SAN FRANCISCO
PLANNING DEPARTMENT

Subject to: (Select only if applicable)

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

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Planning Commission Draft Motion

HEARING DATE: AUGUST 9, 2012

Date:	August 2, 2012
Case No.:	**2011.0931EC**
Project Address:	**4-20 OCATAVIA BOULEVARD (AKA 8 0CTAVIA BOULEVARD; CENTRAL FREEWAY PARCEL "V")**
Zoning:	Moderate-Scale Neighborhood Commercial Transit District (NCT-3) Hayes Gough Neighborhood Commercial Transit District 50-X/85-X Height and Bulk District
Block/Lot:	0855/011
Project Sponsor:	Mark McDonald of Octavia Gateway Holdings LLC 448 Linden Street San Francisco, CA 94102
Staff Contact:	Aaron Hollister – (415) 575-9078 aaron.hollister@sfgov.org

ADOPTING FINDINGS RELATED TO THE APPROVAL OF A CONDITIONAL USE TO ALLOW DEVELOPMENT OF A LOT EXCEEDING 10,000 SQUARE FEET, AND TO ALLOW OFF-STREET PARKING ACCESS FROM THE OCTAVIA BOULEVARD FRONTAGE ROAD, PURSUANT TO SECTIONS 121.1, 155(r), AND 303 OF THE PLANNING CODE WITH RESPECT TO A PROPOSAL TO CONSTRUCT A NEW DEVELOPMENT REACHING A MAXIMUM HEIGHT OF FIVE TO EIGHT STORIES CONTAINING UP TO 49 DWELLING UNITS, APPROXIMATELY 2,085 SQUARE FEET OF GROUND FLOOR COMMERCIAL USE, AND 25 OFF-STREET PARKING SPACES (24 RESIDENTIAL, 1 COMMERCIAL) LOCATED AT 4-20 OCTAVIA BOULEVARD (AKA 8 OCTAVIA BOULEVARD; CENTRAL FREEWAY PARCEL "V") LOT 011 IN ASSESSOR'S BLOCK 0855, WITHIN THE HAYES-GOUGH NEIGHBORHOOD COMMERCIAL TRANSIT DISTRICT, THE MODERATE-SCALE NEIGHBORHOOD COMMERCIAL TRANSIT DISTRICT (NCT-3), AND THE 50-85-X HEIGHT AND BULK DISTRICT, AND ADOPTING FINDINGS UNDER THE CALIFORNIA ENVIRONMENTAL QUALITY ACT.

PREAMBLE

On January 4, 2012, Mark McDonald, acting on behalf of Octavia Gateway Holdings ("Project Sponsor") filed an application with the Planning Department ("Department") for Conditional Use Authorization to allow development on a lot exceeding 10,000 square feet and to allow off-street parking access from the Octavia Boulevard frontage road under Planning Code Sections ("Sections") 121.1, 155(r), and 303 to allow a project that would construct a new development reaching a maximum height of five to eight stories containing up to 49 dwelling units, approximately 2,085 square feet of ground floor commercial uses, and 25 off-street parking spaces (24 residential, 1 commercial) located at 4-20 Octavia Boulevard (AKA 8 Octavia Boulevard; Central Freeway Parcel "V"), Lot 011 in Assessor's Block 0855, within the Hayes-Gough Neighborhood Commercial Transit District, the Moderate-Scale Neighborhood Commercial Transit District (NCT-3), and the 50-85-X Height And Bulk District.

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

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

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

Pursuant to the Guidelines of the State Secretary of Resources for the implementation of the California Environmental Quality Act (CEQA), on July 20, 2012, the Planning Department of the City and County of San Francisco determined that the proposed application was exempt from further environmental review per Section 15183 of the CEQA Guidelines and California Public Resources Code Section 21083.3. The Project is consistent with the adopted zoning controls in the Market and Octavia Area Plan and was encompassed within the analysis contained in the Final EIR. Since the Final EIR was finalized, there have been no substantial changes to the Market and Octavia Area Plan and no substantial changes in circumstances that would require major revisions to the Final EIR due to the involvement of new significant environmental effects or an increase in the severity of previously identified significant impacts, and there is no new information of substantial importance that would change the conclusions set forth in the Final EIR. The file for this project, including the Market and Octavia Area Final EIR and the Community Plan Exemption certificate, is available for review at the San Francisco Planning Department, 1650 Mission Street, Suite 400, San Francisco, California.

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

On August 9, 2012, the Commission conducted a duly noticed public hearing at a regularly scheduled meeting on Conditional Use Application No. 2011.0931EC.

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

MOVED, that the Commission hereby authorizes the Conditional Use requested in Application No. 2011.0931EC, subject to the conditions contained in "EXHIBIT A" of this motion, based on the following findings:

FINDINGS

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

1. The above recitals are accurate and constitute findings of this Commission.

2. **Site Description and Present Use.** The project site is a 12,244-square-foot lot located on the east side of the Octavia Boulevard frontage road and runs the full length of the block from Haight Street to Market Street in the Market and Octavia Area Plan. The project site slopes downward from north to south with the Haight Street frontage approximately 20 feet higher in elevation than the Market Street frontage. The lot was formerly occupied by the Central Freeway, which was removed by 2003, and has remained vacant since 2003.

The site is split-zoned with each zoning and height and bulk district each occupying approximately half the lot area. The NCT-3 Zoning District and the 85-X Height and Bulk District occupy the half of the lot that fronts on Market Street, while the Hayes-Gough NCT and the 50-X Height and Bulk District occupy the half of the lot that fronts on Haight Street.

3. **Surrounding Properties and Neighborhood.** The surrounding properties and neighborhood are located in the Market and Octavia Plan Area. The immediately surrounding area primarily consists of mixed-use buildings of varying heights along Market Street and three to five-story residential buildings along Haight Street. The Market and Octavia Area Plan envisions that mixed-use buildings will flank Octavia Boulevard on former Central Freeway parcels. Projects have been approved and some constructed on select former Central Freeway parcels, while others currently contain temporary installations such as the Proxy Project and community gardens.

