



# SAN FRANCISCO PLANNING DEPARTMENT

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## Executive Summary Conditional Use Authorization

HEARING DATE: JANUARY 31, 2013

*Date:* January 24, 2013  
*Case No.:* 2012.0083ECV  
*Project Address:* 400 GROVE STREET (AKA CENTRAL FREEWAY PARCEL "H")  
*Zoning:* Moderate-Scale Neighborhood Commercial Transit District (NCT-3)  
40-X & 50-X Height and Bulk Districts  
*Block/Lot:* 0793/103  
*Project Sponsor:* Mark McDonald of  
Grove Street Hayes Valley LLC  
448 Linden Street  
San Francisco, CA 94102  
*Staff Contact:* Aaron Hollister – (415) 575-9078  
[aaron.hollister@sfgov.org](mailto:aaron.hollister@sfgov.org)  
*Recommendation:* **Approval with Conditions**

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### PROJECT DESCRIPTION

The proposal is to construct a new development reaching a maximum height of four to five stories containing up to 34 dwelling units, approximately 2,025 square feet of ground floor commercial use, and 17 off-street residential parking spaces with access from Grove Street. The project will be "C"-shaped and will wrap around a common courtyard area. The ground-floor retail space will be a corner space and will have frontage on both Gough and Grove Streets. The remainder of the Grove Street frontage will contain a common residential lobby area, the vehicular entry/exit and a walk-up residential unit. The Gough Street frontage will primarily feature ground-floor retail, but will also include a raised entry into the central common courtyard area and a raised residential unit. A bulb-out is proposed at the Grove and Gough intersection.

The building will step-down in height from east to west to match the prescribed height and bulk districts with the five-story massing located on the easterly portion of the lot and the four-story massing located on the westerly portion of the lot. The dwelling units would be offered as condos and the inclusionary affordable housing would be provided on-site. The project would require Variances from the requirements for rear yard (Code Section 134), usable open space (Code Section 135), projections over a public right-of-way (Code Section 136) and dwelling-unit exposure (Code Section 140).

### SITE DESCRIPTION AND PRESENT USE

The project site is located at the northwest corner of the Gough and Grove Street intersection, which is commonly known as former Central Freeway Parcel "H" in the Market and Octavia Plan Area. A surface parking lot currently occupies the approximate 11,275 square-foot site. The site is flat and maintains a 94.5-foot frontage on Gough Street and a 112.5-foot frontage on Grove Street. The lot was formerly

occupied by the Central Freeway, which was removed by 2003. The entire site is located in the NCT-3 Zoning District and has split Height and Bulk Districts with the 40-X Height and Bulk District on the westerly half of the site and the 50-X Height and Bulk District on the easterly half of the lot.

## **SURROUNDING PROPERTIES AND NEIGHBORHOOD**

The surrounding properties and neighborhood are located in the Market and Octavia Plan Area. The immediately surrounding area primarily consists of mixed-use and residential buildings with varying heights of one to five stories. Mixed-use buildings of three to five stories can be found within one block of the intersection of Grove and Gough Streets, while shorter one- to three-story residential buildings can be found to the west of the project site along Grove Street. The Performing Arts Parking Garage is located across Gough Street to the east. Projects have been approved and some constructed on select former Central Freeway parcels, while others currently contain temporary installations such as the Proxy Project and community gardens.

Beyond the immediately surrounding vicinity, ground-floor retail and restaurant uses are found along Hayes and Gough Streets to the south of the Project Site in the commercial center of Hayes Valley, while other isolated commercial establishments are scattered throughout the neighborhood. The Civic Center District is located one block to the east, and includes various government buildings, museums, libraries, and performance spaces. Open spaces in the vicinity include the Hayes Valley Playground, Patricia's Green, Koshland Park, Jefferson Playground, Civic Center Plaza and the Page and Laguna Mini-Park.

## **ENVIRONMENTAL REVIEW**

Pursuant to the Guidelines of the State Secretary of Resources for the implementation of the California Environmental Quality Act (CEQA), on January 24, 2013, the Planning Department of the City and County of San Francisco determined that the proposed application was exempt from further environmental review per Section 15183 of the CEQA Guidelines and California Public Resources Code Section 21083.3. The Project is consistent with the adopted zoning controls in the Market and Octavia Area Plan and was encompassed within the analysis contained in the Final EIR. Since the Final EIR was finalized, there have been no substantial changes to the Market and Octavia Area Plan and no substantial changes in circumstances that would require major revisions to the Final EIR due to the involvement of new significant environmental effects or an increase in the severity of previously identified significant impacts, and there is no new information of substantial importance that would change the conclusions set forth in the Final EIR.

## **HEARING NOTIFICATION**

<b>TYPE</b>	<b>REQUIRED PERIOD</b>	<b>REQUIRED NOTICE DATE</b>	<b>ACTUAL NOTICE DATE</b>	<b>ACTUAL PERIOD</b>
Classified News Ad	20 days	January 11, 2013	January 9, 2013	22 days
Posted Notice	20 days	January 11, 2013	January 11, 2013	20 days
Mailed Notice	20 days	January 11, 2013	January 9, 2013	22 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 a letter in support of the project from the Hayes Valley Neighborhood Association.
- Neighbors in the residential building located directly to the north of project site at 525 Gough Street have voiced concerns that the project would adversely affect their reception of light and air through property line openings. Two neighbors that are located at 419 Fulton Street have commented that they believe the Project is too tall, the proposed residential density is too high and have also suggested that a community garden or park might be preferable to the Project. An additional neighbor at 459 Fulton Street has suggested that the availability of on-street parking will be affected by the proposed 0.5:1 parking ratio the project proposes. Both of the Fulton Street neighbors are located within 300 feet of the project site, but are not located immediately adjacent to the project site.

## ISSUES AND OTHER CONSIDERATIONS

- **Project Design.** Existing buildings in the area exhibit an eclectic architectural character, with no prevailing style establishing a dominant visual pattern for the neighborhood. The scale of development also varies somewhat in the vicinity. Existing development is primarily constructed in the early 20th Century in a finer-grained pattern of individual buildings situated on narrow lots along Grove Street. Buildings in the immediate vicinity of Gough Street typically vary in height from three to five stories and tend to be contemporary.

While no single architectural style or development pattern predominates, the Project reflects the disparate elements of this context while establishing its own contemporary language. Although the Project occupies a relatively large lot, the building is articulated into smaller masses by wave-like undulating facades that offer a modern interpretation of the traditional bay window. The undulating planes also appear to reduce the apparent scale of the project and pick-up on the rhythm of buildings found in the surrounding built environment. The building therefore relates to the larger scale and forms of the newer developments in the area, while also breaking down massing to acknowledge the narrower lot pattern of older development in the vicinity.

- **Parking.** Pursuant to Code Section 151.1, off-street parking is allowed up to one space for every two dwelling units in NCT Districts, which would allow up to a maximum of 17 off-street residential parking spaces that could be principally permitted for the project. The project proposes 17 off-street parking spaces to serve the residential uses and no off-street parking space for the 2,025 square feet of retail space. The project will not include any off-street spaces dedicated to a car-share space, and none are required by Section 166, while it would provide 25 bicycle parking spaces. It is anticipated that residents will favor travel by means other than private automobile use to commute and to access goods and services in the vicinity. The project site is located within an urban context, where convenience goods and services are available within walking distance. Residents of the project will be able to walk to such services in the vicinity. In addition, the area is served by ample public transit and contains immediate access to

bicycle lanes, so that residents do not need to solely rely on private automobile transportation, which is a goal of the Market-Octavia Area Plan.

- **Light and Air Reception of 525 Gough Street.** A portion of the project would be located adjacent to 525 Gough Street, which is located immediately to the north of the project site. The project would be built immediately adjacent to the blank southerly wall of 525 Gough Street. The southerly wall also has property line openings. Some residents in the 535 Gough Street structure have contacted the Department and have indicated that the project would affect their reception of light and air through the property line openings. The infinite reception of light and air through property line openings is not protected under City codes.

Furthermore, the 525 Gough Street site received a dwelling unit exposure Variance in 2003. The developer of the project and the City agreed through the granting of the dwelling unit exposure Variance that the 525 Gough Street project contained adequate courtyard dimensions (approximately 96 feet by 19 feet in dimension) to allow for continued light and air reception of the units from on-site openings to the sky, not to and through the vacant project site.

- **Dwelling Unit Density.** Per Section 731.91, dwelling units within the NCT-3 District are principally permitted without specific density limitations, allowing physical controls such as height, bulk, and setbacks to define an allowable building envelope. The project would provide a dwelling unit density of approximately one dwelling unit per 332 square feet of lot area, which is less dense than the last two previously approved former Central Freeway projects. 8 Octavia has a dwelling unit density of 1:255, while Parcel "P" has a dwelling unit density of 1:272. The Market and Octavia Area Plan envisioned dense, urban infill projects such as these projects on the former Central Freeway parcels.
- **Rear Yard.** Planning Code Section 134(a)(1)(C) stipulates that a rear yard shall be provided at the lowest story containing a dwelling unit, and at each succeeding level or story of a building in the NCT-3 District equal to 25% of lot depth. The entire subject lot does not meet the definition of a corner lot as defined in Planning Code Section 102.15, which stipulates that a corner lot may be a maximum of 125 feet in width or depth. As such, the project is not able to utilize the rear yard reduction or waiver for corner lots that is set forth in Planning Code Section 134(e)(2) since the width of the subject lot at its widest point is 136.5 feet.

In this instance, Grove Street must be considered the primary frontage and the required rear yard must be located opposite of the primary Grove Street frontage on the rear-most 25% of the lot depth. Since portions of the Project will be located in the above-described required rear yard area, the project will need to seek a Variance as set forth in Planning Code Section 134(e)(1) et seq. As such, the project sponsor has elected to seek and justify a Variance to address the proposed non-Code complying rear yard.

- **Permitted Obstructions over Streets and Alleys.** Section 136(c) of the Code allows various decorative or architectural features to extend over a street or alley. Per Section 136(c)(2) of the Planning Code, buildings may include bay windows which project over the public right-of-way,

provided that such windows meet certain requirements for dimensions and separation. The maximum length of each bay window is 15 feet at the line establishing the required open area. Additionally, window bays may project into the public right-of-way a maximum of three feet provided that the sidewalk is a minimum of nine feet wide.

The project proposes several planes which would project over the public rights-of way along the street frontages, but the projecting planes would not completely comply with the requirements of Code Section 136(c)(2). The planes projecting over the public right-of-way would exceed the 15-foot maximum dimensional length on the Gough Street frontage, but would not add area to the building that would increase the area of the building over the amount that would be allowed with Code-complying bay windows. The project sponsor has elected to seek and justify a Variance from the bay window requirements of Section 136(c) of the Planning Code to allow the proposed planes to exceed the 15-foot length limit.

- **Dwelling Unit Exposure.** Section 140 requires that one room of each dwelling unit must face out onto the street, onto a Code-complying rear yard, a side yard at least 25 feet in width or onto a courtyard generally of minimum dimensions of at least 25 feet in each direction. The courtyard space must increase in both its horizontal dimensions as it rises from its lowest level and must be unobstructed, except for certain specified permitted obstructions as specified in Code Section 140(a)(2).

22 of the proposed dwelling units will have exposure onto Grove and Gough Streets, which are both at least 25 feet in width. 12 of the units would have their exposures onto an inner courtyard area. The inner courtyard is at least 25 feet in each direction, but does not increase in both horizontal dimensions as it rises from its lowest level and it is not unobstructed as described in Code Section 140(a)(2). Because the courtyard area does not meet the requirements of the Planning Code for dwelling unit exposure, the project sponsor has elected to seek and justify a Variance for the exposure requirements of the 12 units that face onto the courtyard area.

- **Useable Open Space.** Section 135 requires that a specific amount of usable open space be provided for each dwelling unit. The project would provide open space as both common and private open space. Private useable open space would be provided for five of the units in the form of roof decks and a yard area. Private balconies and decks will also provide private open space for four of the units, but will not meet the dimensional and area requirements of Code Section 135(f) to be considered private useable space.

The project would provide common open space in the forms of a roof deck and a common courtyard area for a total of approximately 3,049 square feet of common open space. 749 square feet of the proposed common open space would be counted as common useable space, which would provide enough common useable open space for seven of the units. Although the project would exceed the open space area requirements of the Code, much of the proposed open space is not considered useable. Between the proposed private and common useable space, the project would contain useable open space for 11 of the proposed units. The project sponsor has elected

to seek and justify a Variance to address the useable open space deficiency for 23 of the dwelling units.

## **REQUIRED COMMISSION ACTION**

In order for the project to proceed, the Commission must approve Conditional Use Authorization to allow development on a lot greater than 10,000 square feet (Planning Code Section 121.1) in the NCT-3 Zoning District. Additionally, the Zoning Administrator would need to grant Variances from the requirements for rear yard (Code Section 134), usable open space (Code Section 135), projections over a public right-of-way (Code Section 136) and dwelling-unit exposure (Code Section 140).

## **BASIS FOR RECOMMENDATION**

- The project would add 34 dwelling units to the City's housing stock in a walkable and transit-rich area suited for dense, mixed-use development.
- The project would fulfill its inclusionary affordable housing requirement on-site by providing 4 BMR units on-site.
- The project fulfills the intent of the Market & Octavia Plan to focus new housing transit-served locations and to create active streetscapes.
- The proposed ground-floor commercial space will expand the spectrum of retail goods and services available in the area.
- The project includes a mix of studio, one-bedroom, and two-bedroom units to serve a diversity of household sizes and people with varied housing needs.
- The project meets all applicable requirements of the Planning Code, aside from the requested Conditional Use Authorization and Variance requests.

<b>RECOMMENDATION:</b> <b>Approval with Conditions</b>
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### **Attachments:**

Draft Motion  
Mitigation, Monitoring and Reporting Program  
Parcel Map  
Sanborn Map  
Aerial Photographs  
Zoning Map  
Height & Bulk Map  
Correspondence Regarding the Project  
Affordable Housing Affidavit  
Project Sponsor Submittal Package:  
- Project Sponsor Submittal Letter  
- Approved Plans/Renderings

Attachment Checklist

- |   |   |
|---|---|
| <input checked="" type="checkbox"/> Executive Summary           | <input checked="" type="checkbox"/> Project sponsor submittal   |
| <input checked="" type="checkbox"/> Draft Motion                | Drawings: Existing Conditions (11" by 17")  |
| <input checked="" type="checkbox"/> Environmental Determination | <input checked="" type="checkbox"/> Check for legibility  |
| <input checked="" type="checkbox"/> Zoning District Map         | Drawings: Proposed Project (11" by 17")   |
| <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 type="checkbox"/> Residential Pipeline   |

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

          AJH            
Planner's Initials



# SAN FRANCISCO PLANNING DEPARTMENT

Subject to: (Select only if applicable)

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

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## Planning Commission Motion No. XXXXX

HEARING DATE: JANUARY 31, 2013

*Date:* January 24, 2013  
*Case No.:* **2012.0083ECV**  
*Project Address:* **400 GROVE STREET (AKA CENTRAL FREEWAY PARCEL "H")**  
*Zoning:* Moderate-Scale Neighborhood Commercial Transit District (NCT-3)  
 40-X & 50-X Height and Bulk Districts  
*Block/Lot:* 0793/103  
*Project Sponsor:* Mark McDonald of  
 Grove Street Hayes Valley LLC  
 448 Linden Street  
 San Francisco, CA 94102  
*Staff Contact:* Aaron Hollister – (415) 575-9078  
 aaron.hollister@sfgov.org

**ADOPTING FINDINGS RELATED TO THE APPROVAL OF A CONDITIONAL USE TO ALLOW DEVELOPMENT OF A LOT EXCEEDING 10,000 SQUARE FEET, PURSUANT TO SECTIONS 121.1 AND 303 OF THE PLANNING CODE WITH RESPECT TO A PROPOSAL TO CONSTRUCT A NEW DEVELOPMENT REACHING A MAXIMUM HEIGHT OF FOUR TO FIVE STORIES CONTAINING UP TO 34 DWELLING UNITS, APPROXIMATELY 2,025 SQUARE FEET OF GROUND FLOOR COMMERCIAL USE, AND 17 OFF-STREET RESIDENTIAL PARKING SPACES LOCATED AT 400 GROVE STREET (AKA CENTRAL FREEWAY PARCEL "H") LOT 103 IN ASSESSOR'S BLOCK 0793, WITHIN THE MODERATE-SCALE NEIGHBORHOOD COMMERCIAL TRANSIT DISTRICT (NCT-3), AND THE 40-X & 50-X HEIGHT AND BULK DISTRICTS, AND ADOPTING FINDINGS UNDER THE CALIFORNIA ENVIRONMENTAL QUALITY ACT.**

### PREAMBLE

On June 13, 2012, Mark McDonald, acting on behalf of Grove 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 construct a new development reaching a maximum height of four to five stories containing up to 34 dwelling units, approximately 2,025 square feet of ground floor commercial use, and 17 off-street residential parking spaces located at 400 Grove Street (AKA Central

Freeway Parcel "H"), Lot 103 in Assessor's Block 0793, within the Moderate-Scale Neighborhood Commercial Transit District (NCT-3), and the 40-X & 50-X Height And Bulk Districts.

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

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

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

Pursuant to the Guidelines of the State Secretary of Resources for the implementation of the California Environmental Quality Act (CEQA), on January 24, 2013, the Planning Department of the City and County of San Francisco determined that the proposed application was exempt from further environmental review per Section 15183 of the CEQA Guidelines and California Public Resources Code Section 21083.3. The Project is consistent with the adopted zoning controls in the Market and Octavia Area Plan and was encompassed within the analysis contained in the Final EIR. Since the Final EIR was finalized, there have been no substantial changes to the Market and Octavia Area Plan and no substantial changes in circumstances that would require major revisions to the Final EIR due to the involvement of new significant environmental effects or an increase in the severity of previously identified significant impacts, and there is no new information of substantial importance that would change the conclusions set forth in the Final EIR. The file for this project, including the Market and Octavia Area Final EIR and the Community Plan Exemption certificate, is available for review at the San Francisco Planning Department, 1650 Mission Street, Suite 400, San Francisco, California.

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

On, December 14, 2012, the Project Sponsor filed a request for the granting of Variances, Case No. 2012.0083EXV, of the standards for rear yard (Code Section 134), usable open space (Code Section 135), projections over a public right-of-way (Code Section 136) and dwelling-unit exposure (Code Section 140).

On January 31, 2013, the Commission conducted a duly noticed public hearing at a regularly scheduled meeting on Conditional Use Application No. 2012.0083ECV.

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. 2012.0083ECV, 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 located at the northwest corner of the Gough and Grove Street intersection, which is commonly known as former Central Freeway Parcel "H" in the Market and Octavia Plan Area. A surface parking lot currently occupies the approximate 11,275 square-foot site. The site is flat and maintains a 94.5-foot frontage on Gough Street and a 112.5-foot frontage on Grove Street. The lot was formerly occupied by the Central Freeway, which was removed by 2003. The entire site is located in the NCT-3 Zoning District and has split Height and Bulk Districts with the 40-X Height and Bulk District on the westerly half of the site and the 50-X Height and Bulk District on the easterly half of the lot.
3. **Surrounding Properties and Neighborhood.** The surrounding properties and neighborhood are located in the Market and Octavia Plan Area. The immediately surrounding area primarily consists of mixed-use and residential buildings with varying heights of one to five stories. Mixed-use buildings of three to five stories can be found within one block of the intersection of Grove and Gough Streets, while shorter one- to three-story residential buildings can be found to the west of the project site along Grove Street. The Performing Arts Parking Garage is located across Gough Street to the east. Projects have been approved and some constructed on select former Central Freeway parcels, while others currently contain temporary installations such as the Proxy Project and community gardens.

Beyond the immediately surrounding vicinity, ground-floor retail and restaurant uses are found along Hayes and Gough Streets to the south of the Project Site in the commercial center of Hayes Valley, while other isolated commercial establishments are scattered throughout the neighborhood. The Civic Center District is located one block to the east, and includes various government buildings, museums, libraries, and performance spaces. Open spaces in the vicinity include the Hayes Valley Playground, Patricia's Green, Koshland Park, Jefferson Playground, Civic Center Plaza and the Page and Laguna Mini-Park.

- 4. Project Description.** The proposal is to construct a new development reaching a maximum height of four to five stories containing up to 34 dwelling units, approximately 2,025 square feet of ground floor commercial use, and 17 off-street residential parking spaces with access from Grove Street. The project will be "C"-shaped and will wrap around a common courtyard area. The ground-floor retail space will be a corner space and will have frontage on both Gough and Grove Streets. The remainder of the Grove Street frontage will contain a common residential lobby area, the vehicular entry/exit and a walk-up residential unit. The Gough Street frontage will primarily feature ground-floor retail, but will also include a raised entry into the central common courtyard area and a raised residential unit. A bulb-out is proposed at the Grove and Gough intersection.

The building will step-down in height from east to west to match the prescribed height and bulk districts with the five-story massing located on the easterly portion of the lot and the four-story massing located on the westerly portion of the lot. The dwelling units would be offered as condos and the inclusionary affordable housing would be provided on-site. The project would require Variances from the requirements for rear yard (Code Section 134), usable open space (Code Section 135), projections over a public right-of-way (Code Section 136) and dwelling-unit exposure (Code Section 140).

- 5. Public Comment.** The Department has received a letter in support of the project from the Hayes Valley Neighborhood Association.

Neighbors in the residential building located directly to the north of project site at 525 Gough Street have voiced concerns that the project would adversely affect their reception of light and air through property line openings. Two neighbors that are located at 419 Fulton Street have commented that they believe the Project is too tall, the proposed residential density is too high and have also suggested that a community garden or park might be preferable to the Project. An additional neighbor at 459 Fulton Street has suggested that the availability of on-street parking will be affected by the proposed 0.5:1 parking ratio the project proposes. Both of the Fulton Street neighbors are located within 300 feet of the project site, but are not located immediately adjacent to the project site.

