



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 (EN Impact Fee – Sec. 423)

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

Reception:
415.558.6378

Fax:
415.558.6409

Planning
Information:
415.558.6377

Planning Commission Motion No. 18459

HEARING DATE: OCTOBER 6, 2011

Date: November 14, 2011
Case No.: **2008.1395X**
Project Address: **1501 15th STREET**
Zoning: UMU (Urban Mixed Use) District
58-X Height and Bulk District
Block/Lot: 3553/054
Project Sponsor: David Silverman
One Bush Street Suite 600
San Francisco, CA 94104
Staff Contact: Kimberly Durandet – (415) 575-6816
kimberly.durandet@sfgov.org

ADOPTING FINDINGS RELATING TO LARGE PROJECT AUTHORIZATION PURSUANT TO SECTION 329 OF THE PLANNING CODE TO ALLOW A SIX-STORY, 58 FEET TALL MIXED USE BUILDING INCLUDING UP TO 40 DWELLING UNITS AND APPROXIMATELY 8,222 SQUARE FEET OF GROUND FLOOR COMMERCIAL SPACE AND TO: (1) ALLOW EXCEPTIONS TO THE REAR YARD REQUIREMENTS PURSUANT TO PLANNING CODE SECTIONS 134 AND 134(f); (2) ALLOW EXCEPTIONS TO DWELLING UNIT EXPOSURE PER PLANNING CODE SECTION 140; WITHIN THE UMU (URBAN MIXED USE) DISTRICT, MISSION ALCOHOL SPECIAL USE DISTRICT, AND AN 58-X HEIGHT AND BULK DISTRICT AND ADOPTING FINDINGS UNDER THE CALIFORNIA ENVIRONMENTAL QUALITY ACT.

PREAMBLE

On December 20, 2008, Project Sponsor filed Environmental Review Application No. 2008.1395E, on March 16, 2009, filed Shadow Study (Prop K) Application No. 2008.1395K, on November 16, 2010, filed for a Gas Station Conversion Determination Application No. 2008.1395U, and on April 14, 2011, filed for Large Project Authorization Application No. 2007.0689X (hereinafter "Application") per Planning Code Section 329 to create a Large Project to allow the construction of a six-story, 58 feet tall mixed use building including up to 40 dwelling units, approximately 8,222 square feet of ground floor commercial space, up to 39 parking spaces, up to 21 bicycle parking spaces, and including the following exceptions: (1) rear yard; and (2) dwelling unit exposure.

The environmental effects of the Project were determined by the San Francisco Planning Department (hereinafter "Department") to have been fully reviewed under the Eastern Neighborhoods Plan Environmental Impact Report (hereinafter "Eastern Neighborhoods EIR"). The Eastern Neighborhoods EIR was prepared, circulated for public review and comment, and, by Motion No. 17659 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 reviewed the Eastern Neighborhoods Final EIR, which has been available for this Commission's review as well as public review.

The Eastern Neighborhoods EIR is a Program EIR. Pursuant to CEQA Guideline 15168(c)(2), if the lead agency finds that no new effects could occur or no new mitigation measures would be required, the agency may approve the project as being within the scope of the project covered by the program EIR, and no additional or new environmental review is required. The Commission adopted CEQA Findings in its Motion No. 17661 and hereby incorporates such Findings by reference. All mitigation measures adopted as part of these findings will be applied to the Project, as applicable, and as discussed in the Certificate of Exemption for this Project.

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

Pursuant to the Guidelines of the State Secretary of Resources for the implementation of the California Environmental Quality Act (CEQA), on January 27, 2011, the Planning Department of the City and County of San Francisco (hereinafter "Department") determined that the proposed application was exempt from the environmental review process per Section 15183 of the CEQA Guidelines and California Public Resources Code Section 21083.3. The Project is consistent with the adopted zoning controls in the Eastern Neighborhoods Area Plan and was encompassed within the analysis contained in the Eastern Neighborhoods Final EIR. Since the Eastern Neighborhoods Final EIR was finalized, there have been no substantial changes to the Eastern Neighborhoods Area Plan and no substantial changes in circumstances that would require major revisions to the Final EIR due to the involvement of new significant environmental effects or an increase in the severity of previously identified significant impacts, and there is no new

information of substantial importance that would change the conclusions set forth in the Final EIR. The file for this project, including the Eastern Neighborhoods Final EIR and the Community Plan Exemption certificate, is available for review at the San Francisco Planning Department, 1650 Mission Street, Suite 400, San Francisco, California.

On October 6, 2011, the Commission conducted a duly noticed public hearing at a regularly scheduled meeting on Large Project Application No. 2008.1395X.

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. 2008.1395X subject to the conditions contained in "EXHIBIT A" of this motion, based on the following findings:

FINDINGS

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

1. The above recitals are accurate and constitute findings of this Commission.
2. **Site Description and Present Use.** The property is located on the southwest corner of South Van Ness Avenue and 15th Street, Lot 054 of Assessor's Block 3553, in the UMU (Urban Mixed Use) Zoning District, and a 58-X Height and Bulk District. The lot is 125 feet in length on 15th Street and 113 feet in length on South Van Ness Avenue. The site is currently occupied by a vacant automobile service station which has been closed since 2006. The pumps and underground tanks from the former gasoline station have already been removed, the closure has been approved by the Department of Public Health, and all remediation measures required by the Department of Public Health have been completed. The lot is surrounded by a chain link fence. There is one tree onsite as well as some vegetation.
3. **Surrounding Properties and Neighborhood.** The project site is located at the intersection of South Van Ness Avenue and 15th Street. The adjacent property to the south is a two story structure that is authorized for auto repair and is the only other parcel on this block that is in the UMU Zoning District. The adjacent property to the west is a three-story over garage residential building. The rest of the block is zoned RTO-M (Residential, Transit-Oriented, Mission Street) District. The area is a mix of zoning districts including RH-3, RTO, NCT, P, UMU and PDR-1-G. The area is truly mixed use with pockets of residential buildings, surrounded by a variety of uses ranging from auto service stations and sales, video production, a public school, Muni bus terminal, UCSF production facility, bars, and a variety of goods and other services.

