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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. 19182

HEARING DATE: JUNE 26, 2014

Date: June 19, 2014
Case No.: **2012.0903CEK**
Project Address: **580 HAYES STREET**
Zoning: Hayes-Gough Street Neighborhood Commercial Transit-Oriented District
 55-X Height and Bulk District
Block/Lot: 0807/010
Project Sponsor: Laguna Hayes, LLC
 Daniel Schalit
 940 Emmett Avenue, Ste. 200
 Belmont, CA 94002
Staff Contact: Kate Conner – (415) 575-6914
kate.conner@sfgov.org

ADOPTING FINDINGS RELATING TO THE APPROVAL OF CONDITIONAL USE AUTHORIZATION PURSUANT PLANNING CODE SECTIONS 121.1 AND 303 TO ALLOW DEVELOPMENT OF A LOT LARGER THAN 10,000 SQUARE FEET IN THE HAYES-GOUGH STREET NEIGHBORHOOD COMMERCIAL TRANSIT DISTRICT. THE PROJECT ALSO INCLUDES THE CONSTRUCTION OF A NEW 5-STORY MIXED-USE BUILDING WITH 29 RESIDENTIAL UNITS, 8,000 SQUARE FEET GROUND FLOOR RETAIL SPACE INCLUDING UP TO THREE RESTAURANT USES, AND A BASEMENT-LEVEL PARKING GARAGE FOR 20 PARKING SPACES. THE PROJECT SITE IS LOCATED WITHIN THE HAYES NCT (HAYES-GOUGH NEIGHBORHOOD COMMERCIAL TRANSIT DISTRICT) DISTRICT ZONING DISTRICT AND 55-X HEIGHT AND BULK DISTRICT.

PREAMBLE

On December 5, 2012, Daniel Schalit (hereinafter "Project Sponsor") filed an application with the Planning Department (hereinafter "Department") for Conditional Use Authorization under Planning Code Section 121.1 to allow development of a lot larger than 10,000 square feet in the Hayes-Gough Street Neighborhood Commercial Transit District. The Project includes the demolition of an existing single-story, 6,345 square-foot commercial building and a 1,160 square-foot parking lot with four parking spaces. The Project includes the construction of a new five-story mixed-use building with 29 residential units, approximately 8,000 square feet of ground floor retail space, including up to three Restaurant uses, and a basement-level parking garage with 15 residential parking spaces and five commercial parking

spaces. The project site is located within the Hayes-Gough NCT (Hayes-Gough Neighborhood Commercial Transit District) District Zoning District and 55-X Height and Bulk District.

On January 2, 2014, Planning staff issued a memo with regard to the Shadow Analysis (K Case) for compliance with Planning Code Section 295, concluding that the project has been determined to be in compliance with Planning Code Section 295, and will not require any additional shadow analysis as the project is currently proposed.

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

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

Additionally, State CEQA Guidelines Section 15183 provides a streamlined environmental review for projects that are consistent with the development density established by existing zoning, community plan or general plan policies for which an EIR was certified, except as might be necessary to examine whether there are project-specific effects which are peculiar to the project or the site. Section 15183 specifies that examination of environmental effects shall be limited to those effects that (a) are peculiar to the project or parcel on which the project would be located, (b) were not analyzed as significant effects in a prior EIR on the zoning action, general plan or community plan with which the project is consistent, (c) are potentially significant off-site and cumulative impacts which were not discussed in the underlying EIR, or (d) are previously identified in the EIR, but which are determined to have a more severe adverse impact than that discussed in the underlying EIR. Section 15183(c) specifies that if an impact is not peculiar to the parcel or to the proposed project, then an EIR need not be prepared for that project solely on the basis of that impact.

On April 24, 2014, the Planning Department of the City and County of San Francisco determined that the proposed application did not require further environmental review under Section 15183 of the CEQA Guidelines and Public Resources Code Section 21083.3. The Project is consistent with the adopted zoning controls in the Market and Octavia Area Plan and was encompassed within the analysis contained in the Final EIR. Since the Final EIR was finalized, there have been no substantial changes to the Market and Octavia Area Plan and no substantial changes in circumstances that would require major revisions to the Final EIR due to the involvement of new significant environmental effects or an increase in the severity of previously identified significant impacts, and there is no new information of substantial importance that would change the conclusions set forth in the Final EIR. The file for this project, including the Market and Octavia Area Final EIR and the Community Plan Exemption certificate, is available for review at the San Francisco Planning Department, 1650 Mission Street, Suite 400, San Francisco, California.

Planning Department staff prepared a Mitigation Monitoring and Reporting Program (MMRP) setting forth mitigation measures that were identified in the Market and Octavia Area Plan EIR that are

applicable to the project. These mitigation measures are set forth in their entirety in the MMRP attached to the draft Motion as Exhibit C.

On June 26, 2014, the San Francisco Planning Commission (hereinafter "Commission") conducted a duly noticed public hearing at a regularly scheduled meeting on Conditional Use Application No. 2012.0903CEK.

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

MOVED, that the Commission hereby authorizes the Conditional Use requested in Application No. 2012.0903CEK, subject to the conditions contained in "EXHIBIT A" of this motion, based on the following findings:

FINDINGS

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

1. The above recitals are accurate and constitute findings of this Commission.
2. **Site Description and Present Use.** The Project is located on the north side of Hayes Street, at the corner of Laguna Street, Block 0807, Lot 010. The subject property is located within the Hayes-Gough Neighborhood Commercial Transit District ("NCT") and the 55-X Height and Bulk District. The property is developed with a one-story commercial building, with two commercial tenants, a restaurant d.b.a. Hayes and Kebab and a retail tenant. The commercial building occupies approximately half of the property and a surface parking lot occupies the remainder of the property.
3. **Surrounding Properties and Neighborhood.** The area surrounding the project site is mixed-use in character. Commercial establishments are located within ground floor storefronts in the Hayes-Gough Neighborhood Commercial Transit District, including restaurants, bars, and apparel stores. Buildings in the vicinity typically range from one to five stories in height. Upper floors of buildings are generally occupied by offices or residential units. Civic Center is east of the Hayes-Gough Neighborhood Commercial Transit District.

