



SAN FRANCISCO PLANNING DEPARTMENT

Executive Summary Conditional Use Rear Yard Modification

HEARING DATE: JULY 11, 2013

Date: July 3, 2013
Case No.: **2012.0081C**
Project Address: **450 HAYES STREET**
Zoning: Hayes-Gough NCT (Neighborhood Commercial Transit) District
40-X Height and Bulk District
Block/Lot: 0808/039
Project Sponsor: Craig Hamburg
Hayes Street Hayes Valley LLC
448 Linden Street
San Francisco, CA 94102
Staff Contact: Kevin Guy – (415) 558-6163
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Recommendation: **Approval with Conditions**

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PROJECT DESCRIPTION

The proposal is to demolish the existing surface parking lot and construct a new four-story mixed-use building containing approximately 41 dwelling units, 3,700 square feet of ground-floor commercial uses, and 20 off-street parking spaces. The project would be expressed as two separate masses organized around a central courtyard. The ground-level units on Ivy Street feature direct access to the street from the main level, with sunken living areas located at the basement level.

SITE DESCRIPTION AND PRESENT USE

The project site is a 17,399-square-foot lot on the north side of Hayes Street, between Octavia Boulevard and Gough Street, in the Market and Octavia Area Plan. The lot is currently used as a surface parking lot, but was formerly occupied by a portion of the Central Freeway which was removed following the 1989 Loma Prieta earthquake. There are currently no structures on the property.

SURROUNDING PROPERTIES AND NEIGHBORHOOD

Parcels formerly occupied by the Central Freeway are situated to the northeast and southwest of the Project Site. While some of these parcels are used as surface parking lots, several of these sites have been recently developed, or are currently being developed with mixed-use buildings containing residential and retail uses. The adjacent property to the east is developed with a four-story residential building fronting on Hayes Street, as well as a single-story commercial building fronting on Ivy Street. The adjacent property to the west is developed with a three-story mixed-use building and restaurant patio fronting on Hayes Street, as well as a three-story residential building fronting on Ivy Street. Ground floor retail and restaurant uses are found along Hayes Street two blocks south of the Project Site, while other

isolated commercial establishments are scattered throughout the neighborhood. The Civic Center district is located to the east, and includes various government buildings, museums, libraries, and performance spaces. Open spaces in the vicinity include Patricia's Green and Hayes Valley Playground to the southwest, Jefferson Square and Hayward Playground to the northwest, and Civic Center Plaza to the northeast.

ENVIRONMENTAL REVIEW

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 ("EIR"). 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.

HEARING NOTIFICATION

| TYPE | REQUIRED PERIOD | REQUIRED NOTICE DATE | ACTUAL NOTICE DATE | ACTUAL PERIOD |
|--------------------|-----------------|----------------------|--------------------|---------------|
| Classified News Ad | 20 days | June 21, 2013 | June 21, 2013 | 20 days |
| Posted Notice | 20 days | June 21, 2013 | June 21, 2013 | 20 days |
| Mailed Notice | 20 days | June 21, 2013 | June 21, 2013 | 20 days |

The proposal requires a Section 312-neighborhood notification, which was conducted in conjunction with the conditional use authorization process.

PUBLIC COMMENT

- The Department has received communications that express support for the Project, citing the construction of dense housing in walkable, transit-served locations, as well as the minimal parking provided in the Project. The Department has also received communications that express concern that the Project may impair access and visibility to an adjacent business located on Ivy Street.

ISSUES AND OTHER CONSIDERATIONS

- **Project Design.** The Project is generally compatible with the scale and intensity of development in the vicinity. The Project would consist of two separate masses which are unified by a common vernacular, but are arranged and detailed to respond to their respective contexts. While the site occupies a relatively large lot, the Hayes Street elevation incorporates angled bays and compositions of wood panels which are evocative of the fine-grained vertical rhythm of older development in the area. At the streetscape, the storefronts are comprised of undulating bays which serve to effectively widen the public realm, and break down the scale of the pedestrian realm into discrete units characteristic of the narrow storefronts found on Hayes Street. On the Ivy Street elevation, walk-up units at the ground floor and the setback at the fourth story relate to the more intimate pedestrian scale of the alley.
- **Rear Yard.** The Project requires a modification of the rear yard requirements, pursuant to Code Section 134(e). The Project is organized as two separate masses around a central courtyard area, a

configuration which does not strictly meet these requirements. The Zoning Administrator may modify the requirements for a rear yard within an NC District, provided that a comparable amount of open space is provided elsewhere on the lot, and the development will preserve light, air, and the pattern of mid-block open space for surrounding properties. This request will be considered by the Zoning Administrator at the same public hearing as the Conditional Use authorization.

The proposed configuration reinforces traditional urban development pattern with buildings located at or near front property lines, creating an urban streetscape framing an interior core of mid-block open space. By using a courtyard, the Project restores a traditional pattern of mid-block open space within the project site. In addition to the courtyard, the project provides substantial open space for residents in the form of individual private decks and a common roof deck.

REQUIRED COMMISSION ACTION

In order for the project to proceed, the Commission must grant Conditional Use authorization to allow development on a lot greater than 10,000 square feet. In addition, the Zoning Administrator would need to grant a modification of rear yard requirements.

BASIS FOR RECOMMENDATION

- The project would add 41 dwelling units to the City's housing stock a walkable and transit-rich area suited for dense, mixed-use development.
- Residents and visitors would be able to walk or utilize transit to commute and satisfy convenience needs without reliance on the private automobile. The parking proposed is less than the amount that is principally permitted under the Planning Code.
- The project fulfills the intent of the Market and Octavia Area Plan to focus new housing in transit-served locations and to create active, vibrant streetscapes.
- The project includes a mix of dwelling unit sizes to serve a diversity of household sizes and people with varied housing needs.
- The proposed ground-floor commercial spaces will expand the spectrum of retail goods and services available in the area, and will activate the sidewalk along Hayes Street.
- The project is necessary and desirable, is compatible with the surrounding neighborhood, and would not be detrimental to persons or adjacent properties in the vicinity.

| | |
|------------------------|---------------------------------|
| RECOMMENDATION: | Approval with Conditions |
|------------------------|---------------------------------|

Attachments:

- Draft Motion, including Mitigation, Monitoring, and Reporting Program
- Block Book Map
- Sanborn Map
- Aerial Photographs
- Residential Pipeline
- Inclusionary Affordable Housing Program Affidavit
- Project Sponsor Submittal

Attachment Checklist

- | | |
|---|---|
| <input checked="" type="checkbox"/> Executive Summary | <input checked="" type="checkbox"/> Project sponsor submittal |
| <input checked="" type="checkbox"/> Draft Motion | Drawings: <u>Existing Conditions</u> |
| <input checked="" type="checkbox"/> Environmental Determination | <input checked="" type="checkbox"/> Check for legibility |
| <input checked="" type="checkbox"/> Zoning District Map | Drawings: <u>Proposed Project</u> |
| <input checked="" type="checkbox"/> Height & Bulk Map | <input checked="" type="checkbox"/> Check for legibility |
| <input checked="" type="checkbox"/> Parcel Map | <input type="checkbox"/> Wireless Telecommunications Materials |
| <input checked="" type="checkbox"/> Sanborn Map | <input type="checkbox"/> Health Dept. review of RF levels |
| <input checked="" type="checkbox"/> Aerial Photo | <input type="checkbox"/> RF Report |
| <input checked="" type="checkbox"/> Context Photos | <input type="checkbox"/> Community Meeting Notice |
| <input checked="" type="checkbox"/> Site Photos | <input checked="" type="checkbox"/> Housing Documents |
| | <input checked="" type="checkbox"/> Inclusionary Affordable Housing Program: Affidavit for Compliance |
| | <input checked="" type="checkbox"/> Residential Pipeline |

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

Planner's Initials

KG: G:\Documents\Projects\450 Hayes\2012.0081C - 450 Hayes - Exec Sum.doc



SAN FRANCISCO PLANNING DEPARTMENT

Subject to: (Select only if applicable)

- | | |
|---|---|
| <input checked="" type="checkbox"/> Affordable Housing (Sec. 415) | <input checked="" type="checkbox"/> First Source Hiring (Admin. Code) |
| <input type="checkbox"/> Jobs Housing Linkage Program (Sec. 413) | <input type="checkbox"/> Child Care Requirement (Sec. 414) |
| <input type="checkbox"/> Downtown Park Fee (Sec. 412) | <input checked="" type="checkbox"/> Other |

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Planning Commission Draft Motion

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ADOPTING FINDINGS RELATED TO THE APPROVAL OF A CONDITIONAL USE AUTHORIZATION TO ALLOW DEVELOPMENT OF A LOT EXCEEDING 10,000 SQUARE FEET, PURSUANT TO SECTIONS 121.1 AND 303 OF THE PLANNING CODE, FOR A PROJECT TO DEMOLISH AN EXISTING SURFACE PARKING LOT AND CONSTRUCT A NEW FOUR-STORY MIXED-USE BUILDING CONTAINING APPROXIMATELY 41 DWELLING UNITS, 3,700 SQUARE FEET OF GROUND-FLOOR COMMERCIAL USES, AND 20 OFF-STREET PARKING SPACES, ON A PROPERTY LOCATED AT 450 HAYES STREET, LOT 039 IN ASSESSOR'S BLOCK 0808, WITHIN THE HAYES-GOUGH NCT DISTRICT AND THE 40-X HEIGHT AND BULK DISTRICT, AND ADOPTING FINDINGS UNDER THE CALIFORNIA ENVIRONMENTAL QUALITY ACT.

PREAMBLE

On July 18, 2012, Craig Hamburg, acting on behalf of Hayes Street Hayes Valley LLC ("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 under Planning Code Sections ("Sections") 121.1, and 303 to allow a project that would demolish an existing surface parking lot and construct a new four-story mixed-use building containing approximately 41 dwelling units, 3,700 square feet of ground-floor commercial uses, and 20 off-street parking spaces, located at 450 Hayes Street, Lot 039 in Assessor's Block

0808, within the Hayes-Gough NCT District and the 40-X Height And Bulk District (collectively, "Project", Case No. 2012.0081C).

On July 18, 2012, the Project Sponsor submitted a request for a modification of the rear yard requirements of Section 134, pursuant to the process identified in Section 134(e).

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.

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, 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 July 11, 2013, the Commission conducted a duly noticed public hearing at a regularly scheduled meeting on Conditional Use Application No. 2012.0081C.

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. 2012.0081C, 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 17,399-square-foot lot on the north side of Hayes Street, between Octavia Boulevard and Gough Street, in the Market and Octavia Area Plan. The lot is currently used as a surface parking lot, but was formerly occupied by a portion of the Central Freeway which was removed following the 1989 Loma Prieta earthquake. There are currently no structures on the property.
3. **Surrounding Properties and Neighborhood.** Parcels formerly occupied by the Central Freeway are situated to the northeast and southwest of the Project Site. While some of these parcels are used as surface parking lots, several of these sites have been recently developed, or are currently being developed with mixed-use buildings containing residential and retail uses. The adjacent property to the east is developed with a four-story residential building fronting on Hayes Street, as well as a single-story commercial building fronting on Ivy Street. The adjacent property to the west is developed with a three-story mixed-use building and restaurant patio fronting on Hayes Street, as well as a three-story residential building fronting on Ivy Street. Ground floor retail and restaurant uses are found along Hayes Street two blocks south of the Project Site, while other isolated commercial establishments are scattered throughout the neighborhood. The Civic Center district is located to the east, and includes various government buildings, museums, libraries, and performance spaces. Open spaces in the vicinity include Patricia's Green and Hayes Valley Playground to the southwest, Jefferson Square and Hayward Playground to the northwest, and Civic Center Plaza to the northeast.
4. **Project Description.** The proposal is to demolish the existing surface parking lot and construct a new four-story mixed-use building containing approximately 41 dwelling units, 3,700 square feet

of ground-floor commercial uses, and 20 off-street parking spaces. The project would be expressed as two separate masses organized around a central courtyard. The ground-level units on Ivy Street feature direct access to the street from the main level, with sunken living areas located at the basement level.

5. **Public Comment.** The Department has received communications that express support for the Project, citing the construction of dense housing in walkable, transit-served locations, as well as the minimal parking provided in the Project. The Department has also received communications that express concern that the Project may impair access and visibility to an adjacent business located on Ivy 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 Section 720.90, dwelling units within the Hayes-Gough NCT District are principally permitted at all levels, except along the Hayes Street frontage where ground-floor commercial uses are required pursuant to Section 145.4. Per Section 720.91, no specific density limitations apply in this District, allowing physical controls such as height, bulk, and setbacks to define an allowable building envelope. Per Section 720.40, retail uses are principally permitted at the ground floor within the Hayes-Gough NCT District.

The proposed residential uses, as well as the proposed ground-floor commercial uses on Hayes Street, are principally permitted, and therefore comply with the Planning Code. No residential density limitations apply within the Hayes-Gough NCT District, allowing physical design controls to define an allowable building envelope. While the project is seeking a modification of the rear yard requirements of Section 134, the proposal is in keeping with the intent of the overall physical design controls of the Planning Code, as well as the policies and objectives of the General Plan, including the design principles of the Market and Octavia Area Plan.

- B. **Height and Bulk.** The subject property is located within a 40-X Height and Bulk District. Pursuant to Section 270, projects within "-X" Bulk Districts are not subject to specific bulk controls. Pursuant to Section 263.20, projects within NCT Districts and within 40-X or 50-X Height and Bulk Districts are allowed an additional five feet of height if the project includes active ground floor commercial uses with elevated ceilings taller than 10 feet, and/or walk-up residential units that are elevated from the sidewalk. Pursuant to Section 260(b), certain rooftop features may exceed the maximum permitted height limitation, provided that these features comply with specified dimensions. Pursuant to Section 261.1, upper portions of buildings that abut the southerly side of narrow streets must be set back to avoid penetrating a sun access plane defined by an angle of 45 degrees, extending from the directly opposite northerly property line.

The Project proposes ground floor commercial spaces fronting along Hayes Street, and therefore qualifies for an additional five feet of height. The Project reaches a maximum roof height of 45 feet. The Project includes an elevator penthouse reaching a height of approximately 60 feet. Pursuant to

Section 260(b)(1)(B), elevator penthouses may extend to a height 16 feet above the applicable height limitation. Therefore, the Project complies with the applicable height limit.

The Ioy Street frontage of the Project Site is subject to the additional height limitation for buildings along narrow streets, per Section 261.1. The applicable sunlight access plane required by Section 261.1 applies above a height of 35 feet at the property line of the Project Site. Where the additional height limitation applies, the dwelling units at the fourth floor are set back from the property line to the south to comply with the sunlight access place. Therefore, the Project complies with the additional height limitation

- C. **Floor Area Ratio.** In the Hayes-Gough NCT District, Section 124 allows a Floor Area Ratio (FAR) of up to 3.0 to 1. With a site area of 17,399 square feet, the allowable FAR would permit a building of up to 52,197 square feet of Gross Floor Area as defined in Section 102.9.

The Project would measure a total of approximately 64,470 square feet. Pursuant to Section 124(b), within NC and R Districts, the cited Floor Area Ratio limits do not apply to residential uses. Subtracting the area of the residential uses, approximately 23,790 square feet of Gross Floor Area within the Project would be subject to the allowable FAR. The Project therefore complies with the maximum allowable FAR.

- D. **Rear Yard.** Section 134(a)(1) of the Planning Code requires a rear yard equal to 25 percent of the lot depth to be provided at every residential level for the portion of the site within the Hayes-Gough NCT District.

The Project consists of two masses situated around a central courtyard situated toward the interior of the property. The configuration of this courtyard does not meet the requirements for a rear yard, and thus the Project requires a modification of the rear yard requirement through the process described by Section 134(e)(1). Specifically, the Zoning Administrator must consider whether the Project meets the following criteria:

i. Residential uses are included in the new or expanding development and a comparable amount of usable open space is provided elsewhere on the lot or within the development where it is more accessible to the residents of the development.

ii. The proposed new or expanding structure will not significantly impede the access of light and air to and views from adjacent properties.

iii. The proposed new or expanding structure will not adversely affect the interior block open space formed by the rear yards of adjacent properties.

The Project Sponsor is requesting that the Zoning Administrator grant a modification of the rear yard requirements through the process in Section 134(e)(1).

A code-complying rear yard would measure approximately 4,770 square feet. The Project includes private decks, of varying sizes, for 16 of the dwelling units. In addition, the Project includes a total of 4,052 square feet of common open space.

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

The Project proposes private decks for seven of the dwelling units at the first floor, one of the units at the second floor, and five of the units at the fourth floor. In addition, three private roof decks are assigned to the use of three of the dwelling units at the fourth floor. Applying the required common open space ratios for the remaining 25 dwelling units, the Project requires 1,995 square feet of common open space. The Project proposes a total of 4,052 square feet of common open space at the ground level and on a rooftop deck. The Project complies with the requirements for residential open space.

- 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 a continuous permeable paver strip within the public right-of-way along the Hayes Street frontage. Section 138.1 would also require the installation of street trees along the Ivy Street frontage. Staff from the Planning Department and other appropriate agencies will coordinate with the Project Sponsor to refine the details of required 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.

