (Assessor's Block 3510, Lot No. 001) (as shown in the drawings on file with the Clerk of the Board of Supervisors in File No. 091477)	C-M (Heavy Commercial)	C-3-G (Downtown General Commercial)

APPROVED AS TO FORM:
DENNIS J. HERRERA, City Attorney

By: Audrey Pearson
Deputy City Attorney

FILE NO. 091477

LEGISLATIVE DIGEST

[Approving Zoning Map Amendments for the 1415 Mission Street Project at Mission and Tenth Streets]

Ordinance amending the Zoning Map of the City and County of San Francisco by amending Sectional Map 7 to change the use classification of the property located at 1415 Mission Street (Assessor's Block 3510, Lot No. 001) from C-M (Heavy Commercial) to C-3-G (Downtown General Commercial) and adopting General Plan, Planning Code Section 101.1, and environmental findings.

Existing Law

Currently, Map 7 of the Zoning Maps of the City and County of San Francisco classifies the property at 1415 Mission Street as C-M (Heavy Commercial).

Amendments to Current Law

This ordinance would change Map 7 of the Zoning Map of the City and County of San Francisco to classify 1415 Mission Street from C-M (Heavy Commercial) to C-3-G (Downtown General Commercial).

Background Information

The proposed Zoning Map Amendment is part of a project proposed to demolish an existing one-story 18-foot tall building at 1415 Mission Street, which along with the adjoining asphalt parking lot, is currently used as an attended parking facility, and replace it with a 14-story, 130-foot tall building with 117 residential units above 2,742 square feet of street-level retail, and up to 46 off-street independently accessible accessory parking spaces (or up to 101 valet spaces) in a three-level underground parking garage. This project is located at the southeast corner of Mission and 10th Streets.

The Planning Commission certified the Final Environmental Impact Report for the Project and recommended adoption of the Zoning Map Amendment at a hearing on November 12, 2009.

This ordinance would change the use classification for the property at 1415 Mission Street from C-M to C-3-G to allow construction of the Project as proposed.

FINAL ENVIRONMENTAL IMPACT REPORT

1415 Mission Street Mixed-Use Development

PLANNING DEPARTMENT CASE NO. 2005.0540E

STATE CLEARINGHOUSE NO. 2007122101

EIR PUBLICATION DATE: FEBRUARY 25, 2009

EIR PUBLIC HEARING DATE: APRIL 9, 2009

EIR PUBLIC COMMENT PERIOD: FEBRUARY 25 – APRIL 13, 2009

FINAL EIR CERTIFICATION DATE: NOVEMBER 12, 2009

Changes from the text of the Draft EIR are indicated by solid dots (•) at the beginning of each revised section, paragraph, graphic, or table. Specific edits, with new and ~~deleted~~ changes are shown in Chapter VII Section E.

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December 16, 2009

Ms. Angela Calvillo, Clerk
Board of Supervisors
City and County of San Francisco
City Hall, Room 244
1 Dr. Carlton B. Goodlett Place
San Francisco, CA 94102

Re: **Transmittal of Planning Department Case Number 2005.0540Z:**
Zoning Map Change for 1415 Mission Street
Planning Commission Recommendation: *Approval*

Dear Ms. Calvillo,
On November 12, 2009, the San Francisco Planning Commission (hereinafter "Commission") conducted duly noticed public hearings at a regularly scheduled meeting to consider the proposed Ordinance;

The proposed Ordinance would amend Zoning Map ZN 07 to reclassify one property – 1415 Mission Street – from C-M (Heavy Commercial) to C-3-G (Downtown General Commercial).

The Department published the Final Environmental Impact Report for the project on October 29, 2009. The FEIR indicates that, with mitigation, the project will not have significant environmental impacts. On November 12, 2009, the Department certified the Final Environmental Impact Report for the project at 1415 Mission Street (the "Final EIR").

At the November 12 hearing, the Commission voted to recommend approval of the proposed Ordinance.

Please find attached documents relating to the Commission's action. If you have any questions or require further information please do not hesitate to contact me.

Sincerely,

John Rahaim
Director of Planning

Attachments (one copy of the following):
Planning Commission Resolution No. 17980
Planning Commission Executive Summary for Case No. 2005.0540Z

Subject to: (Select only if applicable)

- ■ Inclusionary Housing
- ☐ Childcare Requirement
- ☐ Jobs Housing Linkage Program
- ☐ Downtown Park Fee
- ■ Public Art
- ☐ Public Open Space
- ■ First Source Hiring (Admin. Code)
- ☐ Transit Impact Development Fee
- ☐ Other

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Planning Commission Motion No.17978

HEARING DATE: NOVEMBER 12, 2009

Date:	October 29, 2009
Case No.:	**2005.0540E!KXCVZ**
Project Address:	**1415 MISSION STREET**
Existing Zoning:	C-M (Heavy Commercial) 130-L Height and Bulk District
Proposed Zoning:	C-3-G (Downtown General Commercial) 130-L Height and Bulk District
Block/Lot:	3510/001
Project Sponsor:	R&K Investments c/o Daniel Frattin of Reuben & Junius LLP One Bush Street, Suite 600 San Francisco, CA 94104
Staff Contact:	Ben Fu – (415) 558-6613 *ben.fu@sfgov.org*

ADOPTING FINDINGS RELATED TO THE APPROVAL OF PLANNING CODE SECTION 309 FOR DETERMINATION OF COMPLIANCE AND REQUEST FOR EXCEPTIONS FOR REAR YARD, OFF-STREET PARKING, CURB-CUT LOCATION, AND COMFORT-LEVEL WIND, FOR THE CONSTRUCTION OF A MIXED-USE STRUCTURE CONTAINING APPROXIMATELY 117 DWELLING UNITS, APPROXIMATELY 2,740 SQUARE FEET OF GROUND LEVEL RETAIL SPACE, AND A GARAGE WITH A CAPACITY OF UP TO 46 INDEPENDENTLY ACCESSIBLE OR 101 VALET PARKING SPACES AT 1415 MISSION STREET (ASSESSOR'S BLOCK 3510, LOT 001), LOCATED WITHIN AN EXISTING C-M (HEAVY COMMERCIAL DISTRICT), A PROPOSED C-3-G (DOWNTOWN GENERAL COMMERCIAL) DISTRICT, AND 130-L HEIGHT AND BULK DISTRICT.

PREAMBLE

On November 2, 2006, R&K Investments (Project Sponsor), applied for Planning Code Section 309 for Determination of Compliance and Request for Exceptions, Application No. 2005.0540X, on the property at 1415 Mission Street (Assessor's Block 3510, Lot 001) (Project Site), in connection with a proposal to build a 14-story, 130-foot-tall building containing a total of up to 117 dwelling units, approximately 2,740 square

feet of retail/personal services space, and a garage with up to 46 independently accessible, or up to 101 valet, residential parking spaces, in general conformity with plans dated October 21, 2009 and labeled **Exhibit B**. The Project Site is within an existing C-M District, and a 130-L Height and Bulk District. The Planning Commission has recommended that the Board of Supervisors approve a Zoning Map Amendment that would change the Project Site's zoning designation to C-3-G. No change in the Height and Bulk District is proposed.

On June 8, 2005, the Project Sponsor filed an application for environmental review, which was conducted pursuant to the California Environmental Quality Act (CEQA) and Chapter 31 of the San Francisco Administrative Code.

On November 12, 2009, the Commission certified the Project's Final Environmental Impact Report (FEIR) as set forth in Motion No. 17976 and adopted findings pursuant to CEQA as set forth in Motion No. 17977, which findings are incorporated herein by this reference thereto as if fully set forth in this Motion.

On November 12, 2009, the Commission adopted Resolution No. 17980, which recommended that the Board of Supervisors approve a Zoning Map Amendment to change the zoning designation of the Project Site from C-M to C-3-G.

On November 12, 2009, the Commission conducted a duly noticed public hearing at a regularly scheduled meeting on the Section 309 application. 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, the Planning Department staff, and other interested parties.

MOVED, that the Commission hereby approves the Planning Code Section 309 Determination of Compliance and Request for Exceptions requested in Application No. 2005.0540X for the Project, subject to conditions contained in **Exhibit A** attached hereto and incorporated by reference, based on the following findings:

FINDINGS

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

1. **Recitals:** The above recitals are accurate and also constitute findings of this Commission.

2. **Project Site:** The subject site is an 11,424 sq. ft., roughly square, parcel located at the southwest corner of Tenth and Mission Streets. The site is within the C-M District and a 130-L Height and Bulk District. The Commission has recommended that the Board of Supervisors approve a Zoning Map Amendment to change the zoning designation at the Project Site to C-3-G.

   At present, the Site is improved with a one-story, 5,000 square-foot commercial building, situated at the southern edge of the lot, and set back from Mission Street by a large, paved, surface parking lot. The Site was formerly used as a tire sales and repair business (Mark Morris Tires) and is currently used as an attended indoor/outdoor parking facility (MB Parking).

3. **Surrounding Area:** The existing C-M District is comprised of few parcels containing a wide variety of uses, including office, residential, parking, and commercial services. Recently adopted plans, including the Market-Octavia and Eastern Neighborhoods Plan, have phased

out the C-M District. The nearby Market-Octavia Plan rezoned several nearby C-M parcels to C-3-G. The C-3-G District covers the western portions of downtown San Francisco and is composed of a variety of uses: hotels, offices, places of entertainment, residential buildings, and retail establishments. Many of these uses serve a citywide or regional clientele, but the intensity of development is lower than in the downtown core. Residential uses are principally permitted within the C-3-G District.

The scale of development in the vicinity of the project site is very diverse, with the current height limits in the area ranging from 40 to 320 feet. The area is undergoing a transition from lower density uses into a dense mixed-use district characterized by mid- to high-rise buildings. The approved 10th/Market/Mission Development on the block to the north of the Site includes up to 856 residential units in buildings up to 35 stories in height. The 12-story, 136-unit Mercy Housing Project is under construction at the northeast corner of 10th and Mission Streets. The area to the west of the Site is part of the Market-Octavia Plan, which is intended to guide the area's eventual transformation into a dense, transit-oriented neighborhood with buildings ranging from 85- to 400-feet in height.

4. **Project Description:** The Project entails demolition of the existing, one-story, 18-foot tall building at the Site, which along with the adjoining asphalt parking lot is currently used as an attended parking facility, and construction of a new 14-story, 130-foot tall building (146 feet to highest point) with 117 residential units and off-street accessory parking for up to 46 independently accessible spaces, or up to 101 valet spaces, in a three-level underground parking garage. The Project would include approximately 2,742 sq. ft. of retail/personal services space at street level.

5. **Approvals:** The Project requires the authorization of a Section 309 Determination of Compliance and Request for Exceptions, including exceptions for a rear yard modification, curb-cut location, comfort level wind, and off-street parking. Other required entitlements include conditional use authorization from the Commission and a dwelling unit exposure variance from the Zoning Administrator. In addition, the Project requires that the Board of Supervisors approve a Zoning Map Amendment to change the zoning designation of the Project Site to C-3-G.

6. **Environmental Review:** The Project was analyzed in the FEIR, which did not identify any significant and unavoidable environmental impacts. In reviewing the proposed Project, the Commission has reviewed and considered the FEIR, including the mitigation and improvement measures, collectively identified as **Exhibit C**, attached hereto. All measures necessary to mitigate the Project's environmental impacts to a less-than-significant level have been adopted as enforceable pursuant to the conditions of approval contained in **Exhibit C** and the Mitigation Monitoring and Reporting Program (MMRP) contained in **Exhibit D**.

   The Planning Department is the custodian of the documents and other materials that constitute the record of the proceedings upon which all CEQA findings set forth herein are based. Such documents and other materials are available for review by this Commission and the public at the Department's offices at 1650 Mission Street, 4th Floor.

7. **CEQA Findings.** The Planning Commission finds that the mitigation measures, as attached in Exhibit C, are feasible and would mitigate any potentially significant impacts associated with the possible presence of hazardous materials to a less-than-significant level.

8. **Public Comment:** The Planning Department has received letters in support of the project from the following six organizations: Mission Housing Development Corp., the Housing Action Coalition, the Laborers' International Union, the Market Street Association, the Mission Language and Vocational School, and the DaMarillac Academy. Three individuals have contacted the Planning Department in support, and two individuals have contacted the Planning Department seeking project information. No opposition has been received since the filing of the application.

9. **Planning Code Compliance.** The Commission finds that the Project meets the provisions of the Planning Code as follows:

   A. **Floor Area Ration:** Planning Code Section 124 establishes basic floor area ratios (FAR) for all zoning districts. FAR is the ratio of the gross floor area of all the buildings on a lot to the total area of the lot. As set forth in Section 124(a), the FAR for the C-3-G District is 6.0 to 1. Under Sections 123 and 128, the FAR can be increased to a maximum of 9.0 to 1 with the purchase of transferable development rights (TDR). Section 124(f) provides that in C-3-G Districts, additional square footage above the base FAR of 6.0 to 1 may be approved by Conditional Use authorization for the construction of dwelling units affordable for 20 years to households whose incomes are within 150 percent of the median income, as defined in Section 124(f).

   The basic FAR limit in the C-3-G District is 6.0:1, and the maximum FAR limit with the purchase of TDR is 9.0:1. The Property has a lot area of approximately 11,424 sq. ft., an allowable gross floor area (GFA) of 68,544 sq. ft. under the basic FAR limit, and a maximum GFA of 102,816 sq. ft. under the maximum FAR limit. With approval of a conditional use to exempt the floor area of the on-site affordable units from the FAR limit, the Project would have a gross floor area of 99,599 sq. ft. and an FAR of 8.72. The Project Sponsor will purchase the necessary 31,055 sq. ft. of TDR to build above the base FAR limit. Thus, the Project will comply with the FAR limit

   B. **Setbacks in C-3 Districts.** In order to preserve the openness of the street to the sky and avoid the perception of overwhelming mass, or to maintain the predominant street wall, an upper-level setback may be required pursuant to Planning Code Section 132.1(b).

   The Project complies with Section 132.1. Mission and Tenth Streets are both more than 82-feet wide and will not be overwhelmed by the addition of a 130-foot tall building on a prominent corner site. The height of buildings in the immediate area varies widely, i.e. there is not a predominant street wall height. The Project will be similar in height to other buildings under review, approved, or under construction at the corner of Mission and Tenth Streets.

   C. **Rear Yard.** Planning Code Section 134 establishes minimum required rear yards in all zoning districts. The rear yard is a function of lot depth. Under Section 134(a)(1), the required rear yard for properties in C-3 Districts is 25 percent of the total depth of

the lot on which the building is situated, but in no case less than 15 feet. Section 134(a) (1) (C) states that in C-3 Districts, "rear yards shall be provided at the lowest story containing a dwelling unit and at each succeeding level or story of the building."

In order to provide a continuous street wall and superior design overall, the Project's rear yard is located in a courtyard at the southwestern corner of the Project Site. This rear yard configuration requires an exception, which is discussed below.

Pursuant to Sections 134(d) and 309(a)(1), an exception to the rear yard requirement is allowed in C-3 Districts, provided that the building location and configuration assure adequate light and air to windows within the residential units and to the usable open space provided.

The Project occupies a corner site where it is desirable to have a continuous street wall on both the Mission and Tenth Street frontages. To accomplish this, it is necessary to reconfigure the rear yard as an interior court at the southwest corner of the Project Site. The proposed rear yard configuration assures adequate light and air to the residential units and to the open space provided. All residential units and private useable open space would face onto either Tenth Street, Mission Street, or a 47'-4" by 37'-2" courtyard at the southwestern corner of the Site. All common useable open space for the residential units would be located on the roof where it would have ample light and air. Moreover, there is no pattern of rear yards on the block where the project is located or in the wider C-3-G District more generally. Thus, the proposed configuration conforms to the area's existing character and does not disrupt an existing pattern of development. For the foregoing reasons, a rear yard modification is appropriate under the circumstances.

D. **Open Space.** Usable open space is required for dwelling units in all zoning districts. Under Planning Code Section 135(d)(2), the minimum amount of usable open space for dwelling units in C-3 Districts is as follows: 36 square feet per unit if private and 48 square feet per unit if common.

The Project will provide a combination of private usable open space (balconies and terraces) and common usable open space (a rooftop deck) that satisfies the requirements of the Planning Code. In total, 64 units will be provided with code-compliant private open space. For the remaining 53 units, 2,544 sq. ft. of common open space is required. A total of 3,030 sq. ft. is provided on the roof deck.

In addition to the exterior open space meeting Planning Code requirements, the Project will contain a fitness center at the ground floor and an amenity room on the rooftop to facilitate residents' recreational use of the rooftop open space.

E. New buildings in the C-3-G Zoning District must provide public open space at a ratio of one sq. ft. per 50 sq. ft. of all uses, except residential uses, "institutional" uses, and uses in a predominantly retail building. This public open space must be located on the same site as the building or within 900 feet of it within some sort of C-3 district.

Because the Project is a residential building with 2,740 sq. ft. of retail/personal services use, public open space is not required. Fifty-eight square feet of open area is nonetheless provided in an alcove outside the retail/personal services space.

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

Subject to approval by the Department of Public Works, the Project will provide streetscape improvements as determined appropriate by the Director of Planning, along Mission and Tenth Streets. The Project Sponsor will be responsible for making necessary repairs to and maintaining the sidewalks abutting the Project Site.

G. **Downtown Park Fund.** A project in a C-3 District that proposes a net addition of office space is required per Planning Code Section 139 to pay a fee which will be deposited in the Downtown Park Fund. The fee is jointly established by the Planning Commission and the Recreation and Park Commission. The purpose of the Downtown Park Fund is to provide the City with the financial resources to develop public park and recreation facilities for the enjoyment of employees and visitors in downtown San Francisco.

The provisions of Section 139 are not applicable, because the Project does not include the net addition of office space.

H. **Dwelling Unit Exposure.** Every dwelling unit in every use district is required per Planning Code Section 142 to face either a public street, a public alley at least 25 feet in width, a rear yard meeting the requirements of the Planning Code, or an open area at least 25 feet in every horizontal dimension for the floor at which the dwelling unit in question is located and the floor immediately above it, with an increase in five feet in every horizontal dimension at each subsequent floor.

The configuration and size of open spaces on the Project Site would provide all units with adequate light and air. All units facing onto Mission and Tenth Streets strictly comply with Section 140. An exception is required for the exposure of the units overlooking the open area at the southern corner of the Site. The open area measures 47'-4" by 37'-2", i.e. it is at least 25-feet in every dimension. However, the open area does not increase by five-feet at each succeeding level. The Project Sponsor requires a variance, which will be considered by the Zoning Administrator.

I. **Street Trees.** Planning Code Section 143 requires the installation of street trees in the case of the construction of a new building. One 24-gallon street tree shall be required for every 20 feet of property frontage along each street or alley, with any remaining fraction of ten feet or more of frontage requiring an additional tree. The species and locations of trees installed in the public right-of-way shall be subject to approval by the Department of Public Works.

Subject to approval by the Department of Public Works, the Project Sponsor shall comply with the requirements set forth in Section 143 by providing street trees along Mission and Tenth Streets.

J. **Shadows on Public Sidewalks.** In order to maintain direct sunlight on public sidewalks in certain downtown areas during critical use periods, Planning Code Section 146(a) requires new structures to avoid penetrating a sun access plane defined by an angle sloping away from the street above a stipulated height at the property line as set forth in Table 146. Section 146(c) requires new buildings and additions to existing buildings in C-3 Districts to be shaped, if it can be done without creating an unattractive design and without unduly restricting the development potential of the site in question, to reduce substantial shadow impacts on public sidewalks other than those protected by Section 146(a).

The requirements of Section 146(a) are not applicable, because the Project Site is not located on any of the streets designated in Table 146. Although the Project would cast new shadows on nearby sidewalks and streets, these new shadows would not be above levels that are common in dense urban environments and were not found to be significant impacts in the FEIR. Additional shadow reduction is not possible without unduly restricting the development potential of the Project Site. For these reasons, the Project complies with the requirements of Section 146(c).

K. **Shadows on Public Open Spaces.** Planning Code Section 147 sets forth certain requirements and determinations regarding shadows being cast on public or publicly accessible open space. Section 147 seeks to reduce substantial shadow impacts on public plazas and other publicly accessible spaces other than those protected under Section 295.

