



# SAN FRANCISCO PLANNING DEPARTMENT

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## Letter of Determination

December 11, 2017

David H. Blackwell  
Allen Matkins Leck Gamble Mallory & Natsis, LLP  
Three Embarcadero Center, 12<sup>th</sup> Floor  
San Francisco, CA 94111-4074

**Site Address:** 150-301 Executive Park Boulevard (Candlestick Cove)  
**Assessor's Block/Lot:** 4991/625,632,633  
**Zoning District:** C-2 (Community Business)  
165-I/200-I Height and Bulk  
**Staff Contact:** Ella Samonsky, (415) 575 -9112 or [ella.samonsky@sfgov.org](mailto:ella.samonsky@sfgov.org)  
**Record Number:** 2017-011775ZAD

Dear Mr. Blackwell:

This letter is in response to your request for a Letter of Determination regarding three parcels - Lots 625, 632 and 633 in Block 4991 (aka 150-301 Executive Park Boulevard). These parcels are located in the C-2 (Community Business) Zoning District and 165-I and 200-I Height and Bulk Districts. The request is for confirmation that Planning Code Section 415.3(c) applies to the property and that the affordable housing in-lieu fee for the entitled development project will be based on percentages in affect at the time of the Property's first discretionary development entitlement.

Planning Code Section 415 sets forth the requirements and procedures for the City's Inclusionary Affordable Housing Program. Planning Code Section 415.3 (c) states that " *the new inclusionary affordable housing requirements contained in Sections 415.5, 415.6, and 415.7, as well as the provisions contained in Section 415.3(b), shall not apply to ... (3) any housing development project that has procured a final first discretionary development entitlement approval, which shall mean approval following any administrative appeal to the relevant City board, on or before January 12, 2016. The inclusionary housing requirements for these projects shall be those requirements contained in the projects' existing approvals.*"

On June 16, 2005, the Planning Commission approved the subject parcels first entitlement, a Conditional Use Authorization (Case No. 2003.1113CMK, Motion No. 17037) for a Planned Unit Development for up to 450 dwelling units, in three mid-rise podium buildings and 150 townhomes. This entitlement remains valid because building permits to grade the site and to construct 110 dwelling units, Building Permit Application Nos. 200604249742 and 200708291216 respectively, were issued and construction completed. Therefore Planning Code Section 415.3(c) applies to the property for any permit to construct the project authorized by Motion No. 17037.

1650 Mission St.  
Suite 400  
San Francisco,  
CA 94103-2479

Reception:  
**415.558.6378**

Fax:  
**415.558.6409**

Planning  
Information:  
**415.558.6377**

David H. Blackwell  
Three Embarcadero Center, 12th Floor  
San Francisco, CA 94111

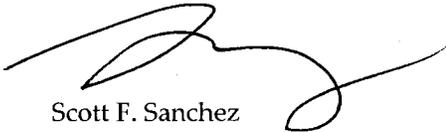
December 11, 2017  
Letter of Determination  
151-301 Executive Park Boulevard

Condition 5 of Planning Commission Motion No. 17037 requires that *“the project shall comply with the inclusionary housing requirements set forth in Section 315 through 315.9 of the Planning Code. ... If the Applicant chooses to pay a fee in-lieu of providing units, the Applicant shall comply with the requirements of Section 315.6.”* Pursuant to former Planning Code Section 315.6 the Inclusionary Affordable Housing Program requirement for the Affordable Housing Fee is at a rate equivalent to an off-site requirement of 17%.

**Please note that a Letter of Determination is a determination regarding the classification of uses and interpretation and applicability of the provisions of the Planning Code. This Letter of Determination is not a permit to commence any work or change occupancy. Permits from appropriate Departments must be secured before work is started or occupancy is changed.**

**APPEAL:** If you believe this determination represents an error in interpretation of the Planning Code or abuse in discretion by the Zoning Administrator, an appeal may be filed with the Board of Appeals within 15 days of the date of this letter. For information regarding the appeals process, please contact the Board of Appeals located at 1650 Mission Street, Room 304, San Francisco, or call (415) 575-6880.

Sincerely,



Scott F. Sanchez  
Zoning Administrator

cc: Property Owner  
Neighborhood Groups  
Ella Samonsky, Planner

# Allen Matkins

Allen Matkins Leck Gamble Mallory & Natsis LLP  
Attorneys at Law  
Three Embarcadero Center, 12<sup>th</sup> Floor | San Francisco, CA 94111-4074  
Telephone: 415.837.1515 | Facsimile: 415.837.1516  
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David H. Blackwell  
E-mail: dblackwell@allenmatkins.com  
Direct Dial: 415.273.7463 File Number: 235580-00076/SF1053742.03

September 11, 2017

Scott Sanchez, Zoning Administrator  
Office of the Zoning Administrator  
1650 Mission Street, Ste 400  
San Francisco, CA 94103

RA# 2017-011775 ZAD  
CK# 259261 \$ 678.50  
R. SUCKE (SE)

**Re: Request for Letter of Determination**

**Site Address: Candlestick Cove, Executive Park**  
**Assessor's Block/Lot: 4991 / 625, 632, 633 ("Property")**  
**Zoning District: C-2 (Community Business) District**

Dear Mr. Sanchez:

Pursuant to Planning Code section 307(a), we request on behalf of Sandpiper Cove Associates II, LLC, a Letter of Determination ("LoD") regarding the above-referenced Property. We seek a confirmation that Section 415.3(c) of the Planning Code applies to the Property and that the affordable housing in-lieu fee for the entitled development project will be based on the percentages in effect at the time of the Property's first discretionary development entitlement. Please find enclosed a check in the amount of \$678.50.

*1. Property Background*

The Property consists of three legal parcels within the Bayview/Hunters Point Neighborhood, at Block 4991, Lots 625, 632, and 633. Lot 633 (also referred to as Lot B) is developed with a three-story, mid-rise building constructed in 2008. Affordable housing in-lieu fees in the amount of \$3,720,395 were paid on July 11, 2007.<sup>1</sup> The remaining two parcels are undeveloped.

All three parcels are subject to a Conditional Use Authorization (Motion No. 17037, adopted June 16, 2005) ("2005 CUA"), enclosed. On June 27, 2013 and March 26, 2014, the Planning Department confirmed in two LoDs, (enclosed) that the 2005 CUA remains a valid, active entitlement with no expiration date. The 2005 CUA, as modified by the two LoDs, entitled the construction of

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<sup>1</sup> We assume that these fees only addressed development of Lot 633 and not the entire Property, but please confirm.

Allen Matkins Leck Gamble Mallory & Natsis LLP  
Attorneys at Law

Scott Sanchez, Zoning Administrator  
September 11, 2017

Page 2

up to 215 additional units within two mid-rise buildings on Lots 625 and 632. These structures have not been built.

2. *Affordable Housing Requirements*

Section 415.3(c) of the Planning Code provides:

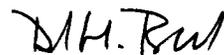
The new inclusionary affordable housing requirements contained in Sections 415.5, 415.6, and 415.7 [the in-lieu fee, on-site, and off-site percentages], as well as the provisions contained in Section 415.3(b), shall not apply to . . . (3) any housing development project that has procured a final first discretionary development entitlement approval, which shall mean approval following any administrative appeal to the relevant City board, on or before January 12, 2016. The inclusionary housing requirements for these projects shall be those requirements contained in the projects' existing approvals.

The inclusionary housing requirements contained in the Property's first discretionary development entitlement approval, the 2005 CUA, referred to former Section 315 *et seq.*, adopted by Ordinance 37-02. Those provisions required either that 12% of the total units be reserved as affordable, 17% of the total units be constructed as affordable units off-site, or that the developer pay an in-lieu fee. (Ord. 37-02, app. 4/5/2002, former §§ 315.4(a)(2); 315.5(a); 315.6.) If the developer chooses to pay a fee in lieu of constructing affordable units, the fee would be calculated based on the percentage of required off-site housing units, i.e., 17% of the total units. (Former § 315.6(b)(1).)

We request your concurrence that Section 415.3(c) exempts the Property from the "new inclusionary affordable housing requirements contained in Sections 415.5, 415.6, and 415.7, as well as the provisions contained in Section 415.3(b)," because the Property has received a "final first discretionary development entitlement approval" prior to January 12, 2016, and therefore that the affordable housing percentages in effect at the time of the 2005 CUA will apply to the construction of the two entitled mid-rise buildings on the Property. As such, payment of an in lieu fee based on 17% of the total remaining constructed units would satisfy the City's affordable housing requirements.

Thank you for your consideration of this matter.

Very truly yours,



David H. Blackwell

Enclosures



# SAN FRANCISCO PLANNING DEPARTMENT

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## Letter of Determination

June 27, 2013

Georgia Frondorf  
333 Market Street  
San Francisco, CA 94105

Site Address:	Candlestick Cove, Executive Park
Assessor's Block/Lot:	4991 / 625 and 632
Zoning District:	C-2 (Community Business) District
Staff Contact:	Ben Fu, (415) 558-6613 or <a href="mailto:ben.fu@sfgov.org">ben.fu@sfgov.org</a>

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Suite 400  
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CA 94103-2479

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Planning  
Information:  
**415.558.6377**

Dear Ms. Frondorf:

This letter is in response to your request for a Letter of Determination regarding the approved development at Executive Park-Candlestick Cove. Specifically, you have requested confirmation on (1) number of approved units, (2) expiration date of the approvals, (3) any additional approvals required prior to construction, and (4) copy of case file(s).

The Executive Park-Candlestick Code project was approved by the Planning Commission on June 16, 2005 (Case No. 2003.1113CMK - Motion Nos. 17037 and 17038) and by the Board of Supervisors on November 8, 2005 (Ordinance No. 263-05). Conditional Use (CU) authorization was granted under Motion No. 17037 to allow a Planned Unit Development (PUD) for 300 dwelling units within three podium (mid-rise) buildings (Buildings "A" - Lot 632, "B" - Lot 633, and "C" - Lot 625) and 150 dwelling units within townhomes, for a total of 450 dwelling units. Planning Commission policy allows the Zoning Administrator to authorize a five percent increase or ten percent decrease in the number of dwelling units without the requirement for a new public hearing, pending review of the proposed modification to ensure substantial conformance with plans approved under the CU/PUD authorization. Therefore, Candlestick Cove may include a maximum of 472 dwelling units, or a minimum of 405 dwelling units, upon Planning Department review of revised plans.

