

File No. 120886

Committee Item No. 1
Board Item No. 16

COMMITTEE/BOARD OF SUPERVISORS

AGENDA PACKET CONTENTS LIST

Committee: Land Use and Economic Development Date October 15, 2012

Board of Supervisors Meeting Date October 23, 2012

Cmte Board

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| <input type="checkbox"/> | <input type="checkbox"/> | Legislative Digest |
| <input type="checkbox"/> | <input type="checkbox"/> | Budget and Legislative Analyst Report |
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| <input checked="" type="checkbox"/> | <input checked="" type="checkbox"/> | Form 126 – Ethics Commission |
| <input type="checkbox"/> | <input type="checkbox"/> | Award Letter |
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OTHER (Use back side if additional space is needed)

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| <input checked="" type="checkbox"/> | <input checked="" type="checkbox"/> | <u>Planning Commission Motion Nos. 17537 & 18693</u> |
| <input checked="" type="checkbox"/> | <input checked="" type="checkbox"/> | <u>General Plan Referral, dtd 10/11/12</u> |
| <input checked="" type="checkbox"/> | <input checked="" type="checkbox"/> | <u>Purchase and Sale Agreement and Joint Escrow Instruction</u> |
| <input checked="" type="checkbox"/> | <input checked="" type="checkbox"/> | <u>Restrictive Easement</u> |
| <input checked="" type="checkbox"/> | <input checked="" type="checkbox"/> | <u>Notice of Public Hearing - Confirmation</u> |
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Completed by: Alisa Miller Date October 12, 2012
Completed by: Alisa Miller Date October 17, 2012

An asterisked item represents the cover sheet to a document that exceeds 25 pages.
The complete document can be found in the file.

1 [Purchase and Sale Agreement - Former Waller Street, from Laguna Street to Buchanan
2 Street - Regents of the University of California]

3 **Resolution authorizing: 1) acceptance of a Purchase and Sale Agreement for former**
4 **Waller Street, from Laguna Street to Buchanan Street; 2) acceptance of Restrictive**
5 **Easement against former Waller Street as a condition of the sale; 3) adopting**
6 **environmental findings and findings that the transaction contemplated is consistent**
7 **with the San Francisco General Plan and the eight priority policies of the San Francisco**
8 **Planning Code; and 4) authorizing the Director of Property, or designee, to execute**
9 **documents, make certain modifications, and take certain actions in furtherance of this**
10 **Resolution.**

11
12 WHEREAS, On March 27, 1922, the Board of Supervisors of the City and County of
13 San Francisco ("City") approved Resolution No. 19812, which ordered the closing and
14 abandonment of Waller Street from the westerly line of Laguna Street to the easterly line of
15 Buchanan Street; and

16 WHEREAS, The Regents of the University of California ("Regents") are contemplating
17 entering into a ground lease with Alta Laguna, LLC, and 55 Laguna, L.P. of the 4.5 acre block
18 surrounded by Haight, Laguna, Hermann and Buchanan Streets to facilitate development of
19 said block with market rate and affordable housing, affordable senior housing, a senior
20 community center, retail and office space, open space, a community garden and center, a
21 pedestrian mews and off-street parking ("55 Laguna Mixed Use Project"); and

22 WHEREAS, The 55 Laguna Mixed Use Project would provide up to 440 units of new
23 housing, including up to 110 units of affordable senior housing and appropriate open space
24 amenities, including the re-introduction of Waller Street through the site as publicly accessible
25 open space; and

1 WHEREAS, Both the City and Regents lay claim to ownership rights of former Waller
2 Street right of way between Laguna and Buchanan Streets; and

3 WHEREAS, The Director of Property, in consultation with the City Attorney's Office,
4 has negotiated a Purchase and Sale Agreement for former Waller Street, on file with the Clerk
5 of the Board in File No. 120096, and by reference made a part hereof; and

6 WHEREAS, The Regents will accept title to the former Waller Street with a restrictive
7 easement that restricts use of the surface of the land to publicly accessible open space
8 improvements, but allows below-grade garage improvements that comprise an element of the
9 55 Laguna Mixed Use Project; and

10 WHEREAS, The Director of Property has determined that the proposed terms and
11 conditions of the Purchase and Sale Agreement ("Agreement"), including the sales prices of
12 \$1.00, payment of City's legal and real estate costs up to \$5,000, conditions of closing, and
13 accompanying Restrictive Easement that shall burden former Waller Street upon closing, are
14 reasonable and representative of fair market value, given the questionable title by City in and
15 to former Waller Street and the extent of the use restrictions to publicly accessible open space
16 only; and

17 WHEREAS, Pursuant to Planning Code sections 303 and 304, on August 16, 2012, the
18 San Francisco Planning Commission conducted a duly noticed public hearing on the
19 modification of the conditional use authorization related to the 55 Laguna Mixed Use Project
20 approved on January 17, 2008 in Planning Commission Motion 17537. The
21 Planning Commission found by Motion No. 18693 that the 55 Laguna Mixed Use
22 Project was consistent with the City's General Plan, and the eight priority policies of Planning
23 Code Section 101.1. A copy of said motion is on file with the Clerk of the Board of
24 Supervisors in File No. 120096; and

1 WHEREAS, Pursuant to San Francisco Charter Section 4.105, the San Francisco
2 Planning Department found by letter to the Board of Supervisors, dated October 11, 2012,
3 2012 that the change in title for Waller Street for the 55 Laguna Mixed Use Project was
4 consistent with the City's General Plan, and the eight priority policies of Planning Code
5 Section 101.1. A copy of said letter is on file with the Clerk of the Board of Supervisors in File
6 No. 120006; and

7 WHEREAS, The San Francisco Planning Commission certified the 55 Laguna Mixed
8 Use Final Environmental Impact Report ("Final EIR") on January 17, 2008, and this Board
9 affirmed the certification on April 8, 2008. On January 17, 2012, a revised project was
10 submitted to the Planning Department for review, and on May 8, 2012, the Department
11 prepared and issued an Addendum to the Final EIR; now therefore, be it

12 RESOLVED, The Board of Supervisors finds that the sale of Waller Street is consistent
13 with the General Plan and the priority policies of Planning Code Section 101.1 for the reasons
14 set forth in Planning Commission Motion No. 17537 and Planning Commission Motion
15 No. 10693 and the Board hereby incorporates such findings by reference as though
16 fully set forth herein; and, be it

17 FURTHER RESOLVED, That based on review of the Final EIR and the Addendum, the
18 Board finds that the analyses conducted and the conclusions reached in the Final EIR remain
19 valid, and that no supplemental environmental review is required for the proposed project
20 modifications. The Board finds that the modified project would neither cause new significant
21 impacts not identified in the Final EIR, or result in a substantial increase in the severity of
22 previously identified significant impacts. The Board finds that no changes have occurred with
23 respect to circumstances surrounding the original project that would cause significant
24 environmental impacts to which the modified project would contribute significantly, and no
25

1 new information has been put forward which shows that the modified project would cause
2 significant environmental impacts; and, be it

3 FURTHER RESOLVED, The Board hereby incorporates and restates the CEQA
4 Findings it adopted on April 15, 2008, when it amended the General Plan and rezoned the two
5 blocks on either side of the former Waller Street in furtherance of the 55 Laguna Mixed Use
6 Project and located in Board File 080319, in their entirety. The CEQA Findings determined
7 that Final EIR Alternatives A, B and C and the Modified Preservation Alternative are each
8 infeasible and that there are overriding benefits of the 55 Laguna Mixed Use Project that
9 outweigh the unavoidable adverse environmental effects to historic resources. There is no
10 evidence that the financial analyses and conclusions by the prior project sponsor and by
11 Seifel Associates concerning the feasibility of the proposed project and the alternatives have
12 changed since 2008; and, be it

13 FURTHER RESOLVED, That in accordance with the recommendation of the City
14 Attorney and the Director of Property, the Board of Supervisors hereby approves the
15 Purchase and Sale Agreement and restrictive easement and transaction contemplated
16 thereby in substantially the form of such agreement presented to the Board and authorizes the
17 Director of Property to execute and deliver the Agreement, and authorizes City staff to take all
18 actions, on behalf of the City, to perform its obligations and exercise its rights under the
19 Agreement; and, be it

20 FURTHER RESOLVED, That all actions heretofore taken by any employee or official of
21 the City with respect to this Agreement are hereby approved, confirmed and ratified; and, be it

22 FURTHER RESOLVED, That the Board of Supervisors authorizes the Director of
23 Property to enter into any amendments or modifications to the Agreement (including without
24 limitation, the exhibits) that the Director of Property determines, in consultation with the City
25 Attorney, are in the best interest of the City, do not materially increase the obligations or

Supervisor Wiener
BOARD OF SUPERVISORS

1 liabilities of the City, do not materially decrease the benefits to the City, or are necessary or
2 advisable to effectuate the purposes of the Agreement or this Resolution, and are in
3 compliance with all applicable laws, including City's Charter.
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6 RECOMMENDED:

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9 _____
10 John Updike
11 Acting Director
12 Real Estate Division
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SAN FRANCISCO PLANNING DEPARTMENT

October 11, 2012

Ms. Angela Calvillo, Clerk
Honorable Supervisor Wiener
Board of Supervisors
City and County of San Francisco
City Hall, Room 244
1 Dr. Carlton B. Goodlett Place
San Francisco, CA 94102

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

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Fax:
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Planning
Information:
415.558.6377

Re: **Transmittal of Planning Department Case Number 2012.0033R
Transfer of Waller Street Right-of-Way related to 55 Laguna Project
Board File Number: 12-0886**

Dear Ms. Calvillo and Supervisor Wiener,

On January 17, 2008 and August 16, 2012 the San Francisco Planning Commission (hereinafter "CPC") conducted duly noticed public hearings at regularly scheduled meetings to consider the proposed 55 Laguna Project, which was approved with Conditions at both hearings. As a Condition of Approval, ownership of the vacated Waller Street right-of-way between Buchanan and Laguna Streets is to be transferred to the University of California Regents. The transfer of land owned by the city of San Francisco requires a General Plan Referral and must be approved by the Board of Supervisors. The transfer is to be initiated at the Board's Land Use Committee on Monday, October 15, 2012.

The Project reviewed in the 55 Laguna Mixed Use Project Final Environment Impact Report (FEIR), including the use of Waller Street by the project sponsor, was certified by the Planning Commission on January 17, 2008. An Addendum to the 55 Laguna Mixed Use Project Final Environmental Impact Report (FEIR) was prepared and issued May 8, 2012, finding that the analyses conducted and the conclusions reached in the FEIR remained valid. Since the Addendum was issued, there have been no further changes to the project or to the circumstances surrounding the project, and no new information has been put forward which shows that a supplemental environmental impact report should be prepared.

Please find attached documents relating to the actions of both Commissions. If you have any questions or require further information please do not hesitate to contact me.

Sincerely,

AnMarie Rodgers
Manager of Legislative Affairs

www.sfplanning.org

cc:

Supervisor Scott Wiener
Cheryl Adams, City Attorney
Audrey Pearson, City Attorney

Attachments (one copy of the following):

1. 2008 Planning Commission Motion No. 17537 : Original Conditional Use Authorization
2. 2012 Planning Commission Motion No. 18693: Modification of the Conditional Use Authorization
3. General Plan Referral, October 11, 2012



SAN FRANCISCO PLANNING DEPARTMENT

Subject to: (Select only if applicable)

- Inclusionary Housing (Sec. 315)
- Jobs Housing Linkage Program (Sec. 313)
- Downtown Park Fee (Sec. 139)
- First Source Hiring (Admin. Code)
- Child Care Requirement (Sec. 314)
- Other

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Planning Commission Motion No. 17537

Hearing Date: January 17, 2008
 Case No.: 2004.0773E!MTZC
 Project Address: 55 LAGUNA STREET
 (aka: 218 – 220 BUCHANAN STREET)
 Zoning: P (Public)
 40-X, 80-B
 Block/Lot: 870/1, 2 and portions of Lot 3
 0857/1,1A
 Project Sponsor: Ruthy Bennett, Vice President
 AF Evans Development
 1000 Broadway, Suite 300, Oakland, CA 94607
 Staff Contact: Sara Vellve – (415) 558 - 6263
 sara.vellve@sfgov.org

ADOPTING FINDINGS RELATING TO THE APPROVAL OF A CONDITIONAL USE AUTHORIZATION FOR A MIXED-USE PROJECT IN TEN SEPARATE STRUCTURES (SEVEN NEWLY-CONSTRUCTED BUILDINGS AND THREE TO BE ADAPTIVELY REUSED) CONTAINING APPROXIMATELY 330 DWELLING UNITS, APPROXIMATELY 310 OFF-STREET PARKING SPACES, AN APPROXIMATELY 111,175 SQUARE FOOT INSTITUTIONAL BUILDING CONTAINING APPROXIMATELY 110 DWELLING UNITS FOR SENIORS (OPERATED BY OPENHOUSE), UP TO 4,999 SQUARE FEET OF RETAIL SPACE, APPROXIMATELY 12,000 SQUARE FEET OF COMMUNITY FACILITY SPACE AND APPROXIMATELY 35,000 SQUARE FEET OF OPEN SPACE PURSUANT TO PLANNING CODE SECTIONS 121.1 AND 712.11 TO ALLOW LOT SIZE IN EXCESS OF 9,999 SQUARE FEET IN A PROPOSED NC-3 DISTRICT; SECTIONS 121.2 AND 712.21 TO ALLOW A LARGE INSTITUTIONAL USE SIZE IN EXCESS OF 5,999 SQUARE FEET IN A PROPOSED NC-3 DISTRICT; SECTION 209.4 TO ALLOW A COMMUNITY FACILITY IN A PROPOSED RM-3 DISTRICT; PROPOSED SECTION 249.32 TO REQUIRE CONFORMANCE WITH SPECIFIED PERFORMANCE STANDARDS IN THE PROPOSED LAGUNA, HAIGHT, BUCHANAN AND HERMANN STREETS SPECIAL USE DISTRICT, AND SECTIONS 303 AND 304 TO ALLOW A PLANNED UNIT DEVELOPMENT THAT WOULD INCLUDE MODIFICATIONS TO THE REAR YARD REQUIREMENT (SECTION 134), THE OPEN SPACE DIMENSIONAL REQUIREMENT (SECTION 135), AND THE DWELLING UNIT EXPOSURE REQUIREMENT (SECTION 140) FOR PROPERTY LOCATED IN A P (PUBLIC) DISTRICT, A PROPOSED RM-3 (MIXED RESIDENTIAL, MIXED, MEDIUM-DENSITY) DISTRICT (BLOCK 857, LOTS 1 AND 1A), A PROPOSED NC-3

(MODERATE-SCALE NEIGHBORHOOD COMMERCIAL) DISTRICT (BLOCK 870, LOTS 1, 2 AND A PORTION OF LOT 3), THE PROPOSED LAGUNA, HAIGHT, BUCHANAN AND HERMANN STREETS SPECIAL USE DISTRICT, AND PROPOSED 40-X, 50-X AND 85-X HEIGHT AND BULK DISTRICTS.

PREAMBLE

On October 30, 2006, AF Evans Development, Inc., ground lessee and project sponsor (hereinafter "Project Sponsor") and the land owner, the Regents of the University of California, made an application (hereinafter "Application"), for Conditional Use and Planned Unit Development authorization on the property at 55 Laguna Street (aka 218-220 Buchanan Street), Lots 1, 2 and a portion of Lot 3 in Assessor's Block 870 and Lots 1 and 1A in Assessor's Block 857 (hereinafter "Property") to allow for the construction, on an approximately 236,113 square-foot site encompassing most of two blocks, a of moderate density mixed use development of approximately 330 dwelling units, an approximately 111,175 building containing approximately 110 affordable senior dwelling units project for the LGBT senior community and all seniors, approximately 12,000 square feet of community facility space, and up to 4,999 occupied square feet of neighborhood-serving retail space in a total of 10 buildings (seven newly constructed and three to be adaptively reused) on the Property. The Project will also include approximately 90,690 square feet of parking in two underground garages that are each two levels deep (for approximately 300 spaces) and 14 surface parking spaces which would be on Micah Way or Lindhardt Lane (two proposed private alleys), and approximately 35,000 square feet of publicly accessible open space, created by the reintroduction and improvement of the Waller Street right-of-way, a community garden in a P (Public) District, in general conformity with Plans filed with the Application and labeled "Exhibit B" (hereinafter "Project"). Supervisor Tom Ammiano introduced accompanying legislation to rezone the Property from P (Public) to RM-3 and NC-3 Districts and the newly-created Laguna, Haight, Buchanan and Hermann Streets Special Use District (the "SUD"), to create the SUD as proposed Planning Code Section 249.32, and to reclassify the height and bulk districts from 40-X and 80-B to 40-X, 50-X and 85-X Height and Bulk Districts. The Project will result in the adaptive reuse of three City landmark buildings, the demolition of the heavily altered Middle Hall, the one-story Administration Wing of Richardson Hall, the existing surface parking lots and the Laguna and Haight Street retaining walls, and the construction of seven new buildings.

The Project was determined by the San Francisco Planning Department (hereinafter "Department") to require an Environmental Impact Report (hereinafter "EIR"). The EIR was prepared, circulated for public review and comment, and, by Motion No. 17532 certified by the Commission as complying with the California Environmental Quality Act (Cal Pub. Res. Code Section 21000 et seq., hereinafter "CEQA").

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.

On January 17, 2008, the San Francisco Planning Commission (hereinafter "Commission") conducted a duly noticed public hearing at a regularly scheduled meeting on Conditional Use Application No. 2004.0773C. Conditional Use authorization is required under Planning Code Sections 121.1 and 712.11 to allow lot size in excess of 9,999 square feet in a proposed NC-3 District, Sections 121.2 and 712.21 to allow

a large institutional use size in excess of 5,999 square feet in a proposed NC-3 District, Section 209.4 to allow a community facility in a proposed RM-3 District, proposed Section 249.32 to require conformance with specified performance standards in the proposed Laguna, Haight, Buchanan and Hermann Streets Special Use District, and Sections 303 and 304 to allow a planned unit development that would include modifications to the rear yard requirement (Section 134), the open space dimensional requirement (Section 135), and the dwelling unit exposure requirement (Section 140).

MOVED, that the Commission hereby authorizes the Conditional Use requested in Application No. 2004.0773C, subject to the conditions contained in "EXHIBIT A" of this motion, based on the following findings:

FINDINGS

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

1. The above recitals are accurate and also constitute findings of this Commission.
2. The project reintegrates the site with the surrounding neighborhood and knits it back into the City's urban fabric by proposing buildings with fenestration and openings where retaining walls currently exist, increasing pedestrian activity through a mix of uses and an interior pedestrian circulation system, encouraging neighborhood-serving retail and a community facility, and introducing new interior alleys to enable pedestrian and vehicular penetration into the site.
3. As the site developer is a private entity, the project affords the City the ability to impose zoning controls and design standards on a site where developments proposed by the University of California Regents would not be regulated by the City.
4. **Project Site.** The 5.4-acre (236,113 square feet) project site is located in the Hayes Valley neighborhood north of Market Street on two city blocks (Block 857, Lots 1 and 1A; and Block 870, Lots 1, 2, and a portion of Lot 3) bounded by Haight Street to the north, Laguna Street to the east, Hermann Street to the south, and Buchanan Street to the west at the former University of California Berkeley Extension Campus. The project site is within the P (Public) Zoning District, and the 80-B and 40-X Height and Bulk Districts. The land is owned by the Regents of the University of California, which proposes to ground-lease the project site to the project sponsor, A.F. Evans Development, Inc. The sponsor proposes to construct a mixed-use development at the site, which will include up to 110 affordable senior dwelling units developed by *openhouse*, a non-profit corporation.

The 236,113 square-foot project site and the adjoining dental clinic property (not a part of the project site) contains five existing buildings totaling 119,910 square feet, four of which were used until 2003 by the University of California (UC)-Berkeley as an extension campus and by the French-American International School (FAIS). These now-unoccupied buildings include Woods Hall, Woods Hall Annex, Richardson Hall, and Middle Hall. The fifth building, located on the southwestern corner of Block 870, Lot 3 at the intersection of Hermann and Buchanan Streets, is a

two-story dental clinic approximately 18,000 square feet in size that is currently occupied by the University of California San Francisco (UCSF) Dental School. The Dental Clinic is not part of the project site and is not proposed to be altered, closed or relocated as part of this Project.

The project site slopes steeply downward from northwest to southeast and is divided into two terraces. The majority of the existing buildings occupy the periphery of the site on the upper and lower terraces, with surface parking generally in the center of the site. The four former UC Extension buildings on the site were constructed between 1924 and 1935 as the campus of the San Francisco State Teachers College (now San Francisco State University), which traded the property to the University of California when it relocated to its current campus on 19th Avenue in the 1950s.

The four buildings other than the UCSF dental clinic generally exhibit the Spanish Colonial Revival style of architecture with red tile roofs and stucco siding. Woods Hall, constructed in 1926, is a two-story, L-shaped building located at the northwestern corner on the upper terrace of the site along Buchanan and Haight Streets. Attached to Woods Hall is Woods Hall Annex, a two-story building constructed in 1935, located along Haight Street and positioned on the lower terrace. Richardson Hall, constructed in 1924 and 1930, is a one- and two-story, L-shaped building located at the corner of Hermann and Laguna Streets. Woods Hall, Woods Hall Annex and Richardson Hall (except for its one-story Administration Wing) were recently designated as landmarks pursuant to Article 10 of the Planning Code.

Along the Laguna Street side of Richardson Hall is a two-story auditorium and an attached single-story administration building. Middle Hall, originally built as a gymnasium in 1924 with classroom and office space added later, is a one-and-a-half- to two-and-a-half-story building located behind the west wing of Woods Hall. The dental clinic, a two-story building, was constructed in the 1970s, and is still in use. The Administration Wing of Richardson Hall, Middle Hall, the dental clinic and the remainder of the Site were not designated as landmarks pursuant to Article 10.

The remainder of the site is occupied by 278 off-street parking spaces contained in three lots. One parking lot is on the upper terrace between the dental clinic and Woods and Middle Halls, accessed from Buchanan Street. This lot has about 50 spaces, which are currently used primarily by the dental clinic. The remaining 228 parking spaces are contained within two lots on the lower terrace accessed from Laguna Street; one lot is behind Richardson Hall and the other is located at the corner of Haight and Laguna Streets. These lots currently provide daytime commuter parking for University of California San Francisco employees who work at other UCSF locations off-site and to employees of California Pacific Medical Center.

There are approximately 111 trees on site, 27 of which are "significant" trees pursuant to Public Works Code Section 810A. There are no "landmark" trees as defined by Public Works Code Section 810 on the site. All of the significant trees are proposed for removal and replacement. One existing tree, the "Sacred Palm" which was included in the landmark designation of Woods Hall, and one other palm tree, will be relocated on the site. Removal and replacement of the

significant trees will require a permit from the Department of Public Works. Most existing street trees surrounding the site will be retained.

5. **Surrounding Development.** The project site is surrounded primarily by residential and institutional land uses. Multi-family residential buildings ranging from two to seven stories in height and single-family attached row houses ranging from two to three stories in height are the predominant uses on the streets immediately surrounding the project site. Institutional uses in the immediate vicinity include the Walden House Adolescent Facility, located along Haight Street across from Woods Hall Annex, the University of California San Francisco AIDS Health Project building, located on Hermann Street across from Richardson Hall, and the U.S. Mint, which sits atop a rocky promontory at the intersection of Buchanan and Hermann Streets to the northwest of the project site. Commercial uses in the project vicinity primarily occur along Market Street, about half a block from the site.

6. **Project Description.**

Dwelling Units, and Senior Dwelling Units

A total of approximately 330 dwelling units would be constructed and located in six of the seven new buildings and the renovated Woods and Richardson Halls. Approximately 250 units would be studios and one bedroom units, and approximately 80 would be two-bedroom units.

The project would include an approximately 111,175 square foot building containing approximately 110 affordable senior dwelling units welcoming to senior LGBT households and all seniors in the seventh new building and a portion of the ground floor of Richardson Hall. This senior facility is being developed by *openhoused*, a non-profit developer serving the LGBT senior community. The senior dwelling units and common areas, multi-purpose rooms, an activity room, lounges, staff offices and social service space, will be located entirely in Building 8 and a small amount of senior service space would be constructed in the ground floor of Richardson Hall. The remaining nine buildings would accommodate approximately 330 dwelling units on the remainder of the project site (approximately 250 studio and one bedroom units and approximately 80 two-bedroom units).

The project will comply with Planning Code Section 315, and the project sponsor has elected to provide inclusionary below-market-rate units on-site. Thus, not less than 15% of the dwelling units developed by AF Evans would be reserved for low and/or moderate income households. In addition, the sponsor has pledged to seek tax exempt bond financing through the California Debt Limit Allocation Committee (CDLAC) process to enable it, should bonds be allocated to the Project, to provide 20% of the family dwelling units to households earning up to 50% of Area Median Income.

All senior dwelling units will be affordable at 50% of San Francisco's median income.

Retail and Community Facility Space

Ground-floor retail (possibly including a café with outdoor seating) would be located at the corner of Laguna and Hermann Streets in the ground floor (Laguna Street) level of the renovated Richardson Hall. The proposed retail space would necessitate new openings in the retaining

wall to access this new use, and is subject to approval of a Certificate of Appropriateness. On the ground floor of the *openhouse* building and in the ground floor level of Richardson Hall, *openhouse* will provide social, educational, and health services to the senior community, including both residents of the *openhouse* building and others not residing on-site. Lastly, there will be a 12,000 square foot community facility space in the existing Wood Hall Annex that will be programmed in consultation with the community to offer a variety of programs. AF Evans has pledged to fund structural upgrades to the proposed community center, and will work with the City to determine if ongoing funding dedicated to operation of the center can be leveraged through the Mills Act.

Publicly Accessible Open Space

Private and common open spaces would be provided, respectively, through patios, decks and porches at individual units and in common areas located within the courtyards of the proposed buildings. It is not necessary to count the area of Waller Park to satisfy open space requirements of the dwelling units. The project would also create and maintain a publicly accessible open space extending from the upper terrace at the intersection of Waller and Buchanan Streets through the site to the corner of Waller and Laguna Streets, effectively re-introducing Waller Street through the site as publicly accessible open space ("Waller Park").

Waller Park would provide approximately 25,000 square feet of publicly accessible open space and passive recreational uses. Upper Waller Park would include a large lawn area, a storm water runoff basin and fountain, benches, and trees and would take advantage of the steep slope of the project site by providing a scenic overlook with views of the Bay and downtown San Francisco. Lower Waller Park would include hard and softscape areas with trees, benches, grassy areas and potentially built-in seating on the slope, overlooking the end of Waller park. Street trees would be planted along all four exterior streets as well as along all internal streets. Two new alleys ("Micah Way" and "Lindhardt Lane") would also be privately owned though publicly accessible through the site. These open spaces would also serve for vehicular and pedestrian access and circulation.

At this time the City retains ownership of Waller Street. Accordingly, the Project Sponsor must obtain approval from the City in its proprietary capacity prior to issuance of any building permit for the Project.

Other privately maintained though publicly accessible open spaces include an approximately 10,600 square feet community garden behind Woods Hall for Project residents and members of the public and approximately 6,000 square feet of additional open space distributed throughout the site. In total, there would be approximately 41,000 square feet of publicly accessible open space provided.

The project would include landscaping throughout the Project area in the form of trees and shrubs and native plantings based on the Landscaping plan contained in Exhibit B.

Rehabilitation and Demolition of Buildings

On April 18, 2007 the Board of Supervisors designated Richardson Hall (except its Administration Wing), Woods Hall and Woods Hall Annex as local landmarks pursuant to Article 10 of the Planning Code under Ordinance 216-07. Buildings and features to be retained are identified in the Ordinance.

Rehabilitation of Woods Hall, Woods Hall Annex, and most of Richardson Hall would be primarily restricted to the interior of these buildings, without substantial alterations to their exterior facades or rooflines, with the exception of new entrances from the interior courtyards. The ground floor of Richardson Hall would be altered to accommodate the proposed ground-floor retail space at the corner of Laguna and Hermann Streets. The retail spaces would be accessible through new openings created in the existing retaining wall. The sidewalk at the intersection of Laguna and Hermann Streets would also be widened in this location. Along the south wall of the auditorium in Richardson Hall, original window openings that were filled in during an earlier renovation would be opened up as well as the addition of one new opening. Similar to Woods Hall, there may be new entrances along Laguna and Hermann Streets at the second level of Richardson Hall to allow access to the existing roof deck.

The portion of Richardson Hall to be demolished would be the single-story Administration Wing which sits atop the retaining wall facing Laguna Street near Waller Street and a small one story connecting structure adjacent to the Administration Wing. The proposed *openhouse* building would be constructed in the general location of the Administration Wing of Richardson Hall, and would be separated from the remaining portions of Richardson Hall by a staircase and at-grade breezeway. In addition, Middle Hall would be demolished to accommodate construction of the community garden, dwelling units and site improvements. The retaining wall along Laguna Street between Waller and Haight Streets and extending westward on Haight Street would also be demolished.

Modifications to the landmark buildings are subject to review by the Landmark Preservation Advisory Board (LPAB) and approval of a Certificate of Appropriateness. A Certificate of Appropriateness cannot be acted upon by the LPAB before certification of the Environmental Impact Report.

Urban Design

The proposed Project would transform the site from a blight to the neighborhood to a pedestrian friendly, active and vibrant amenity through the demolition of retaining walls, introduction of two new private alleys (Lindhardt Lane and Micah Way) to break up the large city blocks of the site, and creation of numerous stoops and building openings along the site's perimeter. Waller Park would allow the public to transverse the site from east to west and provide an area for passive recreational uses. The proposed Project improvements would knit the site back into the neighborhood, and the City. With the current site conditions, it is generally cut off from the neighborhood through the brutal retaining walls on Haight and Laguna Streets, lack of pedestrian and vehicular penetration, fencing and general disuse. These factors create an unfortunate pedestrian and neighborhood environment.

The seven proposed buildings would be designed to complement the architectural character of the existing three buildings that would remain, and the surrounding neighborhood. The overall variation of building heights is intended to relate to the size and scale of other buildings in the Hayes Valley neighborhood and to take into consideration the existing topography.

The proposed new buildings would range in height between four and eight stories. Two new buildings along Buchanan Street would be four stories in height, and generally reflect the height of buildings on the opposite block face. Building 1 would introduce approximately three new unit entrances and a garage where a chain-link fence and surface parking are now located. Three new buildings on Laguna Street would range in height between four and eight stories. At eight stories, the *openhouse* building (Building 8) would be the tallest building in the development. The proposed building height would mirror the height of a residential building located directly across Laguna Street. Located at the intersection of Laguna and Waller Streets it would be constructed where the existing Administration Wing of Richardson hall now stands. This building would introduce transparent windows facing the sidewalk at ground level with the main entrance at the corner of Laguna Street and the proposed Waller Park. The windows and entrance would replace an existing retaining wall with no openings. Two more residential buildings of four and five stories in height would be located between Waller Street and Haight Street. These buildings would introduce approximately ten new unit entrances as well as a corner unit for the Project's office along Laguna Street. The building heights would be consistent with the general neighborhood character. . With the community center proposed in the Woods Hall Annex, it is expected that the Haight Street frontage will be particularly improved through pedestrian usage.

Through the introduction of individual lobbies, stoops, porches and/or bay windows along the street frontages and internal walkways and alleys, an active pedestrian environment would be created. These features facilitate pedestrian access and use, landscaping, street furniture and a sense of place. The result is a design that integrates the private residential units directly into the vitality of the street level, and introduces a neighborhood where none currently exists.

Vehicular and Pedestrian Circulation

Pedestrians would be able to walk the length of the former Waller Street right-of-way between Laguna and Buchanan Streets via the proposed Waller Park. To help facilitate vehicle and pedestrian circulation throughout the site, the project will add two new alleys: "Micah Way" would provide for vehicle ingress and egress onto the site off Laguna Street between Haight and Waller Streets; "Lindhardt Lane," extending from the termination point of Micah Way on a north-south trajectory, would be a two-way interior private street that would allow vehicle ingress and egress from Hermann Street. One vehicular entrance into the site would be along Laguna at Waller Street in the location of the current main vehicular entrance to the UC Extension Campus, where a new interior private drive would be constructed at the former Waller Street right-of-way. This would provide direct vehicular access to Garage 2 (with about 64 spaces including car share). Garage 1 (with a total of about 230 parking spaces including car share) would be accessed from Buchanan Street (at its upper level) and from Lindhardt Lane (at its lower level).

There would be approximately eight locations where residents could access the site (about two entrances on each of the four peripheral streets), as well as individual unit entrances.

Parking

The project will replace three existing parking lots with approximately 90,690 square feet of parking in two underground garages, two levels deep (approximately 296 spaces, many in stackers and other space efficient configurations) and 14 surface spaces which would be on Micah Way or Lindhardt Lane, for a total of approximately 310 spaces. The two parking garages and surface spaces would include approximately 10 spaces for car sharing, approximately 15 handicapped accessible spaces, and up to 51 spaces for the exclusive use of the dental clinic during business hours. Approximately 126 secure, on-site bicycle parking spaces would be available in two separate enclosed locations for use by residents free of charge.

Parking fees would be unbundled. Residents who choose to store their car on site would be offered parking for a fee. Those who do not wish to pay for off-street parking would not be charged a fee for off-street parking. Consistent with the Market and Octavia Area Plan's reliance on "unbundling" of parking from housing costs, parking fees would not be included in the residents' base housing payments.

Dental Clinic

The approximately 18,000-square-foot UC dental clinic is not part of this project, would remain unaltered in its current location at the corner of Hermann and Buchanan Streets and would continue to operate. The clinic's approximately 51 surface parking spaces would be relocated to below-grade parking.

Green Building Features

This project is a nationally recognized LEED ND (leadership in energy and environmental design for neighborhood developments) pilot project. LEED ND is a program for certifying outstanding neighborhood scale developments currently being piloted by the United States Green Building Council. It is anticipated that the project is certifiable at the GOLD level. This is primarily due to excellence in site planning, the mix of uses, the transit emphasis, and innovative environmental measure incorporated into the project. These measures include:

Sustainable Site

- Urban Infill Site utilizing existing infrastructure
- Transit Oriented Development: Direct access to Haight and Market Street Transit lines
- Secure Bicycle Storage
- Reduced parking ratio
- Proposed largest City Car Share pod in the City
- High density mixed use development

Water Efficiency

- Water Efficient Landscaping components
- Seasonal water collection and filtration at Waller Park
- Permeable paving at internal lanes

Energy and Atmosphere

- Energy efficient heating system
- 100% fluorescent lighting
- Cat-V cabling to all units
- Energy Star appliances
- Insulated Windows with low E coating
- Proposed photovoltaic solar electric and solar thermal hot water systems

Materials & Resources

- Storage and collection of Recyclables for residents
- Re-use Existing Buildings
- Divert at least 50% of construction waste from landfills
- High fly-ash concrete mix
- Recycled content carpet and/or natural linoleum flooring

Indoor Environmental Quality

- Natural through ventilation in many units
- Daylight at least 75% of all interior spaces
- Paint, adhesives and sealants with low VOC contents

7. **Public Comment.** Opposition: The Department has received four letters of opposition to the project. The Hayes Valley Neighborhood Association (HVNA) does not support the proposed project as currently drafted. A letter and resolution describing their position is included in the packet. The Save UCBE Laguna Campus group will submit their letter directly to the Commission. Support: Department staff has received six letters in support of the project from individuals. The project sponsor has provided letters of support from the San Francisco Housing Action Coalition, SPUR, the Friends of 55 Laguna, San Francisco Architectural Heritage, Merchants of Upper Market and Castro, the Hayes Valley Merchants Association, as well as some neighborhood residents.
8. **Use Districts.** The northern half of the project site is proposed to be rezoned RM-3 (Residential-Mixed, Medium Density) and the southern half of the site is proposed to be rezoned NC-3 (Moderate-Scale Neighborhood Commercial), except for the dental clinic site, which would remain in a P zoning district at the southwest corner of the site. The proposed Laguna, Haight, Buchanan and Hermann Streets Special Use District, drafted to incorporate the specific policies of the Market and Octavia Area Plan, would cover both blocks except for the dental clinic.

An RM-3 Use District is predominantly devoted to apartment buildings of more than 10 units. The units tend to be smaller than in RM-1 and RM-2 Districts. Many buildings exceed 40 feet in height. The scale of an RM-3 district often remains moderate through sensitive façade design and segmentation. Open spaces are often achieved through decks and balconies. An NC-3 Use District typically offers a wide variety of comparison and specialty goods and services to a population greater than the immediate neighborhood, additionally providing convenience goods and services to the surrounding neighborhoods. NC-3 Districts are linear districts located along heavily trafficked thoroughfares which also serve as major transit routes (in this case, Haight Street and Market Street). The Planning Code allows residential, retail, office, medical, and institutional uses in NC-3 Use Districts.

The SUD (proposed Planning Code Section 249.32) is proposed in order to facilitate the development of a mixed-use project including affordable and market-rate rental units, senior dwelling units, community facilities, open space and retail services generally consistent with the policies of the Market and Octavia Area Plan, approved by the Board of Supervisors on October 24, 2007 (the "Area Plan") in Ordinance 24607.

Conditional Use authorization is required:

- A. To allow for a development lot size exceeding the 9,999 square feet threshold per Planning Code Section 712.11 in a proposed NC-3 district.
- B. The institutional use is no longer proposed.
- C. To allow a community facility use in a proposed RM-3 district pursuant to Planning Code Section 209.4(a).
- D. To satisfy the off-street and accessory use parking performance standards of proposed Planning Code Section 249.32 (the Laguna, Haight, Buchanan and Hermann Streets Special Use District), which incorporate policies proposed by the Market and Octavia Area Plan:
 - (i) To provide for a maximum of 0.75 off-street parking spaces per unit, including dwelling units and residential care units, which parking spaces may be located anywhere on the project site; to allow up to 51 replacement parking spaces to be provided for the existing dental clinic anywhere on the project site; and, to provide a maximum number of parking spaces for commercial and community facility uses that are equal to the minimum number of parking spaces otherwise required for those uses by the Planning Code.
 - (ii) To provide for specific off-street parking standards for residential and non-residential uses, including:
 - (a) That no more than 20 feet of any building frontage be devoted to off-street parking ingress and egress, and that such ingress and egress is not located on a Transit Preferential Street, Citywide Pedestrian Network or designated Neighborhood Commercial Street where an alternative frontage exists.
 - (b) That off-street parking at or above the ground floor be set back at least 25 feet from any street exceeding a width of 30 feet and that active uses be provided along such street frontages within the required setback.
 - (c) That vehicle movement on or around the project does not unduly impact pedestrian spaces or movement, transit service, bicycle movement, or the overall traffic movement in the district.

- (d) That accommodating off-street parking does not degrade the overall urban design quality of the project.
 - (e) That parking does not diminish the quality and viability of existing or planned streetscape enhancements.
 - (f) That for residential projects of 50 units or more, all residential accessory parking in excess of 0.5 spaces per unit is stored and accessed by mechanical stackers or lifts, valet, or other space-efficient means that reduces space used for parking and maneuvering, maximizes other uses, and discourages the use of vehicles for commuting for daily errands.
 - (g) That projects that provide 10 or more spaces for non-residential uses dedicate 5% of those spaces, rounded down, to short-term, transient use by vehicles from certified car sharing organizations per Section 166, vanpool, rideshare, taxis, or other co-operative auto programs.
 - (h) That retail uses larger than 20,000 square feet which sell merchandise that is bulky or difficult to carry by hand or by public transit offer door-to-door delivery services and/or shuttle service.
 - (i) That car share parking spaces be offered in at least the minimum amounts set forth in Planning Code Section 166.
 - (j) That parking space be leased or sold separately from the rental or purchase price of units.
 - (k) The 51 spaces reserved for dental clinic parking shall used by the dental clinic between the hours of 8:00 AM and 6:00 PM, Monday through Friday. Between the hours of 6:00 PM and 8:00 AM, Monday through Friday, and 24 hours on Saturday and Sunday the 51 parking spaces shall be available to the general public and project residents, unbundled.
 - (l) To provide that the minimum number of loading spaces required for any use shall instead be the maximum number of loading spaces that can be provided.
 - (m) To provide that the base residential density limits applicable to the project are as set forth in Planning Code Sections 209.1 and 712 for RM-3 and NC-3 districts, respectively. If a project exceeds those base density limits through a Section 304 planned unit development authorization, the policy of the Area Plan that 40% of on-site family units be two or more bedroom units shall apply, and it is encouraged that 10% of the units contain three bedrooms.
- (iii) The Planning Commission accepts the proposed in-kind provision of community infrastructure improvements outlined below, that would generally be comprised

of the rent-free community facility in Woods Hall Annex, the publicly-accessible open space improvements comprised of Waller Park and the community garden located behind Woods Hall, whose cost, totals approximately \$6,371,000.

	55 Laguna In-Kind Improvement Costs
Greening	\$575,000
Parks	\$4,050,000
Pedestrian	\$140,000
Bicycle	\$6,000
Rec. Facilities	\$1,600,000
Total	\$6,371,000

9. **Planned Unit Development.** As a Planned Unit Development, which is permitted with Conditional Use authorization under Planning Code Section 304 on sites in excess of one-half acre in size, modifications to the Code requirements for rear yard configuration, inner courtyard dimensions for Building 1 and dwelling unit exposure for 8 units are required. The Planning Code allows such modifications on sites of considerable size, which are developed as integrated units and designed to produce an environment of stable and desirable character, which benefits the occupants, the neighborhood, and City as a whole.