A shadow analysis determined that the Project would not cast net new shadow on Civic Center Plaza or any other open space under the jurisdiction of, or designated to be acquired by, the Recreation and Park Commission. Public plazas and other publicly accessible spaces not protected by Section 295 would not be impacted by shadows from the Project.

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

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

amount by which the comfort level is exceeded, the limited location in which the comfort level is exceeded, or the limited time during which the comfort level is exceeded, the addition is insubstantial.

No exception shall be granted and no building or addition shall be permitted that causes equivalent wind speeds to reach or exceed the hazard level of 26 miles per hour for a single hour of the year.

The Project Sponsor retained the services of independent consultants to analyze ground-level wind currents in the vicinity of the Project Site. A wind tunnel analysis, the results of which are included in the EIR, was conducted using a scale model of the Project Site and its immediate vicinity. Measurements were taken at 27 test points.

Comfort Criterion

Without the Project, 12 of the 27 test points currently exceed the pedestrian comfort level of 11 mph. With the Project, one exceedance would be eliminated and one new one would be created. Both are on Mission Street, at the corners of the lot. Both are in an area of substantial pedestrian use. An exception under Section 148 (a) is therefore required.

An exception is justified under the circumstances, because the changes in wind speed and frequency due to the Project are so slight that they would be difficult for pedestrians to perceive. Aside from the change in location, the wind speed and frequency of the new exceedance would be similar enough to the eliminated exceedance that pedestrians would not be able to distinguish between them.

From an urban design standpoint, almost nothing can be done to the Project that would significantly improve the existing wind conditions. Constructing the building effectively relocates an existing pedestrian comfort exceedance along the Mission Street sidewalk from its current spot at the western corner of the lot to the eastern corner of the lot. This is a direct result of building a lot-line structure that will replace the existing open parking area fronting Mission Street. This relocation effect would occur even with a much-shorter lot-line building, and likely could not be eliminated unless the open lot area is retained. While such a suburban-style design would have a minimal effect on wind conditions, it would be highly inappropriate for the area, which is characterized by pedestrian-oriented lot-line buildings. For these reasons, the Project cannot be designed or shaped in a way that would meet the provisions of Section 148 without drastically altering the architectural design of the Project or creating unattractive or ungainly building forms along Mission and Tenth Streets.

Because of the limited amount by which the comfort level is exceeded, the limited locations in which the comfort level is exceeded, and the limited time during which the comfort level is exceeded, the change in wind conditions is insubstantial. For these reasons, an exception from the comfort criterion is appropriate.

Hazard Criterion

The Project complies with the wind hazard criterion. The wind tunnel test indicated that 26 of 27 test points currently meet the wind hazard criterion, i.e. wind speeds in these locations do not exceed 26 mph for more than one hour per year. The wind tunnel test predicted that all of these 26 locations would remain in compliance with construction of the Project.

The test point at the southwest corner of Tenth and Market Streets—more than 600 feet upwind of the Project—currently exceeds the wind hazard criterion. The duration of the exceedance was predicted to decline from 94 hours under existing conditions to 58 hours with construction of the Project. Under the cumulative scenario, the duration of the exceedance was estimated to increase to 109 hours. The foregoing results indicate that the Project would comply with Section 148, as it would not independently cause an increase in hazard-level winds.

However, because wind tunnel testing indicated a potential for an increase in hazard wind under the cumulative development scenario, supplemental expert analysis was used to further review and interpret the wind tunnel results and determine whether the Project could contribute to such a cumulative effect.

The wind tunnel testing was conducted according to the City's standard procedures, using a methodology that is generally consistent with accepted practices among leading wind consultants. Experts have stated that the current wind tunnel methodology is generally accurate and reliable at lower wind velocities. However, in extremely windy areas, the hours of exceedance may not be a precise indicator of project impact. Measurements of wind velocities have statistical margins of error, due in part to uncertainties in the measuring equipment and in the location of individual sensors. Thus, when measuring for wind velocities that substantially exceed the hazard criterion, small uncertainties in wind speed measurements can equate to relatively larger uncertainties in the calculated hours of exceedance.

The uncertainties in the standard methodology come into sharp relief at the intersection of Tenth and Market Streets, which is among the windiest locations in San Francisco. The intersection of Tenth and Market has been the subject of multiple tests, involving many different model scenarios, over the past decade. Although the calculated hours of exceedance in each test have varied widely due to the uncertainties described above, the tests have consistently shown that the extremely strong and turbulent winds at the intersection are generally attributable to the larger and taller existing structures, which accelerate and channel winds down Market Street and south on Tenth Street. Notably, these past studies have also shown that even some of the several large buildings proposed close to the intersection would have a relatively small effect on existing wind patterns at that intersection.

The experts reviewed the wind tunnel results in light of these past studies, their expertise in wind effects, and the uncertainties of the test. They concluded that the Project would not have a meaningful effect on winds at the Tenth and Market intersection under either Project or cumulative conditions. The Tenth and Market intersection is more than one block upwind of the Project, which is a relatively small building. It is well known that wind impacts mainly propagate downwind from a building and generally decrease with distance. This being the case, they concluded that the Project cannot reasonably be expected to affect wind conditions at such a distant upwind location. The reviewing experts indicated that the variation in the calculated hours of exceedance at the Tenth and Market intersection does not in fact represent an effect of the Project, but instead should be attributed to the measurement and calculation uncertainty in the wind tunnel testing. As such, the Project is not expected to cause any measurable increase in the hours of hazard exceedance at the Tenth and Market intersection—or at any other location - whether by itself or together with other likely future cumulative development. Therefore the Project complies with Section 148 of the Planning Code.

M. **Public Art.** In the case of construction of a new building or addition of floor area in excess of 25,000 square feet to an existing building in a C-3 District, Planning Code Section 149 requires a project to include works of art costing an amount equal to one percent of the construction cost of the building and requires the Commission to approve the type and location of the artwork, but not the artistic merits of the specific artwork proposed. The types of permitted artwork include sculptures, bas-reliefs, murals, mosaics, decorative water features, or other work permanently affixed to the building or site.

The Project will comply by dedicating one percent of construction cost to works of art. The art program will be separately reviewed by the Planning Commission at a later time.

N. **Parking.** Pursuant to Planning Code Section 151.1, residential uses in C-3 Districts are not required to provide off-street parking, but up to one space for every four dwelling units can be provided as of right. Pursuant to Section 309, residential parking that exceeds one space for every four dwelling units, up to a maximum of three spaces for every four dwelling units and one space for every dwelling unit with at least two bedrooms and at least 1,000 square feet of occupied floor area, can be provided with the granting of an exception. Section 161 exempts commercial uses in C-3 Districts from providing parking. Pursuant to Section 204.5(c), up to 15 spaces or seven percent of the total floor area of the retail/personal service use, whichever is greater, can be devoted to commercial parking as of right.

With 117 dwelling units, a maximum of 29 residential spaces can be provided without an exception. With approximately 2,742 square feet of retail/personal services space proposed for the Project Site, a maximum of 15 spaces can be devoted to commercial parking as of right. With an exception, up to 59 independently accessible, or up to 101 space-efficient, residential spaces may be allowed.

In total, the Project's garage could accommodate up to 46 independently accessible parking spaces or up to 101 valet spaces. All of these spaces would be for residential use. Because more than 29 residential spaces are proposed, an exception is required. The exception is addressed below.

Pursuant to Section 151.1(e), in C-3 Districts, any request for residential parking in excess of what is permitted by right in Table 151.1 shall be reviewed on a case-by-case basis by the Planning Commission subject to the procedures set forth in Section 309. In granting approval for residential parking above that permitted by right in Table 151.1, the Commission shall make the following affirmative findings:

i. For projects with 50 or more units, all residential accessory parking in excess of 0.5 spaces for each dwelling unit shall be stored and accessed by mechanical stackers or lifts, valet, or other space-efficient means that allows more space above grade for housing, maximizes space efficiency, and discourages use of vehicles for commuting or daily errands. The Commission may authorize the request for additional parking notwithstanding that the project sponsor cannot fully satisfy this requirement provided that the project sponsor demonstrates hardship or practical infeasibility (such as for retrofit of existing buildings) in the use of

space-efficient parking given the configuration of the parking floors within the building and the number of independently accessible spaces above 0.5 spaces per dwelling unit ~~is~~ *de minimis* and subsequent valet operation or other form of parking space management could not significantly increase the capacity of the parking spaces above the maximum limits in Table 151.1.

The Project's garage can accommodate a maximum of 46 independently accessible spaces or roughly 0.39 spaces for each dwelling unit. This is under the allowable maximum of 0.5 independently accessible spaces. If converted to valet operation, the garage could accommodate up to 101 spaces, which would be within the permitted maximum and comply with the space efficiency requirement.

ii. Any project with residential accessory parking in excess of 0.375 spaces per dwelling unit must comply with the housing requirements of Sections 315 through 315.9 except as follows: the inclusionary housing requirements that apply to projects seeking conditional use authorization as designated in Section 315.3(a)(2) shall apply to the project.

The Project will comply with inclusionary housing requirements of Section 315.3(a)(2) by setting aside 15 percent of all dwelling units as on-site below-market rate housing.

iii. The findings of Sections 151.1(d)(2), 151.1(d)(3), and 151.1(d)(5) are satisfied.

Section 151.1(d)(2). Vehicle movement on or around the project site associated with the excess accessory parking does not unduly impact pedestrian spaces or movement, transit service, bicycle movement, or the overall traffic movement in the district.

The proposed parking will not adversely impact traffic congestion. The traffic analysis prepared for the Project concluded that the Project would not significantly contribute to delays at nearby intersections. Given the proximity of downtown and numerous public transit alternatives, it is expected that most residents who own automobiles will either walk or take public transit to and from their places of employment and limit their driving to evenings and weekends.

The traffic analysis for the Project found that pedestrian conditions in the vicinity would remain acceptable, and that the Project would not have a substantial impact on transit service or bicycle movement. By restricting parking access to a single entry/exit at the southern end of the Project Site on Tenth Street, the Project would be an improvement over the existing parking lot, which has multiple points of access from both Mission and Tenth Streets.

Section 151.1(d)(3). Accommodating excess accessory parking does not degrade the overall urban design quality of the project proposal.

The overall urban design quality of the Project will not be degraded by the additional accessory parking, all of which will be located below grade. Were parking limited to the 29 spaces permitted by right, the exterior appearance of the Project would be identical to the current proposal. With the exception of the parking/loading entrance, and mandatory utility access, the ground level of the project will be lined

with active uses, including the retail/personal services space and residential lobby area.

Section 151.1(d)(5). Excess accessory parking does not diminish the quality and viability of existing or planned streetscape improvements.

The excess accessory parking will not diminish the quality and viability of existing or planned streetscape improvements. Were parking limited to the 29 spaces permitted by right, the exterior appearance of the Project would be identical to the current proposal, which will dramatically improve the streetscape and overall appearance of the Project Site.

At present, only one tree is planted on the sidewalk abutting the Project Site, and the auto-oriented use of the Project Site further detracts from the overall quality of the pedestrian environment. In contrast, the Project's street frontage will be devoted primarily to active uses that will enhance the viability of streetscape improvements that will be installed as part of Project construction.

iv. All parking meets the active use and screening requirements in Sections 155(s)(1)(B) and 155(s)(1)(C) and the project sponsor is not requesting any exceptions or variances requiring such treatments elsewhere in the Code.

Section 155(s)(1)(B). Parking at the ground level to the full height of the ground-level parking shall be lined with active uses, as defined by Section 145.4(e) to a depth of at least 25 feet along all street frontages, except for space allowed for parking and loading access, building egress, and access to mechanical systems. So as not to preclude conversion of parking space to other uses in the future, parking at the ground level shall not be sloped and shall have a minimum clear ceiling height of nine feet.

The provisions of Section 155(s)(1)(B) are not applicable, because all of the proposed parking will be below grade.

Section 155(s)(1)(C). Parking allowed above the ground level in accordance with an exception under Section 309 or a conditional use in accordance with Section 303 as authorized by Sections 155(s)(2) or 155(s)(3) shall be entirely screened from public rights-of-way in a manner that accentuates ground-floor retail and other uses, minimizes louvers and other mechanical features, and shall be in keeping with the overall massing and architectural vocabulary of the building's lower floors. So as not to preclude conversion of parking space to other uses in the future, parking allowed above the ground level shall not be sloped and shall have a minimum clear ceiling height of nine feet.

The provisions of Section 155(s)(1)(C) are not applicable, because the Project will not provide parking above the ground level.

Section 155(s)(5)(A) establishes standards for the width of openings for off-street parking and loading facilities. Any single development is limited to a total of two façade openings of no more than 11 feet wide each or one opening of no more than 22 feet wide for access to off-street parking and one façade opening of no more than 15 feet wide for access to off-street loading.

Shared openings for parking and loading are encouraged. The maximum permitted width of a shared parking and loading garage opening is 27 feet.

The Project includes two façade openings, one for parking and the other for loading. Both openings comply with the permitted maximum dimensions.

O. **Loading.** Planning Code Section 152.1 establishes minimum requirements for off-street loading. In C-3 Districts, the loading requirement is based on the total gross floor area of the structure or use. Residential uses between 100,000-200,000 square feet are required to provide one off-street loading space. Retail uses of 10,000 square feet or less do not require off-street loading. Two service-vehicle spaces may be provided in place of one full-sized loading space.

Without floor area exemptions, the Project includes residential uses with a total gross floor area of 125,084 sq. ft., which requires one off-street loading space. The Project provides one full-sized loading space in compliance with the requirements of Section 152.1.

P. **Vehicular Access to Off-Street Parking and Loading.** In C-3 Districts, per Planning Code Section 155, where alternative frontages are available, no curb cuts accessing off-street parking or loading shall be created or utilized on street frontages identified as a Transit Preferential, Citywide Pedestrian Network, or Neighborhood Commercial Streets as designated in the Transportation Element of the General Plan or designated an official City bicycle route or lane. Where no alternative frontage is available, curb cuts may be approved as an exception pursuant to Section 309 where it can be clearly demonstrated that the final design of the parking access minimizes negative impacts to transit movement and to the safety of pedestrians and bicyclists to the fullest extent feasible. Curb cuts on Mission Street between 10th and Division Streets are prohibited entirely.

The portion of Mission Street abutting the Project Site is a Transit Preferential Street, a Citywide Pedestrian Network Street, and an official bicycle route. Curb cuts are prohibited without exception. The portion of 10th Street abutting the Project Site is an official bicycle route where parking and loading access may be permitted by exception if no alternative frontage is available. The Project requires an exception, because access is provided via Tenth Street.

An exception to provide parking and loading access on Tenth Street is warranted, because there is no alternative frontage available and the location and design of the parking minimizes impacts to transit, bicycles and pedestrians. The Project would result in net improvements over existing conditions, where cars enter and exit on both Mission and Tenth Streets at points closer to the intersection. In contrast, the Project would eliminate all vehicular access on Mission Street, which ranks among the busiest transit corridors in the City. Tenth Street is used only by SamTrans buses, which do not stop at or near the Site and would not be impacted by cars entering or exiting the garage. Access points to the garage are located as far as possible from the intersection of Tenth and Mission where traffic is heaviest and pedestrian-bike-auto conflicts are most likely.

Q. **Bicycle Parking.** In all zoning districts, residential uses containing four or more dwelling units are required per Planning Code Section 155.5 to provide bicycle

parking at no cost or fee to the building occupants or tenants. For projects containing 50 or more dwelling units, the requirement is as follows: 25 Class 1 spaces plus one Class 1 space for every four dwelling units over 50, with a maximum requirement of 400 spaces.

With 117 dwelling units, the Project is required to provide 42 Class 1 bicycle spaces. The Project will comply by providing 42 Class 1 spaces for bicycle storage in a secure room at the ground floor.

R. **Car Sharing.** In Planning Code Section 166, in all zoning districts, residential uses that provide parking shall also provide car-share parking. For projects containing 50 to 200 dwelling units, one car-share space is required.

With 117 dwelling units, the Project is required to and will provide one independently accessible car-share space.

S. **Dwelling Unit Density.** Planning Code Section 215(a) establishes density ratios for residential uses. In C-3 Districts, the principally permitted dwelling unit density allows up to one unit for every 125 square feet of lot area. Residential density in excess of this amount requires conditional use authorization.

With a lot area of 11,424 square feet, up to 91 dwelling units are principally permitted on the Project Site. The Project Sponsor is seeking conditional use authorization to construct up to 117 units.

T. **Height Limit.** Planning Code Section 260 requires that the height of buildings not exceed the limits specified in the Zoning Map and defines rules for the measurement of height. The Project Site is within a 130-foot Height District. Section 260(b)(1) exempts the top 16 feet of elevator/mechanical/stair penthouses and enclosed rooms related to the recreational use of the roof.

The Project complies. The height of roof is 130 feet. The highest point of any penthouse and the rooftop recreation room is 146 feet. The top 16 feet of the latter features are exempt from the height limit.

U. **Bulk Limits.** Planning Code Section 270 establishes bulk limits applicable to all buildings. The Project Site is within an L Bulk District. In "L" Bulk Districts, there are no limitations on length or diagonal dimension applicable to the portions of the building under 80 feet in height. Above 80 feet, the maximum length of the building may not exceed 250 feet, and the maximum diagonal may not exceed 300 feet.

The Project complies with the "L" Bulk controls. The maximum diagonal dimension of the proposed building would be approximately 141 feet and its maximum length would be approximately 111 feet.

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

The Department conducted a shadow analysis and determined that the Project would not impact any properties under the jurisdiction of the Recreation and Park Department.

W. **Jobs-Housing Linkage Program.** Large-scale development projects that contain entertainment, hotel, office, research and development, or retail uses create jobs as well as an increased demand for housing. Under Planning Code Section 313, these large-scale development projects are required to pay a fee to a designated housing developer or to the City in order to help offset the cost of building additional housing.

Any development that proposes 25,000 or more square feet of retail space is subject to the requirements of Section 313. The provisions of Section 313 are not applicable, because the Project will not include the development of more than 25,000 square feet of retail space, nor will the project provide any other use requiring payment under the JHLP.

X. **Childcare Requirement.** Large-scale office and hotel developments create jobs as well as an increased demand for childcare services for the employees who fill those jobs. Under Planning Code Section 314, these large-scale development projects are required to (1) provide on-site childcare, (2) provide off-site childcare, (3) pay an in-lieu fee, or (4) combine the provision of on-site or off-site childcare with the payment of an in-lieu fee.

The provisions of Section 314 are not applicable, because the Project does not include the net addition of office or hotel space.

Y. **Residential Inclusionary Affordable Housing Program.** Planning Code Section 315 sets forth the requirements and procedures for the Residential Inclusionary Affordable Housing Program. Under Planning Code Section 315.3, these requirements would apply to projects that consist of ten or more units, where the first application (EE or BPA) application was applied for before July 18, 2006. Pursuant to Planning Code Section 315.4, the Project is required to provide 12% of the proposed dwelling units as affordable.

Buildings over 120 feet in height are subject to an on-site inclusionary housing requirement of 12 percent, which is increased to 15 percent where the Project is the subject of a zoning change resulting in an increase in allowable residential density. Because the Project entails a change in the Zoning Map that will allow additional density on the Project Site, it is subject to heightened affordability requirements. The Project Sponsor has submitted a Declaration of Intent to satisfy the requirements of the Residential Inclusionary Housing Ordinance by providing the affordable housing on-site. The Project would meet the requirement by designating 18 of the 117 dwelling units as affordable under the City's Inclusionary Affordable Housing Program.

10. **General Plan Conformity.** The Project will affirmatively promote the following objectives and policies of the General Plan:

HOUSING ELEMENT

Objectives and Policies

OBJECTIVE 1:
TO PROVIDE NEW HOUSING, ESPECIALLY PERMANENTLY AFFORDABLE HOUSING, IN APPROPRIATE LOCATIONS WHICH MEETS IDENTIFIED HOUSING NEEDS AND TAKES INTO ACCOUNT THE DEMAND FOR AFFORDABLE HOUSING CREATED BY EMPLOYMENT DEMAND.