Building "B" is located at the southeastern corner of the project site, and was originally approved for 98 dwelling units, as shown on Exhibit "B" in the case file. Since the original approval, Building "B" requested an increase in the total number of dwelling units from 98 to 110; however, 107 dwelling units were ultimately constructed. Currently, 150 townhome dwelling units are proposed to be constructed as part of the project. As a result, a total of 257 dwelling units (107 in Building B plus 150 in Townhomes) have either been constructed or are proposed for construction as part of the project. Therefore, a total of 215 dwelling units may still be constructed between Buildings "A" and "C" (472 max minus 257 built/proposed). It should be noted that the number of dwelling units in the Final Map submitted for the project (603) appears to be higher than the total number of dwelling units permitted by the Planning Commission (133 in Building A + 107 in Building B + 213 in Building C + 150 townhomes = 603). If building permit applications are sought for the total number of dwelling units proposed in the Final Map, the project would require an updated/revised CU/PUD authorization.

Georgia Frondorf  
Wells Fargo  
333 Market Street  
San Francisco, CA 94105

June 27, 2013  
Letter of Determination  
Executive Park-Candlestick Cove

The CU/PUD authorization granted under Motion No. 17037 included a Condition of Approval that established a validity period of 3 years. This entitlement remains valid and does not have an expiration date because building permits have been issued for elements of the subject project (and construction commenced). No additional approvals (beyond building permit approval) would be required to complete the project unless modifications are proposed. Should a substantial modification be proposed, an updated/revised CU/PUD authorization would be required.

Finally, complete case files are available to the public for review through upon request to the Planning Information Center (complete files will need to be ordered from off-site storage); however, certain materials (such as approval motions) are available via the Property Information Map (PIM) application on the Planning Department's website.

**APPEAL:** If you believe this determination represents an error in interpretation of the Planning Code or abuse in discretion by the Zoning Administrator, an appeal may be filed with the Board of Appeals within 15 days of the date of this letter. For information regarding the appeals process, please contact the Board of Appeals located at 1650 Mission Street, Room 304, San Francisco, or call (415) 575-6880.

Sincerely,



Scott F. Sanchez  
Zoning Administrator

cc: Ben Fu, Planner  
Project Sponsor  
Neighborhood Groups

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# SAN FRANCISCO PLANNING DEPARTMENT

## Letter of Determination

March 26, 2014

John Kevlin  
Reuben, Junius & Rose, LLP  
One Bush Street, Suite 600  
San Francisco, CA 94104

Site Address:	Candlestick Cove, Executive Park
Assessor's Block/Lot:	4991 / 625 and 632
Zoning District:	C-2 (Community Business) District
Staff Contact:	Ben Fu, (415) 558-6613 or <a href="mailto:ben.fu@sfgov.org">ben.fu@sfgov.org</a>

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Suite 400  
San Francisco,  
CA 94103-2479

Reception:  
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Planning  
Information:  
415.558.6377

Dear Mr. Kevlin:

This letter is in response to your request for a Letter of Determination regarding the approved development at Executive Park-Candlestick Cove. Specifically, you have requested confirmation that proposed modifications are in substantial conformance with the 2005 approval.

### Background

The Executive Park-Candlestick Cove project was approved by the Planning Commission on June 16, 2005 (Case No. 2003.1113CMK - Motion Nos. 17037 and 17038) and by the Board of Supervisors on November 8, 2005 (File No. 051509 - Ordinance No. 263-05). Conditional Use (CU) authorization under Motion No. 17037 was granted for 300 units within three podium (mid-rise) buildings (Buildings "A" - Lot 632, "B" - Lot 633, and "C" - Lot 625) and 150 units in townhomes, for a total of 450 units. Planning Commission policy may allow a five percent increase or ten percent decrease in units without additional public hearings, pending review of proposed modification to ensure substantial conformance with plans approved under the CU action. Therefore, the project may include a total of up to 472 dwelling units, or a minimum of 405 dwelling units, upon Planning Department review.

Building "A" was approved in 2005 for 81 units and modified to 114 units in 2011. Building "B" (located at the southeastern corner of the project site) was originally approved for 98 residential dwelling units. Since the original approval, Building "B" requested an increase in total number of units from 98 to 110; however, 107 units were ultimately constructed. Building "C" was approved in 2005 for 104 units and modified to 99 units in 2011. 150 townhome units are proposed to be constructed. A total of 257 units in Building "B" and townhomes (107 + 150) have either been constructed or are proposed for construction. Therefore, 215 units may still be constructed between the two remaining podiums in Buildings "A" and "C".

	Units Constructed or approved (2011)	Proposed + approved Units (2014)
Building A	114	115
Building B	107	107
Building C	99	100
Townhome	150	150
<b>Total (472 max units)</b>	<b>470</b>	<b>472</b>

John Kevlin  
Reuben, Junius & Rose, LLP  
One Bush Street, Suite 600  
San Francisco, CA 94104

March 26, 2014  
Letter of Determination  
Executive Park-Candlestick Cove

#### Unit Count

The proposed increase in unit count from 114 to 115 for Building "A" and from 99 to 100 for Building "C" are in substantial conformance with the 2005 CU approval (see chart above).

#### Parking Count

Planning Code Section 204.5 allows off-street parking as an accessory use if within 150 percent of the required amount of off-street parking. Per Planning Code Section 157, a CU is required for any off-street parking exceeding the accessory use threshold. The project proposes (1) 115 dwelling units in Building "A", which allows up to 172 accessory parking spaces, and (2) 100 dwelling units in Building "B", which allows up to 150 accessory parking spaces. The proposed 134 spaces for Building "A" and 119 spaces for Building "C" are within the accessory amount and are in substantial conformance with the 2005 CU approval.

#### Car Share

Planning Code Section 166 requires two car share spaces plus one additional space for every 200 dwelling units over 200. The proposed Buildings "A" and "C" total 215 units. Therefore, two car share spaces are required. The revised project proposes two car share spaces, one in each building, which is in substantial conformance with the 2005 CU approval.

#### Bicycle Parking

Planning Code Section 155.2 requires one Class One bicycle space for each dwelling unit and one Class Two space for every 20 dwelling units. The proposed Buildings "A" and "C" total 215 units. Therefore, 215 Class One spaces and eleven Class Two spaces are required. The revised project proposes (1) 115 Class One stalls and six Class Two stalls for Building "A", and (2) 100 Class One stalls and five Class Two stalls for Building "C", which is in substantial conformance with the 2005 CU approval.

#### Loading

Planning Code Section 152 requires one off-street loading space for a residential use between 100,001 and 200,000 gross square feet of space. Buildings "A" and "C" are both within the square footage threshold. Therefore, one loading space is required for each building, for a total of two spaces. The 2005 approval included one curb side loading area and one off-street loading space within the garage for small loading vehicles. The proposed curb side loading is in substantial conformance with the 2005 CU approval.

#### Ground Floor Retail

The 2005 CU approval included ground floor retail spaces in the project description and conditions of approval. The retail spaces were to be part of a proposed Town Center. The proposed removal of retail spaces would not be in substantial conformance to the 2005 CU approval. Therefore, a new CU authorization would be required by the Planning Commission to remove the retail spaces.

#### Color, Amenities, and Glazing

These items are not variable and require design review to determine substantial conformance.

The 2005 CU approval is valid and considered to be an active entitlement. No additional approvals beyond building permit approval would be required to complete the project unless modifications are

John Kevlin  
Reuben, Junius & Rose, LLP  
One Bush Street, Suite 600  
San Francisco, CA 94104

March 26, 2014  
Letter of Determination  
Executive Park-Candlestick Cove

proposed. However, should a substantial modification be proposed, a CU/PUD would be triggered. Any proposal would also be subject to design review. Finally, case files are available to the public for review through request to the Planning Information Center or the Planning Department website.

**APPEAL:** If you believe this determination represents an error in interpretation of the Planning Code or abuse in discretion by the Zoning Administrator, an appeal may be filed with the Board of Appeals within 15 days of the date of this letter. For information regarding the appeals process, please contact the Board of Appeals located at 1650 Mission Street, Room 304, San Francisco, or call (415) 575-6880.

Sincerely,



Scott F. Sanchez  
Zoning Administrator

cc: Project Sponsor  
Neighborhood Groups

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Subject to: (check if applicable)	
<input checked="" type="checkbox"/>	Inclusionary Housing
<input type="checkbox"/>	Childcare Requirement
<input type="checkbox"/>	Downtown Park Fund
<input type="checkbox"/>	Public Art
<input type="checkbox"/>	Public Open Space
<input type="checkbox"/>	Jobs-Housing Linkage
<input checked="" type="checkbox"/>	First Source Hiring Program
<input checked="" type="checkbox"/>	Transit Impact Development Fee

2003.1113CMK  
 Executive Park – Candlestick Cove  
 Assessor's Block 4991, Lots 241 and 279

**SAN FRANCISCO  
 PLANNING COMMISSION  
 MOTION NO. 17037**

**ADOPTING FINDINGS RELATED TO THE AUTHORIZATION OF A CONDITIONAL USE PURSUANT TO APPLICATION NO. 2003.1113C BY THE PLANNING COMMISSION UNDER PLANNING CODE SECTIONS 303 AND 304 FOR A PLANNED UNIT DEVELOPMENT WITH UP TO 450 DWELLING UNITS, 14,000 SQUARE FEET OF COMMERCIAL SPACE, A 1,000 SQUARE-FOOT COMMUNITY CENTER, AND 588 OFF-STREET PARKING SPACES ("PROJECT"), WITH PUD EXCEPTIONS INCLUDING REAR YARD, PARKING, AND FREIGHT LOADING. THE SITE IS WITHIN A C-2 (COMMUNITY BUSINESS) ZONING DISTRICT AND 40-X, 100-G, 140-H, 165-I and 200-I HEIGHT AND BULK DISTRICTS.**

Preamble

On October 22, 2003, Steefel, Levitt & Weiss, LLP, representative for FuturePlex, LLC ("Owner") filed Application No. 2003.1113C ("Application") with the Planning Department of the City and County of San Francisco (hereinafter "Department") for Conditional Use Authorization for the creation of up to 450 dwelling units under Planning Code Section 303 designed as a Planned Unit Development ("PUD") under Planning Code Section 304. On December 10, 2004, Reuben & Junius, LLP, representative of Candlestick Cove, LLC, ("Project Sponsor") amended the Application.

