



SAN FRANCISCO PLANNING DEPARTMENT

Executive Summary

HEARING DATE: APRIL 7, 2011

Date: March 24, 2011
Case No.: **2006.0848CEV**
Project Address: **25 – 35 DOLORES STREET**
Zoning: RTO (Residential, Transit Oriented Neighborhood) District
40-X Height and Bulk District
Area Plan: Market and Octavia
Block/Lot: 3534/069
Project Sponsor: 35 Dolores LLC
c/o David Silverman of Reuben & Junius, LLP
One Bush Street, Suite 600
San Francisco, CA 94104
Staff Contact: Michael Smith – (415) 558.6322
michael.e.smith@sfgov.org
Recommendation: **Approval with Conditions**

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PROJECT DESCRIPTION

The proposal is to demolish the two vacant contiguous warehouses on the same lot, formerly occupied by S & C Ford, totaling approximately 19,037 square-feet. The buildings would be replaced with a four-story, approximately 51,584-gross-square-foot (gsf) residential building with 37 dwelling units and 37 off-street parking spaces located in a below grade parking garage. The proposed building would measure approximately 40-feet in height.

The project would provide 19 Class I bicycle racks within the parking garage.

Ten dwelling units would have sufficient private open space in the form of balconies. For the remaining 27 dwelling units the project would provide 3,350 sq. ft. of common usable open space within the rear yard.

The project sponsor is seeking conditional use authorization pursuant to Section 121.5 to develop a lot that is greater than 10,000 square-feet, Section 209.1(k) for dwelling unit density not exceeding 1:400 square-feet of lot area, and Section 151.1 to provide parking at a 1:1 ratio.

The project requires a rear yard variance to reduce the rear yard from 46'-9" as required by Code to 35' as proposed. The project also requires a dwelling unit exposure variance for two dwellings located at the south side of the building at the third and fourth floors.

There is a landmark tree on the site located within the rear yard.

Per Section 421 of the Code, the project is subject to the Market and Octavia Community Infrastructure Impact Fee requiring a payment of \$10 per each addition of gross residential square-feet and \$4 per addition of gross non-residential square feet.

The Planning Commission may reduce the Market and Octavia Community Infrastructure Impact Fee owed for specific development projects in cases where a project sponsor has entered into an In-Kind Agreement with the City to provide In-Kind improvements in the form of streetscaping, sidewalk widening, neighborhood open space, community center, and other improvements that result in new public infrastructure and facilities described in Section 421.1(E)(a) or similar substitutes. To date, the sponsor has chosen to pay the Impact Fee but may decide in the future to pursue an In-Kind Agreement.

Per Section 416 of the Code, the project is also subject to the Market and Octavia Plan Area Affordable Housing Fee requiring an additional payment of \$4 per net addition of occupiable residential square feet.

SITE DESCRIPTION AND PRESENT USE

The project site is located on the east side of Dolores Street, between Market and 14th Streets, Lot 069 in Assessor's Block 3534. The property is located in the Mission Dolores neighborhood within the boundaries of the Market and Octavia Plan Area and within a RTO (Residential, Transit Oriented Neighborhood) District and 40-X height and bulk districts. The property is developed with two vacant one-story plus mezzanine warehouses formerly used by S & C Ford. The subject lot measures 140-feet in depth and 140-feet in width with 19,600 square-feet of lot area. The lot laterally slopes down from north to south.

SURROUNDING PROPERTIES AND NEIGHBORHOOD

The project site is located near the gateway to Dolores Street and the Mission Dolores Neighborhood, approximately 130-feet from Market Street. The property across the street to the west is located within the Upper Market NCT and is entitled to be developed with an eight-story mixed-use building housing a ground floor grocery store. The properties that surround the subject property to the north, south, and east are also within the RTO District and are characterized by three- and four-story multi-unit residential buildings. At the northeast corner of 14th and Dolores Street is a six-story apartment building. The neighborhood was rezoned from RM-2 to RTO as part of the Market and Octavia rezoning effort.

ENVIRONMENTAL REVIEW

On July 14, 2010, the Department published a draft Environmental Impact Report (DEIR) for public review. The draft DEIR was available for public comment until September 7, 2010. On September 2, 2010, the Planning Commission ("Commission") conducted a duly noticed public hearing at a regularly scheduled meeting to solicit comments regarding the draft EIR. On March 16, 2011, the Department published a Comments and Responses document, responding to comments made regarding the DEIR prepared for the Project.

HEARING NOTIFICATION

TYPE	REQUIRED PERIOD	REQUIRED NOTICE DATE	ACTUAL NOTICE DATE	ACTUAL PERIOD
Classified News Ad	20 days	March 18, 2011	March 16, 2011	22 days
Posted Notice	20 days	March 18, 2011	March 18, 2011	20 days
Mailed Notice	10 days	March 28, 2011	March 17, 2011	21 days

PUBLIC COMMENT

- The Mission Dolores Neighborhood Association has taken a neutral position on the demolition of the existing warehouses but supports the proposed project at the proposed density with residential parking at a 1:1 ratio.

ISSUES AND OTHER CONSIDERATIONS

- The applicant is seeking conditional use authorization pursuant to Section 151.1 of the Code to provide residential parking at a 1:1 ratio. The Department does not support the request for additional parking and our position is reflected in the attached draft motion for the project. Twenty-eight parking spaces are principally permitted for the project. The applicant's primary rationale for the additional parking request is that the 73% mix of family-sized dwellings is greater than the 40% mix required by Code, thus necessitating a greater amount of parking to accommodate the greater amount of potential occupants. Furthermore, the provided parking does not impact the pedestrian experience or the residential character of the building.
- The project would result in the loss of two historic structures as analyzed in the environmental impact report (EIR) for the project.
- To meet the requirements of Section 415 of the Planning Code, which sets forth the requirements and procedures for the Residential Inclusionary Affordable Housing Program, the sponsor has elected to meet this requirement by providing the four required affordable units on-site.
- Per Section 421 of the Code, the project is subject to the Market and Octavia Community Infrastructure Impact Fee requiring a payment of \$10 per gross square-foot of residential area.
- Per Section 416 of the Code, the project is also subject to the Market and Octavia Plan Area Affordable Housing Fee requiring a payment of \$4.00 per net square foot of residential development.

REQUIRED COMMISSION ACTION

In order for the Project to proceed, the Commission must adopt CEQA findings and grant Conditional Use Authorization to allow development on a lot exceeding 10,000 square feet (Planning Code Section 121.5), to allow residential parking at a ratio not to exceed 1:1 (Planning Code Section 151.1), and to allow residential density not exceeding 1:400 square-feet of lot area [Planning Code Section 209.1(k)]. In addition, the Zoning Administrator would need to grant variances from the requirements for front setback (Planning Code Section 132), rear yard (Planning Code Section 134), and dwelling unit exposure (Planning Code Section 140).

BASIS FOR RECOMMENDATION

- The existing warehouses on the project site are underutilized and incompatible with both the zoning and the residential character of the neighborhood.
- The District is well served by transit, giving customers a viable alternative to using a private automobile.
- The Project would add 37 dwellings to the City's housing stock within an established neighborhood.
- The Project creates a sense of place on a parcel on a key site on a significant corridor.

RECOMMENDATION: Approval with Conditions and adopt CEQA Findings
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Attachment Checklist

- | | |
|--|---|
| <input checked="" type="checkbox"/> Executive Summary | <input checked="" type="checkbox"/> Project sponsor submittal |
| <input checked="" type="checkbox"/> Parcel Map | Site and Context Photos |
| <input checked="" type="checkbox"/> Sanborn Map | <input checked="" type="checkbox"/> Check for legibility |
| <input checked="" type="checkbox"/> Zoning District Map | Drawings: <u>Proposed Project</u> |
| <input checked="" type="checkbox"/> Height & Bulk Map | <input checked="" type="checkbox"/> Check for legibility |
| <input checked="" type="checkbox"/> Aerial Photos | |
| <input checked="" type="checkbox"/> FEIR Motion | |
| <input checked="" type="checkbox"/> Draft Motion | |
| <input checked="" type="checkbox"/> CEQA Findings Motion | |
| <input checked="" type="checkbox"/> MMRP | |

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

_____MES_____
Planner's Initials

Sanborn Map*

SUBJECT PROPERTY

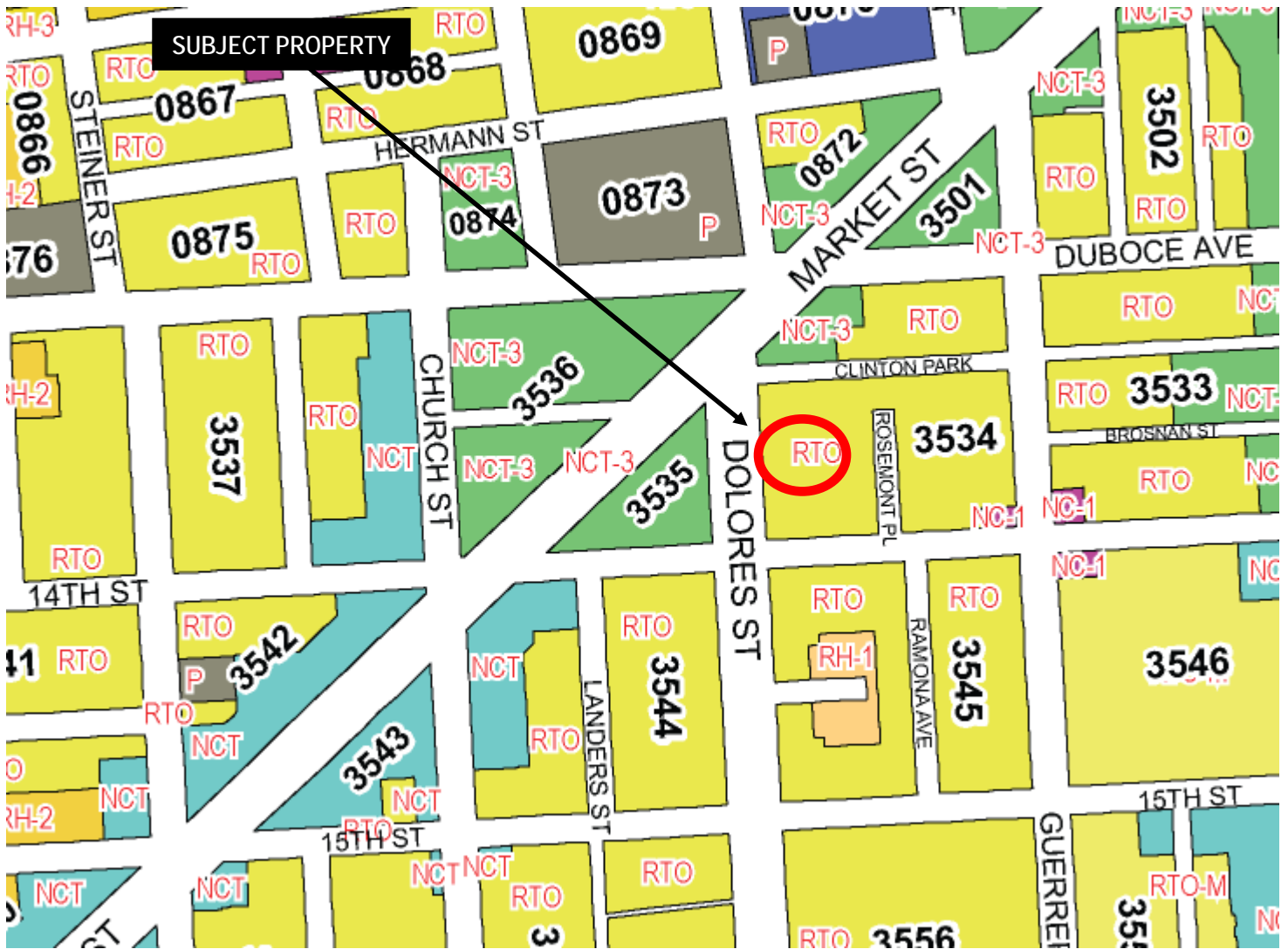


*The Sanborn Maps in San Francisco have not been updated since 1998, and this map may not accurately reflect existing conditions.



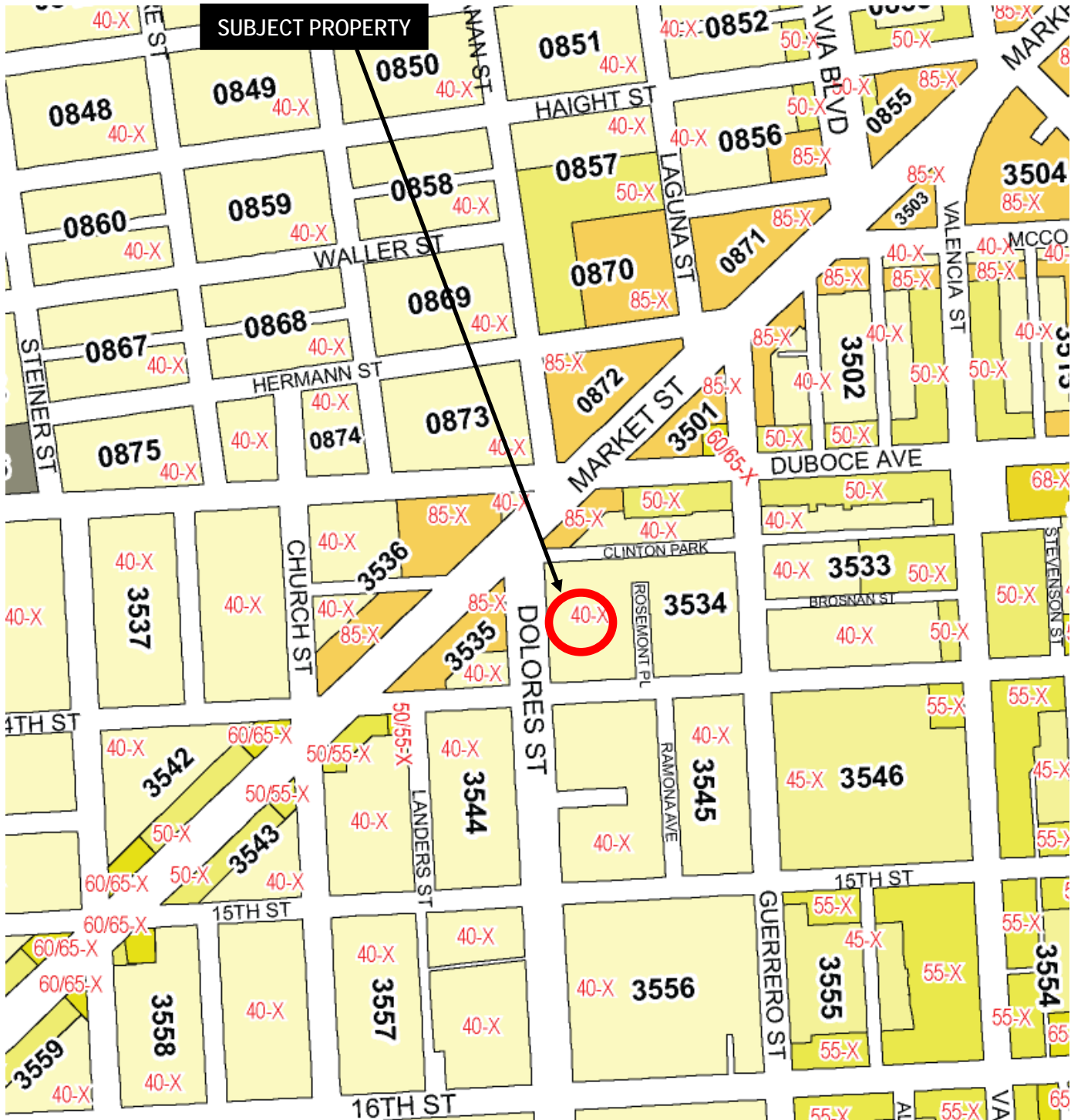
Conditional Use Hearing
Case Number 2006.0848CEV
25 – 35 Dolores Street

Zoning Map



Conditional Use Hearing
Case Number 2006.0848CEV
25 – 35 Dolores Street

Height and Bulk Map



Conditional Use Hearing
Case Number 2006.0848CEV
25 – 35 Dolores Street

Aerial Photo



SUBJECT PROPERTY



Conditional Use Hearing
Case Number 2006.0848CEV
25 – 35 Dolores Street

Aerial Photo



SUBJECT PROPERTY



Conditional Use Hearing
Case Number 2006.0848CEV
25 – 35 Dolores Street

Aerial Photo



SUBJECT PROPERTY



Conditional Use Hearing
Case Number 2006.0848CEV
25 – 35 Dolores Street

Aerial Photo



SUBJECT PROPERTY



Conditional Use Hearing
Case Number 2006.0848CEV
25 – 35 Dolores Street



SAN FRANCISCO PLANNING DEPARTMENT

Planning Commission Draft Motion

HEARING DATE: April 7, 2011

Hearing Date: April 7, 2011
Case No.: **2006.0848E**
Project Address: **25-35 Dolores Street**
Zoning: RTO (Residential Transit Oriented) District
40-X Height and Bulk District
Block/Lot: 3535/069
Project Sponsor: 35 Dolores LLC
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ADOPTING FINDINGS RELATED TO THE CERTIFICATION OF A FINAL ENVIRONMENTAL IMPACT REPORT FOR A PROPOSED PROJECT AT 25-35 DOLORES STREET, WHICH INCLUDES PROPOSED DEMOLITION OF TWO CONTIGUOUS WAREHOUSES AND CONSTRUCTION OF A FOUR STORY TALL, APPROXIMATELY 62,030 GROSS SQUARE FOOT BUILDING WHICH WOULD CONTAIN FORTY-SEVEN DWELLING UNITS AND 40 PARKING SPACES IN A BASEMENT GARAGE ON AN APPROXIMATELY 19,600 SQUARE-FOOT LOT, LOT 069 IN ASSESSOR'S BLOCK 3534.

MOVED, that the San Francisco Planning Commission (hereinafter "Commission") hereby CERTIFIES the Final Environmental Impact Report identified as Case No. 2006.0848E, 25-35 Dolores Street Residential Project (hereinafter "Project"), based upon the following findings:

1. The City and County of San Francisco, acting through the Planning Department (hereinafter "Department") fulfilled all procedural requirements of the California Environmental Quality Act (Cal. Pub. Res. Code Section 21000 *et seq.*, hereinafter "CEQA"), the State CEQA Guidelines (Cal. Admin. Code Title 14, Section 15000 *et seq.*, (hereinafter "CEQA Guidelines") and Chapter 31 of the San Francisco Administrative Code (hereinafter "Chapter 31").
 - A. The Department determined that an Environmental Impact Report (hereinafter "EIR") was required and provided public notice of that determination by publication in a newspaper of general circulation on April 9, 2009.
 - B. On July 14, 2010, the Department published the Draft Environmental Impact Report (hereinafter "DEIR") and provided public notice in a newspaper of general circulation of the availability of the DEIR for public review and comment and of the date and time of the Planning Commission

public hearing on the DEIR; this notice was mailed to the Department's list of persons requesting such notice.

- C. Notices of availability of the DEIR and of the date and time of the public hearing were posted near the project site by Department staff on July 14, 2010.
 - D. On July 14, 2010, copies of the DEIR were mailed or otherwise delivered to a list of persons requesting it, to those noted on the distribution list in the DEIR, to adjacent property owners, and to government agencies, the latter both directly and through the State Clearinghouse.
 - E. Notice of Completion was filed with the State Secretary of Resources via the State Clearinghouse on July 14, 2010.
2. The Commission held a duly advertised public hearing on said DEIR on September 2, 2010 at which opportunity for public comment was given, and public comment was received on the DEIR. The period for acceptance of written comments ended on September 13, 2010.
 3. The Department prepared responses to comments on environmental issues received at the public hearing and in writing during the 61-day public review period for the DEIR, prepared revisions to the text of the DEIR in response to comments received or based on additional information that became available during the public review period, and corrected errors in the DEIR. This material was presented in a Draft Comments and Responses document, published on March 16, 2011, distributed to the Commission and all parties who commented on the DEIR, and made available to others upon request at the Department.
 4. A Final Environmental Impact Report has been prepared by the Department, consisting of the Draft Environmental Impact Report, any consultations and comments received during the review process, any additional information that became available, and the Summary of Comments and Responses all as required by law.
 5. Project Environmental Impact Report files have been made available for review by the Commission and the public. These files are available for public review at the Department at 1650 Mission Street, and are part of the record before the Commission.
 6. On April 7, 2011, the Commission reviewed and considered the Final Environmental Impact Report and hereby does find that the contents of said report and the procedures through which the Final Environmental Impact Report was prepared, publicized, and reviewed comply with the provisions of CEQA, the CEQA Guidelines, and Chapter 31 of the San Francisco Administrative Code.
 7. The project sponsor has indicated that the presently preferred alternative is Alternative B, Preservation Alternative, described in the Final Environmental Impact Report.
 8. The Planning Commission hereby does find that the Final Environmental Impact Report concerning File No. 2006.0848E, 25-35 Dolores reflects the independent judgment and analysis of the City and County of San Francisco, is adequate, accurate and objective, and that the Comments and Responses document contains no significant revisions to the DEIR, and hereby does CERTIFY THE

COMPLETION of said Final Environmental Impact Report in compliance with CEQA and the CEQA Guidelines.

9. The Commission, in certifying the completion of said Final Environmental Impact Report, hereby does find that the project described in the Environmental Impact Report would have the following unavoidable significant environmental impacts that could not be mitigated to a level of non-significance:
 - A. Will have a project-specific significant effect on the environment of demolition of a historic architectural resources;

I hereby certify that the foregoing Motion was ADOPTED by the Planning Commission at its regular meeting of April 7, 2011.

Linda Avery
Commission Secretary

AYES:

NOES:

ABSENT:

ADOPTED: [Date]



SAN FRANCISCO PLANNING DEPARTMENT

Subject to: (Select only if applicable)

- Affordable Housing (Sec. 415)
- Jobs Housing Linkage Program (Sec. 413)
- Downtown Park Fee (Sec. 412)
- First Source Hiring (Admin. Code)
- Child Care Requirement (Sec. 414)
- Other

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Planning Commission Draft Motion CEQA Findings

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 c/o David Silverman of Reuben & Junius, LLP
 One Bush Street, Suite 600
 San Francisco, CA 94104
Staff Contact: Michael Smith – (415) 558.6322
michael.e.smith@sfgov.org

ADOPTING FINDINGS RELATED TO THE ADOPTION OF A STATEMENT OF OVERRIDING CONSIDERATIONS PURSUANT TO THE CALIFORNIA ENVIRONMENTAL QUALITY ACT FOR THE PROPOSED RESIDENTIAL PROJECT AT 25-35 DOLORES STREET, WHICH INCLUDES PROPOSED DEMOLITION OF TWO VACANT WAREHOUSES AND CONSTRUCTION OF A FOUR STORY TALL, APPROXIMATELY 51,854 GROSS SQUARE FOOT BUILDING WHICH WOULD CONTAIN 37 DWELLING UNITS AND 37 PARKING SPACES IN A BASEMENT GARAGE ON AN APPROXIMATELY 19,600 SQUARE-FOOT LOT, LOT 069 IN ASSESSOR’S BLOCK 3534.

MOVED, that the San Francisco Planning Commission (hereinafter “Commission”) hereby ADOPTS the following Statement of Overriding Considerations for Case No. 2006.0848-C, 25-35 Dolores Street (hereinafter “Project”), based upon the following findings:

Pursuant to CEQA Section 210(b) and CEQA Guidelines Section 15093, notwithstanding the unavoidable significant impacts described in the Final Environmental Impact Report (“FEIR”) for the proposed project at 35-35 Dolores Street, the Planning Commission finds after considering the FEIR and based on substantial evidence in the administrative record, and as set

forth herein, that specific overriding economic, legal, social and other considerations outweigh the identified significant effects on the environment. In addition, the Planning Commission finds that the Project Alternatives rejected by the FEIR are also rejected for the following specific economic, social, or other considerations resulting from project approval and implementation.

In determining to approve the proposed project located at 25-35 Dolores Street (Assessor's Block 3534, Lot 069, the "Project Site"), the San Francisco Planning Commission ("Planning Commission" or "City") makes and adopts the following findings of fact regarding the Project and mitigation measures based on substantial evidence in the whole record of this proceeding and pursuant to the California Environmental Quality Act, California Public Resources Code Section 21000 et seq. ("CEQA"), particularly Section 21081 and 21081.5, the Guidelines for Implementation of CEQA, 14 California Code of Regulations Section 15000 et seq. ("CEQA Guidelines"), particularly Section 15091 through 15093, and Chapter 31 of the San Francisco Administrative Code.

This document is organized as follows:

Section I provides a description of the proposed Project ("Project"), the environmental review process for the Project, the Planning Commission actions to be taken, and the location of records.

Section II sets forth findings regarding significant impacts and the disposition of the mitigation measures proposed in the Final EIR. **Exhibit A**, attached, contains the Mitigation Monitoring and Reporting Program ("MMRP"), which provides a table setting forth each mitigation measure listed in the Draft Environmental Impact Report, including the Initial Study contained in Appendix A of the DEIR, that is required to reduce or avoid a significant adverse impact. **Exhibit A** also includes improvement measures that will ameliorate less-than-significant Project effects. The MMRP specifies the agency responsible for implementation of each mitigation and improvement measure, establishes monitoring actions and a monitoring schedule. The MMRP is required by CEQA Section 21081.6 and CEQA Guidelines Section 15091.

Section III identifies growth inducing impacts.

Section IV identifies the Project alternatives that were analyzed in the EIR and discusses the reasons for rejecting each.

Section V sets forth the Planning Commission's Statement of Overriding Considerations pursuant to CEQA Guidelines Section 15093.

I. Project Description and Procedural Background

a. Project Site

The rectangular 19,600-sq.ft. project site is located on the east side of Dolores Street between Clinton Park, Rosemont Place, and 14th Street about 150 feet south of Market Street and about three blocks southwest of the Market/Octavia Street freeway touchdown (Assessor's Block 3534, Lot 063) in the Mission neighborhood San Francisco (see Figures 1, 2, and 3, pages 8 to 10). The project block is bound by Clinton Park to the north, Rosemont Place to the east, 14th Street to the south, and Dolores Street to the west.

b. Surrounding Area

Adjacent to the project site to the north is a three-story, approximately 30-foot-tall multi-family residential building (15 Dolores Street). Further north, on the southeast corner of Dolores Street and Clinton Park, is the Dolmark Apartments at 11 Dolores Street, a four-story, approximately 40-foot-tall multi-family residential building. Adjacent to the project site, to the south at 55 Dolores Street, is a three- to four-story, approximately 40-foot-tall multi-family residential building. Further south at 75 Dolores Street is a four-story, approximately 40-foot-tall multi-family residential building, and, at 87 Dolores Street on the northeast corner of Dolores and 14th Streets, is a six-story, approximately 60-foot-tall multi-family residential building. On Rosemont Place east of the project site are one- and two-story single- and multi-family buildings (20 – 90 Rosemont Place); and along Clinton Park north of the project site are primarily two- and three-story multi-family residential buildings (213 – 281 Clinton Park).

c. Project Description

The proposed project would include the demolition of the two existing one-story garages at the site, and construction of a four-story, 40-foot-tall, approximately 62,030-sq.ft. residential building with 37 residential units and a one-level, below-grade parking garage with 37 independently accessible parking spaces. The project would be built to the lot lines on the Dolores Street frontage and sides, and would have 75 percent lot coverage. The approximately 51,130 sq.ft. of proposed residential space, located on the first through fourth floors, would be a mix of 10 one-bedroom, 23 two-bedroom, and four three-bedroom units, ranging in size from approximately 488 to 1,306 sq.ft.

The Project analyzed in the EIR consists of a series of approvals that together define the terms under which the Project will occur. It is composed of the following major permits and approvals, and related and collateral actions:

The project's proposed residential use is a principally permitted use in the RTO Use district. The proposed project would require the following action under existing zoning regulations and ordinances, with acting bodies shown in italics. Aside from the project approval hearing noted above, the Planning Commission has considered the following project approvals:

- Certification of the EIR. *Planning Commission action. Certification of EIR may be appealed to the Board of Supervisors.*¹
- Findings of General Plan and Priority Policies Consistency. *Planning Commission action.*
- Conditional Use Authorization for:
 - *Density*. The proposed project would require review and approval by the

¹ Before discretionary project approval may be granted for the proposed project, the Planning Commission must certify the EIR as accurate, objective, and complete. This Draft EIR will undergo a 45-day public comment period as noted on the Draft EIR cover, which will include a public hearing before the Planning Commission. Following the public comment period, responses to written and oral comments on the Draft EIR will be prepared and published in a Response to Comments Document. The Draft EIR will be revised as appropriate and, together with the Response to Comments Document, will be presented to the Planning Commission for certification of the EIR. No approvals or permits may be issued before the Final EIR is certified. The Draft EIR and the Response to Comments Document together are considered the Final EIR.

Planning Commission for a Conditional Use authorization for residential density greater than one unit per 600 sq.ft. of lot area for the proposed project's density of one unit for 417 sq.ft. of lot area. Residential density of one unit per 400 sq.ft. is conditionally permitted. (*Planning Code* Section 209.1.) *Planning Commission action.*

- *Off-Street Parking.* Under *Planning Code* Section 151.1, the proposed project would be permitted to provide up to three parking spaces for every four dwelling units or 0.75 spaces per unit, with an increase up to one space per dwelling unit allowed by Conditional Use authorization. The project would provide 37 parking spaces, and would therefore require Conditional Use authorization for the nine (9) parking spaces provided in excess of 0.75 spaces per unit. *Planning Commission action.*
- *Development of a Large Lot.* The proposed project would require review and approval by the Planning Commission for development on lots greater than 10,000 sq.ft. (*Planning Code* Section 121.5, Development of Large Lot Residential Districts). *Planning Commission action.*
- Rear Yard Variance. *Planning Code* Section 134(c)(4)(B) allows the Zoning Administrator to reduce the 45 percent residential rear yard requirement for lots abutting properties that front on another street (i.e., a 63-foot rear yard for the project site). As noted above, the Zoning Administrator has determined that the required rear yard for the project site is 35 percent. The project would request a variance from this requirement to allow a 25 percent rear yard (i.e., a 35-foot rear yard for the project site). *Zoning Administrator action.*
- Demolition and Site Permits. The project would require approval by the Department of Building Inspection (DBI) for demolition and site permits. *Department of Building Inspection action.*
- Condominium Map and Related Permits. The project would require approval of a condominium map and related permits by DPW. *Department of Public Works action.*

d. Environmental Review

On July 14, 2010, the Planning Department ("Department") published the Initial Study and provided public notice of the availability of the IS for public review and comment and of a public scoping meeting. Public notice was provided (1) by publication in a newspaper of general circulation, (2) by mail to owners and occupants within 300 feet of the Project Site, as well as to persons and organizations requesting such notice from the Department; and (3) by mail to appropriate state, local, and federal agencies, including Responsible Agencies, Trustee Agencies, and other agencies required by law to receive such notice. On July 14, 2010, copies of the DEIR were delivered to the State Clearinghouse for distribution to state agencies.