Policy 1.1:
Encourage higher residential density in areas adjacent to downtown, in underutilized commercial and industrial areas proposed for conversion to housing, and in neighborhood commercial districts where higher density will not have harmful effects, especially if the higher density provides a significant number of units that are affordable to lower income households.

The Project Site is on the western edge of the downtown core, and the Commission has recommended that the Board of Supervisor's amend the City's Zoning Map to designate the Project Site C-3-G. These actions, and approval of the Project, are consistent with General Plan policies encouraging the development of high-density housing on the periphery of downtown and within the C-3-G District. The Project will be compatible in scale and density with similar new and existing projects in the immediate area.

Policy 1.4:
Locate infill housing on appropriate sites in established residential neighborhoods.

The Project Site is an infill site within the Mid-Market neighborhood, which is appropriate for high-density housing. This neighborhood currently contains high-density housing developments with many more under construction or planned for the near future. With approximately 117 dwelling units, the Project will create a necessary and desirable residential use on the Project Site, which is currently a parking facility.

OBJECTIVE 4:
SUPPORT AFFORDABLE HOUSING PRODUCTION BY INCREASING SITE AVAILABILITY AND CAPACITY.

Policy 4.2:
Include affordable units in larger housing projects.

Of the 117 dwelling units proposed for the Project Site, 15 percent will be subject to the on-site inclusionary housing requirements set forth in Section 315.

TRANSPORTATION ELEMENT

Objectives and Policies

OBJECTIVE 2:
USE THE TRANSPORTATION SYSTEM AS A MEANS FOR GUIDING DEVELOPMENT AND IMPROVING THE ENVIRONMENT.

Policy 2.1:

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

The Project will provide new multifamily housing, including affordable housing and units of suitable size for families, in a well-designed building in an existing high-density downtown neighborhood with a multitude of transportation options. It is within easy walking distance of the Civic Center BART/MUNI Station, the Van Ness MUNI Station, and the numerous local and regional bus lines on Market Street, Mission Street, and Van Ness Avenue.

OBJECTIVE 34:
RELATE THE AMOUNT OF PARKING IN RESIDENTIAL AREAS AND NEIGHBORHOOD COMMERCIAL DISTRICTS TO THE CAPACITY OF THE CITY'S STREET SYSTEM AND LAND USE PATTERNS.

Policy 34.3:
Permit minimal or reduced off-street parking for new buildings in residential and commercial areas adjacent to transit centers and along transit preferential streets.

In keeping with the reduced parking requirements for C-3 Districts, the Project is proposing up to 46 independently accessible, or up to 101 valet, residential parking spaces for 117 dwelling units. The Project Site is well-served by public transit, with BART, Golden Gate Transit, MUNI, and SamTrans all providing service within the immediate vicinity.

URBAN DESIGN ELEMENT

Objectives and Policies

OBJECTIVE 3:
MODERATION OF MAJOR NEW DEVELOPMENT TO COMPLEMENT THE CITY PATTERN, THE RESOURCES TO BE CONSERVED, AND THE NEIGHBORHOOD ENVIRONMENT.

Policy 1:
Promote harmony in the visual relationships and transitions between new and older buildings.

The Project is part of a gradual transition from buildings over 300-feet tall on Market Street to a predominantly low-rise pattern of development to the south of the Project Site. At 130 feet, the Project would continue the pattern of buildings stepping down from Market Street and would be lower than the buildings approved and proposed on the block to the north. These buildings step down from a high of 320-feet on Market Street to 150 feet at the corner of Mission and Tenth Streets. The Project harmonizes with smaller scale buildings to its west and south by relating its base level to their height, and delineating the base from the tower through the use of different building materials.

Policy 3:
Promote efforts to achieve high quality of design for buildings to be constructed at prominent locations.

The Project is located at a prominent corner intersection that is currently developed with a strip-style commercial building situated at the rear of the lot and surrounded by parking. The Project will replace this

with a new building of high-quality design that will activate the pedestrian environment with ground-floor retail and improve the overall appearance of the neighborhood.

OBJECTIVE 4:
IMPROVEMENT OF THE NEIGHBORHOOD ENVIRONMENT TO INCREASE PERSONAL SAFETY, COMFORT, PRIDE, AND OPPORTUNITY.

Policy 10:
Encourage or require the provision of recreation space in private development.

The Project will include usable open space for its residents in the form of private balconies, terraces, and a roof deck at the top floor. In addition to these outdoor spaces, residents will have access to an exercise room and a recreational room adjacent to the roof deck.

Policy 13:
Improve pedestrian areas by providing human scale and interest.

In order to generate pedestrian activity and interest, the Project will include approximately 2,742 square feet of retail/personal service space on the ground floor, which could be broken into multiple storefronts. Windows will provide a high degree of transparency into both the retail space and residential lobby, allowing passersby to observe activities in the building. The Project will also improve the pedestrian experience on Mission and Tenth Streets by installing street trees and other required improvements.

11. **Priority Policy Findings.** Planning Code Section 101.1(b) establishes eight priority planning policies and requires the review of permits for consistency with said policies. The Project complies with these policies, on balance, as follows:

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

The Project Site is presently used as an attended parking facility and does not constitute a neighborhood-serving retail use. The Project would enhance existing neighborhood-serving retail/personal service uses by adding 117 new dwelling units, the residents of which would patronize local businesses. The Project would also add a moderately sized retail space to the neighborhood, which would provide potential ownership and employment opportunities to San Francisco residents.

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

The Project Site is used as a parking facility. Its removal will have no adverse impact on existing housing. With 117 new dwelling units, including 18 affordable units, intended for a wide range of ages and incomes, the Project will bring an influx of residents with different cultural and economic backgrounds into the area and will enhance the character and diversity of the neighborhood.

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

The Project would directly enhance the City's supply of permanently affordable housing through the provision of 18 below-market-rate units. As competition for existing housing generates the greatest pressure on the supply of affordable housing, the Project would indirectly preserve and enhance affordable housing by relieving competitive pressure on the housing market.

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

The FEIR indicated the Project will not have significant adverse impacts on pedestrians, bicyclists, motorists, or public transit. With numerous public transit alternatives in the immediate vicinity of the Project Site, it is anticipated that many residents of and visitors to the Project will use public transit instead of driving. Given the proximity of multiple public transit alternatives (BART, Golden Gate Transit, MUNI, and SamTrans), the Project will provide an adequate amount of parking (46 independently accessible or 101 valet spaces) for its 117 units.

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

The Project, which includes a mix of residential and retail/personal service uses, will not displace any industrial or service sector uses. The Project Site is currently used as a parking lot, which provides minimal employment opportunities.

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

The Project will comply with all current seismic safety standards.

G. That landmarks and historic buildings be preserved.

The Project Site is not within an existing historic district and does not contain historic or landmark buildings.

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

A shadow study was conducted and found that there would be no net new shadow from the Project on any property under the jurisdiction of the Department of Recreation and Parks. Other public parks and open space would not be adversely impacted.

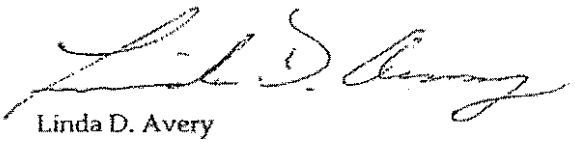
12. The Commission hereby finds that approval of the Section 309 Determination of Compliance and Request for Exceptions would promote the health, safety, and welfare of the City.

DECISION

Based upon the whole record, the submissions by the Project Sponsor, the staff of the Department, and other interested parties, the oral testimony presented to the Commission at the public hearing, and all other written materials submitted by all parties, the Commission hereby **APPROVES the Planning Code Section 309 Determination of Compliance and Exceptions for rear yard, curb cut location, residential accessory parking, and comfort-level wind** for a 14-story, 130-fot-tall Project with up to 117 dwelling units, up to 2,742 square feet of ground-floor retail, and up to 46 independently accessible, or 101 valet, residential parking spaces, subject to the following conditions attached hereto as **Exhibit A** which are incorporated herein by reference as though fully set forth.

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

I hereby certify that the foregoing Motion was ADOPTED by the Planning Commission at its regular meeting on November 12, 2009.



Linda D. Avery
Commission Secretary

AYES:	Commissioners Antonini, Borden, Lee, Miguel, Moore, and Sugaya
NOES:	Commissioner Olague
ABSENT:	None
ADOPTED:	November 12, 2009

Exhibit A
Conditions of Approval

Wherever "Project Sponsor" is used in the following conditions, the conditions shall also bind any successor to the Project or other persons having an interest in the Project or underlying property.

This authorization contained herein is a Determination of Compliance and exceptions pursuant to Section 309 is for a proposed residential and retail/personal-service project located on the property at 1415 Mission Street, Lot 001 in Assessor's Block 3510, in general conformity with the plans stamped **Exhibit B** and reviewed on November 12, 2009. The proposed Project would contain approximately 117 dwelling units, approximately 2,742 square feet of ground level retail/personal service space, and a garage with a capacity of up to 46 independently accessible, or up to 101 valet, residential parking spaces in a 14-story, 130-foot-tall (146 feet to top of penthouse) building. The Project Site is within an existing C-M District. The Commission has recommended, pursuant to Resolution No. 17980, that the Board of Supervisors approves a Zoning Map Amendment that would change the Project Site's zoning designation to C-3-G. No change in the existing 130-I. Height and Bulk District is proposed.

1. COMPLIANCE WITH OTHER REQUIREMENTS

This decision conveys no right to construct. The Project Sponsor must also obtain a Conditional Use authorization from the Planning Commission, a variance from the Zoning Administrator (for dwelling unit exposure), and a building permit. The Project also requires that the Board of Supervisors approve the recommended Zoning Map Amendment, which would change the zoning designation of the Project Site from C-M to C-3-G. The conditions set forth below are additional conditions required in connection with the Project. If these conditions overlap with any other requirement imposed on the Project, the more restrictive or protective condition or requirement, as determined by the Zoning Administrator, shall apply. The conditions set forth below shall remain in effect for the life of the Project, unless specifically noted otherwise.

2. GENERAL CONDITIONS

A. Mitigation and Improvement Measures

The Mitigation and Improvement Measures and MMRP identified in the Project's FEIR and referenced in Planning Commission Motion No. 17976 and 17977, shall be enforceable as conditions of approval and are accepted by the Project Sponsor or its successor in interest, as shown in **Exhibit C** and **Exhibit D** attached.

B. Community Liaison

The Project Sponsor shall appoint a community liaison officer to deal with issues of concern to the owners and occupants of nearby properties at all times during Project construction. Prior to the commencement of Project construction, the Project Sponsor shall give the Zoning Administrator and the owners of properties within 300 feet of the Project site boundaries written notice of the name, business address and telephone number of the community liaison.

C. Recordation

Prior to the issuance of any building permit for the construction of 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, which notice shall state that construction of the Project has been authorized by and is subject to the conditions of this Motion. From time to time after the recordation of such notice, at the request of the Project Sponsor, the Zoning Administrator shall affirm in writing the extent to which the conditions of this Motion have been satisfied, and record said writing if requested.

D. Reporting

The Project Sponsor shall submit to the Zoning Administrator two copies of a written report describing the status of compliance with the conditions of approval contained within this Motion every six months from the date of this approval through the issuance of the first temporary certificate of occupancy. Thereafter, the submittal of the report shall be on an annual basis. This requirement shall lapse when the Zoning Administrator determines that all the conditions of approval have been satisfied or that the report is no longer required for other reasons.

E. Construction

(1) The Project Sponsor shall ensure the construction contractor will coordinate with the City and other construction contractor(s) for any concurrent nearby projects that are planned for construction so as to minimize, to the extent possible, negative impacts on traffic and nearby properties caused by construction activities.

(2) The project sponsor and construction contractor(s) shall meet with the Traffic Engineering Division of the Department of Parking and Traffic, the Fire Department, MUNI, and the Planning Department to determine feasible traffic mitigation measures to reduce traffic congestion and pedestrian circulation impacts during construction of the proposed project.

F. Performance

(1) A site permit or building permit for the herein-authorized Project shall be obtained within three years of the date of this action, and construction, once commenced, shall be thenceforth pursued diligently to completion or the said authorization may become null and void

(2) This authorization may be extended at the discretion of the Zoning Administrator only if the failure to issue a permit by the Department of Building Inspection to construct the proposed building is delayed by a City, state or federal agency or by appeal of issuance of such permit. Failure to begin work within that period, or thereafter to carry the development diligently to completion, shall be grounds to revoke approval of the authorized development.

G. Severability

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 of the remaining provisions, clauses, sentences, or sections of these conditions. It is hereby declared to be the intent of the Commission

that these conditions of approval would have been adopted had such invalid sentence, clause, or section or part thereof not been included herein.

3. CONDITIONS TO BE MET PRIOR TO THE ISSUANCE OF A BUILDING (OR SITE) PERMIT

A. Design

The Project Sponsor and the Project architects shall continue to work on aspects of design development with the Department. The Project Sponsor is to consider greening the south wall and continue working with staff to explore notching of that wall to address transition.

B. Signage

The Project Sponsor shall develop a signage program for the Project, which shall be subject to review and approval by Planning Department staff. All subsequent sign permits shall conform to the approved signage program. Once approved by Department staff, the signage program information shall be submitted and approved as part of the first building or site permit for the project.

C. Lighting

The Project Sponsor shall develop a lighting program for the Project, which shall be subject to review and approval by Planning Department staff. The lighting program shall include any lighting required or proposed within the public right-of-way as well as lighting attached to the building. Once approved by Department staff, the lighting program information shall be submitted and approved as part of the first building or site permit for the project.

D. Certification of Transfer of Development Rights (TDR):

Prior to issuance of a building permit or site permit, the Project Sponsor shall complete the TDR necessary to develop the Project and have such transfer certified in compliance with Planning Code Section 128(h)."

E. Below Market Rate Units (BMR Units)

(1) Number of Required Units. Pursuant to Planning Code Section 315.4, the Project is required to provide 15% of the proposed dwelling units as affordable to qualifying households ("BMR Units"). The Project contains 117 units; therefore, 18 BMR units are required. The Project Sponsor will fulfill this requirement by providing the 18 BMR units on-site.

(2) Unit Mix. The Project contains 26 studios, 39 one-bedroom, and 52 two-bedroom; therefore, the required BMR unit mix is 4 studios, 6 one-bedroom, and 8 two-bedroom units. If the market-rate unit mix changes, the BMR unit mix will be modified accordingly.

(3) Duration. Under Planning Code Section 315.7, all units constructed pursuant to Sections 315.4 must remain affordable to qualifying households for the life of the project.

(4) Other Conditions. The Project is subject to the requirements of the Inclusionary Affordable Housing Program under Section 315 et seq. of the Planning Code and the terms of the Residential Inclusionary Affordable Housing Monitoring and Procedures Manual (hereinafter "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 315 (collectively the "Inclusionary Housing Ordinance"). 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 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://www.sfgov.org/site/uploadedfiles/planning/inclusionaryhousingproceduresmanual6_28_07.pdf.

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

(5) The BMR unit(s) shall be designated on the building plans prior to the issuance of the first site or building permit by the Department of Building Inspection (DBI). The BMR unit(s) shall (1) reflect the unit size mix in number of bedrooms of the market rate units, (2) shall be constructed, completed, ready for occupancy and marketed no later than the market rate units, and (3) shall be of comparable overall quality, construction and exterior appearance as the market rate units in the principal project.

(6) If the units in the building are offered for sale, the BMR unit(s) shall be sold to first time home buyer households, as defined in the Procedures Manual, whose gross annual income, adjusted for household size, does not exceed an average of one hundred (100) percent of the median income for the City and County of San Francisco as defined in the Inclusionary Housing Ordinance, Section 315.1. The initial sales price of such units shall be calculated according to the Procedures Manual. Limitations on (i) marketing, (ii) renting, (iii) recouping capital improvements, and (iv) procedures for inheritance, apply and are set forth in the Inclusionary Housing Ordinance and the Procedures Manual.

(7) The Applicant is responsible for following the marketing, reporting, and monitoring requirements and procedures as set forth in the Procedures Manual. The Mayor's Office of Housing shall be responsible for overseeing and monitoring the marketing of affordable units.

(8) Required parking spaces shall be made available to initial buyers or renters of BMR units according to the Procedures Manual.

(9) Prior to the issuance of the first site or building permit by DBI for the Project, the Project Sponsor shall record a Notice of Special Restriction on the property that contains these conditions of approval and a reduced set of plans that identify the BMR units satisfying the requirements of this approval. The Project Sponsor shall promptly provide a copy of the recorded Notice of Special Restriction to the Department and to the Mayor's Office of Housing or its successor (MOH), the monitoring agency for the BMR unit(s).

(10) If project applicant fails to comply with the Inclusionary Housing requirement, the Director of Building Inspection shall deny any and all site or building permits or certificates of occupancy for the development project until the Planning Department notifies the Director of compliance. A project applicant's failure to comply with the requirements of Planning Code Sections 315 to 315.9 shall constitute cause for the City to record a lien against the development project.

F. Pedestrian Streetscape Improvements

A final pedestrian streetscape improvement plan including landscaping and paving materials and patterns, shall be submitted for review by, and shall be satisfactory to the Director of the Department, in consultation with staff from the Department of Public Works and the Department of Parking and Traffic. Other agencies shall be contacted as appropriate. The Project shall include pedestrian streetscape improvements as described in this Motion and in conformance with Planning Code Section 138.1, Section 143, and the Downtown Streetscape Plan.

4. CONDITIONS TO BE MET PRIOR TO THE ISSUANCE OF A FIRST SUPERSTRUCTURE ADDENDUM TO A BUILDING (OR SITE) PERMIT

A. Design

(1) Final detailed building plans shall be reviewed and approved by the Planning Department before issuance of the first addendum to the site permit. Detailed building plans shall include a final site plan, parking plan, open space and landscaping plans, floor plans, elevations, sections, specifications of finish materials and colors, and details of construction. The on-site inclusionary housing units required under Section 315 shall be identified on the floor plans.

(2) Final architectural and decorative detailing, materials, glazing, color, and texture of exterior finishes shall be submitted for review by, and shall be satisfactory to the Director of the Department. The Project architect shall submit dimensional design drawings for building details with specifications and samples of materials to ensure a high design quality is maintained.

(3) Highly reflective glass, mirror glass, or deeply tinted glass shall not be permitted. Only clear glass shall be permitted at pedestrian levels.

(4) Per Section 141, rooftop mechanical equipment is required to be screened so as not to be visible from any point at or below the roof level of the subject building.

(5) The property shall be kept free of weeds, debris, and blight. The Project Sponsor shall install a fence or greening to prevent vagrant camping, unlawful dumping and to minimize the security threat to the neighborhood. The fence shall be maintained and kept free of graffiti, general advertising, and postings.

B. Usable Open Space

A final plan showing location and area of common usable open space shall be submitted for review by, and shall be satisfactory to, the Director of the Department. The Project shall include the common usable open space and private usable open space balconies generally as described in this Motion, as shown in Exhibit B. Trees, other landscaping and/or windscreens may be provided in the common open space areas to reduce wind speeds and provide sheltered areas that meet the usability requirement of Section 135.

C. Public Artwork

(1) Pursuant to Section 149, the Project shall include the work(s) of art valued at an amount equal to one percent of the hard construction costs for the Project as determined by the Director of the Department of Building Inspection. The Project Sponsor shall provide to the Director necessary information to make the determination of construction cost hereunder.

(2) The Project Sponsor and the Project artist shall consult with the Planning Department during design development regarding the height, size, and final type of the art. The final art concept shall be submitted for review for consistency with this Motion by, and shall be satisfactory to, the Director of the Planning Department in consultation with the Commission.

D. Garbage and Recycling

The building design shall provide adequate space designated for trash compactors and trash loading. Space for the collection and storage of recyclable materials that meets the size, location, accessibility and other standards specified by the San Francisco Recycling Program, shall also be provided at the ground level of the project. Enclosed trash areas with provisions for separating recyclable and non-recyclable materials shall be provided for Project residents on each floor of the residential tower. These areas shall be indicated on the building plans.

5. <u>CONDITIONS TO BE MET PRIOR TO THE ISSUANCE OF THE FIRST CERTIFICATION OF OCCUPANCY.</u>

A. Pedestrian Streetscape Improvements

(1) The Project Sponsor shall complete the City's standard pedestrian streetscape improvements as required by the Department of Public Works and shall be responsible for the upkeep and maintenance of such improvements if they exceed City standards.