4. **Project Description.** **2008.1395X: 1501 15TH STREET** - Request for Large Project Authorization and exceptions pursuant to Planning Code Section 329. The subject property is located on the southwest corner of South Van Ness Avenue and 15th Street, Lot 054 of Assessor's Block 3553, in the UMU (Urban Mixed Use) Zoning District, and a 58-X Height and Bulk District. The proposed project would replace a vacant lot (formerly a gas station) with a 58 foot high, five-story, 66,043 square foot, mixed-use building consisting of 40 residential units (8 studio, 8 one-bedroom, and 24 two-bedroom) and approximately 8,222 square feet of ground-floor commercial use. The building would provide 39 off-street parking spaces at the basement level with access to the underground parking garage on South Van Ness Avenue. The project would provide approximately 3,187 square feet of common outdoor space and 2,917 square feet of private open space with exceptions pursuant to Planning Code Sections 134 and 140. Planning Code Section 329 requires that the Planning Commission review and evaluate all physical aspects of "Large Projects" proposed in the Eastern Neighborhoods Mixed Use Districts at a public hearing.

5. **Past History and Action.** On November 27, 2007, the Project Sponsor filed Environmental Review Application No. 2007.1359E with the Planning Department, and on December 6, 2007, filed Conditional Use Application No. 2007.1359C for a car wash on May 1, 2008 which was disapproved by the Planning Commission. Motion No. 17589 stated that the proposed car wash was inconsistent with the intent of the Mission Area Plan. The Mission Area Plan was part of the Eastern Neighborhoods rezoning, which was in progress at the time of the hearing, and the new controls had not yet been adopted. The subject property was subsequently rezoned from C-M (Heavy Commercial) to UMU (Urban Mixed Use). The purpose of this zoning re-classification was to encourage mixed-use development. Therefore, the Commission found (Finding No. 11) the Project to be generally inconsistent with the rezoning effort as part of the Mission Area Plan in providing a commercial-only use (car washing facility) in an area that was to be rezoned as Urban Mixed Use. And, recommended that due to the project site's close proximity to the 16th Street BART Station, a mixed-use project offering both commercial and residential uses would be strongly encouraged. Furthermore, on January 6, 2010 the Historic Preservation Commission reviewed the proposed project and concluded that the proposed project would not have a significant effect on the adjacent potential historic resource at 1523-1531 15th Street.

6. **Public Comment.** The Department received opposition to the proposal predominately stating concerns that the garage entrance originally planned to be located on 15th Street be moved to South Van Ness Avenue. Other concern mentioned were that property values would decrease if this project is built, that the adjacent light-well be matched and the roof deck be moved away from the adjacent property on 15th Street. The Department also received comments in support of the project submitted by the Project Sponsor.

7. **Urban Mixed Use (UMU) Zoning District.** The Urban Mixed Use (UMU) District is intended to promote a vibrant mix of uses while maintaining the characteristics of this formerly industrially-zoned area. It is also intended to serve as a buffer between residential districts and PDR districts in the Eastern Neighborhoods. Within the UMU, allowed uses include production, distribution, and repair uses such as light manufacturing, home and business services, arts activities, warehouse, and wholesaling. Additional permitted uses include retail, educational facilities, and nighttime entertainment. Housing is also permitted, but is subject to higher affordability requirements. Family-sized dwelling units are encouraged. Within the UMU, office uses are restricted to the upper floors of multiple story buildings. In considering any new land use not contemplated in this District, the Zoning Administrator shall take into account the intent of this District as expressed in this Section and in the General Plan.

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

A. **Use.** Planning Code Section 843 identifies residential use and various nonresidential uses as principally permitted uses in the Urban Mixed Use (UMU) Zoning District with no density limit for residential uses. Retail Sales and Services are principally permitted up to 25,000 square feet if each use is up to 3,999 square feet. Conditional Use Authorization is required for each use 4,000 square feet and above.

The Project includes residential 40 units and 8,222 square feet ground floor commercial space. The ground floor commercial space is divided into five commercial units which are all under 4,000 square feet. Specific uses for the ground floor are yet to be determined.

B. **Floor Area Ratio.** Planning Code Section 124 establishes floor area ratio limits for non residential uses. The FAR in the UMU Zoning and 58-X Height District is 4:1. This would allow non-residential uses to occupy up to 56,500 square feet of space.

The project includes only 8,222 square feet of non-residential space which is well under the permitted FAR limit.

C. **Residential Open Space.** Planning Code Section 135 requires that usable open space be located on the same lot as the dwelling units it serves. At least 80 square feet of usable open space per dwelling unit, or 54 square feet per dwelling unit of publicly accessible open space, is required. Up to 50 percent of the publicly accessible open space may be provided off-site.