The Department held a duly advertised public scoping meeting on _____, 2010 at which opportunity for public comment was given and received from one member of the public. The period for acceptance of written comments ended on September 7, 2010.

On July 14, 2010, the Department published the Draft Environmental Impact Report (hereinafter "DEIR") and provided public notices of the availability of the DEIR for public review and comment and of the date and time of the Planning Commission public hearing on the DEIR. Public notice was provided (1) by publication in a newspaper of general circulation, (2) by posting Notices of Availability near the Project Site; (3) by mail to owners and occupants within 300 feet of the Project Site, as well as persons and organizations requesting such notice from the Department; and (4) by mail to appropriate state, local, and federal agencies, including Responsible Agencies, Trustee Agencies, and other agencies required by law to receive such notice.

On July 14, 2010, 15 copies of the DEIR were delivered to the State Clearinghouse for distribution to government agencies. On July 14, 2010, copies of the DEIR were mailed or otherwise delivered to a list of persons requesting it and to government agencies.

A Notice of Completion was filed with the State Secretary of Resources via the State Clearinghouse on March 16, 2011.

The Planning Commission held a duly advertised public hearing on the DEIR on September 2, 2010, at which opportunity for public comment was given. The period for acceptance of written comments ended on September 7, 2010.

The Planning Department prepared responses to comments on environmental issues received at the public hearing and in writing during the public review period for the DEIR, prepared revisions to the text of the DEIR in response to comments received or based on additional information that became available during the public review period, and corrected errors in the DEIR. This material was presented in the "Comments and Responses" published on April 7, 2011, which was distributed on March 25, 2011, to the Planning Commission and to all parties who commented on the DEIR, and was available to others upon request at Department offices.

A Final EIR has been prepared by the Planning Department, consisting of the DEIR, any consultations and comments received during the review process, and the Comments and Responses all as required by law. Since publication of the DEIR, no new information of significance has become available that would require recirculation of the EIR under CEQA Guidelines Section 15088.5.

e. Planning Commission Actions

The Planning Commission is currently considering various actions ("Actions") in furtherance of the Project, which include the following:

- Certification of the EIR. *Planning Commission action. Certification of EIR may be appealed to the Board of Supervisors.*
- Findings of General Plan and Priority Policies Consistency. *Planning Commission action.*
- Conditional Use Authorization for:
 - *Density*. The proposed project would require review and approval by the Planning Commission for a Conditional Use authorization for residential density greater than one unit per 600 sq.ft. of lot area for the proposed project's density of one unit for 417 sq.ft. of lot area. Residential density of one unit per 400 sq.ft.

is conditionally permitted. (*Planning Code* Section 209.1.) *Planning Commission action.*

- *Off-Street Parking.* Under *Planning Code* Section 151.1, the proposed project would be permitted to provide up to three parking spaces for every four dwelling units or 0.75 spaces per unit, with an increase up to one space per dwelling unit allowed by Conditional Use authorization. The project would provide 37 parking spaces, and would therefore require Conditional Use authorization for the nine (9) parking spaces provided in excess of 0.75 spaces per unit. *Planning Commission action.*
- *Development of a Large Lot.* The proposed project would require review and approval by the Planning Commission for development on lots greater than 10,000 sq.ft. (*Planning Code* Section 121.5, Development of Large Lot Residential Districts). *Planning Commission action.*
- Rear Yard Variance. *Planning Code* Section 134(c)(4)(B) allows the Zoning Administrator to reduce the 45 percent residential rear yard requirement for lots abutting properties that front on another street (i.e., a 63-foot rear yard for the project site). As noted above, the Zoning Administrator has determined that the required rear yard for the project site is 35 percent. The project would request a variance from this requirement to allow a 25 percent rear yard (i.e., a 35-foot rear yard for the project site). *Zoning Administrator action.*
- Demolition and Site Permits. The project would require approval by the Department of Building Inspection (DBI) for demolition and site permits. *Department of Building Inspection action.*
- Condominium Map and Related Permits. The project would require approval of a condominium map and related permits by DPW. *Department of Public Works action.*

f. Content and Location of Record

The record upon which all findings and determinations related to the Project are based include the following:

- The EIR, and all documents referenced in or relied upon by the EIR;
- All information (including written evidence and testimony) provided by City staff to the Planning Commission relating to the EIR, the proposed approvals and entitlements, the Project, and the alternatives set forth in the EIR;
- All information (including written evidence and testimony) presented to the Planning Commission by the environmental consultant and sub consultants who prepared the EIR, or incorporated into reports presented to the Planning Commission;
- All information (including written evidence and testimony) presented to the City from other public agencies relating to the Project or the EIR;
- All applications, letters, testimony, and presentations presented to the City by the Project Sponsor and its consultants in connection with the Project;

- All information (including written evidence and testimony) presented at any public hearing or public scoping meeting related to the Project and the EIR, or submitted as comments on the DEIR;
- The MMRP; and
- All other documents comprising the record pursuant to Public Resources Code Section 21167.6(e).

The public hearing transcript, a copy of all letters regarding the Final EIR received during the public review period, the administrative record, and background documentation for the Final EIR are located at the Planning Department, 1650 Mission Street, 4th Floor, San Francisco. The Planning Commission Secretary, Linda Avery, is the custodian of these documents and materials.

These findings are based upon substantial evidence in the entire record before the Planning Commission. The references set forth in these findings to certain pages or sections of the EIR or responses to comments in the Final EIR are for ease of reference and are not intended to provide an exhaustive list of the evidence relied upon for these findings.

II. Findings Regarding Mitigation Measures

The Project's FEIR includes a series of mitigation measures that have been identified that would reduce or eliminate potential environmental impacts of the Project. Mitigation measures described in FEIR include measures related to cultural resources, transportation, noise, air quality, and hazardous materials. The full text of the mitigation measures is set forth in the MMRP. The Commission hereby adopts these mitigation measures, as set forth in the attached Exhibit A to this motion, which shall be adopted as conditions of approval of the Project. The Planning Commission is adopting all mitigation measures proposed in the FEIR. The Planning Commission finds that the following mitigation measures are feasible and will mitigate the potential impacts of the Project construction to a less-than-significant level, except as otherwise described in the mitigation measures below. There are two impacts that cannot be reduced to a level of insignificance, even with adoption of the mitigation measures, and those impacts are specifically identified below in Section 3. All mitigation measures shall be adopted as a condition of Project approval.

Mitigation Measure 1

Archeological Resources (Accidental Discovery)

The following mitigation measure is required to avoid any potential adverse effect from the proposed project on accidentally discovered buried or submerged historical resources as defined in *CEQA Guidelines* Section 15064.5(a)(c). The project sponsor shall distribute the Planning Department archeological resource "ALERT" sheet to the project prime contractor; to any project subcontractor (including demolition, excavation, grading, foundation, pile driving, etc. firms); or utilities firm involved in soils disturbing activities within the project site. Prior to any soils disturbing activities being undertaken each contractor is responsible for ensuring that the "ALERT" sheet is circulated to all field personnel including, machine operators, field crew, pile drivers, supervisory personnel, etc. The project sponsor shall provide the Environmental Review Officer (ERO) with a signed affidavit from the responsible parties (prime contractor,

subcontractor(s), and utilities firm) to the ERO confirming that all field personnel have received copies of the Alert Sheet.

Should any indication of an archeological resource be encountered during any soils disturbing activity of the project, the project Head Foreman and/or project sponsor shall immediately notify the ERO and shall immediately suspend any soils disturbing activities in the vicinity of the discovery until the ERO has determined what additional measures should be undertaken.

If the ERO determines that an archeological resource may be present within the project site, the project sponsor shall retain the services of a qualified archeological consultant. The archeological consultant shall advise the ERO as to whether the discovery is an archeological resource, retains sufficient integrity, and is of potential scientific/historical/cultural significance. If an archeological resource is present, the archeological consultant shall identify and evaluate the archeological resource. The archeological consultant shall make a recommendation as to what action, if any, is warranted. Based on this information, the ERO may require, if warranted, specific additional measures to be implemented by the project sponsor.

Measures might include: preservation in situ of the archeological resource; an archaeological monitoring program; or an archeological testing program. If an archeological monitoring program or archeological testing program is required, it shall be consistent with the Major Environmental Analysis (MEA) division guidelines for such programs. The ERO may also require that the project sponsor immediately implement a site security program if the archeological resource is at risk from vandalism, looting, or other damaging actions.

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

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

Mitigation Measure 2

Construction Air Quality

A Soil Management Plan (SMP) shall be developed to address the asbestos exposures to the construction workers, nearby residents, pedestrians and future users of the site. Dust control measures are to be implemented to reduce exposure during excavation, grading, loading and transporting of excavated materials. Soil/rock excavated and removed from the site will require appropriate disposal, additional sampling may be necessary. These measures are to include:

- Site fencing.
- Wetting exposed soil/rock – exposed soil/rock will be watered at least twice a day to prevent visible dust from migrating off-site.
- Covering exposed soil/rock. In particular, stockpiles will be covered and trucks transporting contaminated soil/rock will be covered with a tarpaulin or other cover.
- Preventing distribution of dust and soil/rock off-site by decontamination and other measures to prevent soil/rock from being tracked off the site by vehicles or carried off-site on clothes. Measures to achieve this include: water being misted or sprayed during the loading of soil/rock onto trucks for off-haul; wheels being cleaned prior to entering public streets, public streets will be swept daily if soil/rock is visible and excavation and loading activities will be suspended if winds exceed 20 miles per hour.
- Instituting a site specific health and safety plan (HSP) developed by a certified industrial hygienist that represents the site contractors, which includes that air sampling and monitoring be conducted to evaluate the amount of airborne particles generated during excavation, grading, loading and transportation.
- Contacting BAAQMD and completion of an Asbestos Dust Mitigation Plan permit application with BAAQMD prior to any excavation activities.

In order to control potential exposure during soil/rock disturbance, the soil/rock are to be moisture conditioned using dust suppressants, covering exposed soil/rock and stockpiles with weighed down plastic sheeting or capping the site with buildings asphalt or at least two feet of clean imported fill.

Excavated soil is to be disposed off-site after proper profiling for disposal. Excavated soil/rock material will either be loaded directly into trucks and removed from the site or stockpiled onsite. If stockpiled, the soil/rock will be placed on visqueen, bermed and tarped at all times.

Direct contact to the underlying soil/rock by future site users will be mitigated by encapsulation with the concrete foundation system and buildings. It is not anticipated that groundwater will be encountered during construction.

The SMP recommends that if unanticipated hazardous materials are encountered, the work is to stop; the site superintendent and project contractor are to be notified to conduct and inspection.

After excavation and foundation construction activities are completed, the project sponsor shall prepare and submit a closure/certification report to Environmental Health – Hazardous Waste Unit (EHS-HWU) at DPH for review and approval. The closure/certification report shall include the mitigation measures in the SMP for handling and removing contaminated soils from the project site, whether the construction contractor modified any of these mitigation measures, and how and why the construction contractor modified those mitigation measures.

Mitigation Measure 3

Tree Protection Plan

A Tree Protection Plan was prepared for the proposed project to state specific measures, which if applied before construction, can reasonably be expected to preserve the health of the adjacent landmark tree and the other six trees. Below is a summary of measures outlined in the Tree Protection Plan:

- Establish a Tree Protection Zone (TPZ) that would be a 17-foot-wide area at the rear or east end of the project site.
- Demolition procedures within the TPZ should follow these measures outlined below:
 - Excavator is to be operated only from on top of the existing concrete floor; and
 - Use an excavator with a small enough arm to clear overhead limbs; and
 - Use an excavator with a large enough arm to pull out masonry, concrete and footing without needing to use open soil; and
 - Have a Project Arborist on site to direct footing pulling; and
 - If a significant root is discovered, use the Project Arborist to determine whether a section of the footing should be abandoned; and
 - In the event that either limb or root damage occurs, use the Project Arborist to correct or repair the damage, if possible, and to provide a written report; and
 - Clean exposed soil by hand; and
 - Upon completion of demolition, immediately install chain link fencing at the perimeter of the TPZ to protect the exposed soil from possible compaction.
- Construction-phase impacts should be managed within the TPZ as follows:
 - Install and maintain construction fencing to prevent entry to the TPZ; and
 - Install 4-inch depth wood chip mulch over all exposed soil areas within the TPZ; and
 - Prohibit placement of any vehicle within the TPZ; and
 - Do not store materials, excavation tailing or debris within the TPZ, unless placed on $\frac{3}{4}$ inch or thicker plywood root buffer; and
 - If trenching or grading takes place within the TPZ, use the Project Arborist to review what is proposed and to be on site during that aspect of the work.
- Landscape design and installation should be managed within the TPZ as follows:
 - Allow the Project Arborist to work cooperatively in landscape design and design review to insure that tree impacts are minimized; and
 - Allow the Project Arborist to be present when fence construction is taking place; and
 - Allow the Project Arborist to be on site during landscape construction grading, trenching and any other excavation or new plant installation within the TPZ.

The Arborist Report and Tree Protection Plan would be reviewed by the Bureau of Urban Forestry (BUF) in the Department of Public Works to verify that the specified protections would

be adequate to protect the landmark tree and the other six adjacent trees. The Bureau of Urban Forestry (BUF) would also monitor the project site during demolition and construction activities in order to ensure that the protection measures outlined in the Tree Protection Plan are being implemented and adequate, and that the landmark tree and other adjacent trees are not damaged.

Mitigation Measure 4

Hazardous Building Materials (PCB, Mercury, Lead, and others)

The project sponsor shall ensure that pre-construction building surveys for PCB- and mercury-containing equipment, fluorescent lights, lead, mercury and other potentially toxic building materials are performed prior to the start of demolition. The survey shall include potentially toxic material remaining from the previous auto body and painting use of the site, including any paints, lacquer thinner, and waste solvent, and the unlabelled, plastic five-gallon bucket containing an unidentified sludge material that was observed in the rear (east) of the northern (25 Dolores Street) building. The survey shall also include the floor drains located throughout both buildings on the site, including the stain around a floor drain along the southern wall in the central section of the northern (25 Dolores Street) building. The unidentified sludge material, the stain around the floor drain in the 25 Dolores Street building, any hazardous materials in the floor drains, and any other hazardous building materials so discovered shall be abated according to federal, State, and local laws and regulations. The floor drains shall be removed or sealed before construction of the proposed project.

IMPROVEMENT MEASURES

Improvement measures diminish the effects of the project that were found through the environmental analysis process to be less-than-significant impacts.

Improvement Measure 1

Encourage Alternate Modes of Travel

As improvement measures to reduce the proposed project's parking demand and parking shortfall and to encourage use of alternative modes, the project sponsor could provide a transportation packet for the project residents and employees that would provide information on transit service (MUNI and BART lines, schedules and fares), information on where FastPasses could be purchased, and information on the 511 Regional Rideshare Program.

Improvement Measure 2

Construction Traffic Measures

The following measures would minimize disruption of the general traffic flow on adjacent streets:

- To the extent possible, truck movements should be limited to the hours between 9:00 AM and 3:30 PM (or other times, if approved by the SFMTA).
- The project sponsor and construction contractor(s) would meet with the Traffic Engineering Division of the SFMTA, the Police Department, the Fire Department, Muni's Street Operations and Special Events Office, the Planning Department, and other City

agencies to determine feasible traffic measures to reduce traffic congestion and other potential transit disruption and pedestrian circulation effects during construction of the project.

Improvement Measure 3

Encouraging Car-Sharing

The Project Sponsor is encouraged to provide a parking space for car sharing.

a. MMRP

The attached Exhibit A contains the MMRP required by CEQA Section 21081.6 and CEQA Guidelines Section 15091. It provides a table setting forth each mitigation measure listed in the EIR that would reduce or eliminate potentially significant adverse impacts of the Project, as well as improvement measures that would reduce or ameliorate less-than-significant impacts. Exhibit A also specifies the party responsible for implementation of each measure, establishes monitoring actions, and a monitoring schedule.

The Planning Commission finds that, the MMRP attached hereto as Exhibit A is designed to ensure compliance with, among other things, CEQA, the CEQA Guidelines, and Chapter 31 of the Administrative Code. The Planning Commission further finds that the MMRP presents measures that are appropriate and feasible for adoption, and the MMRP should be adopted and implemented as set forth herein and in Exhibit A.

All of the above measures shall be adopted as conditions of Project approval.

III. Significant Impacts That Cannot Be Mitigated To A Level Of Insignificance

Historical Architectural Resources. The proposed project's demolition of the two 25-35 Dolores Street buildings would diminish substantially and adversely their character defining features and would be a significant historical resource impact.

Implementation of the following mitigation measure would reduce the impact to historical architectural resources, but not to a less-than-significant level. Therefore, impacts related to the demolition of the 25-35 Dolores Street buildings would remain significant and unavoidable.

To offset partially the loss of the project site buildings, the project sponsor shall, at a minimum, ensure that a complete survey meeting the standards of the Historic American Building Survey (HABS) is undertaken prior to demolition. This survey shall be completed in accordance with HABS level II documentation standards as follows.

- Prior to demolition, the project sponsor shall provide adequate documentation of the existing building. The documentation shall be submitted to the City and County of San Francisco Planning Department and found to be adequate prior to authorization of any permit that may be required for demolition of the building. In addition, the project sponsor shall prepare and transmit the photographs and descriptions of the property to the History Room of the San Francisco Public Library and the NWIC of the California Historic Information Resource System. The documentation shall include:
 - A video documentary of the property.

- o Photo-documentation of the property to HABS Standards. The standard size of negatives and transparencies (and accompanying prints) is 5-by-7 inches. Other large-format sizes such as 4-by-5 inches and 8-by-10 inches are also acceptable for formal documentation. Roll film, film packs, and electronic manipulation of images are not acceptable. Images must be fully identified with the name and location of the structure, a description of the feature or view being photographed, and the direction in which the photograph was taken, as well as the name of the photographer and the date created.
- o Black and white, 35 millimeter photographs of the interior and exterior of the building. Negatives and 5-by-7 inch prints should be processed to meet archival requirements (i.e., negatives must be on safety film only; resin-coated paper is not accepted).
- o As-built drawings of the building, produced to HABS and Historic American Engineering Record Standards.
- o The available original plans of the building shall be included as part of the documentation. All drawings and site plans shall be appropriately conserved at the site or at a qualified repository.

Prior to demolition, the project sponsor shall salvage the character-defining elements of the existing building that are considered to be historically significant, as determined by a qualified architectural historian (and can feasibly be salvaged), and shall seek to donate those elements to an organization such as a local historical society. The features to be salvaged shall be determined by the City following consultation with a qualified historical resources firm. Features to be salvaged should include primary character-defining features. Donation of the materials to the historical society or other entity approved by the City shall be confirmed by the City prior to the issuance of demolition permits.

IV. Rejection of Project Alternatives

The California Environmental Quality Act (“CEQA”) provides that alternatives analyzed in the FEIRs may be rejected if “specific economic, legal, social, technological, or other considerations, including provision of employment opportunities for highly trained workers, make infeasible... project alternatives identified in the final EIR.” (CEQA Guidelines § 15091 (a)(3).) The Commission has reviewed each of the alternatives to the Project as described in the FEIR that would reduce or avoid the impacts of the Project and rejects them as infeasible for the reasons set forth below.

a. Alternatives Analyzed in the FEIR

The FEIR analyzed three alternatives to the Project as described below.

1. The No Project Alternative

Alternative A, the No Project Alternative, would entail no changes to the project site. The existing 25-35 Dolores Street buildings on the project site would remain. The proposed four-story, 40-foot-tall residential building containing 37 residential units and one basement level garage with 37 parking spaces would not be constructed. This alternative would not preclude future proposals for redevelopment of the project site. This alternative would not require the proposed project’s approvals: EIR certification, findings of *General Plan* and Priority Policies

consistency, Conditional Use authorization for parking above 0.75 off-street parking per dwelling unit, for increased density permitted by right, for development on lots greater than 10,000 sq.ft., approvals for condominium map, site permits, and related permits.

IMPACTS

If the No-Project Alternative were implemented, none of the proposed project's impacts discussed in the Initial Study, would occur, and none of the mitigation measures would be required. This alternative would avoid the proposed project's significant and unavoidable historical architectural resources impact identified in the EIR. It would also avoid the proposed project's hazardous materials (contaminated soil) impact identified in the EIR, which would be reduced to a less-than-significant level through mitigation. It would also avoid the proposed project's archeological, construction air quality (asbestos), landmark tree, and hazardous building materials impacts and their associated mitigation measures that the Initial Study identifies. In addition, it would avoid the proposed project's less-than-significant impacts that would not require mitigation measures and that are discussed in the Initial Study in the following areas: land use, aesthetics, population and housing, transportation, noise, air quality, wind, recreation, utilities and service systems, public services, biological resources, geology and soils, hydrology and water quality, mineral and energy resources, and agricultural resources.

The No Project Alternative would not meet the objectives of the project sponsor, 35 Dolores Street, LLC, as follows: (1) construct a high-quality, cost-effective, residential building and associated parking in the Mission neighborhood; (2) design a project that enhances the existing urban character of the area; (3) develop a project with minimal environmental disruption; (4) construct a high-quality residential development that produces a reasonable return on investment for the project sponsor and its investors and is able to attract both equity investors and construction financing; (5) complete the project on schedule and within budget.

The No Project Alternative would be a feasible alternative, in that it could occur in the absence of the proposed project. However, the project sponsor is in favor of the proposed project because the No Project Alternative would not meet the project's objectives. The alternative would continue the existing vacant automotive repair/service and parking uses while the proposed project would construct a 37-unit residential project and add market rate and affordable housing to the City's housing stock. For social and economic reasons, the Commission is not in favor of the no project alternative, because construction of the project will provide much needed housing, particularly multi-bedroom units, provide constructions jobs, create economic activity, improve the City's tax base, and increase personal safety and seismic safety in the neighborhood . The Commission finds that these social and economic benefits are preferable to a site with vacant buildings that serve no purpose and provide no benefits to the community.

2. Alternative B: Preservation Alternative

Alternative B, the Preservation Alternative, would not demolish the historical 25-35 Dolores Street buildings, but would retain them, restore them to the Secretary of Interior's Standards, and adaptively reuse them for residential use. The two 25-foot-tall buildings and their approximately 19,600-sq.ft. footprint would be a smaller residential project than is proposed.

This adaptive reuse alternative would have approximately 18 one-bedroom, approximately 1,000-sq.ft. loft residential units, and 18 below-grade parking spaces (or 14 if

provided at a ratio of 0.75 spaces per unit) in the 140- x 140-foot, brick-walled, wood truss-roofed garage buildings. There would be approximately 17,800 sq.ft. of residential space. The rear yard open space would be similar to the proposed project, because the rear brick walls would be removed to provide 25 percent (35 feet) of the lot depth for rear yard. Compared to the proposed project's 37 residential units, the Preservation Alternative would have 19 fewer residential units. This alternative would use the existing garage door at 25 Dolores Street for garage access, and would include a ramp down similar to the proposed project. Like the proposed project, the Preservation Alternative would require Conditional Use authorization for parking at a 1:1 ratio, findings of *General Plan* and Priority Policies consistency, approvals for condominium map, site and related permits, and EIR certification. Unlike the proposed project, the Preservation Alternative would not require Conditional Use authorization for exceeding density permitted by right, nor development of a lot over 10,000 sq.ft.

IMPACTS

This alternative would avoid the proposed project's significant and unavoidable historical architectural resources impact identified in this EIR. It would have the same potentially significant archeological, construction air quality (asbestos), hazards (contaminated soil and hazardous building materials), and land mark tree impacts, that the Initial Study identify. These potentially significant impacts would be reduced to a less-than-significant level after implementation of required mitigation measures for both the proposed project and this alternative. This Preservation Alternative would have impacts similar to or reduced from the proposed project's less-than-significant impacts without mitigation as discussed in the Initial Study. These impacts are in the following areas: land use, aesthetics, population and housing, transportation, noise, air quality, wind, recreation, utilities and service systems, public services, biological resources, geology and soils, hydrology and water quality, mineral and energy resources, and agricultural resources.

The Preservation Alternative would not meet the project sponsor's objectives to construct a high-quality, residential building and associated parking in the Mission neighborhood because this alternative's building would have approximately 19 fewer units than the proposed project. The cost of the below-grade parking garage and the limited number of units would not permit the units to be cost-effective.

This alternative would likely be financially prohibitive, resulting in no project and no benefits to the community. The Commission finds this alternative to be infeasible because the substantial social and economic benefits identified in Alternative A above would be denied to the community.

3. Alternative C: Partial Preservation Alternative

Alternative C, the Partial Preservation Alternative, would retain the first 20 feet of the 25 and 35 Dolores Street buildings and their character-defining features, restore them to the Secretary of Interior Standards, and demolish the rear of the buildings. This alternative would build a four-story, 40-foot vertical addition set back 20 feet from the Dolores Street property line. The original trusses would be retained in the first 20 feet of the buildings, and the space would be used for residential use, an entry lobby, and the vehicle entry to the below-grade parking garage.

The Partial Preservation Alternative would eliminate 24 units of the proposed project's 37 units for a total of 14 units. This alternative would have a one-level, 14-stall, underground garage, which would also contain 11 bicycle parking spaces. The garage access would be from the existing garage door access in the 25 Dolores Street building. There would be approximately 36,600 sq.ft. of proposed residential space, located on the first through fourth floors (about 25,430 sq.ft. less than the 62,030 sq.ft. of the proposed project). This alternative's units would range in size from approximately 800 to 1,600 sq.ft. The rear yard would be similar to the proposed project, because this alternative would provide a 25-percent rear yard across along the 140-foot rear façade.

Compared to the proposed project's 37 residential units and 37 parking spaces, the 23-unit Partial Preservation Alternative would have 14 fewer residential units. Like the proposed project, the Partial Preservation Alternative would require Conditional Use authorization for parking at a 1:1 ratio and for development of a lot over 10,000 sq.ft., findings of *General Plan* and Priority Policies consistency, approvals for condominium map, site and related permits, and EIR certification. Unlike the proposed project, the Preservation Alternative would not require Conditional Use authorization for exceeding density permitted by right, nor would it need a variance for rear yard setback.

IMPACTS

This Partial Preservation Alternative would reduce the proposed project's significant and unavoidable historical architectural resources impact identified in this EIR to a less-than-significant level, as the original material, form, and architecturally historical character-defining features of the façade would be retained. The Planning Department's preservation specialist determined that, with the set back and height as described, the new addition would not overwhelm the existing building and this alternative would meet the Secretary of the Interior's Standards. It would have the same potentially significant archeological, construction air quality (asbestos), landmark tree, and hazardous materials and contaminated soils impacts and associated mitigation measures as the proposed project. It would have impacts similar to or reduced from those of the proposed project's less-than-significant impacts (those that would not require mitigation measures) that are discussed in the Initial Study. Those impacts are in the areas of land use, aesthetics, population and housing, transportation, noise, air quality, wind, recreation, utilities and service systems, public services, biological resources, geology and soils, hydrology and water quality, mineral and energy resources, and agricultural resources.

The 23-unit Partial Preservation Alternative would have fewer residential units than the proposed project's 37 units. Like the Preservation Alternative, the cost of the below-grade parking garage and the limited number of units would not permit the units to be cost-effective.

This would likely be financially prohibitive, resulting in no project and no benefits to the community. The Commission finds this alternative to be infeasible because the substantial social and economic benefits identified in Alternative A above would be denied to the community.

V. Statement of Overriding Considerations

Notwithstanding the significant effects noted above, pursuant to CEQA Section 21081(b), the CEQA Guidelines, and Chapter 31 of the San Francisco Administrative Code, the Commission finds, after considering the FEIR, that specific overriding economic, legal, social and other considerations, as set forth below, outweigh the identified significant effects on the

environment. In addition, the Commission finds that those Project Alternatives rejected above are also rejected for the following specific economic, social and other considerations, in and of themselves, in addition to the specific reasons discussed above. The Planning Commission makes the following findings of fact in adopting this Statement of Overriding Conditions in support of demolition of the existing buildings at 25-35 Dolores and approval of the proposed project.

1. **Construction Jobs.** The Project will create temporary construction jobs and permanent jobs in the office and retail sectors. These jobs will provide employment opportunities for San Francisco residents, promote the City's role as a commercial center, and provide additional payroll tax revenues to City.
2. **Advancement of the Public Health and Safety.** It is the policy of the City and County of San Francisco to provide a safe environment for its citizens and visitors. Based on the findings of fact in the foregoing introduction which are supported by substantial evidence in the record, it is in the public health and safety interests of the City and County of San Francisco, and its residents and visitors, to demolish the existing buildings to prevent injury or death in the event of collapse of all or a portion of the buildings in a seismic event.
3. **Community Support for the Proposed Project.** There is substantial community written and oral support for the project from immediate neighbors, particularly from the Mission-Dolores Neighborhood Association and its constituent members.
4. **Tax Base Enhancement Provided by the Proposed Project.** The policy of the City and County of San Francisco is to support and enhance its property tax base to provide revenue to pay for the City's operating and capital expenses including programs and services which benefit all citizens of San Francisco. The City budget currently operates on a deficit and the City wishes to increase revenue so it will not be required to reduce or eliminate services. The existing buildings are vacant and do not generate significant tax revenue. The proposed project contains approximately 38,521 square feet with an average finished value of approximately \$800 per square foot based upon comparable sales in the neighborhood, also as disclosed from City records. Upon completion of the building and sale of finished condominium units the property tax base would increase substantially. The Commission finds that collecting additional property taxes would provide a substantial benefit to the City which in and of itself would outweigh any impact on the environmental associated with demolition of the existing buildings.
5. **Job Creation and Preservation.** The national and local economy is in an economic recession which has caused substantial job loss in the construction industry in particular in the City and County of San Francisco. Demolition of the existing buildings and construction of the proposed building will create and preserve construction jobs which benefit the City and its residents. In addition, purchase of materials and supplies to be incorporated into the proposed building will support local business and increase sales taxes which will further benefit the City and its residents.
6. **Advancement of General Plan Policies Promoting Construction of New Housing.** The policy and law of the City and County of San Francisco is to create new housing for its residents. That policy is found in the General Plan. The subject parcel is zoned RTO. The only permitted use in the RTO district is medium density housing. Based on the size

of the subject parcel, the proposed project would contain 37 residential housing units which density is consistent with the Zoning Ordinance and General Plan. It is desirable and would benefit the City and its residents to have 37 additional units of newly constructed housing to replace vacant buildings, which are out of service and provide no benefit to the City or its residents. New residents to the neighborhood would contribute to the vitality of street life and enhance the consumer base for local merchants, both of which are positive and desirable effects for the City and its citizens and visitors.

7. **Consistency with Residential Design Standards.** The project sponsor has satisfied the Residential Design Standards.
8. **Historical Resource Evaluation.** The 25 Dolores Street building is listed in the UMB Survey and the Historic Property Data File for San Francisco County at the Northwest Information Center. The Data File lists the building as a “5S2”, which indicates that the structure is not eligible for the National Register, but makes it eligible for local listing or designation, and is presumed to be a historical resource by the Planning Department. The 25 Dolores Street building was not listed in the City’s 1976 Survey. The 35 Dolores Street building is not listed on any local survey. ²

The buildings at 25-35 Dolores were not surveyed with the Market and Octavia Survey or the Inner Mission Survey because they were previously surveyed in the UMB survey.