PUD authorization is required for the following:

- A. Planning Code Section 134(a)(1) establishes a basic 25 percent rear yard within an NC-3 District at the lowest story containing a dwelling unit, and at each succeeding story of the building, respectively and at ground level in an RM-3 District. An exception to this requirement is needed. While the project's site coverage at the ground level is only 52% (leaving 48% of open area, well in excess of the minimum 25% rear yard requirement), yard space is spread throughout the site, rather than being configured in a single Code-compliant rear yard. The project requires a modification of the configuration of the rear yard.
- B. Planning Code Section 135(g)(2) allows an inner court to be credited as common usable open space if the enclosed space is not less than 20 feet in every horizontal dimension and 400 square feet in area; and if no point on any wall above the court on at least three sides (or 75 percent of the perimeter, whichever is greater) is higher than one foot for each foot that such point is horizontally distant from the opposite side of the clear space. The courtyard in Building 1 is 28 feet wide at its narrowest point, and the height of the enclosing walls reach a maximum height of 44'5". Thus, the courtyard does not meet the dimensional restrictions of Planning Code Section 135(g)(2) for an inner courtyard.
- C. Planning Code Section 140 generally requires that every dwelling unit must have at least one room with a window that looks out onto a public way, open space or rear yard at least 25 feet wide. Modification to the requirements of Planning Code Section 140 is required for 8 of the approximately 330 dwelling units. These eight (8) units in the project face interior courts that are at least 25 feet wide, but are one story deeper than

allowed by Section 140 (Building 1, Units 304, 305, 307, 308 and 309; and Building 9, Units 201, 203 and 205).

10. **Planning Code Compliance.** The Commission finds that the Project meets the provisions of the Planning Code in the following manner:

- A. **Use.** The proposed residential and institutional uses are principally permitted uses in the proposed RM-3 and NC-3 Districts. As noted above, development of a lot in excess of 9,999 square feet, and a non-residential use in excess of 5,999 square feet, requires Conditional Use authorization in an NC-3 District. A 12,000 square-foot community facility requires Conditional Use authorization in an RM-3 district.
- B. **Density.** Planning Code Sections 209.1 and 712 establish density restrictions for dwelling units in Residential and Neighborhood Commercial districts, respectively. The proposed residential density is within the limits of these sections. No increase in density is sought by the PUD.

Section 207.4 requires the density in NC-3 districts to be equal to that permitted in the nearest Residential District, provided that the maximum density is no less than 1:600. Here, the nearest R zone to the NC-3 district is RM-3, which has a density ratio of 1:400. There are 268 units permitted in the project's NC-3 district but the project proposes only 135 to 245 units. The 1:400 density in the site's RM-3 zone permits up to 319 units. The project proposes only 193 units.

- C. **Floor Area Ratio (FAR).** Planning Code Section 124 limits the building square footage in both RM-3 and NC-3 districts to 3.6 square feet of building area for every 1 square foot of lot area, or approximately 750,000 square feet (not including Waller Street or the dental clinic) of building area for the subject site. However, in both proposed NC-3 and RM-3 Districts, the FAR limits do not apply to dwellings or to other residential uses, nor do they apply to accessory off-street parking per Planning Code Section 124(b).

The proposal includes approximately 12,000 gross square feet of community facility space in the proposed RM-3 district and no more than 4,999 square feet of retail space in the proposed NC-3 District. The project complies with the FAR limits in both proposed districts.

- D. **Rear Yard.** Planning Code Section 134(a)(1) requires a rear yard equal to 25-percent of the lot depth be provided the lot on which each building is situated. Further, Section 134(a)(1)(A) requires that in RM-3 districts, rear yards be provided at grade level and at each succeeding level or story of the building. Section 134(a)(1)(C) requires that in NC-3 Districts, rear yards must be provided at the lowest story containing a dwelling unit, and at each succeeding story of the building. For the subject site, a required rear yard configured at the opposite end of its frontage would need to be approximately 59,029 square feet.

The proposal includes approximately 113,334 gross square feet of open space dispersed throughout the project site on patios, decks, balconies, courtyards and Waller Park. Thus, though more than 25-percent of the lot will be yard area, it will not be in a single rear yard configuration. Therefore, this Conditional Use/PUD authorization includes a modification to the rear yard requirement so

that the open space can be provided throughout the site instead of in one continuous space on the lot in which the building is situated.

- E. **Open Space.** Planning Code Section 135 typically requires that 80 square feet of private usable open space be provided for every dwelling unit, when provided as private open space in NC-3 Districts; in RM-3 districts, 60 square feet of private usable open space is required to be provided for every dwelling unit. The open space requirement must be multiplied by 1.33 when provided as common open space and is reduced by half for senior dwelling units. There is no open space requirement for, retail or community facilities.

49 units in the Project's RM-3 district have private open space, such that 144 units require common open space, for a total of 11,520 square feet of required common open space. 16 units in the Project's NC-3 district have private open space, such that 119 family units and 110 senior dwelling units require common open space, for a total of 17,982 square feet of required common open space in the NC-3 block, for a total in both blocks of 29,502 sf of required common open space; 46,485 square feet is provided in courtyards and other common open space areas. In addition to this private and common open space, Waller Park provides approximately 25,000 square feet of publicly accessible open space. The total open space provided by the Project exceeds the Code requirement by approximately 42,000 square feet, approximately 41,000 square feet of which is publicly accessible.

- F. **Exposure.** Planning Code Section 140 requires that all dwelling units face a public street or side yard at least 25 feet in width, a required rear yard, or an open area of 25 feet in width.

Though most units will meet this requirement, PUD authorization is required for eight (8) units in the project which face interior courts that are at least 25 feet wide, but are one story deeper than allowed by Section 140 (Building 1, Units 304, 305, 307, 308 and 309; and Building 9, Units 201, 203 and 205).

- G. **Height.** Planning Code Section 260 requires that all structures be no taller than the height prescribed in the subject height and bulk district.

The proposed 10 buildings in the Project (only one of which exceeds four stories) are located in proposed 40-X, 50-X and 85-X height and bulk districts. Each building complies with its applicable proposed height limit.

- H. **Bulk.** Planning Code Section 270 limits the bulk of buildings and structures, and assigns maximum plan dimensions.

The site's height and bulk districts are proposed to be amended to 40-X, 50-X and 85-X. The "X" bulk control has no specific limitations on building bulk.

- I. **Parking.** Proposed Planning Code Section 249.32 establishes a maximum of .75 parking spaces per dwelling unit and residential care unit. In addition, the site can provide up to

51 replacement parking spaces for the exclusive use of the existing dental clinic anywhere on the project site. Lastly, Planning Code Section 249.32 provides for a maximum number of parking spaces for commercial and community facility uses equal to the minimum number of parking spaces otherwise required for those uses by the Planning Code.

The project will provide a total of approximately 310 parking spaces, including 10 carshare spaces and 51 spaces for the exclusive use of the dental clinic. The remaining parking spaces (246 spaces) amounts to approximately .56 to .60 space/unit. No parking spaces are proposed for the retail and community facility uses.

- J. **Car Share Parking.** Planning Code Section 166 requires one car share parking space be provided for every 200 dwelling units, or 2 spaces for the Project. Proposed Section 249.32 requires 5% of the 51 non-residential spaces to be for vanpool, car share other joint use spaces, or 2 spaces for the Project.

The Project would provide no less than 10 car share parking spaces, eight more than required by the Planning Code.

- K. **Loading.** Proposed Planning Code Section 249.32 provides that the maximum number of loading spaces for the project shall be the minimum number of loading spaces required by Section 152. Section 152 requires two off-street loading spaces for residential projects that have between 100,001 and 200,000 square feet of floor area.

The Project proposes one loading space in compliance with the Planning Code, which would be located in the "openhouse" building.

- L. **Street Trees.** Planning Code Section 143 requires street trees to be installed by a developer constructing a new building in an RM-3 or NC-3 District at the rate of one tree for each 20 feet of frontage of the property along each street.

The Project will provide such trees as required.

- M. **Shadows.** Planning Code Section 295 generally does not permit new buildings over 40-feet in height to cast new shadows on a property owned and operated by the Recreation and Park Commission.

A shadow fan analysis conducted for the Environmental Impact Report concluded that the Project would not create any new shade on any Department of Recreation and Park properties protected under Planning Code Section 295.

11. **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 proposes to convert the vacant 236,113 sq. ft. (5.4 acre) UC Extension campus to a moderate density mixed use development of approximately 330 dwelling units, affordable dwelling units for seniors, 12,000 square feet of community space, and no more than 4,999 square feet of neighborhood-serving retail space. In doing so, the project will result in the adaptive reuse of two and most of a third historically significant buildings, the demolition of the heavily altered Middle Hall and the one-story Administration Wing of Richardson Hall, and the construction of seven new buildings, two of which would front on the site's Buchanan Street frontage, two along the site's Laguna Street frontage, one facing Haight Street, and the remaining two buildings fronting either a reintroduced Waller Street right-of-way or two new alleys introduced into the site. There would be a total of ten buildings on the project site. Pedestrian access would be provided from at least two points on each of the four street frontages, plus from two internal, private alleys that would traverse the site. The existing UCSF dental clinic would remain operational at the southwestern corner of Block 870 and is not part of the project site subject to this application.

The proposed mixed use project provides: 1. Dwelling units and affordable senior dwelling units proposed to be operated by "openhouse"; 2. pedestrian scale, neighborhood serving retail uses; 3. an internal open space system (much of which would be publicly accessible) and a landscaped, attractive internal pedestrian and vehicle access-circulation system; 4. 12,000 square feet of community facility space in an adaptively reused Woods Hall Annex facing Haight Street; and, 5. support services for seniors residing in the project and throughout the City. To ensure diversity of design, building and unit type, four architectural firms were retained to produce a variety of building designs compatible with the surrounding Hayes Valley neighborhood. The designs respect not only the character of the preserved buildings, but also the surrounding architecture and streetscape and the topography of the site.

The project's use, size, density and height are compatible with the surrounding community. The mixed use character of the project is compatible with adjacent and nearby land uses. The surrounding neighborhoods include a wide range of residential, commercial, institutional and mixed uses and varying building heights, including mid-rise apartment buildings located primarily on corner lots, with smaller low-rise residential buildings located toward the center of the peripheral blocks.

Similar to the existing pattern of built forms, the project would locate the single taller building (openhouse) nearer Market Street and shorter residential buildings closer to the lower-scale residential uses along the site's Haight and Buchanan Street frontages. Project buildings would be three to eight stories in height. New buildings along Buchanan Street would be four stories in height, while new buildings along Laguna Street would range from four to eight stories. New buildings on the interior of the site would be three to four stories in height. The proposed four story buildings on the project site would be approximately one story higher than the predominantly three-story residential buildings along the site's perimeter streets, such as

Buchanan, Haight, and Laguna Streets. For example, diagonally across the intersection of Buchanan and Haight Streets, to the project site's northwest, are 195 units in three-story buildings that comprise the HOPE VI Western Addition housing development. Immediately west of the project site along Laguna Street and south of the project site along Hermann Street are mid-rise apartment buildings which range in height from four to seven stories. The recently-constructed 93 units at three and four stories located at Church and Hermann Streets are about one block southwest of the project site.

The project building heights reflect nearby building heights and those set forth in the Market and Octavia Area Plan Element of the San Francisco General Plan, adopted by the Board of Supervisors on October 24, 2007 in Ordinance 24607 ("Area Plan"). The Area Plan created 85-foot height limits along Market Street, as well as on Hermann and Laguna Streets across the street from the single proposed mid-rise element of the project. Diagonally across the intersection of Hermann and Buchanan Streets to the site's southwest, is the approximately 60-foot-tall United States Mint. The tallest project building, the 8-story openhouse building at the intersection of Waller and Laguna Streets, would be generally similar in height to existing residential buildings that surround the site, such as the seven-story (80 foot) apartment buildings at 1900 Market Street, 78 and 300 Buchanan Street, 50 Waller Street, and 16 and 50 Laguna Street. Thoughtful use of the site's topography and the surrounding neighborhood streetscape enables the project to be integrated into the surrounding neighborhood and prevents it from appearing walled-off, as it currently exists.

The density of the project is consistent with the surrounding area. As stated above, there are numerous high density apartment buildings near the site that would be mirrored in the placement of the site's higher density buildings. Similarly, the lower density buildings along the Haight and Buchanan boundaries would be consistent with the residential uses on those perimeter streets. The site's overall density reflects the surrounding neighborhood as a result of the reestablishment of the Waller Street right-of-way as a publicly accessible pedestrian street (Waller Park) in two ways. First, inserting such a wide interior thoroughway into the center of the project site allows the buildings to be dispersed on the site with adequate pedestrian access to each. Second, Waller Park would create distinct northern and southern blocks on the project site, making the project's blocks similar in size to the blocks surrounding the project. The additional internal alleys of Lindhardt Lane and Micah Way would further break down the project site into smaller residential blocks (similar to adjacent blocks to the west), allowing the project to have a more active and vibrant streetscape. Lastly, to further enhance the site's moderate density, most of the residential buildings will have stoops and individual entries at the street. This feature is consistent with the residential character of the surrounding neighborhood. All of these features contribute to the moderate scale density and character of the project.

The project provides multiple community benefits. Along its western frontage, the project would construct Upper Waller Park, a publicly accessible open space that would provide a landscaped turf area lined with public seating. Lower Waller Park would be constructed in the center of the site, and a community garden would be constructed behind Woods Hall. The project would construct new, ground level retail uses along the site's southeastern corner at Laguna and Hermann Streets in the existing Richardson Hall. Woods Hall Annex would be adaptively reused

as a community center. Space will also be provided in the openhouse building and the ground floor of Richardson Hall to house social services to residents of the openhouse building and seniors throughout the City. The project would thus integrate the site's proposed new uses into the surrounding neighborhood, adding numerous heretofore unavailable community benefits, while enhancing pedestrian connectivity to (and through) a site that in the past was effectively walled off from the surrounding neighborhood.

This project is a nationally recognized LEED ND (leadership in energy and environmental design for neighborhood developments) pilot project. LEED ND is a program for certifying outstanding neighborhood scale developments currently being piloted by the United States Green Building Council. It is anticipated that the project is certifiable at the GOLD level. This is primarily due to excellence in site planning, the mix of uses, the transit emphasis, and innovative environmental measure incorporated into the project.

Lastly, the project will provide affordable and high quality living units. Not less than 15% of the dwelling units developed by AF Evans (and as many as 20% if state tax-exempt bond financing is allocated to the Project) will be affordable units under the City's inclusionary housing ordinance. The approximately 110 senior dwelling units developed by openhouse will be affordable at no more than 50% of San Francisco's median income.

- 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 site is rectangular in size, occupying 5.4 acres in the Hayes Valley neighborhood. It occupies most of two city blocks surrounded by Hermann, Buchanan, Laguna and Haight Streets. The site's educational uses relocated in 2002 and 2003. The majority of the existing buildings occupy the periphery of the site with surface parking clustered toward the center of the site. The east side of the site is surrounded by a retaining wall that runs the length of Laguna Street and westward up Haight Street. The site's topography is extreme: The project site slopes steeply downward from its highest elevation at the corner of Buchanan and Haight Streets (170 feet above sea level), to its lowest elevation at the corner of Hermann and Laguna Streets (90 feet above sea level), in a northwest to southeast direction.

The seven new buildings are configured to enhance the site's natural topography, public accessibility and integration into the residential fabric of the neighborhood while still maximizing habitable space and availability of space for ground floor mixed uses. In conformance with the site topography and the surrounding neighborhood, the tallest building (openhouse) would be constructed along Laguna Street near the site's lowest elevation, with the hill behind it providing a visual backdrop to this taller building. The rest of the buildings are 3 to 4 stories, consistent with the prevailing residential pattern along the site's Buchanan and Haight Street frontages.

The reintroduction of Waller Street and the other alleys proposed for the site creates a block pattern that is more consistent with that of the surrounding neighborhood. The new buildings are thus able to be sited around an internal circulation system that mirrors more closely the prevailing neighborhood pattern, with residents and visitors able to traverse the site in front of the new buildings, without being separated from buildings by large surface parking lots and retaining walls. The massing and scale of the new buildings is further broken down with the use of materials, colors and architectural features, including stoops, bay windows and building articulation.

- 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;

Currently there are 278 off-street surface parking spaces contained in three lots. One parking lot is located on the upper terrace between the dental clinic and Woods and Middle Halls. This lot has about 50 spaces, which are currently used primarily by the dental clinic. The remaining 228 parking spaces are contained within two lots on the lower terrace accessed from Laguna Street; one lot is behind Richardson Hall and the other is located at the corner of Haight and Laguna Streets. The lots are currently used by UCSF and California Pacific Medical Center employees for commuter parking.

The project will replace these lots with approximately 90,690 sq. ft. of parking in two underground garages two levels deep (with approximately 300 spaces, 152 of which would be in stackers) and 14 surface spaces which would be on Micah Way or Lindhardt Lane.. The two parking garages and surface spaces would include no less than 10 spaces for car sharing, approximately 15 handicapped accessible spaces, and 51 spaces for the exclusive use of the dental clinic during business hours. Approximately 126 secure, on-site bicycle parking spaces would be available in two separate locations for use by residents.

The following provides a comparison between the parking required by current Planning Code Section 151 and what would be authorized under the Special Use District created by proposed Section 239.42. Currently, Section 151 requires one space per residential unit (330 spaces), 1 space per five senior dwelling units (21 spaces) or 1 space per 10 residents for residential care (11 spaces), and one space for each 500 square feet of occupied floor area when the proposed amount of community facility space is greater than 5,000 square feet (17 spaces), and one space for each 300 square feet of medical offices (60 spaces). No parking would be required for the proposed retail space since the occupied square footage is less than 5,000 square feet. Section 166 requires 2 car share spaces. Therefore, the current Code requirement would be a minimum of 420 to 430 spaces.

In contrast, the project's approximately 310 spaces would reflect the Area Plan's parking maxima to promote greater reliance on transit and alternative travel modes, which have been incorporated into the Special Use District. The Area Plan's parking requirements permit a maximum of 0.75 spaces per dwelling for the RTO district (similar to an RM-3 district) and 0.5 spaces per dwelling

for the NCT-3 district (similar to an NC-3 district). The SUD restricts the ratio of parking for dwelling units and residential care uses to .75 space per unit. The Project proposes .56 to .60 parking space per unit (approximately 310 spaces, less 51 replacement dental clinic spaces and 10 car share spaces), less than .75 parking spaces/unit, thus complying with the SUD.

A traffic study completed for the project's EIR (assuming 450 units) found that the project will generate about 260 new p.m. peak-hour auto trips. The project would also generate an increase of about 280 transit trips and 112 "other" trips in the weekday p.m. peak hour. Based on the expected number of vehicle trips, the reduced availability of on-site parking, and the 10 on-site car share parking spaces, the parking ratio of roughly .60 space per unit furthers the Area Plan's objective of lessening parking availability to increase use of transit and alternative modes of travel.

Pedestrians would be able to walk the length of the former Waller Street right-of-way between Laguna and Buchanan Streets via the proposed Waller Park. To help facilitate vehicle and pedestrian circulation throughout the site, the project will add two new alleys: "Micah Way" would provide for vehicle ingress and egress onto the site off Laguna Street between Haight and Waller Streets; "Lindhardt Lane," extending from the termination point of Micah Way on a north-south trajectory, would be a two-way interior private street that would allow vehicle ingress and egress from Hermann Street. One vehicular entrance into the site would be along Laguna at Waller Street in the location of the current main vehicular entrance to the UC Extension Campus, where a new interior private drive would be constructed at the former Waller Street right-of-way. This would provide direct vehicular access to Garage 2 (with about 64 spaces). Garage 1 (with a total of about 229 parking spaces) would be accessed from Buchanan Street (at its upper level) and from Lindhardt Lane (at its lower level).

Pedestrian access to the site would be available from all perimeter streets, as well as to individual units that face the surrounding streets. In total, there would be eight locations where residents could access the site (about two entrances on each of the four peripheral streets), as well as individual unit entrances.

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

Since this will be a predominantly residential project with small scale community and retail uses, the project will not generate unusual noise, odor, dust and glare as a result of its operations. The buildings will comply with Title 24 standards for noise insulation. The materials for the facades of the buildings will not result in glare. The project would generate additional night lighting, but not in amounts unusual for an urbanized area, and would eliminate the current parking lot lights that do produce nighttime lighting spillover. Design of exterior lighting could ensure that off-site glare and lighting spillover would be minimized. New buildings and vehicles would also produce additional glare. However, as with light, this would not result in a substantial change as use of reflective glass is restricted by Planning Commission Resolution 9212.

In terms of dust generation, the project would excavate to a depth of between 24 to 30 feet for Garage 1 and between 11 to 14 feet for Garage 2. Construction of the proposed buildings would not require pile driving but may require rock hammering. Most construction materials, storage, and construction worker parking would be provided on-site. The City's standard mitigation measures are recommended for imposition in the EIR (and are acceptable to the project sponsor) and in compliance with the Public Works Code to prevent negative impacts to the surrounding community from dust blowing during construction.

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

The project's open space plan is unique for a private development. There would be a total of approximately 10,366 square feet of private open space and approximately 72,163 square feet of common open space, approximately 41,000 square feet of it publicly accessible. The project would construct Waller Park in the former Waller Street right-of-way, a publicly accessible open space that would provide a landscaped turf area lined with public seating. Waller Park would provide 25,000 square feet of publicly accessible open space and passive recreational uses. Upper Waller Park would include a large lawn area, a storm water runoff basin and fountain, benches, and trees and would take advantage of the steep slope of the project site by providing a scenic overlook with views of the Bay and downtown San Francisco. Lower Waller Park would include hard and softscape areas with trees, benches, grassy areas and potentially built-in seating on the slope, overlooking the end of Waller park. Some street trees would be retained along all four exterior streets and planted along all internal streets. Two new alleys (Micah Way and Lindhardt Lane) would also be privately owned though publicly accessible through the site. These open spaces would also provide for vehicular and pedestrian access and circulation.

Other privately owned though publicly accessible open spaces would include a 10,600 square foot community garden behind Woods Hall and 6,000 square feet elsewhere on the site, for a total of 41,000 square feet of publicly accessible open space.

Private open spaces for many units would be in the form of balconies and stoops and semi-private courtyards.

The private and common open space provided on site is approximately 72,163 square feet. The requirements for private and common open space under the proposed RM-3 zoning are respectively, 60 square feet for private and 80 square feet for common. The requirements for private and common open space for NC-3 zoning districts are 80 square feet for private and 106.4 square feet for common and one-half that amount of senior dwelling units. There is no open space requirement for residential care facility (which is classified as an institutional use), nor that any open space be publicly accessible. Accordingly, there is a surplus of approximately 42,000 square feet of usable open space on the site, approximately 41,000 square feet of which would be publicly accessible.

The project would include landscaping throughout in the form of trees and shrubs. In addition, there will be widened sidewalks and bulb-outs throughout the internal circulation routes of the site, providing additional open space and public use areas for residents.

Parking and loading areas, service areas, lighting and signage will all reflect the design of each of the buildings as well. Site lighting will be a combination of pole, building mounted and low level lighting to provide the Code required light levels, while complementing the site design. The lighting will be designed to support the security of the site and the surrounding neighborhood. The project sponsor intends to utilize full cut off light shields to limit light pollution and to investigate the use of solar powered lighting to mitigate energy consumption.

- C. The use and features of the Project will not adversely affect the General Plan, for the reasons set forth in detail in Sections 14 and 15 below.
12. **Planning Code Section 121.1** establishes criteria for the Planning Commission to consider when reviewing applications for development of a project site exceeding 9,999 square feet in the proposed NC-3 zoning district. On balance, the project does comply with said criteria in that:

- A. The mass and façade of the proposed structures are compatible with the existing scale of the district.

An NC-3 district is typically comprised of large-scale lots and buildings and wide streets such as the NC-3 district along Market Street in the vicinity of the site. Additionally, NC-3 building standards permit moderately large commercial uses and buildings.

Three new buildings and one existing building, separated by alleys, stairs and a breezeway and courtyards, would be located on the NC-3 block (rather than one large building), breaking up the mass and façade of the block, compatible with the existing scale of the area.

The NC-3 portion of the project site is surrounded by Buchanan, Laguna and Herrmann Streets. The streets consist of primarily residential and institutional land uses. Multi-family residential buildings ranging from two to seven stories in height and single-family attached row houses ranging from two to three stories in height are the predominant uses on these streets. Institutional uses in the immediate vicinity range in size and include the University of California San Francisco AIDS Health Project building, located on Laguna Street across from Richardson Hall, and the U.S. Mint, which sits atop a rocky promontory at the intersection of Buchanan and Herrmann Streets to the northwest of the project site. Commercial uses in the project vicinity primarily occur along Market Street, about half a block from the site.

The three new buildings and one rehabilitated building (Richardson Hall) are compatible with the scale of an NC-3 district. The new buildings would be designed to complement the architectural character of the existing buildings that will remain and the surrounding predominantly residential neighborhood. The proposed new buildings would be four to eight stories in height. The tallest building would be the openhouse building, Building 8. It would be eight stories or a

maximum of 85 feet in height. It will be at the intersection of Laguna and Waller Streets and extend into the middle of the site. The design includes a strong horizontal element that continues the line at the base of Richardson Hall. This variation of building heights is intended to relate to the size and scale of other buildings in the Hayes Valley neighborhood and to take into consideration the existing topography.

All of the new buildings would feature individual stoops, porches and/or bay windows along the street frontages and internal walkways to promote an active pedestrian environment. In addition, the site will have widened sidewalks and bulb-outs at the corners and along its internal street/sidewalk pattern. These features facilitate pedestrian access, landscaping and street furniture. The presence of this expanded public use area complements the stoops, porches and bay windows present on many of the ground floor units. The result is a design that integrates the private residential units directly into the vitality of the street level.

- B. The façades of the proposed structures are compatible with design features of adjacent facades that contribute to the positive visual quality of the district.

The three new buildings on the NC-3 block are each designed by a different architectural firm, giving each building a distinct façade that is nonetheless compatible with the surrounding predominantly residential neighborhood. Individually and in the aggregate, the façades of these buildings will contribute to the positive visual quality of the district, which possesses a varied architectural style.

The openhouse building façade along Laguna Street is compatible with the massing and articulation of the retained Richardson Hall.

Planning Code Section 121.2 (this section was deleted as a residential care facility is no longer proposed)

13. **Proposed Planning Code Section 249.32, the Laguna, Haight, Buchanan and Hermann Streets Special Use District**, establishes criteria for the Planning Commission to consider when reviewing applications for Conditional Use within the proposed SUD. On balance, the project does comply with said criteria in that:

- A. That the project provide for a maximum of 0.75 off-street parking spaces per unit, including dwelling units and residential care units, which parking spaces may be located anywhere on the project site. In addition, the project may provide for up to 51 replacement parking spaces for the existing dental clinic anywhere on the project site. Lastly, the project's maximum parking for commercial and community facility uses equals the minimum parking otherwise required for those uses by the Planning Code.

The project will provide approximately 310 spaces, located in two underground garages and along Lindhardt Lane and Micah Way, 10 of which are car share spaces and 51 of which are replacement spaces for the exclusive use of the dental clinic.

B. That the project satisfy specific off-street parking standards for residential and non-residential uses, including:

- i. That no more than 20 feet of any building frontage be devoted to off-street parking ingress and egress, and that such ingress and egress is not located on a Transit Preferential Street, Citywide Pedestrian Network or designated Neighborhood Commercial Street where an alternative frontage exists.

The project meets this standard. There are two underground garages proposed for the site with a total of only three ingress and egress points. One vehicular entrance into the site would be along Laguna at Waller Street in the location of the current main vehicular entrance to the UC Extension Campus, where a new interior private drive would be constructed at the former Waller Street right-of-way. This would provide direct vehicular access to Garage 2 (with about 64 spaces). Garage 1 (with a total of about 229 parking spaces) would be accessed from Buchanan Street (at its upper level) and from Lindhardt Lane (at its lower level). None of these streets or alleys are designated as a Transit Preferential Street Neighborhood Commercial Street or are part the Citywide Pedestrian Network.

- ii. That off-street parking at or above the ground floor be set back at least 25 feet from any street exceeding a width of 30 feet and that active uses be provided along such street frontages within the required setback.

The project meets this standard. There is no off-street parking provided above grade. The 14 street spaces on Lindhardt Lane and Micah Way will not detract from the active uses that will occur along those alleys in the varied publicly accessible open spaces, including courtyards and Waller Park.

- iii. That vehicle movement on or around the project does not unduly impact pedestrian spaces or movement, transit service, bicycle movement, or the overall traffic movement in the district.

The project meets this standard by providing internal circulation routes on Micah Way and Lindhardt Lane. This design restricts car movement to specific areas of the site. There are also numerous pedestrian travel routes in and around Waller Park, the new alleys, and within courtyards. By providing two underground garages with only three access points, the project furthers this standard by avoiding car conflict with pedestrians on grade level in the site.

- iv. That accommodating off-street parking does not degrade the overall urban design quality of the project.

The project meets this standard. Most of the project's off-street parking is in two underground garages with only three means of street access.. One vehicular entrance

would be along Laguna at Waller Street where a new interior private drive would be constructed at the former Waller Street right-of-way. The other direct vehicular access to the site would be accessed from Buchanan Street (at its upper level) and from Lindhardt Lane (at its lower level). Both of these routes go directly to the underground garages. They do not detract from the quality of the project's urban design.

- v. That parking does not diminish the quality and viability of existing or planned streetscape enhancements.

The project meets this standard by providing 293 of its approximately 310 spaces in two underground garages. This design avoids any impacts to streetscape enhancements because there is no parking competing for the streetscape space.

- vi. That for residential projects of 50 units or more, all residential accessory parking in excess of 0.5 spaces per unit is stored and accessed by mechanical stackers or lifts, valet, or other space-efficient means that reduces space used for parking and maneuvering, maximizes other uses, and discourages the use of vehicles for commuting for daily errands.

Under this standard, the project would be required to provide space efficient parking for 98 spaces. The project exceeds this standard by providing space efficient means for 152 spaces, or approximately 50% of the total parking for the project site.

- vii. For projects that provide 10 or more spaces for non-residential uses dedicate 5% of those spaces, rounded down, to short-term, transient use by vehicles from certified car sharing organizations per Section 166, vanpool, rideshare, taxis, or other co-operative auto programs.

The project requires 51 replacement parking spaces for the existing dental clinic in Garage B. The project is providing no less than 10 carshare spaces distributed between both underground garages.

- viii. That retail uses larger than 20,000 square feet which sell merchandise that is bulky or difficult to carry by hand or by public transit offer door-to-door delivery services and/or shuttle service.

This is not applicable to the project.

- ix. That car share parking spaces be offered in at least the minimum amounts set forth in Planning Code Section 166.

Planning Code Section 166 requires there be 2 car share spaces. The project exceeds this standard by providing 10 car share spaces.

- x. That parking spaces be leased or sold separately from the rental or purchase price of units.

Consistent with the Market and Octavia Area Plan's "unbundling" of parking from housing costs, parking fees would not be included in the residents' base housing payments.

- xi. To provide that the minimum number of loading spaces required for any use shall instead be the maximum number of spaces that can be provided.

Planning Code Section 152 requires 2 loading spaces. The project is providing one off-street loading space.

- xii. To provide that the base residential density limits applicable to the project are as set forth in Planning Code Sections 209 and 712. If a project exceeds those base density limits through a Section 304 planned unit development authorization, the policy of the Area Plan that 40% of on-site family units be two or more bedroom units shall apply. Three bedroom units shall be encouraged.

This standard is not applicable because the project is not seeking an increase in density under Planning Code Section 304; rather, the project's density is within the standards of Planning Code Sections 209 and 712 for each respective use district on the site. The RM-3 zoning permits up to 319 units; 193 dwelling units are proposed in that use district on the site. The NC-3 zoning permits up to 268 units; 135 to 245 dwelling units are proposed for that use district on the site.

- xiii. The Planning Commission accepts the proposed in-kind provision of community infrastructure improvements outlined below, that would generally be comprised of the rent-free community facility in Woods Hall Annex, the publicly-accessible open space improvements comprised of Waller Park and the community garden located behind Woods Hall, whose cost, totals approximately \$6,371,000.

	55 Laguna In-Kind Improvement Costs
Greening	\$575,000
Parks	\$4,050,000
Pedestrian	\$140,000
Bicycle	\$6,000
Rec. Facilities	\$1,600,000
Total	\$6,371,000

14. Planning Code Section 304 establishes criteria and limitations for the Planning Commission to consider when reviewing applications for the authorization of PUD's over and above those applicable to Conditional Uses. On balance, the project does comply with said criteria and limitations in that:

- a. Affirmatively promote applicable objectives and policies of the Master Plan;

This project furthers multiple existing General Plan and proposed Area Plan policies relating to housing, transportation and circulation, recreation and open space, urban design and historic resources. They are listed in their entirety in section 14 below.

Specifically this mixed use project will create approximately 330 dwelling units of varying sizes and types in 9 moderately dense buildings in the highly urbanized neighborhood of Hayes Valley. The project will provide affordable and high quality living units, some of which will be family sized. In addition, the project will include affordable senior dwelling units welcoming to LGBT seniors and their friends in a tenth building. To complement such a use, the project will include on-site social services accessible to the residents as well as seniors throughout the City.

The project is adaptively reusing a vacant educational site that contains some historic buildings. In reusing some of these buildings, the applicant has hired a qualified preservation architect to adaptively reuse these historic properties.

The project is also reintegrating the site back into the immediate neighborhood. It is doing so by reintroducing Waller Street, which was vacated in 1922, back into the site as a throughway that will bisect the site into north south portions. The site is further bisected by two new vehicular access alleys, Micah Way and Lindhardt Lane. The inclusion of these alleys for both internal access and circulation enables the site to more closely resemble the urban block pattern that exists in the surrounding neighborhoods.

Creation of this block pattern at the site results in buildings of thoughtful and sensitive design particularly as concerns the existing topography of the site and the prevailing height patterns along the site's perimeter. The project sites the tallest building (openhouse) at the part of the project that directly faces the tallest buildings existing along the site's perimeter. Similarly, the lower (e.g., 3-4 story) residential buildings will face streets where the predominant heights are also 3-4 story buildings.

The project's novel approach to open space is in the use of the former Waller Street right-of-way as a publicly accessible park. Waller Park will consist of both multiple open space opportunities and also serve as pedestrian access through the site. A community garden is also proposed behind Woods Hall.

The project's unique urban design is a culmination of the sponsor's choice to use numerous architects to realize the sponsor's vision for the program and an extensive community consultation process. The design options on this site are constrained by the site's extreme topography. Nonetheless, the resulting designs feature elements that create an active pedestrian environment (e.g., stoops and porches at ground floor residential units) and elements that minimize the massing of the buildings by use of breaking up facades at upper building levels.

In terms of promoting the City's transportation policies, the project provides on-site parking of approximately 310 spaces, including replacement of the dental clinic parking. The cost of the parking space will be unbundled from the housing costs borne by the residents. Consistent with the City's Transit First policy, the uses that are neighborhood oriented (e.g., retail and community facility) are located closest to Market Street's multiple transit lines. Pedestrian circulation through the site is encouraged by Waller Park, the two new alleys, and by the wide sidewalks and bulb-outs that occur at the site's corners.

B. Provide off street parking adequate for the occupancy proposed;

The project will provide approximately 90,690 sq. ft. of parking in two underground garages two levels deep (approximately 293 spaces) and approximately 14 surface spaces on Micah Way or Lindhardt Lane. The two parking garages and surface spaces would include approximately 10 spaces for car share, 15 handicapped accessible spaces, and approximately 51 replacement spaces for the exclusive use of the dental clinic during business hours. Approximately 126 secure, on-site bike parking spaces would be available, in two locations for use by residents.

The project would provide adequate on-site parking under the Area Plan and the SUD and be consistent with the parking generated by the site's proposed uses. With 10 on-site car share spaces, the parking ratio of .60:1 per dwelling unit and residential care unit furthers the Plan's objective of lessening parking availability to increase transit and alternative modes of travel and will provide adequate parking for the proposed occupancies.

C. Provide open space usable by the occupants and, where appropriate, by the general public, at least equal to the open spaces required by this Code;

Usable Open Space

The private, common and public open space provided on site totals 72,163 square feet. The requirements for private and common open space under the RM-3 zoning is 60 square feet of private open space per dwelling unit or 80 square feet of common open space per dwelling unit. The requirements for private and common open space for NC-3 zoning districts are 80 square feet of private open space per dwelling unit or 106.4 square feet of common open space per dwelling unit (half that amount for senior dwelling units), with no open space required for the openhouse institutional use, retail or community facility uses. There is a surplus of approximately 42,000 square feet of usable open space on the site.

Rear Yard

Under the proposed zoning, RM-3 and NC-3 districts have a 25% rear yard requirement for dwelling units and no rear yard requirement for institutional or retail uses.

The building coverage in the portion of the site proposed for RM-3 zoning is 58,265 square feet out of a total of 127,617 square feet, for a total amount of yard space equal to 54% of the site, well in excess of the 25% standard. The building coverage in the portion of the site proposed for NC-3 zoning is 60,365 square feet out of a total of 107,353 square feet, for a total amount of yard space equal to 44%, also in excess of the 25% rear yard requirement. Even though the rear yard

requirements of the Code are exceeded, an exception is needed because the rear yard cannot be configured in one location on each site, but is instead dispersed throughout the site.

Dwelling Unit Exposure

Planning Code Section 140 generally requires that every dwelling unit must have at least one room with a window that looks out onto a public way, open space or rear yard at least 25 feet wide. The following eight (8) units are unable to satisfy the dwelling unit exposure criteria because the courtyards they open onto, although at least 25 feet wide, do not increase in width above the third floor sufficient to meet Section 140(c): Building 1: unit numbers 304, 305, 307, 308 and 309; Building 9 (Richardson Hall): unit numbers 201, 203 and 205.

An exception for these eight units from the dwelling unit exposure requirement is justified for the following reasons. First, in order to adaptively reuse the site's existing buildings in a cost-effective way to create the proposed amount of housing, some of the buildings had to be sited on courtyards that do not meeting Planning Code Section 140's requirements on every level. Second, the reintroduction of Waller Street as Waller Park provides a large open space asset for passive and active recreational use to the project site's residents as well as the neighborhood's residents. In order to include the full width of the former right-of-way as Waller Park, the site configuration was limited to that being proposed. Reconfiguring the site to eliminate the need for this exception would limit the multiple community benefits available from Waller Park.

- D. Be limited in dwelling unit density to less than the density that would be allowed by Article 2 of this Code for a district permitting a greater density, so that the PUD will not be substantially equivalent to a reclassification of property;

The project does not seek any density increase. Under the proposed RM-3 zoning for the northern portion of the site, up to 319 units would be permitted (1:400). The project proposes only 193 units, well below the permitted density. Under the proposed NC-3 zoning for the southern portion of the site, up to 271 units would be permitted (1:400). The project proposes only 135 to 245 units, well below the permitted density.

- E. In R Districts, include commercial uses only to the extent that such uses are necessary to serve residents of the immediate vicinity, subject to the limitations for NC-1 (Neighborhood Commercial Cluster) districts under the Code;

This criterion is applicable only for the portion of the site that will be zoned RM-3. However, since there will be no commercial uses proposed for the RM-3 portion of the site, this criteria is met. The community center use proposed in Woods Hall Annex is a community facility use, not a commercial use, and requires conditional use authorization in the RM-3 district.

- F. Under no circumstances be excepted from any height limit established by Article 2.5 of this Code, unless such exception is explicitly authorized by the terms of this Code. In the absence of such an explicit authorization, exceptions from the provisions of this Code with respect to height shall be confined to minor deviations from the provisions for

measurement of height in Sections 260 and 261 of this Code, and no such deviation shall depart from the purposes or intent of those sections;

Planning Code Section 260 requires that all structures be no taller than the height proscribed in the subject height and bulk district. The Project site is proposed to have height limits of 40, 50 and 85 feet (compared to 40 and 80 feet currently). The Project will comply with the proposed height limits, and thus no exception to height limit is sought.

- G. In NC Districts, be limited in gross floor area to that allowed under the Floor Area Ratio limit permitted for the district in Section 124 and Article 7 of this Code.

The 5,865 gross square feet of retail uses and 111,175 square feet of openhouse institutional uses (total of 117,040 square feet) fall below the allowable gross floor area ratio (3.6:1) allowed in the NC-3 district (up to 386,471 square feet allowed). This standard is met.

- H. In NC Districts, not violate the use limitations by story set forth in Article 7 of this Code.

All retail uses are restricted to the first floor of Richardson Hall, in compliance with the proposed NC-3 controls. The dwelling units and openhouse institutional use are permitted uses on all floors in an NC-3 district.

15. **General Plan Compliance.** The Project is consistent with the Objectives and Policies of the General Plan in that:

Housing Element

- Objective 1 To provide new housing, especially permanently affordable housing, in appropriate locations which meets identified housing needs and takes into account the demand for affordable housing created by employment demand.

The proposed Project would result in the construction of approximately 330 dwelling units and approximately 110 affordable senior dwelling unit for a total of approximately 440 units. Not less than 49 of the approximately 330 to 440 dwelling units developed by AF Evans will be affordable below-market-rate units, consistent with Planning Code Section 315.