   Beyond the immediately surrounding vicinity, ground-floor retail and restaurant uses are found along Hayes Street to the north of the Project Site in the commercial center of Hayes Valley, while other isolated commercial establishments are scattered throughout the neighborhood. The Civic Center District is located to the northeast, and includes various government buildings, museums, libraries, and performance spaces, while the Mid- and Upper-Market areas are located respectively to the east and west. Open spaces in the vicinity include the Hayes Valley Playground, Patricia's Green, Koshland Park, and the Page and Laguna Mini-Park.

4. **Project Description.** The proposal is to construct a new development reaching a maximum height of five to eight stories containing up to 49 dwelling units, approximately 2,085 square feet of ground floor commercial uses, and 25 off-street parking spaces (24 residential, 1 commercial) with access from the Octavia Boulevard frontage road. The ground-floor retail will be located at the Market Street frontage and will partially wrap around the corner onto Octavia Boulevard. The Haight Street frontage and portions of the Octavia Boulevard frontage will contain residential entries. The building will maintain a consistent roofline as Octavia slopes from south to north with the eight-story massing located on southerly portion of the lot and the five-story massing located on the northerly portion of the lot. The building will be broken into three masses along the Octavia Boulevard frontage and will be clad in vertical colored shades.

5. **Public Comment**. The Department has received three letters in support of the project from organizations including SPUR, the San Francisco Housing Action Coalition and the Hayes Valley Neighborhood Association.

   One adjacent neighbor at 67 Haight Street has contacted the Department and indicated that the Project may affect sunlight reception of photovoltaic cells located on the rooftop of 67 Haight Street.

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

   A. **Use and Density.** Per Sections 720.91 and 731.91, dwelling units within the Hayes-Gough NCT and the NCT-3 Districts are principally permitted without specific density limitations, allowing physical controls such as height, bulk, and setbacks to define an allowable building envelope. Per Sections 720.40 and 731.40, retail uses are principally permitted at the ground floor within the Hayes-Gough NCT and NCT-3 Districts.

   The proposed 49 dwelling units are permitted at levels and the ground-floor commercial use is principally permitted; therefore, the project complies with the Planning Code.

   B. **Height and Bulk.** The subject property is located within the 50-X and the 85-X Height and Bulk Districts. Pursuant to Section 270, projects within "-X" Bulk Districts are not subject to specific bulk controls. Pursuant to Section 263.20, projects within NCT Districts and within 50-X Height and Bulk District are allowed an additional five feet of height if the project includes active ground floor commercial uses with elevated ceilings taller than 10 feet, and/or walk-up residential units that are elevated from the sidewalk.

   The site is split-zoned with each height and bulk district occupying approximately half the lot area. The 85-X Height and Bulk District occupies the half of the lot that fronts on Market Street, while the 50-X Height and Bulk District occupies the half of the lot that fronts on Haight Street. Pursuant to the height measurement definition of the Planning Code Section 102.12, the Project would reach a maximum height of 50 feet in the 50-X Height and Bulk District, while the Project would reach a maximum height of 75 feet in the 85-X Height and Bulk District. The Project therefore complies with the applicable height districts.

   C. **Floor Area Ratio.** In the Hayes-Gough NCT District, Section 124 allows a Floor Area Ratio (FAR) of up to 3.0. In the NCT-3 District, Section 124 allows an FAR of up to 3.6:1. Proportionately applying these ratios to each portion of the Project Site, the allowable FAR would permit a building of up to 40,405 square feet of Gross Floor Area as defined in Section 102.9.

   The Project would measure approximately 70,153 square feet. Pursuant to Section 124(b), within NC Districts, the cited Floor Area Ratio limits do not apply to residential uses. Subtracting the area of the residential uses, approximately 2,085 square feet of Gross Floor Area within the Project would be subject to the allowable FAR. The Project therefore complies with the maximum allowable FAR.

   D. **Rear Yard.** Planning Code Section 134(a)(1)(C) stipulates that Central Freeway Parcel V is not required to provide rear yards at any level of the building, provided that the project fully meets the usable open space requirement for dwelling units

per Planning Code Section 135, the exposure requirements of Section 140, and gives adequate architectural consideration to the light and air needs of adjacent buildings given the constraints of the project site.

The Project footprint would occupy nearly the entire project site with the exception of a side yard located along the easterly property line. As outlined below, the Project will comply with the Useable Open Space and Dwelling Unit Exposure requirements of the Code. Additionally, the Project has been designed so it will respect the prevailing built environment of the surrounding area in terms of height and massing, and as such, will not affect the light and air needs of adjacent buildings. Residential structures along Haight Street are primarily three to five stories with full lot coverage, while buildings along Market Street vary in height from low- to high-rise heights with full lot coverage. The Project would be compliant with the surrounding built context by proposing a five-story massing along Haight Street where the built environment is shorter and finer grained, while the larger, eight-story massing would be located at the Market Street frontage where existing building heights and sizes are larger.

E. **Usable Open Space.** Section 135 requires that a specific amount of usable open space be provided for each dwelling unit. The Hayes-Gough NCT District requires dwelling units to have 60 square feet of private open space, or 79.8 square feet of common open space, while the NCT-3 District requires dwelling units to have 80 square feet of private open space, or 106.4 square feet of common open space. Both private and common open space must meet specific requirements for dimensions, location, and exposure to light and air.

The Project would provide open space as both common and private open space. Private open space would be provided for four of the units in the form of roof decks, while nine private decks would be located on floors two through five of the Project. The private decks on floors two through five do not meet the exposure requirements of Planning Code Section 135(f)(2)(A) that requires at least 30 percent of the perimeter of such space to be unobstructed except for necessary handrails. These decks will have approximately 27 percent of their perimeters unobstructed. Pursuant to Planning Code Section 135(b)(2), one of the proposed private roof decks would not qualify as useable space as it is intended to serve as open space for a unit located on the eighth floor of the Project without a means of direct access from the unit to the space.

The Project would also provide common open space in the form of a roof deck. Applying proportionately the required common open space ratios for the remaining 46 units without private useable open space, the Project requires 4,283 square feet of common useable open space. The Project would provide approximately 4,337 square feet of common useable open space in the form of a roof deck. The Project would provide an ample amount of useable open space to meet the requirements of Section 135.