CEQA allows the City and County of San Francisco, as the lead agency, to make a determination that a property is historically significant, if the resource meets at least one of the four criteria (event, person, architecture, information potential) for listing on the California Register (CEQA Section 21084.1 and *CEQA Guidelines* 15064.5) and retains sufficient historical integrity.

A Planning Department preservation technical specialist evaluation of California Register Criteria 1 (event) and 3 (architecture) suggests sufficient evidence to support the historical significance of the 25-35 Dolores Street buildings. The buildings are associated with the rise of the automobile as the primary mode of transportation from 1910 through 1930. The buildings played a direct role in that period and are important in understanding the development of the city during that period (Criteria 1, event).

According to the preservation technical specialist, the buildings at 25-35 Dolores Street are good examples of a widespread and important subtype of garage. Their one-story massing, with a long-span vehicle bay set behind a narrow zone of offices on the street, is a common building form. Other important subtypes include two-story and multi-story structures. Large, industrial window bays on the street façade, an iconic false-gable front (masking a roof form based on economical truss design), and, in the case of 35 Dolores, a symmetrical façade, are important characteristics which make these building good examples of this garage subtype (Criteria 3, architecture).

Although the architect for the 25 Dolores Street building is unknown, its design possesses high artistic value, which makes it eligible for local listing. Although there have been many exterior changes to 35 Dolores, the changes are minor and reversible,

² Michael Smith, San Francisco Planning Department, Historic Resource Evaluation Response, 25-35 Dolores Street, January 31, 2008, op cit., page 1.

and would not impact the building's ability to convey its historical significance. 35 Dolores is eligible for local listing based on its association with 25 Dolores. The Planning Department finds that both 25-35 Dolores have historical integrity (location, association, design, workmanship, setting, feeling, and materials), that can convey their significance.

The Frederic Knapp Architects Report did not find evidence that either the 25 or the 35 Dolores Street building would be individually significant under the four criteria of the California Register.³ Although the buildings were part of the S&C Ford dealership in recent years, the buildings do not appear to be significant based on association with historically important events or persons. However, the report found that both buildings retained their integrity in spite of extensive interior modification. Although the report did not find that the 25-35 Dolores Street buildings were eligible for individual listing to the California Register, it did find that the buildings could be contributing properties to a potential local automobile-themed historical district based on their age, design, and history, should one be defined and established. If so, the buildings would then be eligible for the California Register as contributing properties, and hence historical resources under *CEQA Guidelines* Section 15064.5. However, it has since been determined that the project site is not within the boundaries of this potential auto-themed historic district.

Based on the research conducted as part of the CEQA review, the Planning Department has determined that the 25 Dolores Street building is individually eligible for local listing and is a historical resource. The Planning Department has also determined that although 35 Dolores Street is not identified as a historical resource individually, it is deemed a historical resource because of its high level of integrity and association with 25 Dolores Street. The building's essential character-defining features are the front façades of 25 and 35 Dolores Street and all of their architecture detail.

9. **Impact Evaluation.** The proposed project includes the demolition of the two buildings on the project site at 35-35 Dolores Street and their replacement with a four-story, 40-foot-tall, residential building. Based on the discussion above, the buildings are considered significant historical resources by the Planning Department because it has been determined that the buildings meet two criteria for listing on the California Register (events and architecture), and their historical integrity is intact. Because the project site's two buildings are considered historical resources, their demolition would be a significant historical resource impact under CEQA.
10. **Reduction of Sprawl.** The proposed Project will further the City's General Plan goal related to reduction of urban sprawl by concentrating higher density new housing in the City and reducing the pressure to develop on open space in other parts of the Bay Area.
11. **Increase in Housing Supply.** The proposed Project will create 37 residential units and will increase the City's housing supply. These residential units will help address the City's broader need for additional housing in a citywide context in which job growth and in-migration outpace the provision of new housing by a wide margin.

³ Frederic Knapp Architect, Historic Resource Evaluation Report for 25-35 Dolores Street, San Francisco, CA, may 21, 2007, op cit, page 16.

12. **Provision of Affordable Housing Opportunities.** The City faces a continuing shortage of affordable housing ownership opportunities. In compliance with the City's inclusionary housing law, and in furtherance of satisfying the region's housing needs allocation as required by the Association of Bay Area Governments, the proposed Project will create four on-site affordable owner-occupied units of below market rate housing.
13. **Advancement of Economic Diversity.** The affordable housing units provided within the Project will promote economic diversity within the neighborhood.

Accordingly, having considered the Project benefits identified above and more particularly described in the administrative record for this matter, the Planning Commission hereby finds that the Project's benefits substantially outweigh the unavoidable adverse environmental impacts, and that the adverse environmental impacts are therefore acceptable.

14. **Statement of Overriding Considerations.** The Commission finds all of the foregoing facts and substantial evidence in the administrative record to form the basis for, and adoption of, this Statement Overriding Considerations to permit the demolition of the existing buildings and approval of the project.

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 adopts the foregoing CEQA Findings, and adopts the Mitigation Monitoring and Reporting Program as a condition of approval of this Project.

I hereby certify that the foregoing Motion was ADOPTED by the Planning Commission on Thursday, April 7, 2011.

AYES:

NOES:

ABSENT:

ADOPTED: April 7, 2011



SAN FRANCISCO PLANNING DEPARTMENT

Subject to: (Select only if applicable)

- Affordable Housing (Sec. 415)
- Jobs Housing Linkage Program (Sec. 413)
- Downtown Park Fee (Sec. 412)
- First Source Hiring (Admin. Code)
- Child Care Requirement (Sec. 414)
- Other

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Planning Commission Draft Motion

HEARING DATE: APRIL 7, 2011

Date: March 24, 2011
Case No.: **2006.0848CEV**
Project Address: **25 – 35 DOLORES STREET**
Zoning: RTO (Residential, Transit Oriented Neighborhood) District
 40-X Height and Bulk District
Area Plan: Market and Octavia
Block/Lot: 3534/069
Project Sponsor: 35 Dolores LLC
 c/o David Silverman of Reuben & Junius, LLP
 One Bush Street, Suite 600
 San Francisco, CA 94104
Staff Contact: Michael Smith – (415) 558.6322
michael.e.smith@sfgov.org

ADOPTING FINDINGS RELATING TO THE APPROVAL OF CONDITIONAL USE AUTHORIZATION PURSUANT TO SECTIONS 209.1(k) FOR DWELLING UNIT DENSITY, 121.5 TO DEVELOP A LOT THAT IS MORE THAN 10,000 SQUARE-FEET, AND 303 OF THE PLANNING CODE TO DEMOLISH TWO VACANT CONTIGUOUS WAREHOUSES TOTALING 19,037 SQUARE-FEET AND CONSTRUCT A FOUR-STORY, APPROXIMATELY 51,584 GROSS SQUARE FOOT RESIDENTIAL BUILDING WITH 37 DWELLING UNITS AND 37 OFF-STREET PARKING SPACES LOCATED IN A BELOW GRADE PARKING GARAGE. THE PROJECT ALSO REQUIRES REAR YARD AND DWELLING UNIT EXPOSURE VARIANCES. THE PROJECT SITE IS LOCATED WITHIN THE MARKET AND OCTAVIA PLAN AREA, A RTO (RESIDENTIAL, TRANSIT ORIENTED NEIGHBORHOOD) DISTRICT AND 40-X HEIGHT AND BULK DISTRICTS; AND ADOPTING FINDINGS UNDER THE CALIFORNIA ENVIRONMENTAL QUALITY ACT.

PREAMBLE

On July 17, 2006, David Silverman of Reuben & Junius, LLP, on behalf of 35 Dolores, LLC (hereinafter "Project Sponsor") filed an Environmental Evaluation application with the Planning Department (hereinafter "Department"), Case No. 2006.0848E. The Department issued a Notice of Preparation of Environmental Review on April 1, 2009 to owners of properties within 300 feet, adjacent tenants, and

other potentially interested parties.

On August 28, 2008, the Project Sponsor filed an application for Conditional Use Authorization pursuant to Sections 121.5, 209.1(k), 151.1, and 303 of the Planning Code, Application No. 2006.0848C, on the property at 25 – 35 Dolores Street (Assessor's Block 3534, Lot 069, "Project Site"), in connection with a proposal to demolish two warehouses and allow a proposal to construct 37 dwelling units with 37 off-street parking spaces, located within the Market and Octavia Plan Area, a RTO (Residential, Transit-Oriented Neighborhood) District and 40-X Height and Bulk Districts.

On June 30, 2009, the Project Sponsor applied for a Variance from the requirements of Sections 132 (front setback), 134 (rear yard), and 140 (dwelling unit exposure).

On July 14, 2010, the Department published a draft Environmental Impact Report (DEIR) for public review. The draft DEIR was available for public comment until September 7, 2010. On September 2, 2010, the Planning Commission ("Commission") conducted a duly noticed public hearing at a regularly scheduled meeting to solicit comments regarding the draft EIR. On March 16, 2011, the Department published a Comments and Responses document, responding to comments made regarding the DEIR prepared for the Project.

The Department published a Draft Environmental Review Report (DEIR) on July, 14, 2010 analyzing the Project (Case No. 2006.0848E). On April 7, 2011, by Motion No. XXXXX, the Planning Commission (Commission) made findings and certified the Final Environmental Impact Report (FEIR) in compliance with the California Environmental Quality Act (California Public Resources Code sections 21000 et seq., CEQA), the State CEQA Guidelines (California Code of Regulations Title 14 sections 15000 et seq.), and Chapter 31 of the San Francisco Administrative Code (Chapter 31). The Planning Commission adopted CEQA findings in Motion No. XXXXX, which findings are incorporated by this reference thereto as if fully set forth in this Motion.

On April 7, 2011, the Commission reviewed and considered the Final EIR and found that the contents of said report and the procedures through which the Final EIR was prepared, publicized, and reviewed complied with the California Environmental Quality Act (California Public Resources Code Sections 21000 et seq.) ("CEQA"), 14 California Code of Regulations Sections 15000 et seq. ("the CEQA Guidelines"), and Chapter 31 of the San Francisco Administrative Code ("Chapter 31").

The Commission found the Final EIR was adequate, accurate and objective, reflected the independent analysis and judgment of the Department and the Commission, and that the summary of comments and responses contained no significant revisions to the draft EIR, and approved the Final EIR for the Project in compliance with CEQA, the CEQA Guidelines and Chapter 31.

The Planning Department, Linda Avery, is the custodian of records, located in the File for Case No. 2006.0848E, at 1650 Mission Street, Fourth Floor, San Francisco, California.

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

On April 7, 2011, the Commission conducted a duly noticed public hearing at a regularly scheduled meeting on Case No. 2006.0848CEV. The Commission has heard and considered the testimony presented to it at the public hearing and has further considered written materials and oral testimony presented on behalf of the applicant, the Planning Department staff, and other interested parties.

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. 2006.0848CEV for the Project, subject to the conditions contained in “EXHIBIT A” of this motion attached hereto and incorporated by reference, 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 located on the east side of Dolores Street, between Market and 14th Streets, Lot 069 in Assessor’s Block 3534. The property is located in the Mission Dolores neighborhood within the boundaries of the Market and Octavia Plan Area and within a RTO (Residential, Transit Oriented Neighborhood) District and 40-X height and bulk districts. The property is developed with two vacant one-story plus mezzanine warehouses formerly used by S & C Ford. The subject lot measures 140-feet in depth and 140-feet in width with 19,600 square-feet of lot area. The lot laterally slopes down from north to south.
3. **Surrounding Properties and Neighborhood.** The project site is located near the gateway to Dolores Street and the Mission Dolores Neighborhood, approximately 130-feet from Market Street. The property across the street to the west is located within the Upper Market NCT and is entitled to be developed with an eight-story mixed-use building housing a ground floor grocery store. The properties that surround the subject property to the north, south, and east are also within the RTO District and are characterized by three- and four-story multi-unit residential buildings. At the northeast corner of 14th and Dolores Street is a six-story apartment building. The neighborhood was rezoned from RM-2 to RTO as part of the Market and Octavia rezoning effort.
4. **Project Description.** The proposal is to demolish the two existing vacant warehouses on the same lot, formerly occupied by S & C Ford, totaling approximately 19,037 square-feet. The buildings would be replaced with a four-story, approximately 51,584-gross-square-foot (gsf) residential building with 37 dwelling units and 28 off-street parking spaces located in a below grade parking garage. The proposed building would measure approximately 40-feet in height.

The project would provide 19 Class I bicycle racks within the parking garage.

Ten dwelling units would have sufficient private open space in the form of balconies. For the remaining 27 dwelling units the project would provide 3,350 sq. ft. of common usable open space within the rear yard.

Per Section 421 of the Code, the project is subject to the Market and Octavia Community Infrastructure Impact Fee requiring a payment of \$10 per gross square-foot of residential area. The project is also subject to the Market and Octavia Plan Area Affordable Housing Fee requiring a payment of \$4.00 per net square foot of residential development.

The project sponsor is seeking conditional use authorization pursuant to Section 121.5 to develop a lot that is greater than 10,000 square-feet, Section 209.1(k) for dwelling unit density not exceeding 1:400 square-feet of lot area, and Section 151.1 to provide parking at a 1:1 ratio.

The project requires a rear yard variance to reduce the rear yard from 46'-9" as required by Code to 35' as proposed. The project also requires a dwelling unit exposure variance for two dwellings located at the south side of the building at the third and fourth floors. Lastly, the project requires a variance from the front setback requirements because a portion of the proposed building would be within the front setback area.

5. **CEQA Findings.** The Planning Commission finds that the mitigation measures, as attached in Exhibit C, are feasible and would mitigate any potentially significant impacts associated with the possible presence of hazardous materials to a less-than-significant level.
6. **Public Comment.** The Department has received one letter in support of the proposal, from Peter Lewis on behalf of the Mission Dolores Neighborhood Association, and one letter of opposition to the proposed project.
7. **RTO (Residential, Transit Oriented Neighborhood) District.** This district is intended to recognize, protect, conserve and enhance areas characterized by a mixture of houses and apartment buildings, covering a range of densities and building forms. RTO Districts are composed of multi-family moderate-density areas, primarily areas formerly designated RM and RH-3, and are well served within short walking distance, generally less than ¼-mile, of transit and neighborhood commercial areas. Transit available on nearby streets is frequent and/or provides multiple lines serving different parts of the City or region. Limited small-scale neighborhood-oriented retail and services is common and permitted throughout the neighborhood on corner parcels only to provide goods and services to residents within walking distance, but the districts are otherwise residential. Only retail compatible with housing, generally those permitted in NC-1 Districts, is permitted and auto-oriented uses are not permitted. Hours of operation are restricted and off-street parking is not permitted for these very locally-oriented uses.

A fine-grain pattern of 25-foot to 35-foot building widths is prevalent, and structures typically range from two to five stories in height. While some one- and two-family structures are present, the character of the district is primarily of structures with three or more units of a range of sizes and types suitable for a variety of households. Buildings are moderately scaled and segmented, and units or groups of units have separate entrances directly from the street. The overall residential density is regulated by the permitted and required height, bulk, setbacks, and open space of each parcel, along with residential design guidelines. Because of the high availability of transit service and the proximity of retail and services within walking distance, many households do not own cars; it is common that not every dwelling unit has a parking space and overall off-street residential parking is limited. Open space is provided on-site, in the form of rear yards, decks, balconies, roof-decks, and courtyards, and is augmented by nearby public parks, plazas, and enhanced streetscapes.

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

- A. **Development of Large Lots, Residential Districts.** Planning Code Section 121.5 states that a Conditional Use Authorization is required to develop a lot that is more than 10,000 square-feet.

The subject lot is 19,600 square-feet and is thus subject to conditional use authorization pursuant to this Section of the Code.

- B. **Dwelling Unit Density.** Planning Code Section 209.1(k) states that Conditional Use Authorization is required for residential density not exceeding 1:400 square-feet of lot area.

The principally permitted dwelling unit density in the District is 1:600 square-feet of lot area. The project proposes 37 dwellings on a 19,600 square-foot lot which is one dwelling per 530 square-feet of lot area.

- C. **Open Space.** Section 135 of the Planning Code requires that open space be provided for each dwelling unit. 100 square feet of private open space for each unit, or 4,921 feet of common open space, or any combination thereof is required for the subject property in the RTO Zoning District.

Ten dwellings meet the private usable open space requirement. The project would meet the Code required open space requirement for the remaining 27 dwelling units by providing 3,350 square-feet of common usable open space with the rear yard.

- D. **Front Setback.** Planning Code Section 132 requires that the proposed new building maintain a front setback that measures approximately two-feet in depth based upon the average setback of the two adjacent buildings.

A northern portion of the building is set back to acknowledge the setback requirement but the southern portion of the building encroaches into the required front setback at the upper floors. The Project

Sponsor is requesting a variance from the Planning Code's front setback requirement in order to construct a residential building with strong articulation of the front facade to help break up the massing. The Zoning Administrator will concurrently hear the Variance at a public hearing scheduled for April 7, 2011.

- E. **Rear Yard.** Planning Code Section 134 states that the minimum rear yard depth shall be equal to 45 percent of the total depth of a lot in which it is situated, or the average depth of the two adjacent buildings but in no case less than 25% of lot depth or 15 feet, whichever is greater.

The project requires a rear yard that measures 46'-9" based upon the average depth of the two adjacent buildings. The project would provide a rear yard that measures 35-feet in depth which equals 25% of lot depth and thus requires a rear yard variance. However, the rear yard is increased by 21'-8" at the northeast corner of the lot to acknowledge the more shallow adjacent building to the north and the shallow backyards of the adjacent buildings to the north that front on Clinton Park. The Zoning Administrator will concurrently hear the Variance at a public hearing scheduled for April 7, 2011.

- F. **Parking.** Planning Code Section 151.1 states that off-street accessory parking shall not be required for any use in a RTO zoning district. Parking may be provided for up to three cars for each four dwelling units. Providing one car for each dwelling unit requires Conditional Use authorization. In granting such Conditional Use authorization the Planning Commission shall make the following affirmative findings according to the uses to which the proposed parking is accessory:

Parking for all uses.

- (i) Vehicle movement on or around the project does not unduly impact pedestrian spaces or movement, transit service, bicycle movement, or the overall traffic movement in the district;
- (ii) Accommodating excess accessory parking does not degrade the overall urban design quality of the project proposal;
- (iii) All above-grade parking is architecturally screened and, where appropriate, lined with active uses according to the standards of Section 145.1, and the project sponsor is not requesting any exceptions or variances requiring such treatments elsewhere in this Code; and
- (iv) Excess accessory parking does not diminish the quality and viability of existing or planned streetscape enhancements.

Parking for Residential Uses.

- (i) For projects with 50 dwelling units or more, all residential accessory parking in excess of 0.5 spaces per unit shall be stored and accessed by mechanical stackers or lifts, valet, or other space-efficient means that reduces space used for parking and maneuvering, and maximizes other uses.

The Project Sponsor proposes to provide 1 parking space for each of the 37 dwelling units, which requires Conditional Use Authorization pursuant to Section 151.1 of the Code. However, the Department does not support this additional parking request because the project is located within close proximity of Market Street, a major transit corridor and reducing parking is consistent with the City's Transit First objective. More specifically, providing additional residential parking is inconsistent with Policies 34.3 and 34.4 of the General Plan which encourage minimal or reduced off-street parking supply for new buildings in residential areas along transit preferential streets and to encourage low auto ownership within these neighborhoods. The project is principally permitted to have three parking spaces for every four dwellings which equals 28 parking spaces.

The parking provided at a 1:1 ratio would meet the Code findings for all uses because it is located below grade with a single 10-foot wide entrance/exit and thus it does not degrade the overall design quality of the project. The provided parking is independently accessible, does not include valet service, mechanical stackers, or other space efficient methods, therefore, it does not meet the findings for parking for residential uses because it is not provided in a space efficient manner.

- G. **Bicycle Parking.** Section 155.5 requires one Class 1 bicycle parking space for every two dwelling units for a total of 19 bicycle parking spaces.

The project would provide 19 Class 1 bicycle parking spaces to meet this requirement.

- H. **Dwelling Unit Exposure.** Section 140 requires that every dwelling unit in every use district face either a public street, a public alley at least 25 feet in width, a rear yard meeting the requirements of the Planning Code, an outer court with a width greater than 25 feet, or an open area at least 25 feet in every horizontal dimension for the floor at which the dwelling unit in question is located and the floor immediately above it, with an increase in five feet in every horizontal dimension at each subsequent floor.

A majority of the proposed dwelling units meet the dwelling unit exposure requirement with windows that face either the street or the rear yard. Two one-bedroom dwelling units located at the south side of the building at the third and fourth floors have windows that face a lightwell that does not satisfy the dwelling unit exposure requirements and thus require an exposure variance. The Zoning Administrator will concurrently hear the Variance at a public hearing scheduled for April 7, 2011.

- I. **Street Trees.** Planning Code Section 143 requires the owner or developer of a new building in the District to install one street tree for every 20-feet of lot frontage.

The project meets the requirement by providing six new street trees.

- J. **Dwelling Unit Mix.** Section 207.6 of the Planning Code requires that a minimum of 40 percent of all dwelling units in RTO Districts have at least two-bedrooms or more to ensure an adequate supply of family-sized units.

The project proposes 27 dwelling units with two-bedrooms or more, or 73 percent of the total number of units.

- K. **Market and Octavia Community Infrastructure Impact Fee.** Per Section 421 of the Code, the project requires payment of \$10.00 per gross new square foot of residential development for the Market and Octavia Community Improvements Fund.
- L. **Market and Octavia Plan Area Affordable Housing Fee.** Per Section 416 of the Code, the project requires payment of \$4.00 per net square foot of residential development.
- M. **First Source Hiring.** The Project is subject to the requirements of the First Source Hiring Program as they apply to permits for residential development (Section 83.4(m) of the Administrative Code), and the Project Sponsor shall comply with the requirements of this Program as to all construction work and on-going employment required for the Project. Prior to the issuance of any building permit to construct or a First Addendum to the Site Permit, the Project Sponsor shall have a First Source Hiring Construction and Employment Program approved by the First Source Hiring Administrator, and evidenced in writing. In the event that both the Director of Planning and the First Source Hiring Administrator agree, the approval of the Employment Program may be delayed as needed.

The Project Sponsor has executed a First Source Hiring Declaration of Compliance per Administrative Code Chapter 83.

- N. **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, these requirements would 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 and 415.6, the Project is meeting the Inclusionary Affordable Housing Program requirement through the On-site Affordable Housing Alternative by providing 12% of the proposed dwelling units as affordable.

The Project Sponsor has demonstrated that it is eligible for the On-Site Affordable Housing Alternative under Planning Code Section 415.5 and 415.6, and has submitted a Declaration of Intent to satisfy the requirements of the Inclusionary Affordable Housing Program by providing the affordable housing on-site instead of through payment of the Affordable Housing Fee. In order for the Project Sponsor to be eligible for the On-Site Affordable Housing Alternative, the Project Sponsor must submit an 'Affidavit to Establish Eligibility for Alternative to Affordable Housing Fee' to the Planning Department stating that any affordable units designated as on-site units shall be sold as ownership units and will remain as ownership units for the life of the project. The Project Sponsor submitted such Affidavit on March 17, 2011. The EE application was submitted on July 17, 2006. Four units (three- two-bedroom, and one one-bedroom) of the 37 units provided will be affordable units. If the Project becomes ineligible to meet its Inclusionary Affordable Housing Program obligation through the On-site Affordable Housing Alternative, it must pay the Affordable Housing Fee with interest, if applicable.

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

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

The Project as proposed, at the size and intensity contemplated and at the proposed location, will provide development that is necessary and desirable for, and compatible with, the neighborhood or the community because: The Project will demolish two underutilized uncharacteristic warehouse buildings and replace them with 37 units of housing within an established neighborhood that is well served by public transit, in a manner that is consistent with the prevailing pattern of neighborhood development. A majority of the units being provided (73 percent) would be family-sized housing units. In addition, the project's density necessitates an inclusionary housing requirement and payment to the Market and Octavia Affordable Housing Fund.

The proposed building would measure 40 feet in height which is consistent with the heights of the adjacent buildings. At 140-feet in width, the proposed building would be much wider than most buildings in the neighborhood. While the building is relatively large, the use of recesses, vertical panels and balconies give the building articulation and verticality disrupting the horizontal massing. The building's massing is further broken down by the mixed character of the building's front façade that includes elevated entries at the northern portion and a common central lobby at the southern portion. The design of the building is distinctive. Also, the rear elevation will be treated architecturally to lend attractiveness and visual interest to a prominent wall framing the shared mid-block open space.

Therefore, the proposed mixed-use project, its design, size and intensity of use contemplated provides a development that is necessary, desirable, and compatible with the neighborhood and the community.

- B. The Project will not be detrimental to the health, safety, convenience or general welfare of persons residing or working in the vicinity. There are no features of the project that could be detrimental to the health, safety or convenience of those residing or working the area, in that:
- i. Nature of proposed site, including its size and shape, and the proposed size, shape and arrangement of structures;

The development of the site as a whole, including its design, size, configuration, and uses will complement the existing neighborhood and provide a significant amount of new housing at a density consistent with and appropriate for the neighborhood.

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

Locating the parking garages below grade with access at the southern end of the site optimizes accessibility for pedestrians along Market Street. Section 151.1 of the Code principally permits three parking spaces for every four dwellings. Twenty-eight independently accessible off-street parking spaces are principally permitted for the project. Per staff's recommendation the Project

includes 28 independently accessible off-street parking spaces, and will therefore not exceed the principally permitted parking threshold for the District.

The project would have one ten-foot wide curb cut for its 140-feet of street frontage and it would be situated as far as possible from Market Street limiting the opportunities for vehicle and pedestrian conflicts and interference with MUNI transit service.

The subject site is well served by public transit. The historic F line runs on Market Street; the Church Street MUNI Station is approximately three blocks west; the N Judah, J Church, 6, 7, 16, 22, 26, 37, and 71 are all within a five-block radius.

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

Since this will be a predominantly residential project it will not generate unusual noise, odor, dust and glare as a result of its operations. The buildings will comply with Title 24 standards for noise insulation. The materials for the facades of the buildings will not result in glare. The project would generate additional night lighting, but not in amounts unusual for an urbanized area. Design of exterior lighting could ensure that off-site glare and lighting spillover would be minimized.

In terms of dust generation, the environmental mitigation measures contained in the EIR and conditions of approval for dust control measures would avoid any significant dust impacts during project demolition and construction. The Project, after its completion as a residential/commercial mixed-use development, will not prove to be offensive regarding noise, dust, glare, and odors on a permanent basis.

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

New landscaping is included in the proposal along Dolores Street. Parking areas are enclosed and below grade with minimal access, thus maintaining maximum pedestrian safety, continuity and convenience along Dolores Street.

The size of the parking entrance is minimized to respect the residential character of the neighborhood.

The open space within the rear yard is designed so that it abuts the open space on the adjacent properties, providing maximum openness at the mid block.

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

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

process the Project Sponsor is seeking exceptions from the rear yard, front setback, and dwelling unit exposure requirements of the Code.

10. **Section 121.1 Findings.** In addition to the criteria of Section 303(c) of this Code, the City Planning Commission has considered the extent to which the following criteria are met for a project site exceeding 10,000 square feet in the RTO zoning district:

- A. The mass and façade of the proposed structure are compatible with the existing scale of the district.

The proposed building would measure 40 feet in height which is consistent with the heights of the adjacent buildings. At 140-feet in width, the proposed building would be much wider than most buildings in the neighborhood. While the building is relatively large, the use of recesses, vertical panels and balconies give the building articulation and verticality disrupting the horizontal massing. The building's massing is further broken down by the mixed character of the building's front façade that includes elevated entries at the northern portion and a common central lobby at the southern portion.

- B. The façade of the proposed structure is compatible with design features of adjacent facades that contribute to the positive visual quality of the district.

The Project's front facade includes bay windows, balconies and a mix of contemporary materials that are compatible with and contribute to the visual quality of the neighborhood.

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

2004 HOUSING ELEMENT

HOUSING SUPPLY

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 1.4:

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

The project site is a significant in-fill opportunity site. The demolition of the existing warehouses would allow the construction of up to 37 new residential units and approximately in an established residential neighborhood.

HOUSING AFFORDABILITY

OBJECTIVE 4:

SUPPORT AFFORDABLE HOUSING PRODUCTION BY INCREASING SITE AVAILABILITY AND CAPACITY.

Policy 4.2:

Include affordable units in larger housing projects.

The Project maximizes density, which increases the total number of Below Market Rate units required. It creates up to 37 units of new housing on an underutilized infill site in an established urban area that is well-served by transit, pedestrian, and bicycle facilities.

RECREATION AND OPEN SPACE

OBJECTIVE 4:

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

Policy 4.5:

Require private usable outdoor open space in new residential development.

The Project will not cast shadows over any open spaces under the jurisdiction of The Recreation and Park Department. The Project also includes a combination of private and common outdoor open spaces provided through private decks and common usable open space within the rear yard.

TRANSPORTATION

OBJECTIVE 24:

IMPROVE THE AMBIENCE OF THE PEDESTRIAN ENVIRONMENT.

Policy 24.2:

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

Policy 24.4:

Preserve pedestrian-oriented building frontages.

The Project will enhance the pedestrian experience at the Dolores Street with the planting of new street trees and a significant amount of new landscaping. The ground floor includes active uses including a few elevated entries that further enhance the pedestrian environment.

OBJECTIVE 34:

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

Policy 34.3:

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

Policy 34.4:

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

The site is well served by transit. The historic F line runs on Market Street; the Church Street MUNI Station is approximately two blocks west; the N Judah, J Church, 6, 7, 16, 22, 26, 37, and 71 are all within a five block radius. The Project would not exceed the maximum parking principally permitted in the District.

URBAN DESIGN

OBJECTIVE 1:

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

Policy 1:

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

Policy 3:

Recognize that buildings, when seen together, produce a total effect that characterizes the City and its districts.

Policy 6:

Relate the bulk of buildings to the prevailing scale of development to avoid an overwhelming or dominating appearance in new construction.

OBJECTIVE 3:

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

Policy 5:

Relate the height of buildings to important attributes of the city pattern and to the height and character of existing development.

Policy 6:

Relate the bulk of buildings to the prevailing scale of development to avoid an overwhelming or dominating appearance in new construction.

The surrounding neighborhood is a mixed urban area. Major streets, such as Market, are lined with mostly commercial and mixed use developments. Smaller surrounding streets are lined with a mix of residential densities and building heights. Building heights in the immediate area range from three to six stories, and exterior materials consist mostly of stucco and wood. The Project site lies near a prominent

intersection and its height, scale, and detailing are compatible with the mixed architectural character of the neighborhood.

COMMERCE AND INDUSTRY

OBJECTIVE 2:

MAINTAIN AND ENHANCE A SOUND AND DIVERSE ECONOMIC BASE AND FISCAL STRUCTURE FOR THE CITY.

Policy 2.1:

Seek to retain existing commercial and industrial activity and to attract new such activity to the City.