For this project 80 square feet of usable open space is required per dwelling unit if the open space is not publicly accessible. For 40 dwelling units the requirement is 3,200 square feet of usable open space. The project proposes a roof deck of 2,880 square feet and two interior courtyard decks 325 square feet each for a total of 3,530 square feet of usable open space. These

open spaces combine to exceed the minimum residential useable open space required for the project.

- D. **Commercial Open Space.** Planning Code Section 135.3 requires usable open space for uses other than dwelling units. For retail use, one square foot per 250 square feet of occupied floor area of usable open space is required. In Eastern Neighborhoods Mixed Use Districts, this open space requirement may be satisfied through payment of a fee of \$76 for each square foot of usable square footage not provided pursuant to this Code section.

The Project is required to provide at least 39 square feet of commercial open space, and it will meet the requirement by providing three publically accessible courtyards totaling 1,816 square feet, which meet all of the criteria of Section 135.3(b).

- E. **Street Trees.** Planning Code Section 138.1 requires the owner or developer of a new building in this District to install street trees. Each street tree must be a minimum of 24-inch box for 20 feet of frontage of the property along each street or public alley.

The project is required to provide twelve street trees. Plans currently show nine new trees and two previously existing. The project sponsor will provide all twelve trees or pay an in-lieu fee pursuant to Planning Code Section 428.

- F. **Street Frontages.** Planning Code Section 145.1 requires the following for street frontages in Eastern Neighborhood Mixed Use Districts: (1) off-street parking at street grade must be set back at least 25 feet; (2) not more than 1/3 the width of the building facing the street or 20 feet may be devoted to ingress/egress to parking; (3) "active" use shall be provided within the first 25 feet of building depth at the ground floor; (4) ground floor non-residential uses in UMU zoning district shall have a floor-to-floor height of 17 feet; (5) The floors of street-fronting interior spaces housing non-residential active uses and lobbies shall be as close as possible to the level of the adjacent sidewalk. Such required street-facing entrances shall remain open to the public during business hours; (6) frontages with active uses shall be fenestrated with 60% transparent windows; and, (7) decorative railings or grillwork placed in front of or behind ground floor windows, shall be at least 75 percent open to perpendicular views.

The project meets the requirements of Section 145.1 as follows: (1) Off street parking is provided below grade in a basement level garage; (2) providing an approximately 12-foot wide garage opening, which is less than 20 feet or 1/3 the width of the approximately 124-foot wide building; (3) incorporating approximately 8,222, square foot ground floor commercial space ("active" use) at ground floor along both 15th Street and South Van Ness Avenue. Furthermore, the open courtyards if used as outdoor activity for the commercial spaces would be considered active; (4) the floor-to-ceiling height of the ground floor is at least 17 feet in height; (5) the street -fronting active uses including outdoor activity are to be as close as

possible to the adjacent sidewalk; (6) the Zoning Administrator has determined that programming the courtyard areas to be used as outdoor activity for the adjacent commercial tenants would qualify the project to meet the 60% transparency requirement; (7) all railings or grillwork placed in front of or behind ground floor windows, shall be at least 75 percent open to perpendicular views.

- G. **Shadow.** Planning Code Section 147 requires reduction of substantial shadow impacts on public plazas and other publicly accessible spaces other than those protected under Planning Code Section 295. Section 295 restricts new shadow, cast by structures exceeding a height of 40 feet, upon property under the jurisdiction of the Recreation and Park Commission.

The Shadow Analysis conducted for the Project indicates that the Project will not cast shadow upon Public, Publicly Accessible or Publicly Financed or Subsidized Open Space.

- H. **Parking.** Planning Code Section 151.1 establishes the maximum number of automobile parking spaces allowed. Residential dwelling units in UMU Districts are permitted .75 parking spaces per unit. Residential dwelling units in UMU Districts with at least two-bedrooms that are at least 1,000 square feet of occupied floor area are permitted 1 parking space per unit. All retail uses in the Eastern Neighborhoods Mixed Use Districts where the parcel is less than 1/4 mile from Mission Street are permitted 1 parking space per 1,500 square feet of gross floor area.

There are 16 two-bedroom units that are a minimum of 1,000 square feet and are allowed 1 to 1 ratio or 16 parking spaces. The remaining 24 units are two-bedroom under 1,000 square feet, one-bedroom and studio units and are allowed 1 to .75 ratio or 18 parking spaces. The commercial ground floor is 8,222 square feet and is allowed 1:1,500 square feet or 5 parking spaces. A total of 39 parking spaces are allowed with one required to be designed and designated for handicapped persons [Section 155(i)]. The project proposes 39 parking spaces one of which is designated for handicapped persons.

- I. **Loading.** Planning Code Section 152.1 requires off-street loading for certain uses in the Eastern Neighborhoods Mixed Use Districts. Retail uses are required to provide one off-street loading space if the gross floor area is greater than 10,000 square feet.

The commercial space is below 10,000 square feet of gross floor area. Therefore, no off-street loading space is required and none is provided.

- J. **Bicycle parking.** Planning Code Section 155.5 requires projects up to 50 dwelling units to provide one bicycle parking space for every 2 dwelling units. Therefore, the project requires 20 bicycle parking spaces.

The project meets this requirement with 21 bicycle spaces provided on the basement floor. No commercial bicycle parking spaces are required.

- K. **Car Sharing.** Planning Code Section 166 requires developments creating more than 200 dwelling units to provide at least two car share spaces, plus 1 for every 200 dwelling units over 200, to be made available, at no cost, to a certified car-share organization for purposes of providing car-share services for its car-share service subscribers.