(2) Street trees shall be installed pursuant to the requirements set forth in Section 143. The species and locations shall be subject to approval by the Department of Public Works.

B. Public Artwork

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

(2) The Project Sponsor shall comply with Code Section 149(b) by providing a plaque or cornerstone identifying the Project architect, the artwork creator and the Project completion date in a publicly conspicuous location on the Project Site. The design and content of the plaque shall be approved by Department staff prior to its installation

C. Garbage and Recycling

The Project Sponsor shall provide the garbage and recycling areas above, and contract for recycling pickup.

D. Emergency Preparedness Plan

An evacuation and emergency response plan shall be developed by the Project Sponsor or building management staff, in consultation with the Mayor's Office of Emergency Services, to ensure coordination between the City's emergency planning activities and the Project's plan and to provide for building occupants in the event of an emergency. The Project's plan shall be reviewed by the Office of Emergency Services and implemented by the building management insofar as feasible before issuance of the final certificate of occupancy by the Department of Public Works. A copy of the transmittal and the plan submitted to the Office of Emergency Services shall be submitted to the Department. To expedite the implementation of the City's Emergency Response Plan, the Project Sponsor shall post information (with locations noted on the final plans) for building occupants concerning actions to take in the event of a disaster.

6. OTHER CONDITIONS:

A. Parking

(1) The residential parking shall not exceed the following ratio: 0.39 independently accessible spaces per unit or a total of .86 valet parking spaces per unit per the approved parking layout and unit mix.

(2) All residential parking spaces shall be "unbundled" from the dwelling units in the project, that is, sold, rented, or leased separately from the dwelling units, with an option to buy, rent, or lease parking spaces on a first-come first-served basis. If Section 315 BMR units are provided on-site, 15 percent of the parking

spaces shall be offered to occupants or buyers of the BMR units for right of first refusal.

(3) The Project shall provide parking one independently accessible car-share parking space.

(4) The Project shall provide Class 1 bicycle parking as follows: 25 spaces plus one space for every four dwelling units over 50.

B. Ground Level Storefront Design

Ground-level storefronts in general conformity with Exhibit B shall be maintained in an attractive manner, providing transparency into the tenancy behind. Visibility of the commercial interiors and activity through all storefront windows shall be maintained in order to ensure that the ground level of the building remains visually active, provides visual interest to pedestrians, and enhances sidewalk security. Commercial interior layouts should be designed with these requirements in mind. Generally, storefront windows should not be visually obscured with the following: blinds, shades or curtains; shelving; equipment; darkly tinted, translucent or opaque film; painted, stenciled or adhesive signage applied to individual window surfaces that has an overall transparency of less than 50%, or any signage that covers more than 1/3 of the area of any individual window; full or partial height interior partition walls placed directly against or within 10 feet from the window glazing; or any other items that significantly block the vision of pedestrians through the storefront windows into the occupiable commercial space. Solid roll-down security gates shall not be installed in storefront openings. The property owner shall ensure that this condition of approval is incorporated into all commercial leases.

C. First Source Hiring

The project is subject to the requirements of the First Source Hiring Program (Chapter 83 of the Administrative Code) and the Project Sponsor shall comply with the requirements of this Program.

7. IMPROVEMENT MEASURES

Improvement measures diminish project effects that the environmental analysis found to be less than significant. These measures are listed below.

A. Improvement Measure 1: Transportation (Loading)

Occasionally a large semi tractor-trailer may be used during move-in or move-out of the residential units. These vehicles could not be accommodated in the proposed on-site loading space and would have to use Tenth Street. This activity would be restricted to weekends only in order to avoid conflicts with vehicular and pedestrian traffic in the area.

B. Improvement Measure 2: Transportation (Construction)

Any construction traffic occurring between 7:00 a.m. and 9:00 a.m. or between 3:30 p.m. and 6:00 p.m. would coincide with peak hour traffic and could impede traffic flow. The impact of lane closures and construction traffic would decrease the capacity of streets and slow the movement of traffic (including Muni and other buses). During the a.m. peak period on one-way, southbound Tenth Street, and during off-peak period, traffic volumes may accommodate construction vehicles without substantial delay to traffic. To the extent possible, the proposed project would limit truck movements to the hours before 3:30 p.m. Prior to any lane closure and encroachment on traffic lanes, proper permits must be obtained from the City. The project sponsor and construction contractor(s) would meet with the SFMTA, the Fire Department, and the Planning Department to determine feasible traffic mitigation measures to reduce traffic congestion and pedestrian circulation impacts during construction of the project. In addition, to ensure that construction activities do not impact Muni bus stops or routes in the area, the project sponsor would coordinate with Muni's Chief Inspector prior to construction.

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Subject to: (Select only if applicable)

- ■ Inclusionary Housing
- ☐ Childcare Requirement
- ☐ Jobs Housing Linkage Program
- ☐ Downtown Park Fee
- ■ Public Art
- ☐ Public Open Space
- ■ First Source Hiring (Admin. Code)
- ☐ Transit Impact Development Fee
- ☐ Other

Planning Commission Motion No.17979

HEARING DATE: NOVEMBER 12, 2009

Date:	October 29, 2009
Case No.:	**2005.0540E!KXCVZ**
Project Address:	**1415 MISSION STREET**
Existing Zoning:	C-M (Heavy Commercial) 130-L Height and Bulk District
Proposed Zoning:	C-3-G (Downtown General Commercial) 130-L Height and Bulk District
Block/Lot:	3510/001
Project Sponsor:	R&K Investments c/o Daniel Frattin of Reuben & Junius LLP One Bush Street, Suite 600 San Francisco, CA 94104
Staff Contact:	Ben Fu – (415) 558-6613 *ben.fu@sfgov.org*

ADOPTING FINDINGS RELATED TO THE APPROVAL OF A CONDITIONAL USE AUTHORIZATION UNDER PLANNING CODE SECTION 303 TO ALLOW DWELLING UNIT DENSITY GREATER THAN ONE UNIT PER 125 SQUARE FEET OF LOT AREA PURSUANT TO PLANNING CODE SECTION 215(b) AND TO EXEMPT FROM THE FLOOR AREA RATIO (FAR) LIMIT THE SQUARE FOOTAGE OF DWELLING UNITS THAT WILL BE AFFORDABLE FOR A MINIMUM OF 20 YEARS TO HOUSEHOLDS WHOSE INCOMES ARE WITHIN 150 PERCENT OF THE MEDIAN INCOME PURSUANT TO PLANNING CODE SECTION 124(f), IN CONNECTION WITH NEW CONSTRUCTION OF A 130-FOOT-TALL, 14-STORY, MIXED-USE BUILDING WITH APPROXIMATELY 2,740 SQUARE FEET OF GROUND-FLOOR RETAIL AND UP TO 117 DWELLING UNITS ON THE PROPERTY LOCATED AT 1415 MISSION STREET (ASSESSOR'S BLOCK 3510, LOT 001) LOCATED WITHIN AN EXISTING C-M (HEAVY COMMERCIAL DISTRICT), A PROPOSED C-3-G (DOWNTOWN GENERAL COMMERCIAL) DISTRICT, AND 130-L HEIGHT AND BULK DISTRICT.

PREAMBLE

On July 24, 2009, R&K Investments (Project Sponsor), applied for a Conditional Use Authorization, Application No. 2005.0540C, for the property at 1415 Mission Street (Assessor's

Block 3510, Lot 001) (Project Site), to allow dwelling unit density greater than one unit per 125 square feet of lot area and to exempt form the floor area ratio limit the square footage of dwelling units that will be affordable for a minimum of 20 years to households whose incomes are within 150 percent of the median income. The application for Conditional Use was filed to entitle a proposal to build a 14-story, 130-foot-tall building containing a total of up to 117 dwelling units, approximately 2,742 square feet of retail/personal services space, and a garage with up to 46 independently accessible, or up to 101 valet, residential parking spaces (Project), in general conformity with plans dated October 21 2009 and labeled **Exhibit B**. The Project Site is within an existing C-M District, and a 130-L Height and Bulk District. The Planning Commission has recommended that the Board of Supervisors approve a Zoning Map Amendment that would change the Project Site's zoning designation to C-3-G. No change in the Height and Bulk District is proposed.

On June 8, 2005, the Project Sponsor filed an application for environmental review, which was conducted pursuant to the California Environmental Quality Act (CEQA) and Chapter 31 of the San Francisco Administrative Code.

The Department published a Draft Environmental Review Report (DEIR) on February 25, 2009 analyzing the Proposed Zoning Map Amendment and other actions related to the Project (Case No. 2005.0540E). On November 12, 2009, by Motion No. 17976, the Planning Commission (Commission) made findings and certified the Final Environmental Impact Report (FEIR) in compliance with the California Environmental Quality Act (California Public Resources Code sections 21000 et seq., CEQA), the State CEQA Guidelines (California Code of Regulations Title 14 sections 15000 et seq.), and Chapter 31 of the San Francisco Administrative Code (Chapter 31). The Planning Commission adopted CEQA findings in Motion No. 17977, which findings are incorporated by this reference thereto as if fully set forth in this Resolution.

On November 12, 2009, the Commission adopted Resolution No. 17980, which recommended that the Board of Supervisors approve a Zoning Map Amendment to change the zoning designation of the Project Site from C-M to C-3-G.

On November 12, 2009, the Commission conducted a duly noticed public hearing at a regularly scheduled meeting on the Conditional Use application. 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, the Planning Department staff, and other interested parties.

MOVED, that the Commission hereby approves the Conditional Use authorization requested in Application No. 2005.0540C for the Project, subject to conditions contained in **Exhibit A** attached hereto and incorporated by reference, based on the following findings:

FINDINGS

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

1. **Recitals:** The above recitals are accurate and also constitute findings of this Commission.

2. **Project Site:** The subject site is an 11,424 sq. ft., roughly square, parcel located at the southwest corner of 10th and Mission Streets. The site is within the C-M District and a 130-L Height and Bulk District. The Commission has recommended that the Board of Supervisors approve a Zoning Map Amendment to change the zoning designation at the Project Site to C-3-G.

   At present, the Site is improved with a one-story, 5,000 square-foot commercial building, situated at the southern edge of the lot, and set back from Mission Street by a large, paved, surface parking lot. The Site was formerly used as a tire sales and repair business (Mark Morris Tires) and is currently used as an attended indoor/outdoor parking facility (MB Parking).

3. **Surrounding Area:** The existing C-M District is comprised of few parcels containing a wide variety of uses, including office, residential, parking, and commercial services. Recently adopted plans, including the Market-Octavia and Eastern Neighborhoods Plan, have phased out the C-M District. The nearby Market-Octavia Plan rezoned several nearby C-M parcels to C-3-G. The C-3-G District covers the western portions of downtown San Francisco and is composed of a variety of uses: hotels, offices, places of entertainment, residential buildings, and retail establishments. Many of these uses serve a citywide or regional clientele, but the intensity of development is lower than in the downtown core. Residential uses are principally permitted within the C-3-G District.

   The scale of development in the vicinity of the project site is diverse, with the current height limits in the area ranging from 40 to 320 feet. The area is undergoing a transition from lower density uses into a dense mixed-use district characterized by mid- to high-rise buildings. The approved 10th/Market/Mission Development on the block to the north of the Site includes up to 856 residential units in buildings up to 35 stories in height. The 12-story, 136-unit Mercy Housing Project is under construction at the northeast corner of Tenth and Mission Streets. The area to the west of the Site is part of the Market-Octavia Plan, which is intended to guide the area's eventual transformation into a dense, transit-oriented neighborhood with buildings ranging from 85- to 400-feet in height.

4. **Proposed Project:** The Project proposes demolition of the existing, one-story, 18-foot tall building at the Site, which along with the adjoining asphalt parking lot is currently used as an attended parking facility, and construction of a new 14-story, 130-foot tall building (146 feet to highest point) with 117 residential units and off-street accessory parking for up to 46 independently accessible spaces, or up to 101 valet spaces, in a three-level underground parking garage. The Project would include approximately 2,742 sq. ft. of retail/personal services space at street level.

5. **Approvals:** The Project requires the authorization of a Section 309 Determination of Compliance and Request for Exceptions, including exceptions for a rear yard modification, curb-cut location, comfort level wind, and off-street parking. Other required entitlements include this Conditional Use authorization and a dwelling unit exposure variance. In addition, the Project requires that the Board of Supervisors approve a Zoning Map Amendment to change the zoning designation of the Project Site to C-3-G.

6. **Environmental Review:** The Project was analyzed in the FEIR, which did not identify any significant and unavoidable environmental impacts. In reviewing the proposed Project, the Commission has reviewed and considered the FEIR, including the mitigation and improvement measures, collectively identified as **Exhibit C**, attached hereto. All measures necessary to mitigate the Project's environmental impacts to a less-than-significant level have been adopted as enforceable pursuant to the conditions of approval contained in **Exhibit C** and the Mitigation Monitoring and Reporting Program (MMRP) contained in **Exhibit D**.

   The Planning Department is the custodian of the documents and other materials that constitute the record of the proceedings upon which all CEQA findings set forth herein are based. Such documents and other materials are available for review by this Commission and the public at the Department's offices at 1650 Mission Street, 4th Floor.

7. **CEQA Findings.** The Planning Commission finds that the mitigation measures, as attached in Exhibit C, are feasible and would mitigate any potentially significant impacts associated with the possible presence of hazardous materials to a less-than-significant level.

8. **Community Response:** The Planning Department has been contacted by two individuals seeking project information. No opposition has been received since the filing of the application.

9. **Planning Code Compliance.** The Commission finds that the Project meets the provisions of the Planning Code as follows:

   On November 12, 2009, the Commission, in reviewing and approving a Planning Code Section 309 Determination of Compliance and Request for Exceptions, adopted findings related to the Project's compliance with the applicable Planning Code requirements as set forth in Motion No. 17979, which findings are incorporated herein by this reference thereto as if fully set forth in this Motion.

10. **Conditional Use Findings.** Under Section 303(c), the Commission may authorize a conditional use. The Commission hereby finds and determines that the project complies with the criteria of Section 303(c) as follows:

    A. The proposed use or feature, at the size and intensity contemplated and at the proposed location, will provide a development that is necessary or desirable for, and compatible with, the neighborhood or community.

       The Project is necessary and desirable for the neighborhood, because it will revitalize an underutilized site with an attractive mixed-use development. With approximately 117 units and approximately 2,740 square feet of commercial space, the Project will bring a substantial number of people to the neighborhood and provide employment opportunities for local residents. Along with other planned developments in the vicinity, the Project

will dramatically improve the appearance of the area with streetscape improvements and pedestrian-oriented uses at the ground floor. The influx of new residents will enhance the customer base of neighborhood retailers and generate pedestrian activity that will contribute to neighborhood safety.

The conditional use authorization to exempt the floor area of the on-site below-market-rate units from the FAR limit and to allow additional dwelling unit density is also necessary and desirable, because it directly serves the attainment of the City's housing goals. It is well known that competition for existing housing creates the greatest pressure on the supply of housing affordable to households of lower and moderate income. The creation of 117 new dwelling units, including 18 below-market-rate units, in the Mid-Market area will assist in alleviating the City's housing shortage and provide new housing for a diverse cross-section of San Franciscans.

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

i The nature of the proposed site, including its size and shape, and the proposed size, shape and arrangement of structures:

The size and shape of the site are adequate for accommodating a high-density residential development. The height and overall massing of the Project are appropriate for the site and the neighborhood. The building has been carefully designed to provide adequate light and air to each of the proposed dwelling units.

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 transportation study for the Project found that it would not result in significant impacts related to the movement of pedestrians, cyclists, transit, or automobiles. Given the proximity of multiple public transit alternatives (BART, Golden Gate Transit, MUNI, and SamTrans) and the City's Transit First Policy, the Project will provide an adequate amount of parking (46 independently accessible, or 101 valet, residential spaces for 117 dwelling units). One loading space is adequate to serve the needs of residents moving to and from the Project, as well as the needs of retail tenants. Access to the parking and loading spaces are located on 10th Street, as far as possible from the busy intersection of 10th/Mission. This will minimize the potential for bike/pedestrian/auto conflicts.

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

The Project, which is primarily residential in nature, will not emit any noxious odors or other offensive emissions. All window glazing will comply with the Planning Code and relevant design guidelines to eliminate or reduce glare. During construction, appropriate measures will be taken to minimize dust and noise as much as possible.

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

All proposed lighting and signage will comply with the requirements of the Planning Code. All parking, loading, and service areas will be screened from view. All of the proposed open space will include appropriate landscaping and other improvements (canopies and trellises for shade, seating areas, windscreens, etc.). Street trees will be installed on both street frontages in accordance with Planning Code Section 143.

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

With approval of a variance pursuant to Section 305 and exceptions pursuant to 309, the Project will comply with the applicable provisions of the Planning Code. The Project is consistent with and will not adversely affect the General Plan.

11. **General Plan Conformity.**

On November 12, 2009, the Commission, in reviewing and approving a Planning Code Section 309 Determination of Compliance and Request for Exceptions, adopted findings related to the Project's conformity with the applicable objectives and policies of the General Plan as set forth in Motion No.17979, which findings are incorporated herein by this reference thereto as if fully set forth in this Motion.

12. **Priority Policy Findings.**

On November 12, 2009, the Commission, in reviewing and approving a Planning Code Section 309 Determination of Compliance and Request for Exceptions, adopted findings related to the Project's consistency with the eight priority planning policies of Section 101.1(b) as set forth in Motion No. 17979, which findings are incorporated herein by this reference thereto as if fully set forth in this Motion.

13. The Commission hereby finds and determines that approval of the conditional use authorization will 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 the Commission at the public hearing, and all other written materials submitted by all parties, the Commission hereby APPROVES Conditional Use Application No. 2005.0540C for the Project subject to the following conditions attached hereto as Exhibit A which are incorporated herein by reference as though fully set forth.

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. 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 foregoing Motion was ADOPTED by the Planning Commission at its regular meeting on November 12, 2009.

Linda D. Avery
Commission Secretary

AYES: Commissioners Antonini, Borden Lee, Miguel, Moore, and Sugaya

NOES: Commissioner Olague

ABSENT: None

ADOPTED: November 12, 2009

Exhibit A
Conditions of Approval

Wherever "Project Sponsor" is used in the following conditions, the conditions shall also bind any successor to the Project or other persons having an interest in the Project or underlying property.

This conditional use authorization is to allow dwelling unit density greater than one unit per 125 square feet of lot area and to exempt from the floor area ratio limit the square footage of dwelling units that will be affordable for a minimum of 20 years to households whose incomes are within 150 percent of the median income. This conditional use authorization is granted in connection with a proposal to build a 14-story, 130-foot-tall building containing a total of up to 117 dwelling units, approximately 2,742 square feet of retail/personal services space, and a garage with up to 46 independently accessible, or up to 101 valet, residential parking spaces (Project), in general conformity with plans dated October 21, 2009 and labeled **Exhibit B**. The Project Site is within an existing C-M District, and a 130-L Height and Bulk District. The Planning Commission has recommended that the Board of Supervisors approve a Zoning Map Amendment that would change the Project Site's zoning designation to C-3-G. No change in the Height and Bulk District is proposed.

1. COMPLIANCE WITH OTHER REQUIREMENTS

This decision conveys no right to construct. The Project Sponsor must also obtain a Section 309 Determination of Compliance, and approval of related exceptions, from the Planning Commission, a variance from the Zoning Administrator (for dwelling unit exposure), and a building permit. The Project also requires that the Board of Supervisors approve the recommended Zoning Map Amendment, which would change the zoning designation of the Project Site from C-M to C-3-G. The conditions set forth below are additional conditions required in connection with the Project. If these conditions overlap with any other requirement imposed on the Project, the more restrictive or protective condition or requirement, as determined by the Zoning Administrator, shall apply. The conditions set forth below shall remain in effect for the life of the Project, unless specifically noted otherwise.

2. GENERAL CONDITIONS

A. Mitigation and Improvement Measures

The mitigation and improvement measures and the MMRP identified in the Project's FEIR and referenced in Planning Commission Motion No. 17976 and 17977, shall be enforceable as conditions of approval and are accepted by the Project Sponsor or its successor in interest, as shown in Exhibit C and Exhibit D attached.

