



SAN FRANCISCO PLANNING DEPARTMENT

Executive Summary Planned Unit Development

HEARING DATE: MAY 13, 2010

Date: April 30, 2010
Case No.: **2005.1085C**
Project Address: **555 Fulton Street**
Zoning: Hayes-Gough Neighborhood Commercial Transit (NCT) District
Residential Transit-Oriented (RTO) District
40-50-X Height and Bulk District
Fulton Street Grocery Store Special Use District (SUD)
Block/Lot: 0794/015, 028
Project Sponsor: Trust for the Children of Henry Wong
PO Box 391656
Mountain View, CA 94039
Staff Contact: Kevin Guy – (415) 558-6163
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Recommendation: **Approval with Conditions**

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PROJECT DESCRIPTION

The proposal is to demolish an existing commercial/industrial building and construct a new five-story, mixed-use building containing approximately 136 dwelling units, 32,800 square feet of ground floor commercial uses (a grocery store), and 205 off-street parking spaces within an underground garage. The mix of dwelling units includes 32 studio units, 48 one-bedroom units, and 56 two-bedroom units. The project sponsor is seeking approval of a Planned Unit Development, including a number of specific modifications from the requirements of the Planning Code. These requests are summarized in "Issues and Other Considerations" below, and are discussed in greater detail in the attached Draft Motion.

SITE DESCRIPTION AND PRESENT USE

The project site is bounded by Fulton, Laguna, Octavia, and Birch Streets, Assessor's Block 0794, Lots 015 and 028, within the Hayes-Gough NCT District, the Residential Transit-Oriented District, the 40-50-X Height and Bulk District, and the Fulton Street Grocery Store Special Use District (SUD). The site measures 44,250 square feet, and is nearly rectangular, with the exception of a separate parcel located at the northeast corner of Fulton and Octavia Streets. The site is currently developed with a two-story commercial/industrial building that measures approximately 19,620 square feet. The western portion of the site is a surface parking area, while the eastern portion of the site consists of surface parking and loading docks for the building.

SURROUNDING PROPERTIES AND NEIGHBORHOOD

The area surrounding the project site primarily consists of residential buildings of two to four stories in height. Ground floor retail and restaurant uses are found along Hayes Street two blocks south of the project site, while other isolated commercial establishments are scattered throughout the vicinity. The

Civic Center district begins three blocks to the east of the project site, and includes various government buildings, museums, libraries, and performance spaces. Open spaces in the vicinity include Jefferson Square and Hayward Playground to the north, Patricia's Green and Koshland Park to the south, Buchanan Street Mall and Alamo Square to the west, and Civic Center Plaza to the east.

ENVIRONMENTAL REVIEW

On March 1, 2010, the Planning Department published an Initial Study/Preliminary Mitigated Negative Declaration (MND) pursuant to the California Environmental Quality Act (CEQA). The Preliminary MND analyzed potential environmental impacts of the proposed development, and proposed specific mitigation and improvement measures to avoid potentially significant environmental effects in the areas of Cultural and Paleontological Resources, Noise, Air Quality, and Hazardous Materials. An appeal was filed subsequent to publication of the Preliminary MND, and this appeal will be considered by the Commission at the hearing on May 13, 2010.

HEARING NOTIFICATION

TYPE	REQUIRED PERIOD	REQUIRED NOTICE DATE	ACTUAL NOTICE DATE	ACTUAL PERIOD
Classified News Ad	20 days	April 23, 2010	April 23, 2010	20 days
Posted Notice	20 days	April 23, 2010	April 22, 2010	21 days
Mailed Notice	10 days	May 3, 2010	April 23, 2010	22 days

PUBLIC COMMENT

Staff has received several communications in opposition to the proposed project from residents in the area. These communications express concerns that the height, scale, and architectural character of the project are incompatible with the area and would detract from scenic views of City Hall, that light will be blocked to adjacent residential buildings, and that the grocery store would cause excessive traffic and noise from deliveries. Staff has also received letters from the Hayes Valley Neighborhood Association that express support for the proposed building design, but raise concerns that project proposes an excessive amount of parking that is incompatible with the goals of the Market and Octavia Plan.

ISSUES AND OTHER CONSIDERATIONS

- **Special Use District:** In 2008, the Fulton Street Grocery Store SUD was adopted that would enable consideration of a mixed-use project to include a grocery store on the project site. The SUD applies only to projects that include a grocery store measuring a minimum of 15,000 square feet, and residential uses meeting a minimum density of one dwelling unit per 600 square feet of lot area. Although the Residential Transit-Oriented District applies to the majority of the project site, a project meeting the cited criteria is subject to the controls of the Hayes-Gough NCT, thereby enabling a grocery store proposal. The SUD places further limitations on the type, size, and amount of parking for other commercial uses beyond a grocery store.
- **Project Design:** The project site is located in an area that is eclectic in terms of development scale and architectural character, with no prevailing style establishing a dominant visual pattern

for the immediate neighborhood. The scale of development also varies greatly in the vicinity. Development to the north and west was constructed in the mid- to late-20th century as part of the Western Addition Redevelopment area, and are comprised of large, linear multi-unit apartment buildings situated across entire blocks. The development pattern to the south is characterized by a finer-grained pattern of individual buildings situated on narrow lots, dating from the late 19th and early 20th Century.

The proposed project is somewhat taller than the other buildings in the vicinity, and occupies a large lot. The mass and scale of the project is broken down by an alternating rhythm of bays and voids, changes in fenestration patterns across each elevation, and a procession of recesses that divide the larger building into smaller modules. The Department is supportive of the program of uses in the project and is generally supportive of the design at a conceptual level. However, staff also believes that the that the size of the project warrants further design refinements so the building reads less as a single development. The project sponsor requested that the project move forward to a hearing with the proposed design, however, staff has added conditions of approval to the draft motion requiring that the project design be developed further through the building permit review, should the Conditional Use authorization be approved. The draft motion also includes conditions to revise several aspects of the site plan, including the deletion of the vehicular drop-off along Laguna Street and a reevaluation of the location and configuration of the entry court at the westerly end of the site.

- **Planned Unit Development Modifications:** The project does not strictly conform to several aspects of the Planning Code. As part of the Planned Unit Development (PUD) process, the Commission may grant modifications from certain requirements of the Planning Code for projects that exhibit outstanding overall design and are complementary to the design and values of the surrounding area. The project requests modifications from regulations related to off-street parking, rear yard, open space, dwelling unit exposure, height limits for narrow streets, and curb cuts on streets with bike lanes. Staff believes that, while the project merits some of these modifications, the modifications regarding off-street parking and height limits on Birch Street cannot be supported. For those requested modifications that cannot be supported, staff has included conditions of approval that would revise the project to comply with the respective sections of the Planning Code. Please see further discussion below and within the draft motion.
- **Parking:** Pursuant to Planning Code Section ("Section") 151. 1, the project would be principally permitted 134 off-street parking spaces (66 commercial spaces and 68 residential spaces). Through Conditional Use authorization, this Section would allow the project to seek up to 193 parking spaces (91 commercial spaces and 102 residential spaces), if the additional parking does not unduly impact pedestrians, bicycles, or transit service, and other specific criteria are met.

The project proposes a total of 205 off-street parking spaces (91 commercial spaces, 104 residential spaces, and 10 car share spaces), exceeding the maximum amount of parking that can be requested by Conditional Use authorization. The sponsor requests a PUD modification of these parking limitations specified in Section 151.1. Staff believes that the additional parking does not meet the required criteria and conflicts with multiple policies of the General Plan, and that this PUD modification cannot be supported. A condition has been added to the motion that

would allow the project a maximum of 148 parking spaces (77 commercial spaces, 68 residential spaces, and three car-share spaces that are required by the Planning Code). If the project sponsor chooses to provide additional car-share spaces beyond the three required spaces, the residential or commercial parking would need to be reduced so that the total amount of off-street parking does not exceed 148 spaces.

- **Height Limit on Birch Street.** Section 261.1 requires that a the upper portion of the project be set back along a segment of the Birch Street property line by 10 feet. These regulations and are intended to preserve a pedestrian scale and ample sunlight for certain narrow streets and alleys. As proposed, the project provides a seven-foot setback at the upper story along a segment of Birch Street, which is insufficient to meet these requirements.

The project sponsor requests a PUD modification of these regulations, however, the height limitations of the Planning Code are not eligible for modification through the PUD process. Therefore, a condition has been added to the draft motion requiring that the project provide a 10-foot setback at the upper story along Birch Street, in compliance with Section 261.1.

REQUIRED COMMISSION ACTION

In order for the project to proceed, the Commission must also reject the appeal of the Preliminary MND, adopt a Final MND for the project, and grant Conditional Use authorization to approve a Planned Unit Development with the requested modifications from the requirements of the Planning Code.

BASIS FOR RECOMMENDATION

- The project would add 136 dwelling units to the City's housing stock, in a walkable and transit-rich area suited for dense, mixed-use development.
- Residents would be able to walk or utilize transit to commute and satisfy convenience needs without reliance on the private automobile.
- The project includes a mix of studio, one-bedroom, and two-bedroom units to serve a diversity of household sizes and people with varied housing needs.
- The proposed grocery store will expand the spectrum of retail goods and services available in the area.
- With the reduction in parking specified in the conditions of approval, the amount of parking is suitable for the proposes uses and will encourage travel by means other than private automobiles.
- The project has been designed to reduce the apparent bulk and scale of the building, and will be further refined during the building permit review process.
- The project, as revised by the conditions of approval, is necessary and desirable, is compatible with the surrounding neighborhood, and would not be detrimental to persons or adjacent properties in the vicinity.

RECOMMENDATION: Approval with Conditions
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Attachments:

Draft Motion re: Case No. 2005.1085C

Mitigation, Monitoring and Reporting Program
Block Book Map
Sanborn Map
Aerial Photograph
Zoning Map
Correspondence Regarding Project
Project Sponsor Graphic Submittal and Project Plans

Attachment Checklist

- | | |
|---|---|
| <input checked="" type="checkbox"/> Executive Summary | <input checked="" type="checkbox"/> Project sponsor submittal |
| <input checked="" type="checkbox"/> Draft Motion | Drawings: <u>Proposed Project</u> |
| <input type="checkbox"/> Environmental Determination | <input checked="" type="checkbox"/> Check for legibility |
| <input checked="" type="checkbox"/> Zoning District Map | |
| <input checked="" type="checkbox"/> Parcel Map | |
| <input checked="" type="checkbox"/> Sanborn Map | |
| <input checked="" type="checkbox"/> Aerial Photo | |
| <input checked="" type="checkbox"/> Context Photos | |
| <input checked="" type="checkbox"/> Site Photos | |

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

Planner's Initials

KMG: G:\Documents\Projects\555 Fulton\2005.1085C - 555 Fulton - Exec Summary.doc



SAN FRANCISCO PLANNING DEPARTMENT

Subject to: (Select only if applicable)

- Inclusionary Housing (Sec. 315)
- Jobs Housing Linkage Program (Sec. 313)
- Downtown Park Fee (Sec. 139)
- First Source Hiring (Admin. Code)
- Child Care Requirement (Sec. 314)
- Other

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Planning Commission Motion No. XXXXX

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Project Address: **555 Fulton Street**
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Recommendation: **Approval with Conditions**

ADOPTING FINDINGS RELATED TO THE APPROVAL OF A CONDITIONAL USE AUTHORIZATION FOR A PLANNED UNIT DEVELOPMENT, PURSUANT TO SECTIONS 303 AND 304 OF THE PLANNING CODE, WITH SPECIFIC MODIFICATIONS TO PLANNING CODE REGULATIONS RELATED TO REAR YARD, DWELLING UNIT EXPOSURE, AND CURB-CUTS ON STREETS WITH BICYCLE LANES, AND WITH SPECIFIC CONDITIONS TO MODIFY THE PROPOSED PROJECT, WITH RESPECT TO A PROPOSAL TO CONSTRUCT A NEW FIVE-STORY, MIXED-USE BUILDING CONTAINING APPROXIMATELY 136 DWELLING UNITS, 32,800 SQUARE FEET OF GROUND FLOOR COMMERCIAL USES (A GROCERY STORE), AND 205 OFF-STREET PARKING SPACES, LOCATED AT 555 FULTON STREET, LOTS 015 AND 028 IN ASSESSOR'S BLOCK 0794, WITHIN THE HAYES-GOUGH NEIGHBORHOOD COMMERCIAL TRANSIT DISTRICT, THE RESIDENTIAL TRANSIT-ORIENTED DISTRICT, THE 40-50-X HEIGHT AND BULK DISTRICT, AND THE FULTON STREET GROCERY STORE SPECIAL USE DISTRICT.

RECITALS

- On November 21, 2005, David Silverman, acting on behalf of the Trust for the Children of Henry Wong ("Project Sponsor"), submitted an Environmental Evaluation Application with the Planning Department ("Department"), Case No. 2005.1085E. A Notification of Project

Receiving Environmental Review was sent on December 8, 2006 to owners of properties within 300 feet, adjacent tenants, and other potentially interested parties.

2. On August 29, 2008, the Project Sponsor filed an application with the Planning Department requesting, under Sections 303 and 304, Conditional Use Authorization to allow a Planned Unit Development ("PUD"), to allow development on a lot greater than 10,000 square feet, allow a non-residential use size greater than 3,000 square feet, and to allow off-street parking for residential and commercial uses beyond the amount principally permitted by the Planning Code, for a development on a 44,250 square-foot site (Lots 015 and 028 in Assessor's Block 0794) at 555 Fulton Street, south side between Laguna and Octavia Streets ("Project Site"). The project proposed to demolish the existing office/industrial building and construct a new five-story building containing 143 dwelling units, a 21,945 square-foot grocery store, and 217 off-street parking spaces. The application was subsequently amended to request specific modifications to Planning Code regulations regarding off-street parking, rear yard, open space, dwelling unit exposure, height limits for narrow streets, and curb-cuts on streets with bicycle lanes, and to modify the project to propose 136 dwelling units, a 32,800 square-foot grocery store, and 205 off-street parking spaces (Case No. 2005.1085C; collectively, "Project").
3. On October 18, 2006, the Project Sponsor submitted a request for review of a proposed development on the Project Site exceeding 40 feet in height, pursuant to Planning Code Section ("Section") 295, analyzing the potential impacts of the development to properties under the jurisdiction of the Department of Recreation and Parks (Case No. 2005.1085K). Department staff prepared a shadow fan depicting the potential shadow cast by the development and concluded that the Project would have no impact to properties subject to Section 295.
4. On March 3, 2010, a Draft Initial Study/Mitigated Negative Declaration (IS/MND) for the Project was prepared and published for public review.
5. The Draft IS/MND was available for public comment until March 23, 2010.
6. On March 22, 2010, an appeal of the MND was filed with the Department.
7. On May 13, 2010, the Planning Commission ("Commission") conducted a duly noticed public hearing at a regularly scheduled meeting on Conditional Use/Planned Unit Development Application No. 2005.1085C and the Appeal of the MND, 2005.1085E.
8. On May 13, 2010, the Commission upheld the PMND and approved the issuance of the Final Mitigated Negative Declaration (FMND) as prepared by the Department in compliance with CEQA, the State CEQA Guidelines and Chapter 31.
9. On May 13, 2010, the Commission reviewed and considered the Final MND and found that the contents of said report and the procedures through which the Final MND 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").

10. The Commission found the Final MND 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 IS/MND, and approved the Final MND for the Project in compliance with CEQA, the CEQA Guidelines and Chapter 31.
11. The Planning Department, Linda Avery, is the custodian of records, located in the File for Case No. 2005.1085E, at 1650 Mission Street, Fourth Floor, San Francisco, California.
12. 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.
13. On May 13, 2010, the Commission conducted a duly noticed public hearing at a regularly scheduled meeting on Conditional Use Application No. 2005.1085C, at which time the Commission reviewed and discussed the findings for approval prepared for its review by Department staff.
14. The Commission has reviewed and considered reports, studies, plans and other documents pertaining to the Project.
15. The Commission has heard and considered the testimony presented at the public hearing and has further considered the written materials and oral testimony presented on behalf of the Project Sponsor, Department staff, and other interested parties.

MOVED, that the Commission hereby grants the approval requested in Application No. 2005.1085C, as modified herein, subject to the conditions contained in Exhibit A, attached hereto and incorporated herein by reference, based on the following findings:

FINDINGS

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

1. The above recitals are accurate and constitute findings of this Commission.
2. **Project Description.** The proposal is to demolish an existing commercial/industrial building and construct a new five-story, mixed-use building containing approximately 136 dwelling units, 32,800 square feet of ground floor commercial uses (a grocery store), and 205 off-street parking spaces within an underground garage. The mix of dwelling units includes 32 studio units, 48 one-bedroom units, and 56 two-bedroom units. The

project sponsor is seeking approval of a Planned Unit Development, including a number of specific modifications from the requirements of the Planning Code, as discussed herein.

3. **Site Description and Present Use.** The project site is bounded by Fulton, Laguna, Octavia, and Birch Streets, Assessor's Block 0794, Lots 015 and 028, within the Hayes-Gough NCT District, the Residential Transit-Oriented District, the 40-50-X Height and Bulk District, and the Fulton Street Grocery Store Special Use District (SUD). The site measures 44,250 square feet, and is nearly rectangular, with the exception of a separate parcel located at the northeast corner of Fulton and Octavia Streets. The site is currently developed with a two-story commercial/industrial building that measures approximately 19,620 square feet. The western portion of the site is a surface parking area, while the eastern portion of the site consists of surface parking and loading docks for the building.
4. **Surrounding Properties and Neighborhood.** The area surrounding the project site primarily consists of residential buildings of two to four stories in height. Ground floor retail and restaurant uses are found along Hayes Street two blocks south of the project site, while other isolated commercial establishments are scattered throughout the vicinity. The Civic Center district begins three blocks to the east of the project site, and includes various government buildings, museums, libraries, and performance spaces. Open spaces in the vicinity include Jefferson Square and Hayward Playground to the north, Patricia's Green and Koshland Park to the south, Buchanan Street Mall and Alamo Square to the west, and Civic Center Plaza to the east.
5. **Public Comment.** Staff has received several communications in opposition to the proposed project from residents in the area. These communications express concerns that the height, scale, and architectural character of the project are incompatible with the area and would detract from scenic views of City Hall, that light will be blocked to adjacent residential buildings, and that the grocery store would cause excessive traffic and noise from deliveries. Staff has also received letters from the Hayes Valley Neighborhood Association that express support for the proposed building design, but raise concerns that project proposes an excessive amount of parking that is incompatible with the goals of the Market and Octavia Plan.
6. **Planning Code Compliance:** The Commission finds that the project is consistent with the relevant provisions of the Planning Code in the following manner:
 - A. **Use and Density.** The regulations of the Fulton Street Grocery Store SUD (Section 249.35A) apply to projects that include a grocery store measuring a minimum of 15,000 square feet, and residential uses meeting a minimum density of one dwelling unit per 600 square feet of lot area. Although the Residential Transit-Oriented District applies to the majority of the project site, a project meeting the cited criteria is subject to the controls of the Hayes-Gough NCT, thereby enabling a grocery store proposal. The SUD places further limitations on the type, size, and amount of parking of other commercial uses beyond a grocery store. The Hayes-Gough NCT

allows grocery stores (categorized as "Other Retail Sales and Service", per Sections 720.40 and 790.102) as a principally permitted use on the first story, and residential uses are principally permitted at all stories (Section 720.90). The NCT sets no specific limits on residential density (Section 720.91)

The Project proposes a ground floor grocery store measuring 32,800 square feet. The Project also proposes a total of 136 dwelling units for the subject property, at a density of one dwelling unit per each 325 square feet of the Project Site. The Project meets the specified SUD criteria for providing a grocery store and a minimum residential density, and is therefore subject to the use controls of the Hayes-Gough NCT. The Project conforms to the use and density regulations of both the Fulton Street Grocery Store SUD and the Hayes-Gough NCT.

- B. **Height and Bulk.** The subject property is located within a 40-50-X Height and Bulk District. Pursuant to Section 270, projects within "-X" Bulk Districts are not subject to specific bulk controls. Pursuant to Section 263.22, projects within this District that comply with the criteria of the Fulton Street Grocery Store SUD may seek Conditional Use Authorization for a height exception above the 40-foot base height limit up to a maximum of 50 feet. Pursuant to Section 263.20, projects within NCT Districts and within 40-X or 50-X Height and Bulk Districts are allowed an additional five feet of height if the project includes active ground floor commercial uses with elevated ceilings taller than 10 feet, and/or walk-up residential units that are elevated from the sidewalk. Pursuant to Section 261.1, upper portions of buildings that abut the northerly side of narrow streets, must be set back 10 feet from the property line above a height equivalent to 1.25 times the width of the abutting narrow street. This additional height restriction applies to the portion of the narrow street frontage that is located 60 feet away from an intersection with a street wider than 40 feet.

The Project complies with the criteria of the Fulton Street Grocery Store SUD, and is therefore requesting Conditional Use Authorization to reach a height of 50 feet. In addition, the Project is eligible for an additional five-foot increment of height, because the ceiling of the grocery store reaches a height of approximately 16 feet, and the store occupies more than 50% of the ground floor of the project.

The Project is situated along the northerly side of Birch Street, which qualifies as a "Narrow Street", pursuant to Section 261.1. Birch Street measures 35 feet in width, therefore, the additional height limits of Section 261.1 apply above a height of 43.75 feet, for the segment of the frontage located 60 feet away from Laguna and Octavia Streets. While Section 261.1 requires a 10-foot setback for this frontage, the fifth floor of the Project is set back only seven feet. Therefore, the Project does not comply with the regulations of Section 261.1.

The Project Sponsor has requested a PUD modification for these regulations, however, the height limitations of the Planning Code are not eligible for modification through the PUD

process. This modification is not granted, and a condition has been added requiring the project to comply with the setback described in Section 261.1.

- C. **Floor Area Ratio.** In the Hayes-Gough NCT District, Section 124 allows a Floor Area Ratio (FAR) of up to 3.0. The project site has an area of 44,250 square feet, therefore the allowable FAR would permit a building of up to 132,750 square feet of Gross Floor Area as defined in Section 102.9.