The Project site is currently underutilized and provides little benefit to the surrounding neighborhood. The Project is a moderate-density residential building that is more compatible with the residential character of the District. Additionally, the dwelling units will house new residents to patronize existing commercial establishments in the area.

MARKET & OCTAVIA AREA PLAN

OBJECTIVE 2.2:

ENCOURAGE CONSTRUCTION OF RESIDENTIAL INFILL THROUGHOUT THE PLAN AREA.

Policy 2.2.3:

Eliminate residential parking requirements and introduce a maximum parking cap.

The Project is a moderate-density residential development with 37 dwelling units above. The off-street residential parking is does not exceed the maximum that is principally permitted and represents a .75:1 ratio.

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 adheres to the urban design guidelines of the Market & Octavia Area Plan in the areas of Building Massing and Articulation, and to guidelines concerning Ground Floor Treatment. This includes a few elevated residential entries, minimized garage entrance, landscaping, bay windows, and active uses at the ground floor.

OBJECTIVE 5.3:

ELIMINATE OR REDUCE THE NEGATIVE IMPACT OF PARKING ON THE PHYSICAL CHARACTER AND QUALITY OF THE NEIGHBORHOOD.

Policy 5.3.1:

Encourage the fronts of buildings to be lined with active uses and, where parking is provided, require that it be set back and screened from the street.

The Project proposes active uses along the street frontage. The parking provided is located below-grade. The size of the parking entrance is minimized.

13. **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 enhanced.

The previous use on the site was not a neighborhood serving use. The site is within a residential district that does not permit new commercial uses.

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

The Project would increase the City's housing supply by 37 units and would not impact existing residential uses.

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

The Project is subject to the City's affordable housing policies. Planning Code Section 415 sets forth the requirements and procedures for the Residential Inclusionary Affordable Housing Program.

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

The Project will not exceed the Code limits for residential parking, and the subject site is well served by public transit. The historic F line runs on Market Street; the Church Street MUNI Station is approximately three blocks west; the N Judah, J Church, 6, 7, 16, 22, 26, 37, and 71 are all within a five-block radius. The increase in transit demand anticipated by the Project would not have a significant or noticeable impact upon transit services in the neighborhood or affect transit operations.

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

The Project will not displace any service or industry establishment due to commercial office development. The project will not affect industrial or service sector uses or related employment opportunities. Ownership of industrial or service sector businesses will not be affected by this project.

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

The existing warehouses on the site are unreinforced masonry buildings that are more susceptible to damage 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 landmark and historic buildings be preserved.

The existing buildings on the Site were deemed to be historic resources. The project would result in the loss of two historic buildings and as a result their loss was evaluated as part of the Project's environmental review process.

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

The Project will have no negative impact on parks or open space.

14. The Project is consistent with and would promote the general and specific purposes of the Code provided under Section 101.1(b) in that, as designed, the Project would contribute to the character and stability of the neighborhood and would constitute a beneficial development.
15. The Commission hereby finds that approval of the 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. 2006.0848CEV** subject to the following conditions attached hereto as "EXHIBIT A" in general conformance with plans on file with the application, stamped "EXHIBIT B", which is incorporated herein by reference as though fully set forth.

APPEAL AND EFFECTIVE DATE OF MOTION: Any aggrieved person may appeal this Conditional Use Authorization to the Board of Supervisors within thirty (30) days after the date of this Motion No. XXXXX. 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 April 7, 2011.

Linda D. Avery
Commission Secretary

AYES:

NAYS:

ABSENT:

ADOPTED: April 7, 2011

EXHIBIT A

AUTHORIZATION

This approval is for Conditional Use authorization pursuant to Planning Code Sections 209.1(k) for dwelling unit density, 121.5 to develop a lot that is more than 10,000 square-feet, and 303, for a project proposing the demolition of two existing vacant warehouses totaling approximately 19,037 square-feet and construction of a four-story, approximately 51,584 gross-square-foot (gsf) residential building with 37 dwelling units and 28 off-street parking spaces located in a below grade parking garage, and adopting findings under the California Environmental Quality Act. The project also requires variances for front setback (Section 132), rear yard (Section 134), and dwelling unit exposure (Section 140). The project site is located within the Market and Octavia Plan Area, a RTO (Residential, Transit Oriented Neighborhood) District and 40-X Height and Bulk Districts. In general conformance with plans, dated November 11, 2009, and stamped "EXHIBIT B" included in the docket for Case No. 2006.0848CEV and subject to conditions of approval reviewed and approved by the Commission on April 7, 2011 under Motion No XXXXXX. 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 XXXXXX under Motion No XXXXXX.

PRINTING OF CONDITIONS OF APPROVAL ON PLANS

The conditions of approval under the 'Exhibit A' of this Planning Commission Motion No. XXXXXX 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

GENERAL CONDITIONS

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.
2. **Mitigation and Improvement Measures.** The Mitigation and Improvement Measures and MMRP identified in the Project's FEIR and referenced in Planning Commission Motion No. XXXXX, shall be enforceable as conditions of approval and are accepted by the Project Sponsor or its successor in interest, as shown in attached Exhibit C.
3. **Community Liaison.** The Sponsor shall appoint a Community Liaison Officer to address issues of concern to neighbors during project construction. The Project Sponsor shall report the name and telephone number of this Officer to the Zoning Administrator and the neighborhood for reference. The Applicant will keep the above parties apprised should a different staff liaison be designated.

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

DESIGN

4. **Garbage, composting and recycling storage.** Space for the collection and storage of garbage, composting, and recycling shall be provided within enclosed areas on the property and clearly labeled and illustrated on the architectural addenda. Space for the collection and storage of recyclable and compostable materials that meets the size, location, accessibility and other standards specified by the San Francisco Recycling Program shall be provided at the ground level of the buildings.
For information about compliance, contact the Case Planner, Planning Department at 415-558-6378, www.sf-planning.org.
5. The project sponsor shall continue to work with staff to refine the design of the streetscape improvements, in general conformity with the plans labeled Exhibit B. Provided, however, that the off-site streetscape improvements (i.e., the bulb-outs and reduction of Dolores to one lane of traffic) shown on such plans are not part of the Project approved pursuant to this motion.

PARKING AND TRAFFIC

5. **Parking for Affordable Units.** All off-street parking spaces shall be made available to Project residents only as a separate “add-on” option for purchase or rent and shall not be bundled with any Project dwelling unit for the life of the dwelling units. The required parking spaces may be made available to residents within a quarter mile of the project. All affordable dwelling units pursuant to Planning Code Section 415 shall have equal access to use of the parking as the market rate units, with parking spaces priced commensurate with the affordability of the dwelling unit. Each unit within the Project shall have the first right of refusal to rent or purchase a parking space until the number of residential parking spaces are no longer available. No conditions may be placed on the purchase or rental of dwelling units, nor may homeowner’s rules be established, which prevent or preclude the separation of parking spaces from dwelling units.

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

6. The Project shall provide no more than the maximum number of parking spaces allowed by Planning Code 151.1 (up to .75 space per dwelling unit).
7. The Project Sponsor shall ensure the construction contractor will coordinate with the City and other construction contractor(s) for any concurrent nearby projects that are planned for construction so as to minimize, to the extent possible, negative impacts on traffic and nearby properties caused by construction activities.
8. The project sponsor and construction contractor(s) shall meet with the Traffic Engineering Division of the Department of Parking and Traffic, the Fire Department, MUNI, and the Planning Department to determine feasible traffic mitigation measures to reduce traffic congestion and pedestrian circulation impacts during construction of the proposed project.

MONITORING

9. **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

OPERATION

10. **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/>*

FIRST SOURCE HIRING

11. The Project is subject to the requirements of the First Source Hiring Program as they apply to permits for residential development (Section 83.4(m) of the Administrative Code), and the Project Sponsor shall comply with the requirements of this Program as to all construction work and on-going employment required for the Project. Prior to the issuance of the Site Permit, the Project Sponsor shall have a First Source Hiring Construction and Employment Program approved by the First Source Hiring Administrator, and evidenced in writing.

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

AFFORDABLE HOUSING REQUIREMENT

12. **Number of Required Units.** Pursuant to Planning Code Section 415.6, the Project is required to provide 12% of the proposed dwelling units as affordable to qualifying households. The Project contains 37 units; therefore, four affordable units are required. The Project Sponsor will fulfill this requirement by providing the four affordable units on-site. If the number of market-rate units change, the number of required affordable units shall be modified accordingly with written approval from Planning Department staff in consultation with the Mayor's Office of Housing ("MOH").
13. **Unit Mix.** The Project contains 10 one-bedroom units, 23 two-bedroom units, and 4 three-bedroom units; therefore, the required affordable unit mix is 1 one-bedroom unit and 3 two-bedroom units. If the market-rate unit mix changes, the affordable unit mix will be modified accordingly with written approval from Planning Department staff in consultation with MOH.
14. **Unit Location.** The affordable units shall be designated on a reduced set of plans recorded as a Notice of Special Restrictions on the property prior to the issuance of the first construction permit.
15. **Phasing.** If any building permit is issued for partial phasing of the Project, the Project Sponsor shall have designated not less than fifteen percent (12%) of the each phase's total number of dwelling units as on-site affordable units.
16. **Duration.** Under Planning Code Section 415.8, all units constructed pursuant to Section 415.6, must remain affordable to qualifying households for the life of the project.
17. **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 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 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.

- a. The affordable unit(s) shall be designated on the building plans prior to the issuance of the first construction permit by the Department of Building Inspection (“DBI”). The affordable unit(s) shall (1) reflect the unit size mix in number of bedrooms of the market rate units, (2) be constructed, completed, ready for occupancy and marketed no later than the market rate units, and (3) be evenly distributed throughout the building; and (4) be of comparable overall quality, construction and exterior appearance as the market rate units in the principal project. The interior features in affordable units should be generally the same as those of the market units in the principal project, but need not be the same make, model or type of such item as long they are of good and new quality and are consistent with then-current standards for new housing. Other specific standards for on-site units are outlined in the Procedures Manual.
- b. If the units in the building are offered for sale, the affordable unit(s) shall be sold to first time home buyer households, as defined in the Procedures Manual, whose gross annual income, adjusted for household size, does not exceed an average of one hundred (100) percent of the median income for the City and County of San Francisco as defined in the Inclusionary Affordable Housing Program, an amount that translates to ninety (90) percent of Area Median Income under the income table called “Maximum Income by Household Size” derived from the Unadjusted Area Median Income for HUD Metro Fair Market Rent Area that contains San Francisco. The initial sales price of such units shall be calculated according to the Procedures Manual. Limitations on (i) reselling; (ii) renting; (iii) recouping capital improvements; (iv) refinancing; and (v) procedures for inheritance apply and are set forth in the Inclusionary Affordable Housing Program and the Procedures Manual.
- c. The Project Sponsor is responsible for following the marketing, reporting, and monitoring requirements and procedures as set forth in the Procedures Manual. MOH shall be responsible for overseeing and monitoring the marketing of affordable units. The Project Sponsor must contact MOH at least six months prior to the beginning of marketing for any unit in the building.
- d. Required parking spaces shall be made available to initial buyers or renters of affordable units according to the Procedures Manual.
- e. Prior to the issuance of the first construction permit by DBI for the Project, the Project Sponsor shall record a Notice of Special Restriction on the property that contains these conditions of approval and a reduced set of plans that identify the affordable units satisfying the requirements of this approval. The Project Sponsor shall promptly provide a copy of the recorded Notice of Special Restriction to the Department and to MOH or its successor.
- f. The Project Sponsor has demonstrated that it is eligible for the On-site Affordable Housing Alternative under Planning Code Section 415.6 instead of payment of the Affordable

Housing Fee, and has submitted the *Affidavit to Establish Eligibility for Alternative to Affordable Housing Fee* to the Planning Department stating that any affordable units designated as on-site units shall be sold as ownership units and will remain as ownership units for the life of the Project.

- g. If the Project Sponsor fails to comply with the Inclusionary Affordable Housing Program requirement, the Director of DBI shall deny any and all site or building permits or certificates of occupancy for the development project until the Planning Department notifies the Director of compliance. A Project Sponsor's failure to comply with the requirements of Planning Code Section 415 et seq. shall constitute cause for the City to record a lien against the development project and to pursue any and all available remedies at law.
- h. If the Project becomes ineligible at any time for the On-site Affordable Housing Alternative, the Project Sponsor or its successor shall pay the Affordable Housing Fee prior to issuance of the first construction permit or may seek a fee deferral as permitted under Ordinances 0107-10 and 0108-10. If the Project becomes ineligible after issuance of its first construction permit, the Project Sponsor shall notify the Department and MOH and pay interest on the Affordable Housing Fee at a rate equal to the Development Fee Deferral Surcharge Rate in Section 107A.13.3.2 of the San Francisco Building Code and penalties, if applicable.

COMMUNITY INFRASTRUCTURE FEE

18. **Market and Octavia Community Infrastructure Fee** Prior to the issuance of the first site or building permit, the project sponsor shall comply with Planning Code Section 421, which requires payment of \$10.00 per gross square foot of residential development for the Market and Octavia Community Improvements Fund.

The Planning Commission may reduce the Market and Octavia Community Infrastructure Impact Fee owed for specific development projects in cases where a project sponsor has entered into an In-Kind Agreement with the City to provide In-Kind improvements in the form of streetscaping, sidewalk widening, neighborhood open space, community center, and other improvements that result in new public infrastructure and facilities described in Section 421.1(E)(a) or similar substitutes. To date, the sponsor has chosen to pay the Impact Fee but may decide in the future to pursue an In-Kind Agreement.

AFFORDABLE HOUSING FEE

19. **Market and Octavia Plan Area Affordable Housing Fee.** Per Section 416 of the Code, the project requires payment of \$4.00 per net square foot of residential development.

EXHIBIT C: MITIGATION MONITORING AND REPORTING PROGRAM (Includes Text for Adopted Mitigation Measures)				
MEASURES ADOPTED AS CONDITIONS OF APPROVAL	Responsibility for Implementa- tion	Schedule	Monitoring/Report Responsibility	Status/Date Completed
<i>Cultural Resources Mitigation Measures</i>				
<p>Mitigation Measure M-CP-1 (HABS): Implementation of this mitigation measure would reduce the impact to historical architectural resources, but not to a less-than-significant level. Therefore, impacts related to the demolition of the 25-35 Dolores Street buildings would remain significant and unavoidable.</p> <p>However, to offset partially the loss of the project site buildings, the project sponsor shall, at a minimum, ensure that a complete survey meeting the standards of the Historic American Building Survey (HABS) is undertaken prior to demolition. This survey shall be completed in accordance with HABS level II documentation standards as follows.</p>				
<ul style="list-style-type: none"> • Prior to demolition, the project sponsor shall provide adequate documentation of the existing building. The documentation shall be submitted to the City and County of San Francisco Planning Department and found to be adequate prior to authorization of any permit that may be required for demolition of the building. In addition, the project sponsor shall prepare and transmit the photographs and descriptions of the property to the History Room of the San Francisco Public Library and the NWIC of the California Historic Information Resource System. The documentation shall include: <ul style="list-style-type: none"> – A video documentary of the property. – Photo-documentation of the property to HABS Standards. The standard size of negatives and transparencies (and accompanying prints) are 5-by-7 inches. Other large-format sizes such as 4-by-5 inches and 8-by-10 inches are also acceptable for formal documentation. Roll film, film packs, and electronic manipulation of images are not acceptable. Images must be fully identified with the name and location of the structure, a description of the feature or view being photographed, and the direction in which the photograph was taken, as well as the name of the photographer and the date created. – Black and white, 35 millimeter photographs of the interior and exterior of the building. Negatives and 5-by-7 inch prints should be processed to meet archival requirements (i.e., negatives must be on safety film 	Project sponsor	Prior to demolition and construction activities.	Planning Department to approve scope of work for documentation to be submitted by project sponsor.	Considered complete upon sponsor's distribution of Planning Department-approved photo documentation.

EXHIBIT C: MITIGATION MONITORING AND REPORTING PROGRAM (Includes Text for Adopted Mitigation Measures)				
MEASURES ADOPTED AS CONDITIONS OF APPROVAL	Responsibility for Implementa- tion	Schedule	Monitoring/Report Responsibility	Status/Date Completed
<p>only; resin-coated paper is not accepted).</p> <ul style="list-style-type: none"> - As-built drawings of the building, produced to HABS and Historic American Engineering Record Standards. - The available original plans of the building shall be included as part of the documentation. All drawings and site plans shall be appropriate conserved at the site or at a qualified repository. 				
<ul style="list-style-type: none"> • Prior to demolition, the project sponsor shall salvage the character-defining elements of the existing building that are considered to be historically significant, as determined by a qualified architectural historian (and can feasibly be salvaged), and shall seek to donate those elements to an organization such as a local historical society. The features to be salvaged shall be determined by the City following consultation with a qualified historical resources firm. Features to be salvaged should include primary character-defining features. Donation of the materials to the historical society or other entity approved by the City shall be confirmed by the City prior to the issuance of demolition permits. 	Project sponsor	Salvage plan submitted to Planning Department prior to demolition and construction activities.	Planning Department to approve planned salvage character-defining materials.	Considered complete upon verification by Planning Department of salvage received by organization, before Department of Building Inspection (DBI) issuance of a Certificate of Occupancy.
<p>Mitigation Measure M-CP-2 (Accidental Discovery): The following mitigation measure is required to avoid any potential adverse effect from the proposed project on accidentally discovered buried or submerged historical resources as defined in <i>CEQA Guidelines</i> Section 15064.5(a)(c).</p>				
<p>The project sponsor shall distribute the Planning Department archeological resource "ALERT" sheet to the project prime contractor; to any project subcontractor (including demolition, excavation, grading, foundation, pile driving, etc. firms); or utilities firm involved in soils disturbing activities within the project site. Prior to any soils disturbing activities being undertaken each contractor is responsible for ensuring that the "ALERT" sheet is circulated to all field personnel including, machine operators, field crew, pile drivers, supervisory personnel, etc. The project sponsor shall provide the Environmental Review Officer (ERO) with a signed affidavit from the responsible parties (prime contractor, subcon-</p>	Project sponsor and construction contractor(s)	Prior to any soils-disturbing activity.	Distribution of "ALERT" sheet among contractors and crew; project sponsor to provide ERO with a signed affidavit.	Prior to any soils-disturbing activity. Considered complete upon ERO approval of affidavit.

EXHIBIT C: MITIGATION MONITORING AND REPORTING PROGRAM (Includes Text for Adopted Mitigation Measures)				
MEASURES ADOPTED AS CONDITIONS OF APPROVAL	Responsibility for Implementa- tion	Schedule	Monitoring/Report Responsibility	Status/Date Completed
tractor(s), and utilities firm) to the ERO confirming that all field personnel have received copies of the Alert Sheet.				
Should any indication of an archeological resource be encountered during any soils disturbing activity of the project, the project Head Foreman and/or project sponsor shall immediately notify the ERO and shall immediately suspend any soils disturbing activities in the vicinity of the discovery until the ERO has determined what additional measures should be undertaken.	Head Foreman and project sponsor	During any soils-disturbing activity.	Notification of ERO if any archeological resources encountered.	During any soils-disturbing activity. Considered complete upon notification of ERO.
<p>If the ERO determines that an archeological resource may be present within the project site, the project sponsor shall retain the services of a qualified archeological consultant. The archeological consultant shall advise the ERO as to whether the discovery is an archeological resource, retains sufficient integrity, and is of potential scientific/historical/cultural significance. If an archeological resource is present, the archeological consultant shall identify and evaluate the archeological resource. The archeological consultant shall make a recommendation as to what action, if any, is warranted. Based on this information, the ERO may require, if warranted, specific additional measures to be implemented by the project sponsor.</p> <p>Measures might include preservation in situ of the archeological resource; an archaeological monitoring program; or an archeological testing program. If an archeological monitoring program or archeological testing program is required, it shall be consistent with the Major Environmental Analysis (MEA) division guidelines for such programs. The ERO may also require that the project sponsor immediately implement a site security program if the archeological resource is at risk from vandalism, looting, or other damaging actions.</p>	Project sponsor and archeological consultant	Before resumption of any soils-disturbing activity (if suspended)	Archeological consultant shall advise the ERO and ERO may require additional measures	Prior to resumption of soils-disturbing activity. Considered complete upon ERO approval of archeological consultant's recommendations.
The project archeological consultant shall submit a Final Archeological Resources Report (FARR) to the ERO that evaluates the historical significance of any discovered archeological resource and describing the archeological and historical research methods employed in the archeological monitoring/data recovery program(s) undertaken. Information that may put at risk any archeological resource shall be provided in a separate removable insert within the final report.	Project sponsor and archeological consultant	Following completion of any required archaeological field program	Archeological consultant submits draft FARR to ERO for approval	Prior to issuance of final certificate of occupancy. Considered complete upon ERO approval of draft FARR

EXHIBIT C: MITIGATION MONITORING AND REPORTING PROGRAM (Includes Text for Adopted Mitigation Measures)				
MEASURES ADOPTED AS CONDITIONS OF APPROVAL	Responsibility for Implementa- tion	Schedule	Monitoring/Report Responsibility	Status/Date Completed
<p>Copies of the Draft FARR shall be sent to the ERO for review and approval. Once approved by the ERO, copies of the FARR shall be distributed as follows: California Archaeological Site Survey Northwest Information Center (NWIC) shall receive one (1) copy and the ERO shall receive a copy of the transmittal of the FARR to the NWIC. The Major Environmental Analysis division of the Planning Department shall receive three copies of the FARR along with copies of any formal site recordation forms (CA DPR 523 series) and/or documentation for nomination to the National Register of Historic Places/California Register of Historical Resources. In instances of high public interest or interpretive value, the ERO may require a different final report content, format, and distribution than that presented above.</p>	<p>Project sponsor and archeological consultant</p>	<p>Following completion of FARR.</p>	<p>Distribute FARR. Submittal to ERO of affidavit of FARR distribution.</p>	<p>Prior to resumption of soils-disturbing activities. Considered complete upon Planning Department receipt of report.</p>
Construction Air Quality Mitigation Measures				
<p>M-AQ-1(Soil Management Plan): A Soils Management Plan shall be developed to address asbestos exposure to the construction workers, nearby residents, pedestrians, and future users of the site. Dust control measures are to be implemented to reduce exposure during excavation, grading, loading, and transporting of excavated materials. Soil/rock excavated and removed from the site will require appropriate disposal, additional sampling may be necessary. These measures are to include:</p> <ul style="list-style-type: none"> • Site fencing. • Wetting exposed soil/rock — exposed soil/rock will be watered at least twice a day to prevent visible dust from migrating off-site. • Covering exposed soil/rock. In particular, stockpiles will be covered and trucks transporting contaminated soil/rock will be covered with a tarpaulin or other cover. • Preventing distribution of dust and soil/rock off-site by decontamination and other measures to prevent soil/rock from being tracked off the site by vehicles or carried off-site on clothes. Measures to achieve this include: water being misted or sprayed during the loading of soil/rock onto trucks for off-haul; wheels being cleaned prior to entering public streets, public streets will be swept daily if soil/rock is visible and excavation and loading activities 	<p>Project sponsor and construction contractor</p>	<p>During excavation and construction</p>	<p>Project Sponsor to ensure project contractors notify BAAQMD when asbestos work is being conducted and apply for the Asbestos Dust Mitigation Plan permit from BAAQMD. Project sponsor will monitor contractor compliance.</p>	<p>Considered complete after excavation activities are finalized.</p>

EXHIBIT C: MITIGATION MONITORING AND REPORTING PROGRAM (Includes Text for Adopted Mitigation Measures)				
MEASURES ADOPTED AS CONDITIONS OF APPROVAL	Responsibility for Implementa- tion	Schedule	Monitoring/Report Responsibility	Status/Date Completed
<p>will be suspended if winds exceed 20 miles per hour.</p> <ul style="list-style-type: none"> • Instituting a site specific health and safety plan (HSP) developed by a certified industrial hygienist that represents the site contractors, which includes that air sampling and monitoring be conducted to evaluate the amount of airborne particles generated during excavation, grading, loading and transportation. • Contacting the Bay Area Air Quality Management District (BAAQMD) and completion of an Asbestos Dust Mitigation Plan permit application with BAAQMD prior to any excavation activities. <p>In order to control potential exposure during soil/rock disturbance, the soil/rock are to be moisture conditioned using dust suppressants, covering exposed soil/rock and stockpiles with weighed down plastic sheeting or capping the site with buildings asphalt or at least two feet of clean imported fill.</p> <p>Excavated soil is to be disposed off-site after proper profiling for disposal. Excavated soil/rock material will either be loaded directly into trucks and removed from the site or stockpiled on-site. If stockpiled, the soil/rock will be placed on visqueen, bermed and tarped at all times.</p> <p>Direct contact to the underlying soil/rock by future site users will be mitigated by encapsulation with the concrete foundation system and buildings. It is not anticipated that groundwater will be encountered during construction.</p> <p>The Site Mitigation Plan (SMP) recommends that if unanticipated hazardous materials are encountered, the work is to stop; the site superintendent and project contractor are to be notified to conduct and inspection.</p> <p>After excavation and foundation construction activities are completed, the project sponsor shall prepare and submit a closure/certification report to Environmental Health – Hazardous Waste Unit (EHS-HVVU) at the San Francisco Department of Public Health (SFDPH) for review and approval. The closure/certification report shall include the mitigation measures in the SMP for handling and removing contaminated soils from the project site, whether the construction contractor modified any of these mitigation measures, and how and why the construction contractor modified those mitigation measures.</p>				

EXHIBIT C: MITIGATION MONITORING AND REPORTING PROGRAM (Includes Text for Adopted Mitigation Measures)				
MEASURES ADOPTED AS CONDITIONS OF APPROVAL	Responsibility for Implementa- tion	Schedule	Monitoring/Report Responsibility	Status/Date Completed
<i>Hazardous Materials Mitigation Measures</i>				
<p>Mitigation Measure M-HZ-1 (Building Surveys): The project sponsor shall ensure that pre-construction building surveys for polychlorinated biphenyl-(PCB-) and mercury-containing equipment, fluorescent lights, lead, mercury and other potentially toxic building materials are performed prior to the start of demolition. The survey shall include potentially toxic material remaining from the previous auto body and painting use of the site, including any paints, lacquer thinner, and waste solvent, and the unlabelled, plastic five-gallon bucket containing an unidentified sludge material that was observed in the rear (east) of the northern (25 Dolores Street) building. The survey shall also include the floor drains located throughout both buildings on the site, including the stain around a floor drain along the southern wall in the central section of the northern (25 Dolores Street) building. The unidentified sludge material, the stain around the floor drain in the 25 Dolores Street building, any hazardous materials in the floor drains, and any other hazardous building materials so discovered shall be abated according to federal, State, and local laws and regulations. The floor drains shall be removed or sealed before construction of the proposed project.</p>	Project sponsor or contractor	Prior to any demolition activities	Project sponsor or contractor shall submit a Monitoring Report, detailing survey results and compliance with the specified measure, to SFDPH for approval after construction. Copies the report shall be sent to the DBI and Planning Department.	Considered complete upon agency receipt of SFDPH-approved Monitoring Report
<p>Mitigation Measure M-HZ-2 (Handling of Contaminated Soil): Based on the potential for encountering contaminated soils during site excavation, the San Francisco Department of Public Health (SFDPH) has determined that the preparation of a Site Mitigation Plan (SMP) is warranted. The SMP shall include a discussion of the level of contamination of soils on the project site and mitigation measures for managing contaminated soils on the site, including, but not limited to: 1) the alternatives for managing contaminated soils on the site (e.g., encapsulation, partial or complete removal, treatment, recycling for reuse, or a combination); 2) the preferred alternative for managing contaminated soils on the site and a brief justification; and 3) the specific practices to be used to handle, haul, and dispose of contaminated soils on the site. The SMP shall be submitted to the SFDPH for review and approval. A copy of the SMP shall be</p>	Project sponsor / contractor	Prior to, during, and after all excavation, demolition, and construction activities	Project Sponsor or contractor shall submit a Site Mitigation Plan to the SFDPH for approval. Once approved, and after construction is completed following the specified measures, project sponsor / contractor to submit a Certification/Closure Report to SFDPH for review and	Considered complete upon agency receipt of SFDPH-approved Certification/Closure Report

¹ Rajiv Bhatia, MD, MPH, Director, Occupational and Environmental Health, City and County of San Francisco Department of Public Health, Letter to Chelsea Fordham, Major Environmental Assessments, San Francisco City Planning, October 19, 2009.

EXHIBIT C: MITIGATION MONITORING AND REPORTING PROGRAM (Includes Text for Adopted Mitigation Measures)				
MEASURES ADOPTED AS CONDITIONS OF APPROVAL	Responsibility for Implementa- tion	Schedule	Monitoring/Report Responsibility	Status/Date Completed
<p>submitted to the Planning Department to become part of the case file.</p> <p>Both the SFDPH and California Department of Toxic Substances Control (DTSC) concluded that the preparation of the SMP, including confirmatory sampling at the bottom of the excavation area, along with the garage ventilation, would remove and address any potential source of soil vapors or related hazards to potentially contaminated soils.¹</p> <p><i>Step 1: Handling, Hauling, and Disposal of Contaminated Soils</i></p> <p>Specific Work Practices: Based on the results of the soil tests conducted, the SFDPH determined that the soils on the project site are contaminated at or above potentially hazardous levels. The construction contractor shall be alert for the presence of such soils during excavation of the building slab on the project site (detected through soil odor, color, and texture and results of on-site soil testing), and shall be prepared to handle, profile (i.e., characterize), and dispose of such soils appropriately (i.e., as dictated by local, state, and federal regulations) when such soils are encountered on the site.</p> <p>(a) Dust Suppression: Soils exposed during excavation for site preparation and project construction activities shall be kept moist throughout the time they are exposed, both during and after work hours.</p> <p>(b) Surface Water Runoff Control: Where soils are stockpiled, visqueen shall be used to create an impermeable liner, both beneath and on top of the soils, with a berm to contain any potential surface water runoff from the soil stockpiles during inclement weather.</p> <p>(c) Soils Replacement: If necessary, clean fill or other suitable material(s) shall be used to bring portions of the project site, where contaminated soils have been excavated and removed, up to construction grade.</p> <p>(d) Hauling and Disposal: Contaminated soils shall be hauled off the project site by waste hauling trucks appropriately certified with the State of California and adequately covered to prevent dispersion of the soils during transit, and shall be disposed of at a permitted hazardous waste disposal facility registered with the State of California.</p> <p><i>Step 2: Preparation of Closure/Certification Report</i></p> <p>After excavation for the garage for the project, the project sponsor shall prepare</p>			<p>approval. Copies of both reports shall be sent to the DBI and Planning Department.</p>	

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MEASURES ADOPTED AS CONDITIONS OF APPROVAL	Responsibility for Implementa- tion	Schedule	Monitoring/Report Responsibility	Status/Date Completed
and submit a closure/certification report to the SFDPH for review and approval. The closure/certification report to the SFDPH will require additional soil and groundwater sampling to be submitted at the time excavation is conducted in order to receive final site closure and clearance for redevelopment. Additionally, the closure/certification report shall include the mitigation measures in the Site Mitigation Plan for handling and removing contaminated soils from the project site, whether the construction contractor modified any of these mitigation measures, and how and why the construction contractor modified those mitigation measures. In addition, the project sponsor shall install the required garage ventilation for potential air contaminants.				
Biological Mitigation Measures				
<p>Mitigation Measure M-BI-1 (Tree Protection Plan): A Tree Protection Plan was prepared for the proposed project to state specific measures, which if applied before construction, can reasonably be expected to preserve the health of the adjacent landmark tree and the other six trees. Below is a summary of measures outlined in the Tree Protection Plan:</p> <ul style="list-style-type: none"> • Establish a Tree Protection Zone (TPZ) that would have a minimum of a 17-foot-wide area at the rear or east end of the project site. However, the TPZ site will be reassessed after demolition of 25-35 Dolores based upon the trunk diameter to determine if an expansion of the tree protection zone would be beneficial to the tree. • Demolition procedures within the TPZ should follow these measures outlined below: <ul style="list-style-type: none"> – Excavator is to be operated only from on top of the existing concrete floor; and – Use an excavator with a small enough arm to clear overhead limbs; and – Use an excavator with a large enough arm to pull out masonry, concrete and footing without needing to use open soil; and – Have a Project Arborist on site to direct footing pulling; and 	Project sponsor / contractor	Prior to, during, and after all excavation, demolition, landscape, and construction activities	Project sponsor to submit the Arborist Report and Tree Protection Plan to the Department of Public Works - Bureau of Urban Forestry (DPW-BUF) in the Department of Public Works for approval. The BUF to monitor the project site during demolition, excavation, and construction activities	Considered complete following all construction and monitoring up to five years after construction.