B. Community Liaison

The Project Sponsor shall appoint a community liaison officer to deal with issues of concern to the owners and occupants of nearby properties at all times during Project construction. Prior to the commencement of Project construction, the Project Sponsor shall give the Zoning Administrator and the owners of properties within 300 feet of the Project site boundaries written notice of the name, business address and telephone number of the community liaison.

C. Recordation

Prior to the issuance of any building permit for the construction of 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, which notice shall state that construction of the Project has been authorized by and is subject to the conditions of this Motion. From time to time after the recordation of such notice, at the request of the Project Sponsor, the Zoning Administrator shall affirm in writing the extent to which the conditions of this Motion have been satisfied, and record said writing if requested.

D. Reporting

The Project Sponsor shall submit to the Zoning Administrator two copies of a written report describing the status of compliance with the conditions of approval contained within this Motion every six months from the date of this approval through the issuance of the first temporary certificate of occupancy. Thereafter, the submittal of the report shall be on an annual basis. This requirement shall lapse when the Zoning Administrator determines that all the conditions of approval have been satisfied or that the report is no longer required for other reasons.

E. Construction

(1) The Project Sponsor shall ensure the construction contractor will coordinate with the City and other construction contractor(s) for any concurrent nearby projects that are planned for construction so as to minimize, to the extent possible, negative impacts on traffic and nearby properties caused by construction activities.

(2) The project sponsor and construction contractor(s) shall meet with the Traffic Engineering Division of the Department of Parking and Traffic, the Fire Department, MUNI, and the Planning Department to determine feasible traffic mitigation measures to reduce traffic congestion and pedestrian circulation impacts during construction of the proposed project.

F. Performance

(1) A site permit or building permit for the herein-authorized Project shall be obtained within three years of the date of this action, and construction, once commenced, shall be thenceforth pursued diligently to completion or the said authorization may become null and void

(2) This authorization may be extended at the discretion of the Zoning Administrator only if the failure to issue a permit by the Department of Building Inspection to construct the proposed building is delayed by a City, state or federal agency or by appeal of issuance of such permit. Failure to begin work within that period, or thereafter to carry the development diligently to completion, shall be grounds to revoke approval of the authorized development.

G. Severability

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 of the remaining provisions, clauses, sentences, or sections of these conditions. It is hereby declared to be the intent of the Commission that these conditions of approval would have been adopted had such invalid sentence, clause, or section or part thereof not been included herein.

3. CONDITIONS TO BE MET PRIOR TO THE ISSUANCE OF A BUILDING (OR SITE) PERMIT

A. Design

The Project Sponsor and the Project architects shall continue to work on aspects of design development with the Department. The Project Sponsor is to consider greening the south wall and continue working with staff to explore notching of that wall to address transition.

B. Signage

The Project Sponsor shall develop a signage program for the Project, which shall be subject to review and approval by Planning Department staff. All subsequent sign permits shall conform to the approved signage program. Once approved by Department staff, the signage program information shall be submitted and approved as part of the first building or site permit for the project.

C. Lighting

The Project Sponsor shall develop a lighting program for the Project, which shall be subject to review and approval by Planning Department staff. The lighting program shall include any lighting required or proposed within the public right-of-way as well as lighting attached to the building. Once approved by Department staff, the lighting

program information shall be submitted and approved as part of the first building or site permit for the project.

D. Transferable Development Rights (TDR):

The Project Sponsor shall purchase the required number of TDR and secure a Notice of Use of TDR.

E. Below Market Rate Units (BMR Units)

(1) Number of Required Units. Pursuant to Planning Code Section 315.4, the Project is required to provide 15% of the proposed dwelling units as affordable to qualifying households ("BMR Units"). The Project contains 117 units; therefore, 18 BMR units are required. The Project Sponsor will fulfill this requirement by providing the 18 BMR units on-site.

(2) Unit Mix. The Project contains 26 studios, 39 one-bedroom, and 52 two-bedroom; therefore, the required BMR unit mix is 4 studios, 6 one-bedroom, and 8 two-bedroom units. If the market-rate unit mix changes, the BMR unit mix will be modified accordingly.

(3) Duration. Under Planning Code Section 315.7, all units constructed pursuant to Sections 315.4 must remain affordable to qualifying households for the life of the project.

(4) Other Conditions. The Project is subject to the requirements of the Inclusionary Affordable Housing Program under Section 315 et seq. of the Planning Code and the terms of the Residential Inclusionary Affordable Housing Monitoring and Procedures Manual (hereinafter "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 315 (collectively the "Inclusionary Housing Ordinance"). 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 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://www.sfgov.org/site/uploadedfiles/planning/inclusionaryhousingproceduresmanual6_28_07.pdf .

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

(5) The BMR unit(s) shall be designated on the building plans prior to the issuance of the first site or building permit by the Department of

Building Inspection (DBI). The BMR unit(s) shall (1) reflect the unit size mix in number of bedrooms of the market rate units, (2) shall be constructed, completed, ready for occupancy and marketed no later than the market rate units, and (3) shall be of comparable overall quality, construction and exterior appearance as the market rate units in the principal project.

(6) If the units in the building are offered for sale, the BMR unit(s) shall be sold to first time home buyer households, as defined in the Procedures Manual, whose gross annual income, adjusted for household size, does not exceed an average of one hundred (100) percent of the median income for the City and County of San Francisco as defined in the Inclusionary Housing Ordinance, Section 315.1. The initial sales price of such units shall be calculated according to the Procedures Manual. Limitations on (i) marketing, (ii) renting, (iii) recouping capital improvements, and (iv) procedures for inheritance, apply and are set forth in the Inclusionary Housing Ordinance and the Procedures Manual.

(7) The Applicant is responsible for following the marketing, reporting, and monitoring requirements and procedures as set forth in the Procedures Manual. The Mayor's Office of Housing shall be responsible for overseeing and monitoring the marketing of affordable units.

(8) Required parking spaces shall be made available to initial buyers or renters of BMR units according to the Procedures Manual.

(9) Prior to the issuance of the first site or building permit by DBI for the Project, the Project Sponsor shall record a Notice of Special Restriction on the property that contains these conditions of approval and a reduced set of plans that identify the BMR units satisfying the requirements of this approval. The Project Sponsor shall promptly provide a copy of the recorded Notice of Special Restriction to the Department and to the Mayor's Office of Housing or its successor (MOH), the monitoring agency for the BMR unit(s).

(10) If project applicant fails to comply with the Inclusionary Housing requirement, the Director of Building Inspection shall deny any and all site or building permits or certificates of occupancy for the development project until the Planning Department notifies the Director of compliance. A project applicant's failure to comply with the requirements of Planning Code Sections 315 to 315.9 shall constitute cause for the City to record a lien against the development project.

F. Pedestrian Streetscape Improvements

A final pedestrian streetscape improvement plan including landscaping and paving materials and patterns, shall be submitted for review by, and shall be satisfactory to the Director of the Department, in consultation with staff from the Department of Public Works and the Department of Parking and Traffic. Other agencies shall be contacted as appropriate. The Project shall include pedestrian streetscape improvements as described in this Motion and in conformance with Planning Code Section 138.1, Section 143, and the Downtown Streetscape Plan.

4. CONDITIONS TO BE MET PRIOR TO THE ISSUANCE OF A FIRST SUPERSTRUCTURE ADDENDUM TO A BUILDING (OR SITE) PERMIT

A. Design

(1) Final detailed building plans shall be reviewed and approved by the Planning Department before issuance of the first addendum to the site permit. Detailed building plans shall include a final site plan, parking plan, open space and landscaping plans, floor plans, elevations, sections, specifications of finish materials and colors, and details of construction. The on-site inclusionary housing units required under Section 315 shall be identified on the floor plans.

(2) Final architectural and decorative detailing, materials, glazing, color, and texture of exterior finishes shall be submitted for review by, and shall be satisfactory to the Director of the Department. The Project architect shall submit dimensional design drawings for building details with specifications and samples of materials to ensure a high design quality is maintained.

(3) Highly reflective glass, mirror glass, or deeply tinted glass shall not be permitted. Only clear glass shall be permitted at pedestrian levels.

(4) Per Section 141, rooftop mechanical equipment is required to be screened so as not to be visible from any point at or below the roof level of the subject building.

B. Usable Open Space

A final plan showing location and area of common usable open space shall be submitted for review by, and shall be satisfactory to, the Director of the Department. The Project shall include the common usable open space and private usable open space balconies generally as described in this Motion, as shown in Exhibit B. Trees, other landscaping and/or windscreens may be provided in the common open space areas to reduce wind speeds and provide sheltered areas that meet the usability requirement of Section 135.

C. Public Artwork

(1) Pursuant to Section 149, the Project shall include the work(s) of art valued at an amount equal to one percent of the hard construction costs for the Project as determined by the Director of the Department of Building Inspection. The Project Sponsor shall provide to the Director necessary information to make the determination of construction cost hereunder.

(2) The Project Sponsor and the Project artist shall consult with the Planning Department during design development regarding the height, size, and final type of the art. The final art concept shall be submitted for review for consistency with this Motion by, and shall be satisfactory to, the Director of the Planning Department in consultation with the Commission.

D. Garbage and Recycling

The building design shall provide adequate space designated for trash compactors and trash loading. Space for the collection and storage of recyclable materials that meets the size, location, accessibility and other standards specified by the San Francisco Recycling Program, shall also be provided at the ground level of the project. Enclosed trash areas with provisions for separating recyclable and non-recyclable materials shall be provided for Project residents on each floor of the residential tower. These areas shall be indicated on the building plans.

5. CONDITIONS TO BE MET PRIOR TO THE ISSUANCE OF THE FIRST CERTIFICATION OF OCCUPANCY.

A. Pedestrian Streetscape Improvements

(1) The Project Sponsor shall complete the City's standard pedestrian streetscape improvements as required by the Department of Public Works and shall be responsible for the upkeep and maintenance of such improvements if they exceed City standards.

(2) Street trees shall be installed pursuant to the requirements set forth in Section 143. The species and locations shall be subject to approval by the Department of Public Works.

B. Public Artwork

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

(2) The Project Sponsor shall comply with Code Section 149(b) by providing a plaque or cornerstone identifying the Project architect, the artwork creator and the Project completion date in a publicly conspicuous location on the Project Site. The design and content of the plaque shall be approved by Department staff prior to its installation.

C. Garbage and Recycling

The Project Sponsor shall provide the garbage and recycling areas above, and contract for recycling pickup.

D. Emergency Preparedness Plan

An evacuation and emergency response plan shall be developed by the Project Sponsor or building management staff, in consultation with the Mayor's Office of Emergency Services, to ensure coordination between the City's emergency planning activities and the Project's plan and to provide for building occupants in the event of an emergency. The Project's plan shall be reviewed by the Office of Emergency Services and implemented by the building management insofar as feasible before issuance of the final certificate of occupancy by the Department of Public Works. A copy of the transmittal and the plan submitted to the Office of Emergency Services shall be submitted to the Department. To expedite the implementation of the City's Emergency Response Plan, the Project Sponsor shall post information (with locations noted on the final plans) for building occupants concerning actions to take in the event of a disaster.

6. OTHER CONDITIONS:

A. First Source Hiring

The project is subject to the requirements of the First Source Hiring Program (Chapter 83 of the Administrative Code) and the Project Sponsor shall comply with the requirements of this Program.

B. Monitoring and Violation

(1) Violation of the conditions noted above or any other provisions of the Planning Code may be subject to abatement procedures and fines up to $500 a day in accordance with Code Section 176.

(2) Should monitoring of the Conditions of Approval of this Motion be required, the Project Sponsor shall pay fees as established in Planning Code Section 351(e)(1).

(3) Failure to comply with these Conditions of Approval shall be grounds for revocation of the authorization. Should the Project result in complaints from neighbors that are not resolved by the Project Sponsor and are subsequently reported to the Zoning Administrator and found to

be in violation of the Planning Code and/or the specific Conditions of Approval contained in this Exhibit A of this motion, the Zoning Administrator shall report such complaints to the Planning Commission which may thereafter hold a public hearing on the matter in accordance with the hearing notification and conduct procedures in Planning Code Section 174, 306.3 and 306.4 to consider revocation of this approval.

EXHIBIT C
MITIGATION MEASURES

MITIGATION MEASURE 1

Archeology (Testing) *

Based on a reasonable presumption that archeological resources may be present within the project site, the following measures shall be undertaken to avoid any potentially significant adverse effect from the proposed project on buried or submerged historical resources. The project sponsor shall retain the services of a qualified archeological consultant having expertise in California prehistoric and urban historical archeology. The archeological consultant shall undertake an archeological testing program as specified herein. In addition, the consultant shall be available to conduct an archeological monitoring and/or data recovery program if required pursuant to this measure. The archeological consultant's work shall be conducted in accordance with this measure at the direction of the Environmental Review Officer (ERO). All plans and reports prepared by the consultant as specified herein shall be submitted first and directly to the ERO for review and comment, and shall be considered draft reports subject to revision until final approval by the ERO. Archeological monitoring and/or data recovery programs required by this measure could suspend construction of the project for up to a maximum of four weeks. At the direction of the ERO, the suspension of construction can be extended beyond four weeks only if such a suspension is the only feasible means to reduce to a less-than-significant level of potential effects on a significant archeological resource as defined in CEQA Guidelines Sect. 15064.5(a)(c).

Archeological Testing Program. The archeological consultant shall prepare and submit to the ERO for review and approval an archeological testing plan (ATP). The archeological testing program shall be conducted in accordance with the approved ATP. The ATP shall identify the property types of the expected archeological resource(s) that could potentially be adversely affected by the proposed project, the testing method to be used, and the locations recommended for testing. The purpose of the archeological testing program will be to determine to the extent possible the presence or absence of archeological resources and to identify and to evaluate whether any archeological resource encountered on the site constitutes an historical resource under CEQA.

At the completion of the archeological testing program, the archeological consultant shall submit a written report of the findings to the ERO. If based on the archeological testing program the archeological consultant finds that significant archeological resources may be present, the ERO in consultation with the archeological consultant shall determine if additional measures are warranted. Additional measures that may be undertaken include additional archeological testing, archeological monitoring, and/or an archeological data recovery program. If the ERO determines that a significant archeological resource is present and that the resource could be adversely affected by the proposed project, at the discretion of the project sponsor either:

A) The proposed project shall be re-designed so as to avoid any adverse effect on the significant archeological resource; or
B) A data recovery program shall be implemented, unless the ERO determines that the archeological resource is of greater interpretive than research significance and that interpretive use of the resource is feasible.

Archeological Monitoring Program (AMP). If the ERO in consultation with the archeological consultant determines that an archeological monitoring program shall be implemented the archeological monitoring program shall minimally include the following provisions:

- The archeological consultant, project sponsor, and ERO shall meet and consult on the scope of the AMP reasonably prior to any project-related soils disturbing activities commencing. The ERO in consultation with the archeological consultant shall determine what project activities shall be archeologically monitored. In most cases, any soil-disturbing activities, such as demolition, foundation removal, excavation, grading, utilities installation, foundation work, driving of piles (foundation, shoring, etc.), site remediation, etc., shall require archeological monitoring because of the risk these activities pose to potential archaeological resources and to their depositional context;
- The archeological consultant shall advise all project contractors to be on the alert for evidence of the presence of the expected resource(s), of how to identify the evidence of the expected resource(s), and of the appropriate protocol in the event of apparent discovery of an archeological resource;
- The archeological monitor(s) shall be present on the project site according to a schedule agreed upon by the archeological consultant and the ERO until the ERO has, in consultation with the project archeological consultant, determined that project construction activities could have no effects on significant archeological deposits;
- The archeological monitor shall record and be authorized to collect soil samples and artifactual/ecofactual material as warranted for analysis;
- If an intact archeological deposit is encountered, all soils-disturbing activities in the vicinity of the deposit shall cease. The archeological monitor shall be empowered to temporarily redirect demolition/excavation/pile driving/construction activities and equipment until the deposit is evaluated. If in the case of pile driving activity (foundation, shoring, etc.), the archeological monitor has cause to believe that the pile driving activity may affect an archeological resource, the pile driving activity shall be terminated until an appropriate evaluation of the resource has been made in consultation with the ERO. The archeological consultant shall immediately notify the ERO of the encountered archeological deposit. The archeological consultant shall make a reasonable effort to assess the identity, integrity, and significance of the encountered archeological deposit, and present the findings of this assessment to the ERO.

Whether or not significant archeological resources are encountered, the archeological consultant shall submit a written report of the findings of the monitoring program to the ERO.

Archeological Data Recovery Program. The archeological data recovery program shall be conducted in accord with an archeological data recovery plan (ADRP). The archeological consultant, project sponsor, and ERO shall meet and consult on the scope of the ADRP prior to preparation of a draft ADRP. The archeological consultant shall submit a draft ADRP to the ERO. The ADRP shall identify how the proposed data recovery program will preserve the significant information the archeological resource is expected to contain. That is, the ADRP will identify what scientific/historical research questions are applicable to the expected resource, what data classes the resource is expected to possess, and how the expected data classes would address the applicable research questions. Data recovery, in general, should be limited to the portions of the historical property that could be adversely affected by the proposed project. Destructive data

recovery methods shall not be applied to portions of the archeological resources if nondestructive methods are practical.
The scope of the ADRP shall include the following elements:

- *Field Methods and Procedures.* Descriptions of proposed field strategies, procedures, and operations.
- *Cataloguing and Laboratory Analysis.* Description of selected cataloguing system and artifact analysis procedures.
- *Discard and Deaccession Policy.* Description of and rationale for field and post-field discard and deaccession policies.
- *Interpretive Program.* Consideration of an on-site/off-site public interpretive program during the course of the archeological data recovery program.
- *Security Measures.* Recommended security measures to protect the archeological resource from vandalism, looting, and non-intentionally damaging activities.
- *Final Report.* Description of proposed report format and distribution of results.
- *Curation.* Description of the procedures and recommendations for the curation of any recovered data having potential research value, identification of appropriate curation facilities, and a summary of the accession policies of the curation facilities.

Human Remains and Associated or Unassociated Funerary Objects. The treatment of human remains and of associated or unassociated funerary objects discovered during any soils disturbing activity shall comply with applicable State and Federal laws. This shall include immediate notification of the Coroner of the City and County of San Francisco and in the event of the Coroner's determination that the human remains are Native American remains, notification of the California State Native American Heritage Commission (NAHC) who shall appoint a Most Likely Descendant (MLD) (Pub. Res. Code Section 5097.98). The archeological consultant, project sponsor, and MLD shall make all reasonable efforts to develop an agreement for the treatment of, with appropriate dignity, human remains and associated or unassociated funerary objects (CEQA Guidelines. Section 15064.5(d)). The agreement should take into consideration the appropriate excavation, removal, recordation, analysis, custodianship, curation, and final disposition of the human remains and associated or unassociated funerary objects.

Final Archeological Resources Report. The archeological consultant shall submit a Draft Final Archeological Resources Report (FARR) to the ERO that evaluates the historical significance of any discovered archeological resource and describes the archeological and historical research methods employed in the archeological testing/monitoring/data recovery program(s) undertaken. Information that may put at risk any archeological resource shall be provided in a separate removable insert within the final report.

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 in or the high interpretive value of the

resource, the ERO may require a different final report content, format, and distribution than that presented above.

MITIGATION MEASURE 2

Hazards (Underground Storage Tanks) *

The project sponsor has conducted a geophysical survey of the project site, which detected an underground object that could potentially be an underground storage tank (UST). During excavation and prior to construction, an additional geophysical investigation of surrounding sidewalk areas shall be conducted, under the direction of the San Francisco Department of Public Health (DPH). If it is determined during the additional geophysical investigation of surrounding sidewalk areas, or during construction, that a UST is in fact present, construction work shall be stopped and permits from the City Hazardous Material Unified Program Agency (HMUPA), Fire Department, and, if required, DPW (Streets and Sidewalk) shall be obtained for the UST (and related piping) removal. HMUPA, SFFD (and possibly DPW) will make inspections prior to removal, and only upon approval of the inspector may the UST be removed from the ground. Appropriate soil and, if necessary, groundwater samples shall be taken at the direction of the HMUPA inspector and analyzed. Appropriate transportation and disposal of the UST shall be arranged. If analytical results indicate non-detectable or low levels of contamination, HMUPA will issue a "Certificate of Completion." If the HMUPA inspector requires that an Unauthorized Release (leak) Report is required due to holes in the UST or odor or visual contamination, or if analytical results indicate there are elevated levels of contamination, the case will be referred to the Local Oversight Program for further action.