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

The Project will result in the adaptive reuse of the vacant and underutilized UC Berkeley extension site within an established residential neighborhood. Multi-family residential buildings ranging from two to seven stories in height and single-family attached row houses ranging from two to three stories in height are the predominant uses on the streets immediately surrounding the project site. The Project will increase the City's housing stock by approximately 330 units, at least 49 of which will be affordable units, and approximately 110 units will be affordable senior units. The location of these housing units in the Hayes Valley neighborhood will enable the project's residents to take advantage of the neighborhood's proximity to

employment and transit service, while incorporating pedestrian-friendly streetscaping, senior health services, and substantial amounts of publicly accessible open space into the project program. The project will contribute to the mixed-use residential nature of the Hayes Valley and Lower Haight neighborhoods.

Objective 4 Support affordable housing production by increasing site availability and capacity

Policy 4.2: Include affordable units in larger housing projects.

The project satisfies this objective and policy by providing that not less than 49 of the proposed approximately 330 dwelling units developed by AF Evans will be below market rate inclusionary units, and all of the senior housing units developed by openhouse will be affordable.

Policy 4.5 Allow greater flexibility in the number and size of units within established building envelopes, potentially increasing the number of affordable units in multi-family structures.

The Market and Octavia Area Plan and the SUD both encourage and allow for a flexible site plan and building design. This is due to the relaxed density controls of the Market and Octavia Plan and the .75/unit parking maximum established by the SUD. By using less lot area for parking, the site can accommodate the 10 buildings for the creation of approximately 330 units, 49 of which will be affordable. In addition, the projects' flexible site planning enables the creation of a large residential care facility. In addition all the senior dwelling units welcoming to the senior LBGT community and their friends, and on site social services for the project, neighborhood and citywide senior community will be affordable.

Objective 8 Ensure equal access to housing opportunities.

Policy 8.1: Encourage sufficient and suitable rental housing opportunities and emphasize permanently affordable rental units wherever possible.

The approximately 330 dwelling units are to be held as rental units. Not less than 15 percent of the dwelling units, or 49 units, will be affordable.

Objective 11 In increasing the supply of housing, pursue place making and neighborhood building principles and practices to continue San Francisco's desirable urban fabric and enhance livability in all neighborhoods.

Policy 11.1 Use new housing development as a means to enhance neighborhood vitality and diversity.

By providing approximately 330 new dwelling units and approximately 110 affordable senior dwelling units, retail space, substantial amounts of publicly accessible open space and a community facility on a vacant and underutilized former educational site, the Project will contribute to more diversity and 24-hour neighborhood vitality by providing a variety of uses and on-going activity.

Policy 11.2 Ensure housing is provided with adequate public improvements, services, and amenities.

This adaptive reuse project will include the infrastructure, amenities and urban services necessary for a project of this scope. The site will include numerous streetscape improvements, including the planting of street trees and a no more than 4,999 square foot neighborhood serving retail use. In addition, there will be numerous, pedestrian circulation routes, substantial amounts of publicly accessible open space, enabling both passive and active recreational use, and a 12,000 square foot community center, available for resident and neighborhood social and cultural programming. There will also be on-site senior social services welcoming to LGBT seniors.

Policy 11.3 Encourage appropriate neighborhood-serving commercial activities in residential areas, without causing affordable housing displacement.

There will be an approximately no more than 4,999 square foot retail space in the ground floor of Richardson Hall. The use will be open and inviting to the public. Since the site is a vacant educational site, there is no displacement of any affordable residential use.

Policy 11.5 Promote the construction of well-designed housing that enhances existing neighborhood character.

The project's unique urban design is a culmination of the sponsor's choice to use numerous architects for the program and an extensive community consultation process. The design options on this site are constrained by the site's extreme topography. Nonetheless, the resulting designs feature elements that create an active pedestrian environment (e.g., stoops and porches at ground floor residential units) and elements that minimize the massing of the buildings by including ten separate structures and articulated building facades. In addition, the site will have a publicly accessible internal street/sidewalk pattern. These features facilitate pedestrian access, landscaping and street furniture. The presence of expanded public use areas complements the stoops and porches present on many of the ground floor units. The result is a design that integrates the private residential units directly into the vitality of the street level.

Policy 11.6 Employ flexible land use controls in residential areas that can regulate inappropriately sized development in new neighborhoods, in downtown area and in other areas through a Better Neighborhoods type planning process while maximizing the opportunity for housing near transit.

The Market & Octavia Area Plan and the SUD both provide controls to ensure that this unique site is developed with the appropriate scale, density, massing and scale for the neighborhood. The density and height reflect the surrounding residential neighborhood, which is predominantly residential buildings of 2 to 4 stories. The height limits on the site were established to reflect those on the adjacent streets. Thus, the 85' height limit for the area in which the openhouse building is located is across the street from existing 7-story buildings and the density of the use districts on the site reflect the prevailing density on the adjacent streets.

Policy 11.7: Where there is neighborhood support, reduce or remove minimum parking requirements for housing, increasing the amount of lot area available for housing units.

The SUD limits parking to .75 spaces/unit. There are .56 to .60 spaces/unit proposed. Consistent with this policy, most of the site's parking (293 spaces) is in 2 underground garages, a majority of which is space efficient through the use of mechanical stackers. There are only 14 on-street spaces for the residential use and 51 spaces for the existing dental clinic. This maximizes lot coverage for housing units and related amenities.

Policy 11.8 Strongly encourage housing project sponsors to take full advantage of allowable building densities in their housing developments while remaining consistent with neighborhood character.

The site's densities reflect those of the surrounding neighborhood. It is surrounded primarily by residential and institutional land uses. Multi-family residential buildings ranging from two to seven stories in height and single-family attached row houses ranging from two to three stories in height are the predominant uses on the streets immediately surrounding the project site. Institutional uses in the immediate vicinity include the LGBT Community Center at 1800 Market Street, Walden House Adolescent Facility, located along Haight Street across from Woods Hall Annex, the University of California San Francisco AIDS Health Project building, located on Hermann Street across from Richardson Hall, and the U.S. Mint, which sits atop a rocky promontory at the intersection of Buchanan and Hermann Streets to the northwest of the project site. Commercial uses in the project vicinity primarily occur along Market Street, about half a block from the site.

In this context, the Project appropriately takes advantage of allowable densities in the proposed NC-3 and RM-3 districts under Planning Code Sections 207.4 and 712, respectively.

Policy 11.9 Set allowable densities and parking standards in residential areas at levels that promote the City's overall housing objectives while respecting neighborhood scale and character.

The off-street parking and density limits established by the Area Plan and the SUD will provide adequate parking for the occupancy proposed, and will still allow for the development of this moderate density project of approximately 330 to 440 dwelling units, which furthers the City's overall housing objectives. The project will provide approximately 293 spaces in two underground garages, and 14 surface spaces which would be on Micah Way or Lindhardt Lane, for a total of approximately 310 spaces, a ratio consistent with the prevailing character of the neighborhood and the standards of the Market and Octavia Plan.

Policy 11.10 Include energy efficient features in new residential development and encourage weatherization in existing housing to reduce overall housing costs and the long-range cost of maintenance.

The Project will comply with Title 24 energy efficiency standards. In addition, by participating in the LEED ND (Neighborhood Design) pilot program, the Project will demonstrate increased energy and environmental performance.

Residence Element

Objective 1 To provide new housing, especially permanently affordable housing, in appropriate locations which meets identified needs and takes into account the demand for affordable housing created by employment growth.

The proposed Project would result in the construction of approximately 330 dwelling units in addition to approximately 110 affordable senior dwelling units. Not less than 49 of the dwelling units will be affordable below-market-rate units, consistent with Planning Code Section 315.

Policy 1.4 Locate infill housing on appropriate sites in established neighborhoods.

The Project will result in the adaptive reuse of the vacant and underutilized UC Berkeley extension site within an established residential neighborhood. Multi-family residential buildings ranging from two to seven stories in height and single-family attached row houses ranging from two to three stories in height are the predominant uses on the streets immediately surrounding the project site. The Project will increase the City's housing stock by 330 to 440 units, at least 49 and as many as 176 of which will be affordable units. The location of these housing units in the Hayes Valley neighborhood will enable the project's residents to take advantage of the neighborhood's proximity to employment and transit service, while incorporating pedestrian-friendly streetscaping, senior health services, and substantial amounts of publicly accessible open space into the project program. The project will contribute to the mixed-use residential nature of the Hayes Valley and Lower Haight neighborhoods.

Objective 2 To increase the supply of housing without overcrowding or adversely affecting the prevailing character of existing neighborhoods.

The site's densities reflect those of the surrounding neighborhood. It is surrounded primarily by residential and institutional land uses. Multi-family residential buildings ranging from two to seven stories in height and single-family attached row houses ranging from two to three stories in height are the predominant uses on the streets immediately surrounding the project site. Institutional uses in the immediate vicinity include the LGBT Community Center at 1800 Market Street, Walden House Adolescent Facility, located along Haight Street across from Woods Hall Annex, the University of California San Francisco AIDS Health Project building, located on Hermann Street across from Richardson Hall, and the U.S. Mint, which sits atop a rocky promontory at the intersection of Buchanan and Hermann Streets to the northwest of the project site. Commercial uses in the project vicinity primarily occur along Market Street, about half a block from the site.

In this context, the Project appropriately takes advantage of allowable densities in the proposed NC-3 and RM-3 districts under Planning Code Sections 207.4 and 712, respectively.

Policy 2.1 Set allowable densities in established residential areas at levels which will promote compatibility with prevailing neighborhood scale and character.

The density of the project is consistent with the surrounding area. There are numerous high density apartment buildings near the site that would be mirrored in the placement of the site's higher density buildings. Similarly, the lower density buildings along the Haight and Buchanan boundaries would be consistent with the residential uses on those perimeter streets. The site's overall density also reflects the surrounding neighborhood as a result of the reestablishment of the Waller Street right-of-way as a publicly accessible pedestrian street (Waller Park), which reestablishes on the site the block pattern on the surrounding blocks.

The off-street parking and density limits established by the Area Plan and the SUD will provide adequate parking for the occupancy proposed, and will still allow for the development of this moderate density project of 330 to 440 dwelling, which furthers the City's overall housing objectives.

Policy 2.2 Encourage higher residential density in areas adjacent to downtown and industrial areas proposed for conversion to housing, and in neighborhood commercial districts where higher density will not have harmful effects, especially if the higher density provides a significant number of units that are permanently affordable to lower income households.

The Market & Octavia Area Plan and the SUD both provide controls to ensure that this unique site is developed with the appropriate density, massing and scale for the neighborhood. The density and height reflect the surrounding residential neighborhood, which is predominantly residential buildings of 2 to 4 stories. The height limits on the site were established to reflect those on the adjacent streets. Thus, the 85' height limit for the area in which the openhouse building is located is across the street from existing 7-story buildings and the density of the use districts on the site reflect the prevailing density on the adjacent streets.

This higher density results in the creation of 330 to 440 units, In addition, the project's flexible site planning enables the creation of a large residential care facility welcoming to the senior LBGT community and their friends, and on site social services for the project, neighborhood and citywide senior community.

Policy 2.3 Allow flexibility in the number and size of units within permitted volumes of larger multi-unit structures, especially if the flexibility results in creation of significant number of dwelling units that are permanently affordable to lower-income households.

The Market and Octavia Area Plan and the SUD both encourage and allow for a flexible unit density. This is due to the relaxed density controls of the Market and Octavia Plan and the .75/unit parking maximum established by the SUD. By using less lot area for parking, the site can accommodate the 10 buildings for the creation of 330 to 440 units, 49 to 176 of which will be affordable. In addition, the projects' flexible site planning enables the creation of a large residential care facility welcoming to the senior LBGT community and their friends, and on site social services for the project, neighborhood and citywide senior community.

The Project includes studio, 1-bedroom and 2-bedroom units in a variety of unit configurations.

Policy 2.4 Adopt specific zoning districts which conform to a generalized land use and density plan and the Master Plan.

The SUD (proposed Planning Code Section 249.32) is proposed in order to facilitate the development of a mixed-use project including affordable and market-rate rental and possibly ownership dwelling units, affordable senior dwelling units, community facilities, open space and retail services generally consistent with the policies of the Market and Octavia Area Plan, approved by the Board of Supervisors on October 24, 2007.

Objective 7 To increase land and improve building resources for permanently affordable housing.

Policy 7.2 Include affordable units in larger housing projects.

By providing that not less than 49 family units of the proposed 330 dwelling units are below market rate inclusionary units, and approximately 110 units affordable to seniors the project satisfies this objective and policy.

Policy 7.5 Encourage energy efficiency in new residential development and weatherization in existing housing to reduce overall housing costs.

The Project will comply with Title 24 energy efficiency standards. In addition, by participating in the LEED ND (Neighborhood Design) pilot program, the Project will demonstrate increased energy and environmental performance.

Objective 12 To provide a quality living environment.

Policy 12.1 Assure housing is provided with adequate public improvements, services and amenities.

This adaptive reuse project will include the infrastructure, amenities and urban services necessary for a project of this scope. The site will include numerous streetscape improvements, including the planting of street trees and a 5,000 square foot neighborhood serving retail use. In addition, there will be numerous, pedestrian circulation routes, substantial amounts of publicly accessible open space, enabling both passive and active recreational use, and a 12,000 square foot community center, available for resident and neighborhood social and cultural programming. There will also be on-site senior social services welcoming to LGBT seniors.

Policy 12.2 Allow appropriate neighborhood serving commercial activities in residential areas.

There will be an approximately 5,000 square foot retail space in the ground floor of Richardson Hall. The use will be open and inviting to the public. Since the site is a vacant educational site, there is no displacement of any affordable residential use.

Policy 12.4 Promote construction of well-designed housing that conserves existing neighborhood character.

The project's unique urban design is a culmination of the sponsor's choice to use numerous architects for the program and an extensive community consultation process. The design options on this site are constrained by the site's extreme topography. Nonetheless, the resulting designs feature elements that create an active pedestrian environment (e.g., stoops and porches at ground floor residential units) and elements that minimize the massing of the buildings by including ten separate structures and articulated building facades. In addition, the site will have a publicly accessible internal street/sidewalk pattern. These features facilitate pedestrian access, landscaping and street furniture. The presence of expanded public use areas complements the stoops and porches present on many of the ground floor units. The result is a design that integrates the private residential units directly into the vitality of the street level.

The new buildings would be designed to complement the architectural character of the existing buildings that will remain and those in the surrounding neighborhood. The variation of building heights will relate the buildings to the size and scale of other buildings in adjacent streets and the greater Hayes Valley neighborhood and will reflect the site's unique topography.

All of the new buildings would feature street-facing lobbies, individual stoops, porches and/or bay windows along the street frontages and internal walkways to promote an active pedestrian environment. These features facilitate pedestrian access, landscaping and street furniture. The presence of this expanded public use area complements the stoops, porches and bay windows present on many of the ground floor units. The result is a design that integrates the private residential units directly into the vitality of the street level.

Policy 12.5 Relate land use controls to the appropriate scale for new and existing residential areas.

The Market & Octavia Area Plan and the SUD both provide controls to ensure that this unique site is developed with the appropriate scale, density, massing and scale for the neighborhood. The density and height reflect the surrounding residential neighborhood, which is predominantly residential buildings of 2 to 4 stories. The height limits on the site were established to reflect those on the adjacent streets. Thus, the 85' height limit for the area in which the openhouse building is located is across the street from existing 7-story buildings and the density of the use districts on the site reflect the prevailing density on the adjacent streets.

Objective 13 To provide maximum housing choice.

Policy 13.3 Increase the availability of units suitable for special user groups with special housing needs including large families, the elderly and the homeless.

Policy 13.5 Encourage economic integration in housing by ensuring the new permanently affordable housing is located in all of the City's neighborhoods, and by requiring that new, large, market-rate residential developments include affordable units.

- Policy 13.6 Provide adequate rental housing opportunities.
- Policy 13.8 Amend regulations relating to group housing to ensure a distribution of quality board and care, adult day care facilities and single room occupancies.

This project will result in the creation of up 330 dwelling units and approximately 110 affordable senior dwelling units in addition operated by openhouse welcoming to LGBT seniors and their friends. Not less than 15% of the dwelling units developed by AF Evans (and as many as 20% if state tax-exempt bond financing is allocated to the Project) will be affordable units under the City's Inclusionary housing ordinance. The senior dwelling units developed by openhouse will be 100% affordable. The overall affordability of the project is expected to be approximately 39%. It is contemplated that all units would remain rentals because the land is ground leased from the University of California.

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.

- Policy 1.2 Ensure the safety and comfort of pedestrians throughout the city.

Pedestrians would be able to walk the length of the former Waller Street right-of-way between Laguna and Buchanan Streets via the proposed Waller Park. To help facilitate vehicle and pedestrian circulation throughout the site, the project will add two new alleys: "Micah Way" would provide for vehicle ingress and egress onto the site off Laguna Street between Haight and Waller Streets; "Lindhardt Lane," extending from the termination point of Micah Way on a north-south trajectory, would be a two-way interior private street that would allow vehicle ingress and egress from Hermann Street. One vehicular entrance into the site would be along Laguna at Waller Street in the location of the current main vehicular entrance to the UC Extension Campus, which would provide direct vehicular access to Garage 2. Garage 1 would be accessed from Buchanan Street (at its upper level) and from Lindhardt Lane (at its lower level). Both of these access points contribute to pedestrian safety and minimize pedestrian conflicts with cars. The corner of Laguna and Hermann Street will include a bulb-out adjacent to the retail space to enhance pedestrian safety at this location.

- 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 meets this policy by relying primarily on transit and car sharing and minimizing the number of parking spaces for private automobiles. First, the project complies with the Area Plan's discouragement of on-site parking through a variety of mechanisms (e.g., parking ratio of approximately 0.60 space/unit and space efficient parking stackers). 10 carshare parking spaces are provided to decrease the need for residents to own their own vehicles. Third, the project's location furthers the City's Transit First policy. There are numerous MUNI lines within easy walking distance of the project. For example, 12 MUNI bus lines (6-Parnassus, 7-Haight, 14-Mission, 14L-Mission Limited, 16AX-Noriega "A" Express,

16BX-Noriega "B" Express, 22-Fillmore, 26-Valencia, 47-Van Ness, 49-Van Ness/Mission, the 71-L Haight/Noriega Limited and 71-Haight/Noriega) run near the project site. MUNI light rail lines J, K, L, M, and N and the F-Market line run on or under Market Street. Due to the frequency and number of MUNI routes near the site, the site should have the high rate of ridership similar to the rest of the neighborhood.

Objective 11 Establish public transit as the primary mode of transportation in San Francisco and as a means through which to guide future development and improve regional mobility and air quality.

Policy 11.3 Encourage development that efficiently coordinates land use with transit service, requiring that developers address transit concerns as well as mitigate traffic problems.

The project's location furthers the City's Transit First policy. There are numerous MUNI lines within easy walking distance of the project. For example, 12 MUNI bus lines (6-Parnassus, 7-Haight, 14-Mission, 14L-Mission Limited, 16AX-Noriega "A" Express, 16BX-Noriega "B" Express, 22-Fillmore, 26-Valencia, 47-Van Ness, 49-Van Ness/Mission, the 71-L Haight/Noriega Limited and 71-Haight/Noriega) run near the project site. MUNI light rail lines J, K, L, M, and N and the F-Market line run on or under Market Street. Due to the frequency and number of MUNI routes near the site, the site should have the high rate of ridership similar to the rest of the neighborhood. The Final EIR determined that the Project will have no significant transportation impacts, including traffic, transit, pedestrian or bicycle impacts.

Objective 34 Relate the amount of parking in residential and neighborhood commercial districts to the capacity of the city's street system and land use patterns.

Policy 34.1 Regulate off-street parking in new housing so as to guarantee needed spaces without requiring excesses and to encourage low auto ownership in neighborhoods that are well served by transit and are convenient to neighborhood shopping.

The SUD complies with this policy by limiting parking to .75 spaces/unit. The project's 307 on-site spaces is below that ratio, resulting in .60 spaces/unit. The project further satisfies this policy by its transit-rich location. There are numerous MUNI lines within easy walking distance of the project. For example, 12 MUNI bus lines (6-Parnassus, 7-Haight, 14-Mission, 14L-Mission Limited, 16AX-Noriega "A" Express, 16BX-Noriega "B" Express, 22-Fillmore, 26-Valencia, 47-Van Ness, 49-Van Ness/Mission, the 71-L Haight/Noriega Limited and 71-Haight/Noriega) run near the project site. MUNI light rail lines J, K, L, M, and N and the F-Market line run on or under Market Street. Due to the frequency and number of MUNI routes near the site, the site should have the high rate of ridership similar to the rest of the neighborhood.

Policy 34.3 Permit minimal or reduced off-street parking for new buildings in residential and commercial areas adjacent to transit centers and along transit preferential streets.

The project is adjacent to transit preferential streets (Haight Street and Market Street). The SUD complies with this policy by limiting parking to .75 spaces/unit. The project's approximately 310 on-site parking spaces are below that ratio, resulting in .60 space/unit. By placing a maximum on the overall permitted project parking, the project satisfies this policy.

Commerce and Industry Element

Objective 1 Manage economic growth and change to ensure enhancement of the total city living and working environment.

Policy 1.1 Encourage development which provides substantial net benefits and minimizes undesirable consequences. Discourage development which has undesirable consequences which cannot be mitigated.

This project provides substantial net benefits in the form of adaptively reusing a vacant and underutilized site that is an attractive nuisance and source of criminal activity in the Hayes Valley neighborhood. It provides approximately 330 to 440 dwelling units in 10 buildings, including the preservation of three City landmarks on this site. There is 41,000 square feet of publicly accessible open space, including the passive and active recreation uses provided by Waller Park. There will be a 12,000 square foot community center for social and cultural use by the neighborhood residents and no more than 4,999 square feet of neighborhood serving retail uses.

All of the new buildings would feature lobbies, individual stoops, porches and/or bay windows along the street frontages and internal walkways to promote an active pedestrian environment. These features facilitate pedestrian access, landscaping and street furniture. The presence of this expanded public use area complements the stoops, porches and bay windows present on many of the ground floor units. The result is a design that integrates the private residential units directly into the vitality of the street level.

The Project complies with the Area Plan' reliance on transit and limited parking by being subject to a maximum residential parking limit of .75 spaces/unit. It is also located close to numerous MUNI lines which are expected to have the high rates of ridership seen elsewhere in this neighborhood.

Objective 6 Maintain and strengthen viable neighborhood commercial areas easily accessible to City Residents.

Policy 6.1 Ensure and encourage the retention and provision of neighborhood-serving goods and services in the city's neighborhood commercial districts, while recognizing and encouraging diversity of those districts.

The existing educational site is unused (except for the dental clinic). No existing neighborhood serving retail business will be displaced. The proposed project will provide no more than 4,999 square feet of ground floor, neighborhood serving retail uses. This retail space will provide opportunities for on site resident employment as well as employment opportunities for residents in the surrounding neighborhoods.

Policy 6.7 Promote high quality urban design on commercial streets.

The character of the site is improved by the urban design of the project. Comprised of the rehabilitation and reuse of three of the site's existing structures which are City landmarks and seven new buildings, the project will be designed by four different architects. All of the new buildings would feature street lobbies, individual stoops, porches and/or bay windows along the street frontages and internal walkways to promote an active pedestrian environment. These features facilitate pedestrian access, landscaping and street furniture. The presence of this expanded public use area complements the stoops, porches and bay windows present on many of the ground floor units. The result is a design that integrates the private residential units directly into the vitality of the street level.

Urban Design Element

Objective 1: Emphasis of the characteristic pattern which gives to the city and its neighborhoods an image, a sense of purpose, and a means of orientation.

Policy 1.2: Recognize, protect and reinforce the existing street pattern, especially as it is related to topography.

The project site slopes steeply downward from northwest to southeast and is divided into two terraces. The majority of the existing buildings occupy the periphery of the site on the upper and lower terraces, with surface parking generally in the center of the site. The new buildings would be designed to complement the architectural character of the existing buildings that will remain and the surrounding neighborhood.

The proposed new buildings would be compatible with its surrounding street pattern by being four to eight stories in height. New buildings along Buchanan Street would be four stories while new buildings along Laguna Street would be between four and eight stories. The tallest building would be the openhouse building, Building 8. It would be eight stories or a maximum of 85 feet in height. It will be at the intersection of Laguna and Waller Streets and extend into the middle of the site. This variation of building heights is intended to relate to the size and scale of other buildings in the Hayes Valley neighborhood and to take into consideration the existing topography.

Policy 1.3 Recognize that buildings, when seen together, produce a total effect that characterizes the city and its districts.

The seven new buildings along with the three preserved landmarks are reflective of the architectural character of the surrounding neighborhood. The buildings' heights will reflect those of the adjacent streets. All the buildings feature elements that create an active pedestrian environment (e.g., stoops and porches at ground floor residential units) and elements that minimize the massing of the buildings by use of breaking up facades at upper building levels.

The adaptive reuse of vacant educational site with seven new and three rehabilitated buildings designed by numerous architectural firms will result in a site design and architectural character unique to the site. The building's designs take into account the site's topography and extreme grades as well as its Hayes Valley location. The resulting effect will reflect Hayes Valley's varied architecture and highlight the site's prominence in both size and location to the overall neighborhood character.

Objective 3 Moderation of major new development to complement the City pattern, the resources to be conserved, and the neighborhood environment.

Policy 3.1 Promote harmony in the visual relationships and transitions between new and older buildings.

The seven new buildings are designed to be compatible in massing, design and materials with the three landmark structures to be preserved, as well as the predominant urban design of the surrounding neighborhood.

Policy 3.2 Avoid extreme contrast in color, shape and other characteristics which will cause new buildings to stand out in excess of their public importance

The proposed Project's design reflects the styles commonly found in the larger neighborhood, yet because of the number of buildings on the site and the site configuration, offers a variety of design types. Each design however reflects the character, massing and scale of the surrounding streets.

Policy 3.3 Promote efforts to achieve high quality of design for buildings to be constructed at prominent locations.

The project sponsor utilized 4 different local and reputable architecture firms to create buildings of high quality design. Thoughtful use of the site's topography and the surrounding neighborhood streetscape enables the project to be integrated into the surrounding neighborhood and prevents it from appearing walled-off, as it currently exists.

Policy 3.5 Relate the height of buildings to important attributes of the city pattern and to the height and character of existing development.

Similar to the existing land use pattern, the project would locate the single taller senior openhouse building nearer Market Street and shorter residential buildings closer to the lower-scale residential uses along the site's Haight and Buchanan Street frontages. Project buildings would be three to eight stories in height. New buildings along Buchanan Street would be four stories in height, while new buildings along Laguna Street would range from four to eight stories. New buildings on the interior of the site would be three to four stories in height. The proposed four story buildings on the project site would be approximately one story higher than the predominantly three-story residential buildings along the site's perimeter streets, such as Buchanan, Haight, and Laguna Streets.

The tallest project building, the 8-story openhouse building at the intersection of Waller and Laguna Streets, would be generally similar in height to existing residential buildings that surround the site, such as the seven-story (80 foot) apartment buildings at 1900 Market Street, 78 and 300 Buchanan Street, 50 Waller Street, and 16 and 50 Laguna Street.

Recreation and Open Space Element

Objective 4 Provide opportunities for recreation and the enjoyment of open space in every San Francisco neighborhood.

Policy 4.5 Require private usable outdoor open space in new residential development.

Policy 4.6 Assure the provision of adequate public open space to serve new residential development. The acreage of new neighborhood serving parkland and open space should be related to the size of the potential population and the availability of other nearby open space. Major new residential development should be required to provide open space accessible to the general public. This will compensate for the pressure the increased population will put on existing public facilities.

The requirement of providing publicly accessible open space could be satisfied in a number of ways. Land on a site that is suitable for recreation purposes could be improved and maintained by the developer and made available to the general public.

The Project would provide open space to serve project residents at least equal to the requirements of the Planning Code. In addition, it would provide approximately 41,000 square feet of publicly accessible open space. Waller Park would be privately built and maintained but publicly accessible open space. It would provide 25,000 square feet of open space and passive recreational uses. Upper Waller Park would include a large lawn area, a storm water runoff basin and fountain, benches, and trees and would take advantage of the steep slope of the project site by providing a scenic overlook with views of the Bay and downtown San Francisco. Lower Waller Park would include hard and softscape areas with trees, benches, grassy areas and potentially built-in seating on the slope, overlooking the end of Waller park. Street trees would be planted along all four exterior streets as well as along all internal streets. Two new alleys ("Micah Way" and "Lindhardt Lane") would also be privately owned though publicly accessible through the site. These open spaces would also serve for vehicular and pedestrian access and circulation.

Other privately built and maintained though publicly accessible open spaces include a 10,600 square feet community garden behind Woods Hall and 6,000 square feet of additional open space distributed throughout the site. In total, there would be approximately 41,000 square feet of publicly accessible open space provided, all in excess of the open space requirements necessary to serve the approximately 330 proposed dwelling units.

Air Quality Element

Objective 3 Decrease the air quality impacts of development by coordination of land use and transportation decisions.

Policy 3.1 Take advantage of the high density development in San Francisco to improve the transit infrastructure and also encourage high density and compact development where an extensive transportation infrastructure exists.

The project satisfies this by policy by its location near numerous MUNI lines.

Policy 3.2 Encourage mixed land use development near transit lines and provide retail and other types of service oriented uses within walking distance to minimize automobile dependent development.

The project satisfies this by policy by its location near numerous MUNI lines. It is also within walking distance of the retail opportunities on Haight and Market Streets. In addition, reliance on private cars is minimized by the SUD's cap on parking to .75 spaces/unit.

Policy 3.4 Continue past efforts and existing policies to promote new residential development in and close to the downtown area and other centers of employment, to reduce the number of auto commute trips to the city and to improve the housing/job balance within the city.

The project satisfies this policy by maximizing its reliance on transit and limited parking by being subject to a maximum residential parking limit of .75 spaces/unit. The project's approximately 310 on-site parking spaces are below that ratio, resulting in .60 spaces/unit. There may be even fewer cars to and from the site due to the project's proximity to numerous MUNI lines. For example, 12 MUNI bus lines (6-Parnassus, 7-Haight, 14-Mission, 14L-Mission Limited, 16AX-Noriega "A" Express, 16BX-Noriega "B" Express, 22-Fillmore, 26-Valencia, 47-Van Ness, 49-Van Ness/Mission, the 71-L Haight/Noriega Limited and 71-Haight/Noriega) run near the project site. MUNI light rail lines J, K, L, M, and N and the F-Market line run on Market Street. Due to the frequency and number of MUNI routes near the site, the site should have the high rate of ridership similar to the rest of the neighborhood.

Policy 3.6 Link land use decision making policies to the availability of transit and consider the impacts of these policies on the local and regional transportation system.

The SUD furthers this policy by imposing a maximum of .75 spaces/unit. This policy is also furthered by the project's transit-rich location.

16. **Market & Octavia Area Plan Compliance.** The project is consistent with the objectives and policies of the Market and Octavia Area Plan adopted by the Board of Supervisors on October 24, 2007 in Ordinance No. 24607.

Objective 1.1 Create a land use plan that embraces the Market and Octavia Neighborhood's potential as a mixed-use urban neighborhood.

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

The project complies with this policy by its transit-rich location. There may be even fewer cars on the site due to the project's proximity to numerous MUNI lines. For example, 12 MUNI bus lines (6-Parnassus, 7-Haight, 14-Mission, 14L-Mission Limited, 16AX-Noriega "A" Express, 16BX-Noriega "B" Express, 22-Fillmore, 26-Valencia, 47-Van Ness, 49-Van Ness/Mission, the 71-L Haight/Noriega Limited and 71-Haight/Noriega) run near the project site. MUNI light rail lines J, K, L, M, and N and the F-Market line run on Market Street. Due to the frequency and number of MUNI routes near the site, the site should

have the high rate of ridership similar to the rest of the neighborhood. The community center has been located on Haight Street to be in as close proximity to the Hayes Valley North and South as possible in order to promote attendance by community residents.

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

This adaptive reuse project is bounded by Haight, Laguna, Hermann and Buchanan in the Hayes Valley neighborhood. The proposed mixed use project provides: 1. Approximately 330 dwelling units approximately 110 affordable senior dwelling units operated by openhouse, a non-profit corporation; 2. approximately no more than 4,999 square feet pedestrian scale, neighborhood serving retail uses; 3. an internal open space system (much of which would be publicly accessible) and a landscaped, attractive internal pedestrian and vehicle access circulation system; 4. 12,000 square feet of community space in an adaptively reused Woods Hall Annex facing Haight Street; and, 5. support services for seniors residing in the project and throughout the City. By creating these uses, the project will contribute to and enhance the vitality of the surrounding neighborhoods.

Policy 1.1.9 Allow small-scale neighborhood serving retail and other community-serving uses at intersections in residential districts.

Ground-floor retail (possibly including a café with outdoor seating) would be located at the corner of Laguna and Hermann Streets in the ground floor (Laguna Street) level of the renovated Richardson Hall. The proposed retail space would necessitate new openings in the retaining wall to access this new use. On the ground floor of the openhouse building and in the ground floor level of Richardson Hall, openhouse will provide social, educational, and health services to the senior community, including both residents of the openhouse building and others not residing on-site. Lastly, there will be a 12,000 square community space in the existing Wood Hall Annex that would be available for cultural and social programming by the project's residents and residents of the Hayes Valley neighborhood.

Policy 1.1.10 Recognize the importance of public land and preserve it for future uses.

The vacant UC Extension campus does not provide any current public access or public uses. It is used currently only for commuter parking for UCSF and CPMC employees. The project's adaptive reuse of this vacant and underutilized educational use will retain 52% of the site's lot area for open space and pedestrian and vehicle circulation, much of it publicly accessible. The project also will preserve the three City landmarks—Woods Hall, Woods Hall Annex, and most of Richardson Hall. The operating dental clinic, which provides low-cost dental care services to lower income residents of the neighborhood, City and region, will remain zoned P and is not part of this Project.

Objective 1.2 Encourage the urban form that reinforces the Plan Area's unique place in the city's larger urban form and strengthens its physical fabric and character.

Policy 1.2.1: Relate the prevailing height of buildings to street widths throughout the plan area.

Similar to the existing land use pattern, the project would locate the single taller senior building nearer Market Street and shorter residential buildings closer to the lower-scale residential uses along the site's Haight and Buchanan Street frontages. Project buildings would be three to eight stories in height. New buildings along Buchanan Street would be four stories in height, while new buildings along Laguna Street would range from four to eight stories. New buildings on the interior of the site would be three to four stories in height. The proposed four story buildings on the project site would be approximately one story higher than the predominantly three-story residential buildings along the site's perimeter streets, such as Buchanan, Haight, and Laguna Streets.

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

The project complies with this policy by resulting in the construction of approximately 330 dwelling units, approximately 110 affordable senior dwelling units welcoming to LGBT seniors and all seniors. There will be an approximately no more than 4,999 square foot ground-floor retail use that will serve as a neighborhood destination, such as a café.

Objective 2.2 Encourage construction of residential infill throughout the Plan Area.

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

The Project includes studio, 1-bedroom and 2-bedroom units in a variety of unit configurations, dwelling units for seniors.

Policy 2.2.3 Eliminate residential parking requirements and introduce a maximum parking cap.

The project complies with this policy by being subject to the SUD's maximum parking cap of .75 spaces/unit. The project is below this cap, providing only .60 spaces/unit.

Objective 2.4 Provide increased housing opportunities affordable to households at varying income levels.

Of the approximately 330 units subject to Section 315, at least 15% or 49 units will be affordable.

Policy 2.4.1 Disaggregate the cost of parking from the cost of housing and space for other uses.

Consistent with this policy, the cost of the parking spaces will be unbundled from the housing costs borne by the residents.

Policy 2.4.3 Encourage innovative programs to increase housing rental and ownership opportunities and housing affordability.

This project will result in the creation of up to 330 dwelling units and approximately 110 affordable senior dwelling units operated by openhouse welcoming to LGBT seniors, their friends and all seniors. Not less than 15% of the dwelling units developed by AF Evans (and as many as 20% if state tax-exempt bond financing is allocated to the Project) will be affordable units under the City's Inclusionary housing ordinance. The senior dwelling units developed by openhouse will be 100% affordable. The overall affordability of the project is expected to be approximately 39%. It is contemplated that all units would remain rentals because the land is ground leased from the University of California.

Objective 3.1 Encourage new buildings that contribute to the beauty of the built environment and the quality of streets as public space.

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

This project meets this policy. The new buildings would be designed to complement the architectural character of the existing buildings that will remain and those in the surrounding neighborhood. The variation of building heights will relate the buildings to the size and scale of other buildings in adjacent streets and the greater Hayes Valley neighborhood and will reflect the site's unique topography.

All of the new buildings would feature street-facing lobbies, individual stoops, porches and/or bay windows along the street frontages and internal walkways to promote an active pedestrian environment. These features facilitate pedestrian access, landscaping and street furniture. The presence of this expanded public use area complements the stoops, porches and bay windows present on many of the ground floor units. The result is a design that integrates the private residential units directly into the vitality of the street level.

Objective 3.2 Promote the preservation of notable historic landmarks, individual historic buildings, and features that help to provide continuity with the past.

Policy 3.2.5 Preserve landmark and other buildings of historic value as invaluable neighborhood assets.

This adaptive reuse project will result in the preservation, renovation and reuse of three City landmarks on this vacant and underutilized educational use site. Woods Hall, Woods Hall Annex, and Richardson Hall (except its Administration Wing) are City landmarks. All of Woods Hall and Woods Hall Annex will be preserved to support residential and community facility uses. All of Richardson Hall except the Administration Wing would be rehabilitated to house new residential uses and senior social services. Rehabilitation of Woods Hall, Woods Hall Annex, and most of Richardson Hall would be primarily restricted to the interior of these buildings, without substantial alterations to their exterior facades or rooflines, with the exception of new entrances from the interior courtyards. The ground floor of Richardson Hall would be altered to accommodate the proposed ground-floor retail space at the corner of Laguna and Hermann Streets.

Policy 3.2.6 Encourage rehabilitation and adaptive reuse of historic buildings and resources

This adaptive reuse project satisfies this policy. Rehabilitation of the three City landmarks on this site-- Woods Hall, Woods Hall Annex, and Richardson Hall-- would be to enable the site's residential and

community facility uses. Rehabilitation of these buildings would be primarily restricted to their interiors, without substantial alterations to their exterior facades or rooflines, with the possible exception of new entrances from the interior courtyards. The ground floor of Richardson Hall would be altered to accommodate the proposed ground-floor retail space at the corner of Laguna and Hermann Streets.

Policy 3.2.12 Encourage new building design that respects the character of nearby older development.

The site will be developed with ten buildings to maintain the small-scale and diversity of the neighborhood. Only one building will exceed four stories in height. All of the new buildings would feature street lobbies, individual stoops, porches and/or bay windows along the street frontages and internal walkways that are common throughout the Hayes Valley neighborhood.

Policy 3.2.13 Promote preservation incentives that encourage reusing older buildings.

The project sponsor is exploring applying for a Mills Act contract as a preservation incentive for the three landmark buildings on site.

Objective 4.1 Provide safe and comfortable public rights-of-way for pedestrian use and for the public life of the neighborhood.

Policy 4.1.1 Widen sidewalks and shorten pedestrian crossings with corner plazas and boldly marked crosswalks where possible without affecting traffic lanes.

The project complies with this policy by constructing a bulb-out at the Laguna and Hermann corner.

Policy 4.1.2 Enhance the pedestrian environment by planting trees along sidewalks, closely planted between pedestrians and vehicles.

The project complies with this policy by providing not less than the number of street trees required by Planning Code Section 143.

Policy 4.1.5 Do not allow the vacation of public rights-of-way, especially alleys. Where new development creates the opportunity, extend the area's alley network.

The project complies with this policy. No right-of-way is being vacated. Rather, the project reintroduces a vacated right-of-way as Waller Park and introduction of two alleys -- Micah Way and Lindhardt Lane -- for pedestrian circulation. Waller Street, which was vacated in 1922, is being reintroduced as a pedestrian thoroughway that will bisect the site into north and south blocks. The site is further bisected by two new vehicular access alleys, Micah Way and Lindhardt Lane. The inclusion of these alleys for both internal access and circulation enables the site to more closely resemble the urban block pattern that exists in the surrounding neighborhoods.

Objective 5.2 Develop and implement parking policies for areas well served by public transit that encourage travel by public transit and alternative transportation modes and reduce traffic congestion.

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

The SUD furthers this policy by imposing a maximum of .75 spaces/unit and eliminating parking minimas.

Policy 5.2.2: Encourage the efficient use of space designated for parking.

The project complies with this policy. Of the approximately 310 spaces, approximately 50% or 152 spaces, will be parked by space-efficient means, such as stackers, lifts and valets.

Policy 5.2.6: Make parking costs transparent to users.

Consistent with the Area Plan's reliance on "unbundling" of parking from housing costs, parking fees would not be included in the residents' base housing payments.

Objective 5.3: Eliminate or reduce the negative impact of parking on the physical character and quality of the neighborhood.

The project complies with this policy by providing most of its parking in underground garages completely masked by active uses along their street and alley frontages. There will be only 14 surface spaces located on Micah Way or Lindhardt Lane, which will utilize a small percentage of the total area of those thoroughways.

Policy 5.3.1 Encourage the fronts of buildings to be lined with active uses and, where parking is provided, require that it be setback and screened from the street.