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

The conceptual plans for the Project show street trees and landscaping within the public right-of-way along the entire frontage of the Project Site. The Project would also provide an entry court at the Market Street frontage that will include landscaping. Staff from the Planning Department and other appropriate agencies will coordinate with the Project Sponsor to refine the details of streetscape improvements during the building permit review to ensure compliance with Section 138.1.

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

All of the proposed dwelling units will have exposure onto adjacent public rights-of-way that are least 25 feet in width. All of the proposed dwelling units comply with the requirements of Section 140.

H. **Street Frontages.** Section 145.1 requires active uses to be located at the ground-floor of the Project, with the exception of space allow for parking, building egress, and access to mechanical systems. Active uses may include commercial uses with transparency along the sidewalk, walk-up residential units, and spaces accessory to residential uses.

The Market Street frontage is occupied by several active spaces, including a retail use, a lobby area, and an entry court. The retail use will wrap-around the building onto the Octavia Boulevard frontage. The remainder of the ground-floor is primarily occupied by walk-up residential units, which are located on the Octavia Boulevard and Haight Street frontages. The presences of these active uses with enliven the streetscape and contribute to a desirable pedestrian realm. The project complies with Section 145.1.

I. **Off-Street Parking and Car Sharing.** Pursuant to Section 151.1, off-street parking is allowed up to one space for every two dwelling units in NCT Districts, which would allow up to 24 off-street residential parking spaces that could be principally permitted for the project. One off-street commercial space is allowed per 1,500 square feet of non-residential uses in NCT Districts. Pursuant to Section 166, no car-share spaces are required for developments with 49 or fewer residential units.

The Project proposes 24 off-street parking spaces to serve the residential uses and one off-street parking space for the 2,085 square feet of retail space. The Project will include one off-street space dedicated to a car-share space, although none are required by Section 166. The project therefore complies with the parking limitations of Section 151.1, as well as the car-share requirements of Section 166.

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

The Project proposes approximately 47,660 square feet of residential uses, and less than 10,000 square feet of commercial uses. Therefore, no off-street loading space is required or will be provided by the Project.

L. **Protected Pedestrian-, Cycling-, and Transit-Oriented Street Frontages**. Per Planning Code Section 155(r)(3)(H), new garage entries, driveways or other vehicular access to off-street parking or loading (except for the creation of new publicly-accessible streets and alleys) requires Conditional Use authorization if the off-street parking access is located on Octavia Boulevard from Fell Street to Market Street.

The Project proposes off-street parking access from the northbound Octavia Boulevard frontage road, which will require Conditional Use Authorization.

M. **Bicycle Parking.** Pursuant to Section 155.5, residential uses containing four or more dwelling units are required to provide bicycle parking at no cost or fee to the building occupants or tenants. For projects up to 50 dwelling units, one Class 1 space for every 2 dwelling units is required.

With 49 dwelling units, the Project is required to provide 25 bicycle parking spaces. The Project will provide 26 bicycle parking spaces to comply with Section 155.5.

N. **Dwelling Unit Mix.** Section 207.6 requires that, for projects creating five or more dwelling units within the Hayes-Gough NCT and the NCT-3 Districts, a minimum of 40 percent of the dwelling units contain at least two bedrooms.

The Project proposes a total of 49 dwelling units. 32 of these units are two-bedrooms or larger, which constitutes 65 percent of the overall dwelling units. The Project complies with the dwelling unit mix requirements.

O. **Inclusionary Affordable Housing Program.** Planning Code Section 415 sets forth the requirements and procedures for the Inclusionary Affordable Housing Program. Under Planning Code Section 415.3, these requirements would apply to projects that consist of five or more units, where the first application (EE or BPA) was applied for on or after July 18, 2006. Pursuant to Planning Code Section 415.5 and 415.6, the Project is meeting the Inclusionary Affordable Housing Program requirement through the On-site Affordable Housing Alternative by providing 15% of the proposed dwelling units as affordable.

The Project Sponsor has demonstrated that it is eligible for the On-Site Affordable Housing Alternative under Planning Code Section 415.5 and 415.6, and has submitted a 'Affidavit of Compliance with the Inclusionary Affordable Housing Program: Planning Code Section 415,' to satisfy the requirements of the Inclusionary Affordable Housing Program by providing the affordable housing on-site instead of through payment of the Affordable Housing Fee. In order for the Project Sponsor to be eligible for the On-Site Affordable Housing Alternative, the Project Sponsor must submit an 'Affidavit of Compliance with the Inclusionary Affordable Housing Program: Planning Code Section 415,' to the Planning Department stating that any affordable units designated as on-site units shall be sold as ownership units and will remain as ownership units for the life of the project. The Project Sponsor submitted such Affidavit on July 24, 2012. The EE application was submitted on December 5, 2011. Seven units (one studio, two one-bedroom, and four two-bedroom) of the 49 units provided will be affordable units. If the Project becomes ineligible to meet its Inclusionary Affordable Housing Program obligation through the On-site Affordable Housing Alternative, it must pay the Affordable Housing Fee with interest, if applicable.

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

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

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

   The existing development in the area surrounding the Project Site is varied in scale and intensity. The Project is taller than some buildings in the vicinity, and occupies a relatively large lot. While the Project would consist of a single structure, the building would be respectful of the existing built environment. Residential structures along Haight Street are primarily three to five stories with full lot coverage, while buildings along Market Street vary in height from low- to high-rise heights with full lot coverage. The Project would be compliant with the surrounding built context by proposing a five-story massing along Haight Street where the built environment is shorter and finer grained, while the larger,

eight-story massing would be located at the Market Street frontage where existing building heights and sizes are larger.

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

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

i. The nature of the proposed site, including its size and shape, and the proposed size, shape, and arrangement of structures.

The Project site is a regularly-shaped lot formerly occupied by the Central Freeway that is adequately sized to accommodate the development. In lieu of providing a Code-complying rear yard, the Code allows the Project on the former Central Freeway parcel to provide open space in an alternative form, preferably in the form of a large roof deck, which the Project proposes. Existing development in the vicinity varies in size and intensity, and the Project is generally compatible with the eclectic character of the area. The building is designed with recesses to reduce the apparent scale of the Project. The shape and size of development on the subject property will not be detrimental to persons or adjacent properties in the vicinity.