The Project Site is located in the Hayes-Gough Neighborhood Commercial Transit District which is located within walking distance of the Civic Center, lying west of Franklin Street and east of Laguna Street, with its southern edge generally at Lily Street. This mixed-use commercial district contains a limited range of retail commercial activity, which primarily caters to the immediate need of the neighborhood. The few comparison goods that it does provide attract clientele from a wider area outside its neighborhood, mostly the Performing Arts and Civic Center workers and visitors. There are a number of restaurants and art galleries, but other types of retail activity are limited.

The Hayes-Gough NCT District controls are designed to allow for growth and expansion that is compatible with the existing building and use scales. Building standards protect the moderate building and use size and require rear yards at residential levels. To maintain the mixed-use character of the district, most commercial uses are permitted at the first and second stories and housing is strongly encouraged at the third story and above. In order to encourage lively pedestrian-oriented commercial activity, but restrict certain sensitive and problematic uses, eating and drinking, and entertainment uses are directed to the ground story. Retail sales activity, especially neighborhood-serving businesses, is further promoted by restricting new ground-story medical, business and professional offices. To protect continuous frontage, drive-up and most automobile uses are prohibited, above-ground parking is required to be setback or below ground, and active, pedestrian-oriented ground floor uses are required on Hayes Street and portions of Octavia Boulevard.

Housing development in new buildings is encouraged above the second story, and is controlled not by lot area but by physical envelope controls. Existing residential units are protected by limitations on demolitions, mergers, subdivisions, and upper-story conversions. Given the area's central location and accessibility to the downtown and to the City's transit network, accessory parking for residential uses is not required. The code controls for this district are supported and augmented by design guidelines and policies in the Market and Octavia Area Plan of the General Plan.

4. **Project Description.** The proposal is for a Conditional Use Authorization, pursuant to Planning Code Sections 121.1 and 303 to allow development of a lot larger than 10,000 square feet in the Hayes-Gough Street NCT District. The project includes the demolition of an existing single-story, 6,345 square-foot commercial building and a 1,160 square-foot parking lot with four parking spaces. The project includes the construction of a new five-story mixed-use building with 29 residential units, 8,000 square feet ground floor retail space including up to three Restaurant uses, and a basement-level parking garage with 15 residential parking spaces and five commercial parking spaces.
5. **Design.** The Project utilizes a modern design, contextually relating to older buildings in the surrounding neighborhood in terms of rhythm and massing. There is a large expanse of glazing at the ground floor which is broken up by stone panels at the base and grounded by stone panels at the bulkhead. The façade of the building utilizes modern materials: incorporating concrete panels, aluminum trim windows and an aluminum fin architectural feature. The residential entry on Hayes Street is clearly distinguished from the remainder of the building by the use of color and a different glazing pattern. The middle of the building is distinguished from the base and articulated with windows, projections, bays, and balconies. The parapet area is well integrated with the building's overall composition, while being visually distinctive and trimmed with aluminum. The Ivy Street frontage incorporates an upper-floor setback that reduces the overall mass on the narrow street. The ground-floor retail spaces have a 14-foot ceiling heights and clerestory windows. The building façade is articulated with a strong rhythm of regular vertical elements. There is a well-established pattern of individual buildings on 25- to 50-foot wide lots in the residential and neighborhood commercial areas of the Market and Octavia neighborhood. The

Project is broken up with a regular rhythm of projections, changes in massing, wall planes, and rooflines resulting 26'-0" to 41'-0" segments.

6. **Public Comment.** The Department received a letter of support from the Hayes Valley Merchant Association and a letter from Hayes Valley Neighborhood Association stating their support to develop a lot over 10,000 square feet, their preference for the sponsor to provide on-site affordable housing, and their desire for a grocery store at ground floor, instead of Restaurants. The Department received a letter in opposition from a neighbor regarding the three Restaurant tenants at the ground floor, stating that the Hayes Valley neighborhood was already over-concentrated with Restaurant uses and that the potential for three additional Restaurants would be contrary to findings within the General Plan.
7. **Planning Code Compliance:** The Commission finds that the Project is consistent with the relevant provisions of the Planning Code in the following manner:
 - a. **Development of Large Lots (Section 121.1).** Pursuant to Planning Code Section 121.1, in order to promote, protect, and maintain a scale of development which is appropriate to each district and compatible with adjacent buildings, new construction on lots greater than 10,000 square feet, shall be subject to Planning Commission approval of a Conditional Use Authorization. In addition to the Conditional Use Authorization the Planning Commission shall consider the extent to which the following criteria are met:
 - i. The mass and facade of the proposed structure are compatible with the existing scale of the district.
 - ii. The facade of the proposed structure is compatible with design features of adjacent facades that contribute to the positive visual quality of the district.

The subject property is located within the Hayes-Gough NCT District and is 12,000 square feet in area; therefore Planning Commission approval of a Conditional Use Authorization is required. The mass and scale of the Project are compatible with the existing scale of the Hayes-Gough NCT District, which is typified by four to five story apartment buildings with ground floor retail on Hayes Street. The Project's features a flat roof and large windows. The Project further enhances the visual quality of the neighborhood by adding articulation to break up the Project's mass and scale. In addition, the Project contains ground floor commercial uses along Hayes, Laguna, and Ivy Streets to create pedestrian interest and contribute to a lively streetscape.

- b. **Use Size Limits (Section 121.2).** Planning Code Section 121.2 provides maximum use sizes for specific zoning districts. In order to protect and maintain a scale of development appropriate to each district, nonresidential uses of the same size or larger than that specified may be permitted only as conditional. The use area shall be measured as the gross floor area for each individual nonresidential use. The maximum use size permitted as of right in the Hayes-Gough NCT District is 2,999 square feet area.