All but 14 spaces will be provided in 2 underground parking garages lined with active residential uses in the few locations where the garages are above-ground as the site slopes downhill.

Policy 5.5.2 Provide secure and convenient bicycle parking throughout the plan area.

The project will provide approximately 126 secure, on-site bike parking spaces that would be available in two separate locations for use by residents.

Objective 6.1 Ensure that new development is innovative and yet carefully integrated into the fabric of the area.

Policy 6.2.2: Any future reuse of the UC Berkeley Laguna Extension Campus should balance the need to reintegrate the site with the neighborhood and to provide housing, especially affordable housing, with the provision for public uses such as education, community facilities and open space.

The character of the site is improved by the urban design of the project, which reintegrates the site into the neighborhood. It does so by reintroducing Waller Street, which was vacated in 1922, back into the street grid as a pedestrian thoroughway that will bisect the site into north and south blocks and provide public access through the site. The site is further bisected by two new vehicular access alleys, Micah Way and Lindhardt Lane. The inclusion of these alleys for both internal access and circulation enables the site to more closely resemble the urban block pattern that exists in the surrounding neighborhoods. Comprised of the rehabilitation and reuse of three of the site's existing structures and seven new buildings, the project will be designed by four different architects. The resulting designs provide a variety of unit types within different architectural settings. There will approximately 41,000 square feet of publicly accessible open space in Waller Park, a community garden, and other open spaces, plus a 12,000 square foot community facility in Woods Hall Annex that will be programmed with input from area residents to include educational, cultural and recreational uses. Approximately 39% of the units will be affordable units.

The new buildings are designed to complement the architectural character of the existing buildings that will remain and the surrounding neighborhood. The proposed new buildings would be four to eight stories in height. New buildings along Buchanan Street would be four stories while new buildings along Laguna Street would be between four and eight stories. The tallest building would be the openhouse building, Building 8. It would be eight stories or a maximum of 85 feet in height. It will be at the intersection of Laguna and Waller Streets and extend into the middle of the site. This variation of building heights is intended to relate to the size and scale of other buildings in the Hayes Valley neighborhood and to take into consideration the existing topography.

All of the new buildings would feature street lobbies, individual stoops, porches and/or bay windows along the street frontages and internal walkways to promote an active pedestrian environment. These features facilitate pedestrian access, landscaping and street furniture. The presence of this expanded public use area complements the stoops, porches and bay windows present on many of the ground floor units. The result is a design that integrates the private residential units directly into the vitality of the street level.

17. **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 enhanced.

The existing educational site is unused (except for the dental clinic). No existing neighborhood serving retail business will be displaced. The proposed project will provide no more than 4,999 square feet of ground floor, neighborhood serving retail uses. Those businesses will provide opportunities for on site resident employment as well as employment opportunities for residents in the surrounding neighborhoods.

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

The almost vacant site (except for the dental clinic) was used throughout its life as an educational use. It has never provided housing. The four institutional buildings on the site are being maintained by the property owner, UC Regents, but in their current unused condition, do not enhance or augment the neighborhood's cultural or economic diversity.

The project proposes to revitalize the site and the neighborhood in the following ways. First, the project will provide approximately 330 dwelling units approximately 110 affordable senior units. In addition, the project provides approximately 41,000 square feet of publicly accessible open space. Some of that open space will double as internal pedestrian circulation, as the project will reintroduce the former Waller Street right-of-way as a throughway. The project further enhances site accessibility and circulation by creating 2 additional alleys. By doing so, the block pattern of the project site more closely resembles the block pattern in the neighborhood. To further enhance the site's character and make it more closely resemble the surrounding neighborhood, some of the buildings feature stoops and porches, directly integrating the new housing units into the existing residential fabric of the surrounding neighborhood.

Lastly, the site includes no more than 4,999 square feet of ground floor, neighborhood serving retail space and 12,000 square feet of community center space. This active, pedestrian oriented space will enhance the livability and activities of the project site itself, being a destination for both residents of the project and the surrounding neighborhoods.

A diversity of activities will be created and sustained by the project. The character of the site is improved by the urban design of the project. Comprised of the rehabilitation and reuse of three of the site's existing structures and seven new buildings, the project will be designed by four different architects. The resulting designs provide a variety of unit types within different architectural settings. There will be public open space and a 12,000 square foot community facility.

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

There is currently no housing on the site. Not less than 15% of the dwelling units developed by AF Evans (and as many as 20% if state tax-exempt bond financing is allocated to the Project) will be affordable under the City's Inclusionary housing ordinance. The senior dwelling units developed by openhouse will be 100% affordable.

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

The EIR determined that the project will have no significant transportation impacts. Neither existing on-street parking supply nor MUNI will be detrimentally impacted by the project. First, the project complies with the Area Plan's discouragement of on-site parking through a variety of mechanisms (e.g., parking ratio of approximately 0.60 space/unit and space efficient parking stackers). Second, the project provides adequate on-site parking for residents via two underground parking garages (and some limited surface parking), thus minimizing competition

for on-street parking resources in the surrounding neighborhood. 10 carshare parking spaces are provided to decrease the need for residents to own their own vehicles.

Third, the project's location furthers the City's Transit First policy. There are numerous MUNI lines within easy walking distance of the project. For example, 12 MUNI bus lines (6-Parnassus, 7-Haight, 14-Mission, 14L-Mission Limited, 16AX-Noriega "A" Express, 16BX-Noriega "B" Express, 22-Fillmore, 26-Valencia, 47-Van Ness, 49-Van Ness/Mission, the 71-L Haight/Noriega Limited and 71-Haight/Noriega) run right near the project site. MUNI light rail lines J, K, L, M, and N and the F-Market line run on Market Street. Due to the frequency and number of MUNI routes near the site, the site should have the high rate of ridership similar to the rest of the neighborhood. Even with a high rate of ridership, there would be no significant impact on MUNI operations.

- a. 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 largely vacant and underused UC Extension campus is not and has never been used for industrial or service oriented functions. Moreover, the project does not propose any commercial office development that will displace any industrial or service sector uses or employment. The dental clinic at the site's southwestern corner will remain in its current location and continue to provide dental services to the broader community.

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

The adaptive reuse of the largely vacant UC Extension campus will result in three of the existing buildings being seismically retrofitted in compliance with current building codes and engineering/excavation practices for enhanced seismic safety. The new construction will also comply with current building codes and engineering/excavation practices for enhanced seismic safety. The regrading of the site will also enhance the site's ability to withstand life and property damage from an earthquake by eliminating steep areas of the site that can contribute to instability during a seismic event.

- c. That landmarks and historic buildings be preserved.

Woods Hall, Woods Hall Annex and Richardson Hall (except for its one-story Administration Wing) were recently designated as landmarks pursuant to Article 10 of the Planning Code. The Project will result in the adaptive reuse of these three City landmark buildings, the demolition of the heavily altered Middle Hall and the one-story Administration Wing of Richardson Hall, and the construction of seven new infill buildings.

The project would demolish Middle Hall and the Administration Wing of Richardson Hall, as well as the retaining wall along Laguna and Haight Streets. Woods Hall, and Richardson Hall would be rehabilitated to provide residential units, plus retail space in the first floor of Richardson

Hall. Woods Hall Annex would be converted into community facility space. The proposed retail space located at the basement level of Richardson Hall near the intersection of Hermann and Laguna Streets would necessitate new openings in the retaining wall to access this new use.

According to the above, the project would cause demolition and/or alteration of individually eligible historic resources. To minimize the impact to historic resources, the project sponsor has hired a qualified historical architect to be involved in the design process to ensure the compatibility and differentiation of the new structures with the existing buildings and neighboring buildings. The historic architect is also involved in the rehabilitation process and has provided guidance to the project architects. As a result, renovations to Richardson Hall, Woods Hall, and Woods Hall Annex would result in preservation of their historic character-defining features, consistent with their landmark status. However, the project would result in the loss of the historic character defining features of Middle Hall, and the Administration Wing of Richardson Hall, as well as the retaining wall. Those elements of the site were not designated as landmarks by the Board of Supervisors.

Page & Turnbull independently evaluated the eligibility of the project site buildings and the site as a whole for the National Register of Historic Places, the California Register of Historic Resources, and as a San Francisco landmark or historic district. Consistent with California Office of Historic Preservation findings, this evaluation found that three of the four buildings—Richardson Hall, Woods Hall, and Woods Hall Annex — are potentially eligible for National Register, which renders them potentially eligible for the California Register. Page & Turnbull did not find that the campus as whole had sufficient integrity and character defining features to be eligible as an historic district.

The Planning Department, in contrast to Page & Turnbull's findings, determined that Middle Hall, while not individually eligible, would contribute to a potential campus historic district, as would the other three buildings described above, landscape features dating from 1921 – 1955, and the retaining wall along Laguna and Haight Street. The Planning Department additionally found that, "The new construction would not comply with four out of ten of the Secretary of the Interior's Standards for Rehabilitation (Standards 1, 2, 9, and 10) because the new structures may impact the spatial relationships, including the internally-focused 'quadrangle' design that characterizes the existing campus."

Thus, for purposes of this Prop M finding, consistent with the EIR findings based on the Page & Turnbull and Planning Department's reports, all buildings on the project site (Richardson Hall, Woods Hall, Woods Hall Annex, and Middle Hall) qualify as "historical resources".

EIR Alternative B (Preservation Alternative) which would include the rehabilitation of Middle Hall and the Administration Wing of Richardson Hall and retention of the Laguna and Haight Street retaining walls, is not feasible for the reasons set forth in the CEQA Findings, Exhibit C hereto, and on balance the project would meet the City's preservation goals.

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

The EIR determined that the Project would have no significant impact on the sunlight to or vistas from any public park.

18. **California Environmental Quality Act (CEQA) Findings Regarding Alternatives and Overriding Considerations.** CEQA mandates that an EIR evaluate a reasonable range of alternatives to the Project or the Project location that generally reduce or avoid potentially significant impacts of the Project. CEQA requires that every EIR evaluate a "No Project" alternative. Alternatives provide a basis of comparison to the Project in terms of beneficial, significant, and unavoidable impacts. This comparative analysis is used to consider reasonably feasible options for minimizing environmental consequences of a Project. The EIR concluded that the Project as proposed will have significant unavoidable environmental impacts to historic resources and analyzed three alternatives, including a No Project Alternative, a Preservation Alternative, and the New College of California/Global Citizen Center Concept Plan Alternative. These alternatives are addressed, and found to be infeasible, in the CEQA Findings attached hereto as Exhibit C, which are incorporated herein by reference as though fully set forth. The CEQA Findings also set forth the benefits of the Project that override its unavoidable significant impact to historic resources.

DECISION

That based upon the Record, the EIR, 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. 2004.0773C** subject to the following conditions attached hereto as EXHIBIT A and the Mitigation Measures Monitoring and Reporting Program (MMRP) set forth in Exhibit D, both of which are 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. 17537. 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 94012.

I hereby certify that the Planning Commission **ADOPTED** the foregoing Motion on January 17, 2008.

Linda D. Avery
Commission Secretary

AYES: Moore, Sugaya, B. Lee, Antonini, Olague, S. Lee

Motion 17537
January 17, 2008

CASE NO. 2004.07703 EIMZTC
55 Laguna Street

NOES: None

ABSENT: Alexander

ADOPTED: January 17, 2008

EXHIBIT A

CONDITIONS OF APPROVAL

General Conditions

1. Whenever "Project Sponsor" is used in the following conditions, the conditions shall also bind any successor to the Project or other persons having an interest in the Project or underlying property.
2. This approval is for Conditional Use and Planned Unit Development authorization on the property at 55 Laguna Street (aka 218-220 Buchanan Street), Lots 1, 2 and a portion of Lot 3 in Assessor's Block 870 and Lots 1 and 1A in Assessor's Block 857 (hereinafter "Property") to allow for the construction of a moderate density mixed use development of approximately 330 dwelling units, an approximately 111,175 square foot building containing approximately 110 affordable senior dwelling units, approximately 12,000 square feet of community facility space, and approximately 5,000 occupied square feet of neighborhood-serving retail space in a total of 10 buildings on the Property. The Project will also include approximately 90,690 square feet of parking in two underground garages that are each two levels deep (for approximately 293 spaces) and 14 surface spaces which would be on Micah Way or Lindhardt Lane (two proposed private alleys), for a total of approximately 310 spaces, and approximately 42,000 square feet of publicly accessible open space, created by the reintroduction of the Waller Street right-of-way, a community garden and other open space distributed throughout the site (in addition to private and common open space for residents). The Project will result in the adaptive reuse of three City landmark buildings, the demolition of the heavily altered Middle Hall and the one-story Administration Wing of Richardson Hall, the Property's existing surface parking lots and Laguna and Haight Street retaining walls, and the construction of seven new buildings.
3. The Project approved by this Motion is in general conformity with the plans dated November 29, 2007, on file with the Department in the docket for Case No. 2004.0773C (labeled EXHIBIT B), reviewed and approved by the Commission on January 17, 2008.

Rezoning, SUD and Height/Bulk District Reclassification

4. This approval is contingent on the Board of Supervisors approval of the rezoning of the Project site from P to RM-3, and NC-3 within the Laguna, Haight, Buchanan and Herman Streets Special Use District a Planning Code text amendment to create the Laguna, Haight, Buchanan and Hermann Streets Special Use District, height and bulk district reclassification from 40-X and 80-B to 40-X, 50-X and 85-X, and resolution regarding the use of Waller Street pursuant to Condition of Approval #39.

Design

5. The final plans shall meet the standards of the Planning Code and be in general conformity with the plans approved by the Commission on January 17, 2008 as Exhibit B found in the Case

docket.

6. The Project Sponsor shall continue to work with the Planning Department to develop and refine the design of the seven new buildings including, but not limited to minor adjustments in massing and articulation, selection of wall finish materials and colors, window types and materials (final window design approved by Department may differ from the proposed designs shown in Exhibit B), architectural features such as awnings, and sunshades and trim profiles and materials, quality of transparent material on Buildings 2 and 5, and the use of wood throughout the Project.
7. The Project Sponsor shall continue to work with the Landmarks Preservation Advisory Board to ensure the compatibility of the seven newly constructed buildings with the three existing landmark buildings (Woods Hall, Woods Hall Annex and portion of Richardson Hall not to be demolished).
8. Alterations to Woods Hall, Woods Hall Annex and Richardson Hall shall be in conformance with Certificates of Appropriateness to be considered for approval pursuant to Article 10 of the Planning Code.
9. Detailed building plans shall include, but are not limited to, a final site plan, unit plans, elevations, sections, landscape plan, choice of finish materials and colors, and details of construction. Changes to the Project's design shall be incorporated into the site plan/building permits prior to submittal of the architectural addendums.
10. If, after the Project Sponsor and Architects work with staff on refining the design as described above, the Director of the Planning Department or Zoning Administrator are NOT satisfied that the project represents an outstanding overall design, the Project shall be presented to the Planning Commission at a public hearing for further direction.
11. Space for the collection and storage of garbage shall be provided within enclosed areas on the property. Garbage containers shall be kept inside buildings, and placed outside only when being serviced by the disposal company. Space for the collection and storage of recyclable 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.
12. The Project shall comply with the provision of street trees as required by Planning Code Section 143.
13. Subject to approval as necessary by the Department of Public Works, the Project shall provide corner sidewalk bulb-outs at the northwest corner of Laguna and Hermann Street and at the intersection of Laguna Street and Lower Waller Park, and Buchanan Street and Upper Waller Park.
14. The Project Sponsor shall apply for LEED ND (Leadership in Energy and Environmental Design - Neighborhood Development) certification for the Project. The Project Sponsor shall submit a report to the Department indicating the status of LEED approval and certification upon each of these two actions. At a minimum, the reports shall indicate milestones of the actions and the environmental measures incorporated into the Project. A copy of the LEED Application(s) shall

be forwarded to the Department as well.

15. There shall be no transformers or utilities located in the Waller Street right-of-way or Waller Park.
16. There shall be no gates, or similar feature(s) serving to regulate pedestrians or vehicles, located at either end of Waller Street/Waller Park, Lindhardt Lane or Micah Way entrances, exits or thoroughfares.
17. All windows (except for dwelling unit entrances) located at ground-floor levels shall be transparent and provide unobstructed visual access into the building's ground floor at all times.

Housing

18. The Project's dwelling units shall not be marketed for time-share or short-term transient use. No residential units shall be used as hotel units.
19. The Project Sponsor shall ensure that initial sales of more than two dwelling units to any one entity if not for owner occupancy, will be for residential rental purposes for rental periods of not less than one month.
20. Not less than 15% of the dwelling units developed by AF Evans (and as many as 20% if state tax-exempt bond financing is allocated to the Project) will be affordable units under the City's inclusionary housing ordinance. All senior dwelling units will be affordable at 50% of San Francisco's median income.

Inclusionary Housing

21. The Project is subject to the requirements of the Inclusionary Affordable Housing Program under Section 315 et seq. of the Planning Code and the terms of the Affordable Housing Monitoring Procedures Manual (hereinafter "Procedures Manual"), incorporated herein by reference, as published and adopted by Resolution No. 13405 on June 28, 2007 by the Planning Commission, and as required by Planning Code Section 315 (collectively the "Inclusionary Requirement"). The Project Sponsor has elected to provide on-site affordable below-market-rate rental units ("BMR units") to satisfy its Inclusionary Requirement.
22. The BMR units shall be designated on the building plans prior to approval of any building permit. The BMR units shall (1) reflect the unit size mix in number of bedrooms of the market rate units, (2) shall be constructed, completed, and ready for occupancy no later than the market rate units, and (3) shall be of comparable overall quality, construction, location, and exterior appearance as the market rate units in the principal Project.
23. If the units in the building are offered for sale, the BMR units shall be sold to first time home buyer households, as defined in the Procedures Manual, whose gross annual income, adjusted for household size, does not exceed an average of one hundred (100) of the San Francisco Area Median Income (SFAMI).
24. The initial sales price of such units shall be calculated according to the Procedures Manual based on such percentage of median income. This restriction shall apply for the life of the project.

25. The Applicant shall administer the marketing and reporting procedures, including the payment of administrative fees to the monitoring agency if such fees are authorized by ordinance, according to the procedures established in the Procedures Manual or as otherwise provided by law.
26. The definitions, procedures and requirements for BMR units are set forth in the Procedures Manual and are incorporated herein as Conditions of Approval. Terms used in these Conditions of Approval and not otherwise defined shall have the meanings set forth in the Procedures Manual.
27. Prior to issuance of any building permit for the Project (including any building permit issued for any partial phase of the Project), the Project Sponsor shall have designated the BMR units in accordance with Items a, b and c above.
28. Prior to issuance of the Building Permit, the Project Sponsor shall record a Notice of Special Restriction on the property that records a copy of this approval and identifies the BMR units satisfying the requirements of this approval. The Project Sponsor shall promptly provide a copy of the recorded Notice of Special Restriction to the Department and to the Mayor's Office of Housing or its successor (MOH), the monitoring agency for the BMR unit.
29. The Project Sponsor shall submit an application to the California Debt Limit Allocation Committee for an allocation of tax-exempt bonds for construction of the Project. In the event such a bond allocation is granted, the on-site inclusionary units shall be increased from 15% of the Project's dwelling units to 20% of the Project's dwelling units.
30. Units developed in Building 8 and/or operated by "openhouse" and/or developed as senior dwelling units shall all be affordable at a maximum of 50% of San Francisco's median income.

PARKING

31. All off-street parking provided to fulfill the requirement for residential units shall be leased or sold separately from the rental or purchase fees for dwelling units for the life of the dwelling units, such that potential renters or buyers have the option of renting or buying a residential unit at a price lower than would be the case if there were a single price for both the residential unit and the parking space
32. The parking spaces must be marketed and sold or leased as an addition to, not a subtraction from, the base purchase or rental price of a dwelling unit, and units may not be marketed or offered as a bundled package that includes parking without clear accompanying language that the parking is available only at additional cost. No conditions may be placed on the purchase or rental of dwelling units, nor may homeowner's rules be established, which prevent or preclude the separation of parking spaces from dwelling units or which establish certain units as those dedicated with or without parking.
33. Renters or buyers of on-site inclusionary affordable units provided pursuant to Section 315 shall have an equal opportunity to rent or buy a parking space on the same terms and conditions as offered to renters or buyers of other dwelling units, and at a price determined by the Mayor's

Office of Housing, subject to procedures adopted by the Planning Commission notwithstanding any other provision of Section 315 et seq.

34. The Project Sponsor shall submit for approval by the Zoning Administrator marketing materials for the Project, prior to publication, that demonstrate compliance with the provisions of Section 167(a) of the Planning Code. All subsequent marketing materials for properties subject to this Project authorization shall be consistent with the provisions of Section 167(a). Failure of all future relevant market materials and marketing activities for the Project to comply with Section 167(a) shall constitute a violation of these Conditions of Approval for the Project, and shall be subject to enforcement actions by the Planning Department, as well as any applicable fines.
35. The 51 spaces reserved for dental clinic parking shall be used by dental clinic employees and patients between the hours of 8:00 AM and 6:00 PM, Monday through Friday. Between the hours of 6:00 PM and 8:00 AM, Monday through Friday, and 24 hours on Saturday and Sunday the 51 parking spaces shall be available to the general public and project residents, unbundled.
36. No less than ten (10) car share spaces shall be made available, at no cost, to a certified car share organization for the purposes of providing car share services for its car share service subscribers. The car share services shall be located within the Project site. Not less than two car share spaces shall meet the requirements of Planning Code Section 166(b)(3)(A) as to accessibility to non-residents of the Project. Not less than two car share spaces in Garage 2 adjacent to the senior dwelling units, neither of which are required to comply with the requirements of Section 166 provided at least two other car share spaces meet those requirements.
37. The project will provide restricted-access storage areas for approximately 125 bicycles. The areas shall be consistent with the general intent of Class 1 bicycle parking spaces pursuant to Planning Code Section 155.
38. Bicycle parking shall be free of charge to residents and their guests.
39. There shall be no vehicle parking located in the Waller Street right-of-way or in Waller Park.
40. Current MUNI transit maps shall be posted in the ground-floor lobbies of Building 8/openhouse and project rental office. The maps shall be posted in a prominent location in clear visual view of residents and visitors.
41. No less than seven bicycle racks for public use shall be located on the site's perimeter.

Waller Street, Open Space and Community Facility

42. The Project Sponsor must gain approval from the City (generally the Board of Supervisors and Real Estate Division), acting in its proprietary capacity, regarding the terms and conditions for the use of Waller Street prior to issuance of a building permit. A General Plan Referral for approval of use of Waller Street shall be completed prior to issuance of a building permit. Nothing herein shall be deemed an approval of the use of Waller Street, or limit the City's discretion in granting, conditioning, or prohibiting the use of Waller Street; provided, the Project cannot proceed unless and until the parties reach agreement with regard to the use of Waller Street.

43. Contingent upon the above-mentioned approval for the use of Waller Street, the Project Sponsor shall improve approximately 25,000 square feet of the former Waller Street right-of-way as publicly accessible open space in accordance with a plan approved by the City. The Project Sponsor must enter into an agreement with the City, with such terms as may be agreed upon by the parties each in their sole discretion, to maintain public access to those open space improvements, to assume maintenance and liability responsibilities, and not to permit any above-ground structures to be built on the land other than a small number of encroaching stoops leading to individual unit entrances, landscaping, an approximately 1,500 square foot portion of Lindhart Lane, a driveway entrance extending from Laguna Street to Garage 2 driveway improvements, and pedestrian furniture.
44. Contingent upon a agreement by the City with regard to any property interest in the former Waller Street right-of-way between Laguna and Buchanan Streets, the Project Sponsor shall improve approximately 25,000 square feet of the former Waller Street right-of-way as publicly accessible open space, to maintain public access to those open space improvements, to assume maintenance and liability responsibilities, and not to permit any above-ground structures to be built on the land other than a small number of encroaching stoops leading to individual unit entrances, landscaping and a driveway entrance extending from Laguna Street to Garage 1 driveway improvements. Subject to the agreement, blow-grade improvements for underground parking shall be permitted in the former Waller Street right-of-way.
45. The Project Sponsor shall improve approximately 10,600 square feet of the site in the area to the southeast of Woods Hall as a publicly accessible community garden and to assume maintenance and liability responsibilities for the common areas of the garden. Garden plots shall be made available at no fee to members of the public, including Project residents, for gardening purposes on a non-discriminatory manner providing all interested gardeners an equal opportunity to be selected for a garden plot. Public access to the garden shall be provided via Lindhart Lane and Micah Way and the community facility in Woods Hall Annex. Members of the public maintaining garden plots shall be afforded the same gardening hours and access as Project residents.
46. The Project Sponsor shall undertake seismic and accessibility building shell improvements to Woods Hall Annex to enable the building to be used as a rent-free community center/facility. Prior to issuance of a site permit or building permit for shell improvements to Woods Hall Annex, the Project Sponsor shall engage community stakeholders, the Planning Department and others in a process to be determined to develop a range of program options for the community center and identify a potential operator of the facility.
47. The Project Sponsor shall apply for a Mills Act contract following approval of the Certificate of Appropriateness for renovations, with any property tax savings realized devoted to the operational expenses of the Woods Hall Annex community center.

First Source Hiring

48. The Project is subject to the requirements of the First Source Hiring Program as they apply to permits for residential development (Section 83.4(m) of the Administrative Code), and the Project Sponsor shall comply with the requirements of this Program as to all construction work and on-

going employment required for the Project. Prior to the issuance of any building permit to construct or a First Addendum to the Site Permit, the Project Sponsor shall have a First Source Hiring Construction and Employment Program approved by the First Source Hiring Administrator, and evidenced in writing. In the event that both the Director of Planning and the First Source Hiring Administrator agree, the approval of the Employment Program may be delayed as needed.

Performance

49. The Project Sponsor shall appoint a community liaison officer to deal with issues of concern to the owners and occupants of nearby properties at all times during Project construction. Prior to the commencement of Project construction, the Project Sponsor shall give the Zoning Administrator and the owners of properties within 300 feet of the Project site boundaries written notice of the name, business address and telephone number of the community liaison.
50. Prior to the issuance of any new building or site permit for the construction of 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, which notice shall state that construction of the Project has been authorized by and is subject to the conditions of this Motion. From time to time after the recordation of such notice, at the request of the Project Sponsor or the successor thereto, the Zoning Administrator shall affirm in writing the extent to which the conditions of this Motion have been satisfied.
51. Construction of the Project shall commence within three (3) years of the date the Board of Supervisors approves the Planning Code text amendment and Zoning Map amendments for the rezoning of the Project site, creation of the Laguna, Haight, Buchanan and Hermann Streets Special Use District, height and bulk district reclassification and approval of the use of Waller Street, or this authorization shall be void and cancelled.
52. This authorization shall be extended at the discretion of the Zoning Administrator only where failure to issue a permit by the Department of Building Inspection to construct the proposed building(s) is caused by a delay by a City, State or Federal agency or by any appeal of the issuance of such permit(s).
53. The project sponsor shall diligently pursue construction of the project in general conformance with the schedule outlined below. Failure to do so may require subsequent Conditional Use authorization as determined by the Zoning Administrator and/or Planning Commission.
 - Demo: October 2008 - December 2008
 - Excavation/Grading/Shoring: December 2008 - May 2009
 - Construction: May 2009 - May 2012
54. The sponsor will notify the Planning Department when architectural addendums are submitted to the Department of Building Inspection for review. The sponsor will ensure the addendums are routed to the Planning Department for review and any necessary authorization prior to permit issuance.

Monitoring and Violation

55. Violation of the conditions noted above or any other provisions of the Planning Code may be subject to abatement procedures and fines up to \$500 a day in accordance with Code Section 176.
56. Should monitoring of the Conditions of Approval of this Motion be required, the Project Sponsor shall pay fees as established in Planning Code Section 351(e)(1).
57. Failure to comply with these Conditions of Approval shall be grounds for revocation of the conditional use authorization. Should the Project result in complaints from neighbors that are not resolved by the Project Sponsor and are subsequently reported to the Zoning Administrator and found to be in violation of the Planning Code and/or the specific Conditions of Approval contained in this Exhibit A of this motion, the Zoning Administrator shall report such complaints to the Planning Commission which may thereafter hold a public hearing on the matter in accordance with the hearing notification and conduct procedures in Planning Code Section 174, 306.3 and 306.4 to consider revocation of this Conditional Use Authorization.



SAN FRANCISCO PLANNING DEPARTMENT

Subject to: (Select only if applicable)

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

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Planning Commission Motion 18693

HEARING DATE: AUGUST 16, 2012

Date: August 2, 2012
Case No.: 2012.0033 ACFEU
Project Address: 218 – 220 BUCHANAN STREET
(aka – 55 Laguna Street)
Zoning: NC-3 (Neighborhood Commercial, Moderate Scale)
 RM-3 (Residential, Mixed, Medium Density)
 Laguna, Haight, Buchanan and Hermann Streets Special Use District
 40-X, 50-X, 85 X Height and Bulk Districts
Block/Lot: 670/001, 002 and portions of Lot 003
 0857/001, 001A
Project Representative:
 Steve Vettel, Parella, Braun + Martel
 Russ Building, 235 Montgomery, 14th Floor
 San Francisco, CA 94104
Project Sponsors: Alta Laguna, LLC
 c/o Brian Pianca, Alta Laguna, LLC
 20 Sunnyside Avenue, Suite B
 Mill Valley, CA 94941
 55 Laguna, LP
 c/o Seth Gilbourn, Openhouse
 870 Market Street, Suite 458
 San Francisco, CA 94102
 c/o Ramie Darr, Mercy Housing California
 1360 Mission Street, #300
 San Francisco, CA 94103
Staff Contact: Sara Vellve – (415) 558-6263
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Motion 18893
August 16, 2012

CASE NO. 2012.0033 ACEF
218 – 220 BUCHANAN STREET
(aka – 55 Laguna Street)

ADOPTING FINDINGS RELATING TO THE APPROVAL OF A MODIFICATION FOR A PREVIOUSLY APPROVED PLANNED UNIT DEVELOPMENT (CASE No. 2004.07703C) FOR A MIXED-USE PROJECT OF TEN ABOVE-GRADE STRUCTURES (SEVEN NEWLY-CONSTRUCTED BUILDINGS AND THREE TO BE ADAPTIVELY REUSED) CONTAINING UP TO 330 MARKET-RATE RENTAL UNITS (INCLUDING 32 – 50 AFFORDABLE UNITS) AND UP TO 110 SENIOR AFFORDABLE RENTAL DWELLING UNITS, APPROXIMATELY 310 OFF-STREET PARKING SPACES, UP TO 2,500 SQUARE FEET OF RETAIL SPACE, APPROXIMATELY 2,700 SQUARE FEET OF OFFICE SPACE, NO LESS THAN 12,000 SQUARE FEET OF COMMUNITY FACILITY SPACE, NO LESS THAN 28,000 SQUARE FEET OF OPEN SPACE (THE PROPOSED WALKER PARK) AND NO LESS THAN 10,000 SQUARE FEET OF COMMUNITY GARDENING SPACE PURSUANT TO PLANNING CODE SECTIONS 303 AND 304 FOR A PLANNED UNIT DEVELOPMENT TO ALLOW MODIFICATIONS TO THE LOCATION OF THE REAR YARD (SECTION 134), TRANSPARENCY AND ACTIVE USES FOR STREET FRONTAGES IN NC DISTRICTS (SECTION 145.1), AND THE DWELLING UNIT EXPOSURE REQUIREMENT (SECTION 140) FOR PROPERTY LOCATED IN THE NC-3 (MODERATE-SCALE NEIGHBORHOOD COMMERCIAL), RM-3 (MIXED RESIDENTIAL, MIXED, MEDIUM-DENSITY) DISTRICTS, AND THE LAGUNA, HAIGHT, BUCHANAN AND HERMANN STREETS SPECIAL USE DISTRICT WITHIN THE 40-X, 50-X AND 85-X HEIGHT AND BULK DISTRICTS, AND ADOPTING FINDINGS UNDER THE CALIFORNIA ENVIRONMENTAL QUALITY ACT AND PLANNING CODE SECTION 101.1.

PREAMBLE

On January 17, 2008, under Case No. 2004.0770EIMZTC and Motion 17537, the San Francisco Planning Commission approved the Conditional Use Authorization/Planned Unit Development pursuant to Planning Code Sections 303 and 304 allowing construction of a moderate density mixed use development of approximately 330 dwelling units, approximately 110 affordable senior dwelling units, with community facility space, neighborhood-serving retail, parking and two separate publicly-accessible open spaces. The Planning Commission also approved modifications of Planning Code requirements related to location of the required rear yard, dwelling unit exposure, the open space dimensional requirements; made CEQA findings; and forwarded resolutions that the Board of Supervisors approve a General Map Amendment, Special Use District, and change the Zoning Map to reflect new use districts and height/bulk districts. The CU/PUD was upheld on appeal by the Board of Supervisors (Motion M08-0040) on March 4, 2008 ("the original project").

On April 15, 2008, the Board of Supervisors amended the General Plan, approved ordinances to amend the use districts and height/bulk districts, and create Planning Code Section 249.32, the Laguna, Haight, Buchanan and Hermann Streets Special Use District.

On July 28, 2011, the San Francisco Planning Commission approved a Conditional Use Authorization to modify Conditions of Approval relating to the project's compliance with the Inclusionary Affordable Housing Program pursuant to Case No. 2011.0450C and Motion No. 18427.

On January 13, 2012, Steve Vettel filed an application (in Conditional Use Application No. 2012.0033C) on behalf of Alta Laguna, LLC and 55 Laguna, LP (hereinafter "Project Sponsors") with the Planning Department (hereinafter "Department") for Conditional Use Authorization under Planning Code Sections

Motion 18593
August 16, 2012

CASE NO. 2012.0033 ACEF
218 - 220 BUCHANAN STREET
(aka - 55 Laguna Street)

303 and 304 to modify the previously approved Planned Unit Development to change the project's site plan, request exceptions to the rear yard location, transparency and active uses for street frontages in NC Districts, and dwelling unit exposure for property located in the NC-3 (Moderate-Scale Neighborhood Commercial), RM-3 (Residential, Mixed, Medium-Density) Districts, and the Laguna, Haight, Buchanan and Hermann Streets Special Use District within the 40-X, 50-X AND 85-X Height and Bulk Districts ("the modified project").

On July 18, 2012, the San Francisco Historic Preservation Commission reviewed the revised development per the Mitigation Monitoring and Reporting Program (MMRP) of Case No. 2004.0770E, and adopted Resolution No. 0686 to be forwarded to the Planning Commission.

On August 16, 2012, the San Francisco Planning Commission (hereinafter "Commission") conducted a duly noticed public hearing at a regularly scheduled meeting on Conditional Use Application No. 2012.0033ACEF.

The original project reviewed in the 55 Laguna Mixed Use Project Final Environment Impact Report (FEIR) was certified by the Planning Commission on January 17, 2008. An Addendum to the 55 Laguna Mixed Use Project Final Environmental Impact Report (FEIR) was prepared and issued May 8, 2012. The Addendum concluded that the analyses conducted and the conclusions reached in the FEIR remain valid for the modified project, and that no supplemental environmental review is required for the proposed project modifications. The modified project would neither cause new significant impacts not identified in the FEIR, or result in a substantial increase in the severity of previously identified significant impacts. No changes have occurred with respect to circumstances surrounding the original project that would cause significant environmental impacts to which the modified project would contribute significantly, and no new information has been put forward which shows that the modified project would cause significant environmental impacts. Therefore, no supplemental environmental review was required beyond this addendum.

The Board of Supervisors affirmed the FEIR certification on April 8, 2012, and the San Francisco Superior Court and California Court of Appeal upheld the adequacy of the FEIR in the case entitled *Save the Laguna Street Campus v. City and County of San Francisco*.

To provide current project information to the Planning Commission and the public, this motion contains a full description of the development (the original project as modified) and its compliance with the Planning Code and General Plan.

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. 2012.0033ACEF, subject to the conditions of Motion Nos. 17537 and 18427, except as specifically modified herein, 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 5.4-acre (236,113 square feet) project site is located in the Hayes Valley neighborhood north of Market Street on two city blocks (Block 857, Lots 001 and 001A; and Block 870, Lots 001, 002, and a portion of Lot 003) bounded by Haight Street to the north, Laguna Street to the east, Hermann Street to the south, and Buchanan Street to the west at the former University of California Berkeley Extension Campus. The project site was rezoned under the previous entitlement from the P (Public) Zoning District within the 80-B and 40-X Height and Bulk Districts, to NC-3 (Moderate-Scale Neighborhood Commercial) and RM-3 (Residential, Mixed, Medium-Density) Districts, the Laguna, Haight, Buchanan and Hermann Streets Special Use District and the 40-X, 50-X and 85-X Height and Bulk Districts.

The 236,113 square-foot project site (not including the dental clinic) contains five buildings totaling 119,910 square feet, which were used until 2003 by the University of California (UC)-Berkeley as an extension campus and by the French-American International School (FAIS). These now-unoccupied buildings include Woods Hall, Woods Hall Annex, Richardson Hall and its Administration Building, and Middle Hall.

A sixth building, located on the southwestern corner of Block 870, Lot 003 at the intersection of Hermann and Buchanan Streets, is a two-story dental clinic of approximately 15,000 square feet in size that is currently occupied by the University of California San Francisco (UCSF) Dental School. The Dental Clinic is not part of the project site and is not proposed to be altered, closed or relocated as part of this Project.

The project site slopes steeply downward from northwest to southeast and is divided into two terraces. The majority of the existing buildings occupy the periphery of the site on the upper and lower terraces, with surface parking generally in the center of the site. The five existing buildings on the site were constructed between 1924 and 1935 as the campus of the San Francisco State Teachers College (now San Francisco State University), which traded the property to the University of California when it relocated to its current campus on 19th Avenue in the 1950s.

The five project-related buildings generally exhibit the Spanish Colonial Revival style of architecture with red tile roofs and stucco siding. Woods Hall, constructed in 1926, is a two-story, L-shaped building located at the northwestern corner on the upper terrace of the site along Buchanan and Haight Streets. Attached to Woods Hall is Woods Hall Annex, a two-story building constructed in 1935, located along Haight Street and positioned on the lower terrace. Richardson Hall, constructed in 1924 and 1930, is a one- and two-story, L-shaped building located at the corner of Hermann and Laguna Streets. Woods Hall, Woods Hall Annex and Richardson Hall (except its Administration building) are designated landmarks pursuant to Article 10 of the Planning Code.

Along the Laguna Street side of Richardson Hall is a two-story auditorium and an attached single story Administration Building. Middle Hall, originally built as a gymnasium in 1924 with classroom and office space added later, is a one-and-a-half- to two-and-a-half-story building located behind the west wing of Woods Hall. The Administration Wing of Richardson Hall, Middle Hall, and the remainder of the Site are not-designated landmarks pursuant to Article 10.

The remainder of the site is occupied by 278 off-street parking spaces contained in three lots. One parking lot is on the upper terrace between the dental clinic and Woods and Middle Halls, accessed from Buchanan Street. This lot has about 50 spaces, which are currently used primarily by the dental clinic. The remaining 228 parking spaces are contained within two lots on the lower terrace accessed from Laguna Street; one lot is behind Richardson Hall and the other is located at the corner of Haight and Laguna Streets. These lots currently provide daytime commuter parking for University of California San Francisco employees who work at other UCSF locations off-site and to employees of California Pacific Medical Center.

There are approximately 111 trees on site, 27 of which are "significant" trees pursuant to Public Works Code Section 810A. There are no "landmark" trees as defined by Public Works Code Section 810 on the site. All of the significant trees are proposed for removal and replacement. One existing tree, the "Sacred Palm" which was included in the landmark designation of Woods Hall, and one other palm tree, will be temporarily removed and relocated on the site. Removal and replacement of the significant trees will require a permit from the Department of Public Works. Up to 36 existing street trees are proposed to be replaced.

3. **Surrounding Properties and Neighborhood.** The project site is surrounded primarily by residential and institutional land uses. Multi-family residential buildings ranging from two to seven stories in height and single-family attached row houses ranging from two to three stories in height are the predominant uses on the streets immediately surrounding the project site. Institutional uses in the immediate vicinity include the Walden House Adolescent Facility, located along Haight Street across from Woods Hall Annex, the University of California San Francisco AIDS Health Project building, located on Hermann Street across from Richardson Hall, and the U.S. Mint, which sits atop a rocky promontory at the intersection of Buchanan and Hermann Streets to the northwest of the project site. Commercial uses in the project vicinity primarily occur along Market Street, about half a block from the site.
4. **Modified Project Description.**

Site Control

The land will remain under the ownership of the Regents of the University of California, which will enter into long-term ground-leases to the project sponsors for site development. Alta Laguna LLC, an affiliate of Wood Partners (who purchased the original project sponsor, AF Evans, Inc's interest in the project), will develop market rate and inclusionary affordable family housing subject to Planning Code Section 415, Waller Park, a community garden and center, the

pedestrian mews, street improvements and off-street parking. 55 Laguna LP will develop the affordable senior housing, a senior community center, retail space and office space.