The Project would measure approximately 245,610 square feet. Pursuant to Section 124(b), within NC Districts, the cited Floor Area Ratio limits do not apply to residential uses. Subtracting the area of the residential uses, approximately 105,973 square feet of Gross Floor Area within the Project would be subject to the allowable FAR. The Project therefore complies with the maximum allowable FAR.

- D. **Rear Yard.** Section 134(a)(1) of the Planning Code requires a rear yard equal to 25 percent of the lot depth to be provided at every residential level.

At the second level and above, the Project is divided into two distinct masses fronting the length of Fulton and Birch Streets. These masses are separated by a central courtyard and are linked by two sets of catwalks that traverse this void at each level of the Project. The configuration of this courtyard does not meet the requirements for a rear yard, and thus the Project requires a modification of the rear yard requirement through the PUD process. Compliance with the PUD criteria is discussed under Item #11 .

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

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

A code-complying rear yard would provide an open area of approximately 10,250 square feet. A common rooftop deck measures approximately 7,200 square feet. In addition, fifteen second-floor units that front onto the courtyard would have access to private decks with a total area of approximately 7,400 square feet. Seven of the fifth floor units facing Birch Street also have access to private decks with a total area of 2,900 square feet. In total, the Project provides a combination of private and common open spaces for the use of residents that measure approximately 17,500 square feet, exceeding the amount of open area that would be provided by a Code-complying rear yard. It should be noted, however, that not all of these open spaces meet the exposure requirements for usable open space (see Item #6E).

The Project occupies nearly the entire block bounded by Fulton, Laguna, Birch, and Octavia Streets. Therefore, providing a Code-complying rear yard for the Project would result in a configuration that does not reflect the traditional San Francisco development pattern, with buildings located at or near front property lines, creating an urban streetscape framing an interior core of mid-block open space. By using a courtyard, the project restores a traditional pattern of mid-block open space within the project site. In addition, the courtyard effectively serves as a lightwell for the abutting property located at the southwest corner of Fulton and Octavia Streets, providing a buffer approximately 13 feet in width along the entire southerly boundary of this property.

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

The Project proposes private decks for seven of the fifth floor units that face Birch Street. The Project also proposes private decks for fifteen of the second-floor units, however, these decks do not comply with the exposure requirements of Section 135 and cannot be credited as usable open space. Therefore, the Project would need to provide a total of 10,294 square feet of common open space to serve 129 dwelling units that do not have complying private decks. The Project proposes 7,200 square feet of common open space (at a rooftop deck), and therefore does not comply with the requirements of Section 135. The Project therefore requires a modification of the usable open space requirements through the PUD process. Compliance with the PUD criteria is discussed under Item #11.

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

The dwelling units are arranged along two separate double-loaded corridors. The units that face onto Fulton, Laguna, Octavia, and Birch Streets comply with the requirements of Section 140. Some units face onto the central courtyard. Section 140 specifies that an open area (such as the courtyard) must have minimum horizontal dimensions of 25 feet at the lowest floor containing a dwelling unit and floor immediately above, with an increase of five feet in horizontal dimensions for each subsequent floor above. According to this methodology, the open area above the courtyard would need to measure at least 30 feet in horizontal dimensions at the 4th floor, and 35 feet at the 5th floor of the Project.

The central open area of the courtyard measures approximately 26 feet in width for the majority of the length of the Project, narrowing to approximately 13 feet in width at the easterly end of the Project. Therefore, floors 4 and 5 intrude into the volume of open area required by Section 140(a)(2). In addition, there is a unit facing onto the narrow portion of the courtyard on each of floors two thorough five that fails to meet the exposure

requirements. The Project therefore requires a modification of the exposure requirements through the PUD process. Compliance with the PUD criteria is discussed under Item #11.

- G. Off-Street Parking and Car Sharing.** Section 151.1 establishes the maximum amount of off-street parking that is permitted as accessory for uses within NCT Districts. Pursuant to these regulations, the Project would be principally permitted 66 off-street parking spaces to serve the commercial use, and 68 parking spaces to serve the residential use. Through Conditional Use authorization and subject to specific criteria, this Section allows this Project to seek up to 91 spaces to serve the commercial use, and 102 spaces to serve the residential use. Section 166 requires that three car-share parking spaces be provided for the Project.

The Project Sponsor has proposed a total of 205 off-street parking spaces (91 commercial spaces, 104 residential spaces, and 10 car share spaces), exceeding in total the maximum amount of parking that is permitted by Section 151.1. The sponsor has requested a modification of the parking limitations specified in Section 151.1 through the PUD process. This amount of off-street parking fails to meet the required Conditional Use Authorization criteria specified in Section 151.1 (see Item 10) and contradicts multiple policies of the General Plan (see Item #13). Therefore, this specific modification is not granted. A condition has been added to the motion that would limit the number of commercial parking spaces to a maximum of 77, and the number of residential parking spaces to 68.

Section 166 requires three car-share parking spaces to be provided for the Project. Section 166(d) specifies that the provision of these required spaces is not counted against the number of parking allowed by the Code as a principal, accessory, or conditional use. Accordingly, the Project Sponsor could opt to increase the number of car-share parking spaces within the Project beyond the number required by Section 166. However, this would require a commensurate reduction in the number of residential or commercial parking spaces, such that the total amount of off-street parking does not exceed 148 spaces.

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

The Project provides one commercial loading space and one residential loading space, both of which meet the dimension requirements of Section 154. The Project therefore complies with the off-street loading requirements.

- I. Curb Cuts.** Section 155(r)(4) prohibits the creation or use of curb cuts accessing off-street parking or loading on streets in NCT Districts that contain official City bicycle routes or bicycle lanes. A striped bicycle lane exists along the Fulton Street frontage

of the Project Site, and a shared bicycle route exists along the Octavia Street frontage of the Project Site.

The Project proposes two curb cuts on the Fulton Street frontage. The westerly curb cut is a combined access for the upper level of the parking garage and the residential loading space. The easterly curb cut provides access to the commercial loading space. A curb cut is also proposed on the Octavia Street frontage to provide access to the lower level of the parking garage. These curb cuts do not conform with the prohibitions of Section 155(r)(4), therefore, the Project Sponsor is requesting a modification of these regulations through the PUD process. Conformance with the PUD criteria is discussed under item #11.

The Project Sponsor also proposes a vehicular drop-off area along the Laguna Street frontage. This drop-off area is not a true curb cut, and Laguna Street is not subject to the prohibitions specified by Section 155(r)(4). However, this drop-off area would diminish the desirability pedestrian realm by reducing the width of the sidewalk and increasing vehicular activity directly in front of the entry to the grocery store, a focal point of pedestrian movement. This configuration would also preclude the planting of street trees along the majority of the Laguna Street frontage. Therefore, this drop-off area is not included in this Conditional Use Authorization, and a condition of approval has been added requiring that this feature be deleted from plans submitted for building permit review.

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

The Project proposes a total of 136 dwelling units. 56 of these units are two-bedroom units, constituting 41 percent of the overall dwelling units. The Project complies with the dwelling unit mix requirements.

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

The Project Sponsor has submitted a Declaration of Intent to satisfy the requirements of the Residential Inclusionary Housing Ordinance by providing the affordable housing on-site. The EE application was submitted on November 21, 2005. 16 units (4 studios, 6 one-bedroom, and 6 two-bedroom) of the 136 units provided will be affordable units.

7. **Planning Code Section 303** establishes criteria for the Planning Commission to consider when reviewing applications for Conditional Use authorization. Projects that proposed a Planned Unit Development through the Conditional Use authorization process must

meet these criteria, in addition to the PUD criteria of Section 304, discussed under Item #11. On balance, the project complies with the criteria of Section 303, in that:

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

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

The existing development in the area surrounding the Project site is varied in scale and intensity. The Project is somewhat taller than the other buildings in the vicinity, and occupies a relatively large lot. However, the building expresses an alternating rhythm of bays and voids that creates texture and further breaks down the massing of the building. Each elevation exhibits a procession of recesses that divide the larger building into smaller modules. The fenestration pattern changes at each module to create greater diversity in the texture of the Project.

While the design of the Project is suitable at a conceptual level, the size of the development warrants further refinements should be made to the design, such that the building reads less as a single development. Conditions of approval have been added requiring that the Project design be developed further through the building permit review, with particular consideration given to approaches that will further reduce the apparent size and scale of the Project. While no single approach is prescribed, possible solutions include varying the height of the roofline between the individual modules, selectively incorporating warmer finish colors, or relocating stairwells out of the recesses to enhance the visual breaks between the modules. Particular attention should be given to the Birch Street elevation, in order to relate to the historic pattern of narrow lot development across the street.

The Project, as proposed and as modified by the conditions of this approval, is necessary and desirable for, and is compatible with the neighborhood.

- B. The use or feature as proposed will not be detrimental to the health, safety, convenience, or general welfare of persons residing or working in the vicinity, or injurious to property, improvements, or potential development in the vicinity, with respect to aspects including, but not limited to the following:
- i. The nature of the proposed site, including its size and shape, and the proposed size, shape, and arrangement of structures.

The Project site is a regularly-shaped lot that is adequately sized to accommodate the development. In lieu of providing a Code-complying rear yard, the Project is arranged around a central courtyard that establishes a pattern of mid-block open space that is currently lacking on the subject block. Existing development in the vicinity varies in size and intensity, and the Project is generally compatible with the eclectic character of the area. The building is designed with recesses and varying fenestration patterns to reduce the apparent scale of the Project. Conditions of approval have been added so that the design will be refined with the goal of further reducing the apparent size and scale of the building. The shape and size of development on the subject property will not be detrimental to persons or adjacent properties in the vicinity.

- ii. The accessibility and traffic patterns for persons and vehicles, the type and volume of such traffic, and the adequacy of proposed off-street parking and loading and of proposed alternatives to off-street parking, including provisions of car-share parking spaces, as defined in Section 166.

The MND prepared for the project found that the project would not result in significant transportation and circulation impacts. The Project Site is located within an urban context, where convenience goods and services are available within walking distance. Residents of the project will be able to walk to such services in the vicinity, as well as the on-site grocery store. In addition, the area is served by ample public transit, so that residents do not need to solely rely on private automobile transportation. Improvement Measures have been incorporated into the MND to avoid traffic congestion and during construction of the Project and to encourage transit ridership by residents and grocery store employees.

The Project provides two off-street loading spaces, in conformance with the Planning Code requirements.

The Project Sponsor has proposed a total of 205 off-street parking spaces, exceeding the maximum amount of residential and commercial parking that is permitted by Section 151.1. The sponsor has requested a modification of the parking limitations specified in Section 151.1 through the PUD process. This amount of off-street parking fails to meet the required Conditional Use Authorization criteria specified in Section 151.1 (see Item #10) and contradicts multiple policies of the General Plan (see Item #13). Therefore, this specific modification is not granted, and this Conditional Use Authorization is subject to a condition of approval limiting the amount of parking for the Project. As proposed, and as modified by the conditions of approval, the traffic patterns, off-street loading, and the quantity of off-street parking will not be detrimental to persons or adjacent properties in the vicinity.

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

The Project includes residential and commercial uses that are typical of the Market and Octavia Plan area, and should not introduce operational noises or odors that are detrimental, excessive, or atypical for the area. While some temporary increase in noise can be expected during construction, this noise is limited in duration and will be regulated by the San Francisco Noise Ordinance which prohibits excessive noise levels from construction activity and limits the permitted hours of work. The Project Sponsor will be required to submit a Dust Control Plan to the Department of Public Health that specifies how airborne dust will be attenuated during construction. The requirements of this plan will ensure that demolition, excavation, and construction activities do not generate significant airborne dust. The building will not utilize mirrored glass or other highly reflective materials, therefore, the Project is not expected to cause offensive amounts of glare.

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

The Project provides open space in the form of private decks at the second and fifth story, a common rooftop deck, and an open plaza at the entry of the grocery store. A condition of approval has been added to further refine the location, configuration, and design of this plaza in order to create a successful public activity node. The conceptual plans show landscaping in the form of street trees along each project frontage. No parking is proposed for the project, but the area is well-served by transit and a variety of goods and services within walking distance. The proposed off-street loading spaces comply with the requirements of the Planning Code. As discussed elsewhere in this motion, Conditions of approval have been added to limit the overall amount of parking for the project. Conditions of approval also require that, as the Project proceeds through the review of building permits, the Project Sponsor will continue to work the Planning staff to refine details of project massing, lighting, signage, materials, street trees, and other aspects of the design.

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

The Project generally complies with the applicable sections of the Code, with certain exceptions. The residential and commercial uses contemplated for the Project, and the proposed density are permitted within the Hayes-Gough NCT District and the Fulton Street Grocery Store SUD. The Project seeks a number of modifications to the requirements of the Planning Code through the PUD process. The purpose of the PUD process is to allow well-designed development on larger sites to request modifications from the strict requirements of the Planning Code, provided that the project generally meets the intent of these Planning Code requirements and will not adversely affect the General Plan. The requested modifications, and compliance with the PUD criteria are discussed under Items #11 and #12.

Considered as a whole, the Project would add housing and commercial goods and services to create an vibrant, active mixed-use node. The Project Site is well-served by transit and commercial services, allowing residents to commute, shop, and reach amenities by walking, transit, and bicycling. The Project includes a mix of unit types, including 32 studio units, 48 one-bedroom units, and 56 two-bedroom units. This mix of units will ensure that the Project will serve a diversity of household sizes and people with varied housing needs. The Project conforms with multiple goals and policies of the General Plan, as described in further detail in Item #13.

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

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

The existing development in the area surrounding the Project site is varied in scale and intensity. The Project is somewhat taller than the other buildings in the vicinity, and occupies a relatively large lot. However, the Project uses offsetting planes, deep recesses, and changes in fenestration patterns to divide the elevations into discrete modules. While the design of the Project is suitable at a conceptual level, the details of the project will be further refined and developed throughout the building permit review in an effort to reduce the apparent size and scale of the project.

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

Existing buildings in the area exhibit an eclectic architectural character, with no prevailing style establishing a dominant visual pattern for the neighborhood. The scale of development also varies greatly in the vicinity. Existing development to the north and west of the Project Site was constructed in the mid- to late-20th century as part of the Western Addition Redevelopment area, and are comprised of large, linear multi-unit apartment buildings arranged in a "campus" across an entire block. Existing development to the south was primarily constructed in the late 19th and early 20th Century in a finer-grained pattern of individual buildings situated on narrow lots.

While no single architectural style or development pattern predominates, the Project reflects the disparate elements of this context while establishing its own contemporary language. Although the Project occupies a relatively large lot, the building is articulated as a series of smaller buildings across the site, separated by a procession of deep voids. Within an overall architectural vocabulary, variations in fenestration patterns throughout the Project reinforce this articulation. The building therefore relates to the larger scale and forms of the newer developments in the area, while also breaking down massing to acknowledge the narrower lot pattern of older development to the south. As the Project proceeds through the building

permit review process, the design will be refined to further reduce the apparent scale of the Project and provide greater variation across the building.

9. **Planning Code Section 121.2** establishes criteria for the Planning Commission to consider when reviewing applications for non-residential uses within the Hayes-Gough NCT that exceed 3,000 square feet, through the Conditional Use authorization process. On balance, the proposed grocery store complies with said criteria in that:

- A. The intensity of activity in the district is not such that allowing the larger use will be likely to foreclose the location of other needed neighborhood-serving uses in the area.

Small-scale, neighborhood-serving retail and restaurant uses are located along Hayes Street to the south, as well as at scattered locations in the area. However, there are no full-service grocery stores in the immediate vicinity that provide a wide spectrum of food products, personal items, and household goods. The grocery store is expected to complement and expand the retail offering that exist in the neighborhood, allowing residents to fulfill a wider variety of shopping needs within close proximity.

- B. The proposed use will serve the neighborhood, in whole or in significant part, and the nature of the use requires a larger size in order to function.

The Fulton Street Grocery Store SUD was established with the express purpose of "consideration of a neighborhood-serving grocery store of moderate size in a location accessible to the Hayes Valley and Western Addition neighborhoods." The size of the proposed grocery store is necessary in order to offer patrons a wide selection of goods that may not be readily available in the area. The store is not excessively sized to an excessive degree that would draw patrons from a broad area and overwhelm the character of the surrounding neighborhood.

- C. The building in which the use is to be located is designed in discrete elements which respect the scale of development in the district.

As discussed under Item #7A and #8A above, a number of aspects of the design help to divide the building into smaller, discrete elements, such as alternating rhythms of projections and voids, deep recesses, and changes in fenestration patterns across each elevation. The design will be further refined throughout the building permit process to reduce the apparent scale of the project.

10. **Planning Code Section 151.1(f)** establishes criteria for the Planning Commission to consider when reviewing applications for residential and commercial off-street parking that exceed the principally permitted amount within an NCT District. On balance, the project complies with some, but not all of the said criteria in that:

- A. 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.

The Project Sponsor proposes a quantity of parking beyond the amount that may be sought through Conditional Use authorization, pursuant to Section 151.1, and is therefore requesting a modification of these limitations through the PUD process. The MND prepared for the project does not identify transportation or circulation impacts that rise to the level of a significant impact under CEQA. However, the ready availability of excessive parking for the project may serve as a disincentive for residents and grocery store patrons to travel by means other than the private automobile. The resulting movement of additional vehicles around the Project Site and in the vicinity may degrade the experience of pedestrians and bicyclists.

Excessive parking to this degree also conflicts with multiple policies in the General Plan, and specifically the Market and Octavia Plan, to contribute to a built environment that encourages a variety of transportation options and discourages private automobile use as a primary mode of travel in walkable, transit-rich neighborhoods.

Therefore, this specific PUD modification is not granted, and this Conditional Use Authorization is subject to a condition of approval limiting the amount of parking permitted for the project. The residential parking is limited to the amount principally permitted by Section 151.1 for NCT Districts, not to exceed 68 spaces (equal to one car for each two dwelling units). By the nature of the use, the grocery store merits additional parking beyond that which is principally permitted by Section 151.1. Therefore, the condition of approval limits the number of commercial parking spaces to 77.

Section 166 requires three car-share parking spaces to be provided for the Project. Section 166(d) specifies that the provision of these required spaces is not counted against the number of parking allowed by the Code as a principal, accessory, or conditional use. Providing additional car share parking would require a commensurate reduction in the number of residential or commercial parking spaces, such that the total amount of off-street parking does not exceed 148 spaces.

- 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.
- iv. Excess accessory parking does not diminish the quality and viability of existing or planned streetscape enhancements.

The additional off-street parking requested by the Project Sponsor is located within an underground garage, and is not readily visible from the public right-of-way.

B. 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 residential accessory parking proposed for the project is proposed in a "valet", tandem configuration in the lower level of the parking garage. However, this configuration also proposes a wider drive aisle serving the tandem spaces, and does not meet the goal of providing "space-efficient means" that reduce the aggregate area used for parking and maneuvering. The Project proposes no mechanical stackers or lifts for the residential accessory parking.

C. Parking for Non-Residential Uses

- i. Projects that provide more than 10 spaces for non-residential uses must dedicate 5% of these spaces, rounded down to the nearest whole number, to short-term, transient use by vehicles from certified car sharing organizations per Section 166, vanpool, rideshare, taxis, or other co-operative auto programs. These spaces shall not be used for long-term storage nor satisfy the requirement of Section 166, but rather to park them during trips to commercial uses. These spaces may be used by shuttle or delivery vehicles used to satisfy subsection (B).

A condition of approval has been added requiring that 5% of the commercial parking spaces will be dedicated to transient use by co-operative auto programs, and that such spaces will be indicated on plans associated with the building permit.

- ii. Retail uses larger than 20,000 square feet, including but not limited to grocery, hardware, furniture, consumer electronics, greenhouse or nursery, and appliance stores, which sell merchandise that is bulky or difficult to carry by hand or by public transit, shall offer, at minimal or no charge to its customers, door-to-door delivery service and/or shuttle service. This is encouraged, but not required, for retail uses less than 20,000 square feet.

The proposed grocery store measures 32,800 square feet, and is therefore subject to this requirement. A condition of approval has been added requiring that the grocery store offer delivery and/or shuttle service.

- iii. Parking shall be limited to short-term use only.

- iv. Parking shall be available to the general public at times when such parking is not needed to serve the use or uses to which it is accessory.

A condition of approval has been added requiring that parking be limited to short-term use only, and be available to the general public outside of the hours of operation for the grocery store.

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

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

See discussion under Item #13.

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

As proposed, the Project includes a quantity of parking beyond the amount that may be sought through Conditional Use authorization, pursuant to Section 151.1, and is therefore requesting a modification of these limitations through the PUD process. Because the proposed parking does not meet the criteria of Section 151.1(f), and conflicts with multiple policies of the General Plan, and specifically the Market and Octavia Plan, the PUD modification is not granted. Conditions of approval have been added to reduce the amount of parking approved for the project. See further discussion under Item #10.

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

The project includes a common rooftop deck measuring approximately 7,200 square feet, private decks for units on the second floor with a total area of approximately 7,400 square feet, and seven private decks for units on the fifth floor with a total area of 2,900 square feet. The project also includes an entry plaza adjacent to the grocery store entrance measuring approximately 1,340 square feet. In total, the Project provides a combination of private and common open spaces for the use of residents and the general public that measure approximately 18,840 square feet. While the entry plaza and second-floor decks do not strictly comply with the exposure requirements of Section 135, the Project includes a substantial amount of open space that exceeds the area required by the Code.

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

As discussed under Item #6A, the Project complies with the specific density provisions of the Fulton Street Grocery Store SUD and the Hayes-Gough NCT. The PUD will not be substantially equivalent to a reclassification of property.

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

As discussed under Item #6B, the Project, as conditioned, complies with all relevant height limitations of the Planning Code, and does not request any deviations from the height measurement provisions of Sections 260 and 261.

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

- i. Height Limits for Narrow Streets: #6B (PUD MODIFICATION NOT GRANTED)*
- ii. Rear Yard Configuration: Item #6D*

- iii. Usable Open Space: Item #6E*
- iv. Dwelling Unit Exposure: Item #6F*
- v. Off-Street Parking: Item #6G, #10 (PUD MODIFICATION NOT GRANTED)*
- vi. Curb Cuts: Item #6I*

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

COMMERCE AND INDUSTRY ELEMENT:

Objectives and Policies

OBJECTIVE 6

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

Policy 6.4:

Encourage the location of neighborhood shopping areas throughout the city so that essential retail goods and personal services are accessible to all residents.

