



SAN FRANCISCO PLANNING DEPARTMENT

Subject to: (Select only if applicable)

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- Jobs Housing Linkage Program (Sec. 413)
- Downtown Park Fee (Sec. 412)
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Planning Commission Motion 18654

HEARING DATE: JUNE 28, 2012

Date: June 21, 2012
Case No.: 2011.0744C
Project Address: MARKET AND OCTAVIA AREA PLAN - "PARCEL P"
Zoning: Hayes Gough Neighborhood Commercial Transit (NCT) District
 Residential Transit-Oriented (RTO) District
 40-X/50-X Height and Bulk District
Block/Lot: 0831/023
Project Sponsor: Meg Spriggs
 Hayes Valley LLC/Avalon Bay Communities Inc.
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ADOPTING FINDINGS RELATED TO THE APPROVAL OF A CONDITIONAL USE AUTHORIZATION FOR A PLANNED UNIT DEVELOPMENT, TO ALLOW DEVELOPMENT OF A LOT EXCEEDING 10,000 SQUARE FEET, AND TO ALLOW RESIDENTIAL DENSITY EXCEEDING ONE DWELLING UNIT PER 600 SQUARE FEET OF LOT AREA WITHIN THE RTO DISTRICT, PURSUANT TO SECTIONS 121.1, 209.1, 303, AND 304 OF THE PLANNING CODE, WITH SPECIFIC MODIFICATIONS TO PLANNING CODE REGULATIONS RELATED TO OFF-STREET LOADING, REAR YARD, OPEN SPACE CONFIGURATION, BAY WINDOW DIMENSIONS, AND HEIGHT MEASUREMENT, WITH RESPECT TO A PROPOSAL TO DEMOLISH AN EXISTING SURFACE PARKING LOT AND CONSTRUCT A NEW DEVELOPMENT REACHING A MAXIMUM HEIGHT OF FIVE STORIES CONTAINING APPROXIMATELY 182 DWELLING UNITS, 3,800 SQUARE FEET OF GROUND FLOOR COMMERCIAL USES, AND 91 OFF-STREET PARKING SPACES LOCATED AT ON A PROPERTY BOUNDED BY OCTAVIA BOULEVARD, OAK STREET, LAGUNA STREET, AND HICKORY STREET (NO ADDRESS ASSIGNED), LOT 023 IN ASSESSOR'S BLOCK 0831, WITHIN THE HAYES-GOUGH NEIGHBORHOOD COMMERCIAL TRANSIT DISTRICT, THE RESIDENTIAL TRANSIT ORIENTED DISTRICT, AND THE 40-50-X HEIGHT AND BULK DISTRICT, AND ADOPTING FINDINGS UNDER THE CALIFORNIA ENVIRONMENTAL QUALITY ACT.

PREAMBLE

On May 9, 2012, Meg Spriggs, acting on behalf of Hayes Valley LLC/Avalon Bay Communities, Inc. ("Project Sponsor") filed an application with the Planning Department ("Department") for Conditional Use Authorization to allow development on a lot exceeding 10,000 square feet, to allow residential density exceeding one dwelling unit per 600 square feet of lot area within the RTO District, and to approve a Planned Unit Development under Planning Code Sections ("Sections") 121.1, 209.1, 303 and 304 to allow a project that would demolish an existing surface parking lot and construct a new development reaching a maximum height of five stories containing approximately 182 dwelling units, 3,800 square feet of ground floor commercial uses, and 91 off-street parking spaces located at on a property bounded by Octavia Boulevard, Oak Street, Laguna Street, and Hickory Street (no address assigned), Lot 023 in Assessor's Block 0831, within the Hayes-Gough Neighborhood Commercial Transit District, the Residential Transit Oriented District, and the 40-50-X Height And Bulk District. The project requests specific modifications of Planning Code regulations regarding off-street loading, rear yard, open space configuration, bay window dimensions, and height measurement through the Planned Unit Development process specified in Section 304 (collectively, "Project", Case No. 2011.0744C).

The environmental effects of the Project were determined by the San Francisco Planning Department to have been fully reviewed under the Market and Octavia Area Plan Environmental Impact Report (hereinafter "EIR"). The EIR was prepared, circulated for public review and comment, and, at a public hearing on April 5, 2007, by Motion No. 17406, certified by the Commission as complying with the California Environmental Quality Act (Cal. Pub. Res. Code Section 21000 et seq., hereinafter "CEQA"). The certification of the EIR was upheld on appeal to the Board of Supervisors at a public hearing on June 19, 2007. The Commission has reviewed the Final EIR, which has been available for this Commission's review as well as public review.

The EIR is a Program EIR. Pursuant to CEQA Guideline 15168(c)(2), if the lead agency finds that no new effects could occur or no new mitigation measures would be required, the agency may approve the project as being within the scope of the project covered by the program EIR, and no additional or new environmental review is required. In approving the Market and Octavia Area Plan, the Commission adopted CEQA Findings in its Motion No. 17406 and hereby incorporates such Findings by reference.

Additionally, State CEQA Guidelines Section 15183 provides an exemption from environmental review for projects that are consistent with the development density established by existing zoning, community plan or general plan policies for which an EIR was certified, except as might be necessary to examine whether there are project-specific effects which are peculiar to the project or its site. Section 15183 specifies that examination of environmental effects shall be limited to those effects that (a) are peculiar to the project or parcel on which the project would be located, (b) were not analyzed as significant effects in a prior EIR on the zoning action, general plan or community plan with which the project is consistent, (c) are potentially significant off-site and cumulative impacts which were not discussed in the underlying EIR, and (d) are

previously identified in the EIR, but which are determined to have a more severe adverse impact than that discussed in the underlying EIR. Section 15183(c) specifies that if an impact is not peculiar to the parcel or to the proposed project, then an EIR need not be prepared for that project solely on the basis of that impact.

Pursuant to the Guidelines of the State Secretary of Resources for the implementation of the California Environmental Quality Act (CEQA), on June 14, 2012, the Planning Department of the City and County of San Francisco determined that the proposed application was exempt from further environmental review per Section 15183 of the CEQA Guidelines and California Public Resources Code Section 21083.3. The Project is consistent with the adopted zoning controls in the Market and Octavia Area Plan and was encompassed within the analysis contained in the Final EIR. Since the Final EIR was finalized, there have been no substantial changes to the Market and Octavia Area Plan and no substantial changes in circumstances that would require major revisions to the Final EIR due to the involvement of new significant environmental effects or an increase in the severity of previously identified significant impacts, and there is no new information of substantial importance that would change the conclusions set forth in the Final EIR. The file for this project, including the Market and Octavia Area Final EIR and the Community Plan Exemption certificate, is available for review at the San Francisco Planning Department, 1650 Mission Street, Suite 400, San Francisco, California.

Planning Department staff prepared a Mitigation, Monitoring, and Reporting Program (MMRP), and this material was made available to the public and this Commission for the Commission's review, consideration and action.

On June 29, 2011, Department staff received a request for review of a development exceeding 40 feet in height (Case No. 2011.0744K), pursuant to Section 295, analyzing the potential impacts of the development to properties under the jurisdiction of the Department of Recreation and Parks. Department staff prepared a shadow fan depicting the potential shadow cast by the development and concluded that the Project could potentially cast shadow on Patricia's Green. After reviewing and analyzing a secondary analysis submitted by the Project Sponsor, dated October 7, 2011, the Planning Department concluded that no new, net potential shadow will be cast upon Patricia's Green, because at their maximum length, the shadows cast by the project would not reach Patricia's Green. Therefore, the Project would have no impact to properties subject to Section 295.

On June 28, 2012, the Commission conducted a duly noticed public hearing at a regularly scheduled meeting on Conditional Use Application No. 2011.0744C.

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

MOVED, that the Commission hereby authorizes the Conditional Use requested in Application No. 2011.0744C, subject to the conditions contained in "EXHIBIT A" of this motion, based on the following findings:

FINDINGS

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

1. The above recitals are accurate and constitute findings of this Commission.
2. **Site Description and Present Use.** The project site is a 49,500-square-foot lot on the north side of Oak Street in the Market and Octavia Area Plan, comprising the block bounded by Laguna Street to the west, Octavia Boulevard to the east, and Hickory Street to the north (primarily an unimproved right-of-way). The lot is currently being used on an interim basis as a community garden known as "Hayes Valley Farm", as well as a surface parking lot at the southeasterly portion of the site. The lot was formerly occupied by freeway ramps for the Central Freeway, which were removed by 2003. The irregular topography and mature trees found on the site are remnants of the former use of the property. There are no currently no structures on the property, aside from several small temporary buildings associated with the community garden use.