- 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 731.91, dwelling units within the NCT-3 District are principally permitted without specific density limitations, allowing physical controls such as height, bulk, and setbacks to define an allowable building envelope. Per Section 731.40, retail uses are principally permitted at the ground floor within the NCT-3 District.

*The proposed 34 dwelling units are permitted at all levels and the ground-floor commercial use is principally permitted; therefore, the project complies with the Planning Code.*

- B. **Height and Bulk.** The subject property is located within the 40-X and the 50-X Height and Bulk Districts. Pursuant to Section 270, projects within "-X" Bulk Districts are not subject to specific bulk controls. Pursuant to Section 263.20, projects within NCT Districts and within 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.

*The site is split-zoned with each height and bulk district occupying approximately half the lot area. The 40-X Height and Bulk District occupies the westerly half of the lot, while the 50-X Height and Bulk District occupies the easterly half of the lot. Pursuant to the height measurement definition of Planning Code Section 102.12, the Project would reach a maximum height of 55 feet in the 50-X Height and Bulk District, while the Project would reach a maximum height of 45 feet in the 40-X Height and Bulk District.*

*Pursuant to Planning Code Section 263.20, the Project would qualify for a five-foot height increase by providing generous ground floor ceiling heights for commercial and other active uses defined in Section 145.1(b)(2) including a commercial tenant space with a 15 foot ceiling, a walk-up residential unit that would be raised five feet above sidewalk grade and a 15-foot tall common residential entry. The uses with the generous ground-floor ceiling heights would be oriented along public right-of-ways wider than 40 feet, would occupy over 50% of the ground-floor area and would not add new shadow to any public open spaces. The Project would therefore comply with the applicable height districts.*

- C. **Floor Area Ratio.** In the NCT-3 District, Section 124 allows an FAR of up to 3.6:1, which would result in an allowable FAR of up to 40,590 square feet of Gross Floor Area as defined in Section 102.9.

*The Project would measure approximately 41,000 square feet. Pursuant to Section 124(b), within NC Districts, the cited Floor Area Ratio limits do not apply to residential uses. Subtracting the area of the residential uses, approximately 2,025 square feet of Gross Floor Area within the Project would be subject to the allowable FAR. The Project therefore complies with the maximum allowable FAR.*

- D. **Rear Yard.** Planning Code Section 134(a)(1)(C) stipulates that a rear yard shall be provided at the lowest story containing a dwelling unit, and at each succeeding level or story of a building in the NCT-3 District equal to 25% of lot depth. The entire subject lot does not meet the definition of a corner lot as defined in Planning Code Section 102.15, which stipulates that a corner lot may be a maximum of 125 feet in width or depth. As such, the project is not able

to utilize the rear yard reduction or waiver for corner lots that is set forth in Planning Code Section 134(e)(2) since the width of the subject lot at its widest point is 136.5 feet.

*In this instance, Grove Street must be considered the primary frontage and the required rear yard must be located opposite of the primary Grove Street frontage on the rear-most 25% of the lot depth. Since portions of the Project will be located in the above-described required rear yard area, the project will need to seek a Variance as set forth in Planning Code Section 134(e)(1) et seq. As such, the Project Sponsor has elected to seek and justify a Variance to address the proposed non-Code complying rear yard.*

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

*The Project would provide open space as both common and private open space. Private useable open space would be provided for five of the units in the form of roof decks and a yard area. Private balconies and decks will also provide private open space for four of the units, but will not meet the dimensional and area requirements of Code Section 135(f) to be considered private useable space.*

*The Project would provide common open space in the forms of a roof deck and a common courtyard area for a total of approximately 3,049 square feet of common open space. 749 square feet of the proposed common open space would be counted as common useable space, which would provide enough common useable open space for seven of the units. Although the Project would exceed the open space area requirements of the Code, much of the proposed open space is not considered useable. Between the proposed private and common useable space, the Project would contain useable open space for 11 of the proposed units. The Project Sponsor has elected to seek and justify a Variance to address the useable open space deficiency for 23 of the dwelling units.*

- F. **Permitted Obstructions over Streets and Alleys.** Section 136(c) of the Code allows various decorative or architectural features to extend over a street or alley. Per Section 136(c)(2) of the Planning Code, buildings may include bay windows which project over the public right-of-way, provided that such windows meet certain requirements for dimensions and separation. The maximum length of each bay window is 15 feet at the line establishing the required open area, and shall be reduced in proportion to the distance from such line by means of 45 degree angles drawn inward from the ends of such 15-foot dimension, reaching a maximum of nine feet along a line parallel to and at a distance of three feet from the line establishing the required open area. Additionally, window bays may project into the public right-of-way a maximum of three feet provided that the sidewalk is a minimum of nine feet wide.

*The project proposes several planes which would project over the public rights-of way along the street frontages, but the projecting planes would not completely comply with the requirements of Code*

*Section 136(c)(2). The planes projecting over the public right-of-way would exceed the 15-foot maximum dimensional length on the Gough Street frontage, but would not add area to the building that would increase the area of the building over the amount that would be allowed with Code-complying bay windows. The Project Sponsor has elected to seek and justify a Variance from the bay window requirements of Section 136(c) of the Planning Code to allow the proposed planes to exceed the 15-foot length limit.*

- G. 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, bicycle racks and landscaping within the public right-of-way along the entire frontage of the Project Site. A bulb-out has also been proposed at the intersection of Grove and Gough Streets. Staff from the Planning Department and other appropriate agencies will coordinate with the Project Sponsor to refine the details of streetscape improvements during the building permit review to ensure compliance with Section 138.1.*

- H. Dwelling Unit Exposure.** Section 140 requires that one room of each dwelling unit must face out onto the street, onto a Code-complying rear yard, a side yard at least 25 feet in width or onto a courtyard generally of minimum dimensions of at least 25 feet in each direction. The courtyard space must increase in both its horizontal dimensions as it rises from its lowest level and must be unobstructed, except for certain specified permitted obstructions as specified in Code Section 140(a)(2).

*22 of the proposed dwelling units will have exposure onto Grove and Gough Streets, which are both at least 25 feet in width. 12 of the units would have their exposures onto an inner courtyard area. The inner courtyard is at least 25 feet in each direction, but does not increase in both horizontal dimensions as it rises from its lowest level and it is not unobstructed as described in Code Section 140(a)(2). Because the courtyard area does not meet the requirements of the Planning Code for dwelling unit exposure, the Project Sponsor has elected to seek and justify a Variance for the exposure requirements of the 12 units that face onto the courtyard area.*

- I. 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 Grove Street frontage is occupied by several active spaces, including retail use, a common lobby area, and a walk-up residential unit that has been raised five feet above grade. The Gough Street frontage will be primarily occupied by retail use and will also feature a raised entry to the inner courtyard area and an elevated residential unit. The presences of these active uses with enliven the streetscape and contribute to a desirable pedestrian realm. The project complies with Section 145.1.*

- J. **Off-Street Parking and Car Sharing.** Pursuant to Section 151.1, off-street parking is allowed up to one space for every two dwelling units in NCT Districts, which would allow up to 17 off-street residential parking spaces that could be principally permitted for the project. One off-street commercial space is allowed per 1,500 square feet of non-residential uses in NCT Districts. Pursuant to Section 166, no car-share spaces are required for developments with 49 or fewer residential units.

*The Project proposes 17 off-street parking spaces to serve the residential uses and no off-street parking space for the 2,025 square feet of retail space. The Project will not include any off-street spaces dedicated to a car-share space, and none are required by Section 166. The project therefore complies with the parking limitations of Section 151.1, as well as the car-share requirements of Section 166.*

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

*The Project proposes approximately 39,160 square feet of residential uses, and less than 10,000 square feet of commercial uses. Therefore, no off-street loading space is required or will be provided by the Project.*

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

*With 34 dwelling units, the Project is required to provide 17 bicycle parking spaces. The Project will provide 25 bicycle parking spaces to comply with Section 155.5.*

- M. **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 34 dwelling units. 17 of these units are two-bedrooms or larger, which constitutes 50 percent of the overall dwelling units. The Project complies with the dwelling unit mix requirements.*

- N. **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, the current percentage requirements apply to projects that consist of ten or more units, where the first application (EE or BPA) was applied for on or after July 18, 2006. Pursuant to Planning Code Section 415.5, the Project must pay the Affordable Housing Fee ("Fee"). This Fee is made payable to the Department of Building

Inspection (“DBI”) for use by the Mayor’s Office of Housing for the purpose of increasing affordable housing citywide.

*The Project Sponsor has submitted a ‘Affidavit of Compliance with the Inclusionary Affordable Housing Program: Planning Code Section 415,’ to satisfy the requirements of the Inclusionary Affordable Housing Program through payment of the Fee, in an amount to be established by the Mayor’s Office of Housing at a rate equivalent to an off-site requirement of 20%. The project sponsor has not selected an alternative to payment of the Fee. The EE application was submitted on March 28, 2012.*

7. **Planning Code Section 303** establishes criteria for the Planning Commission to consider when reviewing applications for Conditional Use authorization. On balance, the project complies with the criteria of Section 303, in that:

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

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

*The existing development in the area surrounding the Project Site is varied in scale and intensity. The Project is taller than some buildings in the vicinity, and occupies a relatively large lot. While the Project would consist of a single structure, the building would be respectful of the existing built environment. Residential structures along Grove Street to the west of the project site are primarily one to three stories with full lot coverage, while buildings along Gough Street vary in height, but are primarily three to five stories in height. The Project would be compliant with the surrounding built context by proposing a four-story massing on the western portion of the lot, adjacent to a shorter and finer grained built environment, while the larger, five-story massing would be located on easterly portion of the lot where existing building heights and sizes are larger.*

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

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

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

*The Project site is a regularly-shaped lot formerly occupied by the Central Freeway that is adequately sized to accommodate the development. Existing development in the vicinity varies in size and intensity, and the Project is generally compatible with the eclectic character of the area. The "C"-shaped building will be adjacent to blank, property line walls of adjacent buildings and will have two street-facing facades. The building is designed with undulating planes in a wave-like pattern to reduce the apparent scale of the Project and to pick-up on the rhythm of buildings found in the current built environment. 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.

*No car-share spaces are required by Section 166 for the Project. No off-street loading spaces are required by the Code for the project and none will be provided by project.*

*The Project would provide off-street parking in an amount that would be equal to the principally permitted amount for the NCT-3 District. Therefore, it is anticipated that residents will favor travel by means other than private automobile use to commute and to access goods and services in the vicinity. The Project Site is located within an urban context, where convenience goods and services are available within walking distance. Residents of the project will be able to walk to such services in the vicinity. In addition, the area is served by ample public transit and contains immediate access to bicycle lanes, so that residents do not need to solely rely on private automobile transportation.*

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

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

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

*The Project provides open space in the form of private decks and balconies and common decks and a courtyard area. Street tree planting (as required) will be necessary as part of the streetscape improvements that are necessary under Code Section 138.1.*

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

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

*The Project generally complies with the applicable sections of the Code. The residential uses contemplated for the Project are permitted within the NCT-3 District, and the proposed commercial use is permitted within the NCT-3 District.*

*Considered as a whole, the Project would add housing and commercial goods and services to create a vibrant, active mixed-use node at a prominent location. The Project Site is well-served by transit and commercial services, allowing residents to commute, shop, and reach amenities by walking, transit, and bicycling. The Project includes a mix of unit types, including nine studio units, eight one-bedroom units, and 17 two-bedroom units. This mix of units will ensure that the Project will serve a diversity of household sizes and people with varied housing needs. The Project conforms with multiple goals and policies of the General Plan, as described in further detail in Item #12.*

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

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

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

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

*The existing development in the area surrounding the Project site is varied in scale and intensity. The Project is taller than some buildings in the vicinity, and occupies a relatively large lot. However, the Project would be respectful of the existing built environment. Residential structures along Grove Street are primarily one to three stories with full lot coverage, while buildings along Gough Street*

*vary, but are primarily three to five stories in height. The Project would be compliant with the surrounding built context by proposing a four-story massing on the westerly portion of the lot where the built environment is shorter and finer grained, while the larger, five-story massing would be located easterly frontage where existing building heights and sizes are larger.*

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

*Existing buildings in the area exhibit an eclectic architectural character, with no prevailing style establishing a dominant visual pattern for the neighborhood. The scale of development also varies somewhat in the vicinity. Existing development is primarily constructed in the early 20th Century in a finer-grained pattern of individual buildings situated on narrow lots along Grove Street. Buildings in the immediate vicinity of Gough Street typically vary in height from three to five stories and tends to be contemporary.*

*While no single architectural style or development pattern predominates, the Project reflects the disparate elements of this context while establishing its own contemporary language. Although the Project occupies a relatively large lot, the building is articulated into smaller masses by wave-like undulating facades that offer a modern interpretation of the traditional bay window. The building therefore relates to the larger scale and forms of the newer developments in the area, while also breaking down massing to acknowledge the narrower lot pattern of older development in the vicinity.*

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

## COMMERCE AND INDUSTRY ELEMENT:

### Objectives and Policies

#### OBJECTIVE 6

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

##### Policy 6.4:

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

##### Policy 6.10:

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

*The Project would replace a vacant lot with an intense, mixed-use development suited to an urban context. The Project includes 34 dwelling units. Residents of these units would shop for goods and services in the area, bolstering the viability of the existing businesses. In addition, the Project would provide 2,025 square*

*feet of retail uses that will contribute to the economic vitality of the area, fulfill shopping needs for residents, and will activate the streetscape.*

## HOUSING ELEMENT:

### Objectives and Policies

#### OBJECTIVE 1

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

##### Policy 1.1:

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

##### Policy 1.3

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

##### Policy 1.4:

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

#### OBJECTIVE 12

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

##### Policy 12.1:

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

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

**TRANSPORTATION ELEMENT**  
**Objectives and Policies**

**OBJECTIVE 2:**

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

**Policy 2.1:**

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

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

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

**OBJECTIVE 1.1**

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

**Policy 1.1.1:**

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

**Policy 1.1.2:**

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

*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 Grove and Gough Streets.*

**OBJECTIVE 1.2:**

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

**Policy 1.2.1:**

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

**Policy 1.2.2:**

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

**Policy 1.2.4:**

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

*The Project proposes a mixed-use development on a prominent Central Freeway lot located at the corner of Grove and Gough Streets. The proposed ground-floor retail use and building lobby will provide active uses along Grove and Gough Streets to promote the continued vibrancy of the area. As outlined in Section 8, the Project will relate to the height of existing buildings along its street frontages, as well as provide appropriate infill construction at the prominent corner location.*

**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 along Grove and Gough Streets are situated over retail space, providing convenient access to goods and services for residents of the proposed project and the surrounding neighborhood.*

**OBJECTIVE 3.1:**

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

**Policy 3.1.1:**

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

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

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

*The Project would be respectful of the existing built environment. Residential structures along Grove Street to the west of the Project Site are primarily one to three stories with full lot coverage, while buildings along Gough Street vary in height, but are primarily three to five-story buildings. The Project would be compliant with the surrounding built context by proposing a four-story massing on the westerly portion of the lot adjacent to a built environment that is shorter and finer grained, while the larger, five-story massing would be on the easterly portion of the lot adjacent to existing building heights and sizes that are larger.*

*The building therefore relates to the larger scale and forms of the newer developments in the area, while also breaking down massing to acknowledge the narrower lot pattern of older development in the vicinity.*

**OBJECTIVE 5.2**

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

**Policy 5.2.1:**

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

**Policy 5.2.3:**

Minimize the negative impacts of parking on neighborhood quality.

*The Project proposes parking at a ratio that is principally permitted within the NCT-3 District. These characteristics of the Project will contribute to a built environment that encourages a variety of transportation options and discourages private automobile use as a primary mode of travel in walkable and transit-rich neighborhoods such as the Market and Octavia Plan Area.*

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

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

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

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

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

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

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

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

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

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

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

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

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

- G. That landmarks and historic buildings be preserved.

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

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

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

10. The Project is consistent with and would promote the general and specific purposes of the Code provided under Section 101.1(b) in that, as designed, the Project would contribute to the character and stability of the neighborhood and would constitute a beneficial development.
11. The Commission hereby finds that approval of the Conditional Use authorization would promote the health, safety and welfare of the City.

## DECISION

That based upon the Record, the submissions by the Applicant, the staff of the Department and other interested parties, the oral testimony presented to this Commission at the public hearings, and all other written materials submitted by all parties, the Commission hereby **APPROVES Conditional Use Application No. 2012.0083ECV** subject to the following conditions attached hereto as "EXHIBIT A" in general conformance with plans on file, dated June 13, 2012, and stamped "EXHIBIT B", which is incorporated herein by reference as though fully set forth.

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

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

I hereby certify that the Planning Commission ADOPTED the foregoing Motion on January 31, 2013.

Jonas P. Ionin  
Acting Commission Secretary

AYES:

NAYS:

ABSENT:

ADOPTED: January 31, 2013

## **EXHIBIT A**

### **AUTHORIZATION**

This authorization is for a Conditional Use to allow development of a lot exceeding 10,000 square feet to construct a new development reaching a maximum height of four to five stories containing up to 34 dwelling units, approximately 2,025 square feet of ground floor commercial uses, and 17 off-street residential parking spaces located at 400 Grove (AKA Central Freeway Parcel "H"), Lot 103 in Assessor's Block 0793, within the Moderate-Scale Neighborhood Commercial Transit District (NCT-3), and the 40-X & 50-X Height and Bulk Districts; in general conformance with plans, dated June 13, 2012, and stamped "EXHIBIT B" included in the docket for Case No. 2012.0083ECV and subject to conditions of approval reviewed and approved by the Commission on January 31, 2013 under Motion No XXXXX. This authorization and the conditions contained herein run with the property and not with a particular Project Sponsor, business, or operator.

### **RECORDATION OF CONDITIONS OF APPROVAL**

Prior to the issuance of the building permit or commencement of use for the Project the Zoning Administrator shall approve and order the recordation of a Notice in the Official Records of the Recorder of the City and County of San Francisco for the subject property. This Notice shall state that the project is subject to the conditions of approval contained herein and reviewed and approved by the Planning Commission on January 31, 2013 under Motion No XXXXX.

### **PRINTING OF CONDITIONS OF APPROVAL ON PLANS**

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

### **SEVERABILITY**

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

### **CHANGES AND MODIFICATIONS**

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

## Conditions of approval, Compliance, Monitoring, and Reporting

### PERFORMANCE

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

*For information about compliance, contact Code Enforcement, Planning Department at 415-575-6863, [www.sf-planning.org](http://www.sf-planning.org)*

2. **Extension.** This authorization may be extended at the discretion of the Zoning Administrator only where failure to issue a permit by the Department of Building Inspection to construct the project and/or commence the approved use is caused by a delay by a local, State or Federal agency or by any appeal of the issuance of such permit(s).

*For information about compliance, contact Code Enforcement, Planning Department at 415-575-6863, [www.sf-planning.org](http://www.sf-planning.org)*

3. **Mitigation Measures.** Mitigation measures described in the MMRP for the Market and Octavia Area Plan EIR (Case No. 2003.0347E) attached as Exhibit C are necessary to avoid potential significant effects of the proposed project and have been agreed to by the project sponsor.

*For information about compliance, contact Code Enforcement, Planning Department at 415-575-6863, [www.sf-planning.org](http://www.sf-planning.org)*

### DESIGN – COMPLIANCE AT PLAN STAGE

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

*For information about compliance, contact the Case Planner, Planning Department at 415-575-9078, [www.sf-planning.org](http://www.sf-planning.org)*

5. **Garbage, composting and recycling storage.** Space for the collection and storage of garbage, composting, and recycling shall be provided within enclosed areas on the property and clearly labeled and illustrated on the building permit plans. Space for the collection and storage of

recyclable and compostable materials that meets the size, location, accessibility and other standards specified by the San Francisco Recycling Program shall be provided at the ground level of the buildings.

*For information about compliance, contact the Case Planner, Planning Department at 415-575-9078, [www.sf-planning.org](http://www.sf-planning.org)*

6. **Rooftop Mechanical Equipment.** Pursuant to Planning Code 141, the Project Sponsor shall submit a roof plan to the Planning Department prior to Planning approval of the building permit application. Rooftop mechanical equipment, if any is proposed as part of the Project, is required to be screened so as not to be visible from any point at or below the roof level of the subject building.

*For information about compliance, contact the Case Planner, Planning Department at 415-575-9078, [www.sf-planning.org](http://www.sf-planning.org)*

7. **Signage.** The Project Sponsor shall develop a signage program for the Project which shall be subject to review and approval by Planning Department staff before submitting any building permits for construction of the Project. All subsequent sign permits shall conform to the approved signage program. Once approved by the Department, the signage program/plan information shall be submitted and approved as part of the site permit for the Project. All exterior signage shall be designed to compliment, not compete with, the existing architectural character and architectural features of the building.

*For information about compliance, contact the Case Planner, Planning Department at 415-575-9078, [www.sf-planning.org](http://www.sf-planning.org)*

8. **Transformer Vault.** The location of individual project PG&E Transformer Vault installations has significant effects to San Francisco streetscapes when improperly located. However, they may not have any impact if they are installed in preferred locations. Therefore, the Planning Department recommends the following preference schedule in locating new transformer vaults, in order of most to least desirable:

1. On-site, in a basement area accessed via a garage or other access point without use of separate doors on a ground floor façade facing a public right-of-way;
2. On-site, in a driveway, underground;
3. On-site, above ground, screened from view, other than a ground floor façade facing a public right-of-way;
4. Public right-of-way, underground, under sidewalks with a minimum width of 12 feet, avoiding effects on streetscape elements, such as street trees; and based on Better Streets Plan guidelines;
5. Public right-of-way, underground; and based on Better Streets Plan guidelines;
6. Public right-of-way, above ground, screened from view; and based on Better Streets Plan guidelines;
7. On-site, in a ground floor façade (the least desirable location).