The Project does not meet the threshold for a required car share space, therefore, none is provided.

- L. **Dwelling unit mix.** Planning Code Section 207.6 requires at least 40 percent of the total number of proposed dwelling units to contain two or more bedrooms. Any fraction resulting from this calculation shall be rounded to the nearest whole number of dwelling units.

The Project will provide 60 percent of the dwelling units as two-bedroom units.

- M. **Height.** The subject property is located in a 58-X height and bulk district.

The height of the finished roof will be 58 feet. Mechanical and elevator and stair penthouses will meet the requirements of Section 260(b) for height exceptions.

- N. **Mission Alcohol Beverage Special Use Sub-district.** This Sub-district places restrictions on the establishment of new businesses serving alcohol with exceptions for bona fide restaurants.

The Project does not propose any land use restricted by this Sub-district at this time. Individual commercial tenants will be subject to the restrictions set forth at the time they seek entitlement.

- O. **Inclusionary Affordable Housing Program.** Planning Code Section 415 sets forth the requirements and procedures for the Inclusionary Affordable Housing Program. Under Planning Code Section 419 et. seq. these requirements would apply to projects that consist of five or more units, where the first application (EE or BPA) was applied for on or after July 18, 2006. Pursuant to Planning Code Section 419 et. seq. the Project is meeting the Inclusionary Affordable Housing Program requirement through the on-site Affordable Housing Alternative by providing 18% of the proposed dwelling units as affordable.

The Project Sponsor has demonstrated that it is eligible for the On-Site Affordable Housing Alternative under Planning Code Section 415.5 and 415.6, and has submitted a 'Affidavit of Compliance with the Inclusionary Affordable Housing Program: Planning Code Section 415,' to satisfy the requirements of the Inclusionary Affordable Housing Program by providing the affordable housing on-site instead of through payment of the Affordable Housing Fee. In order for the Project Sponsor to be eligible for the On-Site Affordable Housing Alternative, the

Project Sponsor must submit an 'Affidavit of Compliance with the Inclusionary Affordable Housing Program: Planning Code Section 415,' to the Planning Department stating that any affordable units designated as on-site units shall be sold as ownership units and will remain as ownership units for the life of the project. The Project Sponsor submitted such Affidavit on July 7, 2011. The EE application was submitted on December 20, 2008. 7 units (4 two-bedroom, and 0 three-bedroom) of the 40 units provided will be affordable units. If the Project becomes ineligible to meet its Inclusionary Affordable Housing Program obligation through the On-site Affordable Housing Alternative, it must pay the Affordable Housing Fee with interest, if applicable.

- P. **Eastern Neighborhoods Public Benefit Fund.** The Project Sponsor shall comply with the Eastern Neighborhoods Public Benefit Fund provisions of Planning Code Section 327 through payment of an Impact Fee to the Treasurer, the execution of a Waiver Agreement or In-Kind agreement approved as described per Planning Code Section 327 prior to the issuance by Department of Building Inspection of the first site or building permit for the development project.
9. **General Compliance with the Large Project Authorization in Eastern Neighborhoods Mixed Use District Objectives.** Planning Code Section 329(c) lists nine aspects of design review in which a project must comply; the Planning Commission finds that the project is compliant with these nine aspects as follows:

A. **Overall building massing and scale;**

The Project conforms to the applicable height and bulk requirements. As a corner location, the massing and scale are appropriate. There are other five-story buildings with commercial uses on the ground floor and residential uses on the upper floors located within a few blocks from the Subject Property. The corner of 15th and Mission Streets has a similar development with four residential floors above ground floor retail space. The Project is the appropriate mass and scale for high-density residential development in a neighborhood within close proximity to a major transportation access point – the 16th Street and Mission BART station. The community in the vicinity of the Project is evolving with development in the entire Eastern Neighborhoods Area Plans, and contains a range of building masses. The project, with residential and commercial uses, will be consistent with the evolving character of the area.

The Project will replace a vacant automobile service station with a new residential building with ground floor commercial space along South Van Ness Avenue and 15th Street. A defining trend in the area has been redevelopment and adaptive reuse of underutilized parcels to meet the increased demand for housing and service-based businesses. The project falls within this trend and thus will be compatible with its surroundings as it is an infill site that will not physically divide an established community. The proposed building will be approximately 58-feet in height. The building will fall within height restrictions set in the Planning Code and will be similar in scale to uses within a block of the project site.

B. Architectural treatments, facade design and building materials;

The proposed project is austere expression that is minimally detailed. Rather it relies on patterning of white and grey fiber cement panel siding to differentiate the base from upper floors as well as solid and void for its expression in space. There is little reveal depth at the window openings, which will contain aluminum framed windows. It does not have the traditional residential detailing of the surrounding residential buildings. However, the surrounding UMU and PDR-1-G districts contain a range of building types from industrial warehouse, brick, residential, and, commercial. The building is a modern, yet appropriate, urban interpretation that reflects the evolution of the urban fabric over time.