Policy 6.10:

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

The Project would replace an existing office/industrial building and surface parking areas with an intense, mixed-use development suited to an urban context. The Project includes 136 dwelling units. Residents of these units would shop for goods and services in the area, bolstering the viability of the existing businesses. In addition, the Project would provide a 32,800 square-foot grocery store in an area that is currently underserved by such a use. The presence of the ground floor commercial space will contribute to the economic vitality of the area, fulfill shopping needs for residents, and will activate the streetscape.

HOUSING ELEMENT:

Objectives and Policies

OBJECTIVE 1

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

Policy 1.1:

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

Policy 1.3

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

Policy 1.4:

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

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

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

OBJECTIVE 1.1

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

Policy 1.1.2:

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

Policy 1.1.3:

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

The Project Site is situated in an area that is well-served by transit, and has amenities and convenience goods and services within walking distance. The grocery store will diversify the mix of retail offerings in the area, and will serve as a complement to the small-scale retail uses along Hayes Street to the south.

OBJECTIVE 2.2

ENCOURAGE CONSTRUCTION OF RESIDENTIAL INFILL THROUGHOUT THE PLAN AREA.

Policy 2.2.2:

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

Policy 2.2.4:

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

The Project is a mixed-use infill development that includes a variety of dwelling unit types, including studios, one-bedroom, and two-bedroom units. The residential uses are situated over a grocery store, providing convenient access to retail goods for residents of the proposed project and the surrounding neighborhood.

OBJECTIVE 5.2

DEVELOP AND IMPLEMENT PARKING POLICIES FOR AREAS WELL SERVED BY PUBLIC TRANSIT THAT ENCOURAGE TRAVEL BY PUBLIC TRANSIT AND

ALTERNATIVE TRANSPORTATION MODES AND REDUCE TRAFFIC CONGESTION.

Policy 5.2.1:

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

Policy 5.2.3:

Minimize the negative impacts of parking on neighborhood quality.

Conditions of approval have been added to reduce the amount of parking included in the Project below the levels proposed by the Project Sponsor. Excessive parking for the Project would serve as a disincentive for residents and grocery store patrons to travel by means other than the private automobile. The resulting movement of additional vehicles around the Project Site and in the vicinity may degrade the experience of pedestrians and bicyclists. Limiting the amount of parking will contribute to a built environment that encourages a variety of transportation options and discourages private automobile use as a primary mode of travel in walkable and transit-rich neighborhoods such as the Market and Octavia Plan Area.

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

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

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

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

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

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

The Project would be required to contribute to in-lieu funds to the City's Inclusionary Housing Program to support the development of affordable housing opportunities.

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

A wide variety of goods and services are available within walking distance of the Project Site without reliance on private automobile use. In addition, the area is well served by public transit, providing connections to all areas of the City and to the larger regional transportation network. Conditions have been added to limit the total amount of parking for the project, helping to encourage transit usage, deemphasize reliance on the private automobile, and retain a desirable environment for pedestrian and bicycle activity.

- 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 does not propose any office development. Several office and industrial tenants would be displaced by the demolition of the existing building. However, the Project will include a grocery store that will provide employment opportunities for area residents.

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

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

- G. That landmarks and historic buildings be preserved.

The existing building that would be demolished by the Project is not considered to be a historic resource. While the architecture of the Project is contemporary, the massing and exterior treatment has been designed in a manner that will not adversely off-site historic resources.

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

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

15. 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.
16. 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 Project Sponsor, 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. 2005.1085C** subject to the following conditions attached hereto as "EXHIBIT A" which is incorporated herein by reference as though fully set forth.

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

The Planning Commission hereby adopts the MMRP attached hereto as "EXHIBIT C" and incorporated herein as part of this Resolution/Motion by this reference thereto. All required mitigation measures identified in the IS/MND and contained in the MMRP are included as conditions of approval.

APPEAL AND EFFECTIVE DATE OF MOTION: Any aggrieved person may appeal this Conditional Use Authorization to the Board of Supervisors within thirty (30) days after the date of this Motion No. 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 94012.

I hereby certify that the Planning Commission ADOPTED the foregoing Motion on May 13, 2010.

Linda Avery
Commission Secretary

AYES:

NAYS:

ABSENT:

ADOPTED: May 13, 2010

Exhibit A

Conditions of Approval

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

This Conditional Use Authorization is for a proposed Planned Unit Development, a mixed-use Project with residential and commercial uses located at 555 Fulton Street, Lots 015 and 028 in Assessor's Block 0794, within the Hayes Gough Neighborhood Commercial Transit District, The Residential Transit-Oriented District, the 40-50-X Height and Bulk District, and the Fulton Street Grocery Store Special Use District, in general conformance with the plans dated May 13, 2010, and marked "Exhibit B", except as modified herein. As approved herein, the project would demolish the existing office/industrial building on the site, and construct a five-story mixed use building containing approximately 136 dwelling units, a grocery store measuring approximately 32,800 square feet, and a maximum of 148 off-street parking spaces.

1. MITIGATION MEASURES

Mitigation measures described in the MMRP attached as Exhibit C are necessary to avoid potential significant effects of the proposed project and have been agreed to by the project sponsor. Their implementation is a condition of project approval.

2. COMPLIANCE WITH OTHER REQUIREMENTS

This decision conveys no right to construct. The conditions set forth below are additional conditions required in connection with the Project. If these conditions overlap with any other requirement imposed on the Project, the more restrictive or protective condition or requirement, as determined by the Zoning Administrator, shall apply. The conditions set forth below shall remain in effect for the life of the Project, unless specifically noted otherwise

3. GENERAL CONDITIONS

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

- B. Reporting. The Project Sponsor shall submit to the Zoning Administrator two copies of a written report describing the status of compliance with the conditions of approval contained within this Motion every six months from the date of this approval through the issuance of the first temporary certificate of occupancy.
- C. Construction.
- (1). The Project Sponsor shall ensure the construction contractor will coordinate with the City and other construction contractor(s) for any concurrent nearby Projects that are planned for construction so as to minimize, to the extent possible, negative impacts on traffic and nearby properties caused by construction activities.
- (2). The contractor(s) shall arrange for off-street parking for construction workers.
- D. Performance. The Planning Commission may, in a public hearing, consider the revocation of this conditional use authorization if a site or building permit has not been issued 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 thenceforth diligently to completion. The Commission may also consider revoking this conditional use authorization 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. This authorization may be extended at the discretion of the Zoning Administrator only if the failure to issue a permit by the Department of Building Inspection is delayed by a City, state or federal agency or by appeal of the issuance of such permit.
- E. Severability. If any clause, sentence, section or any part of these conditions of approval is for any reason held to be invalid, such invalidity shall not affect or impair other of the remaining provisions, clauses, sentences, or sections of these conditions. It is hereby declared to be the intent of the Commission that these conditions of approval would have been adopted had such invalid sentence, clause, or section or part thereof not been included herein.
- F. First Source. The Project is subject to the requirements of the First Source Hiring Program (Chapter 83 of the Administrative Code) and the Project Sponsor shall comply with the requirements of this Program.
- G. Violation of the conditions contained in this Motion or of any other provisions of the Planning Code may be subject to abatement procedures and fines up to \$250 a day in accordance with Sections 176 and 176.1 of the Planning Code and actions to abate violations of this conditional use authorization in accordance with Section 303(f).
- H. Should monitoring of these Conditions of Approval be required, the Project Sponsor or successors shall pay fees as established in Section 351(e)(1) of the Planning Code.

- I. The Property Owner shall maintain the main entrance to the building and all sidewalks abutting the subject property in a clean condition. Such maintenance shall include, at a minimum, daily litter pickup and disposal, and washing or steam cleaning of the main entrance and abutting sidewalks at least once each week
 - J. Signs and exterior lighting for ground floor commercial uses shall be consistent with the approved signage program and shall be reviewed and approved by the Planning Department before they are installed.
 - K. Ground level storefronts in general conformity with Exhibit B shall be maintained in an attractive manner, providing transparency into the tenancy behind. Visibility of the commercial interiors and activity through all storefront windows shall be maintained in order to ensure that the ground level of the building remains visually active, provides visual interest to pedestrians, and enhances sidewalk security. Commercial interior layouts should be designed with these requirements in mind. Generally, storefront windows should not be visually obscured with the following: blinds, shades or curtains; shelving; equipment; darkly tinted, translucent or opaque film; painted, stenciled or adhesive signage applied to individual window surfaces that has an overall transparency of less than 50%, or any signage that covers more than 1/3 of the area of any individual window; full or partial height interior partition walls placed directly against or within 10 feet from the window glazing; or any other items that significantly block the vision of pedestrians through the storefront windows into the occupiable commercial space. Solid roll-down security gates shall not be installed in storefront openings. The Property Owner shall ensure that this condition of approval is incorporated into all commercial leases.
 - L. An enclosed garbage area shall be provided within the Project. All garbage containers shall be kept within the building until pick-up by the disposal company.
4. BELOW MARKET RATE UNITS (BMR UNITS)
- A. Number of Required Units. Pursuant to Planning Code Section 315.4, the Project is required to provide 12% of the proposed dwelling units as affordable to qualifying households ("BMR Units"). The Project contains 136 units; therefore, 16 BMR units are required. The Project Sponsor will fulfill this requirement by providing the 16 BMR units on-site
 - B. Unit Mix. The Project contains 32 studios, 48 one-bedroom, and 56 two-bedroom units; therefore, the required BMR unit mix is 4 studios, 6 one-bedroom, and 6 two-bedroom units. If the market-rate unit mix changes, the BMR unit mix will be modified accordingly.
 - C. Duration. Under Planning Code Section 315.7, all units constructed pursuant to Sections 315.4 must remain affordable to qualifying households for the life of the project.

D. Other Conditions. The Project is subject to the requirements of the Inclusionary Affordable Housing Program under Section 315 et seq. of the Planning Code and the terms of the Residential Inclusionary Affordable Housing Monitoring and Procedures Manual (hereinafter "Procedures Manual"). The Procedures Manual, as amended from time to time, is incorporated herein by reference, as published and adopted by the Planning Commission, and as required by Planning Code Section 315 (collectively the "Inclusionary Housing Ordinance"). Terms used in these Conditions of Approval and not otherwise defined shall have the meanings set forth in the Procedures Manual. A copy of the Procedures Manual can be obtained at the Mayor's Office of Housing at 1 South Van Ness Avenue or on the Planning Department or Mayor's Office of Housing's websites, including on the internet at:

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

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

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

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

(2). If the units in the building are offered for rent, the BMR unit(s) shall be rented to a household of low income, as defined in the Inclusionary Housing Ordinance and as further defined in the Procedures Manual, whose gross annual income, adjusted for household size, does not exceed sixty (60) percent of the median income for the City and County of San Francisco as defined in the Inclusionary Housing Ordinance, Section 315.1. The qualifying household income limits and maximum monthly rent for BMR units shall be calculated by Mayor's Office of Housing (MOH.)

(3). The Applicant is responsible for following the marketing, reporting, and monitoring requirements and procedures as set forth in the Procedures Manual. The

Mayor's Office of Housing shall be responsible for overseeing and monitoring the marketing of affordable units.

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

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

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

(7). Future Applicable Controls: If the Interim Controls contained in Board of Supervisors Resolution No. 100047 entitled "Planning Code – Interim Controls Related to Affordable Housing Requirements" or permanent controls in substantially similar form to those contained in Ordinance No. 100046 entitled "Planning Code – Amending Inclusionary Housing Ordinance" proposing amendments to Planning Code Section 315 et seq. (collectively "applicable future controls") are approved by the Board of Supervisors prior to issuance of the first certificate of occupancy for the Project, the Project shall be subject to the applicable future controls and not the current provisions of Planning Code Section 315 et seq. Specifically, the Project shall pay the affordable housing fee as provided in the applicable future controls unless it is eligible to meet the requirements of Section 315 et seq. through an alternative method. The affordable housing fee currently designated in the draft applicable future controls is set at the same amount as the current in lieu fee in Planning Code Section 315.6 and the Planning Commission does not anticipate, except for standard indexing provided for by ordinance, that it shall increase as a result of the future permanent controls.

5. PARKING

A. Amount of Parking. This amount of parking shall be reduced from the 205 spaces shown on "Exhibit B" such that the total amount of off-street parking does not exceed 148 spaces. A maximum of 77 spaces may be provided for the commercial use, and a maximum of 68 spaces may be provided for the residential use. Any reduction in the number of dwelling units or the area of the grocery store shall require a proportionate reduction in the maximum number of

allowable parking spaces. A minimum of three car-share parking spaces shall be required. The Project Sponsor may elect to provide additional car-share parking spaces beyond the required car-share parking spaces, however, a commensurate reduction in the number of commercial and residential parking spaces would be required.

- B. Parking Costs Separated from Housing Costs. Pursuant to Section 167, all off-street parking spaces accessory to the residential units shall be sold or leased separately from the rental or purchase fees of the dwelling units.
- C. Commercial Parking for Co-Operative Auto Programs. Pursuant to Section 151.1(f)(3)(A), 5% of the commercial parking spaces shall be dedicated to short-term, transient use by car-share vehicles, vanpool, rideshare, taxis, or other co-operative vehicle programs. These spaces may be used by shuttle or delivery vehicles used to satisfy condition #5D. The locations of the spaces required by this condition shall be indicated on plans for the site and building permits.
- D. Shuttle or Delivery Service. Pursuant to Section 151.1(f)(3)(B), the grocery store shall offer, at minimal or no charge to its customers, door-to-door delivery or shuttle service.
- E. Short-Term Use. Pursuant to Section 151.1 (f)(3)(C) and (D), all commercial parking spaces shall be limited to short-term use only, and shall be available to the general public when such commercial parking spaces are not needed to serve the grocery store.

6. CONDITIONS TO BE MET PRIOR TO THE ISSUANCE OF A FIRST SITE OR BUILDING PERMIT

- A. Design. The Project Sponsor and the Project architects shall continue to work on design development with the Department, with particular attention given to the following:
 - (1). The design of the Project should be refined to further reduce the apparent scale and massing of the project, such that the building reads less as a single development. In particular, these refinements should result in greater compatibility with the rhythm and texture of the existing narrow-lot pattern of development adjacent to the project, on the south side of Birch Street. Such refinements may utilize such techniques as varying the height of the roofline across each elevation, selectively introducing warmer exterior finish colors, or removing the stairwells from the recesses in the elevations (as shown on "Exhibit B") to enhance the visible depth of these recesses.

(2). The upper portion of the building along Birch Street shall be set back ten feet from the property line, in a manner that complies with Section 261.1. This set back shall be depicted on future submittals for the site and building permits.

(3). The "vehicular drop off" area (shown at the westerly portion of the site on Exhibit "B") shall be deleted. For future submittals for the site and building permits, this area shall be depicted with a full-width sidewalk and street trees in conformance with Section 143.

(4). The location and configuration of the "common entry court" (shown at the westerly portion of the site on "Exhibit B") should be evaluated to maximize usability, access to sunlight, and activation to and relationship with adjacent sidewalks. In particular, shifting the entry court to the corner of Laguna and Birch Streets should be considered.

(5). Future submittals shall include details regarding reveal dimensions at all windows, moldings, and other details, as well as building materials and colors.

- B. Market and Octavia Community Improvements Fund. The Project Sponsor shall satisfy the requirements of Planning Code Section 326 either through a payment to the Fund or through the provision of in-lieu improvement, as specified within this Section.
- C. Linkage Program. The Project Sponsor shall pay the Jobs-Housing Linkage Program (JHLP) fee as required by Planning Code Section 313 for the commercial portion of the project, and based on drawings submitted with the Building Permit Application.
- D. A final pedestrian streetscape improvement plan, including landscaping and paving materials and patterns, shall be submitted for review by, and shall be satisfactory to the Planning Director, in consultation with staff from the Department of Public Works, the Department of Parking and Traffic, and the Bureau of Urban Forestry. Other agencies shall be contacted as appropriate. The Project shall include street trees in conformance with Section 143. The street trees planted pursuant to this condition shall be maintained in perpetuity by the Project Sponsor.

7. CONDITIONS TO BE MET PRIOR TO THE ISSUANCE OF AN ARCHITECTURAL ADDENDUM TO A BUILDING (OR SITE) PERMIT

- A. Except as otherwise provided in this Motion, the Project shall be completed in

compliance with the Planning Code and in general conformity with plans dated May 13, 2010, labeled "Exhibit B".

- B. Final detailed building plans shall be reviewed and approved by the Planning Department. Detailed building plans shall include a final site plan, elevations, sections, and a landscape plan, and shall specify final architectural and decorative detailing, materials, glazing, color and texture of exterior finishes, and details of construction.
 - C. Highly reflective spandrel glass, mirror glass, or deeply tinted glass shall not be permitted. Only clear glass shall be used at pedestrian levels.
 - D. Pursuant to Planning Code Section 141, rooftop mechanical equipment is required to be screened so as not to be visible from any point at or below the roof level of the subject building.
 - E. Signage. The Project Sponsor shall develop a signage program for the Project which shall be subject to review and approval by Planning Department staff. All subsequent sign permits shall conform to the approved signage program. Once approved by Department staff, the signage program information shall be submitted and approved as part of the first building or site permit for the Project.
 - F. Lighting. The Project Sponsor shall develop a lighting program for the Project which shall be subject to review and approval by Planning Department staff. The lighting program shall include any lighting required or proposed within the public right-of-way as well as lighting attached to the building. Once approved by Department staff, the lighting program information shall be submitted and approved as part of the first building or site permit for the Project.
 - G. A final pedestrian streetscape improvement plan, including landscaping and paving materials and patterns, shall be submitted for review by, and shall be satisfactory to the Planning Director, in consultation with staff from the Department of Public Works, the Department of Parking and Traffic, and the Bureau of Urban Forestry. Other agencies shall be contacted as appropriate. The Project shall include street trees in conformance with Section 143. Relocation of some existing underground utilities may be necessary to accommodate the required street trees. The street trees planted pursuant to this condition shall be maintained in perpetuity by the Project Sponsor.
8. CONDITIONS TO BE MET PRIOR TO ISSUANCE OF ANY CERTIFICATES OF OCCUPANCY FOR THE PROJECT.

- A. Market and Octavia, Additional Affordable Housing Fee. The Project Sponsor shall satisfy the requirements of Planning Code Section 315.4 through a payment to the Citywide Affordable Housing Fund.
- B. All usable open spaces shall be completed and available for use.
- C. An evacuation and emergency response plan shall be developed by the Project Sponsor or building management staff, in consultation with the Mayor's Office of Emergency Services, to ensure coordination between the City's emergency planning activities and the Project's plan and to provide for building occupants in the event of an emergency. The Project's plan shall be reviewed by the Office of Emergency Services and implemented by the building management insofar as feasible before issuance of the final certificate of occupancy by the Department of Public Works. A copy of the transmittal and the plan submitted to the Office of Emergency Services shall be submitted to the Department. To expedite the implementation of the City's Emergency Response Plan, the Project Sponsor shall post information (with locations noted on the final plans) for building occupants concerning actions to take in the event of a disaster.