Deleted: 23  
 Deleted: Reuben and Junius  
 Deleted: Candlestick Cove, LLC, ("Project Sponsor")

On June 16, 2005, the Planning Commission (hereinafter "Commission") conducted a duly noticed public hearing at a regularly scheduled meeting on Conditional Use Application No. 2003.1113C, for the above described PUD, at which time the Commission reviewed and discussed the findings prepared for its review by the staff of the Department. The PUD is required for exceptions from rear yard, parking, and freight loading requirements.

Pursuant to the Guidelines of the State Secretary of Resources for the implementation of the California Environmental Quality Act (hereinafter "CEQA"), An EIR Addendum was issued by the Department for the Project on June 9, 2005, which was the subject of Case No. 1990.299E. The Addendum discusses proposed revisions to the Executive Park Development Plan, in relation to the requirements of CEQA. The Planning Commission certified the Final Supplemental Environmental Impact Report (SEIR) for the Executive Park Development Plan on December 2, 1999. The Department has determined that the Project will not result in any new significant impacts compared to those determined under the 1999 SEIR, therefore, under Section 15162 of the CEQA Guidelines, a subsequent EIR does not need to be prepared. This Addendum conforms to the requirements of CEQA Guidelines Section 15164.

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

MOVED, that the Commission hereby approves the Conditional Use requested in Application No. 2003.1113C based on the following findings:

#### FINDINGS

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

1. The above recitals are accurate and also constitute findings of the Commission.
2. The Project Site is located in a distinct subarea of the City's Bayview/Hunters Point neighborhood ("Bayshore"), called Executive Park. Bayshore is located in southeastern San Francisco bounded by Interstate 280 and US Highway 101 to the west, Islais Creek to the north, San Francisco Bay to the east and the city line to the south. The Executive Park Subarea comprises the southernmost 71 acres of Bayshore, bounded on the west by US Highway 101 and on the east by the Candlestick Point Special Use District.
3. Since 1976, the San Francisco Executive Park Subarea has been the subject of several development plans, environmental analyses, and City actions. The first environmental documentation of the project was certified in the 1976 San Francisco Executive Park Final EIR (1976 EIR), which considered a development of 833,000 square feet of office space, 174,000 square feet of hotel/meeting space and 75,000 square feet of retail space (about 1,100,000 square feet in total), plus 3,900 parking spaces. From this analysis, the first Executive Park Development Plan was developed in 1978 ("1978 Development Plan").
4. Minor changes to the 1978 Development Plan, which slightly altered the locations and amounts of the various land uses, were proposed and approved in 1980 and 1981. Subsequent to these changes, building permits were issued for the construction of four office buildings and a restaurant under the 1978 Development Plan. Three of the office buildings were constructed by 1985, for a total of about 320,000 square feet of office space and 2,500 square feet of retail space. The fourth office building and the restaurant have yet to be constructed.
5. In 1983, a revised development plan was proposed to amend the previous 1978 Development Plan by adding additional office and hotel space, and by adding residential use. This plan was slightly modified in 1984, to refine the design and location of the uses ("1984 Development Plan Amendment"). Overall, and including the four office buildings and the restaurant previously approved, the 1984 Development Plan Amendment called for 1,644,000 square feet of office space, 234,000 square feet of hotel, 50,000 square feet of retail/restaurant space and 600 residential units, plus about

- 5,300 parking spaces. Since these changes resulted in a substantial increase in project size, and area-wide conditions had significantly changed since 1976, a subsequent environmental analysis was conducted in 1985 (1985 SEIR).
6. In 1990, a transportation impact analysis was conducted to address the adequacy of the traffic analysis conducted for the 1985 SEIR, and to address minor changes to the development proposal since 1985 ("1992 Traffic Study"). Later, in 1992, a revised development plan ("1992 Development Plan Amendment") was analyzed in the 1992 Addendum to the previous study and approved, which added 25,000 square feet of health club space, 10,000 square feet of child care space and an additional 10,000 square feet of restaurant space. Following this approval, building permits were issued for the construction of five residential buildings, containing about 287 units. However, only two of the residential buildings, containing 128 units, have been constructed.
  7. In 1998, a supplemental environmental assessment for the 1984 Development Plan Amendment was conducted (1999 SEIR) to extend the project authorization, modify the previous approvals and to update the 1985 analyses. As part of the 1999 SEIR, the previous 1985 Conditions of Approval and mitigation measures were generally carried forward. In addition, slight modifications to the development program were addressed ("1999 Development Plan Amendment"). In certifying the 1999 SEIR, the Planning Commission adopted a Residential Variant to the 1999 Redevelopment Plan Amendment ("2000 Approved Development Plan").
  8. Executive Park has been subdivided into over a dozen lots owned by at least four different privately owned entities. Developed parcels in Executive Park include three office buildings on the southwestern third of the subarea (known as "OB-1," "OB-2" and "OB-3") with 320,000 sq. ft. of office use and 2,500 sq. ft. of retail use, and two residential buildings at the eastern end of the subarea that together contain 128 dwelling units. 797 parking spaces serve the offices and 230 spaces serve the residential units.
  9. The Project Site itself comprises two, unimproved, non-landscaped lots, located uphill (north) of the office buildings, and west of the two existing residential buildings. Some grading was performed earlier for office development at the Project Site under a previous PUD approval (Planning Commission Motion No. 15017, April 6, 2000). However, work was stopped on that development during the year 2001.
  10. On October 13, 2003, FuturePlex Associates, LLC, the owner of the Project Site, filed a complete application to amend the General Plan as it relates to the Project Site to allow the Project, and by separate motion the Planning Commission has approved that General Plan Amendment concurrently with this PUD.

11. On September 15, 2004, pursuant to Planning Code Section 307, the Zoning Administrator determined, consistent with the expressed standards, purposes and intent of the Planning Code and pursuant to its objectives, issued a written determination that the Project Sponsor could seek conditional use authorization for a PUD applicable solely to its property. Accordingly, this PUD motion for the Project supersedes all other entitlements for the two lots making up the Project Site. This PUD Motion does not, however, remove or alter the rights and obligations of other owners of lots located within the Executive Park Subarea under Planning Commission Motion 15017, including any duties they may have to comply with any conditions of approval imposed by the Planning Commission and/or to undertake mitigation measures. Except as to the Project Site, Planning Commission Motion 1017 remains in effect unless and until superseded by amendments or new approvals properly adopted by the Planning Commission.
12. Planning Code Section 304 permits the creation of a Planned Unit Development for sites of greater than one-half acre. The Project site is 17.4 acres in size. Planned Unit Developments must be developed as integrated units and designed to produce an environment of stable and desirable character that will benefit the occupants, neighborhood and the City as a whole. Where projects demonstrate outstanding overall design, they may seek exceptions from certain Planning Code Provisions. The Project Sponsor seeks exceptions from requirements of the Planning Code for rear yard, parking and freight loading.
13. The Planning Commission finds that the Project meets the provisions of the Planning Code in the following manner:
  - A. Use. The Property is located in a C-2 ("Community Business") Zoning District. C-2 districts permit housing and commercial uses as of right.
  - B. Residential Density. Under the PUD process, the Project could include up to 1 unit per 600 square feet minus one unit, or 1.262 units, the Project will provide only up to 450 units, representing less than one unit per 1,680 square feet.
  - C. Floor Area Ratio (FAR). The maximum FAR permitted in a C-2 district is 3.6-to-1. At approximately 758,000 sq. ft., the Project Site could, therefore, accommodate up to 2,729,000 sq. ft. of development. The Project proposes approximately 769,000 gross sq. ft., for an FAR of only 1:1.
  - D. Rear Yards. New projects in a C-2 district must include a rear-yard setback equal to 25% of the total depth of the lot, starting at the lowest story containing a dwelling unit, and at each succeeding level or story of the building. The Commission has granted an exception from this requirement through the PUD procedure.

- E. Usable Open Space. The required usable open space is 100 square feet for each dwelling unit if all private, multiplied by a factor of 1.33 if common. The Project would exceed the normal usable open-space requirement, by proposing 34,000 sq. ft. of private usable open space and 164,000 sq. ft. of common usable open space. In addition, the Project includes improvement of the adjacent, 20.6-acre open space parcel (which is in separate ownership).
  - F. Exposure. The Project complies with Planning Code Section 140.
  - G. Height and Bulk. The Project Site lies within four different height & bulk districts: 40-X, 100-G, 140-H, 165-I and 200-I. The Project would include two, six-story (70 foot-high) buildings located north of Executive Park Boulevard (Buildings "A" and "B") and one nine-story (90 foot-high) building approximately 20 feet uphill (Building "C"). The remaining structures would be townhouses less than 40-feet high. All of the proposed structures conform to height and bulk limitations.
  - H. Parking. The Project will have adequate off-street parking. Under the Planning Code, the Project will require 450 off-street parking spaces for the 450 dwelling units proposed and 30 off-street spaces for the retail space (one per 500 occupied sq. ft.), for a total of 480 off-street spaces. The Project will have 588 parking spaces overall, with 288 spaces in Buildings "A," "B" and "C," and two spaces in each of the 150 townhouses. An exception is required because no off-street spaces are proposed for the retail use.
  - I. Street Trees. The Project will be sensitive to its surroundings by planting new trees along Executive Park Boulevard as well as all the new streets proposed throughout the site.
  - J. Affordable Housing. The Project will comply with the Inclusionary Affordable Housing Ordinance either by setting aside affordable housing units on site or by paying an *in lieu* fee.
14. The Planning Commission may approve a Planned Unit Development as a conditional use, in accordance with Planning Code Section 303. Planning Code Section 303 allows authorization of a Conditional Use by the Commission only after holding a duly noticed public hearing and making the following findings. The Project complies with the criteria of Section 303(c) in that:
- 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 the community;
    - i. The uses included in this proposal are considered desirable and compatible for both the surrounding neighborhood and the City as a whole. San Francisco continues to experience a housing shortage and

the Project will provide up to 450 units of variable sizes and types, including 90 one-bedroom units, 193 two-bedroom units, 28 two-bedroom townhomes, and 122 three-bedroom townhomes. Although the Project could, under the PUD process, provide up to 1 unit per 600 square feet minus one unit, or 1,262 units, the Project will provide only up to 450 units, representing less than one unit per 1,680 square feet.