Unless otherwise specified by the Planning Department, Department of Public Work's Bureau of Street Use and Mapping (DPW BSM) should use this preference schedule for all new transformer vault installation requests.

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

9. **Overhead Wiring.** The Property owner will allow MUNI to install eyebolts in the building adjacent to its electric streetcar line to support its overhead wire system if requested by MUNI or MTA.

*For information about compliance, contact San Francisco Municipal Railway (Muni), San Francisco Municipal Transit Agency (SFMTA), at 415-701-4500, [www.sfmta.org](http://www.sfmta.org)*

10. **Noise, Ambient.** Interior occupiable spaces shall be insulated from ambient noise levels. Specifically, in areas identified by the Environmental Protection Element, Map1, "Background Noise Levels," of the General Plan that exceed the thresholds of Article 29 in the Police Code, new developments shall install and maintain glazing rated to a level that insulate interior occupiable areas from Background Noise and comply with Title 24.

*For information about compliance, contact the Environmental Health Section, Department of Public Health at (415) 252-3800, [www.sfdph.org](http://www.sfdph.org)*

11. **Streetscape Plan.** Pursuant to Planning Code Section 138.1, the Project Sponsor shall submit a pedestrian streetscape improvement plan to the Planning Department for review in consultation with the Department of Public Works and the Department of Parking and Traffic prior to Building Permit issuance.

*For information about compliance, contact the Case Planner, Planning Department at 415-575-9078, [www.sf-planning.org](http://www.sf-planning.org)*

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

*For information about compliance, contact the Case Planner, Planning Department at 415-575-9078, [www.sf-planning.org](http://www.sf-planning.org)*

## PARKING AND TRAFFIC

13. **Bicycle Parking.** The Project shall provide no fewer than 17 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](http://www.sf-planning.org)*

14. **Parking Maximum.** Pursuant to Planning Code Section 151.1, and as indicated on Exhibit B, the Project shall provide no more than 17 independently accessible off-street parking spaces, excluding car share spaces.

*For information about compliance, contact Code Enforcement, Planning Department at 415-575-6863, [www.sf-planning.org](http://www.sf-planning.org)*

15. **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](http://www.sf-planning.org)*

## PROVISIONS

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

*For information about compliance, contact the First Source Hiring Manager at 415-401-4960, [www.onestopSF.org](http://www.onestopSF.org)*

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

*For information about compliance, contact the Case Planner, Planning Department at 415-575-9078, [www.sf-planning.org](http://www.sf-planning.org)*

18. **Affordable Units. Requirement. Number of Required Units.** Pursuant to Planning Code Section 415.6, the Project is required to provide 15% of the proposed dwelling units as affordable to qualifying households. The Project contains 34 units; therefore, four (4) affordable units are required. The Project Sponsor will fulfill this requirement by providing the four (4) affordable units on-site. If the number of market-rate units change, the number of required affordable units shall be modified accordingly with written approval from Planning Department staff in consultation with the Mayor's Office of Housing ("MOH").

*For information about compliance, contact the Case Planner, Planning Department at 415-575-9078, [www.sf-planning.org](http://www.sf-planning.org) or the Mayor's Office of Housing at 415-701-5500, [www.sf-moh.org](http://www.sf-moh.org).*

19. **Unit Mix.** The Project contains nine (9) studios, eight (8) one-bedroom, and 17 two-bedroom units; therefore, the required affordable unit mix is one (1) studio, one (1) one-bedroom and two (2) two-bedrooms. If the market-rate unit mix changes, the affordable unit mix will be modified accordingly with written approval from Planning Department staff in consultation with MOH.  
*For information about compliance, contact the Case Planner, Planning Department at 415-575-9078, [www.sf-planning.org](http://www.sf-planning.org) or the Mayor's Office of Housing at 415-701-5500, [www.sf-moh.org](http://www.sf-moh.org).*
20. **Unit Location.** The affordable units shall be designated on a reduced set of plans recorded as a Notice of Special Restrictions on the property prior to the issuance of the first construction permit.  
*For information about compliance, contact the Case Planner, Planning Department at 415-575-9078, [www.sf-planning.org](http://www.sf-planning.org) or the Mayor's Office of Housing at 415-701-5500, [www.sf-moh.org](http://www.sf-moh.org).*
21. **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 415-575-9078, [www.sf-planning.org](http://www.sf-planning.org) or the Mayor's Office of Housing at 415-701-5500, [www.sf-moh.org](http://www.sf-moh.org).*
22. **Duration.** Under Planning Code Section 415.8, all units constructed pursuant to Section 415.6, must remain affordable to qualifying households for the life of the project.  
*For information about compliance, contact the Case Planner, Planning Department at 415-575-9078, [www.sf-planning.org](http://www.sf-planning.org) or the Mayor's Office of Housing at 415-701-5500, [www.sf-moh.org](http://www.sf-moh.org).*
23. **Other Affordable Housing Conditions.** The Project is subject to the requirements of the Inclusionary Affordable Housing Program under Section 415 et seq. of the Planning Code and City and County of San Francisco Inclusionary Affordable Housing Program Monitoring and Procedures Manual ("Procedures Manual"). The Procedures Manual, as amended from time to time, is incorporated herein by reference, as published and adopted by the Planning Commission, and as required by Planning Code Section 415. Terms used in these conditions of approval and not otherwise defined shall have the meanings set forth in the Procedures Manual. A copy of the Procedures Manual can be obtained at the MOH at 1 South Van Ness Avenue or on the Planning Department or Mayor's Office of Housing's websites, including on the internet at:  
<http://sf-planning.org/Modules/ShowDocument.aspx?documentid=4451>.  
As provided in the Inclusionary Affordable Housing Program, the applicable Procedures Manual is the manual in effect at the time the subject units are made available for sale.  
*For information about compliance, contact the Case Planner, Planning Department at 415-558-6378, [www.sf-planning.org](http://www.sf-planning.org) or the Mayor's Office of Housing at 415-701-5500, [www.sf-moh.org](http://www.sf-moh.org).*
- a. The affordable unit(s) shall be designated on the building plans prior to the issuance of the first construction permit by the Department of Building Inspection ("DBI"). The affordable unit(s) shall (1) reflect the unit size mix in number of bedrooms of the market rate units, (2) be constructed, completed, ready for occupancy and marketed no later than the market rate units, and (3) be evenly distributed throughout the building; and (4) be of comparable overall

- quality, construction and exterior appearance as the market rate units in the principal project. The interior features in affordable units should be generally the same as those of the market units in the principal project, but need not be the same make, model or type of such item as long they are of good and new quality and are consistent with then-current standards for new housing. Other specific standards for on-site units are outlined in the Procedures Manual:
- b. If the units in the building are offered for sale, the affordable unit(s) shall be sold to first time home buyer households, as defined in the Procedures Manual, whose gross annual income, adjusted for household size, does not exceed an average of ninety (90) percent of Area Median Income under the income table called "Maximum Income by Household Size derived from the Unadjusted Area Median Income for HUD Metro Fair Market Rent Area that contains San Francisco." The initial sales price of such units shall be calculated according to the Procedures Manual. Limitations on (i) reselling; (ii) renting; (iii) recouping capital improvements; (iv) refinancing; and (v) procedures for inheritance apply and are set forth in the Inclusionary Affordable Housing Program and the Procedures Manual.
  - c. The Project Sponsor is responsible for following the marketing, reporting, and monitoring requirements and procedures as set forth in the Procedures Manual. MOH shall be responsible for overseeing and monitoring the marketing of affordable units. The Project Sponsor must contact MOH at least six months prior to the beginning of marketing for any unit in the building.
  - d. Required parking spaces shall be made available to initial buyers or renters of affordable units according to the Procedures Manual.
  - e. Prior to the issuance of the first construction permit by DBI for the Project, the Project Sponsor shall record a Notice of Special Restriction on the property that contains these conditions of approval and a reduced set of plans that identify the affordable units satisfying the requirements of this approval. The Project Sponsor shall promptly provide a copy of the recorded Notice of Special Restriction to the Department and to MOH or its successor.
  - f. The Project Sponsor has demonstrated that it is eligible for the On-site Affordable Housing Alternative under Planning Code Section 415.6 instead of payment of the Affordable Housing Fee, and has submitted the *Affidavit of Compliance with the Inclusionary Affordable Housing Program: Planning Code Section 415* to the Planning Department stating that any affordable units designated as on-site units shall be sold as ownership units and will remain as ownership units for the life of the Project.
  - g. If the Project Sponsor fails to comply with the Inclusionary Affordable Housing Program requirement, the Director of DBI shall deny any and all site or building permits or certificates of occupancy for the development project until the Planning Department notifies the Director of compliance. A Project Sponsor's failure to comply with the requirements of Planning

Code Section 415 et seq. shall constitute cause for the City to record a lien against the development project and to pursue any and all available remedies at law.

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

21. **Market Octavia Affordable Housing Fee.** Pursuant to Planning Code Section 416 (formerly 315.4), the Project Sponsor shall comply with the Market Octavia Affordable Housing requirements through payment of the Market Octavia Affordable Housing Fee in full to the Treasurer, prior to the issuance by Department of Building Inspection of the first certificate of occupancy for the development project.

*For information about compliance, contact the Case Planner, Planning Department at 415-575-9078, [www.sf-planning.org](http://www.sf-planning.org)*

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

*For information about compliance, contact the Case Planner, Planning Department at 415-575-9078, [www.sf-planning.org](http://www.sf-planning.org)*

## MONITORING - AFTER ENTITLEMENT

23. **Enforcement.** Violation of any of the Planning Department conditions of approval contained in this Motion or of any other provisions of Planning Code applicable to this Project shall be subject to the enforcement procedures and administrative penalties set forth under Planning Code Section 176 or Section 176.1. The Planning Department may also refer the violation complaints to other city departments and agencies for appropriate enforcement action under their jurisdiction.

*For information about compliance, contact Code Enforcement, Planning Department at 415-575-6863, [www.sf-planning.org](http://www.sf-planning.org)*

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

*For information about compliance, contact Code Enforcement, Planning Department at 415-575-6863, [www.sf-planning.org](http://www.sf-planning.org)*

## OPERATION

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

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

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

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

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

*For information about compliance, contact Code Enforcement, Planning Department at 415-575-6863, [www.sf-planning.org](http://www.sf-planning.org)*

MEASURES ADOPTED AS CONDITIONS OF APPROVAL	Responsibility for Implementation	Schedule	Monitoring/Report Responsibility	Status/Date Completed
<i>Archeological Resources Mitigation Measure</i>				
<p><u><i>Project Mitigation Measure 1 – Soil Disturbing Activities in Archeologically Documented Properties (Mitigation Measure 5.6.A1 of the Market and Octavia Plan FEIR).</i></u></p> <p>The project sponsor shall retain the services of an archaeological consultant from the pool of qualified archaeological consultants maintained by the Planning Department archaeologist. The archeological consultant shall prepare an Addendum (“Addendum”) to the <i>San Francisco Freeway Replacement Project Archeological Research ARDTP</i> (June, 1998) as described in <i>Mitigation Measure 5.6.A1: Archeological Mitigation Measure – Soil Disturbing Activities in Archeologically Documented Properties</i> (p. 5-4 to 5-5 of the Market and Octavia Plan FEIR). The Addendum shall include an archeological monitoring plan. After final acceptance of the Addendum by the Planning Department archeologist the archeological consultant shall undertake an archeological monitoring program in accordance with the Addendum. All plans and reports prepared by the consultant as specified herein shall be submitted first and directly to the ERO for review and comment, and shall be considered draft reports subject to revision until final approval by the ERO. Archeological monitoring and/or data recovery programs required by this measure could suspend construction of the project for up to a maximum of four weeks. At the direction of the ERO, the suspension of <i>construction</i> can be extended beyond four weeks only if such a suspension is the only feasible means to reduce to a less than significant level potential effects on a significant archeological resource as defined in CEQA Guidelines Section 15064.5 (a)(c).</p> <p><i>Archeological monitoring program (AMP).</i> The archeological monitoring program shall minimally include the following provisions:</p> <ul style="list-style-type: none"> <li>▪ The archeological consultant, project sponsor, and ERO shall meet and consult on the scope of the AMP reasonably prior to any project-related soils disturbing activities commencing. The ERO in consultation with the project archeologist shall determine what project activities shall be archeologically monitored. In most cases, any soils disturbing activities, such as demolition, foundation removal, excavation, grading, utilities installation, foundation work, driving of piles (foundation, shoring, etc.), site remediation, etc., shall require archeological monitoring because of the potential risk these activities pose to archaeological resources and</li> </ul>	Project sponsor.	Prior to commencement of on-site work.	Planning Department Environmental Review Officer (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).

MEASURES ADOPTED AS CONDITIONS OF APPROVAL	Responsibility for Implementation	Schedule	Monitoring/Report Responsibility	Status/Date Completed
<p>to their depositional context;</p> <ul style="list-style-type: none"> <li>▪ The archeological consultant shall advise all project contractors to be on the alert for evidence of the presence of the expected resource(s), of how to identify the evidence of the expected resource(s), and of the appropriate protocol in the event of apparent discovery of an archeological resource;</li> <li>▪ The archaeological monitor(s) shall be present on the project site according to a schedule agreed upon by the archeological consultant and the ERO until the ERO has, in consultation with the archeological consultant, determined that project construction activities could have no effects on significant archeological deposits;</li> <li>▪ The archeological monitor shall record and be authorized to collect soil samples and artifactual/ecofactual material as warranted for analysis;</li> <li>▪ If an intact archeological deposit is encountered, all soils disturbing activities in the vicinity of the deposit shall cease. The archeological monitor shall be empowered to temporarily redirect demolition/excavation/pile driving/construction crews and heavy equipment until the deposit is evaluated. If in the case of pile driving activity (foundation, shoring, etc.), the archeological monitor has cause to believe that the pile driving activity may affect an archeological resource, the pile driving activity shall be terminated until an appropriate evaluation of the resource has been made in consultation with the ERO. The archeological consultant shall immediately notify the ERO of the encountered archeological deposit. The archeological consultant shall, after making a reasonable effort to assess the identity, integrity, and significance of the encountered archeological deposit, present the findings of this assessment to the ERO.</li> </ul> <p><b>Consultation with Descendant Communities:</b> On discovery of an archeological site<sup>1</sup> associated with descendant Native Americans or the Overseas Chinese an appropriate representative<sup>2</sup> of the descendant group and the ERO shall be contacted. The representative of the descendant group shall be given the opportunity to monitor archeological field investigations of the site and to consult with ERO regarding appropriate archeological treatment of the site, of recovered data from the site, and, if applicable, any interpretative treatment of the associated</p>				

<sup>1</sup> The term “archeological site” is intended here to minimally include any archeological deposit, feature, burial, or evidence of burial.

<sup>2</sup> An “appropriate representative” of the descendant group is here defined to mean, in the case of Native Americans, any individual listed in the current Native American Contact List for the City and County of San Francisco maintained by the California Native American Heritage Commission and in the case of the Overseas Chinese, the Chinese Historical Society of America.

MEASURES ADOPTED AS CONDITIONS OF APPROVAL	Responsibility for Implementation	Schedule	Monitoring/Report Responsibility	Status/Date Completed
<p>archeological site. A copy of the Final Archaeological Resources Report shall be provided to the representative of the descendant group.</p> <p>If the ERO in consultation with the archeological consultant determines that a significant archeological resource is present and that the resource could be adversely affected by the proposed project, at the discretion of the project sponsor either:</p> <p>A) The proposed project shall be re-designed so as to avoid any adverse effect on the significant archeological resource; or</p> <p>B) An archeological data recovery program shall be implemented, unless the ERO determines that the archeological resource is of greater interpretive than research significance and that interpretive use of the resource is feasible.</p> <p>If an archeological data recovery program is required by the ERO, the archeological data recovery program shall be conducted in accord with an archeological data recovery plan (ADRP). The project archeological consultant, project sponsor, and ERO shall meet and consult on the scope of the ADRP. The archeological consultant shall prepare a draft ADRP that shall be submitted to the ERO for review and approval. The ADRP shall identify how the proposed data recovery program will preserve the significant information the archeological resource is expected to contain. That is, the ADRP will identify what scientific/historical research questions are applicable to the expected resource, what data classes the resource is expected to possess, and how the expected data classes would address the applicable research questions. Data recovery, in general, should be limited to the portions of the historical property that could be adversely affected by the proposed project. Destructive data recovery methods shall not be applied to portions of the archeological resources if nondestructive methods are practical.</p> <p>The scope of the ADRP shall include the following elements:</p> <ul style="list-style-type: none"> <li>▪ <i>Field Methods and Procedures.</i> Descriptions of proposed field strategies, procedures, and operations.</li> <li>▪ <i>Cataloguing and Laboratory Analysis.</i> Description of selected cataloguing system and artifact analysis procedures.</li> <li>▪ <i>Discard and Deaccession Policy.</i> Description of and rationale for field and post-field discard and deaccession policies.</li> <li>▪ <i>Interpretive Program.</i> Consideration of an on-site/off-site public</li> </ul>				

MEASURES ADOPTED AS CONDITIONS OF APPROVAL	Responsibility for Implementation	Schedule	Monitoring/Report Responsibility	Status/Date Completed
<p>interpretive program during the course of the archeological data recovery program.</p> <ul style="list-style-type: none"> <li>▪ <b>Security Measures.</b> Recommended security measures to protect the archeological resource from vandalism, looting, and non-intentionally damaging activities.</li> <li>▪ <b>Final Report.</b> Description of proposed report format and distribution of results.</li> <li>▪ <b>Curation.</b> Description of the procedures and recommendations for the curation of any recovered data having potential research value, identification of appropriate curation facilities, and a summary of the accession policies of the curation facilities.</li> </ul> <p><b>Human Remains, Associated or Unassociated Funerary Objects.</b> The treatment of human remains and of associated or unassociated funerary objects discovered during any soils disturbing activity shall comply with applicable State and Federal Laws, including immediate notification of the Coroner of the City and County of San Francisco and in the event of the Coroner’s determination that the human remains are Native American remains, notification of the California State Native American Heritage Commission (NAHC) who shall appoint a Most Likely Descendant (MLD) (Pub. Res. Code Sec. 5097.98). The archeological consultant, project sponsor, and MLD shall make all reasonable efforts to develop an agreement for the treatment of, with appropriate dignity, human remains and associated or unassociated funerary objects (CEQA Guidelines. Sec. 15064.5(d)). The agreement should take into consideration the appropriate excavation, removal, recordation, analysis, curation, possession, and final disposition of the human remains and associated or unassociated funerary objects.</p> <p><b>Final Archeological Resources Report.</b> The archeological consultant shall submit a Draft Final Archeological Resources Report (FARR) to the ERO that evaluates the historical significance of any discovered archeological resource and describes the archeological and historical research methods employed in the archeological testing/monitoring/data recovery program(s) undertaken. Information that may put at risk any archeological resource shall be provided in a separate removable insert within the draft final report.</p> <p>Copies of the Draft FARR shall be sent to the ERO for review and approval. Once approved by the ERO copies of the FARR shall be distributed as follows: California Archaeological Site Survey Northwest Information Center (NWIC) shall receive one (1) copy and the ERO shall receive a copy of the</p>				