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<ul style="list-style-type: none"> - If a significant root is discovered, use the Project Arborist to determine whether a section of the footing should be abandoned; and - In the event that either limb or root damage occurs, use the Project Arborist to correct or repair the damage, if possible, and to provide a written report; and - Clean exposed soil by hand; and - Upon completion of demolition, immediately install chain link fencing at the perimeter of the TPZ to protect the exposed soil from possible compaction. • Construction-phase impacts should be managed within the TPZ as follows: <ul style="list-style-type: none"> - Install and maintain construction fencing to prevent entry to the TPZ; and - Install 4-inch depth wood chip mulch over all exposed soil areas within the TPZ; and - Prohibit placement of any vehicle within the TPZ; and - Do not store materials, excavation tailing or debris within the TPZ, unless placed on 3/4 inch or thicker plywood root buffer; and - No trenching or grading will be allowed to take place within the TPZ during construction activity. If work needs to be conducted during construction within the TPZ, tunneling will be required. Additionally, the project arborist will review any proposed tunneling within the TPZ and be on site during that aspect of work. If for any reason tunneling cannot be used for work conducted in the TPZ, work should be stopped and the project arborist should contact DPW-BUF. • Landscape design and installation should be managed within the TPZ as follows: <ul style="list-style-type: none"> - Allow the Project Arborist to work cooperatively in landscape design and design review to insure that tree impacts are minimized; and - Allow the Project Arborist to be present when fence construction is tak- 				

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MEASURES ADOPTED AS CONDITIONS OF APPROVAL	Responsibility for Implementa- tion	Schedule	Monitoring/Report Responsibility	Status/Date Completed
<p>ing place; and</p> <ul style="list-style-type: none"> - No trenching or grading will be allowed to take place within the TPZ during landscape installation. If work needs to be conducted during construction within the TPZ, tunneling will be required. Additionally, the project arborist will review any proposed tunneling within the TPZ and be on site during that aspect of work. If for any reason tunneling cannot be used for work conducted in the TPZ, work should be stopped and the project arborist should contact DPW-BUF. • The landmark tree should be bonded during construction and up to five years after completion of construction activities in order to ensure that construction does not result in stress or decline of the landmark tree. The amount of bonding should be based on an appraised value determined by the project arborist and DPW-BUF and should be released after inspections at the end of the post-construction period. <p>The Arborist Report and Tree Protection Plan would be reviewed by the Bureau of Urban Forestry (BUF) in the Department of Public Works to verify that the specified protections would be adequate to protect the landmark tree and the other six adjacent trees. Additionally, the proposed rear yard landscaping plans for 25-35 Dolores would be reviewed by DPW-BUF in order to ensure that the landscaping would not impact the landmark tree. DPW-BUF would also monitor the project site during demolition, excavation, construction, and landscape activities in order to ensure that the protection measures outlined in the Tree Protection Plan are being implemented and adequate, and that the landmark tree and other adjacent trees are not damaged.</p>				

Mission Dolores Neighborhood Association
72 Landers Street, San Francisco, CA 94114, Ph. 863-3950
Web Site: <http://www.missiondna.org> Email: missiondna@earthlink.net

March 18, 2011

Re: 25-35 Dolores Street – April 7, 2011, 2006.0848CEV

Position: Approval with Modifications.

Dear President Olague and Planning Commissioners:

It is our understanding that the Planning Commission will be reviewing the proposed project at 25-35 Dolores Street on April 7, 2011. Therefore, after reviewing the plans and meeting with the project sponsor several times over the last few years, we'd like to outline our position below. Yet all in all, we support the current project, if the demolition is approved.

1. Possible Demolition of Garages: While we understand that the historic garages on site have been identified as historic resources in the Inner Mission North Historic Survey, the MDNA board voted to take a neutral position concerning their possible demolition. Our reasoning is that while our mission statement strongly supports preservation and we acknowledge that the garages are historic resources, the majority of our board felt that they don't represent a high level of integrity. Therefore, we decided to take a neutral position and leave that decision up to the Historic Preservation Commission and the Planning Commission.
2. Possible Health Hazard: We understand that there is serpentine rock on the site. Therefore, if the garages are demolished, we expect the developers and the City to take all necessary precautions to make sure that our neighbors in the area are completely protected from any possible hazards from the known asbestos in that rock. This includes keeping the digging area covered and wetted down.
3. Size of Project: We support no more than 37 units on site. MDNA, Lightner Properties, and the Planning Department all agree on this size.
4. Parking: We support a CU Permit for 1:1 parking, since the citizens of the Mission Dolores Neighborhood overwhelming supported 1:1 parking in the RTO area of the Market Octavia Plan during the hearings before the Planning Commission. Yet please note that we don't always support additional parking. To clarify, we recently supported less parking than the Bicycle Coalition and the Planning Department for 2001 Market. Yet we believe that this project is different, since it's RTO.

5. Financing: We strongly oppose any possible demolition of the garages until financing for the project is fully secured beforehand.
6. Design: After various revisions, we support the architectural design of the project, designed by Toby Levy. Our reasoning is that it exhibits a balance that reflects the importance of our historic neighborhood, yet also shows a modern sophistication.

Thank you for your consideration. If you have any questions, please let me know.

Respectfully yours,

Peter Lewis, President

Cc: Michael E. Smith, John Rahaim, Scott Weiner, Gillian Gillette, Bill Lightner, Toby Levy, and David Silverman.

**PROJECT SPONSOR'S SUBMITTAL IN SUPPORT OF
APPLICATION FOR CONDITIONAL USE AUTHORIZATION**

Planning Code Section 303(c)

For

**Residential Project at
25-35 Dolores Street**

**Project Sponsor:
35 Dolores LLC**

**Planning Department
Case No. 2006.0848C**

Hearing Date: April 7, 2011

Attorneys for Project Sponsor:



One Bush Street, Suite 600, San Francisco, CA 94104
t] 415 567 9000 f] 415 399 9480

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Exhibit A Project Plans and Elevation and Rendering of Project;
..... Photographs of Project Site and Project Block

Exhibit B Mission-Dolores Neighborhood Association
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Exhibit C “Anti-Congestion Parking Technologies” (June 11, 2010),
..... *Road Traffic Technology*

A. INTRODUCTION

35 Dolores LLC (“Project Sponsor”) proposes to construct 37 residential units (“Project”) at 25-35 Dolores Street, Block 3534, Lot 069, between Fourteenth Street and Clinton Street (“Project Site”). The Project Site is located within the RTO Zoning District. The lot area is 19,600 square feet.

A conditional use is required by Section 121.5 for lot size above 9,999 square feet; by Section 209.1 for density not exceeding one unit per 400 square feet of lot area; and by Section 151.1(f) for 9 of the 37 parking spaces. The mix of units will be 10 one-bedroom, 23 two-bedroom, and 4 three-bedroom units. Four BMR units will be provided onsite. The two-bedroom and three-bedroom units will comprise 73% of the units in the Project, and approximately 82% of the floor area.

Over several years of collaborative efforts with its neighbors along Clinton Park, and the Mission-Dolores Neighborhood Association (“MDNA”), the Project Sponsor has carefully designed a building that is compatible with its surroundings, in both scale and design, collaborating with MDNA on a building re-design to address its concerns and desires, during the planning process. Careful attention has been paid to architectural details and to the use of high quality materials to create a residential building that repairs a broken streetscape and blends seamlessly with the neighborhood.

According to the Urban Planning Association, circling for parking accounts for 30% of driving in San Francisco. (See attached article “Anti-Congestion Parking Technologies”, June 11, 2010, Road Technology.) This Project provides an opportunity to reduce this statistic. Creating a new parking deficit at 25-35 Dolores Street would only exacerbate local traffic congestion.

B. SITE INFORMATION

Existing Use:	Vacant commercial building.
Street Address:	25-35 Dolores Street
Cross Streets:	Fourteenth Street and Clinton Park
Assessor’s Block/Lot:	3534/069
Zoning District:	RTO
Height/Bulk District:	40-X
Site Size:	19,600 square feet
Dimensions:	140 ft. x 140 ft.

C. CONDITIONAL USE

The Project requires conditional use authorization by the Planning Commission to permit the development of a lot exceeding 9,999 square feet (Section 121.5) and residential parking in excess of .75 spaces per residential unit, or 9 of the 37 parking spaces (Section 151.1(f)). The Project Sponsor requests 9 spaces to accommodate the exceptionally large number of 2 and 3 bedroom units, which will create a total of 68 bedrooms in the building. The request equals .54 parking spaces per bedroom (Section 151.1(f)), or about one space for every two bedrooms.

The proposed Project is located in the RTO district. The RTO districts are composed of multi-family moderate-density areas and are within short walking distance of transit and neighborhood commercial areas. A fine-grain pattern of 25 to 35-foot building widths is prevalent and structures typically range from 2-5 stories in height. The character of the district is primarily of structures with 3 or more units of a range of sizes and types suitable for a variety of households. Buildings are moderately scaled and segmented, and units or groups of units have separate entrances directly from the street. These buildings are primarily older structures that do not offer adequate parking for the families that inhabit them. As a consequence, there is a shortage of street parking in the neighborhood. The overall residential density is regulated by the required height, bulk, setback, and open space of each parcel. Open space is provided on-site, in the form of rear yards, decks, balconies, roof-decks, and courtyards, and is augmented by nearby public parks, plazas, and enhanced streetscapes.

A conditional use is required for dwelling unit density not exceeding one unit for each 400 square feet of lot area. The four onsite BMR units are excluded from the calculation of either number of units. (Planning Code Section 207.1(f)). That leaves 33 units in 19,600 square feet of lot area, or one unit per 593 square feet of lot area. Note that a density at a ratio not exceeding one unit per 600 square feet of lot area does not require any conditional use at all. (Planning Code Section 209.1(j)). The density difference from that permitted as of *** is minimal (7 feet per unit), and the density is in conformance with the plans and policies of the Market-Octavia Plan, which promotes increased density, among other things.

Under Section 303(c), the Planning Commission shall approve the application and authorize a conditional use if the facts presented establish the following:

1. **Desirability and Compatibility of Project.**

Planning Code Section 303(c)(1) requires that facts be established which demonstrate the following:

That 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.

This Project Site, due to its location, size and topography, is well suited for this Project. The development plan is compatible with the scale and character of the surrounding area.

The proposed design is designed to be compatible with its surrounding buildings and will provide needed housing for a variety of households. The design architecturally divides the lot into two distinct expressions, owing to the expansive street frontage. The design has two floor elevations to further reinforce the smaller scale of the buildings.

In addition to collaborating with its Clinton Park neighbors and the Mission-Dolores Neighborhood Association, the Project Sponsor has enlisted the help of Upper Market Street housing specialists in order to create a unit mix that best suits the needs of this neighborhood. Guided by this input, the proposed 37 units include one-, two- and three-bedroom units with units sized 2-bedroom and more comprising an extraordinary 82% of the Project area and 73% of the number of units. The design of the 2-bedroom and 3-bedroom units allows for comfortable occupancy by multiple adults.

The Project will replace the unreinforced masonry structures that currently cover over 98% of the lot area. The height of the existing structures is approximately 27-33 feet tall, intruding into the mid-block open space. The current condition has 100% impermeable site coverage. The proposed Project will add a rear yard at grade which is a minimum of 35 feet and as much as 60 feet deep, providing additional light and air to its neighbors and a huge increase in water permeability. The proposed Project would also improve the public realm, replacing the existing large curb cuts with a project designed with front stoops and green setbacks that eliminate these curb cuts, except for the entrance to the underground garage.

Break down in Scale: In order to fit into the 25-35 foot scale, the design divides the front façade into two overall expressions, one horizontal and one more vertical. The floor levels also step with the site slope, further emphasizing the breakdown on the scale. Within the vertical section, the front elevation expression was further subdivided to be compatible with the 25 foot wide expression.

Contextual Housing Typology: The existing commercial structures break the architectural fabric of housing along Dolores Street. The Project repairs the street pattern by replicating the traditional development pattern of neighboring Victorians. The Project is set back from the front property line to allow for stoops and direct entry into the residential units from the street. Additionally, the Project breaks up what is a vast expanse of concrete with tailored front-yard greenery. The Project also proposes side yard setbacks that not only respect the lightwells of the adjacent properties but provide additional relief to the mass of the buildings as well.

The Project is necessary and desirable because:

(a) It will create 37 new dwelling units in an in-fill project within an established residential neighborhood, fulfilling zoning control standards, General Plan and Market-Octavia Plan policies that all encourage provision of new housing;

(b) The Project will make a significant contribution to the City's housing supply, and will also contribute to the affordable housing supply by providing six affordable units on-site;

(c) The Project will aesthetically enhance the neighborhood by creating units that open onto the street and will provide greenery and stoops to improve the pedestrian experience. Likewise the project will contribute to the rear yard pattern, removing a structure that covered 98% of the lot. The project will also provide side yard set backs respecting the neighboring property development. It will serve the environment by reclaiming for water absorption over one-third of what is now an entirely non-permeable surface.

(d) The Project proposes a better use of the existing Project Site by providing a less noxious and odorous use than the former garage use; and

(e) The design of the Project is compatible with the neighborhood character and **will provide a significant number of quality residential units suitable for families. 72% of the units and 82% of the project area will be either 2 or 3 bedroom units.** This is well in excess of the Code requirement of 40% 2 or 3 bedroom units.

(f) The Project Sponsor has worked collaboratively with its neighbors along Clinton Park and the Mission-Dolores Neighborhood Association to build consensus in support of this Project (see attached letters of support).

2. **Effect of Project on Health, Safety, Convenience or General Welfare.**

Planning Code Section 303(c)(2) requires that facts be established which demonstrate the following:

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

- (a) The nature of the proposed site, including its size and shape, and the proposed size, shape and arrangement of the structure.
- (b) The accessibility and traffic patterns for persons and vehicles, the type and volume of such traffic, and the adequacy of proposed offstreet parking and loading.
- (c) The safeguards afforded to prevent noxious or offensive emissions such as noise, glare, dust and odor.
- (d) Treatment given, as appropriate, to such aspects as landscaping, screening, open spaces, parking and loading areas, service areas, lighting and signs.

(a) **The Nature of the Project Site is appropriate for the Project**

The existing structures are incompatible with the residential character of the neighborhood. Instead of commercial use, the Project Site is better suited for multi-unit

residential development. The design of the proposed Project is compatible with the scale and context of the surrounding neighborhood and the Market-Octavia Plan controls.

(b) **Traffic Patterns will not be Affected by the Project and Parking**

The Project will provide 37 residential parking spaces. All of the parking spaces will be independently accessible and will be underground. Pursuant to the Market-Octavia Plan RTO controls, up to .75 parking spaces per unit are permitted as of right, and up to 1.0 space per unit is permitted with a conditional use authorization. With 37 residential units, 28 spaces would be permitted as of right for the residential uses, for a total of 29 spaces. The Project proposes 37 residential spaces, plus one car-share space and thus requires a conditional use authorization.

Providing 9 accessory parking spaces will not negatively impact the pedestrian experience, since the size and curb cut for the garage entrance will remain the same. Because of the number of older structures in the neighborhood that do not have parking and because the size of the proposed units, many neighbors have expressed the desire for the Project to provide a minimum of 9 additional spaces to accommodate the relatively large numbers of 2 and 3 bedroom units. The location of the curb cut and its size provides minimum disruption to the pedestrian experience. Unlike the majority of structures on this block, the first floor will provide more interest than the blank walls or garage entries that predominate in this neighborhood.

(c) **The Project will not Produce Noxious Emissions**

The Project will consist of high quality residential units. The proposed uses will not generate any noxious or offensive emissions, noise, glare, dust or odors.

(d) **Appropriate Treatment has been Given to Landscaping, Open Space, Parking, Loading, Service Areas and Lighting**

The proposed Project is intended to produce an environment where families can enjoy an attractive, safe and comfortable environment. Lighting along the building façade and at the street level, and installation of street trees, will be consistent with the neighborhood character. The Project appropriately locates family housing in an established residential neighborhood and increases the City's supply of housing. The Project's architectural design is compatible with the existing scale and character of the neighborhood.

The Sponsor proposes to plant green vegetation at the front of the Project. This will provide a buffer for the Project, while enhancing the pedestrian experience. The garage entry is kept to a minimum, with none of the garage level being visible from the public right of way. The location of the garage entry at the lowest segment of the site also minimizes its impact. The Project also provides a tiered rear yard with planting at grade. The location of unit fenestration on the rear façade is designed to maintain privacy for neighbors on Clinton Park.

The existing structures are incompatible with the residential character of the neighborhood. Instead of commercial use, The Project Site is better suited for multi-unit residential development. The project Site is located between 14th Street and Clinton Park, near Market Street. Currently the Project Site contains a garage, which will be eliminated as part of the proposed Project. The design of the proposed Project is compatible with the scale and context of the surrounding neighborhood and the RTO controls.

The Project provides a total of 37 off-street parking spaces, including one ADA van accessible space. All of the parking spaces will be independently accessible and will be screened from view from the street. The Project has been designed to comply with the RTO controls. Up to .75 parking spaces per unit are permitted as of right, and up to 1.0 space per unit with a conditional use authorization. Many neighbors have specifically requested additional parking, given that the older residential buildings in the neighborhood have limited parking, and parking on the street is scarce at best.

The Project will consist of high quality residential units. The proposed uses will not generate any noxious or offensive emissions, noise, glare, dust or odors. In fact, the proposed use will replace the existing garage, which may have generated offensive emissions, noise, or odors.

The proposed Project is intended to produce an environment where residents can enjoy an attractive, safe and comfortable environment. The Project has been designed to create an exceptional residential project in every respect. The Project will comply with open space requirements.

3. **Compliance with the General Plan.**

Planning Code Section 303(c)(3) requires that facts be established that demonstrate the following:

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

The Project will comply with the Planning Code and will affirmatively promote, is consistent with, and will not adversely affect the General Plan, including among others, the following objectives and policies:

Housing Element Objectives and Policies

The objectives and policies of the Residence Element of the General Plan encourage the provision of new housing, the affordability of housing and a quality living environment.

Housing Supply

Objective 1. 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 1.2. Encourage housing development, particularly affordable housing, in neighborhood commercial areas without displacing existing jobs, particularly blue-collar jobs or discouraging new employment opportunities.
- Policy 1.4. Locate in-fill housing on appropriate sites in established residential neighborhoods.
- Policy 1.7. Encourage and support the construction of quality, new family housing.

Housing Density, Design and Quality of Life

- Objective 11. In increasing the supply of housing, pursue place making and neighborhood building principles and practices to maintain San Francisco's desirable urban fabric and enhance livability in all neighborhoods.
- Policy 11.1. Use new housing development as a means to enhance neighborhood vitality and diversity.
- Policy 11.2. Ensure housing is provided with adequate public improvements, services, and amenities.
- Policy 11.5. Promote the construction of well-designed housing that enhances existing neighborhood character.
- Policy 11.8. Strongly encourage housing project sponsors to take full advantage of allowable building densities in their housing developments while remaining consistent with neighborhood character.

The Project facilitates the replacement of an incompatible and vacant commercial building in an established residential neighborhood with a much more desirable infill residential use. The Project appropriately locates housing units at a site zoned for residential use and increases the supply of housing. The Project's architectural design is compatible with the existing scale and character of the neighborhood.

The Project will contribute to the City's affordable housing supply by providing 4 BMR units onsite. The Project will create 37 new family housing units with 72% of the units being 2

or 3 bedrooms units, in an in-fill project within an established urban area, fulfilling existing zoning control standards, and General Plan policies that encourage provision of new housing.

Urban Design Element Objectives and Policies

The Project promotes the Urban Design Element's objectives and policies as follows:

City Pattern

- Objective 1. Emphasis of the characteristic pattern, which gives to the City and its neighborhoods an image, a sense of purpose and a means of orientation.
- Policy 1.2. Protect and reinforce the existing street pattern, especially as it is related to topography.
- Policy 1.3. Recognize that buildings, when seen together, produce a total effect that characterizes the City and its districts.

The Project Site is located in an established residential neighborhood. The Project will enhance the District by repairing a tear in the neighborhood fabric and reinforcing the urban nature of the street pattern. The Project will result in a more appropriate and community-oriented utilization of the Project Site than that of the existing vacant commercial building.

Neighborhood Environment

- Objective 4. Improvement of the neighborhood environment to increase personal safety, comfort, pride and opportunity.
- Policy 4.12. Install, promote and maintain landscaping in public and private areas.

The Project will improve neighborhood safety by providing pedestrian level interest and increasing the number of pedestrians in the neighborhood.

D. PROVISION OF OFF-STREET PARKING IN BASEMENT GARAGE

Pursuant to Planning Code Section 151.1(f), a conditional use is required for five of the spaces in the basement garage.

The Planning Code parking requirements are as follows:

For residential units, allowable parking is 0.75 spaces per unit as of right, and 1 space per unit with conditional use.

37 spaces are proposed for 37 residential units. In light of the lack of parking provided in older buildings in the neighborhood and scarce on-street parking, the parking spaces are justified.

Section 151.1(f) sets forth the criteria for consideration with respect to off-street parking above 0.75:1, as follows:

(1) Vehicle movement on or around the project does not unduly impact pedestrian spaces or movement, transit service, bicycle movement, or the overall traffic movement in the district;

Access to the underground garage is located on Dolores Street. There are no transit services on Dolores Street.

(2) Accommodating excess accessory parking does not degrade the overall urban design quality of the project proposal;

The parking is underground and therefore is not visible.

(3) All above-grade parking is architecturally screened and lined with active uses according to the standards and lined with active uses according to the standards of Section 145.1(c), and the project sponsor is not requesting any exceptions or variances requiring such treatment elsewhere in this Code; and

This criteria is not applicable – All parking is located with an underground garage, and therefore screening is not required.

(4) Excess accessory parking does not diminish the quality and viability of existing or planned streetscape enhancements.

The underground garage will remove the parking from the visible streetscape.

(5) Parking for Residential Uses.

For projects with 50 units or more, all residential accessory parking in excess of 0.5 spaces per unit shall be stored and accessed by mechanical stackers or lifts, valet, or other space-efficient means that reduce space used for parking and maneuvering, maximize other uses, and discourage the use of vehicles for commuting for daily errands.

Not applicable. The Project is less than 50 units.

E. DIFFICULT FINANCING CLIMATE IN CURRENT ECONOMIC RECESSION

Each family household in the Project is expected to own at least one vehicle and require parking. In the existing recession, most types of lending have disappeared, or been made much more difficult to obtain, and common sense dictates that it will be far more difficult to build family housing without adequate parking, which is a consistent demand not only of families, but also of federally-insured mortgage lenders.

Lenders are conservative in their approach, and will not finance or provide mortgages for

projects that lack parking. A residential unit without parking is difficult to sell or finance in the best of markets. Even those who walk to work or ride MUNI have vehicles that are used at night and on weekends, and people want a place to store their vehicle. Without lender financing both for construction and mortgages, family housing cannot be built or sold. Therefore, in order to obtain financing for the Project, and contribute up to 37 housing units to the City's housing stock, the requested parking is a prerequisite. Under current federal guidelines, it is also important for an aspiring homeowner seeking to obtain a mortgage.

The parking spaces will be unbundled from the units, thereby creating maximum flexibility.

F. THE PROPOSED PARKING WILL NOT AFFECT THE CITY'S TRANSIT FIRST POLICY

The City's Transit First policy is intended to prevent bringing additional cars from outside the City into the City by encouraging the use of public transit. That policy does not apply to this site. The cars owned by the occupants of the Project will not contribute to traffic during the commute hours because they do not need to be used for commuting to work. The Project will generate a parking demand of more than 37 residential parking spaces arising from the residents. During the week, it is anticipated that most residents will travel to work by walking, taking public transit such as BART or MUNI, or using taxicabs. However, the residents will require additional parking beyond that which is principally permitted as accessory parking because it is anticipated that each household will own a vehicle and generate a parking demand of at least one parking space. The spaces will be essentially underground car storage for weekend use, for most people.

There is very little available on-street parking in this area during the week. Residents must have the ability to park their vehicle within the building and to leave the vehicle parked for extended periods.

G. THE PROJECT SITE CAN ACCOMMODATE THE REQUESTED PARKING SPACES

The Project Site can readily accommodate the requested parking spaces in the underground garage. The location of the parking in an underground garage is a space-efficient means of providing parking. No above-ground or visible space will be used for parking.

H. THE PARKING WILL NOT HAVE ANY DETRIMENTAL EFFECT ON THE SURROUNDING AREA

The accessory parking will not have any detrimental effect on the surrounding area. To the contrary, if the parking is not approved, there would be additional demand for any existing on-street parking, and for public parking facilities, making parking more difficult for the neighbors and the general public. Moreover, the shortage of parking in the area will be further exacerbated by the proposed development of a large mixed-use project that includes a popular grocery store directly across the street from the Project. The Project Site provides an excellent

potential for much needed housing. The Project is within close proximity to existing business, cultural, and retail uses, thereby minimizing the need for the use of automobiles during daytime commuter hours. The Project Site is within easy and convenient walking distance to public transit.

I. ADDITIONAL PARKING CRITERIA – SECTION 157

Pursuant to Section 157, in considering any application for conditional use where the amount of parking exceeds the amount classified in Section 204.5 as accessory parking, the Planning Commission must consider the following additional criteria in addition to those set forth in Section 303(c):

(A) Demonstration that trips to the use or uses to be served, and the apparent demand for additional parking, cannot be satisfied by the amount of parking classified by this Code as accessory, by transit service which exists or is likely to be provided in the foreseeable future, by car pool arrangements, by more efficient use of existing on-street and off-street parking available in the area, and by other means;

(B) The absence of potential detrimental effects of the proposed parking upon the surrounding area, especially through unnecessary demolition of sound structures, contribution to traffic congestion, or disruption of or conflict with transit services;

(C) In the case of uses other than housing, limitation of the proposed parking to short-term occupancy by visitors rather than long-term occupancy by employees; and

(D) Availability of the proposed parking to the general public at times when such parking is not needed to serve the use or uses for which it is primarily intended.

a. The Project's Parking Demand Exceeds The Accessory Parking Allowed By The Code.

The Project will generate a parking demand of more than 37 parking spaces arising from the residents of the family housing units containing 68 bedrooms. The parking demand exceeds the parking allowed as of right by the Code. During the week, it is anticipated that most residents will travel to work by walking, taking public transit such as BART or MUNI, or using taxicabs. However, the residents will require additional parking beyond that which is allowed as accessory parking because it is anticipated that each household will desire to own a vehicle primarily for non-commuter purposes and generate a parking demand of at least one parking space. There is very little available on-street parking in this area during the week, and residents require the ability to park and store their vehicle for extended periods of time when the vehicles may remain unused.

b. The Additional Parking Will Not Have A Detrimental Effect On The Surrounding Area.

The additional parking will not have any detrimental effect on the surrounding area. To the contrary, if the parking is not approved, there would be an additional demand for the existing on-street parking and public parking facilities, making parking more difficult for the neighbors

and the general public. The shortage of parking in the area will be further exacerbated by the proposed development of a large mixed-use project that includes a popular grocery store directly across the street from the Project.

c. The Additional Parking Will Not Be Used By Employees.

Section 157(c) provides that the Commission must consider “[i]n the case of uses other than housing, limitation of the proposed parking to short-term occupancy by visitors rather than long-term occupancy by employees.” The Project Sponsor will limit the proposed residential parking to residents only.

d. Public Parking

The parking is not proposed to be public parking.

J. MASTER PLAN PRIORITY POLICIES

Code Section 101.1 establishes the following eight priority planning policies and requires review of permits for consistency with said policies. The Project and this Conditional Use application are consistent with each of these policies as follows:

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

The Project Site is a vacant former garage. There are no retail uses on the site, nor is retail allowed by Code in the RTO Zoning District.

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

No existing housing will be impacted. The Project Site is located within the RTO District which is a residential use district. The new dwelling units will provide opportunities for 37 families to live in the building. The Project will contribute to the neighborhood character and preserve and enhance the cultural and economic diversity of the neighborhood. The Project is compatible with the scale and design of the neighborhood within which the Project Site is located.

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

The Project will further this priority policy by creating 6 new affordable housing units within the Project itself.

4. That commuter traffic not impede Muni transit service or overburden our streets or neighborhood parking;

This is a residential Project, and will therefore not create significant new commuter traffic that could overburden local streets or neighborhood parking. Residential projects do not create jobs other than construction jobs, and therefore do not generate commuter traffic.

5. 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 replace the existing improvements that consist of a vacant former garage. The Project will contribute to a diverse economic base by providing a significant number of new residential dwelling units in San Francisco. By contributing to the City's housing supply, the Project will further help San Francisco increase housing opportunities for resident workers, and thereby maintain a diverse economic base. The Project does not include office uses.

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

The Project will conform to the structural and seismic requirements of the San Francisco Building Code and will replace an unreinforced masonry building.

7. That landmarks and historic buildings be preserved;

The Project Sponsor shall implement all mitigation measures set forth in the FEIR to mitigate any potential impacts.

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

The Project will not impact parks, open space, or their access to sunlight or vistas.

K. CONCLUSION

The proposed Project is the result of years of collaborative effort among the Project Sponsor, the Project's immediate neighbors and the Mission-Dolores Neighborhood Association. Offering a unit mix that was devised with the input of housing consultants and professionals who specialize in this residential district, the Project will provide 37 units of much needed family housing, three-fourths of which will be 2-bedroom and 3-bedroom units. It not only satisfies the criteria of the Planning Code and the Master Plan for approval of a Conditional Use but meets the needs of this neighborhood as well. The proposal furthers the objectives and policies of the City's Master Plan. It will repair the neighborhood's architectural fabric by adding character and interest to a site currently wasted with incompatible vacant commercial buildings. It will improve the environment by recapturing impermeable ground coverage for water absorption and

filtration. It will alleviate traffic congestion by alleviating the 30% of City driving spent circling for parking. (See **Exhibit C** attached).