- ii. Three mid-rise buildings – Buildings “A,” “B,” and “C” – will be built at the southeastern corner of the Project Site, north of Executive Park North Boulevard. They will contain 283 dwelling units plus up to 14,000 sq. ft. of retail/personal services space and a 1,000 sq. ft. community center. The rest of the site will be improved with new roads, landscaping and 150 three-story townhouses. Overall, the Project will have approximately 752,000 sq. ft. of residential space.
- iii. The Project Sponsor will enter into a contractual agreement with the other owners of lots within Executive Park to ensure the timely and complete construction of all infrastructure to serve the entire Executive Park Subarea. In addition, through its approval of this Application, the Planning Commission has imposed conditions of approval to the same purpose. Most notably, as a condition of the Project, the Project Sponsor proposes to improve at its sole cost the approximately 897,000 sq.-ft. (20.6-acre) open space off-site, immediately north of the Project Site.
- iv. The Project will encourage alternative modes of travel by providing bicycle parking and sidewalk improvements, and by enhancing the existing Executive Park shuttle service to allow for both directions of travel during the morning and evening, as discussed below.
- v. The cost of housing in the City, both rental and ownership, is increasing. Fierce competition for existing housing is creating the greatest pressure on the supply of housing affordable to households of lower and moderate income. Providing multi-family dwelling units in this formerly vacant area will help alleviate the City's housing shortage and result in more affordable housing by reducing competition for existing housing. The Project Sponsor will either set aside 12% of the units for qualified low- and moderate-income households, or pay an *in lieu* fee.
- vi. The residents of the greater Bayview/Hunters Point area have expressed the need for housing at this site and are in support of the project.
- vii. The Project is compatible with surrounding uses. The Project will help to complete the Executive Park Subarea which was originally envisioned and entitled as a large, suburban-style office park. In recent years, a medium-density residential project was begun immediately east of the Project Site, and the owner of that development has applied to complete it.

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

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

The Project is compatible with the site. At the southeastern edge of the Project Site, the Project will cluster three mid-rise buildings (ranging from 60- to 90-feet high) around a "town center" with commercial services. On the northwestern portion of the Project Site, which slopes upward, the Project will construct an internal road system and approximately 150 detached, zero-lot-line townhouses, none of which will exceed 40 feet in height.

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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;

a. All parking and loading will be accessed via Executive Park Boulevard North. Parking in excess of Code requirements will be provided within two garages at the interior of the site. Two loading spaces will be provided in designated areas and screened from view.

b. Executive Park is served by public transit, with both local and regional service provided nearby. Local service is provided by the San Francisco Municipal Railway ("MUNI") bus lines. One MUNI bus line, the 56-Rutland, provides direct service to Executive Park, and five other routes (15-Third, 9-San Bruno, and the 9X/AX/BS-San Bruno Expresses) operate in the vicinity of Executive Park. In 2005, Muni's Third Street Light Rail will open for service, replacing the 15-Third bus line.

c. Caltrain provides commuter heavy rail passenger service between Santa Clara County and San Francisco. The nearest Caltrans stop is Bayshore Station, in Little Hollywood. SamTrans provides bus service between San Mateo County and San Francisco, operating 14 bus routes that serve San Francisco, 12 of which serve the downtown area. Route #292 operates between San Mateo and downtown San Francisco, and Route #397 operates between Palo Alto and downtown San Francisco. Both lines have stops at Bayshore Boulevard, near the intersection with Blanken Avenue/Arleta Avenue.

- d. In addition, the Executive Park Property Owners currently provide a free shuttle service that connects Executive Park with the Balboa Park BART station, with stops to serve Caltrain and MUNI transfers as well. There are 11 shuttle trips that serve Executive Park – five inbound trips during the morning commute period and six outbound trips during the evening commute period. The shuttle only provides service in the peak direction: to Executive Park in the morning and to Balboa Park BART station in the evening. The shuttle service will expand and shall include up to four additional shuttle round-trips during the weekday PM peak hour (for a total of up to six shuttle round trips) to accommodate the new transit trips generated by the Project.
  - e. The Project will have adequate off-street parking. Under the Planning Code, the Project will require 450 off-street parking spaces for the 450 dwelling units proposed and 28 off-street spaces for the commercial space (one per 500 occupied sq. ft.), for a total of 478 off-street spaces. The Project will have 588 parking spaces overall, with 288 spaces in Buildings "A," "B" and "C," and two spaces in each of the 150 townhouses. An exception is required because no off-street spaces are proposed for the commercial space.
  - f. The off-street parking facilities for Buildings "A," "B" and "C" will include compact, motorcycle and bicycle parking spaces.
  - g. The Project requires an exception from normal loading requirements. The Project will include a curbside loading (yellow) zone along some private streets. In addition, each mid-rise building will include a reserved loading area for vehicles small enough to enter the garage. Due to the nature of the residential units, this arrangement will adequately serve the needs of the Project.
- iii. The safeguards afforded to prevent noxious or offensive emissions such as noise, glare, dust and odor;
- a. The uses proposed will not generate significant amounts of noxious or offensive emissions that may cause noise, glare, dust, and odor.
  - b. The proposed design will completely screen the parking from the surrounding homes. The proposed garage structures will contain adequate ventilation systems to minimize potential odors or fumes that may be generated by the parking.

- c. The EIR Addendum has also suggested mitigation measures to minimize any negative effects the proposal may have on its surroundings during construction; these measures are included in the Conditions of Approval.

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

- a. The Project will improve the appearance of and amenities in the neighborhood. At present, the Project Site comprises two, unimproved, non-landscaped lots that were once part of a quarry.
- b. The Project will be sensitive to its surroundings by planting new trees along Executive Park Boulevard as well as all the new, private streets proposed throughout the site.
- c. The Project will exceed the open space requirement, by proposing 34,000 sq. ft. of private usable open space and 164,000 sq. ft. of common usable open space.
- d. In addition, the Project includes improvement of the adjacent, 20.6-acre open space parcel (which is in separate ownership). This work will include the removal of non-native plant species and the re-vegetation with native species, thereby enhancing the overall aesthetics of the area.
- e. Parked vehicles will be screened from public view by locating them within garages, rather than surface lots. The southern elevations of those garages that face primary public views of the Project Site will be "wrapped" with either residential or retail uses to mask the parking structures.
- f. Well-designed lighting will be provided throughout the site.
- g. No signage other than required informational or directional signage will be provided.

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

The Project positively contributes to advancing numerous objectives and policies of the General Plan and has no significant conflicts with the objectives and policies of the General Plan, as further discussed in Finding 16 below.

15. In consideration of proposals for Planned Unit Developments under Planning Code Section 304, the Planning Commission shall consider the following standards and criteria in addition to those stated in Section 303(c) of this Code:

A. Affirmatively promote applicable objectives and policies of the Master Plan;

The Project positively contributes to advancing numerous objectives and policies of the General Plan and has no significant conflicts with the objectives and policies of the General Plan, as discussed in Finding 16 below.

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

The Project will have adequate off-street parking. Under the Planning Code, the Project will require 450 off-street parking spaces for the 450 dwelling units proposed and 28 off-street spaces for the commercial space (one per 500 occupied sq. ft.), for a total of 478 off-street spaces. The Project will have 588 parking spaces overall, with 288 spaces in Buildings "A," "B" and "C," and two spaces in each of the 150 townhouses. An exception is required because no off-street spaces are proposed for the commercial use.

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

The Project will exceed the open space requirement, by proposing 34,000 sq. ft. of private usable open space and 164,000 sq. ft. of common usable open space. In addition, the Project includes improvement of the adjacent, 20.6-acre open space parcel (which is in separate ownership). This work will include the removal of non-native plant species and the re-vegetation with native species, thereby enhancing the overall aesthetics of the area.

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

Residential density for C-2 districts is limited to a minimum of one unit for every 800 square feet of lot area. For the subject site, at 758,000 square feet, this represents 948 units. Under the PUD process, as many as 1,262 units could be provided without representing a reclassification of the property. The Project will provide no more than 450 units.

- E. In R Districts, include commercial uses only to the extent that such uses are necessary to serve residents of the immediate vicinity, subject to the limitations for NC-1 Districts under this Code;

This criterion is not applicable to the subject property's zoning district.

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

The proposed structure complies with the height limitations set forth by Article 2.5 of the Planning Code and does not seek any exceptions pertaining to height.

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

This criterion is not applicable to the subject property's zoning district.

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

This criterion is not applicable to the subject property's zoning district.

- 16. The Project is, on balance, consistent with and will not adversely affect the General Plan.

The Project will promote the following objectives and policies from the **Housing Element** of the General Plan:

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            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.

Set allowable densities in established residential areas at levels which will promote compatibility with prevailing neighborhood scale and character where there is neighborhoods impact.

- Policy 2            Encourage and support the construction of quality, new family housing.
  
- OBJECTIVE 8        ENCOURAGE EQUAL ACCESS TO HOUSING OPPORTUNITIES.
  
- Policy 9            Encourage the provision of new home ownership opportunities through new construction so that increased owner occupancy does not diminish the supply of rental housing.
  