Site Layout

The project site would be divided into two separate areas north to south with the proposed Waller Park (located in the former Waller Street right-of-way) bisecting the two distinct areas. The proposed buildings would also be oriented north to south and "read" as ten separate structures; however, one below grade parking garage, accessed from Laguna Street, would connect buildings 2C, D and E (as well as some above-grade enclosed corridors) and one below-grade parking garage, accessed from Buchanan Street, would connect buildings 1A and B (also with above-grade enclosed corridors). The community garden would be located behind Woods Hall Annex and accessed from Laguna and Haight Streets. The project layout has been modified from the layout approved in 2008 to eliminate an "L" shaped street configuration that previously bisected the site. The north-south portion of the former Lindhardt Lane has been modified into the pedestrian/bicycle only Palm Lane and provides access to the interior of the site from Hermann Street. Michah Way, an east-west street, has been eliminated. Buildings are now oriented north to south and step down the site from west to east with the slope of the site.

Urban Design

The proposed development would transform the site from an unmaintained and underutilized site that is cut off from the surrounding neighborhood to an active, pedestrian friendly and vibrant amenity that knits the site into the neighborhood. This would be accomplished by: the demolition of retaining walls that limit visual and physical penetration into the site; the introduction of public pedestrian thoroughfares (Waller Park, and Palm Lane) that will permit pedestrians to transverse the site from the east, west and south; and by creating numerous unit and building entrances around the site's perimeter.

Three existing buildings would remain. Woods Hall would be adaptively-reused as 21 dwelling units. Woods Hall Annex would be adaptively reused as a community center. Richardson Hall (except the Administration Building to be demolished) would be adaptively reused as 40 senior affordable dwelling units, retail space and offices for Openhouse. Middle Hall and the retaining walls on Haight and Laguna Streets would be demolished.

The proposed new buildings would be designed to complement the architectural character of the remaining Landmark buildings, and the surrounding neighborhood. The overall variation of building heights is intended to relate to the size and scale of buildings across Buchanan and Laguna Streets while accounting for the site's topography.

The proposed new buildings would range in height between four and seven stories. Building 1A and 1B, on the north and south sides of the proposed Waller Park at Buchanan Street would be four stories in height at Buchanan Street, and generally reflect the height of buildings on the opposite blockface. These buildings would replace a chain-link fence and surface parking lot with two volumes and seven new unit entrances and a garage opening on Buchanan Street. Buildings 1A and 1B, and their unit entrances, would also front Waller Park and Palm Lane. Building 2E, at

three stories on Haight Street and seven stories at the corner of Laguna and Waller Streets, would front Waller Park, Palm Lane, and Laguna and Haight Streets. On Laguna Street, the existing retaining wall would be replaced with one building of approximately 275 feet in length that has been separated into at least three different volumes through altering window openings, building detail, fenestration and material changes along the facade. Building 2E would introduce entrances to dwelling units, a single garage entrance and the community garden on Laguna Street, and unit and garden entrances on Haight Street. Dwelling unit entrances would be created on Waller Park. Buildings 2C and 2D are five stories in height, fronts on and would have unit entrances on Waller Park and Palm Lane. At seven stories, the new Openhouse building (Building 5) would be constructed where the existing Administration Wing of Richardson Hall now stands. This building would introduce transparent windows facing the sidewalk at Laguna Street with the main entrance at the corner of Laguna Street and the proposed Waller Park. The windows and entrance would replace an existing retaining wall with no openings. Building 3, a gym and clubroom, would be located between the west end of Building 1B and Woods Hall.

Through the introduction of individual lobbies, stoops, porches and/or bay windows along the street frontages, Waller Park and Palm Lane, an active pedestrian environment would be created. These features facilitate pedestrian access and use, landscaping, street furniture and a sense of place. The result is a design that integrates the private residential units directly into the vitality of the street level, and introduces a neighborhood where none currently exists.

Dwelling Units

Up to 440 rental units would be constructed and located in eleven of the thirteen buildings on the site. Alta Laguna LLC would develop and manage up to 330 market-rate rental units in Buildings 1 (new), 2 (new), and 4 (adaptive reuse of Woods Hall). Of these units, approximately 76 would be studio/junior on-bedroom units, 150 would contain one bedroom, 102 would contain two bedrooms and two would contain three bedrooms. Unit size ranges from 650 to 1,541 square feet. The Alta Laguna LLC project would include 50 inclusionary below market rate rental units. 55 Laguna LP, a partnership of Openhouse, a non-profit developer serving the LGBT senior community, and Mercy Housing of California would develop and manage up to 110 senior affordable rental units in buildings 5 (new) and 6 (adaptive reuse of Richardson Hall). Of these units, approximately 11 would be studios, 95 would contain one bedroom and four would contain two bedrooms. Unit size ranges from 325 to 840 square feet. The senior affordable units are subject to Planning Code Section 102.6.1, requiring specific physical attributes of senior housing, minimum number of units, minimum age and occupancy.

The only buildings not containing dwelling units would be Woods Hall Annex (community center) and the amenity building proposed to contain a clubhouse and gym.

As a result of the ownership and development structure, all dwelling units, including those fulfilling the inclusionary affordable housing requirement, would be available only for rent. On August 4, 2011, the City of San Francisco and Alta Laguna, LLC entered into a Costa-Hawkins agreement to provide for an exception to the rent restrictions of the Costa-Hawkins Act for the development's inclusionary units.

Vehicular and Bicycle Parking: The project will replace three existing parking lots with approximately 310 off-street parking spaces in two underground garages. As part of the lease agreement with UC, project sponsor(s) must replace up to 51 existing off-street parking spaces for the dental clinic. Dental clinic parking would be accessed from Buchanan Street and located under Building 1. No less than 10 car share spaces would be located in the garage below Building 2 with access to Laguna Street. Up to 249 off-street parking spaces would be dedicated to all the development's rental dwelling units constructed and managed by all project sponsors. Planning Code Section 249.32, the Laguna, Haight, Buchanan and Hermann Streets Special Use District (SUD), restricts residential off-street parking to .75 spaces for each dwelling unit, including senior dwelling units. As there would be no more than 249 off-street parking spaces for 440 dwelling units, the parking ratio for the development would be .57 parking spaces for each dwelling unit. It should be noted that Planning Code Section 151(b) does not require off-street parking for senior affordable housing (the 55 Laguna, LP development). Of the 249 off-street parking spaces provided, no less than 154 of those spaces will be space efficient. Per Exhibit "B", the development meets this standard through the use of parking "stackers." No less than 8 handicapped spaces would be provided. No less than 126 secure, on-site bicycle parking spaces would be located in four different rooms throughout the site and accessed from both garages and Palm Lane.

Parking fees would be "unbundled." Residents who choose to store their car on site would be offered parking for a fee. Those who do not wish to pay for off-street parking would not be charged a fee for off-street parking. Consistent with the Market and Octavia Area Plan's reliance on "unbundling" of parking from housing costs, parking fees would not be included in the residents' base housing payments.

The dental clinic parking would be made available to the public and residents for a fee outside of its dental clinic business hours.

The project is not required to, and does not provide any off-street loading. The project sponsors will apply for white zones on Laguna and Buchanan Streets to accommodate loading needs.

Publicly Accessible Open Space

As part of the development's public benefits, two new publicly accessible open spaces, Waller Park and a community garden, would be created and maintained by Alta Laguna, LLC. Waller Park would extend from the intersection of Waller and Buchanan Streets through the site to the corner of Waller and Laguna Streets, effectively re-introducing Waller Street through the site as a public amenity. Waller Park would provide approximately 28,000 square feet of publicly accessible open space and passive recreational uses. Upper Waller Park would include benches, and trees and would take advantage of the steep slope of the project site by providing a scenic overlook with views of the East Bay and downtown San Francisco. Lower Waller Park would include hard and softscape areas with trees, benches, and built-in seating on the slope, overlooking the end of Waller Park. Street trees would be planted along all four exterior streets as well as along all internal pedestrian ways. A turf/lawn area will be included.

A no-fee community garden of no less than 10,600 square feet would be developed and made available to the public and development residents by Alta Laguna LLC. The garden would be located behind Woods Hall Annex at the northwest corner of the site. Access to the garden would be through a stairway and accessible ramp fronting Laguna Street, as well as a stair and gate leading from Haight Street.

Private open space would be provided, respectively, through patios and decks for individual units. Common open space would be provided in the large courtyards between buildings and Palm Lane. It is not necessary to count the area of Waller Park or the community garden to satisfy open space requirements of the dwelling units.

At this time the City retains ownership of Waller Street. The Project Sponsor must obtain approval from the City in its proprietary capacity prior to issuance of any building permit for the Project to develop Waller Park. Any such approval by the Board should be contingent on the Waller Street right-of-way, whether or not improved as a park, remaining open and accessible to the public. If required by the Board, such requirement shall be recorded as a Notice of Special restriction.

The project would include landscaping throughout the Project area in the form of trees, shrubs and native plantings based on the Landscaping plan contained in Exhibit B.

Community Facility Space

As part of the development's public benefits, Alta Laguna, LLC will undertake seismic and accessibility building shell improvements to Woods Hall Annex to be used as a rent-free community center/facility of no less than 12,000 square feet. The use will be determined in consultation with the community. Alta Laguna, LLC will work with the City to determine if ongoing funding dedicated to operation of the center can be leveraged through the Mills Act.

Pedestrian, Bicycle and Vehicular Circulation

Pedestrians could transverse the site from east to west through Waller Park (the former Waller Street right-of-way) between Laguna and Buchanan Streets. Through creation of Palm Lane, which provides access north to south, pedestrians could transverse the site from Hermann Street to Haight Street through Woods Hall Annex or the garden entry on Haight Street. Waller Park and Palm Lane intersect at approximately midway through the site. Vehicular ingress and egress would be limited to the garage entrances on Buchanan and Laguna Streets. There would be no at-grade vehicular penetration into the site. At-grade bicycle access to the site would be from Palm Lane at Hermann Street. Palm Lane would be used for emergency vehicle access as necessary.

Rehabilitation and Demolition of Landmark Buildings

On April 18, 2007 the Board of Supervisors designated Richardson Hall (except its Administration Wing), Woods Hall and Woods Hall Annex as local landmarks pursuant to Article 10 of the Planning Code under Ordinance 216-07. Buildings and features to be retained are identified in the Ordinance.

Rehabilitation of Woods Hall, Woods Hall Annex, and most of Richardson Hall would be primarily restricted to the interior of these buildings, without substantial alterations to their exterior facades or rooflines, with the exception of new windows on the interior courtyards and window and door openings on street frontages. The ground floor of Richardson Hall would be altered to accommodate the proposed ground-floor retail space, Openhouse office space, and/or three senior affordable units at the corner of Laguna and Hermann Streets. The sidewalk at the intersection of Laguna and Hermann Streets would also be widened in this location. Along the south wall of the auditorium in Richardson Hall, original window openings that were filled in during an earlier renovation would be opened up as well as the addition of new window openings. There may be new entrances along Laguna and Hermann Streets at the second level of Richardson Hall to allow resident only access to the existing roof deck.

The portion of Richardson Hall to be demolished would be the single-story Administration Wing which sits atop the retaining wall facing Laguna Street near Waller Street and a small one story connecting structure adjacent to the Administration Wing. The proposed new Openhouse building would be constructed in the general location of the Administration Wing of Richardson Hall, and would be separated from the remaining portions of Richardson Hall by a new wall. In addition, Middle Hall would be demolished to accommodate construction of Building 1E, dwelling units and site improvements. The retaining wall along Laguna Street between Waller and Haight Streets and extending westward on Haight Street would also be demolished.

In accordance with the Mitigation Monitoring and Reporting Program of Case 2004.0770E, the Historic Preservation Commission approved a Certificate of Appropriateness for alterations to the landmark buildings on May 16, 2012, Case No. 2012.0033A, Motion 0157. The Board of Supervisors voted to uphold the Certificate of Appropriateness under an appeal heard on July 31, 2012.

Retail and Office Space in Richardson Hall

At the time of Planning Commission review, there are two scenarios for the adaptive reuse of Richardson Hall's ground floor at the corner of Hermann and Laguna Streets, which is currently a solid retaining wall. Under Variant A, up to 2,500 square feet of retail space would occupy the ground floor of Richardson Hall at corner of Hermann and Laguna Streets with approximately 2,700 square feet of office space to be occupied by operational offices for Openhouse immediately north of the retail space and fronting Laguna Street. Under Variant B, up to 2,500 square feet of space at the corner would be occupied by operational offices for Openhouse and up to three dwelling units, a residential lobby, storage space and building systems would be located immediately north of the office space and fronting Laguna Street.

Senior Community Center in Newly Constructed Openhouse Building

Openhouse will include in its new residential building a senior center of approximately 7,500 square feet. The center would provide senior programming in the activity areas and dining in the larger activity room on the second floor. It is expected that transportation for residents will be provided by van service. It is anticipated that 100-150 people will use the facility each day.

Green Building Features

This project is a nationally recognized LEED ND (leadership in energy and environmental design for neighborhood developments) project. LEED ND is a program for certifying outstanding neighborhood scale developments currently being implemented by the United States Green Building Council. It is anticipated that the project is certifiable at the GOLD level. This is primarily due to excellence in site planning, the mix of uses, the transit emphasis, and innovative environmental measure incorporated into the project. These measures include:

Sustainable Site

- Urban Infill Site utilizing existing infrastructure
- Transit Oriented Development: Direct access to Haight and Market Street Transit lines
- Secure Bicycle Storage
- Reduced parking ratio
- Proposed largest City Car Share pod in the City
- High density mixed use development

Water Efficiency

- Water Efficient Landscaping components
- Seasonal water collection and filtration at Waller Park
- Permeable paving at internal lanes

Energy and Atmosphere

- Energy efficient heating system
- 100% fluorescent lighting
- Cat-V cabling to all units
- Energy Star appliances
- Insulated Windows with low E coating
- Proposed photovoltaic solar electric and solar thermal hot water systems

Materials & Resources

- Storage and collection of Recyclables for residents
- Re-use Existing Buildings
- Divert at least 50% of construction waste from landfills
- High fly-ash concrete mix
- Recycled content carpet and/or natural linoleum flooring

Indoor Environmental Quality

- Natural through ventilation in many units
- Daylight at least 75% of all interior spaces
- Paint, adhesives and sealants with low VOC contents

Phasing

Construction of the project elements may be phased, with demolition of Middle Hall and the Administration Wing of Richardson Hall and construction of the family dwelling units, Waller

Park, Palm Lane, the community garden, and the community facility developed in two initial phases by Alla Laguna, LLC; and the two affordable senior buildings (rehabilitation of Richardson Hall and Building 5) developed in two subsequent phases when adequate public subsidies are available to 55 Laguna, L.P. for each building. A graphic showing the phasing plan can be found in the records of Case No. 2012.0033U.

5. **Public Comment.** As of August 2, the Department has received two letters expressing concern about the revised project. On April 30, 2012, The Hayes Valley Neighborhood Association (HVNA) submitted a letter to the Department expressing concerns that include: that the amount of off-street parking is excessive; the design of garage entrances, newly constructed buildings, and Waller Park are not satisfactory; improved safety and activation of Haight Street; and in support of a retail occupant at the corner of Hermann and Laguna Streets. A second letter from a member of the public expressed concerns about traffic patterns created by the garage on Laguna street and the width of garage entries.
6. **Entitlements Required:** This Conditional Use application is to modify the project known as the "55 Laguna Project", which was approved as a Conditional Use (Planned Unit Development) in January, 2008. Modifications to the original project's site plan through the rearrangement of building footprints, changes in building architecture and massing; locations of courtyards and open space; and the elimination of interior streets that provided vehicular access have altered how the project meets, or does not meet, various Planning Code requirements. In addition, a number of Planning Code requirements have been adopted since the original Conditional Use/Planned Unit Development entitlement was approved in January, 2008. These project changes require additional Planning Commission review and approval for changes to a previously-approved Conditional Use authorization as a Planned Unit development for modifications to the location of the required rear yard throughout the development, dwelling unit exposure for 53 dwelling units, and transparency and active uses for street frontages in a Neighborhood Commercial District for uses in Richardson Hall fronting Laguna Street.
7. **Planning Code Compliance:** The Commission finds that the modified Project is consistent with the relevant provisions of the Planning Code in the following manners:

Planning Code requirements for which modifications (through a Planned Unit Development) are requested:

- A. **Rear Yard.** Planning Code Section 134(a)(1) requires that a rear yard equal to 25 percent of the lot depth be provided for the lot on which each building is situated. Further, Section 134(a)(1)(A) requires that in RM-3 districts, rear yards be provided at grade level and at each succeeding level or story of the building. Section 134(a)(1)(C) requires that in NC-3 Districts, rear yards must be provided at the lowest story containing a dwelling unit, and at each succeeding story of the building. For the subject site, a required rear yard would need to be approximately 59,029 square feet and located at the opposite end of the site's frontage.

Proposed Parcel A, which will contain the family rental units, is approximately 162,700 square feet (not including Waller Park) with buildings covering approximately 94,700 square feet for an

overall lot coverage of 58%, or 42% of undeveloped area that could be considered a rear yard. It should be noted that the lot area below at least four proposed above-grade "bridges" connecting Buildings 2E and D, 1B, and 1A have not been subtracted from the overall square footage of Parcel A. However, the rear yard area of Parcel A far exceeds the rear yard requirement so that the area not subtracted from the overall totals would not charge the development's compliance with the rear yard requirement. The lot proposed to be Parcel B.1 is approximately 14,800 square feet with a building coverage of approximately 9,600 square feet for an overall lot coverage of 64% or 36% of undeveloped area that could be considered a rear yard. Proposed Parcel B.2 is approximately 28,400 square feet with a building covering approximately 19,000 square feet for an overall lot coverage of approximately 66%, or 44% of undeveloped area that could be considered a rear yard. Not including Waller Park, the development includes approximately 82,600 square feet of at-grade undeveloped land that could be counted towards the rear yard requirement or 40% of the entire development area. Although the development exceeds the amount of undeveloped land to be counted towards the rear yard requirement, it will not be provided in a single rear yard configuration. Therefore, this Conditional Use/PUID authorization includes a modification to the rear yard requirement so that the open space can be provided throughout the site instead of in one continuous space on the lot that is opposite the site's frontage.

- B. Dwelling Unit Exposure. Planning Code Section 140 requires that all dwelling units face a public street or side yard at least 25 feet in width, a required rear yard, or an open area of 25 feet in width.

Though most units in the development will meet this requirement, a PUID modification is required for 53 units in the development that do meet this requirement.

Bldg. No.	# of units	Issue
1	8	Face courtyard of 16'.
2	7	Face courtyard of lot of 11' on lot A. Requirement is met if shared courtyard dimension of lot A and B.1 (15 feet) is counted.
4	1	Face courtyard of 16'.
5	23	On property line with Waller Park (more than 25' wide).
6	14	Face courtyards of less than 25'.
Total	53	

- C. Street Frontages in NC Districts. Planning Code Section 145.1(a)(2)(A), as it relates to the subject development, requires active uses at the street, controls the amount of linear feet that must be dedicated to residential entrances, and provides an exception for historic buildings.

The proposal contains two variants (A and B) for the ground-floor facade design and use of Richardson Hall. At a Historic Preservation Commission (HPC) hearing on May 16, 2012, the HPC voted to limit the number of openings on the ground floor of Richardson Hall fronting Laguna Street to one at the main Openhouse lobby per Variant A. Variant A complies with Section 145.1 because the retail and office uses are "active uses." However, under Variant B, the ground floor would contain three dwelling units (not active use) that face Laguna Street, but do

not provide direct access to the street as required by Section 145.1. Therefore, if dwelling units are proposed for the ground floor in the future, the requirements of Section 145.1 would not be met. To avoid additional Planning Commission review in the future, a modification for dwelling unit entrances on Laguna Street is included in the PUD request.

The proposed Openhouse building at the corner of Waller Park and Laguna Street is not subject to Section 145.1, as under the Building Code the occupied area accessible from the street is defined as a basement and not a ground floor.

- D. Transparency on Street Frontage in NC District: Planning Code Section 145(c)(6) requires non-active street frontages to provide a minimum transparency of no less than 60 percent of the street frontage.

Modifications to the ground floor of Richardson Hall (Level 1) include new openings in the retaining wall fronting Richardson Hall, a designated City Landmark. In its approval of a Certificate of Appropriateness for Richardson Hall on May 16, 2012, the Historic Preservation Commission limited the number and size of openings on the ground floor of Richardson Hall to preserve the character defining solidarity of the ground floor. This limitation does not meet the 60 percent transparency requirement. A historic building modification from this Code requirement is necessary.

The Development complies with the following Planning Code requirements.

- E. Use. The development includes residential, institutional, community facility, retail, office and accessory uses in the Laguna, Haight, Buchanan and Hermann Streets Special Use District, and RM-3 and NC-3 Districts.

The RM-3 District would include up to 218 market-rate and inclusionary family dwelling units, a community center and garden, an amenity building containing a gym, clubroom and lounge for project residents and accessory uses such as a bicycle maintenance, music and storage rooms. Per Planning Code Section 209.1, the residential use is a principally permitted use in the RM-3 District. The community center requires Conditional Use authorization; however, this use was entitled through Case No. 2004.0773C and Motion 17537. The remaining gym, bicycle and music and storage rooms would be considered accessory uses to the residential use per Planning Code Section 204.1, and are thus permitted. The NC-3 District would include up to 222 senior affordable and market rate and inclusionary family dwelling units, an institutional use of up to 7,500 square feet (senior community center operated by Openhouse), retail space up to 2,500 square feet, approximately 2,700 square feet of Openhouse office space, and tenant storage. Per Planning Code Section 712.90 residential uses are principally permitted uses in the NC-3 District. Planning Code Section 790.50, a large institutional use; the Openhouse community center is permitted in the NC-3 District. Planning Code Sections 712.40 and 712.21 principally permit retail uses up to 5,999 square feet; and Section 712.53 and 712.21 principally permit offices uses up to 5,999 square feet; therefore the retail and office use in Richardson Hall would be permitted. The project complies with use limitations.

F. Density. Planning Code Sections 209.1 and 712 establish density restrictions for dwelling units in Residential and Neighborhood Commercial districts, respectively. The proposed residential density is within the limits of these sections. No increase in density is sought by the PUD.

Section 207.4 allows density in NC-3 districts to be equal to that permitted in the nearest Residential District, provided that the maximum density is no less than 1:600. Here, the nearest R zone to the NC-3 district is RM-3, which has a density ratio of 1:400 and 1:200 for senior units. There are 268 units permitted in the project's NC-3 district where 222 units are proposed. The 1:400 density in the site's RM-3 zone permits up to 319 units where 218 units are proposed. The project complies with density limitations.

G. Floor Area Ratio (FAR). Planning Code Section 124 limits the building square footage in both RM-3 and NC-3 districts to 3.6 square feet of building area for every 1 square feet of lot area. In the NC-3 and RM-3 Districts, FAR limits do not apply to dwellings or to other residential uses, nor do they apply to accessory off-street parking per Planning Code Section 124(b).

The development site would be split into three lots. Parcel A, of approximately 162,700 square feet (not including Waller Park of approximately 28,000 square feet), would contain the Alta Laguna, LLC, residential development, an approximately 12,000 gross square foot community center where FAR limits applicable development to approximately 585,600 square feet. Parcel B.1, of approximately 14,800 square feet, would contain the new Openhouse residential building and community center of approximately 7,500 square feet where FAR limits applicable development to 53,244 square feet. Parcel B.2, of approximately 28,400 square feet, would contain the Openhouse/ Richardson Hall residential units and approximately 2,500 square feet of retail space and 2,700 square feet of office space where FAR limits applicable development to approximately 102,240 square feet. UC has required the garage containing the 51 dental school parking spaces to be a separate lot, proposed Parcel D, of approximately 21,400 square feet to support the 18,000 square foot dental clinic on proposed Parcel C. Under Section 249.32(b)(1), the 51 parking spaces in Parcel D are permitted as necessary parking for the Parcel C dental clinic. The project complies with the FAR limits in both use districts.

H. Open Space. Planning Code Section 135 requires that 80 square feet of private usable open space be provided for every dwelling unit in NC-3; in RM-3 districts, 60 square feet of private usable open space is required to be provided for every dwelling unit. The open space requirement must be multiplied by 1.33 when provided as common open space. For senior housing, the amount of required open space is 1/2 the amount otherwise required.

NC-3 District – 17 of the family dwelling in the NC-3 district have private open space meeting the minimum requirements of the Planning Code, leaving 95 family units (a requirement of approximately 10,010 square feet) and 110 senior units (a requirement of approximately 5,852 square feet) requiring common open space, for a total of approximately 15,960 square feet of required common open space. The NC-3 district provides approximately 16,000 square feet of common open space.

* RM-3 District - 24 of the family dwelling in the RM-3 district have private open space meeting the minimum requirements of the Planning Code, leaving 194 family units (a requirement of approximately 15,481 square feet) requiring common open space. The RM-3 District provides more than 17,000 square feet of common open space.

Collectively, the project provides a minimum of 33,740 square feet of common open space meeting the dimensional requirements of Section 135, and thus satisfies open space requirements. Neither Waller Park nor the community garden is included in this calculation of common open space.

Height. Planning Code Section 260 requires that all structures be no taller than the height prescribed in the subject height and bulk district. The development approved in 2008 required legislation to change the height and bulk districts from 40-X and 80-X to 40-X, 50-X and 85-X.

Height of the development has been measured at four points around the site. The project sponsor has chosen to measure the height of Buildings 1A and 1B from Buchanan Street. Building 1A is located in the 50-X District and is approximately 42 feet in height to the roof top measured from the curb on Buchanan Street. Building 1B is primarily located in the 50-X District and is approximately 42 feet in height to the roof top measured from the curb on Buchanan Street, with the portion of the building located in the 40-X District less than 40 feet in height as measured from Buchanan Street. Stair and mechanical penthouses would project slightly above 50 feet, but are exempt per Section 260(b). The project sponsor has chosen to measure the height of Building 2C from Hermann Street. Building 2C is located in the 85-X District and is approximately 63 feet in height measured to the roof top from the curb on Hermann Street. Proposed penthouses would not exceed the height limit. The project sponsor has chosen to measure the height of Buildings 2E and 2D from Haight Street. Building 2E is located in both the 40-X and 50-X Districts, is approximately 260 feet long from Haight Street to Waller Park, is three stories at Haight Street and seven stories at Waller Park, and on a down-sloping lot from Haight Street. At Haight Street, the building is approximately 33 feet in height and complies with the 40-X District. Although the building is seven stories at Waller Park, it complies with the 50-X District as the measurement is taken from Haight Street. Per Planning Code Section 102.12(b), the measurement of height for this building can exceed a depth of 100 feet because the building does not extend beyond a line that is equidistant between Haight and Hermann Streets. Penthouses for this building extend above the 50-foot height limit, but are exempt per Planning Code Section 260(b). Building 2E is subject to Planning Code Section 260 for buildings on a lateral slope where the height limit is 65 feet or less. The building complies with this requirement as the slope of Haight Street is approximately 12% and no portion of the building exceeds a width of approximately 65 feet. Building 2D is located in both the 40-X and 50-X District, is 33 feet in height as measured from Haight Street. The project sponsor has chosen to measure the height of Building 3 from Haight Street. Building 3 is located in the 40-X District and is approximately 10 feet in height to the roof top measured from the curb on Haight Street. The project sponsor has chosen to measure the height of Building 5 from Laguna Street. Building 5 is located in the 85-X District and is approximately 76 feet in height to the roof top measured from the curb on Laguna Street. The building includes a penthouse of which only a small portion exceeds the height limit.

Buildings 4A (Woods Hall), 4A (Woods Hall Annex) and 6 (Richardson Hall) are existing buildings with no proposed vertical additions.

- H. Bulk. Planning Code Section 270 limits the bulk of buildings and structures, and assigns maximum plan dimensions.

The site's height and bulk districts are 40-X, 50-X and 85-X. The "X" bulk control has no specific limitations on building bulk. The proposed buildings comply with the bulk requirements.

- I. Off-Street Parking. Planning Code Section 249.32(i-xi), the Laguna, Haight, Buchanan and Hermann Streets Special Use District (SUD), establishes specific off-street parking requirements for any development within the SUD.

No change in the number of parking spaces from that approved by Motion No. 17537 is proposed (310 spaces, including 51 replacement spaces for the UC Dental Clinic and 10 car share spaces) and the parking complies with the requirements of Section 249.32.

The development (senior affordable units and market-rate units) meets the off-street parking standards of the SUD in the following manners. (i) Ingress and egress for the parking garages do not exceed a width of 20 feet on either Buchanan or Laguna Streets. Haight Street is a Transit Preferential Street; however, there are no curb cuts or garage entries on this street. (ii) Off-street parking is located more than 25 feet from Laguna Street and wrapped with dwelling units. Off-street parking along Buchanan is below the street level. (iii) At-grade vehicular access within the development has been eliminated which will improve pedestrian movement and safety through Waller Park and Palm Lane. The development relocates two existing curb cuts and driveways, ingress and egress improvements through streetscape design will increase pedestrian safety. (iv) Off-street parking will not be visible from any public right-of-way or Waller Park. Off-street parking would be located in two garages, one accessible from Buchanan Street and one accessible from Laguna Street. (v) Off-street parking will be enclosed and entrances, curb cuts and driveways will be no wider than 20 feet. (vi) The project would contain up to 440 dwelling units and no more than 249 off-street parking spaces for a ratio of .57:1, less than the .75:1 ratio permitted. Of the 249 off-street parking spaces no fewer than 154 spaces or 62% of all off-street residential parking, would be accommodated in 2 and 3 car "stackers," in excess of percentage required. (vii) The development provides up to 51 off-street parking spaces for use by UC's dental clinic. The development would provide up to 10 car share spaces where three would be required. (viii) The development does not include a retail use larger than 20,000 square feet. (ix) The development proposes 10 car share spaces where three are required. (x) This requirement is fulfilled through the development's conditions of approval. (xi) Parking will be unbundled and available to all development residents.

- J. Car Share Parking. Planning Code Section 166 requires two car share parking space be provided for up to 201 dwelling units and 1 more space for each additional 200 units, or three spaces for the Project. Section 249.32 requires 5% of the 51 non-residential spaces to be for vanpool, car share other joint use spaces, or three spaces for the Project.

The Project would provide 10 car share parking spaces, seven more than required by the Planning Code, to be located in the garage with egress to Laguna Street.

- K. Off-Street Loading. Planning Code Section 249.32 provides that no off-street loading is required and a maximum of two off-street loading spaces could be provided for residential projects that have between 100,001 and 200,000 square feet of floor area. *The project sponsor has elected not to provide off-street loading on the site and will apply for on-street "white" loading zones on the Laguna and Buchanan Street frontages.*
- L. Street Trees. Planning Code Section 138.1 requires street trees and other streetscape improvements to be installed by a project sponsor constructing a new building in an RM-3 or NC-3 District at the rate of one tree for each 20 feet of frontage of the property along each street. *Up to 36 existing trees within the public right-of-way and in front setback areas along Haight and Buchanan Streets are proposed to be removed. As required, the development would provide a minimum of 55 street trees; although, the plans for the development's Better Streets requirement indicates that up to 80 new street trees are proposed.*
- M. Shadows. Planning Code Section 295 generally does not permit new buildings over 40-feet in height to cast new shadows on a property owned and operated by the Recreation and Park Commission. *A shadow fan analysis conducted for the Environmental Impact Report per Case 2004.0770E concluded that the Project would not create any new shade on any Department of Recreation and Park properties protected under Planning Code Section 295. An addendum to address revisions to the project was issued per Case 2012.0033E, and the conclusion regarding shadows had not changed.*
- O. Street Frontages. Planning Code Section 144 promotes visually interesting and attractive street frontages in relation to the pattern of the neighborhood in R districts so that adequate areas are provided for front landscaping, street trees and on-street parking between driveways. Planning Code Section 145.1 promotes visually interesting and attractive street frontages in relation to the pattern of the neighborhood in NC districts so that adequate areas are provided for front landscaping, street trees and on-street parking between driveways. Specifically, entrances to off-street parking may not exceed one-third of any ground-story frontage, any parking entrance may not exceed 20 feet in width, and entrances to parking shall be at least six feet from a lot corner located at an intersection. *The 55 Laguna development would relocate two existing curb cuts and driveways, each approximately 30 feet wide on Buchanan and Laguna Streets, both at the Waller Street right-of-way. The curb cut on Buchanan Street would be relocated approximately 100 feet south of its current location and provide access to up to 51 off-street parking spaces for use by the UC Dental Clinic and 70 residential parking spaces. The garage openings for this entry would be no more than 20 feet wide on a building frontage that is approximately 110 feet long. The curb cut on Laguna Street would be relocated approximately 100 feet north of its current location and provide access to up to 189 off-street parking spaces for use by residents of the market rate and all affordable dwellings and car share spaces. The garage openings for this entry would be no more than 18 feet wide on a building frontage that is approximately 260 feet long. The relocation of both*

curb cuts from either end of the Waller Street right-of-way will help to create Waller Park, a publicly-used park. On-street parking will continue to be provided on all street frontages.

Overall, all four street frontages will be improved by the proposal through the creation of new plantings in the front setback areas, street trees, street pavers and bulb outs at three intersections and the top and bottom of Waller Park. The development will bring pedestrian interest to all frontages through the introduction of dwelling unit stoops and entries, building lobbies, a retail use, lobbies of up to two community centers and the community garden.

- P. Bird-Safe Standards: Planning Code Section 139 creates standards for new building construction and replacement facades by regulating building siting and certain building features, such as the square footage of uninterrupted glazing.

The development site is not immediately adjacent to, or within 300 feet of, an open space of at least two acres. As proposed, Waller Park is approximately 28,000 square feet, about $\frac{1}{4}$ of an acre. The proposed development is located in an R (Residential) zoning district, and exceeds a height of 45 feet in places; therefore, the project will comply with the feature-related glazing treatments required by Planning Code Section 139.

- Q. Streetscape and Pedestrian Improvements: Planning Code Section 138.1 implements the Better Streets Plan to improve the public rights-of-way so they are safe, accessible, convenient and attractive to pedestrians and all modes of travel.

The development will greatly improve an existing site that is primarily used as off-street parking and is visually cut off at the pedestrian level with tall retaining walls and chain link fences. Streetscape Plans in Exhibit B show that the sidewalks of all four street frontages will be resurfaced and will include street trees in basins with a permeable material, landscaping in front setback areas, bulb outs, and permeable pavers between street trees.

- S. Market and Octavia Area Plan Fees: Under Article 4 of the Planning Code, certain housing and community impact fees are required for developments within the Market and Octavia Area Plan.

Between 2004 and 2008, when the initial 55 Laguna project sponsored by AF Evans was under review, the Market and Octavia Area Plan was being developed and reviewed by the Planning Commission and Board of Supervisors. At that time, rather than pay the fees, the project sponsor wished to provide public amenities such as Waller Park, the community garden, the community center, greening, and pedestrian and bicycle improvements worth approximately \$6,371,000. Language that allows these amenities to be provided rather than pay the fees is incorporated into the Laguna, Haight, Buchanan and Hermann Streets Special Use District, Section 249.32. An In Kind Agreement for the amenities will be required to ensure they are constructed at the cost not less than the otherwise applicable Market and Octavia Community Infrastructure Impact Fee.

Community Infrastructure Improvement	2008 Estimated Value	2012 Value included for In-Kind Agreement
Waller Park Improvements (25,000 sf)	\$4,050,000	\$6,776,000
Community Garden (10,600 sf)	\$575,000	
Wood Hall Annex Community Center (12,000 sf)	\$1,200,000	
Sub Total	\$5,825,000	\$6,776,000
Community Center Rent Subsidy	\$400,000	None.
Pedestrian Improvements (Laguna-Hermann, Laguna-Waller and Waller Buchanan bulb-outs)	\$140,000	None. Required by Planning Code.
On Street Bicycle Racks (7 racks)	\$6,000	None. Required by Planning Code.
Total	\$6,371,000	\$6,776,000

Based on 2012 fee rates the proposed project would be required to contribute \$4,237,047 to the Market and Octavia Community Improvements Fund. The project sponsor proposes to provide in-kind improvements with an estimated value of \$6,776,000.

T. Bicycle Parking: Planning Code Section 155.5 requires bicycle parking for residential uses. Housing dedicated to seniors is exempt from this requirement.

For projects of over 50 dwelling units, 25 Class 1 spaces are required, plus one space for every four units over 50. The development would construct up to 330 non-senior units for an overall requirement of 70 Class 1 spaces. The proposal includes up to 125 Class 1 bicycle parking spaces located in at least three separate buildings throughout the site. The Better Streets plan includes five parking racks at the base of Waller Park at Laguna Street and eight parking racks on Haight Street close to the community center entrance.

U. Inclusionary Affordable Housing: Planning Code Section 415 requires housing project that consists of five or more units where an individual project or a phased project is to be undertaken and where the total undertaking comprises a project with five or more units, even if the development is on separate but adjacent lots to comply with the Inclusionary Affordable Housing Program.

Relevant to the Inclusionary Affordable Housing Program, the 55 Laguna project proposes two types of housing: up to 330 market-rate family housing units to be developed by Alta Laguna, LLC and up to 110 senior affordable housing units to be developed by 55 Laguna, LP.

On August 4, 2011, the Planning Commission approved Motion 18427 under Case No. 2011.0450C, modifying the inclusionary affordable housing component of the project entitled in 2008. Under Motion 18427, Wood Development would satisfy the requirements of Planning Code Section 415 through Alternative #3 in Section 415.5(g) – a combination of on-site units and payment of a fee – to provide a minimum of 10% of the requirement as on-site units and up to the

required 15% in the market rate housing development. This equates to approximately between 32 and 50 BMR on-site units within the market rate housing development and payment of an Affordable Housing Fee of up to approximately \$6.3 million to comply with Planning Code Section 415. This modification from the definitive 50 on-site BMR units included in the original Conditional Use Authorization has been necessitated by the Mayor's Office of Housing's inability to immediately fund the full subsidy for the 55 Laguna, LP project that it committed to in the original entitlement process. However, with that "hybrid" inclusionary program proposed by the market rate project sponsor, the Mayor's Office of Housing had a year to attempt to secure the additional funds to meet its subsidy commitment to the Openhouse project and then provide some or all of the remaining 18 units to achieve the original BMR commitment. The senior housing development would remain 100% affordable. The modified project does not alter the overall number of market rate or affordable senior housing units to be provided within the overall development previously approved.

On August 10, 2012, the Mayor's Office of Housing (MOH) confirmed that a financing plan is in place for the acquisition of the affordable housing parcel which does not rely on payment of an Affordable Housing Fee by Alta Laguna, LLC. Therefore, Alta Laguna, LLC, will fulfill its inclusionary housing obligation by providing the full 50 BMR units on site, which would fulfill the goal identified during the Stakeholder meeting process in 2011 and described above.

V. Lot Size: Planning Code Section 712.11 requires Conditional Use Authorization for lots over 10,000 square feet within the NC-3 (Moderate-Scale Neighborhood Commercial) District.

The current proposal includes three separate lots within the NC-3 District that each exceed 10,000 square feet in area. Parcel A, to be developed by Alta Laguna, LLC, would span both the RH-3 and NC-3 zoning district, with approximately 63,200 square feet of Parcel Area located in the NC-3 District. Parcel B.1, which would contain the newly constructed Openhouse building, would be approximately 14,800 square feet. Parcel B2, containing Richardson Hall, would be approximately 28,400 square feet. Although each of these lots would exceed the principally permitted lot size, the development approved under Case No. 2004.07703, Motion 17537 included conditional use approval and findings for one lot for the entire development site of more than 109,000 square feet.

8. Planning Code Section 363 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 proposes to convert the vacant 236,113 sq. ft. (5.4 acre) UC Extension campus to a moderate density mixed use development of up to 330 market-rate and inclusionary family dwelling units, no less than 12,000 square feet of community space, Walter Park of no less than 28,000 square feet, and a community garden of no less than 10,600 square feet developed by Alta

Laguna, LLC, and up to 110 senior affordable dwelling units, no more than 2,500 square feet of neighborhood-serving retail space, approximately 2,700 square feet of office space for Openhouse, and a senior center of up to 7,500 square feet developed by 55 Laguna, L.P. In doing so, the project will result in the adaptive reuse of two and most of a third historically significant buildings, the demolition of the heavily altered Middle Hall and the one-story Administration Wing of Richardson Hall, and the construction of seven new building volumes, two of which would front Buchanan Street, two along Laguna Street, one fronting Haight Street, with the remaining buildings fronting either Waller Park on the former Waller Street right-of-way or Palm Lane. There would be a total of 10 buildings on the project site. Pedestrian access would be provided at the east and west ends of Waller Park, and to Palm Lane/Palm Alley from Hermann Street.

The proposed mixed use project provides: 1. Up to 440 family and senior dwelling units; 2. A pedestrian scale, neighborhood-serving retail use at the corner of Hermann and Laguna Streets; 3. An internal open space system (some of which would be publicly accessible) and a landscaped, attractive internal pedestrian and bicycle circulation system; 4. 12,000 square feet of community facility space in an adaptively reused Woods Hall Annex facing Haight Street; and 5. A community center for seniors residing in the project and throughout the City.

The project's use, size, density and height are compatible with the surrounding community. The mixed use character of the project is compatible with adjacent and nearby land uses. The surrounding neighborhoods include a wide range of residential, commercial, institutional and mixed uses and varying building heights, including mid-rise apartment buildings located primarily on corner lots, with smaller low-rise residential buildings located toward the center of the peripheral blocks.