MITIGATION MEASURE 3

Hazards (Disposal of Contaminated Soil, Site Health and Safety Plan) *

If, based on the results of the soil tests conducted, the DPH determines that the soils on the project site are contaminated with contaminants at or above potentially hazardous levels, all contaminated soils designated as hazardous waste shall be excavated by a qualified Removal Contractor and disposed of at a regulated Class I, II, or III hazardous waste landfill in accordance with state and federal regulations, as stipulated in the Site Mitigation Plan. The Removal Contractor shall, as required, obtain, complete, and sign hazardous waste manifests to accompany the soils to the disposal site. Other excavated soils shall be disposed of in an appropriate landfill, as governed by applicable laws and regulations, or other appropriate actions shall be taken in coordination with the DPH.

If the DPH determines that the soils on the project site are contaminated with contaminants at or above potentially hazardous levels, a Site Health and Safety (H&S) Plan would be required by the California Division of OSHA prior to initiating any earth-moving activities at the site. The Site Health and Safety Plan shall identify protocols for managing soils during construction to minimize worker and public exposure to contaminated soils. The protocols shall include at a minimum:

- Sweeping of adjacent public streets daily (with water sweepers) if any visible soil material is carried onto the streets.
- Characterization of excavated native soils proposed for use on site prior to placement to confirm that the soil meets appropriate standards.
- The dust controls specified in the San Francisco Construction Dust Control Ordinance.
- Protocols for managing stockpiled and excavated soils.

The Site Health and Safety Plan shall identify site access controls to be implemented from the time of ground disturbance through the completion of earthwork construction. The protocols shall include at a minimum:

- Appropriate site security to prevent unauthorized pedestrian/vehicular entry, such as fencing or other barrier of sufficient height and structural integrity to prevent entry and based upon the degree of control required.
- Posting of "no trespassing" signs.
- Providing on-site meetings with construction workers to inform them about security measures and reporting/contingency procedures.

If groundwater contamination is identified, the Site Health and Safety Plan shall identify protocols for managing groundwater during construction to minimize worker and public exposure to contaminated groundwater. The protocols shall include procedures to prevent unacceptable migration of contamination from defined plumes during dewatering.

The Site Health and Safety Plan shall include a requirement that construction personnel be trained to recognize potential hazards associated with underground features that could contain hazardous substances, previously unidentified contamination, or buried hazardous debris. Excavation personnel shall also be required to wash hands and face before eating, smoking, and drinking.

The Site Health and Safety Plan shall include procedures for implementing a contingency plan, including appropriate notification and control procedures, in the event unanticipated subsurface hazards are discovered during construction. Control procedures could include, but would not be limited to, investigation and removal of hazards.

MITIGATION MEASURE 4

Hazardous Building Materials (PCBs, Mercury, Lead and others) *

The project sponsor shall ensure that pre-construction building surveys for PCB- and mercury-containing equipment, hydraulic oils, fluorescent lights, lead, mercury and other potentially toxic building materials are performed prior to the start of demolition. Any hazardous building materials so discovered shall be abated according to federal, state, and local laws and regulations.

MITIGATION MEASURE 5

Hazardous Building Materials (Removal of Hydraulic Hoists)

Prior to removal of the hydraulic hoists on the site, the project sponsor shall apply for permits from the Hazardous Materials Unified Program Agency (HMUPA) and the San Francisco Fire Department. The project sponsor shall comply with all conditions of the permits issued by the HMUPA and Fire Department for the proposed project.

B. IMPROVEMENT MEASURES

Improvement measures diminish project effects that the environmental analysis found to be less than significant. These measures are listed below.

IMPROVEMENT MEASURE 1

Transportation (Loading)

Occasionally a large semi tractor-trailer may be used during move-in or move-out of the residential units. These vehicles could not be accommodated in the proposed on-site loading space and would have to use Tenth Street. This activity would be restricted to weekends only in order to avoid conflicts with vehicular and pedestrian traffic in the area.

IMPROVEMENT MEASURE 2

Transportation (Construction)

Any construction traffic occurring between 7:00 a.m. and 9:00 a.m. or between 3:30 p.m. and 6:00 p.m. would coincide with peak hour traffic and could impede traffic flow. The impact of lane closures and construction traffic would decrease the capacity of streets and slow the movement of traffic (including Muni and other buses). During the a.m. peak period on one-way, southbound Tenth Street, and during off-peak period, traffic volumes may accommodate construction vehicles without substantial delay to traffic. To the extent possible, the proposed project would limit truck movements to the hours before 3:30 p.m. Prior to any lane closure and encroachment on traffic lanes, proper permits must be obtained from the City. The project sponsor and construction contractor(s) would meet with the SFMTA, the Fire Department, and the Planning Department to determine feasible traffic mitigation measures to reduce traffic congestion and pedestrian circulation impacts during construction of the project. In addition, to ensure that construction activities do not impact Muni bus stops or routes in the area, the project sponsor would coordinate with Muni's Chief Inspector prior to construction.

EXHIBIT D
MITIGATION MONITORING AND REPORTING PROGRAM

SAN FRANCISCO PLANNING COMMISSION

RESOLUTION NO. 17980

RESOLUTION OF THE PLANNING COMMISSION ADOPTING ENVIRONMENTAL FINDINGS PURSUANT TO THE CALIFORNIA ENVIRONMENTAL QUALITY ACT, RECOMMENDING THAT THE BOARD OF SUPERVISORS AMEND ZONING MAP SHEET 7 TO RECLASSIFY BLOCK 3510, LOT 001, FROM A C-M (HEAVY COMMERCIAL) DISTRICT TO A C-3-G (DOWNTOWN GENERAL COMMERCIAL) DISTRICT, AND ADOPTING FINDINGS THAT THE PROPOSED AMENDMENT TO THE ZONING MAP IS CONSISTENT WITH THE OBJECTIVES AND POLICIES OF THE SAN FRANCISCO GENERAL PLAN AND THE EIGHT PRIORITY POLICIES OF SECTION 101.1(b) OF THE SAN FRANCISCO PLANNING CODE.

RECITALS

1. WHEREAS, R&K Investments ("Project Sponsor") owns the real property located in the City and County of San Francisco, California at 1415 Mission Street, Block 3510, Lot 001 ("Project Site").

2. WHEREAS, the Project Sponsor proposes to (1) demolish an existing one-story commercial structure , and (2) replace it and an adjacent parking lot with a new 14-story, 130-foot-tall building containing up to 117 dwelling units, approximately 2,742 sq. ft. of retail/personal services space at the ground floor, and up to 46 independently accessible or 101 valet spaces in a below-grade three level garage ("Project").

3. WHEREAS, Approval of the Project requires an amendment to Map 7 of the Zoning Maps of the City and County of San Francisco ("Zoning Maps") to reclassify the zoning district for the Project Site from C-M ("Heavy Commercial") to C-3-G ("Downtown General Commercial").

4. WHEREAS, On November 2, 2006, the Project Sponsor filed Application No. 2005.0540Z to amend Map 7 of the Zoning Maps (Proposed Zoning Map Amendment).

5. WHEREAS, The Project Sponsor has filed other applications with the Planning Department of the City and County of San Francisco (Department), including (a) conditional use authorization under Section 303, (b) a Determination of Compliance and Request for Exceptions under Section 309, and (c) a Variance under Section 305, in order to carry out the Project.

6. WHEREAS, The Department published a Draft Environmental Review Report (DEIR) on February 25, 2009 analyzing the Proposed Zoning Map Amendments and other actions related to the Project (Case No. 2005-0540E). On October 8, 2009, the Planning Commission ("Commission") certified the Project's Final Environmental Impact Report (FEIR), as set forth in Motion No. 17976 and adopted findings pursuant to CEQA as set forth in Motion No. 17977, which findings are incorporated herein

by this reference thereto as if fully set forth in this Resolution.

7. WHEREAS, The Project will promote the public necessity, convenience, and general welfare in that it will provide a mixed-use building, which is consistent and compatible with the scale, use, and character of existing and approved development in the surrounding area. The Project would replace a one-story strip-style commercial building, which along with its parking lot, is used as an attended parking facility, with a well-designed structure containing much needed housing units and active ground level uses, which are desirable for the local area and the City. The Project Sponsor proposes to add up to 117 new residential units, including up to 18 below-market-rate units, to the City's housing stock. The addition of residential units is one of the City's highest priorities.

8. WHEREAS, The City has encouraged the development of high density housing adjacent to? downtown, because it can be accommodated with minimal impacts on existing neighborhoods and public services. This location is near the City's major employment center, is well served by public transit and a highly developed infrastructure.

9. WHEREAS, The proposed residential and retail building at 1415 Mission Street will improve an underutilized site, creating a project that is desirable for and compatible with the neighborhood and the community. The Project would add up to 117 new residential units, including 18 below-market-rate units, to the City's housing stock. The addition of residential units is necessary and desirable due to the large number of individuals and families seeking housing in the City. Moreover, the Project will enhance the availability of housing to individuals and families with a broad range of income levels by meeting the inclusionary housing requirements applicable to the Project and providing a variety of unit types.

10. WHEREAS, Along with the design of the Project, its height and dwelling unit density also are desirable. The height of the proposed building, at 130 feet, provides an effective transition in scale from the taller and larger commercial and residential buildings built, under construction, or approved just to the north of the Project site. The proposed density of one unit per 97 sq. ft. of lot area would be consistent with the surrounding area, which contains many high density office, commercial, and residential buildings, including the following:

    1. The 21-story Bank of America Data Center at Market and 11th Streets, which exceeds 300 feet in height.
    2. The 29-story, approximately 350-foot-tall Fox Plaza at Market and Tenth Streets.
    3. The 20-story, approximately 200-foot-tall Argenta at One Polk Street.
    4. The 11-story, approximately 135-foot-tall San Francisco Mart at Market and Tenth Streets.
    5. The Mercy Housing development nearing completion on Mission, Ninth, Tenth, and Jessie Streets, which contains 251 units in two buildings of 11 and 12 stories.

    In addition to these existing buildings, the block immediately north of the Project is approved for a major residential development containing buildings ranging from 320 feet in height at Market and Tenth Streets, down to 150 feet in height at the northwest corner of Mission and Tenth Streets.

11. WHEREAS, The Project would affirmatively promote, be consistent with, and would not adversely affect the General Plan, including the following objectives and policies:

The **Housing Element** of the General Plan contains the following relevant objectives and policies:

OBJECTIVE 1

TO PROVIDE NEW HOUSING, ESPECIALLY PERMANENTLY AFFORDABLE HOUSING, IN APPROPRIATE LOCATIONS WHICH MEETS IDENTIFIED HOUSING NEEDS AND TAKES INTO ACCOUNT THE DEMAND FOR AFFORDABLE HOUSING CREATED BY EMPLOYMENT DEMAND.

Policy 1.1

Encourage higher residential density in areas adjacent to downtown, in underutilized commercial and industrial areas proposed for conversion to housing, and in neighborhood commercial districts where higher density will not have harmful effects, especially if the higher density provides a significant number of units that are affordable to lower income households. .

The Project Site is on the western edge of the downtown core, and the Commission has recommended that the Board of Supervisor's amend the City's Zoning Map to designate the Project Site C-3-G. These actions, and approval of the Project, are consistent with General Plan policies encouraging the development of high-density housing on the periphery of downtown and within the C-3-G District. The Project will be compatible in scale and density with similar new and existing projects in the immediate area.

Policy 1.4

Locate infill housing on appropriate sites in established residential neighborhoods.

The Project Site is an infill site within the Mid-Market neighborhood, which is appropriate for high-density housing. This neighborhood currently contains high-density housing developments with many more under construction or planned for the near future. With approximately 117 dwelling units, the Project will create a necessary and desirable residential use on the Project Site, which is currently a parking facility.

OBJECTIVE 4

SUPPORT AFFORDABLE HOUSING PRODUCTION BY INCREASING SITE AVAILABILITY AND CAPACITY.

Policy 4.2 Include affordable units in larger housing projects.

Of the 117 dwelling units proposed for the Project Site, 15 percent will be subject to the on-site inclusionary housing requirements set forth in Planning Code Section 315.

The **Transportation Element** of the General Plan contains the following relevant objectives and policies:

OBJECTIVE 2: USE THE TRANSPORTATION SYSTEM AS A MEANS FOR GUIDING DEVELOPMENT AND IMPROVING THE ENVIRONMENT.

Policy 2.1: Use rapid transit and other transportation improvements in the city and region as the catalyst for desirable development, and coordinate new facilities with public and private development.

The Project will provide new multifamily housing, including affordable housing and units of suitable size for families, in a well-designed building in an existing high-density downtown neighborhood with a multitude of transportation options. It is within easy walking distance of the Civic Center BART/MUNI Station, the Van Ness MUNI Station, and the numerous local and regional bus lines on Market Street, Mission Street, and Van Ness Avenue.

OBJECTIVE 34 RELATE THE AMOUNT OF PARKING IN RESIDENTIAL AREAS AND NEIGHBORHOOD COMMERCIAL DISTRICTS TO THE CAPACITY OF THE CITY'S STREET SYSTEM AND LAND USE PATTERNS.

Policy 34.3 Permit minimal or reduced off-street parking for new buildings in residential and commercial areas adjacent to transit centers and along transit preferential streets.

In keeping with the reduced parking requirements for C-3 Districts, the Project is proposing up to 46 independently accessible, or up to 101 valet, residential parking spaces for 117 dwelling units. The Project Site is well-served by public transit, with BART, Golden Gate Transit, MUNI, and SamTrans all providing service within the immediate vicinity.

The **Urban Design Element** of the General Plan contains the following relevant objectives and policies:

OBJECTIVE 3 MODERATION OF MAJOR NEW DEVELOPMENT TO COMPLEMENT THE CITY PATTERN, THE RESOURCES TO BE CONSERVED, AND THE NEIGHBORHOOD ENVIRONMENT.

Policy 1	Promote harmony in the visual relationships and transitions between new and older buildings.

The Project is part of a gradual transition from buildings over 300-feet tall on Market Street to a predominantly low-rise pattern of development to the south of the Project Site. At 130 feet, the Project would continue the pattern of buildings stepping down from Market Street and would be lower than the buildings approved and proposed on the block to the north. These buildings step down from a high of 320-feet on Market Street to 150 feet at the corner of Mission and Tenth Streets. The Project harmonizes with smaller scale buildings to its west and south by relating its base level to their height, and delineating the base from the tower through the use of different building materials.

Policy 3	Promote efforts to achieve high quality of design for buildings to be constructed at prominent locations.

The Project is located at a prominent corner intersection that is currently developed with a strip-style commercial building situated at the rear of the lot and surrounded by parking. The Project will replace this with a new building of high-quality design that will activate the pedestrian environment with ground-floor retail and improve the overall appearance of the neighborhood.

OBJECTIVE 4	IMPROVEMENT OF THE NEIGHBORHOOD ENVIRONMENT TO INCREASE PERSONAL SAFETY, COMFORT, PRIDE, AND OPPORTUNITY.
Policy 10	Encourage or require the provision of recreation space in private development.

The Project will include usable open space for its residents in the form of private balconies, terraces, and a roof deck at the top floor. In addition to these outdoor spaces, residents will have access to an exercise room and a recreational room adjacent to the roof deck.

Policy 13	Improve pedestrian areas by providing human scale and interest.

In order to generate pedestrian activity and interest, the Project will include approximately 2,742 square feet of retail/personal service space on the ground floor, which could be broken into multiple storefronts. Windows will provide a high degree of transparency into both the retail space and residential lobby, allowing passersby to observe activities in the building. The Project will also improve the pedestrian experience on Mission and Tenth Streets by installing street trees and other required improvements.

12. WHEREAS, the Project would be consistent with the priority policies of Planning Code Section 101.1 as follows:

A. That Existing Neighborhood-Serving Retail Uses Be Preserved and Enhanced and Future Opportunities for Resident Employment in and Ownership of Such Businesses Be Enhanced.

The Project Site is presently used as an attended parking facility and does not constitute a neighborhood-serving retail use. The Project would enhance existing neighborhood-serving retail/personal service uses by adding 117 new dwelling units, the residents of which would patronize local businesses. The Project would also add a moderately sized retail space to the neighborhood, which would provide potential ownership and employment opportunities to San Francisco residents.

B. That Existing Housing and Neighborhood Character Be Conserved and Protected in Order to Preserve the Cultural and Economic Diversity of Our Neighborhoods.

The Project Site is used as a parking facility. Its removal will have no adverse impact on existing housing. With 117 new dwelling units, including 18 affordable units, intended for a wide range of ages and incomes, the Project will bring an influx of residents with different cultural and economic backgrounds into the area and enhance the character and diversity of the neighborhood.

C. That the City's Supply of Affordable Housing Be Preserved and Enhanced.

The Project would directly enhance the City's supply of permanently affordable housing through the provision of 18 below-market-rate units. As competition for existing housing generates the greatest pressure on the supply of affordable housing, the Project would indirectly preserve and enhance affordable housing by relieving competitive pressure on the housing market.

D. That Commuter Traffic Not Impede Muni Transit Service or Overburden Our Streets or Neighborhood Parking.

The FEIR indicated the Project will not have significant adverse impacts on pedestrians, bicyclists, motorists, or public transit. With numerous public transit alternatives in the immediate vicinity of the Project Site, it is anticipated that many residents of and visitors to the Project will use public transit instead of driving. Given the proximity of multiple public transit alternatives (BART, Golden Gate Transit, MUNI, and SamTrans), the Project will provide an adequate amount of parking (46 independently accessible or 101 valet spaces) for its 117 units.

E. That a Diverse Economic Base Be Maintained by Protecting Our Industrial and Service Sectors from Displacement Due to Commercial Office Development, and That Future Opportunities for Resident Employment and Ownership in These Sectors Be Enhanced.

The Project, which includes a mix of residential and retail/personal service uses, will not displace any industrial or service sector uses. The Project Site is currently used as a parking lot, which provides minimal employment opportunities.

F. That the City Achieves the Greatest Possible Preparedness to Protect Against Injury and Loss of Life in an Earthquake.

The Project would help the City to achieve the greatest possible preparedness to protect against injury and loss of life in an earthquake because it will comply with all structural and seismic safety requirements under the City's Building Code.

G. That Landmarks and Historic Buildings Be Preserved.

The Project Site is not within an existing historic district and does not contain historic or landmark buildings.

H. That Our Parks and Open Space and Their Access to Sunlight and Vistas Be Protected from Development.

A shadow study was conducted and found that there would be no net new shadow from the Project on any property under the jurisdiction of the Department of Recreation and Parks. Other public parks and open space would not be adversely impacted.

13. WHEREAS, A proposed ordinance, attached hereto as Exhibit A, has been drafted in order to make necessary amendment to the Zoning Maps to implement the Project (Proposed Ordinance).

14. WHEREAS, The Proposed Ordinance would amend Map 7 of the Zoning Maps by reclassifying the use district for the Project Site from C-M to C-3-G.

15. WHEREAS, the Office of the City Attorney has reviewed the Proposed Ordinance and approved it as to form.

16. WHEREAS, Section 4.105 of the City Charter and Section 302 of the Planning Code require that the Commission consider any proposed amendments to the City's Zoning Maps and Planning

Code, and make a recommendation for approval or rejection to the Board of Supervisors before the Board of Supervisors acts on the proposed amendments.

17. WHEREAS, On November 12, 2009, the Commission conducted a duly noticed public hearing at a regularly scheduled meeting to consider the Proposed Zoning Map Amendment.

18. WHEREAS, On November 12, 2009, the Commission urged the department to examine the appropriateness of a height transition by changing the overall height to the parcel to the south of the project site. Either as a separate or as part of the south of market or other zoning study in the near future.

19. WHEREAS, The Commission has had available to it for its review and consideration studies, case reports, letters, plans, and other materials pertaining to the Project contained in the Department's case files, and has reviewed and heard testimony and received materials from interested parties during the public hearings on the Project.