- OBJECTIVE 11        IN INCREASING THE SUPPLY OF HOUSING, PURSUE PLACE MAKING AND NEIGHBORHOOD BUILDING PRINCIPLES AND PRACTICES TO MAINTAIN SAN FRANCISCO'S DESIRABLE URBAN FABRIC AND ENHANCE LIVABILITY IN ALL NEIGHBORHOODS.
  
- Policy 1            Use new housing development as a means to enhance neighborhood vitality and diversity.
  
- Policy 2            Ensure housing is provided with adequate public improvements, services, and amenities.
  
- Policy 3            Encourage appropriate neighborhood-serving commercial activities in residential areas, without causing affordable housing displacement.

*The subject site is undeveloped. Constructing 450 new residential units on this undeveloped former quarry site will directly help alleviate the City's housing shortage and lead to more affordable housing. The Project will exceed the open space requirement, by proposing 34,000 sq. ft. of private usable open space and 164,000 sq. ft. of common usable open space. In addition, as a condition of the Project, the Project Sponsor proposes to improve the approximately 897,000 sq. ft. (20.6-acre) open space located off-site, immediately north of the Project Site at its sole cost. After the Project Sponsor completes it, this open space will be kept open to all residents and workers at Executive Park. Finally, the Project will be subject to the San Francisco Unified School District's school impact fee.*

The Project will promote the following objectives and policies from the **Transportation Element** of the General Plan:

**OBJECTIVE 1** MEET THE NEEDS OF ALL RESIDENTS AND VISITORS FOR SAFE, CONVENIENT AND INEXPENSIVE TRAVEL WITHIN SAN FRANCISCO AND BETWEEN THE CITY AND OTHER PARTS OF THE REGION WHILE MAINTAINING THE HIGH QUALITY LIVING ENVIRONMENT OF THE BAY AREA.

**Policy 6** Ensure choices among modes of travel and accommodate each mode when and where it is most appropriate.

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

**Policy 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.

*Under a June 2000 PUD approval (Motion NO. 15017), the various owners of lots within Executive Park provide a free shuttle bus service that connects Executive Park with the Balboa Park BART station. At present, there are 11 shuttle trips daily: five inbound trips during the morning commute period and six outbound trips during the evening commute period. The Project Sponsor along with the other owners of property at Executive Park will develop a Transportation Demand Management Program ("TMP") that would seek to maximize the number of people who arrive at the Project Site by public transit, by Executive Park shuttle service, or carpools and vanpools. Throughout the normal life of the Project, the Project Sponsor will provide a transportation broker on-site who would actively and aggressively seek to divert people from use of single-occupancy vehicles to other modes of transportation. The broker will manage the daily operations of the TMP. As part of the TMP, the Project Sponsor would be required to pay its fair share of the costs to operate and maintain an expanded shuttle service between Executive Park and the Balboa Park BART station. The expansion to be paid for by the Project Sponsor will revise the existing Executive Park shuttle service to allow for both directions of travel (i.e., pick-up and drop-off passengers in both the inbound and outbound directions during the morning and evening). The expansion to be paid for by the Project Sponsor will include up to four additional shuttle round-trips during the weekday PM peak hour (for a total of up to six shuttle round trips) to accommodate the new transit trips generated by the Project. Similar increases in shuttle service would be implemented and paid for by other sponsors as needed, based on the build out of the rest of Executive Park.*

**Deleted:** The Project will participate in the Transportation Management Plan, which contributes funds to the shuttle service.

**Deleted:** It is anticipated that the number of shuttle trips will be roughly doubled to serve residents of the Project

OBJECTIVE 18 ESTABLISH A STREET HIERARCHY SYSTEM IN WHICH THE FUNCTION AND DESIGN OF EACH STREET ARE CONSISTENT WITH THE CHARACTER AND USE OF ADJACENT LAND

Policy 2 Design streets for a level of traffic that serves, but will not cause a detrimental impact on adjacent land uses

*The Project will include the construction of several streets that are designed to accommodate the level of traffic expected at the Project Site, but without causing harm to adjacent land uses.*

OBJECTIVE 24 IMPROVE THE AMBIENCE OF THE PEDESTRIAN ENVIRONMENT.

Policy 2 Maintain and expand the planting of street trees and the infrastructure to support them.

*The Project will include extensive landscaping, such as the planting of new street trees, and associated infrastructure.*

Policy 3 Install pedestrian-serving street furniture where appropriate.

Policy 4 Preserve pedestrian-oriented building frontages.

*The new "town center" proposed as part of the Project, will include retail/personal service uses with storefronts oriented toward pedestrians congregating in a plaza. Residential units "wrapping" the parking garages will provide a pedestrian orientation because units will front onto the sidewalk.*

OBJECTIVE 30 ENSURE THAT THE PROVISION OF NEW OR ENLARGED PARKING FACILITIES DOES NOT ADVERSELY AFFECT THE LIVABILITY AND DESIRABILITY OF THE CITY AND ITS VARIOUS NEIGHBORHOODS.

Policy 5 In any large development, allocate a portion of the provided off-street parking spaces for compact automobiles, bicycles and motorcycles commensurate with standards that are, at a minimum, representative of their proportion of the city's vehicle population.

*The off-street parking facilities for Buildings "A," "B" and "C" will include compact, motorcycle and bicycle parking spaces.*

**OBJECTIVE 33**      **CONTAIN AND LESSEN THE TRAFFIC AND PARKING IMPACT OF INSTITUTIONS ON SURROUNDING RESIDENTIAL AREAS.**

**Policy 2**            **Protect residential neighborhoods from the parking impacts of nearby traffic generators.**

*As confirmed through environmental review for the Project, the parking demand generated by Project will be met by off-street spaces proposed at the Project Site. The Little Hollywood neighborhood across US Highway 101 will not be impacted.*

The Project will promote the following objectives and policies from the **Urban Design Element** of the General Plan:

**OBJECTIVE 1**      **EMPHASIS OF THE CHARACTERISTIC PATTERN THAT GIVES TO THE CITY AND ITS NEIGHBORHOOD AN IMAGE, A SENSE OF PURPOSE, AND A MEANS OF ORIENTATION.**

**Policy 1**            **Recognize and protect major views in the city, with particular attention to those of open space and water. The Project will preserve views of Bayview Hill for motorists entering the City along US Highway 101.**

**Policy 3**            **Recognize that buildings, when seen together, produce a total effect that characterizes the city and its districts.**

**Policy 4**            **Protect and promote large-scale landscaping and open space that define districts and topography.**

**Policy 6**            **Make centers of activity more prominent through design of street features and by other means.**

**Policy 8**            **Increase the visibility of major destination areas and other points for orientation.**

**OBJECTIVE 2**      **CONSERVATION OF RESOURCES THAT PROVIDE A SENSE OF NATURE, CONTINUITY WITH THE PAST, AND FREEDOM FROM OVERCROWDING.**

**Policy 2**            **Limit improvements in other open spaces having an established sense of nature to those that are necessary, and unlikely to detract from the primary values of the open space.**

**Policy 6**            **Respect the character of older developments nearby in the design of new buildings.**

- 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.
- Policy 2 Avoid extreme contrasts in color, shape and other characteristics that will cause new buildings to stand out in excess of their public importance.
- Policy 5 Relate the height of buildings to important attributes of the city pattern and to the height and character of existing development.
- Policy 4 Promote building forms that will respect and improve the integrity of open spaces and other public areas.
- Policy 6 Relate the bulk of buildings to the prevailing scale of development to avoid an overwhelming or dominating appearance in new construction.
- Policy 7 Recognize the special urban design problems posed in development of large properties.

*The Project is consistent with the existing character of Executive Park, and will harmonize with the proposed residential development immediately to the east of the Project Site. The Project will use colors and materials that are consistent with and considerate of the existing context of architecture and landscape, and will blend in with existing and proposed buildings nearby. The height and bulk of the proposed buildings graduates from the lowest to mid-rise, generally from west to east, thereby avoiding an overwhelming or dominating appearance. The townhouses will distinguish themselves from the larger buildings as proposed as part of the Project by using a smaller, two- and three-story mass as well as articulated facades that face public streets and pedestrian mews. Their height will be similar to the neighborhood along Jamestown Avenue on the northern slope of Bayview Hill. The townhouses will also be embellished with details and materials at the level of streets and open space or mews for pedestrian interest. The new "town center" proposed as part of the Project will include storefronts oriented toward a pedestrian plaza. The tallest buildings frame the "town center" and help to increase its visibility. Existing streets will align with the new private streets running northward into the site.*

- OBJECTIVE 4**      **IMPROVEMENT OF THE NEIGHBORHOOD ENVIRONMENT TO INCREASE PERSONAL SAFETY, COMFORT, PRIDE AND OPPORTUNITY.**
- Policy 1            Protect residential areas from the noise, pollution and physical danger of excessive traffic.
- Policy 2            Provide buffering for residential properties when heavy traffic cannot be avoided.
- Policy 10           Encourage and require the provision of recreation space in private development.
- Policy 12           Install, promote and maintain landscaping in public and private areas.
- Policy 15           Protect the livability and character of residential properties from the intrusion of incompatible new buildings.

*The Project will be isolated from streets with heavy traffic. US Highway 101 is located several hundred feet west of the Project Site. Coupled with soundproofing of the proposed buildings, this will buffer residents from heavy noise. The Project will exceed the open space requirement by proposing 34,000 sq. ft. of private usable open space and 164,000 sq. ft. of common usable open space. In addition, as a condition of the Project, the Project Sponsor proposes to improve the approximately 897,000 sq. ft. (20.6-acre) open space located off-site, immediately north of the Project Site at its sole cost. After the Project Sponsor completes it, this open space will be kept open to all residents and workers at Executive Park.*

The Project will promote the following objectives and policies from the **Commerce and Industry Element** of the General Plan:

- Policy 6.4           Encourage the location of neighborhood shopping areas throughout the city so that essential retail goods and personal services are accessible to all residents.
- Policy 6.5           Discourage the creation of major new commercial areas except in conjunction with new supportive residential development and transportation capacity.