Similar to the existing pattern of built forms, the project would locate the single taller building (Openhouse) nearer Market Street and shorter residential buildings closer to the lower-scale residential uses along the site's Haight and Buchanan Street frontages. Project buildings would be three to seven stories in height. New buildings along Buchanan Street would be four stories in height, while new buildings along Laguna Street would range from four to seven stories. New buildings on the interior of the site would be four to six stories in height. The proposed four story buildings on the project site would be approximately one story higher than the predominantly three-story residential buildings along the site's perimeter streets, such as Buchanan, Haight, and Laguna Streets. For example, diagonally across the intersection of Buchanan and Haight Streets, to the project site's northwest, are 195 units in three-story, buildings that comprise the HOPE VI Western Addition housing development. Immediately west of the project site along Laguna Street and south of the project site along Hermann Street are mid-rise apartment buildings which range in height from four to seven stories. The recently-constructed 93 units at three and four stories located at Church and Hermann Streets are about one block southwest of the project site.

The project building heights reflect nearby building heights and those set forth in the Market and Octavia Area Plan Element of the San Francisco General Plan, adopted by the Board of Supervisors on October 24, 2007 in Ordinance 24607 ("Area Plan"). The Area Plan created 85-

foot height limits along Market Street, as well as on Hermann and Laguna Streets across the street from the single proposed mid-rise element of the project. Diagonally across the intersection of Hermann and Buchanan Streets to the site's southwest, is the approximately 60-foot-tall United States Mint. The tallest project buildings, the two 7-story buildings at the intersection of Waller and Laguna Streets (north and south of the proposed Waller Park), would be generally similar in height to existing residential buildings that surround the site, such as the seven-story (80 foot) apartment buildings at 1900 Market Street, 78 and 300 Buchanan Street, 50 Waller Street, and 16 and 50 Laguna Street. Thoughtful use of the site's topography and the surrounding neighborhood streetscape enables the project to be integrated into the surrounding neighborhood and prevents it from appearing walled-off, as it currently exists.

The density of the project is consistent with the surrounding area. As stated above, there are numerous high-density apartment buildings near the site that would be mirrored in the placement of the site's higher density buildings. Similarly, the lower density buildings along the Haight and Buchanan boundaries, and part of Laguna Street, would be consistent with the residential uses on those perimeter streets. The site's overall density reflects the surrounding neighborhood as a result of the reestablishment of the Waller Street right-of-way as a publicly accessible pedestrian street (Waller Park) in two ways. First, inserting such a wide interior thoroughway into the center of the project site allows the buildings to be dispersed on the site with adequate pedestrian access to each. Second, Waller Park would create distinct northern and southern blocks on the project site, making the project's blocks similar in size to the blocks surrounding the project. The additional internal Pabin Alley would further break down the project site. Lastly, to further enhance the site's moderate density, most of the residential buildings will have stoops and individual entries at the street. This feature is consistent with the residential character of the surrounding neighborhood. All of these features contribute to the moderate scale density and character of the project.

The project provides multiple community benefits. Waller Park would transverse the site from east to west in the former Waller Street right-of-way, with new public plazas at each end. A new ground-level retail use along the site's southeastern corner at Laguna and Hermann Streets in the existing Richardson Hall is proposed. Woods Hall Annex would be adaptively reused as a rent-free community center. A community center would be provided in the new Openhouse building to provide social services to development residents and seniors throughout the City. The project would thus integrate the site's proposed new uses into the surrounding neighborhood, adding numerous heretofore unavailable community benefits, while enhancing pedestrian connectivity to (and through) a site that in the past was effectively walled off from the surrounding neighborhood.

This development is a nationally recognized LEED ND (leadership in energy and environmental design for neighborhood developments) project. LEED ND is a program for certifying outstanding neighborhood scale developments currently being implemented by the United States Green Building Council. It is anticipated that the project is certifiable at the GOLD level. This is primarily due to excellence in site planning, the mix of uses, the transit emphasis, and innovative environmental measure incorporated into the project.

Lastly, the project will provide affordable and high-quality dwelling units with numerous amenities for residents and the public. The development's inclusionary affordable housing component was addressed per Motion 18427 and Case No. 2011.0450C

- 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 site is rectangular in size, occupying 5.4 acres in the Hayes Valley neighborhood bordering Market Street. It occupies most of two city blocks surrounded by Hermann, Buchanan, Laguna and Haight Streets. The site's educational uses relocated in 2002 and 2003. The majority of the existing buildings occupy the periphery of the site with surface parking clustered toward the center of the site. The east side of the site is surrounded by a retaining wall that runs the length of Laguna Street and westward up Haight Street. The site's topography is extreme: The project site slopes steeply downward from its highest elevation at the corner of Buchanan and Haight Streets (170 feet above sea level), to its lowest elevation at the corner of Hermann and Laguna Streets (90 feet above sea level), in a northwest to southeast direction.

The ten new buildings are configured to enhance the site's natural topography, public accessibility and integration into the residential fabric of the neighborhood while still maximizing habitable space and availability of space for ground floor mixed uses. To be consistent with surrounding building heights, the two tallest two buildings would be constructed along Laguna Street at Waller Park in close proximity to buildings of similar heights on Laguna and Hermann Streets. The rest of the buildings are generally 3 to 5 stories, consistent with the prevailing building heights along the site's Buchanan and Haight Street frontages. The reintroduction of Waller Street as a publicly accessible park creates a block pattern that is more consistent with that of the surrounding neighborhood than the current lot configuration. The proposed Palm Alley will provide an internal, and also publicly accessible, north-south break to the block pattern. The new buildings are thus able to be sited around an internal circulation system that mirrors more closely the prevailing neighborhood pattern. Residents and visitors could traverse the site that more closely resembles a typical block size. The massing and scale of the new buildings is further broken down with the use of materials, colors and architectural features, including stoops, bay windows and building articulation.

- 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:

Currently there are 278 off-street surface parking spaces contained in three lots. One lot containing approximately 50 spaces and used primarily by the dental clinic is located on the upper terrace between the dental clinic and Woods and Middle Halls. The remaining 228 parking spaces

are contained within two lots on the lower terrace accessed from Laguna Street; one lot is behind Richardson Hall and the other is located at the corner of Haight and Laguna Streets. The lots are currently used by UCSF and California Pacific Medical Center employees for commuter parking.

The project will replace these lots with up to 310 off-street spaces in two below-grade parking garages, one accessible from Buchanan Street and one accessible from Laguna Street. The development complies with the off-street parking requirements for the Laguna, Haight, Buchanan and Hermann Streets Special Use District. The proposed number of space efficient parking spaces exceeds the SUD requirement. Approximately 125 secure, on-site bicycle parking spaces would be available in at least four different locations throughout the development.

A traffic study completed for the project's EIR (assuming 450 dwelling and residential care units, rather than the currently proposed 440 dwelling units) found that the project will generate about 260 new p.m. peak hour auto trips. The project would also generate an increase of about 280 transit trips and 112 "other" trips in the weekday p.m. peak hour. Based on the expected number of vehicle trips, the reduced availability of on-site parking, and the 10 on-site car share parking spaces, the parking ratio of roughly .60 space per unit furthers the Area Plan's objective of lessening parking availability to increase use of transit and alternative modes of travel.

Pedestrians would be able to walk the length of the former Waller Street right-of-way between Laguna and Buchanan Streets via the proposed Waller Park. To help facilitate pedestrian and bicycle circulation throughout the site, the project proposes to add Palm Alley off of Hermann Street to facilitate north-south access through the site.

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

Since this will primarily be a residential project, unusual noise, odor, dust and glare as a result of its operations will generally not occur. The buildings will comply with Title 24 standards for noise insulation. The materials for the facades of the buildings will not result in glare. The project would generate additional night lighting, but not in amounts unusual for an urbanized area. Design of exterior lighting will ensure that off-site glare and lighting spillover are minimized.

Construction noise impacts would be less than significant because all construction activities would be conducted in compliance with the San Francisco Noise Ordinance (Article 29 of the San Francisco Police Code, as amended November 2008). The SF Board of Supervisors approved the Construction Dust Control Ordinance (Ordinance 176-08, effective July 30, 2008) with the intent of reducing the quantity of dust generated during site preparation, demolition and construction work in order to protect the health of the general public and of on-site workers, minimize public nuisance complaints, and to avoid orders to stop work by the Department of Building Inspection. Therefore, the project sponsor and construction contractor would be required to follow specified practices to control construction dust and compliance with this new ordinance.

2,500 square feet of retail space will be provided at the corner of Laguna and Hermann Streets that may contain a food service use. The proposed food uses are subject to the standard conditions of approval for restaurants and outlined in Exhibit A. Conditions 5 and 6 specifically obligates the project sponsor to mitigate odor and noise generated by the restaurant use.

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

The project's open space plan is unique for a private development. The project would construct Waller Park, of approximately 28,000 square feet, in the former Waller Street right-of-way, a publicly accessible open space that would provide various landscaped seating and passive recreational areas its entire length between Buchanan and Laguna Streets. The upper park area at Buchanan Street would take advantage of the steep slope of the project site by providing a scenic overlook with views of downtown San Francisco and the East Bay. A plaza is proposed at the park's lower end at Laguna Street. Waller Park would include numerous benches and trees, a bioswale for water collection.

Palm Alley would be landscaped with trees on either side, planter boxes and street furniture for seating.

Other privately owned though publicly accessible open spaces would include a 10,600 square foot community garden behind Woods Hall Annex.

Private open spaces for many units would be in the form of balconies and stoops and semi-private courtyards. Common open space in an amount in excess of Planning Code requirements is also provided, in addition to Waller Park and the community garden.

As required by the Planning Code, the development complies with the Better Streets Plan and proposes up to 80 new street trees on all four street frontages, in tree basins that meet minimum standards with permeable paving between the trees. Front setback areas on Buchanan and Haight Street would be landscaped as well. Dwelling unit entrances on Buchanan, Haight and Laguna Streets include planter boxes in the entry areas.

Parking will be appropriately screened from view. Site lighting will be a combination of pole, building mounted and low level lighting to provide necessary illumination levels, while complementing the site design. The lighting will be designed to support the security of the site and the surrounding neighborhood. The project sponsor intends to utilize full cut off light shields to limit light pollution and to investigate the use of solar powered lighting to mitigate energy consumption.

- 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 as detailed below.

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

The proposed project is consistent with the stated purposes of NC-3 Districts in that the intended retail use at the corner of Hermann and Laguna Street use is located at the ground floor, will provide a compatible convenience service for the immediately surrounding neighborhoods during daytime hours.

9. Planning Code Section 304 establishes criteria and limitations for the Planning Commission to consider when reviewing applications for the authorization of PUD's over and above those applicable to Conditional Uses. On balance, the project does comply with said criteria and limitations in that:

- a. Affirmatively promote applicable objectives and policies of the Master Plan;

This project furthers multiple existing General Plan and proposed Area Plan policies relating to housing, transportation and circulation, recreation and open space, urban design and historic resources. They are listed in their entirety in Finding 10 below.

Specifically this mixed use project will create approximately 440 dwelling units of varying sizes, types and affordability levels in 11 moderately dense buildings in the highly urbanized neighborhood of Hayes Valley bordering Market Street. The project will provide affordable and high quality living units, some of which will be family-sized. In addition, the project will include a community center welcoming to LGBT seniors and their friends.

The project is adaptively reusing a vacant educational site that contains some historic buildings. In reusing some of these buildings, the applicant has hired a qualified preservation architect to adaptively reuse these historic properties.

The project is also reintegrating the site back into the immediate neighborhood. It is doing so by reintroducing Waller Street, which was vacated in 1922, back into the site as a publicly accessible park that will bisect the site into east-west portions. The site is further bisected by a new Metros (Palm Alley) which will enhance internal access and circulation to the interior of the site.

Creation of this block pattern at the site results in buildings of thoughtful and sensitive design particularly as concerns the existing topography of the site and the prevailing height patterns along the site's perimeter. The project sites the tallest buildings within close proximity to neighboring buildings of similar heights. Similarly, the lower (e.g., 3-4 story) residential buildings will face streets where the predominant heights are also 3-4 story buildings.

The project's novel approach to public open space is in the use of the former Waller Street right-of-way as a publicly accessible park. Waller Park will consist of both multiple open space

opportunities and also serve as pedestrian access through the site. A community garden is also proposed behind Woods Hall Annex.

The new buildings do not mimic the historic Spanish Colonial Revival buildings stylistically, but sympathetically respond to them in terms of scale, massing, proportion, fenestration, color and materials. This way of distinguishing new construction from historic buildings is in keeping with the Secretary of the Interior's Standards and creates a dynamic site that allows for a clear record of its development history. The architecture will be generally modest in character with an emphasis on a timeless, simple and modern aesthetic. The detailing and ornamentation will be restrained, but elegant and appropriate with an emphasis on how the buildings meet the ground.

The richness and variety of architecture emanates from the spaces between the buildings - a response to the characteristics of each street, courtyard, news and park including its scale, fabric and sun orientation. The architecture along Palm Lane is finer grain and more simple and calm. It emphasizes a 20-foot vertical proportion with continuous front stoops leading to two story townhouses with the building mass above stepping back. The building material is a combination of horizontal cementations: siding and cement plaster. The Waller Park elevations have more variation in scale and height. Bay windows and numerous projecting terraces help take advantage of views up and down the park with most of the terraces on the sunny south facing facades. A leasing office and unit entries face onto the park creating additional activity. Buchanan and Haight Street elevations are lower in scale, also with 20-foot townhouses all with street facing front stoops. The scale and cadence will be very similar to the existing architectural character on these streets. Laguna Street also has front stoops and an entrance to one of the building lobbies as well as the entry into one of the garages. There is a strong rhythm of vertical articulation to help break down the scale of the facade. The overall palette of colors across the site will include subtle variations of white and grey cement plaster with the horizontal siding a darker warm gray. The windows will be aluminum and set back from the building face several inches to create a rich shadow line.

In terms of promoting the City's transportation policies, the project provides on-site parking of up to 310 spaces, including replacement of the dental clinic parking. The cost of the parking space will be unbundled from the housing costs borne by the residents. Consistent with the City's Transit First policy, the uses that are neighborhood oriented (e.g., retail and community facility) are located closest to Market Street's multiple transit lines. Pedestrian circulation through the site is encouraged by Waller Park, Palm Lane, and by the wide sidewalks and bulb-outs that occur at the site's corners.

B. Provide off street parking adequate for the occupancy proposed.

The project will provide 310 off-street parking spaces in two underground garages. The garage accessed from Laguna Street would include approximately 10 car share spaces, 94 single-car parking spaces, 85 space efficient parking spaces. The garage accessed from Buchanan Street would contain up to 51 single-car replacement spaces for the exclusive use of the dental clinic during business hours, and 69 space efficient parking spaces. Of the total amount of off-street parking,

approximately 12 spaces will be handicapped accessible, 6 in each garage. Approximately 125 secure, on-site bike parking spaces would be available, in four locations throughout the development.

The project would provide adequate on-site parking under the Area Plan and the SUD and be consistent with the parking generated by the site's proposed uses. With 10 on-site car share spaces, the parking ratio of approximately .60 spaces per dwelling unit furthers the Plan's objective of reducing parking availability to increase transit and alternative modes of travel and will provide adequate parking for the proposed occupancies.

- C. Provide open space usable by the occupants and, where appropriate, by the general public, at least equal to the open spaces required by this Code;

The private, common and public open space provided on site totals approximately 80,000 square feet. The requirements for residential private and common open space under the RM-3 zoning is 50 square feet of private open space per dwelling unit or 80 square feet of common open space per dwelling unit. The requirements for residential private and common open space for NC-3 zoning districts are 80 square feet of private open space per dwelling unit or 106.4 square feet of common open space per dwelling unit. The open space requirement for senior housing is one half of the amount required for family housing. Including Waller Park and Palm Alley there is a surplus of approximately 41,000 square feet of usable open space on the site.

- D. Be limited in dwelling unit density to less than the density that would be allowed by Article 2 of this Code for a district permitting a greater density, so that the PUD will not be substantially equivalent to a reclassification of property;

The project does not seek any density increase. Under the RM-3 zoning for the northern portion of the site, up to 319 units would be permitted (1:400). There are 268 units permitted in the project's NC-3 district where 222 units are proposed. The 1:400 density in the site's RM-3 zone permits up to 319 units where 218 units are proposed. The project complies with density limitations.

- E. In R Districts, include commercial uses only to the extent that such uses are necessary to serve residents of the immediate vicinity, subject to the limitations for NC-1 (Neighborhood Commercial Cluster) districts under the Code;

This criterion is applicable only for the portion of the site that is zoned RM-3. The development does not include any commercial/retail activities in the RM-3 District.

- F. Under no circumstances be excepted from any height limit established by Article 2.5 of this Code, unless such exception is explicitly authorized by the terms of this Code. In the absence of such an explicit authorization, exceptions from the provisions of this Code with respect to height shall be confined to minor deviations from the provisions for

measurement of height in Sections 260 and 261 of this Code, and no such deviation shall depart from the purposes or intent of those sections;

Planning Code Section 260 requires that all structures be no taller than the height of the applicable height and bulk district. The Project site has height limits of 40-X, 50-X and 85-X. Per the Planning Code analysis above, the Project will comply with the proposed height limits, and thus no exception to height limit is sought.

- G. In NC Districts, be limited in gross floor area to that allowed under the Floor Area Ratio limit permitted for the district in Section 124 and Article 7 of this Code.

The 2,500 gross square feet of retail area and 2,700 square feet of office space fall below the allowable gross floor area ratio (3.6:1) of up to 386,471 square feet allowed in the NC-3 district. This standard is met.

- H. In NC Districts, not violate the use limitations by story set forth in Article 7 of this Code.

All retail, and office, uses are restricted to the first floor of Richardson Hall, in compliance with the proposed NC-3 controls. The dwelling units and Openhouse institutional uses are permitted uses on all floors in an NC-3 district.

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

Policy 1.1: Plan for the full range of housing needs in the City and County of San Francisco, especially affordable housing.

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 provides a range of rental housing types and sizes, affordable family housing and affordable senior housing in an area where households can easily rely on public transportation on Flaight and Market Streets, walking and bicycling for many of their daily trips.

OBJECTIVE 4: Foster a housing stock that meets the needs of all residents across lifecycles.

Policy 4.2 Provide a range of housing options for residents with special needs for housing support and services.

Policy 4.3 Create housing for people with disabilities and aging adults by including universal design principles in new and rehabilitated housing units.

Policy 4.4: Encourage sufficient and suitable rental housing opportunities, emphasizing permanently affordable rental units wherever possible.

Policy 4.5: Ensure that new permanently affordable housing is located in all of the City's neighborhoods, and encourage integrated neighborhoods, with a diversity of unit types provided at a range of income levels.

The project provides housing for LGBT and other senior and includes universal design principals in the senior units. The project also provides rental apartments with a permanent affordable housing component integrated into an established mixed-income neighborhood.

OBJECTIVE 5: Ensure that all residents have equal access to available units.

Policy 5.1: Ensure all residents of San Francisco have equal access to subsidized housing units.

Policy 5.4: Provide a range of unit types for all segments of need, and work to move residents between unit types as their needs change.

Residents of all income levels will have access to the 330 family dwelling units developed by Alta Laguna, LLC. All lower income seniors will have equal access to the affordable senior units developed by 55 Laguna, L.P. The project provides a range of unit types that would enable residents to move throughout the development as their needs change.

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.

Policy 11.3: Ensure growth is accommodated without substantially and adversely impacting existing residential neighborhood character.

Policy 11.5: Ensure densities in established residential areas promote compatibility with prevailing neighborhood character.

Policy 11.6: Foster a sense of community through architectural design, using features that promote community interaction.

Policy 11.7: Respect San Francisco's historic fabric, by preserving landmark buildings and ensuring consistency with historic districts.

The development is well designed, respects the neighborhood character through building height and design, and does not substantially and adversely affect the character of the existing Hayes Valley neighborhood, and is compatible with the three Landmark buildings on-site, which will be preserved and adaptively reused. The project fosters community interaction by including publicly accessible open space, multiple entrances and townhouse units along Laguna, Haight and Buchanan Streets.

OBJECTIVE 12: Balance housing growth with adequate infrastructure that serves the City's growing population.

Policy 12.2: Consider the proximity of quality of life elements, such as open space, child care, and neighborhood services, when developing new housing units.

Policy 12.3: Ensure new housing is sustainably supported by the City's public infrastructure systems.

The development is sited in an area that currently provides adequate access to infrastructure. As part of the development, new public open space, street improvements, a community center, senior services and a community garden will be constructed. As set forth in the Market and Octavia Area Plan (which the development is located within), the project site is well served by infrastructure and other quality of life elements, including open space and neighborhood services. In addition, the project incorporates significant new open space, community facilities, neighborhood retail and senior services.

OBJECTIVE 13: Prioritize sustainable development in planning for and constructing new housing.

Policy 13.1: Support "smart" regional growth that locates new housing close to jobs and transit.

Policy 13.2: Promote sustainable land use patterns that integrate housing with transportation in order to increase transit, pedestrian, and bicycle mode share.

The project incorporates sustainable development elements to qualify for LEED-ND certification, is located in close proximity to jobs in downtown San Francisco, and has easy access to public transportation, pedestrian and bicycle routes.

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.

Policy 1.2 Ensure the safety and comfort of pedestrians throughout the city.

Pedestrians would be able to walk the length of the former Waller Street right-of-way, east to west, between Laguna and Buchanan Streets via the proposed Waller Park. To help facilitate pedestrian and bicycle circulation throughout the site, the project will add a Mews to bisect the site from north to south with an entrance from Hermann Street and termination at Woods Hall. Vehicular entrances to parking garages would be on Laguna and Waller Streets with minimal curb cuts. At least three bulb-outs around the site, and at the top and bottom of Waller Park, will enhance pedestrian safety at most frontages. The only corner without a bulb out will be at the dental school, the intersection of Hermann and Buchanan Streets.

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 meets this policy through a number of methods. First, the project complies with the Area Plan's discouragement of on-site parking through a parking ratio of approximately 0.60 space per unit and approximately 159 space-efficient parking stackers. No less than 10 car share parking spaces are provided to decrease the need for residents to own their own vehicles. No less than 126 Class 1 bicycle storage spaces will be provided in four areas throughout the development. Fourth, the project's location furthers the City's Transit First policy. There are numerous MUNI lines within easy walking distance of the project. For example, 12 MUNI bus lines (6-Parnassus, 7-Haight, 14-Mission, 14L-Mission Limited, 16AX-Noriega "A" Express, 16BX-Noriega "B" Express, 22-Fillmore, 26-Valencia, 47-Van Ness, 49-Van Ness/Mission, the 71-L Haight/Noriega Limited and 71-Haight/Noriega) run near the project site. MUNI light rail lines J, K, L, M, and N and the F-Market line run on or under Market Street. Due to the frequency and number of MUNI routes near the site, the site should have the high rate of ridership similar to the rest of the neighborhood.

Objective 11 Establish public transit as the primary mode of transportation in San Francisco and as a means through which to guide future development and improve regional mobility and air quality.

Policy 11.3 Encourage development that efficiently coordinates land use with transit service, requiring that developers address transit concerns as well as mitigate traffic problems.

The project's location furthers the City's Transit First policy. There are numerous MUNI lines within easy walking distance of the project. For example, 12 MUNI bus lines (6-Parnassus, 7-Haight, 14-Mission, 14L-Mission Limited, 16AX-Noriega "A" Express, 16BX-Noriega "B" Express, 22-Fillmore, 26-Valencia, 47-Van Ness, 49-Van Ness/Mission, the 71-L Haight/Noriega Limited and 71-Haight/Noriega) run near the project site. MUNI light rail lines J, K, L, M, and N and the F-Market line run on or under Market Street. Due to the frequency and number of MUNI routes near the site, the site should have the high rate of ridership similar to the rest of the neighborhood. The Final EIR determined that the Project will have no significant transportation impacts, including traffic, transit, pedestrian or bicycle impacts.

Objective 34 Relate the amount of parking in residential and neighborhood commercial districts to the capacity of the city's street system and land use patterns.

Policy 34.1 Regulate off-street parking in new housing so as to guarantee needed spaces without requiring excesses and to encourage low auto ownership in neighborhoods that are well served by transit and are convenient to neighborhood shopping.

The development complies with this policy by limiting parking to .75 spaces/unit. The project's 310 on-site spaces is below that ratio, resulting in approximately .60 spaces per unit. The project further satisfies this policy by its transit-rich location. There are numerous MUNI lines within easy walking distance of the project. For example, 12 MUNI bus lines (6-Parnassus, 7-Haight, 14-Mission, 14L-Mission Limited, 16AX-Noriega "A" Express, 16BX-Noriega "B" Express, 22-Fillmore, 26-Valencia, 47-Van Ness, 49-Van Ness/Mission, the 71-L Haight/Noriega Limited and 71-Haight/Noriega) run near the project site. MUNI

light rail lines J, K, L, M, and N and the F-Market line run on or under Market Street. Due to the frequency and number of MUNI routes near the site, the site should have the high rate of ridership similar to the rest of the neighborhood.

Policy 34.3 Permit minimal or reduced off-street parking for new buildings in residential and commercial areas adjacent to transit centers and along transit preferential streets.

The project is adjacent to transit preferential streets (Haight Street and Market Street). The SUD complies with this policy by limiting parking to .75 spaces per unit. The project's approximately 310 on-site parking spaces are below that ratio, resulting in less in approximately .60 spaces per unit. By placing a maximum on the overall permitted project parking, the project satisfies this policy.

Commerce and Industry Element

Objective 1 Manage economic growth and change to ensure enhancement of the total city living and working environment.

Policy 1.1 Encourage development which provides substantial net benefits and minimizes undesirable consequences. Discourage development which has undesirable consequences which cannot be mitigated.

This project provides substantial net benefits in the form of adaptively reusing a vacant and underutilized site in the Hayes Valley neighborhood. It provides approximately 440 dwelling units in 11 buildings, including the preservation of three City landmarks on this site. There are 41,000 square feet of publicly accessible open space, including the passive recreation uses provided by Waller Park and Palm Lane. There will be a 12,000 square foot community center for social and cultural use by the neighborhood residents and no more than 2,500 square feet of neighborhood serving retail uses.

All of the new buildings would feature lobbies, and those along public streets and Palm Lane would include individual stoops, porches and/or bay windows to promote an active pedestrian environment. These features facilitate pedestrian access, landscaping and street furniture. The presence of this expanded public use area complements the stoops, porches and bay windows present on many of the ground floor units. The result is a design that integrates the private residential units directly into the vitality of the street level.

The Project complies with the Area Plan's reliance on transit and limited parking by being subject to a maximum residential parking limit of .75 spaces/unit. It is also located close to numerous MUNI lines which are expected to have the high rates of ridership seen elsewhere in this neighborhood.

Objective 6 Maintain and strengthen viable neighborhood commercial areas easily accessible to City Residents.

Policy 6.1 Ensure and encourage the retention and provision of neighborhood-serving goods and services in the city's neighborhood commercial districts, while recognizing and encouraging diversity of those districts.

The existing educational site is unused (except for the dental clinic). No existing neighborhood-serving retail business will be displaced. The proposed project will provide up to 2,500 square feet of ground floor, neighborhood serving retail uses. This retail space will provide opportunities for on-site resident employment as well as employment opportunities for residents in the surrounding neighborhoods.

Urban Design Element

Objective 1: Emphasis of the characteristic pattern which gives to the city and its neighborhoods an image, a sense of purpose, and a means of orientation.

Policy 1.2: Recognize, protect and reinforce the existing street pattern, especially as it is related to topography.

The project site slopes steeply downward from northwest to southeast and is divided into two terraces. The majority of the existing buildings occupy the periphery of the site on the upper and lower terraces, with surface parking generally in the center of the site. The new buildings would be designed to complement the architectural character of the existing buildings that will remain and the surrounding neighborhood.

The proposed new buildings would be compatible with its surrounding street pattern by being three to seven stories in height. New buildings along Buchanan Street would be four stories while new buildings along Laguna Street would be between four and seven stories. The tallest buildings would be on the north and south sides of Waller Park at Laguna Street. This variation of building heights is intended to relate to the size and scale of other buildings in the Hayes Valley neighborhood and to take into consideration the existing topography.

Policy 1.3 Recognize that buildings, when seen together, produce a total effect that characterizes the city and its districts.

The new buildings along with the three preserved landmarks are reflective of the architectural character of the surrounding neighborhood. The buildings' heights will generally reflect those of buildings that front the surrounding streets. All the buildings feature elements that create an active pedestrian environment (e.g., stoops and porches at ground floor residential units) and elements that minimize the massing of the buildings by use of breaking up facades at upper building levels.

The adaptive reuse of the vacant educational site with new and rehabilitated buildings carefully designed and sited will result in a site design and architectural character unique to the site. The building's designs take into account the site's topography and extreme grades as well as its Hayes Valley location. The resulting effect will reflect Hayes Valley's varied architecture and highlight the site's prominence in both size and location to the overall neighborhood character.

Objective 3 Moderation of major new development to complement the City pattern, the resources to be conserved, and the neighborhood environment.

Policy 3.1 Promote harmony in the visual relationships and transitions between new and older buildings.

The new buildings are designed to be compatible in massing, materials and color with the three landmark structures to be preserved, as well as the predominant urban design of the surrounding neighborhood.

Policy 3.2 Avoid extreme contrast in color, shape and other characteristics which will cause new buildings to stand out in excess of their public importance

The massing, materials and color of proposed buildings are consistent with the existing landmark buildings already constructed on the site. The proposed buildings will be consistent with the surrounding neighborhoods in terms of height and unit stoops and entrances.

Policy 3.5 Relate the height of buildings to important attributes of the city pattern and to the height and character of existing development.

Similar to the existing land use pattern, the project would locate the taller residential buildings closer to Market Street and shorter residential buildings closer to the lower-scale residential uses along the site's Haight and Buchanan Street frontages. Project buildings would be three to seven stories in height. New buildings along Buchanan Street would be four stories in height, while new buildings along Laguna Street would range from four to seven stories. New buildings on the interior of the site would be four to six stories in height. The proposed four story buildings on the project site would be approximately one story higher than the predominantly three-story residential buildings along the site's perimeter streets, such as Buchanan, Haight, and Laguna Streets.

The tallest project buildings, the 7-story buildings on either side of Waller Park at Laguna Street, would be generally similar in height to existing residential buildings that surround the site, such as the seven-story (80 foot) apartment buildings at 1500 Market Street, 78 and 300 Buchanan Street, 50 Waller Street, and 16 and 50 Laguna Street.

Recreation and Open Space Element

Objective 4 Provide opportunities for recreation and the enjoyment of open space in every San Francisco neighborhood.

Policy 4.5 Require private usable outdoor open space in new residential development.

Policy 4.6 Assure the provision of adequate public open space to serve new residential development. The acreage of new neighborhood serving parkland and open space should be related to the size of the potential population and the availability of other nearby open space. Major new residential development should be required to provide open space accessible to the general public. This will compensate for the pressure the increased population will put on existing public facilities.

The requirement of providing publicly accessible open space could be satisfied in a number of ways. Land on a site that is suitable for recreation purposes could be

Improved and maintained by the developer and made available to the general public.

The Project would provide open space to serve project residents at least equal to the requirements of the Planning Code. In addition, it would provide approximately 41,000 square feet of publicly accessible open space. Waller Park would be privately built and maintained but publicly accessible open space. It would provide 28,000 square feet of open space for passive recreational uses. Upper Waller Park would include benches and trees and would take advantage of the steep slope of the project site by providing a scenic overlook with views of the Bay and downtown San Francisco. Lower Waller Park would include hard and softscape areas with trees, benches, and potentially built-in seating on the slope, overlooking the end of Waller Park. Street trees would be planted along all four exterior streets as well as along all internal streets. A new alley ("Palm Lane") would also be privately owned though publicly accessible through the site. These open spaces would also serve for pedestrian access and circulation.

Other privately built and maintained though publicly accessible open spaces include a 10,500 square feet community garden behind Woods Hall. In total, there would be approximately 41,000 square feet of publicly accessible open space provided, all in excess of the open space requirements necessary to serve the approximately 440 proposed dwelling units.

Air Quality Element

Objective 3. Decrease the air quality impacts of development by coordination of land use and transportation decisions.

Policy 3.1. Take advantage of the high density development in San Francisco to improve the transit infrastructure and also encourage high density and compact development where an extensive transportation infrastructure exists.

The project satisfies this policy by its location near numerous MUNI lines located on Haight and Market Streets.

Policy 3.2. Encourage mixed land use development near transit lines and provide retail and other types of service oriented uses within walking distance to minimize automobile dependent development.

The project satisfies this policy by its location near numerous MUNI lines. It is also within walking distance of the retail opportunities on Haight and Market Streets. In addition, reliance on private cars is minimized by the SUD's cap on parking to .75 spaces/unit.

Policy 3.4. Continue past efforts and existing policies to promote new residential development in and close to the downtown area and other centers of employment, to reduce the number of auto commute trips to the city and to improve the housing/job balance within the city.

The project satisfies this policy by maximizing its reliance on transit and limited parking by being subject to a maximum residential parking limit of .75 space per unit. The project's approximately 310 on-site parking spaces are below that ratio, resulting in approximately .60 spaces per unit. There may be even fewer cars to and from the site due to the project's proximity to numerous MUNI lines. For example, 12 MUNI bus lines (6-Parnassus, 7-Haight, 14-Mission, 14L-Mission Limited, 16AX-Noriega "A" Express, 16BX-Noriega "B" Express, 22-Fillmore, 26-Valencia, 47-Van Ness, 49-Van Ness/Mission, the 71-L Haight/Noriega Limited and 71-Haight/Noriega) run near the project site. MUNI light rail lines J, K, L, M, and N and the F-Market line run on Market Street. Due to the frequency and number of MUNI routes near the site, the site should have the high rate of ridership similar to the rest of the neighborhood.

Policy 3.6 Link land use decision making policies to the availability of transit and consider the impacts of these policies on the local and regional transportation system.

The site-specific SUD ensures this policy is met by imposing a maximum of .75 spaces/unit. This policy is also furthered by the project's transit-rich location.

11. 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 educational site is unused (except for the dental clinic). No existing neighborhood serving retail business will be displaced. The proposed project will provide up to 2,500 square feet of ground floor, neighborhood serving retail uses. Those businesses will provide opportunities for on-site resident employment as well as employment opportunities for residents in the surrounding neighborhoods.

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

The almost vacant site (except for the dental clinic) was used throughout its life as an educational facility. It has never provided housing. The four institutional buildings on the site are being maintained by the property owner, UC Regents, but in their current unused condition, do not enhance or augment the neighborhood's cultural or economic diversity.

The project proposes to revitalize the site and the neighborhood in the following ways. First, the project will provide approximately 440 dwelling units and a community center serving seniors living on site and throughout the City. In addition, the project provides approximately 41,000 square feet of publicly accessible open space. Some of that open space will double as internal pedestrian circulation, as the project will reintroduce the former Waller Street right-of-way as a throughway. The project further enhances site accessibility and circulation by creating a Mexus. By doing so, the block pattern of the project site more closely resembles the block pattern in the neighborhood. To further enhance the site's character and make it more closely resemble the surrounding neighborhood, some of the buildings

feature stoops and porches, directly integrating the new housing units into the existing residential fabric of the surrounding neighborhood.

Lastly, the site includes up to 2,500 square feet of ground floor, neighborhood serving retail space and 12,000 square feet of community center space. This active, pedestrian oriented space will enhance the livability and activities of the project site itself, being a destination for both residents of the project and the surrounding neighborhoods.

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

There is currently no housing on the site. The project will include 110 affordable senior housing units and the family rental project will comply with the Inclusionary Affordable Housing Program per Motion 18427 and Case No. 2011.0450C.

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

Neither existing on-street parking supply nor MUNI will be detrimentally affected by the project. First, the project complies with the Market and Octavia Area Plan's discouragement of on-site parking through a variety of mechanisms (e.g., parking ratio of in approximately .60 spaces per unit, and space efficient parking stackers). Second, the project provides adequate on-site parking for residents via two underground parking garages thus minimizing competition for on-street parking resources in the surrounding neighborhood. 10 carshare parking spaces are provided to decrease the need for residents to own their own vehicles.

Third, the project's location furthers the City's Transit First policy. There are numerous MUNI lines within easy walking distance of the project. For example, 12 MUNI bus lines (6 Parnassus, 7-Haight, 14-Mission, 14L-Mission Limited, 16AX-Noriega "A" Express, 16BX Noriega "B" Express, 22-Fillmore, 26-Videncia, 47-Van Ness, 49-Van Ness/Mission), the 71 L Haight/Noriega Limited and 71-Haight/Noriega) run right near the project site. MUNI light rail lines J, K, L, M, and N and the F Market line run on Market Street. Due to the frequency and number of MUNI routes near the site, the site should have the high rate of ridership similar to the rest of the neighborhood. Even with a high rate of ridership, there would be no significant effect on MUNI operations.

Fourth, the development proposes up to 125 Class I bicycle spaces in at least four different locations throughout the site.

- 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 largely vacant and underused UC Extension campus is not and has never been used for industrial or service oriented functions. Moreover, the project does not propose any commercial office development that will displace any industrial or service sector uses or employment. The dental clinic

at the site's southwestern corner will remain in its current location and continue to provide dental services to the broader community.

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

The adaptive reuse of the largely vacant UC Extension campus will result in three of the existing buildings being seismically retrofitted in compliance with current Building Codes and engineering/excavation practices for enhanced seismic safety. The new construction will also comply with current Building Codes and engineering/excavation practices for enhanced seismic safety. The regrading of the site will also enhance the site's ability to withstand life and property damage from an earthquake by eliminating steep areas of the site that can contribute to instability during a seismic event.

- G. That landmarks and historic buildings be preserved.

Woods Hall, Woods Hall Annex and Richardson Hall (except for its one-story Administration Wing) are designated as landmarks pursuant to Article 10 of the Planning Code. The Project will result in the adaptive reuse of these three City landmark buildings, the demolition of the heavily altered Middle Hall and the one-story Administration Wing of Richardson Hall, and the construction of proposed infill buildings.

The project would demolish Middle Hall and the Administration Wing of Richardson Hall, as well as the retaining wall along Laguna and Haight Streets. Woods Hall, and Richardson Hall would be rehabilitated to provide residential units, plus retail space in the first floor of Richardson Hall. Woods Hall Annex would be converted into community facility space. The proposed retail space located at the basement level of Richardson Hall near the intersection of Hermann and Laguna Streets would necessitate new openings in the retaining wall to access this new use.

On May 16, 2012, the Historic Preservation Commission approved Certificates of Appropriateness for new facade modifications to Richardson Hall, Woods Hall and Woods Hall Annex. At an appeal hearing on July 31, 2012, the Board of Supervisors upheld the Certificates of Appropriateness.

The project would cause demolition and/or alteration of individually eligible historic resources. To minimize the impact to historic resources, the project sponsor has hired a qualified preservation architect to be involved in the design process to ensure the compatibility and differentiation of the new structures with the existing buildings and neighboring buildings. The preservation architect is also involved in the rehabilitation process and has provided guidance to the project architects. As a result, renovations to Richardson Hall, Woods Hall, and Woods Hall Annex would result in preservation of their historic character-defining features, consistent with their landmark status. However, the project would result in the loss of the historic character-defining features of Middle Hall, and the Administration Wing of Richardson Hall, as well as the retaining wall. These elements of the site were not designated as landmarks by the Board of Supervisors.

Page & Turnbull independently evaluated the eligibility of the project site buildings and the site as a whole for the National Register of Historic Places, the California Register of Historic Resources, and as a San Francisco landmark or historic district. Consistent with California Office of Historic Preservation findings, this evaluation found that three of the four buildings--Richardson Hall, Woods Hall, and Woods Hall Annex – are potentially eligible for National Register, which renders them potentially eligible for the California Register. Page & Turnbull did not find that the campus as whole had sufficient integrity and character-defining features to be eligible as an historic district.

The Planning Department, in contrast to Page & Turnbull's findings, determined that Middle Hall, while not individually eligible, would contribute to a potential campus historic district, as would the other three buildings described above, landscape features dating from 1921 – 1955, and the retaining wall along Laguna and Haight Street. The Planning Department additionally found that, "The new construction would not comply with four out of ten of the Secretary of the Interior's Standards for Rehabilitation (Standards 1, 2, 9, and 10) because the new structures may impact the spatial relationships, including the internally-focused 'quadrangle' design that characterizes the existing campus."

Thus, for purposes of this Priority Policy finding, consistent with the EIR findings based on the Page & Turnbull and Planning Department's reports, all buildings on the project site (Richardson Hall, Woods Hall, Woods Hall Annex, and Middle Hall) qualify as "historical resources".

EIR Alternatives B (Preservation Alternative) and C (New College/Global Citizen Center Alternative) and a Modified Preservation Alternative, each of which would include the rehabilitation of Middle Hall and the Administration Wing of Richardson Hall and retention of the Laguna and Haight Street retaining walls are not feasible for the reasons set forth in the CEQA Findings, Exhibit C of Motion 17537, Case No. 2004.0773E. On balance, the project would meet the City's preservation goals.

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

A shadow fan analysis conducted for the Environmental Impact Report per Case 2004.0770E concluded that the Project would not create any new shade on any Department of Recreation and Park properties protected under Planning Code Section 295. An addendum to address revisions to the project was issued per Case 2012.0033E, and the conclusion regarding shadow had not changed.

12. California Environmental Quality Act (CEQA) Findings Regarding Alternatives and Overriding Considerations. The Commission hereby incorporates and restates the CEQA Findings, Exhibit C of Motion 17537, Case No. 2004.0773E in their entirety. The CEQA Findings determined that FEIR Alternatives A, B and C and the Modified Preservation Alternative are each infeasible and that there are overriding benefits of the project that outweigh the unavoidable adverse environmental effects to historic resources. The CEQA Findings apply equally to the project as modified by this approval, and there is no evidence that the financial analyses and conclusions by the prior project sponsor and by Seifel Associates concerning the feasibility of the proposed project and the alternatives have changed since 2008.