The majority of the dwelling units have exposure onto Hayes or Ivy Streets. These units comply with the requirements of Section 140. A number of units have exposure only on the interior courtyard. Section 140 specifies that an open area (such as the courtyard) must have minimum horizontal dimensions of 25 feet at the lowest floor containing a dwelling unit that faces solely onto the courtyard and the floor immediately above, with an increase of five feet in horizontal dimensions for each subsequent floor above. According to this methodology, the open area above the courtyard would need to measure at least 25 feet in horizontal dimensions at the 2nd and 3rd floors, and 30 feet at the 4th floor of the Project. The central courtyard measures approximately 33 feet in width at all levels. Therefore, the Project complies with the exposure requirements of Section 140.

- H. **Active 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 Hayes Street frontage of the Project is occupied by several commercial spaces, which qualify as active uses. The Ivy Street frontage of the Project is occupied by walk-up residential units with direct access to the sidewalk, which qualify as active uses. Therefore, the Project complies with the active street frontage requirements of Section 145.1.

- I. **Off-Street Parking and Car Sharing.** Pursuant to Section 151.1, up to 21 off-street residential parking spaces could be principally permitted for the project (one space for each two dwelling units, rounded up to the nearest whole number).

The Project proposes 20 off-street parking spaces to serve the residential uses. The Project therefore complies with the parking limitations of Section 151.1.

- 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 less than 100,000 square feet do not require off-street loading spaces. In addition, retail uses measuring less than 10,000 square feet do not require off-street loading spaces.

The residential component of the Project measures less than 100,000 square feet, and the commercial component measures less than 10,000 square feet. Therefore, no off-street loading spaces are required for the Project, and the Project complies with Section 152.

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

The Project proposes a total of 41 dwelling units. 16 of these units are two-bedroom units, and one of these units is a three-bedroom unit. In total, constitute 41 percent of the dwelling units contain at least two bedrooms. The Project complies with the dwelling unit mix requirements.

- L. **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. Pursuant to San Francisco Charter Section 16.110 (g), adopted by the voters in November, 2012, beginning on January 1, 2013, the City shall reduce by 20% the on-site inclusionary housing obligation for all on-site projects subject to the Inclusionary Affordable Housing, but in no case below 12%. Thus, under Charter Section 16.110 (g) all the on-site requirements here is reduced by 3% (20% of 15%) to 12%.

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 1, 2013. The EE application was submitted on April 9, 2012. Pursuant San Francisco Charter Section 16.110 (g) the 15% on-site requirement stipulated in Planning Code Section 415.6, is reduced by 3% (20% of 15%) to 12%. 5 units (3 one-bedroom, and 2 two-bedroom) of the 41 units provided will be affordable ownership 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, in addition to the PUD criteria of Section 304, discussed under Item #10. 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. Retail spaces in the project will provide employment opportunities, activate the streetscape, and will serve the residents of the Project and the larger neighborhood. By targeting infill, mixed-use development at such locations, residents will be able to walk, bicycle, or take transit to commute, shop, and meet other needs without reliance on private automobile use.

The Project is generally compatible with the scale and intensity of development in the vicinity. The Project would consist of two separate masses which are unified by a common vernacular, but are arranged and detailed to respond to their respective contexts. While the site occupies a relatively large lot, the Hayes Street elevation incorporates angled bays and compositions of wood panels which are evocative of the fine-grained vertical rhythm of older development in the area. On the Ioy Street elevation, walk-up units at the ground floor and the setback at the forth story relate to the more intimate pedestrian scale of the alley.

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 an irregular diagonal shape that is an artifact of the alignment of the Central Freeway. While the Project Site is not a regularly-shaped lot, it is adequately sized to accommodate the development. In lieu of providing a Code-complying rear yard, the Project is arranged around a central courtyard that establishes a pattern of mid-block open space that is currently lacking on the subject block. Existing development in the vicinity varies in size and intensity, and the Project is generally compatible with the eclectic character of the area. The Project is designed as two separate masses that relate to the distinct scales of the Hayes and Ioy Street frontages. 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 does not require any off-street loading facilities under the Planning Code. The Project provides minimal off-street parking for the residential uses, encouraging residents to walk, bicycle, or utilize transit rather than drive private automobiles to commute and to access goods and services in the vicinity.

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

The Project includes residential and commercial uses that are typical of the Market and Octavia Plan area, and should not introduce operational noises or odors that are detrimental, excessive, or atypical for the area. While some temporary increase in noise can be expected during construction, this noise is limited in duration and will be regulated by the San Francisco Noise Ordinance which prohibits excessive noise levels from construction activity and limits the permitted hours of work. The 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, common rooftop decks, and common open space within a central courtyard. The Project will include street trees and other public right-of-way improvements. Minimal off-street parking is provided for the residential units. The area is well-served by transit and a variety of retail options within walking distance. 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 the exception of the rear yard requirements of Section 134. The residential and commercial uses contemplated for the Project are permitted within the Hayes-Gough NCT District. Considered as a whole, the Project would add housing and commercial goods and services to create a vibrant, active mixed-use node. The Project Site is well-served by transit and retail services, allowing residents to commute, shop, and reach amenities by walking, transit, and bicycling. The Project includes a mix of unit types and sizes, including 24 one-bedroom units, 16 two-bedroom units, and one three-bedroom unit. 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 #9.

- 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 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 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.
 - 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 within Hayes Valley is primarily constructed in the late 19th and early 20th Century in a finer-grained pattern of individual buildings situated on narrow lots. Nearby development in the Western Addition is largely characterized by large, mid-century public housing projects that occupy full blocks. Development within the Civic Center to the east ranges in age and style from post-1906 Beaux-Arts buildings, to mid- to late-20th Century additions which are generally compatible with the monumental scale and character of older buildings.

While no single architectural style or development pattern predominates, the Project reflects the disparate elements of this context while establishing its own contemporary language. The Project is generally compatible with the scale and intensity of development in the vicinity. The Project would consist of two separate masses which are unified by a common vernacular, but are arranged and detailed to relate to their respective contexts. While the site occupies a relatively large lot, the Hayes Street elevation incorporates angled bays and compositions of wood panels which are evocative of the fine-grained vertical rhythm of older development in the area. At the streetscape, the storefronts are comprised of undulating bays which serve to effectively widen the public realm, and break down the scale of the pedestrian realm into discrete units characteristic of the narrow storefronts found on Hayes Street. On the Ioy Street elevation, walk-up units at the ground floor and the setback at the fourth story relate to the more intimate pedestrian scale of the alley.

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

COMMERCE AND INDUSTRY ELEMENT:

Objectives and Policies

OBJECTIVE 6

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

Policy 6.4:

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

Policy 6.10:

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

The Project would replace an existing surface parking lot with an intense, mixed-use development suited to an urban context. The Project includes 41 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 approximately 3,700 square feet of ground-floor commercial uses. These retail activities will contribute to the economic vitality of the area, fulfill shopping needs for residents, and will activate the streetscape.

HOUSING ELEMENT:

Objectives and Policies

OBJECTIVE 1

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

Policy 1.1:

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

Policy 1.3

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

Policy 1.4:

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

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

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

OBJECTIVE 1.1

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

Policy 1.1.2:

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

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.

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 on 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 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 should include three-dimensional detailing; these may include bay windows, cornices, belt courses, window moldings, and reveals to create shadows and add interest.
- 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.
- Residential uses on the ground floor are encouraged on alleys.
- Encourage rooftop gardens as a form of common open space.
- If provided, off-street parking should be accessed via side streets or alleys where that is possible.

The proposed Project would be built to the property lines along all frontages, with two separate masses organized around a central courtyard. The ground-floor of the Hayes Street would have a well-defined, active base, including retail spaces with generous ceiling heights that are directly accessible from the sidewalk. The Project includes private open spaces, as well as common open spaces for in the form of a rooftop deck and a central courtyard. The unique architectural character of the Project, as well as the varied massing and details along each frontage building, creates an appropriate scale and relationship to the surrounding context. The Project provides minimal parking for the residences, encouraging occupants to travel by means other than private automobile use. The parking is accessed from a driveway on Ioy Street, preserving the Hayes Street frontage for active commercial uses and lobby space.

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 minimal parking for the residential uses, which 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.

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 new residents and visitors to 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. The Project includes five affordable units 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.

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. 2012.0081C** subject to the following conditions attached hereto as "EXHIBIT A" in general conformance with plans on file, dated July 11, 2013, and stamped "EXHIBIT B", which is incorporated herein by reference as though fully set forth.

The Planning Commission hereby adopts the CEQA findings contained in Planning Commission Motion No. 17406, incorporated herein as part of this motion, by this reference thereto, and 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 July 11, 2013.

Jonas P. Ionin
Acting Commission Secretary

AYES:

NAYS:

ABSENT:

ADOPTED: July 11, 2013

EXHIBIT A

AUTHORIZATION

This authorization is for a conditional use authorization to allow development on a lot exceeding 10,000 square feet for a Project to demolish an existing surface parking lot and construct a four-story mixed-use building containing approximately 41 dwelling units, 3,700 square feet of ground-floor commercial uses, and 20 off-street parking spaces, located at 450 Hayes Street (Block 0808, Lot 039), pursuant to Planning Code Sections 121.1 and 303, within the Hayes-Gough NCT District and the 40-X Height and Bulk District; in general conformance with plans, dated July 11, 2013, and stamped "EXHIBIT B" included in the docket for Case No. 2012.0081C and subject to conditions of approval reviewed and approved by the Commission on July 11, 2013 under Motion No XXXXXX. This authorization and the conditions contained herein run with the property and not with a particular Project Sponsor, business, or operator.

RECORDATION OF CONDITIONS OF APPROVAL

Prior to the issuance of the building permit or commencement of use for the Project the Zoning Administrator shall approve and order the recordation of a Notice in the Official Records of the Recorder of the City and County of San Francisco for the subject property. This Notice shall state that the project is subject to the conditions of approval contained herein and reviewed and approved by the Planning Commission on July 11, 2013 under Motion No XXXXXX.

PRINTING OF CONDITIONS OF APPROVAL ON PLANS

The conditions of approval under the 'Exhibit A' of this Planning Commission Motion No. XXXXXX shall be reproduced on the Index Sheet of construction plans submitted with the site or building permit application for the Project. The Index Sheet of the construction plans shall reference 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

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

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

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

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

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

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

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 the date that the Planning Code text amendment(s) and/or Zoning Map amendment(s) became effective.

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

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

Additional Project Authorization. The Project Sponsor must obtain a Project authorization under Section 134(e) for a modification of rear yard requirements and satisfy all the conditions thereof. The conditions set forth below are additional conditions required in connection with the Project. If these conditions overlap with any other requirement imposed on the Project, the more restrictive or protective condition or requirement, as determined by the Zoning Administrator, shall apply.

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

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 – COMPLIANCE AT PLAN STAGE

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

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

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 415-558-6378, www.sf-planning.org

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

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>

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

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

PARKING AND TRAFFIC

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

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

Bicycle Parking. The Project shall provide no fewer than 21 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

Parking Maximum. Pursuant to Planning Code Section 151.1, the Project shall provide no more than 21 off-street parking spaces.

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

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

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

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 415-558-6378, www.sf-planning.org

Affordable Units.

1. **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. Pursuant San Francisco Charter Section 16.110 (g) the 15% on-site requirement stipulated in Planning Code Section 415.6, is reduced by 3% (20% of 15%) to 12%. The Project contains 41 units; therefore, 5 affordable units are required. The Project Sponsor will fulfill this requirement by providing the 5 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 415-558-6378, www.sf-planning.org or the Mayor's Office of Housing at 415-701-5500, www.sf-moh.org.

2. **Unit Mix.** The Project contains 24 one-bedroom, 16 two-bedroom, and 1 three-bedroom unit; therefore, the required affordable unit mix is 3 one-bedroom and 2 two-bedroom units. If the market-rate unit mix changes, the affordable unit mix will be modified accordingly with written approval from Planning Department staff in consultation with MOH.

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.

3. **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 415-558-6378, www.sf-planning.org or the Mayor's Office of Housing at 415-701-5500, www.sf-moh.org.
4. **Phasing.** If any building permit is issued for partial phasing of the Project, the Project Sponsor shall have designated not less than twelve percent (12%) 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 415-558-6378, www.sf-planning.org or the Mayor's Office of Housing at 415-701-5500, www.sf-moh.org.
5. **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 415-558-6378, www.sf-planning.org or the Mayor's Office of Housing at 415-701-5500, www.sf-moh.org.
6. **Other Conditions.** The Project is subject to the requirements of the Inclusionary Affordable Housing Program under Section 415 et seq. of the Planning Code and City and County of San Francisco Inclusionary Affordable Housing Program Monitoring and Procedures Manual ("Procedures Manual"). The Procedures Manual, as amended from time to time, is incorporated herein by reference, as published and adopted by the Planning Commission, and as required by Planning Code Section 415. Terms used in these conditions of approval and not otherwise defined shall have the meanings set forth in the Procedures Manual. A copy of the Procedures Manual can be obtained at the MOH at 1 South Van Ness Avenue or on the Planning Department or Mayor's Office of Housing's websites, including on the internet at:
<http://sf-planning.org/Modules/ShowDocument.aspx?documentid=4451>.
As provided in the Inclusionary Affordable Housing Program, the applicable Procedures Manual is the manual in effect at the time the subject units are made available for sale.
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 rent, the affordable unit(s) shall be rented to qualifying households, as defined in the Procedures Manual, whose gross annual income, adjusted for household size, does not exceed an average fifty-five (55) 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 and subsequent rent level of such units shall be calculated according to the Procedures Manual. Limitations on (i) occupancy; (ii) lease changes; (iii) subleasing, 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 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 the intention to enter into an agreement with the City to qualify for a waiver from the Costa-Hawkins Rental Housing Act based upon the proposed density bonus and concessions (as defined in California Government Code Section 65915 et seq.) provided herein. The Project Sponsor has executed the Costa Hawkins agreement and will record a Memorandum of Agreement prior to issuance of the first construction document or must revert payment of the Affordable Housing Fee.
- 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.

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 415-558-6378, www.sf-planning.org

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 415-558-6378, www.sf-planning.org

MONITORING - AFTER ENTITLEMENT

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

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

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>

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>

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

EXHIBIT C: MITIGATION MONITORING AND REPORTING PROGRAM

| Adopted Mitigation Measures | MONITORING AND REPORTING PROGRAM | | | | |
|---|--|---|---|--|---|
| | Responsibility for Implementation | Mitigation Schedule | Mitigation Action | Monitoring/Reporting Responsibility | Monitoring Schedule |
| MITIGATION MEASURES AGREED TO BY PROJECT SPONSOR | | | | | |
| ARCHEOLOGICAL RESOURCES | | | | | |
| Mitigation Measure 1 - Soils Disturbing Activities (Mitigation Measure 5.6.A2 of the Market and Octavia FEIR) | Project sponsor. | Prior to issuance of building and/or site permit. | Project sponsor to retain archeological consultant to undertake archaeological monitoring program in consultation with Planning Department Environmental Review Officer (ERO) | ERO shall determine further mitigation required, following completion of final addendum to ARD/TP. | Considered complete upon Planning Department review of approval of addendum to ARD/TP or as appropriate approval of Final Archaeological Resources Report (FARR). |
| <p>Pursuant to Mitigation Measure 5.6.A2, any soils-disturbing activities proposed within this area shall be required to submit an addendum to the respective ARD/TP prepared by a qualified</p> <p>This measure shall apply to any project involving any soils disturbing activities including excavation, installation of foundations or utilities or soils remediation beyond a depth of four feet and located within those properties within the Project Area for which no archaeological assessment report has been prepared, including by a qualified Environmental Planning staff.</p> <p>For projects to which this mitigation measure applies, a Preliminary Archaeological Sensitivity Study (PASS) shall be prepared by an archaeological consultant with expertise in California prehistoric and urban historical archaeology. The PASS shall contain the following:</p> <ol style="list-style-type: none"> 1. The historical uses of the project site based on any previous archaeological documentation and Sanborn maps; 2. Types of archaeological resources/properties that may have been located within the project site and whether the archaeological resources/property types would potentially be eligible for listing in the California Register of Historical Resources (CRHR); 3. If 19th or 20th century soils-disturbing activities may adversely affect the identified potential archaeological resources; 4. Assessment of potential project effects in relation to the depth of any identified potential archaeological resource; | | | | | |

MONITORING AND REPORTING PROGRAM

| Adopted Mitigation Measures | Responsibility for Implementation | Mitigation Schedule | Mitigation Action | Monitoring/Reporting Responsibility | Monitoring Schedule |
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5. Assessment of whether any CRHR-eligible archaeological resources could be adversely affected by the proposed project and, as warranted, appropriate action.

Based on the PASS, the Environmental Review Officer (ERO) shall determine if an Archaeological Research Design/Treatment Plan (ARD/TP) shall be required to more definitively identify the potential for CRHR-eligible archaeological resources and determine the appropriate action necessary to reduce the potential effect of the project on archaeological resources to a less than significant level. The scope of the ARD/TP shall be determined in consultation with the ERO and consistent with the standards for archaeological documentation established by the State Office of Historic Preservation for purposes of compliance with CEQA.

Implementation of this mitigation measure would reduce archeological resource impacts to a less than significant level.

Air Quality

Project Mitigation Measure 2 – Short-term Construction Exhaust Emissions
(Mitigation Measure 5.8B of the Market and Octavia FEIR)

Project sponsor/
contractor(s).

Prior to issuance of a permit specified in Section 106A.3.2.6 of the Francisco Building Code.

Prepare and submit a Plan.

Project sponsor/
contractor(s) and
the ERO.

Considered complete on findings by ERO that Plan is complete.