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EXHIBIT C

MITIGATION MONITORING AND REPORTING PROGRAM

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Mitigation Measures Agreed to by Project Sponsor	Responsibility for Implementation	Mitigation Schedule	Monitoring and Reporting Actions and Responsibility	Status / Date Completed
MITIGATION MEASURE M-CP-1 Archeology (Monitoring)				
<p>Based on the reasonable potential that archeological resources may be present within the project site, the following measures shall be undertaken to avoid any potentially significant adverse effect from the proposed project on buried or submerged historical resources. The project sponsor shall retain the services of a qualified archeological consultant having expertise in California prehistoric and urban historical archeology. The archeological consultant shall undertake an archeological monitoring program. All plans and reports prepared by the consultant as specified herein shall be submitted first and directly to the ERO for review and comment, and shall be considered draft reports subject to revision until final approval by the ERO. Archeological monitoring and/or data recovery programs required by this measure could suspend construction of the project for up to a maximum of four weeks. At the direction of the ERO, the suspension of construction can be extended beyond four weeks only if such a suspension is the only feasible means to reduce to a less-than-significant level potential effects on a significant archeological resource as defined in CEQA Guidelines Sect. 15064.5 (a)(c).</p>	<p>Project sponsor/ archeological consultant at the direction of the Environmental Review Officer (ERO).</p>	<p>Prior to soil-disturbing activities.</p>	<p>Archeological consultant shall report to the ERO.</p>	<p>During excavation, demolition and construction. Considered complete upon receipt of final monitoring report at completion of construction.</p>
<p><i>Archeological Monitoring Program (AMP).</i> The archeological monitoring program shall minimally include the following provisions:</p> <ul style="list-style-type: none"> The archeological consultant, project sponsor, and ERO shall meet and consult on the scope of the AMP reasonably prior to any project-related soils disturbing activities commencing. The ERO in consultation with the archeological consultant shall determine what project activities shall be archeologically monitored. In most cases, any soil-disturbing activities, 	<p>Project sponsor/ archeological consultant./ archeological monitor/ contractor(s), at the direction of the</p>	<p>Monitor throughout all soil-disturbing activities.</p>	<p>Project sponsor/ archeological consultant./ archeological monitor/ Contractor(s), and the ERO. Monitor</p>	<p>During excavation, demolition and construction. Considered complete upon receipt of final</p>

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<p>such as demolition, foundation removal, excavation, grading, utilities installation, foundation work, driving of piles (foundation, shoring, etc.), site remediation, etc., shall require archeological monitoring because of the risk these activities pose to potential archaeological resources and to their depositional context;</p> <ul style="list-style-type: none"> • The archeological consultant shall advise all project contractors to be on the alert for evidence of the presence of the expected resource(s), of how to identify the evidence of the expected resource(s), and of the appropriate protocol in the event of apparent discovery of an archeological resource; • The archeological monitor(s) shall be present on the project site according to a schedule agreed upon by the archeological consultant and the ERO until the ERO has, in consultation with the archeological consultant, determined that project construction activities could have no effects on significant archeological deposits; • The archeological monitor shall record and be authorized to collect soil samples and artifactual/ecofactual material as warranted for analysis; • If an intact archeological deposit is encountered, all soils disturbing activities in the vicinity of the deposit shall cease. The archeological monitor shall be empowered temporarily to redirect demolition/excavation/pile driving/construction crews and heavy equipment until the deposit is evaluated. If in the case of pile driving activity (foundation, shoring, etc.), the archeological monitor has cause to believe that the pile driving activity may affect an archeological resource, the pile driving activity shall be terminated until an appropriate evaluation of the resource has been made in consultation with the ERO. 	<p>ERO.</p>		<p>throughout all soils-disturbing activities.</p>	<p>monitoring report at completion of construction.</p>

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MITIGATION MONITORING AND REPORTING PROGRAM

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Mitigation Measures Agreed to by Project Sponsor	Responsibility for Implementation	Mitigation Schedule	Monitoring and Reporting Actions and Responsibility	Status / Date Completed
<p>The archeological consultant shall immediately notify the ERO of the encountered archeological deposit. The archeological consultant shall, after making a reasonable effort to assess the identity, integrity, and significance of the encountered archeological deposit, present the findings of this assessment to the ERO.</p>				
<p>If the ERO in consultation with the archeological consultant determines that a significant archeological resource is present and that the resource could be adversely affected by the proposed project, at the discretion of the project sponsor either:</p> <ul style="list-style-type: none"> A) The proposed project shall be re-designed so as to avoid any adverse effect on the significant archeological resource; or B) An archeological data recovery program shall be implemented, unless the ERO determines that the archeological resource is of greater interpretive than research significance and that interpretive use of the resource is feasible. 	Project sponsor	If a significant archeological resource is present	Project sponsor/ archeological consultant/ archeological monitor/ contractor(s), and the ERO. Monitor throughout all soils-disturbing activities.	During excavation, demolition and construction. Considered complete upon receipt of final monitoring report at completion of construction.
<p>If an archeological data recovery program is required by the ERO, the archeological data recovery program shall be conducted in accord with an archeological data recovery plan (ADRP). The project archeological consultant, project sponsor, and ERO shall meet and consult on the scope of the ADRP. The archeological consultant shall prepare a draft ADRP that shall be submitted to the ERO for review and approval. The ADRP shall identify how the proposed data recovery program will preserve the significant information the archeological resource is expected to contain. That is, the ADRP will identify what scientific/historical research questions are applicable to the expected resource, what data classes the resource is expected to possess, and how the expected data classes would address the applicable</p>	Archeological consultant at the direction of the ERO	If there is a determination that an ADRP program is required	Project sponsor/ archeological consultant/ archeological monitor/ contractor(s), and the ERO. Monitor throughout all soils-disturbing activities.	During excavation, demolition and construction. Considered complete upon receipt of final monitoring report at completion of

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Mitigation Measures Agreed to by Project Sponsor	Responsibility for Implementation	Mitigation Schedule	Monitoring and Reporting Actions and Responsibility	Status / Date Completed
<p>research questions. Data recovery, in general, should be limited to the portions of the historical property that could be adversely affected by the proposed project. Destructive data recovery methods shall not be applied to portions of the archeological resources if nondestructive methods are practical.</p> <p>The scope of the ADRP shall include the following elements:</p> <ul style="list-style-type: none"> • <i>Field Methods and Procedures.</i> Descriptions of proposed field strategies, procedures, and operations. • <i>Cataloguing and Laboratory Analysis.</i> Description of selected cataloguing system and artifact analysis procedures. • <i>Discard and Deaccession Policy.</i> Description of and rationale for field and post-field discard and deaccession policies. • <i>Interpretive Program.</i> Consideration of an on-site/off-site public interpretive program during the course of the archeological data recovery program. • <i>Security Measures.</i> Recommended security measures to protect the archeological resource from vandalism, looting, and non-intentionally damaging activities. • <i>Final Report.</i> Description of proposed report format and distribution of results. • <i>Curation.</i> Description of the procedures and recommendations for the curation of any recovered data having potential research value, identification of appropriate curation facilities, and a summary of the accession policies of the curation facilities. 				<p>construction.</p>

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MITIGATION MONITORING AND REPORTING PROGRAM

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Mitigation Measures Agreed to by Project Sponsor	Responsibility for Implementation	Mitigation Schedule	Monitoring and Reporting Actions and Responsibility	Status / Date Completed
<p><i>Human Remains and Associated or Unassociated Funerary Objects.</i> The treatment of human remains and of associated or unassociated funerary objects discovered during any soils disturbing activity shall comply with applicable State and Federal Laws, including immediate notification of the Coroner of the City and County of San Francisco and in the event of the Coroner's determination that the human remains are Native American remains, notification of the California State Native American Heritage Commission (NAHC) who shall appoint a Most Likely Descendant (MLD) (Pub. Res. Code Sec. 5097.98). The archeological consultant, project sponsor, and MLD shall make all reasonable efforts to develop an agreement for the treatment of, with appropriate dignity, human remains and associated or unassociated funerary objects (CEQA Guidelines. Sec. 15064.5(d)). The agreement should take into consideration the appropriate excavation, removal, recordation, analysis, curation, possession, and final disposition of the human remains and associated or unassociated funerary objects.</p>	<p>Project sponsor / archeological consultant in consultation with the San Francisco Coroner, NAHC, and MDL.</p>	<p>In the event human remains and/or funerary objects are found.</p>	<p>Project sponsor/ archeological consultant/ San Francisco Coroner/ NAHC/ MDL. Monitor throughout all soils-disturbing activities</p>	<p>During excavation, demolition and construction. Considered complete upon receipt of final monitoring report at completion of construction.</p>
<p><i>Final Archeological Resources Report.</i> The archeological consultant shall submit a Draft Final Archeological Resources Report (FARR) to the ERO that evaluates the historical of any discovered archeological resource and describes the archeological and historical research methods employed in the archeological testing/monitoring/data recovery program(s) undertaken. Information that may put at risk any archeological resource shall be provided in a separate removable insert within the draft final report.</p> <p>Copies of the Draft FARR shall be sent to the ERO for review and approval. Once approved by the ERO copies of the FARR shall be distributed as follows: California Archeological 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</p>	<p>Project sponsor/ archeological consultant at the direction of the ERO.</p>	<p>After completion of the archeological data recovery, inventorying, analysis and interpretation.</p>	<p>Project sponsor/ archeological consultant/ ERO</p>	<p>Following completion of soil disturbing activities. Considered complete upon Planning Department receipt of final monitoring report at completion of</p>

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Mitigation Measures Agreed to by Project Sponsor	Responsibility for Implementation	Mitigation Schedule	Monitoring and Reporting Actions and Responsibility	Status / Date Completed
<p>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>construction.</p>
<p>MITIGATION MEASURE M-AQ-1 Short-term Construction Exhaust Emissions</p>				
<p>To reduce project-related short-term exhaust emissions from construction equipment, the project sponsor and its contractors shall implement the following mitigation measures:</p> <ul style="list-style-type: none"> • Confine idle time of combustion engine construction equipment at construction sites to five minutes. • Maintain and properly tune construction equipment in accordance with manufacture’s specifications. • Use alternative fueled or electrical construction equipment at the subject property when feasible. • Use the minimum practical engine size for construction equipment. • Equip gasoline-powered construction equipment with catalytic converters when feasible. 	<p>Project sponsor and its contractors</p>	<p>Throughout excavation and all construction activities</p>	<p>Project sponsor / contractors to report compliance to ERO</p>	<p>Considered complete at completion of building construction</p>

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Mitigation Measures Agreed to by Project Sponsor	Responsibility for Implementation	Mitigation Schedule	Monitoring and Reporting Actions and Responsibility	Status / Date Completed
<p>MITIGATION MEASURE M-NOI-1 Noise (Construction Phase)</p>				
<p>To reduce daytime noise impacts due to construction to the maximum feasible extent, the following measures shall be implemented in addition to all measures set forth in the Noise Ordinance:</p> <ul style="list-style-type: none"> • At least 10 days prior to the start of construction, the project sponsor shall notify occupants of properties within 100 feet of the project site’s lot line. Notification shall include an estimation of the duration of construction activities including anticipated start and completion dates and the daily construction times. • Equipment and trucks used for project construction shall utilize the best available noise control techniques (e.g., improved mufflers, equipment redesign, use of intake silencers, ducts, engine enclosures, and acoustically attenuating shields or shrouds, wherever feasible). • Impact tools (e.g., jack hammers, pavement breakers, and rock drills) used for project construction shall be hydraulically or electrically powered wherever possible to avoid noise associated with compressed-air exhaust from pneumatically powered tools. However, where use of pneumatic tools is unavoidable, an exhaust muffler on the compressed-air exhaust shall be used; this muffler can lower noise levels from the exhaust by up to about 10 dBA. External jackets on the tools themselves shall be used where feasible, which could achieve a reduction of 5 dBA. Quieter procedures shall be used, such as drills rather than impact equipment, whenever feasible. • Stationary noise sources shall be located as far from sensitive receptors as 	<p>Project sponsor and construction contractor</p>	<p>Prior to and during demolition, excavation and construction</p>	<p>Project sponsor / contractors to report compliance to ERO</p>	<p>Considered complete at completion of building construction</p>

EXHIBIT C

MITIGATION MONITORING AND REPORTING PROGRAM

File No. Project Title: 2005.1085E
555 Fulton Street Retail-Residential Project

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Mitigation Measures Agreed to by Project Sponsor	Responsibility for Implementation	Mitigation Schedule	Monitoring and Reporting Actions and Responsibility	Status / Date Completed
<p>possible, and they shall be muffled and enclosed within temporary sheds, insulation barriers, or other measures shall be incorporated to the extent feasible.</p> <p>Ground clearing, excavation, foundation, building erection and exterior finishing activities shall be limited to Monday through Friday between the hours of 7:00 a.m. to 8:00 p.m. All other work occurring on Saturday and Sunday shall be limited to the hours of 9:00 a.m. to 6:00 p.m.</p>				
<p>MITIGATION MEASURE M-HZ-1 Hazards (Contaminated Soil)</p>				
<p><i>Step 1: Soil Testing</i></p> <p>If required by the San Francisco Department of Public Health (SFDPH), the project sponsor shall, prior to approval of a building permit for the proposed project, hire a consultant to collect soil samples (borings) from areas on the site in which soil would be disturbed and test the samples for total lead and petroleum hydrocarbons. The consultant shall analyze the samples as discrete, not composite samples. The consultant shall prepare a report on the testing for petroleum hydrocarbons that includes the results of the testing and a map that shows the locations samples collected.</p> <p>The project sponsor shall submit the report on the testing for petroleum hydrocarbons and a fee in the form of a check payable to the San Francisco Department of Public Health (SFDPH), to the Hazardous Waste Program, Department of Public Health, 101 Grove Street, Room 214, San Francisco, California 94102. The fee shall cover staff time for report review and administrative handling. If additional review is necessary, DPH shall bill the</p>	<p>Project sponsor</p>	<p>Prior to issuance of a building permit.</p>	<p>Project sponsor shall hire a consultant to collect soil samples and prepare a report for the DPH including the results of the testing for total lead and petroleum hydrocarbons.</p>	<p>Prior to any demolition or construction. Considered complete on issuance of building permit.</p>

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Mitigation Measures Agreed to by Project Sponsor	Responsibility for Implementation	Mitigation Schedule	Monitoring and Reporting Actions and Responsibility	Status / Date Completed
<p>project sponsor. These fees shall be charged pursuant to Section 31.47(c) of the San Francisco Administrative Code. DPH shall review the testing report to determine to whether soils the project site are contaminated with petroleum hydrocarbons at or above potentially hazardous levels.</p>				
<p><i>Step 2: Preparation of Site Mitigation Plan</i></p> <p>If, based on the results of the tests conducted, the San Francisco Department of Public Health (DPH) determines that the soils or on the project site are contaminated with contaminants at or above potentially hazardous levels, the DPH shall determine if preparation of a Site Mitigation Plan (SMP) is warranted. If such a plan is requested by the DPH, the SMP shall include a discussion of the level of contamination of soils on the project site and mitigation measures 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 DPH for review and approval. A copy of the SMP shall be submitted to the Planning Department to become part of the case file.</p>	Project sponsor	Prior to excavation.	The DPH shall determine if preparation of an SMP is warranted. If so, the SMP should be prepared according to certain guidelines, and is subject to approval by the DPH.	Prior to excavation. Considered complete upon DPH review and approval of plans.
<p><i>Step 3: Handling, Hauling, and Disposal of Contaminated Soils</i></p> <p>(a) <u>Specific Work Practices</u>: If, based on the results of the soil tests conducted, DPH determines 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 and other construction activities on the 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</p>	Project sponsor and construction contractor	Prior to excavation; or prior to excavation and during demolition, excavation, and	If SMP indicates no contaminants in the soil and DPH concurs, then no monitoring required. If DPH determines presence	Prior to excavation; or prior to excavation and during demolition, excavation, and

EXHIBIT C

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Mitigation Measures Agreed to by Project Sponsor	Responsibility for Implementation	Mitigation Schedule	Monitoring and Reporting Actions and Responsibility	Status / Date Completed
<p>dispose of such soils appropriately (i.e., as dictated by local, state, and federal regulations) when such soils are encountered on the site. If there are excavated materials containing over one percent friable asbestos, they would be treated as hazardous waste, and would be transported and disposed of in accordance with applicable State and federal regulations. These procedures are intended to mitigate any potential health risks related to chrysotile asbestos, which may or may not be located on the site.</p> <p>(b) <u>Dust Suppression</u>: 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>(c) <u>Surface Water Runoff Control</u>: 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>(d) <u>Soils Replacement</u>: 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>(e) <u>Hauling and Disposal</u>: 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>		construction.	of contaminants or if project sponsor assumes presence of contaminants, then contractor shall take the indicated mitigation action, and shall provide DPH weekly reports during the construction period.	<p>construction. Considered complete if DPH determines the absence of contaminants and if project sponsor assumes the same. Otherwise, considered complete upon receipt by DPH of final monitoring plan.</p>
<p><i>Step 4: Preparation of Closure/Certification Report</i></p> <p>After excavation and foundation construction activities are completed, the project sponsor shall prepare and submit a closure/certification report to DPH</p>	Project sponsor and construction contractor	During demolition, excavation, and	Project sponsor to provide DPH with final	During demolition, excavation, and

EXHIBIT C

MITIGATION MONITORING AND REPORTING PROGRAM

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Mitigation Measures Agreed to by Project Sponsor	Responsibility for Implementation	Mitigation Schedule	Monitoring and Reporting Actions and Responsibility	Status / Date Completed
<p>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>		<p>construction.</p>	<p>closure/certification report.</p>	<p>construction. Considered complete upon receipt of final monitoring report at completion of construction.</p>
<p>MITIGATION MEASURE M-HZ-2</p> <p>Hazardous Building Materials (PCBs, Mercury, Lead and others)</p>				
<p>The project sponsor would ensure that pre-construction building surveys for PCB- and mercury-containing equipment (including elevator equipment), hydraulic oils, fluorescent lights, lead, mercury and other potentially toxic building materials are performed prior to the start of renovation. Any hazardous building materials so discovered would be abated according to federal, state, and local laws and regulations.</p>	<p>Project sponsor.</p>	<p>Prior to demolition and construction activities.</p>	<p>San Francisco Planning Department to review building materials surveys and monitor abatement compliance</p>	<p>Considered complete upon receipt by the San Francisco Planning Department of final abatement compliance report.</p>

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MITIGATION MONITORING AND REPORTING PROGRAM

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555 Fulton Street Retail-Residential Project

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Improvement Measures Identified by Planning Department Staff	Responsibility for Implementation	Implementation Schedule	Monitoring and Reporting Actions and Responsibility	Status / Date Completed
IMPROVEMENT MEASURE I-TR-1 Transportation (Parking)				
<p>As an improvement measures to reduce the proposed project’s residential parking demand and parking shortfall and to encourage use of alternative modes, the project sponsor could provide a transportation insert for the move-in packet 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. It should be noted that the project sponsor would provide a car-share parking space and would “unbundle” the sale of parking spaces from the sale of residential units to provide a financial incentive for car-free living.</p>	Project sponsor	Ongoing when new residents move into building	Project sponsor to report to MTA	Ongoing
<p>As an improvement measure to reduce the proposed project’s residential parking shortfall during the overnight hours, residents could be permitted to park within the grocery store component of the garage.</p>	Project sponsor	Ongoing	Project sponsor to report to Planning Department Northeast Quadrant	Ongoing
<p>As improvement measures to reduce the impact of the parking shortfall for the grocery store use, the following improvement measures have been identified:</p>				
<ul style="list-style-type: none"> To ensure that parking spaces in the garage are available for shopping patrons, employees could be required to park off-site and encouraged to take transit. The grocery store operator could provide TransitChecks to employees to encourage use of transit. 	Project sponsor / grocery tenant	Ongoing	Project sponsor / grocery tenant to report to Planning Department Northeast Quadrant	Ongoing

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MITIGATION MONITORING AND REPORTING PROGRAM

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Improvement Measures Identified by Planning Department Staff	Responsibility for Implementation	Implementation Schedule	Monitoring and Reporting Actions and Responsibility	Status / Date Completed
<ul style="list-style-type: none"> To reduce the number of employees that drive to work, the grocery store operator could recruit employees from the neighborhood. 	Project sponsor / grocery tenant	Ongoing	N/A	Ongoing
<ul style="list-style-type: none"> The website for the grocery store could include information on transit access to the project site. 	Grocery tenant	Ongoing. Initial implementation prior to grocery store opening.	Grocery tenant to report to Planning Department Northeast Quadrant	Ongoing
<ul style="list-style-type: none"> To ensure that patrons actively shopping at the grocery store are parking in the project garage, the garage could be monitored. 	Project sponsor / grocery tenant	Ongoing	Project sponsor / grocery tenant to report to Planning Department Northeast Quadrant	Ongoing
<ul style="list-style-type: none"> To facilitate traffic flow within the garage and reduce potential for traffic queues spilling out onto Fulton or Octavia Street, an electronic "FULL" sign could be installed outside the project garage. The supermarket operator could be required to develop a plan to address overflow parking or queuing outside either the Fulton Street or Octavia Street entrances. 	Project sponsor	During project construction	Project sponsor to report to Planning Department Northeast Quadrant	Completed after project construction
IMPROVEMENT MEASURE I-TR-2 Transportation (Loading)				
As an improvement measure to reduce the potential for delivery vehicles to double-park on Fulton Street, an on-site loading dock manager could be hired for the grocery store use to manage the delivery demand, provide assistance for truck maneuvers into and out of the on-site loading area, schedule deliveries by 60 foot trucks and reserve the proposed on-street loading zone	Project sponsor	Prior to opening of grocery tenant for ongoing implementation	Project sponsor to report to Planning Department Northeast Quadrant	Ongoing

EXHIBIT C

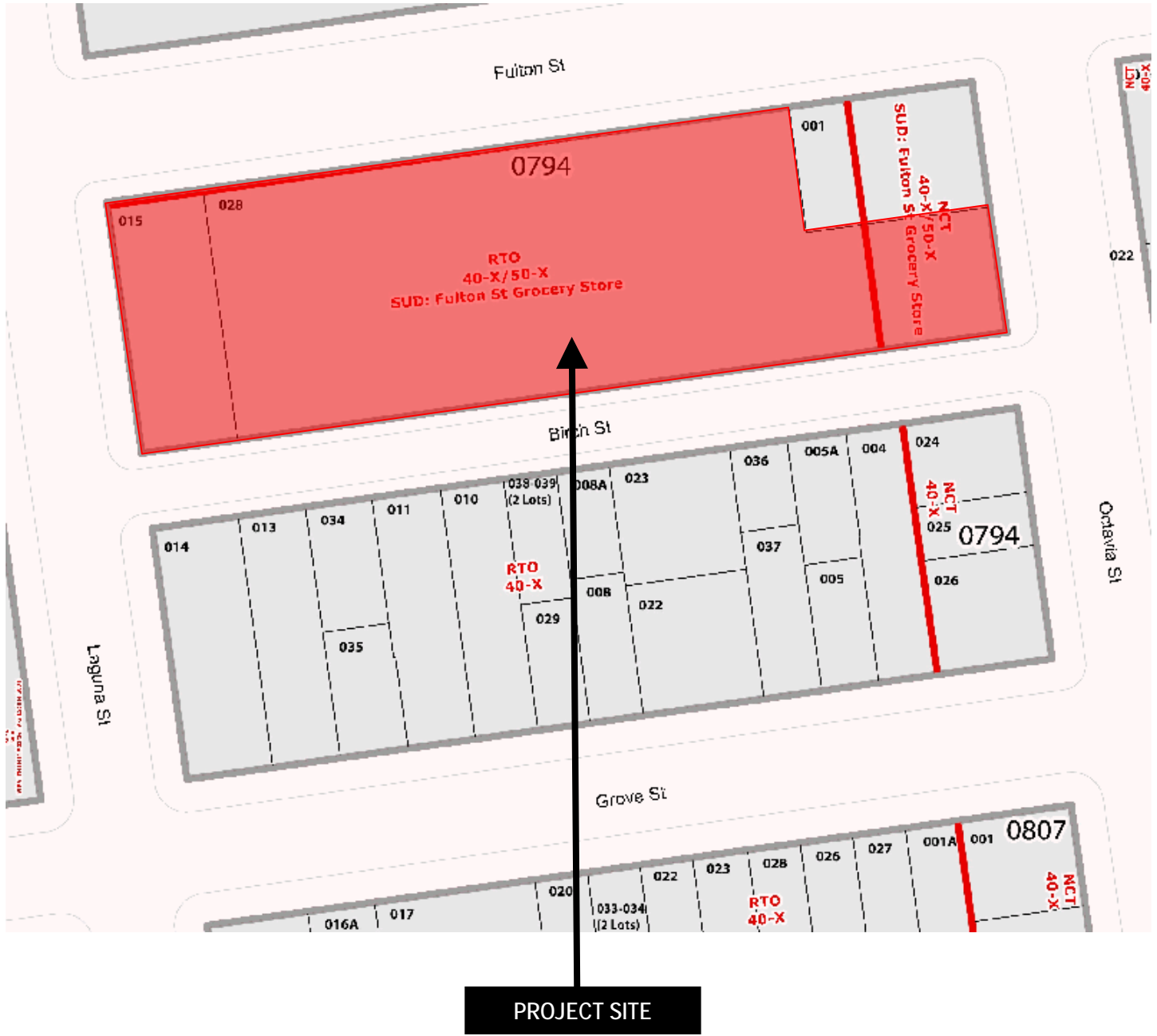
MITIGATION MONITORING AND REPORTING PROGRAM

