



SAN FRANCISCO PLANNING DEPARTMENT

Memo to the Planning Commission

HEARING DATE: MARCH 3, 2016
Continued from the January 14, 2016 Hearing

Date: February 16, 2016
Case No.: **2012.1445CV**
Project Address: **824 Hyde Street**
Zoning: RC-4 (Residential-Commercial, High Density) District
80-A Height and Bulk District
Block/Lot: 0280/017
Project Sponsor: Ilene Dick
Farella Braun + Martel, LLP
235 Montgomery Street
San Francisco, CA 94104
Staff Contact: Nicholas Foster – (415) 575-9167
nicholas.foster@sfgov.org
Recommendation: **Approval with Conditions**

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

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415.558.6377

BACKGROUND

The proposed project would involve the construction of an approximately 52'-8" foot-tall (up to 66 feet tall with the staircase and elevator penthouses), five-story-over-basement, 12,340 gross square foot (gsf) residential building on a partially down-sloping vacant lot. The proposed building would provide: seven (7) studio units; one (1) junior one-bedroom unit; five (5) one-bedroom units; and one (1) two-bedroom unit for a total of fourteen (14) dwelling units. Excavation, to a maximum depth of approximately nine (9) feet below grade, is proposed in order to accommodate the basement level. No off-street parking would be provided as part of this project.

After closing public comment and holding a hearing on the item, the Commission voted¹ to continue the item to the March 3, 2016 Planning Commission hearing date. The Commission instructed the Project Sponsor to refine the overall design of the primary building façade to allow the new building to better integrate within the existing, historic context of the subject site. In addition, the Commission asked the Project Sponsor to work with Planning Staff to determine the status of the property line windows and light wells on the abutting property to the north of the subject property (830 Hyde Street).

CURRENT PROPOSAL

Since the continuance, the Project Sponsor has made the following design changes:

- Modified the street-facing bay window design from a modern (rectilinear) style to a historic (chamfered) style; the new arrangement is now Code-compliant, eliminating the need for a Variance (per Code Section 136).

¹ The Commission's vote on the continuance was +6-0; Commission President Fong was absent.

- Removed the bracket (“knee brace”) at the top of building (below the projecting cornice).
- Extended the parapet around the front corner of the building (along the south side); the projection is limited to 6” from the property line.
- Introduced wood, double-hung windows on: the sides of the street-facing bay projections; the ground-floor, street-facing windows (ground-floor unit); and on the rear-yard facing bay projections.
- Reduced the amount of glazing on the street-facing bay projections (panels below the windows are now solid panels similar to traditional buildings).
- Provided a 3’-0” by 6’-0” (width x length) matching light well at the fifth floor along the northern edge of the subject property (abutting 830 Hyde Street).
- Merged the previously-proposed two (2) studio units located on the fifth floor into a two-bedroom, two-bathroom unit, thereby reducing the overall dwelling unit count from fifteen (15) to fourteen (14). (The Below Market Rate (BMR) unit count—two (2)—remains.)

In response to the Commission’s request to the Project Sponsor to work with Planning Staff to determine the status of the property line windows and light wells on the abutting property to the north of the subject property (830 Hyde Street), Planning Department Staff have reviewed various building permits and associated plans of 830 Hyde Street and have made a final determination that the property line windows located on the fifth floor (top floor), while constructed with benefit of permit, are not protected under the Planning Code.

Property Line Windows

Based on available records of building permits for the 830 Hyde Street building (including Building Permit Nos. 2012.08.27.8280 and 2014.03.27.1840), there appear to be ten (10) windows located along the south-facing building façade (the side abutting the subject property). Located towards the rear of the building, there are five larger windows (measuring approximately 4’-2” by 3’-8”) located on all floors (floors 1-5) that are situated beyond the depth of the proposed new building at 824 Hyde Street. There is also one larger window located on the fifth floor, towards the front of the building. In addition, there are four smaller windows (measuring approximately 2’-0” by 2’-0”) located along the entire length of the fifth floor. Based upon a site visit conducted on February 18, 2016, the larger windows are located within the front (and rear) bedrooms and the smaller windows are located within bathrooms for the two units (front and rear) located on the fifth floor. Given that a building cannot utilize an adjacent property to meet exposure requirements of the Code, the fifth floor of the 830 Hyde Street building is meeting exposure requirements of the Code as the front (street-facing) dwelling unit fronts Hyde Street whereas the rear unit faces the rear yard. Therefore, the property line windows are not projected and access to light and air for these windows is therefore also not protected. These windows are not considered historic as they are in-kind replacement windows, installed after the 2010 fire to the abutting building (824 Hyde Street).

Light Wells

In addition, there are two (2), interior light wells (elevator shafts) located along the southern edge of the 830 Hyde street building, abutting the subject property. The light wells measure approximately 4’-0” by 4’-0” and begin at grade (basement floor) and run the entire length of the building (to the roof). The light wells are generally flanked by 90-minute fire-rated windows (ranging in count from one to three) at nearly all floors (floors 1-5). The light wells are not open to the south (abutting 824 Hyde Street), except at

the fifth floor where there is one (1) opening measuring approximately 4'-0" by 10'-0" (length x height) on each of the light wells. In addition, the top of each light well is open to the sky above.

The Department's Residential Design Guidelines speak to the need for projects to provide shared light wells to provide adequate light for abutting properties (Residential Design Guidelines, page 16). Therefore, the Department requested a matching light well on the subject building at the fifth floor only, for the purposes of matching the openings on the 830 Hyde Street building. When providing a matching light well, a width of 3'-0" from the side property line and a length equivalent to the matched light well is required. In response, the Project Sponsor has provided two (2) light wells on the subject property that measure approximately 3'-0" by 6'-0" (width x length) so as to not impact the access to light and air for the abutting property.

REQUIRED COMMISSION ACTION

In order for the project to proceed, the Commission must grant Conditional Use Authorization to allow for a structure to exceed 50 feet in a RC Zoning District. The Project also includes a request for Variances pursuant to Planning Code Sections 145.1 (active street frontages).

BASIS FOR RECOMMENDATION

- The Project will add fourteen (14) dwelling units City's housing stock.
- The Project will create new housing within a transit-rich area and encourage public transportation use by not providing a parking garage.
- The Project will satisfy the requirements of the Inclusionary Affordable Housing Program through payment of the Fee, in an amount to be established by the Mayor's Office of Housing and Community Development at a rate equivalent to an off-site requirement of 20%.
- The Project site is currently a vacant lot and has been since 2010—when the existing structure was destroyed in a fire—and the Project would construct a new building that would fit within the surrounding neighborhood character and the Lower Nob Hill Apartment Hotel Historic District.
- The Project will include streetscape improvements along its Hyde Street frontages, including the installation of one (1) new street tree, and a new, publically-accessible bicycle rack along the Hyde Street frontage.
- The Project site is well served by transit (MUNI lines 2, 3, and 27 are all within one block of the subject property).
- The Project has been found to be necessary and or desirable and compatible with the surrounding neighborhood.
- The Project meets all applicable requirements of the Planning Code.

RECOMMENDATION:	Approve with Conditions
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Attachments:

Letter from Project Sponsor (dated February 22, 2016)
Public Comment (one (1) letter, dated February 22, 2016)
Updated plans (dated February 22, 2016)

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February 22, 2016

Via E-Mail nicholas.foster@sfgov.org

President Rodney Fong
San Francisco Planning Commission
1650 Mission Street, 4th Floor
San Francisco, CA. 94103

Re: 824 Hyde Street: Case No. 2012.1445CV
Continued Hearing: March 3, 2016

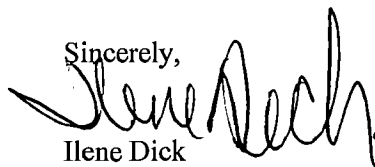
Dear President Fong and Commissioners:

We represent Hyde Street Investments, LLC, the owner of the above-referenced property. At its January 14, 2016 hearing on a request for conditional use authorization due to the building exceeding the 50' height limit under Planning Code 253, the Commission provided feedback on the building design. In response, the project team has evaluated the Commission's suggestions. Some revisions were found to be infeasible (e.g., flipping the studio units to the rear and the 1-bedroom units to the front of the building would result in the loss of interior circulation) and adopted others (e.g., redesign front bays to traditional shape and make them Code-compliant). In addition to the bay windows, the design reflects the following revisions:

1. Removed the bracket at the projecting parapet.
2. Extended the parapet around the corner on south side.
3. Change the front and rear windows to double-hung wood.
4. Change the solid panels under windows on the front façade to wood.
5. Added matching lightwells to the 5th floor to match the lightwells of 830 Hyde Street, the building to the north. This change necessitated replacement of the 2 studios at the front of the 5th floor with a large 2 bedroom, 2 bath unit. The unit count is now 14 rather than 15 units.

These were the only concerns voiced by the Commission at the January 14, 2016 hearing. If there remains design issues that the Commission wants addressed, we would respectfully request that the Commission approve the conditional use authorization on the condition that staff continue to work with the project team.

Thank you for your consideration.

Sincerely,

Ilene Dick

ID

Russ Building • 235 Montgomery Street • San Francisco, CA 94104 • T 415.954.4400 • F 415.954.4480

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NICHOLAS FOSTER

February 22, 2016

San Francisco Planning Commission
1650 Mission St., Suite 400
San Francisco, CA. 94103

RE: 824 Hyde St. Project; Case No. 2012.1445CV; Hearing Continued to March 3, 2016

Dear Commissioners:

At the January 14th hearing I asked that the requested Conditional Use Authorization (CUA) and Variance for the subject project be denied on various grounds. In addition to speaking at the hearing I had also submitted a January 12, 2016 dated letter regarding our concerns with the proposed project. .

I have found that both the 830 Hyde and the fire destroyed 824 Hyde St. buildings are listed in the U.S. Department of the Interior "National Register of Historic Places". 824 Hyde was built in 1915, and in 1916, 830 Hyde was constructed.. At 830 Hyde the west light well which is towards the front of the building starts at the second floor, or one floor above street level. The east light well starts farther down, two floors below the other light well, or at the basement level. Starting from the second floor and going all the way to the top floor or fifth story there are windows on the inner three sides of both light wells. In addition, the floors of the light wells have drains. It seems logical to us that the light wells were built the way they were because 824 Hyde St. was built first. That is, we believe that the light wells were there all along. The 1916 new construction plans (BPA 6741717) appear to show this as well. In addition, KCE Matrix, who was hired by us as engineer of record after the fire, states in their attached February 22, 2016 letter that "...we researched records and did not find any alterations to the existing building to exterior walls after new construction..." Based on their findings we conclude that the windows are original as well.

Allowing the owner 824 Hyde to build an additional story as proposed will block at least six of the seven windows and both light well openings. Recently, we tried to gauge how much light would be lost to the light well if the light well openings at the south wall were blocked off. We used a tarp to cover the south wall opening of the east light well and the attached pictures show that the light going into the light well is significantly attenuated even with the use of a poor facsimile of a building wall. We also have pictures that depict the significant reduction of the light in the common areas of the fourth floor. **For all of the above reasons, we must ask that the request for a CUA be denied.**

As for the Variance, we have mentioned that both buildings are listed in the "National Register of Historic Places" and in addition it appears from a review of the Register that all or almost all the buildings on the entire block are listed as well. Unless the project is in keeping with the Register designation **we also request that the Variance be denied.**

Sincerely,

Bill Quan

Bill Quan, Manager for the Lai King Quan Properties LLC
2526 Van Ness Ave., #10
San Francisco, CA. 94109

824HydeProject-Feb21-2016LtrToPlanningCommission

RECEIVED

FEB 22 2016

CITY & COUNTY OF S.F.
PLANNING DEPARTMENT
RECEPTION DESK

KCE MATRIX

CONSULTING ENGINEERS
STRUCTURAL, CIVIL &
ENVIRONMENTAL

February 22, 2016

Mr. Bill Quan
1842 Mason Street
San Francisco CA 94133

Re: 830 Hyde Street, San Francisco CA 94109 – Light Wells

Dear Mr. Quan:

KCE Matrix, as engineer of record, was hired on your behalf to monitor and document the conditions of your building at 830 Hyde Street in San Francisco in the aftermath of the fire. The constant monitoring of demolition of fire damaged 4-story structure, next door, took place in December 2010 and January/February of 2011. In addition, KCE Matrix drew up the building plans to repair your building and no windows and light wells were added at the south wall of 830 Hyde Street. Also, in the course of our work, we researched records and did not find any alterations to the existing building to exterior walls after new construction; in particular, the south wall, which is consistent with what we observed after the south wall became exposed during the demolition of neighboring 824 Hyde Street.

Very truly yours,


Vahe Kardjian, P.E.



S: EVERYONE KCE Projects 2011 Projects 2010 1145 - 830 Hyde Street San Francisco CA 94109 Letter to Mr. Quan / 2-22-16.doc

Lightwell pictures:

Camera data:

F 10 lens opening

1/200 second shutter speed

ISO 800

Manual exposure

Taken on Friday, February 12th, 2016 around 1:30 PM from the roof

830 Hyde east light well before covered with tarp:



Camera data:

F 10 lens opening

1/200 second shutter speed

ISO 800

Manual exposure

830 Hyde east light well south wall opening covered with tarp (Everbilt Heavy-Duty 10 mil silver and brown tarp from Home Depot):



Hallway pictures:

Camera data:

F 10 lens opening

1/30 second shutter speed

ISO 800

Manual exposure

Taken on Friday, February 12th, 2016 around 1:30 PM

830 Hyde, 4th floor, east end of hall, before covering of east end light well:



Camera data:

F 10 lens opening

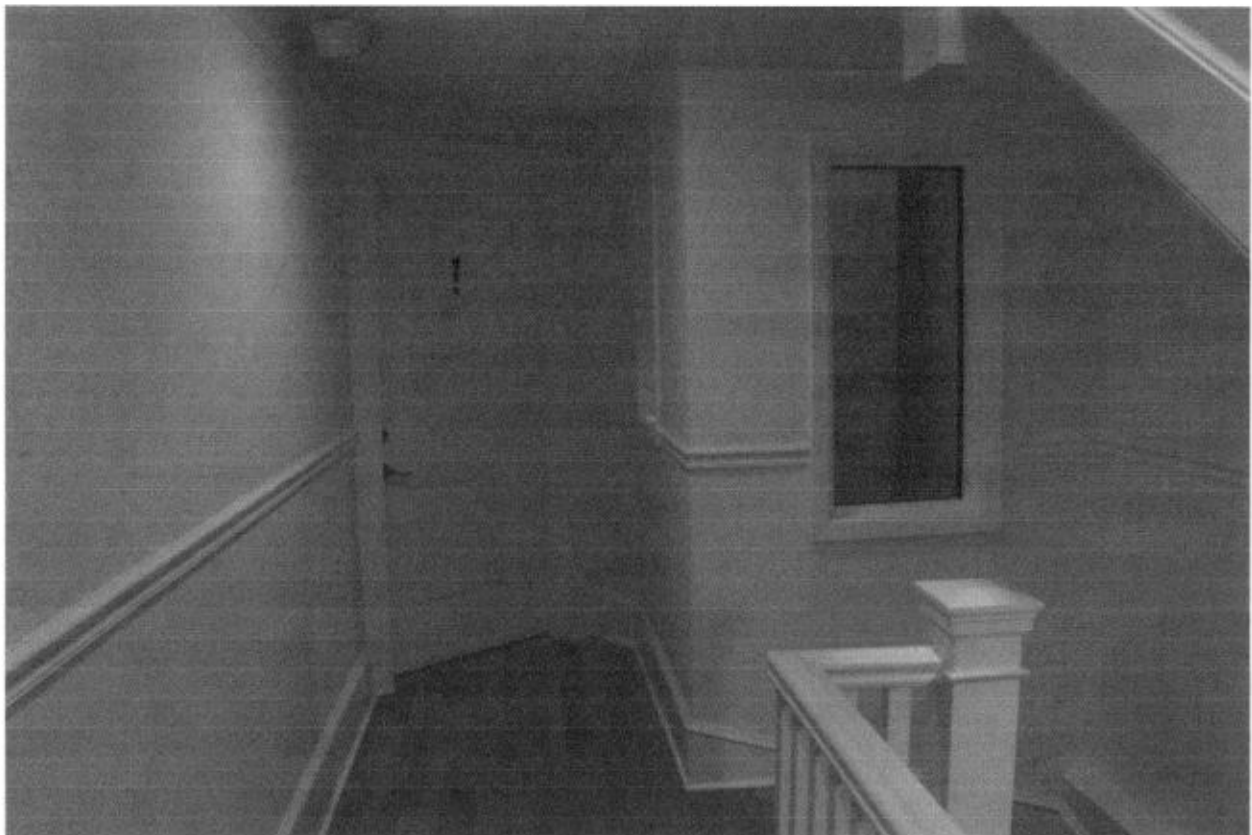
1/30 second shutter speed

ISO 800

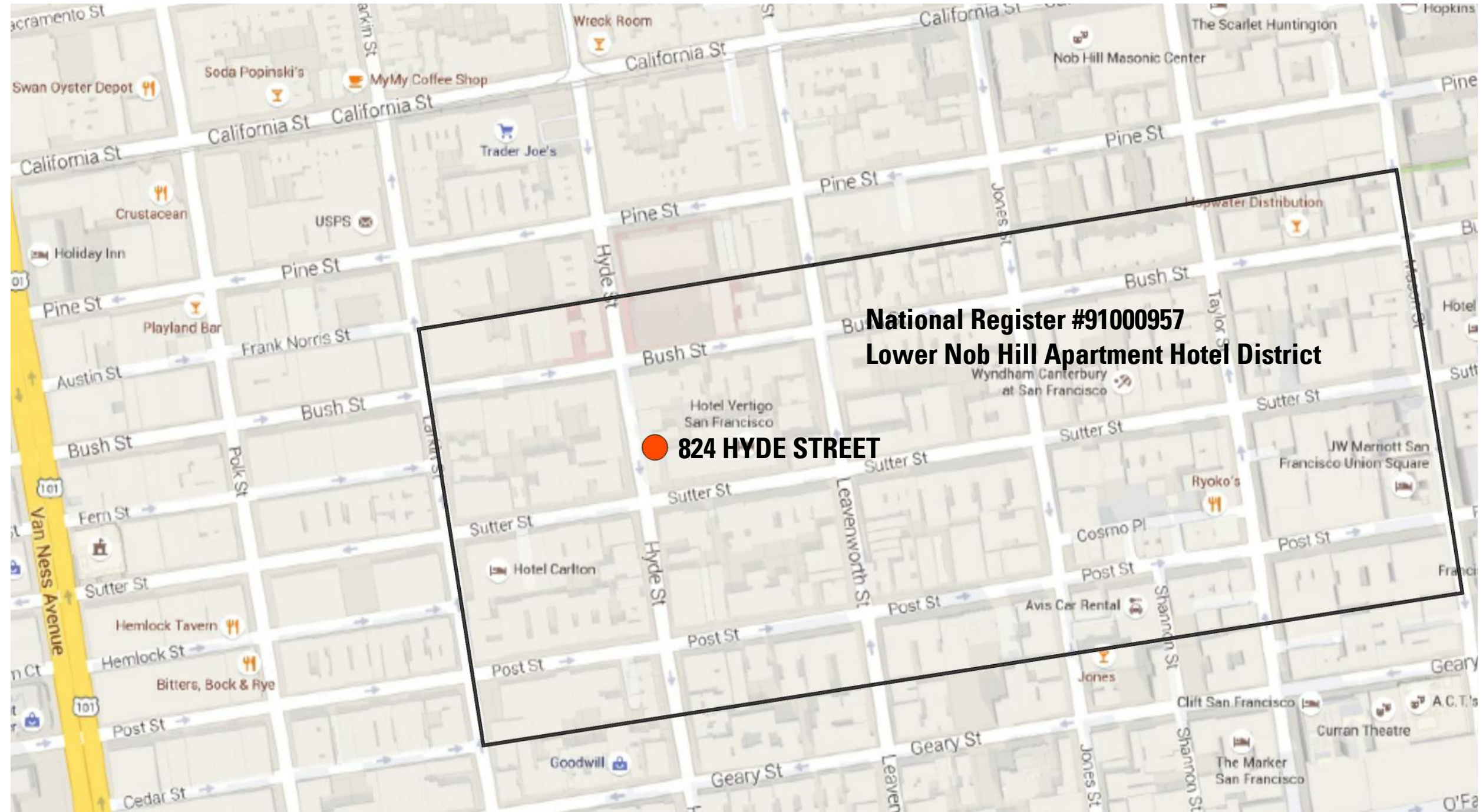
Manual exposure

Taken on Friday, February 12th, 2016 around 1:30 PM

830 Hyde, 4th floor, east end of hallway, after east end light well is covered with tarp:

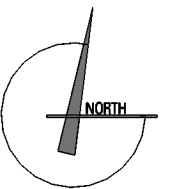


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National Register #91000957
Lower Nob Hill Apartment Hotel District

824 HYDE STREET



SITE LOCATION MAP

NO SCALE

PLANNING COMMISSION SET

14 UNIT APARTMENT BUILDING

**824 HYDE STREET
 SAN FRANCISCO, CALIFORNIA**

824 HYDE STREET INVESTMENTS, LLC

**JOSEPH DENNIS CHANCE AIA
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 2.22.2016**



838 HYDE STREET 1916



821 LEAVENWORTH 1916



COMMODORE HOTEL 825 SUTTER STREET 1923

PLANNING COMMISSION SET

14 UNIT APARTMENT BUILDING

**824 HYDE STREET
SAN FRANCISCO, CALIFORNIA**

EXAMPLES OF VARIOUS BAY SHAPES AND MATERIALS IN HISTORIC DISTRICT

824 HYDE STREET INVESTMENTS, LLC

JOSEPH DENNIS CHANCE AIA

RUDEEN ARCHITECTS

2.22.2016



995 SUTTER STREET 1911



722 TAYLOR STREET 2010



989 SUTTER STREET 2013

PLANNING COMMISSION SET

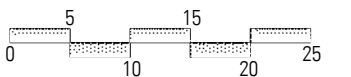
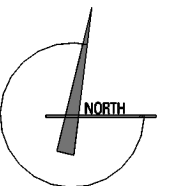
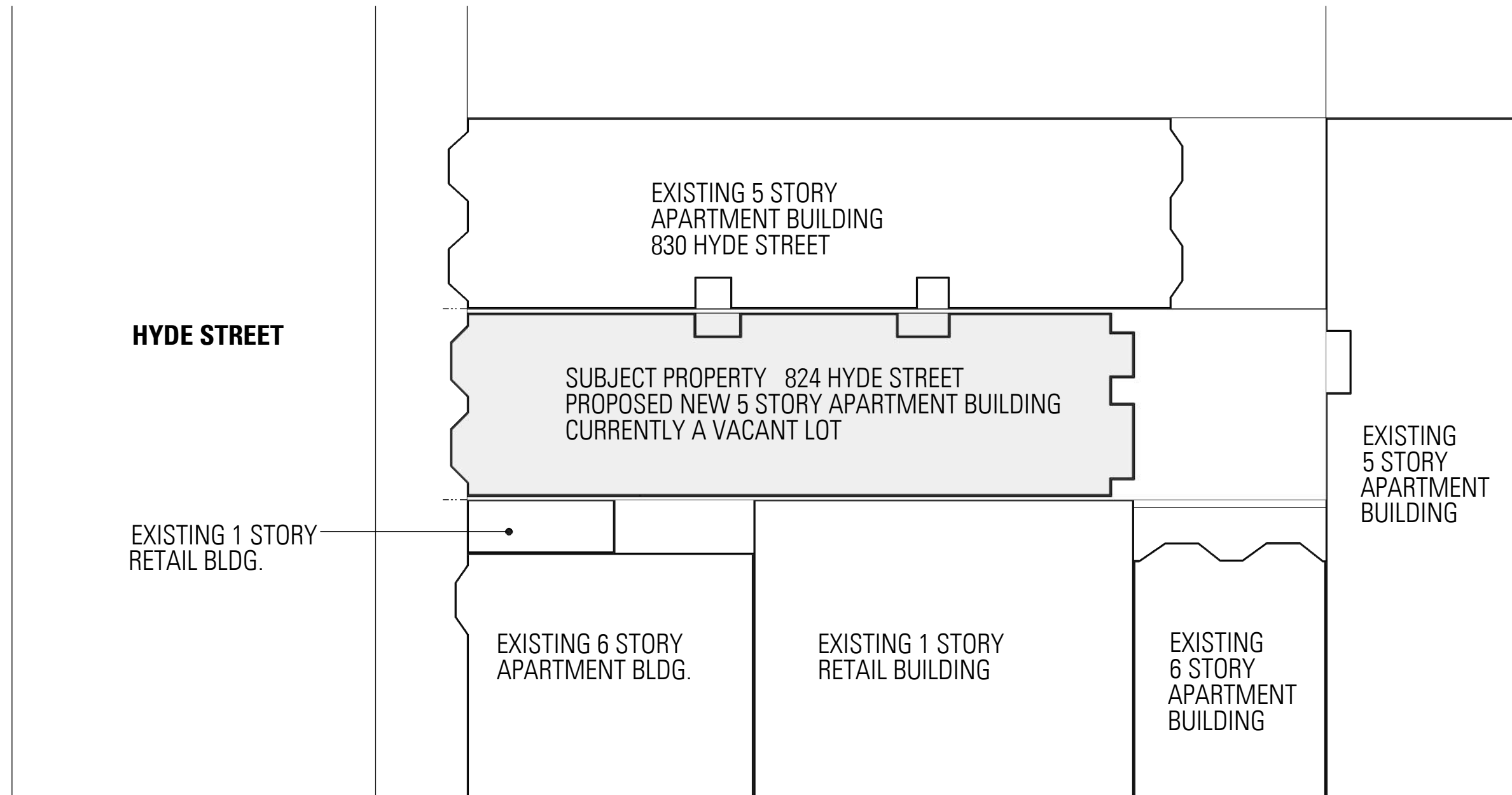
14 UNIT APARTMENT BUILDING

**824 HYDE STREET
SAN FRANCISCO, CALIFORNIA**

EXAMPLES OF VARIOUS BAY SHAPES AND MATERIALS IN HISTORIC DISTRICT

824 HYDE STREET INVESTMENTS, LLC

**JOSEPH DENNIS CHANCE AIA
RUDEEN ARCHITECTS
2.22.2016**



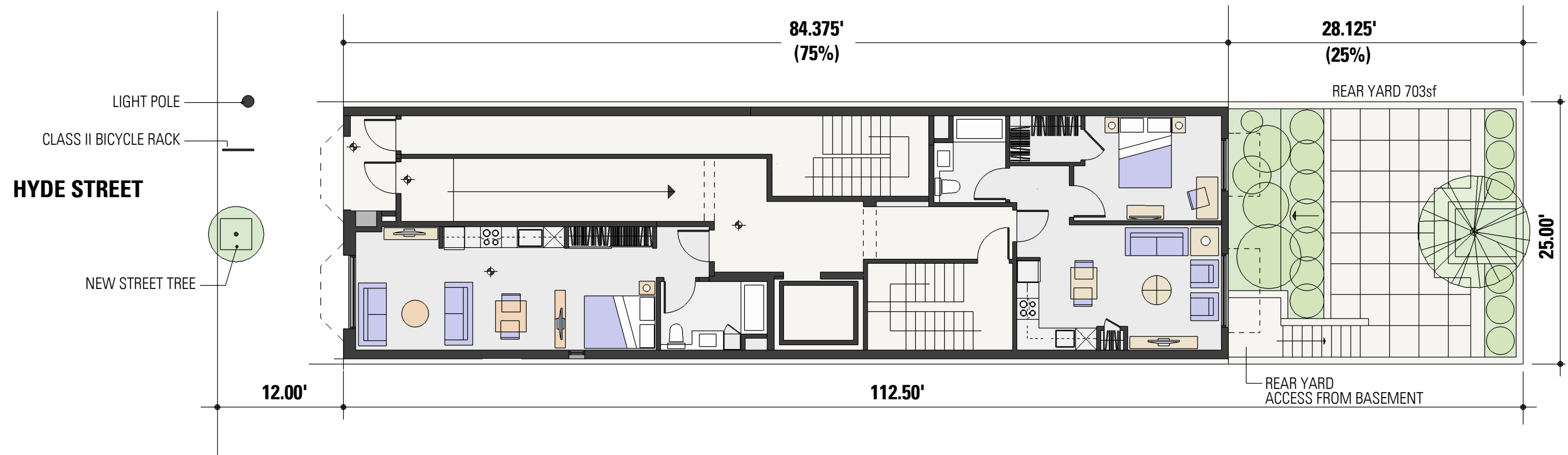
PLOT PLAN
SCALE 1/16" = 1'-0"

PLANNING COMMISSION SET

14 UNIT APARTMENT BUILDING
824 HYDE STREET
SAN FRANCISCO, CALIFORNIA

824 HYDE STREET INVESTMENTS, LLC

JOSEPH DENNIS CHANCE AIA
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2.22.2016



824 HYDE STREET PARCEL # 0280017

SITE DATA

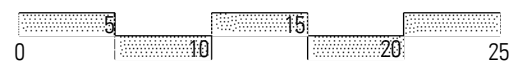
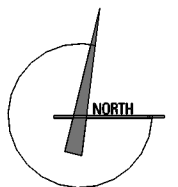
ZONING RC-4
HEIGHT & BULK 80-A
SITE AREA 2812.5 sf
REAR YARD REQUIRED 25% 703sf
REAR YARD PROVIDED 25% 703sf