In the Hayes-Gough NCT District, the maximum use size is 2,999 square feet. Currently there are four tenant spaces proposed at the ground floor including up to three Restaurant uses. Each tenant space is below 2,999 square feet in area.

- c. **Floor Area Ratio (Section 124).** The floor area ratio (FAR) limit as defined by Planning Code Section 124 for the Hayes-Gough NCT District is 3.0 to 1.

In the Hayes-Gough NCT District, the maximum floor area ratio (FAR) is 3.0:1. The proposal includes approximately 8,000 square feet of retail uses on the ground floor. Pursuant to Planning Code Section 124(b), floor area ratio limits shall not apply to dwellings or to other residential uses within NC Districts. The resulting floor area ratio is 0.67:1, which is below the maximum floor area ratio permitted in the Hayes-Gough NCT.

- d. **Rear Yard (Section 134).** Planning Code Section 134 requires that a project's minimum rear yard depth be equal to 25 percent of the total depth of the lot on which the building is situated at all residential levels. Rear yards shall be provided at the lowest story containing a dwelling unit, and at each succeeding level or story of the building.

Pursuant to Planning Code Section 134(e), the rear yard requirements in NC and South of Market Mixed Use Districts may be modified or waived in specific situations pertaining to corner lots and lots at alley intersections. On a corner lot or on a lot at the intersection of a street and an alley of at least 25 feet in width, the required rear yard may be substituted with an open area equal to 25 percent of the lot area which is located at the same levels as the required rear yard in an interior corner of the lot, an open area between two or more buildings on the lot, or an inner court, provided that The Zoning Administrator determines that all of the criteria described below are met:

1. Each horizontal dimension of the open area shall be a minimum of 15 feet.
2. The open area shall be wholly or partially contiguous to the existing midblock open space formed by the rear yards of adjacent properties.
3. The open area will provide for the access to light and air to and views from adjacent properties.
4. The proposed new or expanding structure will provide for access to light and air from any existing or new residential uses on the subject property.

The Zoning Administrator reviewed the proposal and has waived the rear yard requirement because 25% (3,000 sf) of the lot area is being provided in an open area, which meets the above requirements.

- e. **Residential Open Space (Section 135).** Planning Code Section 135, requires is 36 sf per dwelling unit of residential open space requirement if the open space is private and 48 sf per dwelling unit if it is provided through common open space.

The Project includes 29 units, and therefore the Project must provide 2,320 sf of common open space. Included in the proposal is a 2,340 sf common roof deck, thereby meeting the requirements. In addition, Unit Numbers 201, 208, 301, 401, 407, 408, 501, 502, and 505 include private decks that satisfy private open space requirements, thereby reducing the common open space requirement for the Project to 1,600 sf. Between the 2,340 sf common roof deck and the 3,000 sf open area on the second floor which is serving as the rear yard, the Project is providing approximately 5,340 sf of common open space, over three times the requirement.

- f. **Streetscape and Pedestrian Improvements (Section 138.1).** Pursuant to Planning Code Section 138.1, in any district, streetscape and pedestrian elements in conformance with the Better Streets Plan shall be required, if all the following conditions are present: (1) the Project is on a lot that (a) is greater than ½-acre in total area, (b) contains 250 feet of total lot frontage on one or more publicly-accessible rights-of-way, or (c) the frontage encompasses the entire block face between the nearest two intersections with any other publicly-accessible rights-of-way, and (2) the project includes (a) new construction; (b) addition of 20% or more of gross floor area to an existing building; or (c) alteration to greater than 50% of the existing square footage of a building. A streetscape plan is required to be submitted to the Planning Department showing the location, design, and dimensions of all existing and proposed streetscape elements in the public right-of-way directly adjacent to the fronting property, including street trees, sidewalk landscaping, street lighting, site furnishings, utilities, driveways, and curb lines, and the relation of such elements to proposed new construction and site work on the subject property.

The Project is located on a lot that has over 250 feet of total frontage and includes new construction. A streetscape plan was submitted to the Planning Department and reviewed by the Urban Design Advisory Team. Ivy Street improvements include: the replacement and widening of the sidewalk, planting of street trees, a continuous planting strip, and the removal of parking to accommodate planting. Laguna Street improvements include: street tree planting and a continuous planting strip for understory landscaping. Hayes Street improvements include: a sidewalk pocket park, street tree planting, and tree grates. All improvements will be coordinated with the Planning Department in accordance with the Better Street Plan and the Department of Public Works.

- g. **Street Trees (Sections 138.1 and 428).** Planning Code Section 138.1 requires the installation of street trees in the case of the construction of a new building. One 24-inch box tree is required for every 20 feet of property frontage along each street or alley, with any remaining fraction of ten feet or more of frontage requiring an additional tree. The species and locations of trees installed in the public right-of-way shall be subject to approval by the Department of Public Works (DPW). The requirements of Section 138.1 may be waived or modified by the Zoning Administrator, pursuant to Section 428, where DPW cannot grant approval due to practical difficulties.

The Project includes a total of approximately 320 feet of street frontage, along the Hayes, Laguna and Ivy Street frontages, which results in a requirement for 16 street trees are required.

Conditions of approval have to been added to require the project to plant 16 street trees as part of the Project's streetscape plan, along the Hayes, Laguna and Ivy Street frontages, unless DPW cannot grant approval for installation of any of the required trees on the basis of inadequate sidewalk width, interference with utilities or other reasons regarding the public welfare. In any such case, the requirements of Section 138.1 may be modified or waived by the Zoning Administrator. There are two existing trees located on Hayes Street and two existing trees on Laguna Street which will remain. Nine additional street trees will be planted as part of the Project in accordance with the streetscape plan.

- h. **Exposure (Section 140).** Planning Code Section 140 requires that all dwelling units face directly onto 25 feet of open area (a public street, alley, or side yard) or onto an inner courtyard that is 25 feet in every horizontal dimension for the floor at which the dwelling unit in question is located and the floor immediately above it, with an increase in five feet in every horizontal dimension at each subsequent floor.