13. Ordinance 66-08. In its 2008 ordinance amending the General Plan, the Board of Supervisors required (1) that the Planning Commission review the design of the new buildings to assure they are compatible with the existing historic and landmark structures; (2) that the Director consult with the Historic Preservation Commission to ensure the compatibility of the seven newly constructed buildings with the three existing landmark buildings (Woods Hall, Woods Hall Annex and portions of Richardson Hall not to be demolished); and (3) that the Historic Preservation Commission adopt a motion setting forth its recommendation on the compatibility of the new buildings.

On July 18, 2012, at a regularly scheduled hearing of the Historic Preservation Commission (HPC), the Director consulted with the HPC on the compatibility of the seven new buildings and the HPC adopted a motion setting forth three compatibility recommendations. The recommendations are set forth in HPC Resolution No. 0686. The project design has been refined since the July 18, 2012, HPC hearing to respond to the HPC's first two compatibility comments on the amenities building (Building 3) and circular stairway structure. Condition of Approval No. 4 requires the project sponsor to work with Department staff to refine the design of Building 5/Openhouse to respond to the HPC's third compatibility comment. The Commission finds that with these refinements and Condition of Approval, the designs of the new buildings are compatible with the existing historic and landmark structures and the project complies with Ordinance 66-08.

14. 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.
15. 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. 2012.0033C for modification of a project approved under Case No. 2004.0773C and Motion 17537, subject to the following conditions attached hereto as "EXHIBIT A" and subject to the Conditions of Approval for Planning Commission Motions 17537 and 18427 in general conformance with plans on file, dated July 10, 2012 (subject to all Conditions, particularly Condition No. 4), 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. 18693. 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.

Motion 18693
August 16, 2012

CASE NO. 2012.0833 ACEP
218 - 220 BUCHANAN STREET
(aka - 88 Laguna Street)

I hereby certify that the Planning Commission ADOPTED the foregoing Motion on August 16, 2012.

Linda D. Avery
Commission Secretary

AYES: Fong, Wu, Antonini, Hillis, Sugaya

NAYS:

ABSENT: Borden, Moore

ADOPTED: August 16, 2012

EXHIBIT A

AUTHORIZATION

This authorization is to modify a previously approved Conditional Use Authorization/Planned Unit Development (Case No. 2004.0773E/MTZC) to allow a mixed-use development of up to 330 family rental units, 110 senior affordable rental units, an approximately 26,000 square foot public park (Waller Park), an approximately 12,000 square foot community center, an approximately 10,600 square foot community garden, an approximately 7,500 square foot senior center, approximately 2,500 square foot retail space, approximately 2,700 square feet of office space, approximately 310 off-street parking spaces, known as the "55 Laguna" development located at 218 - 220 Buchanan Street, Blocks and Lots 870/001, 002 and portions of Lot 003, 0857/001,001A, pursuant to Planning Code Section(s) 303 and 304 within the NC-3 (Neighborhood Commercial, Moderate Scale) District, RM-3 (Residential, Mixed, Medium Density) District, and Laguna, Haight, Buchanan and Hermann Streets Special Use District and the 40-X, 50-X, 85X Height and Bulk Districts; in general conformance with plans, dated August 16, 2012, and stamped "EXHIBIT B" included in the docket for Case No. 2012.0033ACEF and subject to conditions of approval reviewed and approved by the Commission on August 16, 2012 under Motion No. 18693. This authorization and the conditions contained herein run with the property and not with a particular Project Sponsor, business, or operator.

RECORDATION OF CONDITIONS OF APPROVAL

Prior to the issuance of the building permit or commencement of use for the Project the Zoning Administrator shall approve and order the recordation of a Notice in the Official Records of the Recorder of the City and County of San Francisco for the subject property. This Notice shall state that the project is subject to the conditions of approval contained herein and reviewed and approved by the Planning Commission on August 16, 2012 under Motion No. 18693.

PRINTING OF CONDITIONS OF APPROVAL ON PLANS

The conditions of approval under the 'Exhibit A' of this Planning Commission Motion No. 18693 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 for Motion 17537

The following Conditions contained in Motion 17537 are to be rescinded as the Department has either modified the format of Exhibit A, modified standard language, or modified the condition based on the revised project.

No.	Topic	No.	Topic
1	Format & Language Change	17	Format & Language Change
2	Format & Language Change	20	Subject to Motion No. 18427
3	Format & Language Change	21	Subject to Motion No. 18427
5	Format & Language Change	29	Subject to Motion No. 18427
6	Language Change & Proj. Specific Condition	43	Language Change
9	Format Change & Project Specific Condition	44	Duplicate
11	Format & Language Change	45	Language Change
12	Format & Language Change	51	Format Change & Project Specific Condition
13	Format & Language Change	52	Format Change
15	Format & Language Change	53	Project Specific Condition
16	Project Specific Condition	54	Format Change
		55, 56, 57	Format Change
		33	Format Change/Language

Conditions of Approval, Compliance, Monitoring, and Reporting for Motion 18427

The following Conditions contained in Motion 18427 are to be rescinded as the Department has either modified the format of Exhibit A, modified standard language, or modified the condition based on the revised project.

No.	Topic
11	Language Change & Proj. Specific Condition

Conditions of Approval, Compliance, Monitoring, and Reporting

PERFORMANCE

1a. Validity and Expiration (Excluding Building 5). The authorization and right vested by virtue of this action is valid for three years from the effective date of this Motion 18693 for all permits excluding Building 5 (newly constructed Openhouse senior affordable housing). A building permit from the Department of Building Inspection to construct the project and/or commence the approved use must

Motion 18693
August 16, 2012

CASE NO. 2012.0033 ACEF
218 - 220 BUCHANAN STREET
(aka - 55 Laguna Street)

be issued as this Conditional Use authorization is only an approval of the proposed project and conveys no independent right to construct the project or to commence the approved use. The Planning Commission may, in a public hearing, consider the revocation of the approvals granted if a site or building permit has not been obtained within three (3) years of the date of this Motion 18693 approving the Project. Once a site or building permit has been issued, construction must commence within the timeframe required by the Department of Building Inspection and be continued diligently to completion. The Commission may also consider revoking the approvals if a permit for the Project has been issued but is allowed to expire and more than three (3) years have passed since the Motion was approved.

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

1b. Validity and Expiration of Building 5. The authorization and right vested by virtue of this action is valid for five years from the effective date of the Motion for all permits relating to Building 5 (newly constructed Openhouse/senior affordable housing). A building permit from the Department of Building Inspection to construct the project and/or commence the approved use must be issued as this Conditional Use authorization is only an approval of the proposed project and conveys no independent right to construct the project or to commence the approved use. The Planning Commission may, in a public hearing, consider the revocation of the approvals granted if a site or building permit has not been obtained within five (5) years of the date of the Motion approving the Project. Once a site or building permit has been issued, construction must commence within the timeframe required by the Department of Building Inspection and be continued diligently to completion. The Commission may also consider revoking the approvals if a permit for the Project has been issued but is allowed to expire and more than three (3) years have passed since the Motion was approved.

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

2. Extension. This authorization may be extended at the discretion of the Zoning Administrator only where failure to issue a permit by the Department of Building Inspection to perform said tenant improvements is caused by a delay by a local, State or Federal agency or by any appeal of the issuance of such permit(s).

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

3. Mitigation Measures. Mitigation measures described in the MMRP attached as Exhibit C of Motion 17537 are necessary to avoid potential significant effects of the proposed project and have been agreed to by the project sponsor. Their implementation is a condition of project approval.

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

DESIGN

4. Architecture. The sponsors will continue to work with Planning Department staff on building and site design relating, but not limited to:

- o the Laguna Street frontage of Building 2E;
- o Building 3/Amenity Building, adjacent courtyard and circular stairway;
- o Waller Park including the wall and courtyard at Laguna Street, creation of lawn(s) for passive recreation, create entrances that are welcoming to the public;
- o window and building details;
- o the massing and architectural details of Building 5/Openhouse to address the scale of the building at upper floors;
- o creation of public access from Haight Street through Woods Hall.

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

5. **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 for each building. 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
6. **Lighting Plan.** The Project Sponsor shall submit an exterior lighting plan to the Planning Department prior to Planning Department approval of the building / site permit application for each building.
For information about compliance, contact the Case Planner, Planning Department at 415-558-6378, www.sf-planning.org
7. **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 the adjacent buildings. The sponsor will provide bulb outs at the corners of Hermann/Laguna, Haight/Buchanan and Haight/Laguna unless it is clearly demonstrated by another City department that they are unable to be constructed. Bulb outs at the top and bottom of Waller Park shall be configured so that the curb cuts and crosswalks align with those on the facing street.
For information about compliance, contact the Case Planner, Planning Department at 415-558-6378, www.sf-planning.org
8. **Transformer Vault.** The location of individual project PG&E Transformer Vault installations has significant effects to San Francisco streetscapes when improperly located. However, they may not have any impact if they are installed in preferred locations. Therefore, the Planning Department

recommends the following preference schedule in locating new transformer vaults, in order of most to least desirable:

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

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

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

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

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

10. **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 for each building 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, such as street lights, do not permit or public safety could be improved. 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

11. **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 for each building 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

12. **Screening.** 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 the area of land dedicated to the construction of Building 5 shall be attractively screened from view around its perimeter while construction of that building is pending.

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

13. **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 architectural addenda. 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.

14. **Public Access to Waller Park and Palm Alley.** There shall be no gates, chains, signage, medallions or similar feature(s) serving to regulate pedestrians or bicycles at the entrances, exits or thoroughfares of Waller Park or Palm Alley at any time. To prevent vehicles from entering Palm Lane, up to three narrow removable bollards (or similar feature) may be located at the entrance to Palm Lane at Hemmaru Street.

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

PARKING AND TRAFFIC

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

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

16. **Parking Maximum.** Pursuant to Planning Code Section 249.32, the Laguna, Haight, Buchanan and Hermann Streets Special Use District the Project shall provide no more than 310 off-street parking spaces.
For information about compliance, contact Code Enforcement, Planning Department at 415-575-6863, www.sf-planning.org
17. **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

18. **Market and Octavia Community Improvements Fund.** Pursuant to Planning Code Section 421 (formerly 326), and Planning Code Section 249.32, the Project Sponsor shall comply with the Market Octavia Community Improvements Fund provisions through payment of an Impact Fee in full to the Treasurer, or the execution of a Waiver Agreement, and an In-Kind Agreement approved as described per Planning Code Section 421 (formerly 326) prior to the issuance by Department of Building Inspection of the first construction document for the development project. The project sponsor has requested from the Commission an In-Kind Agreement and fee waiver for the following improvements: 1) improvements to Waller Street; 2) creation of a community garden, and 3) provision of a community center. These improvements are described in the conditions below.
For information about compliance, contact the Case Planner, Planning Department at 415-558-6378, www.sf-planning.org
19. **Waller Park:** Pursuant to the Planning Approval, the Project Sponsor shall improve approximately 28,000 square feet of the former Waller Street right-of-way as publicly accessible open space, to maintain public access to those open space improvements, to assume maintenance and liability responsibilities, and not to permit any above-ground structures to be built on the land other than a small number of encroaching stoops leading to individual unit entrances and landscape and hardscape open space improvements. Below-grade improvements for underground parking shall be permitted in the former Waller Street right-of-way. There shall be no gates, or similar feature(s) serving to regulate pedestrians, located at either end of Waller Park. There shall be no transformers or utilities located in Waller Park. The Planning Director must approve the final plan for Waller Park before the first construction permit is issued for this project. The Project Sponsor shall prepare an operations plan providing maintenance services for the life of Waller Park, including, but not limited to, gardening, maintenance, and security services for Waller Park. The Director of Planning shall review and approve the proposed operations plan prior to issuance of the first temporary certificate of occupancy for the Project, and shall review and approve any material modifications to such operations plan prior to adoption of such modifications. Such operations plan must ensure that Waller Park functions as a public open space including equal access for all members of the public

similar publicly owned and operated open spaces, other rules of operation similar to other publicly owned and operated public open spaces, including allowable activities. The operations plan must discuss strategies to conform with Planning Codes Section 138 (i) as they pertain to signage, including any revisions to this section of the Planning Code effective before issuance of first certificate of occupancy. Currently this Section of the code requires:

"Informational Plaque. Prior to issuance of a permit of occupancy, a plaque shall be placed in a publicly conspicuous location outside the building at street level, or at the site of an outdoor open space, identifying the open space feature and its location, stating the right of the public to use the space and the hours of use, describing its principal required features (e.g., number of seats, availability of food service) and stating the name and address of the owner or owner's agent responsible for maintenance."

The Project Sponsor shall provide maintenance services for Waller Park for the life of the Project in accordance with the approved operations plan and shall assume all liability with respect thereto.

20. **Community Garden:** Pursuant to the Planning Approval, the Project Sponsor shall improve approximately 10,600 square feet of the site in the area to the west of Woods Hall Annex as a publicly accessible community garden and to assume maintenance and liability responsibilities for the common areas of the garden. Garden plots shall be made available at no fee to members of the public, including Project residents, for gardening purposes on a non-discriminatory manner providing all interested gardeners an equal opportunity to be selected for a garden plot. Public access to the garden shall be provided via Haight Street and Laguna Street. Members of the public maintaining garden plots shall be afforded the same gardening hours and access regardless of whether they are Project residents. The Planning Director must approve the final plan for the community garden before the first construction permit is issued for the Project. The Project Sponsor shall prepare an operations plan providing management services for the life of the Community Garden. The Director of Planning shall review and approve the proposed operations plan prior to issuance of the first temporary certificate of occupancy for the Project, and shall review and approve any material modifications to such operations plan prior to adoption of such modifications. Such operations plan must ensure that the Community Garden functions as a public allotment garden including equal access for all members of the public, including Project residents, with operating hours and rules of operation similar to other publicly owned and operated allotment gardens, including allowable activities. The Project Sponsor shall provide maintenance services in accordance with the approved operations plan and shall assume all liability with respect thereto.
21. **Community Center/Facility.** Pursuant to the Planning Approval, the Project Sponsor shall undertake seismic and accessibility building shell improvements to Woods Hall Annex to enable the building to be used as a rent-free community center/facility. Prior to issuance of a site permit or building permit for shell improvements to Woods Hall Annex, the Project Sponsor shall engage community stakeholders, the Planning Department and others in a process to be determined to develop a range of program options for the community center and identify a potential operator of the facility. The Project Sponsor shall prepare an operations plan for the Community Facility which will summarize the range of programmatic options developed through the public process, identify an operator and term of operations, and provide additional detail on how a change of operator will be handled. The Director of Planning shall review and approve the proposed operations plan prior to issuance of the

Motion 18693
August 16, 2012

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(aka - 55 Laguna Street)

first temporary certificate of occupancy for Woods Hall Annex, and shall review and approve any material modifications to such operations plan prior to adoption of such modifications. Such operations plan must ensure that the community center/facility functions as a community facility including equal access for all members of the public similar to other publicly owned and operated community center/facility, including allowable activities.

MONITORING - AFTER ENTITLEMENT

22. **Enforcement.** Violation of any of the Planning Department conditions of approval contained in this Motion 18693 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

23. **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 18693, 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

24. **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 415-554-5870, <http://sfidpw.org>

25. **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://sfidpw.org>

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

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

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

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

27. **Odor Control.** Odor Control. While it is inevitable that some low level of odor may be detectable to nearby residents and passersby, appropriate odor control equipment shall be installed in any food service use in conformance with the approved plans and maintained to prevent any significant noxious or offensive odors from escaping the premises.

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

28. **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

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

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

INCLUSIONARY HOUSING

30. **On-Site BMR Units.** The project sponsor of the market rate housing element of the project shall satisfy the requirements of the Inclusionary Affordable Housing Program set forth in Planning Code Section 415 et seq. by providing on-site BMR units affordable to households earning 55% of Area Median Income, consistent with and pursuant to Planning Code Section 415, in the market rate housing element of the project. All senior dwelling units will be affordable to households earning up to a maximum of 50% of Area Median Income, such that the senior affordable units are not subject to Planning Code Section 415, pursuant to Planning Code Section 415.3(c)(4)(A)(ii).



SAN FRANCISCO PLANNING DEPARTMENT

General Plan Referral

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Date: October 11, 2012

Case No.: Case No. 2012.0033R
Transfer of Waller Street Right-of-Way to University of California Regents for construction of Waller Park in association with the 55 Laguna Mixed-Use Project

Block/Lot No.: 870/001, 002 and portions of Lot 003
0857/001,001A

Project Sponsor: Kevin Hufferd
University of California
200 A&B Building, University of California
Berkeley, CA 94720

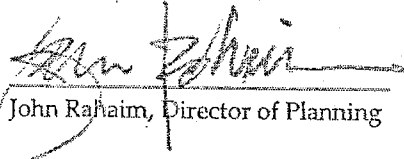
John Updike, Director
San Francisco Department of Real Estate
25 Van Ness Avenue
San Francisco, CA 94102

Applicant: Steve Vettel
Farella Braun & Martel
235 Montgomery Street
San Francisco, CA 94104

Staff Contact: Sara Velve – (415) 558-6263
sara.velve@sfgov.org

Recommendation: Finding the project, on balance, in conformity with the General Plan, as described further in this Case Report.

Recommended
By:


John Rahaim, Director of Planning

PROJECT DESCRIPTION

The subject of this General Plan Referral is the transfer of the vacated Waller Street right-of-way to the University of California Regents who would lease the underlying land to the developer of the 55 Laguna project. Waller Park, of approximately 28,000 square feet, would be constructed, managed and maintained as a publicly-accessible open space and its provision is a condition of approval for the 55 Laguna project per Case Nos. 2004.0773C and 2012.0033C. The site is the former University of California Extension Campus located on the blocks bounded by Laguna, Hermann, Buchanan and Haight Street. Waller Park would be constructed on the vacated Waller Street right-of-way and located mid-site between Laguna and Buchanan Streets. The City vacated the street in the 1920s. The park will be landscaped and planted per plans associated with Case Nos. 2012.0033CU.

SITE DESCRIPTION AND PRESENT USE

The 5.4-acre (236,113 square feet) project site is located in the Hayes Valley neighborhood north of Market Street on two city blocks (Block 857, Lots 001 and 001A; and Block 870, Lots 001, 002, and a portion of Lot 003) bounded by Haight Street to the north, Laguna Street to the east, Hermann Street to the south, and Buchanan Street to the west at the former University of California Berkeley Extension Campus. The 236,113 square-foot project site (not including the Dental Clinic) currently contains five buildings totaling 119,910 square feet, which were used until 2003 by the University of California (UC)-Berkeley as an extension campus and by the French-American International School (FAIS). These now-unoccupied buildings include Woods Hall, Woods Hall Annex, Richardson Hall and its Administration Building, and Middle Hall. The land constituting the vacated Waller Street right-of-way is developed with private surface parking and minimal landscaping.

ENVIRONMENTAL REVIEW

The Project reviewed in the 55 Laguna Mixed Use Project Final Environment Impact Report (FEIR), including the use of Waller Street by the project sponsor, was certified by the Planning Commission on January 17, 2008. An Addendum to the 55 Laguna Mixed Use Project Final Environmental Impact Report (FEIR) was prepared and issued May 8, 2012, finding that the analyses conducted and the conclusions reached in the FEIR remained valid. Since the Addendum was issued, there have been no further changes to the project or to the circumstances surrounding the project, and no new information has been put forward which shows that a supplemental environmental impact report should be prepared.

GENERAL PLAN COMPLIANCE AND BASIS FOR RECOMMENDATION

The Project is consistent with the Eight Priority Policies of Planning Code Section 101.1 as described in the body of this Case Report and is, on balance, **in conformity** with the following Objectives and Policies of the General Plan. Note that General Plan Objectives and Policies appear in **Bold Font**, General Plan text is shown in regular font, and staff comments appear in *italic font*:

Housing Element

Objective 12 Balance housing growth with adequate infrastructure that serves the City's growing population

POLICY 12.2 Consider the proximity of quality of life elements, such as open space, child care, and neighborhood services, when developing new housing units.

The Waller Street right-of-way transfer will facilitate construction of a 28,000 square foot open space accessible to all residents of San Francisco, as well as to residents of the 55 Laguna project containing up to 440 dwelling units. Waller Park will extend through this moderate-density residential development between Buchanan and Laguna Streets, and provide passive recreational opportunities as well as a pedestrian thoroughfare through the site.

Urban Design Element

Objective 2 Conservation of resources which provide a sense of nature, continuity with the past, and freedom from overcrowding

Policy 2.9 Review proposals for the giving up of street areas in terms of all the public values that streets afford.

Every proposal for the giving up of public rights in street areas, through vacation, sale or lease of air rights, revocable permit or other means, shall be judged with the following criteria as the minimum basis for review:

a. No release of a street area shall be recommended which would result in:

1. Detriment to vehicular or pedestrian circulation.

The proposal will increase pedestrian circulation through the site by construction of Waller Park. Currently, the Waller Street right-of-way is used for private surface parking for UC and is not accessible by the public.

2. Interference with the rights of access to any private property.

The right-of-way does not currently provide sole access to any private property. The University of California Regents own the property surrounding the right-of-way. A publicly accessible park will be created through the land transfer and access to the site will be conveyed to the public and residential tenants of the two proposed housing developments.

3. Inhibiting of access for fire protection or any other emergency purpose, or interference with utility lines or service without adequate reimbursement.

Currently, the right-of-way does not provide substantive access for emergency purposes and utility lines are not developed in conjunction with the right-of-way. The proposed property transfer will not impede emergency responders or utility lines.

4. Obstruction or diminishing of a significant view, or elimination of a viewpoint.

The proposed property transfer will facilitate construction of Waller Park. The park includes an area where a view point looking east at Upper Waller Park will be located. Currently, the right-of-way does not include a developed view point for any type of user.

5. Elimination or reduction of open space which might feasibly be used for public recreation.

GENERAL PLAN REFERRAL
TRANSFER OF WALLER STREET RIGHT-OF-WAY

CASE NO. 2012.0033R

The purpose of the property transfer is to create publicly-accessible open space to be used for passive recreation and circulation through the site.

6. Elimination of street space adjacent to a public facility, such as a park, where retention of the street might be of advantage to the public facility.

The purpose of the property transfer is to create a park that is accessible from Buchanan and Laguna Streets. Currently, the Waller Street right-of-way is not accessible to the public from any street or sidewalk.

7. Elimination of street space that has formed the basis for creation of any lot, or construction or occupancy of any building according to standards that would be violated by discontinuance of the street.

Discontinuance of the Waller Street right-of-way will not impede access to any lot or building. All existing lots and buildings are accessible by the surrounding streets: Buchanan, Haight, Laguna and Hermann. Creation of Waller Park will make the existing and proposed buildings more accessible to the public and residents of the 55 Laguna project.

8. Enlargement of a property that would result in (i) additional dwelling units in a multi-family area; (ii) excessive density for workers in a commercial area; or (iii) a building of excessive height or bulk.

The property transfer would facilitate the creation of a park open to the public with dwelling units surrounding it that comply with the density requirements of the lot's zoning, and height and bulk district.

9. Reduction of street space in areas of high building intensity, without provision of new open space in the same area of equivalent amount and quality and reasonably accessible for public enjoyment.

The property transfer would create open space accessible for public enjoyment associated with two new residential developments.

10. Removal of significant natural features, or detriment to the scale and character of surrounding development.

The property transfer would not remove significant natural features or degrade the scale and character of surrounding development. Currently, the Waller Street right-of-way is used as surface parking with minimal landscaping. The property is surrounded by low-rise buildings and the property transfer is not related to the height or character of proposed buildings.

11. Adverse effect upon any element of the General Plan or upon an area plan or other plan of the Department of City Planning.

The property transfer is consistent with the Housing Element, Urban Design and Recreation and Open Space Elements and does not adversely effect an area plan or other plan of the Planning Department.

12. Release of a street area in any situation in which the future development or use of such street area and any property of which it would become a part is unknown.

GENERAL PLAN REFERRAL
TRANSFER OF WALLER STREET RIGHT-OF-WAY

CASE NO. 2012.0033R

The property transfer is to facilitate the construction of Waller Park, a 28,000 square foot publicly accessible open space in association with the 55 Laguna mixed-use project.

b. Release of a street area may be considered favorably when it would not violate any of the above criteria and when it would be:

1. Necessary for a subdivision, redevelopment project or other project involving assembly of a large site, in which a new and improved pattern would be substituted for the existing street pattern;

The property transfer is required to develop a publicly-accessible park as a requirement of the 55 Laguna project, which is the adaptive reuse of a former UC Extension campus of over five acres. Pedestrian circulation through the large site would be created on the former right-of-way. There has been no vehicular or pedestrian circulation through the site for a number of decades as the right-of-way has been used for private surface parking with minimal landscaping.

2. In furtherance of an industrial project where the existing street pattern would not fulfill the requirements of modern industrial operations.

The right-of-way has never been used in association with an industrial project and the property is not zoned to promote such a use. The property is in Residential and Neighborhood Commercial districts which encourage residential and neighborhood commercial uses. The only industrial use in the vicinity of the project site is the US Mint, about one block southwest, which was constructed in approximately 1900, prior to the implementation of land use limitations.

3. Necessary for a significant public or semi-public use, or public assembly use, where the nature of the use and the character of the development proposed present strong justifications for occupying the street area rather than some other site.

The land transfer will facilitate construction and maintenance of Waller Park a 28,000 square foot publicly-accessible park on the former right-of-way between Buchanan and Waller Streets. Waller Park would be an integral part of the 55 Laguna mixed-use project (although primarily residential) with residential buildings constructed around it. Construction of Waller Park will knit the right-of-way back into the public circulation network by creating pedestrian and bicycle access through the site where there is currently private surface parking and minimal landscaping. San Francisco is a densely built city and there are few options in the neighborhood to create publicly-accessible open space.

4. For the purpose of permitting a small-scale pedestrian crossing consistent with the principles and policies of The Urban Design Element.

There are currently no pedestrian crosswalks serving the top or bottom of the right-of-way to be transferred. Access to the former right-of-way will be improved through construction of Waller Park and the creation of a pedestrian thoroughfare through the site. Pedestrians will have full access to the former right-of-way and crosswalks providing access to Waller Park will be improved.

5. In furtherance of the public values and purposes of streets as expressed in The Urban Design Element and elsewhere in the General Plan.

The land transfer furthers the Urban Design, and other, elements of the General Plan.

Recreation and Open Space Element

Objective 4 Provide opportunities for recreation and the enjoyment of open space in every San Francisco neighborhood.

Policy 4.6 Assure the provision of adequate public open space to serve new residential development. The acreage of new neighborhood serving parkland and open space should be related to the size of the potential population and the availability of other nearby open space. Major new residential development should be required to provide open space accessible to the general public. This will compensate for the pressure the increased population will put on existing public facilities.

The requirement of providing publicly accessible open space could be satisfied in a number of ways. Land on a site that is suitable for recreation purposes could be improved and maintained by the developer and made available to the general public.

The 55 Laguna development is required to construct, landscape and maintain Waller Park, an approximately 28,000 square foot publicly accessible open space. The park would be designed for passive recreational uses. Upper Waller Park would include benches, trees and a lawn area, and would take advantage of the steep slope of the project site by providing a scenic overlook with views of the Bay and downtown San Francisco. Lower Waller Park would include hard and softscape areas with trees, benches, and potentially built-in seating on the slope, overlooking the end of Waller Park. Waller Park would be constructed on the former Waller Street right-of-way.

PROPOSITION M FINDINGS – PLANNING CODE SECTION 101.1

Planning Code Section 101.1 establishes Eight Priority Policies and requires review of discretionary approvals and permits for consistency with said policies. The Project is found to be consistent with the Eight Priority Policies as set forth in Planning Code Section 101.1 for the following reasons:

Eight Priority Policies Findings

The subject project is found to be consistent with the Eight Priority Policies of Planning Code Section 101.1 in that:

1. That existing neighborhood-serving retail uses be preserved and enhanced and future opportunities for resident employment in and ownership of such businesses enhanced.
The project is limited to the transfer of a vacated right-of-way and would have no effect on neighborhood serving retail uses or opportunities for employment in or ownership of such businesses.
2. That existing housing and neighborhood character be conserved and protected in order to preserve the cultural and economic diversity of our neighborhood.
The proposed project would conserve and protect the residential character of the neighborhood by providing public open space usable by all residents of San Francisco, and in close proximity to the new residential units in the Project.
3. That the City's supply of affordable housing be preserved and enhanced.

The project is limited to the transfer of a vacated right-of-way and would have no effect on the City's supply of affordable housing. The 55 Laguna projects, that requires the construction and maintenance of Waller Park, includes approximately 160 affordable housing units.

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

The transfer of a vacated right-of-way would not increase commuter traffic, nor cause it to impede MUNI transit service or overburden our streets or neighborhood parking.

5. 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 residential employment and ownership in these sectors be enhanced.

The Project would not affect the existing economic base in this area.

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

The Project would not affect emergency vehicle access, and thus would not adversely affect achieving the greatest possible preparedness against injury and loss of life in an earthquake.

7. That landmarks and historic buildings be preserved.

The Project is limited to the transfer of a vacated right-of-way.

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

The Project is limited to transfer of a vacated right-of-way in order to create Waller Park, a publicly-accessible open space. The project would not negatively effect any current parks and open space or their access to sunlight and vistas.

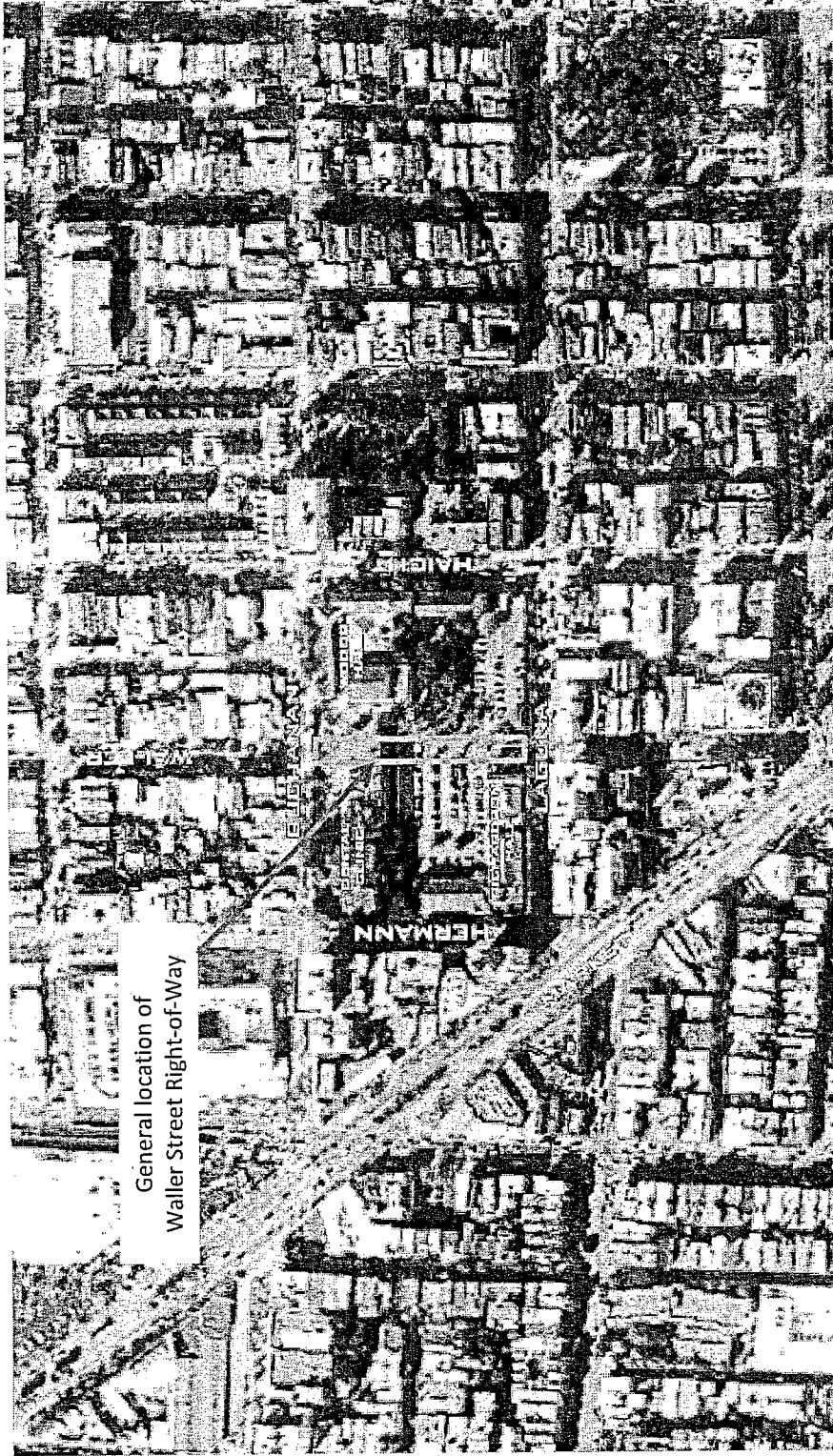
RECOMMENDATION:

Finding the Project, on balance, in conformity with the General Plan.

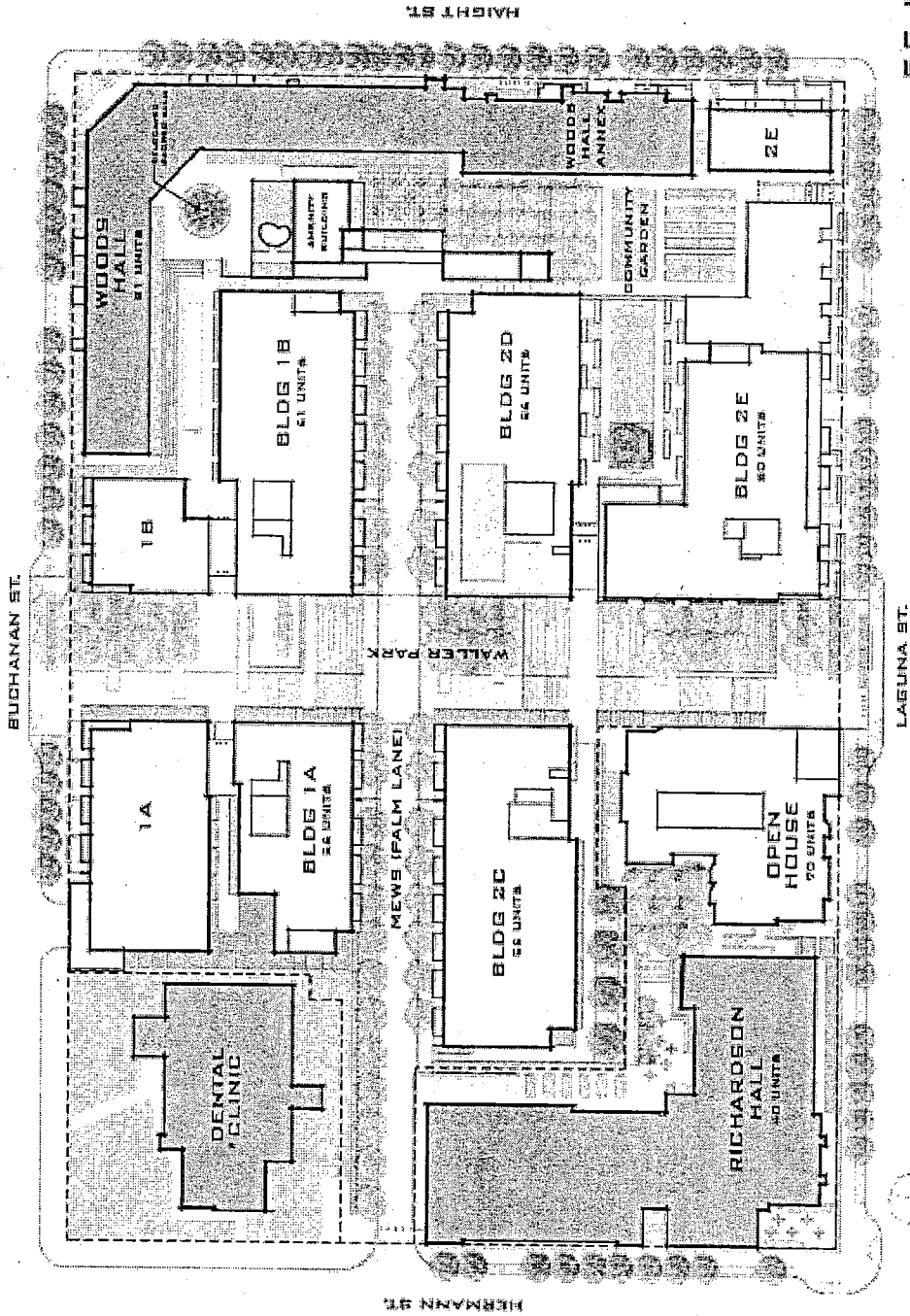
Attachments:

Site Plan

Aerial Photo



55 LAGUNA
AERIAL MAP
3



55 LAGUNA
SITE PLAN

Approved August 2012

**PURCHASE AND SALE AGREEMENT
AND JOINT ESCROW INSTRUCTIONS**

by
and
between

THE CITY AND COUNTY OF SAN FRANCISCO

“Seller”

and

THE REGENTS OF THE UNIVERSITY OF CALIFORNIA

“Buyer”

Dated as of

_____, 20__

PROPERTY:

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PURCHASE AND SALE AGREEMENT AND JOINT ESCROW INSTRUCTIONS

1. IDENTIFICATION OF PARTIES.

THIS PURCHASE AND SALE AGREEMENT AND JOINT ESCROW INSTRUCTIONS (this "Agreement") is entered into as of _____, 20__ (the "Execution Date") by and between The City and County of San Francisco, a California municipal corporation ("Seller" or "City") and The Regents of the University of California ("Buyer").

2. DESCRIPTION OF THE PROPERTY.

Both Seller and Buyer contend they own certain property. In order to remove any ambiguities as to ownership thereof, Seller agrees to sell, assign and convey to Buyer, and Buyer agrees to purchase from Seller, all of Seller's right, title and interest in and to the following:

2.1 That certain real property, more particularly described on Exhibit A attached hereto (the "Land");

2.2 All of Seller's interest as lessor in all leases, licenses and other occupancy agreements covering the Land;

2.3 All rights, privileges, easements and appurtenances to the Land, if any, including, all of Seller's right, title and interest, if any, in and to all mineral and water rights and all easements, rights-of-way and other appurtenances used or connected with the beneficial use or enjoyment of the Land (the Land, and all such easements and appurtenances are collectively referred to as the "Property");

3. THE PURCHASE PRICE.

3.1 PURCHASE PRICE. The purchase price for the Property is One Dollar (\$1.00) (the "Purchase Price") and shall be paid to Seller by Buyer at the Closing (hereafter defined in Section 9) as set forth below.

3.2 SUM OF PURCHASE PRICE. On or before the Closing, Buyer shall deposit with First American Title Company ("Escrow Holder") the sum of the Purchase Price. Buyer shall have the right to name a different Title Company/Escrow Holder following notice to Seller.

4. TITLE

4.1 PTR. Buyer may elect to obtain a preliminary title report (the "PTR") pertaining to the Property.

5. REPRESENTATIONS AND WARRANTIES OF SELLER

Seller represents and warrants to Buyer that the following matters are true and correct as of the Execution Date and will also be true and correct as of the Closing:

5.1 ORGANIZATION OF SELLER. Seller is a municipal corporation.

5.2 DUE AUTHORIZATION. This Agreement is, and all the documents executed by Seller which are to be delivered to Buyer at the Closing will be, duly authorized, executed, and delivered by Seller, and is and will be legal, valid, and binding obligations of Seller enforceable against Seller in accordance with their respective terms (except to the extent that such enforcement may be limited by applicable bankruptcy, insolvency, moratorium and other principles relating to or limiting the right of contracting parties generally), and does not and will not violate any provisions of any agreement to which Seller is a party or to which it is subject.

6. REPRESENTATIONS, WARRANTIES AND COVENANTS OF BUYER.

Buyer represents and warrants to Seller that the following matters are true and correct as of the Execution Date and will also be true and correct as of the Closing:

6.1 ORGANIZATION OF BUYER. Buyer is a public corporation.

6.2 DUE AUTHORIZATION, EXECUTION AND DELIVERY. This Agreement is, and all the documents executed by Buyer which are to be delivered to Seller at the Closing will be, duly authorized, executed, and delivered by Buyer, and is and will be legal, valid, and binding obligations of Buyer enforceable against Buyer in accordance with their respective terms (except to the extent that such enforcement may be limited by applicable bankruptcy, insolvency, moratorium and other principles relating to or limiting the right of contracting parties generally), and does not and will not violate any provisions of any agreement to which Buyer is a party or to which it is subject.

7. CONDITIONS PRECEDENT TO CLOSING.

7.1 BUYER'S CONDITIONS PRECEDENT. The following are conditions precedent to Buyer's obligation to consummate the purchase and sale transaction contemplated by this Agreement (the "**Buyer's Conditions Precedent**"):

7.1.1 At the Closing, First American Title Company ("Title Company") shall stand ready to issue an ALTA extended coverage owner's policy of title insurance 1987 Form, issued by First American Title Company as of the Closing Date, with liability in an amount acceptable to Buyer, without exception for mechanic's liens or survey matters, with an ALTA Form 9 endorsement, or, so much of the substance thereof as may be required by the state of title. If Title Company can only issue a CLTA policy, Buyer shall have discretion to accept such policy in lieu of the ALTA policy described above.