OPEN SPACE REQUIRED 720sf
OPEN SPACE PROVIDED 1115sf

PROPOSED STRUCTURE

5 STORIES PLUS BASEMENT
BASEMENT GROSS AREA 2020sf
1st FLOOR GROSS AREA 1980sf
2nd FLOOR GROSS AREA 2095sf
3rd FLOOR GROSS AREA 2095sf
4th FLOOR GROSS AREA 2095sf
5th FLOOR GROSS AREA 2055sf
TOTAL BLDG. GROSS AREA 12,340sf

BUILDING HEIGHT 56'-9" (TOP OF PARAPET)
ALLOWABLE DENSITY 1DU/200sf = 14DU
7 STUDIOS @ 450sf-490sf x .75 = 7DU
1 JR 1BR @ 435sf = 1DU
5 1BR @ 555sf-605sf = 5DU
1 2BR @ 915sf = 1DU
14 ACTUAL DU = 13 ALLOWABLE DU
12 MARKET RATE DU
2 BMR DU



SITE PLAN

SCALE 1" = 10'-0"

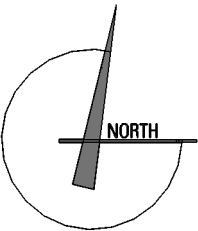
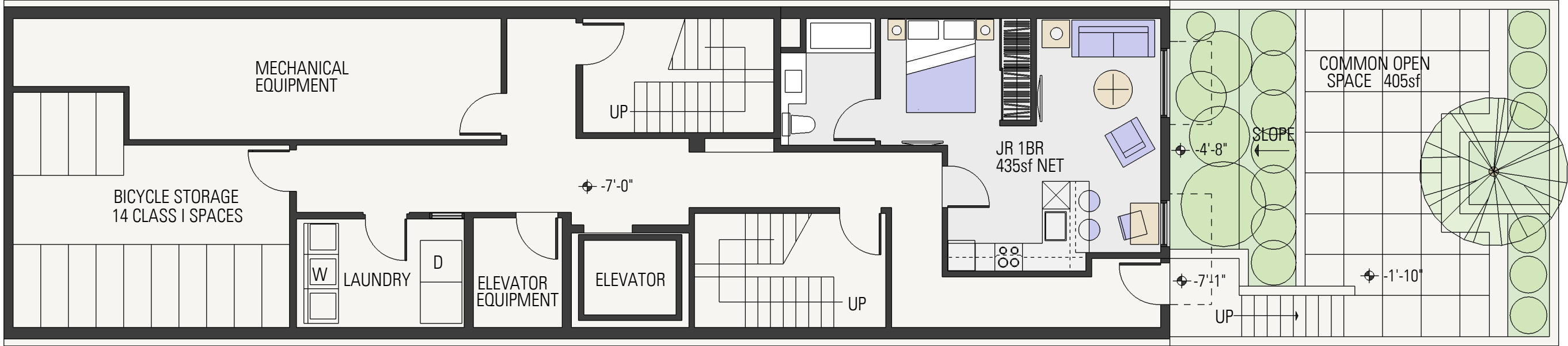
PLANNING COMMISSION SET

14 UNIT APARTMENT BUILDING

824 HYDE STREET
SAN FRANCISCO, CALIFORNIA

824 HYDE STREET INVESTMENTS, LLC

JOSEPH DENNIS CHANCE AIA
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2.22.2016



BASEMENT

SCALE 1/8" = 1'-0"

435sf NET RENTABLE
2020sf GROSS AREA

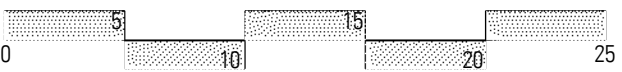
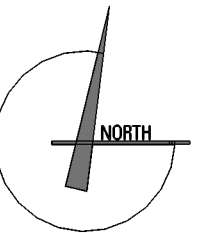
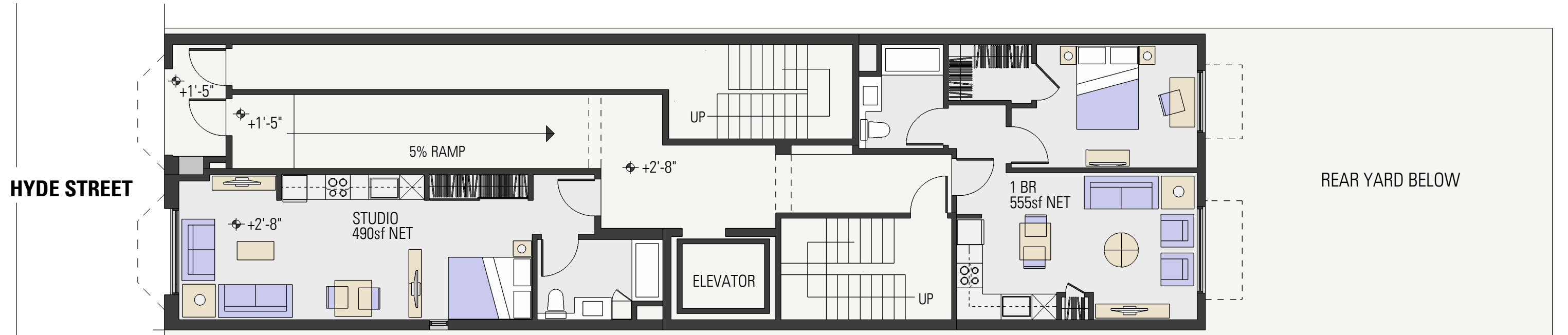
PLANNING COMMISSION SET

14 UNIT APARTMENT BUILDING

824 HYDE STREET
SAN FRANCISCO, CALIFORNIA

824 HYDE STREET INVESTMENTS, LLC

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FIRST FLOOR
 SCALE 1/8" = 1'-0"
 1045sf NET RENTABLE
 1980sf GROSS AREA

PLANNING COMMISSION SET

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PLANNING COMMISSION SET

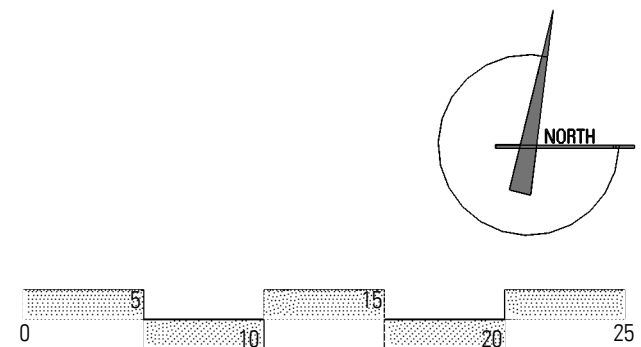
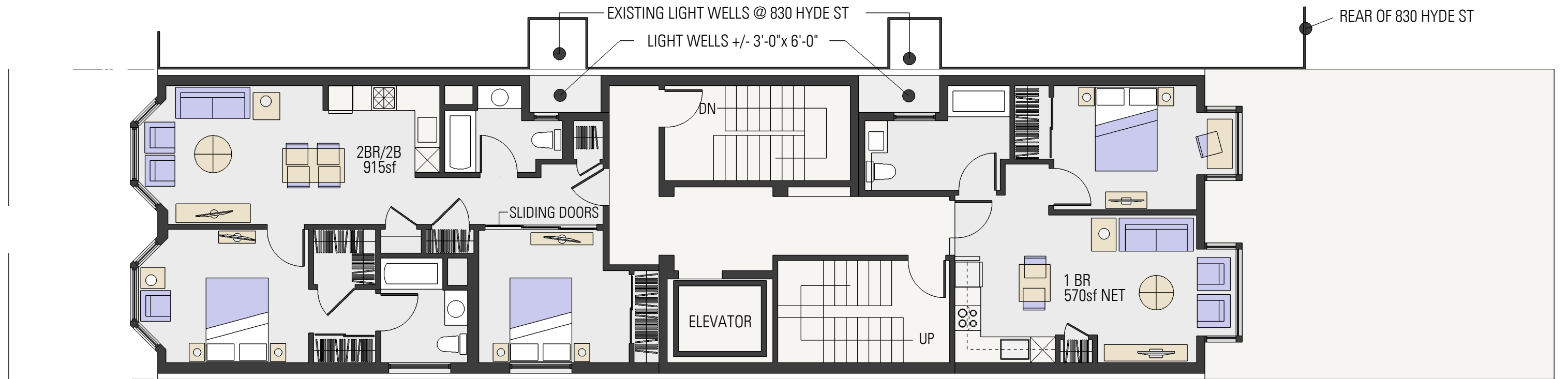
14 UNIT APARTMENT BUILDING

824 HYDE STREET
SAN FRANCISCO, CALIFORNIA

824 HYDE STREET INVESTMENTS, LLC

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FLOORS 2-4
SCALE 1/8" = 1'-0"
1505sf NET RENTABLE
2095sf GROSS AREA



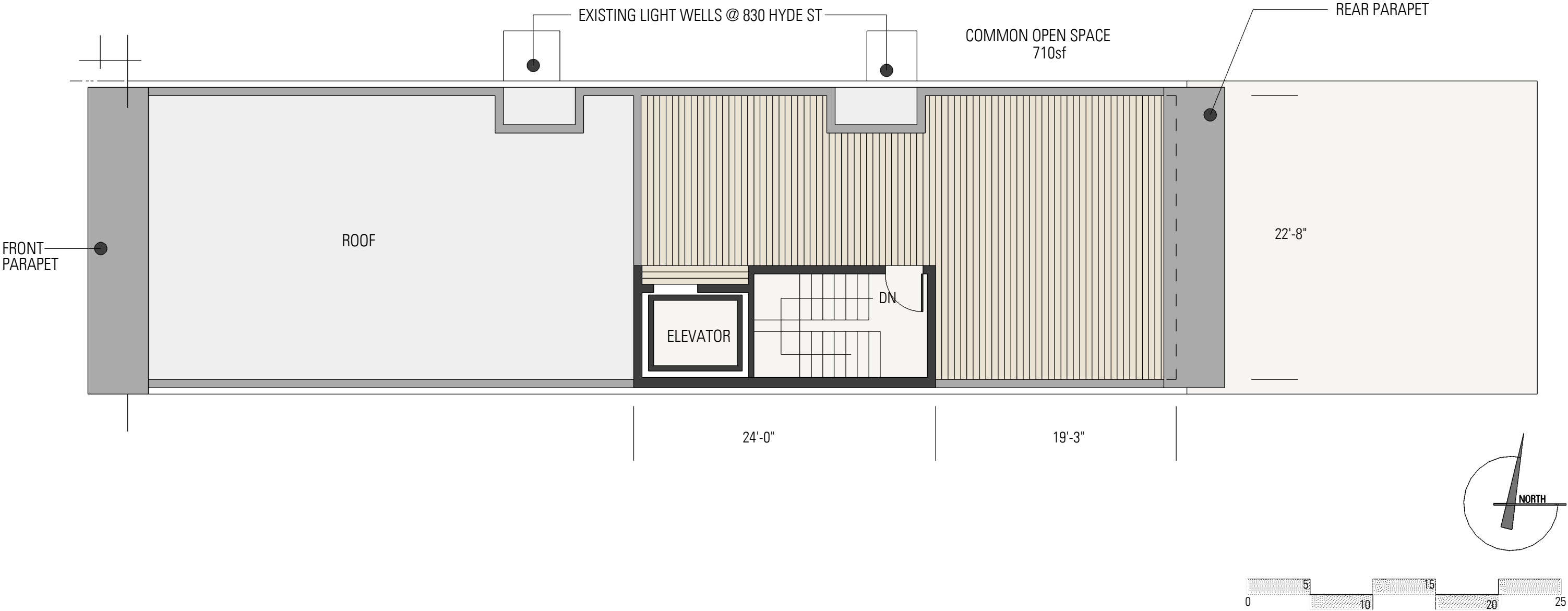
FLOOR 5
SCALE 1/8" = 1'-0"
1485sf NET RENTABLE
2045sf GROSS AREA

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2.22.2016



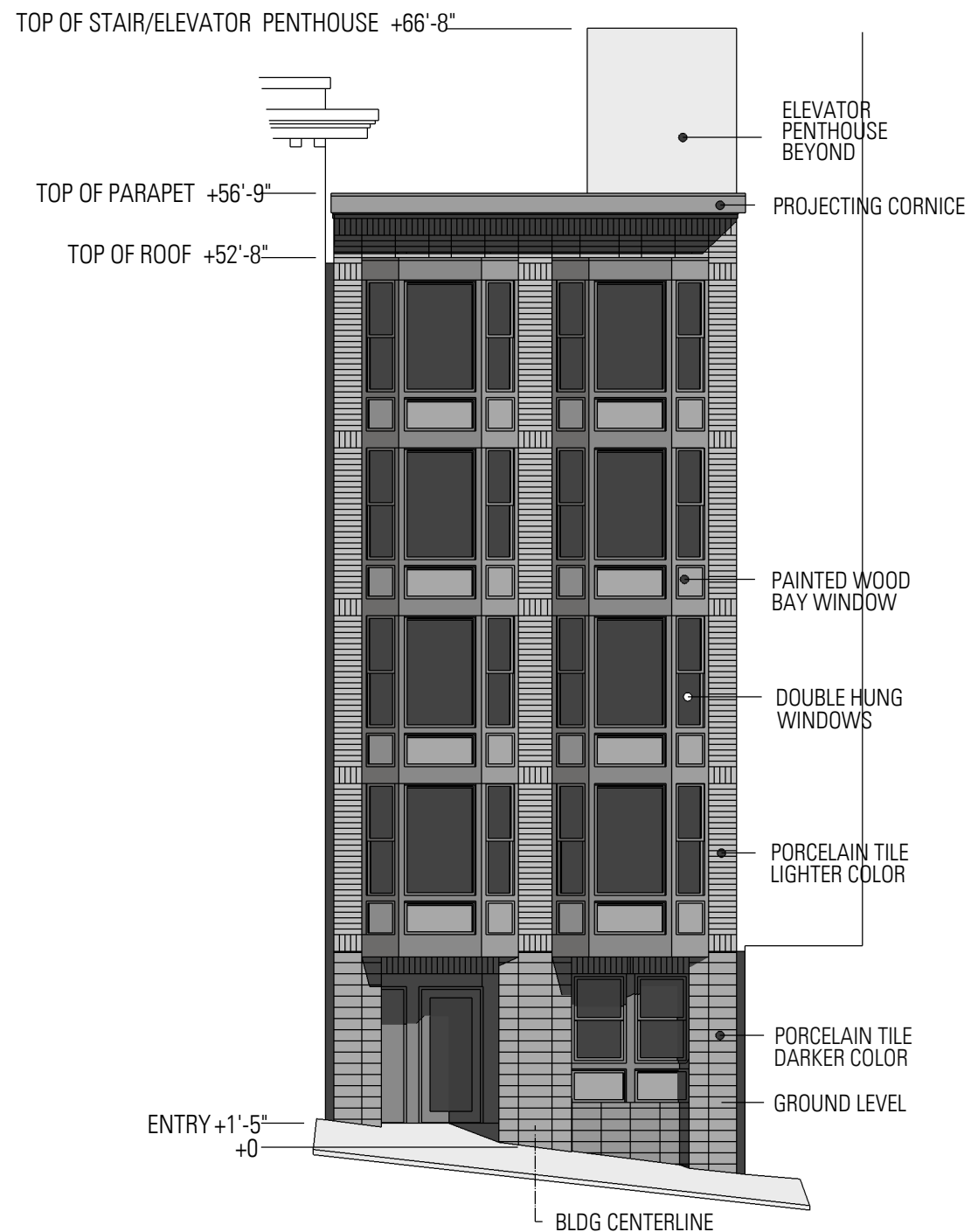
ROOF PLAN
SCALE 1/8" = 1'-0"

PLANNING COMMISSION SET

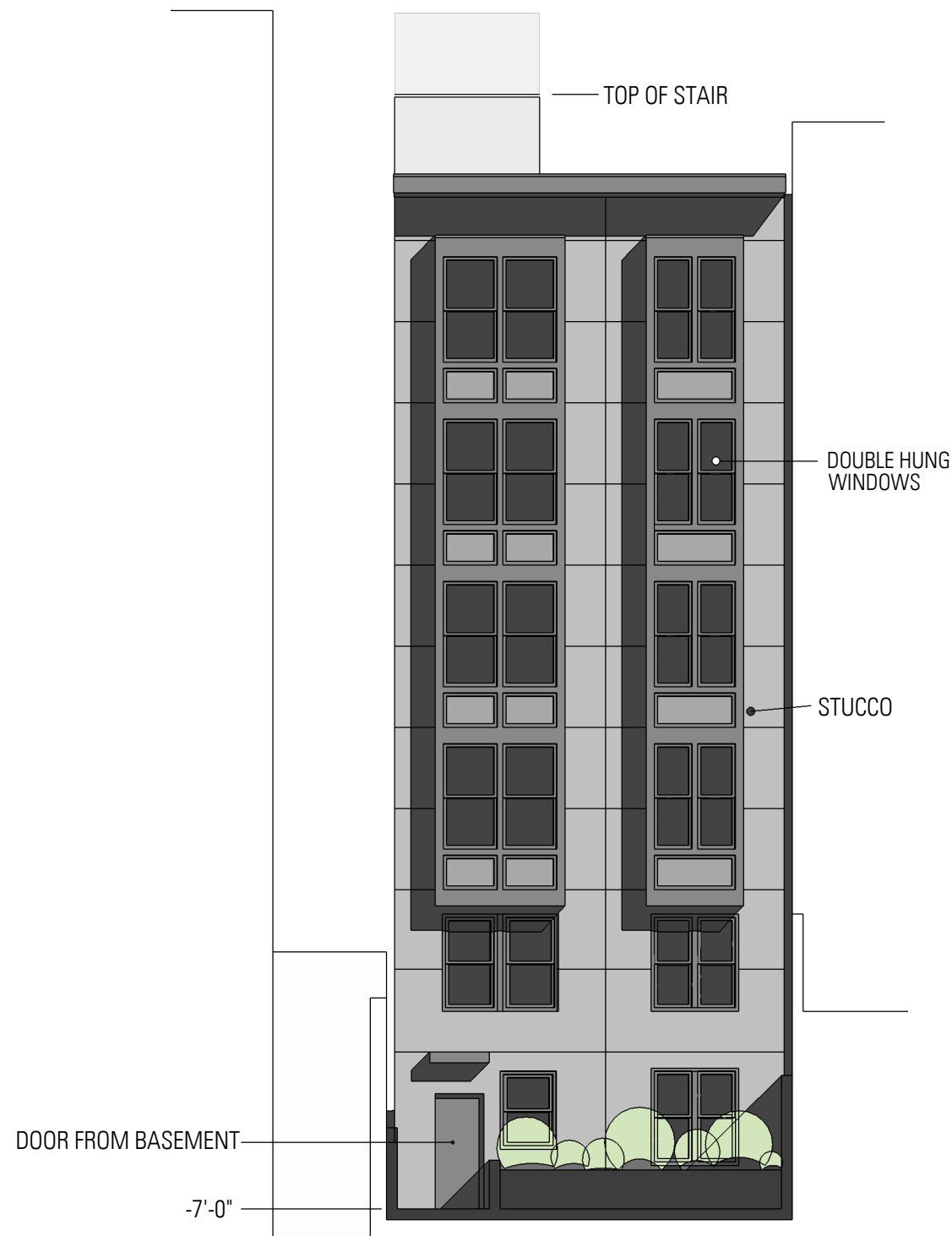
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FRONT (WEST) ELEVATION



REAR (EAST) ELEVATION



ELEVATIONS
SCALE 1" = 10'-0"

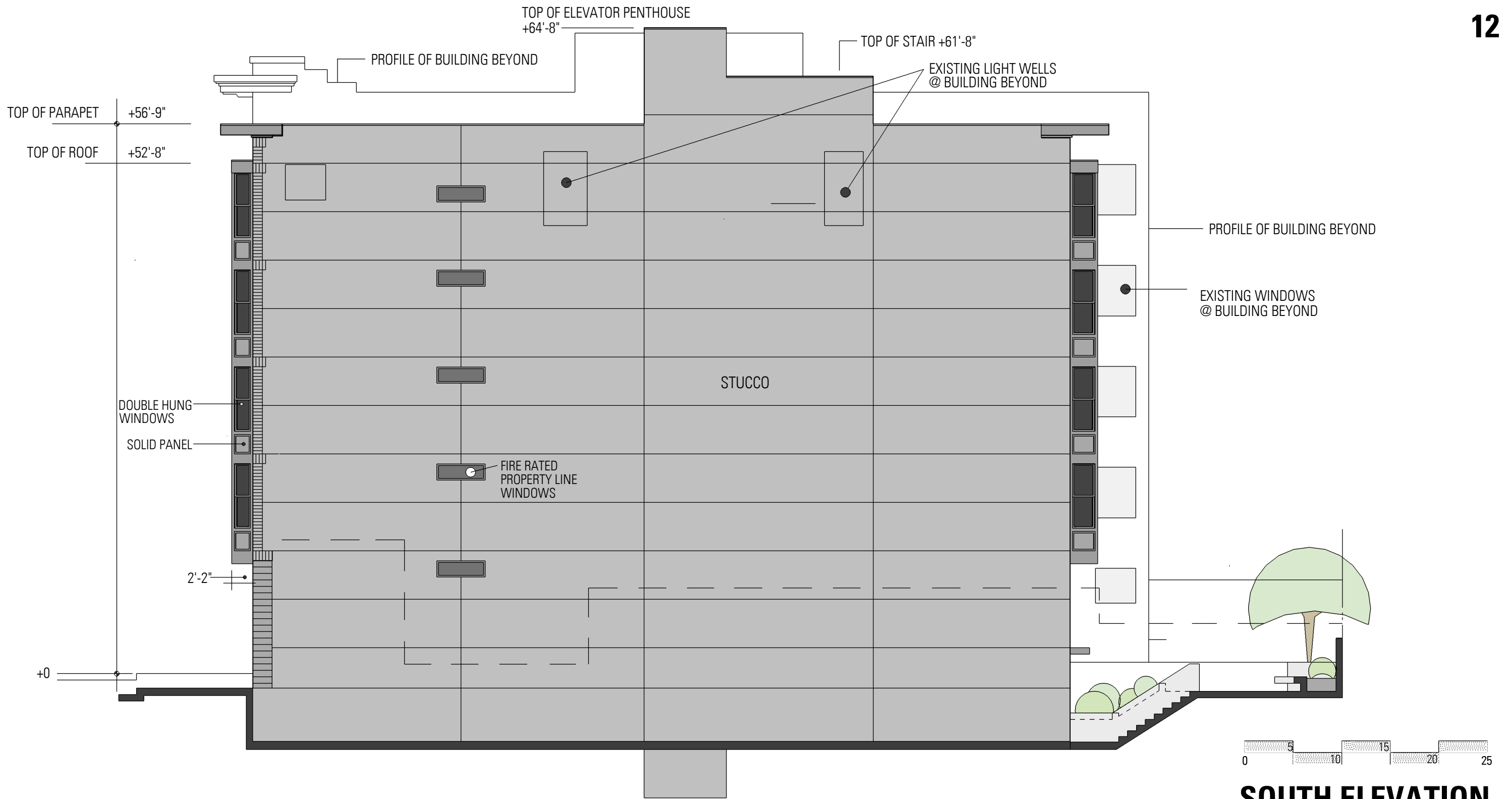
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14 UNIT APARTMENT BUILDING

824 HYDE STREET
SAN FRANCISCO, CALIFORNIA

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2.22.2016



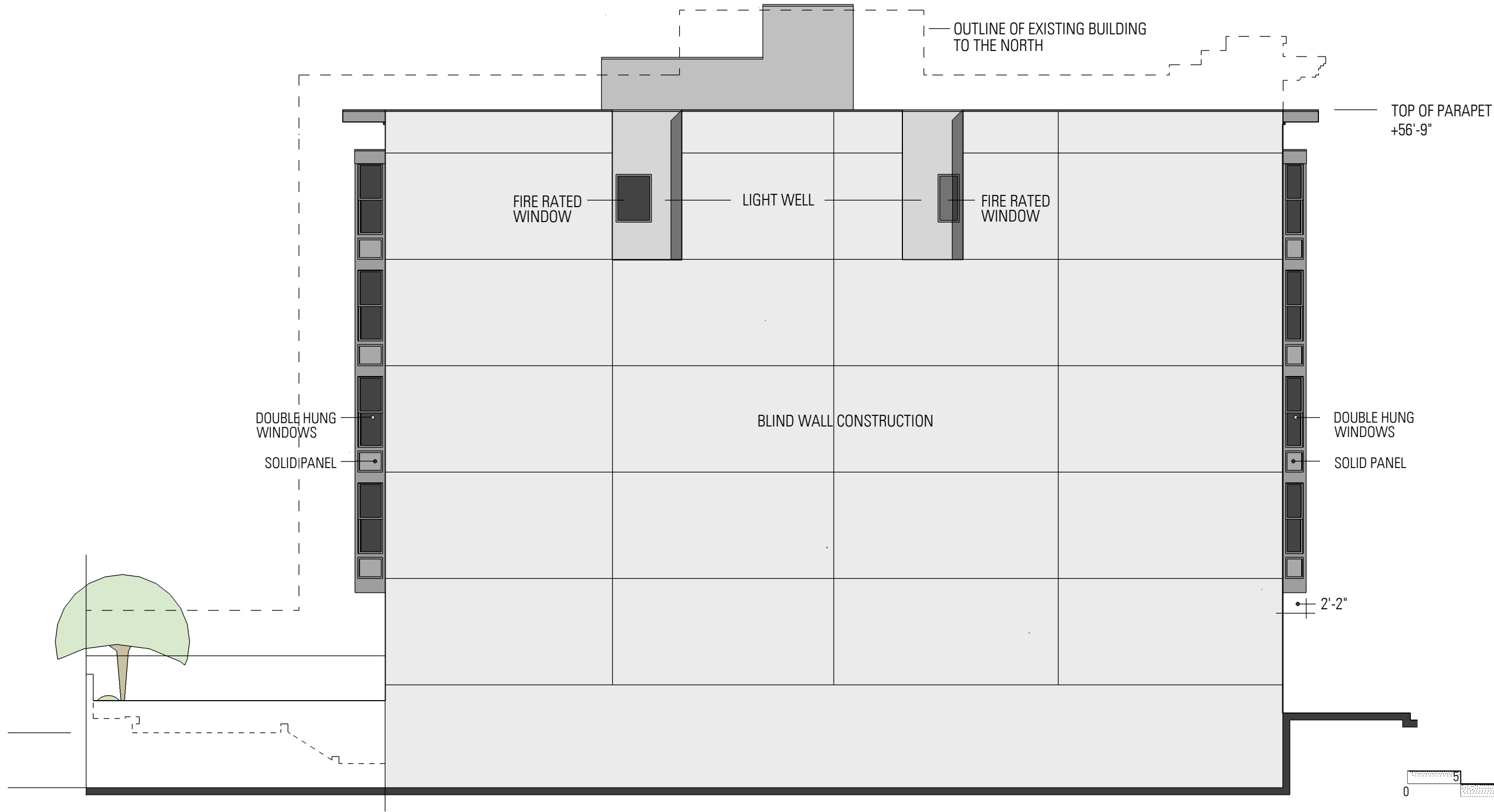
SOUTH ELEVATION
SCALE 1" = 10'-0"

PLANNING COMMISSION SET

14 UNIT APARTMENT BUILDING
824 HYDE STREET
SAN FRANCISCO, CALIFORNIA

824 HYDE STREET INVESTMENTS, LLC

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NORTH ELEVATION
SCALE 1" = 10'-0"

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LONGITUDINAL SECTION
SCALE 1" = 10'-0"

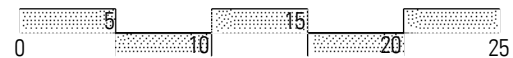
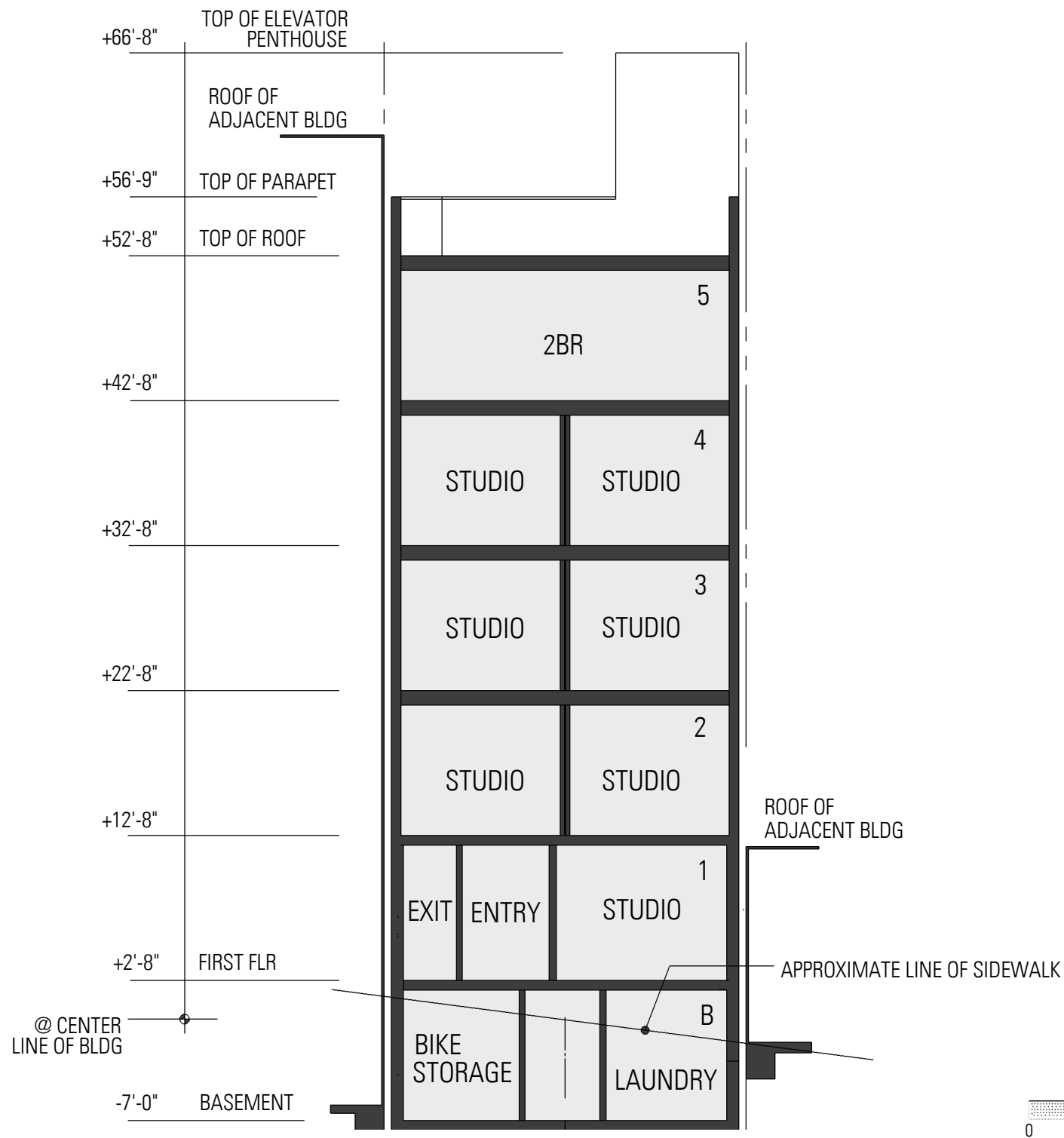
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824 HYDE STREET
SAN FRANCISCO, CALIFORNIA