*The Project will include a new "town center" within Executive Park with up to 14,000 sq. ft. of retail/personal services space. It is large enough to serve the Executive Park Subarea but not so large as to constitute a major new commercial area.*

The Project will promote the following objectives and policies from the **Recreation and Open Space Element** of the General Plan:

OBJECTIVE 2        DEVELOP AND MAINTAIN A DIVERSIFIED AND BALANCED CITYWIDE SYSTEM OF HIGH QUALITY PUBLIC OPEN SPACE.

Policy 3            Preserve sunlight in public open spaces.

*The Project will not shade any public open spaces.*

OBJECTIVE 4        PROVIDE OPPORTUNITIES FOR RECREATION AND THE ENJOYMENT OF OPEN SPACE IN EVERY SAN FRANCISCO NEIGHBORHOOD.

Policy 5            Require private usable outdoor open space in new residential development

Policy 6            Assure the provision of adequate public open space to serve new residential development.

*The Project will exceed the open space requirement by proposing 34,000 sq. ft. of private usable open space and 164,000 sq. ft. of common usable open space. In addition, as a condition of the Project, the Project Sponsor will improve the approximately 897,000 sq. ft. (20.6-acre) open space located off-site, immediately north of the Project Site at its sole cost. After the Project Sponsor completes it, this open space will be kept open to all residents and workers at Executive Park.*

The Project will promote the following objectives and policies from the **South Bayshore Area Plan** of the General Plan:

OBJECTIVE 4        DEVELOP AND MAINTAIN A SYSTEM FOR THE EASY MOVEMENT OF PEOPLE AND GOODS, TAKING INTO ACCOUNT ANTICIPATED NEEDS OF BOTH LOCAL AND THROUGH TRAFFIC.

Policy 1            Develop a comprehensive network and schedule of roadway improvements to assure that South Bayshore maintains an adequate level of service at key intersections as the residential and work force population in the district increases.

*The Project will construct a network of new streets to serve the 17.4-acre Project Site. As identified through the environmental review (CEQA) process, the Project will also include improvements to existing streets.*

OBJECTIVE 6 ENCOURAGE CONSTRUCTION OF NEW AFFORDABLE AND MARKET RATE HOUSING AT LOCATIONS AND DENSITY LEVELS THAT ENHANCE THE OVERALL RESIDENTIAL QUALITY OF SOUTH BAYSHORE.

Policy 1 Encourage development of new moderate density affordable ownership units appropriately designed and located and especially targeted for existing Bayview Hunters Point residents.

Policy 5 On Bayview Hill encourage housing development which complements the natural areas and open space, as well as provides for local economic development.

OBJECTIVE 7 ENCOURAGE HEALTHY RETAIL REUSE IN THE EXISTING COMMERCIAL CORE OF THIRD STREET AND COMPLEMENTARY GROWTH IN ADJACENT SECTIONS.

Policy 3 Develop secondary nodes of commercial activity.

*The Project will include up to 14,000 sq. ft. of ground-level, commercial space clustered around a new "town center" for Executive Park.*

OBJECTIVE 10 ENHANCE SOUTH BAYSHORE'S DISTINCTIVE AND POSITIVE FEATURES.

Policy 1 Better define South Bayshore's open space area by building up the areas around them.

*The Project provides low density affordable ownership units to area residents. It also helps to define and preserves views of the Bayview Hill open space.*

OBJECTIVE 11 IMPROVE DEFINITION OF THE OVERALL URBAN PATTERN OF SOUTH BAYSHORE.

Policy 1 Recognize and enhance the distinctive features of South Bayshore as an interlocking system of diverse neighborhoods.

*The Project will serve this policy by creating a "town center" within the Executive Park Subarea, and using appropriate architecture.*

OBJECTIVE 12 PROVIDE AND MAINTAIN ADEQUATELY LOCATED, WELL DESIGNED, FULLY EQUIPPED RECREATION FACILITIES AND ENCOURAGE THEIR USE.

Policy 1                    Make better use of existing facilities.

*The Project's open-space improvements adjacent to Bayview Hill Park will complement the overall recreational experience in the community. This will be accomplished, in part, through landscape improvements, which include the removal of non-native plant species and re-vegetation with native plant species. In addition, the Project Sponsor will construct a hiking trail through the open space connecting to Bayview Hill Park and small, accessible picnic area at the base of the hiking trail.*

OBJECTIVE 18            REDUCE THE OUTFLOW OF DOLLARS FROM THE COMMUNITY DUE TO EXPENDITURES ON ENERGY THROUGH THE IMPROVED ENERGY MANAGEMENT OF TRANSPORTATION, HOUSING, COMMERCE AND INDUSTRY, AND COMMUNITY FACILITIES.

Policy 2                    Enhance the energy efficiency of housing in South Bayshore

*Constructing housing in multi-unit and townhouse structures will promote energy efficiency. Compared to single-family homes, these housing designs can provide relatively moderately priced housing with living space large enough to accommodate larger households. In addition, new construction materials and techniques provide significant energy efficiency benefits compared to older construction.*

OBJECTIVE 19            TO CREATE, AS A "GATEWAY TO THE CITY", AN ATTRACTIVE, BALANCED URBAN DEVELOPMENT WHERE OFFICE, RETAIL SPACE AND A HOTEL ARE INTEGRATED WITH A CENTRAL PLAZA, PROMENADES, AND OPEN SPACE, WITH A NEW RESIDENTIAL COMMUNITY.

Policy 3                    Town Center

Policy 5                    Retail Uses

*The Project will allow the City to implement these policies by building a "town center" that is centrally located between existing and new commercial and residential development in Executive Park. At the base of Buildings "A," "B" and "C," the Project will include up to 14,000 sq. ft. of retail/personal services uses oriented around a public, pedestrian-oriented plaza.*

Policy 6                    Residential Community

*The Project will help to complete the Executive Park Subarea which was originally envisioned and entitled as a large, suburban-style office park. In recent years, a medium-density residential project was begun immediately east of the Project Site, and the owner of that development has applied to complete it.*

Policy 7                    Open Space

*The Project will exceed the open space requirement, by proposing 34,000 sq. ft. of private usable open space and 164,000 sq. ft. of common usable open space. In addition, as a condition of the Project, the Project Sponsor proposes to improve the approximately 897,000 sq. ft. (20.6-acre) open space located off-site, immediately north of the Project Site at its sole cost. After the Project Sponsor completes it, this open space will be kept open to all residents and workers at Executive Park.*

Policy 8                    Transit

Policy 9                    Transportation Management Program

Policy 10                  Parking

*The Project will have adequate off-street parking. The Project proposes 588 off-street parking spaces: one space per unit in Buildings "A," "B" and "C," and two spaces per townhouse. The Project does not include off-street loading spaces in strict compliance with the Planning Code, however, based on the experiences of the Project Sponsor and its development partners, the alternative loading methods proposed will serve all needs.*

*Under a June 2000 PUD approval (Motion NO. 15017), the various owners of lots within Executive Park provide a free shuttle bus service that connects Executive Park with the Balboa Park BART station. At present, there are 11 shuttle trips daily: five inbound trips during the morning commute period and six outbound trips during the evening commute period. The Project Sponsor along with the other owners of property at Executive Park will develop a Transportation Demand Management Program ("TMP") that would seek to maximize the number of people who arrive at the Project Site by public transit, by Executive Park shuttle service, or carpools and vanpools. Throughout the normal life of the Project, the Project Sponsor will provide a transportation broker on-site who would actively and aggressively seek to divert people from use of single-occupancy vehicles to other modes of transportation. The broker will manage the daily operations of the TMP. As part of the TMP, the Project Sponsor would be required to pay its fair share of the costs to operate and maintain an expanded shuttle service between Executive Park and the Balboa Park BART station. The expansion to be paid for by the Project Sponsor will revise the existing Executive Park shuttle service to allow for both directions of travel (i.e., pick-up and drop-off passengers in both the inbound and outbound directions during the morning and evening). The expansion to be paid for by the Project Sponsor will include up to four additional shuttle round-trips during the weekday PM peak hour (for a total of up to six shuttle round trips) to accommodate the new transit trips generated by the Project. Similar increases in shuttle service would be implemented and paid for by other sponsors as needed, based on the build out of the rest of Executive Park.*

**Deleted:** *The Project will participate in the Transportation Management Plan, which contributes funds to the shuttle service. It is anticipated that the number of shuttle trips will be roughly doubled to serve residents of the Project*

17. Section 101.1 of the Planning Code establishes eight priority planning policies and requires review of permits for consistency with these policies. Overall, the Project complies with these policies 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 will provide 450 dwelling units within one-quarter mile (walking distance) of the neighborhood commercial shops proposed at the Town Center, thereby providing support for the existing businesses and potentially encouraging additional neighborhood-serving retail businesses.

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

The Project will conserve existing housing and neighborhood character by providing needed housing within the standard density for the C-2 district. It will also provide needed improvements to the neighborhood, including by planting new trees along Executive Park Boulevard as well as all the new, private streets proposed throughout the site, and improvement of the 20.6-acre open space (which is in separate ownership) immediately north of the Project Site.

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

The Project will have a positive impact on the supply of existing affordable housing by complying with the City's Inclusionary Affordable Housing Ordinance.

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

The level of commuter traffic generated by the Project will not impede Municipal Railway transit service or overburden our streets or neighborhood parking.

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

The proposal will not cause a displacement of an industrial use and it is not an office development. The City needs housing, the site is zoned for housing, the General Plan encourages housing, and the Project provides housing.

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

The proposed structures will meet all seismic requirements under the Building Code.

- G. That landmark and historic buildings be preserved.

This Project will not affect any landmark or historic buildings.

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

This Project will be located at the base of Bayview Hill, which includes Bayview Hill Park at its crest. The development will be along the base of the hill. Located south of the hill, at 90 feet in height or less, and at an elevation below that of the Bayview Hill Park, there will be no shadowing of this public open space. In addition, views of the hill from U.S. 101 will be preserved.

18. The Commission adopts and incorporates by reference in this motion the findings set forth in EIR Addendum issued on June 9, 2005, and which EIR Addendum is part of File No. 1990.299E.
19. The Commission finds that the EIR Addendum reflects its independent judgment and analysis and on the basis of the of the whole record before it finds that the EIR Addendum is adequate and complete and there is no substantial evidence that the project will have a significant effect on the environment.
20. The Commission finds that granting authorization for the Project will promote the public welfare, convenience, and necessity for the reasons set forth above.