The majority of the Project Site is located within the RTO District, however, the easterly 60 feet are located within the Hayes-Gough NCT (Neighborhood Commercial Transit) District. The majority of the Project Site is located within the 50-X Height and Bulk District. However, the interior portion of the lot fronting along the Hickory Street right-of-way (beginning at a point located 70 feet to the west of the intersection with Octavia Boulevard and 65 feet north of Oak Street, extending to the Laguna Street frontage) is located within the 40-X Height and Bulk District.

3. **Surrounding Properties and Neighborhood.** Another parcel formerly occupied by the Central Freeway occupies the majority of the northern half of the subject block. This parcel is also being used on an interim basis as a portion of the "Hayes Valley Farm". Several existing residential buildings are located at the northeastern portion of the subject block, situated across an improved stub of Hickory Street from the Project Site.

Beyond the immediate vicinity, the area surrounding the project site primarily consists of residential buildings of two to five stories in height. Ground floor retail and restaurant uses are found along Hayes Street one block north of the Project Site, while other isolated commercial establishments are scattered throughout the neighborhood. The Civic Center district is located to the northeast, and includes various government buildings, museums, libraries, and performance spaces. Open spaces in the vicinity include Hayes Valley Playground to the northwest, Patricia's Green to the north, Koshland Park to the southwest, and Page and Laguna Mini-Park to the south.

4. **Project Description.** The proposal is to remove the existing surface parking lot and vegetation, regrade the site, improve the Hickory Street right-of-way through the block along the northerly frontage of the property, and construct a new mixed-use building with 182 dwelling units, 3,800 square feet of retail space, and 91 off-street parking spaces,

situated over a subterranean parking garage. The project would vary in height across the site, reaching a maximum height of five stories. While the Project would consist of a single structure, the building would be articulated as a series of different forms and dwelling unit types, with varying architectural expression across the site. The site is organized around two east-west oriented courtyards, as well as a central north-south oriented courtyard. The project sponsor is seeking approval of a Planned Unit Development, including a number of specific modifications from the requirements of the Planning Code, as discussed herein.

5. **Public Comment.** The Department has received two communications in opposition to the project, which express concerns regarding traffic impacts, adequacy of the proposed parking, and the compatibility of the height of the project. The Department has received one letter in support of the project from the Hayes Valley Neighborhood Association. This letter specifically supports the construction of infill housing, the proposed 0.5:1 parking ratio, and the architectural design of the project. The letter also requests that the project sponsor satisfy the affordable housing requirements through the provision of on-site units, land dedication, or through payment of in-lieu fees, provided that the fees are utilized to construct affordable housing within the Market and Octavia Plan area.
6. **Planning Code Compliance:** The Commission finds that the Project is consistent with the relevant provisions of the Planning Code in the following manner:
 - A. **Use and Density.** Per Section 720.91, dwelling units within the Hayes-Gough NCT District are principally permitted without specific density limitations, allowing physical controls such as height, bulk, and setbacks to define an allowable building envelope. Per Section 209.1, dwelling units within the RTO District may exceed a density of one dwelling unit per 600 square feet of lot area with Conditional Use Authorization, provided that certain affirmative findings are made. Per Section 720.40, retail uses are principally permitted at the ground floor within the Hayes-Gough NCT District.

Approximately 148 dwelling units are located within (or primarily located within) the portion of the site zoned RTO, therefore the project exceeds the density that is principally permitted for the site. Pursuant to Section 209.1(n), the Planning Commission may grant Conditional Use authorization to approve a project within the RTO District without a residential density limit. However, the Commission must make specified findings, and a project approved in this manner must comply with the minimum Code requirements without variances for usable open space, exposure, rear yards, and setbacks. The project is seeking a modification of the open space requirements of the Planning Code through the Planned Unit Development process. However, the Project meets the intent of these requirements, as discussed under Item #11 below, as well as the policies of the General Plan and the Market and Octavia Area Plan, with respect to dwelling unit livability.

The proposed ground-floor retail uses are situated entirely within the portion of the site zoned as Hayes-Gough NCT, and therefore comply with the Planning Code.

- B. **Height and Bulk.** The subject property is located within a 40-50-X Height and Bulk District. Pursuant to Section 270, projects within "-X" Bulk Districts are not subject to specific bulk controls. Pursuant to Section 263.20, projects within NCT Districts and within 40-X or 50-X Height and Bulk Districts are allowed an additional five feet of height if the project includes active ground floor commercial uses with elevated ceilings taller than 10 feet, and/or walk-up residential units that are elevated from the sidewalk. Pursuant to Section 261.1, upper portions of buildings that abut the southerly side of narrow streets must be set back to avoid penetrating a sun access plane defined by an angle of 45 degrees, extending from the directly opposite northerly property line. This additional height restriction applies to the portion of the narrow street frontage that is located 60 feet away from an intersection with a street wider than 40 feet.

The majority of the Project Site is within a 50-X Height and Bulk District. In this portion of the lot, the Project proposes a ground floor commercial space fronting along Octavia Boulevard, with clear ceiling heights of approximately 15 feet from sidewalk grade. The Project also includes elevated ground-floor residential units stoops along the Oak and Hickory Street frontages. Therefore, per Planning Code Section 263.20, the maximum allowable building height in this portion of the lot is 55 feet. The westernmost portion of the Project Site, and portions of the Project Site along Hickory Street are located within the 40-X Height and Bulk District. Portions of the building within the 40-X District along include elevated ground-floor residential units and other active uses. Therefore, per Planning Code Section 263.20, the maximum allowable building height in this portion of the lot is 45 feet.

The entirety of the Project Site will be re-graded from its existing condition. Measuring from a hypothetical grade line between the elevation of the Octavia Street frontage and the Laguna Street frontage, the centerline of each step in the building complies with the applicable height limitation. However, measuring from the grade of the proposed subterranean garage, portions of the building exceed the applicable height limit. Minor deviations from the provisions for measurement of height may be requested through the Planned Unit Development process, per Section 304(b)(6). Compliance with the PUD criteria is discussed under Item #11 .

Portion of the Project Site along Hickory Street are subject to the additional height limitation for buildings along narrow streets, per Section 261.1. The townhome units vary in height measurement from Hickory Street between approximately 29 feet to 35 feet above grade. The applicable sunlight access plane required by Section 261.1 applies above a height of 35 feet. Because the proposed townhome units do not exceed 35 feet in height along the portion of this frontage subject to Section 261.1, the Project complies with the additional height limitation

- C. **Floor Area Ratio.** In the Hayes-Gough NCT District, Section 124 allows a Floor Area Ratio (FAR) of up to 3.0. In the RTO District, Section 124 allows an FAR of up to 1.8. Proportionately applying these ratios to each portion of the Project Site, the

allowable FAR would permit a building of up to 97,740 square feet of Gross Floor Area as defined in Section 102.9.

The Project would measure approximately 202,174 square feet. Pursuant to Section 124(b), within NC and R Districts, the cited Floor Area Ratio limits do not apply to residential uses. Subtracting the area of the residential uses, approximately 66,777 square feet of Gross Floor Area within the Project would be subject to the allowable FAR. The Project therefore complies with the maximum allowable FAR.

- D. **Rear Yard.** Section 134(a)(1) of the Planning Code requires a rear yard equal to 25 percent of the lot depth to be provided at every residential level for the portion of the site within the Hayes-Gough NCT District, and a rear yard equal to 45 percent of the lot depth to be provided at grade and each level of the building for the portion of the site within the RTO District.

While the Project consists of a single structure, it is composed of several distinct masses, situated around two east-west oriented courtyards, as well as a central north-south oriented courtyard. The configuration of these courtyards does not meet the requirements for a rear yard, and thus the Project requires a modification of the rear yard requirement through the PUD process. Compliance with the PUD criteria is discussed under Item #11.

Section 134(e)(1) identifies a process whereby the Zoning Administrator may reduce the rear yard requirements for a project within NC Districts. Because the Project is seeking a rear yard modification through the PUD, and because a portion of the Project Site is situated within the RTO District, the process described by Section 134(e)(1) does not apply. It should be noted, however, that the project complies with the specified criteria of Section 134(e)(1), as follows:

- i. Residential uses are included in the new or expanding development and a comparable amount of usable open space is provided elsewhere on the lot or within the development where it is more accessible to the residents of the development.*
- ii. The proposed new or expanding structure will not significantly impede the access of light and air to and views from adjacent properties.*

Proportionately applying the required rear yard percentages to each portion of the Project Site would provide an open area of approximately 20,835 square feet. Two common rooftop decks measure a total of 8,619 square feet. In addition, the at-grade courtyards measure a total of 6,426 of common area. Numerous units include private decks or balconies which measure a total of 4,162 square feet. In total, the Project provides a combination of private and common open spaces for the use of residents that measure approximately 22,327 square feet, exceeding the amount of open area that would be provided by a Code-complying rear yard.