A. *Construction Emissions Minimization Plan.* Prior to issuance of a construction permit, the project sponsor shall submit a Construction Emissions Minimization Plan (Plan) to the Environmental Review Officer (ERO) for review and approval by an Environmental Planning Air Quality Specialist. The Plan shall detail project compliance with the following requirements:

1. All off-road equipment greater than 25 hp and operating for more than 20 total hours over the entire duration of construction activities shall meet the following requirements:
 - a) Where access to alternative sources of power is

MONITORING AND REPORTING PROGRAM

| Adopted Mitigation Measures | Responsibility for Implementation | Mitigation Schedule | Mitigation Action | Monitoring/Reporting Responsibility | Monitoring Schedule |
|---|-----------------------------------|---------------------|-------------------|-------------------------------------|---------------------|
| available, portable diesel engines shall be prohibited; | | | | | |
| b) All off-road equipment shall have: | | | | | |
| i. Engines that meet or exceed either USEPA or ARB Tier 2 off-road emission standards, <i>and</i> | | | | | |
| ii. Engines that are retrofitted with an ARB Level 3 Verified Diesel Emissions Control Strategy (VDECS). ¹ | | | | | |
| c) Exceptions: | | | | | |
| i. Exceptions to A(1)(a) <i>may</i> be granted if the project sponsor has submitted information providing evidence to the satisfaction of the ERO that an alternative source of power is limited or infeasible at the project site and that the requirements of this exception provision apply. Under this circumstance, the sponsor shall submit documentation of compliance with A(1)(b) for onsite power generation. | | | | | |
| ii. Exceptions to A(1)(b)(ii) <i>may</i> be granted if the project sponsor has submitted information providing evidence to the satisfaction of the ERO that a particular piece of off-road equipment with an ARB Level 3 VDECS is: (1) technically not feasible, (2) would not produce desired emissions reductions due to expected operating modes, (3) installing the control device would create a safety hazard or impaired visibility for the operator, or (4) there is a compelling emergency need to use off-road equipment that are not retrofitted with an ARB Level 3 VDECS and the sponsor has submitted documentation to the ERO that the requirements of this exception provision apply. If granted an exception to A(1)(b)(ii), the project sponsor | | | | | |

¹ Equipment with engines meeting Tier 4 Interim or Tier 4 Final emission standards automatically meet this requirement, therefore a VDECS would not be required.

MONITORING AND REPORTING PROGRAM

| Adopted Mitigation Measures | Responsibility for Implementation | Mitigation Schedule | Mitigation Action | Monitoring/Reporting Responsibility | Monitoring Schedule |
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must comply with the requirements of A(1)(c)(iii).

iii. If an exception is granted pursuant to A(1)(c)(ii), the project sponsor shall provide the next cleanest piece of off-road equipment as provided by the step down schedules in Table A1 below.

**TABLE A1
OFF-ROAD EQUIPMENT COMPLIANCE STEP DOWN
SCHEDULE***

| Compliance Alternative | Engine Emission Standard | Emissions Control |
|------------------------|--------------------------|-------------------|
| 1 | Tier 2 | ARB Level 2 VDECS |
| 2 | Tier 2 | ARB Level 1 VDECS |
| 3 | Tier 2 | Alternative Fuel* |

*How to use the table. If the requirements of (A)(1)(b) cannot be met, then the project sponsor would need to meet Compliance Alternative 1. Should the project sponsor not be able to supply off-road equipment meeting Compliance Alternative 1, then Compliance Alternative 2 would need to be met. Should the project sponsor not be able to supply off-road equipment meeting Compliance Alternative 2, then Compliance Alternative 3 would need to be met.

**Alternative fuels are not a VDECS

2. The project sponsor shall require the idling time for off-road and on-road equipment be limited to no more than *two* minutes, except as provided in exceptions to the

MONITORING AND REPORTING PROGRAM

| Adopted Mitigation Measures | Responsibility for Implementation | Mitigation Schedule | Mitigation Action | Monitoring/Reporting Responsibility | Monitoring Schedule |
|--|-----------------------------------|---------------------|-------------------|-------------------------------------|------------------------|
| <p>applicable state regulations regarding idling for off-road and on-road equipment. Legible and visible signs shall be posted in multiple languages (English, Spanish, Chinese) in designated queuing areas and at the construction site to remind operators of the two minute idling limit.</p> | | | | | |
| <p>3. The project sponsor shall require that construction operators properly maintain and tune equipment in accordance with manufacturer specifications.</p> | | | | | |
| <p>4. The Plan shall include estimates of the construction timeline by phase with a description of each piece of off-road equipment required for every construction phase. Off-road equipment descriptions and information may include, but is not limited to: equipment type, equipment manufacturer, equipment identification number, engine model year, engine certification (Tier rating), horsepower, engine serial number, and expected fuel usage and hours of operation. For VDECS installed: technology type, serial number, make, model, manufacturer, ARB verification number level, and installation date and hour meter reading on installation date. For off-road equipment using alternative fuels, reporting shall indicate the type of alternative fuel being used.</p> | | | | | |
| <p>5. The Plan shall be kept on-site and available for review by any persons requesting it and a legible sign shall be posted at the perimeter of the construction site indicating to the public the basic requirements of the Plan and a way to request a copy of the Plan. The project sponsor shall provide copies of Plan to members of the public as requested.</p> | | | | | |
| <p><i>B. Reporting.</i> Monthly reports shall be submitted to the ERO</p> | Project sponsor/ | Monthly. | Submit monthly | Project sponsor/ contractor(s) and | Considered complete on |

MONITORING AND REPORTING PROGRAM

| Adopted Mitigation Measures | Responsibility for Implementation | Mitigation Schedule | Mitigation Action | Monitoring/Reporting Responsibility | Monitoring Schedule |
|--|--|---|---|--|--|
| <p>indicating the construction phase and off-road equipment information used during each phase including the information required in A(4). In addition, for off-road equipment using alternative fuels, reporting shall include the actual amount of alternative fuel used.</p> | contractor(s). | | reports. | the ERO. | findings by ERO that Plan is being/was implemented. |
| <p>Within six months of the completion of construction activities, the project sponsor shall submit to the ERO a final report summarizing construction activities. The final report shall indicate the start and end dates and duration of each construction phase. For each phase, the report shall include detailed information required in A(4). In addition, for off-road equipment using alternative fuels, reporting shall include the actual amount of alternative fuel used.</p> | | Within six months of completion of construction activities. | Submit a final report of construction activities. | | |
| <p><i>C. Certification Statement and On-site Requirements.</i> Prior to the commencement of construction activities, the project sponsor must certify (1) compliance with the Plan, and (2) all applicable requirements of the Plan have been incorporated into contract specifications. Refer to Appendix E for the Certification Statement.</p> | Project sponsor/ contractor(s). | Prior to construction activities requiring the use of off-road equipment. | Submit certification statement. | Project sponsor / contractor(s) and the ERO. | Considered complete on submittal of certification statement. |
| <p>Wind</p> | Project sponsor. | During project design & development phase. | Prepare and submit Plans. | Planning Department | Considered complete upon design review by Planning Department. |
| <p>Project Mitigation Measure 3 – All New Construction (Mitigation Measure 5.5.B2 of the Market and Octavia FEIR)</p> <p>The following standards for reduction of ground-level wind currents shall be applied to all new construction in the Project Area:</p> <ul style="list-style-type: none"> • New building and additions to existing buildings shall be shaped, or other wind baffling measures shall be adopted, so that the development will not cause year-round ground-level wind currents to exceed, more than 10 percent of the time between 7:00 AM and 6:00 PM, the | | | | | |

MONITORING AND REPORTING PROGRAM

| Adopted Mitigation Measures | Responsibility for Implementation | Mitigation Schedule | Mitigation Action | Monitoring/Reporting Responsibility | Monitoring Schedule |
|---|-----------------------------------|--|---------------------------|--|--|
| <p>comfort level of 11 mph equivalent wind speed in areas of pedestrian use and seven mph equivalent wind speed in public seating areas. When pre-existing ambient wind speeds exceed the comfort levels specified above, the building shall be designed to reduce the ambient wind speeds in efforts to meet the goals of this requirement.</p> | | | | | |
| <ul style="list-style-type: none"> • An exception to this requirement may be permitted, but only if and to the extent that the project sponsor demonstrates that the building or addition cannot be shaped or wind baffling measures cannot be adopted without unduly restricting the development potential of the building site in question. • The exception may permit the building or addition to increase the time that the comfort level is exceeded, but only to the extent necessary to avoid undue restriction of the development potential of the site. • Notwithstanding the above, no exception shall be allowed and no building or addition shall be permitted that causes equivalent wind speeds to reach or exceed the hazard level of 26 mph for a single hour of the year. • For the purpose of this Section, the term “equivalent wind speed” shall mean an hourly wind speed adjusted to incorporate the effects of gustiness or turbulence on pedestrians. | | | | | |
| <i>Shadow</i> | | | | | |
| <p>Project Mitigation Measure 4 – Shadow on Non-Section 295 Open Space (Mitigation Measure 5.5A2 of the Market and Octavia FEIR)</p> | Project sponsor. | During project design & development phase. | Prepare and submit Plans. | Planning Department & Recreation and Parks | Considered complete upon design review by Planning |

MONITORING AND REPORTING PROGRAM

| Adopted Mitigation Measures | Responsibility for Implementation | Mitigation Schedule | Mitigation Action | Monitoring/Reporting Responsibility | Monitoring Schedule |
|--|--|---|---|--|--|
| <p>Where the building height exceeds 50 feet shall be shaped, consistent with the dictates of good design and without unduly restricting the development potential of the project site, to reduce substantial shadow impacts on public plazas and other publicly accessible spaces other than those protected under Section 295. The degree of shadow impact should be determined by the amount of area shaded, the duration of the shadow, and the importance of sunlight to the type of open space being shaded.</p> | | | | Department. | Department. |
| <p>Geology and Soils</p> | | | | | |
| <p>Project Mitigation Measure 5 – Construction-related Soils (Mitigation Measure 5.11A of the Market and Octavia FEIR)</p> | Project sponsor. | During construction. | Implement BMP erosion control features | Project sponsor/DBI. | On-site monitoring by project sponsor and DBI. |
| <p>Best Management Practices (BMP) erosion control features shall be developed with the following objectives and basic strategy: protect disturbed areas through minimization and duration of exposure; control surface runoff and maintain low runoff velocities; trap sediment onsite; and minimize length and steepness of slopes.</p> | | | | | |
| <p>Hazards and Hazardous Materials</p> | | | | | |
| <p>Project Mitigation Measure 5 – Site Mitigation Plan (Mitigation Measure 5.10A of the Market and Octavia FEIR)</p> | Project sponsor. | SMP should be submitted at least six weeks prior to beginning construction excavation work. | Submit a SMP, health and safety plan and dust control plan to San Francisco Department of Public Health (DPH) | Project sponsor/DPH. | Considered complete upon submittal of SMP. |
| <p>A site mitigation plan (SMP) must be prepared to address the testing and management of contaminated soils, contingency response actions, worker health and safety, dust control plan, storm water related items, and noise control. The SMP should address:</p> | | Health and Safety Plan may be submitted two weeks prior to beginning construction field work. | | | |
| <ul style="list-style-type: none"> • Proposed vertical and lateral extent of excavation; • Proposed building locations and configurations; • Management options for contaminated soils; • If onsite treatment to immobilize metals will be | | | | | |

MONITORING AND REPORTING PROGRAM

| Adopted Mitigation Measures | Responsibility for Implementation | Mitigation Schedule | Mitigation Action | Monitoring/Reporting Responsibility | Monitoring Schedule |
|--|-----------------------------------|---------------------|-------------------|-------------------------------------|---------------------|
| <p>performed, include a description of the process and its effectiveness;</p> <ul style="list-style-type: none"> • Identify the proposed soil transporter and disposal locations; • Collection of confirmation samples in the excavation area following excavation. The approximate number and proposed locations for sampling; • The site clean up level for lead of 200 mg/kg; • Soil samples should be analyzed for the appropriate TPH ranges and metals; • Dust control plan and measures per San Francisco Health Code Article 22B; • Contingency Plan that describes the procedures for controlling, containing, remediating, testing and disposing of any unexpected contaminated soil, water, or other material; • Site specific Health and Safety Plan; and • Storm Water Control and Noise Control protocols as applicable. | | | | | |

If confirmation samples exceed residential clean up guidelines, additional excavation should be performed, or “other mitigating measures” acceptable to DPH implemented. Alternative additional excavation and sampling could be performed or other mitigation measure may be proposed, if necessary.

Should an underground storage tank be encountered, it shall be removed under permit with the SFDPH-HMUPA and the SFFD.

The SMP should be submitted at least six weeks prior to beginning construction excavation work. The Health and Safety Plan may be submitted two weeks prior to beginning construction field work.

Additional measures to protect the community generally shall

MONITORING AND REPORTING PROGRAM

| Adopted Mitigation Measures | Responsibility for Implementation | Mitigation Schedule | Mitigation Action | Monitoring/Reporting Responsibility | Monitoring Schedule |
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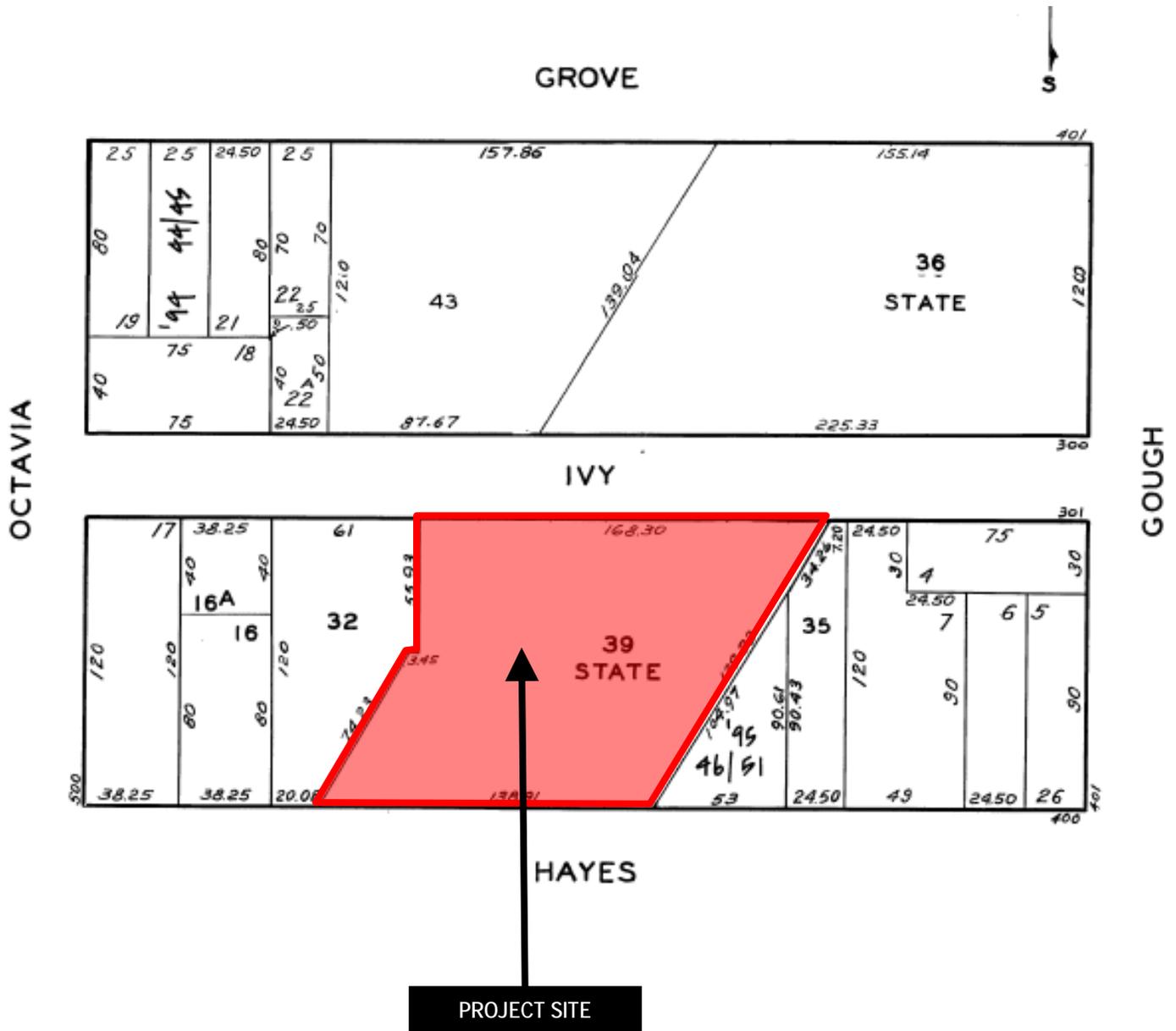
include:

- Airborne particulates shall be minimized by wetting exposed soils, as appropriate, containing runoff, and tarping over-night and weekends;
- Storage stockpiles shall be minimized, where practical, and properly labeled and secured;
- Vehicle speeds across unpaved areas shall not exceed 15 mph to reduce dust emissions;
- Activities shall be conducted so as not to track contaminants beyond the regulated area;
- Misting, fogging, or periodic dampening shall be utilized to minimize fugitive dust, as appropriate; and/or
- Contaminants and regulated areas shall be properly maintained.

The SMP shall be submitted for review and approval by DPH prior to the commencement of any excavation work. A six week lead time is recommended for review of the SMP. The Health and Safety Plan may be submitted two weeks prior to beginning construction field work.