#### DECISION

The Commission, after carefully balancing the competing public and private interests, and based upon the Findings set forth above, in accordance with the standards specified in the Planning Code, hereby adopts the EIR Addendum and approves the Project Authorization for the construction of a new PUD including up to 450 dwelling units, 14,000 square feet of commercial space, a 1,000 square-foot community center, and 588 independently accessible parking spaces, on a 758,000 square-foot site at Assessor's Block 4991, Lots 241 and 279, subject to the conditions of approval attached hereto as Exhibit A, which is incorporated herein by this reference, and hereby imposes the Mitigation Measures and the Mitigation Monitoring

Program, attached hereto as Exhibit C, which is 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 No. 17037. 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 94012.

I hereby certify that the foregoing Motion was ADOPTED by the Planning Commission on **June 16, 2005**.

Linda Avery  
Commission Secretary

AYES: Commissioners Alexander, Antonini, Bell, Hughes, S. Lee, W. Lee, Olague

NOES: None

ABSENT: None

ADOPTED: June 16, 2005

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**EXHIBIT A**

**CONDITIONS OF APPROVAL**

**LAND USE**

1. This authorization is pursuant to Sections 303 (Conditional Use) and 304 (Planned Unit Development) of the Planning Code for the construction of a residential development consisting of three mid-rise buildings from 60 to 90 feet in height, together with up to 300 dwelling units and 288 off-street parking spaces (including 12 bicycle spaces), and 150 townhomes, on a 758,000 square-foot site and with a design in general conformance with the plans dated May 18, 2005, and stamped "Exhibit B" and included in the docket for Case No. 2003.1113C.
2. All off-street parking spaces located in the three mid-rise buildings shall be made available to Project residents only as a separate "add-on" option for purchase or rent and shall not be bundled with any Project dwelling unit. The 288 required parking spaces within those buildings shall be made available for use only by residents of the Project. Any affordable dwelling units provided on site pursuant to the Inclusionary Affordable Housing Ordinance shall have equal access to use of the parking as the market rate units, with parking spaces priced commensurate with the affordability of the dwelling unit. Each unit within the Project shall have the first right of refusal to rent or purchase a parking space.
3. The Project Sponsor will pay all direct costs to design and construct improvements to the 20.6-acre hillside open space at Block 4991 / Lot 278. The improvements shall include landscaping, erosion control and hydroseeding measures to repair the damaged slopes of Bayview Hill and help return the hill to a more natural condition. The Project Sponsor would make good-faith efforts to contract with one or more local non-profit organizations, such as, but not limited to, the San Francisco League of Urban Gardeners ("SLUG"), to involve local youth and young adults in the training of landscaping, revegetation efforts and in the maintenance of the hillside.
4. Town Center. 14,000 square feet of commercial space in the form of a 'town center' is to be located on Executive Park Boulevard per Exhibit B. The town center shall provide ground floor retail space that would serve residents and include large and small eating and drinking places, retail stores and similar convenience goods and services. The town center will feature a plaza and outdoor seating and is designed to engage the pedestrian. The town center will conform with the conditions as set forth in the Visual Quality portion of this document and with the Candlestick Cove Streetscape Guidelines.

#### AFFORDABLE UNITS

5. The project shall comply with the inclusionary housing requirements set forth in Section 315 through 315.9 of the Planning Code. If the Applicant chooses to provide units off-site, the Applicant shall comply with the requirements of Section 315.5. If the Applicant chooses to pay a fee in-lieu of providing units, the Applicant shall comply with the requirements of Section 315.6. If the Applicant chooses to provide units on-site, the Applicant shall designate all affordable units on the building plans prior to approval of any building permit. Affordable units shall (1) reflect the unit size mix of the market rate units, (2) shall be constructed and marketed concurrently with the construction and sale of the market rate units, and (3) shall be of the same quality and materials as the market rate units in the project.
6. If the Applicant chooses to provide units on-site, prior to issuance of the Building Permit, the Project Sponsor shall record a Notice of Special Restriction on the property that records a copy of this Motion and identifies the affordable units satisfying the requirements of this Motion. 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 affordable units, at 25 Van Ness Avenue, Suite 600, San Francisco, California 94102.

#### PERFORMANCE

7. Prior to the issuance of any new or amended 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 or the successor thereto, the Zoning Administrator shall affirm in writing the extent to which the conditions of this Motion have been satisfied.
8. 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.
9. 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.
10. Should implementation of this Project result in complaints from neighborhood residents or business owners and tenants, which are not resolved by the Project Sponsor and are subsequently reported to the Zoning Administrator and found to be in violation of the City

Planning Code and/or the specific Conditions of Approval for the Project as set forth in Exhibit A of this motion, the Zoning Administrator shall report such complaints to the City Planning Commission which may thereafter hold a public hearing on the matter in accordance with Prior to the issuance of any new or amended building permit for the construction of the hearing notification and conduct procedures as set forth in Sections 174, 306.3 and 306.4 of the Code to consider revocation of this Conditional Use Authorization.

11. Should the monitoring of the conditions of approval contained in Exhibit A of this Motion be required, the Project Sponsor or successors shall pay fees as established in Planning Code Section 351(f)(2)
12. The Project Sponsor or the successor thereto shall report in writing the extent to which the conditions of this Motion, including the Mitigation Monitoring Program, have been satisfied. The submittal of the first report shall be twelve (12) months after the effective date of this Motion, the second report shall be eighteen (18) months after the effective date of this Motion, the third shall be twenty-four (24) months after the effective date of this Motion and, thereafter, on at least an annual basis. This requirement shall lapse when the Director of Planning determines that all conditions of approval have been satisfied, the authorization of this Motion has lapsed, or that the report is no longer required for other reasons.
13. This authorization is valid for a period of three (3) years from the date of approval by the Planning Commission. This Authorization may be extended at the discretion of the Zoning Administrator for up to two (2) years where the failure to construct the project is caused by delay by any other public agency or by legal challenge.

#### TRANSPORTATION

The following transportation mitigation measures were developed for *Existing-Plus-Project*, *Interim Cumulative*, and *2025 Cumulative Conditions*, where appropriate, as those scenarios are studied in the EIR Addendum adopted June 9, 2005, and which EIR Addendum is part of File No. 1990.299E. The Project Sponsor and the owners of other lots within Executive Park are collectively responsible for funding the study, design, construction and installation of all intersection improvements listed herein, including any reconfiguration of the intersections to accommodate new traffic signals, increases in pedestrian activity and transit operations. Because the Project would contribute to future traffic conditions as part of build out of the overall Executive Park Plan now under several ownerships, the transportation mitigation measures described herein also include, as appropriate, the sharing of costs proposed to be borne by the Project Sponsor.

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14. The Project Sponsor and the other Executive Park property owners shall coordinate the intersection redesign and construction efforts with the Planning Department, DPT, MUNI, DPW, ISCOTT and other appropriate City agencies.

15. *Existing-Plus-Project:* The Project Sponsor shall pay all direct costs to convert the intersection of Harney Way / Alana Way / Thomas Mellon Drive into a fully signalized intersection, including the redesign of the intersection to accommodate traffic signals, including reconfiguration of the eastbound and northbound approaches, and possible changes to the pedestrian facilities on the south side of Harney Way. Subsequent to its payment of all direct costs for this mitigation measure and in accordance with a reimbursement agreement with the City, the Project Sponsor shall be entitled to reimbursement from the sponsors of other projects determined to have cumulative effects on this intersection. Each sponsor's fair share of such costs shall be determined based on its project's proportionate share of growth in traffic volume through the intersection as calculated by the lead agency for the purposes of environmental review
16. *Cumulative Scenarios:* The following mitigation measures are not required by the Project alone, and would be triggered only with the addition of other projects in cumulative scenarios. When and if such mitigation measures become necessary, the Project Sponsor shall pay its fair-share of the direct costs for each the following measures pursuant to reimbursement agreements with the City. Each sponsor's fair share of such costs shall be determined based on its project's proportionate share of growth in traffic volume through the intersection as calculated by the lead agency for the purposes of environmental review.
- (A) Conversion of the intersection of Alana Way / Executive Park West Boulevard into a fully signalized intersection;
  - (B) Conversion of the intersection of Alana Way and Beatty Avenue into a fully signalized intersection;
  - (C) Conversion of the intersection of Harney Way and Executive Park East Boulevard into a fully signalized intersection;
  - (D) Addition of one eastbound lane to Alana Way between Beatty Avenue and Thomas Mellon Drive, widening Alana Way from three lanes to four lanes; and
  - (E) Re-striping the southbound approach to the intersection of Alana Way and Executive Park West, effectively widening Executive Park West from one to two lanes.
17. *Existing-Plus-Project.* To reduce the effect of events on access to and from Executive Park, the Project Sponsor shall implement an education/disclosure program to reduce the potential for disruption in access for residents of, employees at and visitors to the Project Site. The program should inform Project residents of the schedule of events at Candlestick Park, via annual mailing of the schedule of events (including start times) to residential tenants and owners, and via postings in the residential buildings and retail/restaurant establishment when information is available from event sponsor(s). In addition, the program should recommend alternate access routes to and from U.S. 101 and the local roadway network on event days. For example, northbound traffic on U.S.

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<#> Re-striping the southbound approach to the intersection of Alana Way and Executive Park East, effectively widening Alana Way from one to two lanes; and ¶

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101 could be recommended to use the off-ramp at Sierra Point, travel north on Bayshore Boulevard and enter the site via Blanken Avenue (since access to Executive Park via the Third Street exit would be extremely difficult after events). Southbound traffic on U.S. 101 could be recommended to use the Third/Bayshore off-ramp, travel south on Bayshore Boulevard, and enter the site via Blanken Avenue.