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2.22.2016



CROSS SECTION
SCALE 1" = 10'-0"

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824 HYDE STREET
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14 UNIT APARTMENT BUILDING

**824 HYDE STREET
SAN FRANCISCO, CALIFORNIA**

824 HYDE STREET INVESTMENTS, LLC

**PANORAMA
NO SCALE**

**JOSEPH DENNIS CHANCE AIA
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2.22.2016**



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824 HYDE STREET
SAN FRANCISCO, CALIFORNIA

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2.22.2016



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14 UNIT APARTMENT BUILDING

**824 HYDE STREET
SAN FRANCISCO, CALIFORNIA**

824 HYDE STREET INVESTMENTS, LLC

RENDERING 1

**JOSEPH DENNIS CHANCE AIA
RUDEEN ARCHITECTS
2.22.2016**



PLANNING COMMISSION SET

14 UNIT APARTMENT BUILDING

**824 HYDE STREET
SAN FRANCISCO, CALIFORNIA**

824 HYDE STREET INVESTMENTS, LLC

RENDERING 2

**JOSEPH DENNIS CHANCE AIA
RUDEEN ARCHITECTS
2.22.2016**



THE BAY WINDOWS ARE ORIENTED TOWARD VIEW AND NOT DIRECTLY FACING WINDOWS ON OPPOSITE SIDE OF STREET
THE FRONT FACADE IS A LESS LITERAL INTERPRETATION OF HISTORIC BUILDINGS MORE IN KEEPING WITH FEDERAL GUIDELINES

PLANNING COMMISSION SET

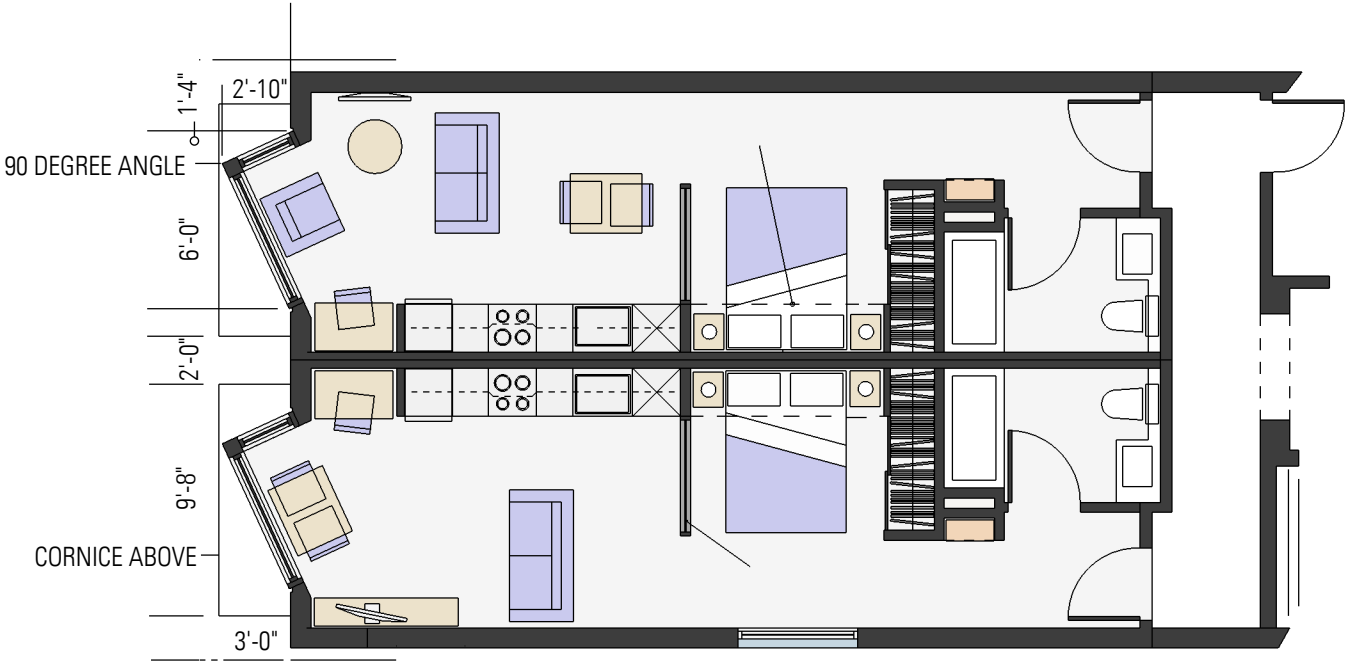
14 UNIT APARTMENT BUILDING

824 HYDE STREET
SAN FRANCISCO, CALIFORNIA

824 HYDE STREET INVESTMENTS, LLC

MODERNIST ALTERNATE FRONT ELEVATION
SCALE 1/16"=1'-0"

JOSEPH DENNIS CHANCE AIA
RUDEEN ARCHITECTS
2.22.2016



EXCEPT FOR BAY WINDOWS THE FLOOR PLANS ARE THE SAME AS PRIMARY SCHEME
THE CONFORMING BAY WINDOWS ARE ORIENTED TOWARD VIEW AND NOT DIRECTLY FACING WINDOWS ON OPPOSITE SIDE OF STREET
WINDOWS CONTAIN MORE GLASS AREA IN ORDER TO INCREASE APPARENT SIZE OF UNIT
THE FRONT FACADE IS A LESS LITERAL INTERPRETATION OF HISTORIC BUILDINGS MORE IN KEEPING WITH FEDERAL GUIDELINES

PLANNING COMMISSION SET

14 UNIT APARTMENT BUILDING

824 HYDE STREET
SAN FRANCISCO, CALIFORNIA

PARTIAL PLAN OF MODERNIST ALTERNATE ELEVATION
SCALE 1/8" = 1'-0"

824 HYDE STREET INVESTMENTS, LLC

JOSEPH DENNIS CHANCE AIA
RUDEEN ARCHITECTS
2.22.2016



PLANNING COMMISSION SET

14 UNIT APARTMENT BUILDING

**824 HYDE STREET
SAN FRANCISCO, CALIFORNIA**

RENDERING OF MODERNIST ATERNATE ELEVATION

824 HYDE STREET INVESTMENTS, LLC

**JOSEPH DENNIS CHANCE AIA
RUDEEN ARCHITECTS
2.22.2016**

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SAN FRANCISCO PLANNING DEPARTMENT

Executive Summary Conditional Use/Variance

HEARING DATE: JANUARY 14, 2016

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

Reception:
415.558.6378

Fax:
415.558.6409

Planning
Information:
415.558.6377

Date: December 8, 2015
Case No.: **2012.1445CV**
Project Address: **824 Hyde Street**
Zoning: RC-4 (Residential-Commercial, High Density) District
80-A Height and Bulk District
Block/Lot: 0280/017
Project Sponsor: Ilene Dick
Farella Braun + Martel, LLP
235 Montgomery Street
San Francisco, CA 94104
Staff Contact: Nicholas Foster – (415) 575-9167
nicholas.foster@sfgov.org
Recommendation: **Approval with Conditions**

PROJECT DESCRIPTION

The proposed project would involve the construction of an approximately 52'-8" foot-tall (up to 66 feet tall with the staircase and elevator penthouses), five-story-over-basement, 12,390 gross square foot (gsf) residential building on a partially down-sloping vacant lot. The proposed building would provide nine (9) studio units, one (1) junior one-bedroom unit, and five (5) one-bedroom units, for a total of fifteen (15) dwelling units. Excavation, to a maximum depth of approximately nine (9) feet below grade, is proposed in order to accommodate the basement level. No off-street parking would be provided as part of this project.

SITE DESCRIPTION AND PRESENT USE

The approximately 2,815-square-foot project site (Assessors Block 0280, Lot 017) is located on the block bounded by Hyde Street to the west, Leavenworth Street to the east, Bush Street to the north, and Sutter Street to the south in the Downtown/Civic Center neighborhood and within the Lower Nob Hill Apartment-Hotel Historic District. The subject lot has 25 feet of street frontage along Hyde Street and a depth of 112'-6".

The project site was previously occupied by a four (4) story, eight (8) unit residential building that was designated a contributing resource to the Lower Nob Hill Apartment Hotel National Register Historic District (the "Lower Nob Hill Apartment Historic District" or "District"). The building, named "Chatom Apartments", was constructed in 1915. The building was destroyed by a fire in 2010 and the remnants of the damaged structure were removed in accordance with demolition Permit No. 201011084503 issued on November 8, 2010. The resulting vacant lot is considered a non-contributory property within the District.

SURROUNDING PROPERTIES AND NEIGHBORHOOD

The Project site is within the Downtown/Civic Center neighborhood, near the southern boundary of the Nob Hill neighborhood. The Project site is also located within the Lower Nob Hill Apartment Hotel Historic District. The District is comprised of 570 acres containing 295 contributing buildings and one contributing structure. The District consists of almost entirely of 3- to 8-story multi-unit residential buildings which fill their entire front lot lines and share a single stylistic orientation. The vast majority of the buildings were constructed between 1906 and 1925. Land uses in the surrounding area include a diverse mixture of residential, hotel, and ground-floor retail uses including shopping, grocery stores, bars and restaurants. St. Francis Medical Center is located one block to the north of the site at the corner of Hyde and Bush Streets.

ENVIRONMENTAL REVIEW

On April 30, 2015, the Project was issued a Categorical Exemption, Class 32 (California Environmental Quality Act (CEQA) Guidelines Section 15322). Approval of the Conditional Use Authorization by the Planning Commission is the Approval Action for the project. The Approval Action date establishes the start of the 30-day appeal period for this CEQA exemption determination pursuant to Section 31.04(h) of the San Francisco *Administrative Code*.

HEARING NOTIFICATION

TYPE	REQUIRED PERIOD	REQUIRED NOTICE DATE	ACTUAL NOTICE DATE	ACTUAL PERIOD
Classified News Ad	20 days	December 26, 2015	December 23, 2015	23 days
Posted Notice	20 days	December 26, 2015	December 23, 2015	23 days
Mailed Notice	20 days	December 26, 2015	December 23, 2015	23 days

PUBLIC COMMENT

To date, the Department has not received any public comment on the proposal.

ISSUES AND OTHER CONSIDERATIONS

- **Variances.** The Project also includes a request for Variances pursuant to Planning Code Sections 136(c)(2) and 145.1. Section 136(c)(2) of the Planning Code allows permitted obstructions (bay windows) to extend over streets and alleys by three (3) feet for the subject property, provided that such projections meet certain requirements for dimensions and separation. The project proposes new construction on the subject property, with bay windows at the second thru fifth floors. The bay windows on the second thru fifth floors exceed the allowable projection dimensions of any of the features listed within Section 136; therefore, a variance is required. Section 145.1 of the Planning Code requires active street frontages for development lots, including residential uses. Residential uses are considered active uses only if more than 50 percent of the linear residential street frontage at the ground level features walk-up dwelling units that provide direct, individual pedestrian access to a public sidewalk. The subject lot is only

20' wide, and the project proposes residential uses on the ground floor that do not provide direct, individual pedestrian access to a public sidewalk; therefore, a variance is required.

- **Conditional Use Authorization.** The Project requires Conditional Use Authorization to allow for a structure to exceed 50 feet in a RC Zoning District. Even though the underlying Bulk and Height District (80-A) would allow for a taller structure, the Code requires approval by the Planning Commission according to the procedures for conditional use approval in Section 303 of this Code.

REQUIRED COMMISSION ACTION

In order for the project to proceed, the Commission must grant conditional use authorization to allow the building to exceed 50 feet in a RC Zoning District pursuant to Planning Code Section 253, and 303.

BASIS FOR RECOMMENDATION

- The Project will add fifteen (15) dwelling units City's housing stock.
- The Project will create new housing within a transit-rich area and encourage public transportation use by not providing a parking garage.
- The Project will satisfy the requirements of the Inclusionary Affordable Housing Program through payment of the Fee, in an amount to be established by the Mayor's Office of Housing and Community Development at a rate equivalent to an off-site requirement of 20%.
- The Project site is currently a vacant lot and has been since 2010—when the existing structure was destroyed in a fire—and the Project would construct a new building that would fit within the surrounding neighborhood character and the Lower Nob Hill Apartment Hotel Historic District.
- The Project will include streetscape improvements along its Hyde Street frontages, including the installation of one (1) new street tree, and a new, publically-accessible bicycle rack along the Hyde Street frontage.
- The Project site is well served by transit (MUNI lines 2, 3, and 27 are all within one block of the subject property).
- The Project has been found to be necessary and or desirable and compatible with the surrounding neighborhood.
- The Project meets all applicable requirements of the Planning Code.

RECOMMENDATION: Approval with Conditions

Attachments:

Letter to Planning Commission from Project Sponsor

Attachment Checklist

- | | |
|---|---|
| <input checked="" type="checkbox"/> Executive Summary | <input checked="" type="checkbox"/> Project sponsor submittal |
| <input checked="" type="checkbox"/> Draft Motion | Drawings: <u>Existing Conditions</u> |
| <input checked="" type="checkbox"/> Environmental Determination | <input checked="" type="checkbox"/> Check for legibility |
| <input checked="" type="checkbox"/> Zoning District Map | Drawings: <u>Proposed Project</u> |
| <input checked="" type="checkbox"/> Height & Bulk Map | <input checked="" type="checkbox"/> Check for legibility |
| <input checked="" type="checkbox"/> Parcel Map | 3-D Renderings (new construction or significant addition) |
| <input checked="" type="checkbox"/> Sanborn Map | <input checked="" type="checkbox"/> Check for legibility |
| <input checked="" type="checkbox"/> Aerial Photo | <input type="checkbox"/> Wireless Telecommunications Materials |
| <input checked="" type="checkbox"/> Context Photos | <input type="checkbox"/> Health Dept. review of RF levels |
| <input checked="" type="checkbox"/> Site Photos | <input type="checkbox"/> RF Report |
| | <input type="checkbox"/> Community Meeting Notice |
| | <input checked="" type="checkbox"/> Housing Documents |
| | <input checked="" type="checkbox"/> Inclusionary Affordable Housing Program: Affidavit for Compliance |

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

NF
Planner's Initials

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SAN FRANCISCO PLANNING DEPARTMENT

Subject to: (Select only if applicable)

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

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Planning Commission Draft Motion

HEARING DATE: JANUARY 14, 2016

Date: December 8, 2015
Case No.: **2012.1445CV**
Project Address: **824 Hyde Street**
Zoning: RC-4 (Residential-Commercial, High Density) District
80-A Height and Bulk District
Block/Lot: 0280/017
Project Sponsor: Ilene Dick
Farella Braun + Martel, LLP
235 Montgomery Street
San Francisco, CA 94104
Staff Contact: Nicholas Foster – (415) 575-9167
nicholas.foster@sfgov.org

ADOPTING FINDINGS RELATING TO THE APPROVAL OF CONDITIONAL USE AUTHORIZATION PURSUANT TO SECTIONS 253 and 303 OF THE PLANNING CODE TO PERMIT A BUILDING EXCEEDING 50 FEET WITHIN THE RC-4 (RESIDENTIAL-COMMERCIAL, HIGH DENSITY) USE DISTRICT AND A 80-A HEIGHT AND BULK DISTRICT, AND ADOPTING FINDINGS UNDER THE CALIFORNIA ENVIRONMENTAL QUALITY ACT.

PREAMBLE

On November 17, 2012, Brett Gladstone from Hanson Bridgett, LLP, the agent on behalf of Owen D. Conley and Thomas J. Conley ("Previous Project Sponsor"), submitted an application with the Planning Department (hereinafter "Department") for a Preliminary Project Assessment ("PPA") with Case No. 2012.1445U. The PPA letter was issued on January 28, 2013.

On May 8, 2013, the Previous Project Sponsor filed an application with the Department for Conditional Use Authorization pursuant to Section 303 to construct a 5-story over basement, residential building with 15 dwelling units, located in an RC-4 Zoning District. The Previous Project Sponsor also filed a Variance application, pursuant to Planning Code Sections 136 and 145.1 to allow for permitted obstructions (bay windows) and relief from the Code regarding required active street frontages for residential developments.

On August 1, 2013, the Previous Project Sponsor submitted an Environmental Evaluation Application. The application packet was accepted on August 8, 2013 and assigned Case Number 2012.1445E.

On December 24, 2013, the Department issued a Notification of Project Receiving Environmental Review to owners and occupants of properties within a 300 foot radius of the project site, and other interested parties. The notification period was open through January 7, 2014; however, public comments were accepted throughout the environmental review process.

On April 30, 2015, the Project was issued a Categorical Exemption, Class 32 (California Environmental Quality Act (CEQA) Guidelines Section 15322). Approval of the Conditional Use Authorization by the Planning Commission is the Approval Action for the project. The Approval Action date establishes the start of the 30-day appeal period for this CEQA exemption determination pursuant to Section 31.04(h) of the San Francisco *Administrative Code*.

On September 2, 2015, Ilene Dick from Farella Braun + Martel, LLP, the agent on behalf of 824 Hyde Street Investments, LLC (hereinafter "Project Sponsor") filed an updated application with the Department for Conditional Use Authorization under Planning Code Section(s) 253 and 303 to permit a building exceeding 50 feet within a RC-4 (Residential-Commercial, High Density) Use District and 80-A Height and Bulk District. The Project Sponsor also filed an updated Variance application, pursuant to Planning Code Sections 136 and 145.1 to allow for permitted obstructions (bay windows) and relief from the Code regarding required active street frontages for residential developments.

On January 14, 2016, the San Francisco Planning Commission (hereinafter "Commission") conducted a duly noticed public hearing at a regularly scheduled meeting on Conditional Use Application No. 2012.1445CV.

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. 2012.1445CV, 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 approximately 2,815-square-foot project site (Assessors Block 0280, Lot 017) is located on the block bounded by Hyde Street to the west, Leavenworth Street to the east, Bush Street to the north, and Sutter Street to the south in the Downtown/Civic

Center neighborhood and within the Lower Nob Hill Apartment-Hotel Historic District. The subject lot has 25 feet of street frontage along Hyde Street and a depth of 112'-6". The project site was previously occupied by a four (4) story, eight (8) unit residential building that was designated a historic resource by the City and the CRHR, and in 1991 was listed in the National Register of Historic Places as a contributing resource to the Lower Nob Hill Apartment Hotel National Register Historic District (the "Lower Nob Hill Apartment Historic District" or "District"). The building, named "Chatom Apartments", was constructed in 1915. The building was destroyed by a fire in 2010 and the remnants of the damaged structure were removed in accordance with demolition Permit No. 201011084503 issued on November 8, 2010. The resulting vacant lot is considered a non-contributory property within the District.

3. **Surrounding Properties and Neighborhood.** The Project site is within the Downtown/Civic Center neighborhood, near the southern boundary of the Nob Hill neighborhood. The Project site is also located within the Lower Nob Hill Apartment Hotel Historic District. The District is comprised of 570 acres containing 295 contributing buildings and one contributing structure. The District consists of almost entirely of 3- to 8-story multi-unit residential buildings which fill their entire front lot lines and share a single stylistic orientation. The vast majority of the buildings were constructed between 1906 and 1925. Land uses in the surrounding area include a diverse mixture of residential, hotel, and ground-floor retail uses including shopping, grocery stores, bars and restaurants. St. Francis Medical Center is located one block to the north of the site at the corner of Hyde and Bush Streets.
4. **Project Description.** The proposed project would involve the construction of an approximately 52'-8" foot-tall (up to 66 feet tall with the staircase and elevator penthouses), five-story-over-basement, 12,390 gross square foot (gsf) residential building on a partially down-sloping vacant lot. The proposed building would provide nine (9) studio units, one (1) junior one-bedroom unit, and five (5) one-bedroom units, for a total of fifteen (15) dwelling units. Excavation, to a maximum depth of approximately nine (9) feet below grade, is proposed in order to accommodate the basement level. No off-street parking would be provided as part of this project.
- 5.
6. **Public Comment.** To date, the Department has not received any public comment on the project.
7. **Planning Code Compliance.** The Commission finds that the Project is consistent with the relevant provisions of the Planning Code in the following manner:
 - A. **Rear Yard.** Planning Code Section 134 states that the minimum rear yard depth shall be equal to 25 percent of the total depth of the lot on which the building is situated, but in no case less than 15 feet. Rear yards shall be provided at the lowest story containing a dwelling unit, and at each succeeding level or story of the building.

The project provides the required 25 percent rear yard (28'-1/8"), beginning at the ground floor, as measured from the Hyde Street frontage.

- B. **Useable Open Space.** Planning Code Section 135 states 36 square feet of Usable Open Space is required per unit if such space is private, and each square foot of private open space may be substituted with 1.33 square foot of common open space. Planning Code Section 135(f)(2)(B) requires that the open space must face a street, face or be within a rear yard, or face some over space which meets the minimum dimension and area requirements of Planning Code Section 135(f)(1), or six feet in every horizontal direction and at least 36 feet in area on a deck.

The Project provides 835 sf of common useable open space, which, is more than the required amount of common useable open space (719 sf). The project provides 405 sf of common useable open space in the rear yard (at grade), and 430 sf of common useable open space on the roof deck atop the 5th floor.

- C. **Obstructions.** Planning Code Section 136 permits certain obstructions over streets and alleys and in required setbacks, yards, and useable open space.

The Project includes a request for Variances pursuant to Planning Code Sections 136(c)(2). Section 136(c)(2) of the Planning Code allows permitted obstructions (bay windows) to extend over streets and alleys by three (3) feet for the subject property, provided that such projections meet certain requirements for dimensions and separation. The project proposes new construction on the subject property, with bay windows at the second thru fifth floors. The bay windows on the second thru fifth floors exceed the allowable projection dimensions of any of the features listed within Section 136; therefore, a variance is required.

- D. **Exposure.** Planning Code Section 140 requires that at least one room of each dwelling unit must face onto a public street, a rear yard, or other open area that meets minimum requirements for area and horizontal dimensions.

All of the proposed dwelling units appear to face onto Hyde Street or the Code-complying rear yard. The project is consistent with the dwelling unit exposure requirements of the Code.

- E. **Parking.** Planning Code Section 151.1 does not require off-street parking for projects located within RC Districts.

Off-street parking would not be provided for the proposed project.

- F. **Bicycle Parking.** Planning Code Section 155.2 requires bicycle parking for residential development projects in the following amounts: one class I space for every dwelling unit, and one Class II space per 20 dwelling units.

The Project will provide fifteen (15) Class I bicycle parking spaces within the new building, and two (2) Class II bicycle parking spaces along the Hyde Street frontage, consistent with the City's Transit First Policies.

- G. **Street Frontages in Residential-Commercial Districts.** Planning Code Section 145.1 exists to preserve, enhance, and promote attractive, clearly defined street frontages that are

pedestrian-oriented, fine-grained, and which are appropriate and compatible with the buildings and uses in certain commercial districts.

The Project includes a request for Variances pursuant to Planning Code Sections 145.1(b)(2). Section 145.1(b)(2) of the Planning Code requires active street frontages for development lots, including residential uses. Residential uses are considered active uses only if more than 50 percent of the linear residential street frontage at the ground level features walk-up dwelling units that provide direct, individual pedestrian access to a public sidewalk. The subject lot is only 20' wide, and the project proposes residential uses on the ground floor that do not provide direct, individual pedestrian access to a public sidewalk; therefore, a variance is required.

- H. **Dwelling Unit Density.** Planning Code Section 209.3 allows a residential density of one dwelling unit per 200 square feet of lot area within the RC-4 district. With approximately 2,815 square of lot area, 14 dwelling units could be developed on the lot. Furthermore, Code Section 209.3(8) allows a dwelling unit in the RC-4 District containing no more than 500 square feet of net floor area and consisting of not more than one habitable room in addition to a kitchen and a bathroom to be counted as equal to $\frac{3}{4}$ of a dwelling unit.

The project would contain a total of fifteen (15) dwelling units. Ten (10) of the dwelling units contain no more than 500 square feet of net floor area, which, would be counted as $\frac{3}{4}$ of a dwelling unit. Therefore, ten (10) of the units would calculate to eight (8) dwelling units per Code Section 209.3(8). With a total of fifteen (15) dwelling units (as defined by the Code), the project would be consistent with the dwelling unit density provisions of the Code.

- I. **Height.** Planning Code Section 253 requires that wherever a height limit of more than 40 feet in a RH District, or more than 50 feet in a RM or RC District, is prescribed by the height and bulk district in which the property is located, any building or structure exceeding 40 feet in height in a RH District, or 50 feet in height in a RM or RC District, shall be permitted only upon approval by the Planning Commission according to the procedures for conditional use approval in Section 303 of the Code.

The Project would exceed a height of 50 feet in the RC Zoning District, therefore requires Conditional Use Authorization. Even though the underlying Bulk and Height District (80-A) would allow for a taller structure, the Code requires approval by the Planning Commission according to the procedures for conditional use approval in Section 303 of this Code. In addition, the Project proposes several rooftop features (elevator, stairs, mechanical penthouses, and windscreens) that are all exempt from Section 260 since the total proposed height of the exempt features is 16'-0", as allowed by the Code.

- J. **Shadows.** Planning Code Section 295 requires a shadow analysis for projects over 40 feet in height to ensure that new buildings do not cast new shadows on properties that are under the jurisdiction of the San Francisco Recreation and Park Department.

A shadow analysis was completed that examined the project as it is currently proposed. The analysis revealed that no net shadow would be added to any Recreation and Park Department properties and thus the project complies with Planning Code Section 295.

- K. **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 and Community Development for the purpose of increasing affordable housing citywide.

The Project Sponsor has submitted a 'Affidavit of Compliance with the Inclusionary Affordable Housing Program: Planning Code Section 415,' to satisfy the requirements of the Inclusionary Affordable Housing Program through payment of the Fee, in an amount to be established by the Mayor's Office of Housing and Community Development at a rate equivalent to an off-site requirement of 20%. The project sponsor has not selected an alternative to payment of the Fee. The EE application was submitted on August 1, 2013.

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

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

The Project will construct 15 new dwelling units on a vacant lot. The Project's development of in-fill housing and compliance with the affordable housing requirements under the Planning Code is consistent with the City's policies and goals toward the creation of market rate and affordable housing. The Project will be consistent with the surrounding neighborhood, which is primarily comprised of multi-story, high-density, residential buildings. Both of the immediately adjoining buildings are six stories tall; however, this building is proposed to be five stories tall. An eight-story residential building is located across the street on the corner of Hyde and Sutter Streets. Saint Francis Memorial Hospital is located three buildings to the north of the property. The units are designed for efficiency with adequate storage and have large windows for light. The new residents will support the nearby neighborhood serving retail uses and create pedestrian-oriented activity.

- B. The proposed project will not be detrimental to the health, safety, convenience or general welfare of persons residing or working in the vicinity. There are no features of the project that could be detrimental to the health, safety or convenience of those residing or working the area, in that:
- i. Nature of proposed site, including its size and shape, and the proposed size, shape and arrangement of structures;

The Project is consistent with the surrounding neighborhood, which is primarily multi-story, high-density residential buildings. The Project will fill-in a vacant lot creating a unified street wall. The Project's five-story height is consistent with the surrounding buildings, which range in height from four to eight stories. The Project has been designed to fit in with the character of the surrounding buildings by incorporating double bay windows, deep ground floor openings, and a projecting cornice. The Project meets the open space and rear yard requirements of the current Planning Code. The rear yard and open space will be accessible to all residents. The new residents will serve the surrounding neighborhood retail stores and create pedestrian activity.

- 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;

The Project will not provide off-street parking, as allowed by Code Section 151.1. The high-density development and neighborhood-serving commercial uses that characterize the neighborhood will encourage residents to find alternatives to the use of private automobile, such as bicycles, public transportation, and taxi cabs. The Project will generate less demand for private automobile use because the property is situated within a transit-rich area and does not provide parking, which sometimes discourages occupants to own cars. The property is located within a two-block radius of eight MUNI bus lines, within three blocks of the Van Ness Avenue line and eight blocks of the Market Street lines.