All dwelling units comply fully with Section 140, by either facing one of the abutting streets: Hayes, Laguna or Ivy Streets.

- i. **Street Frontage in Commercial Districts: Active Uses (145.1(c) (3)).** Planning Code Section 145.1(c) (3) requires that within Neighborhood Commercial Districts, space for "active uses" shall be provided within the first 25 feet of building depth on the ground floor. Spaces accessory to residential uses, such as fitness or community rooms, are considered active uses only if they meet the intent of this section and have access directly to the public sidewalk or street. Building systems including mechanical, electrical, and plumbing features may be exempted from this requirement by the Zoning Administrator only in instances where those features are provided in such a fashion as to not negatively impact the quality of the ground floor space.

The Hayes, Laguna and Ivy Street frontages have "active uses" with direct access to the sidewalk within the first 25 feet of building depth and are thus compliant with this Code Section. Along Hayes Street, the Project includes a residential lobby and two retail tenants. The entire Laguna Street frontage is occupied by retail tenants and the Ivy Street frontage contains two retail tenants and the remaining frontage is devoted to building systems including mechanical, electrical, and plumbing features. These features are provided in such a fashion as to not negatively impact the quality of the ground floor space. The Project meets this section of the Code in that both frontages are completely devoted to active uses, building systems, residential entry, and spaces accessory to residential uses.

- j. **Street Frontage in Commercial Districts: Ground Floor Transparency (Section 145.1(c) (6)).** Planning Code Section 145.1(c)(6) requires that within Neighborhood Commercial Districts, frontages with active uses that are not residential or PDR must be fenestrated with transparent windows and doorways for no less than 60 percent of the street frontage at the ground level and allow visibility to the inside of the building.

The Project has three street frontages with Active Uses: Hayes, Laguna and Ivy Street. The Hayes Street frontage and the Ivy Street frontage both measure 100 feet and meet the transparency requirement for the active uses on each frontage. The Laguna Street frontage is 120 feet and meets the transparency requirement for the active uses.

- k. **Parking (Section 151.1).** Planning Code Section 151.1 does not require off-street parking for the project, but it allows up to 0.5 per dwelling unit as of right and with a Conditional Use Authorization, up to 0.75 per dwelling unit. Residential parking is not permitted above .75 cars for each dwelling unit. Commercial parking is permitted up to 1 space per 1,500 feet of occupied floor area.

The Project proposes 20 off-street parking spaces. With 29 units, up to 15 parking spaces are permitted. With approximately 8,000 square feet of commercial floor area, five parking spaces are permitted. If the occupied floor area of the tenant spaces changes significantly as to affect the amount of commercial parking that may be provided, the commercial parking shall be adjusted accordingly. It should be noted that the original submittal for a Conditional Use Authorization included a request to provide additional parking. After discussion with the neighborhood and consultation with Planning staff, the Conditional Use Authorization was modified and the request for additional parking was removed. Although the basement can accommodate additional parking spaces, the Project Sponsor has redesigned the area to include additional residential amenities: storage units for residential occupants.

- l. **Loading (Section 152).** Section 152 establishes minimum requirements for off-street loading. In districts other than C-3, Eastern Neighborhoods Mixed Use Districts, and the South of Market Mixed Use Districts, off-street freight loading spaces shall be provided based upon the measurement of gross floor area. Residential uses below 100,000 square feet in area are not required to provide any off-street loading spaces. Retail uses less than 10,000 square feet are not required to provide any loading spaces.

The Project is not providing any off-street loading spaces. With a floor area of approximately 32,000 gsf, the residential component of the Project is not required to provide off-street loading spaces. No off-street loading is required for the approximately 8,000 square-feet of retail space.

- m. **Bicycle Parking (Section 155.5).** Planning Code Section 155.2 requires one Class 1 space for every dwelling unit and one Class 2 space per 20 units. The commercial component has the following requirements: for Personal Services, Financial Services, Restaurants, Limited Restaurants and Bars: one Class 1 space for every 7,500 square feet of occupied floor area. There shall be a minimum two Class 2 spaces or one Class 2 space for every 750 square feet of occupied floor area.

The Project requires a minimum of 29 indoor secure Class 1 bicycle parking spaces and one Class 2 bicycle parking space for the residential component. The commercial component contains approximately 8,000 square feet of retail uses that may potentially be Restaurant uses; therefore, one Class 1 space and 11 Class 2 spaces are required. The total bicycle parking spaces required are

30 Class 1 bicycle parking spaces and 12 Class 2 bicycle parking spaces. The 30 Class 1 bicycle parking spaces are located at the basement level and the Class 2 spaces are located on the Ivy and Laguna Street frontages.

- n. **Car Share (Section 166).** Planning Code Section 166 requires one car-share space when there are 50 or more residential units, 25 or more commercial spaces, or in standalone garages not affiliated with another development project.

The Project does not propose 25 or more commercial spaces and includes less than 50 residential units; therefore, the Project is not required to provide car-share parking.

- o. **Density (Section 720.91).** Planning Code Section 720.91 states that there is no density limit by lot area in the Hayes-Gough NCT District. Density is restricted by physical envelope controls of height, bulk, setbacks, open space, and exposure as well as by applicable design guidelines, applicable elements and area plans of the General Plan, and design review by the Planning Department.

The proposed residential density of 29 dwelling units on a 12,000 square foot lot is approximately one unit per 414 square feet of lot area. The rear yard, height, and dwelling unit mix requirements are being met as discussed in this motion.

- p. **Dwelling Unit Mix (Section 207.6).** Planning Code Section 207.6 states that within the Hayes-Gough NCT no less than 40 percent of the total number of dwelling units on site shall contain at least two bedrooms. Any fraction resulting from this calculation shall be rounded to the nearest whole number of dwelling units.

