



SAN FRANCISCO PLANNING DEPARTMENT

Subject to: (Select only if applicable)

Inclusionary Housing (Sec. 315)

First Source Hiring (Admin. Code 83)

Jobs Housing Linkage Program (Sec. 313)

Child Care Requirement (Sec. 314)

Downtown Park Fee (Sec. 139)

Other

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

Reception:
415.558.6378

Fax:
415.558.6409

Planning
Information:
415.558.6377

Planning Commission Motion No. 17584

HEARING DATE: APRIL 17, 2008

Date: April 10, 2008
Case No.: **2005.0762 ECV**
Project Address: **245 – 259 HYDE STREET**
Zoning: RC-4 (Residential-Commercial Combined, High Density)
North of Market Residential Subarea No. 1 Special Use District
80-T Height and Bulk District
Block/Lot: 0336/020 (Lots 017, 018, and 019 combined)
Project Sponsor: Jaqui Braver, AF Evans Company, Inc.
1000 Broadway, Suite 300
Oakland, CA 94607
Staff Contact: Angela Heitter – (415) 558-6602
angela.heitter@sfgov.org

ADOPTING FINDINGS TO THE APPROVAL OF A CONDITIONAL USE AUTHORIZATION UNDER PLANNING CODE SECTION 151 TO ALLOW A REDUCTION IN OFF-STREET PARKING FOR ZERO SPACES WHERE SIXTEEN ARE OTHERWISE REQUIRED, AT 245 - 259 HYDE STREET, LOT 020 IN ASSESSOR'S BLOCK 0336, IN AN RC-4 (RESIDENTIAL-COMMERCIAL COMBINED, HIGH DENSITY), NORTH OF MARKET RESIDENTIAL SPECIAL USE DISTRICT SUBAREA NO. 1, AND AN 80-T HEIGHT AND BULK DISTRICT.

RECITALS

1. On August 5, 2005, the project sponsor submitted an Environmental Evaluation Application, File No. 2005.0762E. A Notification of Project Receiving Environmental Review was sent on June 2, 2006, to owners of properties within 300 feet, adjacent occupants of the project site, and interested parties. An Initial Study was published on June 15, 2007, a Preliminary Mitigated Negative Declaration was published on June 16, 2007. Subsequent to publication of the final mitigated negative declaration, the Planning Department published an amended Preliminary Mitigated Negative Declaration on October 30, 2007, which addressed residential guidelines for light exposure, preservation of the historic facades, cultural resources, and clarification regarding the projects parking exception (as a conditional use authorization instead of a variance). The Final Amended Mitigated Negative Declaration was adopted and issued on November 1, 2007.

2. On October 12, 2006, Jaqui Braver of AF Evans, authorized agent of AFE Hyde and Eddy, LLC (hereinafter "Applicant") filed Application No. 2005.00762V requesting variances for the property **245 – 259 Hyde Street, Lot 020 in Assessor's Block 0336** for a rear yard modification; a dwelling unit exposure variance for the units that will not face Hyde or Eddy Streets; and a usable open space variance. It was determined that a conditional use authorization would also be required for a reduction in off-street parking spaces.
3. A Mitigated Negative Declaration was prepared and issued for the project pursuant with the provisions of the California Environmental Quality Act (hereinafter "CEQA"), the State Guidelines for the Implementation of CEQA and Chapter 31 of the San Francisco Administrative Code, that there will not be a significant effect on the environment because of the mitigation measures included. The Mitigated Negative Declaration was published on June 16, 2007, and amended October 30, 2007, by the Planning Department of the City and County of San Francisco (hereinafter "Department"), and no appeals were filed. A Final Mitigated Negative Declaration was adopted and issued on November 1, 2007. This document is included in Planning Department File No. 2005.0762E.
4. On March 26, 2008, the Applicant filed Application No. 2005.00762C to supplement the variance application requesting conditional use authorization to allow a reduction in off-street parking for zero spaces where sixteen would otherwise be required for the proposed project that is the conversion of an office/retail building to 65 dwelling units and construction of a one-story vertical addition. The interiors of the existing interconnected two-story buildings will be demolished to accommodate the insertion of a third floor within the existing building envelope, for a total of four floors within an RC-4 (Residential-Commercial Combined, High Density), North Market -1 Special Use District and 80-T Height and Bulk District.
5. On April 17, 2008, the Planning Commission (hereinafter "Commission") conducted a duly noticed public hearing at a regularly scheduled meeting on Conditional Use Application No. 2005.0762CV, at which time the Commission reviewed and discussed the findings prepared for their review by the staff of the Department.
6. The Commission has reviewed and considered reports, studies, plans and other documents pertaining to this Project.
7. 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 applicant, the Department staff, and other interested parties.
8. **MOVED**, that the Commission hereby grants conditional use authorization as requested in Application No. 2005.0762CV subject to the conditions contained in Exhibit A, attached hereto and incorporated herein by reference thereto, 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. **Site Description.** The rectangular, 18,768-sq.ft. project site is located on the southwest corner of the intersections of Hyde and Eddy Streets within the block bound by Larkin Street to the west and Turk Street to the south in San Francisco's Tenderloin neighborhood. The project site is located within the RC-4 (Residential-Commercial Combined, High Density), North of Market Residential Special Use District Subarea No. 1 and an 80-T Height and Bulk District. The Project Site is essentially flat and the Eddy Street frontage has a slight lateral slope to the east. The existing offices and recording studios will be vacated while the building undergoes extensive renovations and conversion.
3. **Surrounding Neighborhood.** The area within two blocks is a mixed urban area, comprised mainly of multi-family residential building with ground-floor retail land use, but also includes offices, government buildings, utility facilities, retail, automotive repair, restaurants and bars, hotels, and parking lots beyond the project block.
4. **Project Description.** The proposed project would partially demolish the interior elements of the two existing buildings and construct a vertical addition creating a total building height of a four-story, approximately 39-foot-tall residential interior consisting of approximately 51,600 sq. ft., including 65 dwelling units and no off-street parking spaces. Portions of the existing buildings' first and second floors would be reconstructed, with the addition of a third floor and loft space, and new fourth floor with an exterior walkway above and set back from the east façade, behind the existing parapets. At the interior of the buildings, the existing columns will be retained and the existing structural grid will be used to organize the residential units. The proposed 65 dwelling units would consist of 23 studio, 32 one-bedroom, and ten two-bedroom units ranging in size from approximately 360 to 1,195 sq. ft. The proposed project would have 3,730 sq. ft. of common open space in two open courtyards on the first floor level. The proposed first-floor main entrance to the residential lobby would be from Hyde Street, similar to the existing buildings. The lobby would have an elevator and a set of stairs and connect to an interior courtyard that would be open above through the fourth floor. The second stairwell would be located in the northwestern corner of the building. The other open space courtyard would be located outside the new building in the existing alley along the western property line. The project sponsor intends to satisfy the Inclusionary Housing Requirement, which requires eight of the 65 proposed units to be below market rate, by providing the eight units on site. Finally, the proposed project will provide a lobby display about the historic nature of the buildings and the San Francisco movie industry. The Project will contribute positively to the neighborhood context and North of Market Residential Special Use District.
5. **Public Comment.** Sixteen (16) written comments have been received in opposition to the conversion of the existing offices and recording studios ("Hyde Street Studios", formerly "Wally Heider's Studios") to dwelling units. Opposition is based on the loss of one of the last remaining commercial recording studios in San Francisco, particularly these studios, which are associated with the careers of numerous important recording artists from the 1960s up through recent times. Copies of these correspondence are on file in the Case Docket 2005.0762C.