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

The Project proposes residential use without parking and therefore will not produce noxious or offensive emissions, noise, glare, dust or odors. There is no commercial space, which could generate the same.

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

The Project will provide one (1) street tree and comply with all streetscape requirements. Parking is not proposed and therefore, the ground floor will consist of residential use that will contribute to the neighborhood character. Two residential units will be located on the ground floor, including one facing the street that otherwise would be occupied by a parking garage. The Project will provide common open space within the rear yard as well as on the roof. The open space and rear yard will be in compliance with the Planning Code's requirements. The rear yard will be landscaped. The Project also will provide appropriate lighting for safety on the street side of the façade. The Project does not contain signage other than an identification sign for the address.

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

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

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

HOUSING ELEMENT

Objectives and Policies

OBJECTIVE 1:

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

The Project's vacant site must be made available for development if the City's housing needs are to be met. The Project will lead to the supply of affordable housing in that the Project will comply with the City's inclusionary housing policy.

Policy 1.10:

Support new housing projects, especially affordable housing where households can easily rely on public transportation, walking and bicycling for the majority of daily trips.

The Project will create new housing within a transit-rich area and encourage public transportation use by not providing a parking garage. The Project contains small-sized units ranging in size from 445 square feet to 610 square feet. The unit mix consists of nine (9) studio units, one (1) junior one-bedroom, and five (5) one-bedroom units. Even though the units are small, they have been efficiently designed with adequate storage and have large windows for light. These units are more affordable than larger units because of their small size and location within a transit-rich area, which does not require the residents to own a car.

OBJECTIVE 11:

SUPPORT AND RESPECT THE DIVERSE AND DISTINCT CHARACTER OF SAN FRANCISCO'S NEIGHBORHOODS.

Policy 11.1:

Promote the construction and rehabilitation of well-designed housing that emphasizes beauty, flexibility, and innovative design, and respects existing neighborhood character.

The Project is designed to fit within the neighborhood characterized by high-density, residential buildings within the Lower Nob Hill National Register District. The Project contains 15 units that are efficiently designed with adequate storage and have large windows for light. The building will reflect the design of the surrounding buildings because it contains double bay windows, deep ground floor openings, and a projecting cornice. The project sponsor modified the façade to respond to comments made by the Department's historic preservation technical specialist. These changes ensure the Project will be consistent with the façade element patterns of other buildings in the Lower Nob Hill National Register District.

Policy 11.6:

Foster a sense of community through architectural design using features that propose community interaction.

The Project is designed with units on the ground floor creating a close relationship between the residents and the community. The Project does not contain parking, which would interrupt the relationship between the residents and the neighborhood by requiring the building to be broken up with a curb cut and entrance to the parking garage.

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 would create new housing within a transit-rich area without the parking that might discourage environmentally sustainable patterns of movement, and instead encourages public transit use.

TRANSPORTATION ELEMENT

Objectives and Policies

OBJECTIVE 1:

MEET THE NEEDS OF ALL RESIDENTS AND VISITORS FOR SAFE, CONVENIENT AND INEXPENSIVE TRAVEL WITHIN SAN FRANCISCO AND BETWEEN THE CITY AND OTHER PARTS OF THE REGION WHILE MAINTAINING THE HIGH QUALITY LIVING ENVIRONMENT OF THE BAY AREA.

Policy 1.3:

Give priority to public transit and other alternatives to the private automobile as the means of meeting San Francisco's transportation needs, particularly those of commuters.

The Project creates new housing within a transit-rich area and within close proximity to the downtown where jobs are concentrated. By not including parking, the Project encourages use of public transit as an alternative to automobiles.

URBAN DESIGN ELEMENT

Objectives and Policies

OBJECTIVE 3:

MODERATION OF MAJOR NEW DEVELOPMENT TO COMPLEMENT THE CITY PATTERN, THE RESOURCES TO BE CONSERVED, AND THE NEIGHBORHOOD ENVIRONMENT.

Policy 3.2:

Avoid extreme contrasts in color, shape and other characteristics which will cause new buildings to stand out in excess of their public importance.

Policy 3.5:

Relate the height of buildings to important attributes of the city pattern and to the height and character of existing development.

Policy 3.6:

Relate the bulk of buildings to the prevailing scale of development to avoid an overwhelming or dominating appearance in new construction.

The Project site is located within the Lower Nob Hill Apartment Hotel Historic District (District). The surrounding area has a defined architectural character with the vast majority of the buildings having been constructed between 1906 and 1925. The District consists of almost entirely of 3- to 8-story multi-unit residential buildings which fill their entire front lot lines and share a single stylistic orientation. The Project site is located in an 80-A Height and Bulk District. The proposed new building is designed in a contemporary architectural style, including generous, modern glazing treatments, an organized fenestration pattern, and high-quality exterior finishes. The building would be approximately 52'-8" feet in height with an elevator penthouse extending above the roof slab an additional 16 feet (totaling approximately 66 feet in height). These features are exempt per Planning Code Section 260(b). Therefore, the Project's proposed height is consistent with the requirements of the 80' Height District and with similar sized buildings in the area, and meets the "A" Bulk Limits.

OBJECTIVE 4:

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

Policy 4.13:

Improve pedestrian areas by providing human scale and interest.

The Project will include streetscape improvements along its Hyde Street frontages, including the installation of one (1) new street tree, and a new, publically-accessible bicycle rack along Hyde Street. The building's base has been detailed to provide an appropriate scale for pedestrians, and the Project would add an important aspect of activity by virtue of infilling a vacant lot. These improvements will provide much needed streetscape improvements thorough the well-designed ground-floor treatments that will help to improve pedestrian safety without the need for a curb cut for off-street parking.

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

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

The existing neighborhood-serving retail will be preserved and enhanced through the construction of new residential units. The residents will likely patronize the existing businesses in the community.

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

The property is a vacant lot. The property contained an eight-unit residential building that was destroyed by a fire in October 2010. The Project would construct a new building containing 15 units that would fit within the surrounding neighborhood character by relating the height and bulk to be at or below that of the adjacent buildings and including design elements such as double bay windows, deep ground floor openings, and a projecting cornice.

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

The project sponsor will comply with all current affordable housing requirements. The Project will not remove existing housing because the property is vacant. Further, the Project will contain small-sized units which are by design more affordable than larger units.

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

The Project will not cause an undue burden on the surrounding street parking and will maintain a close connection to public transit ways. The Project will not provide parking because the Project is well-served by public transportation and is located within close proximity to downtown where jobs are concentrated. Residents will have many alternative forms of transportation, including public transit, bicycling and walking.

- 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 does not eliminate any industrial or service sectors. The new residents will use nearby businesses and thereby promote business and economic development in the area.

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

The new building will comply with present day seismic and life-safety codes for achievement of the greatest possible preparedness to protect against injury and loss of life in the event of an earthquake.

- G. That landmarks and historic buildings be preserved.

The property is located within the Lower Nob Hill Apartment Hotel Historic District (District). The new building is designed to fit within the District's context, including elements such as double bay windows, deep ground floor openings and a projecting cornice

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

The Project will have no negative impact on existing parks and open space. No existing park is observed within 300' radius of the property. The Project's height of only 52'-8" feet (up to 66 feet tall with the staircase and elevator penthouses), will not have an impact on the surrounding parks and open space's access to sunlight and vistas. The height of the proposed structure is compatible with the established neighborhood development.

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

DECISION

That based upon the Record, the submissions by the Applicant, the staff of the Department and other interested parties, the oral testimony presented to this Commission at the public hearings, and all other written materials submitted by all parties, the Commission hereby **APPROVES Conditional Use Application No. 2012.1445CV** subject to the following conditions attached hereto as "EXHIBIT A" in general conformance with plans on file, dated January 14, 2016, and stamped "EXHIBIT B", which is incorporated herein by reference as though fully set forth.

APPEAL AND EFFECTIVE DATE OF MOTION: Any aggrieved person may appeal this Conditional Use Authorization to the Board of Supervisors within thirty (30) days after the date of this Motion No. 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.

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

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

I hereby certify that the Planning Commission ADOPTED the foregoing Motion on January 14, 2016.

Jonas P. Ionin
Commission Secretary

AYES:

NAYS:

ABSENT:

ADOPTED:

EXHIBIT A

AUTHORIZATION

This authorization is for a conditional use to allow a new, five-story, approximately 55-foot tall, 12,460 gross square foot residential building 15 dwelling units located at 824 Hyde Street, Lot 017 in Assessor's Block 0280, to exceed 50 feet in a RC Zoning District, pursuant to Planning Code Section(s) 253 and 303 within the RC-4 District and a 80-A Height and Bulk District; in general conformance with plans, dated November 11, 2015, and stamped "EXHIBIT B" included in the docket for Case No. 2012.1445CV and subject to conditions of approval reviewed and approved by the Commission on January 14, 2016 under Motion No XXXXXX. This authorization and the conditions contained herein run with the property and not with a particular Project Sponsor, business, or operator.

RECORDATION OF CONDITIONS OF APPROVAL

Prior to the issuance of the building permit or commencement of use for the Project the Zoning Administrator shall approve and order the recordation of a Notice in the Official Records of the Recorder of the City and County of San Francisco for the subject property. This Notice shall state that the project is subject to the conditions of approval contained herein and reviewed and approved by the Planning Commission on January 14, 2016 under Motion No XXXXXX.

PRINTING OF CONDITIONS OF APPROVAL ON PLANS

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

SEVERABILITY

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

CHANGES AND MODIFICATIONS

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

Conditions of Approval, Compliance, Monitoring, and Reporting

PERFORMANCE

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

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

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

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

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

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

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

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

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

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

6. **Additional Project Authorization.** The Project Sponsor must seek a Variance from the Planning Code under Sections 136(c)(2) and 145.1. Section 136(c)(2) of the Code allows permitted obstructions (bay windows) to extend over streets and alleys by three (3) feet for the subject property, provided

that such projections meet certain requirements for dimensions and separation. The project proposes new construction on the subject property, with bay windows at the second thru fifth floors. The bay windows on the second thru fifth floors exceed the allowable projection dimensions of any of the features listed within Section 136; therefore, a variance is required. Section 145.1 of the Code requires active street frontages for development lots, including residential uses. Residential uses are considered active uses only if more than 50 percent of the linear residential street frontage at the ground level features walk-up dwelling units that provide direct, individual pedestrian access to a public sidewalk. The subject lot is only 20' wide, and the project proposes residential uses on the ground floor that do not provide direct, individual pedestrian access to a public sidewalk; therefore, a variance is required. The conditions set forth below are additional conditions required in connection with the Project. If these conditions overlap with any other requirement imposed on the Project, the more restrictive or protective condition or requirement, as determined by the Zoning Administrator, shall apply.

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

DESIGN – COMPLIANCE AT PLAN STAGE

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

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

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

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

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

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

10. **Streetscape Plan.** Pursuant to Planning Code Section 138.1, the Project Sponsor shall continue to work with Planning Department staff, in consultation with other City agencies, to refine the design and programming of the Streetscape Plan so that the plan generally meets the standards of the Better

Streets Plan and all applicable City standards. The Project Sponsor shall complete final design of all required street improvements, including procurement of relevant City permits, prior to issuance of first architectural addenda, and shall complete construction of all required street improvements prior to issuance of first temporary certificate of occupancy.

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

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

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

12. **Landscaping.** Pursuant to Planning Code Section 132, the Project Sponsor shall submit a site plan to the Planning Department prior to Planning approval of the building permit application indicating that 50% of the front setback areas shall be surfaced in permeable materials and further, that 20% of the front setback areas shall be landscaped with approved plant species. The size and specie of plant materials and the nature of the permeable surface shall be as approved by the Department of Public Works.

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

13. **Landscaping, Permeability.** Pursuant to Planning Code Section 156, the Project Sponsor shall submit a site plan to the Planning Department prior to Planning approval of the building permit application indicating that 20% of the parking lot shall be surfaced with permeable materials and further indicating that parking lot landscaping, at a ratio of one tree, of a size comparable to that required for a street tree and of an approved species, for every 5 parking stalls, shall be provided. Permeable surfaces shall be graded with less than a 5% slope. The size and specie of plant materials and the nature of the permeable surface shall be as approved by the Department of Public Works.

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

PARKING AND TRAFFIC

14. **Bicycle Parking.** The Project shall provide no fewer than **15** Class 1 bicycle parking spaces and **2** Class II bicycle parking spaces as required by Planning Code Sections 155.1 and 155.5.

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

15. **Managing Traffic During Construction.** The Project Sponsor and construction contractor(s) shall coordinate with the Traffic Engineering and Transit Divisions of the San Francisco Municipal Transportation Agency (SFMTA), the Police Department, the Fire Department, the Planning Department, and other construction contractor(s) for any concurrent nearby Projects to manage traffic congestion and pedestrian circulation effects during construction of the Project.

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

PROVISIONS

Affordable Units

16. **Requirement.** Pursuant to Planning Code 415.5, the Project Sponsor must pay an Affordable Housing Fee at a rate equivalent to the applicable percentage of the number of units in an off-site project needed to satisfy the Inclusionary Affordable Housing Program Requirement for the principal project. The applicable percentage for this project is twenty percent (20%).

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

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

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

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

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

- a. The Project Sponsor must pay the Fee in full sum to the Development Fee Collection Unit at the DBI for use by MOHCD prior to the issuance of the first construction document.

- b. Prior to the issuance of the first construction permit by the DBI for the Project, the Project Sponsor shall record a Notice of Special Restriction on the property that records a copy of this approval. The Project Sponsor shall promptly provide a copy of the recorded Notice of Special Restriction to the Department and to MOHCD or its successor.
 - c. If project applicant fails to comply with the Inclusionary Affordable Housing Program requirement, the Director of DBI shall deny any and all site or building permits or certificates of occupancy for the development project until the Planning Department notifies the Director of compliance. A Project Sponsor's failure to comply with the requirements of Planning Code Sections 415 et seq. shall constitute cause for the City to record a lien against the development project and to pursue any and all other remedies at law.
18. **First Source Hiring.** The Project shall adhere to the requirements of the First Source Hiring Construction and End-Use Employment Program approved by the First Source Hiring Administrator, pursuant to Section 83.4(m) of the Administrative Code. The Project Sponsor shall comply with the requirements of this Program regarding construction work and on-going employment required for the Project.
For information about compliance, contact the First Source Hiring Manager at 415-581-2335, www.onestopSF.org
19. **Transit Impact Development Fee.** Pursuant to Planning Code Section 411, the Project Sponsor shall pay the Transit Impact Development Fee (TIDF) as required by and based on drawings submitted with the Building Permit Application. Prior to the issuance of a temporary certificate of occupancy, the Project Sponsor shall provide the Planning Director with certification that the fee has been paid.
For information about compliance, contact the Case Planner, Planning Department at 415-558-6378, www.sf-planning.org

MONITORING - AFTER ENTITLEMENT

20. **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
21. **Revocation due to Violation of Conditions.** Should implementation of this Project result in complaints from interested property owners, residents, or commercial lessees which are not resolved by the Project Sponsor and found to be in violation of the Planning Code and/or the specific conditions of approval for the Project as set forth in Exhibit A of this Motion, the Zoning Administrator shall refer such complaints to the Commission, after which it may hold a public hearing on the matter to consider revocation of this authorization.

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

OPERATION

22. **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>

23. **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>

24. **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

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SAN FRANCISCO PLANNING DEPARTMENT

Certificate of Determination Exemption from Environmental Review

Case No.: 2012.1445E
Project Title: 824 Hyde Street
Zoning: RC-4 (Residential-Commercial, High Density) District
Lower Nob Hill Apartment-Hotel Historic District
80-A Height and Bulk District
Block/Lot: 0280/017
Lot Size: 2,812.5 square feet
Project Sponsor: Brett Gladstone, Hanson Bridgett, LLP
(415) 995-5065
Staff Contact: Jenny Delumo – (415) 575-9146
Jenny.Delumo@sfgov.org

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

Reception:
415.558.6378

Fax:
415.558.6409

Planning
Information:
415.558.6377

PROJECT DESCRIPTION:

The approximately 2,815-square-foot (sq. ft.) project site is located on the block bounded by Hyde Street to the west, Leavenworth Street to the east, Bush Street to the north, and Sutter Street to the south in the Downtown/Civic Center neighborhood and within the Lower Nob Hill Apartment-Hotel Historic District. The project site was previously developed with a four-story, eight-unit residential building. The building was destroyed by fire in 2010, and the remnants of the damaged structure were removed in accordance with demolition Permit No. 201011084503 issued on November 8, 2010.

[Continued on next page]

EXEMPTION CLASS:

Categorical Exemption, Class 32 (California Environmental Quality Act (CEQA) Guidelines Section 15332)

DETERMINATION:

I do hereby certify that the above determination has been made pursuant to State and local requirements.

Sarah B. Jones
Environmental Review Officer

April 30, 2015
Date

cc: Brett Gladstone, Project Sponsor
Gonzalo Mosquera, Current Planner
Gretchen Hilyard, Preservation Planner

Supervisor Julie Christensen, District 3 (via Clerk of the Board)
Historic Preservation Distribution List
Virna Byrd, M.D.F.

PROJECT DESCRIPTION (continued):

The proposed project would involve the construction of an approximately 55-foot-tall (up to 66 feet tall with the staircase and elevator penthouses), five-story-over-basement, 12,430 gross-square-foot (gsf) residential building on a partially sloped vacant lot. The proposed building would provide nine studio apartments and six one-bedroom apartments, for a total of 15 residential dwelling units. Excavation, to a maximum depth of approximately nine feet below grade, is proposed in order to accommodate the basement level. No off-street parking would be provided as part of this project.

Project Approvals

The proposed project is subject to notification pursuant to Sections 303 and 311 of the City and County of San Francisco (the City) *Planning Code* and would require the following approvals:

- **Conditional Use Authorization:** The proposed project would require Conditional Use Authorization by the Planning Commission for construction of a new building greater than 50 feet in height in a RC-4 District pursuant to *Planning Code* Section 253.
- **Variances:** The proposed project would require three variances from Planning Code requirements for (1) a deficiency of common open space pursuant to *Planning Code* Section 135, (2) lack of active uses on the ground floor within the first 25 feet of building depth pursuant to *Planning Code* Section 145.1, and (3) location of the bay windows closer together than allowed pursuant to *Planning Code* Section 136.
- **Site Permit:** The proposed project would require issuance of a site permit from the Department of Building Inspection (DBI).

Approval Action: Approval of the Conditional Use Authorization by the Planning Commission is the Approval Action for the project. The Approval Action date establishes the start of the 30-day appeal period for this CEQA exemption determination pursuant to Section 31.04(h) of the San Francisco *Administrative Code*.

EXEMPTION CLASS (continued):

CEQA Guidelines Section 15332, or Class 32, provides an exemption from environmental review for in-fill development projects that meet the following conditions. As discussed below, the proposed project satisfies the terms of the Class 32 exemption.

- a) *The project is consistent with applicable general plan designations and policies as well as with applicable zoning designations.*

The San Francisco General Plan articulates the objectives and policies that guide the City's decision making as it pertains to, among other issues, environmental protection, air quality, urban design, transportation, housing, and land use. Permits to construct, alter or demolish buildings may not be issued unless the project conforms to the *Planning Code*, or an exemption is granted pursuant to provisions of the *Planning Code*. The project site is located in a RC-4 (Residential-Commercial, High Density), 80-A Height and Bulk District. The use (residential)

and height (up to approximately 66 feet tall with the staircase and elevator penthouses) of the proposed building conform to the use and height restrictions in this district.

The proposed project requires a Conditional Use Authorization from the Planning Commission and three variances from *Planning Code* requirements from the Zoning Administrator:

- *Conditional Use Authorization:* The RC-4 district in which the project site is located has a maximum height restriction of 80 feet, to which the proposed building, as previously discussed, conforms. However, pursuant to *Planning Code* Section 253, construction of buildings and structures in RC districts taller than 50 feet may only be permitted upon approval by the Planning Commission. Conditional Use Authorization is, therefore, required to construct the building at the proposed height.
- *Variances:* Pursuant to *Planning Code* Section 135, the proposed project must provide approximately 720 sq. ft. of common open space, which is roughly 15 sq. ft. more than the approximately 705 sq. ft. proposed for the building. *Planning Code* Section 145.1 states that in RC districts space for active uses must be provided within the first 25 feet of building depth on the ground floor, and residential uses are not considered active uses on the ground floor. The proposed building would include a studio unit on the ground floor within the first 25 feet of building depth. In addition, the front of the proposed building would include a set of bay windows on the first through fifth floors, with less than two feet of separation between each set of windows. As such, the proposed project would not meet the separation requirement for bay windows established in *Planning Code* Section 136. Therefore, variance authorizations are required for the proposed ground floor studio unit, the approximately 15 sq. ft. deficiency of common open space, and for the separation of the bay windows.

The Conditional Use Authorization and variances are provisionally permitted within RC districts, and as such would not conflict with *Planning Code* requirements. In light of the above, the proposed project does not conflict with General Plan objectives or policies, and would meet applicable controls for the area. Therefore, the proposed project would be consistent with General Plan designations and policies and applicable zoning designations.

- b) *The development occurs within city limits on a site of less than five acres surrounded by urban uses.*

The project site is an approximately .06 acre (2,815 sq. ft.) vacant lot located within a densely developed area of San Francisco. The lots directly adjacent to the project site are fully developed and serve residential and retail uses. Multi-story apartment buildings, retail stores, hotels, and St. Francis Memorial Hospital are also located within the vicinity of the project site. Therefore, the proposed project would be appropriately characterized as in-fill development of fewer than five acres, surrounded by urban uses.

- c) *The project site has no habitat for endangered, rare or threatened species.*

The project site is located within a fully developed urban area featuring dense residential and commercial development and minimal street-front landscaping. The project site is currently

vacant, following the demolition of the residential building that previously occupied the site. As such, the project site does not contain any known rare or endangered plant or animal species, or habitat for such species. Therefore, the project site has no value as a habitat for endangered, rare, or threatened species.

- d) *Approval of the project would not result in any significant effects relating to traffic, noise, air quality, or water quality.*

Traffic

The project site is located on the east side of Hyde Street on the block bounded by Bush Street to the north, Sutter Street to the south, and Leavenworth Street to the east. In order to determine whether the proposed project would result in an adverse environmental impact on traffic conditions within the vicinity of this block, the Planning Department used the *Transportation Impact Analysis Guidelines for Environmental Review* (the Transportation Guidelines) to conduct a Preliminary Transportation Study Determination analysis. This analysis included evaluating traffic conditions during the weekday PM peak period (4:00 PM - 6:00 PM). Weekday PM peak hours generally represent the time when the transportation system is most heavily used and is more likely to reach maximum capacity. Table 1, below, shows the proposed project's estimated daily and PM peak-period trips by mode of travel.

Table 1: Transportation Trip Calculations

Trip Generation Mode Split	Daily Trip	PM Peak Hour Trips
Auto	43	7
Transit	35	6
Walk	31	5
Other	4	1
Total	113	19
Vehicle Trips	41	7
Parking Demand	Studio/One-Bedroom Rate (vehicles/unit)	Total
Parking Spaces	1.1	17
Loading Demand	Average Hour	Peak Hour
Loading Spaces	0.02	0.02
Source: <i>Transportation Impact Analysis Guidelines, Transportation Calculations</i>		

According to the residential trip generation rates in the Transportation Guidelines, the proposed project is estimated to result in 41 daily vehicle trips, 7 of which would occur during PM peak hours. The additional vehicle trips are not anticipated to substantially increase traffic in the vicinity of the project site or result in an adverse impact on the level of service of the

transportation network. As such, the proposed project would not substantially increase traffic relative to the existing capacity of the surrounding area's street system.

Construction-related impacts, generally, would not be considered significant due to their temporary and limited duration. While construction workers who drive to the project site would temporarily increase traffic volume and demand for street parking, the additional trips would not substantially affect traffic conditions. Therefore, the proposed project would not result in a significant impact on traffic.

Parking

Public Resources Code Section 21099(d)(1), effective January 1, 2014, provides that "aesthetics and parking impacts of a residential, mixed-use residential, or employment center project on an infill site within a transit priority area shall not be considered significant impacts on the environment." Parking and aesthetic conditions are no longer considered significant impacts on the environment provided the project meets all of the following criteria:

- a) The project is residential, mixed-use residential, or an employment center; and
- b) The project is on an infill site;¹ and
- c) The project is in a transit priority area.²

The proposed project would include the construction of a 15-unit residential building on a vacant lot that was previously occupied by an eight-unit residential building, abuts fully developed lots serving residential and retail uses, and is located within one-half mile of a major transit stop, thus satisfying each of the above criteria.³ Therefore, the adequacy of parking conditions was not considered in determining significance of the proposed project's impacts under CEQA. The Planning Department acknowledges that parking conditions may be of interest to the public and the decision makers. This determination presents a parking demand analysis to inform the public and the decision makers as to the parking conditions that could occur as a result of implementing the proposed project.

Per Section 151.1 of the *Planning Code*, off-street accessory parking is not required for any use within an RC District. Therefore, the proposed project, which does not include off-street parking, conforms to the parking controls prescribed for the RC-4 District. Though, according to the Transportation Trips Calculation results in Table 1, the proposed project would result in an unmet demand of approximately 17 parking spaces, that demand could be accommodated through alternative modes of transportation, as well as by existing on-street and off-street

¹ Infill sites are lots located within an urban area that has been previously developed, or on a vacant site where at least 75 percent of the perimeter of the site adjoins, or is separated only by an improved public right-of-way from, parcels that are developed with qualified urban uses.

² Transit priority areas are located within one-half mile of a major transit stop that is existing or planned, if the planned stop is scheduled to be completed within the planning horizon included in a Transportation Improvement Program adopted pursuant to Section 450.216 or 450.322 of Title 23 of the Code of Federal Regulations.

³ *Transit-Oriented Infill Project Eligibility Checklist*, 824 Hyde Street, San Francisco, CA, Jenny Delumo, January 22, 2015. This document and all other documents referred to herein, are available for review at the San Francisco Planning Department, 1650 Mission Street, Suite 400 as part of Case File No. 2012.1445E.

parking spaces. The project site is served by the Muni California Cable Car and Muni bus routes 1, 2, 3, 19, 27, 38, 38L, 47, and 49, which have stops within .5 miles of the project site.⁴ The proposed project includes a bicycle parking area and, pursuant to *Planning Code* Section 155.2, must provide at least seven bicycle parking spaces. Potential residents and visitors who choose to bike to the proposed building would be able to use the bike routes on Sutter Street, Post Street (one block south of Sutter Street), California Street (two blocks north of Bush Street), and Polk Street (two blocks west of Hyde Street). Paid off-street parking options can be found throughout the vicinity of the project site and metered parking spaces are located on Hyde Street and Bush Street.

Parking conditions are not static, as parking supply and demand varies from day to day, from day to night, from month to month, etc. Hence, the availability of parking spaces (or lack thereof) is not a permanent physical condition, but changes over time as people change their modes and patterns of travel. While parking conditions change over time, a substantial deficit in parking caused by a project that creates hazardous conditions or significant delays to traffic, transit, bicycles or pedestrians could adversely affect the physical environment. Whether a deficit in parking creates such conditions will depend on the magnitude of the shortfall and the ability of drivers to change travel patterns or switch to other travel modes. If a substantial deficit in parking caused by a project creates hazardous conditions or significant delays in travel, such a condition could also result in secondary physical environmental impacts (e.g., air quality or noise impacts caused by congestion), depending on the project and its setting.

The absence of a ready supply of parking spaces, combined with available alternatives to auto travel (e.g., transit service, taxis, bicycles or travel by foot) and a relatively dense pattern of urban development, induces many drivers to seek and find alternative parking facilities, shift to other modes of travel, or change their overall travel habits. Any such resulting shifts to transit service or other modes (walking and biking), would be in keeping with the City's "Transit First" policy and numerous San Francisco General Plan Policies, including those in the Transportation Element. The City's Transit First Policy, established in the City's Charter Article 8A, Section 8A.115, states that "parking policies for areas well served by public transit shall be designed to encourage travel by public transportation and alternative transportation."

The transportation analysis accounts for potential secondary effects, such as cars circling and looking for a parking space in areas of limited parking supply, by assuming that all drivers would attempt to find parking at or near the project site and then seek parking farther away if convenient parking is unavailable. The secondary effects of drivers searching for parking is typically offset by a reduction in vehicle trips due to others who are aware of constrained parking conditions in a given area, and thus choose to reach their destination by other modes (i.e. walking, biking, transit, taxi). If this occurs, any secondary environmental impacts that may result from a shortfall in parking in the vicinity of the proposed project would be minor, and the traffic assignments used in the transportation analysis, as well as in the associated air quality, noise and pedestrian safety analyses, would reasonably address potential secondary effects.

⁴ *Transit-Oriented Infill Project Eligibility Checklist*, 824 Hyde Street, San Francisco, CA, Jenny Delumo, January 22, 2015.

Overall, the proposed project would not result in a substantial parking shortfall that would create hazardous traffic conditions or overtax the capacity of the surrounding transportation system.

Noise

Residential uses are considered noise sensitive uses because residential occupants are considered sensitive receptors. The Planning Department requires a detailed noise analysis for projects that propose to locate new residential development in areas where ambient noise is greater than 75 decibels (dBA⁵). The proposed 15-unit residential building would introduce new noise-sensitive receptors to a project site where, according to Planning Department records, traffic noise can reach 75 dBA along the Hyde Street frontage. Therefore, the Planning Department requested the project sponsor retain a consultant to prepare a technical analysis of ambient noise at the project site. The investigation consisted of a noise survey conducted over the course of 24 hours on Thursday, November 6, 2014 through Friday, November 7, 2014. A sound level meter was placed on the southwest corner of the roof of the five-story building located at 830 Hyde Street, directly adjacent to the project site. Findings from the resulting Environmental Noise Report are summarized below.⁶

Traffic-related noise, particularly along Hyde Street, is the primary source of environmental noise affecting the project site. The noise survey revealed noise exposure levels of 61.8 dBA Day-Night Average Sound Level (Ldn⁷) at the meter location. The report notes that the location of the meter, the roof of a five-story building, does not reflect the noise levels that may be encountered on floors closer to the street. Previous investigations indicate that noise levels on lower floors would be approximately 3 dB higher than the observed measurement. Subsequently, 64.8 dBA Ldn is the noise level used for the analysis of the project site.