The Project occupies the entire block bounded by Laguna Street, Oak Street, the Hickory Street right-of-way, and Octavia Boulevard. Therefore, providing a Code-complying rear yard for the Project would result in a configuration that does not reflect the traditional San Francisco development pattern, with buildings located at or near front property lines,

creating an urban streetscape framing an interior core of mid-block open space. By using a courtyard, the Project restores a traditional pattern of mid-block open space within the Project Site. It should be noted that Hickory Street would be fully improved as part of the Project. The Sponsor is proposing a conceptual plan for various "living street" enhancements for Hickory Street that would create seating areas, upgraded paving, landscaping, and biofiltration systems. These improvements would create new public open spaces and gathering areas for both residents and non-residents alike, in addition to the on-site open space proposed for the Project.

- E. **Usable Open Space.** Section 135 requires that a minimum of 60 square feet of private usable open space, or 79.8 square feet of common usable open space be provided for dwelling units within the Hayes-Gough NCT District. Section 135 requires that a minimum of 100 square feet of private usable open space, or 133 square feet of common usable open space be provided for dwelling units within the RTO District. This Section specifies that the area counting as usable open space must meet minimum requirements for area, horizontal dimensions, and exposure.

The Project proposes private decks for 47 of the dwelling units in the RTO District, and 11 of the dwelling units in the Hayes-Gough NCT District. Applying proportionately the required common open space ratios for the remainder of the units, the Project requires 15,268 square feet of common open space to serve 124 dwelling units. The Project proposes a total of 18,165 square feet of common open space at the ground level and on two roof decks.

Some of the private decks meet the minimum area requirements for decks, but do not meet the minimum horizontal dimension of six feet in every direction. In addition, portions of the at-grade courtyards do not meet requirements for exposure to sunlight. Therefore, the Project requires a modification of the requirements for open space configurations through the PUD process. Compliance with the PUD criteria is discussed under Item #11.

- F. **Bay Window Dimensions.** Section 136(c)(2) permits bay windows to project over the public right-of-way, provided that the bays meet specified limitations for dimensions and separation.

The Project includes numerous bay windows at various levels that comply with the limitations of Section 136(c)(2). However, bay windows are proposed at each intersection corner of the Project which do not meet these requirements. Section 136(c)(2) requires that bays be separated from property lines. By definition, this Section does not permit bays at corners. Several other bays exceed the maximum bay width permitted by Section 136(c)(2), reaching widths of up to approximately 15 feet. In addition, several bays do not meet the minimum requirements for glazed area, per Section 136(c)(2)(C). In all cases, the bays serve to articulate and vary the massing of the project, and provide enhanced scale and prominence to the specific aspects of the design. The Project requires a modification of the requirements of this Section through the PUD process. Compliance with the PUD criteria is discussed under Item #11.

- G. **Streetscape and Pedestrian Improvements.** Section 138.1 requires that the Project include streetscape and pedestrian improvements appropriate to the site in accordance with the Better Streets Plan, as well as the planting of street trees.

The conceptual plans for the Project show street trees and landscaping within the public right-of-way along the entire frontage of the Project Site. In addition, the Project includes curb extensions at the intersection of Laguna and Oak Streets, as well as the intersection of Oak Street and Octavia Boulevard. These extensions can accommodate seating, planters, and other functional and aesthetic amenities to enhance the public realm. The Project also includes the improvement of Hickory Street for the entire length of the block. Currently, Hickory Street is improved to a point approximately 85 feet west of the intersection with Octavia Boulevard, with the remainder as an unimproved "paper street". The Project would, at a minimum, construct Hickory Street to comply with the standards of Section 138.1, as well as the requirements of the Department of Public Works. The Project Sponsor has proposed, and may pursue additional "living street" enhancements that include seating areas, upgraded paving, landscaping, and biofiltration systems. The conditions of approval require the future submittal of a streetscape plan. Staff from the Planning Department and other appropriate agencies will coordinate with the Project Sponsor to refine the details of streetscape improvements during the building permit review to ensure compliance with Section 138.1.

- H. **Dwelling Unit Exposure.** Section 140 requires that at least one room of all dwelling units face onto a public street, a rear yard, or other open area that meets minimum requirements for area and horizontal dimensions.

The majority of the dwelling units have exposure onto Octavia Boulevard, or onto Laguna, Hickory, or Oak Streets Streets. These units comply with the requirements of Section 140. A number of units have exposure only on the interior courtyards. Section 140 specifies that an open area (such as the courtyard) must have minimum horizontal dimensions of 25 feet at the lowest floor containing a dwelling unit and floor immediately above, with an increase of five feet in horizontal dimensions for each subsequent floor above. According to this methodology, the open area above the courtyard would need to measure at least 30 feet in horizontal dimensions at the 3rd floor, 35 feet at the 4th floor, and 40 feet at the 5th floor of the Project.

The core of the central, north-south oriented courtyard measures approximately 35 feet in width at all levels. The two east-west-oriented courtyards measure approximately 30 to 32 feet in width at all levels. At the fourth floor, the courtyard is open on the northerly side due to the limited height of the townhomes along Hickory Street, and due to the sloping topography of the site. Therefore, the Project complies with the exposure requirements of Section 140.

- I. **Street Frontages.** Section 145.1 requires active uses to be located at the ground-floor of the Project, with the exception of space allow for parking, building egress, and access to mechanical systems. Active uses may include commercial uses with

transparency along the sidewalk, walk-up residential units, and spaces accessory to residential uses.

The Octavia Boulevard frontage is occupied by several active spaces, including retail uses, a lobby/lounge area, and an open space "portal" for public views and tenant access into the interior of the project. The remainder of the ground-floor is primarily occupied by walk-up residential units, as well as a fitness center at the southwest corner. The presences of these active uses with enliven the streetscape and contribute to a desirable pedestrian realm. The project complies with Section 145.1.

- J. **Off-Street Parking and Car Sharing.** Pursuant to Section 151.1, up to 127 off-street residential parking spaces could be principally permitted for the project. This number is determined by applying proportionally the ratios for principally permitted off-street parking within the areas of the site zoned RTO and Hayes-Gough NCT. In addition, Section 166 requires that the Project provide car-share parking spaces, in an amount determined by the number of accessory parking spaces provided.

The Project proposes 91 off-street parking spaces to serve the residential uses. In addition, the Project includes two off-street parking spaces dedicated to car-share vehicles, where one space is required by Section 166. The project therefore complies with the parking limitations of Section 151.1, as well as the car-share requirements of Section 166.

- K. **Off-Street Loading.** Section 152 provides a schedule of required off-street freight loading spaces for all uses in districts other than C-3 or South of Market. Pursuant to this Section, residential uses measuring between 100,001 to 200,000 square feet require one off-street loading space. In addition, retail uses measuring between 10,001 to 60,000 square feet require one off-street loading space.

The Project proposes approximately 136,000 square feet of residential uses, and less than 10,000 square feet of commercial uses. Therefore, one off-street loading space is required. In lieu of providing the required loading space on-site, the Project proposes two on-street loading spaces to serve the residential uses (one each on Hickory and Laguna Streets), as well as a commercial loading space on Octavia Boulevard. While the number of loading spaces would exceed the requirements of the Code, the spaces would not be located on-site. Therefore, these spaces would not satisfy the requirements of the Code. The Project requires a modification of the off-street loading requirements through the PUD process. Compliance with the PUD criteria is discussed under Item #11.

- L. **Dwelling Unit Mix.** Section 207.6 requires that, for projects creating five or more dwelling units within the Hayes-Gough NCT, a minimum of 40 percent of the dwelling units contain at least two bedrooms.

The Project proposes a total of 182 dwelling units. 73 of these units are two-bedroom units, which constitute 40 percent of the overall dwelling units. The Project complies with the dwelling unit mix requirements.

- M. **Inclusionary Affordable Housing Program.** Planning Code Section 415 sets forth the requirements and procedures for the Inclusionary Affordable Housing Program. Under Planning Code Section 415.3, the current percentage requirements apply to projects that consist of five or more units, where the first application (EE or BPA) was applied for on or after July 18, 2006. Pursuant to Planning Code Section 415.5, the Project must pay the Affordable Housing Fee ("Fee"). This Fee is made payable to the Department of Building Inspection ("DBI") for use by the Mayor's Office of Housing for the purpose of increasing affordable housing citywide.