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

The project will provide one car-share parking space, when no car-share spaces are required by Section 166. No off-street loading spaces are required by the Code for the project and none will be provided by project.

The Project would provide off-street parking in an amount that would be equal to the principally permitted amount for the Hayes-Gough NCT and NCT-3 Districts. Therefore, it is anticipated that residents will favor travel by means other than private automobile use to commute and to access goods and services in the vicinity. 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 and contains immediate access to bicycle lanes, so that residents do not need to solely rely on private automobile transportation

Off-street parking access into the parking garage would be located on the northbound Octavia frontage road, mid-block along the project site's Octavia Boulevard frontage. The Octavia Boulevard frontage is the most desirable location for the off-street parking

access amongst the three street frontages fronting the Project Site. Pursuant to Planning Code Section 155(r)(2), off-street parking access is not allowed along the entire portion of Market Street from The Embarcadero to Castro Street. In October 2011, the SFMTA approved the conversion of the one-block portion of Haight Street, along the northern edge of the project site, to two-way traffic for transit vehicles only. The existing parking lane on the south edge of Haight Street will be changed to a transit-only lane for inbound Muni buses, which would not allow for off-street parking access from Haight Street. As outlined in the CPE prepared for the Project, the Haight Street roadway conversion would not impact the entrance to the proposed garage, nor change the turning movements at the intersection of Haight Street and Octavia Boulevard frontage road.

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

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

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

The Project provides open space in the form of private decks and common rooftop decks. Beyond the requirements for residential open space, the Project would also provide an entry court for public use at the Market Street frontage that will include landscaping. Street tree planting (as required) will be necessary as part of the streetscape improvements that are necessary under Code Section 138.1.

Parking is provided at the principally permitted amounts of Section 151.1, and the area is well-served by transit and a variety of retail options within walking distance. No off-street loading spaces are proposed and no loading spaces are required by the Planning Code. Conditions of approval also require that, as the Project proceeds through the review of building permits, the Project Sponsor will continue to work the Department staff to refine details of project massing, lighting, signage, materials, street trees, and other aspects of the design.

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

The Project generally complies with the applicable sections of the Code, with exception to the off-street parking access from the Octavia Boulevard frontage road. The residential uses contemplated for the Project are permitted within the Hayes-Gough NCT and NCT-3 Districts, and the proposed commercial use is permitted within the Hayes-Gough NCT and NCT-3 District.

Considered as a whole, the Project would add housing and commercial goods and services to create a vibrant, active mixed-use node at a prominent location. The Project Site is well-served by transit and commercial services, allowing residents to commute, shop, and reach amenities by walking, transit, and bicycling. The Project includes a mix of unit types, including seven studio units, 10 one-bedroom units, 29 two-bedroom units and three three-bedroom units. This mix of units will ensure that the Project will serve a diversity of household sizes and people with varied housing needs. The Project conforms with multiple goals and policies of the General Plan, as described in further detail in Item #12.

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

The Project is consistent with the stated purposes of the Hayes-Gough NCT and the NCT-3 District in that it would provide ground floor commercial spaces suitable for neighborhood-serving retail, and would provide housing, a use that is strongly encouraged in the district.

8. **Planning Code Section 121.1** establishes criteria for the Planning Commission to consider when reviewing applications for projects within the Hayes-Gough NCT and NCT-3 District on lots that exceed 10,000 square feet, through the Conditional Use authorization process. On balance, the project complies with said criteria in that:

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

The existing development in the area surrounding the Project site is varied in scale and intensity. The Project is taller than some buildings in the vicinity, and occupies a relatively large lot. However, the Project would be respectful of the existing built environment. Residential structures along Haight Street are primarily three to five stories with full lot coverage, while buildings along Market Street vary in height from low- to high-rise heights with full lot coverage. The Project would be compliant with the surrounding built context by proposing a five-story massing along Haight Street where the built environment is shorter and finer grained, while the larger, eight-story massing would be located at the Market Street frontage where existing building heights and sizes are larger.

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

Existing buildings in the area exhibit an eclectic architectural character, with no prevailing style establishing a dominant visual pattern for the neighborhood. The scale of development also varies somewhat in the vicinity. Existing development is primarily constructed in the late 19th and early 20th Century in a finer-grained pattern of individual buildings situated on narrow lots located near the Haight Street frontage. Buildings along Market Street vary in height from low- to high-rise heights with full lot coverage. There are also examples of recent in-fill construction in the area, such as the former parcel "Q" located, at the southwest corner of Oak Street and Octavia Boulevard.

While no single architectural style or development pattern predominates, the Project reflects the disparate elements of this context while establishing its own contemporary language. Although the Project occupies a relatively large lot, the building is articulated as a series of smaller masses across the Octavia Boulevard frontage, separated by a procession of deep voids. The building therefore relates to the larger scale and forms of the newer developments in the area, while also breaking down massing to acknowledge the narrower lot pattern of older development in the vicinity. Additionally, the Project mimics buildings located across Octavia Boulevard by keeping a consistent roof height across the length of the project site as site slopes up from Market Street to Haight Street.

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

COMMERCE AND INDUSTRY ELEMENT:

Objectives and Policies

OBJECTIVE 6

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

Policy 6.4:

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

Policy 6.10:

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

The Project would replace a vacant lot with an intense, mixed-use development suited to an urban context. The Project includes 49 dwelling units. Residents of these units would shop for goods and services in the area, bolstering the viability of the existing businesses. In addition, the Project would provide 2,085 square feet of retail uses that will contribute to the economic vitality of the area, fulfill shopping needs for residents, and will activate the streetscape.

HOUSING ELEMENT:

Objectives and Policies

OBJECTIVE 1

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

Policy 1.1:
Encourage higher residential density in areas adjacent to downtown, in underutilized commercial and industrial areas proposed for conversion to housing, and in neighborhood commercial districts where higher density will not have harmful effects, especially if the higher density provides a significant number of units that are affordable to lower income households.

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

Policy 1.4:
Locate in-fill housing on appropriate sites in established residential neighborhoods.