The report concludes that if its recommendations are incorporated into the design and construction of the proposed building, the project would achieve compliance with Title 24, Part II of the California Code of Regulations (Title 24). Recommendations include (1) exterior windows should achieve an Outside-Inside Transmission Class (OITC)⁸ rating of 24 (this rating can, typically, be achieved with a window assemblage consisting of ¼ inch of standard glass, ½ inch of air space, and ¼ inch of standard glass); and (2) window systems should undergo laboratory testing to ensure sound transmission performance. In addition, proposed projects

⁵ A-weighted sound levels (dBA) is the method for measuring environmental noise to reflect that human hearing is less sensitive to low sound frequencies.

⁶ Shen Milsomm Wilke, *Environmental Noise Report, SM&W Project #14265, 824 Hyde Street, Residential Development, San Francisco, CA*, November 24, 2014.

⁷ The Day-Night Level (Ldn) is the rating system used to measure A-weighted (dBA) equivalent continuous sound exposure level for a 24 hour period. The measurement accounts for the change in noise sensitivity that occurs during typical hours of sleep (10:00 p.m. – 7:00 a.m.) by applying a 10 dB penalty to noise levels recorded during those hours.

⁸ Outside-Inside Transmission Class (OITC) is a rating system that measures the sound transmission loss of materials, taking into account environmental noise.

must comply with noise insulation requirements provided by Title 24. Through the building permit process, DBI would ensure that Title 24 requirements would be met.

Operations-related noise primarily comes from two sources: (1) increased vehicular traffic generated by project residents and employees, and by service and delivery trucks requiring access to the subject property; and (2) mechanical building noise. Typically, traffic volume would have to double to produce an increase in ambient noise levels noticeable to most people. As previously discussed, the proposed project is estimated to add 41 daily vehicle trips. Though potential residents and visitors would increase the number of trips taken within the project area, it would not result in a doubling of traffic. The proposed building would include a mechanical system, but building mechanical noise is regulated by the San Francisco Noise Ordinance (Article 29 of the *Police Code*). Therefore, the proposed project would not result in a substantial increase in operational noise within the vicinity of the project site.

Construction activities, another potential source of noise, are also regulated by the San Francisco Noise Ordinance. The ordinance stipulates when it is permissible to engage in construction activities (7:00 AM - 8:00 PM), the type of equipment that can be used, and the conditions under which that equipment may be utilized. Construction-related noise would be temporary and intermittent, and the proposed project would be required to comply with the City's Noise Ordinance.

Based on the results of the Environmental Noise Report and mandatory compliance with all applicable state and municipal codes, the proposed project would not result in a significant impact with respect to noise.

Air Quality

In accordance with the state and federal Clean Air Acts, air pollutant standards are identified for the following six criteria air pollutants: ozone, carbon monoxide (CO), particulate matter (PM), nitrogen dioxide (NO₂), sulfur dioxide (SO₂) and lead. These air pollutants are termed criteria air pollutants because they are regulated by developing specific public health- and welfare-based criteria as the basis for setting permissible levels. To assist lead agencies, the Bay Area Air Quality Management District (BAAQMD), in their CEQA Air Quality Guidelines (May 2011), developed screening criteria to determine if projects would violate an air quality standard, contribute substantially to an air quality violation, or result in a cumulatively considerable net increase in criteria air pollutants within the San Francisco Bay Area Air Basin. The proposed project meets the screening criteria, and therefore, would not result significant criteria air pollutant impacts.⁹

In addition to criteria air pollutants, individual projects may emit toxic air contaminants (TACs). TACs collectively refer to a diverse group of air pollutants that are capable of causing chronic (i.e., of long-duration) and acute (i.e., severe but of short-term) adverse effects to human health, including carcinogenic effects. In an effort to identify areas of San Francisco most adversely

⁹ Bay Area Air Quality Management District, *CEQA Air Quality Guidelines*, Updated May 2011. Table 3-1.

affected by sources of TACs, San Francisco partnered with the BAAQMD to inventory and assess air pollution and exposures from mobile, stationary, and area sources within San Francisco. Areas with poor air quality, termed the “Air Pollutant Exposure Zone,” were identified based on health-protective criteria. Land use projects within the Air Pollutant Exposure Zone require special consideration to determine whether the project’s activities would expose sensitive receptors to substantial air pollutant concentrations. The project site is not located within an Air Pollutant Exposure Zone. Nor would the proposed project include the operation of stationary sources of air pollution. Therefore, the proposed project would not result in a significant impact with respect to exposure of sensitive receptors to substantial levels of air pollution.

Though the proposed project would require construction activities for the approximate 20-month construction phase, construction emissions would be temporary and variable in nature and would not be expected to expose sensitive receptors to substantial air pollutants. The proposed project would also be subject to, and comply with, California regulations limiting idling to no more than five minutes,¹⁰ which would further reduce nearby sensitive receptors’ exposure to temporary and variable TAC emissions. Therefore, construction-period TAC emissions would not result in a significant impact with respect to exposing sensitive receptors to substantial levels of air pollution. Overall, the proposed project would not result in significant air quality impacts.

Water Quality

The project site is a vacant lot mostly covered with porous surfaces. While the proposed project would increase the impervious surface area on the project site, the proportion of impervious to porous surface cover would be similar to that found on adjacent and nearby lots. Any wastewater and storm water discharge resulting from the proposed project would flow into the City’s combined sewer system and be treated to the standards of the City’s National Pollutant Discharge Elimination System Permit prior to discharge to a receiving water body. Therefore, the proposed project would not result in significant water quality impacts.

- e) *The site can be adequately served by all required utilities and public services.*

The project site is located in a dense urban area where all public services and utilities are currently available, and the proposed building would be able to connect to the City’s water, wastewater, and electricity services. While the proposed project would minimally increase demand on public services and utilities, that demand would not exceed the capacity provided for this area. In addition, the proposed project would minimize potable water usage throughout the building, and subsequently the volume of wastewater discharged, through compliance with the City’s Residential Water Conservation Ordinance (*Building Code* Chapter 12A) and the residential requirements for increasing indoor water efficiency, pursuant to *Green Building Code* Chapter 4. Therefore, the proposed project would be adequately served by all required utilities and public services.

¹⁰ *California Code of Regulations*, Title 13, Division 3, § 2485.

DISCUSSION OF OTHER ENVIRONMENTAL ISSUES

CEQA Guidelines Section 15300.2 states that a categorical exemption shall not be used for an activity where there is a reasonable possibility that the activity will have a significant effect on the environment due to unusual circumstances. As discussed above, the proposed project would not have a significant effect on traffic, noise, air quality and water quality due to unusual circumstances. The proposed project would not have a significant effect on the environment due to usual circumstances for the environmental topics discussed below.

Historic Resources. In evaluating whether the proposed project would be exempt from environmental review under CEQA, the Planning Department must first determine whether the vacant lot at the project site is a historical resource as defined by CEQA. Under CEQA Section 21084.1, a property may be considered a historic resource if it is "listed in, or determined to be eligible for listing in, the California Register of Historical Resources" (CRHR). The project site was previously occupied by an eight-unit residential building that was designated a historic resource by the City and County of San Francisco and the CRHR, and in 1991 was listed in the National Register of Historic Places as a contributing resource to the Lower Nob Hill Apartment-Hotel National Register Historic District (the "Lower Nob Hill Historic District" or "District"). The building was destroyed by a fire in 2010 and its remnants were subsequently demolished. The resulting vacant lot is considered a non-contributory property within the District.

As the project site is located in the Lower Nob Hill Historic District, any proposed construction on the subject property must be assessed for its potential to result in a substantial adverse change to the significance of the District. Therefore, the proposal to construct a new residential building on the project site is subject to the Planning Department's Historic Preservation Review. A qualified historic resources consultant was retained to prepare a Historic Resources Evaluation (HRE) of the subject property.¹¹ The Planning Department reviewed the HRE and provided a determination in a Historic Resource Evaluation Response (HRER).¹² The findings from both documents are summarized below.

In order to determine which historic resources have the potential to be impacted by the proposed building, the HRE identified historic resources within the Lower Nob Hill Historic District as designated by the National Register of Historic Places. The HRE then applied the criteria set forth by the Secretary of Interior's Standards for the Treatment of Historic Properties and the National Park Service's guidance document *The Secretary of Interior's Standards for the Treatment of Historic Properties with Guidelines for Preserving, Rehabilitating, Restoring, and Reconstructing Historic Buildings* to the evaluation of the proposed building. The Secretary's Standards for Rehabilitation were determined to be most applicable to the appraisal of the proposed building in a historic district, specifically Standards 9 and 10:

- Standard 9 – New construction in historic districts must be compatible with prevailing characteristics cited in the National Register nomination for the district and should provide sufficient differentiation from present historic resources in order to avoid a false sense of history.

¹¹ Knapp Architects, *Historic Resources Evaluation, Final*, 824 Hyde Street, San Francisco, CA, February 5, 2015.

¹² *Historic Resource Evaluation Response: Part II Analysis*, 824 Hyde Street, San Francisco, CA, Gretchen Hilyard, March 18, 2015.

- Standard 10 – New interventions should avoid the loss of historic features and should be carried out so that if the construction is later removed it would not result in impairment to the integrity of the historic resources present.

The HRE concluded that the materials and design features proposed for the building, including massing, height, sitting, façade composition, and detailing, would conform to the Secretary of Interior's Standards and would not diminish the character or significance of the Lower Nob Hill Historic District. Nor would the possible future removal of the proposed building impair the integrity of the District, as it would result in the project site returning to its current state.

Based on the HRE report and Planning Department records and research, the HRER concurred with the HRE that the height, massing, and sitting of the proposed building, as well as the façade composition and materials that would be used, are compatible with the Lower Nob Hill Historic District and District-contributory properties located in the immediate vicinity of the project site. As proposed, the new building would relate to the character-defining features of the Lower Nob Hill Historic District and would not materially impair the significance of the District. Therefore, the proposed project would not result in a significant impact to historic resources.

Hazardous Materials. The proposed project would include the disturbance of greater than 50 cubic yards of soil on a property that is partially located within a Maher Ordinance Zone. The project is thus subject to Article 22A of the San Francisco *Health Code*, also known as the Maher Ordinance, which is administered and overseen by the Department of Public Health (DPH). To comply with the Maher Ordinance, the project sponsor submitted a Maher Program Application to the DPH¹³ and retained the services of a consultant to conduct a Phase I Environmental Assessment (ESA).¹⁴ Phase I ESAs are used to determine the potential for site contamination and level of exposure risk associated with the project. The Phase I ESA for the subject property consisted of an examination of current conditions at the project site and properties within the immediate vicinity of the site, review of historical and present environmental activity on the site, review of pertinent government records and data, and analysis of all findings. The report determined that the project site is not listed on a hazardous waste site. However, the report identified 14 properties within approximately 60 to 1,080 feet from the project site that are associated with historical or active uses that can result in groundwater or soil vapor contamination. All of those sites are listed hazardous waste sites (and thus are being investigated), have been remediated, or are located at a distance where they are unlikely to impact the project site. The investigation did not reveal any evidence of the presence of hazardous materials or petroleum products (e.g. subsurface storage tanks) under conditions that would indicate the release of hazardous materials into the soil, groundwater, and surface water. The Phase I ESA did not find any indication of hazardous materials at any of the properties directly adjacent to the project site. Based on the result of the Phase I ESA investigation, the report concludes that there is no indication of a recognized environmental condition¹⁵ at the project site.

¹³ Tom Conley, Property Owner. *Maher Program Application*, submitted September, 30, 2013.

¹⁴ Romig Engineers, Inc., *Phase I Preliminary Environmental Site Assessment*, 824 Hyde Street, (APN 028-0017), San Francisco, California, April 30, 2013.

¹⁵ A recognized environmental condition is one where the presence or likely presence of any hazardous substances or petroleum products on a property under conditions that indicate an existing release, a past release, or a material release of any hazardous

Pursuant to the Maher Ordinance, DPH has reviewed the Phase I ESA and determined that additional testing and analysis is warranted.¹⁶ Should additional analysis reveal the presence of contaminated soil or groundwater, DPH would require the project sponsor to remediate any contamination. Thus, the proposed project would not result in a significant hazard to the public or the environment through the release of hazardous materials.

Geology and Soils. According to Planning Department records, the eastern half of the project site has a slope of equal to or greater than 20 percent. Therefore, a geotechnical investigation was conducted on the site and the subsequent findings are summarized in this section.¹⁷

The geotechnical investigation involved a subsurface investigation, examination of surface soils, a review of pertinent geologic and geotechnical data and literature, laboratory testing of boring samples, and geotechnical analysis of all findings. The project site features an uphill slope, southwest to northeast, of approximately 5.7 percent; though during reconnaissance a steep cut slope was observed between the western three-quarters and eastern one-fifth of the site. Two exploratory borings were drilled, one at the eastern end and one at the western end of the subject property, to depths of 16.2 feet and 18.3 feet, respectively. Subsurface exploration revealed a soil mantel extending approximately 8 to 18 feet deep and underlain with severely weathered Franciscan formed bedrock. Surface soils at the front end of the property consist of stiff to very stiff sandy, lean clay underlain with very stiff to hard sandy, lean clay. The rear end of the property contains surface soils of stiff to very stiff sandy, lean clay. Laboratory testing of surface soils indicate they have low plasticity, and therefore low potential for expansion. No free groundwater was observed.

The report found no indication that the project site would be subject to a greater degree of geologic hazards than typically found in the San Francisco Bay Area. The subject property is not located in a Liquefaction Hazard Zone, nor is it located in an Earthquake Fault Zone. Surface soils, as previously discussed, range from stiff to very stiff, and bedrock was observed at relatively shallow, though varying, depths. Therefore, the potential risk of fault ruptures, liquefaction, and differential compaction is low.

Given these conditions, the principal geotechnical consideration evaluated in the report is the variation in soil depth over the bedrock observed at the subject property. The report emphasizes that the depth of bedrock fluctuates across the project site; estimating that chert may be encountered at depths of five feet or shallower beneath the proposed finished pad grade near the northeast corner of the building footprint and at depths of 18 to 20 feet beneath the finished pad grade at the southwest corner of the building footprint.

The geotechnical report concludes that the site is suitable for construction of the proposed project, provided their recommendations are incorporated into the design and implementation of the project. The

substances or petroleum products into structures on the property or into the ground, ground water, or surface water or the property.

¹⁶ S. K. J. Cushing, City and County of San Francisco Department of Public Health, 824 Hyde St. *San Francisco Maher Ordinance Applicability*, April 25, 2014.

¹⁷ Romig Engineers, Inc., *Geotechnical Investigation for Conley Apartment Building, 824 Hyde Street, San Francisco, California, 94103*, January 16, 2013.

report recommends that: (1) bedrock depth estimates be used to inform engineering and design planning; (2) the proposed building should be constructed on a drilled pier and grade beam foundation system, with piers that extend 12 feet below the bottom of the grade beam or a minimum of five feet into weathered bedrock, whichever is deeper; (3) retaining walls installed on the eastern end of the property should be supported by continuous spread footing foundations that extended at least 18 inches below the lowest adjacent finished grade; (4) retaining walls for the basement level should be supported by drilled piers (5) the basement slab should be at least six inches thick and installed with a subsurface drainage system; and (6) finished slopes should have maximum inclinations of 50%. Additional specifications for site preparation and grading, foundation and slab-on-grade engineering and installation, drainage, and sloping are included in the report.

The proposed project would be required to conform to the City's *Building Code*, which ensures the safety of all new construction in the City. Decisions about appropriate foundation and structural design are considered as part of the DBI permit review process. DBI would review background information, including geotechnical and structural engineering reports, to ensure that the security and stability of adjoining properties and the subject property is maintained during and following construction. Therefore, potential damage to structures from geologic hazards on the project site would be addressed through the DBI requirement for a geotechnical report and review of the building permit application pursuant to its implementation of the *Building Code*. In light of the above, the proposed project would not result in a significant effect related to seismic and geologic hazards.

Public Notice and Comment. A "Notification of Project Receiving Environmental Review" was mailed on December 24, 2013 to owners and occupants of properties within a 300 foot radius of the project site and other interested parties. The Planning Department received two comments from the public in response to the notice. Respondents' concerns pertained to the timing of construction activities and building aesthetics. These concerns were taken into consideration and incorporated into this Certificate of Determination, as appropriate for CEQA analysis.

Comments that do not pertain to physical environmental issues and comments on the merits of the proposed project will be considered in the context of project approval or disapproval, independent of the environmental review process. While local concerns or other planning considerations may be grounds for modifying or denying the proposed project, in the independent judgment of the Planning Department, there is no substantial evidence of unusual circumstances surrounding the proposed project or that the project would have a significant effect on the environment.

CONCLUSION

CEQA Guidelines Section 15300.2 states that a categorical exemption shall not be used for an activity where there is a reasonable possibility that the activity will have a significant effect on the environment due to unusual circumstances. There is no possibility of a significant effect resulting from an unusual circumstance. The project would be exempt under the above-cited classification. For the above reasons, the proposed project is appropriately exempt from environmental review.



SAN FRANCISCO PLANNING DEPARTMENT

Historic Resource Evaluation Response Part II Analysis

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Date March 18, 2015
Case No.: 2012.1445E
Project Address: 824 Hyde Street
Zoning: RC-4 (Residential-Commercial, High-Density)
80-A Height and Bulk District
Block/Lot: 0280/017
Staff Contact: Gretchen Hilyard (Preservation Planner)
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PART II: PROJECT EVALUATION

PRE-EXISTING HISTORIC RATING / SURVEY

The project site consists of a rectangular-shaped lot on the east side of Hyde Street near the intersection of Sutter Street in the Nob Hill neighborhood of San Francisco. The subject property is located within the boundaries of the Lower Nob Hill Apartment Hotel Historic District. A former contributing building on the project site burned in 2010 and the vacant lot is now considered a non-contributing property within the district. The topography of the project site and surrounding area is dominated by a steep slope to the north.

824 Hyde Street is a vacant lot located in a listed historic district and is therefore considered a "Category A.2 – Historical Resource" (Resources listed on adopted local registers, and properties that have been determined to appear or may become eligible, for the California Register) property for the purposes of the Planning Department's California Environmental Quality Act (CEQA) review procedures.

Lower Nob Hill Apartment Hotel National Register Historic District

The Lower Nob Hill Apartment Hotel Historic District was listed in the National Register of Historic Places in 1991. The district is listed under the architecture and social history areas of significance for the period of significance 1904 to 1936 with significant dates in 1906 and 1915. According to the National Register Registration Form, the district is significant under National Register Criterion A as an intense concentration of white collar worker housing in the city's retail and financial centers. The district is also significant under National Register Criterion C as an unusually large, virtually intact, architecturally consistent, densely packed inner-city residential area. The district contains a total of 332 properties, including 297 contributing and 35 non-contributing buildings.

March 18, 2015

824 Hyde Street

The district is located in downtown San Francisco on the south slope of Nob Hill adjoining the Tenderloin residential area to the south, the commercial Polk-Van Ness corridor to the west; the financial district around Union Square to the east; and Bush Street and portions of Pine Street to the north. The area is a close packed district consisting almost entirely of 3- to 7-story multi-unit residential buildings which form a consistent street wall at the front property lines. The vast majority of the building were constructed between 1906 and 1925, and are of a remarkably consistent style.

The character defining exterior features of the Lower Nob Hill Apartment Hotel Historic District (i.e., physical features that enable the district to convey its historic identity) include:

- 3- to 7- story building height;
- Buildings constructed at the property line and occupying the full width of lots;
- Flat roofs with projecting galvanized iron cornices;
- Tripartite façade composition (base, shaft and cornice);
- Upper story projecting bay windows (usually of galvanized iron);
- Stucco and/or brick cladding (including a variety of brick colors);
- Ornamentation of Classical motifs (especially at cornices and residential entries);
- Commercial or residential ground stories;
- Steps or vestibules at the residential entries;
- Wood double-hung windows, with many fixed and casement windows;
- Glazed wood entry doors with sidelights.

The subject block features buildings that are 2-9 stories in height and all but one of the buildings facing this block of Bush Street are contributors to the district.

Proposed Project ☐ **Demolition** ☒ **New Construction** ☐ **Alteration**

Per Drawings Dated: December 9, 2014 by Rudeen Architects.

Project Description

The proposed project would involve the construction of an approximately 55-foot-tall (up to approximately 70 feet tall with the staircase and elevator penthouses), five-story-over-basement, 12,430-square-foot (sq. ft.) residential building on a partially-sloped vacant lot. The proposed building would provide a total of 15 dwelling units, including nine studio units and six one-bedroom units. No off-street parking would be provided as part of this project.

The approximately 2,815 sq. ft., project site is located on the block bounded by Hyde Street to the west, Leavenworth Street to the east, Bush Street to the north, and Sutter Street to the south within the Lower Nob Hill Apartment Hotel National Register District. The project site was previously occupied by a four-story, eight-unit residential building. The building was destroyed by fire in 2010, and the remnants of the damaged structure were removed in accordance to demolition Permit No. 201011084503 issued on November 8, 2010.

March 18, 2015

824 Hyde Street

Project Evaluation

If the property has been determined to be a historical resource in Part I, please check whether the proposed project would materially impair the resource and identify any modifications to the proposed project that may reduce or avoid impacts.

Subject Property/Historic Resource:

- ☒ The project will not cause a significant adverse impact to the historic resource as proposed.
- ☐ The project will cause a significant adverse impact to the historic resource as proposed.

California Register-eligible Historic District or Context:

- ☒ The project will not cause a significant adverse impact to a California Register-eligible historic district or context as proposed.
- ☐ The project will cause a significant adverse impact to a California Register-eligible historic district or context as proposed.

Evaluation of Impacts

Staff finds that the proposed project would not cause a significant adverse impact to a historic resource such that the significance of a historic resource would be materially impaired. The proposed project involves the construction of a five-story-over-basement multi-unit residential building on a vacant lot. The new construction has been designed to relate to the character-defining features of the Lower Nob Hill Apartment Hotel Historic District and specifically the adjacent district contributors on the subject block. The proposed project relates to the overall height, massing, scale, materials, and composition of contributing properties within the district.

To assist in the review of the proposed project, a Historic Resource Evaluation (HRE) for 824 Hyde was prepared by Knapp Architects (dated February 5, 2015). The Department concurs with the findings of the HRE and the following is an analysis of the proposed project's compatibility with the character of the historic district:

Height, Massing and Siting: The proposed five-story building height would fall within the four to seven story height range of existing contributing buildings in the district. The proposed new building will be slightly lower in height than the adjacent contributing buildings to the north and south and will not visually overpower or detract from these buildings. The historic district features a continuous street wall of similar buildings. The existing condition of the project site includes a vacant lot that functions as a visual intrusion within the historic district by creating a gap in the continuous street wall. The proposed project will infill this gap in the street wall and will provide greater continuity of the street wall in this portion of the district.

March 18, 2015

824 Hyde Street

Façade composition: The proposed project will feature a series of vertically-oriented window openings set within two parallel projecting bays that references the character-defining windows throughout the district, but are read as clearly contemporary interpretations of these features. The proposed building is organized in a tripartite configuration with base, shaft and cornice, which references façade composition of contributing buildings within the district. The proposed recessed residential entry also references the character of contributing buildings within the district. The projecting cornice is contemporary in detailing and references the strong character of architecturally detailed cornices within the district.

Materials: The materials of the proposed project are consistent with the character of existing materials in the district. The porcelain tile cladding will be visually compatible with the predominant brick materials found throughout the district. The color and dimensions of the proposed tile is similar to brick in overall appearance and form. The dark colored tile at the base differentiates the ground floor from the upper levels and relates to the tradition of differentiated and/or rusticated bases of buildings in the district. A lighter shade of tile will be used for the upper stories to further create a tripartite façade arrangement. The proposed aluminum frame windows are vertically oriented to reference the character of double-hung wood-sash windows in the district, but are clearly contemporary and more closely reference common replacement window material found within the district. The painted wood bays provide reference to projecting bay windows found throughout the district. Although the window materials are not fully consistent with the character of wood windows in the district, they do not detract from the overall appearance of the street wall and are an acceptable material for this contemporary building.

Summary

The Department finds that the proposed design is compatible with the overall height, massing, scale, materials, and composition of contributing buildings within the historic district and will not cause a significant impact to the Lower Nob Hill Apartment Hotel Historic District. As designed, the proposed project would not materially impair the significance of the Lower Nob Hill Apartment Hotel Historic District and would not cause a significant adverse impact upon a historic resource, as defined by CEQA.

PART II: SENIOR PRESERVATION PLANNER REVIEW

Signature: Tina TamDate: 3.20.2015

Tina Tam, Senior Preservation Planner

cc: Jenny Delumo, Environmental Planning

Gonzalo Mosquera, Current Planning

GH: G:\Documents\HRER\824 Hyde\HRER\824 Hyde Street_HRER Part II.doc

IMAGES



View of project site looking east. Image courtesy of Google Streetview, 2015.



**824 HYDE STREET
RESIDENTIAL DEVELOPMENT
San Francisco, California**

**Environmental Noise Report
SM&W Project #14265**

Tom Conley
P.O. Box 5536
Redwood City, CA 94063
T. 650-701-3030
tconley99@gmail.com

November 24, 2014



INTRODUCTION

This report describes current and predicted future outdoor noise conditions at the site of the 824 Hyde Street residential development in San Francisco, California and provides mitigation recommendations to meet Title 24 Part II, California Building Code (CBC), and City of San Francisco interior noise level requirements. All results and recommendations are based on measurements of ambient noise at the site and various coordination e-mails.

AMBIENT NOISE LEVEL MEASUREMENTS

SITE DESCRIPTION

The 824 Hyde Street site is currently an empty lot located mid-block between Sutter Street and Bush Street in San Francisco. The site is bordered by a six-story residential building to the south, Hyde Street to the west, a five-story residential building to the north, and the mid-block courtyard to the east.

The main source of noise at the site is traffic noise from Hyde Street. Traffic noise on Hyde Street includes vehicles, motorcycles, small delivery trucks, emergency vehicles to St. Francis Memorial Hospital, and MUNI buses. Other sources of noise in the area include pedestrian activity, cyclists, nature-based noises, occasional recreational airplane flyovers, and helicopter flyovers.

EXISTING NOISE LEVELS

A long-term noise survey was conducted on the roof of the existing 830 Hyde Street building to establish the current baseline conditions for the entire project. A calibrated Rion NL-52 sound level meter was secured to the southwest corner of the roof as shown in Figure 1. The unattended meter collected noise data continuously between Thursday, November 6, 2014 and Friday, November 7, 2014 for a minimum of 24-hours.

The resulting dB(A) L_{DN} level measured at the 24-hour measurement location was 61.8 dB(A) Ldn. The 15-minute average and maximum sound pressure levels measured at the 24-hour location are shown in Chart 1.

It should be noted that traffic noise will typically increase as one moves closer to the roadway. Since the 24-hour measurement was conducted on the roof of a five-story building, a factor needs to be added to the measurement for the lower floors of the building to account for the closer distance to the roadway. Using experience from other noise measurements, 3 dB was added to the 24-hour measurement to account for the distance. Therefore the noise level used in the environmental analysis of the 824 Hyde Street site is **64.8 dB(A) Ldn**.

Chart 1: 15-Minute Noise Levels Measured at the 24-Hour Locations

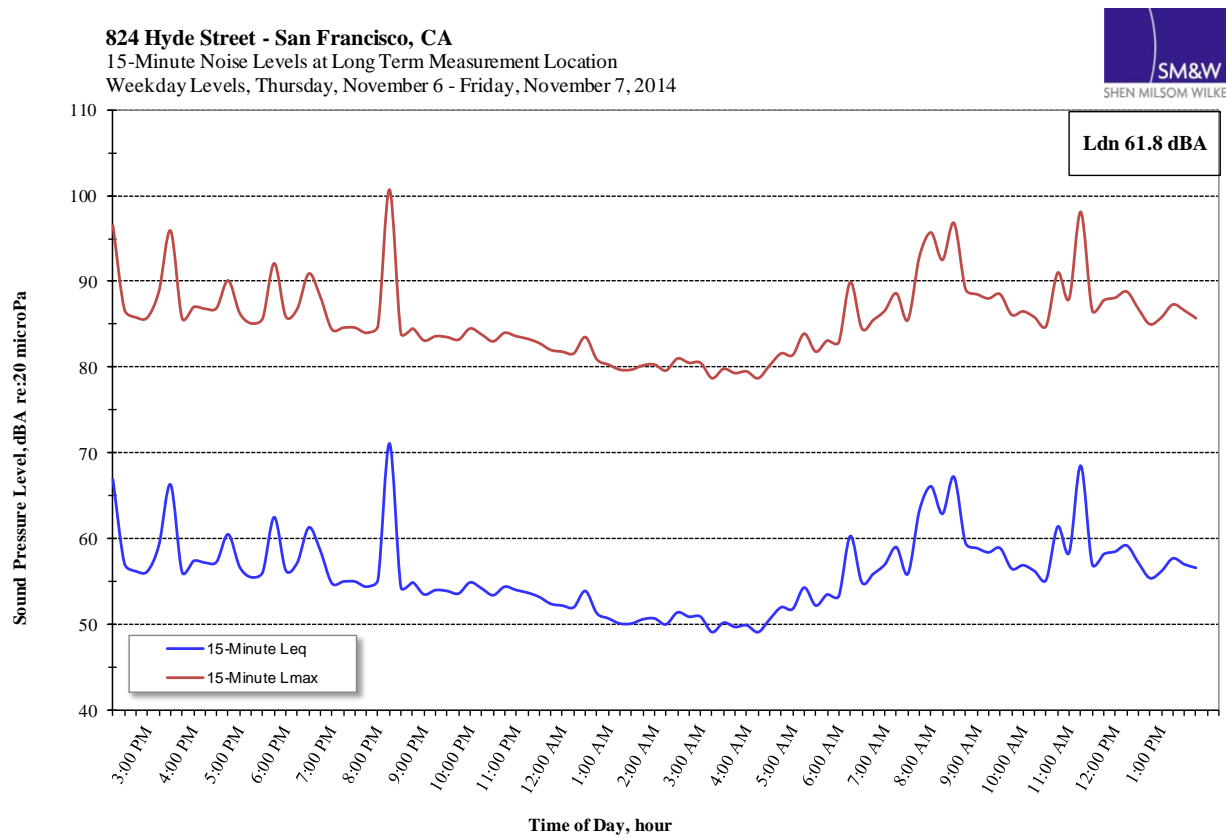


Figure 1: Site 24-Hour Measurement Locations



ESTIMATED FUTURE NOISE LEVELS

Future conditions at the site, such as minor increases in traffic on Hyde Street should not significantly affect the current ambient noise levels. For example, it takes 25% more traffic volume to produce an increase of only 1 dB(A) in the ambient noise level. Therefore, no change in overall traffic noise was assumed for future conditions at the 824 Hyde Street project.