NOW, THEREFORE BE IT RESOLVED THAT, the Commission finds, based upon the entire Record, the submissions by the Applicant, the staff of the Department, and other interested parties, the oral testimony presented to the Commission at the public hearing, and all other written materials submitted by all parties, that the public necessity, convenience and general welfare require that Zoning Map Sheet 7 be amended to reclassify the property located at 1415 Mission Street, Block 3510, Lot 001, from a C-M District to a C-3-G District, as proposed in Zoning Map Amendment Application No. 2005.0540Z; and,

BE IT FURTHER RESOLVED THAT, the Planning Commission recommends the Board of Supervisors approve the proposed Zoning Map Amendment.

I hereby certify that the foregoing Resolution was ADOPTED by the Planning Commission at its regular meeting on November 12, 2009.

Linda Avery
Commission Secretary

AYES: Commissioners Antonini, Borden, Lee, Miguel, Moore and Sugaya

NOES: Commissioner Olague

ABSENT: None

ADOPTED: November 12, 2009

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SAN FRANCISCO
PLANNING DEPARTMENT

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Executive Summary
Conditional Use
HEARING DATE: NOVEMBER 12, 2009

Date:	October 29, 2009
Case No.:	**2005.0540E!KXCVZ**
Project Address:	**1415 MISSION STREET**
Existing Zoning:	C-M (Heavy Commercial)
	130-L Height and Bulk District
Proposed Zoning:	C-3-G (Downtown General Commercial)
	130-L Height and Bulk District
Block/Lot:	3510/001
Project Sponsor:	R&K Investments
	c/o Daniel Frattin of Reuben & Junius LLP
	One Bush Street, Suite 600
	San Francisco, CA 94104
Staff Contact:	Ben Fu – (415) 558-6613
	ben.fu@sfgov.org

PROJECT DESCRIPTION

The Project entails demolition of the existing, one-story, 18-foot tall building at the Site, which along with the adjoining asphalt parking lot is currently used as an attended parking facility, and construction of a new 14-story, 130-foot tall building (146 feet to highest point) with 117 residential units and off-street accessory parking for up to 46 independently accessible spaces, or up to 101 valet spaces, in a three-level underground parking garage. The Project would include approximately 2,740 sq. ft. of retail/personal services space at street level.

SITE DESCRIPTION AND PRESENT USE

The subject site is an 11,424 sq. ft., roughly square, parcel located at the southwest corner of Tenth and Mission Streets. The site is within the C-M District and a 130-L Height and Bulk District. The Commission has recommended that the Board of Supervisors approve a Zoning Map Amendment to change the zoning designation at the Project Site to C-3-G.

At present, the Site is improved with a one-story, 5,000 square-foot commercial building, situated at the southern edge of the lot, and set back from Mission Street by a large, paved, surface parking lot. The Site was formerly used as a tire sales and repair business (Mark Morris Tires) and is currently used as an attended indoor/outdoor parking facility (MB Parking).

SURROUNDING PROPERTIES AND NEIGHBORHOOD

The existing C-M District is comprised of few parcels containing a wide variety of uses, including office, residential, parking, and commercial services. Recently adopted plans, including the Market-Octavia and Eastern Neighborhoods Plan, have phased out the C-M District. The nearby Market-Octavia Plan rezoned several nearby C-M parcels to C-3-G. The C-3-G District covers the western portions of downtown San Francisco and is composed of a variety of uses: hotels, offices, places of entertainment, residential buildings, and retail establishments. Many of these uses serve a citywide or regional clientele, but the intensity of development is lower than in the downtown core. Residential uses are principally permitted within the C-3-G District.

The scale of development in the vicinity of the project site is very diverse, with the current height limits in the area ranging from 40 to 320 feet. The area is undergoing a transition from lower density uses into a dense mixed-use district characterized by mid- to high-rise buildings. The approved 10th/Market/Mission Development on the block to the north of the Site includes up to 856 residential units in buildings up to 35 stories in height. The 12-story, 136-unit Mercy Housing Project is under construction at the northeast corner of 10th and Mission Streets. The area to the west of the Site is part of the Market-Octavia Plan, which is intended to guide the area's eventual transformation into a dense, transit-oriented neighborhood with buildings ranging from 85- to 400-feet in height.

ENVIRONMENTAL REVIEW

The Department published the Final Environmental Impact Report for the project on October 29, 2009. The FEIR indicates that, with mitigation, the project will not have significant environmental impacts. On November 12, 2009, the Department certified the Final Environmental Impact Report for the project at 1415 Mission Street (the "Final EIR").

HEARING NOTIFICATION

TYPE	REQUIRED PERIOD	REQUIRED NOTICE DATE	ACTUAL NOTICE DATE	ACTUAL PERIOD
Classified News Ad	20 days	October 23, 2009	October 23, 2009	20 days
Posted Notice	20 days	October 23, 2009	October 23, 2009	20 days
Mailed Notice	10 days	November 02, 2009	October 23, 2009	20 days

PUBLIC COMMENT

- The Department is not aware of any opposition to this project.

ISSUES AND OTHER CONSIDERATIONS

On November 02, 2006, an application was submitted for the construction of a new 14-story, 130-foot tall building with 117 residential units and off-street accessory parking for up to 46 independently accessible spaces, or up to 101 valet spaces, in a three-level underground parking garage. that would include the following features:

- The Project will consist of up to 117 dwelling units, including up to 15 percent of the Project's dwelling units designated as BMR units to be provided on-site.
- Subject to approval by the Department of Public Works, the Project will provide streetscape improvements along Mission and Tenth Streets. The Project Sponsor will be responsible for making necessary repairs to and maintaining the sidewalks abutting the Project Site.
- Off-street parking to 46 independently accessible spaces or up to 101 valet spaces will be provided in an underground garage. The garage will also include ADA compliant and car share spaces and 42 bicycle storage spaces.

REQUIRED COMMISSION ACTION

In order for the project to proceed, the Commission must grant the authorization of a Planning Code Section 309 Determination of Compliance and Request for Exceptions, including exceptions for a rear yard modification, curb-cut location, comfort level wind, and off-street parking. Other required entitlements include conditional use authorization from the Commission and a dwelling unit exposure Variance from the Zoning Administrator. In addition, the Project requires that the Board of Supervisors approve a Zoning Map Amendment to change the zoning designation of the Project Site to C-3-G.

BASIS FOR RECOMMENDATION

The Department believes this project is necessary and/or desirable under Section 309 of the Planning Code for the following reasons:

- The project complies with the applicable requirements of proposed Planning Code.
- The project is consistent with the objectives and policies of the General Plan.
- The project complies with the First Source Hiring Program.
- The project design, with its ground floor retail and ample landscaping, will provide a rich pedestrian environment and play a key role in the creation of an active neighborhood.
- The project will provide approximately 117 dwelling units to the City's housing stock.

RECOMMENDATION:	**Approval with Conditions**

Attachment Checklist

- ☒ Executive Summary
- ☒ Draft Motion
- ☒ Zoning District Map
- ☒ Height & Bulk Map
- ☒ Parcel Map
- ☒ Sanborn Map
- ☒ Aerial Photo
- ☒ Context Photos
- ☒ Site Photos

- ☒ Project sponsor submittal

Drawings: Existing Conditions

- ☒ Check for legibility

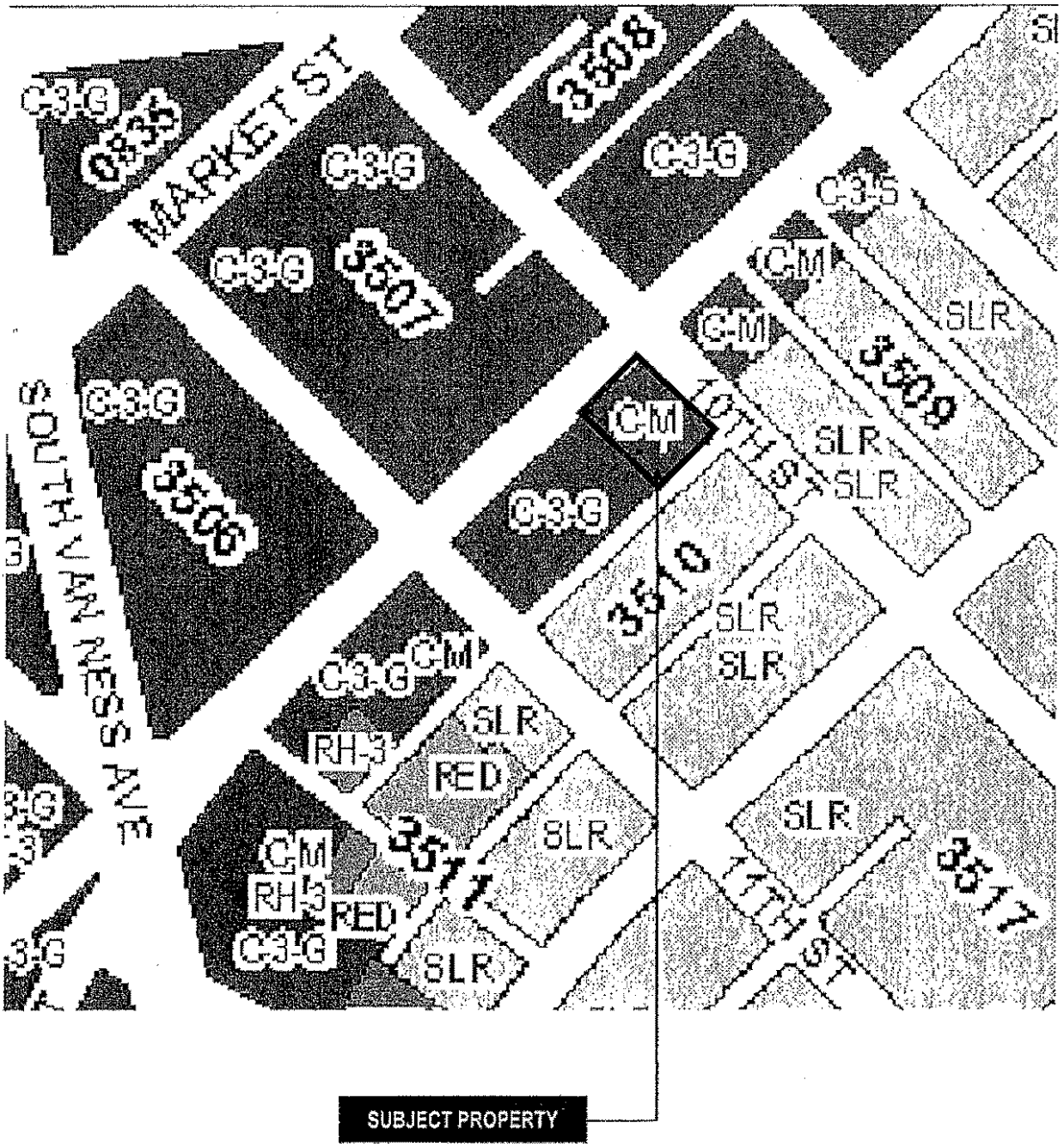
Drawings: Proposed Project

- ☒ Check for legibility

Exhibits above marked with an "X" are included in this packet BF

Planner's Initials

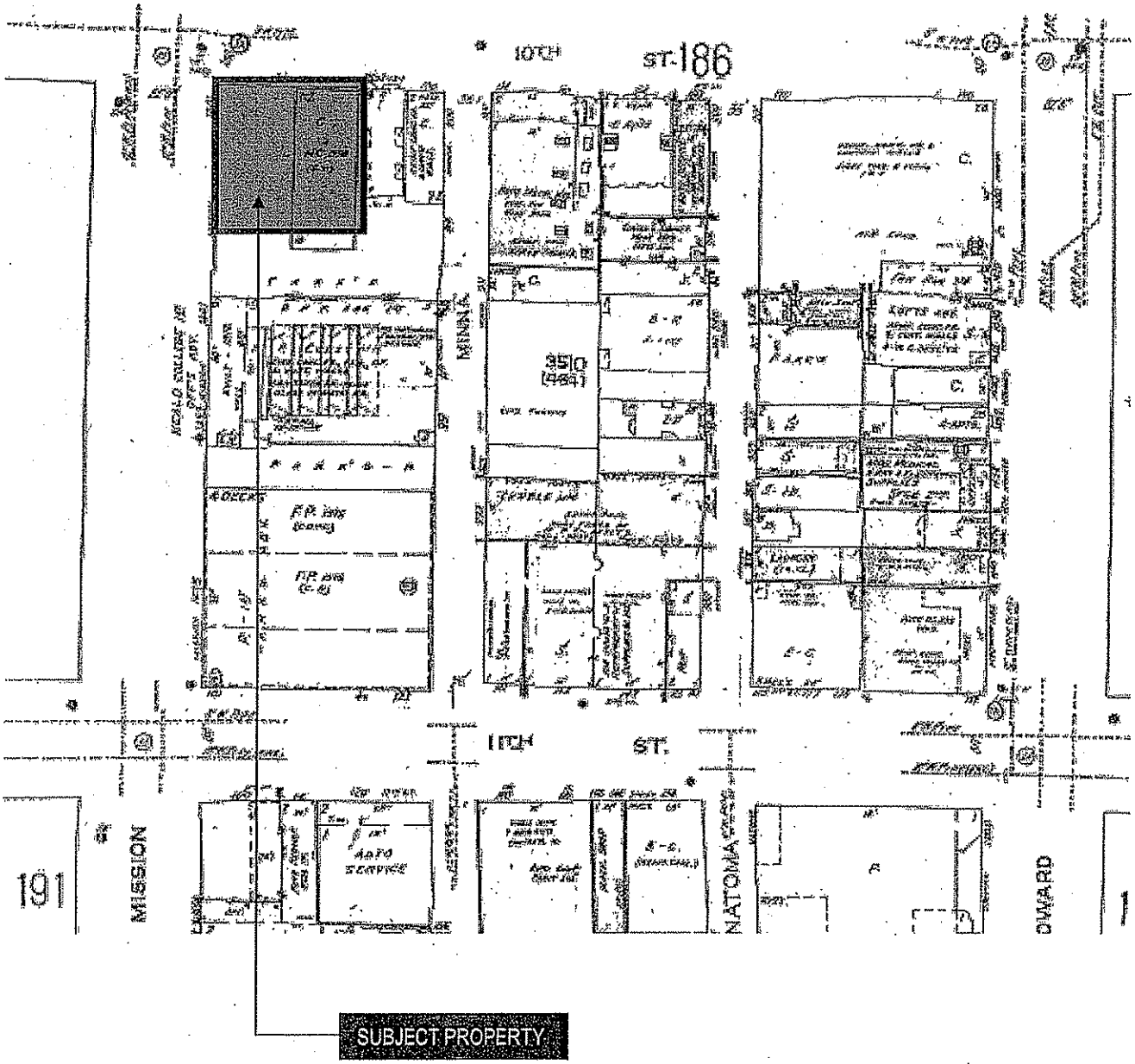
Parcel Map



Planning Commission Hearing
Case Number 2005.0540CXVZ
1415 Mission Street

SAN FRANCISCO
PLANNING DEPARTMENT

Sanborn Map*



The Sanborn Maps in San Francisco have not been updated since 1998, and this map may not accurately reflect existing conditions.

Planning Commission Hearing
Case Number 2005.0540CXVZ
1415 Mission Street

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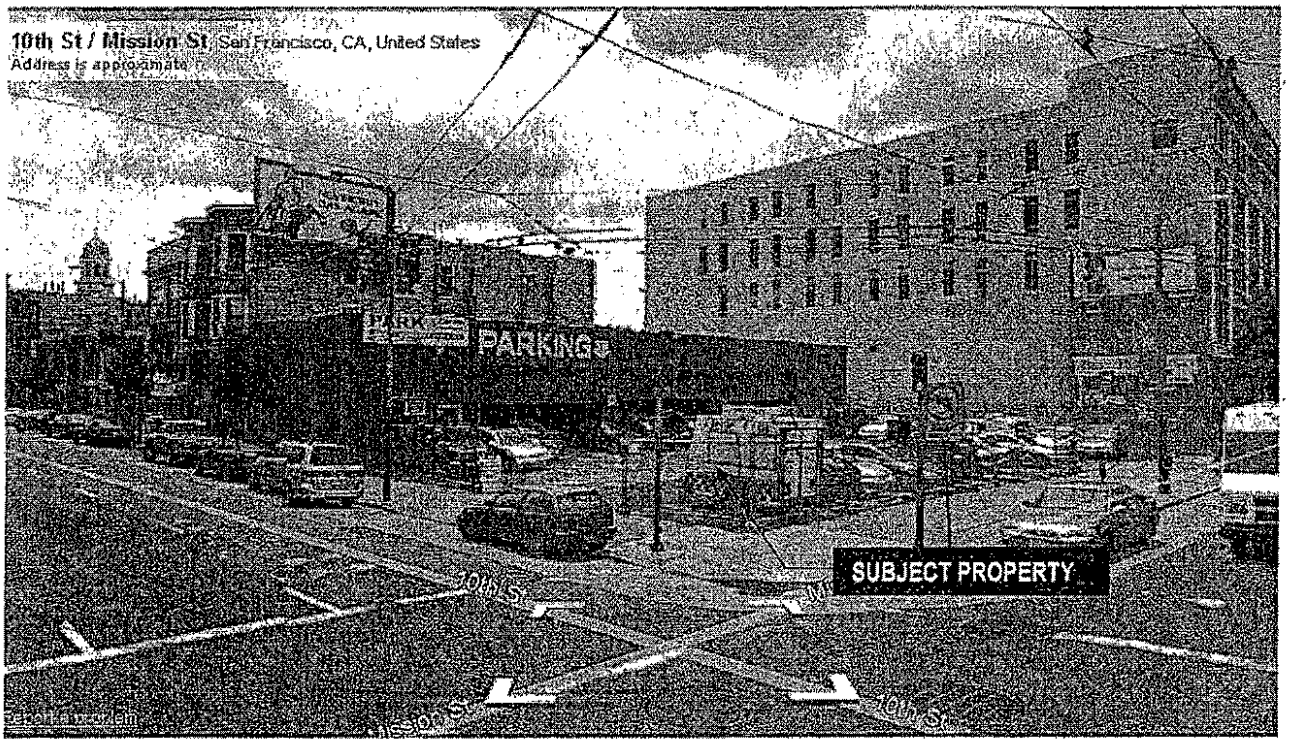
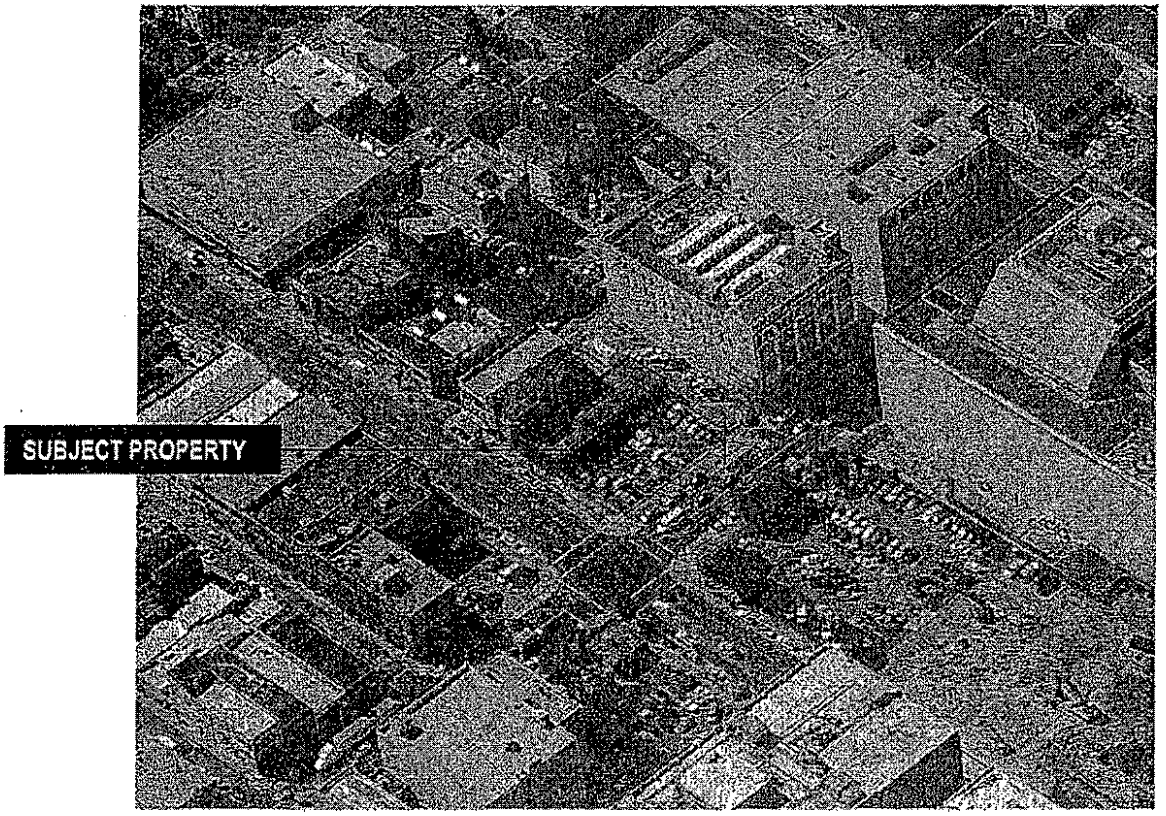
Aerial Photo