OBJECTIVE 12

BALANCE HOUSING GROWTH WITH ADEQUATE INFRASTRUCTURE THAT SERVES THE CITY'S GROWING POPULATION.

Policy 12.1:
Encourage new housing that relies on transit use and environmentally sustainable patterns of movement.

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

TRANSPORTATION ELEMENT
Objectives and Policies

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.

The Project is located within an existing high-density urban context. The project area has a multitude of transportation options, and the Project Site is within walking distance of the Market Street transit spine, and thus would make good use of the existing transit services available in this area and would assist in maintaining the desirable urban characteristics and services of the area. The Project proposes little off-street parking, encouraging users of the building to seek transportation options other than private automobile use.

MARKET AND OCTAVIA PLAN:
Objectives and Policies

OBJECTIVE 1.1

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

Policy 1.1.1:
Repair the damage caused by the Central Freeway by encouraging mixed-use infill on the former freeway lands.

Policy 1.1.2:
Concentrate more intense uses and activities in those areas best served by transit and most accessible on foot.

Policy 1.1.3:
Encourage housing and retail infill to support the vitality of the Hayes-Gough, Upper Market, and Valencia Neighborhood Commercial Districts.

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

OBJECTIVE 1.2:

ENCOURAGE URBAN FORM THAT REINFORCES THE PLAN AREA'S UNIQUE PLACE IN THE CITY'S LARGER URBAN FORM AND STRENGTHENS ITS PHYSICAL FABRIC AND CHARACTER.

Policy 1.2.1:
Repair the damage caused by the Central Freeway by encouraging mixed-use infill on the former freeway lands.

Policy 1.2.2:
Maximize housing opportunities and encourage high-quality commercial spaces on the ground floor.

Policy 1.2.4:
Encourage buildings of the same height along each side of major streets.

Policy 1.2.7:
Encourage new mixed-use infill on Market Street with a scale and stature appropriate for the varying conditions along its length.

The Project proposes a mixed-use development on a prominent Central Freeway lot located at the corner of Market Street and Octavia Boulevard. The proposed ground-floor retail use and building lobby location along Market Street will provide active uses along Market Street to promote the continued vibrancy of Market Street as the City's cultural and ceremonial spine. Furthermore, the Market Street ground-floor area will be a welcoming space by providing a 20-foot tall retail/lobby space adjacent to a landscaped entry court. As outlined in Section 8, the Project will match the height of existing buildings along its street frontages, as well as provide appropriate infill construction along Market Street.

OBJECTIVE 2.1:

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

Policy 2.1.1:
Develop the Central Freeway parcels with mixed-use, mixed- income (especially low income) housing.

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

OBJECTIVE 2.2

ENCOURAGE CONSTRUCTION OF RESIDENTIAL INFILL THROUGHOUT THE PLAN AREA.

Policy 2.2.2:
Ensure a mix of unit sizes is built in new development and is maintained in existing housing stock.

Policy 2.2.4:
Encourage new housing above ground-floor commercial uses in new development and in expansion of existing commercial buildings.

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

OBJECTIVE 3.1:

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

Policy 3.1.1:
Ensure that new development adheres to principles of good urban design.

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

- Most new buildings should be built to all property lines facing public rights-of-way.
- Building façades that face the public realm should be articulated with a strong rhythm of regular vertical elements.
- High-quality building materials should be used on all visible façades and should include stone, masonry, ceramic tile, wood (as opposed to composite, fiber-cement based synthetic wood materials), precast concrete, and high-grade traditional "hard coat" stucco (as opposed to "synthetic stucco" that uses foam).
- Ground floor retail use should be directly accessible from the street at the grade of the sidewalk onto which it fronts.
- Ground-floor retail spaces should have at a minimum a 12-foot, ideally 15 feet, clear ceiling height.
- First-floor residential units are encouraged to be at least 3 feet above sidewalk level such that the windowsills of these units are above pedestrian eye level in order to maintain the units' privacy.
- Encourage rooftop gardens as a form of common open space.

The proposed Project would be built to the property lines along all frontages. The frontage along Market Street would have a well-defined, active base that includes a retail space and lobby space directly accessible from the sidewalk. Floor-to-ceiling heights of these spaces would be approximately 20 feet. This building would be articulated with a rhythm of vertical solids and voids, and further, would be finished with high-quality materials inclusive of a glass curtain wall

system with vertical aluminum operable sun shades that would cover the residential areas of the building.

The Project would be respectful of the existing built environment. Residential structures along Haight Street are primarily three to five stories with full lot coverage, while buildings along Market Street vary in height from low- to high-rise heights with full lot coverage. The Project would be compliant with the surrounding built context by proposing a five-story massing along Haight Street where the built environment is shorter and finer grained, while the larger, eight-story massing would be located at the Market Street frontage where existing building heights and sizes are larger. The building therefore relates to the larger scale and forms of the newer developments in the area, while also breaking down massing to acknowledge the narrower lot pattern of older development in the vicinity.

OBJECTIVE 5.2

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

Policy 5.2.1:
Eliminate minimum off-street parking requirements and establish parking caps for residential and commercial parking.

Policy 5.2.3:
Minimize the negative impacts of parking on neighborhood quality.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

G. That landmarks and historic buildings be preserved.

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

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

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

10. 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.

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

DECISION

That based upon the Record, the submissions by the Applicant, the staff of the Department and other interested parties, the oral testimony presented to this Commission at the public hearings, and all other written materials submitted by all parties, the Commission hereby **APPROVES Conditional Use Application No. 2011.0931EC** subject to the following conditions attached hereto as "EXHIBIT A" in general conformance with plans on file, dated August 2, 2012, and stamped "EXHIBIT B", which is incorporated herein by reference as though fully set forth**.**

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

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

I hereby certify that the Planning Commission ADOPTED the foregoing Motion on August 9, 2012.