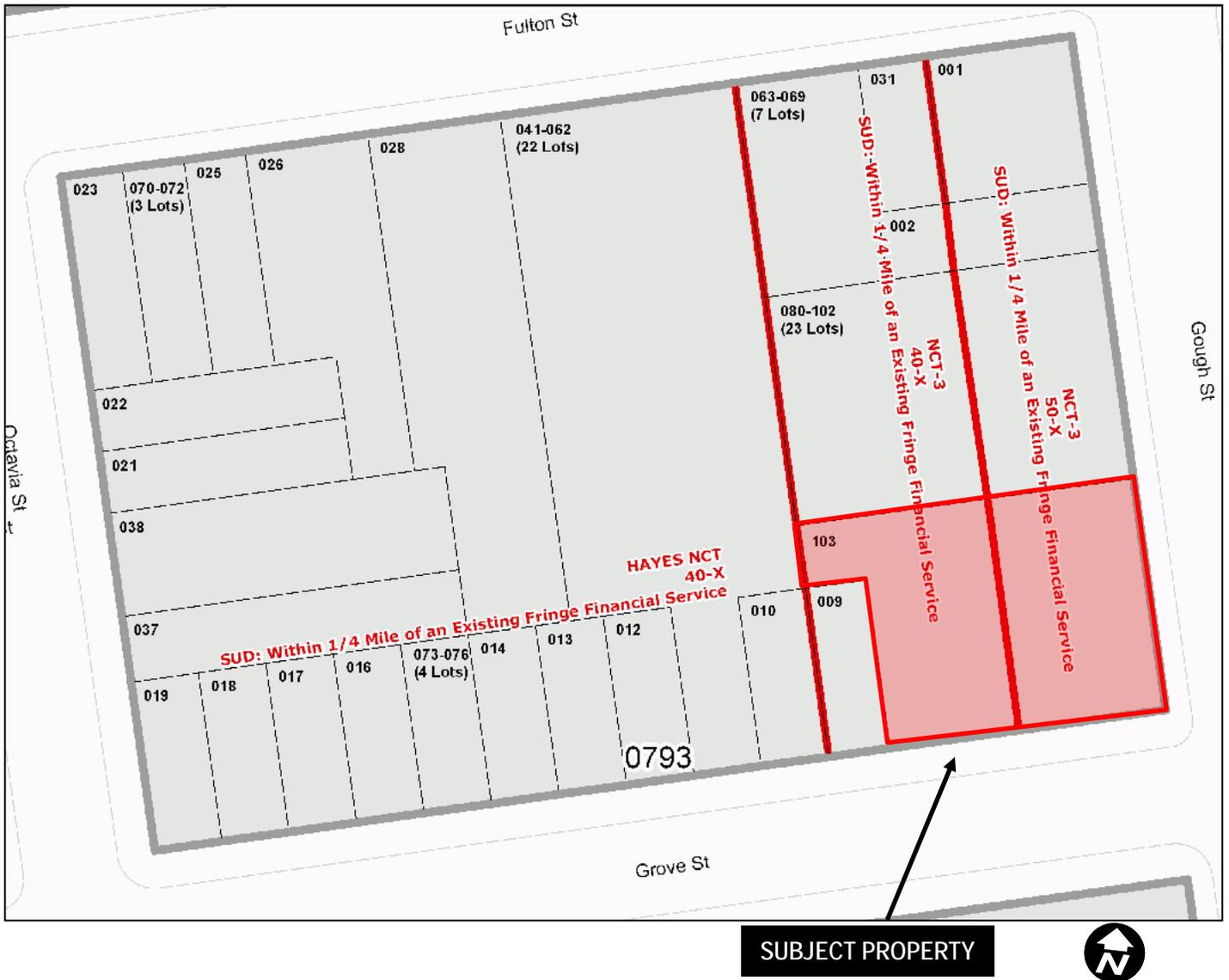
MEASURES ADOPTED AS CONDITIONS OF APPROVAL	Responsibility for Implementation	Schedule	Monitoring/Report Responsibility	Status/Date Completed
<p>transmittal of the FARR to the NWIC. The Environmental Planning division of the Planning Department shall receive one bound, one unbound and one unlocked, searchable PDF copy on CD of the FARR along with copies of any formal site recordation forms (CA DPR 523 series) and/or documentation for nomination to the National Register of Historic Places/California Register of Historical Resources. In instances of high public interest or interpretive value, the ERO may require a different final report content, format, and distribution than that presented above.</p>				
<b>Air Quality Mitigation Measure</b>				
<p><b><u>Project Mitigation Measure 2 – Short-Term Construction Exhaust Emissions (Mitigation Measure 5.8.B of the Market and Octavia Plan FEIR).</u></b> To reduce program or project level short-term exhaust emissions from construction equipment, the following mitigation measures shall be implemented for construction activities in the Project Area:</p> <ul style="list-style-type: none"> <li>• Confine idle time of combustion engine construction equipment at construction sites to five minutes.</li> <li>• Maintain and properly tune construction equipment in accordance to manufacturer’s specifications.</li> <li>• Use alternative fuel or electrical construction equipment at the project site when feasible.</li> <li>• Use the minimum practical engine size for construction equipment.</li> <li>• Equip gasoline-powered construction equipment with catalytic converters when feasible.</li> </ul>	Project sponsor.	During demolition, excavation, and construction.	Department of Building Inspection (DBI).	Maintain on-site observations as warranted; review daily field reports and inspect construction; prepare daily field and monthly compliance reports and submit to the DBI. Compliance through site permit process. DBI to monitor during construction.
<b>Wind Mitigation Measure</b>				
<p><b><u>Project Mitigation Measure 3 – All New Construction (Mitigation Measure 5.5.B2 of the Market and Octavia Plan FEIR).</u></b> 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"> <li>• 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 comfort level of 11 mph equivalent wind speed in areas of</li> </ul>	Project sponsor	During project design & development phase.	Planning Department	Considered complete upon design review by Planning Department.

MEASURES ADOPTED AS CONDITIONS OF APPROVAL	Responsibility for Implementation	Schedule	Monitoring/Report Responsibility	Status/Date Completed
<p>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"> <li>• 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.</li> <li>• 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.</li> <li>• 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.</li> <li>• 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.</li> </ul>				
<b>Shadow Mitigation Measure</b>				
<p><b>Project Mitigation Measure 4 – Shadow on Non-Section 295 Open Space (Mitigation Measure 5.5.A2 of the Market and Octavia Plan FEIR).</b> New buildings and additions to existing buildings in the Project Area 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 shall 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>	Project sponsor.	During project design & development phase.	Planning Department & Recreation and Parks Department.	Considered complete upon design review by Planning Department.
<b>Geology, Soils, and Seismicity Mitigation Measure</b>				
<p><b><u>Project Mitigation Measure 5 – Construction-related Soils (Mitigation Measure 5.11.A of the Market and Octavia Plan FEIR).</u></b> 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</p>	Project sponsor.	During construction.	Project sponsor/DBI.	On-site monitoring by project sponsor and DBI.

MEASURES ADOPTED AS CONDITIONS OF APPROVAL	Responsibility for Implementation	Schedule	Monitoring/Report Responsibility	Status/Date Completed
maintain low runoff velocities; trap sediment onsite; and minimize length and steepness of slopes.				
<b><i>Hazardous Materials Mitigation Measure</i></b>				
<p><b><u>Project Mitigation Measure 6 – Site Mitigation Plan.</u></b>            The Work Plan shall be implemented and an investigation report submitted to DPH SAM. Depending on the findings of the analysis of soil samples to be conducted, a SMP would 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 would be monitored under the supervision of DPH SAM. The SMP shall address:</p> <ul style="list-style-type: none"> <li>• Proposed vertical and lateral extent of excavation;</li> <li>• Proposed building locations and configurations;</li> <li>• Management options for contaminated soils;</li> <li>• Identification of the proposed soil transporter and disposal locations;</li> <li>• Collection of confirmation samples in the excavation area following excavation. The approximate number and proposed locations for sampling;</li> <li>• If confirmation samples exceed State ESL or other criteria established by DPH SAM, additional excavation may be needed and additional confirmation samples should be collected and analyzed;</li> <li>• Soil samples should be analyzed for the appropriate TPH ranges and metals;</li> <li>• Dust control plan and measures per San Francisco Health Code Article 22B;</li> <li>• Contingency Plan that describes the procedures for controlling, containing, remediating, testing and disposing of any unexpected contaminated soil, water, or other material;</li> <li>• Site specific Health and Safety Plan;</li> <li>• Storm Water Control and Noise Control protocols as applicable;</li> <li>• A provision stating that should an underground storage tank be encountered, it shall be removed under permit with DPH Hazardous Materials Unified Program Agency (HMUPA) and the San Francisco Fire Department; and</li> <li>• Submittal of a final project report.</li> </ul>	Project sponsor.	SMP should be submitted at least six weeks prior to beginning construction excavation work. Health and Safety Plan may be submitted two weeks prior to beginning construction field work.	Project sponsor/San Francisco Department of Public Health (DPH).	Considered complete upon submittal of SMP.

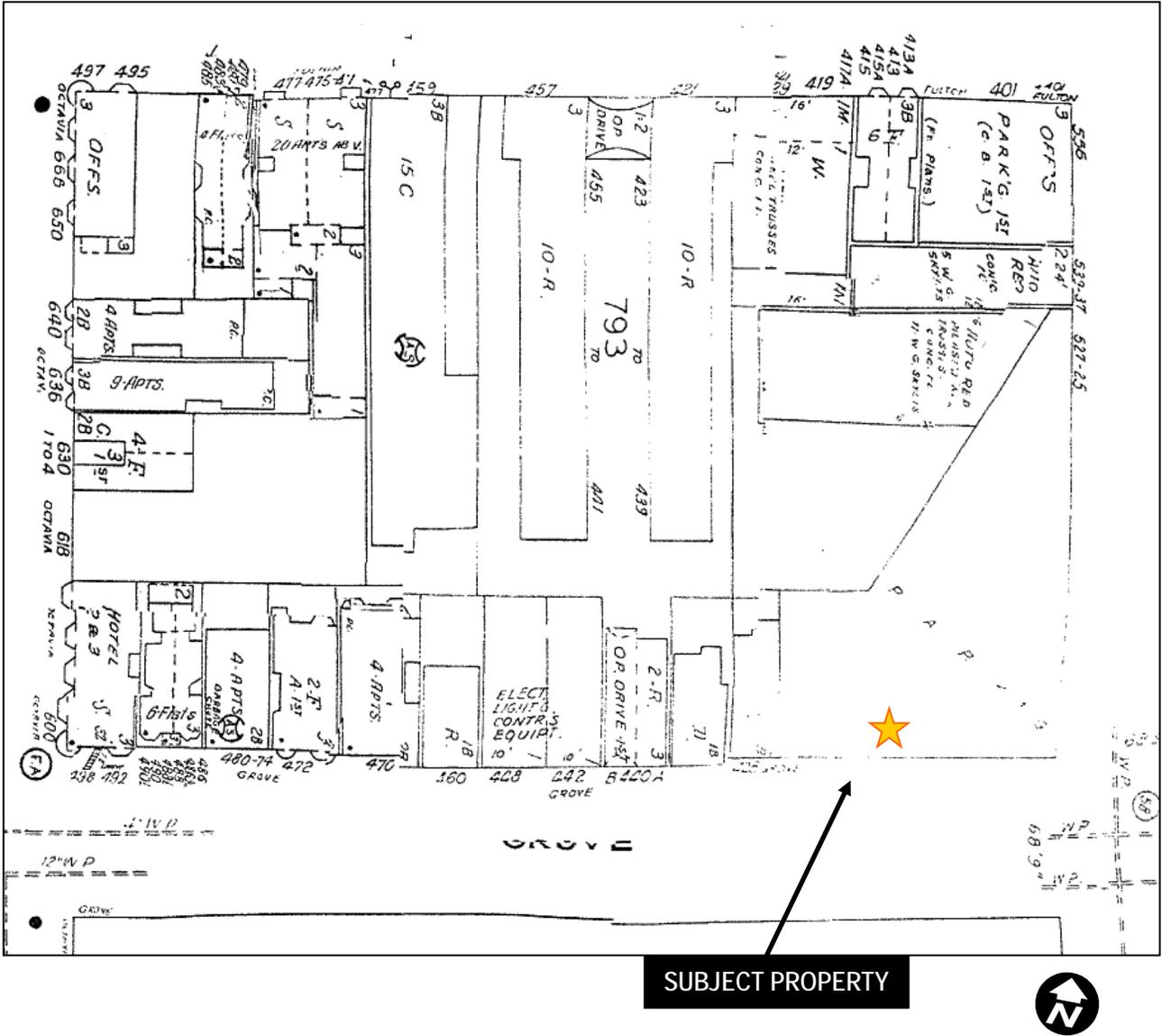
MEASURES ADOPTED AS CONDITIONS OF APPROVAL	Responsibility for Implementation	Schedule	Monitoring/Report Responsibility	Status/Date Completed
<p><u><i>Project Mitigation Measure 7 – Dust Control Plan (Mitigation Measure 5.10.A of the Market and Octavia FEIR).</i></u></p> <ul style="list-style-type: none"> <li>• Airborne particulates shall be minimized by wetting exposed soils, as appropriate, containing runoff, and tarping over-night and weekends;</li> <li>• Storage stockpiles shall be minimized, where practical, and properly labeled and secured;</li> <li>• Vehicle speeds across unpaved areas shall not exceed 15 mph to reduce dust emissions;</li> <li>• Activities shall be conducted so as not to track contaminants beyond the regulated area;</li> <li>• Misting, fogging, or periodic dampening shall be utilized to minimize fugitive dust, as appropriate; and</li> <li>• Contaminants and regulated areas shall be properly maintained.</li> </ul>	Project sponsor.	During construction.	Project sponsor/DBI.	On-site monitoring by project sponsor & DBI.