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. **Land Use:** Planning Code Section 209.1 permits residential uses in the RC-4 District.

These districts provide for a mixture of high-density dwellings similar to those in RM-4 Districts with supporting commercial uses. The commercial uses are those permitted in C-2 Districts, located in or below the ground story in most instances. The project would provide 65 dwelling units in the RC-4 District, without a commercial use.

- B. **Dwelling Unit Density:** Planning Code Section 209.1 allows dwelling units in the RC-4 District at a density ratio not exceeding one unit for each 200 square feet of lot area; in the North of Market Residential Special Use District, Subarea No. 1 (Section 249.5(e)(5)), the maximum dwelling unit density is increased to one unit for each 125 square feet of lot area, provided that for purposes of this calculation a dwelling unit containing no more than 500 sq. ft. of net floor area and having but one habitable room in addition to a kitchen and bathroom the unit may be counted as equal to $\frac{3}{4}$ of a dwelling unit.

The project site is 18,768 sq. ft., which, at a density of one unit per 125 square feet would permit 150 units. The Project would provide 65 units, thus does not exceed the dwelling unit density ratio established for the subject zoning district.

- C. **Floor Area Ratio:** Section 124 establishes basic floor area ratio (FAR) limits for all districts. In the RC-4 District, the development is subject to an FAR limit of 4.8 to 1, however, per Section 124(b), the FAR limits shall not apply to dwellings or to other residential units in any R District.

The Project provides 65 dwelling units, which are not subject to the basic FAR limits. Non-residential uses are not proposed, thus Section 124 is not applicable.

- D. **Shadow Study:** Section 295 requires review of buildings over 40 feet in height to determine any potential shadowing on property under the jurisdiction of the Recreation and Park Commission.

The Project's finished height is 39'-5", thus the Project is not subject to Section 295.

- E. **Front Setback:** Per Section 206.3, front setback areas are not generally required, except where proposed buildings will be in excess of 40 feet in height, a setback requirement may be imposed as a condition of approval to comply with Section 132.2, which establishes front setback requirements in the North of Market Residential Special Use District.

Consistent with the block face pattern and prevailing street wall, the Project maintains the existing facades, which abut the public sidewalks. Although the building's proposed finished height is less than

40 feet, the one-story vertical addition (fourth floor), will be setback up to seven feet from the street facades to distinguish the addition from the historic resource.

- F. **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. The Project requires a modification of the rear yard requirement pursuant to Section 134(f). A rear yard modification will be considered by the Zoning Administrator at the same public hearing as the conditional use.

The existing building provides a rear yard setback of 16'-9", which is a legal non-conforming condition, however, the vertical addition would require a setback of 34'-4 1/2" to be in compliance. The Project proposes to maintain the rear yard setback of 16'-9" for the vertical addition, and thus the Project requires a modification of the rear yard. In the North of Market Residential Special Use District, the rear yard requirement may be substituted with an equivalent amount of open space situated anywhere on the site, provided that the Zoning Administrator determines that all of the following criteria are met:

- (1) The substituted open space in the proposed new or expanding structure will improve the access of light and air to and views from existing abutting properties; and*
- (2) The proposed new or expanding structure will not adversely affect the interior block open space formed by the rear yards of existing abutting properties.*

- G. **Usable Open Space:** Planning Code Section 135 requires at least 36 sq. ft. of private open space per dwelling unit, or approximately 48 sq. ft. of common open space per dwelling unit. The Project requires 2,340 sq. ft. of private open space, or approximately 3,112 sq. ft. of common open space. An open space variance for the inner courtyard dimensions will be considered by the Zoning Administrator at the same public hearing as the conditional use.

The open space requirement for 65 units is met through the inclusion of 3,730 sq. ft. of common usable open space in the form of two open courtyards at the first floor, however, the interior courtyard does not meet the minimum dimension of 20' in every horizontal dimension. The code section further requires that any common space not be enclosed by walls higher than the corresponding courtyard width. The maximum height of the enclosing walls for the proposed inner courtyard should not be taller than 18'-4" instead of the ±40'-0" as proposed, thus an open space variance is required and will be considered by the Zoning Administrator.

- H. **Off-Street Parking:** Section 151 establishes off-street parking requirements for all uses in all districts. In the RC-4 District, one independently accessible space is required for each four dwelling units. Off-street parking and loading spaces shall be provided for any use established after implementation of the code section. Section 166 requires one carshare parking space for the first 50-200 residential units, in addition to those required in section 151. As a result of the residential conversion of 65 units, the Project will require a total of 16 off-street parking spaces.

A reduction in the off-street parking requirement is sought pursuant to Conditional Use authorization under Section 161(j) of the Planning Code. No off-street parking is proposed. The high-density and

mixed-use nature of these districts is recognized by certain reductions in off-street parking requirements.

- I. **Street Trees**: Section 143 requires street trees be planted in certain districts, including the RC-4 District.

Currently, there are four street trees along the Eddy Street frontage and two street trees in the Hyde Street public right-of-way. The proposed project would retain these existing street trees, however to comply with Section 143, three additional street trees would need to be planted along Eddy Street frontage and five additional street trees would need to be planted along Hyde Street. The final number and placement requirements of additional street trees and required street tree protection during construction would be subject to review and approval by DPW.