The Project Sponsor has submitted a 'Affidavit of Compliance with the Inclusionary Affordable Housing Program: Planning Code Section 415,' to satisfy the requirements of the Inclusionary Affordable Housing Program through payment of the Fee, in an amount to be established by the Mayor's Office of Housing at a rate equivalent to an off-site requirement of 20%. The project sponsor has not selected an alternative to payment of the Fee. The EE application was submitted on August 3, 2011.

7. **Planning Code Section 303** establishes criteria for the Planning Commission to consider when reviewing applications for Conditional Use authorization. Projects that proposed a Planned Unit Development through the Conditional Use authorization process must meet these criteria, in addition to the PUD criteria of Section 304, discussed under 'Item #11. On balance, the project complies with the criteria of Section 303, 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.

The Project will add significant housing opportunities at a density suitable for an urban context that is well served by public transit. In addition, the project will add new retail spaces that will provide employment opportunities, and will serve the residents of the Project and the larger neighborhood. By targeting infill, mixed-use development at such locations, residents of the Project will be able to walk, bicycle, or take transit to commute, shop, and meet other needs without reliance on private automobile use. The retail uses and public realm improvements along Ivy Street will create a vibrant focal point for the area, activating the streetscape and creating visual interest for pedestrians.

The existing development in the area surrounding the Project Site is varied in scale and intensity. The Project is taller than some buildings in the vicinity, and occupies a relatively large lot. While the Project would consist of a single structure, the building would be articulated as a series of different forms and dwelling unit types, with varying architectural expression across the site. All portions of the project utilize an alternating rhythm of bays and voids that creates texture and further breaks down the massing of the building. Each

elevation exhibits a procession of recesses that divide the larger building into smaller modules. The low-rise townhouse units on Hickory Street further reduce the scale of the overall development and enrich the visual texture of the Project.

The Project is necessary and desirable for, and is compatible with the neighborhood.

- b. The 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 site is a regularly-shaped lot formerly occupied by the Central Freeway that is adequately sized to accommodate the development. In lieu of providing a Code-complying rear yard, the Project is arranged around a central courtyard that establishes a pattern of mid-block open space that is currently lacking on the subject block. Existing development in the vicinity varies in size and intensity, and the Project is generally compatible with the eclectic character of the area. The Project is designed with recesses, varying heights and fenestration patterns, and differentiated architectural language to reduce the apparent scale of the Project. The shape and size of development on the subject property will not be detrimental to persons or adjacent properties in the vicinity.

- 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 and of proposed alternatives to off-street parking, including provisions of car-share parking spaces, as defined in Section 166.

The Project proposes several on-street loading facilities for both the residential and commercial uses. Because these spaces would not be located on-site, they would not strictly meet the requirements of the Planning Code. However, the three on-street spaces provided would exceed the one space required by the Code, and are anticipated to fully accommodate the loading needs of the Project. The Project would provide off-street parking in an amount less than the principally permitted amount for the Hayes-Gough NCT and RTO Districts. Therefore, it is anticipated that residents will favor travel by means other than private automobile use to commute and to access goods and services in the vicinity. In addition, the project will provide two car-share parking spaces, exceeding the one minimum space required by Section 166. Ingress to off-street parking would be accessed from an entry near the intersection at Octavia Boulevard, while egress from off-street parking would occur near the intersection at Laguna Street. This split configuration would allow the majority of vehicular traffic associated with the project to avoid travel along the central part of Hickory Street, enhancing the desirability of the "living street" concept that has been proposed for Hickory Street.

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

The Project includes residential and commercial uses that are typical of the Market and Octavia Plan area, and should not introduce operational noises or odors that are detrimental, excessive, or atypical for the area. While some temporary increase in noise can be expected during construction, this noise is limited in duration and will be regulated by the San Francisco Noise Ordinance which prohibits excessive noise levels from construction activity and limits the permitted hours of work. The building will not utilize mirrored glass or other highly reflective materials, therefore, the Project is not expected to cause offensive amounts of glare.

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

The Project provides open space in the form of private decks, common rooftop decks, and common open space at the ground floor near the residential entry. Beyond the requirements for residential open space, the Project includes curb extensions at the intersection of Laguna and Oak Streets, as well as the intersection of Oak Street and Octavia Boulevard. These extensions can accommodate seating, planters, and other functional and aesthetic amenities to enhance the public realm. The Project would also, at a minimum, construct Hickory Street to comply with the standards of Section 138.1, as well as the requirements of the Department of Public Works. However, the Project Sponsor may pursue additional "living street" enhancements that include seating areas, upgraded paving, landscaping, and biofiltration systems. Parking is provided at a ratio less than the principally permitted amounts of Section 151.1, and the area is well-served by transit and a variety of retail options within walking distance. Three on-street loading spaces are proposed to serve the Project, exceeding the one loading space required by the Planning Code. Conditions of approval also require that, as the Project proceeds through the review of building permits, the Project Sponsor will continue to work the Department staff to refine details of project massing, lighting, signage, materials, street trees, and other aspects of the design.

- c. 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 generally complies with the applicable sections of the Code, with certain exceptions. The residential uses contemplated for the Project are permitted within the Hayes-Gough NCT and RTO Districts, and the proposed commercial uses are permitted within the Hayes-Gough NCT District. The Project seeks a number of modifications to the requirements of the Planning Code through the PUD process. The purpose of the PUD process is to allow well-designed development on larger sites to request modifications from the strict requirements of the Planning Code, provided that the project generally meets the intent of these Planning Code requirements and will not

adversely affect the General Plan. The requested modifications, and compliance with the PUD criteria are discussed under Item #11.

Considered as a whole, the Project would add housing and commercial goods and services to create an vibrant, active mixed-use node. The Project Site is well-served by transit and commercial services, allowing residents to commute, shop, and reach amenities by walking, transit, and bicycling. The Project includes a mix of unit types, including 53 studio unit, 56 one-bedroom units, and 73 two-bedroom units. This mix of units will ensure that the Project will serve a diversity of household sizes and people with varied housing needs. The Project conforms with multiple goals and policies of the General Plan, as described in further detail in Item #13.

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

The Project is consistent with the stated purposes of the Hayes-Gough NCT in that it would provide ground floor commercial spaces suitable for neighborhood-serving retail, and would provide housing, a use that is strongly encouraged in the district.

- 8. **Planning Code Section 121.1** establishes criteria for the Planning Commission to consider when reviewing applications for projects within the Hayes-Gough NCT on lots that exceed 10,000 square feet, through the Conditional Use authorization process. On balance, the project complies with said criteria in that:

- a. The mass and facade of the proposed structure are compatible with the existing scale of the district.

The existing development in the area surrounding the Project site is varied in scale and intensity. The Project is taller than some buildings in the vicinity, and occupies a relatively large lot. However, the Project uses offsetting planes, deep recesses, and changes in height and, fenestration patterns, and materiality to divide the elevations into discrete modules.

- b. The facade of the proposed structure is compatible with the design features of adjacent facades that contribute to the positive visual qualities of the district.

Existing buildings in the area exhibit an eclectic architectural character, with no prevailing style establishing a dominant visual pattern for the neighborhood. The scale of development also varies somewhat in the vicinity. Existing development is primarily constructed in the late 19th and early 20th Century in a finer-grained pattern of individual buildings situated on narrow lots. There are also examples of recent in-fill construction in the area, such as the former parcel located across Oak Street, at the southwest corner of Octavia Boulevard.

While no single architectural style or development pattern predominates, the Project reflects the disparate elements of this context while establishing its own contemporary language. Although the Project occupies a relatively large lot, the taller mixed-use building is

articulated as a series of solids and voids to read as discrete elements. Within an overall architectural vocabulary, variations in fenestration patterns throughout this building reinforce this articulation. The eastern and western-most portions of the Project are proposed with an architectural language and massing which is distinct from the central portion of the block. The smaller townhome units on Hickory Street introduce a distinctly different building typology to the site, reinforcing a fine-grained pattern of development along the alley. The building therefore relates to the larger scale and forms of the newer developments in the area, while also breaking down massing to acknowledge the narrower lot pattern of older development in the vicinity.

9. **Planning Code Section 209.1** requires that the Commission make specified findings in order to approve a project within the RTO District without a residential density limit. On balance, the project complies with said criteria in that:

- a. The proposed project has a physical design and articulation compatible with the character of surrounding structures.

As discussed under Items #8(a) and #9 above, the Project is compatible with the scale and character of surrounding structures.

- b. The proposed accessory parking does not exceed that amount principally permitted under Section 151.1 without Conditional Use.

As discussed under Items #7(j), the off-street parking proposed for the Project is less than the amount principally permitted under Section 151.1.

- c. The project meets all the minimum Code requirements without variance for usable open space, exposure, rear yards, and setbacks.