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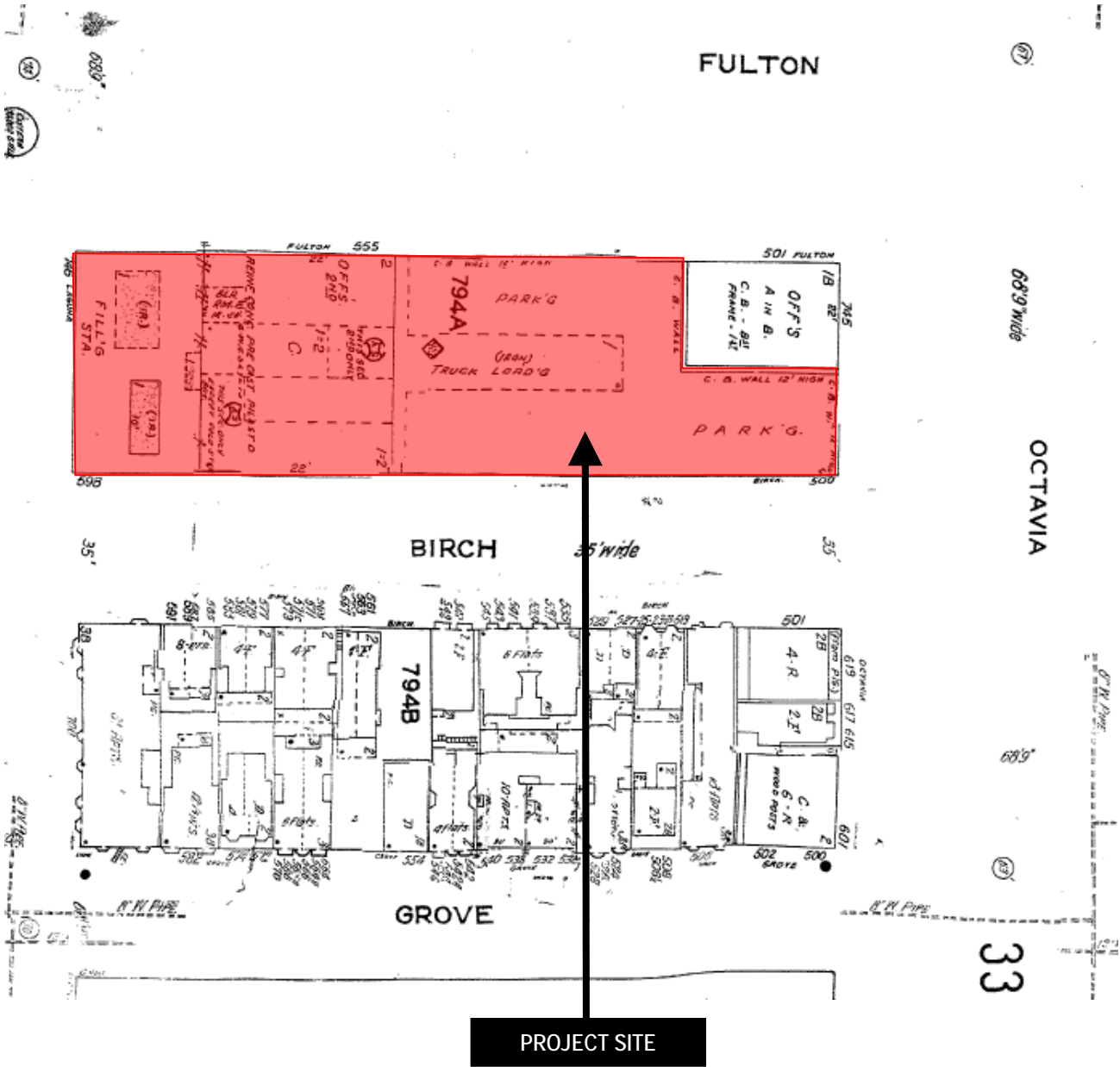
Improvement Measures Identified by Planning Department Staff	Responsibility for Implementation	Implementation Schedule	Monitoring and Reporting Actions and Responsibility	Status / Date Completed
for larger vehicles (through the use of cones), and coordinate trash collection activities.				
Additionally, the curb on Fulton Street to the west of the proposed on-site loading area could be designated as short-term commercial vehicle loading/unloading spaces, as proposed by the project sponsor. The designation of the two new spaces (about 80 linear feet) as commercial vehicle loading/unloading spaces would need to be approved by the Board of Supervisors at a public hearing through the MTA.	Project sponsor	During project construction	MTA	Prior to completion of construction
IMPROVEMENT MEASURE I-TR-3				
Transportation (Construction)				
Any construction traffic occurring between 7:00 and 9:00 a.m. or between 3:30 and 6:00 p.m. would coincide with peak hour traffic and could temporarily impede traffic and transit flow, although it would not be considered a significant impact. An improvement measure limiting truck movements to the hours between 9:00 a.m. and 3:30 p.m. (or other times, if approved by DPT) would minimize disruption of the general traffic flow on adjacent streets during the a.m. and p.m. peak periods.	Project sponsor	During project construction	DBI	Considered complete upon issuance of building permit.

Parcel Map



Conditional Use/PUD Hearing
Case Number 2005.1085C
555 Fulton Street

Sanborn Map*

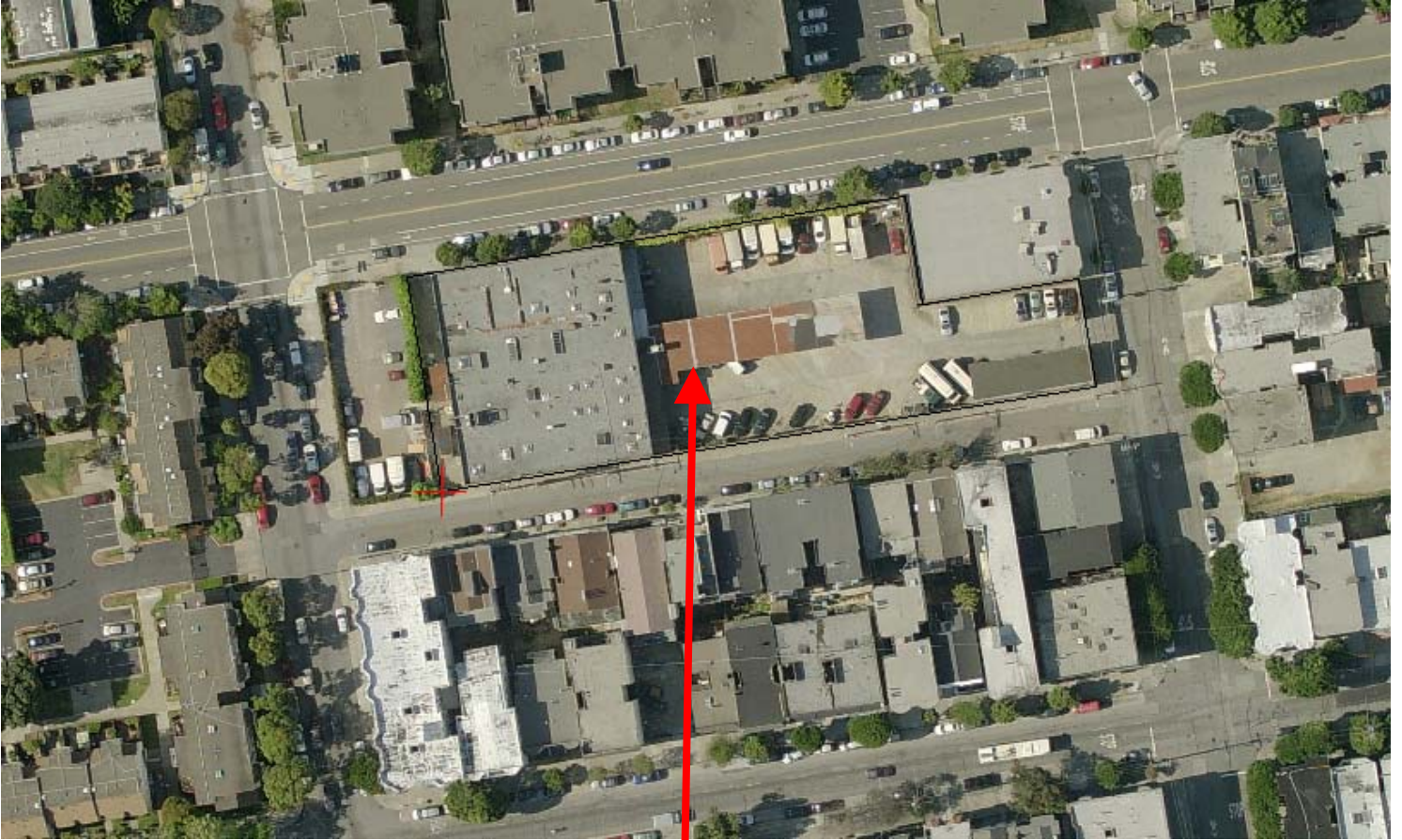


*The Sanborn Maps in San Francisco have not been updated since 1998, and this map may not accurately reflect existing conditions.



Conditional Use/PUD Hearing
Case Number 2005.1085C
555 Fulton Street

Aerial Photo



PROJECT SITE



Conditional Use/PUD Hearing
Case Number 2005.1085C
555 Fulton Street

Aerial Photo



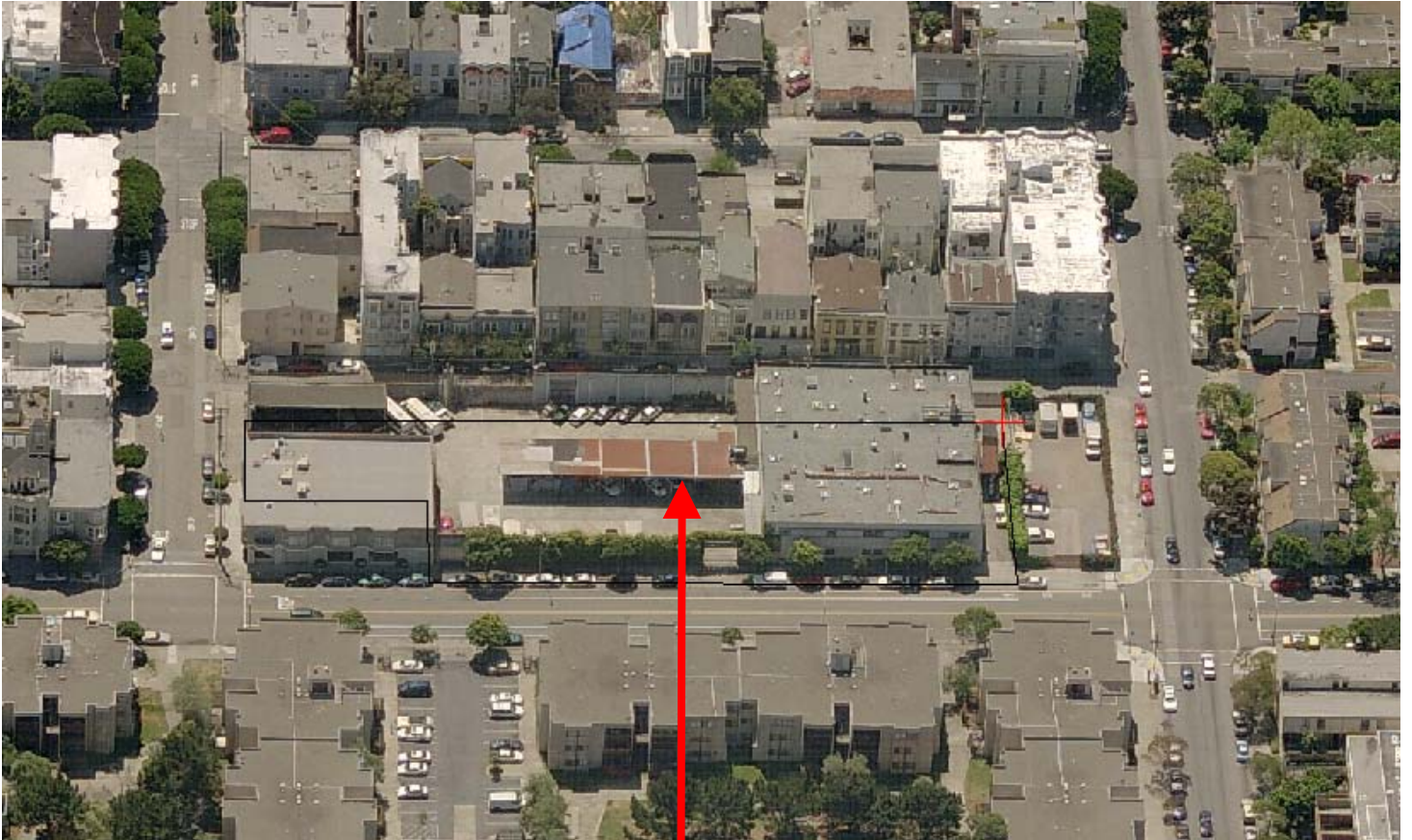
Looking North

PROJECT SITE



Conditional Use/PUD Hearing
Case Number 2005.1085C
555 Fulton Street

Aerial Photo



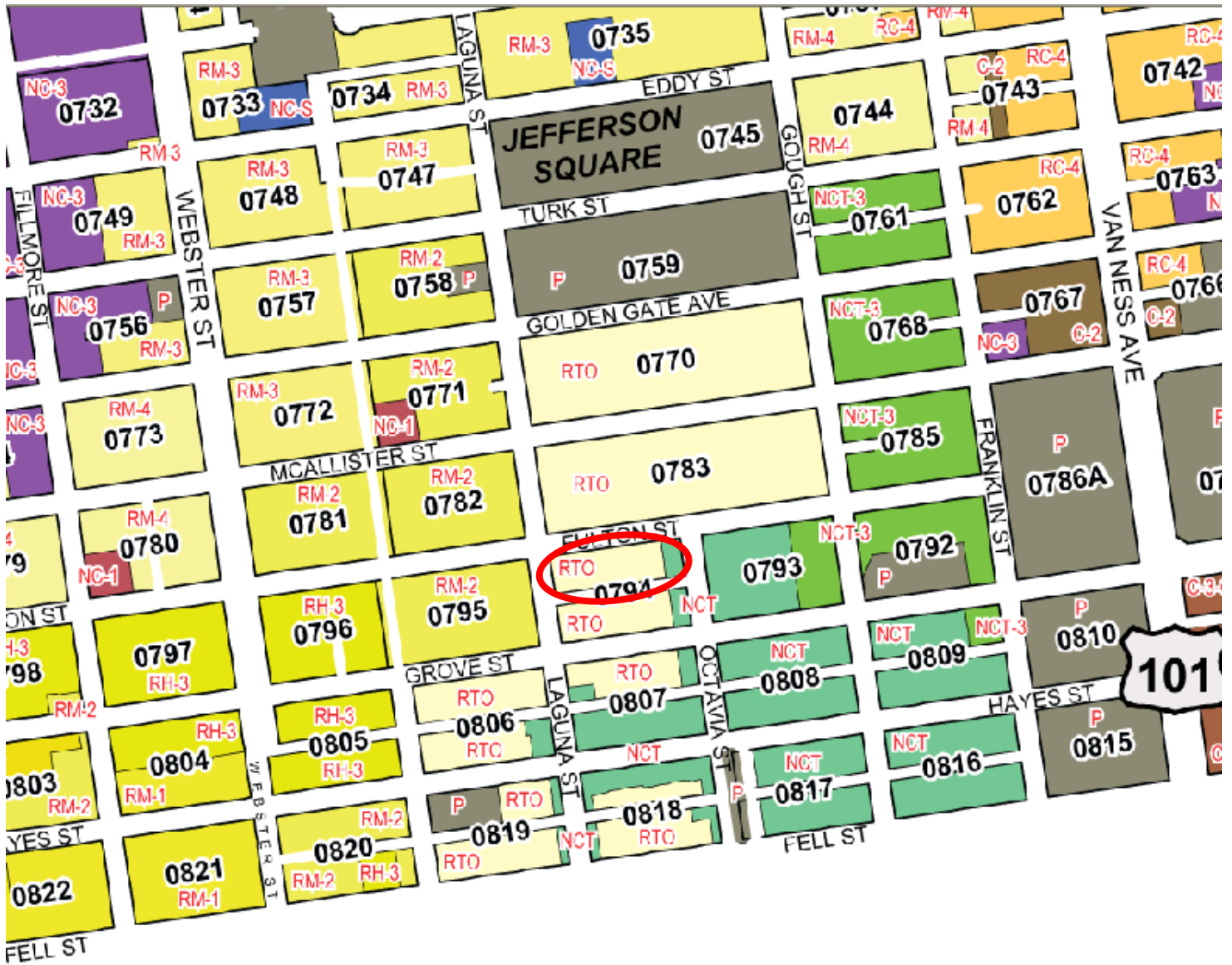
Looking South

PROJECT SITE



Conditional Use/PUD Hearing
Case Number 2005.1085C
555 Fulton Street

Zoning Map



Conditional Use/PUD Hearing
Case Number 2005.1085C
555 Fulton Street



Temple Tse
<call2tt@gmail.com>
04/21/2010 04:55 PM

To kevin.guy@sfgov.org
cc
bcc
Subject Comments of why 555 Fulton Street Project should NOT
move forward

San Francisco Planning Department
c/o: Kevin guy
1650 Mission Street, Suite 400
San Francisco, CA 94103-2479
415-558-6163
kevin.guy@sfgov.org

April 21, 2010

RE: Case No.: 2005.1085E
Project Title: 555 Fulton Street Retail □ Residential Project

Dear Kevin Guy,

Per our previous conversation, I am writing you to provide input as to why the development project of 555 Fulton Street is **NOT** the right project for the neighborhood.

Aside from the environmental aspects of the site potentially being toxic due to oil, gas, chemical spillage from nearly 60 years of industrial contamination and that the project may expose it's future inhabitants to fumes from solvents and other carcinogenic substances and that the project doesn't take into account of the effects of increased parking and vehicular incidents towards pedestrians and cyclists, there are other reasons why the project just doesn't work for where it's proposed.

Project is way OUT OF SCALE for the site proposed (*Design does NOT fit the neighborhood* and surrounding structures.)

The proposed Behemoth structure is **OUT OF SCALE** and doesn't fit the characteristics of the immediate neighborhood structures.

The design calls for a 5+ story building where the adjacent north, south, east, & west are only 3 stories tall.

The design utilizes architectural tricks to make the project appear pictorially smaller and lower than actual. The façade hides the 5 – story warehouse type design to make things look like a 3-story building on paper. Because of the size a block-like design, the Architectural Characteristics Out of Touch with Surrounding Neighborhood structures.

Examples of the architect Saitowitz's works can be seen around San Francisco.

This architect is sloppy with materials. Check out the rusting and grimy building Saitowitz put up at 1234 Howard (btwn 8th / 9th).

-Furthermore Saitowitz 's Yerba Buena Lofts building is like a prison, both inside and out (each unit is like a cell block.)

This type of architectural design would work for warehouses, billboards, or the Department of Prisons But, they do not fit the neighborhood 3 blocks from City Hall.

Project and Destroys scenic view from tourist spot/Alamo Square

Aside from design problems, this particular proposal will destroy one of the most scenic and unique pictorial views of City Hall from the vantage point of Alamo Square.

Since the warehouse-like apartment building is completely out of proportion to it's surrounding structures, the proposed Supermarket/apartment complex sticks out like an eye sore and would provide a lop-sided view down Fulton to the City Hall dome.

San Francisco is full of scenic views loved by tourists and Hollywood alike.

I know that the San Francisco Planning Department typically only looks into a 300 ft perimeter from the building site, but it would be tragic to destroy a view so loved by so many tourists and Hollywood alike.

I know that we are in tough economic times. However, very little employment benefits will arise from this project since only a couple of handfuls of jobs are generated and even then, the employees not local.

Is having an encroaching warehouse-like building that blocks a scenic view of City Hall worth the loss of beauty from one of the top tourist vantage points?

Is the project worth the loss of future tourism dollars and Hollywood & Advertising revenues?

I personally don't think that the benefit offsets the loss in terms of the City losing a view that could attract much more tourists, advertising, & entertainment dollars.

In a city that depends so much on tourism dollars for its bread and butter, this project needs to be either stopped or modified to eliminate these these adverse impacts..

Sincerely,

Temple Tse
580 Fulton Street, Apt. D
San Francisco, CA 94102



Devon Desautels
<devon.desautels@gmail.com>

04/25/2010 07:32 PM

To kevin.guy@sfgov.org

cc

bcc

Subject case no 2005.1085C

Hi Kevin,

I received a notice from the planning dept about this case. I live across the street from the lot which is slated for a development. The hearing notice did not include a time-line for the project.

I'm wondering about when the construction will begin, and how long it will last.

I'm unable to attend the meeting, but I'm really concerned about this development. I'm especially concerned about the height of the building, which will block any and all direct sunlight from my building (which is, let's be honest, the best feature!!). I'm also wondering about the nature of the commercial space.

I'd really appreciate an answer to my questions, if you can provide them.

Thanks for your time!

Devon Desautels

415.867.5479



Kalle Pieper
<kallepieper@yahoo.com>
04/23/2010 06:59 PM

To kevin.guy@sfgov.org
cc Larry.Badiner@sfgov.org
bcc
Subject Case Nos. 2005.1085C

Dear Mr, Guy and Mr, Badiner

I received a Planning Commission Notice of Hearing for:
2005.1085C: 555Fulton Street, south side between Laguna and Octavia Streets, Lots
015 and 028 of Assessor's Block 0794:
Request for Conditional Use of Authorization.

I am a resident of 640 Octavia St. Apartment # 3.
I have lived in my apartment since Sept. 1993 and plan to live there for the rest of my
live.

My bed room and my living room windows are overlooking the above mentioned lot. (Octavia Street facing west)

I read the public notice and it says that the project that is plant for this lot wants to go
above the current height limit of 40 feet, up to a height of 50 feet.