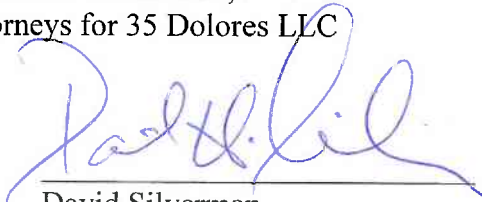
The Project has the support of the Mission-Dolores Neighborhood Association, with whom we have worked closely for several years on this Project. (See attached letter).

Thank you for your consideration.

Respectfully,

REUBEN & JUNIUS, LLP
Attorneys for 35 Dolores LLC

Dated: 3-22-11

By: 
David Silverman

LIST OF EXHIBITS

- Exhibit A – Project Plans and Elevations and Rendering of Project;
Photographs of Project Site and Project Block
- Exhibit B – Mission-Dolores Neighborhood Association Letter in Support of
Project
- Exhibit C – “Anti-Congestion Parking Technologies” (June 11, 2010), *Road
Traffic Technology*

Exhibit

A

35 DOLORES STREET

37 RESIDENTIAL UNITS, SAN FRANCISCO, CA



35 DOLORES STREET

SAN FRANCISCO, CA



35 DOLORES STREET
BLOCK/PARCEL/LOT:
#3534 069
SAN FRANCISCO, CA
PROJECT NO. 2006-10

DATE	SET ISSUE
06-24-09	PLANNING SUBMITTAL
11-04-09	PLANNING RE-SUBMITTAL

CONTACT:
TOBY LEVY
(415) 777-0561 P
(415) 777-5117 F

SCALE: AS NOTED

COVER SHEET

A0.0

ABBREVIATIONS	LEGEND	GENERAL NOTES	DRAWING INDEX												
<p>A/C AIR CONDITIONING</p> <p>ADJ. ADJUSTABLE</p> <p>AL.F. ABOVE FINISH FLOOR</p> <p>ALUM. ALUMINUM</p> <p>ALT. ALTERNATE</p> <p>APPROX. APPROXIMATELY</p> <p>ARCH. ARCHITECTURAL</p> <p>ACC.T. ACOUSTIC CEILING TILE</p> <p>B.B.D. TELEPHONE BACK BOARD</p> <p>B.L.D.G. BUILDING</p> <p>B.L.G. BLOCKING</p> <p>BOT. BOTTOM</p> <p>C./CL. CENTER LINE</p> <p>CAB. CABINET</p> <p>C.G. CORNER GUARD</p> <p>C.H.G. CHANGE</p> <p>C.D. CEILING</p> <p>C.D.S. CEILING DROPS</p> <p>C.M.U. CONCRETE MASONRY UNIT</p> <p>COL. COLLAR</p> <p>CONN. CONNECTION</p> <p>CONSTR. CONSTRUCTION</p> <p>CORR. CERAMIC TILE</p> <p>CTR. CENTER</p> <p>DET. DETAIL</p> <p>DIM. DIMENSION</p> <p>DRAW. DRAWING</p> <p>D.S. DOWN SPOUT</p> <p>(E) EXISTING</p> <p>EL. ELEVATION</p> <p>ELEC. ELECTRICAL</p> <p>ELEV. ELEVATOR</p> <p>EQ. EQUIPMENT</p> <p>EXPOS. EXPOSED</p> <p>EXT. EXTERIOR</p> <p>F.D. FLOOR DRAIN</p> <p>FIN. FINISH</p> <p>FLASH. FLASH</p> <p>FLOOR. FLOOR</p> <p>F.L.S. FACE OF FINISH</p> <p>F.P.F. FIREPROOF</p> <p>FUR. FURRING</p> <p>GA. GAGE</p> <p>GEN. GENERAL CONTRACTOR</p> <p>GR. GRADE</p> <p>GYP. BO GYPSUM BOARD</p> <p>H.B. HOSE BIB</p> <p>HC. HANDICAPPED</p> <p>H.C. HOLLOW CORE</p> <p>HWDR. HARDWARE</p> <p>HGT. HEIGHT</p> <p>HP. HIGH POINT</p> <p>H.P. HOUR</p> <p>H.W. HOT WATER</p> <p>INSUL. INSULATION/INSULATED</p> <p>INT. INTERIOR</p> <p>JAN. JANITOR</p> <p>JT. JOINT</p> <p>L.P. LOW POINT</p> <p>MAX. MAXIMUM</p> <p>M.C. MOTION CABINET</p> <p>M.D. MOTION DETECTOR</p> <p>MECH. MECHANICAL</p> <p>MIN. MINIMUM</p> <p>MTD. MOUNTED</p> <p>MTL. METAL</p> <p>(N) NEW</p> <p>N.C. NOT IN CONTRACT</p> <p>NO. NUMBER</p> <p>N.T.S. NOT TO SCALE</p> <p>OFF. OFFICE</p> <p>OPNG. OPENING</p> <p>OPN. OPEN</p> <p>O.T.B. OPEN TO BELOW</p> <p>PR. PAIR</p> <p>PLAM. PLASTIC LAMINATE</p> <p>PLYWD. PAINTED PLYWOOD</p> <p>P.O. PRIVATE OFFICE</p> <p>R. RISER</p> <p>R.D. ROOF DRAIN</p> <p>REQ. REQUIRED</p> <p>R.O. ROOM</p> <p>R.O. ROOM OPENING</p> <p>S.C. SOLID CORE</p> <p>STOR. STORAGE</p> <p>SHI. SHEET</p> <p>SHIL. SHIELD</p> <p>STR. STRUCTURAL</p> <p>T&G TREAD AND GROOVE</p> <p>T&C TREAD AND GROOVE</p> <p>T.O. TOP</p> <p>TYP. TYPICAL</p> <p>U.O.N. UNLESS OTHERWISE NOTED</p> <p>V.F. VERIFY IN FIELD</p> <p>W.P. WATERPROOF</p>	<p>DETAIL REFERENCE NUMBER</p> <p>SHEET WHERE DETAIL IS LOCATED</p> <p>DIRECTION OF SECTION VIEW</p> <p>INTERIOR SECTION IDENTIFICATION/ SHEET WHERE SECTION IS LOCATED</p> <p>SHEET WHERE ELEVATION IS LOCATED</p> <p>ELEVATION REFERENCE NUMBER</p> <p>DOOR SYMBOL</p> <p>WINDOW SYMBOL</p> <p>WALL / FLOOR TYPE SYMBOL</p> <p>ELEVATION DATUM</p> <p>CEILING HEIGHT</p> <p>REVISION SYMBOL</p> <p>ROOF DRAIN</p> <p>FLOOR DRAIN</p> <p>GAS HOOK-UP</p> <p>HOSE BIB</p> <p>WALL-MOUNTED INCANDESCENT SCONCE LIGHT FIXTURE</p> <p>WALL-MOUNTED COMPACT FLUORESCENT SCONCE LIGHT FIXTURE</p> <p>RECESSED INCANDESCENT LIGHT FIXTURE AT CEILING</p> <p>RECESSED COMPACT FLUORESCENT LIGHT FIXTURE AT CEILING</p> <p>SURFACE-MOUNTED COMPACT FLUORESCENT LIGHT FIXTURE AT CEILING</p> <p>COMBINATION EXHAUST FAN AND COMPACT FLUORESCENT LIGHT FIXTURE, RECESSED AT CEILING</p> <p>SURFACE-MOUNTED FLUORESCENT STRIP LIGHT FIXTURE, CEILING-MOUNTED (WITH LENGTH AS INDICATED)</p> <p>SURFACE-MOUNTED TRACK LIGHT FIXTURE, CEILING-MOUNTED (WITH LENGTH AS INDICATED)</p> <p>2'x4' SURFACE-MOUNTED FLUORESCENT LIGHT FIXTURE WITH WRAP AROUND LENS</p> <p>1'x4' SURFACE-MOUNTED FLUORESCENT LIGHT FIXTURE WITH WRAP AROUND LENS</p> <p>EMERGENCY LIGHT FIXTURE WITH BATTERY PACK, CEILING OR WALL-MOUNTED</p> <p>EXIT LIGHT FIXTURE WITH BATTERY BACK-UP, CEILING OR WALL-MOUNTED (WITH DIRECTIONAL ARROWS AS REQUIRED)</p> <p>CEILING-MOUNTED SMOKE DETECTOR</p> <p>GARBAGE DISPOSAL</p> <p>ONE-WAY SWITCH, MOUNTED AT +48" A.F.F., U.O.N.</p> <p>TWO-WAY SWITCH, MOUNTED AT +48" A.F.F., U.O.N.</p> <p>THREE-WAY SWITCH, MOUNTED AT +48" A.F.F., U.O.N.</p> <p>DUPLEX OUTLET, MOUNTED AT +15" A.F.F., U.O.N.</p> <p>DUPLEX OUTLET (WATERPROOF) MOUNTED AT +15" A.F.F., U.O.N.</p> <p>DUPLEX OUTLET, (DEDICATED) MOUNTED AT +15" A.F.F., U.O.N.</p> <p>DUPLEX OUTLET, WITH GROUND FAULT INTERRUPTOR, MOUNTED AT +44" A.F.F., U.O.N.</p> <p>DUPLEX OUTLET (FOR DISHWASHER), MOUNTED UNDER KITCHEN CABINET</p> <p>TELEPHONE JACK, MOUNTED AT +15" A.F.F., U.O.N.</p> <p>DATA JACK, MOUNTED AT +15" A.F.F., U.O.N.</p> <p>DOORBELL, MOUNTED AT +48" A.F.F., U.O.N.</p> <p>TELEVISION CABLE JACK, MOUNTED AT +15" A.F.F., U.O.N.</p>	<p>GENERAL CONDITIONS: AN DOCUMENT A201, GENERAL CONDITIONS FOR THE PERFORMANCE OF THE CONTRACT IS HEREBY INCORPORATED INTO THESE DRAWINGS AND SHALL BE CONSIDERED AS PART OF THE REQUIREMENTS FOR THE COMPLETION OF THE WORK.</p> <p>EXISTING CONDITIONS: CONDITIONS SHOWN ON THE DRAWINGS ARE AS SHOWN ON THE ORIGINAL DRAWINGS AND AS OBSERVED ON THE SITE, BUT THEIR ACCURACY IS NOT GUARANTEED. THE CONTRACTOR SHALL VERIFY ALL DIMENSIONS AND CONDITIONS AT THE SITE. ANY DISCREPANCIES SHALL BE REPORTED TO ARCHITECT PRIOR TO PROCEEDING WITH THE WORK. NOTE: DIMENSIONS SHALL TAKE PRECEDENCE OVER SCALE OF THE DRAWINGS.</p> <p>PERMITS: THE CONTRACTOR SHALL OBTAIN AND PAY ALL CITY AND/OR COUNTY FEES RELATING TO PROJECT, EXCEPTING THE GENERAL PERMIT, WHICH IS THE RESPONSIBILITY OF THE OWNERS' AND IS REIMBURSABLE TO THE G.C.</p> <p>CODES: ALL WORK SHALL BE DONE IN COMPLIANCE WITH ALL APPLICABLE CODES, INCLUDING BUT NOT LIMITED TO: UNIFORM BUILDING CODES, NATIONAL ELECTRICAL, MECHANICAL, AND PLUMBING CODES, HEALTH DEPARTMENT REGULATIONS, FIRE AND SAFETY CODES, CITY AND/OR COUNTY ORDINANCES AND REGULATIONS AND OTHER CODES GOVERNING CONSTRUCTION.</p> <p>SITE RESPONSIBILITY: IN ACCORDANCE WITH GENERALLY ACCEPTED CONSTRUCTION PRACTICES, THE CONTRACTOR WILL BE SOLELY AND COMPLETELY RESPONSIBLE FOR CONDITIONS ON THE JOB SITE, INCLUDING HEALTH AND SAFETY OF ALL PERSONS AND PROPERTY DURING PERFORMANCE OF THE WORK. CONTRACTOR TO LIMIT TRAFFIC AND ACCESS TO THOSE AREAS WHERE WORK IS PERFORMED.</p> <p>CLEAN UP AND REPAIRS: THE CONSTRUCTION SITE SHALL BE MAINTAINED IN AN ORDERLY MANNER AT ALL TIMES WITH ALL DEBRIS REMOVED AT THE END OF THE EACH DAY. AT THE COMPLETION OF THE CONSTRUCTION REMOVE ALL EXCESS MATERIALS AND REFUSE FROM SITE. LEAVE ALL SURFACES WITHIN CONSTRUCTION SITE FREE FROM DUST, DIRT AND STAINS. THE CONTRACTOR SHALL REPAIR OR REPLACE ANY SURFACES OR ITEMS DAMAGED BY CONSTRUCTION TO THE SATISFACTION OF THE ARCHITECT AND OWNER.</p> <p>PATCHING: PROPERLY PREPARE SURFACES FOR RECEIVING THE SPECIFIED FINISHES INCLUDING PATCHING OF SURFACES ALTERED BY CONSTRUCTION. ON PATCHED AREAS OR AREAS WHERE A FINISH IS NOT SPECIFIED, THE FINISH SHALL MATCH ADJACENT MATERIAL IN CONSTRUCTION, COLOR AND TEXTURE.</p> <p>ALL WORK NOTED "N.I.C." OR NOT IN CONTRACT IS TO BE PROVIDED BY A CONTRACTOR OTHER THAN THE GENERAL CONTRACTOR.</p> <p>"ALIGN" AS USED IN THESE DOCUMENTS SHALL MEAN TO ACCURATELY LOCATE FINISH FACES ON THE SAME PLANE.</p> <p>"TYPICAL" AS USED IN THESE DOCUMENTS SHALL MEAN THAT THE CONDITION IS THE SAME OR REPRESENTATIVE FOR SIMILAR CONDITIONS THROUGHOUT, U.O.N.</p> <p>DETAILS ARE USUALLY KEYS AND NOTED "TYPICAL" ONLY ONCE, WHEN THEY FIRST OCCUR, AND ARE REPRESENTATIVE FOR SIMILAR CONDITIONS THROUGHOUT, U.O.N.</p> <p>SCHEDULE: UPON SUBMITTAL OF THE FINAL CONSTRUCTION COSTS, THE CONTRACTOR SHALL ALSO SUBMIT A CONSTRUCTION SCHEDULE INDICATING THE REQUIRED CONSTRUCTION TIME FOR ALL SUBCONTRACTORS AND CONTRACTOR'S WORK AND A COST-BY-TRADE BREAKDOWN FOR USE IN SCHEDULING AND EVALUATING PAY REQUESTS.</p> <p>SUBSTITUTIONS: SUBSTITUTIONS, REVISIONS, OR CHANGES MUST HAVE APPROVAL BY THE ARCHITECT PRIOR TO PROCEEDING WITH THE WORK.</p> <p>DAMAGE: THE CONTRACTOR SHALL REPAIR OR REPLACE ANY SURFACES OR ITEMS DAMAGED BY CONSTRUCTION TO THE SATISFACTION OF THE ARCHITECT OR OWNER.</p> <p>GUARANTEES: THE CONTRACTOR SHALL GUARANTEE THAT THE PROJECT WILL BE FREE OF DEFECTS OF WORKMANSHIP AND MATERIALS FOR A PERIOD OF ONE YEAR FROM THE DATE OF ACCEPTANCE BY THE OWNER. NO WORK DEFECTIVE IN CONSTRUCTION OR QUALITY DEFICIENT IN ANY REQUIREMENT OF THE DRAWINGS OR NOTES WILL BE ACCEPTABLE IN CONSEQUENCE OF THE OWNER'S OR ARCHITECT'S FAILURE TO POINT OUT DEFECTS OR DEFICIENCIES DURING CONSTRUCTION. DEFECTS OF WORKMANSHIP OR MATERIALS REVEALED WITHIN A PERIOD OF ONE YEAR FROM THE ACCEPTANCE SHALL BE REPLACED BY WORK CONFORMING WITH THE INTENT OF THE CONTRACT AT NO COST TO THE OWNER. NO PAYMENT, EITHER PARTIAL OR FINAL, SHALL BE CONSIDERED AS AN ACCEPTANCE OF DEFECTIVE WORK.</p> <p>COLUMN CENTERLINES (ALSO REFERRED TO AS GRIDLINES) ARE SHOWN FOR DIMENSIONAL PURPOSES. (REFER TO BASE BUILDING DRAWINGS FOR EXACT LOCATIONS).</p>	<p>GENERAL</p> <p>A0.0 COVER SHEET</p> <p>A0.1 SITE PHOTOS</p> <p>CIVIL</p> <p>C-1 CIVIL SURVEY</p> <p>ARCHITECTURAL</p> <p>A1.0 SITE PLAN</p> <p>A2.0 FLOOR PLAN: BASEMENT</p> <p>A2.1 FLOOR PLAN: GROUND FLOOR</p> <p>A2.2 FLOOR PLAN: FLOOR 2</p> <p>A2.3 FLOOR PLAN: FLOOR 3 - 4</p> <p>A3.0 3D & RENDERED IMAGES</p> <p>A3.1 EXTERIOR ELEVATIONS</p> <p>A3.2 EXTERIOR ELEVATIONS</p> <p>A4.0 BUILDING SECTIONS</p>												
		<p>AREA MAP</p>	<p>UNIT COUNT</p> <p>PROPOSED (37) RESIDENTIAL UNITS:</p> <table border="1"> <thead> <tr> <th>TYPE</th> <th>COUNT</th> </tr> </thead> <tbody> <tr> <td>1 BEDROOM + 1 BATH</td> <td>(7)</td> </tr> <tr> <td>1 BEDROOM + 1 BATH + DEN</td> <td>(3)</td> </tr> <tr> <td>2 BEDROOM + 2 BATH</td> <td>(11)</td> </tr> <tr> <td>2 BEDROOM + 2 BATH + DEN</td> <td>(12)</td> </tr> <tr> <td>3 BEDROOM + 2 BATH</td> <td>(4)</td> </tr> </tbody> </table>	TYPE	COUNT	1 BEDROOM + 1 BATH	(7)	1 BEDROOM + 1 BATH + DEN	(3)	2 BEDROOM + 2 BATH	(11)	2 BEDROOM + 2 BATH + DEN	(12)	3 BEDROOM + 2 BATH	(4)
TYPE	COUNT														
1 BEDROOM + 1 BATH	(7)														
1 BEDROOM + 1 BATH + DEN	(3)														
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2 BEDROOM + 2 BATH + DEN	(12)														
3 BEDROOM + 2 BATH	(4)														
		<p>CONTACT LIST</p> <p>OWNER</p> <p>LIGHTNER PROPERTY GROUP 612 HOWARD STREET #300 SAN FRANCISCO, CA 94105 415/267-2900 X114 www.lightnrgroup.com</p> <p>CONTACT: BILL LIGHTNER</p> <p>ARCHITECT</p> <p>LEVY DESIGN PARTNERS 90 SOUTH PARK SAN FRANCISCO, CA 94107 415/777-0561 415/777-5117 FAX</p> <p>CONTACT: TOBY LEVY FRANCO ZARAGOZA</p> <p>SURVEY</p> <p>LEA & BRAZE ENGINEERING, INC. 2495 INDUSTRIAL PARKWAY WEST 510/887-4088 510/887-3019 FAX</p> <p>CONTACT:</p>	<p>DRAWING INDEX</p> <p>GENERAL</p> <p>A0.0 COVER SHEET</p> <p>A0.1 SITE PHOTOS</p> <p>CIVIL</p> <p>C-1 CIVIL SURVEY</p> <p>ARCHITECTURAL</p> <p>A1.0 SITE PLAN</p> <p>A2.0 FLOOR PLAN: BASEMENT</p> <p>A2.1 FLOOR PLAN: GROUND FLOOR</p> <p>A2.2 FLOOR PLAN: FLOOR 2</p> <p>A2.3 FLOOR PLAN: FLOOR 3 - 4</p> <p>A3.0 3D & RENDERED IMAGES</p> <p>A3.1 EXTERIOR ELEVATIONS</p> <p>A3.2 EXTERIOR ELEVATIONS</p> <p>A4.0 BUILDING SECTIONS</p>												
		<p>PLANNING / BUILDING CODE DATA</p> <p>ADDRESS: 25-35 DOLORES STREET, SAN FRANCISCO, CA 94103</p> <p>A.P.N.: 3534/069</p> <p>BLOCK/LOT#: 140'-0" X 140'-0" = 19,800 SF</p> <p>LOT SIZE: 140'-0" X 140'-0" = 19,800 SF</p> <p>ZONING DISTRICT: RM-2 / RTO</p> <p>GENERAL PLAN: MARKET & OCTAVIA NEIGHBORHOOD</p> <p>CODES: 2007 CALIFORNIA BUILDING CODE (CBC) 2008 SAN FRANCISCO PLANNING CODE (SFPD)</p> <p>SCOPE OF WORK: NEW CONSTRUCTION OF 4-STORY BUILDING, 37 RESIDENTIAL UNITS OVER BASEMENT FLOOR PARKING</p> <p>ALLOWABLE DENSITY: 19,800 SF / 600 = 32.67 UNITS A CONDITIONAL USE WILL ALLOW: 19,800 SF / 400 = 49 UNITS</p> <p>PROPOSED: 37 UNITS TOTAL *CONDITIONAL USE REQUESTED</p> <p>PARKING: ALLOWED = .75 PARKING SPACES/UNIT; UNDER A CONDITIONAL USE PARKING MAY BE UP TO 1 PARKING SPACE/UNIT; PROVIDED 1:1 FOR A TOTAL OF 37 PARKING SPACES + ONE ADDITIONAL PUBLIC SHARE SPACE, PER SFPD 151.1; CONDITIONAL USE REQUESTED</p> <p>9 STANDARD SPACES AT 8'-6" X 18'-0" 20 COMPACT SPACES AT 7'-6" X 18'-0" (765)**</p> <p>**INCLUDE 1 ADA SPACE **INCLUDE 1 PUBLIC SHARE SPACE</p> <p>(SAN FRANCISCO PLANNING CODE) MULTIFAMILY DWELLING UNITS UP TO 50 DWELLINGS REQUIRE 1:2 UNITS = 19 REQ'D; 19 CLASS 1 PROVIDED IN SECURED AREA IN BASEMENT GARAGE, PER SFPD 155.5</p> <p>SETBACKS: FRONT: AVERAGE OF NEIGHBORING SETBACKS PER SFPD 132, CBC 1633 - NONE REQUIRED REAR: 30% OF REAR REQUIRED; ALLOWED BY LETTER OF DETERMINATION; SHEET A0.1</p> <p>SIDE: AVERAGE OF NEIGHBORING SETBACKS PER SFPD 132, CBC 1633</p> <p>REQ'D OPEN SPACE: 100 SF OF PRIVATE PER UNIT AND/OR COMMON USABLE OPEN SPACE RATIO = 1.33 [(100X1.33) X (37-10)] - 250 = 3,341 SF REQ.</p> <p>PROVIDED OPEN SPACE: 10 UNITS THAT MEET THE PRIVATE OPEN SPACE REQUIREMENTS 4 UNITS CONTRIBUTING TO OPEN SPACE REQUIREMENT PROVIDING A TOTAL OF = 2958'</p> <p>TOTAL COMMON OPEN SPACE PROVIDED: 3,350 SF (3,350 AT REAR YARD)</p> <p>BUILDING HEIGHT: PROPOSED HEIGHT = 40'-0" [40'-0" MAX PER SFPD 250]</p> <p>STREET TREES: 6 STREET TREES PROVIDED ON 35 DOLORES STREET</p> <p>UTILITY EQUIP LOCATION: UTILITY EQUIP SHIELDING REQ'D; ELECTRICAL METERS AND PG&E ROOM LOCATED IN BASEMENT LEVEL AT 35 DOLORES</p> <p>CONSTRUCTION TYPE: R-2 (RESIDENTIAL) TYPE VA S-2 (GARAGE) TYPE IA</p> <p>CONDITIONAL USE REQUIRED DUE TO LOT SIZE:</p> <ul style="list-style-type: none"> ALLOWABLE DENSITY ALLOWABLE PARKING <p>VARANCE REQUEST: REAR YARD CONFIGURATION</p>	<p>BUILDING HEIGHT:</p> <p>BUILDING TYPE: IA / VA</p> <p>ALLOWABLE BUILDING HEIGHT PER SAN FRANCISCO PLANNING CODE: 40'-0" MAX</p> <p>TOTAL ALLOWABLE BUILDING HEIGHT FOR TYPE IIA BLDGS. PER [CBC TABLE 503]: 50'-0" MAX</p> <p>ACTUAL BUILDING HEIGHT: 40'-0"</p> <p>NUMBER OF STORIES:</p> <p>NOTE: PER CBC SECTION 509.2, TYPE IA, S-2/M AND TYPE VA, R-2 ARE CONSIDERED SEPARATE BUILDINGS WHEN SEPARATED BY 3 HR RATED CONSTRUCTION.</p> <p>BASEMENT LEVEL:</p> <p>TOTAL ALLOWABLE NUMBER OF STORIES FOR TYPE IA, S-2 BLDGS. PER [CBC TABLE 503]: UNLIMITED</p> <p>ACTUAL NUMBER OF STORIES: 1 STORIES</p> <p>GROUND LEVEL-4TH LEVELS:</p> <p>ALLOWABLE NUMBER OF STORIES FOR TYPE VA, R-2 BLDGS. PER [CBC TABLE 503]: 3 STORIES</p> <p>ONE ADDITIONAL STORY IS ALLOWED PER [CBC SECT. 504.2], WITH THE USE OF AN APPROVED AUTOMATIC SPRINKLER SYSTEM, USED THROUGHOUT ENTIRE BUILDING. +1 STORY</p> <p>TOTAL ALLOWABLE NUMBER OF STORIES: 4 STORIES</p> <p>ACTUAL NUMBER OF STORIES: 4 STORIES</p> <p>BUILDING AREA:</p> <p>NOTE: PER CBC SECTION 509.2, TYPE IA, S-2 AND TYPE VA, R-2 ARE CONSIDERED SEPARATE BUILDINGS WHEN SEPARATED BY 3 HR RATED CONSTRUCTION.</p> <p>BASEMENT LEVEL (TYPE IA, S-2):</p> <p>ALLOWABLE AREA FOR TYPE IA, S-2 BLDGS. PER [CBC TABLE 503]: UNLIMITED</p> <p>ACTUAL AREA @ BASEMENT (S-2): 13,200 SF</p> <p>GROUND FLOOR-FOURTH FLOOR (TYPE VA, R-2):</p> <p>TABULAR ALLOWABLE AREA FOR TYPE VA, R-2 BLDGS. PER [CBC TABLE 503]: 12,000 SF</p> <p>AREA MODIFICATIONS:</p> <p>ALLOWABLE AREA PER STORY: $A_m = [A + (Abd)] + [A00a]$</p> <p>PERIMETER = 575FT $A_m = [12000 + [12000 \times 0.03] + [12000 \times 2]]$</p> <p>ACTUAL AREA @ BASEMENT (S-2): 13,200 SF</p> <p>AREA DETERMINATION:</p> <p>3X ALLOWABLE AREA (A₀) PER STORY FOR BLDG. 3 STORIES ABOVE THE GROUND PLANE PER [CBC SECTION 508.4(2)] $A_0 \times 3 =$ ALLOWABLE BUILDING AREA</p> <p>ALLOWABLE (R-2) BUILDING AREA = 108,080 SF</p> <p>ACTUAL AREA (R-2) = 51,584 SF</p>												



25 - 35 DOLORES

1 EXISTING STREET ELEVATION



2 LOOKING DOWN DOLORES STREET FROM MARKET STREET



**SAN FRANCISCO
PLANNING DEPARTMENT**

August 13, 2007

David Silverman
Reuben & Junius, LLP
1 Bush Street Suite 600
San Francisco, CA 94104

RE: **LETTER OF DETERMINATION
ADDRESS: 25-35 DOLORES STREET
ZONING DISTRICT: RM-2 (RESIDENTIAL MIXED, MODERATE-DENSITY)
BLOCK: 2534; LOT: 069**

Dear Mr. Silverman:

Planning Department staff has reviewed your letter dated July 27, 2007, requesting a determination as to what the rear yard requirement is for the subject property pursuant to Section 134 of the Planning Code. The subject lot measures 140-feet in width and 140-feet in depth and is within a RM-2 zoning district. The lot is one of the largest lots on this block and extends 60-feet deeper than the adjacent lot to the north (lot 31). The adjacent lot to the south (lot 26A) also extends 140-feet in depth. The adjacent properties to the north and south (lots 31 and 26A) are also within the RM-2 zoning district. Your letter states that the existing building on lot 31 extends 75'-2" in depth, providing a rear yard depth that is equal to 6% of the total lot depth and the existing building on lot 26A extends 111'-3" 5" in depth, providing a rear yard depth that is equal to 20.5% of the total lot depth.

Below is a list of applicable Code requirements:

- Pursuant to Section 134(a) and (c) of the Planning Code, the minimum rear yard depth for a property within the RM-2 District shall be equal to 45% of the total depth of the lot on which the building is situated. The forward edge of the required rear yard shall be reduced to a line on the subject lot that is an average between the depths of the rear building walls of the two adjacent buildings. However, under no circumstances shall the minimum rear yard be reduced to less than a depth equal to 25% of the total depth of the lot, or to less than 15-feet, whichever is greater. Any adjacent building wall used for averaging must occupy at least 1/4 the width of the lot and have a height of at least 20-feet above grade or two-stories, whichever is less.
- For special lot situations, as described in Section 134(c)(4)(B), lots that abut along one of its side lot lines upon a lot with a building that fronts on another street, the lot on which it so abuts shall be disregarded, and the forward edge of the required rear yard shall be reduced to a line on the subject lot which is at the depth of the rear building wall of the one adjacent building fronting on the same street. However, under no circumstances shall the minimum rear yard depth be reduced to a depth equal to 25% of the total depth of the lot, or to less than 15-feet, whichever is greater.
- If a reduction in the required rear yard is permitted pursuant to Planning Code Section 134(c)(2), the reduction may alternatively be averaged in an irregular manner, provided that the area of the

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Suite 400
San Francisco, CA 94103-2439
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Fax: 415.358.6409
Planning Information: 415.358.6377

David Silverman
25-35 Dolores Street
Block: 2534; Lot: 069
August 13, 2007
Page 2

resulting reduction shall be no more than the product of the width of the subject lot along the required rear yard line established using averaging. Provided further that all portions of the open area on the part of the lot where the rear yard reduction applies shall be directly laterally exposed to the open area behind the adjacent building having the lesser depth of its rear building wall.