7.1.2 There shall have been no material breach of any of Seller's representations, warranties or covenants set forth in Section 5, as of the Closing.

7.1.3 Seller shall have delivered to the Escrow Holder the items described in Section 8.1.

7.1.4 Approval of the terms of the purchase by The Regents of the University of California.

7.1.5 Buyer's determination that the purchase of the Property complies with the California Environmental Quality Act.

7.1.6 Buyer and Wood 55 Laguna LLC (or its successor) shall have entered into a ground lease in form and substance acceptable to Buyer of the surrounding project that includes the Property ("Ground Lease").

The conditions set forth in this Section 7.1 are solely for the benefit of Buyer and may be waived only by Buyer. At all times prior to the termination of this Agreement, Buyer may waive any of these conditions on its sole discretion and proceed with the Closing.

7.2 SELLER'S CONDITIONS PRECEDENT. The following are conditions precedent to Seller's obligation to consummate the purchase and sale transaction contemplated herein (the "**Seller's Conditions Precedent**"):

7.2.1 Buyer shall have delivered to Escrow Holder, prior to the Closing, for disbursement as directed hereunder, all cash or other immediately available funds due from Buyer in accordance with this Agreement.

7.2.2 There shall have been no material breach of any of Buyer's representations, warranties or covenants set forth in Section 6, as of the Closing.

7.2.3 Buyer and Wood 55 Laguna LLC (or its successor) shall have entered into a ground lease of the surrounding project that includes the Property ("Ground Lease").

7.2.4 A resolution: (i) approving and authorizing the transactions contemplated hereby, (ii) finding that the transaction conforms to the City's General Plan, (iii) finding that the sale of the Property satisfies the requirements of the California Environmental Quality Act, and (iv) finding that the public interest or necessity demands, or will not be inconvenienced by the sale of the Property, shall have been adopted by the City's Board of Supervisors and Mayor, in their respective sole and absolute discretion, and duly enacted.

7.2.5 Seller shall have approved a Site Permit for the use of the Property as provided by Wood 55 Laguna LLC (or its successor).

7.2.6 Buyer shall have delivered to Escrow Holder the items described in Section 8.2.

8. CLOSING DELIVERIES.

8.1 SELLER'S CLOSING DOCUMENTS. On or before one (1) business day prior to the Closing, Seller shall deliver or cause to be delivered to Escrow Holder the following (collectively, "**Seller's Closing Documents**"):

8.1.1 A Quit Claim Deed executed by Seller, in the form of Exhibit E attached hereto, conveying the Real Property to Buyer free and clear of all claims, liens and encumbrances except the Permitted Exceptions (the "**Deed**").

8.2 BUYER'S CLOSING DOCUMENTS. On or before one (1) business day prior to the Closing, Buyer shall deliver to Escrow Holder the following:

8.2.1 The Purchase Price, together with such other sums as Escrow Holder may require to pay Buyer's share of the Closing costs, prorations, reimbursements and adjustments as set forth in Section 10 herein, in immediately available funds.

8.2.2 A Restrictive Agreement in the form attached hereto as Exhibit B ("**Restrictive Agreement**").

8.2.3 Any other documents, instruments or agreements reasonably necessary to effectuate the transaction contemplated by this Agreement.

9. CLOSING.

The purchase and sale contemplated herein will close (the "**Closing**") on the date of execution of the Ground Lease, but in no event later than November 30, 2013 (the "**Outside Closing Date**"). As used herein, the term "**Closing**" means the date and time that Seller's Deed is recorded in the Official Records of San Francisco County (the "**Official Records**").

10. CLOSING COSTS.

10.1 BUYER'S COSTS. Buyer shall pay any and all costs relating to the Closing, including up to \$5,000 for Seller's professional real estate and legal services.

10.2 OTHER COSTS. Unless otherwise specified herein, if the sale of the Property does not occur because of a default by Seller, Seller shall pay all escrow cancellation and title fees. If the sale of the Property contemplated hereunder does not occur because of the failure of a Seller's Condition Precedent or a Buyer's Condition Precedent, in each case other than due to default, Seller and Buyer shall each pay one-half of the escrow cancellation and title fees.

11. "AS IS" PURCHASE; RELEASE OF CITY

11.1 "AS IS" PURCHASE. BUYER SPECIFICALLY ACKNOWLEDGES AND AGREES THAT SELLER IS SELLING AND BUYER IS PURCHASING THE PROPERTY ON AN "AS IS WITH ALL FAULTS" BASIS. EXCEPT AS OTHERWISE PROVIDED

HEREIN, BUYER IS RELYING SOLELY ON ITS INDEPENDENT INVESTIGATION AND NOT ON ANY REPRESENTATIONS OR WARRANTIES OF ANY KIND WHATSOEVER, EXPRESS OR IMPLIED, FROM SELLER OR ITS AGENTS AS TO ANY MATTERS CONCERNING THE PROPERTY, ITS SUITABILITY FOR BUYER'S INTENDED USES OR ANY OF THE PROPERTY CONDITIONS. SELLER DOES NOT GUARANTEE THE LEGAL, PHYSICAL, GEOLOGICAL, ENVIRONMENTAL OR OTHER CONDITIONS OF THE PROPERTY, NOR DOES IT ASSUME ANY RESPONSIBILITY FOR THE COMPLIANCE OF THE PROPERTY OR ITS USE WITH ANY STATUTE, ORDINANCE OR REGULATION. IT IS BUYER'S SOLE RESPONSIBILITY TO DETERMINE ALL BUILDING, PLANNING, ZONING AND OTHER REGULATIONS RELATING TO THE PROPERTY AND THE USES TO WHICH IT MAY BE PUT.

11.2 RELEASE OF SELLER. As part of its agreement to purchase the Property in its "As Is With All Faults" condition, Buyer, on behalf of itself and its successors and assigns, waives any right to recover from, and forever releases and discharges, Seller, its officers, employees, agents, contractors and representatives, and their respective heirs, successors, legal representatives and assigns, from any and all demands, claims, legal or administrative proceedings, losses, liabilities, damages, penalties, fines, liens, judgments, costs or expenses whatsoever (including, without limitation, reasonable attorneys' fees and costs), whether direct or indirect, known or unknown, foreseen or unforeseen, that may arise on account of or in any way be connected with (i) Buyer's and its agent's and invitee's past, present and future use of the Property, (ii) the physical, geological or environmental condition of the Property, including, without limitation, any Hazardous Material in, on, under, above or about the Property, and (iii) any federal, state, local or administrative law, rule, regulation, order or requirement applicable thereto, including, without limitation, the Comprehensive Environmental Response, Compensation and Liability Act of 1980 ("CERCLA", also commonly known as the "Superfund" law), as amended by Superfund Amendments and Reauthorization Act of 1986 ("SARA") (42 U.S.C. Sections 9601-9657), the Resource Conservation and Recovery Act of 1976, as amended by the Solid Waste and Disposal Act of 1984 (collectively, "RCRA") (42 U.S.C. Sections 6901-6987), the Federal Water Pollution Control Act, as amended by the Clean Water Act of 1977 (collectively the "Clean Water Act") (33 U.S.C. Section 1251 et seq.), the Toxic Substances Control Act ("TSCA") (15 U.S.C. Sections 2601-2629), Hazardous Materials Transportation Act (49 U.S.C. Section 1801 et seq.), the Carpenter-Presley-Tanner Hazardous Substance Account Law (commonly known as the "California Superfund" law) (California Health and Safety Code Sections 25300-25395), Hazardous Waste Control Act (California Health and Safety Code Section 25100 et seq.), Hazardous Materials Release Response Plans and Inventory Law (commonly known as the "Business Plan Law") (California Health and Safety Code Section 25500 et seq.), Porter-Cologne Water Quality Control Act (California Water Code Section 13000 et seq.), Safe Drinking Water and Toxic Enforcement Act of 1986 (commonly known as "Proposition 65") (California Health and Safety Code Section 25249.5 et seq.).

In connection with the foregoing release, Buyer expressly waives the benefits of Section 1542 of the California Civil Code, which provides as follows:

A GENERAL RELEASE DOES NOT EXTEND TO CLAIMS WHICH THE CREDITOR DOES NOT KNOW OR SUSPECT TO EXIST IN HIS OR HER FAVOR AT THE TIME OF EXECUTING THE RELEASE, WHICH IF KNOWN TO HIM OR HER MUST HAVE MATERIALLY AFFECTED HIS OR HER SETTLEMENT WITH THE DEBTOR.

BY PLACING ITS INITIALS BELOW, BUYER SPECIFICALLY ACKNOWLEDGES AND CONFIRMS THE VALIDITY OF THE RELEASES MADE ABOVE AND THE FACT THAT BUYER WAS REPRESENTED BY COUNSEL WHO EXPLAINED, AT THE TIME THIS AGREEMENT WAS MADE, THE CONSEQUENCES OF THE ABOVE RELEASES.

INITIALS: BUYER: _____

11.3 HAZARDOUS SUBSTANCE DISCLOSURE. California Health & Safety Code section 25359.7 requires owners of non-residential real property who know, or have reasonable cause to believe, that any release of Hazardous Substances has come to be located on or beneath the real property to provide written notice of same to the buyer of real property. Seller hereby discloses that it has no knowledge or reasonable cause to believe that any release of Hazardous Substances has come to be located on or beneath the the Property, or portions of the Property. Seller has made available to Buyer all of Seller's files relating to the Property. Additionally, Seller represents and warrants that Seller has no actual knowledge or reasonable belief of any disposal, release, or threatened release of hazardous substances or hazardous waste on, from or under the Property which may have occurred prior to Seller taking the Property except to the extent set forth above and in Seller's files. By execution of this Agreement, Buyer acknowledges that the notices and warnings set forth above satisfy the requirements of California Health and Safety Code Section 25359.7 and related statutes. As used in this Agreement, "Hazardous Material" shall mean any material that, because of its quantity, concentration or physical or chemical characteristics, is now or hereafter deemed by any federal, state or local governmental authority to pose a present or potential hazard to human health or safety or to the environment.

Buyer acknowledges that Seller has disclosed the matters relating to the Property referred to above. Nothing contained herein shall limit any of the provisions of this Article or relieve Buyer of its obligations to conduct a diligent inquiry hereunder, nor shall any such matters limit any of the other provisions of this Agreement.

12. DEFAULT.

12.1 SELLER DEFAULT. If Seller defaults in its obligations under this Agreement, Buyer will have all remedies available at law and in equity.

12.2 SURVIVAL. Subject to the limitations and other provisions of this Agreement, Seller's representations and warranties contained in this Agreement or any of Seller's Closing Documents will survive the Closing.

13. ESCROW.

13.1 DELIVERY OF EXECUTED AGREEMENT. On or before two (2) days after the Execution Date, Buyer and Seller each shall deposit a copy of this Agreement executed by such party (or either of them shall deposit a copy executed by both Buyer and Seller) with Escrow Holder ("Escrow Holder").

13.2 ESCROW INSTRUCTIONS. This Agreement, together with such further instructions, if any, as the parties shall provide to Escrow Holder by written agreement, constitutes the escrow instructions. If any requirements relating to the duties or obligations of Escrow Holder hereunder are not acceptable to Escrow Holder, or if Escrow Holder requires additional instructions, the parties hereto agree to make such deletions, substitutions and additions hereto as counsel for Buyer and Seller mutually approve, which additional instructions shall not substantially alter the terms of this Agreement unless otherwise expressly agreed to by Seller and Buyer.

13.3 DEPOSITS INTO ESCROW. Seller shall make its deposits into escrow in accordance with Section 8.1. Buyer shall make its deposits into escrow in accordance with Section 8.2.

13.4 CLOSE OF ESCROW. Escrow Holder is authorized to close the escrow only if and when: (A) Title Company has received all items to be delivered by Seller and Buyer pursuant to Sections 8.1 and 8.2; (B) Title Company can and will issue the Title Policy concurrently with the Closing; and (C) Escrow Holder is prepared to close escrow for the Ground Lease. Provided that Escrow Holder has not received written notice in a timely manner from Buyer or Seller of the failure of any condition to the Closing or of the termination of the escrow, and if and when Buyer and Seller have deposited into escrow the matters required by this Agreement and Title Company can and will issue the Title Policy concurrently with the Closing, Escrow Holder shall make the following deliveries, in the stated order:

13.4.1 To Buyer: (i) the Deed by causing it to be recorded in the Official Records and, immediately upon recordation, delivering to Buyer a conformed copy of the Deed; (ii) the Title Policy issued by Title Company to Buyer; and (iii) all other documents delivered pursuant to Section 8.

13.4.2 To Seller: the Purchase Price and the Restrictive Agreement, by causing it to be recorded in the Official Records and, immediately upon recordation, delivering to Seller a conformed copy of the Restrictive Agreement.

13.5 REAL ESTATE REPORTING PERSON. Title Company is designated the "real estate reporting person" for purposes of Section 6045 of Title 26 of the United States Code and Treasury Regulation 1.6045-4 and any instructions or settlement statement prepared by Title Company shall so provide. Upon the consummation of the transaction contemplated by this Agreement, Title Company shall file a Form 1099 information return and send the statement to Seller as required under the aforementioned statute and regulation.

14. MISCELLANEOUS.

14.1 AUTHORITY. Each individual and entity executing this Agreement represents and warrants that he, she or it has the capacity set forth on the signature pages hereof with full power and authority to bind the party on whose behalf he, she or it is executing this Agreement to the terms hereof.

14.2 ENTIRETY OF AGREEMENT. This Agreement is the entire Agreement between the parties hereto with respect to the subject matter hereof and supersedes all prior agreements and understandings, whether oral or written, between the parties with respect to the matters contained in this Agreement.

14.3 WAIVERS. Any waiver, modification, consent or acquiescence with respect to any provision of this Agreement shall be set forth in writing and duly executed by or in behalf of the party to be bound thereby. No waiver by any party of any breach hereunder will be deemed a waiver of any other or subsequent breach.

14.4 COUNTERPARTS. This Agreement may be executed in any number of counterparts, each of which will be deemed an original, but all of which when taken together will constitute one and the same instrument. The signature page of any counterpart may be detached therefrom without impairing the legal effect of the signature(s) thereon provided such signature page is attached to any other counterpart identical thereto except having additional signature pages executed by other parties to this Agreement attached thereto.

14.5 TIME IS OF THE ESSENCE. Time is of the essence in the performance of and compliance with each of the provisions and conditions of this Agreement.

14.6 NOTICES. Any communication, notice or demand of any kind whatsoever which either party may be required or may desire to give to or serve upon the other must be in writing and delivered by personal service (including express or courier service), by electronic communication, whether by telex, telegram or telecopy (if confirmed in writing sent by registered or certified mail, postage prepaid, return receipt requested), or by registered or certified mail, postage prepaid, return receipt requested, addressed as follows:

Buyer: The Regents of the University of California
 1111 Franklin Street, 6th Floor
 Oakland, CA 94607
 Attention: Real Estate Services Group
 Telephone: (510) 987-9060
 Telecopy: (510) 987-0752

Seller: John Updike
 Acting Director of Real Estate
 City and County of San Francisco

25 Van Ness Avenue, Suite 400
San Francisco, CA 94102
Telephone: (415) 554-9860
Telecopy: (415) 552-9216
E-mail: John.Updike@sfgov.org

Title Company: First American Title
6683 Owens Drive
Pleasanton, CA 94588
Attention: Diane Burton
Telephone: (925) 201-6603
E-mail: DBurton@firstam.com

Any party may change its address for notice by written notice given to the other in the manner provided in this Section. Any such communication, notice or demand will be deemed to have been duly given or served on the date personally served, if by personal service, on the date of confirmed dispatch, if by electronic communication, or three (3) days after being placed in the U.S. Mail, if mailed.

14.7 FURTHER ACTS. The parties agree to execute such instructions to Escrow Holder and such other instruments and to do such further acts as may be reasonably necessary to carry out the provisions of this Agreement.

14.8 INDUCEMENTS TO EXECUTE. The making, execution and delivery of this Agreement by the parties hereto have been induced by no representations, statements, warranties or agreements other than those expressly set forth herein.

14.9 SEVERABILITY. Wherever possible, each provision of this Agreement shall be interpreted in such a manner as to be valid under applicable law, but, if any provision of this Agreement is invalid or prohibited thereunder, such invalidity or prohibition shall be construed as if such invalid or prohibited provision had not been inserted herein and shall not affect the remainder of such provision or the remaining provisions of this Agreement.

14.10 SECTION HEADINGS AND REFERENCES. Section headings of this Agreement are solely for convenience of reference and shall not govern the interpretation of any of the provisions of this Agreement. References to "Sections" are to Sections of this Agreement, unless otherwise specifically provided.

14.11 APPLICABLE LAW. This Agreement is governed by and construed in accordance with the laws of the State of California.

14.12 PREVAILING PARTY; ATTORNEY'S FEES. If any action is brought by either party against the other party, relating to or arising out of this Agreement, the transaction described herein or the enforcement hereof, the prevailing party is entitled to recover from the other party reasonable attorneys' fees, costs and expenses incurred in connection with the

prosecution or defense of such action. For purposes of this Agreement, the term “attorneys’ fees” or “attorneys’ fees and costs” means the fees and expenses of counsel to the parties hereto, which may include printing, photostating, duplicating and other expenses, air freight charges, and fees billed for law clerks, paralegals and other persons not admitted to the bar but performing services under the supervision of an attorney, and the costs and fees incurred in connection with the enforcement or collection of any judgment obtained in any such proceeding. The provisions of this Section 14.12 will survive the entry of any judgment, and will not merge, or be deemed to have merged, into any judgment.

14.13 ASSIGNMENTS. Neither this Agreement nor any of the rights or obligations of Seller or Buyer hereunder may be transferred or assigned by Seller or Buyer without the prior written consent of the non-assigning party. This Agreement is binding upon and inures to the benefit of each of the parties hereto and to their respective transferees, successors, and assigns.

14.14 INTERPRETATION. The Recitals and Exhibits to this Agreement are incorporated as part of this Agreement. Whenever required by the context of this Agreement, the singular includes the plural and the masculine includes the feminine and vice versa. The term “including” and words of similar import mean “including, without limitation.” This Agreement has been negotiated by both parties and must not be construed for or against either party. There are no third party beneficiaries of this Agreement.

14.15 NOT A JOINT VENTURE. Notwithstanding anything to the contrary contained herein, this Agreement shall not be deemed or construed to make the parties hereto partners or joint venturers, or to render either party liable for any of the debts or obligations of the other, it being the intention of the parties to merely create the relationship of seller and buyer with respect to the Property to be conveyed as contemplated hereby.

14.16 NOT TO BE RECORDED. This Agreement shall not be recorded or filed in the public land or other public records of any jurisdiction by either party and any attempt to do so may be treated by the other party as a default under this Agreement.

14.17 CONFIDENTIALITY. Each party agrees that, except as otherwise set forth in this Agreement or provided by law or unless compelled by an order of a court, it shall keep the contents of this Agreement and any information related to the transaction contemplated hereby confidential (except that Buyer may disclose such matters in accordance with the provisions of Section 7 above) and further agrees to refrain from generating or participating in any publicity statement, press release, or other public notice regarding this transaction without the prior written consent of the other party unless required under applicable law or by a court order. The provisions of this Section 14.17 will survive the Closing or any termination of this Agreement and will not be merged into any instrument or conveyance delivered at the Closing.

14.18 DATES. If any of the dates specified in this Agreement falls on a Saturday, a Sunday, or a holiday, then the date of such action will be deemed to be extended to the next business day.

14.19 SUBMISSION OF AGREEMENT. The submission of this Agreement to Buyer or its brokers, agents or attorneys for review will not be deemed an offer to sell the Property to Buyer, and no agreement with respect to the purchase and sale of the Property will exist unless and until this Agreement is executed and delivered by both Seller and Buyer.

14.20 Non-Liability of City Officials, Employees and Agents

Notwithstanding anything to the contrary in this Agreement, (i) no elective or appointive board, commission, member, officer, employee or agent of Seller shall be personally liable to Buyer, its successors and assigns, in the event of any default or breach by Seller or for any amount which may become due to Buyer, its successors and assigns, or for any obligation of Seller under this Agreement; and (ii) no elective or appointive board, commission, member, officer, employee or agent of Buyer shall be personally liable to Seller, its successors and assigns, in the event of any default or breach by Buyer or for any amount which may become due to Seller, its successors and assigns, or for any obligation of Buyer under this Agreement.

14.21 Conflicts of Interest

Through its execution of this Agreement, Buyer acknowledges that it is familiar with the provisions of Section 15.103 or City's Charter, Article III, Chapter 2 of City's Campaign and Governmental Conduct Code, and Section 87100 et seq. and Section 1090 et seq. of the Government Code of the State of California, and certifies that it does not know of any facts which constitute a violation of said provisions and agrees that if it becomes aware of any such fact during the term of this Agreement, Buyer shall immediately notify the Seller.

14.22 Notification of Limitations on Contributions

Through execution of this Agreement, Buyer acknowledges that it is familiar with Section 1.126 of City's Campaign and Governmental Conduct Code, which prohibits any person who contracts with the Seller for selling or leasing any land or building to or from the Seller whenever such transaction would require approval by a City elective officer or the board on which that elective officer serves, from making a contribution to such an officer, or candidate for such office, or committee controlled by such officer or candidate at any time from the commencement of negotiations for such contract until the termination of negotiations for such contract or three (3) months has elapsed from the date the contract is approved by the elective officer, or the board on which that elective officer serves.

14.23 Sunshine Ordinance

Buyer understands and agrees that under the City's Sunshine Ordinance (San Francisco Administrative Code, Chapter 67) and the State Public Records Law (Gov. Code Section 6250 et seq.), this Agreement and any and all records, information, and materials submitted to the Seller hereunder public records subject to public disclosure. Buyer hereby acknowledges that the Seller may disclose any records, information and materials submitted to the Seller in connection with this Agreement.

14.24 Tropical Hardwood and Virgin Redwood Ban

The City and County of San Francisco urges companies not to import, purchase, obtain or use for any purpose, any tropical hardwood, tropical hardwood wood product, virgin redwood or virgin redwood wood product except as expressly permitted by the application of Sections 802(b) and 803(b) of the San Francisco Environment Code.

14.25 MacBride Principles - Northern Ireland

The City urges companies doing business in Northern Ireland to move toward resolving employment inequities and encourages them to abide by the MacBride Principles as expressed in San Francisco Administrative Code Section 12F.1 et seq. The City also urges companies to do business with corporations that abide by the MacBride Principles. Buyer acknowledges that it has read and understands the above statement of the City concerning doing business in Northern Ireland.

NOTWITHSTANDING ANYTHING TO THE CONTRARY CONTAINED IN THIS AGREEMENT, BUYER ACKNOWLEDGES AND AGREES THAT NO OFFICER OR EMPLOYEE OF CITY HAS AUTHORITY TO COMMIT CITY TO THIS AGREEMENT UNLESS AND UNTIL A RESOLUTION OF CITY'S BOARD OF SUPERVISORS SHALL HAVE BEEN DULY ENACTED APPROVING THIS AGREEMENT AND AUTHORIZING THE TRANSACTIONS CONTEMPLATED HEREBY. THEREFORE, ANY OBLIGATIONS OR LIABILITIES OF CITY HEREUNDER ARE CONTINGENT UPON THE DUE ENACTMENT OF SUCH A RESOLUTION, AND THIS AGREEMENT SHALL BE NULL AND VOID IF CITY'S BOARD OF SUPERVISORS AND MAYOR DO NOT APPROVE THIS AGREEMENT IN THEIR RESPECTIVE SOLE DISCRETION. APPROVAL OF THE TRANSACTIONS CONTEMPLATED HEREBY BY ANY DEPARTMENT, COMMISSION OR AGENCY OF CITY SHALL NOT BE DEEMED TO IMPLY THAT SUCH RESOLUTION WILL BE ENACTED NOR WILL ANY SUCH APPROVAL CREATE ANY BINDING OBLIGATIONS ON CITY.

[SIGNATURES ON NEXT PAGE]

IN WITNESS WHEREOF, the parties hereto have caused this Agreement to be executed by their duly authorized representatives as of the date first set forth above in this Agreement.

BUYER: THE REGENTS OF THE UNIVERSITY OF CALIFORNIA

By: _____
Its: _____

SELLER: THE CITY AND COUNTY OF SAN FRANCISCO

By: _____
Its: _____

EXHIBIT A

LEGAL DESCRIPTION OF THE LAND

EXHIBIT C

[INTENTIONALLY OMITTED]

C-1

EXHIBIT E

FORM OF QUIT CLAIM DEED

RECORDING REQUESTED BY

AND WHEN RECORDED MAIL TO:

MAIL TAX STATEMENTS TO:

QUIT CLAIM DEED

The undersigned Grantor declares that Documentary Transfer Tax is not part of the public records.

FOR A VALUABLE CONSIDERATION, receipt of which is hereby acknowledged, THE CITY AND COUNTY OF SAN FRANCISCO, a _____ (“Grantor”), hereby **QUIT CLAIMS** to THE REGENTS OF THE UNIVERSITY OF CALIFORNIA, a _____ (“Grantee”), all its rights, title and interest in and to that certain real property located in the City and County of San Francisco, State of California, and more particularly described in Exhibit A attached hereto and incorporated herein by this reference (the “Property”), together with (i) all improvements owned by Grantor and located thereon, and (ii) all rights, privileges, easements and appurtenances owned by Grantor appertaining to the Property; reserving therefrom all rights, privileges, easements and appurtenances owned by Grantor under that certain Restrictive Easement dated _____ and recorded as Instrument No. _____ in the Official Records of the City and County of San Francisco concurrently herewith.

IN WITNESS WHEREOF, Grantor has caused its duly authorized representatives to execute this instrument as of the date hereinafter written.

DATED: _____, 20__

GRANTOR:

THE CITY AND COUNTY OF SAN FRANCISCO

By: _____

Its: _____

ACKNOWLEDGMENT

STATE OF _____)
COUNTY OF _____)

On _____, 20____, before me, _____, a Notary Public in and for said State, personally appeared _____ and _____, personally known to me (or 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.

WITNESS my hand and official seal.

Signature _____ (Seal)

EXHIBIT A

Legal Description of the Property

**RECORDING REQUESTED BY
AND WHEN RECORDED MAIL TO:**

RECORDING REQUESTED BY
AND WHEN RECORDED RETURN TO:

Director of Property
Real Estate Division
City and County of San Francisco
25 Van Ness Avenue, Suite 400
San Francisco, California 94102

The undersigned hereby declares this instrument to be
exempt from Recording Fees (Govt. Code § 27383) and
Documentary Transfer Tax (Rev. & Tax. Code §11922).

(Space above this line reserved for Recorder's use only)

RESTRICTIVE EASEMENT

This Restrictive Easement is made as of this _____ of _____, 20____, by and
between The Regents of the University of California ("The Regents") and the City and County of
San Francisco ("the City").

RECITALS

A. The Regents and the City both contend that they own the Property more
particularly described on Exhibit A attached hereto ("the Property"). The City sold the Property
to The Regents.

B. The City and The Regents wish to enter into this Restrictive Agreement restricting
the use of the Property as set forth.

NOW, THEREFORE, for good and valuable consideration, the City and The Regents
agree as follows:

1. The Regents agrees to the use of the surface of the Property as publicly accessible
open space only, in accordance with the final plans for the Property improvements approved by

the City and the provisions of conditions 43 and 44 of Exhibit A, conditions of approval, planning commission case number 2004.0770E!MTVC and Motion 17537, dated January 17, 2008, as modified and replaced by condition 19 pursuant to planning commission case number 2012.0033ACEF and Motion _____ dated August 16, 2012 (the "Conditions of Approval"), subject to section 2 below. The Conditions of Approval are attached hereto as Exhibit B.

2. The Regents agrees: (i) to maintain public access to the surface of the Property, (ii) to improve or cause The Regents' ground lessee to improve the Property with open space improvements in accordance with the Conditions of Approval and the final plans for the Property improvements approved by the City, (iii) to assume or to cause to be assumed by The Regents' ground lessee, maintenance and liability responsibilities for the surface of the Property and the improvements thereon in accordance with the Conditions of Approval and the operations plan approved by the City, and (iv) not to permit any above-ground structures to be built on the Property other than as permitted under the Conditions of Approval, for so long as that portion of the two blocks fronting the Property is used for non-university residential and/or commercial purposes. The Regents' obligation with respect to maintenance and liability will cease at any time if The Regents reoccupies and uses in the furtherance of its educational mission that portion of the two blocks fronting the Property, at which time the City shall, at its election in its sole discretion, maintain public access to the surface of the Project and assume maintenance and liability responsibilities for the surface of the Property and the improvements thereon. If the City chooses not to maintain public access and assume maintenance and liability responsibilities for the surface of the Property and the improvements thereon the Regents shall have no further obligation to use the surface of the property as publicly accessible open space only.

3. The Regents hereby grants the City an exclusive, perpetual easement for the purpose of using, maintaining and repairing the surface of the Property as publicly accessible

open space effective at such time as The Regents ceases to be obligated to maintain the surface of Property and the improvements thereon and the City chooses to maintain the surface of the Property and the improvements thereon.

4. This restriction shall run with the Property and shall be binding upon successors and assigns.

[SIGNATURES ON NEXT PAGE]

IN WITNESS WHEREOF, the parties have executed this Restrictive Agreement as of the day and year first written above.

THE REGENTS OF THE UNIVERSITY OF CALIFORNIA

By: _____
Its: _____

THE CITY AND COUNTY OF SAN FRANCISCO

By: _____
John Updike
Acting Director of Property

APPROVED AS TO FORM:

DENNIS J. HERRERA
City Attorney

By: _____
Evan A. Gross
Deputy City Attorney

Exhibit A
Legal Description of Property

Exhibit B
Conditions of Approval



BOS File No. 12-0886, 55 Laguna

John Updike to: Alisa Miller

Cc: Andres Power

10/11/2012 06:18 PM

As requested, this is confirmation of meeting posting requirements for the project, per Section 23 of the Admin Code, applicable in this case of a conveyance of city property. Mailings within 150' accomplished along with physical posting.

Thanks.

**NOTICE OF INTENT TO APPROVE
A CONVEYANCE OF CITY
PROPERTY AT THIS LOCATION**

The City and County of San Francisco
Board of Supervisors will consider approval
of this City Conveyance of Property on or
after October 23, 2012.

Please e-mail

Board of Supervisors (info) or call the
Clerk of the Board at (415) 554-5184 for
confirmation of hearing dates.

For further information or to submit
comments, please contact the Real Estate

Division at (415) 554-9850.

FORM SFEC-126:
NOTIFICATION OF CONTRACT APPROVAL
 (S.F. Campaign and Governmental Conduct Code § 1.126)

City Elective Officer Information <i>(Please print clearly.)</i>	
Name of City elective officer(s): Members, Board of Supervisors	City elective office(s) held: Members, Board of Supervisors
Contractor Information <i>(Please print clearly.)</i>	
Name of contractor: Regents of the University of California	
<i>Please list the names of (1) members of the contractor's board of directors; (2) the contractor's chief executive officer, chief financial officer and chief operating officer; (3) any person who has an ownership of 20 percent or more in the contractor; (4) any subcontractor listed in the bid or contract; and (5) any political committee sponsored or controlled by the contractor. Use additional pages as necessary.</i>	
Board Members: See Attached President of Board: Governor Edmund Brown Chairman: Regent Sherry Lansing Vice-Chairman: Regent Bruce Varner Chief Investment Officer: Marie Berggren	
Contractor address: 1111 Franklin Street, 12 th Floor, Oakland, CA 94607	
Date that contract was approved:	Amount of contract: Delivery of Property Rights with Restrictive Covenants at no cost to Regents.
Describe the nature of the contract that was approved: Purchase and Sale Agreement	
Comments:	

This contract was approved by (check applicable):

the City elective officer(s) identified on this form

a board on which the City elective officer(s) serves: San Francisco Board of Supervisors
Print Name of Board

the board of a state agency (Health Authority, Housing Authority Commission, Industrial Development Authority Board, Parking Authority, Redevelopment Agency Commission, Relocation Appeals Board, Treasure Island Development Authority) on which an appointee of the City elective officer(s) identified on this form sits

Print Name of Board

Filer Information <i>(Please print clearly.)</i>	
Name of filer: Angela Calvillo, Clerk of the Board	Contact telephone number: (415) 554-5184
Address: City Hall, Room 244, 1 Dr. Carlton B. Goodlett Pl., San Francisco, CA 94102	E-mail: Board.of.Supervisors@sfgov.org

Signature of City Elective Officer (if submitted by City elective officer)

Date Signed

Signature of Board Secretary or Clerk (if submitted by Board Secretary or Clerk)

Date Signed

The Regents of the University of California

[Regents](#)
 [President](#)
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The Regents

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- Bylaws**
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- [Current Policies](#)
- Minutes**
- Officers of The Regents**
- [Secretary and Chief of Staff](#)
- [Chief Compliance and Audit Officer](#)
- [General Counsel](#)
- [Treasurer](#)
- Search Regents' Site**
- Regents' Home**

OFFICE OF THE SECRETARY
AND CHIEF OF STAFF TO
THE REGENTS
1111 Franklin St., 12Floor
Oakland, CA 94607
tel (510) 987-9220
fax (510) 987-9224

Please email questions
or comments about the
Regents' website to
[Anne Shaw](#)

If you would like to email
the Regents, please
address your comments to
[Regents Office](#)

Last updated:
August 31, 2012

Biographies

(Click on the individual's name for a more complete biography, photograph and contact information.)

Appointed Regents:

Richard C. Blum

Appointed March 12, 2002 to a term expiring March 1, 2014 (by Davis); B.A., University of California, Berkeley; M.B.A, University of California, Berkeley; Chairman of Blum Capital Partners, L.P.; Co-Chairman of Newbridge Capital, LLC.

William De La Peña, M.D.

Appointed August 18, 2006 to a term expiring March 1, 2018 (by Schwarzenegger); Ophthalmologist and medical director of the De La Peña Eye Clinic; B.S., American School Foundation; M.D., Autonomous University of Guadalajara.

Russell Gould

Appointed September 13, 2005 to a term expiring March 1, 2017 (by Schwarzenegger); B.A., University of California, Berkeley.

Eddie Island

Appointed June 6, 2005 to a term expiring March 1, 2017 (by Schwarzenegger); retired attorney and executive; J.D., Harvard Law School.

George Kieffer

Appointed May 6, 2009 (by Schwarzenegger) to term expiring March 1, 2021; Partner and member of the Executive Committee of the national law firm of Manatt, Phelps & Phillips, LLP; Bachelor's degree, University of California, Santa Barbara; J.D. degree from UCLA.

Sherry L. Lansing

Appointed March 11, 1999 to a term expiring March 1, 2010 (by Davis);re-appointed in 2010 (by Schwarzenegger) to a term expiring March 1, 2022. Founder of the Sherry Lansing Foundation and former Chair and CEO of Paramount Pictures' Motion Picture Group; B.S., Northwestern University. Ms. Lansing is the current Chairman of the Board.

Monica Lozano

Appointed September 21, 2001 to term expiring March 1, 2013 (by Davis); Publisher and Chief Executive Officer of La Opinión Newspaper

Hadi Makarechian

Appointed October 24, 2008 to term expiring March 1, 2020 (by Schwarzenegger); B.S. (Civil Engineering), B.A. (Economics), State University of New York; Chairman of Makar Properties Board of Directors and Banning Lewis Ranch Management Company Board of Directors.

Norman J. Pattiz

Appointed September 21, 2001 to a term expiring March 1, 2004 (by Davis); appointed September 4, 2003 to a term expiring March 1, 2014 (by Davis); Founder and Chairman of the Board of Westwood One.

Bonnie Reiss

Appointed March 27, 2008 to a term expiring March 1, 2020 (by Schwarzenegger); Operating Advisor to Pegasus Capital Advisors; BBA, University of Miami; J.D., Antioch Law School.

Fred Ruiz

Appointed July 2, 2004 to a term expiring March 1, 2016 (by Schwarzenegger); Co-founder and Chairman, Ruiz Foods.

Leslie Tang Schilling

Appointed September 13, 2005 to a term expiring March 1, 2013 (by Schwarzenegger); B.A., University of California, Berkeley; M.A., American Graduate School of International Management; Director of Union Square Investments, Inc.

Jonathan Stein

Student Regent, July 13, 2012- June 30, 2013; B.A., Harvard University (English); UC Berkeley student at Berkeley Law School and Goldman School of Public Policy.

Bruce D. Varner

Appointed August 18, 2006 to a term expiring March 1, 2018 (by Schwarzenegger); Partner in the law firm Varner & Brandt; B.A., University of California, Santa Barbara; J.D., Hastings Law School. Mr. Varner is the current Vice Chair of the Board.

Paul Wachter

Appointed July 2, 2004 (by Schwarzenegger) to a term expiring March 1, 2016; Wharton School, University of Pennsylvania; J.D., Columbia School of Law; Founder, President and CEO, Main Street Advisors.

Charlene Zettel

Appointed May 6, 2009 to term expiring March 1, 2021 (by Schwarzenegger); Board member, San Diego Regional Airport Authority; B.S., University of Southern California.

Ex Officio Regents

Jerry Brown

Governor of California and ex-officio Regent, January 3, 2011 - present.

Gavin Newsom

Lieutenant Governor and ex officio Regent, effective January 10, 2011 - present.

John A. Pérez

Speaker of the Assembly and ex officio Regent, effective March 1, 2010 - present; Assemblymember from the 46th district.

Tom Torlakson

State Superintendent of Public Instruction and ex officio Regent, January 3, 2011 - present.

Mark G. Yudof

President of the University and ex officio Regent, effective June 16, 2008; B.A., University of Pennsylvania; LL.B., Law School, University of Pennsylvania.

Alan Mendelson

Alumni Regent from July 1, 2012- June 30, 2013 and Vice President of the Alumni Associations of the University of California; B.A., University of California, Berkeley; J.D., Harvard University.

Ronald Rubenstein

Alumni Regent from July 1, 2012 - June 30, 2013, and President of the Alumni Associations of the University of California; B.A., University of California, Santa Barbara (Economics); J.D., University of California, Berkeley School of Law.

Regents-Designate

Ken Feingold

Regent-designate, July 1, 2012 - June 30, 2013, and Secretary, Alumni Associations of the University of California; B.A., University of California, Santa Cruz (History); J.D., University of San Francisco.

Van Schultz

Regent-designate, July 1, 2012- June 30, 2013 and Treasurer, Alumni Associations of the University of California; B.S., University of California, Los Angeles; M.S., University of California, Los Angeles.

Cynthia Flores

Student Regent-designate, July 1, 2012- June 30, 2013; B.A., University of California, Los Angeles.

Faculty Representatives to The Regents

Robert Powell

Faculty Representative to The Regents, September 1, 2011 - August 31, 2013, and current Chair of the Universitywide Academic Senate of the University of California.

William Jacob

Faculty Representative to The Regents, September 1, 2012 - August 31, 2014, and current Vice Chair of the Universitywide Academic Senate of the University of California.

Staff Advisors to The Regents

Kathy Barton

Staff Advisor Designate, July 1, 2012 - June 30, 2013.

Kevin Smith

Staff Advisor, July 1, 2012 - June 30, 2013.

Introduction Form

By a Member of the Board of Supervisors or the Mayor

Time stamp
or meeting date

I hereby submit the following item for introduction (select only one):

- 1. For reference to Committee: Land Use & Economic Development
An ordinance, resolution, motion, or charter amendment.
- 2. Request for next printed agenda without reference to Committee.
- 3. Request for hearing on a subject matter at Committee: _____
- 4. Request for letter beginning "Supervisor _____ inquires"
- 5. City Attorney request.
- 6. Call File No. _____ from Committee.
- 7. Budget Analyst request (attach written motion).
- 8. Substitute Legislation File No. _____
- 9. Request for Closed Session (attach written motion).
- 10. Board to Sit as A Committee of the Whole.
- 11. Question(s) submitted for Mayoral Appearance before the BOS on _____

Please check the appropriate boxes. The proposed legislation should be forwarded to the following:

- Small Business Commission Youth Commission Ethics Commission
- Planning Commission Building Inspection Commission

Note: For the Imperative Agenda (a resolution not on the printed agenda), use a different form.

Sponsor(s):

Supervisor Scott Wiener

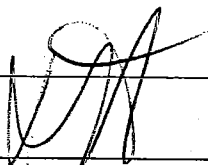
Subject:

Sale of Former Waller Street Between Laguna and Buchanan Streets to the Regents of the University of California

The text is listed below or attached:

Attached.

Signature of Sponsoring Supervisor: _____



For Clerk's Use Only:

Sale of Former Waller Street Between Laguna and Buchanan Streets to the Regents of the University of California

Resolution authorizing: 1) acceptance of a Purchase and Sale Agreement for former Waller Street, from Laguna Street to Buchanan Street; 2) acceptance of restrictive easement against former Waller Street as a condition of the sale; 3) adopting environmental findings and findings that the transaction contemplated is consistent with the San Francisco General Plan and Eight Priority Policies of the San Francisco Planning Code; and 4) authorizing the Director of Property, or designee, to execute documents, make certain modifications, and take certain actions in furtherance of this Resolution.