- J. **Dwelling Unit Exposure**: Section 140 establishes exposure requirements for all dwelling units, requiring that all units face onto an open area such as a street or rear yard, or onto an inner court, that is no less than 25 feet in every horizontal dimension. The Project requires a modification of the dwelling unit exposure and will be considered by the Zoning Administrator at the same public hearing as the conditional use.

Approximately 46 of the units will not comply with the dwelling unit exposure requirements, but will rather face two courtyards. The courtyards do not comply with the necessary dimensional requirements of Section 140(a)(1) or Section 140(a)(2) to be considered a sufficient open area, therefore a variance to the dwelling unit exposure is required and shall be considered by the Zoning Administrator.

- K. **Height and Bulk**: The Project complies with the 80-foot height limit applicable in the 80-T height and bulk district. A bulk district "T" shall apply pursuant to the provisions of Section 270.

The provisions of Section 270 provide a height above which maximum dimensions apply, which is established by Section 132.2. Since the Project has a height of 39'-5", the provisions of Section 270 do not apply. Furthermore, Section 253, which requires further design review of buildings exceeding 40 feet in height in any R District, is not applicable.

- L. **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 Section 152, residential uses with less than 100,000 square feet of gross floor require no off-street freight loading spaces; since the Project will only have a total of 51,600 sq. ft., no off-street freight loading spaces are required.

- M. **Affordable Housing**: Pursuant to provisions of Section 315, the Project is required to comply with the inclusionary housing requirements in effect at the time of the Project's

environmental evaluation application filing date on August 15, 2005, by constructing 12% of the proposed dwelling units as affordable if they are provided on-site, 17% if the affordable units are provided off-site, or by payment of an in lieu fee.

As of July 15, 2005, the filing date of the environmental evaluation application for this Project, the Inclusionary Housing Ordinance (Planning Code Section 315.4) required twelve percent, or eight of the proposed 65 units to be below market rate units distributed throughout the project. The Project will satisfy the affordable housing requirements by providing the eight units on-site.

7. **Planning Code Section 161(h)** allows the reduction of off-street parking requirements for dwelling units in the North of Market Residential Special Use District, as described in Section 249.5, subject to conditional use authorization by the Planning Commission. In considering an application under Section 161(h), the Commission shall consider the criteria set forth below in lieu of the criteria set forth in Section 303(c) and may grant the reduction if it finds that:

- A. **The reduction in the parking requirement is justified by the reasonable anticipated auto usage by residents of and visitors to the Project.**

According to the traffic study performed under the environmental review, the proposed project's residential units would generate an estimated parking demand of approximately 75 parking spaces. Since the proposed project would not provide any parking on-site, residents who actually own automobiles would need to find on-street parking or parking in off-street facilities to meet any actual unmet demand. The project site is located within the North of Market Residential Special Use District, Subarea No. 1, which allows modification to off-street parking requirements for a project to "protect and enhance important housing resources" . . . "preserve buildings of architectural and historic importance" . . . or "encourage new infill housing."

An on-street parking analysis was conducted for weekday mid-day, and evening peak periods. According to the analysis, on-street parking in the project vicinity is generally full during the mid-day weekday period and more available in the evening. Of the approximately 873 on-street parking spaces in an approximate two block area around the project site, 73 percent or 640 on-street spaces were estimated to be occupied during the evening peak period, leaving about 230 on-street parking spaces available.

In addition, there are six off-street parking facilities in the study area, consisting of four surface lots and two garages, the nearest facility being a 29-space lot on Eddy Street across from the project site. Three car-share companies have five carshare spaces within five blocks of the project site and an additional ten spaces within the seven-to-ten block radius of the project site.

The Commission finds that the subject neighborhood provides adequate transit service. In addition, the Market Street corridor, located five blocks south of the subject property, provides access to many of San Francisco's local and regional transit lines.

- B. **The reduction in the parking requirement will not be detrimental to the health, safety, convenience or general welfare of persons residing or working in the vicinity.**

The proposed reduced parking would not be detrimental to the neighborhood. It would not increase parking, traffic or congestion problems given the available alternatives to auto travel (e.g. transit service, taxis, bicycles or travel by foot). Such a relatively dense pattern of urban development will likely induce many Project residents to seek such alternatives. On the other hand, the provision of new curb cuts would have negative impacts to the neighborhood by disrupting the pedestrian oriented building frontage pattern and introduce more cars into the neighborhood. Further, a new garage entry would have a negative impact on the historical character of the building façade, as well as reduce habitable space for residents.

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

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

The Project will create up to 65 new dwelling units as an adaptive re-use project within an established residential and mixed-use neighborhood, fulfilling General Plan policies that encourage the construction of new housing. The Project will make a contribution to the City's housing supply, and will also contribute to the affordable housing supply by constructing the required affordable units on-site in compliance with Section 315 et seq.

- B. The proposed project will not be detrimental to the health, safety, convenience or general welfare of persons residing or working in the vicinity. There are no features of the project that could be detrimental to the health, safety or convenience of those residing or working the area, in that:

- i. Nature of proposed site, including its size and shape, and the proposed size, shape and arrangement of structures;

The Project Site is located at the intersection of Hyde Street and Eddy Street and is appropriate for such residential development. The existing arrangement, general size and shape of the structure will remain. The addition, which will increase the building height 7'-9" and will be set back from the existing façade, is compatible with the scale and context of the surrounding neighborhood, and will maintain the existing continuous and unified street wall along Hyde and Eddy Streets.

- 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;

While the Project does not provide off-street parking spaces, the urban environment of the Project's vicinity provides adequate on-street parking, off-street parking in numerous facilities, carshare programs, and access to public transit for the residents.

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

The Project will consist of residential units that will not produce noxious or offensive emissions, noise, glare, dust or odors.

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

The project requires additional street trees along Hyde and Eddy Streets. The Project will provide common usable open space, which will be appropriately landscaped. Ambient lighting along the building façade and at the street level will be consistent with the neighborhood character.

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

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

- D. That the use as proposed would provide development that is in conformity with the purpose of the applicable North of Market Residential Special Use District, pursuant to Section 249.5(b).