I like to strongly object to building anything that high in this residential area.
Also I think that to cram 136 units and 32,800 square feet of commercial space into this
above mentioned lot is far more than what this neighborhood can handle.
205 off street parking spaces can not accommodate the need for parking for the
residents and the customers of this project.

Unfortunately I am not able to attend the public hearing on May 13th at 1:30 pm.

Can you please tell me what I can do, or who I can turn to, in order to make my
objections heard during this hearing or during the decision making process of granting a
permit for this project?

thank you very much for your consideration,

Peace

Kalle Pieper
640 Octavia St. # 3
San Francisco, CA 94102
(4150 244-1766

4/23/2010

Kevin Guy
Planning Dept
1650 Mission Street
Suite 400
San Francisco, CA 94103

Dear Mr. Guy,

I am concerned about the proposed development of 555 Fulton Street - case # 2005.1085c. The below two items concern me:

1) Part of the proposed redevelopment will be a massive retail space (32,800 square feet) on ground level—probably a food store. This will cause more garbage in our streets, daily and nightly noise of delivery and garbage trucks, and additional vehicle traffic and perhaps illegal parking on Birch Street. Please consider making this retail space 7500 square feet (which adheres to the current zoning density). There are already two massive Safeways in the area (one on Market@Church and one on Webster@Ellis).

2) The height of the building which will take up the whole block, will be 50 feet (our tallest roof on Birch is 40 feet). This would block our sun and cause Birch to be a cold narrow, windy tunnel during the day. Please consider keeping the 40 feet max height limit. Developers love to sell more condos (since the extra 10 feet provides an additional story on the building) but children love to play on Birch.

I am sending this letter because I need to work at 1:30pm on May 13, 2010 and will not be able to attend the public hearing at City Hall.

I disclose that I own 557 Birch Street and live there as well.

Thank you,



Mike Goos
415-553-8833
mikegoos@sbcglobal.net

The HAYES VALLEY Neighborhood Association | HVNA

Kevin Guy
San Francisco Planning Department
Northeast Quadrant
1650 Mission Street, Suite 400
San Francisco, CA 94103
P: (415) 558-6163
Kevin.Guy@sfgov.org

and

San Francisco Planning Commission
1650 Mission Street, Suite 400
San Francisco, CA 94103

CC: Linda Avery, Planning Commission Secretary; John Rahaim, Director of Planning Department

April 28, 2010

Re: Building Design of 555 Fulton Street Retail-Residential Project

Dear MR Guy,

Based on our support of the Market and Octavia Plan, the Hayes Valley Neighborhood Association (HVNA) supports housing and a neighborhood-serving grocery store for the 555 Fulton site. However, after careful deliberation and discussion our organization has objections to the building's design and parking ratios currently under consideration. Our parking ratio letter is being sent separately from this letter so that it is understood that we view these issues separately.

The HVNA strongly endorsed the earlier (2005/2006) iteration of the building design and we object to the current iteration being circulated. HVNA believes that the earlier building design by Mr. Stanley Saitowitz represented a strong and appropriate statement for this prominent site. We further believe that it presented a high-quality statement of a seasoned urban architect.

As the project architect Mr. Saitowitz, worked with HVNA early in the design process. HVNA met numerous times with Mr. Saitowitz, and endorsed the building designs as early as November 2005. HVNA met again with Mr. Saitowitz, twice in February 2006, and with some of our members in March 2006. He was very responsive to the design issues that our organization raised. HVNA members also endorsed the building's design at planning commission hearings in early 2007. The project then went dormant for some time, until it recently resurfaced with new modified building designs.

Our organization disagrees with the rather ordinary design that has recently been circulated. We are concerned that a project that has had so much favorable review from the community would be altered so radically after community review. We respectfully request reevaluation of both the need to modify a handsome design and the process of making major changes long after community review has been undertaken. Please do not hesitate to contact us if you have any questions about our position on the building design.

Sincerely,

A handwritten signature in black ink, appearing to read 'J Henderson', with a long horizontal flourish extending to the right.

Jason Henderson
Chair, Transportation and Planning Committee, HVNA
and Corresponding Secretary, HVNA
300 Buchanan Street, Apartment 503
San Francisco CA
94102
Jhenders@sbcglobal.net
(415)-255-8136

Kevin Guy
San Francisco Planning Department
Northeast Quadrant
1650 Mission Street, Suite 400
San Francisco, CA 94103
P: (415) 558-6163
Kevin.Guy@sfgov.org

and

San Francisco Planning Commission
1650 Mission Street, Suite 400
San Francisco, CA 94103

CC: Linda Avery, Planning Commission Secretary; John Rahaim, Director of Planning Department

April 28, 2010

Re: Parking Ratio CU for 555 Fulton Street Retail-Residential Project

Dear Mr. Guy,

Based on our support of the Market and Octavia Better Neighborhoods Plan, the Hayes Valley Neighborhood Association (HVNA) supports housing and a neighborhood-serving grocery store for the 555 Fulton site. However our organization has objections to the residential and retail parking ratios currently under consideration for a conditional use permit. The CU's for the excess parking ratios proposed by the project sponsor for 555 Fulton directly conflict with the goals of the Market and Octavia Plan.

The Market and Octavia Plan stresses that walking and transit will be the primary mode of transport in the neighborhood commercial transit-oriented districts (NCT), and that car free housing will be common and encouraged in NCT districts. In residential transit oriented (RTO) districts the plan recognizes that housing will be a short walking distance to NCTs and will not be car-dependent. Moreover, off-street parking is not allowed for local retail uses in RTO districts. This project lies within both NCT and RTO districts and yet the project sponsor is asking for excessive parking.

We understand that planning staff suggests the maximum 0.5 residential parking ratio be sustained and no CU for excess residential parking be allowed. We commend the planning staff for this. In support of our mutual position on denying the CU for excess residential parking, we offer the following supporting arguments. Following that, we offer arguments against permitting excess parking for retail.

Residential Parking:

- The city already has over 9,000 motor vehicles per square mile, arguably the highest density of cars and trucks in the US, and maybe the world (SFT MTA 2009 Fact Sheet). Additional

developments with excess parking only make congestion and pollution worse, and do not contribute to the livability of the neighborhood. The Market and Octavia Plan stresses that reduced parking supply results in reduced vehicle use, enabling new development without the negative impact of more cars.

- Under the Market and Octavia Better Neighborhoods Plan the off-street residential parking for 555 Fulton is zoned 0.5:1 (per dwelling unit). The residential parking ratio of 0.5:1 was arrived at through a lengthy, careful and thoughtful community process. Parking ratios were vetted extensively in the plan area, and the community process resulted in a compromise of a maximum off-street residential parking ratio of 0.5:1. While the planning process does allow for a conditional use increase of 0.75:1, it was the community's understanding that conditional uses would only be granted if there were **compelling reasons** to allow an increase in the parking maximums.
- The project proposes 136 dwelling units, which would amount to 68 residential parking spaces. But the project sponsor requests 0.75:1 parking, or **102 spaces**.
- The project sponsor offers **no compelling reason** for excess residential parking.
- The Market and Octavia Plan calls for maintaining the existing diversity and character of the neighborhood. The demographics of the immediate area are characterized by low rates of automobile ownership (40%-70% car-free households in the immediate area). The community accepted a 0.5:1 parking maximum as a compromise to reflect the low rates of car ownership and parking in the area. The excess parking lacks consistency with existing neighborhood character including the demographic of low rates of car ownership.
- Excess parking requirements, as outlined in section 151.1 of the planning code, state that the Market and Octavia Plan requires stackers and other space efficient means for excess parking. The project sponsor does not follow the plan requirements for excess parking. There is no clear plan or commitment to valet parking although it is mentioned.
- The project sponsor does not outline how access and egress of additional automobiles will not unduly impact pedestrians, bicyclists, or transit. Existing EIR's for the plan area, including both the EIR for the Market and Octavia Plan and the Eastern Neighborhoods Plan do show that more parking brings more automobile trips, which does have a negative impact on pedestrians, bicycling, and transit users. The immediate area has two important bicycle routes (Fulton and Grove), heavy pedestrian activity, and is on or near the 5-Fulton and 21-Hayes bus lines that will be negatively impacted by more automobile trips generated by the provision of more parking.

Retail Parking

In addition to the CU for residential parking, the project sponsor is asking for excess parking for the retail component of the project. We object to the CU request for excess retail parking for the following reasons:

- In RTO districts parking is not allowed for retail uses. Since part of this project lies within an RTO district, parking for the grocery store is inconsistent with the Market and Octavia Plan.

- While an SUD was created for a grocery store, the SUD did not include waiving the Market and Octavia parking standards in RTO districts. The SUD was created to provide space for a grocery store, not space for parking.
- The permitted parking for a grocery store in the Market and Octavia Plan Area is 1:500 square feet, and at 32,800 square feet, the project would be permitted 66 parking spaces. However the project sponsor is asking for a CU for excess parking amounting to 91 spaces. The Market and Octavia Plan does allow a conditional use if the store exceeds 20,000 square feet and if there are compelling reasons to ask for the CU. No compelling reasons have been offered.
- The project sponsor fails to identify the nature of the grocery store proposed for this site. This is of critical importance regarding automobile trip generation. If the grocery store is a specialty market, it might generate more traffic that is citywide and regional in character. If the grocery store is neighborhood-serving, as the project sponsor verbally suggested in past meetings, then the nature of the traffic will be very local and less automobile-oriented. The planning department should clarify what kind of grocery store is proposed for the site.
- Most significantly, the project sponsor does not consider a recent study by the San Francisco County Transportation Authority (2007) about neighborhood retail districts and parking demand. That study showed that most patrons to local neighborhood-serving businesses will access the establishment by transit and non-motorized modes rather than by car. Since this is intended to be neighborhood serving grocery store, according to project sponsor verbal commitments, the excess parking is unwarranted.

Based on our support of the Market and Octavia Plan, the Hayes Valley Neighborhood Association welcomes increased housing and neighborhood-serving retail in the Market and Octavia Plan Area. We support housing and a neighborhood-serving grocery store for the 555 Fulton site. Part of the rationale for the Market and Octavia Plan was to enable more growth but without the negative impacts of more cars. This project is incompatible with the Market and Octavia Plan. Based on this inconsistency, we ask that the planning commission not allow the CU for parking requested by the project sponsor, and maintain the 0.5:1 residential parking ratios and 1:500 retail parking ratios. Please do not hesitate to contact us if you have any questions about our position on the parking CU.

Sincerely,



Jason Henderson
Chair, Transportation and Planning Committee, HVNA
and Corresponding Secretary, HVNA
300 Buchanan Street, Apartment 503
San Francisco CA
94102
Jhenderson@sbcglobal.net
(415)-255-8136



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BIG PLANS

Treasure Island Draft Guidelines Want to Avoid a



MARKET REHAB

Another Magnifying Glass on the Various Failures of



BEFORE AND AFTER

Neighbors Want the Old Design for Hayes Valley Gro-Sto



CURBED SF

5 new posts

EATER SF

8 new posts

CURBED LA

12 new posts

CURBED NY

27 new posts

MARKETPLACE

146 new listings

LET'S GO AFTER

Neighbors Want the Old Design for Hayes Valley Gro-Sto Project

Wednesday, March 10, 2010, by Andy J. Wang



Click map icons for recent news nearby from Curbed, Eater, and Racked



- Hayes Valley
- Before And After
- Hayes Valley Neighborhood Association
- Stanley Saitowitz
- Top
- Comment now

Last Wednesday, we got acquainted with a 136-unit mixed-use residential and supermarket project in Hayes Valley, designed (and redesigned) by Stanley Saitowitz. As often happens, the Planning Department demanded a number of tweaks to the project, breaking up the building with different and arguably more distinct materials. The changes aren't sitting well with the Hayes Valley Neighborhood Association, which had consulted on the project early on and is a strong proponent of the previous, glassier design. Now they and some others are looking to petition the Planning Department to allow the building to revert to the old version, which the project team looks at as a better transition between the more monumental Civic Center and the local vibes of Western Addition and Hayes Valley.

That's the latest kink in the hard-knock life of 555 Fulton, which has been in the works now for five years. Last week's preliminary negative declaration was the most visible procedural hurdle that the project has cleared of late — it was initially held up for the purpose of getting baked into the similarly long-in-the-works Market & Octavia Neighborhood Plan. When that was all said and done, however, the project got bogged down again when the city asked for a separate environmental impact report. No doubt now that the cat's out of the bag, more touchiness will ensue — in the meantime, enjoy the before and after!

Stanley Saitowitz's Mixed-Use Supermarket Project in Hayes Valley [Curbed SF]

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NEWS BY NEIGHBORHOOD

SF

stanley

From: PWALKUP@aol.com
Sent: Monday, November 28, 2005 11:42 PM
To: stanley@saitowitz.com
Subject: Re: 555 fulton st.

Dear Stanley,

In my opinion, it was a mistake to have planned that part of the Western Addition neighborhood as residential only, limiting commercial space to 1200 sf at the corners. This policy spurred the creation of corner liquor stores that have been the source of a great deal of our neighborhood's crime problems.

What this neighborhood needs is active, neighborhood-serving retail at the street level. We need positive pedestrian activity and a healthy gathering place for the neighborhood. If local people were given priority for jobs, we could also develop a sense of ownership - a very important quality that is missing in this area. This retail space has the capacity to create pride and a sense of ownership in the neighborhood.

I like the organic food store idea, but would prefer that the prices are more like the Berkeley Bowl than the Fern Building Farmers' Market. I also like the suggestion that the store could be a cooperative like Rainbow Grocery.

As far as having a 50 foot height on Birch, I realize your building will be on the south side of the alley. However, the Bridge complex at Fell and Gough, with its back on the south side of Linden alley, is also 50 feet tall. The height and bulk of this building have completely destroyed the livability of the alleyway. Have you taken a look at this?

I discussed the 50 foot height on Fulton with Stefan and we both think this height will work, as the heights of the buildings on Fulton vary. Fulton is a wide street and, in my opinion, would probably look better with 50 foot buildings.

The final decision on this will have to come from Planning. The Market/Octavia Plan limits building heights in that area to 40 feet, so the M/O Plan would have to be altered to allow for more height. I don't think it's too late to do this.

I will write a letter to Planning soon and will send you a copy. Stefan and I both agree that this is the best designed building that has been proposed for this neighborhood. This building could be very successful in bringing new life and activity to a run-down and stagnant corner of the neighborhood.

We look forward to working with you to solve these problems.

Sincerely,
Patricia Walkup
431.8102

In a message dated 11/28/2005 7:33:11 PM Pacific Standard Time, stanley@saitowitz.com writes:

Dear Patricia:

I am glad you are back on your feet. I was away for Thanksgiving, and just returned. We met with Kelly, and also Craig Nikitas (who seems to be in charge of the project?). Craig was supportive and especially appreciates the value of a significant food market in the area. The 1200 sf limit makes this impossible, so hopefully they will support us having a reasonably sized market which can serve the neighborhood. We also discussed the height and its relation to Birch, and the fact that our building is on the south side and will not block any light, but actually be reflective, does comply with the intent of the plan. Anyway, we

stanley

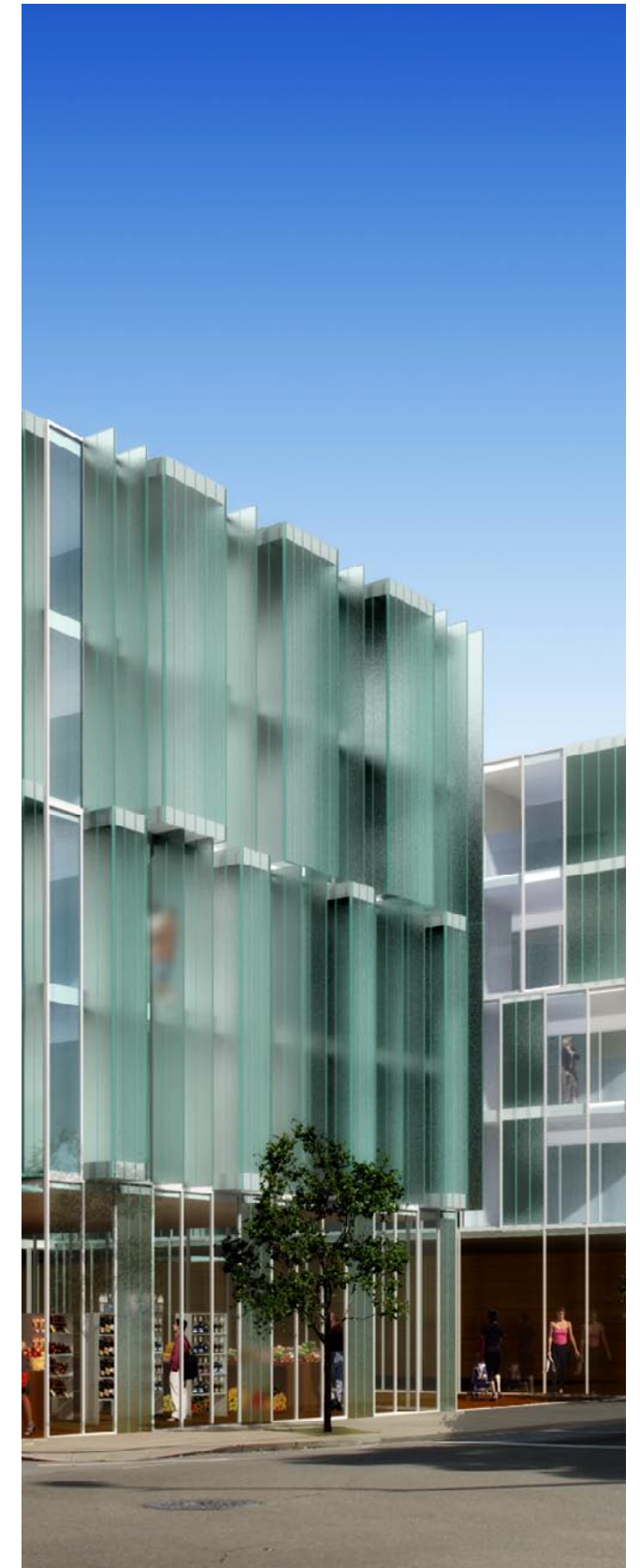
From: Stefan Hastrup [stefan_hastrup@yahoo.com]
Sent: Tuesday, November 08, 2005 10:14 AM
To: stanley; hyhwong@gmail.com; drakezone@verizon.net
Cc: Patricia Walkup
Subject: RE: Meeting with Architect for 555 Fulton

Thank you all for the stellar presentaion last night. I am very enthusiastic about the building design and the committment your team has shown to quality development on this important site. I also appreciate your efforts to include our neighborhood group in the early stages of the design process and your willingness to listen and respond to our comments.

Sincerely,

Stefan Hastrup

11/9/2005



STANLEY SAITOWITZ |
NATOMA ARCHITECTS INC.