# Parcel Map



Case Number 2012.0083ECV  
Conditional Use Authorization  
400 Grove Street

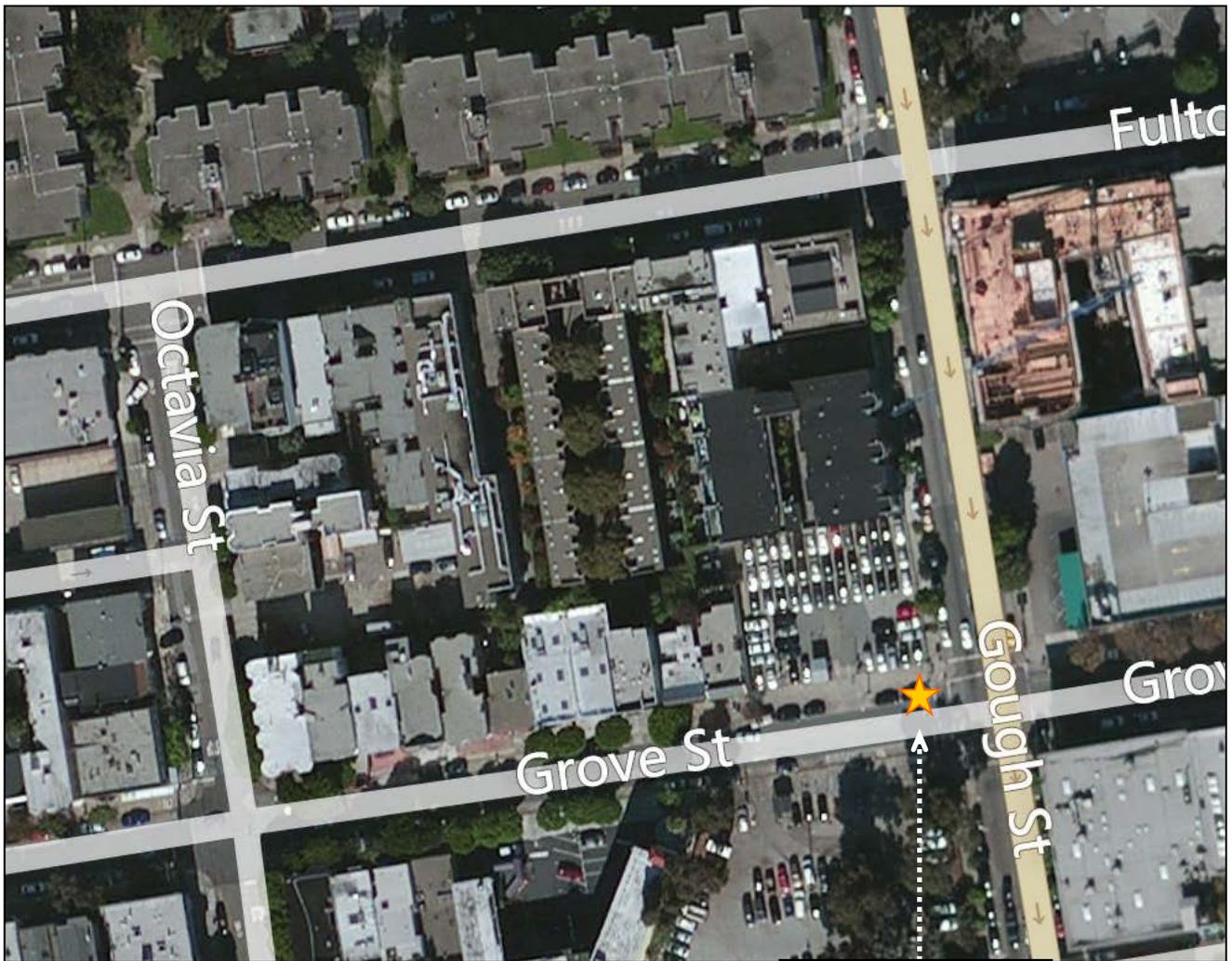
# Sanborn Map\*



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

Case Number 2012.0083ECV  
 Conditional Use Authorization  
 400 Grove Street

# Aerial Photo

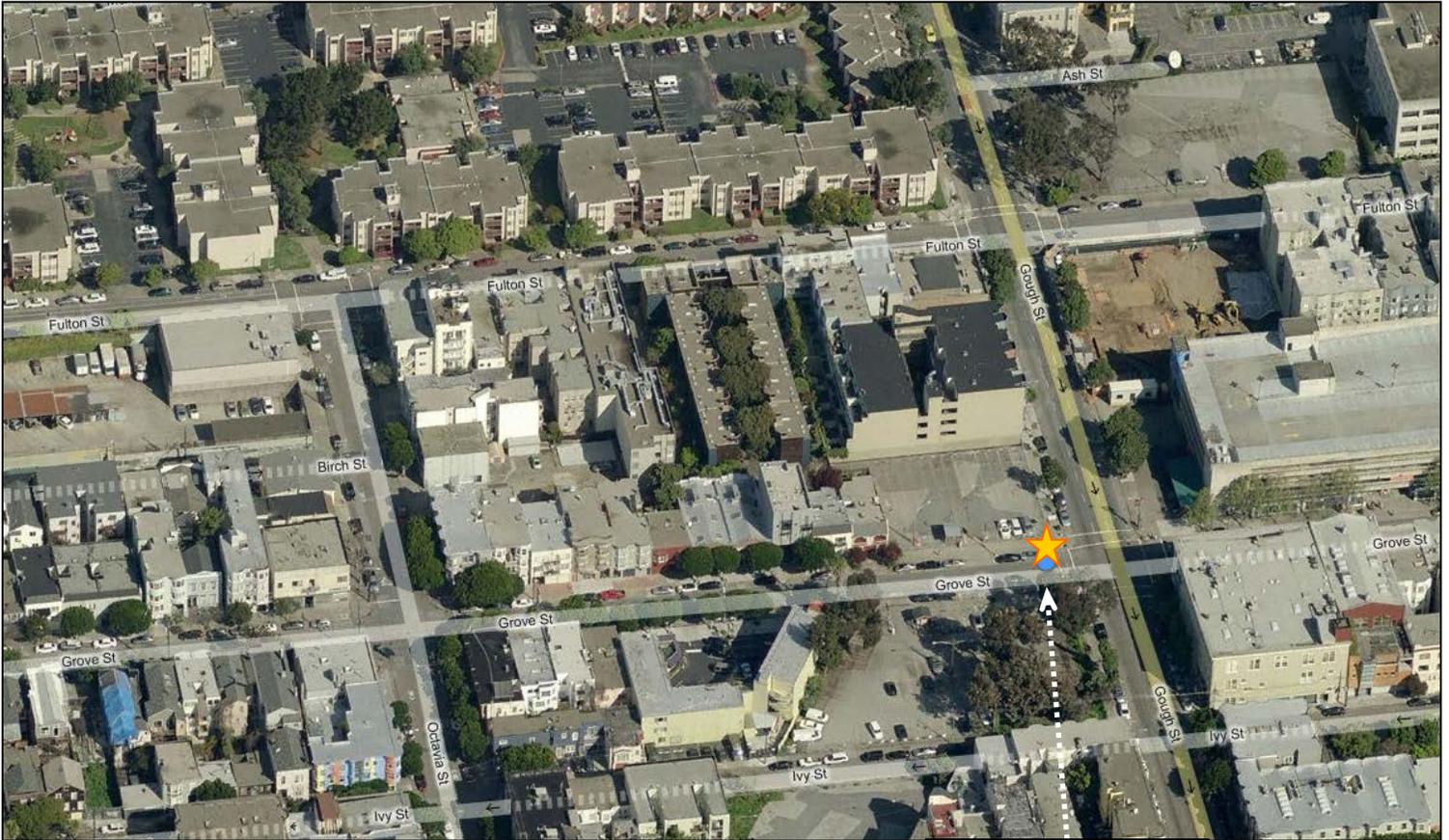


SUBJECT PROPERTY



# Aerial Photo

North-Facing

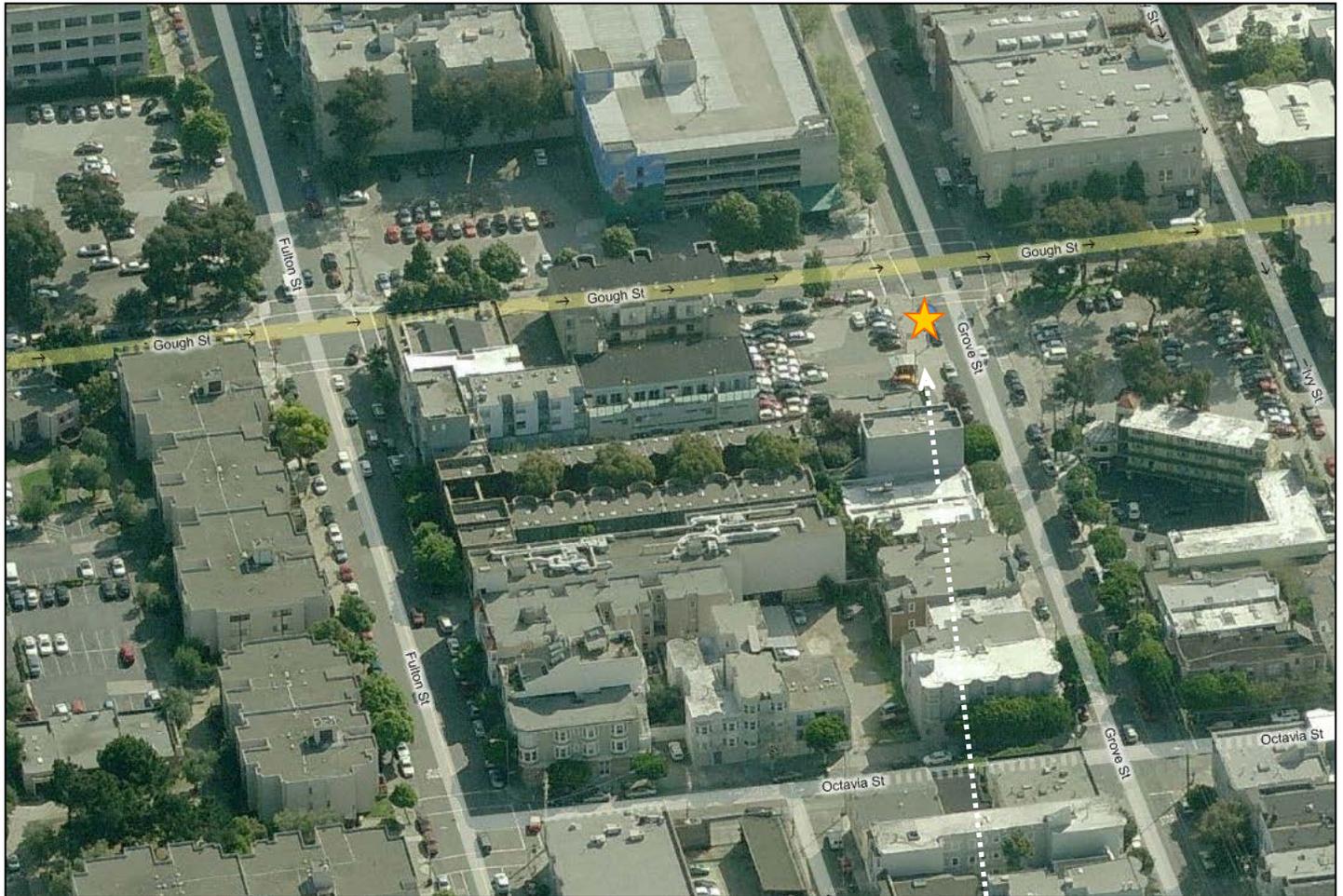


SUBJECT PROPERTY



# Aerial Photo

East-Facing



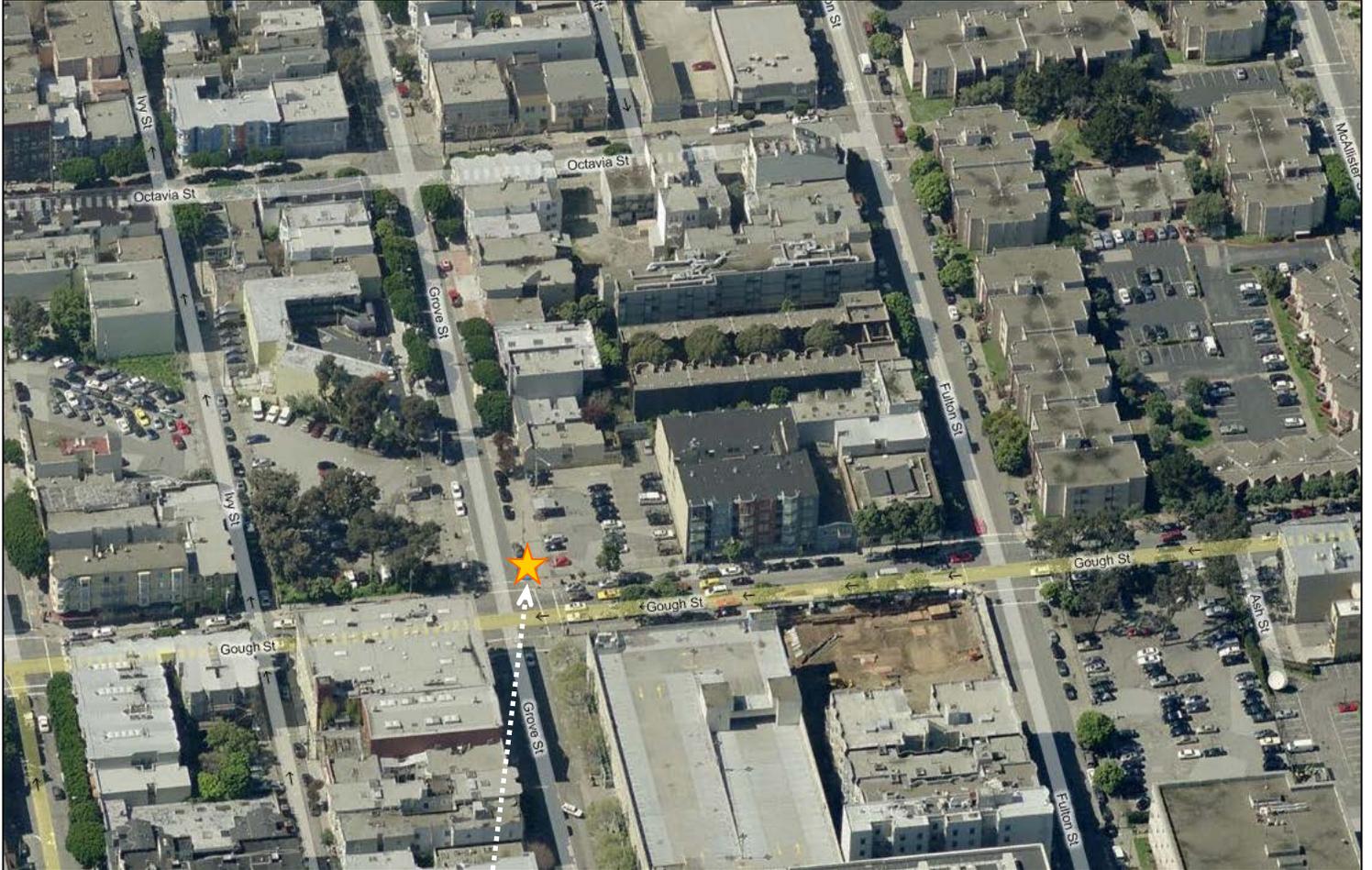
SUBJECT PROPERTY



Case Number 2012.0083ECV  
Conditional Use Authorization  
400 Grove Street

# Aerial Photo

West-Facing

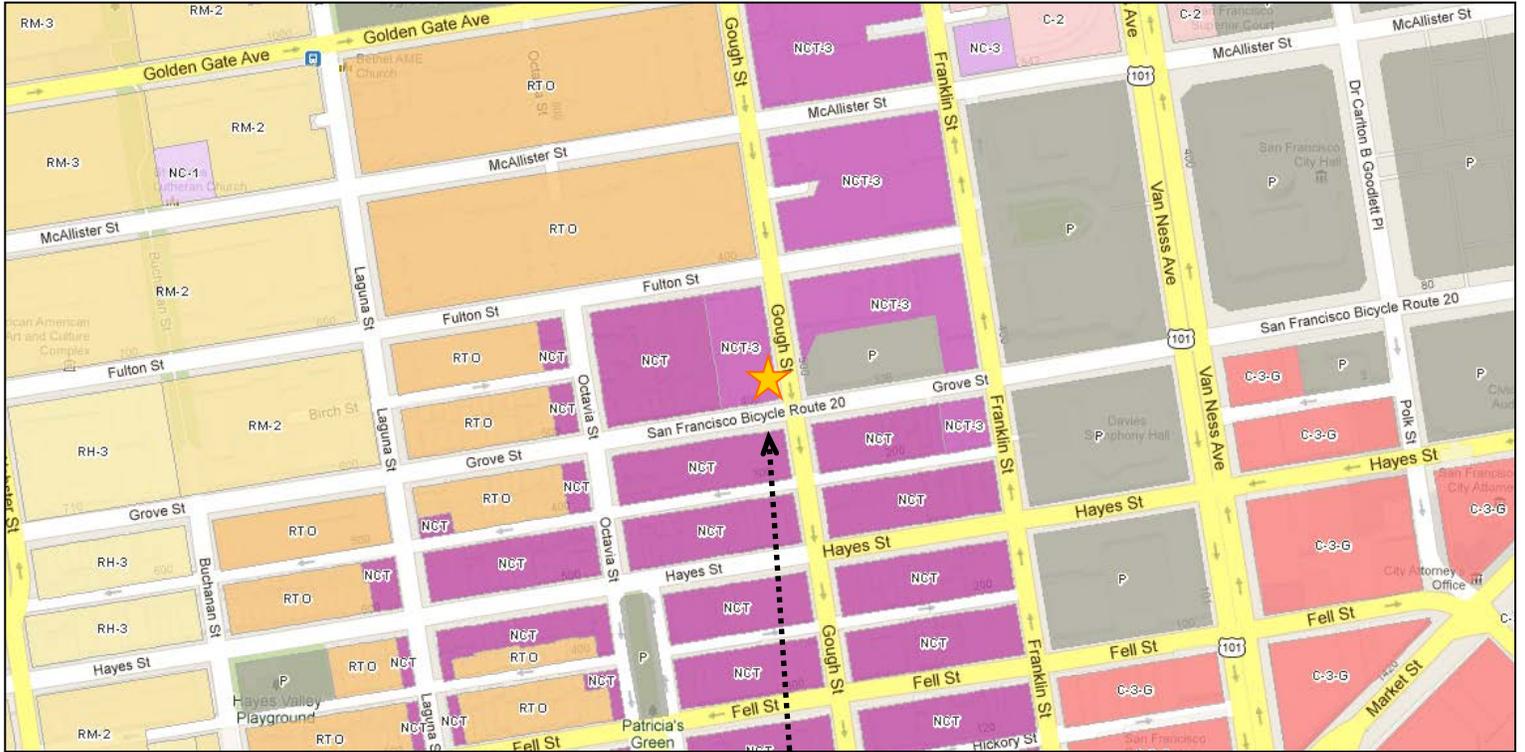


SUBJECT PROPERTY



Case Number 2012.0083ECV  
Conditional Use Authorization  
400 Grove Street

# Zoning Map

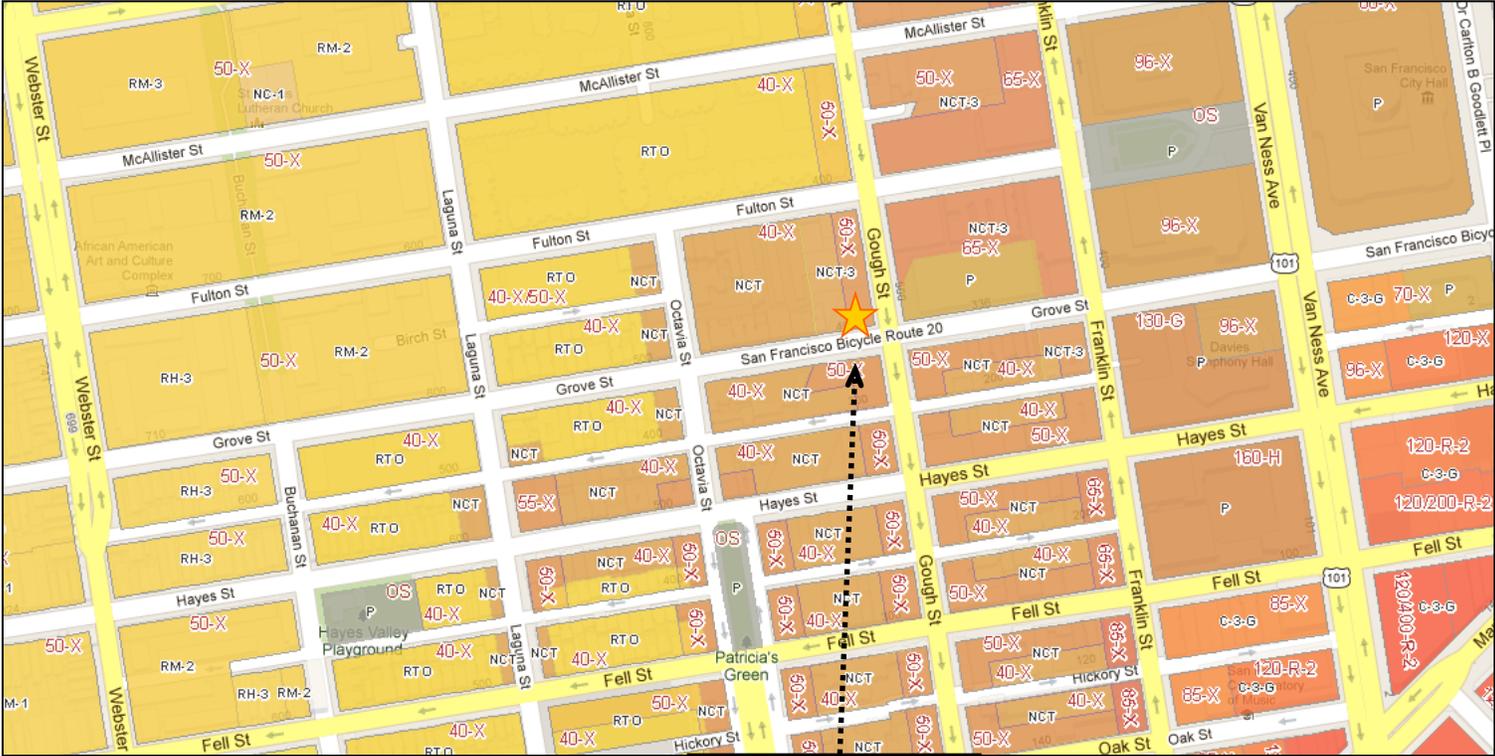


**SUBJECT PROPERTY**



Case Number 2012.0083ECV  
Conditional Use Authorization  
400 Grove Street

# Height & Bulk Districts



**SUBJECT PROPERTY**



Case Number 2012.0083ECV  
Conditional Use Authorization  
400 Grove Street

January 21<sup>st</sup>, 2013

Aaron Hollister  
San Francisco Planning Department  
1650 Mission Street Suite 400  
San Francisco, CA 94103

RE: 400 Grove (a.k.a Parcel "H"), Case 2012.008ECV

Dear Mr. Hollister,

The Hayes Valley Neighborhood Association (HVNA), based on our support for the Market and Octavia Plan, enthusiastically endorses the proposed development known as 400 Grove Street. We have no objections to the variance requests.

The HVNA Transportation and Planning Committee met several times with the project sponsor, DDG Partners, and our meetings were collegial and productive. The project fits with the permitted parking ratio of 0.5:1 (34 units, 17 spaces) which is satisfactory, although HVNA continues to urge developers to build with zero parking in this part of the neighborhood.

The project also fits with the new below market rate (BMR) inclusionary housing ordinance approved by San Francisco voters in November 2012. That is, 12% on-site inclusionary rather than the previous requirement of 15% on-site. While we certainly would like to see more affordable housing on this site, we acknowledge that the developer is within the city requirement. Despite a lower percentage we are extremely pleased that DDG Partners is choosing on-site BMR rather than feeing-out. We hope this project encourages others to do the same.

In addition to parking and affordable housing, the proposal will help activate this segment of Grove and Gough Streets and has housing units that open directly to Grove Street. In terms of urban design and configuration, this project fits nicely with the Market and Octavia Plan. We appreciate the creativity regarding the residential entry on Gough Street.

Lastly, we urge DDG Partners to work closely with the city on the Gough Street corner in terms of pedestrian improvements. It is our understanding that Gough Street will be repaved in the next two years. When this happens it is critical to maximize pedestrian improvements for crossing Gough and Grove Streets. This is especially important since in addition to the 34 new housing units at 400 Grove there are dozens of additional units under construction at 401 Grove and across Gough there is a new affordable housing development at Richardson Apartments.

In summary this project fits with the Market and Octavia Plan, it is well-designed, and we appreciate that DDG Partners has respected the plan. We wish DDG the best in getting all approvals and expediting this well-designed project.

Sincerely,

Jason Henderson  
Chair, Transportation and Planning Committee,  
The Hayes Valley Neighborhood Association  
300 Buchanan Street, #503

San Francisco, CA, 94102  
(415)-255-8136  
[jhenders@sbcglobal.net](mailto:jhenderson@sbcglobal.net)

## 525 Gough St. Interior

Here's an example of the view from the interior, from the perspective of the residents in 525 Gough St.:

Our unit, #203 would be turned to darkness even on the brightest day because of the lack of south facing sun.

It's one of the reasons why many of us purchased our units, and the light and air is integral to the value and appeal of the property.



Blocking the openings would cause total darkness in our corner even during day-time hours because all light emanates from the south



## 525 Gough St. Exterior



Our concern regarding 400 Grove St. is if it is built directly flush with 525 Gough, then it will block openings into our common courtyard which provides:

1. Sun light
2. Fresh air circulation

for all units, especially the lower units which do not have the exposure at the very top surface of the building.

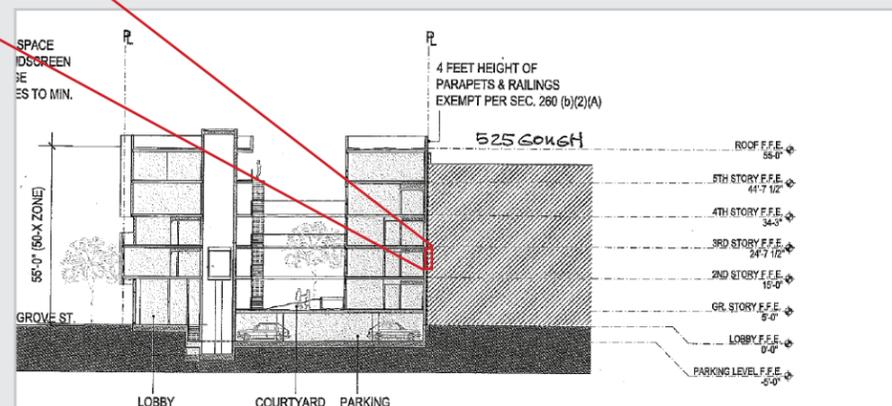
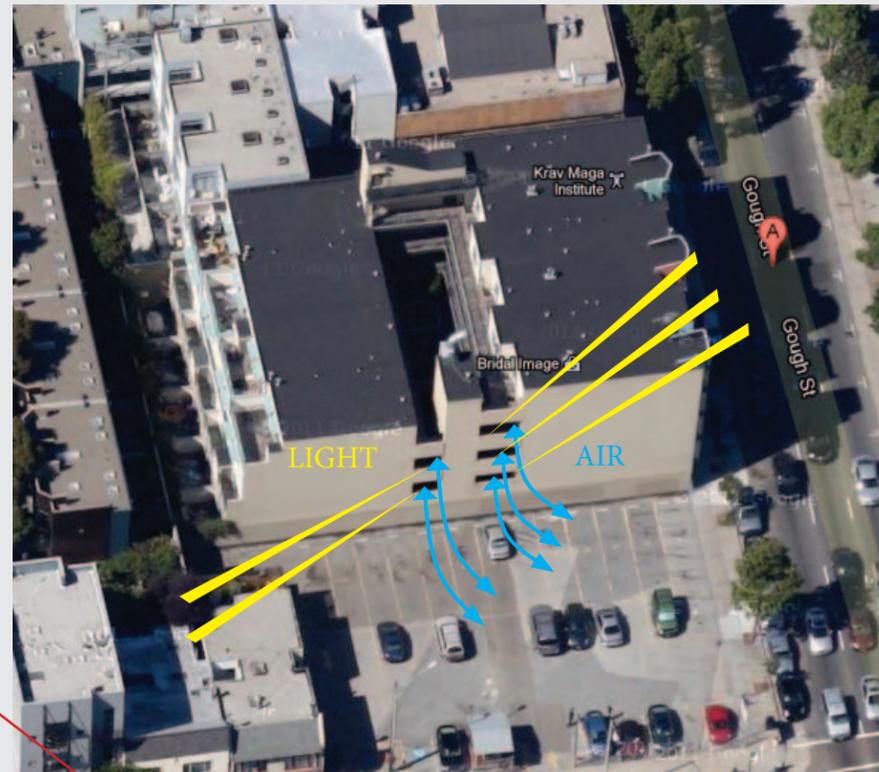
Blocking the opening would create environmental side-effects for the living conditions in our units as well as adversely affect property value for the units that are impacted by reduced light and airflow.

I would ask that the environmental review consider any solutions that would prevent these openings from being blocked when assessing the project plans for 400 Grove.

If 500 Grove must be built right up against 525 Gough, then perhaps the proposed 2,315 sq ft. open space can be aligned with the openings so that airflow and light are preserved.

Please don't hesitate to contact us. Also we did not directly receive the original notification, so please add us to your contact list. Thank you,

Matthew and Min Shih  
 525 Gough St. #203  
 415 881-7444  
 matt.shih@gmail.com



**ENVIRONMENTAL REVIEW**

**CLARIFICATION OF Detrimental Effects on 525 Gough Street, South (side) Property Line**

*By not complying with a required 25% rear yard setback, this proposed Project steals ALL southern sunlight exposure, significant light and air and significant southern views from 525 Gough Street.*

I, Linda Akamine, live in Unit 105, a duplex (2 story unit), located in the rear, on the south property line). Located on both the Ground Floor and 2<sup>nd</sup> Floor, I would be affected detrimentally, significantly on both the front and rear of the unit, on both floors. I submit these photographs as a graphic clarification of my concerns initially submitted to Kei Zushi on 7/11/12 and Aaron Hollister on 8/31/12.

Rear Light, Sunlight & Views will be impeded from ground floor terrace and 2<sup>nd</sup> floor deck  
--the proposed rear of the new 4-story project will reduce southern light exposure here entirely  
--the proposed rear of Grove Street proposal does not provide the required 25% rear yard for abutting residential rear yards.



looking SE up at 2<sup>nd</sup> floor deck



looking SW, out at plants beyond

This light and air would be blocked by a proposed 4 story, 40-X, structure.

**ENVIRONMENTAL REVIEW**

**CLARIFICATION OF Detrimental Effects on 525 Gough Street, South (side) Property Line**

At the front of Unit 105,  
Rear Light, Sunlight & Views will be entirely blocked from south wall openings  
By the proposed project's application to eliminate a required rear yard



Looking S (views/ trees)



Looking SW, #105 2<sup>nd</sup> floor door (views/ trees)  
[The windows to right are not shown]

This light and air would be blocked by a proposed 5-story, 50-X (55'high) & 4-story, 40-X, structure at 525 Gough's southern property line.

*I disapprove of this project's waiver for exemption from rear yard requirements under corner lot exemption. This project disregards the intention of the rear yard setbacks to preserve light and air of existing abutting residential properties.*

*The proposed new structure WILL SIGNIFICANTLY impede or cut off completely light, air and views of the northern adjacent property, 525 Gough, contrary to SF Planning Code, [134(e)(1)(B). In addition, it "adversely affects the interior block open space formed by the rear yards of adjacent properties".*

I hope these photos reveal the significance and magnitude of the detrimental aspects of the proposed project rear abutment. Please review all our comments and concerns in preserving our existing, essential property features.