Planning Commission Hearing
Case Number 2005.0540CXVZ
1415 Mission Street

Zoning Map

Planning Commission Hearing
Case Number 2005.0540CXVZ
1415 Mission Street

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EXHIBIT D
MITIGATION MONITORING AND REPORTING PROGRAM

File No. Project Title: 2005.0540E
1415 Mission Street Mixed Use Development

Motion No.:

Mitigation Measures Agreed to by Project Sponsor	Responsibility for Implementation	Mitigation Schedule	Monitoring and Reporting Actions and Responsibility	Status / Date Completed
MITIGATION MEASURE 1 **Archeology (Testing)**				
Based on a reasonable presumption that archeological resources may be present within the project site, the following measures shall be undertaken to avoid any potentially significant adverse effect from the proposed project on buried or submerged historical resources. The project sponsor shall retain the services of a qualified archeological consultant having expertise in California prehistoric and urban historical archeology. The archeological consultant shall undertake an archeological testing program as specified herein. In addition, the consultant shall be available to conduct an archeological monitoring and/or data recovery program if required pursuant to this measure. The archeological consultant's work shall be conducted in accordance with this measure at the direction of the Environmental Review Officer (ERO). All plans and reports prepared by the consultant as specified herein shall be submitted first and directly to the ERO for review and comment, and shall be considered draft reports subject to revision until final approval by the ERO. Archeological monitoring and/or data recovery programs required by this measure could suspend construction of the project for up to a maximum of four weeks. At the direction of the ERO, the suspension of construction can be extended beyond four weeks only if such a suspension is the only feasible means to reduce to a less-than-significant level of potential effects on a significant archeological resource as defined in CEQA Guidelines Sect. 15064.5(a)(c).	Project sponsor/ archeological consultant at the direction of the Environmental Review Officer (ERO).	Prior to soil-disturbing activities.	Archeological consultant shall report to the ERO.	During excavation, demolition and construction. Considered complete upon receipt of final monitoring report at completion of construction.
Archeological Testing Program. The archeological consultant shall prepare and submit to the ERO for review and approval an archeological testing plan	Project sponsor/ archeological	Prior to soil-disturbing	Archeologist shall prepare and submit	During excavation,

Mitigation Measures Agreed to by Project Sponsor	Responsibility for Implementation	Mitigation Schedule	Monitoring and Reporting Actions and Responsibility	Status / Date Completed
(ATP). The archeological testing program shall be conducted in accordance with the approved ATP. The ATP shall identify the property types of the expected archeological resource(s) that could potentially be adversely affected by the proposed project, the testing method to be used, and the locations recommended for testing. The purpose of the archeological testing program will be to determine to the extent possible the presence or absence of archeological resources and to identify and to evaluate whether any archeological resource encountered on the site constitutes an historical resource under CEQA.	consultant at the direction of the ERO.	activities	draft Archeological Testing Plan to the ERO.	demolition and construction. Considered complete upon receipt of final monitoring report at completion of construction.
At the completion of the archeological testing program, the archeological consultant shall submit a written report of the findings to the ERO. If based on the archeological testing program the archeological consultant finds that significant archeological resources may be present, the ERO in consultation with the archeological consultant shall determine if additional measures are warranted. Additional measures that may be undertaken include additional archeological testing, archeological monitoring, and/or an archeological data recovery program. If the ERO determines that a significant archeological resource is present and that the resource could be adversely affected by the proposed project, at the discretion of the project sponsor either: A) The proposed project shall be re-designed so as to avoid any adverse effect on the significant archeological resource; or B) A data recovery program shall be implemented, unless the ERO determines that the archeological resource is of greater interpretive than research significance and that interpretive use of the resource is feasible.	Project sponsor/ archeological consultant at the direction of the ERO.	After completion of the Archeological Testing Program.	Archeological consultant shall submit report of the findings of the Archeological Testing Program to the ERO.	During excavation, demolition and construction. Considered complete upon receipt of final monitoring report at completion of construction.
Archeological Monitoring Program (AMP). If the ERO in consultation with the archeological consultant determines that an archeological monitoring	Project sponsor/ archeological	ERO & archeological	Project sponsor/ archeological	During excavation,

Mitigation Measures Agreed to by Project Sponsor	Responsibility for Implementation	Mitigation Schedule	Monitoring and Reporting Actions and Responsibility	Status / Date Completed
program shall be implemented the archeological monitoring program shall minimally include the following provisions: • The archeological consultant, project sponsor, and ERO shall meet and consult on the scope of the AMP reasonably prior to any project-related soils disturbing activities commencing. The ERO in consultation with the archeological consultant shall determine what project activities shall be archeologically monitored. In most cases, any soil-disturbing activities, such as demolition, foundation removal, excavation, grading, utilities installation, foundation work, driving of piles (foundation, shoring, etc.), site remediation, etc., shall require archeological monitoring because of the risk these activities pose to potential archaeological resources and to their depositional context; • The archeological consultant shall advise all project contractors to be on the alert for evidence of the presence of the expected resource(s), of how to identify the evidence of the expected resource(s), and of the appropriate protocol in the event of apparent discovery of an archeological resource; • The archeological monitor(s) shall be present on the project site according to a schedule agreed upon by the archeological consultant and the ERO until the ERO has, in consultation with the project archeological consultant, determined that project construction activities could have no effects on significant archeological deposits; • The archeological monitor shall record and be authorized to collect soil samples and artifactual/ecofactual material as warranted for analysis; • If an intact archeological deposit is encountered, all soils-disturbing activities in the vicinity of the deposit shall cease. The archeological	consultant./ archeological monitor/ contractor(s), at the direction of the ERO.	consultant shall meet prior to commencement of soil-disturbing activity. If the ERO determines that an Archeological Monitoring Program is necessary, monitor throughout all soil-disturbing activities.	consultant./ archeological monitor/Contractor(s), and the ERO. Monitor throughout all soils-disturbing activities.	demolition and construction. Considered complete upon receipt of final monitoring report at completion of construction.

Mitigation Measures Agreed to by Project Sponsor	Responsibility for Implementation	Mitigation Schedule	Monitoring and Reporting Actions and Responsibility	Status / Date Completed
monitor shall be empowered to temporarily redirect demolition/excavation/pile driving/construction activities and equipment until the deposit is evaluated. If in the case of pile driving activity (foundation, shoring, etc.), the archeological monitor has cause to believe that the pile driving activity may affect an archeological resource, the pile driving activity shall be terminated until an appropriate evaluation of the resource has been made in consultation with the ERO. The archeological consultant shall immediately notify the ERO of the encountered archeological deposit. The archeological consultant shall make a reasonable effort to assess the identity, integrity, and significance of the encountered archeological deposit, and present the findings of this assessment to the ERO. Whether or not significant archeological resources are encountered, the archeological consultant shall submit a written report of the findings of the monitoring program to the ERO.				
Archeological Data Recovery Program. The archeological data recovery program shall be conducted in accord with an archeological data recovery plan (ADRP). The archeological consultant, project sponsor, and ERO shall meet and consult on the scope of the ADRP prior to preparation of a draft ADRP. The archeological consultant shall submit a draft ADRP to the ERO. The ADRP shall identify how the proposed data recovery program will preserve the significant information the archeological resource is expected to contain. That is, the ADRP will identify what scientific/historical research questions are applicable to the expected resource, what data classes the resource is expected to possess, and how the expected data classes would address the applicable research questions. Data recovery, in general, should be limited to the portions of the historical property that could be adversely affected by the	Archeological consultant at the direction of the ERO	If there is a determination that an ADRP program is required	Project sponsor/ archeological consultant/ archeological monitor/ contractor(s), and the ERO. Monitor throughout all soils-disturbing activities.	During excavation, demolition and construction. Considered complete upon receipt of final monitoring report at completion of construction.

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proposed project. Destructive data recovery methods shall not be applied to portions of the archeological resources if nondestructive methods are practical. The scope of the ADRP shall include the following elements: • *Field Methods and Procedures.* Descriptions of proposed field strategies, procedures, and operations. • *Cataloguing and Laboratory Analysis.* Description of selected cataloguing system and artifact analysis procedures. • *Discard and Deaccession Policy.* Description of and rationale for field and post-field discard and deaccession policies. • *Interpretive Program.* Consideration of an on-site/off-site public interpretive program during the course of the archeological data recovery program. • *Security Measures.* Recommended security measures to protect the archeological resource from vandalism, looting, and non-intentionally damaging activities. • *Final Report.* Description of proposed report format and distribution of results. • *Curation.* Description of the procedures and recommendations for the curation of any recovered data having potential research value, identification of appropriate curation facilities, and a summary of the accession policies of the curation facilities.				

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Human Remains and Associated or Unassociated Funerary Objects. The treatment of human remains and of associated or unassociated funerary objects discovered during any soils disturbing activity shall comply with applicable State and Federal laws. This shall include immediate notification of the Coroner of the City and County of San Francisco and in the event of the Coroner's determination that the human remains are Native American remains, notification of the California State Native American Heritage Commission (NAHC) who shall appoint a Most Likely Descendant (MLD) (Pub. Res. Code Section 5097.98). The archeological consultant, project sponsor, and MLD shall make all reasonable efforts to develop an agreement for the treatment of, with appropriate dignity, human remains and associated or unassociated funerary objects (CEQA Guidelines. Section 15064.5(d)). The agreement should take into consideration the appropriate excavation, removal, recordation, analysis, custodianship, curation, and final disposition of the human remains and associated or unassociated funerary objects.	Project sponsor / archeological consultant in consultation with the San Francisco Coroner, NAHC, and MDL.	In the event human remains and/or funerary objects are found.	Project sponsor/ archeological consultant/ San Francisco Coroner/ NAHC/ MDL. Monitor throughout all soils-disturbing activities	During excavation, demolition and construction. Considered complete upon receipt of final monitoring report at completion of construction.
Final Archeological Resources Report. The archeological consultant shall submit a Draft Final Archeological Resources Report (FARR) to the ERO that evaluates the historical significance of any discovered archeological resource and describes the archeological and historical research methods employed in the archeological testing/monitoring/data recovery program(s) undertaken. Information that may put at risk any archeological resource shall be provided in a separate removable insert within the final report. 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	Project sponsor/ archeological consultant at the direction of the ERO.	After completion of the archeological data recovery, inventorying, analysis and interpretation.	Project sponsor/ archeological consultant/ ERO	Following completion of soil disturbing activities. Considered complete upon Planning Department receipt of final monitoring report at completion of

Mitigation Measures Agreed to by Project Sponsor	Responsibility for Implementation	Mitigation Schedule	Monitoring and Reporting Actions and Responsibility	Status / Date Completed
along with copies of any formal site recordation forms (CA DPR 523 series) and/or documentation for nomination to the National Register of Historic Places/California Register of Historical Resources. In instances of high public interest in or the high interpretive value of the resource, the ERO may require a different final report content, format, and distribution than that presented above.				construction.
MITIGATION MEASURE 2 **Hazards (Underground Storage Tanks)**				
The project sponsor has conducted a geophysical survey of the project site, which detected an underground object that could potentially be an underground storage tank (UST). During excavation and prior to construction, an additional geophysical investigation of surrounding sidewalk areas shall be conducted, under the direction of the San Francisco Department of Public Health (DPH). If it is determined during the additional geophysical investigation of surrounding sidewalk areas, or during construction, that a UST is in fact present, construction work shall be stopped and permits from the City Hazardous Material Unified Program Agency (HMUPA), Fire Department, and, if required, DPW (Streets and Sidewalk) shall be obtained for the UST (and related piping) removal. HMUPA, SFFD (and possibly DPW) will make inspections prior to removal, and only upon approval of the inspector may the UST be removed from the ground. Appropriate soil and, if necessary, groundwater samples shall be taken at the direction of the HMUPA inspector and analyzed. Appropriate transportation and disposal of the UST shall be arranged. If analytical results indicate non-detectable or low levels of contamination, HMUPA will issue a "Certificate of Completion." If the HMUPA inspector requires that an Unauthorized Release	Project sponsor	During excavation and prior to construction	Project sponsor to conduct additional geophysical investigation under the direction of the DPH. If it is determined during investigation or during construction that a UST is present, all construction work shall be stopped, project sponsor shall follow proscribed actions under direction of the	Considered complete at completion of building construction.

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(leak) Report is required due to holes in the UST or odor or visual contamination, or if analytical results indicate there are elevated levels of contamination, the case will be referred to the Local Oversight Program for further action.			HMUPA.	
Hazards (Disposal of Contaminated Soil, Site Health and Safety Plan)				
If, based on the results of the soil tests conducted, the DPH determines that the soils on the project site are contaminated with contaminants at or above potentially hazardous levels, all contaminated soils designated as hazardous waste shall be excavated by a qualified Removal Contractor and disposed of at a regulated Class I, II, or III hazardous waste landfill in accordance with state and federal regulations, as stipulated in the Site Mitigation Plan. The Removal Contractor shall, as required, obtain, complete, and sign hazardous waste manifests to accompany the soils to the disposal site. Other excavated soils shall be disposed of in an appropriate landfill, as governed by applicable laws and regulations, or other appropriate actions shall be taken in coordination with the DPH. If the DPH determines that the soils on the project site are contaminated with contaminants at or above potentially hazardous levels, a Site Health and Safety (H&S) Plan would be required by the California Division of OSHA prior to initiating any earth-moving activities at the site. The Site Health and Safety Plan shall identify protocols for managing soils during construction to minimize worker and public exposure to contaminated soils. The protocols shall include at a minimum: • Sweeping of adjacent public streets daily (with water sweepers) if any visible soil material is carried onto the streets.	Project sponsor and construction contractor	During demolition, excavation, and construction.	If DPH determines no contaminants in soil at or above potentially hazardous levels, then no action required. If DPH determines presence of contaminants at or above potentially hazardous levels, then an H&S Plan would be required, which shall meet certain requirements.	During demolition, excavation, and construction. Considered complete if DPH determines the absence of contaminants. Otherwise, considered complete upon receipt by DPH of final monitoring plan.

Mitigation Measures Agreed to by Project Sponsor	Responsibility for Implementation	Mitigation Schedule	Monitoring and Reporting Actions and Responsibility	Status / Date Completed
• Characterization of excavated native soils proposed for use on site prior to placement to confirm that the soil meets appropriate standards. • The dust controls specified in the San Francisco Construction Dust Control Ordinance. • Protocols for managing stockpiled and excavated soils. The Site Health and Safety Plan shall identify site access controls to be implemented from the time of ground disturbance through the completion of earthwork construction. The protocols shall include at a minimum: • Appropriate site security to prevent unauthorized pedestrian/vehicular entry, such as fencing or other barrier of sufficient height and structural integrity to prevent entry and based upon the degree of control required. • Posting of "no trespassing" signs. • Providing on-site meetings with construction workers to inform them about security measures and reporting/contingency procedures. If groundwater contamination is identified, the Site Health and Safety Plan shall identify protocols for managing groundwater during construction to minimize worker and public exposure to contaminated groundwater. The protocols shall include procedures to prevent unacceptable migration of contamination from defined plumes during dewatering. The Site Health and Safety Plan shall include a requirement that construction personnel be trained to recognize potential hazards associated with underground features that could contain hazardous substances, previously				

Mitigation Measures Agreed to by Project Sponsor	Responsibility for Implementation	Mitigation Schedule	Monitoring and Reporting Actions and Responsibility	Status / Date Completed
unidentified contamination, or buried hazardous debris. Excavation personnel shall also be required to wash hands and face before eating, smoking, and drinking. The Site Health and Safety Plan shall include procedures for implementing a contingency plan, including appropriate notification and control procedures, in the event unanticipated subsurface hazards are discovered during construction. Control procedures could include, but would not be limited to, investigation and removal of hazards.				
Hazardous Building Materials (PCBs, Mercury, Lead and others)				
The project sponsor shall ensure that pre-construction building surveys for PCB- and mercury-containing equipment, hydraulic oils, fluorescent lights, lead, mercury and other potentially toxic building materials are performed prior to the start of demolition. Any hazardous building materials so discovered shall be abated according to federal, state, and local laws and regulations.	Project sponsor.	Prior to demolition and construction activities.	San Francisco Planning Department to review building materials surveys and monitor abatement compliance	Considered complete upon receipt by the San Francisco Planning Department of final abatement compliance report.
Hazardous Building Materials (Removal of Hydraulic Hoists)				
Prior to removal of the hydraulic hoists on the site, the project sponsor shall apply for permits from the Hazardous Materials Unified Program Agency (HMUPA) and the San Francisco Fire Department. The project sponsor shall comply with all conditions of the permits issued by the HMUPA and Fire	Project sponsor.	Prior to demolition and construction activities.	The HMUPA and Fire Department would issue conditions for the removal hydraulic	Considered complete upon receipt by the Planning Department of

Mitigation Measures Agreed to by Project Sponsor	Responsibility for Implementation	Mitigation Schedule	Monitoring and Reporting Actions and Responsibility	Status / Date Completed
Department for the proposed project.			joists, with which the project sponsor would comply.	hydraulic hoist removal compliance report.

Improvement Measures Agreed to by Project Sponsor	Responsibility for Implementation	Schedule	Monitoring and Reporting Actions and Responsibility	Status / Date Completed
IMPROVEMENT MEASURE 1				
Transportation (Loading)				
Occasionally a large semi tractor-trailer may be used during move-in or move-out of the residential units. These vehicles could not be accommodated in the proposed on-site loading space and would have to use Tenth Street. This activity would be restricted to weekends only in order to avoid conflicts with vehicular and pedestrian traffic in the area.	Project sponsor	Ongoing when new residents move in to building.	Project sponsor to limit large vehicle loading on Tenth Street to weekends.	Ongoing
Transportation (Construction)				
Any construction traffic occurring between 7:00 a.m. and 9:00 a.m. or between 3:30 p.m. and 6:00 p.m. would coincide with peak hour traffic and could impede traffic flow. The impact of lane closures and construction traffic would decrease the capacity of streets and slow the movement of traffic (including Muni and other buses). During the a.m. peak period on one-way, southbound Tenth Street, and during off-peak period, traffic volumes may accommodate construction vehicles without substantial delay to traffic. To the extent possible, the proposed project would limit truck	Project sponsor	During all demolition, excavation, and construction activities.	Project sponsor to limit construction truck movements.	Prior to occupancy

Improvement Measures Agreed to by Project Sponsor	Responsibility for Implementation	Schedule	Monitoring and Reporting Actions and Responsibility	Status / Date Completed
movements to the hours before 3:30 p.m. Prior to any lane closure and encroachment on traffic lanes, proper permits must be obtained from the City. The project sponsor and construction contractor(s) would meet with the SFMTA, the Fire Department, and the Planning Department to determine feasible traffic mitigation measures to reduce traffic congestion and pedestrian circulation impacts during construction of the project. In addition, to ensure that construction activities do not impact Muni bus stops or routes in the area, the project sponsor would coordinate with Muni's Chief Inspector prior to construction.	Project sponsor and construction contractor(s)	Prior to starting construction	The project sponsor is responsible to report to ERO (who may not be involved in all coordination).	Considered complete after project sponsor and construction coordinator implement feasible measures.