OUTDOOR NOISE CRITERIA

The noise descriptor used by the State of California is the Day-Night Level (L_{DN} or DNL). This is a 24-hour equivalent continuous noise exposure level that applies a 10 dB penalty to noise measured during the nighttime (10 PM to 7 AM) to account for increased sensitivity to noise and sleep interference during this time. Definitions for acoustical terms used in this report can be found in the Appendix.

LAND USE ACCEPTABILITY

The California Model Community Noise Element Guidelines for Community Noise Exposure for residential land usage are shown in Table 1:

Table 1: Land Use Acceptability for New Residential Development

Levels in dB(A) L_{DN}	Category
60 dB(A) L_{DN} or below	Normally Acceptable
Above 60 dB(A) but below 70 dB(A)	Conditionally Acceptable (Noise Insulation Features Required)
Above 70 dB(A) but below 75 dB(A)	Normally Unacceptable (Noise Insulation Features Required)
Above 75 dB(A)	Clearly Unacceptable

The 824 Hyde Street project is predicted to be subject to noise levels up to 64.8 dB(A) L_{DN} putting it into the "Conditionally Acceptable" category. In order to be suitable for residential use, the site will require noise insulation features to meet the inside noise criteria described below.

INSIDE NOISE CRITERIA

Where "Noise Insulation Features Required" provisions apply in Table 1, the California Building Code establishes a maximum noise limit of 45 dB(A) L_{DN} for all interior spaces. The calculations and recommendations contained herein are for habitable spaces only, as these are the only requirements of the California Building Code.

RECOMMENDATIONS

RESIDENTIAL UNIT EXTERIOR WALLS

The residential solid exterior wall was assumed to be constructed as follows:

- Porcelain Tile
- ½" Cement Board
- Plywood Sheathing
- 2x6 wood stud at 16" o.c. with minimum 6" thick batt insulation in the stud cavity
- 1 layer 5/8" gypsum board

The assumed exterior wall system is expected to have a rating of OITC 38. This wall system should be sufficient to mitigate outdoor to indoor environmental noise transmission with no further modifications.

RESIDENTIAL UNIT WINDOW ASSEMBLIES

Recommendations for the window systems in this project are provided in terms of an Outside-Inside Transmission Class (OITC) rating. Because the predominant exterior noise source is traffic, OITC ratings emphasize sound transmission loss at the lower frequencies that are representative of the noise created by road and rail traffic and are therefore most appropriate for window systems in urban settings.

The recommendations for the rooms within the residence will be dependent on the following conditions:

- The dimensions of the rooms with exterior windows.
- The finishes within the rooms.
- The ratio of clear glass to solid wall in the exterior wall assembly.
- The exterior solid wall construction.

All exterior windows to living spaces facing Hyde Street in this project are recommended to have a minimum rating of **OITC 24**. This recommendation assumes the following:

- The living spaces facing Hyde Street were assumed to be a minimum of 11'-7" x 23'-6" x 8'-6" high.
- The ratio of clear exterior glass to solid exterior wall within the units was assumed to be a maximum of 88%.
- The typical height of the residential unit windows was assumed to be a maximum of 7'-6".
- The living and sleeping areas were assumed to have a hard-surfaced ceiling, such as gypsum board or skim-coat concrete.
- All rooms were assumed to be finished with a hard-surfaced flooring, such as laminate, wood, or tile.
- An additional 1 dB factor of safety was taken into consideration to account for unforeseen site elements, such as wind conditions, temperature gradients, and variations in traffic conditions.

The recommendations for minimum sound ratings are for assemblies of glass plus frame plus outside air device together, not just the glass alone. Generally, the sound transmission performance requirement of the glass alone will have to be 2-5 points better than the requirement for the entire system to account for degradation. Because the actual sound insulation performance is dependent on the entire glass/frame/outside air system, we recommend representative sound-rated window assemblies be laboratory tested according to the latest version of ASTM Standard E1332. There are a number of window vendors which have experience with this type of testing. SM&W can also provide input to the specifications as necessary to ensure the vendor is responsible for providing a suitable window system, including the frame and window wall connections.

The following facilities are recommended for testing of window assemblies:

- | | |
|---|-------------------------------------|
| • Western Electro-Acoustic Laboratories | • Riverbank Acoustical Laboratories |
| 25132 Rye Canyon Loop | 1512 Batavia Avenue |
| Santa Clarita, California 91355 | Geneva, Illinois 60134 |
| 661-775-3741 | 630-232-010 |

For this project, a minimum OITC 24 window assembly should be achievable using a typical insulating glass unit constructed of 1/4" standard glass, 1/2" air space, 1/4" standard glass. However, please note that this glass assembly is only a guideline to provide a possible starting point of where the submitted window

assembly may need to be. All final submitted window assemblies should be selected based on laboratory performance testing. The contractor and/or vendor should submit the appropriate assembly and system thickness necessary to meet the specified rating.

OUTDOOR MAKEUP AIR

The California Building Code states “if interior noise levels are met by requiring that windows be unopenable or closed, the design for the structure must also specify a ventilation or air-conditioning system to provide a habitable interior environment. The ventilation system must not compromise the dwelling unit or guest room noise reduction.” The industry-standard rule of thumb is that an open window will provide about 15 dB(A) of attenuation. Therefore all facades with exposures less than or equal to 60 dB(A) should not require separate makeup air ventilation. Since the noise exposure on the Hyde Street side of the project are predicted to be above 60 dB(A), the windows along the Hyde Street facade of this building would require an additional ventilation system.

ADDITIONAL NOTE ON ENVIRONMENTAL NOISE

The amount of sound attenuation achieved between an interior space and the exterior is dependent on the amplitude of the intruding noise, the construction of the exterior façade, and the background noise level within the interior room. Please note that all effort was made to recommend appropriate exterior façade constructions taking into account the measured existing ambient noise conditions at the site. This analysis does not include noise from unknown sources (i.e., fixed mechanical equipment, electrical equipment, revised bus routes, etc.) that may be added to the surrounding environment in the future.

This concludes our report listing initial recommendations to meet Title 24 Part II, CBC, and City of San Francisco interior noise level requirements for the 824 Hyde Street project in San Francisco, California. Please do not hesitate to contact us with any questions or if further information is required.



Tracie Ferguson
Senior Associate – Acoustics
Shen Milsom Wilke

APPENDIX: DEFINITIONS OF ACOUSTICAL TERMS

A WEIGHTING is the decibel scale for sound level measurements using the “A” weighted network of a sound level meter and is denoted as “dBA.” The A-weighted network is shaped to correspond to the response of the human ear so that the results correlate approximately with human perception. It is the accepted standard for environmental noise measurements.

AMBIENT NOISE (see also Background Noise) is the sound pressure level associated with a given environment. It is a composite of sounds from near and far. For the purpose of measuring a specific noise source, it is the sound pressure level of all sources excluding the specific sound source being measured.

BACKGROUND NOISE (also Ambient Noise) is the sound pressure level associated with given environment. For the purpose of measuring indoor ambient noise, the dominant component of the noise is caused by the HVAC system.

DAY-NIGHT LEVEL (L_{DN} or DNL) is the A-weighted equivalent continuous sound exposure level for a 24-hour period with a 10 dB adjustment added to the sound levels occurring during nighttime hours (10 PM to 7 AM). Used by regulating agencies to report general environmental noise.

$$L_{DN} = [(L_d + 10 \log_{10} 15) \& (L_n + 10 + 10 \log_{10} 9)] - 10 \log_{10} 24$$

Where L_d = Leq for the daytime
 L_n = Leq for the nighttime
& = decibel addition

DECIBEL or properly DECIBEL SCALE is the scale that measures sound level pressure (or other quality of interest) defined as 20 times the logarithm of the ratio of the sound level pressure (or other quality) to a standard reference level that by convention has been selected to approximate the threshold of hearing. The standard reference in the U.S. is 0 decibel equals a pressure of 0.0002 Micro bar. The abbreviation for decibel is dB.

ENVIRONMENTAL NOISE, contrary to its original meaning referring to natural noise, has become known as the noise in the outdoor environment from transportation systems, machinery or other manmade sources.

FREQUENCY is the pitch of sound and refers to the cyclical variations per unit time. Noise can be composed of sound from the entire spectrum of frequencies. Frequency is expressed in cycles per second or Hertz. This is abbreviated Hz.

INTEGRATED OR EQUIVALENT SOUND LEVEL is the A-weighted equivalent continuous sound exposure level for a defined time. This is abbreviated $L_{eq (time)}$.

OCTAVE BAND is the range of sound frequencies whose lower limit frequency is half the upper limit frequency (one octave). Octave bands are identified by the geometric mean frequency or center between the lower limit and the upper limit.

OUTDOOR INDOOR TRANSMISSION CLASS (OITC) is the single number rating system to classify the transmission loss of materials used for environmental noise isolation rather than reporting the levels at separate frequency bands. For environmental noise, this rating system is preferred over STC because it was specifically designed to address transportation noise using an average transportation noise spectrum. OITC ratings are calculated from measured values of transmission loss in 1/3 octave bands, according to ASTM Standard E 1332.

SOUND LEVEL METER is an instrument to measure sound pressure levels in dB. Various features are incorporated into an instrument to select specific sound frequency bands, integrate pressure over time and display minimum, mean, and peak levels.

SOUND PRESSURE LEVEL (SPL) is the ratio, expressed in decibels, of the mean-square sound pressure level to a reference mean-square sound pressure level that by convention has been selected to approximate the threshold of hearing (0.0002 Microbar in the U.S.)

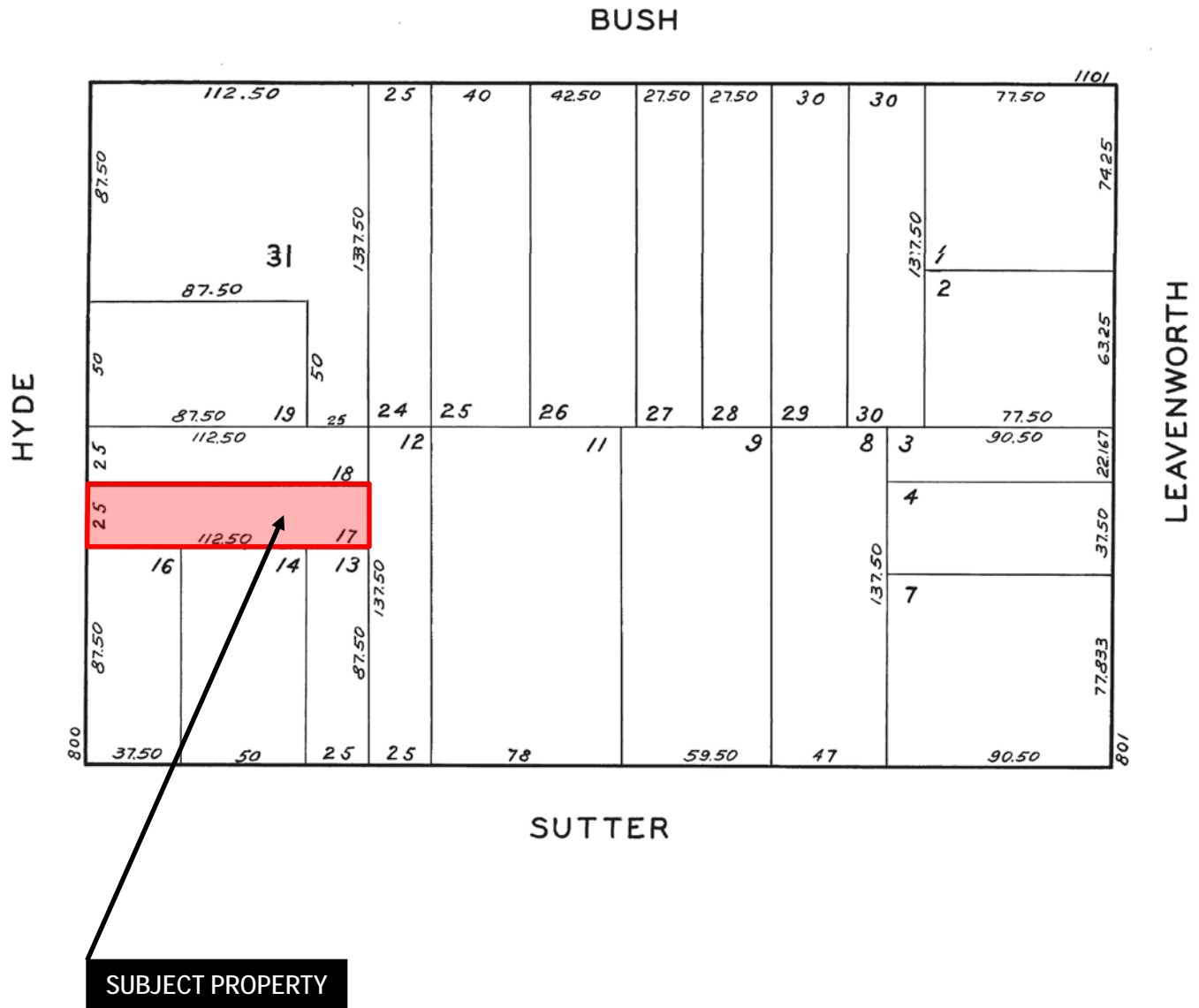
SOUND TRANSMISSION CLASS (STC) is the established single number rating system to classify the transmission loss of materials rather than reporting the levels at separate frequency bands. The rating system was originally designed to address speech isolation and is derived from measured values of transmission loss, according to ASTM E 413. It is not appropriate for use in environmental noise isolation applications because the STC rating does not sufficiently take into account the low frequencies that predominate in transportation noise. Two materials with the same STC rating may achieve very different levels of transportation noise isolation.

TRANSMISSION LOSS is a measure of the sound insulation of a material stated in decibels. Generally, the transmission losses of materials are given in standard 1/3 octave band intervals.

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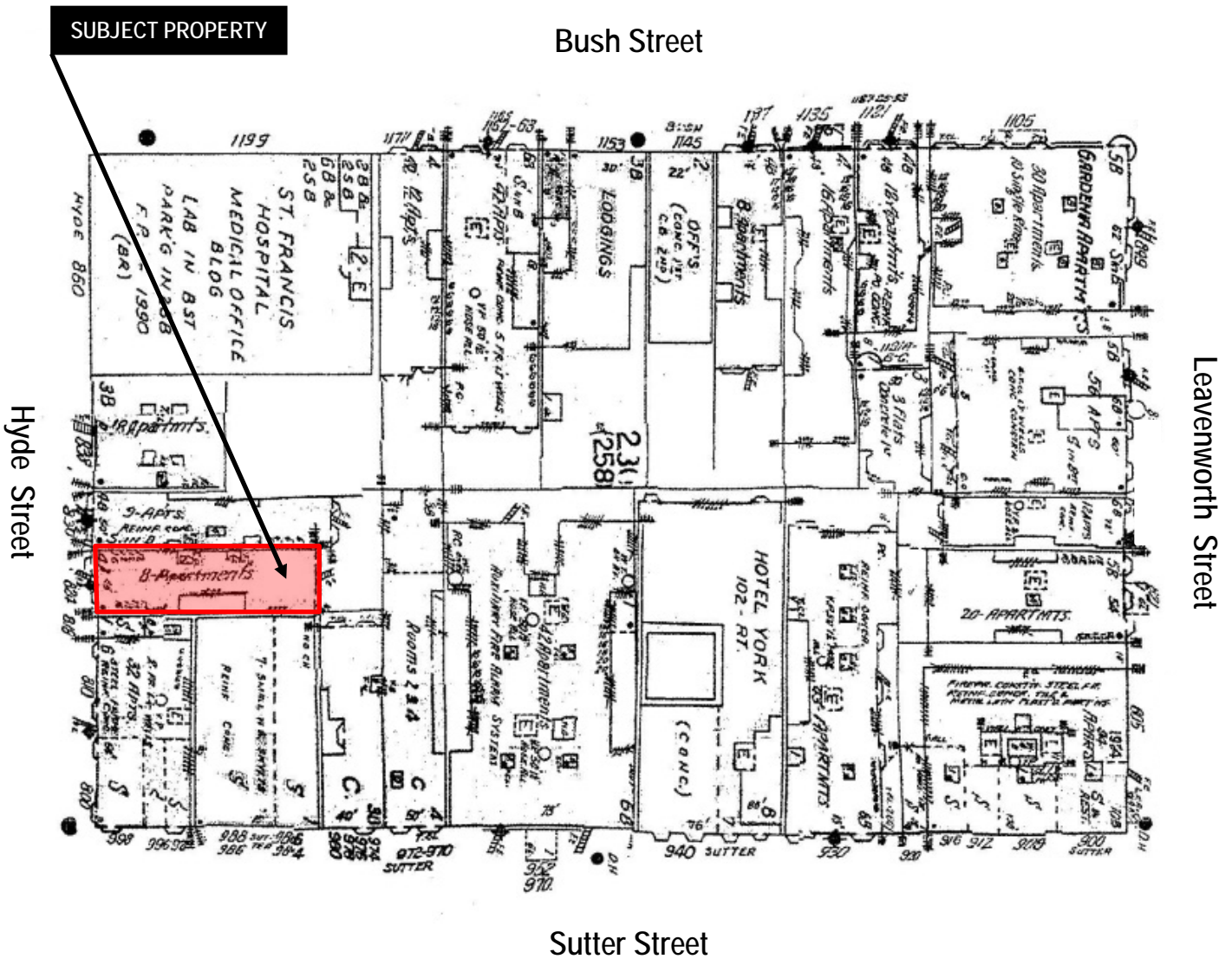
Exhibits

Parcel Map



Conditional Use Authorization
Case Number 2012.1445CV
824 Hyde Street

Sanborn Map*



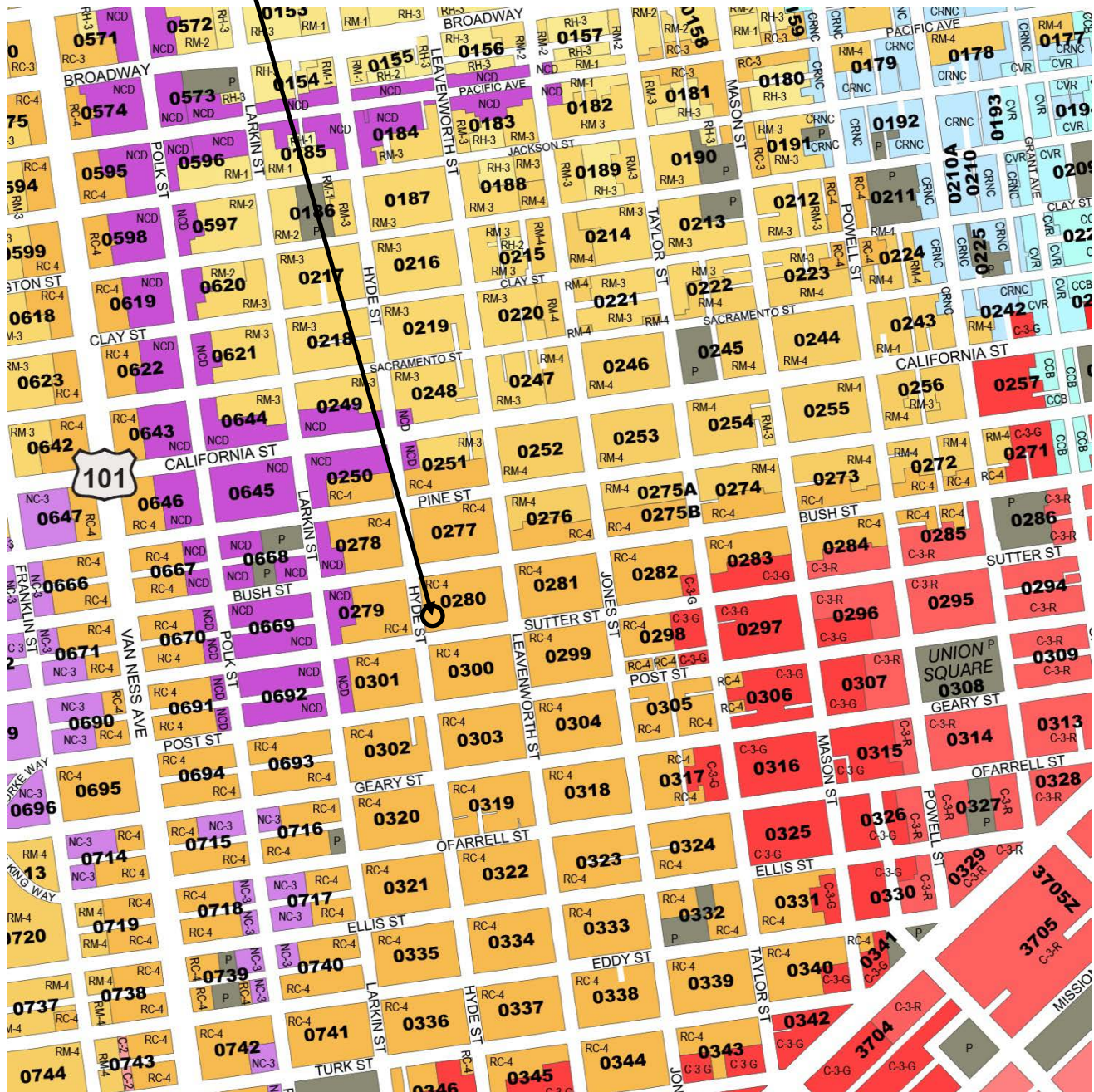
*The Sanborn Maps in San Francisco have not been updated since 1998, and this map may not accurately reflect existing conditions.



Conditional Use Authorization
Case Number 2012.1445CV
824 Hyde Street

Zoning Map

SUBJECT PROPERTY



Conditional Use Authorization
Case Number 2012.1445CV
824 Hyde Street

Aerial Photos



Conditional Use Authorization
Case Number 2012.1445CV
824 Hyde Street

Site Photo

SUBJECT PROPERTY

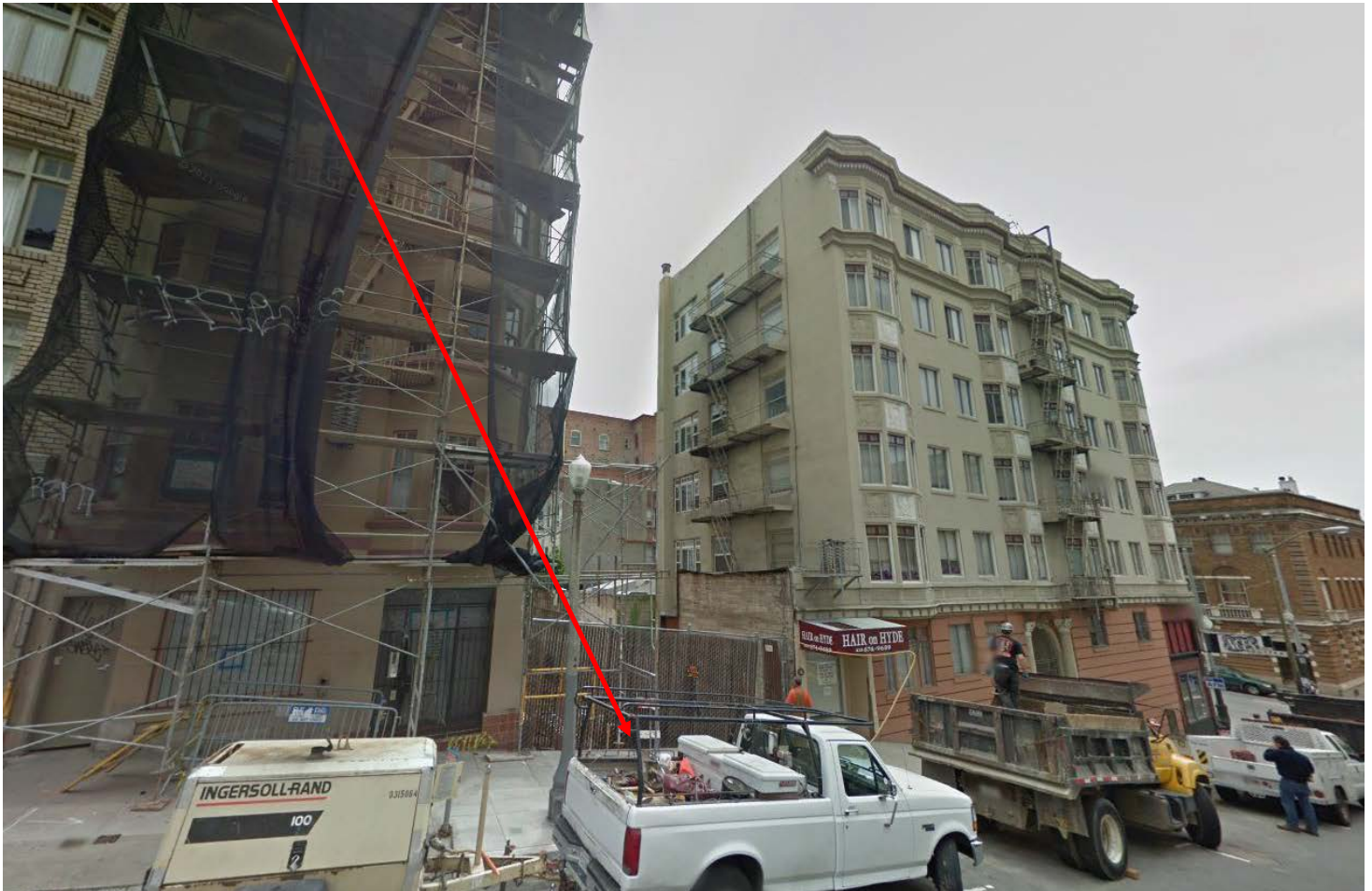


Street View of 824 Hyde Street.

Conditional Use Authorization
Case Number 2012.1445CV
824 Hyde Street

Site Photo

SUBJECT PROPERTY



Street View of 824 Hyde Street.

Conditional Use Authorization
Case Number 2012.1445CV
824 Hyde Street

Site Photo

SUBJECT PROPERTY



Street View of 824 Hyde Street.

Conditional Use Authorization
Case Number 2012.1445CV
824 Hyde Street

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

12-14-15

Date

I, Mahesh Rameshrai Patel, do hereby declare as follows:

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

824 Hyde Street

Address

280/017

Block / Lot

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

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

2012, 1445

Planning Case Number

Building Permit Number

This project requires the following approval:

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

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

Nicholas Foster

Planner Name

Is this project within the Eastern Neighborhoods Plan Area?

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

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

- ☐ This project is 100% affordable.

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

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

SAN FRANCISCO PLANNING DEPARTMENT V 09.08.2015

Affidavit for Compliance with the Inclusionary Affordable Housing Program

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

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

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

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

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

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

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

MILL VALLEY, CA
Location

12-14-15
Date

Mukul Gupta
Signature


Mahesh Nam Chai Patel
Name (Print), Title

415-305-0421
Contact Phone Number

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

SEE ATTACHMENT DATED 12-14-15

Affidavit for Compliance with the Inclusionary Affordable Housing Program

CONTACT INFORMATION AND DECLARATION OF SPONSOR OF PRINCIPAL PROJECT	CONTACT INFORMATION AND DECLARATION OF SPONSOR OF OFF-SITE PROJECT (IF DIFFERENT)
824 HYDE ST Investments, LLC	
Mahesh PATEL	
737 E. Francisco BLVD	
San RAFAEL, CA 94901	
415-305-0421 / 415-382-9490	
Mahesh P11 AT AOL.com	
 <small>Signature</small>	
Mahesh R. Patel, managing member <small>Name (Print), Title</small>	 <small>Signature</small> <small>Name (Print), Title</small>

A notary public or other officer completing this certificate verifies only the identity of the individual who signed the document to which this certificate is attached, and not the truthfulness, accuracy, or validity of that document.