Please feel free to call me with any questions you may have, as well as dispense any advice on how to make my or our concerns heard in the proper channels.

Regards,

Linda Akamine  
525 Gough Street #105  
San Francisco, CA 94102

Susan M. Shalit

459 Fulton Street, no. 103  
San Francisco, CA 94102

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January 14, 2013

Aaron Hollister  
Planning Department  
1650 Mission Street, Suite 400  
San Francisco, CA 94103

RE: Case No. 2012.0083ECV

Mr. Hollister:

I will not attend the Planning Commission hearing on January 31, 2013, so I am submitting the following comment.

I object to the provision of only 17 residential parking spaces in a building containing up to 34 units. I object on the following grounds:

- (1) This building is located in residential parking zone "R". Residential parking zone "R" is already filled to capacity and it is frequently impossible to find a parking spot. The builders should not be allowed to increase their profit at the expense of the neighbors, by providing half the number of parking spaces as units - then without a doubt advertising to buyers the availability of "R" parking stickers.
- (2) This building, by failing to provide as many residential parking spaces as units, will increase the difficulty of neighborhood parking. This will particularly affect local senior citizens (such as me) and handicapped persons (such as me) in that it will have a perceptible, negative effect on the quality of life for seniors and handicapped persons because it will increase their inability to park in their own neighborhood.
- (3) The "Transit First" policy sounds great on paper, but in the case of this proposed building, the result will be extra profit to the builders at the expense of local seniors and handicapped persons in the neighborhood, as discussed in (1) and (2).

Thank you and the Commission for your consideration,



Susan M. Shalit  
459 Fulton St., #103  
San Francisco, CA 94102

**From:** [John Baer](#)  
**To:** [Hollister, Aaron](#)  
**Subject:** 400 Grove Street (Parcel "H"), Case 2012.0083.ECV  
**Date:** Monday, January 14, 2013 7:00:59 PM

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Dear Mr Hollister,

My concerns with the proposed development are:

1. It is too tall
  - four- to five-storey building on narrow streets (Grove)
  - it is part of an unfortunate trend of "canyon" development along Gough from Fulton down to Market Streets
  - a lower development would be more inspired and attractive
2. Building density is too high
  - in the past 12 months a number of tall buildings along the route of the former Central Freeway are under construction or being planned. These developments will lead to too many people living and driving in a small neighborhood.
3. A open space eg, community garden or park on this south-facing location might be preferable. Failing this an open space should be incorporated into the development.

Thank you,

John Baer and Ian Price  
419 Fulton Street, Apt 2G

Sent from my iPad

# 400 Grove

## A Vibrant New Hayes Valley

### Overview: The Market/Octavia Plan

The Market/Octavia Plan declares a commitment to “excellence and innovation in urban infill and architectural design” for the redevelopment of Hayes Valley after razing the Central Freeway. At the 400 Grove St. site, the plan stipulates a height of 55 feet along Gough Street and 45 feet along Grove Street. The recommended use calls for maximizing housing above neighborhood-serving retail, community services and other active, pedestrian-oriented uses.



### 400 Grove Design

Located at the gateway to Hayes Valley and a few blocks away from San Francisco’s Civic Center, the Fougerson Architecture designed building incorporates a wave-like façade acting as a modern take on the traditional San Francisco bay window. The building design also includes a two-story opening to be cut out of the Gough Street elevation, providing additional light and air

to the interior courtyard while adding a unique pedestrian level architectural feature which serves as a visual connection between the public and private domain.



## Project Data

### Five story building

#### Residential

- 34 residential units
- 4 on-site BMR units
- Dense urban housing averaging 838 sq. ft. per unit
- 50% 2BD units
- Common central court yard and roof deck space

#### Commercial

- 2,025 sq. ft. corner Grove & Gough St commercial – 1 parking space

#### Garage

- 17 residential parking spaces
- 25+ bike parking spaces

## Collaboration

DDG Partners and DM Development have worked closely with the Planning Department and the community to fine-tune Fougeron Architecture's well-received design and to make sure it is in step with San Francisco's General Plan and the Market/Octavia Area Plan.

Design revisions include:

- Removal of the horizontal awning band at the ground floor to better encourage vertical articulation at desirable areas such as the lobby and Gough Street portal.
- Removal of the northern property line parapet to alleviate 525 Gough Street light and air concerns.
- Creation of a bulb-out at the Grove & Gough Street corner to help calm Grove Street traffic and to improve pedestrian safety.

## Endorsements

400 Grove is anticipating endorsements from:

- Hayes Valley Neighborhood Association (HVNA)
- San Francisco Housing Action Coalition (SFHAC)

### Contact Information

DDG Partners and DM Development are real estate investment and development firms who share a passion for creating exceptional urban housing with a commitment to high-design, sustainability and community revitalization.

For more information on 400 Grove please contact Taylor Jordan at:

- 415.788.1000 x 200
- [tjordan@bergdavis.com](mailto:tjordan@bergdavis.com)

More information on DDG Partners and DM Development can be found at:

[www.ddgpartners.com](http://www.ddgpartners.com) & [www.dm-dev.com](http://www.dm-dev.com)

# The Market/Octavia Plan | 400 Grove

From development vision to reality

## On Land Use and Urban Form

*“Buildings with a fine-grained character enhance the established physical fabric of the place and the value of streets as public spaces. When it comes to human-scaled places, smaller is better.” – 1.0*

*“New development should conform to the neighborhood’s existing urban scale and character, and should maintain a strong connection to streets and public spaces.” – 1.1.1*

*“Streets work well as public spaces when they are clearly defined by buildings of a similar height on both sides of the street.” – 1.2.4*

## On Housing

*“Affordable housing should ideally be distributed among a variety of different housing types and levels of affordability, rather than concentrated in individual projects.” - 2.1.1*

*“New policies are meant to allow flexibility to accommodate a variety of housing and household types, as well as develop on small or irregular lots.” – 2.2.2*

*“Costs for parking should be separated from the cost of housing and, if provided, offered optionally.” – 2.4.1*

400 Grove helps to transition Gough St. to a more pedestrian-friendly corridor from a historically transit-oriented thoroughfare. The prominent Gough St. portal design feature creates transparency while connecting the block’s green space, project courtyard open space and pedestrian realm.

400 Grove shares a modern design aesthetic with many of the neighboring residential projects in the neighborhood, including 525 Gough St., Richardson Apartments, 440 Grove St., 300 Linden St., 233 Franklin St. and 301 Ivy St. The street is enhanced by the Grove / Gough Street corner ground-floor retail space. Unit home entrances and perforated paving offer an aesthetically pleasing pedestrian experience.

400 Grove mirrors similar height buildings along Gough Street. The Civic Center parking garage and Richardson Apartments both are built to the 50’ height limit, as is the neighboring 525 Gough St. condominium building.

The project will include four on-site affordable residential units for middle-income families.

The project will include a mix of units on a small 11,750 sq. ft. lot, including 9 studio units, 8 one-bedroom units and 17 two-bedroom units.

Parking units will be sold separately from the sale/leasing of residential units.

### **On Building with a Sense of Place**

*“The intent is to encourage buildings with a human scale that contribute to the establishment of inviting and visually interesting public spaces.” – 3.1*

*“New buildings adjacent to or with the potential to visually impact historic contexts or structures should be designed to complement the character and scale of their environs.” – 3.2.8*

*“High-quality building materials should be used on all visible facades.” – Fundamental Design Principles for Building Massing and Articulation 11*

### **On Streets and Open Spaces**

*“On many streets within the Market and Octavia neighborhood, successful environments can be created through consistent tree infill.” – 4.1.2*

### **On Parking**

*“Space dedicated to parking should be used as efficiently as possible, minimizing the lost opportunity (for retail and housing space).” – 5.2.2*

*“Providing secure bicycle parking is important to make cycling an attractive alternative to driving.” – 5.5.2*

400 Grove will include a vibrant, dynamic façade that will beautify and activate the streetscape. The building will feature a two-story portal along the Gough St. façade to enhance the pedestrian experience.

The undulating façade is a modern reinterpretation of a traditional board and batten assembly. Half-round battens vary in spacing and are placed over a stained wood substrate. In select locations, based on solar and view orientation, the battens form a sunshade over the windows.

400 Grove’s design respects the character of nearby older developments in respect to scale and fabric. The façade includes wave-like modern interpretations of the traditional bay window and is similar in mass and height to neighboring buildings.

Building materials include traditional wood, modern glass, stucco and poured-in-place concrete, all high quality materials appropriate for a modern context.

This project will preserve the existing trees along Gough Street and will also add new street trees and landscape to Grove Street.

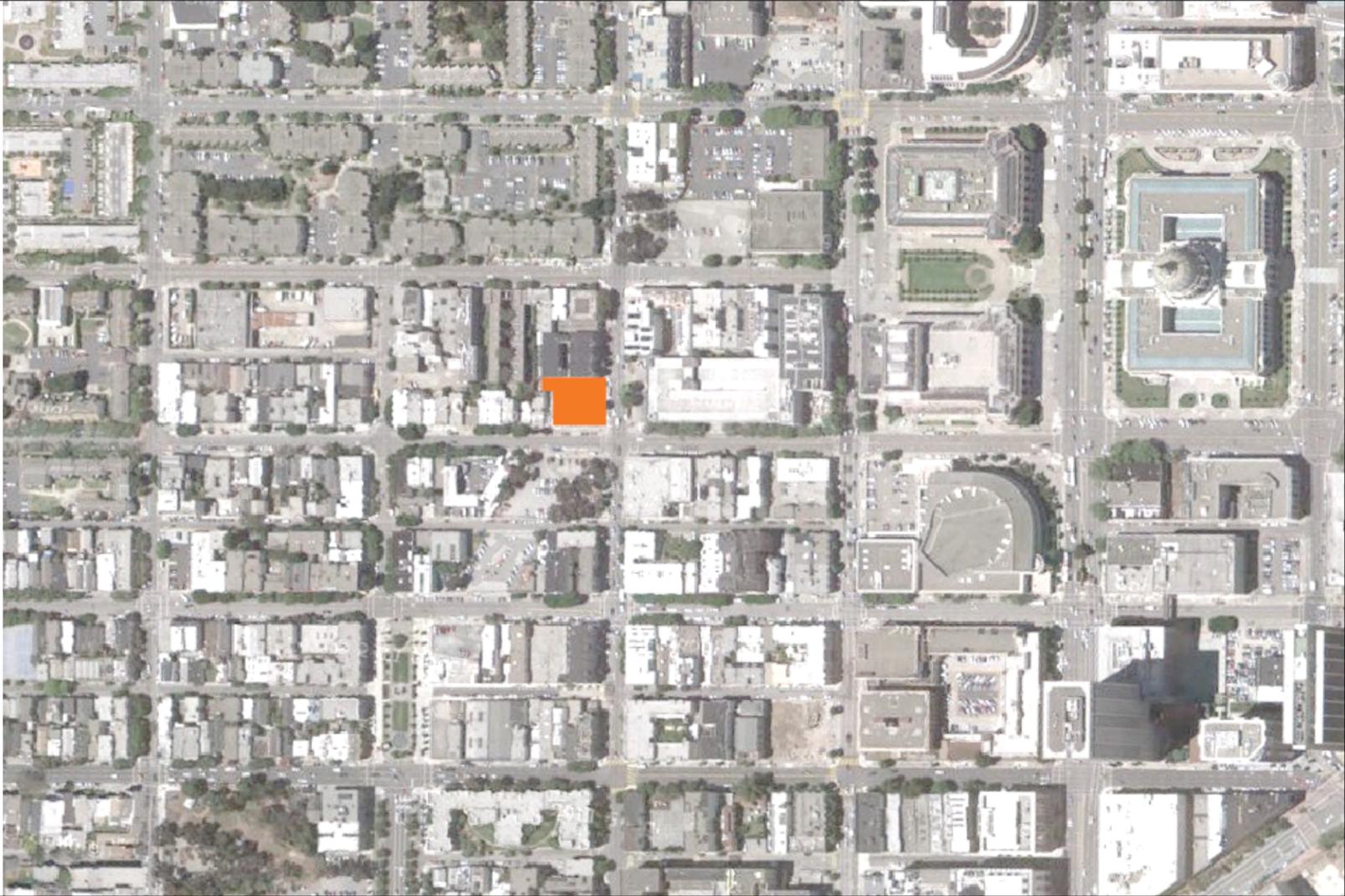
400 Grove will utilize 17 residential underground parking spaces, a ratio of only 0.5 spaces per unit.

400 Grove will provide 25+ new bicycle parking spaces in a secure underground garage.

**PLANNING COMMISSION HEARING**

**400 GROVE STREET**

GROVE STREET HAYES VALLEY LLC



FOUGERON ARCHITECTURE  
228 GRANT AVENUE, 4TH FLOOR  
SAN FRANCISCO, CA 94108

**400 GROVE STREET**

TITLE SHEET

SCALE: 20113  
DATE: 01.31.2013



**A 0.0**

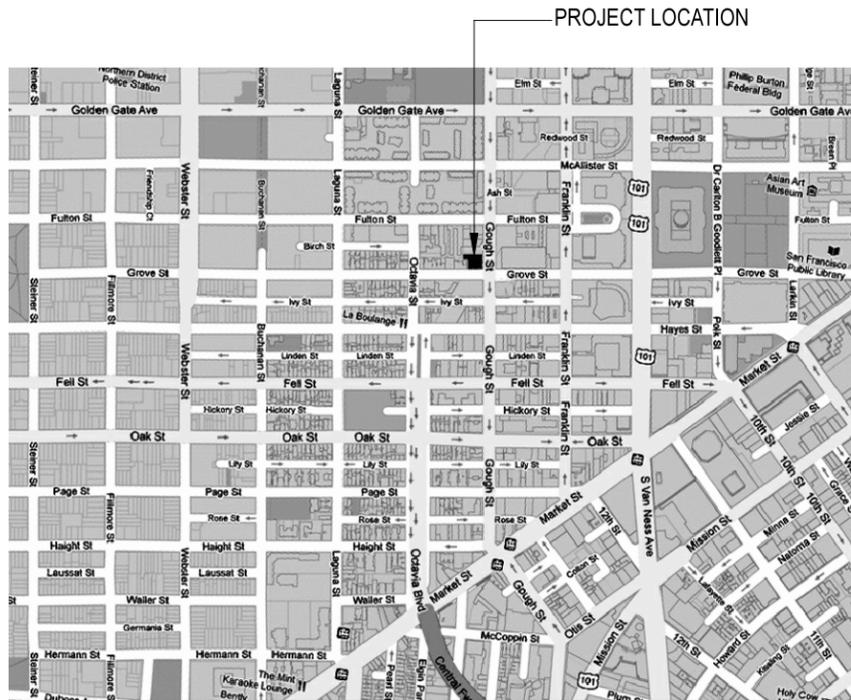
**PROJECT LOCATION**

THE SITE AT 400 GROVE STREET IS LOCATED ONE BLOCK FROM HAYES STREET, WHICH IS ONE OF SAN FRANCISCO'S INTERESTING NEIGHBORHOOD SHOPPING DISTRICTS, WITH A RANGE OF SMALL SCALE SHOPS, RESTAURANTS AND UPPER FLOOR RESIDENTIAL. THE PARCEL IS A RECTANGULAR LOT AT A RELATIVELY BUSY INTERSECTION. GOUGH STREET HAS THREE LANES OF ONE-WAY TRAFFIC HEADING SOUTH WITH PARKING ON BOTH SIDES AND GROVE STREET HAS ONE LANE OF TRAFFIC IN EACH DIRECTION WITH PARKING ON BOTH SIDES.

THIS NEW MIXED-USE DEVELOPMENT IS AN URBAN INFILL OF ONE OF THE PARCELS MADE AVAILABLE BY THE CENTRAL FREEWAY DEMOLITION. THE DEVELOPMENT INCLUDES TWO RESIDENTIAL UNITS, A RESIDENTIAL LOBBY AND A COMMERCIAL SPACE, POTENTIALLY A RESTAURANT, AT THE STREET LEVEL AND FOUR FLOORS OF RESIDENTIAL CONSTRUCTION ABOVE. A HALF BURIED CONCRETE GARAGE ACCOMMODATES LIMITED PARKING AND STORAGE.

THE DESIGN FOR 34 UNITS STARTS WITH AN INNOVATIVE SITE PLANNING STRATEGY. THE OPEN SPACE IS NOW IN THE MIDDLE OF THE SITE AS OPPOSED TO THE REAR OF THE SITE AS IS CUSTOMARY IN SAN FRANCISCO. ALL UNITS BENEFIT FROM A SOUTHERN EXPOSURE. THE VIBRANT INNER-STREET IS OPEN TO A PORT COCHERE ON GOUGH STREET ON ONE END AND TO THE MID-BLOCK OPEN SPACE ON THE OTHER. AROUND THE COURTYARD, EXTERIOR WALKWAYS, OPEN STAIRS AND ROOF TERRACES HEIGHTEN THE INTEGRATION OF INSIDE AND OUTSIDE. RESIDENTS HAVE ACCESS TO BOTH PRIVATE AND COMMUNAL OUTDOOR SPACES ON MANY FLOORS.

THE ORTHOGONAL GEOMETRY OF THE INNER STREET IS CONTRASTED TO THE WAVE LIKE STREET FACADES. THIS DRAMATIC, UNDULATING PLANE ENLIVENS THE PEDESTRIAN EXPERIENCE ON GROVE AND GOUGH STREETS WHILE CREATING VARIETY AND ENHANCING VIEWS WITHIN THE UNITS.



PROPERTY INFORMATION	
ADDRESS	400 GROVE STREET @ GOUGH
	SAN FRANCISCO, CA 94102
ACCESSOR'S PARCEL NO:	0793-103 (PARCEL H)
	ON RECORD OF SURVEY NO. 5957
LOT AREA (SF)	11275

ZONING INFORMATION (SECT 731.1)	
ZONING	NCT-3
(ZONING DISTRICT MAP ZN02)	(MODERATE SCALE NEIGHBORHOOD COMMERCIAL TRANSIT DISTRICT)
HEIGHT LIMIT	40X ZONE @ GROVE, 40' HT LIMIT
(HEIGHT & BULK ZONING DIST. MAP HT02)	50X ZONE @ GOUGH, 50' HT LIMIT
HEIGHT LIMIT EXTENSION	BUILDING HEIGHT - 55'-0". EXCEPTION TO METHOD OF MEASUREMENT OF HEIGHT (IN PLANNING CODE SECTION 102.12) GRANTED IN CONDITIONAL USE OF AUTHORIZATION (CASE NO. 2007.0487CEK). MEASUREMENT OF HEIGHT FOR PORTION OF THE PROJECT SITE THAT IS IN A 50-X HEIGHT AND BULK DISTRICT, FROM THE HIGHEST POINT OF THE SITE, AT THE CURB AT THE WESTERN MOST EDGE OF THE GROVE STREET FRONTAGE
WAIVER OR MODIFICATION REQUEST	REAR YARD (SEC. 134(e))
VARIANCES REQUESTED	USABLE OPEN SPACE ( SEC. 136(c)) EXPOSURE (SEC. 140) BAY WINDOWS (SEC. 136)
CONDITIONAL VARIANCE REQUESTED	LOT SIZE (SEC. 731.11)

BUILDING AREA SUMMARY	
GARAGE (GSF)	7750
FIRST (GROUND) STORY (GSF)	7045
SECOND STORY (GSF)	7315
THIRD STORY (GSF)	7070
FOURTH STORY (GSF)	7800
FIFTH STORY (GSF)	4205
TOTAL (GSF)	41185

UNIT TYPE SUMMARY	
JR 1 BEDROOM (UNITS)	9
1 BEDROOM (UNITS)	8
2 BEDROOM (UNITS)	17 (50%)
TOTAL (UNITS)	34
BELOW MARKET RATE UNITS	4

PARKING SUMMARY (SECT 731.94)	
NONE REQUIRED, NO CITY CAR SHARE REQUIRED (>50 UNITS) PERMITTED UP TO .5 SPACES / UNIT, CONDITION UP TO .75 / UNIT	
PROPOSED RESIDENTIAL (SPACES):	17

BIKE PARKING SUMMARY (SECT 155.5)	
ONE CLASS 1 SPACE REQUIRED / 2 DWELLING UNITS	17
(34 UNITS / 2)	
PROPOSED (SPACES):	25+

**PROJECT TEAM:**  
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 cnh@ddgpartners.com

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 james@mflasf.com

**SHEET INDEX:**  
 A 0.0 TITLE SHEET  
 A 0.1 PROJECT INFORMATION  
 A 0.2 CONTEXT PHOTOS  
 A 0.3 RENDERING - GOUGH & GROVE ST. CORNER  
 A 0.4 RENDERING - GOUGH STREET  
 A 0.5 RENDERING - GROVE STREET  
 A 0.6 PROPOSED COMMERCIAL SPACE  
 A 0.7 RENDERING - LOBBY AT GROVE STREET  
 A 1.0 PROPOSED SITE PLAN  
 A 2.0 PARKING LEVEL PLAN  
 A 2.1 GROUND LEVEL FLOOR PLAN  
 A 2.2 SECOND STORY FLOOR PLAN  
 A 2.3 THIRD STORY FLOOR PLAN  
 A 2.4 FOURTH STORY FLOOR PLAN  
 A 2.5 FIFTH STORY FLOOR PLAN  
 A 2.6 ROOF PLAN  
 A 3.0 ELEVATIONS  
 A 4.0 SECTIONS  
 A 5.0 REAR YARD & OPEN SPACE CALCULATIONS  
 A 5.1 OPEN SPACE DIAGRAMS  
 A 5.2 DIAGRAM - BUILDING HEIGHT