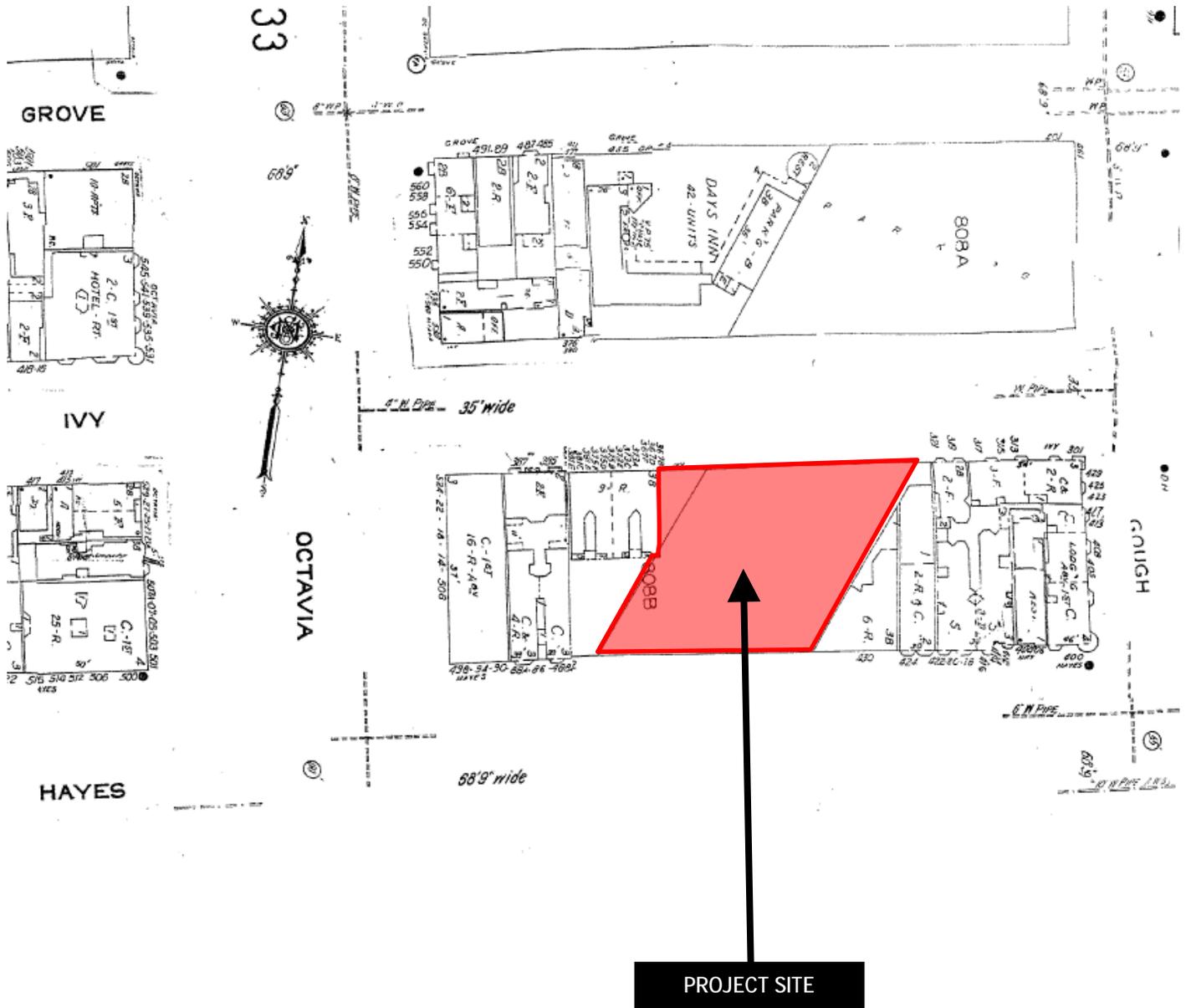
The SMP would be monitored under the supervision of DPH-SAM.

Parcel Map



Conditional Use Authorization
 Case Number 2012.0081CV
 450 Hayes Street

Sanborn Map*



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



Conditional Use Authorization
Case Number 2012.0081CV
450 Hayes Street

Aerial Photo



PROJECT SITE



Conditional Use Authorization
Case Number 2012.0081CV
450 Hayes Street

Aerial Photo



PROJECT SITE



Conditional Use Authorization
Case Number 2012.0081CV
450 Hayes Street

Zoning Map



Conditional Use Authorization
Case Number 2012.0081CV
450 Hayes Street



June 4, 2013

Mr. Mark MacDonald
DM Development
448 Linden Street
San Francisco, CA 94102

Re: 450 Hayes Street Project

Dear Mr. MacDonald,

On behalf of the San Francisco Housing Action Coalition (SFHAC), I am pleased to inform you of our enthusiastic endorsement of your 450 Hayes Street project. Following review and discussion, our Endorsement Committee believes the project has many merits and will make a substantial contribution to SFHAC's mission of increasing the supply of well-designed, well-located housing in San Francisco. We believe that it embodies appropriate urban design principles and meets the needs of both present and future San Franciscans.

A copy of the endorsement guidelines we applied in reviewing your project is attached. The proposed project meets our guidelines in the following ways:

Project Description:

Your project proposes a four-story, mixed-use development comprised of a total of 41 units with a ground-level mix of retail and residential.

Land Use:

Your project embodies the SFHAC's endorsement guidelines. The project consists of housing above ground-floor retail along Hayes Street. This concept is consistent with the Market-Octavia Area Plan as well with the overall neighborhood pattern.

Density:

The SFHAC applauds your efforts to utilize the entirety of the available space while respecting the adjacent neighborhood scale. The project occupies essentially the entire site and its height reaches the maximum allowed on the Hayes and Ivy Street frontages. Overall, the project's floor area is at or near the maximum achievable that provides a good unit mix of one-bedroom, two-bedroom and three-bedroom residential units.

Affordability:

You indicated that the project does not plan to include on-site inclusionary housing. Rather, you plan to pay the *in lieu* fee or provide six off-site affordable units within a one-mile radius from the project, consistent with ordinance.

Mr. Mark MacDonald
June 4, 2013
Page 2

We understand that the project will, in addition, be responsible for payment of the supplementary Market-Octavia affordable housing fee.

Alternative Transportation and Parking:

The project will provide 20 unbundled, on-site parking spaces for 41 units (less than a ratio of 0.5 to 1), which is permissible as-of right under the Code. Garage access from Ivy Street is our preference, given Hayes Street being a major retail street. The project is adjacent to several bicycle routes and the SFHAC is excited to see that it will provide at least 48 bicycle spaces, which exceeds the Code requirements.

The Project will be richly served to transit, particularly along Market Street. However, Grove, McAllister, Haight Streets and Van Ness Avenue also contain major bus routes. In addition, the project is within easy walking distance of many employers and services, which should further encourage a large percentage of non-vehicular trips.

Historic Preservation:

There are no structures of significant or cultural merit on the site and the Project respects the presence of existing historical resources in the vicinity.

Urban Design:

This project promotes the principles of good urban design and will enhance the rapidly evolving Hayes Valley neighborhood. The size and scale of the design is compatible with many nearby comparably scaled buildings, including at 300 Ivy, 300 Linden, 280 Fell, 333 Fell, 525 Gough, 440 Grove Street, 365 Fulton Street.

The project offers a beautiful modern design, which features a modern expression of the traditional "bay window" on both the Hayes and Ivy Street frontages. The building incorporates scattered angled bay windows designed to mirror the uniquely angled site geometry rather than the more traditional squared bays. Matching this unique approach, the overall cladding is primarily vertical wood planks arranged in a scattered pattern in reaction to the scattered bay windows. A residential entry is located on Hayes Street and two commercial tenant spaces with 15 ft. ceiling heights are set on both sides of the residential entry. Commercial storefront glazing system is set back from the street in an undulating wave-like pattern to mirror the site geometry. Open space is provided, both on the roof, where it will provide residents access to light and views, as well as the easily accessible podium-level central courtyard. Access to the garage is provided through a single curb cut on Ivy Street.

Environmental Features:

The SFHAC commends the architect for implementing creative design to minimize energy use. The project features a landscaped courtyard at center of a double bar building layout. The double bar layout creates southern exposure for units located on Hayes Street as well as along the interior courtyard, which helps provide light and air into the units. The project also features planters containing a storm water management filtration system.

Mr. Mark MacDonald
June 4, 2013
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Community Input:

The SFHAC commends you for having conducted numerous meetings with neighborhood representatives, both with groups as well as one-on-one meetings with individuals as necessary, including residents from neighboring buildings. You indicated that you held a pre-application meeting on July 2, 2012. At that meeting, attended by a representative of the Hayes Valley Neighborhood Association and a number of nearby residents, there was no opposition expressed and many positive comments were made about the proposed design.

Thank you for submitting this project to the SFHAC Endorsements Committee for our review. Please keep us abreast of any changes or updates with this project. We are pleased to support your excellent project as it moves forward. Let us know how we may be of assistance.

Sincerely,

Tim Colen, Executive Director

ENDORSEMENT GUIDELINES

Adopted January 2010

The SFHAC will consider endorsing housing developments and mixed-use projects with a housing component. The following guidelines will be used to evaluate the project:

Land Use: Housing should be an appropriate use of the site given the context of the adjacent properties and the surrounding neighborhood and should enhance neighborhood livability.

Density: The project should take full advantage of the maximum unit density and/or building envelope, allowable under the zoning rules.

Affordability: The need for affordable housing, including middle income (120-150 of median) housing, is a critical problem and SFHAC gives special support to projects that propose creative ways to expand or improve unit affordability beyond the legally mandated requirements.

Parking and Alternative Transportation: SFHAC expects the projects it endorses to include creative strategies to reduce the need for parking, such as ample bicycle storage, provision of space for car-share vehicles on-site or nearby, un-bundling parking cost from residential unit cost, and measures to incentivize transit use. Proximity to transit should result in less need for parking.

In districts with an as-of-right maximum and discretionary approval up to an absolute maximum, SFHAC will support parking exceeding the as-of-right maximum only to the extent the Code criteria for doing so are clearly met. In districts where the minimum parking requirement is one parking space per residential unit (1:1), the SFHAC will not, except in extraordinary circumstances, support a project with parking in excess of that amount.

Preservation: If there are structures of significant historic or cultural merit on the site, their retention and/ or incorporation into the project is encouraged. If such structures are to be demolished, there should be compelling reasons for doing so.

Urban Design: The project should promote principles of good urban design: Where appropriate, contextual design that is compatible with the adjacent

streetscape and existing neighborhood character while at the same time utilizing allowable unit density: pleasant and functional private and/or common open space; pedestrian, bicycle and transit friendly site planning; and design treatments that protect and enhance the pedestrian realm, with curb cuts minimized and active ground floor uses provided. Projects with a substantial number of multiple bedroom units should consider including features that will make the project friendly to families with children.

Environmental Features: SFHAC is particularly supportive of projects that employ substantial and/or innovative measures that will enhance their sustainability and reduce their carbon footprint.

Community Input: Projects for which the developer has made a good faith effort to communicate to the community and to address legitimate neighborhood concerns, without sacrificing SFHAC's objectives, will receive more SFHAC support.



SAN FRANCISCO PLANNING DEPARTMENT

Residential Pipeline

ENTITLED HOUSING UNITS 2007 TO Q1 2012

State law requires each city and county to adopt a Housing Element as a part of its general plan. The State Department of Housing and Community Development (HCD) determines a Regional Housing Need Allocation (RHNA) that the Housing Element must address. The need is the minimum number of housing units that a region must plan for in each RHNA period.

This table represents all development projects adding residential units that have been entitled since January 2007. The total number of entitled units is tracked by the San Francisco Planning Department, and is updated quarterly in coordination with the Pipeline Report. Subsidized housing units, including moderate and low income units, are tracked by the Mayor's Office of Housing, and are also updated quarterly.

| 2012 - QUARTER 1 | RHNA Allocation 2007-2014 | Units Entitled To Date | Percent Entitled |
|---|------------------------------|---------------------------|---------------------|
| Total Units Entitled¹ | 31,193 | 11,130 | 35.7% |
| Above Moderate (> 120% AMI) | 12,315 | 7,457 | 60.6% |
| Moderate Income (80-120% AMI) | 6,754 | 360 | 5.3% |
| Low Income (< 80% AMI) | 12,124 | 3,313 | 27.3% |

¹ Total does not include entitled major development projects such as Treasure Island,, Candlestick, and Park Merced. While entitled, these projects are not projected to be completed within the current RHNA reporting period (through June 2014).

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

Reception:
415.558.6378

Fax:
415.558.6409

Planning
Information:
415.558.6377

Affidavit for Compliance with the Inclusionary Affordable Housing Program: Planning Code Section 415

7/1/13
Date

I, Craig Hamburg, do hereby declare as follows:

a. The subject property is located at (address and block/lot):

450 Hayes Street
Address

0808/039
Block / Lot

b. The proposed project at the above address is subject to the Inclusionary Affordable Housing Program, Planning Code Section 415 et seq.

The Planning Case Number and/or Building Permit Number is:

2012.0081E
Planning Case Number

2013-0626-0573
Building Permit Number

This project requires the following approval:

- Planning Commission approval (e.g. Conditional Use Authorization, Large Project Authorization)
- This project is principally permitted.

The Current Planner assigned to my project within the Planning Department is:

Kevin Guy
Planner Name

Is this project within the Eastern Neighborhoods Plan Area?

- Yes (if yes, please indicate Tier) _____
- No

This project is exempt from the Inclusionary Affordable Housing Program because:

- This project uses California Debt Limit Allocation Committee (CDLAC) funding.
- This project is 100% affordable.

c. This project will comply with the Inclusionary Affordable Housing Program by:

- Payment of the Affordable Housing Fee prior to the first site or building permit issuance (Planning Code Section 415.5).
- On-site or Off-site Affordable Housing Alternative (Planning Code Sections 415.6 and 416.7).

d. If the project will comply with the Inclusionary Affordable Housing Program through an **On-site** or **Off-site Affordable Housing Alternative**, please fill out the following regarding how the project is eligible for an alternative and the accompanying unit mix tables on page 4.

- Ownership.** All affordable housing units will be sold as ownership units and will remain as ownership units for the life of the project.
- Rental.** Exemption from Costa Hawkins Rental Housing Act.² The Project Sponsor has demonstrated to the Department that the affordable units are not subject to the Costa Hawkins Rental Housing Act, under the exception provided in Civil Code Sections 1954.50 through one of the following:
 - Direct financial contribution from a public entity.
 - Development or density bonus or other public form of assistance.
 - Development Agreement with the City. The Project Sponsor has entered into or has applied to enter into a Development Agreement with the City and County of San Francisco pursuant to Chapter 56 of the San Francisco Administrative Code and, as part of that Agreement, is receiving a direct financial contribution, development or density bonus, or other form of public assistance.

e. The Project Sponsor acknowledges that failure to sell the affordable units as ownership units or to eliminate the on-site or off-site affordable ownership-only units at any time will require the Project Sponsor to:

- (1) Inform the Planning Department and the Mayor's Office of Housing and, if applicable, fill out a new affidavit;
- (2) Record a new Notice of Special Restrictions; and
- (3) Pay the Affordable Housing Fee plus applicable interest (using the fee schedule in place at the time that the units are converted from ownership to rental units) and any applicable penalties by law.

f. The Project Sponsor must pay the Affordable Housing Fee in full sum to the Development Fee Collection Unit at the Department of Building Inspection for use by the Mayor's Office of Housing prior to the issuance of the first construction document, with an option for the Project Sponsor to defer a portion of the payment to prior to issuance of the first certificate of occupancy upon agreeing to pay a deferral surcharge that would be deposited into the Citywide Affordable Housing Fund in accordance with Section 107A.13.3 of the San Francisco Building Code.

g. I am a duly authorized officer or owner of the subject property.

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct. Executed on this day in:

Location 448 Linden Street, SF CA 94102

Date 7/01/13

Signature 

Name (Print), Title Craig Hamburg, Vice President

cc: Mayor's Office of Housing
 Planning Department Case Docket
 Historic File, if applicable
 Assessor's Office, if applicable

Contact Phone Number 415 692 5054

² California Civil Code Section 1954.50 and following.

Unit Mix Tables

| NUMBER OF ALL UNITS IN PRINCIPAL PROJECT: | | | | | |
|---|-----|---------|-------------------|-------------------|---------------------|
| Total Number of Units | SRO | Studios | One-Bedroom Units | Two-Bedroom Units | Three-Bedroom Units |
| 41 | | | 24 | 16 | 1 |

If you selected an On-site or Off-Site Alternative, please fill out the applicable section below:

- On-site Affordable Housing Alternative (Charter Section 16.110 (g) and Planning Code Section 415.6): calculated at 12% of the unit total.

| NUMBER OF AFFORDABLE UNITS TO BE LOCATED ON-SITE | | | | | |
|--|-----|---------|-------------------|-------------------|---------------------|
| Total Affordable Units | SRO | Studios | One-Bedroom Units | Two-Bedroom Units | Three-Bedroom Units |
| | | | 3 | 2 | |

- Off-site Affordable Housing Alternative (Planning Code Section 415.7): calculated at 20% of the unit total.

| NUMBER OF AFFORDABLE UNITS TO BE LOCATED OFF-SITE | | | | | |
|--|-----|----------------------------|-------------------|---|---------------------|
| Total Affordable Units | SRO | Studios | One-Bedroom Units | Two-Bedroom Units | Three-Bedroom Units |
| | | | | | |
| Area of Dwellings in Principal Project (in sq. feet) | | Off-Site Project Address | | | |
| Area of Dwellings in Off-Site Project (in sq. feet) | | | | | |
| Off-Site Block/Lot(s) | | Motion No. (if applicable) | | Number of Market-Rate Units in the Off-site Project | |

- Combination of payment of a fee, on-site affordable units, or off-site affordable units with the following distribution:

Indicate what percent of each option would be implemented (from 0% to 99%) and the number of on-site and/or off-site below market rate units for rent and/or for sale.