C. The design of lower floors, including building setback areas, commercial space, townhouses, entries, utilities, and the design and siting of rear yards, parking and loading access;

The ground floor character of the building is active and commercially oriented along South Van Ness Avenue and 15th Street. One residential entry along 15th Street is indicated by the architecture of the building via transparent entry next to the single ingress/egress, and signage. The Project's commercial space is located along 15th Street and South Van Ness Avenue with courtyards directly adjacent to the street frontage which is intended to make it a more active open space. The commercial space has 17 feet clear ceiling height at the ground floor. Curb cuts are minimized to one parking access point for the entire project along South Van Ness, which addresses the neighbor's desired preference to locate the driveway away from 15th Street. Street trees along all street frontages are proposed per the Planning Code. Outdoor open space will be provided by a roof deck and an inner courtyard in lieu of a rear yard. The ground floor spaces are pedestrian oriented.

D. The provision of required open space, both on- and off-site. In the case of off-site publicly accessible open space, the design, location, access, size, and equivalence in quality with that otherwise required on-site;

The Project provides adequate open space, all on-site. The open spaces are provided in the form of private decks and a large roof deck. The total open residential and commercial space provided exceeds the amount required.

F. Streetscape and other public improvements, including tree planting, street furniture, and lighting;

The Project proposes the installation of street trees along both frontages.

G. Circulation, including streets, alleys and mid-block pedestrian pathways;

The Project provides a single ingress/egress on South Van Ness Avenue and is not anticipated to create traffic problems. The Project will not significantly affect street circulation. It is located within 0.2 miles of the 16th Street BART Station, increasing the likelihood that residents of the Project will take public transportation. A fence along the southwest lot line of

the Property currently impedes anyone in the mid-block open space from accessing the street via the Property and the Project will be built up to the fence line. The Project will provide security and privacy to the mid-block open space. No alleys exist at or adjacent to the Property.

H. Bulk limits;

The Project site is located in an X Bulk District, which provides no bulk restrictions.

I. Other changes necessary to bring a project into conformance with any relevant design guidelines, Area Plan or Element of the General Plan.

The Project generally meets the Objectives and Policies of the General Plan and is compliant with the Mission Area Plan.

10. **Exceptions.** Proposed Planning Code Section 329 allows exceptions for Large Projects in the Eastern Neighborhoods Mixed Use Districts.

A. Planning Code Section 134 requires a minimum rear yard equal to 25 percent of the total lot depth beginning at the lowest story containing a dwelling unit. The subject property is a corner lot. Planning Code Section 329(d) allows an exception for the rear yard requirement pursuant to requirements of Planning Code Section 134(f).

1. Residential uses are included in the new or expanding development and a comparable amount of readily accessible usable open space is provided elsewhere on the lot:

The Project is occupied by residential uses, except for 8,222 ground floor commercial space, and a comparable amount of readily accessible open space is proposed. Per the Planning Code, the required rear yard should equal 25 percent of the lot area at the residential levels, which is approximately 3,531 square feet for this property. Private decks and the large roof deck combine to provide more than 4,000 square feet of usable open space. Courtyards at residential levels provided the interior equivalent of a rear yard.

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

The Project will occupy the northwestern corner of the block. The adjacent property to the south extends to the rear property line and is a blind wall. The adjacent property to the west has an existing light-well. The proposed building will be setback 12 inches for the entire length of the proposal along this property line, will have an eight foot wide light-well beginning at the first floor of residential occupancy, and the west wall will be painted with light reflective paint to address any impact to the adjacent property light-well. Although the building will cast shadow on private property, the Project will not significantly impede access to light and air to most properties in the area.

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

The adjacent building to the south of the Project provides no rear yard. The infill development of this corner lot would not impact the mid-block open space. However, the Project provides publicly accessible courtyards as well as two inner courtyards which function as open in lieu of a traditional rear yard.

- B. Planning Code Section 140 requires each dwelling unit in any use district to have at least one room of minimum dimensions face directly on an open area such as a public street, public alley, side yard at least 25 feet in width, code complying rear yard, an unobstructed open area that is no less than 25 feet in every horizontal dimension for the floor at which the dwelling unit in question is located and the floor immediately above it, with an increase of five feet in every horizontal dimension at each subsequent floor.

The proposed project has sixteen units on the southwest side of the building that do not meet The Code requirement. Twelve of the units have exposure to an inner court that is 20 by 33 feet wide at residential levels one through four. Although this inner court does not meet the 25 feet minimum dimension, and does not step back five feet at residential levels three and four, the provision of the court addresses the intent of this Code Section for these units.

Four of the units at the southwest corner of the building have two windows facing the property to the south with a five foot side setback and one window setback one foot from the west property line, facing the neighboring property's rear yard. The windows are located adjacent to parcel number 3553/047A which fronts on Capp Street. This property would not be allowed to develop to the rear lot line. Therefore, if the windows remain on this façade, the intent of this Code Section will have been met.

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

HOUSING

Objectives and Policies – 2009 Housing Element

Adequate Sites

OBJECTIVE 1:

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

POLICY 1.2

Focus housing growth and infrastructure-necessary to support growth according to community plans.

POLICY 1.4

Ensure community based planning processes are used to generate changes to land use controls.

POLICY 1.6

Consider greater flexibility in number and size of units within established building envelopes in community based planning processes, especially if it can increase the number of affordable units in multi-family structures.

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 is a residential with ground floor commercial development in an underutilized site in close proximity to transit to downtown. The Project site is an opportunity site that is currently a vacant automobile service station which significantly degrades the built and pedestrian environment that surrounds it. The area around the Project site was recently rezoned from C-M (Heavy Commercial) to UMU (Urban Mixed Use) as part of a long range planning goal to create a mixed use neighborhood that provides a higher ratio of family and affordable housing. The project provides 18% affordable units on site 60% two-bedroom units 20% one-bedroom units, 20% studio units which reflect the unit mix in the building.