The proposed project is consistent with the stated purposes of the North of Market Residential Special Use District in that the project enhances important housing resources in the area near downtown through 65 new residential units; upgrades existing low and moderate income housing stock through the provision of eight new below-market-rate residential units; preserves buildings of architectural and historic importance and preserves the existing scale of development through adaptive re-use and rehabilitation of the historic Film Exchange Building; it encourages new in-fill housing at a compatible density to the surrounding neighborhood by providing comparable number of units to surrounding residential buildings; and limits the number of commercial establishments which are not intended primarily for customers who are residents of the area.

- 9. **General Plan Compliance.** The Project is consistent with the Objectives and Policies of the General Plan in that:

RESIDENCE ELEMENT:

Objectives and Policies

OBJECTIVE 1:

PROVIDE NEW HOUSING, ESPECIALLY PERMANENTLY AFFORDABLE HOUSING, IN APPROPRIATE LOCATIONS WHICH MEETS IDENTIFIED HOUSING NEEDS AND TAKES

INTO ACCOUNT THE DEMAND FOR AFFORDABLE HOUSING CREATED BY EMPLOYMENT DEMAND.

Policy 1.4:

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

OBJECTIVE 2:

TO INCREASE THE SUPPLY OF HOUSING WITHOUT OVERCROWDING OR ADVERSELY AFFECTING THE PREVAILING CHARACTER OF EXISTING NEIGHBORHOODS. (RETAIN THE EXISTING SUPPLY OF HOUSING.)

Policy 2.2

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 permanently affordable to lower income households.

Policy 2.3

Allow flexibility in the number and size of units within permitted volumes of larger multi-unit structures, especially if the flexibility results in creation of a significant number of dwelling units that are permanently affordable to lower income households.

OBJECTIVE 4:

TO REDUCE THE RISK OF BODILY HARM AND LOSS OF HOUSING IN AN EARTHQUAKE.

Policy 4.2

Reduce seismic hazards in unreinforced masonry buildings without reducing the supply of affordable housing.

OBJECTIVE 7:

TO INCREASE LAND AND IMPROVE BUILDING RESOURCES FOR PERMANENTLY AFFORDABLE HOUSING.

Policy 7.2

Include affordable units in larger housing projects.

OBJECTIVE 12:

TO PROVIDE A QUALITY LIVING ENVIRONMENT.

Policy 12.1:

Assure housing is provided with adequate public improvements, services and amenities.

Policy 12.4:

Promote construction of well designed housing that conserves existing neighborhood character.

OBJECTIVE 13:
TO PROVIDE MAXIMUM HOUSING CHOICE.

Policy 13.5:
Encourage economic integration in housing by ensuring that new permanently affordable housing is located in all of the City's neighborhoods, and by requiring that all new large market rate residential development includes affordable units.

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

Policy 1.3:
Identify opportunities for housing and mixed-use districts near downtown and former industrial portions of the City.

OBJECTIVE 3:
ENHANCE THE PHYSICAL CONDITION AND SAFETY OF HOUSING WITHOUT JEOPARDIZING USE OR AFFORDABILITY.

Policy 3.6:
Preserve landmark and historic residential buildings.

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

Policy 4.2:
Include affordable units in larger housing projects.

Policy 4.4:

Consider granting density bonuses and parking requirement exemptions for the construction of affordable housing or senior housing.

Policy 4.5:

Allow greater flexibility in the number and size of units within established building envelopes, potentially increasing the number of affordable units in multi-family structures.

The Project is an appropriate adaptive re-use proposal that will facilitate the conversion of an underused historic building in an established residential neighborhood. The Project will locate up to 65 housing units of mixed sizes at a site zoned for residential use and will increase the supply of housing by providing compatible density in the North of Market Residential Special Use District. The Project's rehabilitation plan will be compatible with the existing scale and character of the neighborhood, while also providing sufficient seismic upgrades. The Project will contribute to the City's affordable housing supply by constructing the required below-market-rate units on-site.

URBAN DESIGN ELEMENT

Objectives and Policies

OBJECTIVE 2:

CONSERVATION OF RESOURCES WHICH PROVIDE A SENSE OF NATURE, CONTINUITY WITH THE PAST, AND FREEDOM FROM OVERCROWDING.

Policy 2.4:

Preserve notable landmarks and areas of historic, architectural or aesthetic value, and promote the preservation of other buildings and features that provide continuity with past development.

Policy 2.5:

Use care in remodeling of older buildings, in order to enhance rather than weaken the original character of such buildings.

The Project preserves the buildings of architectural and historic importance through adaptive re-use and rehabilitation of the historic Film Exchange Building. As a historic resource, the proposed project meets the Secretary of the Interior's Standards for rehabilitating historic buildings by preservation and restoration of the Hyde and Eddy Street facades. The existing steel windows will be repaired, repainted, or replaced in kind, and the non-historic windows on the ground floor will be replaced with metal windows that reference the historic mullion pattern. The addition is limited to one floor above the existing structure and will be setback from the existing façade in order to minimize the impact on the original building's character. At the interior of the buildings, the existing columns will be retained and the existing structural grid will be used to organize the residential units. The project will include exterior and ambient lighting that highlights the historic features of the buildings. Finally, the proposed project will provide a lobby display about the historic nature of the buildings and the San Francisco movie industry. The Project will contribute positively to the neighborhood context and North of Market Residential Special Use District.

OBJECTIVE 4:

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

Policy 4.12:

Install, promote and maintain landscaping in public and private areas.

The project requires additional street trees along Hyde and Eddy Streets. The Project will provide common usable open space would be appropriately landscaped. Ambient lighting along the building façade and at the street level will be consistent with the neighborhood character.

10. 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.

There are no current retail uses at the Project site. With the addition of housing, new residents would increase the customer base for existing neighborhood retail.

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

There are many types of land uses in the vicinity of the Project site. The Project would create 65 new residential units with a mixed unit selection of 23 studios, 32 one-bedroom, and ten two-bedroom units. The Project is compatible with the scale and design of the neighborhood within which the Project Site is located. The cultural and economic diversity of the neighborhood would be augmented by the proposed project.

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

The Project would not remove or displace affordable housing. Rather, the Project will further this priority policy by constructing eight (8) below-market rate units on-site, which constitute 12% of the Project's units.