FOUGERON ARCHITECTURE  
 228 GRANT AVENUE, 4TH FLOOR  
 SAN FRANCISCO, CA 94108

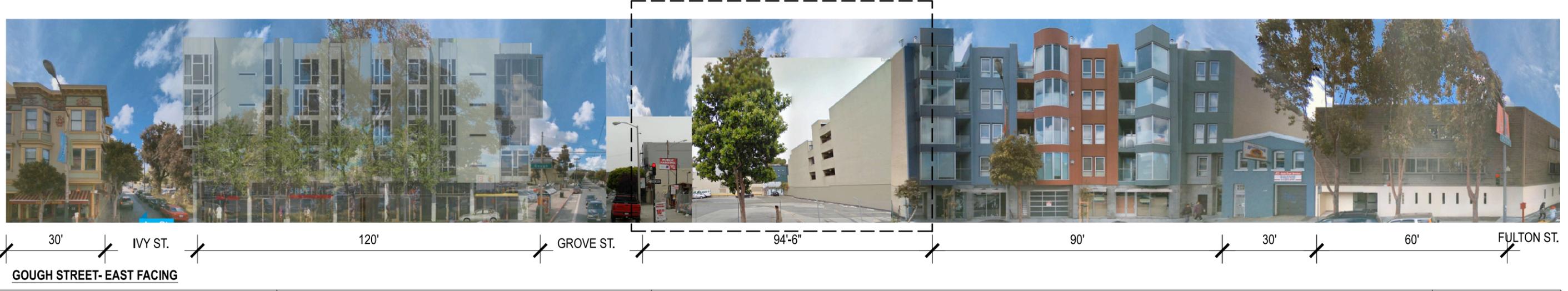
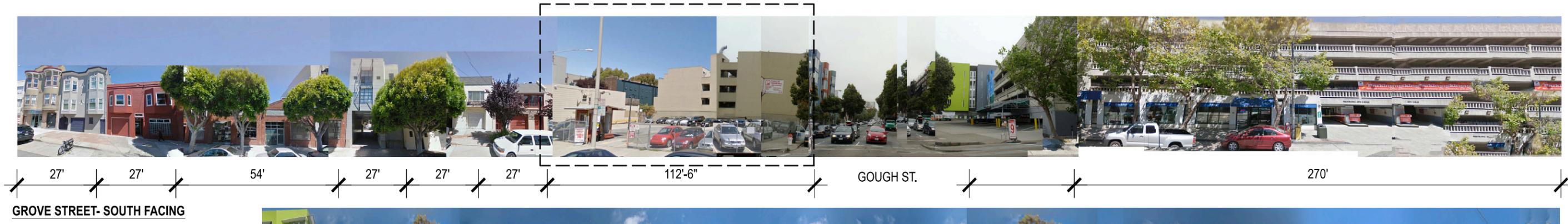
**400 GROVE STREET**

PROJECT INFORMATION

SCALE: 20113 NTS  
 DATE: 01.31.2013



**A 0.1**



FOUGERON ARCHITECTURE  
228 GRANT AVENUE, 4TH FLOOR  
SAN FRANCISCO, CA 94108

**400 GROVE STREET**

CONTEXT PHOTOS

20113  
SCALE: NTS  
DATE: 01.31.2013

**A0.2**



FOUGERON ARCHITECTURE  
228 GRANT AVENUE, 4TH FLOOR  
SAN FRANCISCO, CA 94108

## 400 GROVE STREET

RENDERING - GOUGH & GROVE STREET CORNER

SCALE: 20113  
NTS  
DATE: 01.31.2013

# A 0.3



FOUGERON ARCHITECTURE  
228 GRANT AVENUE, 4TH FLOOR  
SAN FRANCISCO, CA 94108

**400 GROVE STREET**

RENDERING- GOUGH STREET

SCALE: 20113  
DATE: NTS  
01.31.2013

**A 0.4**



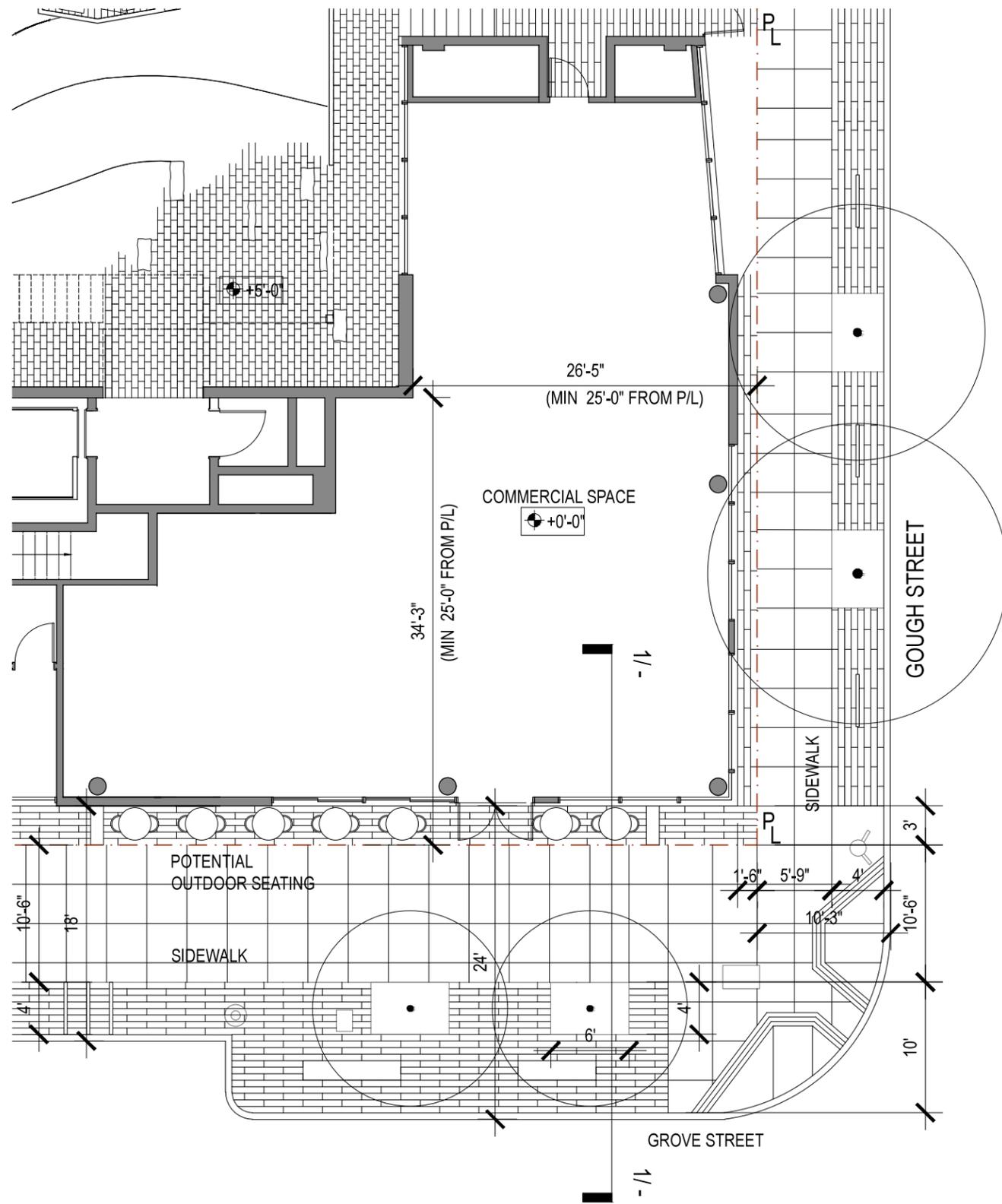
FOUGERON ARCHITECTURE  
228 GRANT AVENUE, 4TH FLOOR  
SAN FRANCISCO, CA 94108

**400 GROVE STREET**

RENDERING - GROVE STREET

SCALE: 20113  
DATE: NTS  
01.31.2013

**A 0.5**



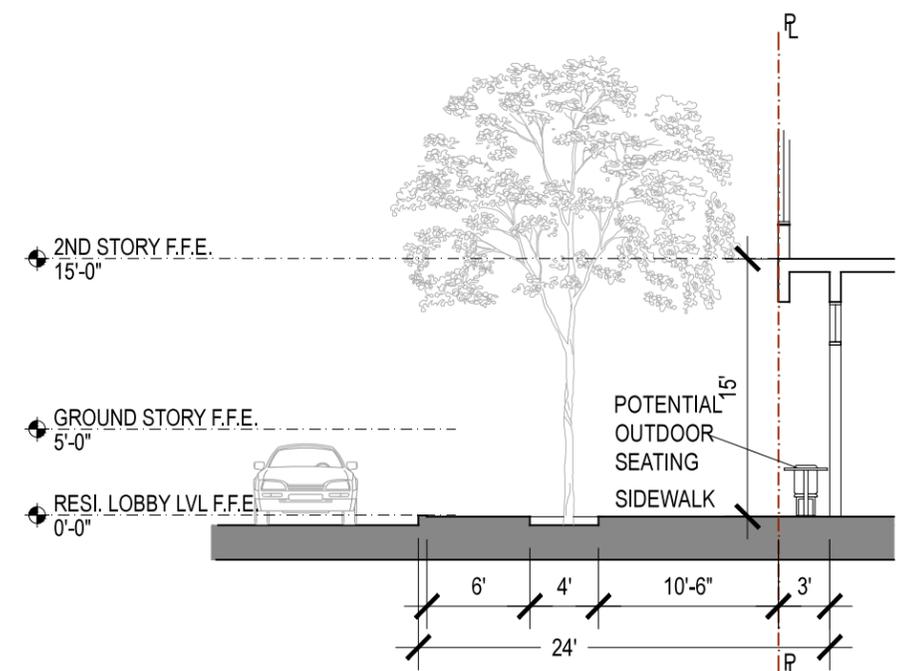
PARTIAL PLAN @ GROUND LEVEL (0'-0")



HAYES VALLEY RETAIL PRECEDENTS



RENDERING @ GOUGH



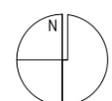
SECTION 1: GROVE SIDEWALK

FOUGERON ARCHITECTURE  
228 GRANT AVENUE, 4TH FLOOR  
SAN FRANCISCO, CA 94108

**400 GROVE STREET**

PROPOSED COMMERCIAL SPACE AT GROVE & GOUGH ST.

20113  
SCALE: 3/16" = 1'-0"  
DATE: 01.31.2013



**A0.6**



FOUGERON ARCHITECTURE  
228 GRANT AVENUE, 4TH FLOOR  
SAN FRANCISCO, CA 94108

**400 GROVE STREET**

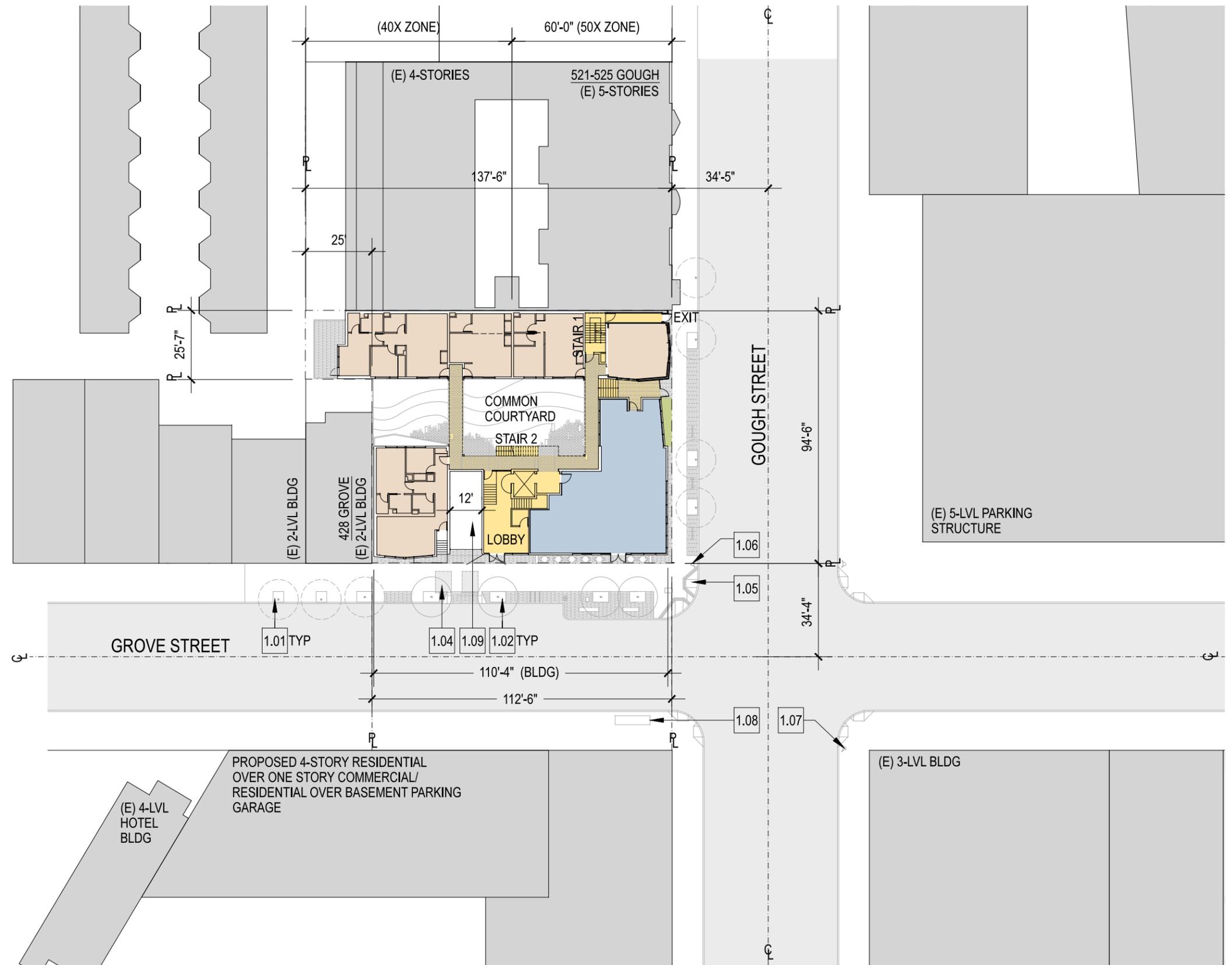
RENDERING- LOBBY @ GROVE ST. & COURTYARD

2013  
SCALE: NTS  
DATE: 01.31.2013

**A 0.7**

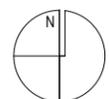
key notes

- 1.01 (E) STREET TREE
- 1.02 (N) TREES ON GROVE ST (4 NOS.)
- 1.04 (E) UNDERGROUND ELECTRICAL TRANSFORMER
- 1.05 (N) ACCESSIBLE CURB CUT
- 1.06 (E) HIGH PRESSURE FIRE HYDRANT
- 1.07 (E) LOW PRESSURE FIRE HYDRANT
- 1.08 (E) BUS STOP
- 1.09 SUBGRADE PARKING ENTRANCE / EXIT RAMP
- RESIDENTIAL
- COMMERCIAL
- CIRCULATION



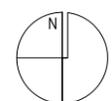
key notes

- 2.01 UNDERGROUND TRANSFORMER
- PARKING
- SERVICES
- CIRCULATION



key notes

- 2.11 BAMBOO GROVE WITH UNDERSTORY PLANTING & INTEGRATED BIO-RETENTION AREAS.
- 2.12 OCCUPIABLE COMMON SPACE WITH MONOLITHIC STONE SEATING
- 2.13 PRIVATE TERRACE IN COURTYARD
- 2.14 PRIVATE TERRACE (UNIT 1)
- 2.15 BIO RETENTION PLANTER ON GOUGH ST.
- 2.16 PERMEABLE PAVING STRIP
- 2.17 SEATING ON GROVE STREET.
- 2.18 BICYCLE STANDS X 8
- 2.19 TREE BASINS (4' X 6') & 48" BOX - STREET TREES. (4 LONDON PLANES ON GROVE ST.)
- 2.20 EXISTING LAMP POLE (25' HT) WITH WAYFINDER ATTACHMENT
- 2.21 NEW CONCRETE PAVING WITH CITY STANDARD JOINT SCORING
- RESIDENTIAL
- COMMERCIAL
- CIRCULATION
- P - NO.  
AREA PRIVATE OPEN SPACE
- C - NO.  
AREA COMMON OPEN SPACE



key notes

- 2.23 SIGHTLINES INTO LVL-2 PRIVATE TERRACE & BAMBOO GARDEN IN COURTYARD FROM STREET/ SIDEWALK ARE MAINTAINED WITH EXISTING STREET TREE FRAMING THE VIEW
- 2.24 PRIVATE TERRACE PAVING SURFACE TO MATCH ORIENTATION OF STREET & COURTYARD PAVING, WITH SEATING AND SHADE TOLERANT PLANTING INTEGRATED INTO PAVING PATTERN
- 2.25 BIO RETENTION PLANTER
- 2.26 PERMITTED OBSTRUCTION AS PER SFPC SEC. 136
- RESIDENTIAL
- COMMERCIAL
- CIRCULATION
- P - NO. AREA PRIVATE OPEN SPACE
- C - NO. AREA COMMON OPEN SPACE



key notes

- 2.31 PLANTER
- RESIDENTIAL
- COMMERCIAL
- CIRCULATION
- P - NO.  
AREA PRIVATE OPEN SPACE
- C - NO.  
AREA COMMON OPEN SPACE



key notes

- RESIDENTIAL
- COMMERCIAL
- CIRCULATION
- P - NO.  
AREA PRIVATE OPEN SPACE
- C - NO.  
AREA COMMON OPEN SPACE



- P - 25  
85 SF
- P - 29  
85 SF



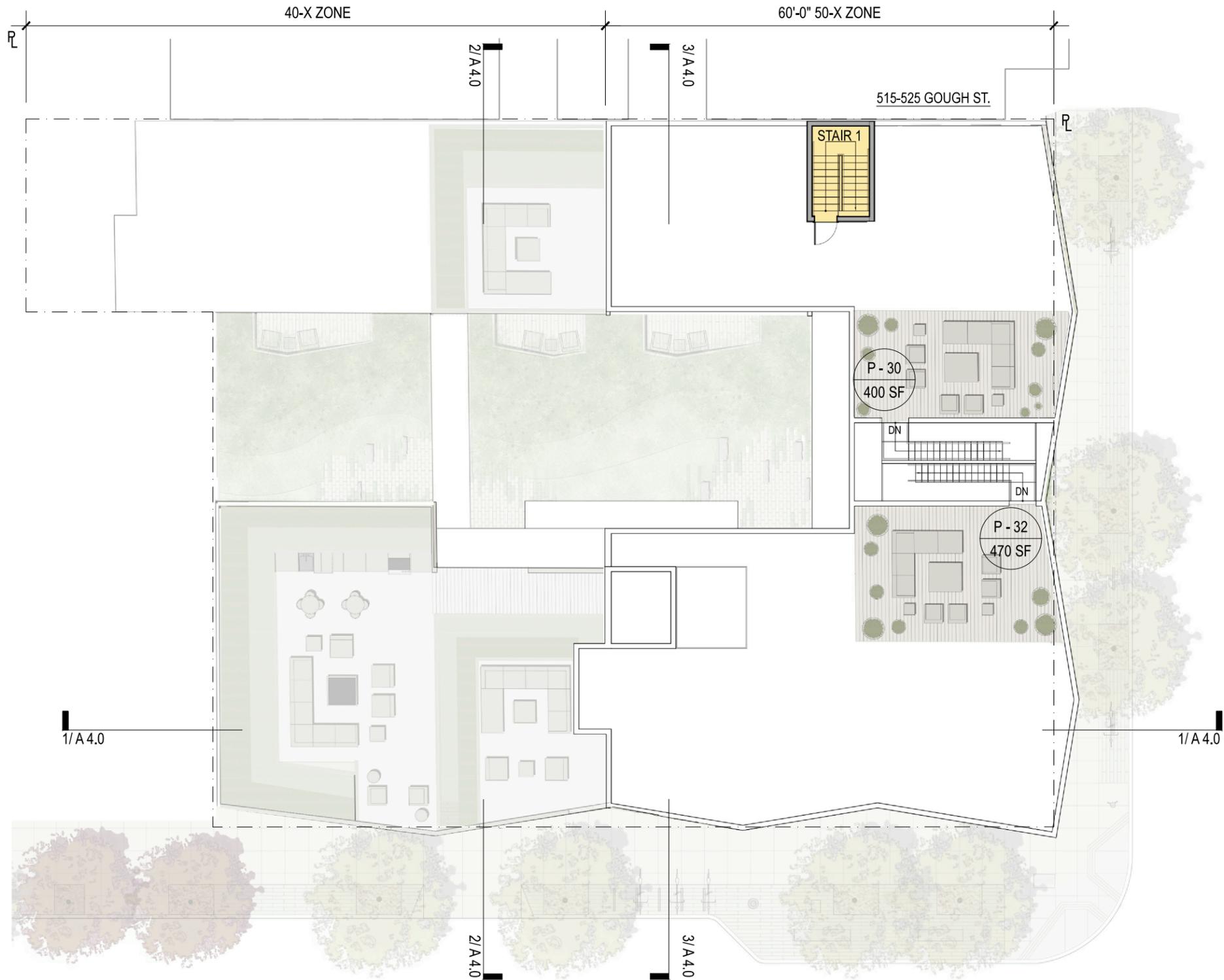
key notes

- 2.51 PRIVATE TERRACE: PAVING OR DECKING ON PEDESTAL SYSTEM
  - 2.52 PLANTING BUFFER BETWEEN PRIVATE & COMMON SPACE: COMBINED SCREEN
  - 2.53 COMMON SPACE: PEDESTAL PAVING SYSTEM OVER-PITCHED SLAB. OUTDOOR KITCHEN & WATER
  - 2.54 STRUCTURAL & ORNAMENTAL PLANTING TO CREATE ENCLOSURE AND CLIMATE MODULATION
  - 2.56 COMBINED SCREEN PLANTING & FLOW-THROUGH PLANTER
- RESIDENTIAL
  - COMMERCIAL
  - CIRCULATION
- P - NO.  
AREA PRIVATE OPEN SPACE
  - C - NO.  
AREA COMMON OPEN SPACE