1. Fee _____ % of affordable housing requirement.
2. On-Site _____ % of affordable housing requirement.

| NUMBER OF AFFORDABLE UNITS TO BE LOCATED ON-SITE | | | | | |
|--|-----|---------|-------------------|-------------------|---------------------|
| Total Affordable Units | SRO | Studios | One-Bedroom Units | Two-Bedroom Units | Three-Bedroom Units |
| | | | | | |

3. Off-Site _____ % of affordable housing requirement.

| NUMBER OF AFFORDABLE UNITS TO BE LOCATED OFF-SITE | | | | | |
|--|-----|----------------------------|-------------------|---|---------------------|
| Total Affordable Units | SRO | Studios | One-Bedroom Units | Two-Bedroom Units | Three-Bedroom Units |
| | | | | | |
| Area of Dwellings in Principal Project (in sq. feet) | | Off-Site Project Address | | | |
| Area of Dwellings in Off-Site Project (in sq. feet) | | | | | |
| Off-Site Block/Lot(s) | | Motion No. (if applicable) | | Number of Market-Rate Units in the Off-site Project | |

| CONTACT INFORMATION AND DECLARATION OF SPONSOR OF PRINCIPAL PROJECT | CONTACT INFORMATION AND DECLARATION OF SPONSOR OF OFF-SITE PROJECT (IF DIFFERENT) |
|--|---|
| Company Name <i>Hayes Valley Street Hayes Valley LLC</i> | Company Name |
| Print Name of Contact Person <i>Craig Hamburg</i> | Print Name of Contact Person |
| Address <i>448 Linden St.</i> | Address |
| City, State, Zip <i>San Francisco CA 94102</i> | City, State, Zip |
| Phone, Fax <i>415 692 5054 / 5059</i> | Phone, Fax |
| Email <i>ch@ddgpartners.com</i> | Email |
| I hereby declare that the information herein is accurate to the best of my knowledge and that I intend to satisfy the requirements of Planning Code Section 415 as indicated above.  | I hereby declare that the information herein is accurate to the best of my knowledge and that I intend to satisfy the requirements of Planning Code Section 415 as indicated above. |
| Signature <i>Craig Hamburg, Vice President</i> | Signature |
| Name (Print), Title | Name (Print), Title |



450 Hayes Street

San Francisco, California

DM DEVELOPMENT | DDG PARTNERS LLC

HANDEL ARCHITECTS LLP

project team and experience



8 OCTAVIA, SAN FRANCISCO, CA

Design

We give careful consideration to the design of space and the selection of materials to create exceptional properties with distinctive character. We define ourselves by the impeccable quality of our work and our uncompromising attention to detail.

Living

Our goal is to build innovative modern living spaces that are unrivaled in their style and comfort, creating luxurious environments that anticipate residents' needs and desires. We take pride in crafting each property to match the unique character of a given neighborhood and to fashion a quality of life that exceeds expectations.

Community

We strive for our projects to enhance, enrich, and enliven the spaces where people live, work, and play. Through our developments, we aspire to transform the built environment, strengthen communities, and create a greater sense of place. We have a unique ability to think differently and a passion to build projects and communities that inspire.



400 GROVE, SAN FRANCISCO, CA

Philosophy

DDG is at the forefront of the next generation in real estate investment and development, combining a passion for real estate investing with a defined vision for innovative design and lifestyle.

Our goal is to create the highest quality product across all property types in every market we operate.

For those who reside in, work in or visit one of our properties, the DDG brand offers an experience and quality of life that is unrivaled.

HANDEL ARCHITECTS LLP



MILLENIUM TOWER, SAN FRANCISCO, CA

Handel Architects LLP is an architecture, interior design, and planning firm that began in New York City in 1994. Founded by Gary Handel, the firm has grown to include more than a hundred architects, interior designers, planners and support staff in New York City, San Francisco, Hong Kong and Abu Dhabi. The firm has gained national and international recognition for work such as the Ritz-Carlton in Washington, DC, and the World Trade Center Memorial in Lower Manhattan.

Handel Architects has won numerous Design Awards and is regularly featured in architectural journals and design publications. The firm's clients range from private developers to publicly funded organizations to institutional and not-for-profit groups.



NOVE RESIDENCES, SAN FRANCISCO, CA

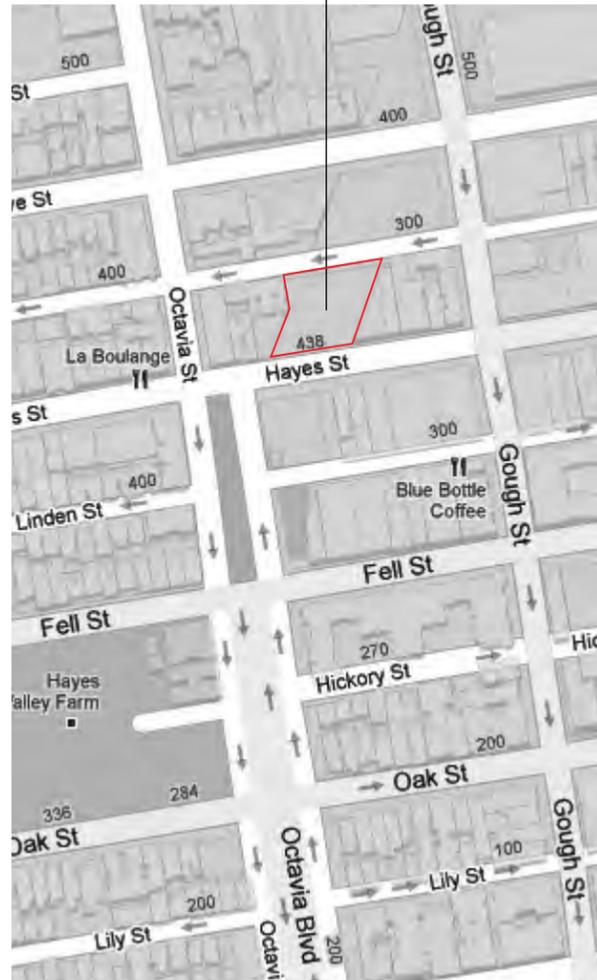
project description

REAR YARD MODIFICATION & VARIATION

The following addresses the findings required for a waiver or modification under Section 134(e) from the rear yard requirements, as well as findings for the variances requested from Planning Code requirements for usable open space (Section 135).

Under Section 134(e) the waiver or modification of the rear yard requirement is subject to the procedure for the granting of variances, but substantively is subject to the specific findings set out in Section 134(e), and not the criteria applicable for variances. Therefore, the findings for the Section 134(e) rear yard waiver or modification will be set forth separately, with the variance findings applicable to usable open space.

PROJECT LOCATION:
450 HAYES STREET
PARCEL J
SAN FRANCISCO, CA



CODE DATA

I. APPLICABLE CODES:

- A. 2010 CALIFORNIA BUILDING CODE AS AMENDED BY THE CITY OF SAN FRANCISCO
- B. 2010 CALIFORNIA MECHANICAL CODE AS AMENDED BY THE CITY OF SAN FRANCISCO
- C. 2010 CALIFORNIA PLUMBING CODE AS AMENDED BY THE CITY OF SAN FRANCISCO
- D. 2010 CALIFORNIA ELECTRICAL CODE AS AMENDED BY THE CITY OF SAN FRANCISCO
- E. 2010 CALIFORNIA STATE FIRE CODE AS AMENDED BY THE CITY OF SAN FRANCISCO
- F. ACCESSIBILITY PER TITLE 24, CALIFORNIA CODE OF REGULATIONS
- G. ENERGY PER TITLE 24, CALIFORNIA CODE OF REGULATIONS
- H. LIFE SAFETY CODE, 1999 NFPA 72
- I. NFPA 13, 2007 ED
- J. NFPA 14, 2007 ED.
- K. NFPA 24, 2007 ED.

II. PLANNING SUMMARY:

- A. DISTRICT: NCT - HAYES-GOUGH
- B. CLASSIFICATION: R-2
- C. BLOCK: 0808
- D. LOT: 039
- 1. LOT AREA: 17,399 SF
- 2. ALLOWABLE HEIGHT: 40'-X; 40'+ADDITIONAL 5' HEIGHT ALLOWED FOR GROUND FLOOR ACTIVE USES
- 3. F.A.R.: N/A (PER SFPC SEC. 270)
- 4. REAR YARD SETBACK: 25% FOR THE TOTAL DEPTH OF THE LOT = 4,168 SF
- 5. GROSS AREA: 64,470

III. BUILDING CODE SUMMARY:

- A. CONSTRUCTION CLASSIFICATION: TYPE IIIA ONE HOUR
- B. BUILDING OCCUPANCY CLASSIFICATION: R-3
- C. FIRE RESISTANCE RATING OF ALL BUILDING ELEMENTS: 1 HOUR, THROUGHOUT (CBC 606.1)

IV. FIRE PROTECTION / LIFE SAFETY FACTORS

- 1. AUTOMATIC SPRINKLER SYSTEM THROUGHOUT
 - a. NFPA 13 IN DWELLINGS
 - b. NFPA 13 IN GARAGE
- 2. AUTOMATIC FIRE ALARM SYSTEM

RESIDENTIAL UNIT SUMMARY

| BASEMENT / GROUND FLOOR | |
|------------------------------------|-----------|
| TYPE A - 1 BEDROOM LOFT + GARDEN | 6 |
| TYPE B - 1 BEDROOM LOFT + GARDEN | 1 |
| SECOND FLOOR | |
| TYPE C - 1 BEDROOM + TERRACE | 1 |
| TYPE D - 1 BEDROOM | 2 |
| TYPE E - 2 BEDROOMS | 1 |
| TYPE F - 2 BEDROOMS | 1 |
| TYPE G - 1 BEDROOM | 2 |
| TYPE H - 1 BEDROOM | 1 |
| TYPE I - 2 BEDROOMS | 1 |
| TYPE J - 1 BEDROOM | 3 |
| TYPE K - 2 BEDROOMS | 1 |
| THIRD FLOOR | |
| TYPE D - 1 BEDROOM | 2 |
| TYPE E - 2 BEDROOMS | 1 |
| TYPE F - 2 BEDROOMS | 1 |
| TYPE G - 1 BEDROOM | 2 |
| TYPE H - 1 BEDROOM | 1 |
| TYPE I - 2 BEDROOMS | 1 |
| TYPE J - 1 BEDROOM | 3 |
| TYPE K - 2 BEDROOMS | 1 |
| TYPE L - 2 BEDROOMS | 1 |
| FOURTH FLOOR | |
| TYPE M - 2 BEDROOMS + ROOF TERRACE | 1 |
| TYPE N - 3 BEDROOMS + ROOF TERRACE | 1 |
| TYPE O - 2 BEDROOMS + ROOF TERRACE | 1 |
| TYPE P - 2 BEDROOMS + TERRACE | 1 |
| TYPE Q - 2 BEDROOMS + TERRACE | 3 |
| TYPE R - 2 BEDROOMS + TERRACE | 1 |
| TOTAL UNITS | 41 |

| UNIT TYPE SUMMARY | | |
|--------------------|-----|-----------|
| 1 BEDROOM UNITS | 59% | 24 |
| 2 BEDROOMS UNITS | 39% | 16 |
| 3 BEDROOMS UNITS | 2% | 1 |
| TOTAL UNITS | | 41 |

CAR PARKING SUMMARY

NONE REQUIRED, NO CITY CAR SHARE REQUIRED (>50 UNITS); PERMITTED UP TO .5 SPACES / UNIT

| | |
|----------------|-----------|
| PARKING SPACES | 20 |
| CAR SHARE | 0 |
| TOTAL | 20 |

BIKE PARKING SUMMARY

REQUIRED, ONE CLASS 1 SPACE / 2 DWELLING UNITS

| | |
|-----------------|----|
| REQUIRED SPACES | 21 |
| PROVIDED SPACES | 48 |

PROJECT TEAM

OWNER

448 LINDEN STREET
SAN FRANCISCO, CA 94102
415 692 5060

ARCHITECT

HANDEL ARCHITECTS, LLP
735 MARKET STREET, 2ND FLOOR
SAN FRANCISCO, CA 94103
415 495 5588

STRUCTURAL ENGINEER

DOLMEN STRUCTURAL ENGINEERS, INC.
2595 MISSION STREET, SUITE 200
SAN FRANCISCO, CA 94110
415 409 9206

MECHANICAL / ELECTRICAL / PLUMBING ENGINEER

ACIES ENGINEERING
111 W. EVELYN AVENUE, SUITE 301
SUNNYVALE, CA 94086
408 522 5260

LANDSCAPE ARCHITECT

MARTA FRY LANDSCAPE ARCHITECTS
315 LINDEN STREET
SAN FRANCISCO, CA 94102
415 543 8203

CIVIL ENGINEER

KPFF CONSULTING ENGINEERS
221 MAIN STREET, SUITE 800
SAN FRANCISCO, CA 94105
415 989 1004

WATERPROOFING CONSULTANT

SIMPSON GUMPERTZ HEGGER INC.
THE LANDMARK @ ONE MARKET, SUITE 600
SAN FRANCISCO, CA 94105
415 495 3700

CODE CONSULTANT

ARS CONSULTING
301 JUNIPERO SERRA BLVD., SUITE 270
SAN FRANCISCO, CA 94127
415 333 8080

ACOUSTICAL ENGINEER

WILSON IHRING & ASSOCIATES
6001 SHELLMOUND ST., SUITE 400
EMERYVILLE, CA 94608
510 658 6719

DRAWING LIST

PROJECT DESCRIPTION

- G.1 Project Information
- G.2 Site Setback Diagrams
- G.3 Exhibit - Easement Diagram

SITE HISTORY AND CONTEXT

- G.4 Hayes Valley - Site History Diagram
- G.5 Hayes Valley - Project Site Image
- G.6 Hayes Valley - Freeway Removal
- G.7 Hayes Valley - Current
- G.8 Aerial Photo of Hayes Valley

PLANS, ELEVATIONS AND SECTION

- A.1 Site Plan
- A.2 Building Elevation
- A.3 Building Elevation
- A.4 Building Section
- A.5 Floor Plan - Basement
- A.6 Floor Plan - Ground Floor
- A.7 Floor Plan - 2nd Floor
- A.8 Floor Plan - 3rd Floor
- A.9 Floor Plan - 4th Floor
- A.10 Roof Plan

EXTERIOR RENDERINGS

- A.11 Hayes Street Rendering - Facade View
- A.12 Hayes Street Rendering - View Looking West
- A.13 Ivy Street Rendering - Facade View
- A.14 Ivy Street Rendering - View Looking West

RETAIL

- A.15 Facade Study - Description
- A.16 Hayes Street Partial Plan and Elevation
- A.17 Typical Retail Bay
- A.18 Section - Retail Storefront

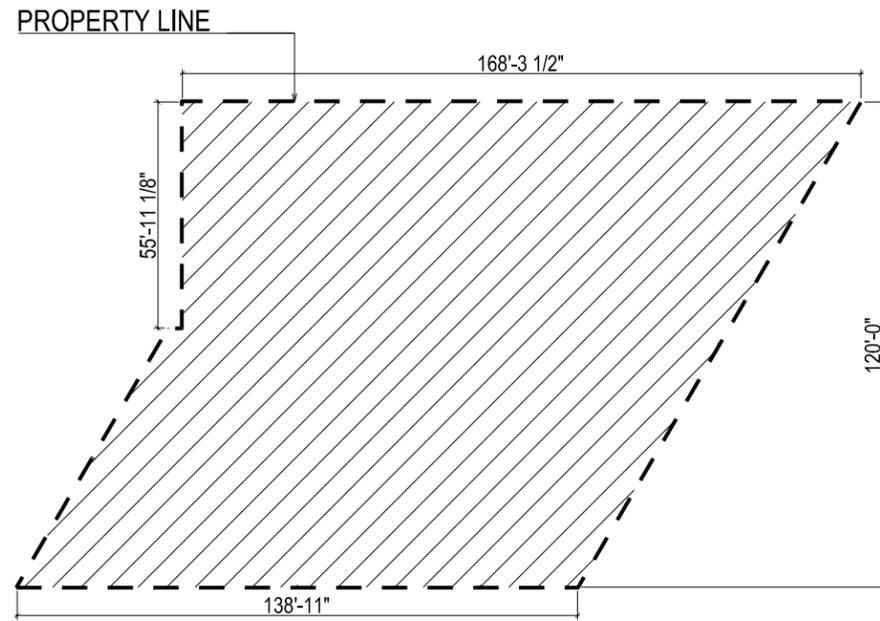
PUBLIC SPACE RENDERINGS

- A.19 Illustrative Landscape Plan - Ground Floor
- A.20 Common Open Space - Courtyard Materials
- A.21 Common Open Space - Courtyard Plantings
- A.22 Residential Lobby Rendering Looking from Hayes Street
- A.23 Residential Lobby Rendering Looking towards Hayes Street
- A.24 Residential Lobby Rendering - West Elevation
- A.25 Residential Lobby Rendering - West Elevation