The Proposal contains 29 units with 14 of these units providing either two or three bedrooms. With 48% of the total units containing at least two bedrooms, the Project complies with this requirement.

- q. **Use (Sections 720.90, 720.44, 720.40).** The Project Site is located in a Hayes-Gough NCT District wherein residential uses are permitted. To maintain the mixed-use character of the district, most commercial uses are permitted at the first and second stories and housing is strongly encouraged at the third story and above. In order to encourage lively pedestrian-oriented commercial activity, but restrict certain sensitive and problematic uses, eating and drinking, and entertainment uses are directed to the ground story. Retail sales activity, especially neighborhood-serving businesses, is further promoted by restricting new ground-story medical, business and professional offices.

The residential use is permitted pursuant to Planning Code Section 720.90. Restaurant uses are permitted as-of-right in the Hayes-Gough NCT District pursuant to Planning Code Section 720.44, but require Neighborhood Notification pursuant to Planning Code Section 312, which was processed concurrently with the this Conditional Use Authorization. The Project contains one small retail use which is permitted as-of-right pursuant to Planning Code Section 720.40.

- r. **Height (Section 260).** The property is located in the 55-X Height and Bulk District, thus permitting structures up to a height of 55 feet.

The Project would reach a height of approximately 55'-0" conforming in its entirety to the Height and Bulk District. The building includes various features, such as elevator/stair penthouses and mechanical structures, which are exempted from height measurement pursuant to Planning Code Section 260. The Project would therefore comply with the Planning Code's 55-X Height and Bulk District.

- s. **Additional Height Limits for Narrow Streets and Alleys. (Section 261.1)** In NCT Districts, all subject frontages on the southerly side of an East-West Narrow Street shall have upper stories which are set back at the property line such that they avoid penetration of a sun access plane defined by an angle of 45 degrees extending from the most directly opposite northerly property line. A "Subject Frontage" shall mean any building frontage in an NCT District that abuts a Narrow Street and that is more than 60 feet from an intersection with a street wider than 40 feet.

Ivy Street is 35 feet wide and qualifies as an East-West Narrow Street. The fourth and fifth floors are set back appropriately 60 feet from the intersection with Laguna Street to meet this requirement.

- t. **Shadows on Parks (Section 295).** Planning Code Section 295 requires any project proposing a structure exceeding a height of 40 feet to undergo a shadow analysis in order to determine if the project will result in the net addition of shadow to properties under the jurisdiction of the Recreation and Park Department.

On January 2, 2014, Planning staff issued a memo with regard to the Shadow Analysis (K Case) for compliance with Planning Code Section 295, concluding that the project has been determined to be in compliance with Planning Code Section 295, and will not require any additional shadow analysis as the project is currently proposed. The Project will not result in the net addition of shadow on properties under the jurisdiction of the Recreation and Parks Department.

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

The Project Sponsor has submitted a 'Affidavit of Compliance with the Inclusionary Affordable Housing Program: Planning Code Section 415,' to satisfy the requirements of the Inclusionary

Affordable Housing Program through payment of the Fee, in an amount to be established by the Mayor's Office of Housing and Community Development at a rate equivalent to an off-site requirement of 20%. The project sponsor has not selected an alternative to payment of the Fee. The EE application was submitted on September 19, 2012.

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

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

The Project is necessary and desirable because it will create 29 new residential units in an established residential neighborhood. The approximately 8,000 square feet of new retail space will provide services to the immediate neighborhood and will create pedestrian oriented active uses on Hayes, Laguna, and Ivy Street, furthering the objectives of the Market Octavia plan. The Project design will enhance the neighborhood and remove an underutilized retail building and a vacant lot formerly used for parking thereby removing blight and better using the Project site.

- 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. 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 corner property that is adequately sized to accommodate the development. The Project footprint will occupy the entire site and will match the development pattern of the immediately surrounding built environment that features retail, and residential buildings, many with full lot coverage. The Project will be constructed within the existing height and bulk limits with a five-story façade on the major Hayes and Laguna Streets frontages and a setback fourth and fifth-story portion on Ivy Street. Currently, the subject property contains a single story retail building which will be eliminated as part of the Project.

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

The Project 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. In addition, the area is served by ample public transit. The Project provides 15 residential parking spaces and five commercial parking spaces, which are independently accessible

and located underground. The parking spaces will be invisible from the street, thereby enhancing the aesthetics of the building design. The project will be providing 30 indoor bicycle storage units.

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

The Project is residential in nature with ground floor retail, and should not introduce operational noises or odors that are detrimental, excessive, or atypical for the area. While some temporary increase in noise can be expected during construction, this noise is limited in duration and will be regulated by the San Francisco Noise Ordinance which prohibits excessive noise levels from construction activity and limits the permitted hours of work. The building will not utilize mirrored glass or other highly reflective materials; therefore, the Project is not expected to cause offensive amounts of glare. All window glazing will comply with the Planning Code and relevant design guidelines to eliminate or reduce glare. Conditions regarding odor control unit installation, should a Restaurant occupy one of the three tenant spaces, have been added to this motion.

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

The Project includes street trees along Hayes Street, Laguna Street and Ivy Street frontages, as well as trees and other vegetation which would be located in the courtyard. The Project proposes approximately 5,340 sf of open space between the courtyard and roof deck. The parking spaces will be invisible from the street, appropriately screened from public view. Signage would be typical for a residential with ground floor retail project. The detailed lighting and signage plans would be subject to approval by the Planning Department.

- a. 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. The residential and retail uses contemplated for the Project are permitted within the Hayes-Gough NCT District. The Project complies with use and density requirements. 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 conforms to multiple goals and policies of the General Plan, as described in further detail in Item #9.

9. **General Plan Conformity.** The Project would affirmatively promote the following objectives and policies of the General Plan:

COMMERCE AND INDUSTRY

Objectives and Policies

OBJECTIVE 1:

MANAGE ECONOMIC GROWTH AND CHANGE TO ENSURE ENHANCEMENT OF THE TOTAL CITY LIVING AND WORKING ENVIRONMENT.