The project is seeking a modification of the open space requirements of the Planning Code through the Planned Unit Development process. However, the Project meets the intent of these requirements, as well as the policies of the General Plan and the Market and Octavia Area Plan, with respect to dwelling unit livability, as discussed under Items #11 through #13 below.

10. **Planned Unit Development.** Section 304 establishes criteria and limitations for the authorization of PUD's over and above those applicable to Conditional Uses in general and contained in Section 303 and elsewhere in the Code. In cases of projects that exhibit outstanding overall design and are complementary to the design and values of the surrounding area, such projects may merit modification of certain Code requirements. On balance, the Project complies with said criteria in that it:

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

See discussion under Item #13.

- b. Provides off-street parking adequate for the occupancy proposed.

No off-street parking is required within the Hayes-Gough NCT or RTO Districts. The project proposes 91 off-street parking spaces to serve the residential uses, which is considered adequate and is less than the principally permitted quantity of parking within the Hayes-Gough NCT and RTO Districts.

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

The Project proposes private decks for 47 of the dwelling units in the RTO District, and 11 of the dwelling units in the Hayes-Gough NCT District. Applying proportionately the required common open space ratios for the remainder of the units, the Project requires 15,268 square feet of common open space to serve 124 dwelling units. The Project proposes a total of 18,165 square feet of common open space at the ground level and on two roof decks.

The Project would, at a minimum, construct Hickory Street to comply with the standards of Section 138.1, as well as the requirements of the Department of Public Works. The Project Sponsor has proposed, and may pursue additional "living street" enhancements that include seating areas, upgraded paving, landscaping, and biofiltration systems.

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

Dwelling units within the Hayes-Gough NCT District are principally permitted without specific density limitations. As discussed under Item #10 above, Section 209.1 specifies that dwelling units within the RTO District may exceed a density of one dwelling unit per 600 square feet of lot area with Conditional Use Authorization, provided that certain affirmative findings are made. Granted of the PUD would not be substantially equivalent to a reclassification of property.

- e. 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 majority of the Project Site is within a 50-X Height and Bulk District. In this portion of the lot, the Project proposes a ground floor commercial space fronting along Octavia Boulevard, with clear ceiling heights of approximately 15 feet from sidewalk grade. The Project also includes elevated ground-floor residential units stoops along the Oak and Hickory Street frontages. Therefore, per Planning Code Section 263.20, the maximum allowable building height in this portion of the lot is 55 feet. The westernmost portion of the Project Site, and portions of the

Project Site along Hickory Street are located within the 40-X Height and Bulk District. Portions of the building within the 40-X District along include elevated ground-floor residential units and other active uses. Therefore, per Planning Code Section 263.20, the maximum allowable building height in this portion of the lot is 45 feet.

The entirety of the Project Site will be re-graded from its existing condition. In this case, Section 102.12 would require height measurement from the finish grade of the re-graded block. Measuring from the grade of the proposed subterranean garage, portions of the building exceed the applicable height limit. However, the Project proposes to measure from a hypothetical grade line between the elevation of the Octavia Street frontage and the Laguna Street frontage. Using this methodology, the centerline of each step in the building complies with the applicable height limitation. This minor deviation from the methodology for height measurement acknowledges the subterranean configuration of the garage, which would not enable the construction of additional stories for the Project, or significant increments of additional height than would otherwise be permitted under the 40-50-X Height and Bulk Districts.

11. **Planned Unit Development Modifications.** The Project Sponsor requests a number of modifications from the requirements of the Planning Code. These modifications are listed below, along with a reference to the relevant discussion for each modification. Where indicated, certain requested PUD modifications are not granted by this approval, and conditions have been added such that the Project will comply with the applicable provisions of the Planning Code.

- i. Off-Street Loading: Item #6K*
- ii. Rear Yard Configuration: Item #6D*
- iii. Open Space Configuration: Item #6E*
- iv. Height Measurement: Item #6B, #10E*
- v. Bay Window Configuration: Item #6F*

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

COMMERCE AND INDUSTRY ELEMENT:

Objectives and Policies

OBJECTIVE 6

MAINTAIN AND STRENGTHEN VIABLE NEIGHBORHOOD COMMERCIAL AREAS EASILY ACCESSIBLE TO CITY RESIDENTS.

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 6.10:

Promote neighborhood commercial revitalization, including community-based and other economic development efforts where feasible.

The Project would replace an existing surface parking lot with an intense, mixed-use development suited to an urban context. The Project includes 182 dwelling units. Residents of these units would shop for goods and services in the area, bolstering the viability of the existing businesses. In addition, the Project would provide 3,800 square feet of retail uses that will contribute to the economic vitality of the area, fulfill shopping needs for residents, and will activate the streetscape.

HOUSING ELEMENT:

Objectives and Policies

OBJECTIVE 1

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

Policy 1.1:

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

Policy 1.3

Identify opportunities for housing and mixed-use districts near downtown and former industrial portions of the City.

Policy 1.4:

Locate in-fill housing on appropriate sites in established residential neighborhoods.

The Project will add residential units to an area that is well-served by transit, services, and shopping opportunities. The site is suited for dense, mixed-use development, where residents can commute and satisfy convenience needs without frequent use of a private automobile. The Project Site is located within walking distance of the employment cluster of the Civic Center, and is in an area with abundant transit options routes that travel to the South of Market and Financial District areas. The Project includes a mix of studio, one-bedroom, and two-bedroom units in a range of sizes, to provide housing opportunities for various household types and socioeconomic groups within the neighborhood.

**MARKET AND OCTAVIA PLAN:
Objectives and Policies**

OBJECTIVE 1.1

CREATE A LAND USE PLAN THAT EMBRACES THE MARKET AND OCTAVIA NEIGHBORHOOD'S POTENTIAL AS A MIXED-USE URBAN NEIGHBORHOOD.

Policy 1.1.2:

Concentrate more intense uses and activities in those areas best served by transit and most accessible on foot.

Policy 1.1.3:

Encourage housing and retail infill to support the vitality of the Hayes-Gough, Upper Market, and Valencia Neighborhood Commercial Districts.

The Project Site is situated in an area that is well-served by transit, and has amenities and convenience goods and services within walking distance. The retail spaces will diversify the mix of retail offerings in the area, and will be consistent with the small-scale retail uses along Hayes Street to the north.

OBJECTIVE 2.1:

REQUIRE DEVELOPMENT OF MIXED-USE RESIDENTIAL INFILL ON THE FORMER FREEWAY PARCELS.

Policy 2.1.1:

Develop the Central Freeway parcels with mixed-use, mixed-income (especially low income) housing.

The Project proposes a mixed-use development in a Central Freeway lot.

OBJECTIVE 2.2

ENCOURAGE CONSTRUCTION OF RESIDENTIAL INFILL THROUGHOUT THE PLAN AREA.

Policy 2.2.2:

Ensure a mix of unit sizes is built in new development and is maintained in existing housing stock.

Policy 2.2.4:

Encourage new housing above ground-floor commercial uses in new development and in expansion of existing commercial buildings.

The Project is a mixed-use infill development that includes a variety of dwelling unit types. The residential uses along Octavia Boulevard are situated over retail spaces, providing convenient access to goods and services for residents of the proposed project and the surrounding neighborhood.

OBJECTIVE 3.1:

ENCOURAGE NEW BUILDINGS THAT CONTRIBUTE TO THE BEAUTY OF THE BUILT ENVIRONMENT AND THE QUALITY OF STREETS AS PUBLIC SPACE.

Policy 3.1.1:

Ensure that new development adheres to principles of good urban design.

The Project would adhere to the following Fundamental Design Principles of the Market and Octavia Area Plan:

- Most new buildings should be built to all property lines facing public rights-of-way.
- Building façades should include three-dimensional detailing; these may include bay windows, cornices, belt courses, window moldings, and reveals to create shadows and add interest.
- Building façades that face the public realm should be articulated with a strong rhythm of regular vertical elements.
- High-quality building materials should be used on all visible façades and should include stone, masonry, ceramic tile, wood (as opposed to composite, fiber-cement based synthetic wood materials), precast concrete, and high-grade traditional "hard coat" stucco (as opposed to "synthetic stucco" that uses foam).
- Ground floor retail use should be directly accessible from the street at the grade of the sidewalk onto which it fronts.
- Ground-floor retail spaces should have at a minimum a 12-foot, ideally 15 feet, clear ceiling height.
- Residential uses on the ground floor are encouraged on alleys.
- First-floor residential units are encouraged to be at least 3 feet above sidewalk level such that the windowsills of these units are above pedestrian eye level in order to maintain the units' privacy.
- Encourage rooftop gardens as a form of common open space.
- If provided, off-street parking should be accessed via side streets or alleys where that is possible.