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

This is primarily a residential project, and will therefore not create commuter traffic. Housing created by the Project will be located within a two-block radius of seven MUNI bus lines, within three blocks of the Van Ness Avenue line and within five blocks of the Market Street lines. Because the Project Site is located in an extraordinarily transit-rich area, it is anticipated that the Project will generate less traffic than a similar residential building located elsewhere. An on-street parking analysis was conducted for weekday mid-day and evening peak periods. According to the analysis, on-street

parking in the project vicinity is generally full during the mid-day weekday period and more available in the evening. Of the approximately 873 on-street parking spaces in an approximate two block area around the project site, 73 percent or 640 on-street spaces were estimated to be occupied during the evening peak period, leaving about 230 on-street parking spaces available. There were an estimated 50 off-street parking spaces in parking facilities during peak mid-day and 181 off-street parking spaces in the same facilities during peak evening periods.

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

The Project will contribute to a diverse economic base by providing a significant number of new residential dwelling units in San Francisco. By contributing to the City's housing supply, the Project will further help San Francisco increase housing opportunities for resident workers, and thereby maintain a diverse economic base.

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

The Project will conform to the structural and seismic requirements of the San Francisco Building Code.

- G. That landmarks and historic buildings be preserved.

As a historic resource, the proposed project meets the Secretary of the Interior's Standards for rehabilitating historic buildings by preservation and restoration of the Hyde and Eddy Street facades. The existing steel windows will be repaired, repainted, or replaced in kind, and the non-historic windows on the ground floor will be replaced with metal windows that reference the historic mullion patten. The addition is limited to one floor above the existing structure and will be setback from the existing façade in order to minimize sight lines from the street. The second floor will be partly removed in order to minimize the height of the vertical addition to only 7'-9" above the existing height. The addition is designed in a contemporary idiom that is differentiated from, yet compatible with, the existing structure. At the interior of the buildings, the existing columns will be retained and the existing structural grid will be used to organize the residential units. The project will include exterior and ambient lighting that highlights the historic features of the buildings. Finally, the proposed project will provide a lobby display about the historic nature of the buildings and the San Francisco movie industry.

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

The Project will not impact parks, open space, or their access to sunlight or vistas. The Project would enhance the streetscape with new street trees and provide on-site open space for Project residents.

11. 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.
12. The Commission hereby finds that approval of the Conditional Use Authorization would promote the health, safety and welfare of the City.

DECISION

That based upon the Record, the submissions by the Applicant, the staff of the Department and other **DECISION** interested parties, the oral testimony presented to this Commission at the public hearings, and all other written materials submitted by all parties, the Commission hereby adopts the Conditional Use Application, Case No. 2005.0762ECV, subject to the following conditions attached hereto as Exhibit A (Conditions of Approval) which is incorporated herein by reference as though fully set forth, in general conformance with the plans stamped Exhibit B and dated April 17, 2008 and on file in Case Docket No. 2005.0762C.

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. 17584. 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 April 17, 2008.

Linda Avery
Commission Secretary

AYES: Olague, Antonini, S. Lee, W. Lee, Sugaya

NAYS: None

ABSENT: Moore

ADOPTED: April 17, 2008

Exhibit A

Conditions of Approval

1. 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.
2. This Conditional Use Authorization is granted to allow a reduction in off-street parking to zero parking spaces where 16 would be required otherwise for the proposed project that is the conversion of an office/retail building to 65 dwelling units and construction of a one-story vertical addition. The interiors of the existing interconnected two-story buildings will be partially demolished to accommodate the insertion of a third floor within the existing building envelope, for a total of four floors within an RC-4 (Residential-Commercial Combined, High Density), North of Market Residential Special Use District Subarea 1 and an 80-T Height and Bulk District, in general conformity with the plans identified as Exhibit B, dated April 17, 2008, reviewed by the Commission on April 17, 2008.
3. The Project Sponsor must also obtain modifications from the rear yard requirement; a variance from dwelling unit exposure for the units that will not face Hyde or Eddy Streets; and a usable open space variance as requested from the Zoning Administrator pursuant to Section 134(e), 135, 140(1) and 140(2). The conditions set forth below are additional conditions required in connection with the Project. If these conditions conflict with any other requirement imposed on the Project, the more restrictive or protective condition or requirement, as determined by the Zoning Administrator, shall apply.
4. The project shall be subject to, and the Project Sponsor shall implement and otherwise comply with the Mitigation Measures and Improvement Measure set forth in EXHIBIT C of Motion No. 17584 included herein by reference as though fully set forth.
5. In addition to the Mitigation Measures set forth in EXHIBIT C, the Project Sponsor shall provide information on historical, architectural, and cultural significance of the building through the installation of plaque on the public-facing exterior façade to document through a written history the Film Exchange Building's original occupants, motion film industry and trade, as well as, a written history of it's more recent occupant, Wally Heider's Recording Studios, with a list of several musical industry artists whom have recorded at the site. Prior to the installation, the written history of the plaque shall be drafted and reviewed for clarity and content by the Preservation Coordinator.
6. The Project sponsor shall continue to work with staff to refine the design and assure that all building materials, including finishes, windows, entries, and detailing are appropriate for the site and neighborhood., and are in general compliance with the *Secretary of the Interior's Standards for the Treatment of Historic Properties* and it's *Guidelines for the Rehabilitation of Historic Buildings*.
7. All applicable City Codes and standards shall be met.

8. No general advertising signs shall be permitted anywhere on the building.
9. All exterior lighting and ambient lighting of the historic facades shall be reviewed and approved by the Planning Department before they are installed.
10. The Project Sponsor shall appoint a community liaison officer to deal with issues of concern to owners and occupants of nearby properties at all times during construction of the Project. Prior to the commencement of construction activities, the Project Sponsor shall provide the Zoning Administrator and the owners of the properties within 300 feet of the Project site written notice of the name, business address, and telephone number of the community liaison.
11. 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.
12. The Project Sponsor shall submit 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.
13. 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, including having an Occupancy Program approved by the First Source Hiring Administrator prior to the issuance of the first Certificate of Occupancy.
14. The Subject dwelling units shall be occupied as such per the applicable definitions of the Planning Code, and shall not be leased or sold for transient occupancy at any time (less than 32 consecutive days by any household/individual occupant).
15. An enclosed garbage area shall be provided within the establishment. All garbage containers shall be kept within the building until pick-up by the disposal company.
15. The Project shall comply with the Inclusionary housing requirements set forth in Section 315 of the Planning Code. Under Planning Code Section 315 of the Planning Code, the project requires eight (8) below-market-rate on-site units (12%); and the project sponsor has provided a "Declaration of Intent" electing to construct the below-market-rate units on-site to satisfy the Inclusionary Housing requirement.
16. The subject BMR unit(s) shall be evenly spread throughout the development as determined by the

Zoning Administrator, and reflect the unit size mix of the market rate units and shall be distributed in the range of unit sizes based on the proposed unit mix.