RECREATION AND OPEN SPACE ELEMENT
Objectives and Policies

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 Project will create private outdoor open space in new residential development through private decks, a roof deck and courtyards. It will not cast shadows over any open spaces under the jurisdiction of the Recreation and Park Department.

TRANSPORTATION ELEMENT
Objectives and Policies

OBJECTIVE 24:

IMPROVE THE AMBIENCE OF THE PEDESTRIAN ENVIRONMENT.

Policy 24.2

Maintain and expand the planting of street trees and the infrastructure to support them.

Policy 24.3

Install pedestrian-serving street furniture where appropriate.

Policy 24.4

Preserve pedestrian-oriented building frontages.

The Project will install street trees at approximately 20 foot intervals along the site frontages on 15th Street and South Van Ness Avenue. Frontages are designed with active spaces oriented at the pedestrian level. The South Van Ness frontage has historically had curb cuts for this property. The property will maintain one of the curb cuts while closing the second on South Van Ness.

OBJECTIVE 28:

PROVIDE SECURE AND CONVENIENT PARKING FACILITIES FOR BICYCLES.

Policy 28.1

Provide secure bicycle parking in new governmental, commercial, and residential developments.

Policy 28.3

Provide parking facilities which are safe, secure, and convenient.

The Project includes 21 bicycle parking spaces in a secure, convenient location on the ground floor and basement level.

OBJECTIVE 34:

RELATE THE AMOUNT OF PARKING IN RESIDENTIAL AREAS 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.

Policy 34.3

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

Policy 34.5

Minimize the construction of new curb cuts in areas where on-street parking is in short supply and locate them in a manner such that they retain or minimally diminish the number of existing on-street parking spaces.

The project proposes 39 parking spaces, which is the maximum allowed. There is only one ingress/egress on South Van Ness Avenue.

URBAN DESIGN ELEMENT
Objectives and Policies

OBJECTIVE 4:

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

Policy 4.5

Design walkways and parking facilities to minimize danger to pedestrians.

Policy 4.13

Improve pedestrian areas by providing human scale and interest.

The ground floor character of the building is active and commercially oriented along South Van Ness Avenue and 15th Street. One residential entry along 15th Street is indicated by the architecture of the building via transparent entry and signage. The Project's commercial space is located along 15th Street and South Van Ness Avenue with courtyards directly adjacent to the street frontage which is intended to make it a more active open space. The commercial space has 17 feet clear ceiling height at the ground floor. Curb cuts are minimized to one parking access point on South Van Ness Avenue for the entire project. Street trees along all street frontages are proposed per the Planning Code. Outdoor open space will be provided by a roof deck and an inner courtyard in lieu of a rear yard.

ENVIRONMENTAL PROTECTION ELEMENT

Objectives and Policies

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 is replacing an automobile service station with a residential mixed use building. The Project provides a single ingress/egress on South Van Ness Avenue and is not anticipated to create traffic problems and will not significantly affect street circulation. Furthermore, it is located within 0.2 miles of the 16th Street BART Station, increasing the likelihood that residents of the Project will take public transportation.

OBJECTIVE 15:

INCREASE THE ENERGY EFFICIENCY OF TRANSPORTATION AND ENCOURAGE LAND USE PATTERNS AND METHODS OF TRANSPORTATION WHICH USE LESS ENERGY.

Policy 15.3

Encourage an urban design pattern that will minimize travel requirements among working, shopping, recreation, school and childcare areas.

The project is in close proximity to public transit, shopping, recreation facilities, a public school and many other amenities.

MISSION AREA PLAN

Objectives and Policies

Land Use

OBJECTIVE 1.2

IN AREAS OF THE MISSION WHERE HOUSING AND MIXED-USE IS ENCOURAGED, MAXIMIZE DEVELOPMENT POTENTIAL IN KEEPING WITH NEIGHBORHOOD CHARACTER

POLICY 1.2.2

For new construction, and as part of major expansion of existing buildings in neighborhood commercial districts, require ground floor commercial uses in new housing development. In other mixed-use districts encourage housing over commercial or PDR where appropriate.

POLICY 1.2.3

In general, where residential development is permitted, control residential density through building height and bulk guidelines and bedroom mix requirements.

The Project will add 40 residential units on a currently underutilized property. The ground floor will include commercial uses that will serve the area. The project meets all the applicable requirements.

Housing

OBJECTIVE 2.1

ENSURE THAT A SIGNIFICANT PERCENTAGE OF NEW HOUSING CREATED IN THE MISSION IS AFFORDABLE TO PEOPLE WITH A WIDE RANGE OF INCOMES

POLICY 2.1.3

Provide units that are affordable to households at moderate and “middle incomes” – working households earning above traditional below-market-rate thresholds but still well below what is needed to buy a market-priced home, with restrictions to ensure affordability continues.

OBJECTIVE 2.3

ENSURE THAT NEW RESIDENTIAL DEVELOPMENTS SATISFY AN ARRAY OF HOUSING NEEDS WITH RESPECT TO TENURE, UNIT MIX AND COMMUNITY SERVICES

POLICY 2.3.1

Target the provision of affordable units for families.

POLICY 2.3.3

Require that a significant number of units in new developments have two or more bedrooms, except Senior Housing and SRO developments unless all Below Market Rate units are two or more bedrooms.