UNIT PLAN AND INTERIOR RENDERINGS

- A.26 4th Floor Two Bedroom Terrace Unit
- A.27 Living / Dining / Kitchen / Banquette Rendering
- A.28 Living / Dining / Kitchen / Banquette Rendering
- A.29 Rendered View from Terrace
- A.30 Rendered View from Entry

SITE BOUNDARY DIAGRAM

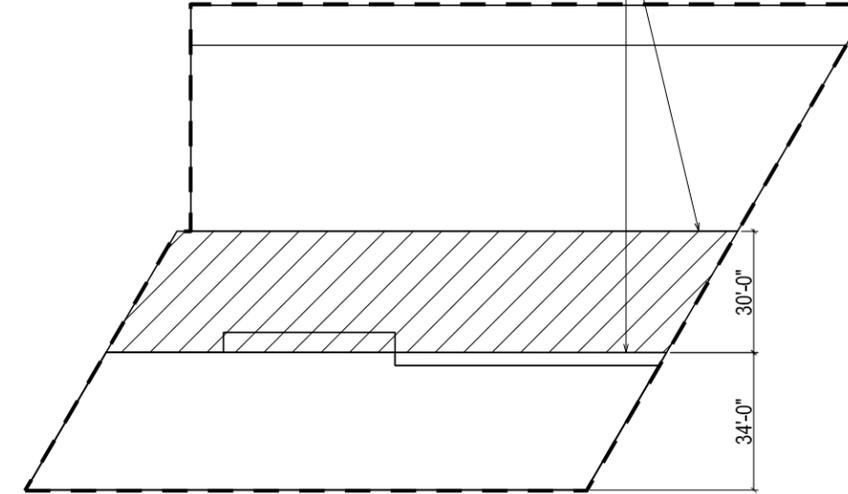


SITE AREA = 17,399 SQ FT

25% REAR YARD SETBACK DIAGRAM

REAR YARD SETBACK

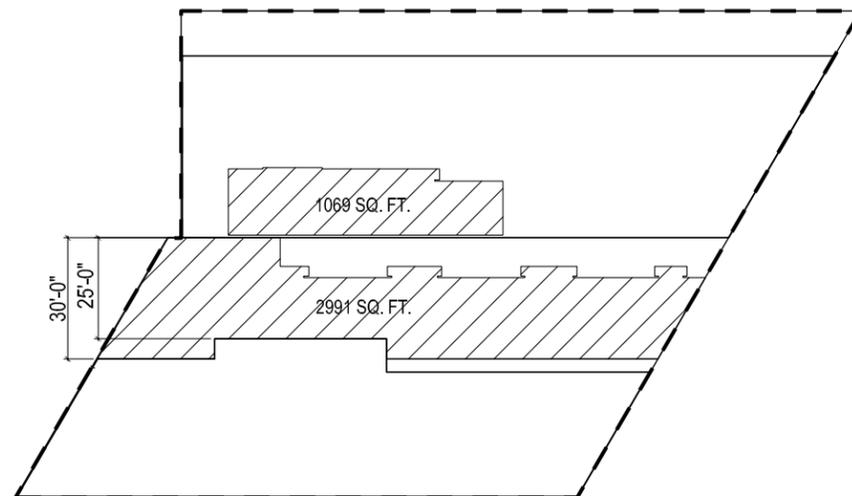
REQUIRED AT THE LOWEST STORY CONTAINING A DWELLING UNIT AND AT EACH SUCCEEDING LEVEL OF THE BUILDING. REAR YARD SETBACK MAY BE RELOCATED ELSEWHERE ON SITE.



AREA REQUIRED = 4,168 SQ FT
AREA PROVIDED = 4,178 SQ FT

COMMON OPEN SPACE

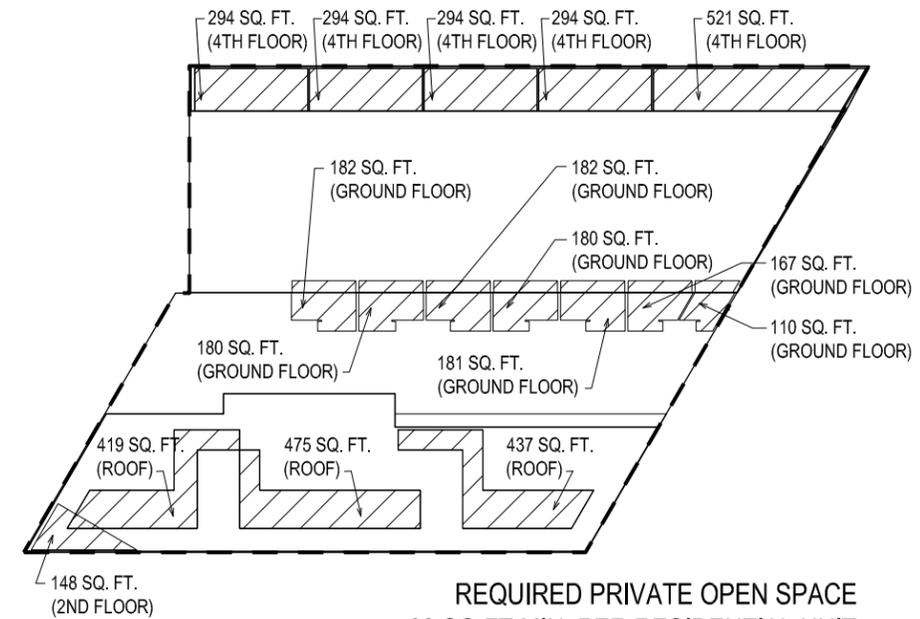
COMMON OPEN SPACE = 60 SQ. FT. X 1.33 PER DWELLING UNIT MIN.



REQUIRED COMMON OPEN SPACE
(25 units)(1.33)(60 SQ FT MIN.) = 1,995 SQ FT
PROVIDED = 4,060 SQ FT

PRIVATE OPEN SPACE

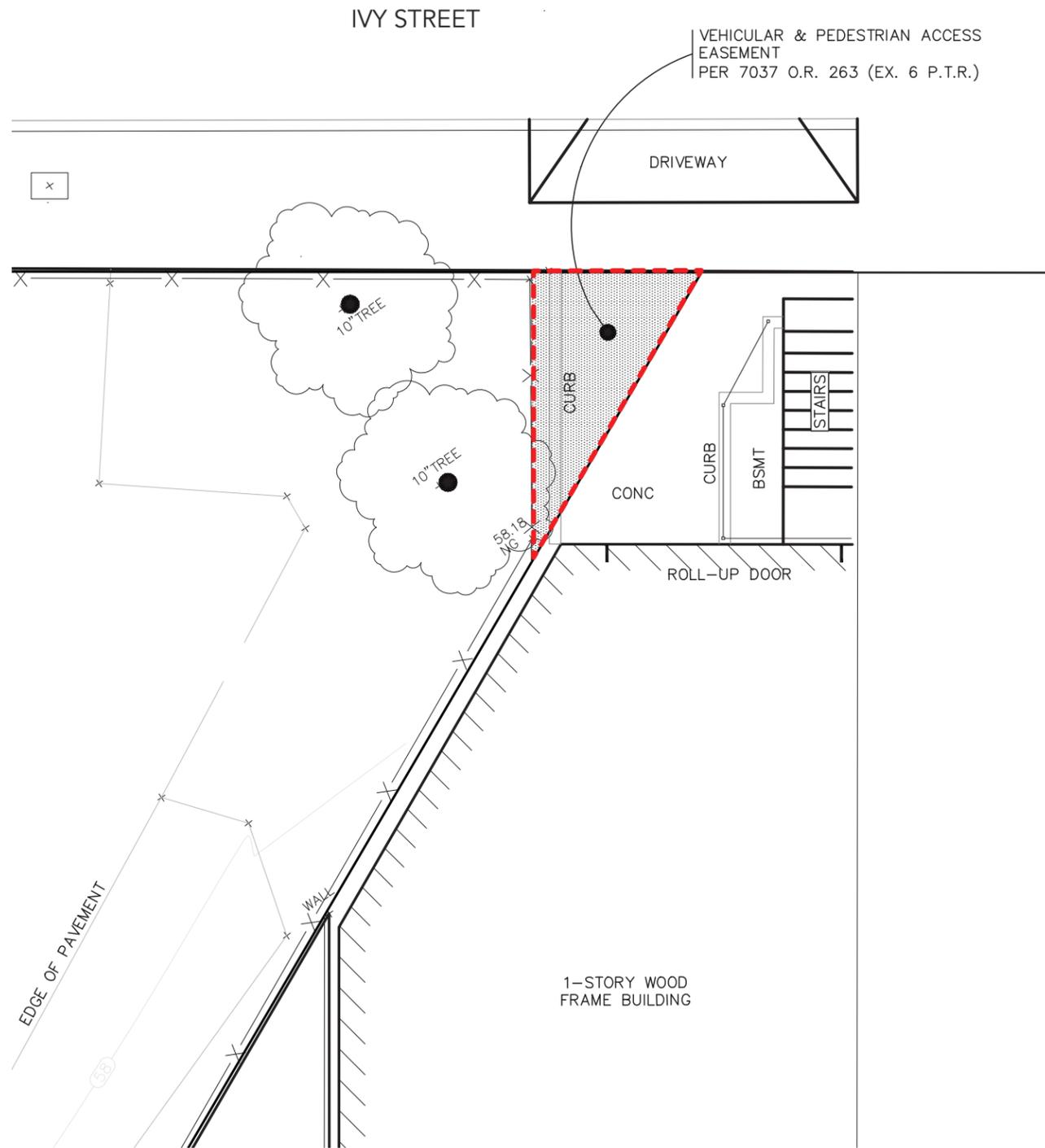
PRIVATE OPEN SPACE = 60 SQ. FT. PER DWELLING UNIT MIN.