The proposed Project would be built to the property lines along all frontages. The frontage along Octavia Boulevard would have a well-defined, active base that includes a retail spaces directly accessible from the sidewalk. Floor-to-ceiling heights of these spaces would be approximately 15 feet. This building would be articulated with a rhythm of vertical solids and voids, including prominent corner bays on the intersections. The building would be finished in a variety of materials, including stucco, wood and metal panels, concrete, and brick veneer. The eastern and western-most portions of the Project are proposed with an architectural language and massing

which is distinct from the central portion of the block. The smaller townhome units on Hickory Street introduce a distinctly different building typology to the site, reinforcing a fine-grained pattern of development along the alley. The building therefore relates to the larger scale and forms of the newer developments in the area, while also breaking down massing to acknowledge the narrower lot pattern of older development in the vicinity.

OBJECTIVE 5.2

DEVELOP AND IMPLEMENT PARKING POLICIES FOR AREAS WELL SERVED BY PUBLIC TRANSIT THAT ENCOURAGE TRAVEL BY PUBLIC TRANSIT AND ALTERNATIVE TRANSPORTATION MODES AND REDUCE TRAFFIC CONGESTION.

Policy 5.2.1:

Eliminate minimum off-street parking requirements and establish parking caps for residential and commercial parking.

Policy 5.2.3:

Minimize the negative impacts of parking on neighborhood quality.

The Project proposes less parking than is principally permitted within the Hayes-Gough NCT and RTO Districts, and provides parking spaces for two car-share vehicles. These characteristics of the Project will contribute to a built environment that encourages a variety of transportation options and discourages private automobile use as a primary mode of travel in walkable and transit-rich neighborhoods such as the Market and Octavia Plan Area.

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

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

The new residents in the Project will patronize area businesses, bolstering the viability of surrounding commercial establishments. In addition, the Project would include retail spaces to provide goods and services to residents in the area, contribute to the economic vitality of the area, and will define and activate the streetscape.

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

The project will not diminish existing housing stock, and will add dwelling units in a manner that enhances the vitality of the neighborhood.

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

No housing is removed for this Project. Nine affordable dwelling units will be provided on-site.

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

A wide variety of goods and services are available within walking distance of the Project Site without reliance on private automobile use. In addition, the area is well served by public transit, providing connections to all areas of the City and to the larger regional transportation network.

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

The Project will not displace any service or industry establishment, and does not propose any office development. The Project will include retail spaces that will provide employment opportunities for area residents.

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

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

- G. That landmarks and historic buildings be preserved.

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

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

The Project will not cast shadows or impede views for parks and open spaces in the area, nor have any negative impact on existing public parks and open spaces.

12. The Project is consistent with and would promote the general and specific purposes of the Code provided under Section 101.1(b) in that, as designed, the Project would contribute to the character and stability of the neighborhood and would constitute a beneficial development.

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

DECISION

That based upon the Record, the submissions by the Applicant, the staff of the Department and other interested parties, the oral testimony presented to this Commission at the public hearings, and all other written materials submitted by all parties, the Commission hereby **APPROVES Conditional Use Application No. 2011.0744C** subject to the following conditions attached hereto as "EXHIBIT A" in general conformance with plans on file, dated June 28, 2012, and stamped "EXHIBIT B", which is incorporated herein by reference as though fully set forth.

The Planning Commission hereby adopts the MMRP attached hereto as Exhibit C and incorporated herein as part of this Motion by this reference thereto. All required mitigation measures identified in the Market and Octavia Area Plan EIR and contained in the MMRP are included as conditions of approval.

APPEAL AND EFFECTIVE DATE OF MOTION: Any aggrieved person may appeal this Conditional Use Authorization to the Board of Supervisors within thirty (30) days after the date of this Motion No. 18654. The effective date of this Motion shall be the date of this Motion if not appealed (After the 30-day period has expired) OR the date of the decision of the Board of Supervisors if appealed to the Board of Supervisors. For further information, please contact the Board of Supervisors at (415) 554-5184, City Hall, Room 244, 1 Dr. Carlton B. Goodlett Place, San Francisco, CA 94102.

I hereby certify that the Planning Commission ADOPTED the foregoing Motion on June 28, 2012.

Linda D. Avery
Commission Secretary

AYES: Fong, Antonini, Borden, Miguel, Moore, Sugaya, Wu

NAYS:

ABSENT:

ADOPTED: June 28, 2012

EXHIBIT A

AUTHORIZATION

This authorization is for a conditional use to allow development of a lot exceeding 10,000 square feet, to allow residential density exceeding one dwelling unit per 600 square feet of lot area within the RTO District, and for a Planned Unit Development that remove the existing surface parking lot and vegetation, regrade the site, improve the Hickory Street right-of-way through the block along the northerly frontage of the property, and construct a new mixed-use building with 182 dwelling units, 3,800 square feet of retail space, and 91 off-street parking spaces, situated over a subterranean parking garage, located at on a property bounded by Octavia Boulevard, Oak Street, Laguna Street, and Hickory Street (no address assigned), Lot 023 in Assessor's Block 0831, within the Hayes-Gough Neighborhood Commercial Transit District, the Residential Transit Oriented District, and the 40-50-X Height And Bulk District; in general conformance with plans, dated June 28, 2012, and stamped "EXHIBIT B" included in the docket for Case No. 2011.0744C and subject to conditions of approval reviewed and approved by the Commission on June 28, 2012 under Motion No 18654. This authorization and the conditions contained herein run with the property and not with a particular Project Sponsor, business, or operator.

RECORDATION OF CONDITIONS OF APPROVAL

Prior to the issuance of the building permit or commencement of use for the Project the Zoning Administrator shall approve and order the recordation of a Notice in the Official Records of the Recorder of the City and County of San Francisco for the subject property. This Notice shall state that the project is subject to the conditions of approval contained herein and reviewed and approved by the Planning Commission on June 28, 2012 under Motion No 18654.

PRINTING OF CONDITIONS OF APPROVAL ON PLANS

The conditions of approval under the 'Exhibit A' of this Planning Commission Motion No. 18654 shall be reproduced on the Index Sheet of construction plans submitted with the Site or Building permit application for the Project. The Index Sheet of the construction plans shall reference to the Conditional Use authorization and any subsequent amendments or modifications.

SEVERABILITY

The Project shall comply with all applicable City codes and requirements. If any clause, sentence, section or any part of these conditions of approval is for any reason held to be invalid, such invalidity shall not affect or impair other remaining clauses, sentences, or sections of these conditions. This decision conveys no right to construct, or to receive a building permit. "Project Sponsor" shall include any subsequent responsible party.

CHANGES AND MODIFICATIONS

Changes to the approved plans may be approved administratively by the Zoning Administrator. Significant changes and modifications of conditions shall require Planning Commission approval of a new Conditional Use authorization.

Conditions of approval, Compliance, Monitoring, and Reporting PERFORMANCE

1. **Validity and Expiration.** The authorization and right vested by virtue of this action is valid for three years from the effective date of the Motion. A building permit from the Department of Building Inspection to construct the project and/or commence the approved use must be issued as this Conditional Use authorization is only an approval of the proposed project and conveys no independent right to construct the project or to commence the approved use. The Planning Commission may, in a public hearing, consider the revocation of the approvals granted if a site or building permit has not been obtained within three (3) years of the date of the Motion approving the Project. Once a site or building permit has been issued, construction must commence within the timeframe required by the Department of Building Inspection and be continued diligently to completion. The Commission may also consider revoking the approvals if a permit for the Project has been issued but is allowed to expire and more than three (3) years have passed since the Motion was approved.

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

2. **Extension.** This authorization may be extended at the discretion of the Zoning Administrator only where failure to issue a permit by the Department of Building Inspection to construct the project and/or commence the approved use is caused by a delay by a local, State or Federal agency or by any appeal of the issuance of such permit(s).

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

3. **Mitigation Measures.** Mitigation measures described in the MMRP for the Market and Octavia Area Plan EIR (Case No. 2003.0347C) attached as Exhibit C are necessary to avoid potential significant effects of the proposed project and have been agreed to by the project sponsor.

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

DESIGN – COMPLIANCE AT PLAN STAGE

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

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

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

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

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

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

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

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

8. **Transformer Vault.** The location of individual project PG&E Transformer Vault installations has significant effects to San Francisco streetscapes when improperly located. However, they may not have any impact if they are installed in preferred locations. Therefore, the Planning Department recommends the following preference schedule in locating new transformer vaults, in order of most to least desirable:

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

Unless otherwise specified by the Planning Department, Department of Public Work's Bureau of Street Use and Mapping (DPW BSM) should use this preference schedule for all new transformer vault installation requests.