Policy 1.1:

Encourage development which provides substantial net benefits and minimizes undesirable consequences. Discourage development that has substantial undesirable consequences that cannot be mitigated.

Policy 1.2:

Assure that all commercial and industrial uses meet minimum, reasonable performance standards.

Policy 1.3:

Locate commercial and industrial activities according to a generalized commercial and industrial land use plan.

The proposed development will provide desirable goods and services to the neighborhood and will provide resident employment opportunities to those in the community. Further, the Project Site is located within a Neighborhood Commercial District and is thus consistent with activities in the commercial land use plan.

OBJECTIVE 2:

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

Policy 2.1:

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

The Project will lose two retail tenants as the existing single story building is being demolished; however, the construction of the Project will result in four new tenant spaces which will enhance the diverse economic base of the City.

OBJECTIVE 6:

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

Policy 6.1:

Ensure and encourage the retention and provision of neighborhood-serving goods and services in the city's neighborhood commercial districts, while recognizing and encouraging diversity among the districts.

Although two commercial tenants would be displaced, the Project includes four new retail tenants; thereby contributing to the achievement of optimal diversity in the types of goods and services available in the neighborhood.

Policy 6.2:

Promote economically vital neighborhood commercial districts which foster small business enterprises and entrepreneurship and which are responsive to the economic and technological innovation in the marketplace and society.

The four proposed retail tenants are neighborhood serving uses. Formula Retail uses are not proposed.

TRANSPORTATION ELEMENT

OBJECTIVE 2:

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

Policy 2.1:

Use rapid transit and other transportation improvements in the city and region as the catalyst for desirable development, and coordinate new facilities with public and private development.

OBJECTIVE 11:

ESTABLISH PUBLIC TRANSIT AS THE PRIMARY MODE OF TRANSPORTATION IN SAN FRANCISCO AND AS A MEANS THROUGH WHICH TO GUIDE FUTURE DEVELOPMENT AND IMPROVE REGIONAL MOBILITY AND AIR QUALITY.

Policy 11.3:

Encourage development that efficiently coordinates land use with transit service, requiring that developers address transit concerns as well as mitigate traffic problems.

The Project is located within a neighborhood rich with public transportation and the people occupying the building are expected to rely heavily on public transit, bicycling, or walking for the majority of their daily trips. The project includes bicycle parking for 42 bicycles (30 Class 1 and 12 Class 2 bike parking spaces). Within a few blocks of the project site, there is an abundance of local and regional transit lines, including MUNI bus lines 21, 16AX, 16BX, 47, 49, and all six MUNI Metro rail lines. Additionally such transit lines also provide access to BART, AC Transit (Transbay Terminal) and CalTrain.

HOUSING ELEMENT

Objectives and Policies

OBJECTIVE 1:

IDENTIFY AND MAKE AVAILABLE FOR DEVELOPMENT ADEQUATE SITES TO MEET THE CITY'S HOUSING NEEDS, ESPECIALLY PERMANENTLY AFFORDABLE HOUSING

Policy 1.1:

Plan for the full range of housing needs in the City and County of San Francisco, especially affordable housing.

The proposed mixed-use Project responds to the need for new housing by creating 29 dwelling units in an infill Project.

OBJECTIVE 4:

FOSTER A HOUSING STOCK THAT MEETS THE NEEDS OF ALL RESIDENTS ACROSS LIFECYCLES.

Policy 4.1

Develop new housing, and encourage the remodeling of existing housing, for families with children.

The Project directly supports this policy by creating 12 two-bedroom units and two three-bedroom units, consisting of 48% of the total units of the Project.

MARKET OCTAVIA AREA PLAN

OBJECTIVE 1.1:

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

Policy 1.1.3

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

OBJECTIVE 2.2:

ENCOURAGE CONSTRUCTION OF RESIDENTIAL INFILL THROUGHOUT THE PLAN AREA.

Policy 2.2.1

Eliminate housing density maximums close to transit and services.

Policy 2.2.4

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

OBJECTIVE 4.1:

PROVIDE SAFE AND COMFORTABLE PUBLIC RIGHTS-OF-WAY FOR PEDESTRIAN USE AND IMPROVE THE PUBLIC LIFE OF THE NEIGHBORHOOD.

Policy 4.2.2

Improve the pedestrian character of Hayes Street, between Franklin and Laguna Streets, by creating an unobstructed, linear pedestrian thoroughfare linking commercial activities along Hayes Street to the new Octavia Boulevard.

This infill Project will improve the neighborhood environment by providing retail uses with pedestrian level interest. The proposed design of the building will be consistent with other buildings in the neighborhood. The Project will result in an improvement to the neighborhood by eliminating the existing single-story structure on the underutilized property. Increased commercial activity will improve neighborhood safety. The Project complies with the intent and design principles of the Market Octavia Area Plans.

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.

The Project will enhance the district by providing up to three restaurants and one retail tenant in vibrant neighborhood commercial district. The businesses will be independently owned and will contribute to approximately 8, 000 square feet of ground floor retail space which will provide significant opportunities for resident employment.

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

The existing units in the surrounding neighborhood would not be adversely affected and there is no existing housing currently on the subject Site. The Project will contribute to the neighborhood character and preserve and enhance the cultural and economic diversity of the neighborhood. The Project is compatible with the scale and design of the neighborhood and will provide much needed infill housing on an underutilized site.

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

No housing is being removed as a part of this Project and the Project will comply with the Inclusionary Affordable Housing Program requirements.

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

The Project is located within a neighborhood rich with public transportation and the people occupying the building are expected to rely heavily on public transit, bicycling, or walking for the majority of their daily trips. Within a few blocks of the project site, there is an abundance of local and regional transit lines, including MUNI bus lines 21, 16AX, 16BX, 47, 49, and all six MUNI Metro rail lines.

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

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

- F. That the City 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. This proposal will not impact the property's ability to withstand an earthquake.