Based on the aforementioned information, I have made the following determination:

- The basic rear yard requirement for the subject property is 45% of lot depth which is 63-feet measured from the rear property line. The forward edge of the rear yard can be reduced to a line on the subject lot that is an average between the depths of the rear building walls of the two adjacent buildings. The Code specifies the method of measurement as the "depths of the rear walls" and not the percentage of lot coverage. Therefore it is the location of the adjacent buildings' rear walls that shall be averaged relative to the subject property. Based upon the correct method measurement, the required rear yard for the subject property is 46'-9" (33% of lot depth) and not 35' (25% of lot depth) as you suggested.
- Planning Code Section 134(c)(4)(B) is not applicable for the calculation of the rear yard requirement for the subject property because the adjacent properties to the north and south (lots 31 and 26A) have buildings that front on the same street (Dolores Street) as the subject property.
- Planning Code Section 134(c)(2) would allow you to voluntarily provide a deeper rear yard that is exposed to lot 32. This alternative would maintain buildable area and also benefit the property owners of lot 32 by providing greater connection to the mid-block open space.

Should you have any questions about the contents of this letter, please contact Michael Smith at (415) 558-6322. If you believe that this determination represents an error in interpretation of the Planning Code or abuse of discretion by the Zoning Administrator, an appeal may be filed with the Board of Appeals within 15 days of the date of this letter. For information regarding the appeals process, please contact the Board of Appeals located at 1660 Mission Street, Room 3036, San Francisco, or call (415) 575-6880.

Sincerely,

Lawrence B. Badiner
Zoning Administrator

cc: Michael Smith, Planner

MFG 0: WPS1 D:\mfm\mfg\070825 25 Dolores St.dwg
JAN 2008
PLANNING DEPARTMENT



**35 DOLORES STREET
SAN FRANCISCO, CA**



35 DOLORES STREET
BLOCK/PARCEL/LOT:
#3534 069
SAN FRANCISCO, CA
PROJECT NO. 2006-10

DATE	SET ISSUE
06-24-08	PLANNING SUBMITTAL
11-03-08	PLANNING RE-SUBMITTAL

CONTACT:

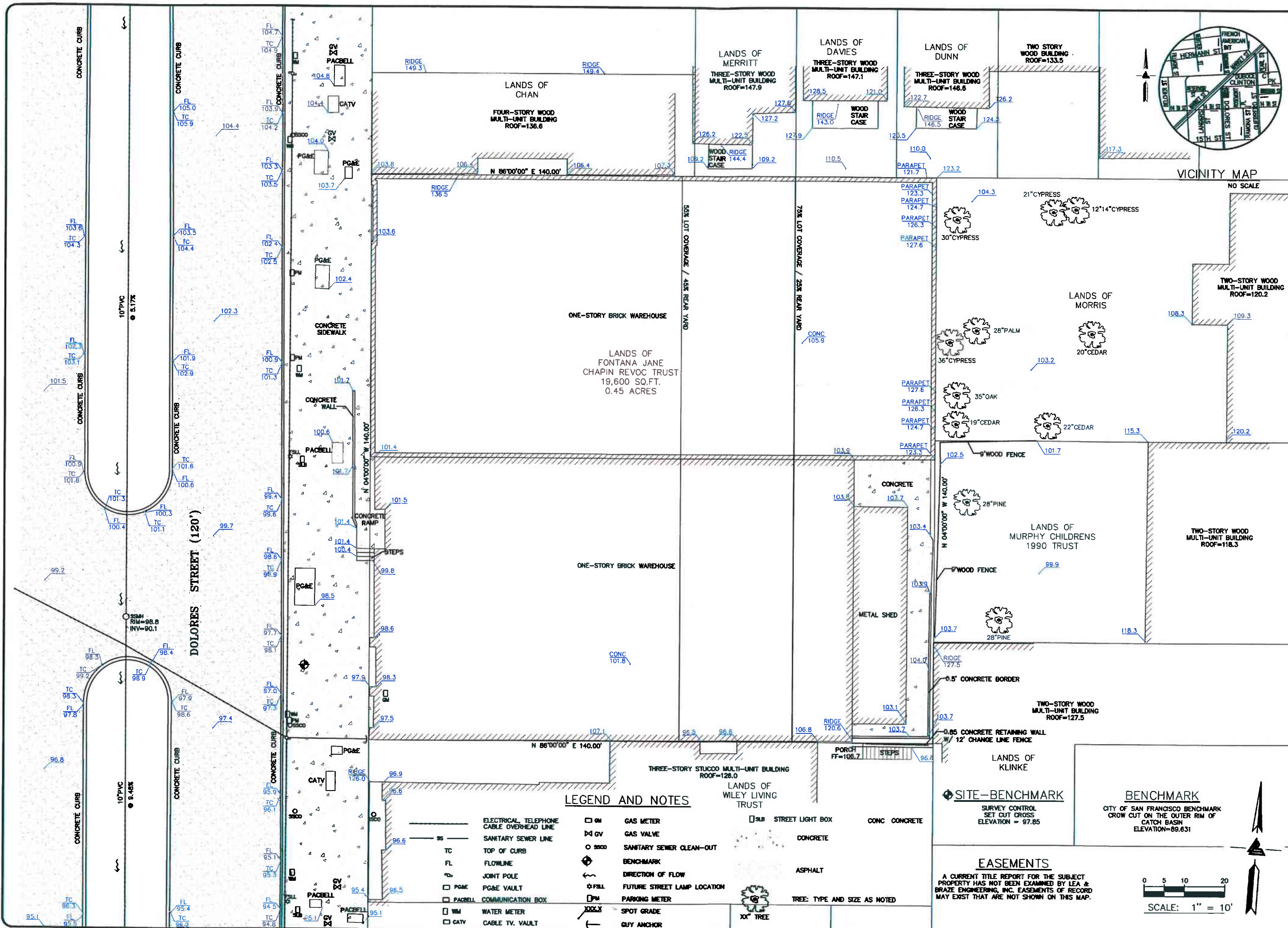
TOBY LEVY

(415) 777-0561 P
(415) 777-5117 F

SCALE: AS NOTED

**SITE PHOTOS
& LETTER OF
DETERMINATION**

A0.1

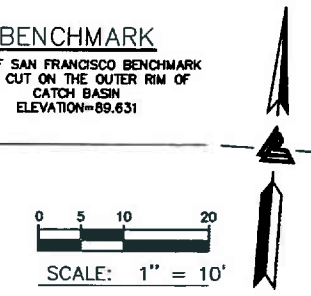


LEA & BRAZE ENGINEERING, INC.
 CIVIL ENGINEERS - LAND SURVEYORS
 2495 INDUSTRIAL PARKWAY WEST
 HAYWARD, CALIFORNIA 94545
 (510) 887-4088
 FAX (510) 887-3019
 WWW.LEABRAZE.COM

**25 DOLORES STREET
 SAN FRANCISCO, CALIFORNIA**

TOPOGRAPHIC SURVEY

REVISIONS	BY
JOB NO: 2060455	
DATE: 08-08-06	
SCALE: 1" = 10'	
DRAWN BY: CB	
SHEET NO: 1	
OF 1 SHEETS	



LEGEND AND NOTES

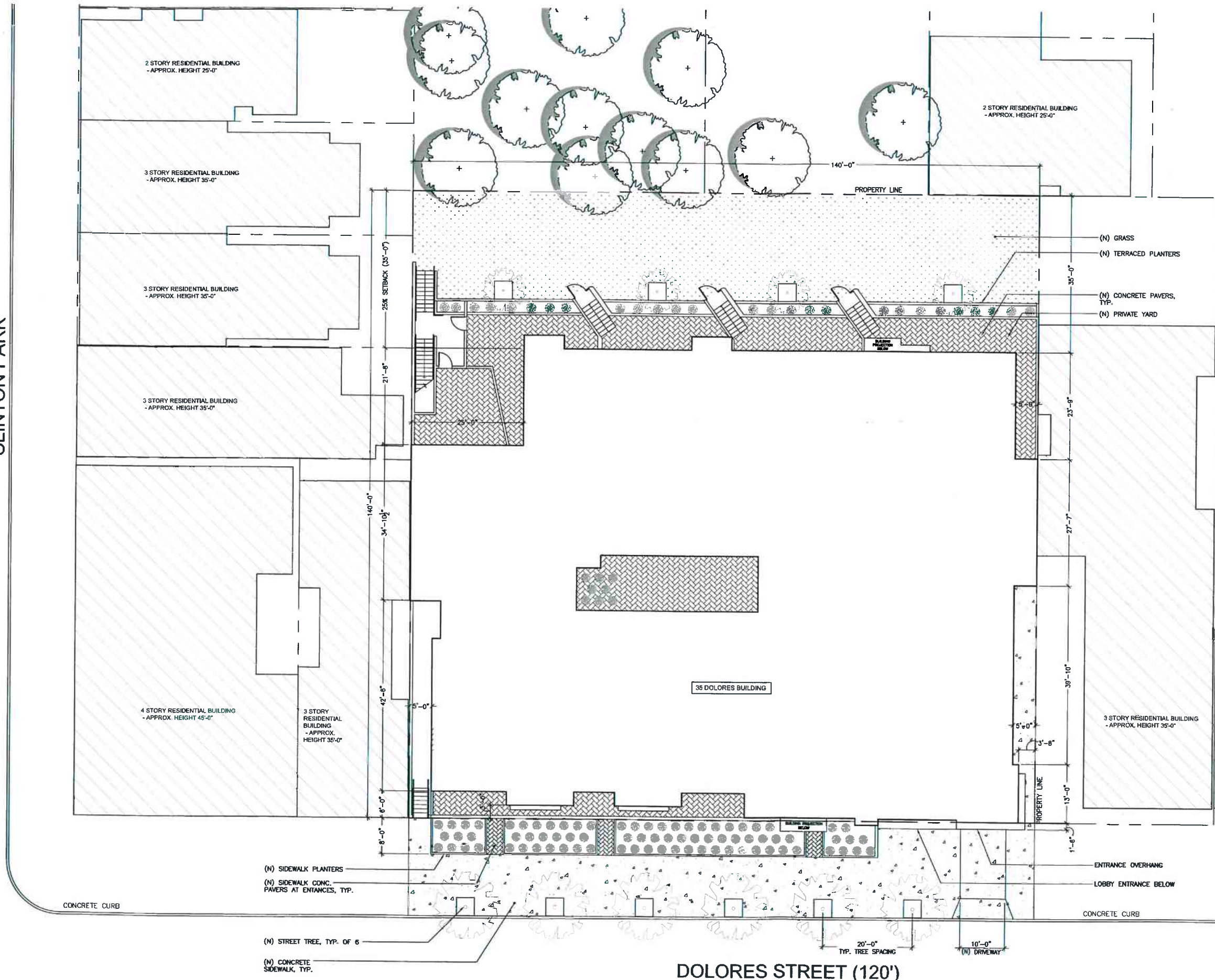
—	ELECTRICAL, TELEPHONE, CABLE OVERHEAD LINE	□ WM	GAS METER	□ SUB	STREET LIGHT BOX	CONC	CONCRETE
—	SANITARY SEWER LINE	⊗ GV	GAS VALVE				
TC	TOP OF CURB	○ SSO	SANITARY SEWER CLEAN-OUT				
FL	FLOWLINE	⊕	BENCHMARK				
⊕	JOINT POLE	←	DIRECTION OF FLOW				
□ PG&E	PG&E VAULT	⊕ FLL	FUTURE STREET LAMP LOCATION				
□ PACBELL	COMMUNICATION BOX	⊕ PM	PARKING METER				
□ WM	WATER METER	⊕ SG	SPOT GRADE				
□ CATV	CABLE TV. VAULT	—	GUY ANCHOR				
		⊕	TREE				TREE: TYPE AND SIZE AS NOTED

⊕ SITE-BENCHMARK
 SURVEY CONTROL SET OUT CROSS ELEVATION = 97.85

BENCHMARK
 CITY OF SAN FRANCISCO BENCHMARK SET OUT CROSS ELEVATION = 89.631

EASEMENTS
 A CURRENT TITLE REPORT FOR THE SUBJECT PROPERTY HAS NOT BEEN EXAMINED BY LEA & BRAZE ENGINEERING, INC. EASEMENTS OF RECORD MAY EXIST THAT ARE NOT SHOWN ON THIS MAP.

CLINTON PARK



- NOTES:**
1. SEE FLOOR PLANS A2.0-3 FOR SPECIFIC DIMENSIONS OF PRIVATE AND GROUP OPEN SPACE DECKS.
 2. SEE COVERSHEET A0.0 FOR MORE INFORMATION REGARDING THE PROJECT'S COMPLIANCE WITH OPEN SPACE REQUIREMENTS.
 3. SEE BASEMENT FLOOR PLAN A2.0 FOR PARKING GARAGE LAYOUT.



**35 DOLORES STREET
SAN FRANCISCO, CA**



35 DOLORES STREET
BLOCK/PARCEL/LOT:
#3534 069
SAN FRANCISCO, CA
PROJECT NO. 2006-10

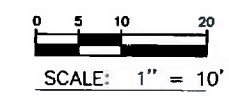
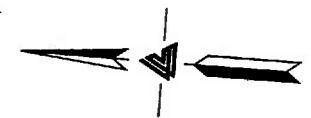
DATE	SET ISSUE
05-24-09	PLANNING SUBMITTAL
11-XX-09	PLANNING RE-SUBMITTAL

CONTACT:
TOBY LEVY
(415) 777-0561 P
(415) 777-5117 F

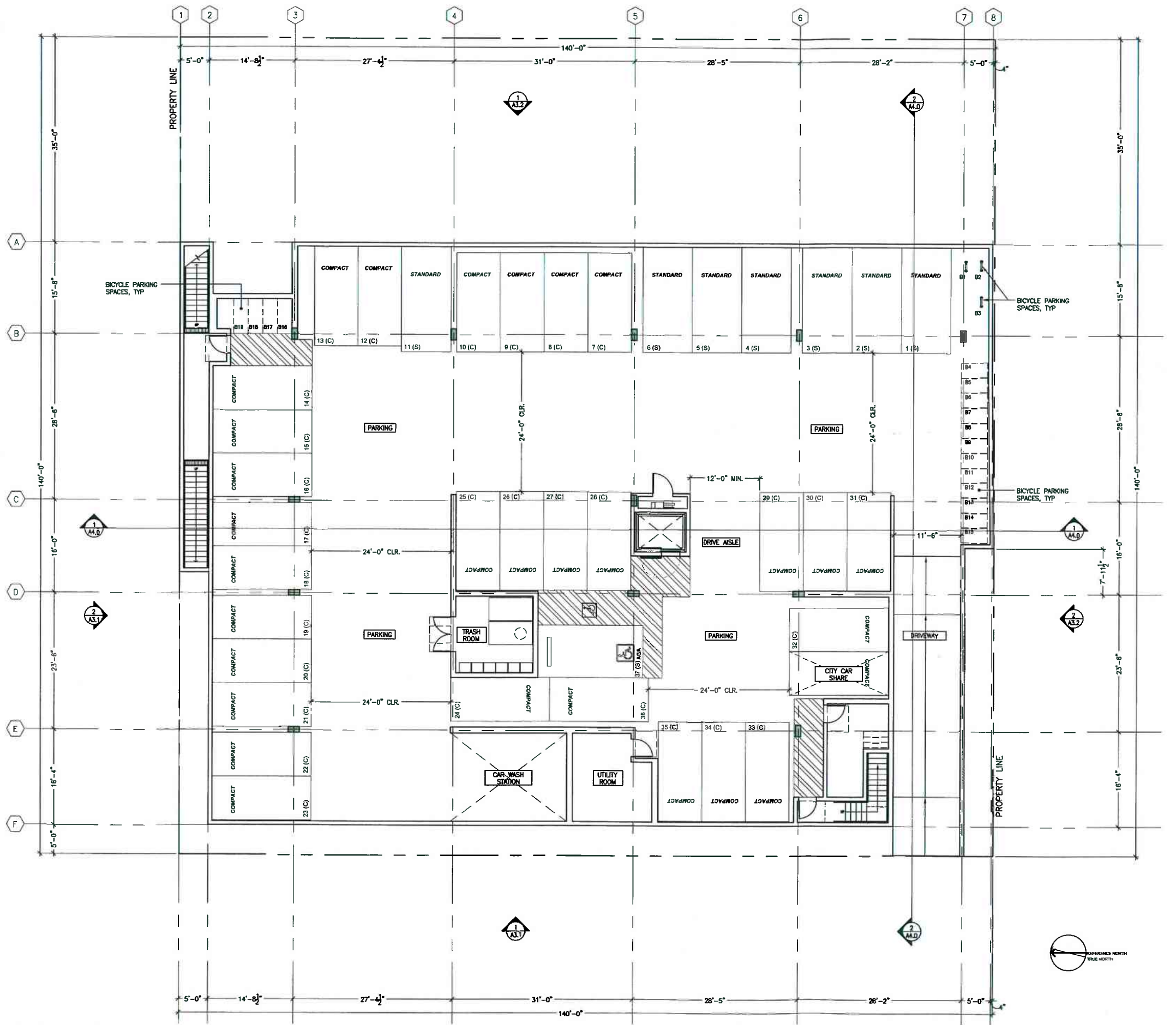
SCALE: AS NOTED

SITE PLAN

A1.1



DOLORES STREET (120')



1 FLOOR PLAN: BASEMENT
1/8"=1'-0"

GENERAL

35 DOLORES STREET IS A PROPOSED FOUR STORY BUILDING TO INCLUDE (37) NEW RESIDENTIAL UNITS.

PARKING COUNT:

37 PARKING SPACES FOR 1:1 PARKING
 8 STANDARD PARKING SPACES (INCLUDES 1 ADA SPACE)
 29 COMPACT PARKING SPACES

+ 1 CITY CAR SHARE PARKING SPACE (COMPACT SPACE)

19 BICYCLE SPACES PROVIDED



35 DOLORES STREET SAN FRANCISCO, CA



35 DOLORES STREET
 BLOCK/PARCELLOT:
 #3534 069
 SAN FRANCISCO, CA
 PROJECT NO. 2006-10

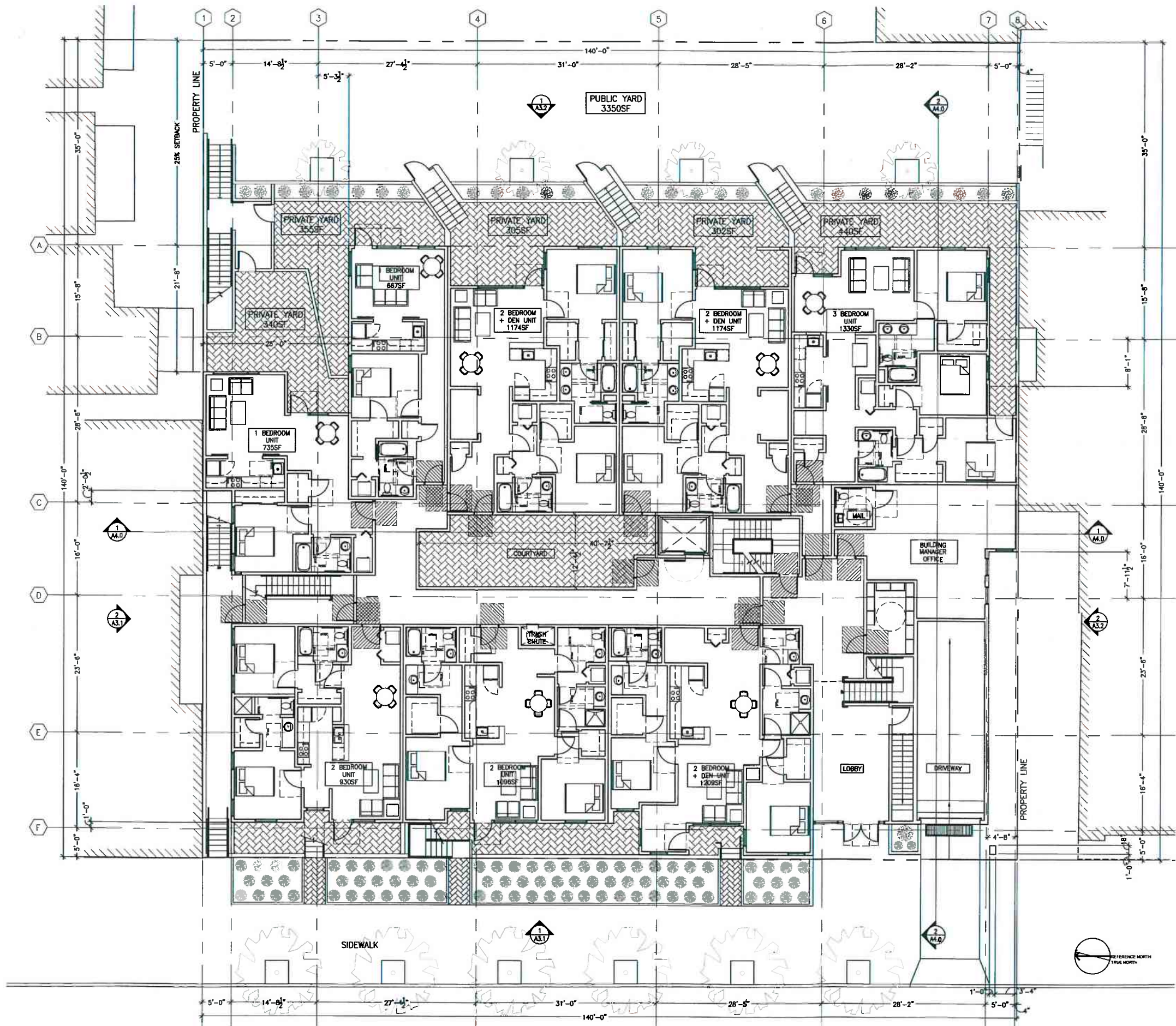
DATE	SET ISSUE
06-24-09	PLANNING SUBMITTAL
11-XX-09	PLANNING RE-SUBMITTAL

CONTACT:
 TOBY LEVY
 (415) 777-0561 P
 (415) 777-5117 F

SCALE: 1/8" = 1'-0"

FLOOR PLAN
 BASEMENT

A2.0



1 FLOOR PLAN: FIRST FLOOR
1/8"=1'-0"

GENERAL

35 DOLORES STREET IS A PROPOSED FOUR STORY BUILDING TO INCLUDE (37) NEW RESIDENTIAL UNITS.

PARKING COUNT:

37 PARKING SPACES FOR 1:1 PARKING
 8 STANDARD PARKING SPACES (INCLUDES 1 ADA SPACE)
 29 COMPACT PARKING SPACES
 + 1 CITY CAR SHARE PARKING SPACE (COMPACT SPACE)
 19 BICYCLE SPACES PROVIDED



35 DOLORES STREET SAN FRANCISCO, CA



35 DOLORES STREET
 BLOCK/PARCEL/LOT:
 #3534 069
 SAN FRANCISCO, CA
 PROJECT NO. 2006-10

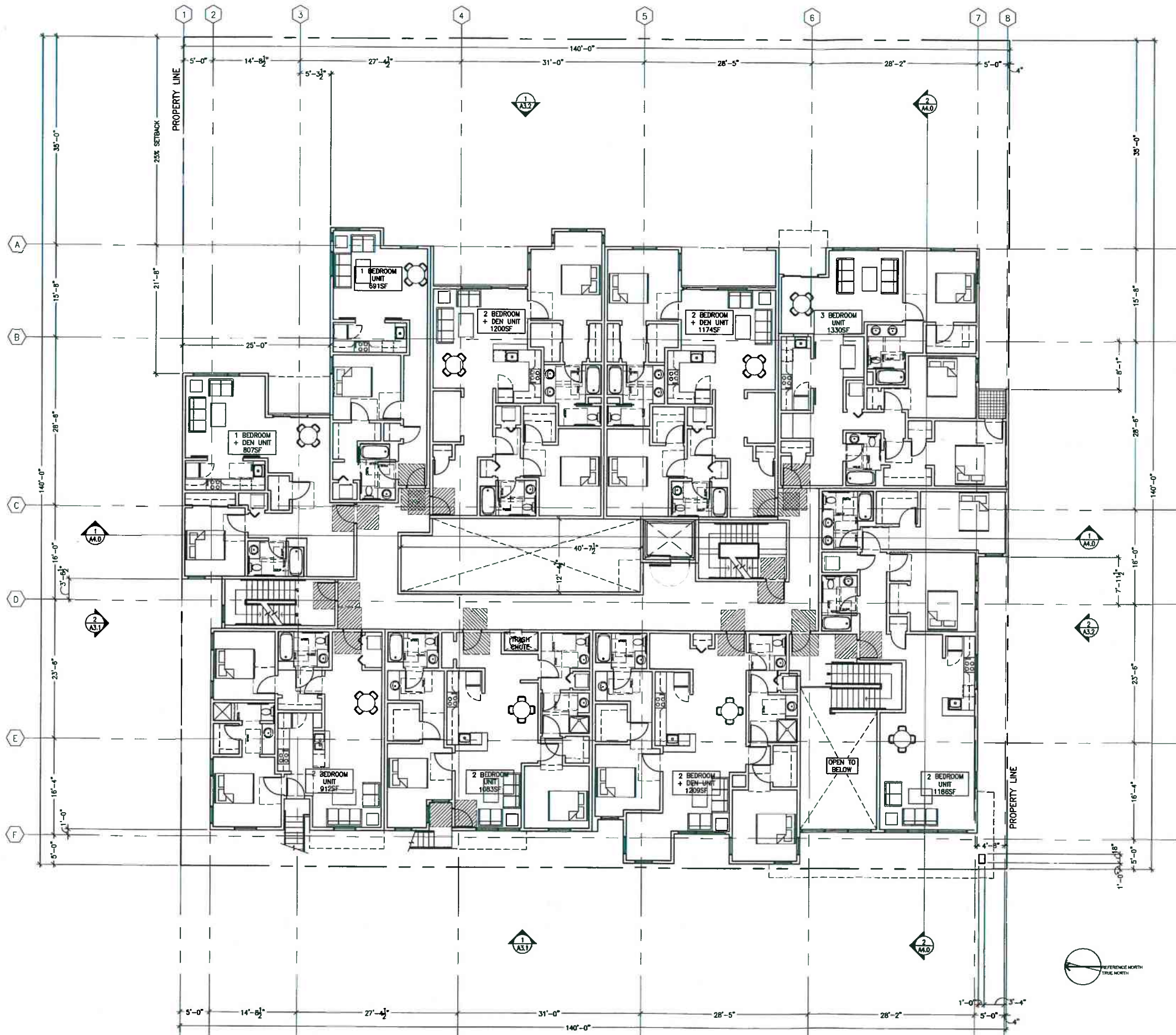
DATE	SET ISSUE
06-24-09	PLANNING SUBMITTAL
11-XX-09	PLANNING RE-SUBMITTAL

CONTACT:
 TOBY LEVY
 (415) 777-0561 P
 (415) 777-5117 F

SCALE: 1/8" = 1'-0"

**FLOOR PLAN
FIRST FLOOR**

A2.1



1 FLOOR PLAN: SECOND FLOOR
1/8"=1'-0"

GENERAL

35 DOLORES STREET IS A PROPOSED FOUR STORY BUILDING TO INCLUDE (37) NEW RESIDENTIAL UNITS.

PARKING COUNT:

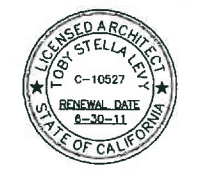
37 PARKING SPACES FOR 1:1 PARKING
 8 STANDARD PARKING SPACES (INCLUDES 1 ADA SPACE)
 29 COMPACT PARKING SPACES

+ 1 CITY CAR SHARE PARKING SPACE (COMPACT SPACE)

19 BICYCLE SPACES PROVIDED



35 DOLORES STREET SAN FRANCISCO, CA



35 DOLORES STREET
 BLOCK/PARCELLOT:
 #3534 069
 SAN FRANCISCO, CA
 PROJECT NO. 2006-10

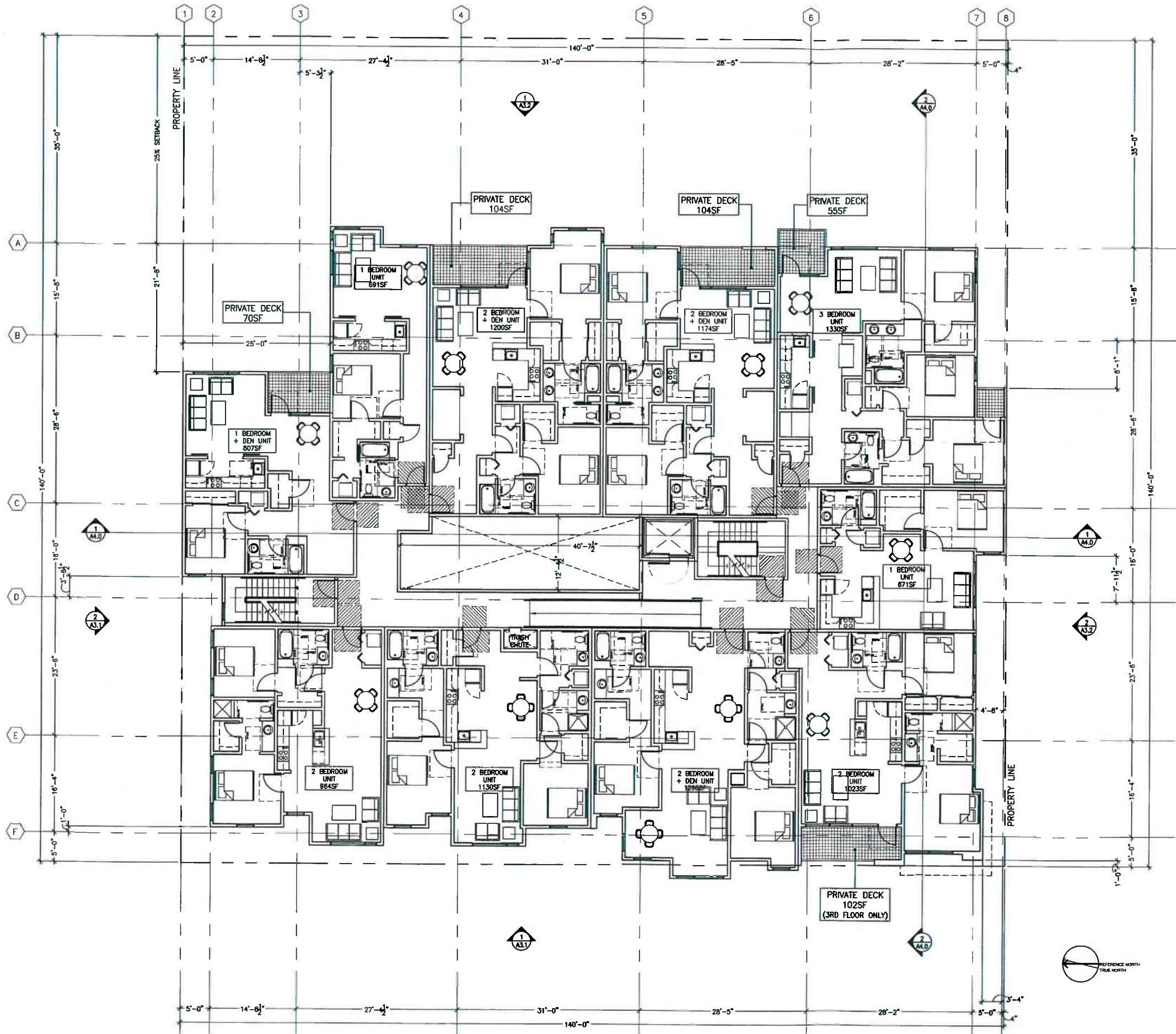
DATE SET ISSUE
 08-24-09 PLANNING SUBMITTAL
 11-XX-09 PLANNING RE-SUBMITTAL

CONTACT:
 TOBY LEVY
 (415) 777-0561 P
 (415) 777-5117 F

SCALE: 1/8" = 1'-0"