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

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

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

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

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

11. **Streetscape Plan.** Pursuant to Planning Code Section 138.1, the Project Sponsor shall submit a pedestrian streetscape improvement plan to the Planning Department for review in consultation with the Department of Public Works and the Department of Parking and Traffic prior to Building Permit issuance. The streetscape improvement plan shall include details regarding the bulb-out at the intersection of Laguna and Oak Streets, the bulb-out at the intersection of Octavia Boulevard and Oak Street, and the improvement of Hickory Street.

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

12. **Street Trees.** Pursuant to Planning Code Section 138.1 (formerly 143), the Project Sponsor shall submit a site plan to the Planning Department prior to Planning approval of the building permit application indicating that street trees, at a ratio of one street tree of an approved species for every 20 feet of street frontage along public or private streets bounding the Project, with any remaining fraction of 10 feet or more of frontage requiring an extra tree, shall be provided. The street trees shall be evenly spaced along the street frontage except where proposed driveways or other street obstructions do not permit. The exact location, size and species of tree shall be as approved by the Department of Public Works (DPW). In any case in which DPW cannot grant approval for installation of a tree in the public right-of-way, on the basis of inadequate sidewalk width, interference with utilities or other reasons regarding the public welfare, and where installation of such tree on the lot itself is also impractical, the requirements of this Section 428 may be modified or waived by the Zoning Administrator to the extent necessary.

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

PARKING AND TRAFFIC

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

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

14. **Bicycle Parking.** Pursuant to Planning Code Sections 155.2 and 155.4, the Project shall provide no fewer than 64 bicycle parking spaces (6 Class 1 or 2 spaces for the parking garage portion of the Project and 28 Class 1 or 2 spaces for the residential portion of the Project).

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

15. **Parking Maximum.** Pursuant to Planning Code Section 151.1, and as indicated on Exhibit B, the Project shall provide no more than 91 independently accessible off-street parking spaces, excluding car share spaces.

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

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

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

PROVISIONS

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

For information about compliance, contact the First Source Hiring Manager at 415-401-4960, www.onestopSF.org

18. **Transit Impact Development Fee.** Pursuant to Planning Code Section 411 (formerly Chapter 38 of the Administrative Code), the Project Sponsor shall pay the Transit Impact Development Fee (TIDF) as required by and based on drawings submitted with the Building Permit Application. Prior to the issuance of a temporary certificate of occupancy, the Project Sponsor shall provide the Planning Director with certification that the fee has been paid.

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

19. **Affordable Units. Requirement.** Pursuant to Planning Code 415.5, the Project Sponsor must pay an Affordable Housing Fee at a rate equivalent to the applicable percentage of the number of units in an off-site project needed to satisfy the Inclusionary Affordable Housing Program Requirement for the principal project. The applicable percentage for this project is twenty percent (20%).

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

- a. **Other Conditions.** The Project is subject to the requirements of the Inclusionary Affordable Housing Program under Section 415 et seq. of the Planning Code and the terms of the City and County of San Francisco Inclusionary Affordable Housing Program Monitoring and Procedures Manual ("Procedures Manual"). The Procedures Manual, as amended from time to time, is incorporated herein by reference, as published and adopted by the Planning Commission, and as required by Planning Code Section 415. Terms used in these conditions of approval and not otherwise defined shall have the meanings set forth in the Procedures Manual. A copy of the Procedures Manual can be obtained at the Mayor's Office of Housing ("MOH") at 1 South Van Ness Avenue or on the Planning Department or Mayor's Office of Housing's websites, including on the internet at:

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

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

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

- b. The Project Sponsor must pay the Fee in full sum to the Development Fee Collection Unit at the DBI for use by MOH prior to the issuance of the first construction document, with an option for the Project Sponsor to defer a portion of the payment prior to issuance of the first certificate of occupancy upon agreeing to pay a deferral surcharge that would be deposited into the Citywide Inclusionary Affordable Housing Fund in accordance with Section 107A.13.3 of the San Francisco Building Code.

- c. Prior to the issuance of the first construction permit by the DBI for the Project, the Project Sponsor shall record a Notice of Special Restriction on the property that records a copy of this approval. The Project Sponsor shall promptly provide a copy of the recorded Notice of Special Restriction to the Department and to MOH or its successor.
- d. If project applicant fails to comply with the Inclusionary Affordable Housing Program requirement, the Director of DBI shall deny any and all site or building permits or certificates of occupancy for the development project until the Planning Department notifies the Director of compliance. A Project Sponsor's failure to comply with the requirements of Planning Code Sections 415 et seq. shall constitute cause for the City to record a lien against the development project and to pursue any and all other remedies at law.

21. **Market Octavia Affordable Housing Fee.** Pursuant to Planning Code Section 416 (formerly 315.4), the Project Sponsor shall comply with the Market Octavia Affordable Housing requirements through payment of the Market Octavia Affordable Housing Fee in full to the Treasurer, prior to the issuance by Department of Building Inspection of the first certificate of occupancy for the development project.

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

22. **Market Octavia Community Improvements Fund.** Pursuant to Planning Code Section 421 (formerly 326), the Project Sponsor shall comply with the Market Octavia Community Improvements Fund provisions through payment of an Impact Fee in full to the Treasurer, or the execution of a Waiver Agreement, or an In-Kind agreement approved as described per Planning Code Section 421 (formerly 326) prior to the issuance by Department of Building Inspection of the construction document for the development project. The Planning Commission hereby makes a non-binding statement of support for an in-kind agreement for physical community improvements that could be credited against the applicable Impact Fee.

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

MONITORING - AFTER ENTITLEMENT

23. **Enforcement.** Violation of any of the Planning Department conditions of approval contained in this Motion or of any other provisions of Planning Code applicable to this Project shall be subject to the enforcement procedures and administrative penalties set forth under Planning Code Section 176 or Section 176.1. The Planning Department may also refer the violation complaints to other city departments and agencies for appropriate enforcement action under their jurisdiction.

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

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

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

OPERATION

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

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

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

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

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

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

MEASURES ADOPTED AS CONDITIONS OF APPROVAL	Responsibility for Implementation	Schedule	Monitoring/Report Responsibility	Status/Date Completed
Archeological Resources Mitigation Measure				
<p><u>Project Mitigation Measure 1 – Soils Disturbing Activities (Mitigation Measure 5.6.A1 of the Market and Octavia FEIR).</u> Pursuant to <u>Mitigation Measure 5.6.A1</u>, any soils-disturbing activities proposed within this area shall be required to submit an addendum to the respective ARD/TP prepared by a qualified archeological consultant with expertise in California prehistoric and urban historical archeology to the Environmental Review Officer (ERO) for review and approval. The addendum to the ARD/TP shall evaluate the potential effects of the project on legally-significant archeological resources with respect to the site- and project-specific information absent in the ARD/TP. The addendum report to the ARD/TP shall have the following content:</p> <ol style="list-style-type: none"> 1. Summary: Description of subsurface effect of the proposed project and of previous soils-disturbing activities; 2. Historical Development: If demographic data for the project site is absent in the discussion in the ARD/TP, the addendum shall include new demographic data regarding former site occupants; 3. Identification of potential archeological resources: Discussion of any identified potential prehistoric or historical archeological resources; 4. Integrity and Significance: Eligibility of identified expected resources for listing to the California Register of Historical Resources (CRHR); Identification of Applicable Research Themes/Questions (in the ARD/TP) that would be addressed by the expected archeological resources that are identified; 5. Impacts of Proposed Project; 6. Potential Soils Hazards: Update discussion for proposed project; 7. Archeological Testing Plan (if archeological testing is determined warranted): the Archeological Testing Plan (ATP) shall include: <ol style="list-style-type: none"> A. Proposed archeological testing strategies and their justification B. Expected archeological resources C. For historic archeological resources <ol style="list-style-type: none"> 1) Historic address or other local information 	Project sponsor.	Prior to project approval.	Planning Department Environmental Review Officer (ERO) shall determine further mitigation required, following completion of final addendum to ARD/TP.	Considered complete upon Planning Department review of approval of addendum to ARD/TP or as appropriate approval of Final Archaeological Resources Report (FARR).