- G. That landmarks and historic buildings be preserved.

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

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

The project will have no negative impact on existing parks and open spaces. The Project does not have an impact on open spaces.

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 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. 2012.0903CEK** subject to the following conditions attached hereto as "EXHIBIT A" in general conformance with plans on file, dated March 25, 2012, and stamped "EXHIBIT B", which is incorporated herein by reference as though fully set forth.

APPEAL AND EFFECTIVE DATE OF MOTION: Any aggrieved person may appeal this Conditional Use Authorization to the Board of Supervisors within thirty (30) days after the date of this Motion No. 19182. The effective date of this Motion shall be the date of this Motion if not appealed (After the 30-day period has expired) OR the date of the decision of the Board of Supervisors if appealed to the Board of Supervisors. For further information, please contact the Board of Supervisors at (415) 554-5184, City Hall, Room 244, 1 Dr. Carlton B. Goodlett Place, San Francisco, CA 94102.

Protest of Fee or Exaction: You may protest any fee or exaction subject to Government Code Section 66000 that is imposed as a condition of approval by following the procedures set forth in Government Code Section 66020. The protest must satisfy the requirements of Government Code Section 66020(a) and must be filed within 90 days of the date of the first approval or conditional approval of the development referencing the challenged fee or exaction. For purposes of Government Code Section 66020, the date of imposition of the fee shall be the date of the earliest discretionary approval by the City of the subject development.

If the City has not previously given Notice of an earlier discretionary approval of the project, the Planning Commission's adoption of this Motion, Resolution, Discretionary Review Action or the Zoning Administrator's Variance Decision Letter constitutes the approval or conditional approval of the development and the City hereby gives **NOTICE** that the 90-day protest period under Government Code Section 66020 has begun. If the City has already given Notice that the 90-day approval period has begun for the subject development, then this document does not re-commence the 90-day approval period.

I hereby certify that the Planning Commission ADOPTED the foregoing Motion on June 26, 2014.

Jonas P. Ionin
Commission Secretary

AYES: Commissioners Wu, Antonini, Borden, Fong, Hillis, Moore, Sugaya

NAYS: None

ABSENT: None

ADOPTED: June 26, 2014

EXHIBIT A

AUTHORIZATION

This authorization is for a Conditional Use Authorization to develop a lot larger than 10,000 square feet located at 580 Hayes Street, Block 0807, and Lot 010, pursuant to Planning Code Section(s) 121.1 and 303 in the Hayes-Gough Street Neighborhood Commercial Transit District and a 55-X Height and Bulk District; in general conformance with plans, dated March 25, 2012, and stamped "EXHIBIT B" included in the docket for Case No. **2012.0903CEK** and subject to conditions of approval reviewed and approved by the Commission on **June 26, 2014** under Motion No **19182**. This authorization and the conditions contained herein run with the property and not with a particular Project Sponsor, business, or operator.

RECORDATION OF CONDITIONS OF APPROVAL

Prior to the issuance of the building permit or commencement of use for the Project the Zoning Administrator shall approve and order the recordation of a Notice in the Official Records of the Recorder of the City and County of San Francisco for the subject property. This Notice shall state that the project is subject to the conditions of approval contained herein and reviewed and approved by the Planning Commission on **June 26, 2014** under Motion No **19182**.

PRINTING OF CONDITIONS OF APPROVAL ON PLANS

The conditions of approval under the 'Exhibit A' of this Planning Commission Motion No. **19182** shall be reproduced on the Index Sheet of construction plans submitted with the site or building permit application for the Project. The Index Sheet of the construction plans shall reference to the Conditional Use Authorization and any subsequent amendments or modifications.

SEVERABILITY

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

CHANGES AND MODIFICATIONS

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

Conditions of Approval, Compliance, Monitoring, and Reporting

PERFORMANCE

1. **Validity.** The authorization and right vested by virtue of this action is valid for three (3) years from the effective date of the Motion. The Department of Building Inspection shall have issued a Building Permit or Site Permit to construct the project and/or commence the approved use within this three-year period.

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

2. **Expiration and Renewal.** Should a Building or Site Permit be sought after the three (3) year period has lapsed, the project sponsor must seek a renewal of this Authorization by filing an application for an amendment to the original Authorization or a new application for Authorization. Should the project sponsor decline to so file, and decline to withdraw the permit application, the Commission shall conduct a public hearing in order to consider the revocation of the Authorization. Should the Commission not revoke the Authorization following the closure of the public hearing, the Commission shall determine the extension of time for the continued validity of the Authorization.

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

3. **Diligent pursuit.** Once a site or Building Permit has been issued, construction must commence within the timeframe required by the Department of Building Inspection and be continued diligently to completion. Failure to do so shall be grounds for the Commission to consider revoking the approval if more than three (3) years have passed since this Authorization was approved.

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

4. **Extension.** All time limits in the preceding three paragraphs may be extended at the discretion of the Zoning Administrator where implementation of the project is delayed by a public agency, an appeal or a legal challenge and only by the length of time for which such public agency, appeal or challenge has caused delay.

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

5. **Conformity with Current Law.** No application for Building Permit, Site Permit, or other entitlement shall be approved unless it complies with all applicable provisions of City Codes in effect at the time of such approval.

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

6. **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.

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

DESIGN

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

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

8. **Rooftop Equipment and Penthouses.** The Project Sponsor shall continue to work with Planning Department on the building design. Minimize the bulk on the roofscape, by reducing the size of the rooftop stairs, use common stairs or personal hatches.

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

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

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

10. **Lighting Plan.** The Project Sponsor shall submit an exterior lighting plan to the Planning Department prior to Planning Department approval of the building / site permit application.

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

11. **Streetscape Plan.** Pursuant to Planning Code Section 138.1, the Project Sponsor shall continue to work with Planning Department staff, in consultation with other City agencies, to refine the design and programming of the Streetscape Plan so that the plan generally meets the standards of the Better Streets Plan and all applicable City standards. The Project Sponsor shall complete final design of all required street improvements, including procurement of relevant City permits, prior to issuance of first architectural addenda, and shall complete construction of all required street improvements prior to issuance of first temporary certificate of occupancy.