REQUIRED PRIVATE OPEN SPACE
60 SQ FT MIN. PER RESIDENTIAL UNIT
PROVIDED FOR 16 UNITS

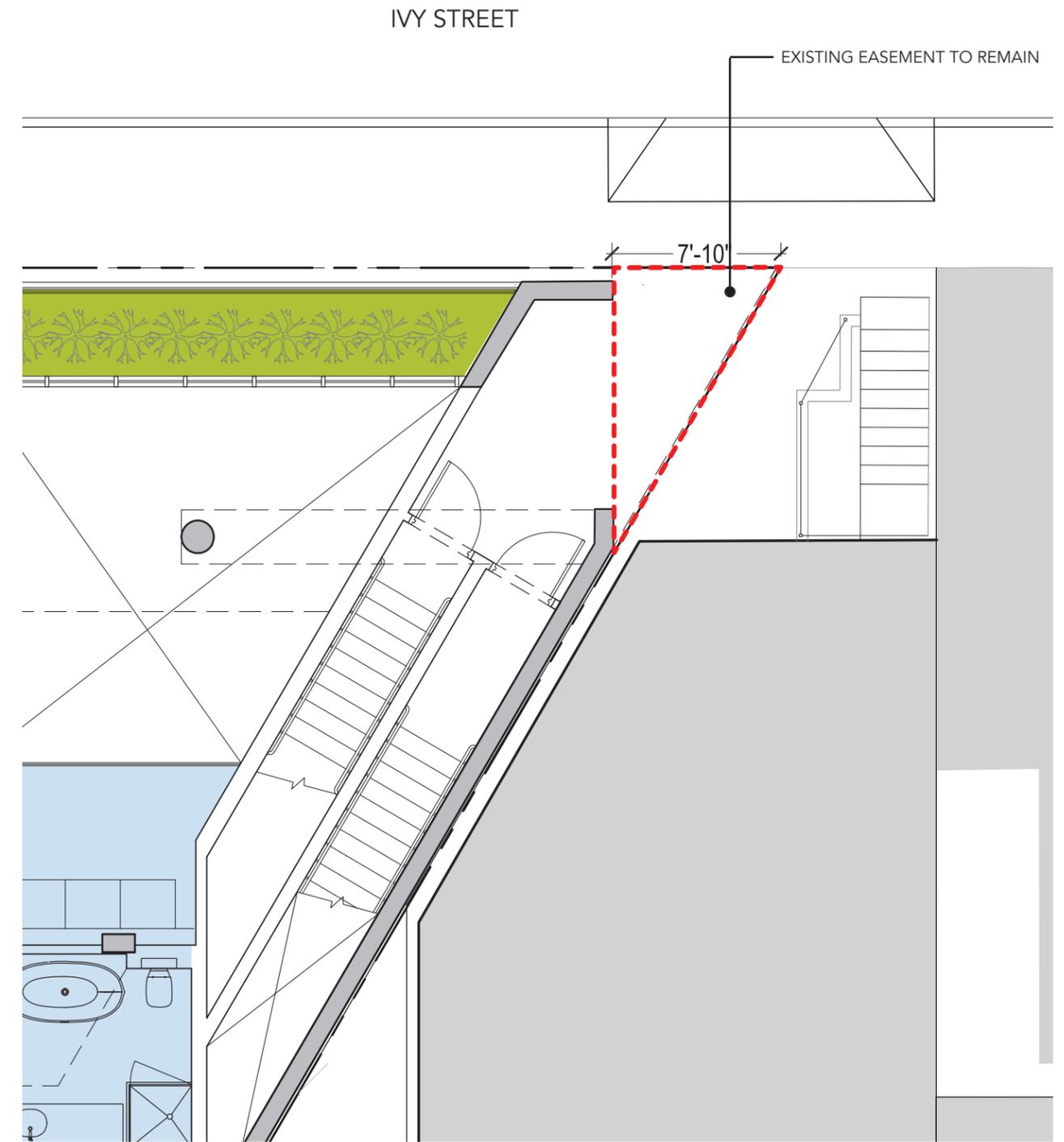
SCALE: NTS





EXISTING PARTIAL SITE SURVEY
ZANETTI SURVEYING & MAPPING

SCALE: NTS

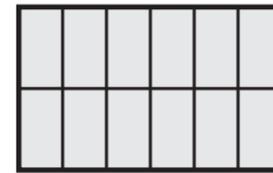


PROPOSED GROUND FLOOR PLAN AT NORTH-EAST EASEMENT

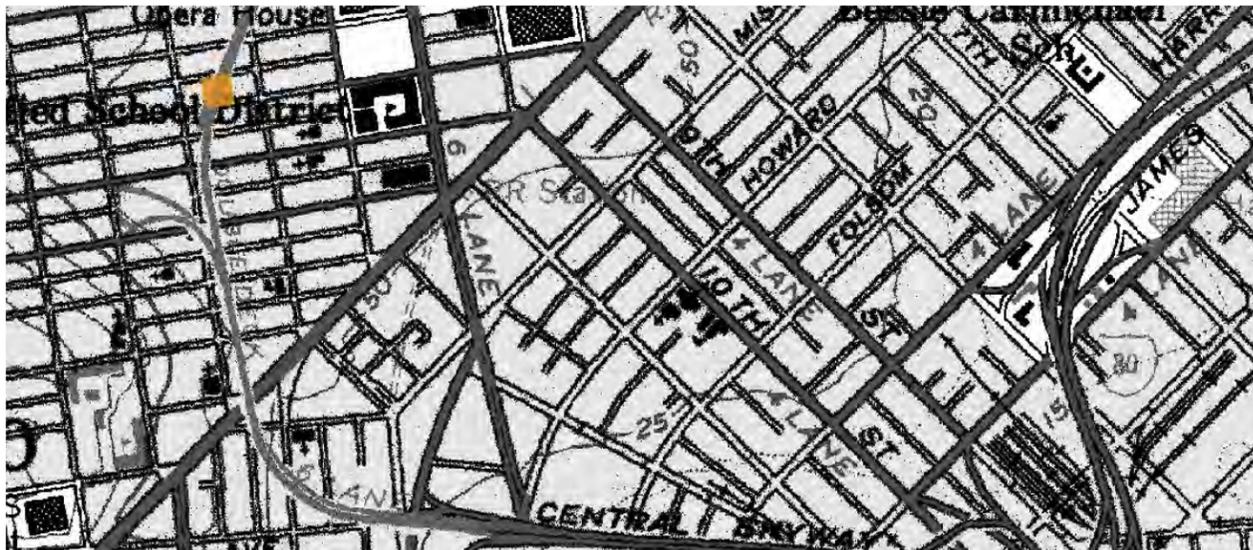
site history and context



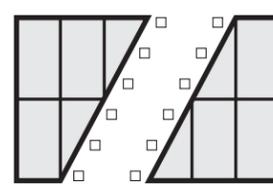
1853



50 VARA BLOCK



CENTRAL FREEWAY
PRE LOMA PRIETA



POST LOMA PRIETA
TO PRESENT DAY

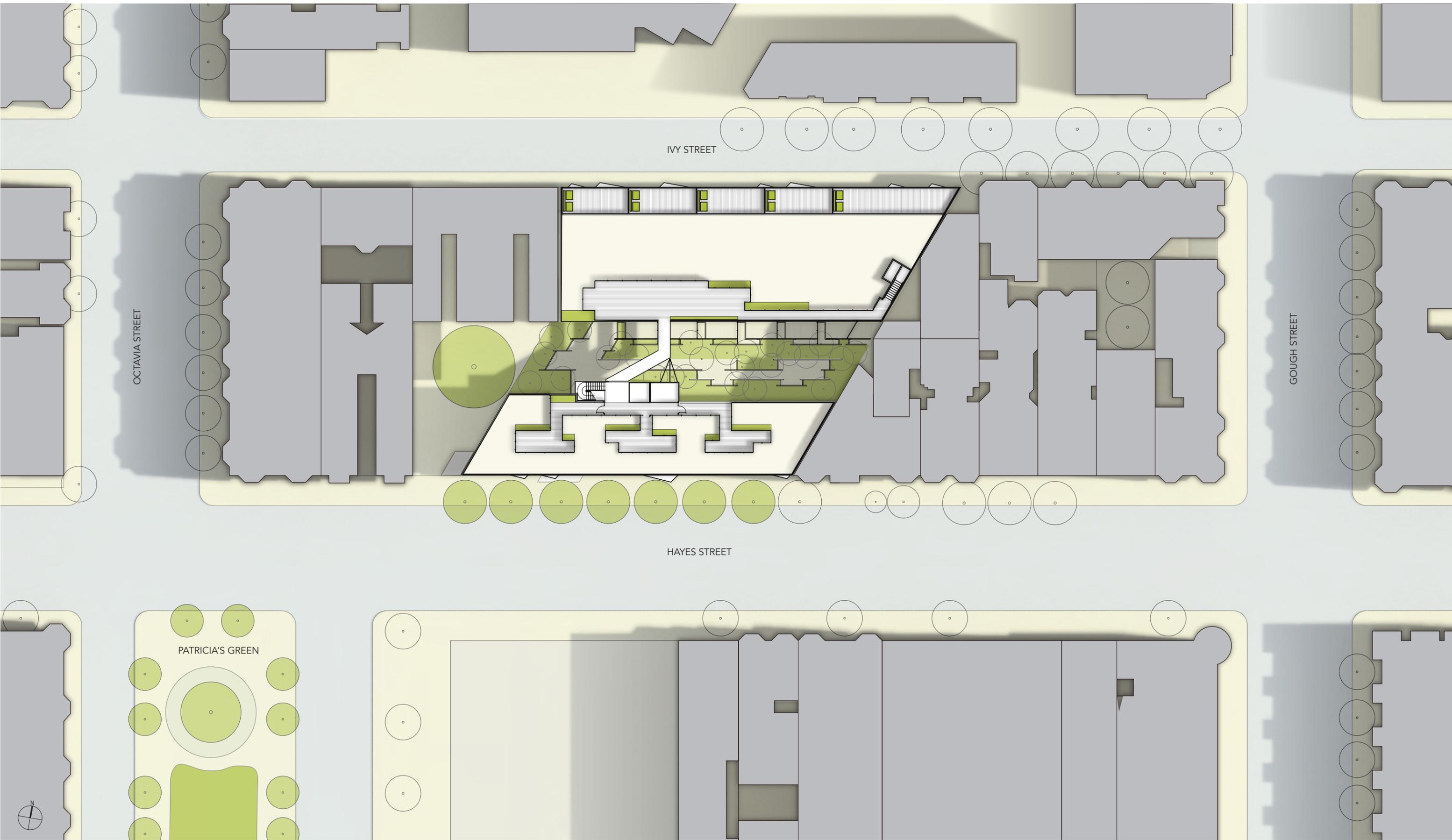








plans and section





HAYES STREET ELEVATION

MATERIAL LEGEND

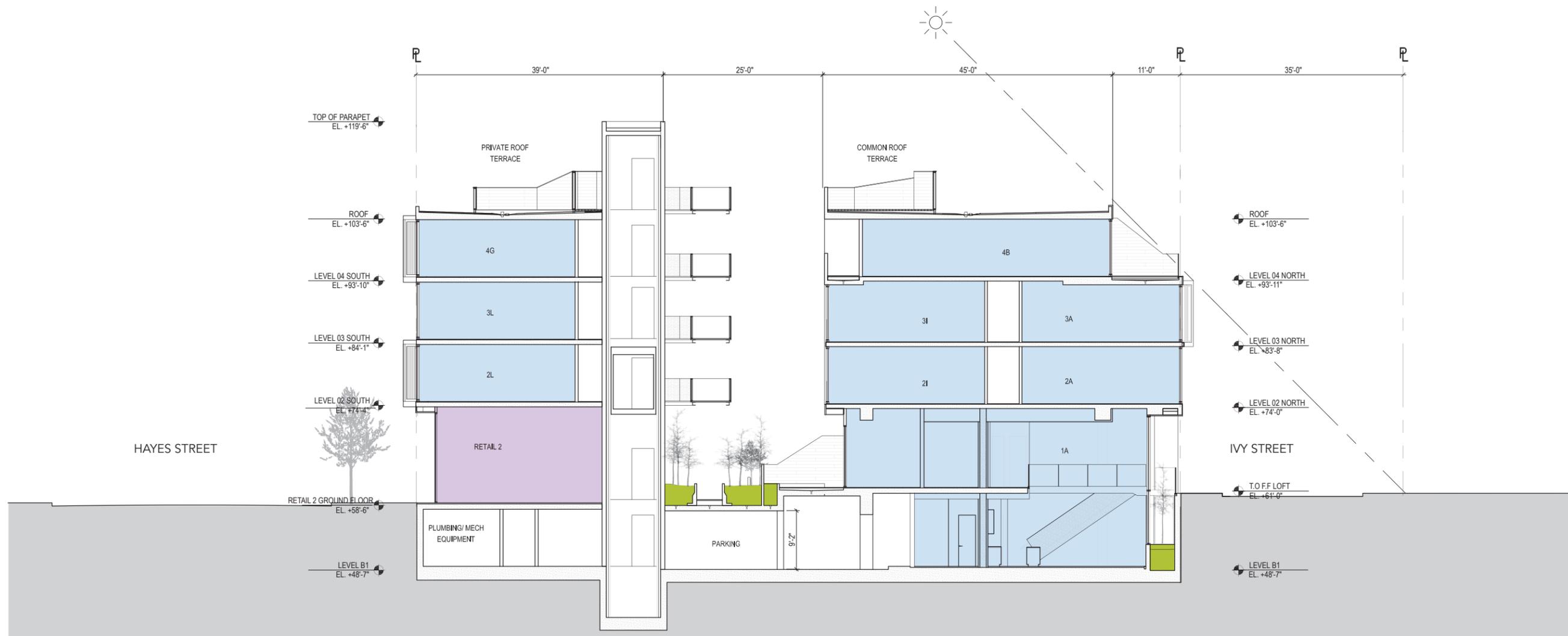
1. IPE LOUVER PANEL & ALUMINUM FRAME CASEMENT WINDOW SYSTEM
2. ALUMINUM FRAME SLIDING WINDOW SYSTEM
3. ALUMINUM FRAME CASEMENT WINDOW SYSTEM
4. TEMPERED LOW-IRON STOREFRONT BUTT-JOINT GLAZING SYSTEM
5. TEMPERED & LAMINATED LOW-IRON GLASS RAIL SYSTEM
6. ARCHITECTURAL SITE CAST CONCRETE WITH WHITE INTEGRAL COLOR ADMIXTURE AND CLEAR ELASTOMERIC COATING
7. OPEN JOINT FIBER CEMENT PANEL
8. OPEN JOINT 3/4" IPE WOOD PANEL
9. METAL FASCIA PANEL
10. PERFORATED METAL PANEL
11. ALUMINUM FRAME FIXED WINDOW
12. ALUMINUM FRAME CURTAIN WALL SYSTEM
13. IPE WOOD & STEEL POST FENCE
14. PERFORATED METAL ROLL-UP DOOR
15. FLUSH MOUNTED MAIL SLOT & BOX
16. ALUMINUM FRAME TERRACE DOOR
17. FIBER CEMENT PANEL
18. PERFORATED METAL DOOR & GATE
19. METAL FRAME RETAIL DOOR W/FIBER CEMENT PANEL
20. TEMPERED LOW-IRON GLASS FRAMED DOOR W/PERFORATED METAL PANEL
21. TEMPERED LOW-IRON SLOPED GLAZING SYSTEM



IVY STREET ELEVATION

MATERIAL LEGEND

- 1. IPE LOUVER PANEL & ALUMINUM FRAME CASEMENT WINDOW SYSTEM
- 2. ALUMINUM FRAME SLIDING WINDOW SYSTEM
- 3. ALUMINUM FRAME CASEMENT WINDOW SYSTEM
- 4. TEMPERED LOW-IRON STOREFRONT BUTT-JOINT GLAZING SYSTEM
- 5. TEMPERED & LAMINATED LOW-IRON GLASS RAIL SYSTEM
- 6. ARCHITECTURAL SITE CAST CONCRETE WITH WHITE INTEGRAL COLOR ADMIXTURE AND CLEAR ELASTOMERIC COATING
- 7. OPEN JOINT FIBER CEMENT PANEL
- 8. OPEN JOINT 3/4" IPE WOOD PANEL
- 9. METAL FASCIA PANEL
- 10. PERFORATED METAL PANEL
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- 12. ALUMINUM FRAME CURTAIN WALL SYSTEM
- 13. IPE WOOD & STEEL POST FENCE
- 14. PERFORATED METAL ROLL-UP DOOR
- 15. FLUSH MOUNTED MAIL SLOT & BOX
- 16. ALUMINUM FRAME TERRACE DOOR
- 17. FIBER CEMENT PANEL
- 18. PERFORATED METAL DOOR & GATE
- 19. METAL FRAME RETAIL DOOR W/FIBER CEMENT PANEL
- 20. TEMPERED LOW-IRON GLASS FRAMED DOOR W/PERFORATED METAL PANEL
- 21. TEMPERED LOW-IRON SLOPED GLAZING SYSTEM





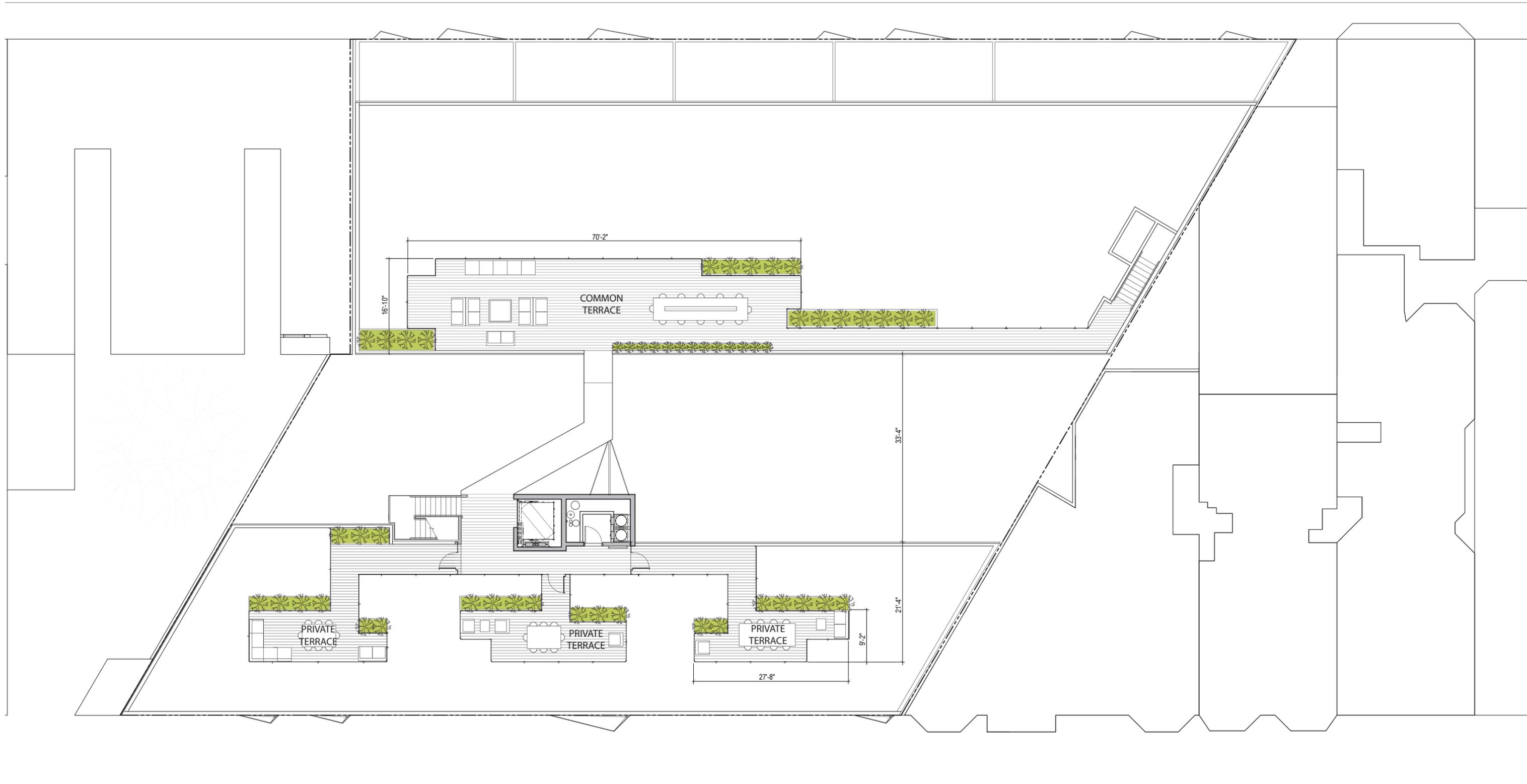
IVY STREET











exterior renderings



A.11 Hayes Street Rendering - Facade View



A.12 Hayes Street Rendering - View Looking West





A.14 Ivy Street Rendering - View Looking West

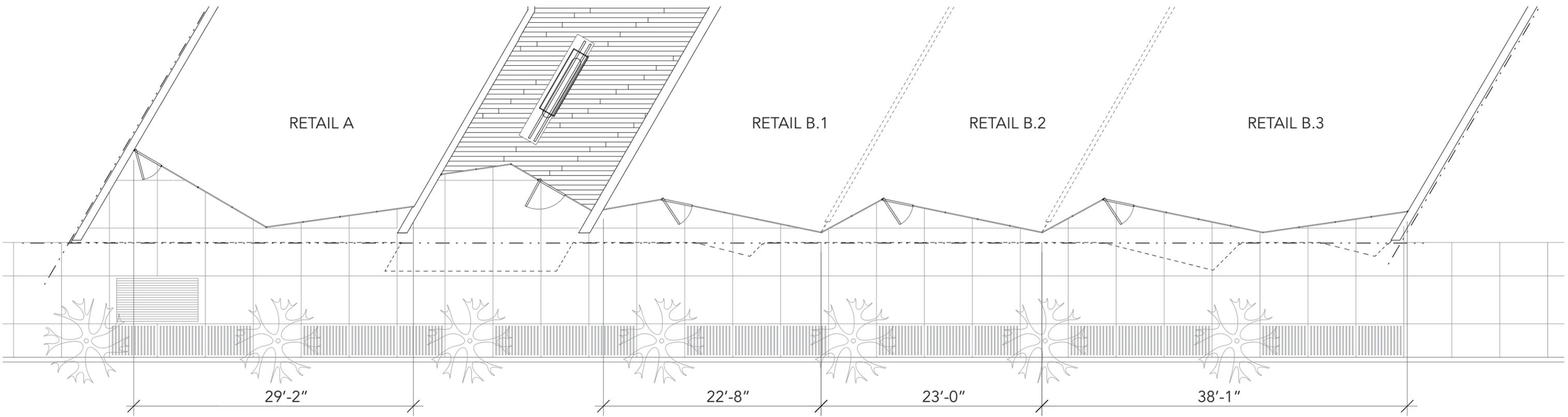
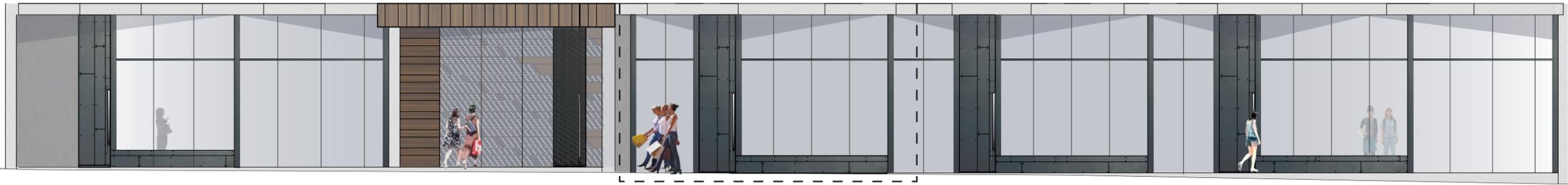
retail

Hayes Street retail facade study

18" high bulkhead base with signage zones defined.
Retail bays are delineated through the use of solid framing elements.
Transom windows have been created with the addition of a horizontal mullion.