18. Existing-Plus-Project. To reduce the effect of events on access to and from Executive Park, the Project Sponsor shall cooperate with other owners of property at Executive Park as well as event sponsors at Candlestick Park Stadium to provide temporary variable message signs along northbound and southbound U.S. 101 to direct Executive Park residents, workers and visitors to alternate routes. As part of this cooperation, the Project Sponsor shall apply to Caltrans to obtain the necessary permits to set up and operate the signs, but is not solely responsible for any associated costs.

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19. Cumulative Scenarios: To reduce expected Project-related traffic effects under Year 2025 Cumulative Conditions on operations at the intersection of Bayshore Boulevard/Blanken Avenue, the Project Sponsor shall contribute funding, not to exceed \$50,000, for enhancements to the Third Street Light Rail operational controls.

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#### TRANSIT

20. The Project Sponsor along with the other owners of property at Executive Park shall develop a Transportation Demand Management Program ("TMP") that would seek to maximize the number of people who arrive at the Project Site by public transit, by Executive Park shuttle service, or carpools and vanpools. Throughout the normal life of the Project, the Project Sponsor shall provide a transportation broker on-site who would actively and aggressively seek to divert people from use of single-occupancy vehicles to other modes of transportation. The broker shall manage the daily operations of the TMP.

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(A) As part of the TMP, the Project Sponsor would be required to pay its fair share of the costs to operate and maintain an expanded shuttle service between Executive Park and the Balboa Park BART station.

(B) The expansion to be paid for by the Project Sponsor shall revise the existing Executive Park shuttle service to allow for both directions of travel (i.e., pick-up and drop-off passengers in both the inbound and outbound directions during the morning and evening).

(C) The expansion to be paid for by the Project Sponsor shall include up to four additional shuttle round-trips during the weekday PM peak hour (for a total of up to six shuttle round trips) to accommodate the new transit trips generated by the Project. Similar increases in shuttle service would be implemented and paid for by other sponsors as needed, based on the build out of the rest of Executive Park.

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AIR QUALITY

21. The Project Sponsor shall prepare and implement a dust control plan. The plan shall be submitted to DPW, which would be responsible for field verification of the plan during construction. The plan shall comply with the City grading ordinance. To reduce particulate matter emissions during construction and demolition phases, the contractor shall include in the dust control plan dust control strategies recommended by the BAAQMD. The Project Sponsor shall include the following measures, as appropriate, in the plans and specifications for construction contracts, and in the dust control plan.

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*Basic Control Measures:* to be implemented on all construction sites.

- Cover all trucks hauling construction and demolition debris from the site;
- Water all exposed or disturbed soil surfaces at least twice daily;
- Use watering to control dust generation during demolition of structures or break-up of pavement;
- Pave, apply water three times daily, or apply non-toxic soil stabilizers on all unpaved parking areas and staging areas;
- Sweep daily (with water sweepers) all paved parking areas and staging areas; and
- Provide daily clean-up of mud and dirt carried onto paved streets from the site.

*Enhanced Control Measures:* to be implemented at construction sites greater than four acres in area.

- Enclose, cover, water twice daily or apply non-toxic soil binders to exposed stockpiles of soil, sand, etc.;
- Limit traffic speeds on unpaved roads to 15 mph;
- Install sandbags or other erosion control measures to prevent silt runoff to public roadways; and
- Replant vegetation in disturbed areas as quickly as possible.

NOISE

22. Stationary noise sources (rooftop or exterior air conditioning units, fans, etc.) within the Project shall be screened or enclosed to minimize effects on nearby Project Site sidewalks, the Town Center and the Candlestick Point State Recreation Area.

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CULTURAL RESOURCES

23. Based on the reasonable potential 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 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 monitoring program. All plans and reports prepared by the consultant as specified herein shall be submitted first and directly to the ERO for review and comment, and shall be considered draft reports subject to revision until final approval by the ERO. Archeological monitoring and/or data recovery programs required by this measure could suspend construction of the project for up to a maximum of four weeks. At the direction of the ERO, the suspension of construction can be extended beyond four weeks only if such a suspension is the only feasible means to reduce to a less than significant level potential effects on a significant archeological resource as defined in CEQA Guidelines Sect. 15064.5 (a)(c).

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*Archeological monitoring program (AMP).* 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 project archeologist shall determine what project activities shall be archeologically monitored. In most cases, any soils disturbing activities, such as demolition, foundation removal, excavation, grading, utilities installation, foundation work, driving of piles (foundation, shoring, etc.), site remediation, etc., shall require archeological monitoring because of the potential risk these activities pose to 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 archaeological monitors 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 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 crews and heavy 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, after making a reasonable effort to assess the identity, integrity, and significance of the encountered archeological deposit, present the findings of this assessment to the ERO.

If the ERO in consultation with the archeological consultant determines that a significant archeological resource is present and that the resource could be adversely affected by the Project, at the discretion of the Project Sponsor either:

- (A) The Project shall be re-designed so as to avoid any adverse effect on the significant archeological resource; or
- (B) An archeological 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.

If an archeological data recovery program is required by the ERO, the archeological data recovery program shall be conducted in accord with an archeological data recovery plan (ADRP). The project archeological consultant, Project Sponsor, and ERO shall meet and consult on the scope of the ADRP. The archeological consultant shall prepare a draft ADRP that shall be submitted to the ERO for review and approval. 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 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 die 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, 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, including immediate notification of the Coroner of the City and County of San Francisco and in the event of the Coroner's determination that the human remains are Native American remains, notification of the California State Native American Heritage Commission (NAHC) who shall appoint a Most Likely Descendant (MLD) (Pub. Res. Code Sec. 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. Sec. 15064.5(d)). The agreement should take into consideration the appropriate excavation, removal, recordation, analysis, curation, possession, and final disposition of the human remains and associated or unassociated funerary objects.

*Final Archeological Resources Report.* The archeological consultant shall submit a Draft Final Archeological Resources Report (FARR) to the ERO that evaluates the historical 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 draft final report.

Copies of the Draft FARR shall be sent to the ERO for review and approval. Once approved by the ERO copies of the FARR shall be distributed as follows: California Archaeological Site Survey Northwest Information Center (NWIC) shall receive one (1) copy and the ERO shall receive a copy of the transmittal of the FARR to the NWIC. Copies of the FARR shall be sent to the Agency. The Major Environmental Analysis division of the Planning Department shall receive three copies of the FARR along with copies of any formal site recordation forms (CA DPR 523 series) and/or documentation for nomination to the National Register of Historic Places/California Register of Historical Resources. In instances of high public interest or interpretive value, the ERO may require a different final report content, format, and distribution than that presented above.

#### VISUAL QUALITY

24. *Street Trees.* Newly constructed, internal streets shall be landscaped. Street trees shall be installed no more than 20 feet on center. Street trees shall be planted between clear sidewalk and the curb. In addition, trees shall be planted at least one foot back from the curb line; have a minimum 2 inch caliper; measured at breast height, branch a minimum of 8 feet above sidewalk grade; where in the public right of way; be planted in a sidewalk opening at least 16 square feet; and have a minimum soil depth of 3 feet 6 inches;

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where planted in individual basins rather than a landscaped planting bed; be protected by a tree grate with a removable inner ring to provide for the tree's growth over time; provide a below-grade environment with nutrient-rich soils; free from overly-compacted soils; and generally conducive to tree root development; be irrigated, maintained and replaced if necessary by the property owner, in accordance with Section 174 of the Public Works Code; and be planted in a continuous soil-filled parallel to the curb, such that the basin for each tree is connected.

- | 25. The Planning Department will continue to work with the Project Sponsor to finalize the streetscape design, including street trees, street furniture, lighting, paving materials, trash bins and tree grates. This will become the basis for the streetscape system for all projects in Executive Park. Formatted: Bullets and Numbering
  
- | 26. No general advertising signs, roof signs or identifying or business signs with electronic-moving text or internally-illuminated text shall be permitted within the Project Site and/or any future subdivision of those parcels. No signs viewed primarily from the water, aircraft, rooftops or from nearby hilltops shall be permitted. Formatted: Bullets and Numbering
  
- | 27. Final plans shall be developed in consultation with Department Staff and shall be reviewed by Staff prior to final approval of the site permit. Design, materials, glazing, color, texture, detailing, lighting, and landscaping, among other issues, shall be reviewed and approved by the Planning Department prior to approval of any building permit application. The final plans shall meet the standards of the Planning Code and be in general conformity with the plans reviewed and approved by the Commission on June 16, 2005, and filed with the Planning Department as Exhibit B. Formatted: Bullets and Numbering
  
- | 28. Mirrored glass or deeply tinted glass are not permitted. Except for any spandrel glass, only clear glass or lightly tinted glass shall be used. Formatted: Bullets and Numbering
  
- | 29. Space for the collection and storage of recyclable materials, which meets the size, location, accessibility and other standards specified by the San Francisco Recycling Program, shall be provided. Formatted: Bullets and Numbering
  
- | 30. Structures on the western portion of the Project Site, near US 101, shall be lower in height than the structures on other portions of the site, to preserve view corridors to Bayview Hill and the Bay. Formatted: Bullets and Numbering
  
- 31. Project sponsor will work with adjacent property owner to the east to create a connection that provides access between the two properties.

ENERGY

- | 32. The following are general measures which would be incorporated into the final design of each proposed structure: Formatted: Bullets and Numbering

- (A) All hot water heaters would be located as close as possible to the point(s) of use and all hot water pipes would be insulated;
- (B) Multiple trash bins would be installed in place of single units to encourage source separation of recyclable material; and
- (C) Photocell-activated switches would be used to activate all exterior lighting and all parking area lighting.

#### IMPLEMENTATION

33. 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. Prior to the issuance of the final certificate of occupancy, the Project Sponsor shall have a First Source Hiring Occupancy Program approved by the First Source Hiring Administrator, and evidenced in writing.

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**EXHIBIT C**

**MITIGATION AGREEMENT FORM**

Candlestick Cove, LLC, as the sponsor of the Executive Park – Candlestick Cove Project, hereby agrees to comply with and implement the Mitigation Measures included in the EIR Addendum dated June 9, 2005, Case No. 1990.299E and to comply with the Mitigation Monitoring Program in Attachment 1.

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Signature

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Title

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Date