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

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

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

13. **Odor Control Unit.** In order to ensure any significant noxious or offensive odors are prevented from escaping the premises once the project is operational, the building permit application to implement the project shall include air cleaning or odor control equipment details and manufacturer specifications on the plans if applicable as determined by the project planner. Odor control ducting shall not be applied to the primary façade of the building.

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

PARKING AND TRAFFIC

14. **Bicycle Parking.** Pursuant to Planning Code Sections 155.1, 155.4, and 155.5, the Project shall provide no fewer than 42 bicycle parking spaces: 30 Class 1 spaces and 12 Class 2 spaces for the commercial portion of the Project. The Project requires a minimum of 29 indoor secure Class 1 bicycle parking spaces and one Class 2 bicycle parking space for the residential component. The commercial component contains approximately 8,000 square feet of retail uses that may potentially be Restaurant uses; therefore, one Class 1 space and 11 Class 2 spaces are required.

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

15. **Parking Maximum.** Pursuant to Planning Code Section 151.1, the Project shall provide no more than twenty 20 off-street parking spaces. With 29 units, up to 15 parking spaces are permitted. With approximately 8,000 square feet of commercial floor area, five parking spaces are permitted. If the occupied floor area of the tenant spaces changes significantly as to affect the amount of commercial parking that may be provided, the commercial parking shall be adjusted accordingly.

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

16. **Managing Traffic during Construction.** The Project Sponsor and construction contractor(s) shall coordinate with the Traffic Engineering and Transit Divisions of the San Francisco Municipal Transportation Agency (SFMTA), the Police Department, the Fire Department, the Planning

Department, and other construction contractor(s) for any concurrent nearby Projects to manage traffic congestion and pedestrian circulation effects during construction of the Project.

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

PROVISIONS

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

For information about compliance, contact the First Source Hiring Manager at 415-581-2335, www.onestopSF.org

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

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

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

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

20. **Market Octavia Community Improvements Fund.** Pursuant to Planning Code Section 421, the Project Sponsor shall comply with the Market Octavia Community Improvements Fund provisions through payment of an Impact Fee in full to the Treasurer, or the execution of a Waiver Agreement, or an In-Kind agreement approved as described per Planning Code Section 421 (formerly 326) prior to the issuance by Department of Building Inspection of the construction document for the development project.

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

21. **Inclusionary Affordable Housing Requirement.** Pursuant to Planning Code 415.5, the Project Sponsor must pay an Affordable Housing Fee at a rate equivalent to the applicable percentage of the number of units in an off-site project needed to satisfy the Inclusionary Affordable Housing

Program Requirement for the principal project. The applicable percentage for this project is twenty percent (20%).

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

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

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

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

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

- a. The Project Sponsor must pay the Fee in full sum to the Development Fee Collection Unit at the DBI for use by MOH prior to the issuance of the first construction document, with an option for the Project Sponsor to defer a portion of the payment prior to issuance of the first certificate of occupancy upon agreeing to pay a deferral surcharge that would be deposited into the Citywide Inclusionary Affordable Housing Fund in accordance with Section 107A.13.3 of the San Francisco Building Code.
- b. Prior to the issuance of the first construction permit by the DBI for the Project, the Project Sponsor shall record a Notice of Special Restriction on the property that records a copy of this approval. The Project Sponsor shall promptly provide a copy of the recorded Notice of Special Restriction to the Department and to MOH or its successor.
- c. If project applicant fails to comply with the Inclusionary Affordable Housing Program requirement, the Director of DBI shall deny any and all site or building permits or certificates of occupancy for the development project until the Planning Department notifies the Director of compliance. A Project Sponsor's failure to comply with the requirements of Planning Code Sections 415 et seq. shall constitute cause for the City to record a lien against the development project and to pursue any and all other remedies at law.

MONITORING

23. **Enforcement.** Violation of any of the Planning Department conditions of approval contained in this Motion or of any other provisions of Planning Code applicable to this Project shall be subject

to the enforcement procedures and administrative penalties set forth under Planning Code Section 176 or Section 176.1. The Planning Department may also refer the violation complaints to other city departments and agencies for appropriate enforcement action under their jurisdiction.

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

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

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

OPERATION

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

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

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

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

27. **Noise Control.** The premises shall be adequately soundproofed or insulated for noise and operated so that incidental noise shall not be audible beyond the premises or in other sections of the building and fixed-source equipment noise shall not exceed the decibel levels specified in the San Francisco Noise Control Ordinance.

For information about compliance with the fixed mechanical objects such as rooftop air conditioning, restaurant ventilation systems, and motors and compressors with acceptable noise levels, contact the Environmental Health Section, Department of Public Health at (415) 252-3800, www.sfdph.org

For information about compliance with the construction noise, contact the Department of Building Inspection, 415-558-6570, www.sfdbi.org

For information about compliance with the amplified sound including music and television contact the Police Department at 415-553-0123, www.sf-police.org

28. **Odor Control.** While it is inevitable that some low level of odor may be detectable to nearby residents and passersby, appropriate odor control equipment shall be installed in conformance

with the approved plans and maintained to prevent any significant noxious or offensive odors from escaping the premises.

For information about compliance with odor or other chemical air pollutants standards, contact the Bay Area Air Quality Management District, (BAAQMD), 1-800-334-ODOR (6367), www.baaqmd.gov and Code Enforcement, Planning Department at 415-575-6863, www.sf-planning.org

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

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

30. **Lighting.** All Project lighting shall be directed onto the Project site and immediately surrounding sidewalk area only, and designed and managed so as not to be a nuisance to adjacent residents. Nighttime lighting shall be the minimum necessary to ensure safety, but shall in no case be directed so as to constitute a nuisance to any surrounding property.

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