The Project is a mixed-use residential with ground floor commercial development in an underutilized site in close proximity to transit to downtown. The Project site is an opportunity site that is currently a vacant automobile service station which significantly degrades the built and pedestrian environment that surrounds it. The area around the Project site was recently rezoned from C-M (Heavy Commercial) to UMU (Urban Mixed Use) as part of a long range planning goal to create a mixed use neighborhood that provides a higher ratio of family and affordable housing. The Project proposes 40 dwelling units on an in-fill site within an established mixed-use neighborhood that is well served by mass transit, thereby meeting the goals of providing housing near employment, transportation, and commercial/retail locations. The project provides 18% affordable housing units on site 60% two-bedroom units 20% one-bedroom units, 20% studio units.

12. **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 Project is consistent with this policy. The Property is currently unused and the Project would create 8222 square feet of retail space on its ground floor. This will significantly enhance the neighborhood-serving retail uses in the surrounding area, which currently has limited retail services and a substantial amount of parking and industrial uses. Increased retail space allows for increased employment and ownership opportunities for local residents.

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

The Project is consistent with this policy. The Project calls for the demolition of a vacant former gasoline station that has been unused for many years. Neither housing nor businesses will be removed as a result of the Project. Forty new dwelling units and 8,222 square feet of retail space will be created. This will help preserve the cultural and economic diversity of the neighborhood by giving residents more options for housing and more economic opportunities. By removing an unused and aesthetically unpleasing use from the neighborhood and creating new housing and economic opportunities, the Project will expand the positive aspects of the neighborhood while preserving its cultural and economic diversity.

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

The Project is consistent with this policy. The UMU district includes the highest levels of affordable housing requirements in the entire City of San Francisco, a requirement that 18% of onsite units be subsidized housing or "BMRs". The Project will create 40 new dwelling units and a majority of those units will consist of two-bedrooms – giving families more housing options fulfilling the intent of the UMU district outlined in Planning Code section 843 and included in Policy 1.6 of the Housing Element.

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

The Project is consistent with this policy. Residents or employees may use public transit and reduce the likelihood that commuter traffic will significantly increase. Locating housing units near public transit directly supports Policy 2.1 of the Transportation Element and Policy 1.0 of the Housing Element of the General Plan. In addition, the Project will not overburden the on-street neighborhood parking.

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

The Project is consistent with this policy. No industrial or service sector uses will be removed by the Project, and the Project does not propose any office development. The Project's new retail space will create employment opportunities for those in the surrounding neighborhood.

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

The Project is consistent with this policy. The Project will conform to the structural and seismic requirements of the San Francisco Building Code.

- G. That landmarks and historic buildings be preserved.

The gas station canopy is not a landmark or historically rated building and the Property is not located within a historic district and thus, the Project will have no impact on landmarks or historic buildings. On January 6, 2010 the Historic Preservation Commission reviewed the proposed project and concluded that the proposed project would not have a significant effect on the adjacent potential historic resource at 1523-1531 15th Street.

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

The Project will not affect the City's parks or open space or their access to sunlight and vistas. A The Property is not adjacent to any parks or public open space, and will therefore have no affect on access to sunlight or vistas.

13. The Project has completed the requirements of the First Source Hiring Construction and Employment Program approved by the First Source Hiring Administrator as they apply for permits for residential development (Section 83.4(m) of the Administrative Code). The Project Sponsor shall comply with the requirements of this Program regarding construction work and on-going employment required for the Project.
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 Large Project 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 Large Project Authorization Application No. 2008.1395X** under Planning Code Section 329 to allow the construction of a 58 foot high, five-story, 66,043 square foot, mixed-use building consisting of 40 residential units (8 studio, 8 one-bedroom, 24 two-bedroom) and approximately 8,222 square feet of ground-floor commercial use. The building would provide 39 off-street parking spaces at the basement level with access to the underground parking garage on South Van Ness Avenue. The project would provide approximately 3,187 square feet of common outdoor space and 2,917 square feet of private open space with an exceptions pursuant to Planning Code Sections 134 and 140 subject to the conditions of approval attached hereto as **Exhibit A** and in general conformance with plans filed with the plans as received on **November 9, 2011**, and stamped **Exhibit B**, which is incorporated herein by reference as though fully set forth.

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

APPEAL AND EFFECTIVE DATE OF MOTION: Any aggrieved person may appeal this Section 329 Determination of Compliance to the Board of Appeals within fifteen (15) days after the date of this Motion No. 18459. The effective date of this Motion shall be the date of this Motion if not appealed (After the 15-day period has expired) OR the date of the decision of the Board of Appeals if appealed to the Board of Appeals. For further information, please contact the Board of Appeals in person at 1660 Mission Street, (Room 304) or call 575-6880.

I hereby certify that the Planning Commission ADOPTED the foregoing Motion on

Linda D. Avery
Commission Secretary

AYES: Commissioners Antonini, Borden, Miguel, Moore, and Sugaya.

NAYS: Commissioners Fong and Olague

ABSENT: None

ADOPTED: October 6, 2011

EXHIBIT A

AUTHORIZATION

This authorization is adopting findings relating to Large Project Authorization pursuant to Section 329 of the Planning Code to allow a six-story, 58 feet tall mixed use building including up to 40 dwelling units, approximately 8,222 square feet of ground floor commercial space, and up to 39 parking spaces and 21 bicycle parking spaces in a basement level garage, and to: (1) allow exceptions to the rear yard requirements per Planning Code Sections 134 and 134(f); and (2) allow exceptions to dwelling unit exposure per Planning Code Section 140, within the UMU (urban mixed use) District, Mission Alcohol Special Use District, and an 58-X Height and Bulk District in general conformance with plan received November 9, 2011, and stamped "EXHIBIT B" included in the docket for Case No. **2008.1395X** and subject to conditions of approval reviewed and approved by the Commission on **October 6, 2011** under Motion No **18459**. 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 October 6, 2011 under Motion No 18459.