CALIFORNIA ALL-PURPOSE CERTIFICATE OF ACKNOWLEDGMENT

State of California)

County of MARIN)

On 12.14.15 before me, F. CRUZ, Notary Public
(here insert name and title of the officer)

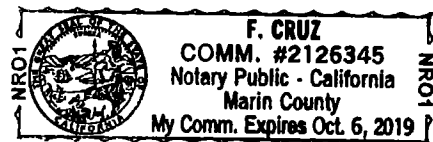
personally appeared MANISH PATEL

who proved to me on the basis of satisfactory evidence to be the person~~(s)~~ whose name~~(s)~~ is/~~are~~ subscribed to the within instrument and acknowledged to me that he/~~she/they~~ executed the same in his/~~her/their~~ authorized capacity~~(ies)~~, and that by his/~~her/their~~ signature~~(s)~~ on the instrument the person~~(s)~~, or the entity upon behalf of which the person~~(s)~~ acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.

WITNESS my hand and official seal.

Signature



(Seal)

OPTIONAL INFORMATION

Although the information in this section is not required by law, it could prevent fraudulent removal and reattachment of this acknowledgment to an unauthorized document and may prove useful to persons relying on the attached document.

Description of Attached Document

The preceding Certificate of Acknowledgment is attached to a document titled/for the purpose of AFFIDAVIT FOR
CERTIFICATE
containing 3 pages, and dated 12.11.15

The signer(s) capacity or authority is/are as:

- ☐ Individual(s)
☐ Attorney-in-Fact
☐ Corporate Officer(s) _____ Title(s) _____

- ☐ Guardian/Conservator
☐ Partner - Limited/General
☐ Trustee(s)
☐ Other: _____

representing: _____
Name(s) of Person(s) or Entity(ies) Signer is Representing

Additional Information

Method of Signer Identification

Proved to me on the basis of satisfactory evidence:
☐ form(s) of identification ☐ credible witness(es)

Notarial event is detailed in notary journal on:

Page # _____ Entry # _____

Notary contact: _____

Other

- ☐ Additional Signer(s) ☐ Signer(s) Thumbprint(s)
☐ _____

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SAN FRANCISCO
PLANNING
DEPARTMENT

AFFIDAVIT FOR FIRST SOURCE HIRING PROGRAM

Administrative Code

Chapter 83

1650 Mission Street, Suite 400 • San Francisco CA 94103-2479 • 415.558.6378 • <http://www.sfplanning.org>

Section 1: Project Information

PROJECT ADDRESS		BLOCK/LOT(S)	
824 Hyde Street - San Francisco		Lot 017 Block 0280	
BUILDING PERMIT APPLICATION NO.	CASE NO. (IF APPLICABLE)	MOTION NO. (IF APPLICABLE)	
	2012.1445		
PROJECT SPONSOR	MAIN CONTACT	PHONE	
824 Hyde St. Investment Ketal Patel			
ADDRESS			
90 Las Casay Dr. San Francisco			
CITY, STATE, ZIP		EMAIL	
San Rafael CA 94901		ketal@me.com	
ESTIMATED RESIDENTIAL UNITS	ESTIMATED SQ. FT. COMMERCIAL SPACE	ESTIMATED HEIGHT/FLOORS	ESTIMATED CONSTRUCTION COST
15	12,410 SQ. FT.	5 Floors	\$3,700,000
ANTICIPATED START DATE			
April 2016			

Section 2: First Source Hiring Program Verification

CHECK ALL BOXES APPLICABLE TO THIS PROJECT	
<input checked="" type="checkbox"/>	Project is wholly Residential
<input type="checkbox"/>	Project is wholly Commercial
<input type="checkbox"/>	Project is Mixed Use
<input checked="" type="checkbox"/>	A: The project consists of ten (10) or more residential units;
<input type="checkbox"/>	B: The project consists of 25,000 square feet or more gross commercial floor area.
<input type="checkbox"/>	C: Neither 1A nor 1B apply.

NOTES:

- If you checked C, this project is NOT subject to the First Source Hiring Program. Sign Section 4: Declaration of Sponsor of Project and submit to the Planning Department.
- If you checked A or B, your project IS subject to the First Source Hiring Program. Please complete the reverse of this document, sign, and submit to the Planning Department prior to any Planning Commission hearing. If principally permitted, Planning Department approval of the Site Permit is required for all projects subject to Administrative Code Chapter 83.
- For questions, please contact OEWD's CityBuild program at CityBuild@sfgov.org or (415) 701-4848. For more information about the First Source Hiring Program visit www.workforcedevelopmentstf.org
- If the project is subject to the First Source Hiring Program, you are required to execute a Memorandum of Understanding (MOU) with OEWD's CityBuild program prior to receiving construction permits from Department of Building Inspection.

Continued...

Section 3: First Source Hiring Program – Workforce Projection

Per Section 83.11 of Administrative Code Chapter 83, it is the developer's responsibility to complete the following information to the best of their knowledge.

Provide the estimated number of employees from each construction trade to be used on the project, indicating how many are entry and/or apprentice level as well as the anticipated wage for these positions.

Check the anticipated trade(s) and provide accompanying information (Select all that apply):

TRADE/CRAFT	ANTICIPATED JOURNEYMAN WAGE	# APPRENTICE POSITIONS	# TOTAL POSITIONS	TRADE/CRAFT	ANTICIPATED JOURNEYMAN WAGE	# APPRENTICE POSITIONS	# TOTAL POSITIONS
Abatement Laborer				Laborer	\$48 / Hour	3	6
Boilermaker				Operating Engineer			
Bricklayer	\$66 / Hour	2	5	Painter	\$60 / Hour	3	5
Carpenter	\$65 / Hour	1	5	Pile Driver			
Cement Mason				Plasterer			
Drywall/Latherer	\$65 / Hour	3	6	Plumber and Pipefitter	\$90 / Hour	2	4
Electrician	\$69 / Hour	2	5	Roofer/Water proofer	\$85 / Hour	2	4
Elevator Constructor	\$92 / Hour	1	4	Sheet Metal Worker			
Floor Coverer				Sprinkler Fitter			
Glazier				Taper			
Heat & Frost Insulator				Tile Layer/ Finisher	\$40 / Hour	1	3
Ironworker				Other:			
TOTAL:			25	TOTAL:			22

- | | | |
|--|---|-----------------------------|
| 1. Will the anticipated employee compensation by trade be consistent with area Prevailing Wage? | YES <input checked="" type="checkbox"/> | NO <input type="checkbox"/> |
| 2. Will the awarded contractor(s) participate in an apprenticeship program approved by the State of California's Department of Industrial Relations? | YES <input checked="" type="checkbox"/> | NO <input type="checkbox"/> |
| 3. Will hiring and retention goals for apprentices be established? | YES <input checked="" type="checkbox"/> | NO <input type="checkbox"/> |
| 4. What is the estimated number of local residents to be hired? | <hr/> | |

Section 4: Declaration of Sponsor of Principal Project

PRINT NAME AND TITLE OF AUTHORIZED REPRESENTATIVE	EMAIL	PHONE NUMBER
Ketal Patel Managing Member	ketal@me.com	415.837.8933

I HEREBY DECLARE THAT THE INFORMATION PROVIDED HEREIN IS ACCURATE TO THE BEST OF MY KNOWLEDGE AND THAT I COORDINATED WITH OEWD'S CITYBUILD PROGRAM TO SATISFY THE REQUIREMENTS OF ADMINISTRATIVE CODE CHAPTER 83.

Ketal Patel 12/18/15
(SIGNATURE OF AUTHORIZED REPRESENTATIVE) (DATE)

FOR PLANNING DEPARTMENT STAFF ONLY: PLEASE EMAIL AN ELECTRONIC COPY OF THE COMPLETED AFFIDAVIT FOR FIRST SOURCE HIRING PROGRAM TO OEWD'S CITYBUILD PROGRAM AT CITYBUILD@SFGOV.ORG

Cc: Office of Economic and Workforce Development, CityBuild
Address: 1 South Van Ness 5th Floor San Francisco, CA 94103 Phone: 415-701-4848
Website: www.workforcedevelopmentsf.org Email: CityBuild@sfgov.org

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December 29, 2015

Via E-Mail Nicholas.Foster@sfgov.org

Hon. Rodney Fong, President
San Francisco Planning Commission
1650 Mission Street, Suite 400
San Francisco, CA. 94103

Re: 824 Hyde Street
Case No. 2012.1445CUA/V
Hearing Date: January 14, 2016

Dear President Fong and Commissioners:

We represent 824 Hyde Investments, Inc., the owner of the currently vacant, partially sloped lot at 824 Hyde Street and the Project Sponsor for a new building at this site. In order to be built in compliance with the proposed plans, the new building requires approval of a conditional use authorization and two variances from the Planning Commission and the Zoning Administrator, respectively, on January 14, 2016. The project proposes 15 “affordable by design” studio and 1-bedroom rental units on the approximately 2,813 sf lot located on Hyde Street between Bush and Sutter Streets. The project’s 2-unit BMR requirement will be satisfied by paying the affordable housing fee.¹ To satisfy its open space requirement, the project proposes a 430 sf roof deck and a 405 sf rear yard for total common open space of 835 sf.

Conditional use authorization is required for this project under Planning Code Section 253 because the building height exceeds 50' in an RC-4 zoning district. The project is also requesting two variances from the Zoning Administrator: active ground floor residential use under Planning Code Section 145.1(b)(2)(A) and bay window separations under Planning Code Section 136(c)(2)(F). The Zoning Administrator will consider these requests at the January 14, 2016 hearing. Both Applications meet the Planning Code’s requirements for approval. Accordingly, we respectfully request that the Commission grant the conditional use authorization and the Zoning Administrator approve both variances.

¹ As of January 2016, the Affordable Housing Fee for a studio will be \$198,008 and \$268,960 for a 1-bedroom unit, for a total Affordable Housing Fee of \$468,968.

A. FACTUAL BACKGROUND

1. The Site's Features and Zoning

Earlier this year, the Project Sponsor purchased the vacant lot located on Hyde Street on the block surrounded by Bush Street, Sutter Street and Leavenworth Street from the initial project sponsor. The lot became vacant after an October 2010 fire destroyed the then-existing 4-story over basement, 8-unit building. The vacant lot has a 25' frontage and is 112.5' deep.² The site is zoned RC-4 and is in an 80-A height and bulk district. Residential use is a principally permitted use at this location.

Density limits in the RC-4 zone are 1:200. In compliance with those density limits, the owner seeks to construct a new 5-story over basement, 15-unit residential building comprised of 9 studio and 1-junior and 5 standard-1 bedroom units (the "Project"). The new building's footprint will be the same as the prior building. For that reason, the proposed dwelling units are smaller than standard units of the same bedroom count and are thus "affordable by design."

The site is located in the Lower Nob Hill Apartment Hotel Historic District. The April 30, 2015 Categorical Exemption for the Project found that the proposed design was compatible with the historic district's features.

Lastly, the Project is located in a transit-rich neighborhood and within walking distance of numerous MUNI lines. It is 3 blocks from Van Ness Avenue, where the 47 and 49 lines travel. The Van Ness BRT will be operational in the next few years. It is also within walking distance of the 38 Geary and the 1 California, both lines that travel to and from downtown. The 38 Geary line will also be running as a BRT line in the next several years.

2. The Project Provides 15 "Affordable by Design" Units

Granting the conditional use authorization will add 15 "affordable by design" studio and 1-bedroom rental units, ranging in size from a 440 sf junior 1-bedroom to a 495 sf-1 bedroom, to the rental housing stock. Demand for such units is high among the many smaller households seeking affordable rents in transit-rich areas of the City. The Project maximizes density under the site's density limits by distributing the units on every floor of the building, including the basement.

The units are "affordable by design" not only due to their size, but because there is no extra "living" cost for off-street parking. No off-street parking is required for this project under the Planning Code. Even with the smaller size, the unit has many amenities found in larger units. The unit arrangement allows substantial room for furniture, entertainment area and working space. Approval of the bay window variance will provide additional room for furniture, giving the living areas a more spacious feel and adding desirable southern light.

² See pictures at [Exhibit A](#).

3. Community Outreach

No pre-application meeting was required to be held by the prior owner under Section 311 because of the site's RC zoning. Although the prior owner of the site did conduct a "semi-neighborhood" meeting in 2013, there are no records documenting such a meeting. In order to let the community know about the Project and the pending hearing, a community meeting notice was sent on November 23, 2015 to a 311 mailing list and held at 1560 Van Ness Avenue on December 8, 2015.³ The two neighbors who attended the meeting were in support of the Project. Two other neighbors sent emails requesting plans, which were forwarded to them.

4. Community Benefits

The Project is subject to Section 415's BMR requirement. The Project Sponsor is complying with Section 415 by paying the Affordable Housing Fee for 1-studio unit and 1-1 bedroom unit, which will total \$468,968. The Transit Sustainability Fee ("TSF") will replace the TIDF as of January 19, 2016. The TSF applies to residential projects of more than 20 units.⁴ Because the Project proposes only 15 units, it is not subject to the TSF.

B. THE PROJECT SATISFIES SECTION 303(c)'S CRITERIA FOR APPROVAL

The Project meets all the required criteria for conditional use authorization.

- (1) 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 eliminates a vacant, blighted site with 15 units of "affordable by design" rental housing. This housing will satisfy the large and unmet demand of smaller City households for such units. Small and affordable rental units are infrequently built primarily because larger development sites can support larger 2- and 3-bedroom units that command more rent per square foot than the types of units proposed by the Project.

The 2,813 sf Project site is relatively small. Because of the RC-4 zone's 1:200 density limits, the Project can only build the 15 proposed units. Although the site's height limit is 80', the density ratio and proposed unit configurations limit the building height to the proposed 57' tall building. The building is compatible with the surrounding buildings in terms of height, density and use. Its design was also found to be compatible with the surrounding Lower Nob Hill Apartment Hotel Historic District.

Lastly, the Project site is in a transit-rich location. There are numerous MUNI lines with direct access to the City's job centers and to regional transportation (e.g., BART, SamTrans). No off-street parking is provided, as none is required. This results in lower housing costs and ensures a greater use of transit and/or walking for travel to work, pleasure and shopping.

³ See Exhibit B.

⁴ See Planning Code Section 411A.3(a)(1).

- (2) Such 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.
 - (A) The nature of the proposed site, including its size and shape, and the proposed size, shape and arrangement of structures.

The Project will occupy a currently vacant rectangular lot with a 25' width and 112.5' depth that slopes to the south. The 57' building height is compatible with the immediately surrounding buildings. A rear setback of 25% of the lot provides 405 sf of common open space. The remaining 435 sf of common open space will be on the roof, for common open space totaling 835 sf.

- (B) 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 of this Code.

No off-street parking or loading is required for Project under Sections 151 and 152, respectively, and none is proposed. Because of the Project's location in a transit-rich area and the difficulty of obtaining on-street parking in this neighborhood, it is highly unlikely that the building's residents will use cars as their primary mode of travel.

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

The Project Sponsor will comply with all codes, regulations and rules to minimize any negative effects of the construction.

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

The Project occupies the entire lot except for the rear 25%, resulting in a 405 sf rear yard. Additional common open space is provided by the 435 sf roof deck. No off-street parking and loading areas are proposed, as neither is required for the Project.

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

Housing Element, Objective 1, Identify and Make Available for Development Adequate Sites to Meet the City's Housing Needs, Especially Permanently Affordable Housing; Objective 4, Foster a Housing Stock that Meets the Needs of all Residents Across Lifecycles.

These smaller units typically attract the young and elderly, populations who often live alone but whose housing needs are often overlooked. As a result, the housing demands of these groups are for smaller and thus more affordable housing. The Project will directly address these housing needs by providing units ranging from 440 sf to 605 sf with amenities such as substantial storage and generous open space at both grade and on the roof deck. These “affordable by design” units are targeted towards those households whose rental budgets are limited and who also do not need nor desire off-street parking.

Housing Element, Objective 11: Support and respect the diverse and distinct character of San Francisco's neighborhoods.

The Project is designed to fit within a neighborhood characterized by high-density, residential buildings and within the Lower Nob Hill Apartment Hotel Historic District. The Project contains 15 units that are small but efficiently designed with adequate storage and have large windows for light. The new building would reflect the design of the surrounding buildings because it contains double bay windows and a deep ground floor opening, and a projecting cornice. This design ensures that the Project is consistent with the façade element patterns of other buildings in the Lower Nob Hill Apartment Hotel Historic District.

As is common in this neighborhood, the Project is designed with units on the ground floor with a small entryway abutting the 12' wide sidewalk. The Project does not contain off-street parking, which would create a conflict between pedestrians and the cars by requiring a curb cut and an entrance to the parking garage.

Housing Element, Objective 12: Balance housing growth with adequate infrastructure that serves the City's growing population.

The Project would create new housing within a transit-rich area without the off-street parking that might discourage environmentally sustainable patterns of movement, and instead encourages public transit use.

Transportation Element, Objective 1: Meet the needs of all residents and visitors for safe, convenient and inexpensive travel within San Francisco and between the City and other parts of the region while maintaining the high quality living environment of the Bay Area.

Transportation Element, Objective 1, Policy 1.3: Give priority to public transit and other alternatives to the private automobile as the means of meeting San Francisco's transportation needs, particularly those of commuters.

The Project creates new housing within a transit-rich area and within close proximity to the Financial District, where jobs are concentrated. By not including off-street parking, which is not required in an RC-4 zone, the Project encourages use of transit as the primary means of travel.

- (4) Such use or feature as proposed will provide development that is in conformity with the stated purpose of the applicable Use District.

Planning Code Section 209.3 defines an RC-4 zone as

High Density. These Districts provide for a mixture of high-density Dwellings similar to those in RM-4 Districts with supporting Commercial uses. Open spaces are required for Dwellings in the same manner as in RM-4 Districts, except that rear yards need not be at ground level and front setback areas are not required.

Planning Code Section 209.2 defines an RM-4 zones as

High Density. These Districts are devoted almost exclusively to apartment buildings of high density, usually with smaller units, close to downtown. . . . Despite the intensity of development, distinct building styles and moderation of façades are still to be sought in new development, as are open areas for the residents.

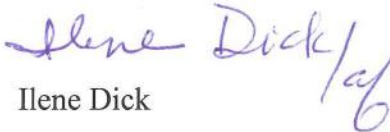
The common features of both the RC-4 and RM-4 zones are reflected in the Project. It is a high density development due to the 1:200 density limit. The surrounding area is comprised of similarly high density apartment buildings, with the similarly smaller units proposed by the Project. The proposed rear yard/open space configuration conforms to the open space directives of both districts: the open space need not be at grade but needs to be plentiful. Accordingly, the project conforms to and fulfills the stated purposes of the RC-4 zone.

C. CONCLUSION

The Project provides 15 “affordable by design” studio and 1-bedroom units. These units are intended to address the unmet rental housing needs of smaller households in the City. For these renters, market-rate rental prices for larger units are out of reach. However, smaller units like this have lower construction costs, enabling the provision of suitable housing for the elderly and the young, who comprise much of the smaller household population. Located at the intersection of the Tenderloin and Nob Hill, the site is in a transit-rich area with numerous options for travel to and from the Financial District and SOMA as well as regional transportation options available on Market Street. Generous amounts of open space are being provided, which adds to livability in such a high-density neighborhood and furthers the intent of RC-4 zoning. Lastly, being surrounded by the Lower Nob Hill Apartment-Hotel Historic District has influenced the building design, including the generous bay windows being sought by the variance.

Based on the above, we respectfully request that the conditional use authorization and variance be granted. If you have any questions, please feel free to contact me at idick@fbm.com or at (415) 954-4958.

Sincerely,


Ilene Dick

ID
Attachments

EXHIBIT A





824 Hyde St

© 2015 Google

Google earth

EXHIBIT B

NEIGHBORHOOD MEETING FOR NEW BUILDING AT 824 HYDE STREET

November 23, 2015

Dear 824 Hyde Street Neighbor,

We purchased the vacant site at 824 Hyde Street earlier this year. In 2013, the then-owner filed applications with the City's Planning Department to obtain approvals to build an approximately 55' tall building with 15 studio and 1-bedroom dwelling units. Many of you who lived in the neighborhood then may have attended a neighborhood meeting to learn about the new building. Since our purchase, we have worked with Planning staff to finalize the plans for a public hearing by the Planning Commission. On January 14, 2016, the Planning Commission will consider our request for conditional use authorization, which is required only because the building is over 40' tall and the Zoning Administrator will hear a variance request for street entry to the below grade dwelling unit.

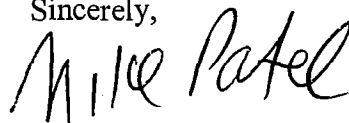
Since so much time has gone by since the 2013 neighborhood meeting, we wanted to invite those of you both old and new to the neighborhood to learn about this beautifully designed residential building that will replace the vacant lot. City historic preservation staff found the building to be compatible with the Lower Nob Hill Apartment Hotel Historic District. Project architect, Robert Rudeen, Rudeen Architects, will be there to describe the building's features and amenities and to answer any questions you may have.

MEETING INFORMATION:

WHEN: Tuesday, December 8, 2015
WHERE: Coldwell Banker, 1560 Van Ness Avenue (2nd Floor)
TIME: 6:30-7:30

If you have questions about the meeting, please call or email Ilene Dick, our land use attorney with Farella Braun + Martel. She can be reached at (415) 954-4958 or by email at idick@fbm.com. We hope to see you there!

Sincerely,



Mike Patel



FARELLA
BRAUN + MARTEL LLP

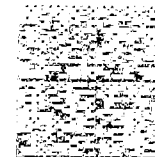
Russ Building • 235 Montgomery Street
San Francisco, CA 94104

SAN FRANCISCO

CA 94104

25 NOV '15

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U.S. POSTAGE (METROPOST)

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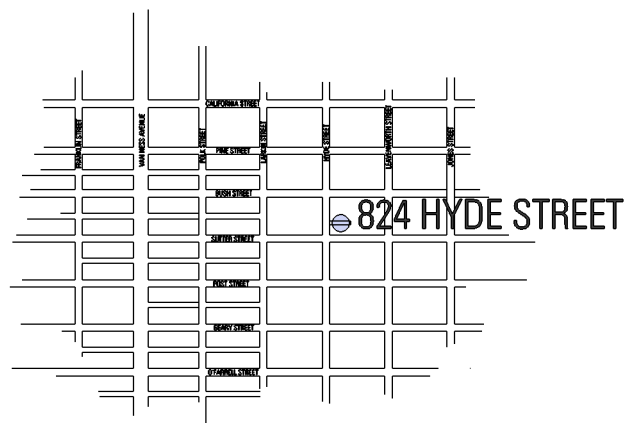
Ilene Dick
Farella Braun + Martel
235 Montgomery Street, 17th Fl.
San Francisco, CA 94104

A. Fuller
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94104310417



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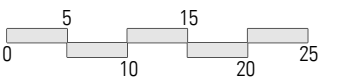
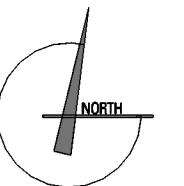
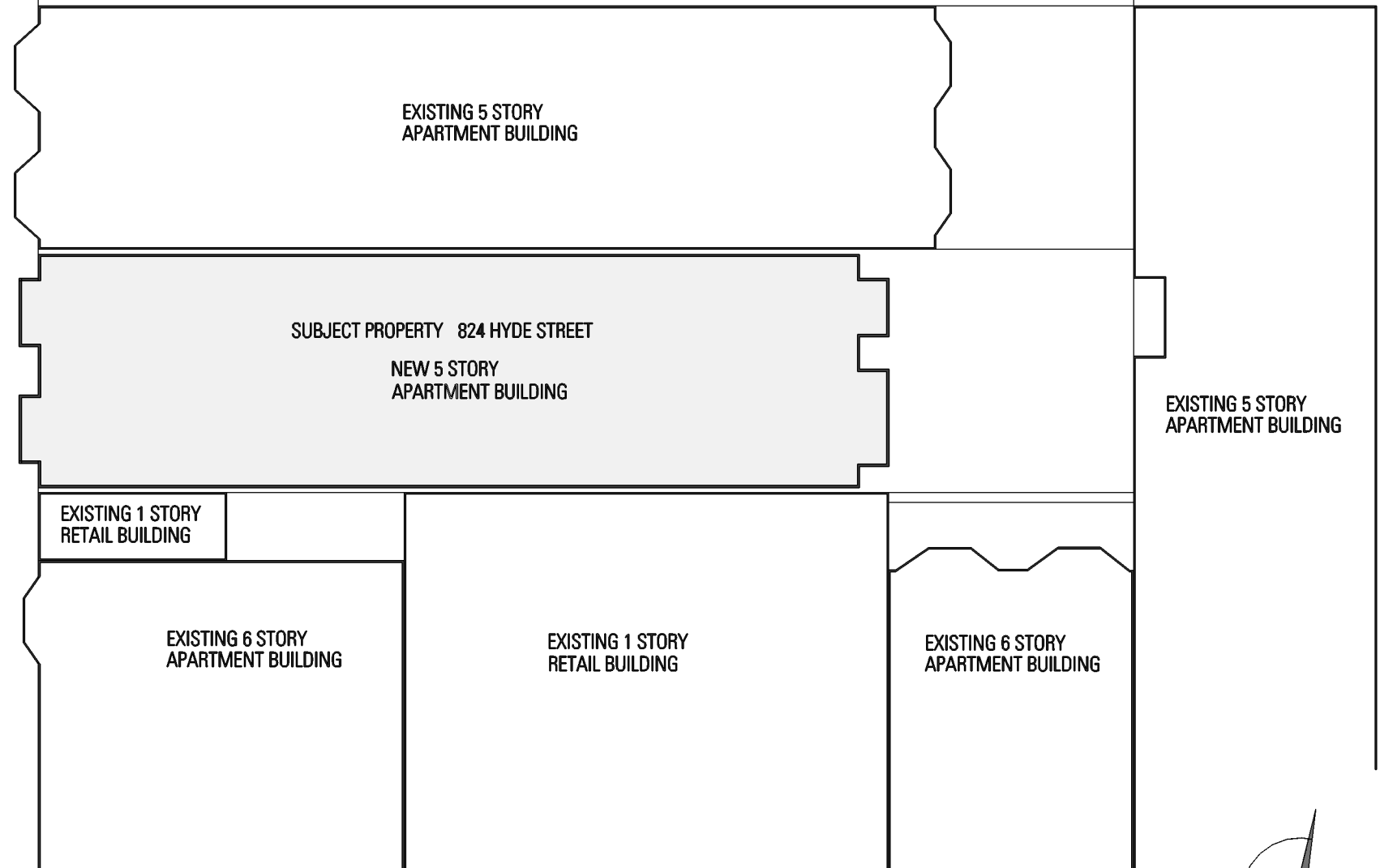
SITE LOCATION MAP

NO SCALE

PLANNING COMMISSION SET

15 UNIT APARTMENT BUILDING
824 HYDE STREET
SAN FRANCISCO, CALIFORNIA

HYDE STREET

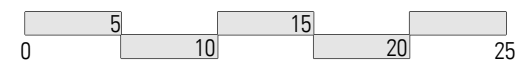
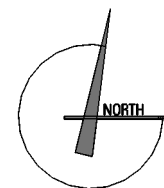
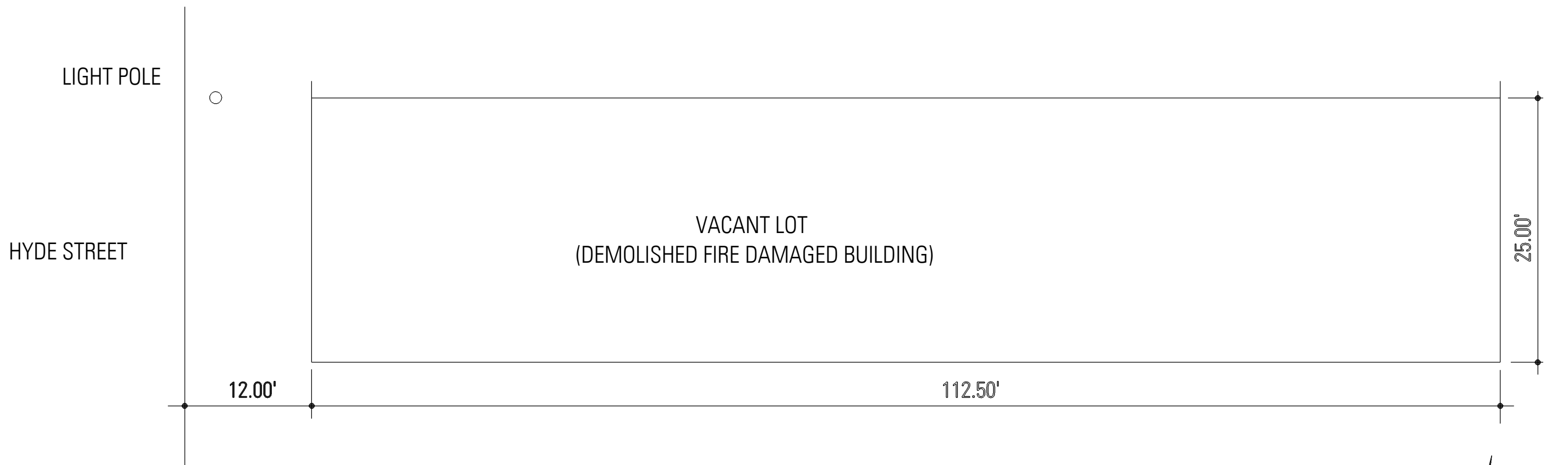


PLOT PLAN

SCALE 1/16" = 1'-0"

824 HYDE STREET INVESTMENTS, LLC

JOSEPH DENNIS CHANCE AIA
RUDEEN ARCHITECTS
12.31.2015



EXISTING SITE PLAN
SCALE 1" = 10'-0"