Linda D. Avery
Commission Secretary

AYES:

NAYS:

ABSENT:

ADOPTED: August 9, 2012

EXHIBIT A

AUTHORIZATION

This authorization is for a conditional use to allow development of a lot exceeding 10,000 square feet and to allow off-street parking access from the Octavia Boulevard frontage road to construct a new development reaching a maximum height of five to eight stories containing up to 49 dwelling units, approximately 2,085 square feet of ground floor commercial uses, and 25 off-street parking spaces (24 residential, 1 commercial) located at 4-20 Octavia Boulevard (AKA 8 Octavia Boulevard; Central Freeway Parcel "V"), Lot 011 in Assessor's Block 0855, within the Hayes-Gough Neighborhood Commercial Transit District, the Moderate-Scale Neighborhood Commercial Transit District (NCT-3), and the 50-85-X Height And Bulk District; in general conformance with plans, dated August 2, 2012, and stamped "EXHIBIT B" included in the docket for Case No. 2011.0931EC and subject to conditions of approval reviewed and approved by the Commission on August 9, 2012 under Motion No XXXXX. 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 August 9, 2012 under Motion No XXXXX.

PRINTING OF CONDITIONS OF APPROVAL ON PLANS

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

SEVERABILITY

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

CHANGES AND MODIFICATIONS

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

Conditions of approval, Compliance, Monitoring, and Reporting

PERFORMANCE

1. **Validity and Expiration.** The authorization and right vested by virtue of this action is valid for three years from the effective date of the Motion. A building permit from the Department of Building Inspection to construct the project and/or commence the approved use must be issued as this Conditional Use authorization is only an approval of the proposed project and conveys no independent right to construct the project or to commence the approved use. The Planning Commission may, in a public hearing, consider the revocation of the approvals granted if a site or building permit has not been obtained within three (3) years of the date of the Motion approving the Project. Once a site or building permit has been issued, construction must commence within the timeframe required by the Department of Building Inspection and be continued diligently to completion. The Commission may also consider revoking the approvals if a permit for the Project has been issued but is allowed to expire and more than three (3) years have passed since the Motion was approved.
   For information about compliance, contact Code Enforcement, Planning Department at 415-575-6863, www.sf-planning.org

2. **Extension.** This authorization may be extended at the discretion of the Zoning Administrator only where failure to issue a permit by the Department of Building Inspection to construct the project and/or commence the approved use is caused by a delay by a local, State or Federal agency or by any appeal of the issuance of such permit(s).
   For information about compliance, contact Code Enforcement, Planning Department at 415-575-6863, www.sf-planning.org

3. **Mitigation Measures.** Mitigation measures described in the MMRP for the Market and Octavia Area Plan EIR (Case No. 2003.0347C) attached as Exhibit C are necessary to avoid potential significant effects of the proposed project and have been agreed to by the project sponsor.
   For information about compliance, contact Code Enforcement, Planning Department at 415-575-6863, www.sf-planning.org

DESIGN – COMPLIANCE AT PLAN STAGE

4. **Final Materials.** The Project Sponsor shall continue to work with Planning Department on the building design. Final materials, glazing, color, texture, landscaping, and detailing shall be subject to Department staff review and approval. The architectural addenda shall be reviewed and approved by the Planning Department prior to issuance.
   For information about compliance, contact the Case Planner, Planning Department at 415-575-9078, www.sf-planning.org

5. **Garbage, composting and recycling storage.** Space for the collection and storage of garbage, composting, and recycling shall be provided within enclosed areas on the property and clearly labeled and illustrated on the building permit plans. Space for the collection and storage of recyclable and compostable materials that meets the size, location, accessibility and other standards specified by the San Francisco Recycling Program shall be provided at the ground level of the buildings.
   For information about compliance, contact the Case Planner, Planning Department at 415-575-9078, www.sf-planning.org

6. **Rooftop Mechanical Equipment.** Pursuant to Planning Code 141, the Project Sponsor shall submit a roof plan to the Planning Department prior to Planning approval of the building permit application. Rooftop mechanical equipment, if any is proposed as part of the Project, is required to be screened so as not to be visible from any point at or below the roof level of the subject building.
   For information about compliance, contact the Case Planner, Planning Department at 415-575-9078, www.sf-planning.org

7. **Signage.** The Project Sponsor shall develop a signage program for the Project which shall be subject to review and approval by Planning Department staff before submitting any building permits for construction of the Project. All subsequent sign permits shall conform to the approved signage program. Once approved by the Department, the signage program/plan information shall be submitted and approved as part of the site permit for the Project. All exterior signage shall be designed to compliment, not compete with, the existing architectural character and architectural features of the building.
   For information about compliance, contact the Case Planner, Planning Department at 415-575-9078, www.sf-planning.org

8. **Transformer Vault.** The location of individual project PG&E Transformer Vault installations has significant effects to San Francisco streetscapes when improperly located. However, they may not have any impact if they are installed in preferred locations. Therefore, the Planning Department recommends the following preference schedule in locating new transformer vaults, in order of most to least desirable:
   1. On-site, in a basement area accessed via a garage or other access point without use of separate doors on a ground floor façade facing a public right-of-way;
   2. On-site, in a driveway, underground;
   3. On-site, above ground, screened from view, other than a ground floor façade facing a public right-of-way;
   4. Public right-of-way, underground, under sidewalks with a minimum width of 12 feet, avoiding effects on streetscape elements, such as street trees; and based on Better Streets Plan guidelines;
   5. Public right-of-way, underground; and based on Better Streets Plan guidelines;
   6. Public right-of-way, above ground, screened from view; and based on Better Streets Plan guidelines;
   7. On-site, in a ground floor façade (the least desirable location).