MEASURES ADOPTED AS CONDITIONS OF APPROVAL	Responsibility for Implementation	Schedule	Monitoring/Report Responsibility	Status/Date Completed
<p>2) Archeological property type</p> <p>D. For all archeological resources</p> <p>1) Estimate depth below the surface</p> <p>2) Expected integrity</p> <p>3) Preliminary assessment of eligibility to the CRHR</p> <p>E. ATP Map</p> <p>1) Location of expected archeological resources</p> <p>2) Location of expected project sub-grade impacts</p> <p>3) Areas of prior soil disturbance</p> <p>4) Archeological testing locations by type of testing</p> <p>5)Base map: 1886/7 Sanborn Fire Insurance Company map</p>				
Air Quality Mitigation Measure				
<p><u>Project Mitigation Measure 2 – Short-term Construction Exhaust Emissions (Mitigation Measure 5.8B of the Market and Octavia FEIR).</u> To reduce program or project level short-term exhaust emissions from construction equipment, the following mitigation measures shall be implemented for construction activities in the project area: confine idle time of combustion engine construction equipment at construction sites to five minutes; maintain and properly tune construction equipment in accordance to manufacturer’s specifications; use alternative fuel or electrical construction equipment at the project site when feasible; for construction exhaust emissions during demolition, excavators and loaders shall meet Tier 3 emissions standards; excavators, dozers, and drill rigs shall meet Tier 3 emissions standards during site preparation; and forklifts, skip loaders (tractor), mini excavator, and paving and rolling machines shall meet Tier 3 emissions standards during building construction activities.</p>	Project sponsor.	During demolition, excavation, and construction.	Department of Building Inspection (DBI).	Maintain on-site observations as warranted; review daily field reports and inspect construction; prepare daily field and monthly compliance reports and submit to the DBI. Compliance through site permit process. DBI to monitor during construction.
Shadow Mitigation Measure				
<p><u>Project Mitigation Measure 3 – Shadow on Non-Section 295 Open Space (Mitigation Measure 5.5A2 of the Market and Octavia FEIR).</u> Where the building height exceeds 50 feet shall be shaped, consistent with the dictates of good design and without unduly restricting the development potential of the project site, to reduce substantial shadow impacts on public plazas and other publicly accessible spaces other than those protected under Section 295. The degree of shadow impact should be determined by the amount of</p>	Project sponsor.	During project design & development phase.	Planning Department & Recreation and Parks Department.	Considered complete upon design review by Planning Department.

MEASURES ADOPTED AS CONDITIONS OF APPROVAL	Responsibility for Implementation	Schedule	Monitoring/Report Responsibility	Status/Date Completed
area shaded, the duration of the shadow, and the importance of sunlight to the type of open space being shaded.				
Geology, Soils, and Seismicity Mitigation Measure				
<u>Project Mitigation Measure 4 – Construction-related Soils (Mitigation Measure 5.11A of the Market and Octavia FEIR).</u> Best Management Practices (BMP) erosion control features shall be developed with the following objectives and basic strategy: protect disturbed areas through minimization and duration of exposure; control surface runoff and maintain low runoff velocities; trap sediment onsite; and minimize length and steepness of slopes.	Project sponsor.	During construction.	Project sponsor/DBI.	On-site monitoring by project sponsor and DBI.
Hazardous Materials Mitigation Measure				
<u>Project Mitigation Measure 5 – Site Mitigation Plan (Mitigation Measure 5.10A of the Market and Octavia FEIR).</u> A site mitigation plan (SMP) must be prepared to address the testing and management of contaminated soils, contingency response actions, worker health and safety, dust control plan, storm water related items, and noise control. The SMP should address: <ul style="list-style-type: none"> • Proposed vertical and lateral extent of excavation; • Proposed building locations and configurations; • Management options for contaminated soils; • If onsite treatment to immobilize metals will be performed, include a description of the process and its effectiveness; • Identify the proposed soil transporter and disposal locations; • Collection of confirmation samples in the excavation area following excavation. The approximate number and proposed locations for sampling; • The site clean up level for lead of 200 mg/kg; • Soil samples should be analyzed for the appropriate TPH ranges and metals; • Dust control plan and measures per San Francisco Health Code Article 22B; • Contingency Plan that describes the procedures for controlling, containing, remediating, testing and disposing of any unexpected contaminated soil, water, or other material; • Site specific Health and Safety Plan; and • Storm Water Control and Noise Control protocols as applicable. 	Project sponsor.	SMP should be submitted at least six weeks prior to beginning construction excavation work. Health and Safety Plan may be submitted two weeks prior to beginning construction field work.	Project sponsor/San Francisco Department of Public Health (DPH).	Considered complete upon submittal of SMP.

MEASURES ADOPTED AS CONDITIONS OF APPROVAL	Responsibility for Implementation	Schedule	Monitoring/Report Responsibility	Status/Date Completed
<p>If confirmation samples exceed residential clean up guidelines, additional excavation should be performed, or “other mitigating measures” acceptable to DPH implemented. Alternative additional excavation and sampling could be performed or other mitigation measure may be proposed, if necessary.</p> <p>Should an underground storage tank be encountered, it shall be removed under permit with the SFDPH-HMUPA and the SFFD.</p> <p>The SMP should be submitted at least six weeks prior to beginning construction excavation work. The Health and Safety Plan may be submitted two weeks prior to beginning construction field work.</p> <p>Additional measures to protect the community generally shall include:</p> <ul style="list-style-type: none"> • Airborne particulates shall be minimized by wetting exposed soils, as appropriate, containing runoff, and tarping over-night and weekends; • Storage stockpiles shall be minimized, where practical, and properly labeled and secured; • Vehicle speeds across unpaved areas shall not exceed 15 mph to reduce dust emissions; • Activities shall be conducted so as not to track contaminants beyond the regulated area; • Misting, fogging, or periodic dampening shall be utilized to minimize fugitive dust, as appropriate; and/or • Contaminants and regulated areas shall be properly maintained. <p>The SMP would be conducted under the supervision of DPH.</p>	<p>Project sponsor.</p>	<p>During construction.</p>	<p>Project sponsor/DBI.</p>	<p>On-site monitoring by project sponsor & DBI.</p>
Transportation Improvement Measures				
<p><u>Project Improvement Measure 1: Queue Abatement.</u> It shall be the responsibility of the owner/operator of any off-street parking facility with more than 20 parking spaces (excluding loading and car-share spaces) to ensure that recurring vehicle queues do not occur on the public right-of-way. A vehicle queue is defined as one or more vehicles (destined to the parking facility) blocking any portion of any public street, alley or sidewalk for a consecutive period of three minutes or longer on a daily or weekly basis.</p> <p>If a recurring queue occurs, the owner/operator of the parking facility shall employ abatement methods as needed to abate the queue. Appropriate</p>	<p>Owner/Operator of off-street parking.</p>	<p>During operation.</p>	<p>Owner/Operator of off-street parking /Planning Department.</p> <p>Monitoring by a qualified transportation consultant upon request by Planning Director if</p>	<p>If applicable, considered ongoing during operations.</p>

MEASURES ADOPTED AS CONDITIONS OF APPROVAL	Responsibility for Implementation	Schedule	Monitoring/Report Responsibility	Status/Date Completed
<p>abatement methods will vary depending on the characteristics and causes of the recurring queue, as well as the characteristics of the parking facility, the street(s) to which the facility connects, and the associated land uses.</p> <p>Suggested abatement methods include but are not limited to the following: redesign of facility to improve vehicle circulation and/or on-site queue capacity; employment of parking attendants; installation of LOT FULL signs with active management by parking attendants; use of valet parking or other space-efficient parking techniques; use of off-site parking facilities or shared parking with nearby uses; use of parking occupancy sensors and signage directing drivers to available spaces; travel demand management strategies such as additional bicycle parking, customer shuttles, delivery services; and/or parking demand management strategies such as parking time limits, paid parking, time-of-day parking surcharge, or validated parking.</p> <p>If the Planning Director, or his or her designee, suspects that a recurring queue is present, the Department shall notify the property owner in writing. Upon request, the owner/operator shall hire a qualified transportation consultant to evaluate the conditions at the site for no less than seven days. The consultant shall prepare a monitoring report to be submitted to the Department for review. If the Department determines that a recurring queue does exist, the facility owner/operator shall have 90 days from the date of the written determination to abate the queue.</p>			<p>recurring queuing on public right-of-ways is suspected. If such queuing is determined to exist, abatement methods shall be employed.</p>	
<p><u>Project Improvement Measure 2: Transportation Demand Management.</u> To encourage travelers to utilize alternative modes of transportation, the project sponsor shall provide incentives to shift travel modes from single auto occupancy travel to transit, rideshare, bicycle, and pedestrian travel. The project sponsor shall provide bicycles as part of a “bicycle share” program which would be available for checkout by residents to encourage bicycling in lieu of driving. The project sponsor shall consider providing additional car share spaces beyond the requirement. The project sponsor shall consider subsidized transit passes or transit voucher for residents of the project.</p>	Project sponsor.	During construction and operation.	Project sponsor. Car share operator and San Francisco Municipal Transportation Agency (SFMTA) when applicable.	Installation of improvements considered complete upon construction completion. Management of car share spaces and transit subsidy ongoing during operations.