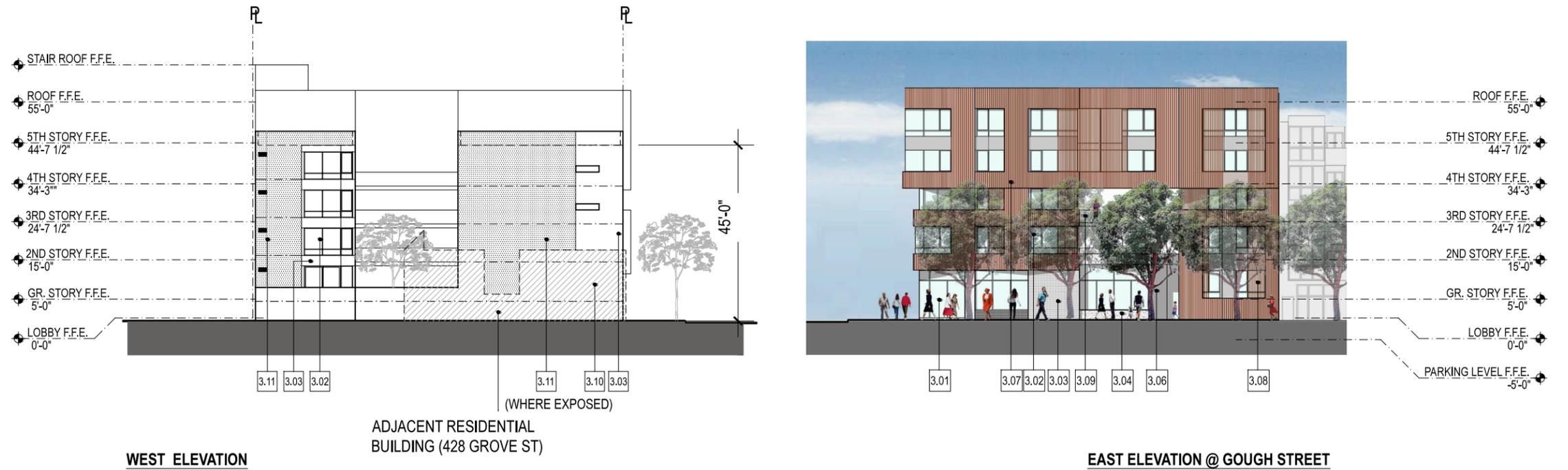
key notes

- RESIDENTIAL
- COMMERCIAL
- CIRCULATION
- P - NO.  
AREA PRIVATE OPEN SPACE
- C - NO.  
AREA COMMON OPEN SPACE



materials

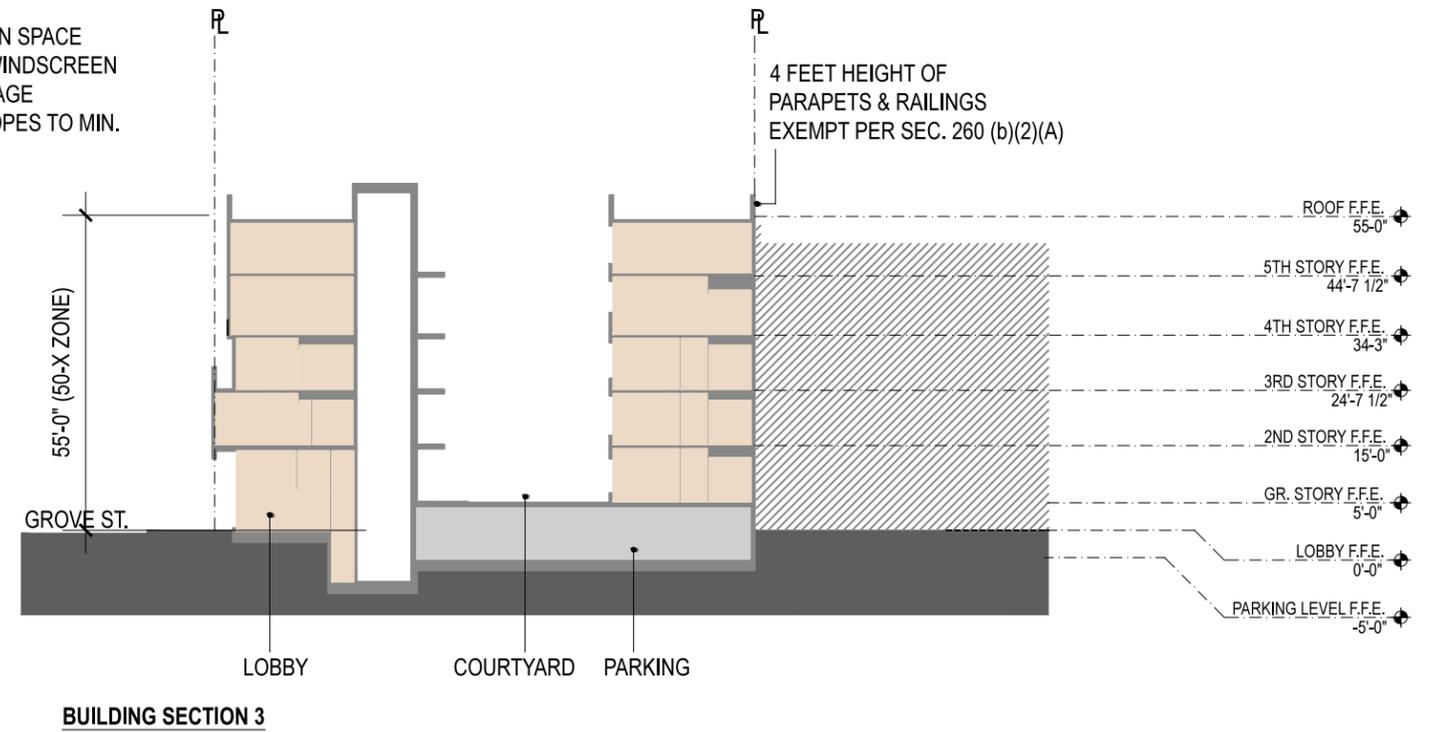
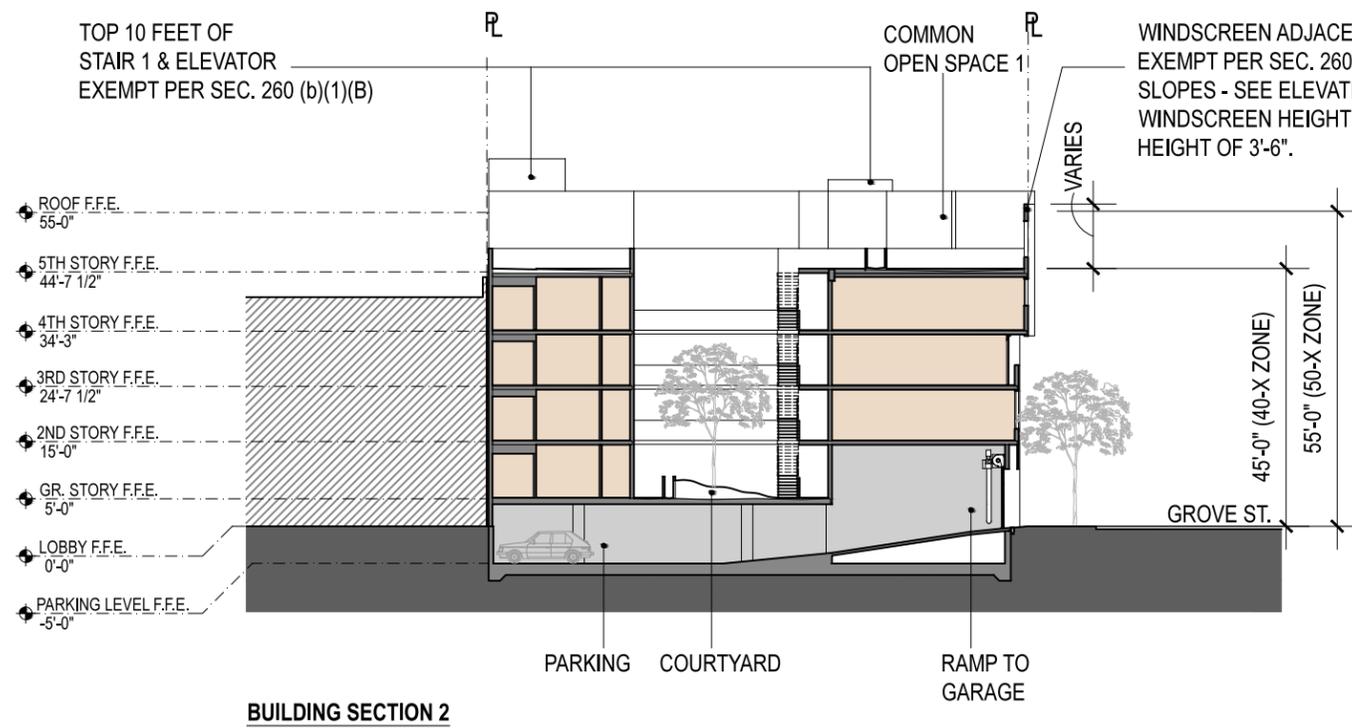
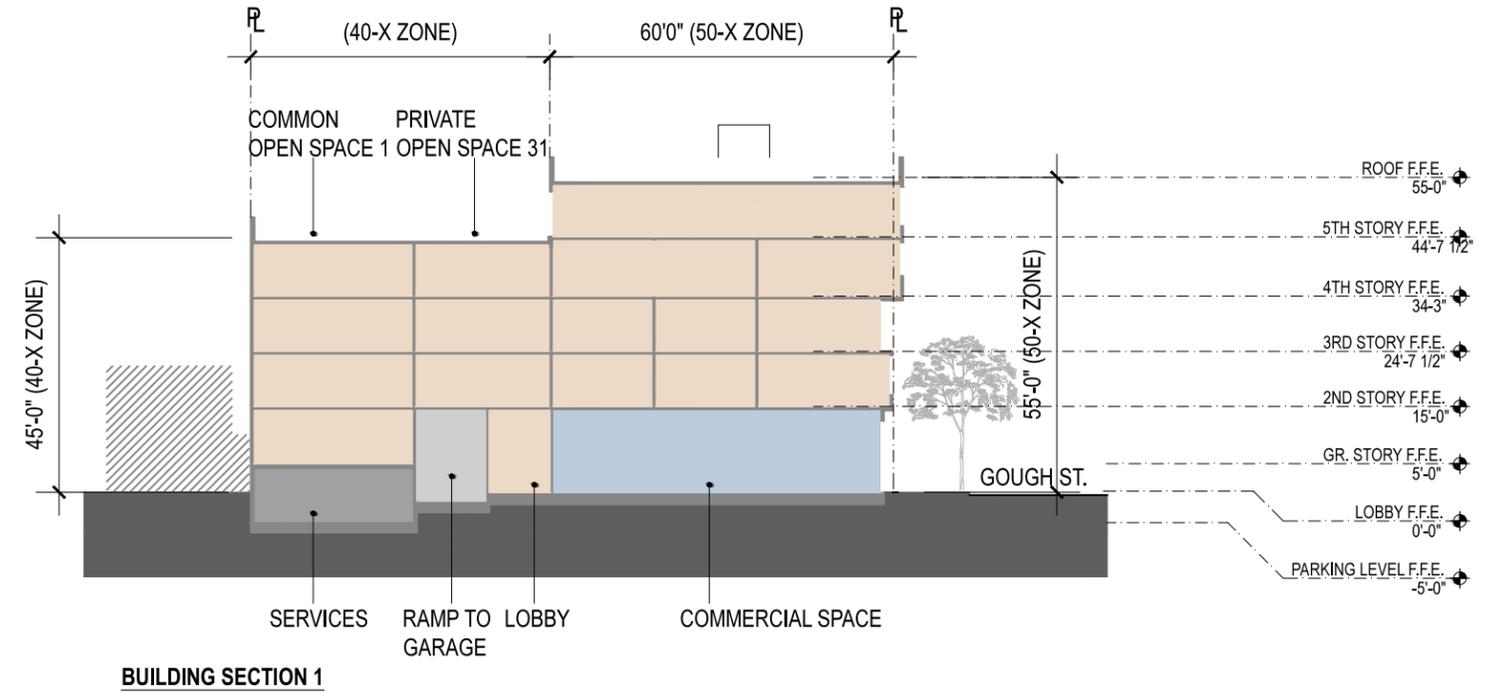
- 3.01 ALUMINUM STOREFRONT GLAZING SYSTEM
- 3.02 ALUMINUM WINDOW SYSTEM
- 3.03 PAINTED PANEL
- 3.04 PLANTER
- 3.05 ROLL-UP GARAGE DOOR
- 3.06 GATE
- 3.07 WOOD BD & BATTEN OR METAL SIDING
- 3.08 WOOD OR METAL SUNSCREEN MORE THAN 2" IN FRONT OF GLASS & WINDOW
- 3.09 PERFORATED METAL GUARDRAIL
- 3.10 BLIND PROPERTY LINE WALL
- 3.11 INTEGRALLY COLORED CEMENT PLASTER



key notes

- RESIDENTIAL
- COMMERCIAL
- PARKING
- SERVICES

- AS PER SEC. 260 (b)(1)(B) , ELEVATOR, STAIR AND MECHANICAL PENTHOUSES, FIRE TOWERS, SKYLIGHTS AND DORMER WINDOWS. THIS EXEMPTION SHALL BE LIMITED TO THE TOP 10 FEET OF SUCH FEATURES WHERE THE HEIGHT LIMIT IS 65 FEET OR LESS. THE DESIGN OF ALL ELEVATOR PENTHOUSES IN RESIDENTIAL DISTRICTS SHALL BE CONSISTENT WITH THE "RESIDENTIAL DESIGN GUIDELINES" AS ADOPTED AND PERIODICALLY AMENDED FOR SPECIFIC AREAS OR CONDITIONS BY THE CITY PLANNING COMMISSION.
- AS PER SEC. 260 (b)(2)(A), THE FOLLOWING FEATURES SHALL BE EXEMPT, WITHOUT REGARD TO THEIR HORIZONTAL AREA, PROVIDED THE LIMITATIONS INDICATED FOR EACH ARE OBSERVED: RAILINGS, PARAPETS AND CATWALKS, WITH A MAXIMUM HEIGHT OF FOUR FEET.



OPEN SPACE REQUIREMENTS (SECTION 135)	
REQUIRED PRIVATE OPEN SPACE (SF / UNIT)	80
REQUIRED COMMON OPEN SPACE (SF / UNIT)	106.4
PROPOSED UNITS W/ PRIVATE OPEN SPACE	5
PROPOSED UNITS W/ COMMON OPEN SPACE	29
TOTAL PRIVATE OPEN SPACE (80 SF X 5)	400
REQUIRED COMMON OPEN SPACE (SF) (29 UNITS X 106.4)	3086
TOTAL REQUIRED OPEN SPACE	<b>3486</b>
<b>COMPLIANT OPEN SPACES (SF)</b>	
PROPOSED COMMON OPEN SPACE 1 (SF)	749
PROPOSED TOT. COMMON OPEN SPACE (SF)	<b>749</b>
PRIVATE OPEN SPACE 1 (SF)	340
PRIVATE OPEN SPACE 24 (SF)	500
PRIVATE OPEN SPACE 30 (SF)	400
PRIVATE OPEN SPACE 31 (SF)	500
PRIVATE OPEN SPACE 32 (SF)	470
PROPOSED TOT. PRIVATE OPEN SPACE (SF)	<b>2210</b> > 400
TOTAL COMPLIANT OPEN SPACE	<b>2959</b>
<b>NON-COMPLIANT OPEN SPACES (SF)</b>	
COMMON OPEN SPACE 2 (SF)	<b>2300</b>
PRIVATE OPEN SPACE 12 (SF)	105
PRIVATE OPEN SPACE 21 (SF)	85
PRIVATE OPEN SPACE 25 (SF)	85
PRIVATE OPEN SPACE 29 (SF)	85
TOT. PRIVATE OPEN SPACE (SF)	<b>360</b>
TOTAL NON-COMPLIANT OPEN SPACE	<b>2660</b>

- COMMON USABLE OPEN SPACE (PER SEC. 135 (g)(1). MINIMUM DIMENSIONS AND MINIMUM AREA. ANY SPACE CREDITED AS COMMON USABLE OPEN SPACE SHALL BE AT LEAST 15 FEET IN EVERY HORIZONTAL DIMENSION AND SHALL HAVE A MINIMUM AREA OF 300 SQUARE FEET.
- PRIVATE USABLE OPEN SPACE (PER SEC. 135 (f)(1). MINIMUM DIMENSIONS AND MINIMUM AREA. ANY SPACE CREDITED AS PRIVATE USABLE OPEN SPACE SHALL BE AT LEAST 6 FEET IN EVERY HORIZONTAL DIMENSION AND SHALL HAVE A MINIMUM AREA OF 36 SQUARE FEET. IF LOCATED ON A DECK, BALCONY, PORCH OR ROOF AND SHALL HAVE A MINIMUM HORIZONTAL DIMENSION OF 10 FEET AND MINIMUM AREA OF 100 SQUARE FEET IF LOCATED ON OPEN GROUND, TERRACE OR THE SURFACE OF AN INNER OR OUTER COURT

SUBJECT PROPERTY 55'-0" HEIGHT  
 SUBJECT PROPERTY 45'-0" HEIGHT

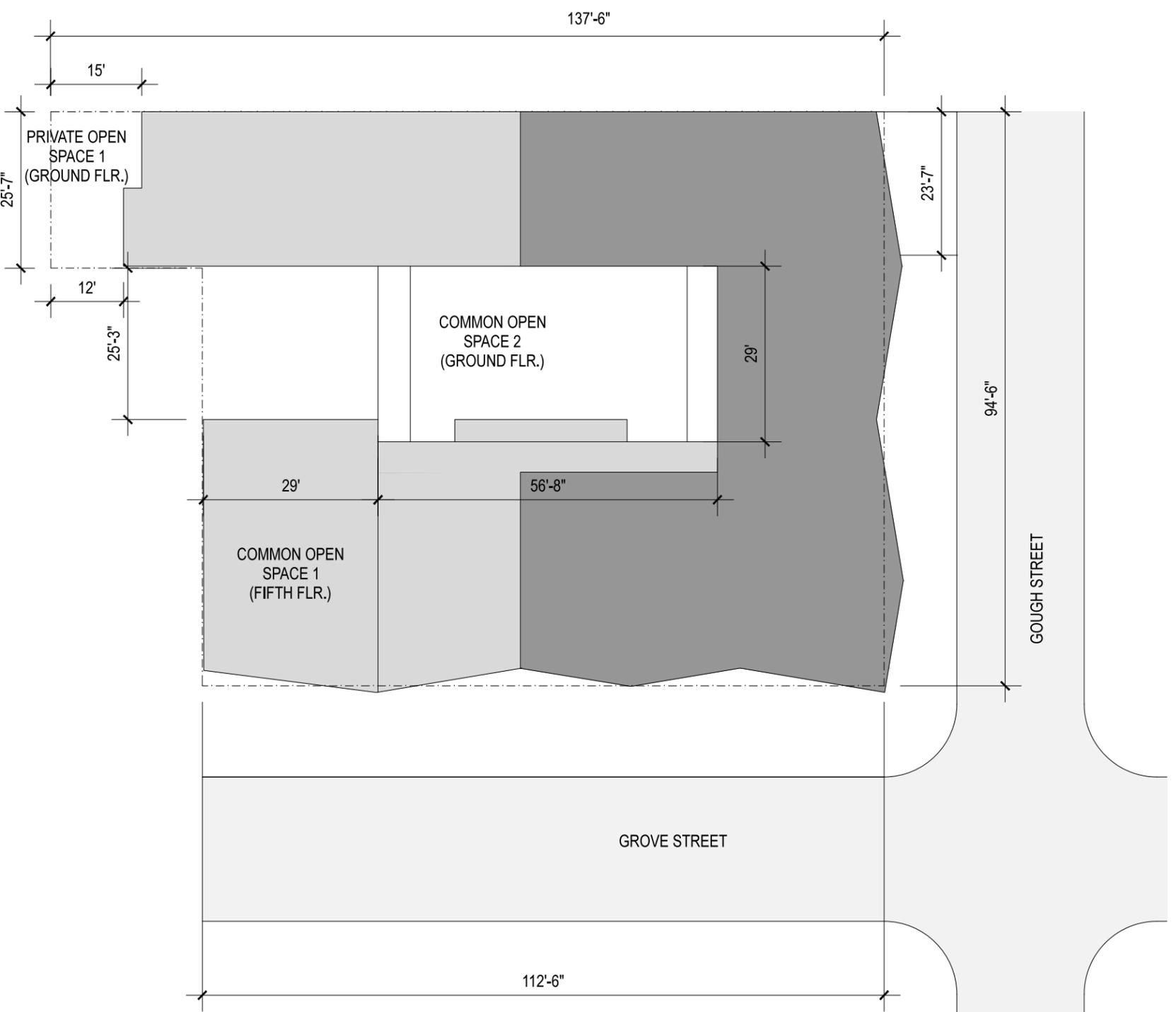


DIAGRAM (NTS)

key notes

- P - NO.**  
AREA PRIVATE OPEN SPACE
- C - NO.**  
AREA COMMON OPEN SPACE

\*\* NON-COMPLIANT OPEN SPACES,  
VARIANCE REQUESTED