17. The Project Sponsor shall record a Notice of Special Restriction on the property which records a copy of this Motion and identifies the BMR unit(s) satisfying the requirements of this Motion.
18. 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 Affordable Housing Monitoring Procedures Manual (hereinafter "Procedures Manual"), incorporated herein by reference, as published and adopted by Ordinance No. 198-07 on August 10, 2007 by the Board of Supervisors, and as required by Planning Code Section 315 (collectively the "Inclusionary Requirement").
 - A. The BMR unit(s) shall be designated on the building plans prior to approval of any building permit. 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, and ready for occupancy 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. The Project proposes 65 dwelling units to include 23 studios, 32 one-bedroom units and 10 two-bedroom units, ranging in size from 360 sq. ft. to 1,195 sq. ft.
 - B. 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 San Francisco Principal Metropolitan Statistical Area (PMSA). The initial sales price of such units shall be calculated according to the Procedures Manual based on such percentage of median income. This restriction shall apply for the life of the Project from the date of the initial sale of the BMR unit.
 - C. The Applicant shall administer the marketing and reporting procedures, including the payment of administrative fees to the monitoring agency if such fees are authorized by ordinance, according to the procedures established in the Procedures Manual or as otherwise provided by law.
 - D. The definitions, procedures and requirements for BMR units are set forth in the Procedures Manual and are incorporated herein as Conditions of Approval. Terms used in these Conditions of Approval and not otherwise defined shall have the meanings set forth in the Procedures Manual.
 - E. Prior to issuance of any building permit for the Project (including any building permit issued for any partial phase of the Project), the Project Sponsor shall have designated the BMR units in accordance with Items A, B and C above.
 - F. Prior to issuance of the Building Permit, the Project Sponsor shall record a Notice of Special Restriction on the property that records a copy of Motion No. 17584, including this Exhibit A, and identifies the BMR unit(s) 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).

19. Failure to comply with any of the Conditions of Approval shall constitute a violation of the Planning Code, enforceable by the Zoning Administrator. Should the monitoring of the Conditions of Approval be required, the Applicant or successors shall pay fees as established in Planning Code Section 351(f) (2).
20. Violation of the conditions noted above or any other provisions of the Planning Code may be subject to abatement procedures and fines up to \$500 a day in accordance with Code Section 176.
21. Should implementation of this Project result in complaints from neighborhood residents or business owners and tenants, which are not resolved by the Project Sponsor and are subsequently reported to the Zoning Administrator and found to be in violation of the City Planning Code and/or the specific Conditions of Approval for the Project as set forth in Exhibit A of the Motion, the Zoning Administrator shall report such complaints to the City Planning Commission which may thereafter hold a public hearing on the matter in accordance with the hearing notification and conduct procedures as set forth in Sections 174, 306.3 and 306.4 of the Code to consider revocation of this Conditional Use Authorization.
22. Should the monitoring of the conditions of approval contained in this Exhibit A be required, the Project Sponsor or successors shall pay fees as established in Planning Code Section 351(f) (2).
23. Prior to the issuance of any building permit application 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 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.

EXHIBIT B

File No. Project Title: 2005.0762E – 245 Hyde Street Residential Development

MITIGATION MEASURES AND

MITIGATION MONITORING PROGRAM

Motion No.:
Page 1

MONITORING PROGRAM

Mitigation Measures Certified in Final Negative Declaration	Responsibility for Implementation	Mitigation Schedule	Mitigation Action	Monitoring/Reporting Responsibility	Monitoring Schedule
<p>MITIGATION MEASURES:</p> <p>1. HISTORIC RESOURCES</p> <p>Consistent with the Secretary of the Interior's Standards, the project sponsor shall implement Mitigation Measure 1, consisting of the following measures:</p> <ul style="list-style-type: none"> The project shall preserve and restore the Hyde and Eddy Streets façades. The existing steel windows shall be repaired, repainted, or replaced in kind, and the non-historic windows on the ground floor shall be replaced with metal windows that reference the historic mullion pattern. The existing columns in the interior of the building shall be retained. The project shall include exterior and ambient lighting that highlights the historic features of the building. The proposed project shall provide a lobby display about the historic nature of the building and the San Francisco movie industry. 	Project Sponsor	During demolition and construction	Preservation of historic resource to Secretary of the Interior's Standards	San Francisco Planning Department	Project Sponsor to coordinate with DBJ/Planning Dept as part of building/demolition permit process. The project sponsor will provide documentation of compliance to the Planning Department for approval. Considered complete when the Planning Department approves of documentation.

EXHIBIT B

MITIGATION MEASURES AND MITIGATION MONITORING PROGRAM

File No. Project Title: 2005.0762E – 245 Hyde
Street Residential Development

Motion No.:
Page 2

	MONITORING PROGRAM			
Mitigation Measures Certified in Final Negative Declaration	Responsibility for Implementation	Mitigation Schedule	Monitoring/Reporting Responsibility	Monitoring Schedule

2. ARCHEOLOGICAL RESOURCES

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

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

If the ERO determines that an archeological resource may be

Project sponsor
Prior to any soils disturbing activity
Distribution of "ALERT" sheet.

Prior to soil disturbance.
Considered complete upon ERO receipt of affidavit.
Project sponsor submits affidavit signed by parties responsible for distributing "ALERT" sheet to Environmental Review Officer (ERO)

Project sponsor
In case of accidental discovery
Suspend any soils disturbing activity.

Project sponsor, Head Foreman and ERO
During any soils disturbing activity.
Considered complete upon receipt of final FARR at completion of construction.

Project sponsor
In case of accidental
At direction of ERO, services of a qualified

Project sponsor, archaeologist and
During any soils disturbing activity.