0 4 . 1 6 . 2 0 1 0
5 5 5 F U L T O N

GENERAL

- The Contractor will visit the site and be fully cognizant of all existing conditions prior to submitting any proposals or bids. If any asbestos or known materials containing asbestos are discovered, then the Contractor will be responsible to coordinate with the Owner, as required for the removal of these conditions, prior to the beginning of this project. If the Contractor participates in any portion of the removal process in his coordination with the Owner, then the Contractor will provide the Owner with a written statement releasing the owner of any future liability from the Contractor, his employees and any subcontractors hired by the Contractor related to this work.
- All work to be performed in accordance with all applicable codes, laws, ordinances and regulations, which relate to this project. It is the responsibility of the Contractor to notify the Designer at once upon discovery of any conflicts or discrepancies between the aforementioned and the drawings and specifications of this project. These drawings and specifications do not represent an assessment of the presence or an assessment of any toxic or hazardous materials on this project site. The Owners are sole responsible for such an assessment and should be consulted for any questions, therein. If the Contractor discovers any toxic or hazardous materials, as defined by the appropriate governing authorities, in the course of his work, he must notify the Owners in writing, as per the guidelines of all governing ordinances. The Contractor will resolve the applicable regulations and procedures with the owner at the time of discovery.
- The Contractor will coordinate and be responsible for all work by his subcontractors and their compliance with all these General Notes. The Contractor will identify any conflicts between the work of the subcontractors, as directed by these drawings, during the layout of the affected trades. The Contractor will review these conditions with the Designer for design conformance before beginning any installation.
- The Contractor will field verify all existing and proposed dimensions and conditions. It is the responsibility of the contractor to notify the designer at once upon the discovery of any conflicts or discrepancies between the aforementioned and the drawings and specifications of this project. The Contractor should follow dimensions and should not scale these drawings. If dimensions are required but not shown, then the Contractor shall notify the Designer at once.
- Any changes, alternatives or modifications to these drawings and specifications must be approved in writing from the Designer and Owner, and only when such written approval clearly states the agreed cost or credit of the change, alternative or modification to this project.
- The intent of these drawings and specifications are to include all items necessary for a complete job. The Contractor will provide all materials, labor and expertise necessary to achieve a complete job as shown in these drawings and specifications or not shown, but intended. The Contractor is fully responsible for construction means, methods, techniques, sequences and procedures for the work shown on these drawings and specifications. It is the Contractor's responsibility to enact the aforementioned in compliance with generally accepted standards of practice for the construction industry for the type of work shown on these drawings and specifications. The Designer reserves the right of review for all materials and products for which no specific brand name or manufacturer is identified in these drawings and specifications. The contractor shall verify with the designer the need for shop drawings or samples of materials and products, which were not identified in these drawings or specifications, as well as any material, products or equipment substitutions proposed in place of those items identified in these drawings and specifications.
- It is the Contractor's responsibility to verify and coordinate all utility type connections, Utility Company's requirements and include any related costs associated with this responsibility in their proposal or bid. The Contractor is also responsible for writing letters of conformation regarding operative agreements for this project between the Contractor and the local fire department, the local water agency, the local natural or propane gas provider, the local electricity provider, the local telephone service providers, the local cable TV provider, the owner's security service provider and any unnamed utility type service provider. The Contractor will provide copies of any such agreements to the Designer and Owner, if required or requested.
- The Contractor is fully responsible to enact the appropriate safety precautions required to maintain a safe working environment. The Contractor will, also, indemnify and hold harmless the Owner, the Designer their Consultants, and their Employees from and against any claims for damages, including any injury claims by the Contractor, his Employees, his Subcontractors or anyone he allows into the construction site, which result from the Contractor's performance of the work shown on these drawings and specifications. The Contractor will carry the appropriate Workman's Compensation and Liability Insurance as required by the local government agency having jurisdiction for this issue, as well as comply with the generally accepted industry standards of practice for a project of this scope. It will be the responsibility of the Contractor to verify with the Owner, if he will be required to carry fire insurance or other types insurance for the duration of the project. He should also assist the Owner in identifying the amount of coverage required.
- The Contractor will maintain a clean and orderly job site on a daily basis. The Contractor will not unreasonably encumber the site with materials or equipment. The Contractor will not endanger the existing structures and any newly constructed structure by overloading the aforementioned with materials or equipment. The Contractor will be responsible to provide temporary enclosures to protect the existing structure and any newly constructed structures from the ill effects of weather for the duration of the entire construction process.
- The Contractor is fully responsible for any damage by him or his subcontractors to any existing structure or work, any structure or work in progress, unused material intended for use in the project or any existing site condition within the scope of work intended by these drawings and specifications. This responsibility will include any materials and labor required to correct such damage to the Owner's satisfaction at no cost to the Owner unless agreed to by the Owner in writing. The Contractor will guarantee all work by him, his employees and his subcontractors against all defects or errors, that become apparent within one year of the completion of the project as accepted by the Owner. Any and all defects and errors, which do become apparent, will be repaired by the Contractor to the Owner's satisfaction at no cost to the Owner for materials or labor. Alterations or changes to this warranty must be mutually agreed to in writing by both the contractor and the Owner.
- It is the responsibility of the Contractor to verify the appropriateness of the application for all the product selections shown or intended in these drawings and specifications. The intended meaning of appropriateness is the proper system, model and specific selection required for the intended use as shown on these drawings and specifications. The contractor is responsible to verify the most current model name or number from the selected manufacturer. The Contractor is responsible to verify that any installers, which he selects for the various products, will follow all that product manufacturer's required and recommended methods and procedures to achieve the desired results claimed by such manufacturers for their products. In addition, these drawings and specifications identify some required systems and products in generic terms. The Contractor is responsible to make specific selections for these systems and products, which satisfy the same conditions outlined above the identified manufactured items.
- It is the intent of these drawings and specifications to identify the scope of work for a design and build type of electrical installation. It will be the responsibility of the contractor to provide the necessary labor familiar with this type of installation, as well as all materials, tools, equipment, transportation, temporary construction and any special or occasional services required to install a complete working electrical systems, as diagrammatically described and shown in these drawings and specifications. The Contractor will, also, be responsible to verify any information, which is not indicated in these drawings and specifications, but required for his performance of the installation.
- It is the intent of these drawings and specifications to identify the scope of work for a design and build type of mechanical and plumbing installation. It will be the responsibility of the Contractor to provide the necessary labor familiar with this type of installation, as well as all materials, tools, equipment, transportation, temporary construction and any special or occasional services required to install a complete working mechanical and plumbing system, as diagrammatically described and shown in these drawings and specifications. The Contractor will, also, be responsible to verify any information, which is not indicated in these drawings and specifications, but required for his performance of the installation.
- If the Contractor finds fault, disagrees, objects or would like to change the scope of these conditions and his stated responsibilities, as outlined in these General Notes, then the Contractor must resolve such changes with the Owner in writing before signing a contract. Failure to do so will constitute an understanding of these General Notes and their acceptance by the Contractor.
- The Contractor will identify which permits he expects to obtain and which permits and application fees he expects the Owner to provide for him in his proposal or bid.
- The Contractor is responsible to identify any conflicts between his contract with the Owner and these drawings. These conflicts will be reviewed by the designer, the Contractor and the Owner, in order to amend one of these documents before the start of the construction. If a conflict is discovered without this prior resolution, then these drawings will take precedence over any other documents, in resolving a conflict.
- Site meetings will be held once every other week with the Owner, the Designer and the Contractor, unless they are mutually changed or cancelled. The Contractor will keep written notes of all relevant information discussed at these meetings and provide copies of them to the Owner and the Designer. The Designer will provide any requested sketches or any other information, which is required and requested during these meetings.
- The Designer will write and issue field orders for changes to the drawings and specifications, as requested by Owner or the Contractor. If additional (or deletion) cost to the project is required, then these field orders will become the basis of a change order.
- The Contractor will write and issue all change orders, which will include a cost breakdown for all the work described in such a change order. Any change order will not be binding to the Owner, until both the Contractor and the Owner have signed it.
- Upon substantial completion the Contractor will notify the Designer, who will coordinate a walk of the project with the Owner and the Contractor and then provide a punch list of items to complete. Arrangements for final payment will be arranged at that time.

CONSTRUCTION NOTES

- The contractor will be responsible to maintain the security of the job site during the construction process until final acceptance by the owner or until an alternate date, as mutually agreed between the owner and the contractor.
- The contractor will verify the rough-in dimensions and requirements from the appropriate manufacturer or fabricator for doors, windows, equipment, cabinetry, plumbing fixtures, electrical fixtures, appliances and any other devices before proceeding to layout areas where such items are located.
- All connections and fasteners are intended to be concealed, unless otherwise noted. Where such devices can not be concealed, as intended, notify the architect for review of design conformance.
- Fire stops shall be provided in the following locations in accordance with S.F. Sec. 70B.
 - concealed spaces of stud walls and partitions, including furred spaces, at the ceiling and floor levels and at 10ft. intervals, both vertically and horizontally.
 - At all interconnections between vertical and horizontal spaces such as soffits and drop ceilings.
 - In concealed spaces between stair stringers at the top and the bottom of the run and between studs along and in line with the run of stairs, if the walls under the stairs are unfinished.
 - In openings around vents, pipes, ducts, chimneys, fireplaces, and similar openings which afford a passage for fire at the ceiling and floor levels, with noncombustible materials.
 - At openings between attic spaces and chimney chases for factory-built chimneys.
- The contractor will verify all roof and framing spaces required to be ventilated with the local field inspector and provide the appropriate net free ventilation area, but in no case less than 1/50th of the area of the space to be ventilated. When the means of the ventilation is visible from a commonly used space or passageway to the building, review this situation with the designer for design conformance.
- The contractor will verify and provide the required blocking and backing for all cabinetry, wall mounted accessories, built-in equipment and fixtures.
- The contractor will verify and provide all code required fireproofing at all penetrations into and through floor, wall, ceiling, and roof assemblies.
- All changes in finish floor material shall occur under a threshold, when provided, or at the centerline of a door transition unless otherwise indicated on the drawings.
- The sealant, caulking and flashing locations shown on these drawings are not intended to cover all conditions requiring these products. It is the responsibility of the Contractor to identify all conditions requiring these products and review conditions not identified in the drawings with the Designer for design conformance.
- Complete all work required to meet the State of California Energy Conservation requirements, including but not limited to all mandatory and special features identified in the Title 24 report submitted for this project, as well as any local ordinances and any new requirements identified by the local building field inspector.
- The Contractor will identify in his proposal which utility (water, electricity, telephone, etc.) connections, use and related costs will be included in his overhead and which costs he expects the Owner to provide. Any utility-related cost which is not identified as an Owner-provided item will be assumed to be included in the Contractor's overhead cost.
- The Contractor will identify and provide the required sidewalk and public passage enclosure protection at the affected right-of-way areas. The Contractor will review all intended signage with the Designer for design conformance.

ABBREVIATIONS

A.C.-A/C	Asphalt concrete	MFR.	Manufacturer
ACOUS.	Acoustical	MIN.	Minimum
ADJ.	Adjacent	MISC.	Miscellaneous
ALUM.	Aluminum	MTD.	Mounted
AGG.	Aggregate	MTL.	Metal
APPROX.	Approximate	N.	Noted
ARCH.	Architectural/ Architect	(N)	New
B.C.	Bottom of conc./ curb	NOM.	Normal
B.O.	Bottom of	N.T.S.	Not to scale
B.O.B.	Brick/block	BLK.	Blocking
BM.	Beam	O.D.	Outside diameter
BTWN.	Between	OPN.	opening
B.U.R.	Built-up roof	OPP.	Opposite
B.W.	Bottom of wall	OPP.HD.	Opposite hand
CAB.	Cabinet	OZ.	Ounce
C.B.	Catch basin	PERF.	Perforated
CEM.	Cement	PL.	Plastic
C.L.	Centerline	P/L	Property line
CLG.	Ceiling	PLAS	Plaster
CMU.	Concrete masonry unit	PLYWD.	Plywood
CNTL. JT.	Control joint	PL.	Pair
COL.	Column	PT.	Point
CONC.	Concrete	PTN.	Partition
CONT.	Continuous	P.V.C.	Polyvinyl Chloride Pipe
CTR.	Center	R.	Radius
DEM'D.	Demoition	RCTP.	Receptacle
D.F.	Drinking fountain	REC'D.	Recommended
DIAM.	Diameter	REF.	Reference
DISP.	Dispenser	REINF.	Reinforcing/ment
DN.	Down	REIN'D.	Required
DWGS.	Drawings	R.O.	Rough opening
(E)	Existing	RWD.	Redwood
EAL.	Each	SCHED.	Schedule
ELEC.	Electrical	SECT.	Section
ELEV.	Elevation	S.E.D.	See electrical drawings
EQ.	Equal	SHT.	Sheet
+	+	SIM.	Similar
EQUIP.	Equipment	S.M.D.	See mechanical drawing
EXP.	Existing	S.P.D.	See plumbing drawing
EXP.	Expansion	SPEC.	Specifications/ specified
EXT.	Exterior	SQ.	Square
F.D.	Floor drain	S.S.	Stainless steel
FDN.	Foundation	S.S.D.	See structural drawings
F.F.	Finished Floor	STD.	Standard
FIN.	Finish	STL.	Steel
FL.	Floor	STOR.	Storage
FLR.	Floor	SURF.	Surface
FNDL.	Foundation	SUSP.	Suspended
F.O.C.	Face of concrete	SYM.	Symmetrical
F.O.F.M/G	Face of framing	T&G.	Tongue and groove
F.O.F	Face of finish	THK.	Thick
F.O.SHT'	Face of sheathing	T.O.	Top of
GA.	Gauge	T.W.	Top of wall
GALV.	Galvanized	TYP.	Typical
G.B.	Grab bar	U.O.N.	Unless otherwise noted
GL.	Glass	UNF.	Unfinished
GLV.	Galvanized sheet metal	VAR.	Varies
GYP.	Gypsum	VERT.	Vertical
H.B.	Hose bid	V.I.F.	Verify in field
H.C.	Handicapped	W/	With
HDWE.	Hardware	W.C.	Water closet
H.M.	Hollow metal	WD.	Wood
HORIZ.	Horizontal	W/O.	Without
H.P.	High point	W.W.M.	Woven wire mesh
HT.	Height	WWF	Welded wire fabric
I.D.	Inside diameter	⊙	At
JAN.	Joint	⊖	Centerline
JNT.	Joint	∅	Diameter
LAJ.	Laminate	#	Number
L.ARCH.	Landscape architect	□	Square foot (feet)
LAV.	Lavatory		
LB.	Pound		
LT.	Light		
MAX.	Maximum		
MECH.	Mechanical		

SYMBOLS

	Reference Point
	Wall, floor and roof type
	Door number (for door schedule)
	Window number (for window schedule)
	Window number - obscured glass
	Detail number Sheet location
	Section number Sheet location
	Interior elevation number Specific wall Sheet location
	Sheet note designation and number
	Room number (for finish schedule)

SHEET INDEX

A-0.1	COVER SHEET	N.T.S
A-1.1	PLANS	SCALE AS NOTED
A-1.2	PLANS	SCALE AS NOTED
A-1.3	PLANS	SCALE AS NOTED
A-1.4	PLANS	SCALE AS NOTED
A-1.5	PLANS	SCALE AS NOTED
A-1.6	PLANS	SCALE AS NOTED
A-2.1	SECTIONS	SCALE AS NOTED
A-2.2	SECTIONS	SCALE AS NOTED

DATA

		Unit Area	Quantity	Total	
Residential	Level 1				
		Townhouse- 2bd	1,335	4	5,340
	Level 2				
		2 Bedroom	1,100	13	14,300
		1 Bedroom	826	12	9,912
		Studio	550	8	4,400
	Level 3				
		2 Bedroom	1,100	13	14,300
		1 Bedroom	826	12	9,912
		Studio	550	8	4,400
	Level 4				
		2 Bedroom	1,100	13	14,300
		1 Bedroom	826	12	9,912
	Studio	550	8	4,400	
Level 5					
	2 Bedroom	1,100	11	12,100	
	1 Bedroom	826	9	7,434	
	Studio	550	6	3,300	
	2 Bedroom - South	844	2	845	
	1 Bedroom - South	635	3	1,905	
	Studio	423	2	846	
	Sub total residential		136	112,266	
Commercial					
	Commercial		32,800	1	32,800
Parking					
	Commercial		91		
	Residential		102		
	Car Share		10		
	Total		203		44,250
Bike Stalls					
		52 residential			
		8 commercial			

MAP



PROJECT DATA

PROJECT SITE:	1234 HOWARD STREET, SAN FRANCISCO, CALIFORNIA
CROSS STREET:	8TH - 9TH STREET
ASSESSOR'S PARCEL #:	BLOCK 3728; LOT 14
PARCEL SIZE:	8250 SQ. FT
ZONING:	SLR DISTRICT
CONSTRUCTION:	TYPE I / TYPE V

PROJECT

DIRECTORY

ARCHITECT:	NATOMA ARCHITECTS 1022 NATOMA STREET #4 SAN FRANCISCO, CA 94103 415.626.8977 - F 415.626.8978 - F SSO@SATOWITZ.COM	JOHN WINDER NEEL KAYE
COVER		
Date	4.16.10	
Scale	NTS	
Drawn by	nbk	
Job	555 FULTON	
File	BE-A1.0	
Sheet	A0.1	
Of		Sheets

REVISIONS

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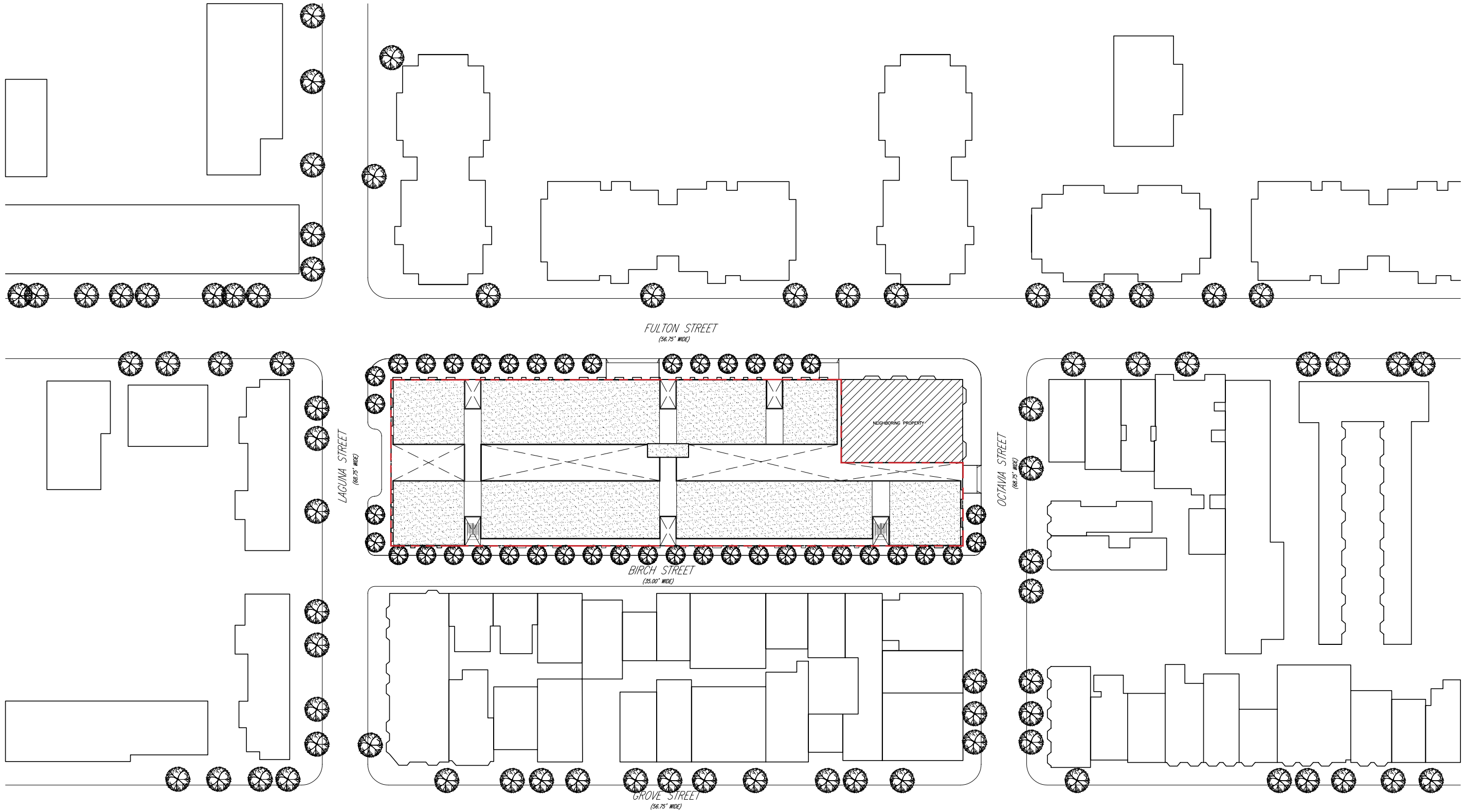
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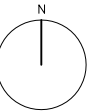
555 FULTON STREET, SAN FRANCISCO, CA

COVER

Date 4.16.10
Scale NTS
Drawn by nbk
Job 555 FULTON
File BE-A1.0
Sheet A0.1
Of Sheets



SITE PLAN



1

REVISIONS

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555 FULTON STREET
555 FULTON STREET, SAN FRANCISCO, CA

SITE PLAN

Date 4.16.10

Scale NTS

Drawn nbk

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PLAN

Date 4.16.10

Scale 1/16"=1'-0"

Drawn nbk

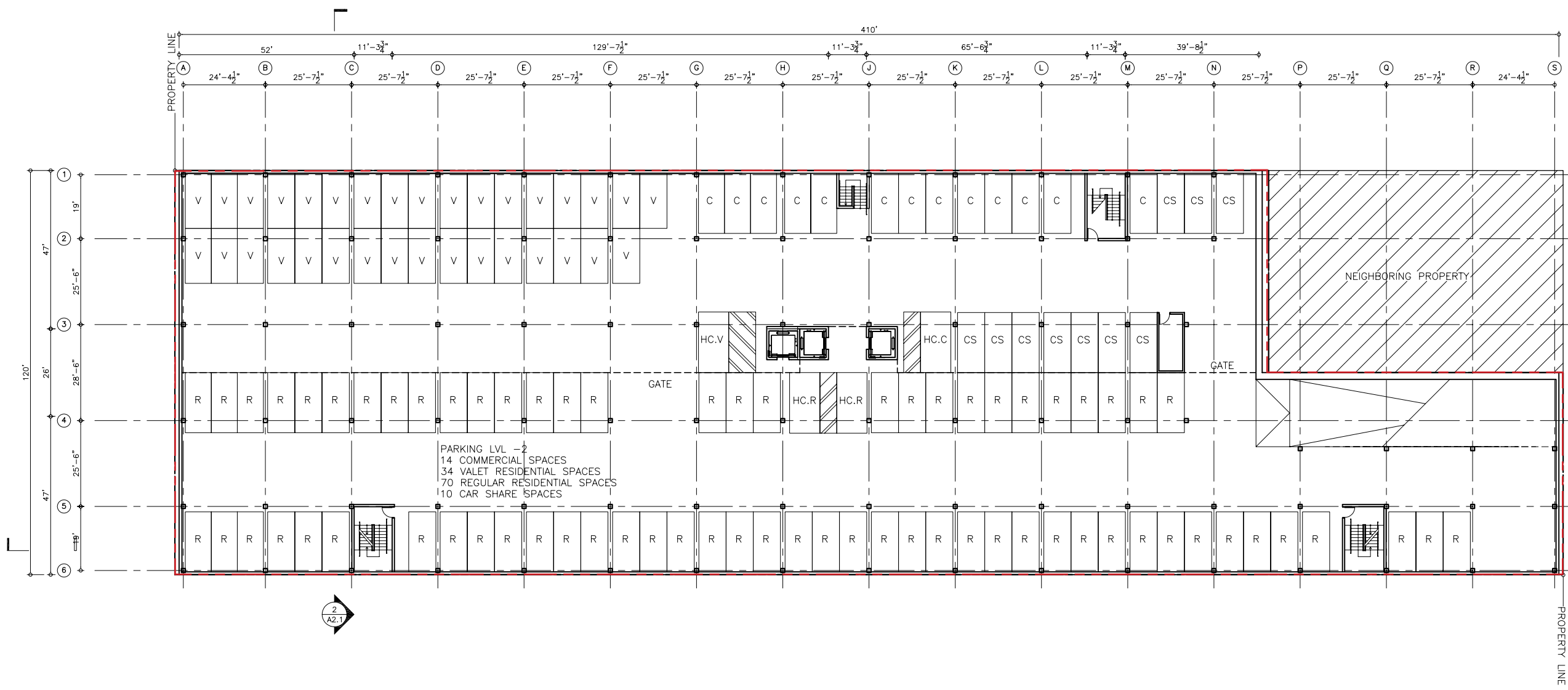
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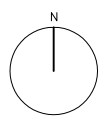
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BASEMENT LEVEL -2