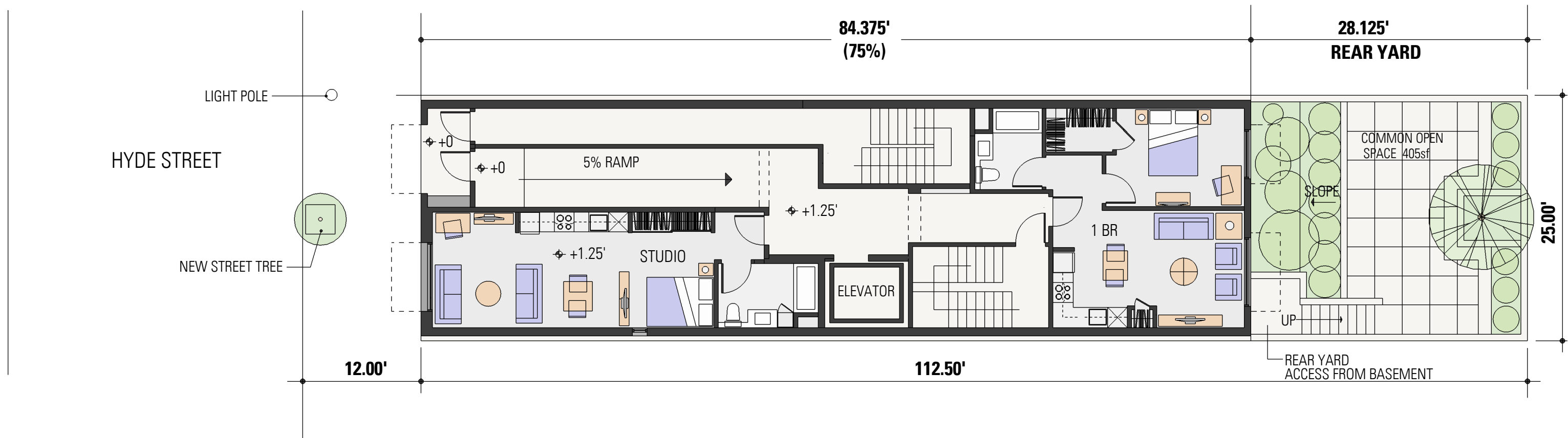
PLANNING COMMISSION SET

15 UNIT APARTMENT BUILDING

**824 HYDE STREET
SAN FRANCISCO, CALIFORNIA**

824 HYDE STREET INVESTMENTS, LLC

**JOSEPH DENNIS CHANCE AIA
RUDEEN ARCHITECTS
12.31.2015**



824 HYDE STREET PARCEL # 0280017

SITE DATA

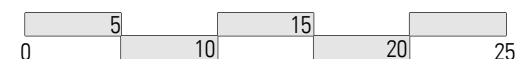
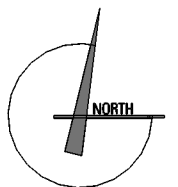
ZONING RC-4
HEIGHT & BULK 80-A
SITE AREA 2812.5 sf
REAR YARD REQUIRED 25% 703sf
REAR YARD PROVIDED 25% 703sf

OPEN SPACE REQUIRED 720sf
OPEN SPACE PROVIDED 835sf

PROPOSED STRUCTURE

5 STORIES PLUS BASEMENT
BASEMENT GROSS AREA 2020sf
1st FLOOR GROSS AREA 1990sf
2nd FLOOR GROSS AREA 2095sf
3rd FLOOR GROSS AREA 2095sf
4th FLOOR GROSS AREA 2095sf
5th FLOOR GROSS AREA 2095sf
TOTAL BLDG. GROSS AREA 12,390sf

BUILDING HEIGHT 56'-9" (TOP OF PARAPET)
ALLOWABLE DENSITY 1DU/200sf = 14DU
9 STUDIOS @ 450sf-495sf x .75 = 7DU
1 JR 1BR @ 440sf = 1DU
5 1BR @ 560sf-605sf = 5DU
15 ACTUAL DU = 13 ALLOWABLE DU
13 MARKET RATE DU
2 BMR DU



SITE PLAN

SCALE 1" = 10'-0"

PLANNING COMMISSION SET

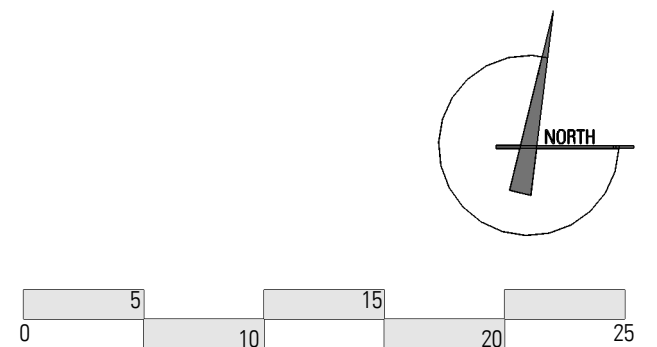
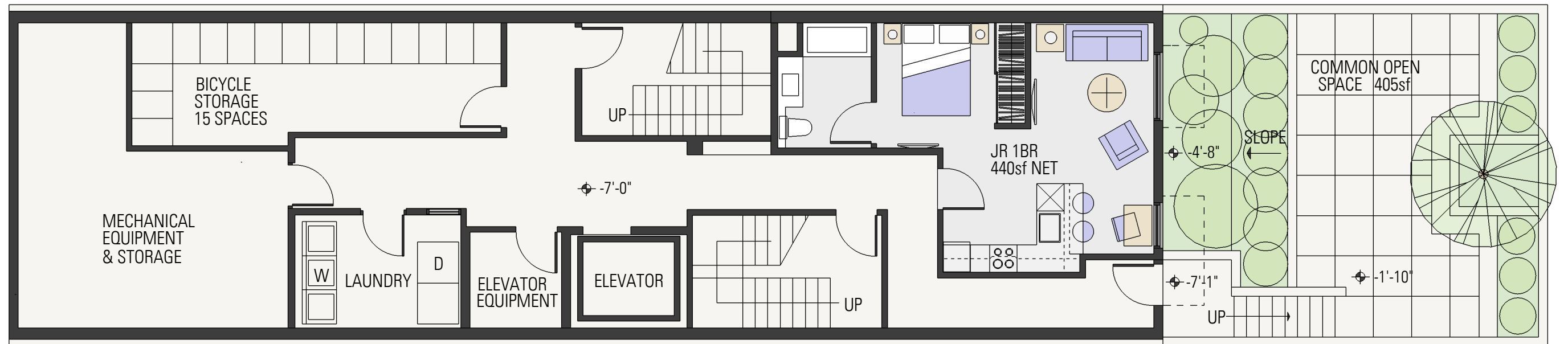
15 UNIT APARTMENT BUILDING

824 HYDE STREET
SAN FRANCISCO, CALIFORNIA

824 HYDE STREET INVESTMENTS, LLC

JOSEPH DENNIS CHANCE AIA
RUDEEN ARCHITECTS

12.31.2015



BASEMENT

SCALE 1/8" = 1'-0"

440sf NET RENTABLE
2025sf GROSS AREA

PLANNING COMMISSION SET

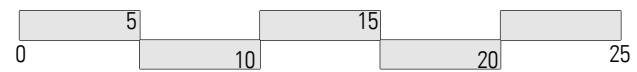
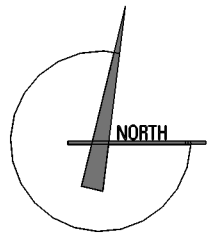
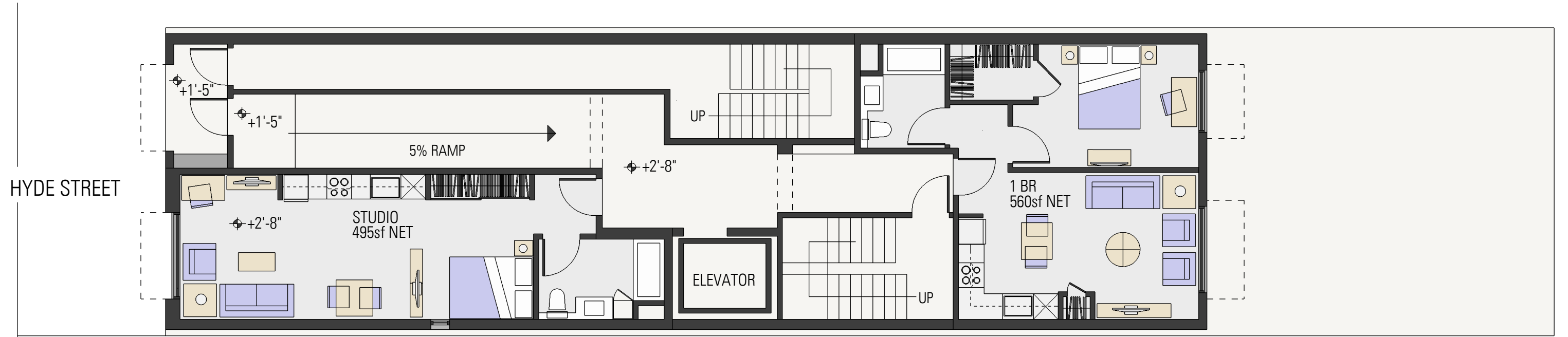
15 UNIT APARTMENT BUILDING

824 HYDE STREET
SAN FRANCISCO, CALIFORNIA

824 HYDE STREET INVESTMENTS, LLC

JOSEPH DENNIS CHANCE AIA
RUDEEN ARCHITECTS

12.31.2015



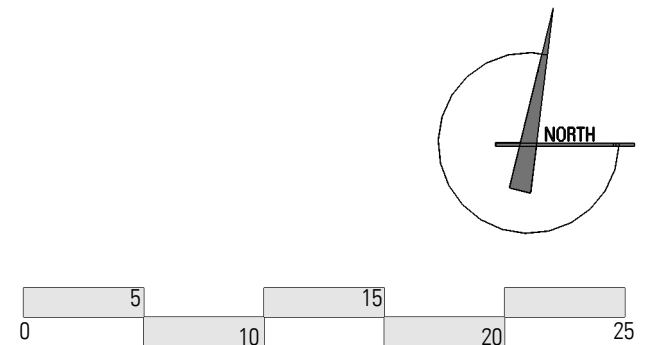
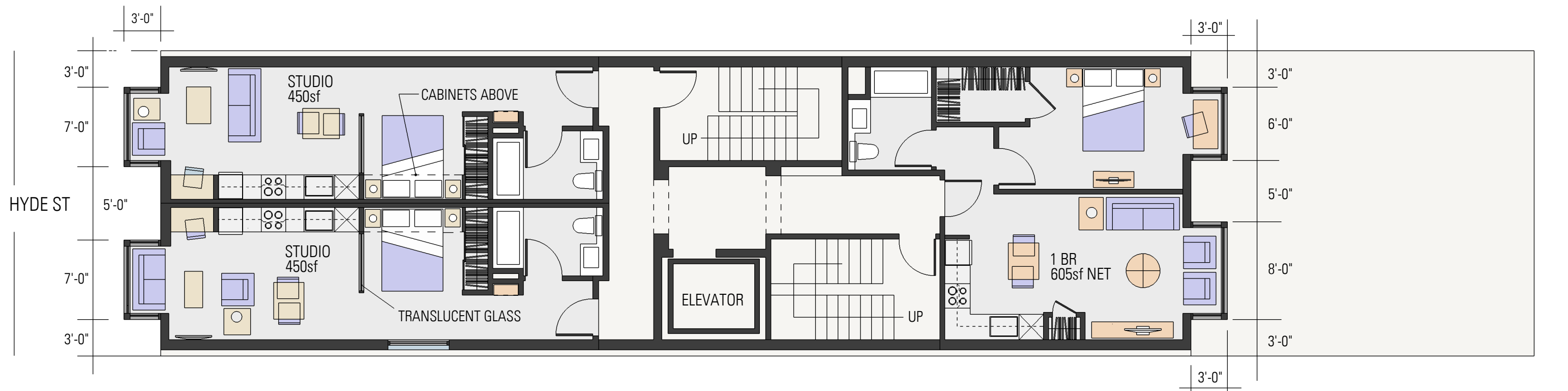
FIRST FLOOR
SCALE 1/8" = 1'-0"
1045sf NET RENTABLE
1975sf GROSS AREA

PLANNING COMMISSION SET

15 UNIT APARTMENT BUILDING
824 HYDE STREET
SAN FRANCISCO, CALIFORNIA

824 HYDE STREET INVESTMENTS, LLC

JOSEPH DENNIS CHANCE AIA
RUDEEN ARCHITECTS
12.31.2015



FLOORS 2-5
 SCALE 1/8" = 1'-0"
 1500sf NET RENTABLE
 2115sf GROSS AREA

PLANNING COMMISSION SET

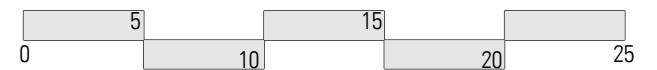
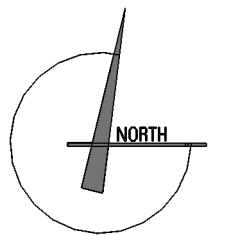
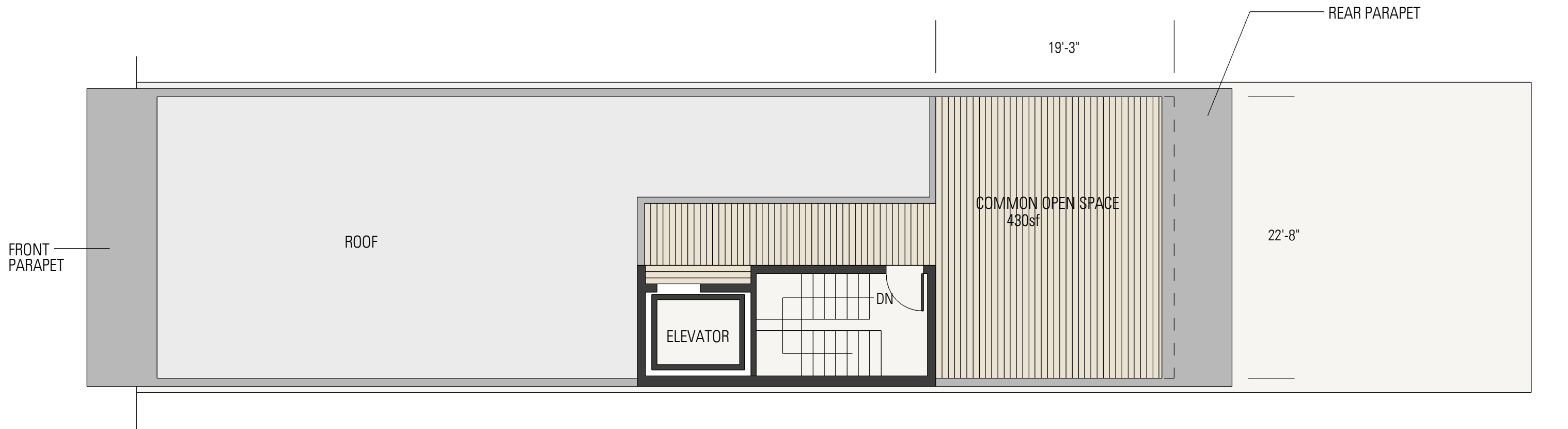
15 UNIT APARTMENT BUILDING

824 HYDE STREET
 SAN FRANCISCO, CALIFORNIA

824 HYDE STREET INVESTMENTS, LLC

JOSEPH DENNIS CHANCE AIA
RUDEEN ARCHITECTS

12.31.2015



ROOF PLAN
SCALE 1/8" = 1'-0"

PLANNING COMMISSION SET

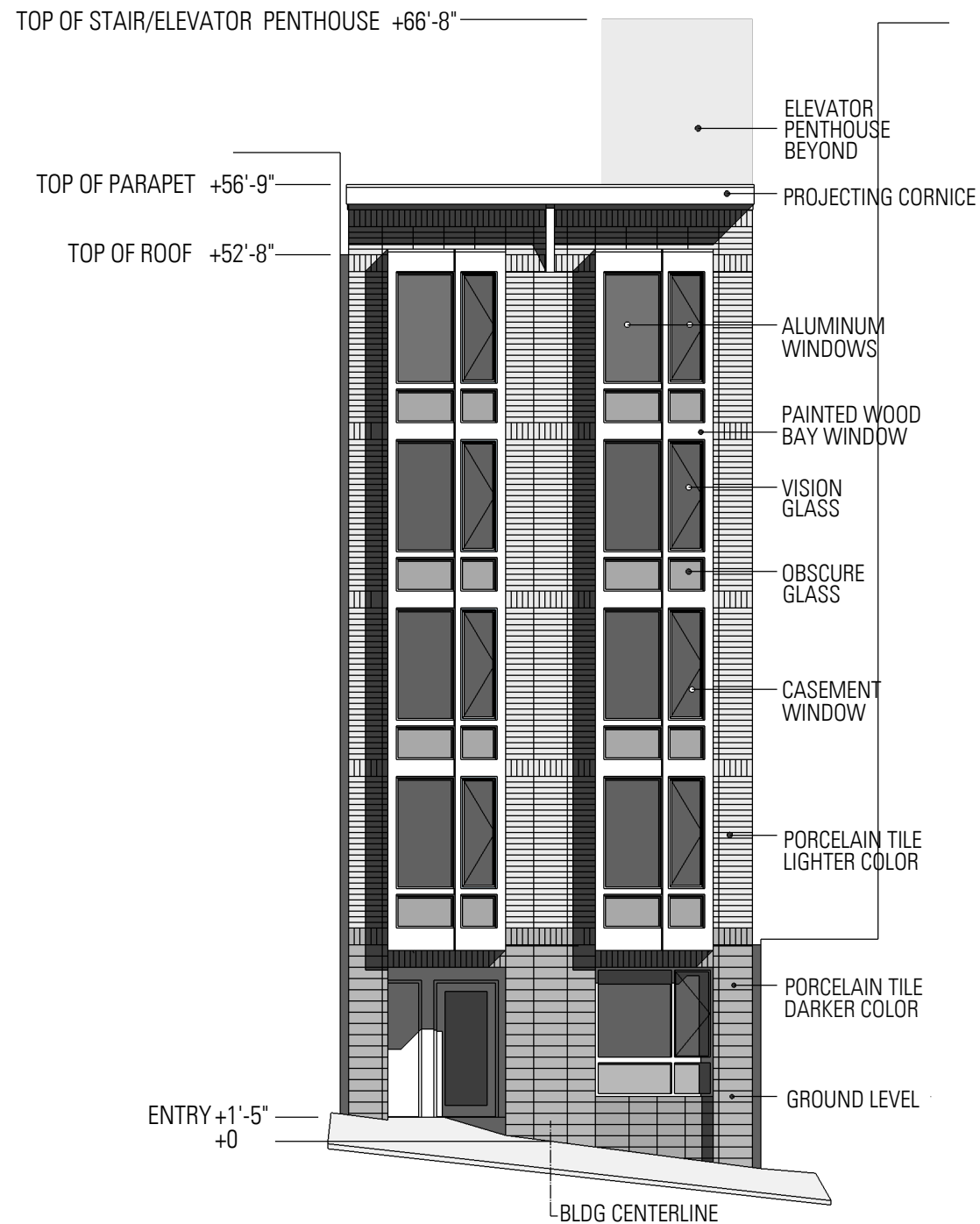
15 UNIT APARTMENT BUILDING

824 HYDE STREET
SAN FRANCISCO, CALIFORNIA

824 HYDE STREET INVESTMENTS, LLC

**JOSEPH DENNIS CHANCE AIA
RUDEEN ARCHITECTS**

12.31.2015



FRONT (WEST) ELEVATION



REAR (EAST) ELEVATION



ELEVATIONS
SCALE 1" = 10'-0"

PLANNING COMMISSION SET

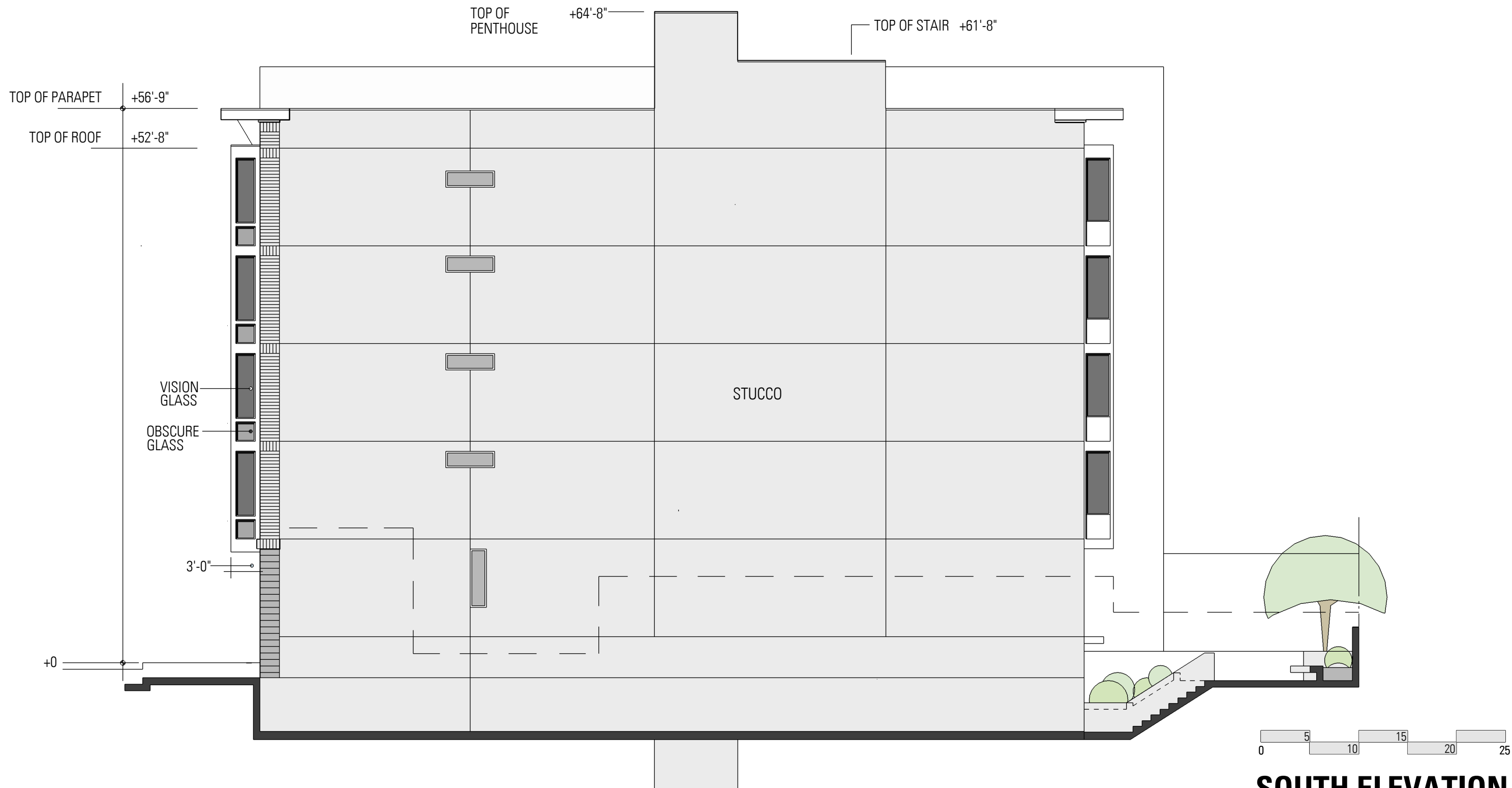
15 UNIT APARTMENT BUILDING

**824 HYDE STREET
SAN FRANCISCO, CALIFORNIA**

824 HYDE STREET INVESTMENTS, LLC

**JOSEPH DENNIS CHANCE AIA
RUDEEN ARCHITECTS**

12.31.2015



SOUTH ELEVATION
SCALE 1" = 10'-0"

PLANNING COMMISSION SET

15 UNIT APARTMENT BUILDING

**824 HYDE STREET
SAN FRANCISCO, CALIFORNIA**

824 HYDE STREET INVESTMENTS, LLC

**JOSEPH DENNIS CHANCE AIA
RUDEEN ARCHITECTS**

12.31.2015



NORTH ELEVATION
SCALE 1" = 10'-0"

PLANNING COMMISSION SET

15 UNIT APARTMENT BUILDING
824 HYDE STREET
SAN FRANCISCO, CALIFORNIA

824 HYDE STREET INVESTMENTS, LLC

JOSEPH DENNIS CHANCE AIA
RUDEEN ARCHITECTS
12.31.2015



LONGITUDINAL SECTION
SCALE 1" = 10'-0"

PLANNING COMMISSION SET

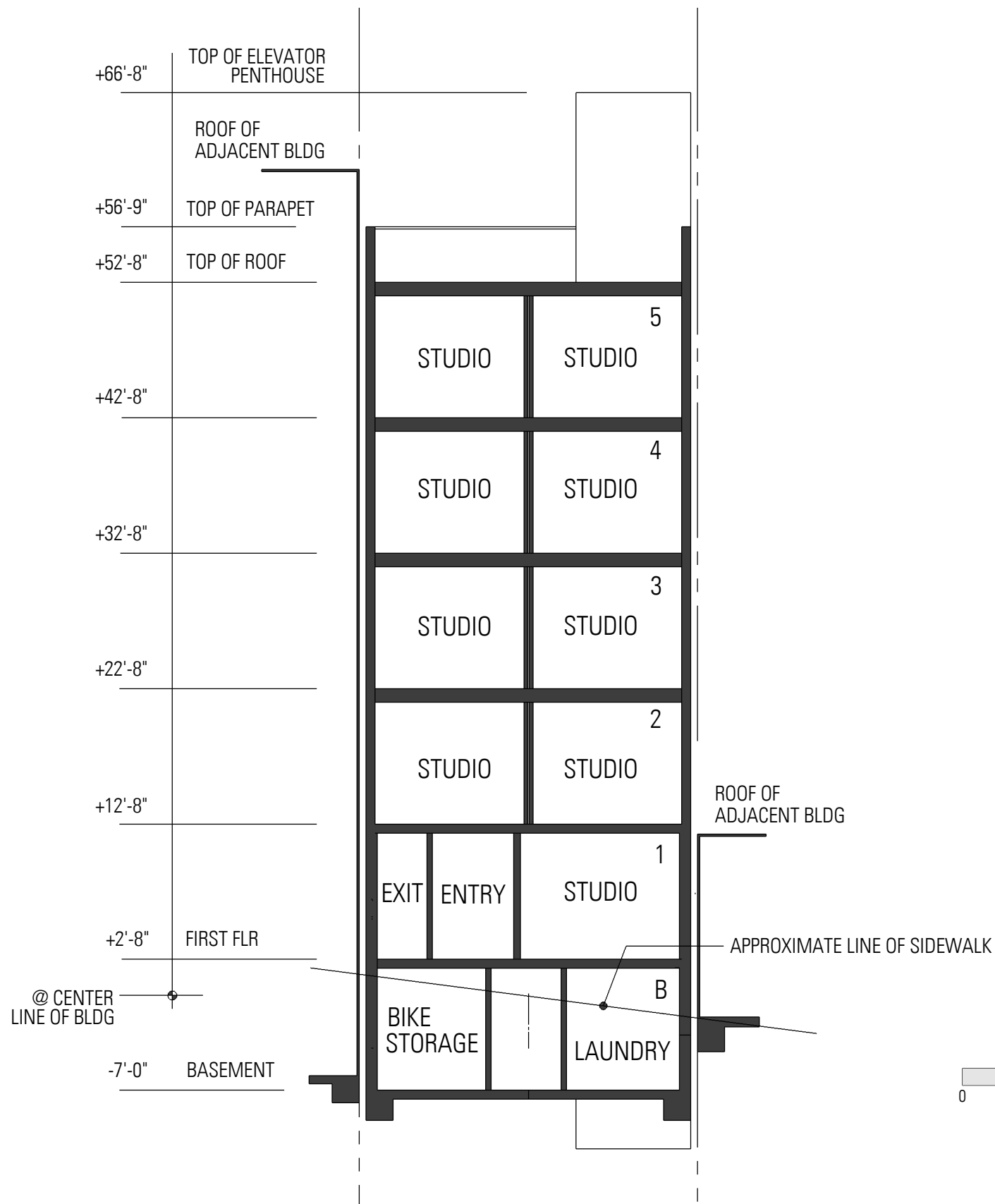
15 UNIT APARTMENT BUILDING

824 HYDE STREET
SAN FRANCISCO, CALIFORNIA

824 HYDE STREET INVESTMENTS, LLC

JOSEPH DENNIS CHANCE AIA
RUDEEN ARCHITECTS

12.31.2015



CROSS SECTION
SCALE 1" = 10'-0"

PLANNING COMMISSION SET

15 UNIT APARTMENT BUILDING

824 HYDE STREET
SAN FRANCISCO, CALIFORNIA

824 HYDE STREET INVESTMENTS, LLC

JOSEPH DENNIS CHANCE AIA
RUDEEN ARCHITECTS
12.31.2015



PLANNING COMMISSION SET

15 UNIT APARTMENT BUILDING

**824 HYDE STREET
SAN FRANCISCO, CALIFORNIA**

824 HYDE STREET INVESTMENTS, LLC

**JOSEPH DENNIS CHANCE AIA
RUDEEN ARCHITECTS**

12.31.2015



PLANNING COMMISSION SET

15 UNIT APARTMENT BUILDING

**824 HYDE STREET
SAN FRANCISCO, CALIFORNIA**

824 HYDE STREET INVESTMENTS, LLC

RENDERING

**JOSEPH DENNIS CHANCE AIA
RUDEEN ARCHITECTS**

12.31.2015