EXHIBIT B

MITIGATION MEASURES AND

MITIGATION MONITORING PROGRAM

MONITORING PROGRAM

Mitigation Measures Certified in Final Negative Declaration	Responsibility for Implementation	Mitigation Schedule	Mitigation Action	Monitoring/Reporting Responsibility	Monitoring Schedule
present within the project site, the project sponsor shall retain the services of a qualified archeological consultant. The archeological consultant shall advise the ERO as to whether the discovery is an archeological resource, retains sufficient integrity, and is of potential scientific/historical/cultural significance. If an archeological resource is present, the archeological consultant shall identify and evaluate the archeological resource. The archeological consultant shall make a recommendation as to what action, if any, is warranted. Based on this information, the ERO may require, if warranted, specific additional measures to be implemented by the project sponsor.	Project sponsor/ archeological consultant at the direction of the ERO	discovery In case of accidental discovery, prior to additional soil disturbance	archeological consultant to be retained. Identify, evaluate, and report archeological resources.	Environmental Review Officer (ERO)	Considered complete upon receipt of final FARR at completion of construction.
Measures might include: preservation in situ of the archeological resource; an archeological monitoring program; or an archeological testing program. If an archeological monitoring program or archeological testing program is required, it shall be consistent with the Major Environmental Analysis (MEA) division guidelines for such programs. The ERO may also require that the project sponsor immediately implement a site security program if the archeological resource is at risk from vandalism, looting, or other damaging actions.	Project sponsor	In case of accidental discovery	ERO may require monitoring or testing program (ATP) consistent with MEA guidelines, and, if necessary, a site security program	ERO, in consultation with archeologist	During any soils disturbing activity. Considered complete upon receipt of final FARR at completion of construction.
The project archeological consultant shall submit a Final Archeological Resources Report (FARR) to the ERO that evaluates the historical significance of any discovered archeological resource and describing the archeological and historical research methods employed in the archeological monitoring/data recovery program(s) undertaken. Information that may put at risk any archeological resource shall be provided in a separate removable insert within the final report.	Archeological consultant	Following completion of any required archeological field program	Submission of Draft/Final FARR to ERO	Project sponsor, archeologist and Environmental Review Officer (ERO)	During excavation and construction. Considered complete upon receipt of final FARR at completion of construction.

EXHIBIT B

MITIGATION MEASURES AND MITIGATION MONITORING PROGRAM

MONITORING PROGRAM

Mitigation Measures Certified in Final Negative Declaration	Responsibility for Implementation	Mitigation Schedule	Mitigation Action	Monitoring/Reporting Responsibility	Monitoring Schedule
<p>Copies of the Draft FARR shall be sent to the ERO for review and approval. Once approved by the ERO, copies of the FARR shall be distributed as follows: California Archaeological Site Survey Northwest Information Center (NWIC) shall receive one (1) copy and the ERO shall receive a copy of the transmittal of the FARR to the NWIC. The Major Environmental Analysis division of the Planning Department shall receive three copies of the FARR along with copies of any formal site recordation forms (CA DPR 523 series) and/or documentation for nomination to the National Register of Historic Places/California Register of Historical Resources. In instances of high public interest or interpretive value, the ERO may require a different final report content, format, and distribution than that presented above.</p>	<p>Project sponsor</p>	<p>Following completion of any required archeological field program</p>	<p>Distribution of Draft/Final FARR</p>	<p>Project sponsor, archeologist and ERO</p>	<p>Considered complete upon Planning Department receipt of final FARR.</p>
<p>3. CONSTRUCTION AIR QUALITY</p> <p>Consistent with the BAAQMD's dust control measures, the project sponsor shall require the construction contractor(s) to spray unpaved construction areas of the project site with non-potable water during excavation, grading, and site preparation activities at least twice per day; to cover stockpiles of soil, sand and other such material on-site and during hauling; and sweep surrounding streets during these periods at least once per day to reduce particulate emissions. Ordinance No. 175-91, passed by the Board of Supervisors on May 6, 1991, requires that non-potable water be used for dust control activities. The project sponsor shall require the construction contractor(s) to obtain reclaimed water from the Clean Water Program for this purpose.</p>	<p>Project sponsor, Contractor</p>	<p>During demolition, excavation and construction</p>	<p>Implement program to reduce construction-related particulate emissions, such as spray site where necessary, cover materials, and sweep area.</p>	<p>Contractor shall prepare daily field reports on non-potable water spraying and compliance of other activities for construction manager. Provide the Departments of Public Works, Building Inspection with monthly reports during construction period.</p>	<p>During demolition, excavation and construction. Considered complete at end of construction period.</p>

EXHIBIT B

MITIGATION MEASURES AND MITIGATION MONITORING PROGRAM

File No. Project Title: 2005.0762E – 245 Hyde
Street Residential Development

Motion No.:
Page 5

MONITORING PROGRAM

Mitigation Measures Certified in Final Negative Declaration	Responsibility for Implementation	Mitigation Schedule	Mitigation Action	Monitoring/Reporting Responsibility	Monitoring Schedule
<p>The project sponsor shall require the project contractor(s) to maintain and operate construction equipment so as to minimize exhaust emissions of particulates and other pollutants, by such means as prohibiting idling motors when equipment is not in use or when trucks are waiting in queues, and implementing specific maintenance programs to reduce emissions for equipment that would be in frequent use for much of the construction period.</p>	Project sponsor	During demolition, excavation and construction	Minimize exhaust emissions	Contractor and Project sponsor's construction manager	Throughout the construction period. Considered complete upon receipt of final FARR at completion of construction.
<p>4. CONTAMINATED SOIL</p> <p><i>Step 1: Determination of Presence of Metal- or Petroleum Hydrocarbon -Contaminated Soils</i></p> <p>Prior to approval of a building permit for the project, the project sponsor shall hire a consultant to collect soil samples (borings) from areas on the site in which soil would be disturbed and test the soil samples for total metals and petroleum hydrocarbons. The consultant shall analyze the soil borings as discrete, not composite samples.</p> <p>The consultant shall prepare a report on the soil testing for metals and petroleum hydrocarbons that includes the results of the soil testing and a map that shows the locations of stockpiled soils from which the consultant collected the soil samples. The project sponsor shall submit the report on the soil testing for metals and petroleum hydrocarbons and a fee of \$425 in the form of a check payable to the San Francisco Department of Public Health (SFDPH), to the Hazardous</p>	Project sponsor	Prior to approval of a building permit	Project sponsor shall hire a soils consultant to collect and analyze borings	Project sponsor and San Francisco Department of Public Health (DPH)	Considered complete upon DPH issuance of determination that contamination at acceptable levels or upon approval of closure/certification report.
<p>The consultant shall prepare a report on the soil testing for metals and petroleum hydrocarbons that includes the results of the soil testing and a map that shows the locations of stockpiled soils from which the consultant collected the soil samples. The project sponsor shall submit the report on the soil testing for metals and petroleum hydrocarbons and a fee of \$425 in the form of a check payable to the San Francisco Department of Public Health (SFDPH), to the Hazardous</p>	Soils consultant	Prior to approval of a building permit	Soils consultant to prepare and submit report on soil testing	Project sponsor and DPH	Considered complete upon DPH issuance of determination that contamination at acceptable levels or upon approval of closure/certification report.