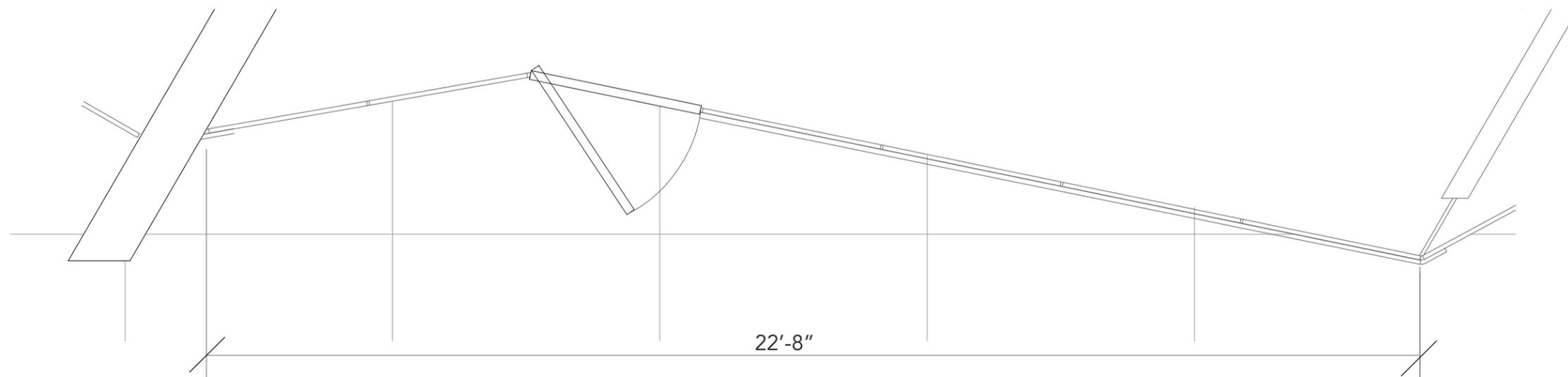


typical retail bay

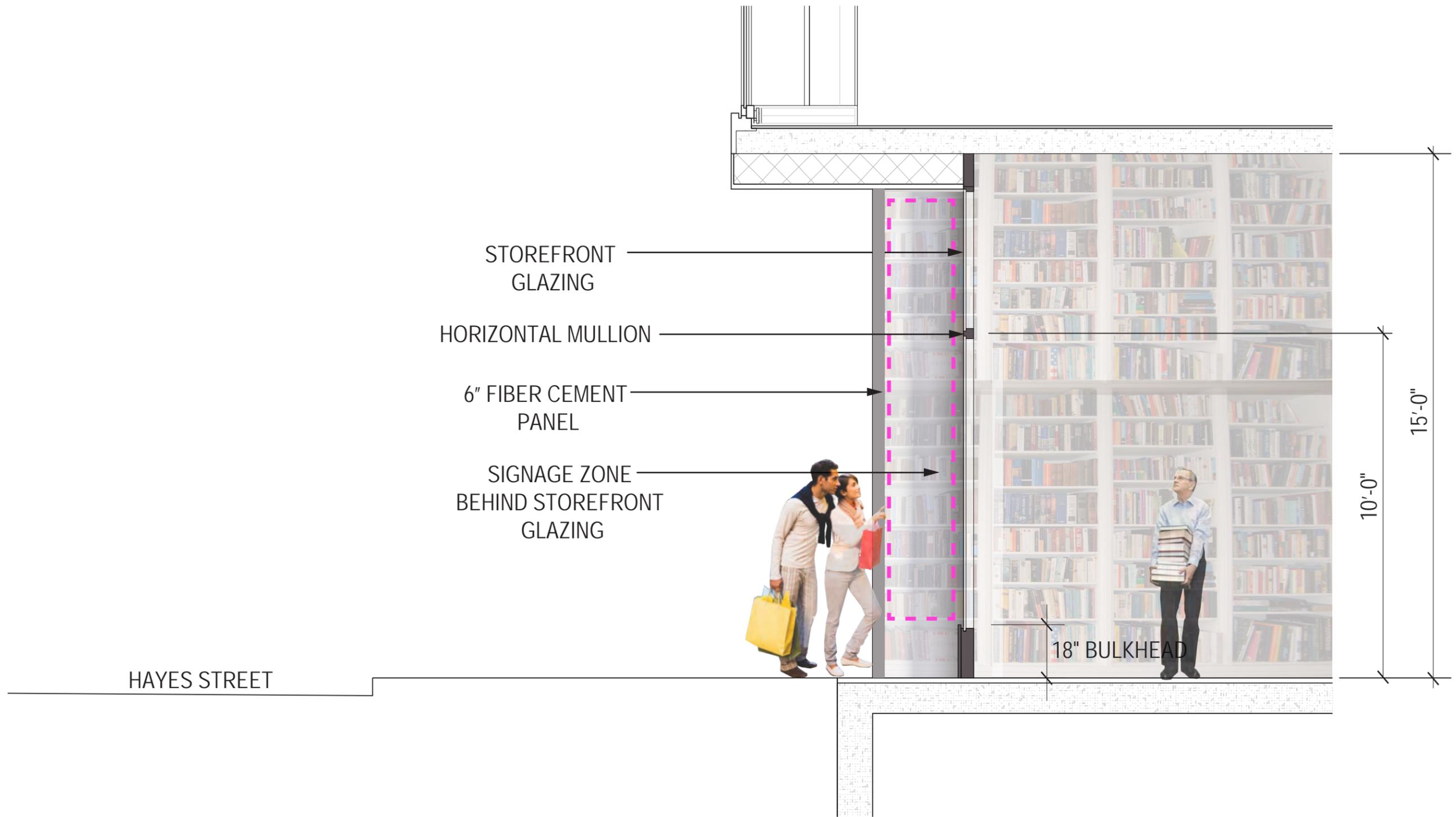




Elevation of Typical Retail Bay



Partial Plan of Typical Retail Bay



common area renderings

IVY STREET



HAYES STREET



Cast in-Place Planters and Seating



Birch Trees



Permeable Paving



Wood Fencing



Concrete Planters



Stone Paver



Texture



Gravel Drainage Strip



View of Courtyard from Bridge



Tree Canopy



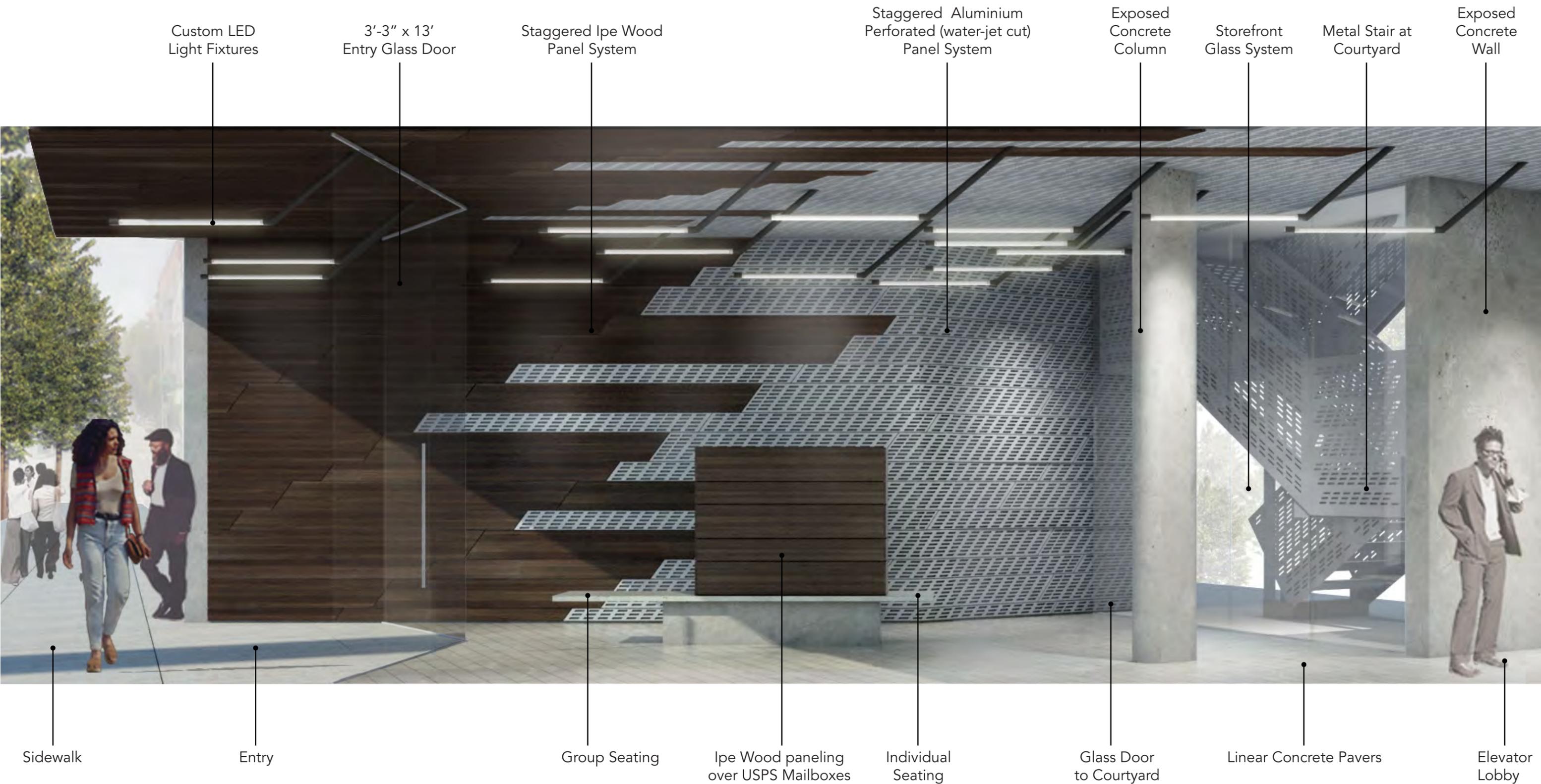
Plantings



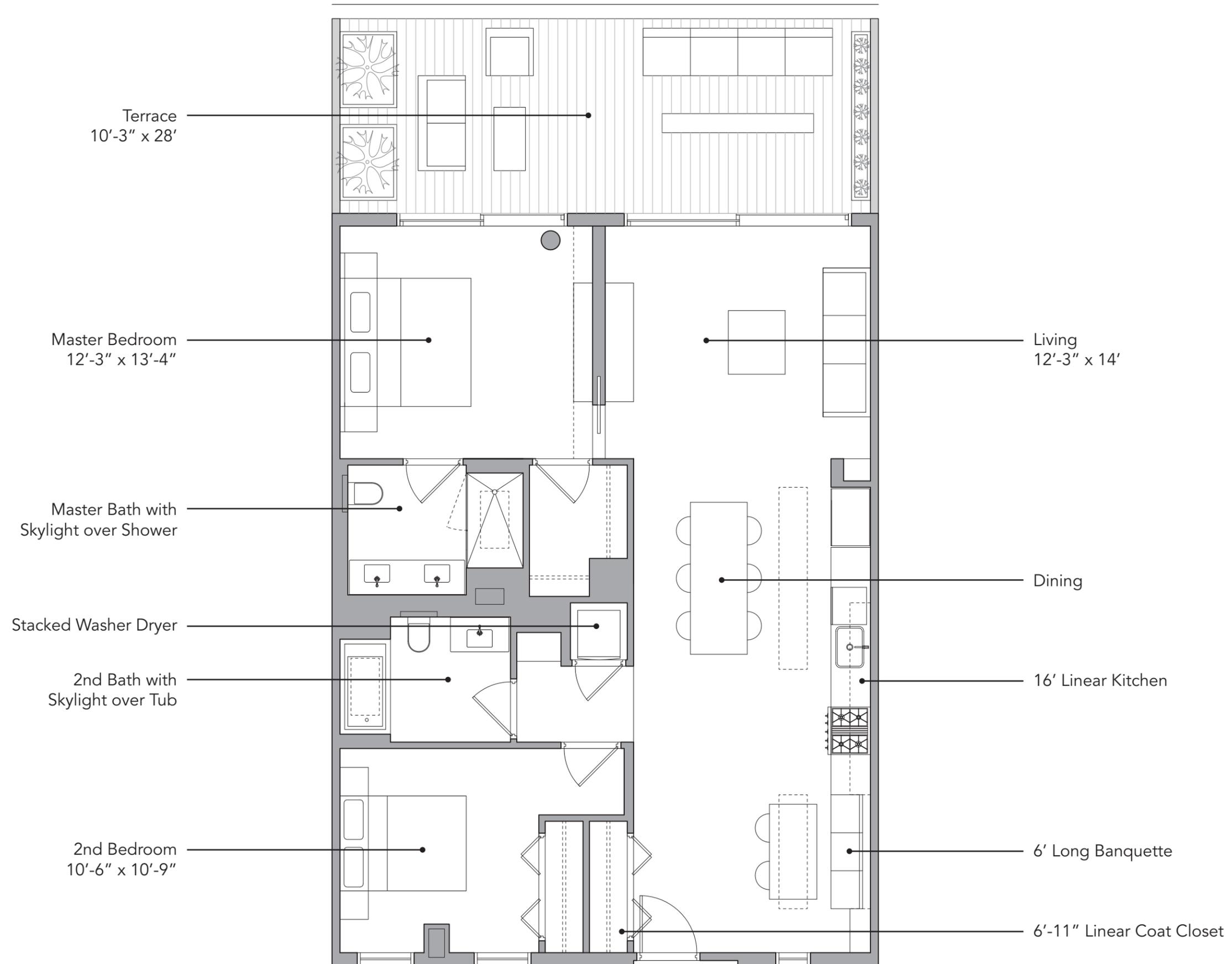


A.23 Residential Lobby Rendering Looking towards Hayes Street

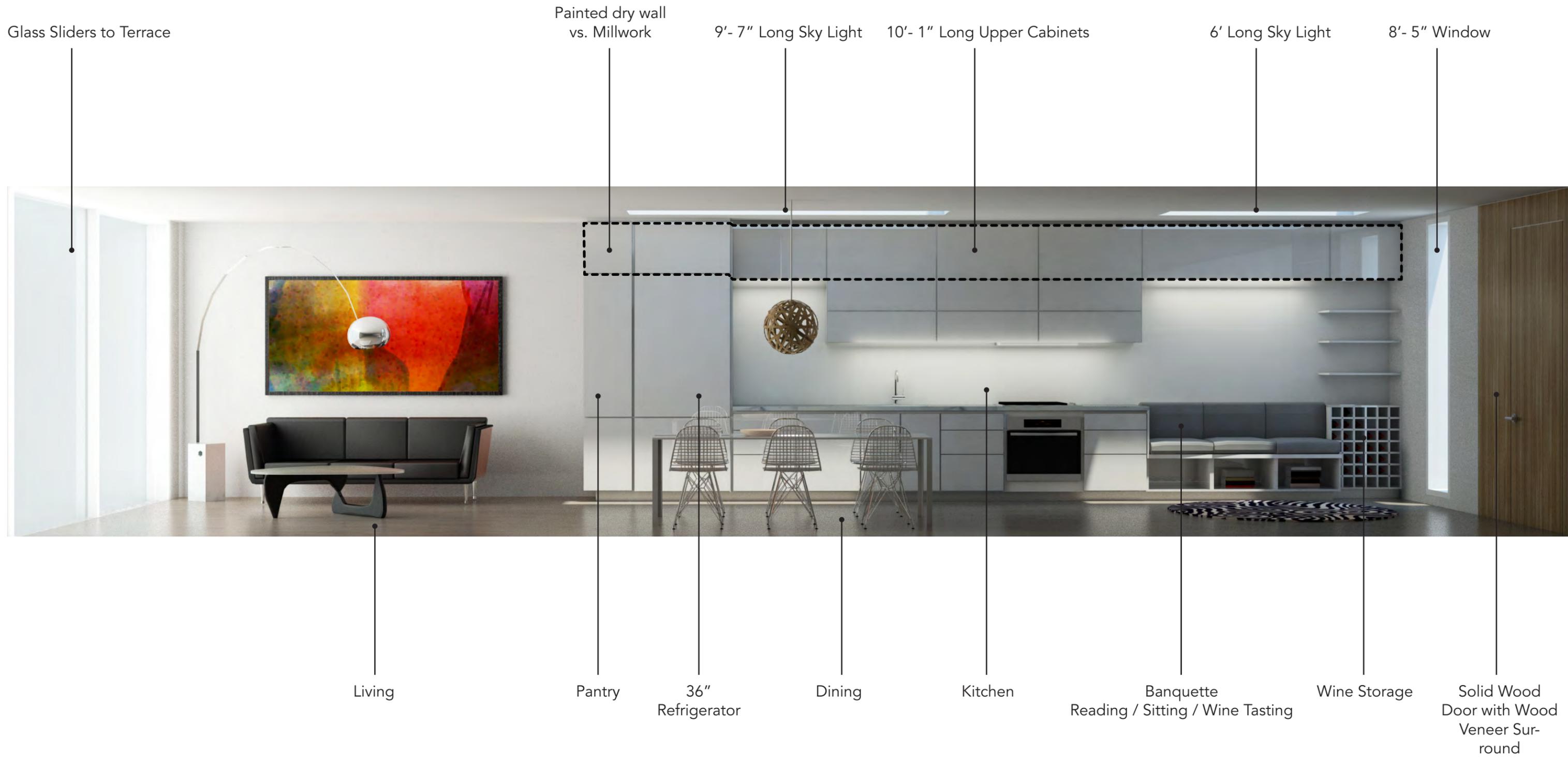




unit plan and interior renderings







Glass Sliders to Terrace

Painted dry wall
vs. Millwork

9'- 7" Long Sky Light

10'- 1" Long Upper Cabinets

6' Long Sky Light

8'- 5" Window

Living

Pantry

36"
Refrigerator

Dining

Kitchen

Banquette
Reading / Sitting / Wine Tasting

Wine Storage

Solid Wood
Door with Wood
Veneer Sur-
round





A.30 Rendered View from Entry