Unless otherwise specified by the Planning Department, Department of Public Work's Bureau of Street Use and Mapping (DPW BSM) should use this preference schedule for all new transformer vault installation requests.
For information about compliance, contact Bureau of Street Use and Mapping, Department of Public Works at 415-554-5810, http://sfdpw.org

9. **Overhead Wiring.** The Property owner will allow MUNI to install eyebolts in the building adjacent to its electric streetcar line to support its overhead wire system if requested by MUNI or MTA.
For information about compliance, contact San Francisco Municipal Railway (Muni), San Francisco Municipal Transit Agency (SFMTA), at 415-701-4500, www.sfmta.org

10. **Noise**, **Ambient**. Interior occupiable spaces shall be insulated from ambient noise levels. Specifically, in areas identified by the Environmental Protection Element, Map1, "Background Noise Levels," of the General Plan that exceed the thresholds of Article 29 in the Police Code, new developments shall install and maintain glazing rated to a level that insulate interior occupiable areas from Background Noise and comply with Title 24.
For information about compliance, contact the Environmental Health Section, Department of Public Health at (415) 252-3800, www.sfdph.org

11. **Streetscape Plan.** Pursuant to Planning Code Section 138.1, the Project Sponsor shall submit a pedestrian streetscape improvement plan to the Planning Department for review in consultation with the Department of Public Works and the Department of Parking and Traffic prior to Building Permit issuance.
For information about compliance, contact the Case Planner, Planning Department at 415-575-9078, 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 415-575-9078, www.sf-planning.org

PARKING AND TRAFFIC

13. **Car Share.** Pursuant to Planning Code Section 166, car share spaces may be made available, at no cost, to a certified car share organization for the purposes of providing car share services for its service subscribers.
    For information about compliance, contact Code Enforcement, Planning Department at 415-575-6863, www.sf-planning.org

14. **Bicycle Parking.** The Project shall provide no fewer than 25 Class 1 bicycle parking spaces as required by Planning Code Sections 155.1 and 155.5.
    For information about compliance, contact Code Enforcement, Planning Department at 415-575-6863, www.sf-planning.org

15. **Parking Maximum.** Pursuant to Planning Code Section 151.1, and as indicated on Exhibit B, the Project shall provide no more than 25 independently accessible off-street parking spaces (24 Residential, One Commercial), excluding car share spaces.
    For information about compliance, contact Code Enforcement, Planning Department at 415-575-6863, www.sf-planning.org

16. **Managing Traffic During Construction.** The Project Sponsor and construction contractor(s) shall coordinate with the Traffic Engineering and Transit Divisions of the San Francisco Municipal Transportation Agency (SFMTA), the Police Department, the Fire Department, the Planning Department, and other construction contractor(s) for any concurrent nearby Projects to manage traffic congestion and pedestrian circulation effects during construction of the Project.
    For information about compliance, contact Code Enforcement, Planning Department at 415-575-6863, www.sf-planning.org

PROVISIONS

17. **First Source Hiring.** The Project shall adhere to the requirements of the First Source Hiring Construction and Employment Program approved by the First Source Hiring Administrator, pursuant to Section 83.4(m) of the Administrative Code. The Project Sponsor shall comply with the requirements of this Program regarding construction work and on-going employment required for the Project.
    For information about compliance, contact the First Source Hiring Manager at 415-401-4960, www.onestopSF.org

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

For information about compliance, contact the Case Planner, Planning Department at 415-575-9078, www.sf-planning.org

19. **Affordable Units. Requirement**. **Number of Required Units.** Pursuant to Planning Code Section 415.6, the Project is required to provide 15% of the proposed dwelling units as affordable to qualifying households. The Project contains 49 units; therefore, seven (7) affordable units are required. The Project Sponsor will fulfill this requirement by providing the seven (7) affordable units on-site. If the number of market-rate units change, the number of required affordable units shall be modified accordingly with written approval from Planning Department staff in consultation with the Mayor's Office of Housing ("MOH").
For information about compliance, contact the Case Planner, Planning Department at 415-575-9078, www.sf-planning.org or the Mayor's Office of Housing at 415-701-5500, www.sf-moh.org.

20. **Unit Mix**. The Project contains three (3) studios, 10 one-bedroom, 29 two-bedroom, and three (3) three-bedroom units; therefore, the required affordable unit mix is one (1) studio, two (2) one-bedrooms and four (4) two-bedrooms. If the market-rate unit mix changes, the affordable unit mix will be modified accordingly with written approval from Planning Department staff in consultation with MOH.
For information about compliance, contact the Case Planner, Planning Department at 415-575-9078, www.sf-planning.org or the Mayor's Office of Housing at 415-701-5500, www.sf-moh.org.

21. **Unit Location.** The affordable units shall be designated on a reduced set of plans recorded as a Notice of Special Restrictions on the property prior to the issuance of the first construction permit.
For information about compliance, contact the Case Planner, Planning Department at 415-575-9078, www.sf-planning.org or the Mayor's Office of Housing at 415-701-5500, www.sf-moh.org.

22. **Phasing.** If any building permit is issued for partial phasing of the Project, the Project Sponsor shall have designated not less than fifteen percent (15%) of the each phase's total number of dwelling units as on-site affordable units.
For information about compliance, contact the Case Planner, Planning Department at 415-575-9078, www.sf-planning.org or the Mayor's Office of Housing at 415-701-5500, www.sf-moh.org.

23. **Duration.** Under Planning Code Section 415.8, all units constructed pursuant to Section 415.6, must remain affordable to qualifying households for the life of the project.
For information about compliance, contact the Case Planner, Planning Department at 415-575-9078, www.sf-planning.org or the Mayor's Office of Housing at 415-701-5500, www.sf-moh.org.

24. **Other Affordable Housing Conditions.** The Project is subject to the requirements of the Inclusionary Affordable Housing Program under Section 415 et seq. of the Planning Code and City and County of San Francisco Inclusionary Affordable Housing Program Monitoring and Procedures Manual ("Procedures Manual"). The Procedures Manual, as amended from time to time, is incorporated herein by reference, as published and

adopted by the Planning Commission, and as required by Planning Code Section 415. Terms used in these conditions of approval and not otherwise defined shall have the meanings set forth in the Procedures Manual. A copy of the Procedures Manual can be obtained at the MOH at 1 South Van Ness Avenue or on the Planning Department or Mayor's Office of Housing's websites, including on the internet at: http://sf-planning.org/Modules/ShowDocument.aspx?documentid=4451.
As provided in the Inclusionary Affordable Housing Program, the applicable Procedures Manual is the manual in effect at the time the subject units are made available for sale.
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 affordable unit(s) shall be designated on the building plans prior to the issuance of the first construction permit by the Department of Building Inspection ("DBI"). The affordable unit(s) shall (1) reflect the unit size mix in number of bedrooms of the market rate units, (2) be constructed, completed, ready for occupancy and marketed no later than the market rate units, and (3) be evenly distributed throughout the building; and (4) be of comparable overall quality, construction and exterior appearance as the market rate units in the principal project. The interior features in affordable units should be generally the same as those of the market units in the principal project, but need not be the same make, model or type of such item as long they are of good and new quality and are consistent with then-current standards for new housing. Other specific standards for on-site units are outlined in the Procedures Manual:

b. If the units in the building are offered for sale, the affordable unit(s) shall be sold to first time home buyer households, as defined in the Procedures Manual, whose gross annual income, adjusted for household size, does not exceed an average of ninety (90) percent of Area Median Income under the income table called "Maximum Income by Household Size derived from the Unadjusted Area Median Income for HUD Metro Fair Market Rent Area that contains San Francisco." The initial sales price of such units shall be calculated according to the Procedures Manual. Limitations on (i) reselling; (ii) renting; (iii) recouping capital improvements; (iv) refinancing; and (v) procedures for inheritance apply and are set forth in the Inclusionary Affordable Housing Program and the Procedures Manual.

c. The Project Sponsor is responsible for following the marketing, reporting, and monitoring requirements and procedures as set forth in the Procedures Manual. MOH shall be responsible for overseeing and monitoring the marketing of affordable units. The Project Sponsor must contact MOH at least six months prior to the beginning of marketing for any unit in the building.

d. Required parking spaces shall be made available to initial buyers or renters of affordable units according to the Procedures Manual.

e. Prior to the issuance of the first construction permit by DBI for the Project, the Project Sponsor shall record a Notice of Special Restriction on the property that contains these conditions of approval and a reduced set of plans that identify the affordable units satisfying the requirements of this approval. The Project Sponsor shall promptly provide a copy of the recorded Notice of Special Restriction to the Department and to MOH or its successor.

f. The Project Sponsor has demonstrated that it is eligible for the On-site Affordable Housing Alternative under Planning Code Section 415.6 instead of payment of the Affordable Housing Fee, and has submitted the *Affidavit of Compliance with the Inclusionary Affordable Housing Program: Planning Code Section 415* to the Planning Department stating that any affordable units designated as on-site units shall be sold as ownership units and will remain as ownership units for the life of the Project.

g. If the Project Sponsor fails to comply with the Inclusionary Affordable Housing Program requirement, the Director of DBI shall deny any and all site or building permits or certificates of occupancy for the development project until the Planning Department notifies the Director of compliance. A Project Sponsor's failure to comply with the requirements of Planning Code Section 415 et seq. shall constitute cause for the City to record a lien against the development project and to pursue any and all available remedies at law.

h. If the Project becomes ineligible at any time for the On-site Affordable Housing Alternative, the Project Sponsor or its successor shall pay the Affordable Housing Fee prior to issuance of the first construction permit or may seek a fee deferral as permitted under Ordinances 0107-10 and 0108-10. If the Project becomes ineligible after issuance of its first construction permit, the Project Sponsor shall notify the Department and MOH and pay interest on the Affordable Housing Fee at a rate equal to the Development Fee Deferral Surcharge Rate in Section 107A.13.3.2 of the San Francisco Building Code and penalties, if applicable.

21. **Market Octavia Affordable Housing Fee.** Pursuant to Planning Code Section 416 (formerly 315.4), the Project Sponsor shall comply with the Market Octavia Affordable Housing requirements through payment of the Market Octavia Affordable Housing Fee in full to the Treasurer, prior to the issuance by Department of Building Inspection of the first certificate of occupancy for the development project.
For information about compliance, contact the Case Planner, Planning Department at 415-575-9078, www.sf-planning.org

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

issuance by Department of Building Inspection of the construction document for the development project.
For information about compliance, contact the Case Planner, Planning Department at 415-575-9078, www.sf-planning.org

MONITORING - AFTER ENTITLEMENT

23. **Enforcement.** Violation of any of the Planning Department conditions of approval contained in this Motion or of any other provisions of Planning Code applicable to this Project shall be subject to the enforcement procedures and administrative penalties set forth under Planning Code Section 176 or Section 176.1. The Planning Department may also refer the violation complaints to other city departments and agencies for appropriate enforcement action under their jurisdiction.
For information about compliance, contact Code Enforcement, Planning Department at 415-575-6863, www.sf-planning.org

24. **Revocation due to Violation of Conditions.** Should implementation of this Project result in complaints from interested property owners, residents, or commercial lessees which are not resolved by the Project Sponsor and found to be in violation of the Planning Code and/or the specific conditions of approval for the Project as set forth in Exhibit A of this Motion, the Zoning Administrator shall refer such complaints to the Commission, after which it may hold a public hearing on the matter to consider revocation of this authorization.
For information about compliance, contact Code Enforcement, Planning Department at 415-575-6863, www.sf-planning.org

OPERATION

25. **Garbage, Recycling, and Composting Receptacles.** Garbage, recycling, and compost containers shall be kept within the premises and hidden from public view, and placed outside only when being serviced by the disposal company. Trash shall be contained and disposed of pursuant to garbage and recycling receptacles guidelines set forth by the Department of Public Works.
For information about compliance, contact Bureau of Street Use and Mapping, Department of Public Works at 415-554-.5810, http://sfdpw.org

26. **Sidewalk Maintenance.** The Project Sponsor shall maintain the main entrance to the building and all sidewalks abutting the subject property in a clean and sanitary condition in compliance with the Department of Public Works Streets and Sidewalk Maintenance Standards.
For information about compliance, contact Bureau of Street Use and Mapping, Department of Public Works, 415-695-2017, http://sfdpw.org

27. **Community Liaison.** Prior to issuance of a building permit to construct the project and implement the approved use, the Project Sponsor shall appoint a community liaison officer to deal with the issues of concern to owners and occupants of nearby properties. The Project Sponsor shall provide the Zoning Administrator with written notice of the name, business address, and telephone number of the community liaison. Should the contact information change, the Zoning Administrator shall be made aware of such change. The community liaison shall report to the Zoning Administrator what issues, if any, are of concern to the community and what issues have not been resolved by the Project Sponsor.
    For information about compliance, contact Code Enforcement, Planning Department at 415-575-6863, www.sf-planning.org