EXHIBIT B

MITIGATION MEASURES AND MITIGATION MONITORING PROGRAM

File No. Project Title: 2005.0762E - 245 Hyde
Street Residential Development

Motion No.:
Page 6

	MONITORING PROGRAM			
Mitigation Measures Certified in Final Negative Declaration	Responsibility for Implementation	Mitigation Schedule	Monitoring/Reporting Responsibility	Monitoring Schedule

Waste Program, Department of Public Health, 101 Grove Street, Room 214, San Francisco, California 94102. The fee of \$425 shall cover five hours of soil testing report review and administrative handling. If additional review is necessary, DPH shall bill the project sponsor for each additional hour of review over the first five hours, at a rate of \$85 per hour. These fees shall be charged pursuant to Section 31.47(c) of the *San Francisco Administrative Code*. DPH shall review the soil testing report to determine to whether soils on the project site are contaminated with metals and petroleum hydrocarbons at or above potentially hazardous levels.

If DPH determines that the soils on the project site are not contaminated with metals or petroleum hydrocarbons at or above a potentially hazardous level (i.e., below 50 ppm soluble lead), no further mitigation measures with regard to metal- or petroleum hydrocarbon-contaminated soils on the site would be necessary.

	Project sponsor	In case of San Francisco Department of Public Health (DPH) determination that metal or petroleum hydrocarbon contamination at acceptable levels.	No action required	Project sponsor and DPH	Considered complete upon DPH issuance of determination that contamination is at acceptable levels.
--	-----------------	--	--------------------	-------------------------	--

Step 2: Preparation of Site Mitigation Plan:

If based on the results of the soil tests conducted, DPH determines that the soils on the project site are contaminated with metals or petroleum hydrocarbons at or above potentially hazardous levels, the DPH shall determine if

	Soils consultant	In case of DPH determination that metal or petroleum	Possible preparation of a Site Mitigation Plan (SMP)	Project sponsor and DPH	Considered complete upon approval of closure/certification report
--	------------------	--	--	-------------------------	---

EXHIBIT B

MITIGATION MEASURES AND MITIGATION MONITORING PROGRAM

MONITORING PROGRAM

Mitigation Measures Certified in Final Negative Declaration	Responsibility for Implementation	Mitigation Schedule	Mitigation Action	Monitoring/Reporting Responsibility	Monitoring Schedule
<p>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 metal or petroleum hydrocarbon contamination of soils on the project site and mitigation measures for managing contaminated soils on the site, including, but not limited to: 1) the alternatives for managing contaminated soils on the site (e.g., encapsulation, partial or complete removal, treatment, recycling for reuse, or a combination); 2) the preferred alternative for managing contaminated soils on the site and a brief justification; and 3) the specific practices to be used to handle, haul, and dispose of contaminated soils on the site. The SMP shall be submitted to the 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>	Construction contractor	hydrocarbon contamination at unacceptable levels.	Construction contractor to be alert for the presence of contaminated soils and prepared to handle, identify, and dispose of such soils properly	Project sponsor and DPH	Considered complete upon approval of closure/certification report

Step 3: Handling, Hauling, and Disposal of Lead-Contaminated Soils

(a) **specific work practices:** If based on the results of the soil tests conducted, DPH determines that the soils on the project site are contaminated with metals or petroleum hydrocarbons 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 dispose of such soils appropriately (i.e., as dictated by local, state, and federal regulations, including OSHA metal- or petroleum hydrocarbon-safe work practices) when such soils are

EXHIBIT B

MITIGATION MEASURES AND MITIGATION MONITORING PROGRAM

MONITORING PROGRAM					
Mitigation Measures Certified in Final Negative Declaration	Responsibility for Implementation	Mitigation Schedule	Mitigation Action	Monitoring/Reporting Responsibility	Monitoring Schedule
encountered on the site.					
(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.	Construction contractor	During demolition, excavation, and construction	Construction contractor to follow norms for dust suppression	Project sponsor and DPH	Considered complete upon approval of closure/certification report
(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.	Construction contractor	During demolition, excavation, and construction	Construction contractor to follow norms for surface water runoff control	Project sponsor and DPH	Considered complete upon approval of closure/certification report
(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 metal- or petroleum hydrocarbon-contaminated soils have been excavated and removed, up to construction grade.	Construction contractor	During demolition, excavation, and construction	Construction contractor to follow norms for soils replacement	Project sponsor and DPH	Considered complete upon approval of closure/certification report
(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.	Construction contractor	During demolition, excavation, and construction	Construction contractor to follow norms for hauling and disposal of contaminated soils	Project sponsor and DPH	Considered complete upon approval of closure/certification report
<i>Step 4: Preparation of Closure/Certification Report</i>					
After excavation and foundation construction activities are completed, the project sponsor shall prepare and submit a closure/certification report to DPH for review and approval. The closure/certification report shall include the mitigation measures in the SMP for handling and removing metal- or	Project sponsor	After excavation and foundation construction activities are	Project sponsor to prepare and submit closure/certification report to DPH for approval	DPH	Considered complete upon approval of closure/certification report

EXHIBIT B

MITIGATION MEASURES AND MITIGATION MONITORING PROGRAM

File No. Project Title: 2005.0762E – 245 Hyde
Street Residential Development

Motion No.:
Page 9

MONITORING PROGRAM

Mitigation Measures Certified in Final Negative Declaration	Responsibility for Implementation	Mitigation Schedule	Mitigation Action	Monitoring/Reporting Responsibility	Monitoring Schedule
--	--------------------------------------	------------------------	-------------------	--	------------------------

petroleum hydrocarbon-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.

5. OTHER HAZARDOUS BUILDING MATERIALS (PCBs, MERCURY, LEAD, AND OTHERS)

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 any demolition or renovation activities. Any hazardous building materials discovered during surveys would be abated according to federal, state, and local laws and regulations.

completed

Project sponsor
Prior to
issuance of
building permit

Completion of building
surveys for hazardous
materials

DPH

Considered complete
upon issuance of
building permit