----- PROPERTY LINE



1

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PLAN

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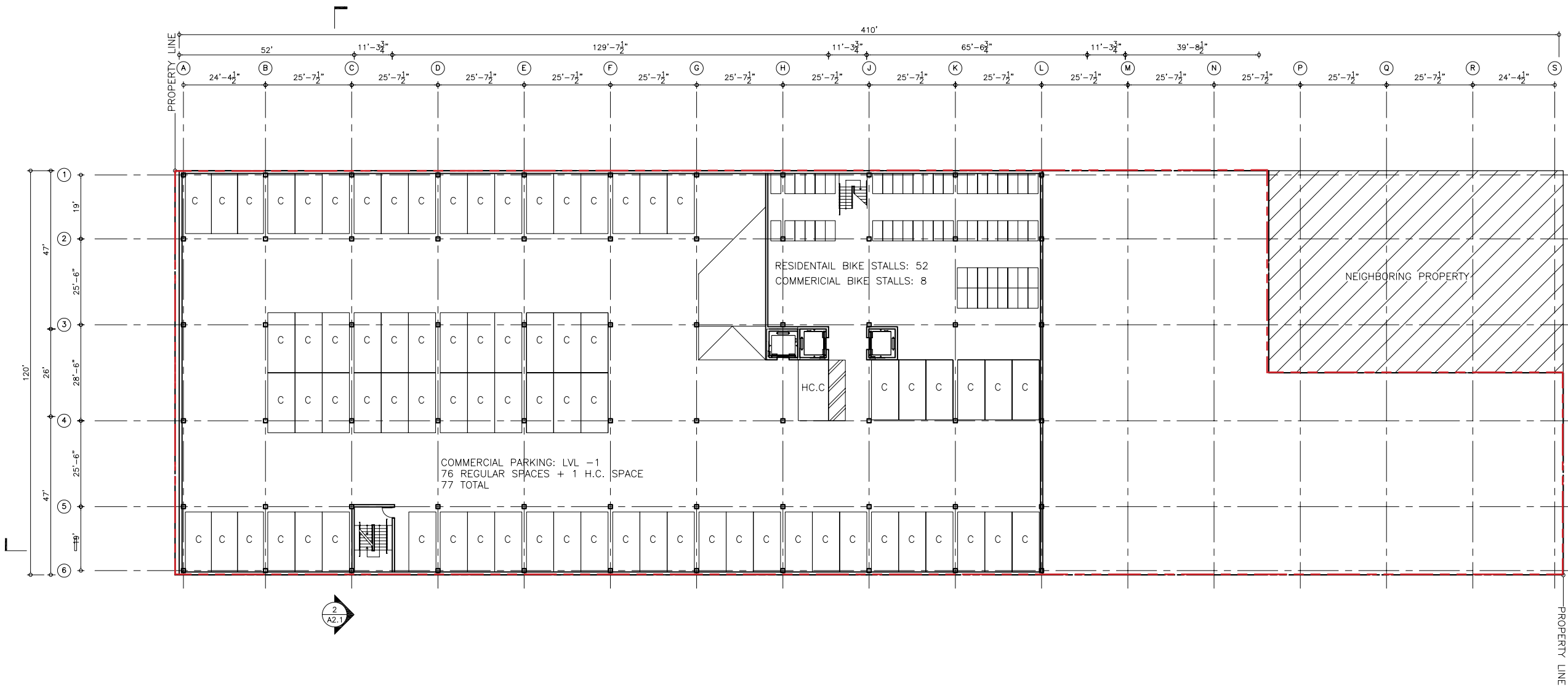
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BASEMENT LEVEL -1

1

----- PROPERTY LINE

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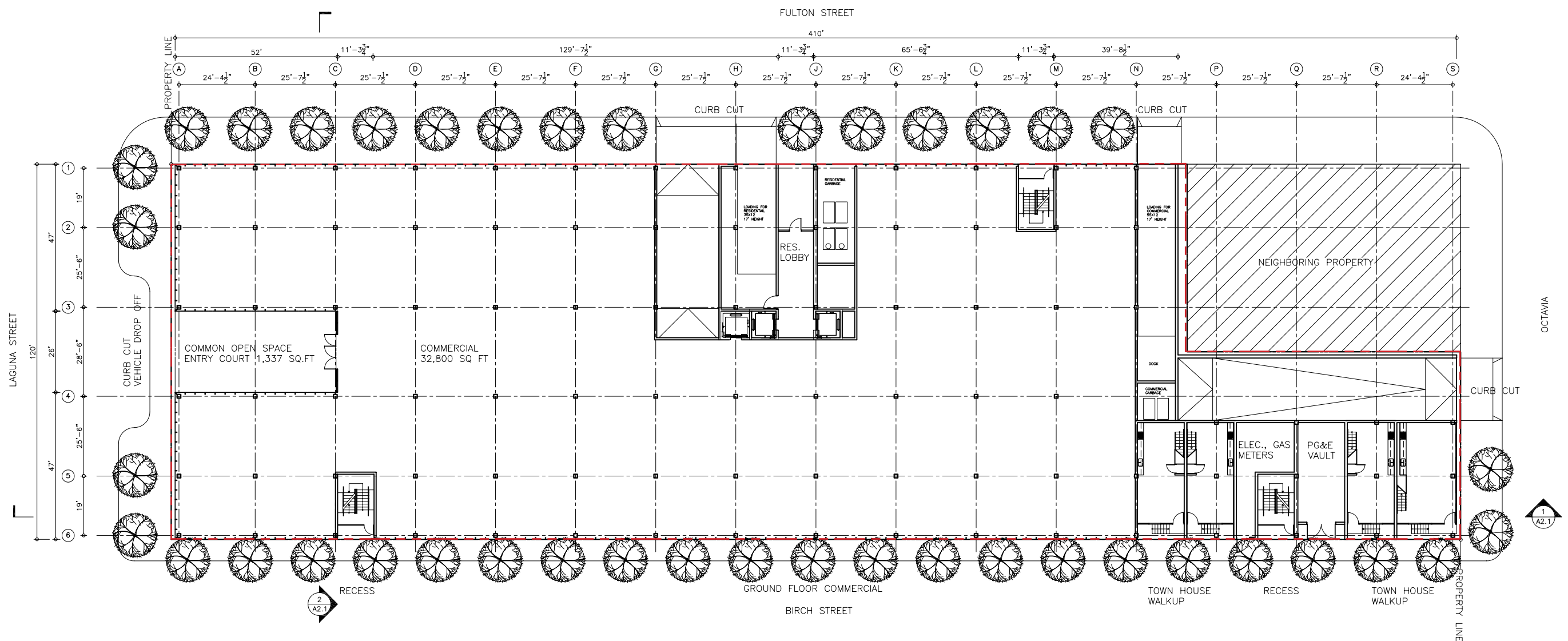
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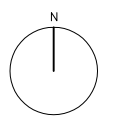
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PLAN

Date 4.16.10
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GROUND FLOOR PLAN



1

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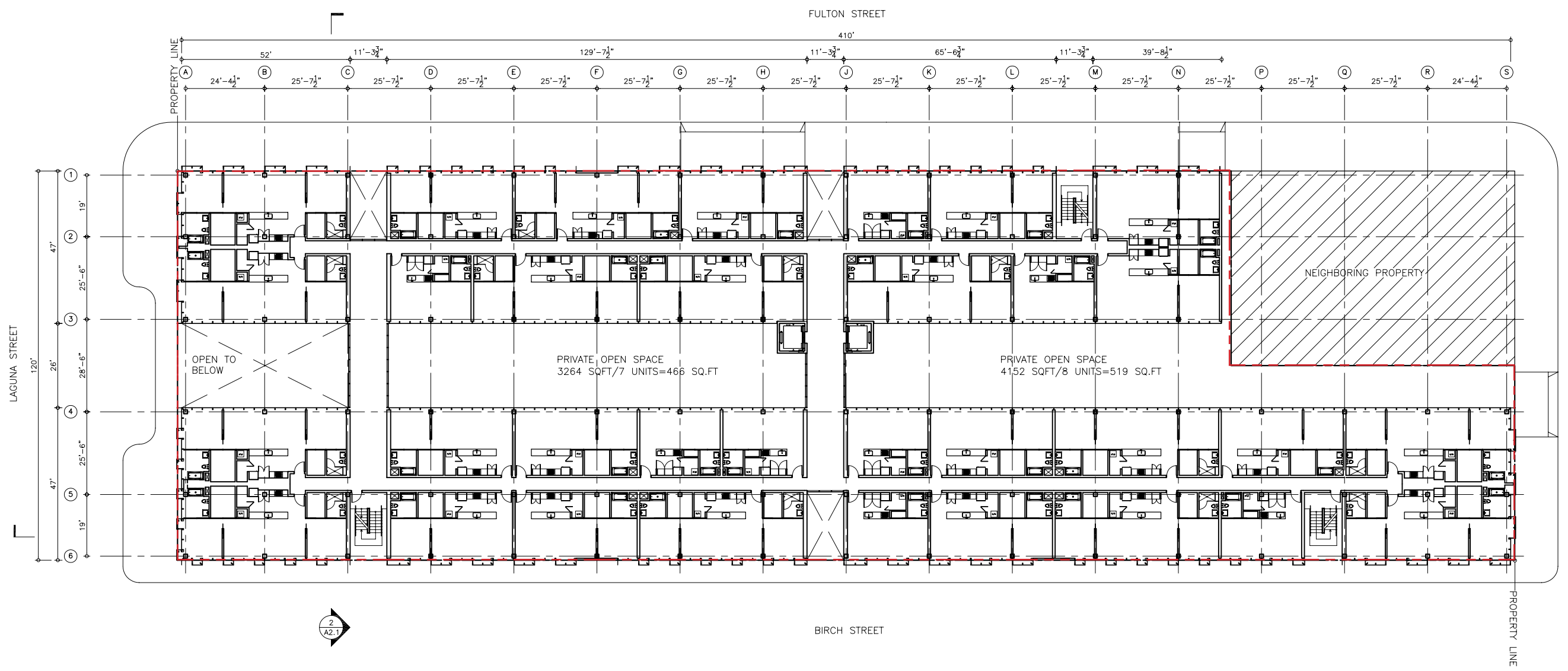
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PLAN

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TYPICAL FLOOR PLAN- (PRIVATE OPEN SPACE AT LEVEL 2 ONLY)

1

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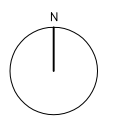
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PLAN

Date 4.16.10
 Scale 1/16"=1'-0"
 Drawn nbk
 Job 555 FULTON
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 Sheet
A1.5
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----- PROPERTY LINE



1

FIFTH FLOOR PLAN: BIRCH ALLEY SET BACK

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ROOF PLAN

Date 4.16.10
 Scale 1/16"=1'-0"
 Drawn nbk
 Job 555 FULTON
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A1.6
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ROOF PLAN- COMMON OUTDOOR SPACE

1

NO.	DESCRIPTION	DATE

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SECTION

Date 4.16.10

Scale 1/16"=1'-0"

Drawn nbk

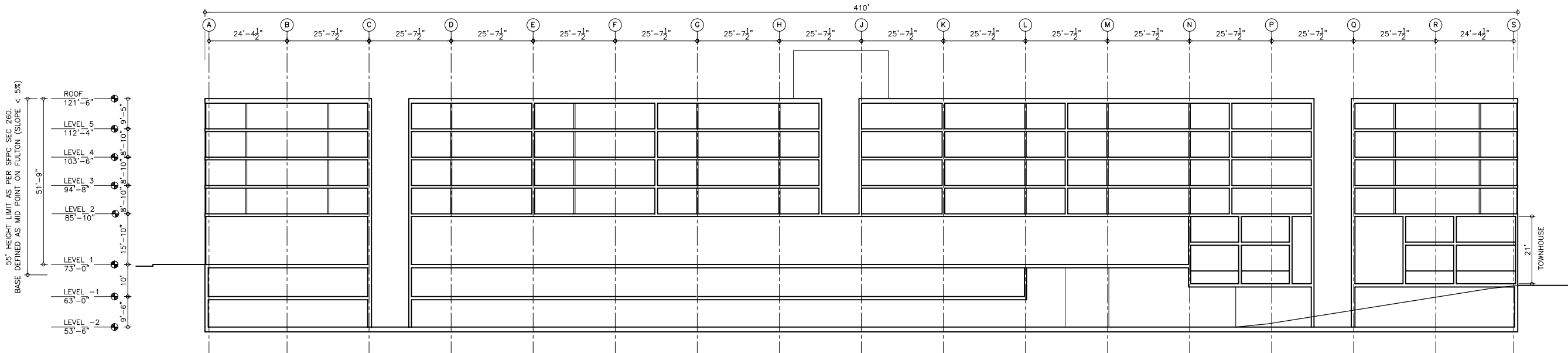
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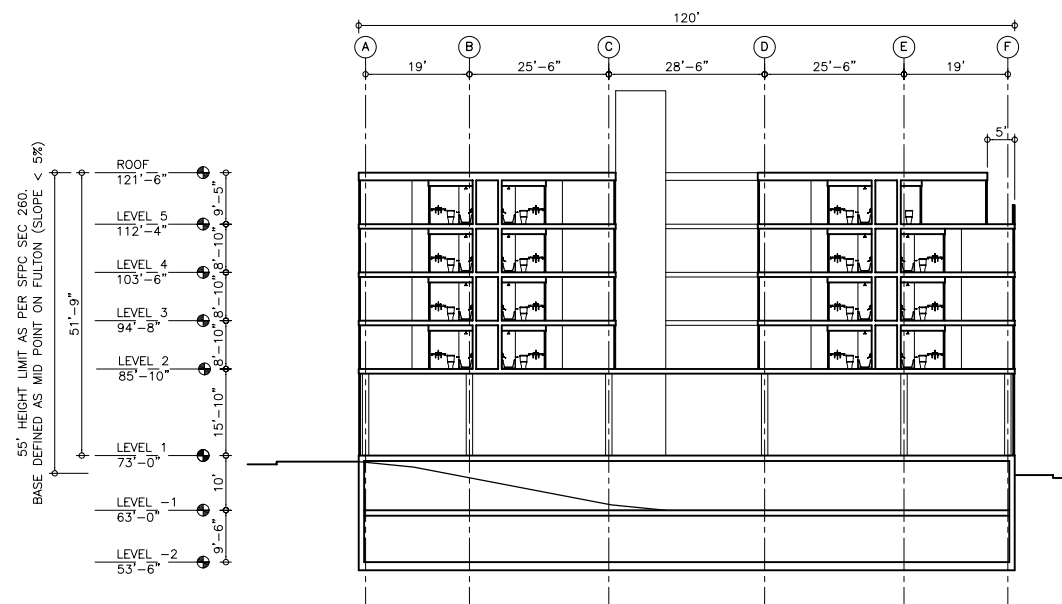
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SECTION 1



SECTION 2

REVISIONS	

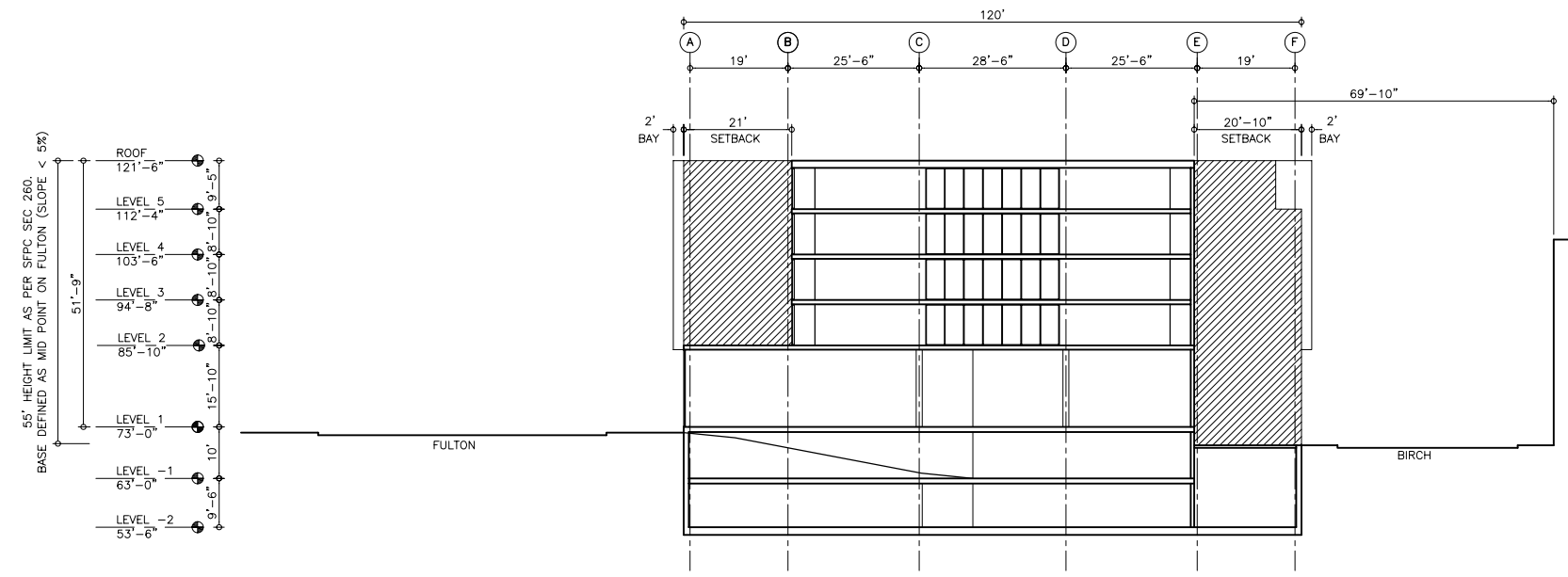
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SECTION AT STAIR WELLS / BUILDING BREAK

1

SECTION

Date 4.16.10

Scale 1/16"=1'-0"

Drawn nbk

Job 555 FULTON

File BE-A1.0

Sheet

A2.2

Of Sheets

CURRENT VERSION: DEVELOPED WITH NEIGHBORS



CURRENT VERSION: VIEW FROM LAGUNA AND FULTON



LAGUNA STREET COMMON SPACE



VIEW FROM BIRCH STREET



VIEW FROM OCTAVIA



OBSCURED GLASS

CLEAR GLAZING

STOREFRONT GLAZING

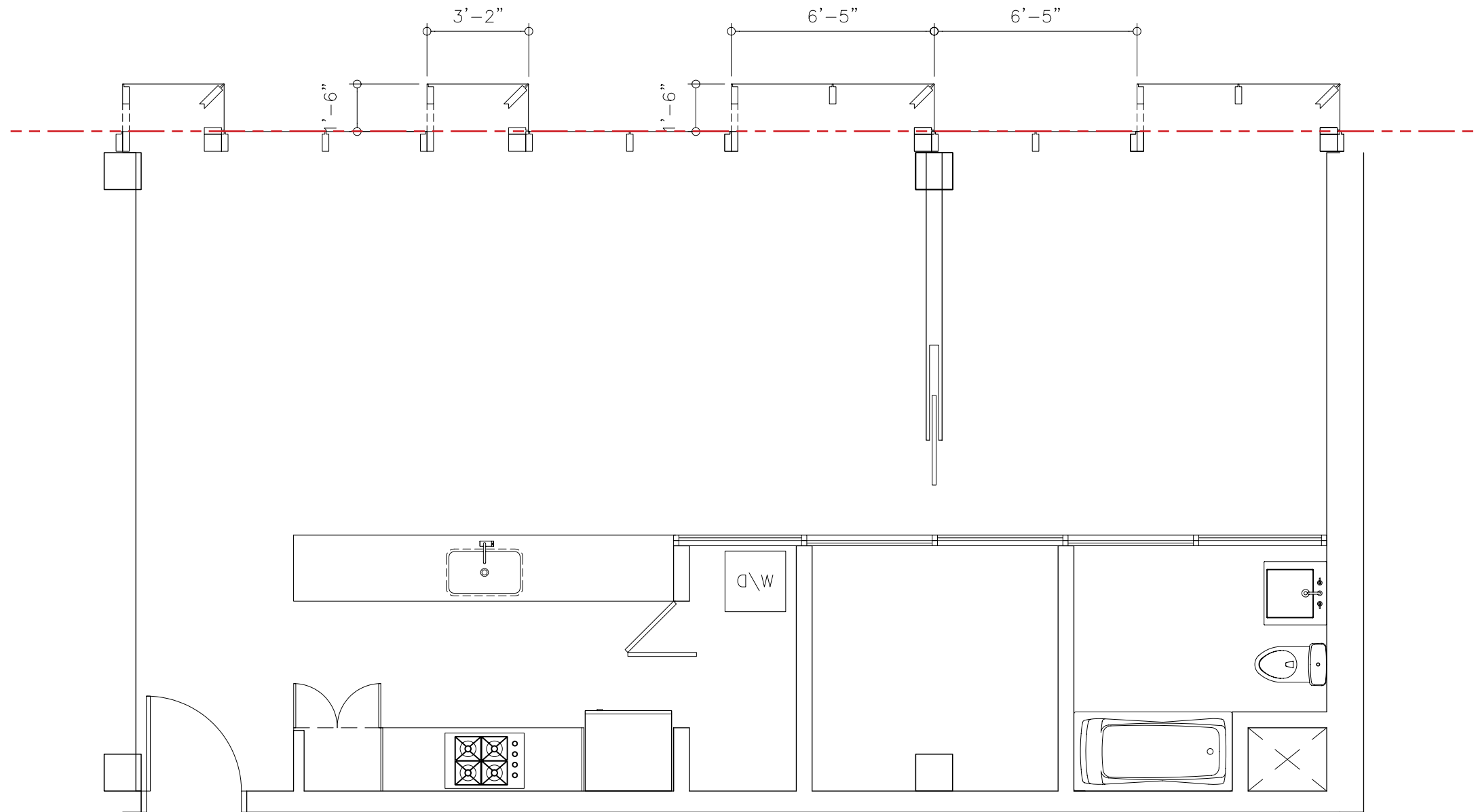
LAGUNA STREET ELEVATION



FULTON STREET ELEVATION



BIRCH STREET ELEVATION



----- PROPERTY LINE

TYPICAL UNIT PLAN- BAY WINDOW DIMENSIONS



TYPICAL UNIT INTERIOR

ALTERNATE VERSION: NOT PREFERRED BY NEIGHBORS



VIEW FROM FULTON AND LAGUNA



- OBSCURED GLASS
- CONCRETE
- STOREFRONT GLAZING
- CLEAR GLAZING
- TERRA COTTA TILE

VIEW FROM FULTON STREET



- TERRA COTTA TILE
- CONCRETE
- PORCH FOR GROUND LEVEL TOWNHOUSE
- CLEAR GLAZING
- OBSCURED GLASS

VIEW FROM BIRCH STREET