FLOOR PLAN
 SECOND FLOOR

A2.2



1 FLOOR PLAN: THIRD - FOURTH FLOORS
1/8" = 1'-0"

GENERAL

35 DOLORES STREET IS A PROPOSED FOUR STORY BUILDING TO INCLUDE (37) NEW RESIDENTIAL UNITS.

PARKING COUNT:

37 PARKING SPACES FOR 1:1 PARKING
 8 STANDARD PARKING SPACES (INCLUDES 1 ADA SPACE)
 29 COMPACT PARKING SPACES

+ 1 CITY CAR SHARE PARKING SPACE (COMPACT SPACE)

19 BICYCLE SPACES PROVIDED



35 DOLORES STREET SAN FRANCISCO, CA



35 DOLORES STREET
 BLOCK/PARCEL/LOT:
 #3534 069
 SAN FRANCISCO, CA
 PROJECT NO. 2006-10

DATE	SET ISSUE
06-24-09	PLANNING SUBMITTAL
11-03-09	PLANNING RE-SUBMITTAL

CONTACT:

TOBY LEVY
 (415) 777-0561 P
 (415) 777-5117 F

SCALE: 1/8" = 1'-0"

FLOOR PLAN
 3 - 4 FLOORS

A2.3



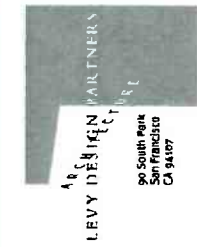
1 DOLORES STREET ELEVATION WITH SURROUNDING BUILDINGS



1 3D PERSPECTIVE - 01



2 LOOKING DOWN DOLORES STREET



35 DOLORES STREET
SAN FRANCISCO, CA



35 DOLORES STREET
 BLOCK/PARCEL/LOT:
 #3534 069
 SAN FRANCISCO, CA
 PROJECT NO. 2006-10

DATE	SET	ISSUE
06-24-09	PLANNING	SUBMITTAL
11-XX-09	PLANNING	RE-SUBMITTAL

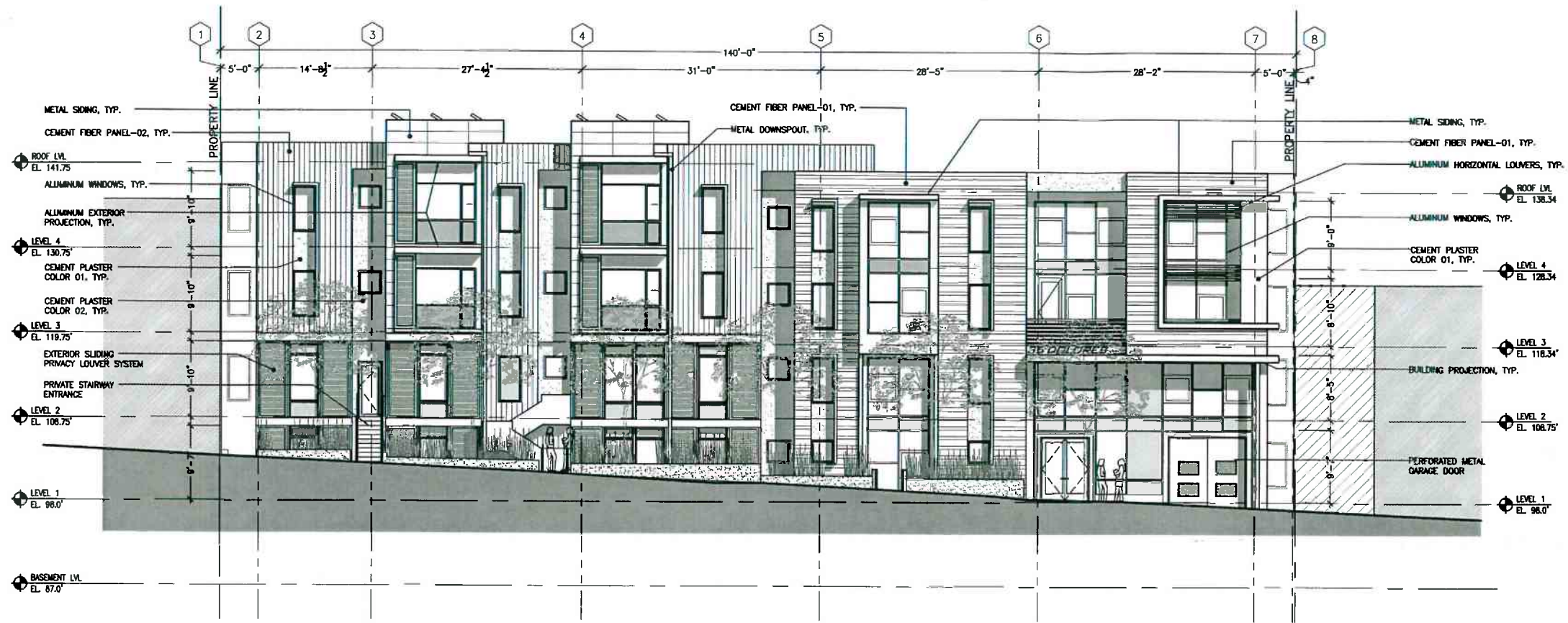
CONTACT:

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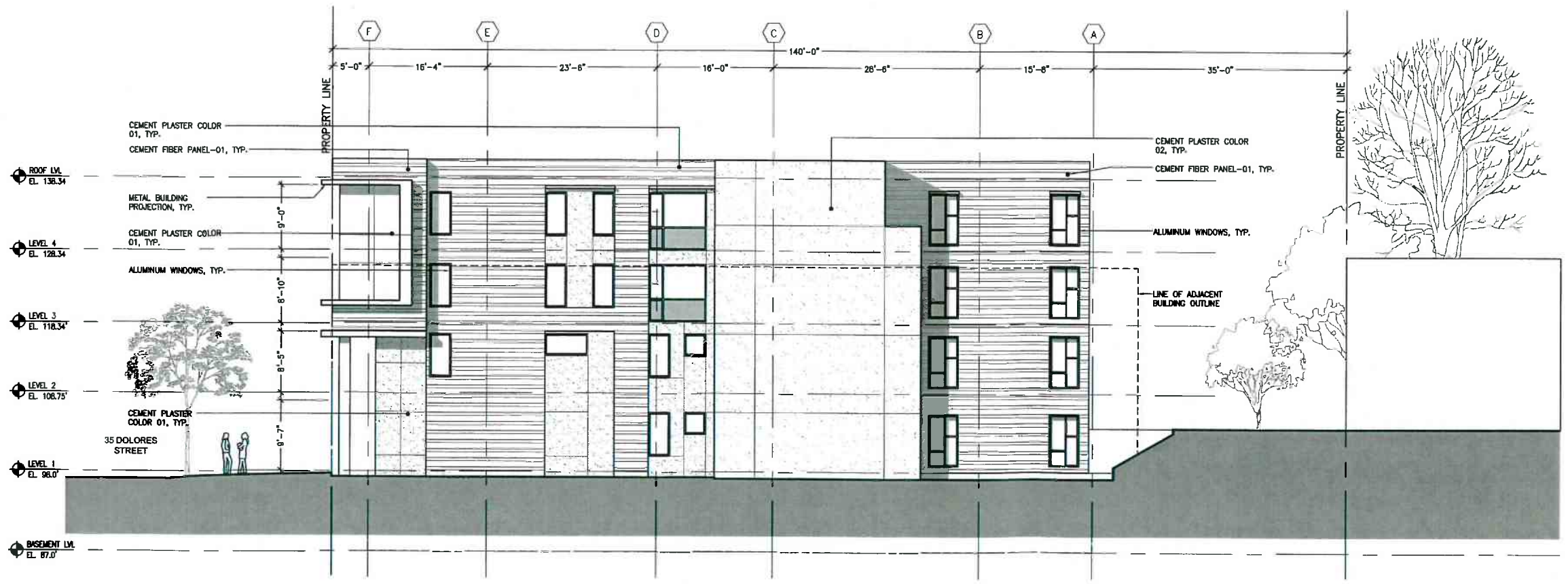
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3D &
 RENDERINGS

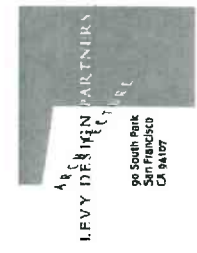
A3.0



1 WEST ELEVATION
1/8" = 1'-0"



2 SOUTH ELEVATION
1/8" = 1'-0"



35 DOLORES STREET
SAN FRANCISCO, CA



35 DOLORES STREET
BLOCK/PARCEL/LOT:
#3534 069
SAN FRANCISCO, CA
PROJECT NO. 2006-10

DATE	SET ISSUE
06-24-09	PLANNING SUBMITTAL
11-30-09	PLANNING RE-SUBMITTAL

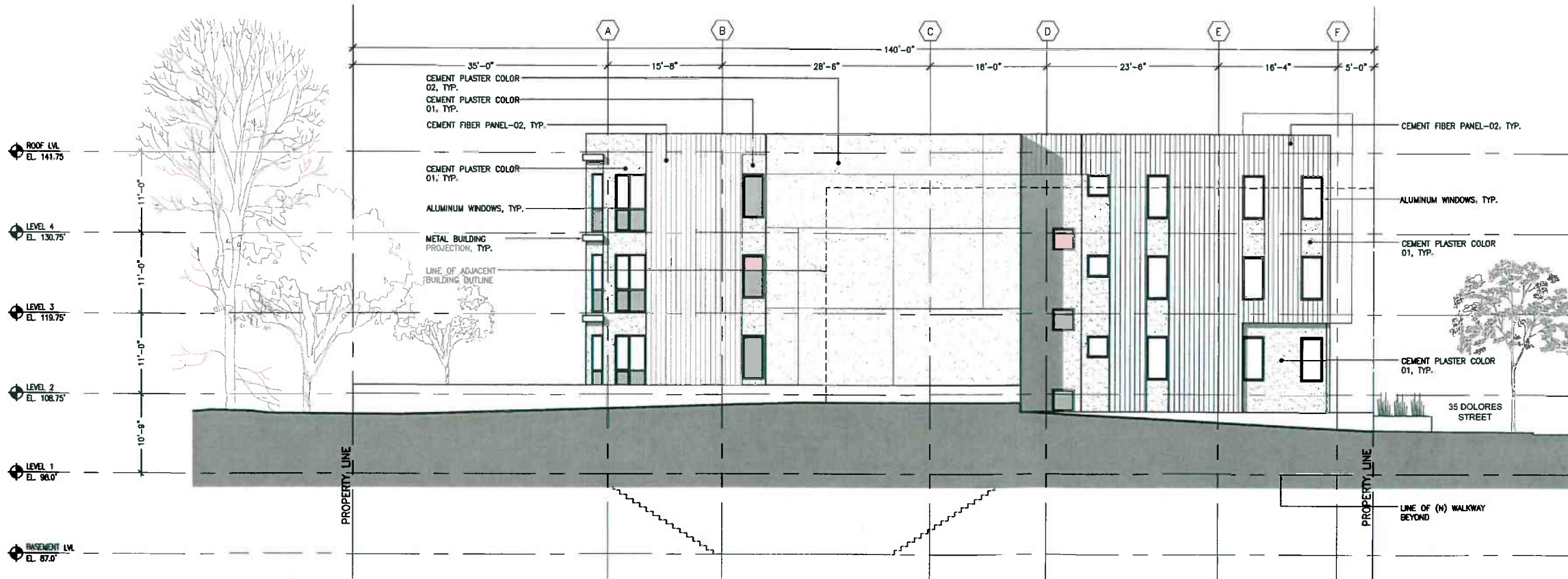
CONTACT:
TOBY LEVY
(415) 777-0581 P
(415) 777-5117 F

SCALE: 1/8" = 1'-0"

ELEVATIONS



1 EAST ELEVATION
1/8"=1'-0"



2 NORTH ELEVATION
1/8"=1'-0"



35 DOLORES STREET
SAN FRANCISCO, CA



35 DOLORES STREET
BLOCK/PARCEL/LOT:
#3534 069
SAN FRANCISCO, CA
PROJECT NO. 2006-10

DATE	SET ISSUE
06-24-09	PLANNING SUBMITTAL
11-03-09	PLANNING RE-SUBMITTAL

CONTACT:

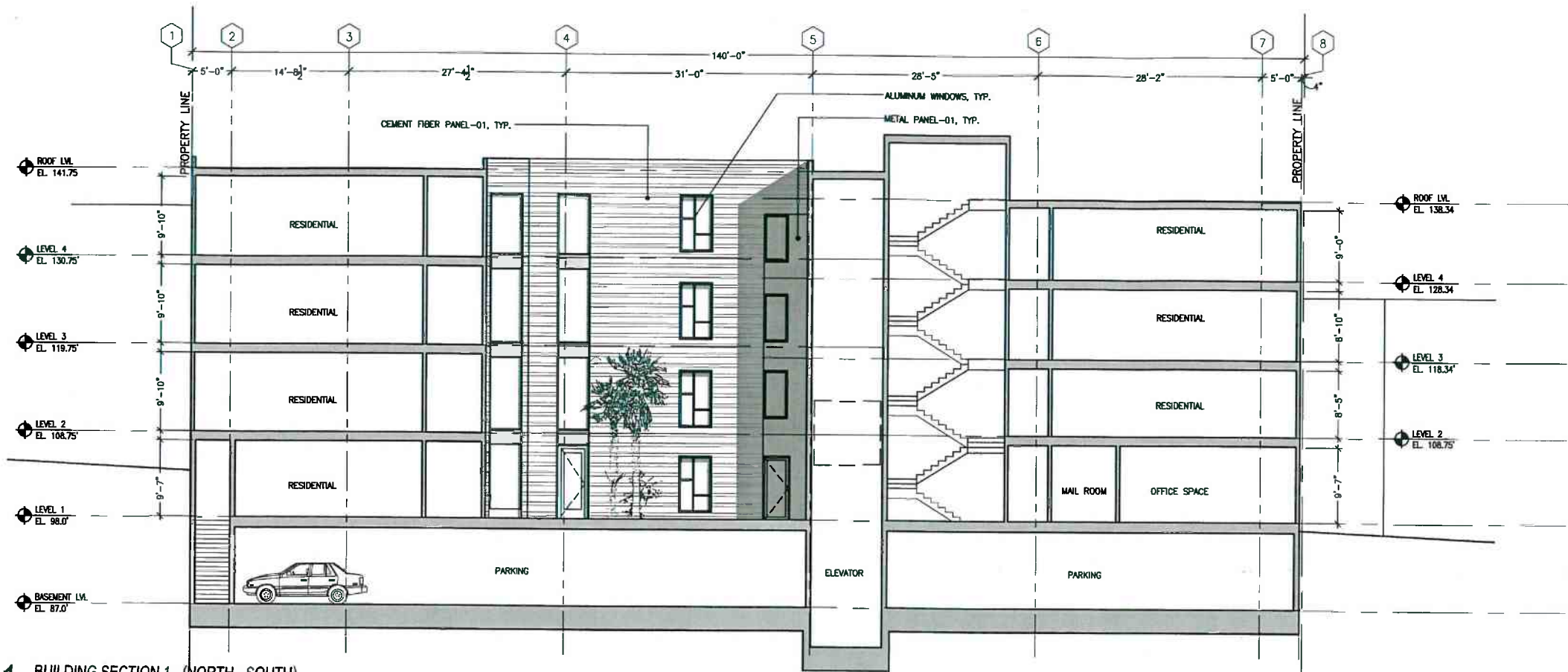
TOBY LEVY

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(415) 777-5117 F

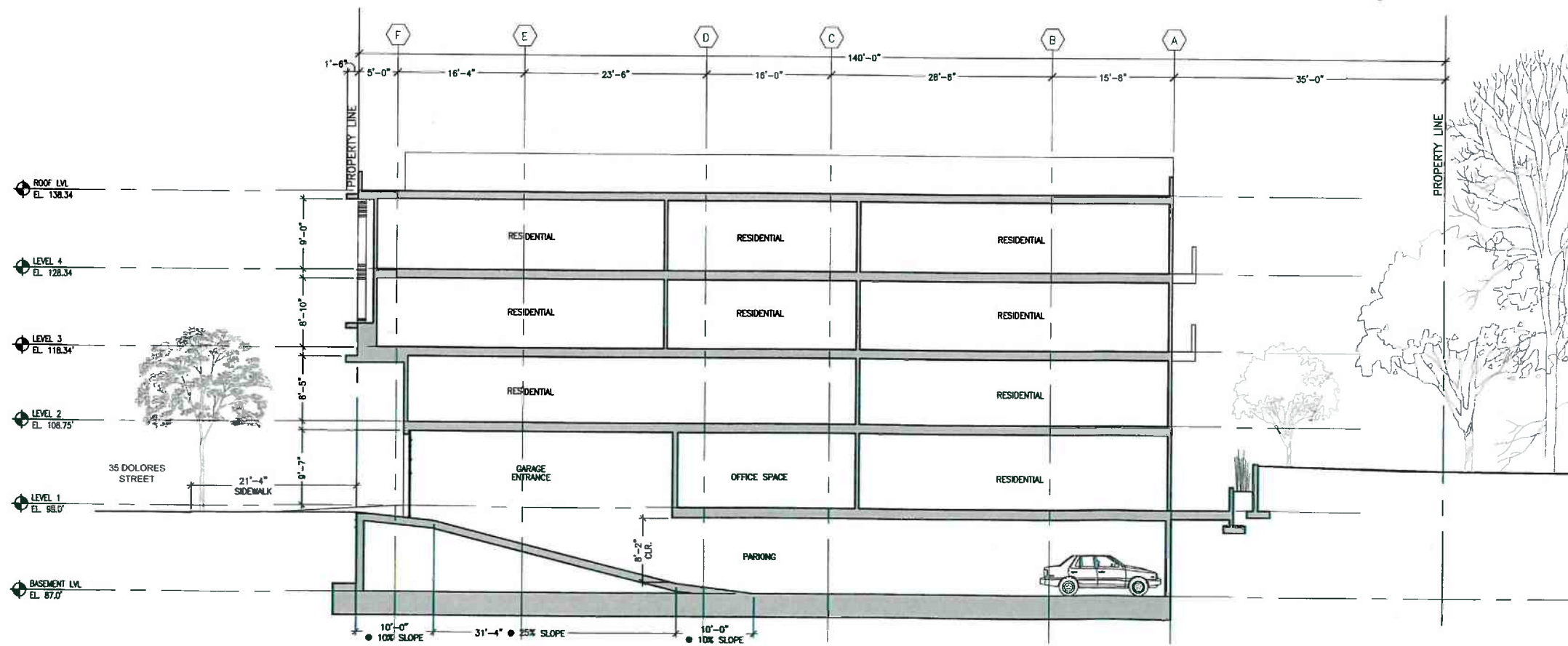
SCALE: 1/8" = 1'-0"

ELEVATIONS

A3.2



1 BUILDING SECTION 1 - (NORTH - SOUTH)
1/8"=1'-0"



2 BUILDING SECTION 2 - (WEST - EAST)
1/8"=1'-0"



35 DOLORES STREET SAN FRANCISCO, CA



35 DOLORES STREET
BLOCK/PARCEL/LOT:
#3534 069
SAN FRANCISCO, CA
PROJECT NO. 2006-10

DATE	SET ISSUE
06-24-09	PLANNING SUBMITTAL
11-04-09	PLANNING RE-SUBMITTAL

CONTACT:
TOBY LEVY
(415) 777-0561 P
(415) 777-5117 F

SCALE: 1/8" = 1'-0"

BUILDING
SECTIONS

A4.0

Exhibit

B

Mission Dolores Neighborhood Association
72 Landers Street, San Francisco, CA 94114, Ph. 863-3950
Web Site: <http://www.missiondna.org> Email: missiondna@earthlink.net

March 18, 2011

Re: 25-35 Dolores Street – April 7, 2011, 2006.0848CEV

Position: Approval with Modifications.

Dear President Olague and Planning Commissioners:

It is our understanding that the Planning Commission will be reviewing the proposed project at 25-35 Dolores Street on April 7, 2011. Therefore, after reviewing the plans and meeting with the project sponsor several times over the last few years, we'd like to outline our position below. Yet all in all, we support the current project, if the demolition is approved.

1. Possible Demolition of Garages: While we understand that the historic garages on site have been identified as historic resources in the Inner Mission North Historic Survey, the MDNA board voted to take a neutral position concerning their possible demolition. Our reasoning is that while our mission statement strongly supports preservation and we acknowledge that the garages are historic resources, the majority of our board felt that they don't represent a high level of integrity. Therefore, we decided to take a neutral position and leave that decision up to the Historic Preservation Commission and the Planning Commission.
2. Possible Health Hazard: We understand that there is serpentine rock on the site. Therefore, if the garages are demolished, we expect the developers and the City to take all necessary precautions to make sure that our neighbors in the area are completely protected from any possible hazards from the known asbestos in that rock. This includes keeping the digging area covered and wetted down.
3. Size of Project: We support no more than 37 units on site. MDNA, Lightner Properties, and the Planning Department all agree on this size.
4. Parking: We support a CU Permit for 1:1 parking, since the citizens of the Mission Dolores Neighborhood overwhelmingly supported 1:1 parking in the RTO area of the Market Octavia Plan during the hearings before the Planning Commission. Yet please note that we don't always support additional parking. To clarify, we recently supported less parking than the Bicycle Coalition and the Planning Department for 2001 Market. Yet we believe that this project is different, since it's RTO.

5. Financing: We strongly oppose any possible demolition of the garages until financing for the project is fully secured beforehand.
6. Design: After various revisions, we support the architectural design of the project, designed by Toby Levy. **Our** reasoning is that it exhibits a balance that reflects the importance of our historic neighborhood, yet also shows a modern sophistication.

Thank you for your consideration. If you have any questions, please let me know.

Respectfully yours,

Peter Lewis, President

Cc: Michael E. Smith, John Rahaim, Scott Weiner, Gillian Gillette, Bill Lightner, Toby Levy, and David Silverman.

Exhibit

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11



Anti-Congestion Parking Technologies

Congestion is a growing global concern, and parking is a major contributing factor. Frances Penwill-Cook discovers how new technologies from mobile phone applications to large data projects are beginning to offer a solution to this.

Date: 11 Jun 2010



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According to the Research and Innovative Technology Administration (RITA), part of the US Department of Transportation, in 2009 a traffic accident occurred every five seconds in the US. A 2009 Texas Transportation Institute urban mobility report revealed that congestion cost the nation almost \$90bn (more than \$750 for every US traveller). And this was a cost that could be measured in more than dollars - the amount of wasted fuel topped 2.8 billion gallons (three weeks' fuel for each traveller) and wasted time totalled 4.2 billion hours, nearly one full week of work per traveller.



In the past, overcoming congestion issues has required new, wider motorways, better parking and expensive road works, but the International Association for the Wireless Telecommunications Industry says a much cheaper, and more effective answer could lie in the palm of our hands.



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A 2009 Texas Transportation Institute urban mobility report revealed that congestion cost the US almost \$90bn (more than \$750 for every US traveller).

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The car park conundrum



The Urban Planning Association (UPA), covering the metro areas of New York, San Francisco, Miami, Florida, Minneapolis and Seattle, has focused its efforts on using what it calls "the 4Ts" to reduce congestion: tolling, transit, telecommuting and technology and is concentrating on the metro areas of New York and San Francisco.

It is now focusing its efforts



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ParkNet uses sensors on cars to collect information in close to real time so people know where parking spaces are free.

on issues to do with parking, and it believes that smart phones could bring smart

parking to the fore. Mobile technology is enabling intelligent parking systems to emerge, helping drivers park smarter, easing congestion and reducing city spending.

According to the UPA, circling for parking accounts for about 30% of driving in San Francisco, which is one of the most congested cities in the US. Los Angeles University of California professor of urban planning Donald Shoup, in his book, *The High Cost of Free Parking*, says the American attitude is often "the more you drive the more chances you have of landing free parking". His theory is that there's no such thing as a free park, however, and that other members of the community, such as developers, residents, consumers and employers, eventually pick up the tab.

"Smart phones are coming into play, enabling intelligent parking systems to emerge."

This is where smart phones can come into play, enabling intelligent parking systems to emerge.

San Francisco's SFpark

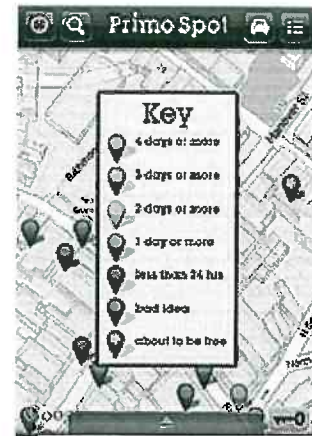
To improve upon the negative impact of congestion by reducing circling effectively in San Francisco, the San Francisco Municipal Transportation Agency (SFMTA) introduced SFpark. The project comes from a \$19.8m grant from the US Department of Transportation's urban partnership programme and from the SFMTA.

The programme uses more than 8,000 parking sensors affixed to metered and unmetered spaces. It also relies heavily on a new concept of pricing. A key goal of the programme is to ensure that parking pricing reflects the value of a space (based on demand from \$0.25 to \$6 an hour). SFMTA-owned garages and parking lots will cost up to \$10 an hour.

To install the pricing system, San Francisco used a system designed by Streetline, which has technology to show open parking spaces on websites that can be accessed through smart phones (and other wireless devices). "We hope to help bring about remarkable changes in the way people think about parking and how they use their cars," Tod Dykstra, CEO of Streetline says.

With more than 450,000 registered vehicles in San Francisco - a figure that increases by 35,000 on work days - and about 250,000 unmetered parking spaces - competition for free parking spots is fierce and often frenzied. SFpark aims to ensure that at least one in ten spaces is free on each block. It is also investing in next-generation meters that support a range of payment options, from coins to smart cards and credit cards.

The next step with New Jersey's ParkNet



Expand Image

PrimoSpot's app uses marker colours to tell you if a spot is legal for parking, and how long you can stay there.



Expand Image

App users can tap on any marker to view more information about the street sign via PrimoSpot.

SFpark is what Suhas Mathur, a PhD student at New Jersey's Rutgers University describes as a "naïve system", because to monitor 6,000 spaces you need 6,000 sensors, which is expensive. His work with the Wireless Information Network Laboratory (WINLAB) on a system called ParkNet, which began in early 2009, aims to monitor and communicate available parking spaces at a significantly lower cost than SFpark.

"According to the UPA, circling for parking accounts for about 30% of driving in San Francisco."

The goals for the project are two-fold: to provide information, so people can park more efficiently, and data, so governments can facilitate the correct pricing of meters.

"We've found a way that allows information to be collected and disbursed in close to real time via mobile sensors, which are attached to the side of moving vehicles such as taxis and public buses," Mathur says. "Vehicles collect information automatically as they drive by a space, which is sent over a wireless network and made available to people looking for parking at that time."

In this model information is sent and received over a cellular network. This will be specific to the user's location. The system, however, has only been tested in New Jersey and New York over a period of two-and-a-half months. The result of this will be presented at the Mobysis conference in July 2010.

Mathur says the next step will be to carry out a bigger trial with a larger number of vehicles before the technology is commercialised.

According to Mathur, the experience the team has had so far working with New York's authorities has been very positive. "New York has a number of bodies that issue requests for technical comments from the scientific community to improve things in their city, which is a very good model," he says.

The team is currently preparing to move to phase two and Mathur believes the project (if authorities are agreeable) could be rolled out within a year

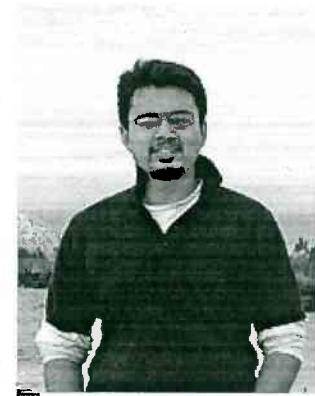
A report entitled "The Skewed Economic Incentives to Drive in Manhattan", prepared for Transportation Alternatives in March 2007 by Bruce Schaller, deputy commissioner of planning and sustainability at the NYC Department of Transportation, came up with a similar conclusion to Shoup - that high-cost off-street parking has failed to ease congestion in Manhattan because the large majority of people driving in the CBD do not pay for parking.

Their study shows this particular policy has failed to stem traffic flow into Manhattan and recommends increasing the price of on-street parking and expanding the number of metered spaces to create a "sufficient vacancy rate" that will "sharply reduce the number of drivers searching for parking". It's estimated that without free parking available, 19,200 fewer vehicles will enter Manhattan each day.

Prime spot finding with PrimoSpot

For PrimoSpot, arguably the most popular mobile phone application on the market for locating parking spots in the New York and Boston city metro areas, information is key to how these new parking systems work. It uses information on location, length of stay, and just how much time is saved finding a spot for its solution.

PrimoSpot contains parking information data that took two years to gather - it covers all parking spots, on-street, off-street, metered, unmetered and garages (and even bike racks) with photographs, prices and restrictions so that drivers can best decide where to travel to next, what spaces will work best for them and even what they will look like. The app is available on both iTunes and the Android phone.



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Suhas Marthur is part of the ParkNet team at Rutgers University in New Jersey.

"Smart phones and smart parking makes parking easier, and streets less crowded."

Originally, city authorities were reluctant to get involved in the project but PrimoSpot's growing reputation now means that cities are considering investing money into its technology. "We're working with the Seattle Department of Transportation, helping it get its website up and running," Hill says.

"PrimoSpot's growing reputation now means that cities are considering investing money into its technology."

"They're working with us as they don't have a budget for mobile apps and we're working with them to make sure their data is in shape."

PrimoSpot does not contain information on whether a space is free is not, but looking at the above projects, Hill says it is not out of the question. There are a couple of apps already attempting to this - SpotSwitch is one example but like the others, it is a very grassroots app that's working closely with certain parts of specific neighbourhoods in New York.

"We are hoping to do crowd sourcing in the next month or two," Hill says. "But there's no deadline right now. We're testing in a month and two or three months after that it will be rolled out to the phone."

The smart future

Smart phones and smart parking makes parking easier, and streets less crowded. But it's the gathering of data and partnerships between technology companies and city authorities that can potentially delay the progress of the technology (not to mention the question mark over whether or not crowd sourcing will really catch on).

Companies such as PrimoSpot are making great progress in this uncharted territory. "A lot of the cities have already agreed to work with us as it's a great marketing opportunity for them, plus it has money saving advantages," Hill concludes.

Whatever the outcome, with these diverse initiatives and technologies attempting to ease our traffic woes, the future of congestion already seems far smarter than the past.



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