PRINTING OF CONDITIONS OF APPROVAL ON PLANS

The conditions of approval under the 'Exhibit A' of this Planning Commission Motion No 18459 shall be reproduced on the Index Sheet of construction plans submitted with the site or building permit application for the Project. The Index Sheet of the construction plans shall reference to the Conditional Use authorization and any subsequent amendments or modifications.

SEVERABILITY

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

CHANGES AND MODIFICATIONS

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

Conditions of approval, Compliance, Monitoring, and Reporting

PERFORMANCE

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

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

2. **Extension.** This authorization may be extended at the discretion of the Zoning Administrator only where failure to issue a permit by the Department of Building Inspection to 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

DESIGN – COMPLIANCE AT PLAN STAGE

3. **Final Materials.** The Project Sponsor shall continue to work with Planning Department on the building design including details for a building cap or finish to the top of the building. 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

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

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

5. **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:
- i. 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;
 - ii. On-site, in a driveway, underground;
 - iii. On-site, above ground, screened from view, other than a ground floor façade facing a public right-of-way;
 - iv. 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;
 - v. Public right-of-way, underground; and based on Better Streets Plan guidelines;
 - vi. Public right-of-way, above ground, screened from view; and based on Better Streets Plan guidelines;
 - vii. On-site, in a ground floor façade (the least desirable location).

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

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

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

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

7. **Landscaping.** Pursuant to Planning Code Section 132, the Project Sponsor shall submit a site plan to the Planning Department prior to Planning approval of the building permit application indicating that 50% of the front setback areas shall be surfaced in permeable

materials and further, that 20% of the front setback areas shall be landscaped with approved plant species. The size and specie of plant materials and the nature of the permeable surface shall be as approved by the Department of Public Works.

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

PARKING AND TRAFFIC

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

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

9. **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

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

For information about compliance, contact the First Source Hiring Manager at 415-401-4960, www.onestopSF.org

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

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

12. **Eastern Neighborhoods Affordable Housing Requirements for UMU.** Pursuant to Planning Code Section 419.3 (formerly 319.3), Project Sponsor shall meet the requirements set forth in Planning Code Section 419.3 in addition to the requirements set forth in the Affordable Housing Program, per Planning Code Section 415. Prior to issuance of first construction document, the Project Sponsor shall select one of the options described in Section 419.3 or the alternatives described in Planning Code Section 419.5 to fulfill the affordable housing requirements and notify the Department of their choice. Any fee required by Section 419 et seq. shall be paid to the Development Fee Collection Unit at DBI prior to issuance of the first construction document an option for the project sponsor to defer payment to prior to issuance of the first certificate of occupancy upon agreeing to pay a deferral surcharge in accordance with Section 107A.13.3 of the San Francisco Building Code.

13. **Number of Required Units.** Pursuant to Planning Code Section 419 et. seq., the Project is required to provide 18% of the proposed dwelling units as affordable to qualifying households. The Project contains 40 units; therefore, 7 affordable units are required. The Project Sponsor will fulfill this requirement by providing the 7 affordable units on-site. If the number of market-rate units change, the number of required affordable units shall be modified accordingly with written approval from Planning Department staff in consultation with the Mayor's Office of Housing ("MOH").

For information about compliance, contact the Case Planner, Planning Department at 415-558-6378, www.sf-planning.org or the Mayor's Office of Housing at 415-701-5500, <http://sf-moh.org/index.aspx?page=321>

1. **Unit Mix.** The Project contains 8 studios, 8 one-bedroom, and 24 two-bedroom units; therefore, the required affordable unit mix is 1 studios, 1 one-bedroom and 5 two-bedroom units. If the market-rate unit mix changes, the affordable unit mix will be modified accordingly with written approval from Planning Department staff in consultation with MOH.

For information about compliance, contact the Case Planner, Planning Department at 415-558-6378, www.sf-planning.org or the Mayor's Office of Housing at 415-701-5500, <http://sf-moh.org/index.aspx?page=321>

2. **Unit Location.** The affordable units shall be designated on a reduced set of plans recorded as a Notice of Special Restrictions on the property prior to the issuance of the first construction permit.

For information about compliance, contact the Case Planner, Planning Department at 415-558-6378, www.sf-planning.org or the Mayor's Office of Housing at 415-701-5500, <http://sf-moh.org/index.aspx?page=321>

3. **Phasing.** If any building permit is issued for partial phasing of the Project, the Project Sponsor shall have designated not less than eighteen percent (18%) of the each phase's total number of dwelling units as on-site affordable units.

For information about compliance, contact the Case Planner, Planning Department at 415-558-6378, www.sf-planning.org or the Mayor's Office of Housing at 415-701-5500, <http://sf-moh.org/index.aspx?page=321>

4. **Duration.** Under Planning Code Section 415.8, all units constructed pursuant to Section 415.6, must remain affordable to qualifying households for the life of the project.

For information about compliance, contact the Case Planner, Planning Department at 415-558-6378, www.sf-planning.org or the Mayor's Office of Housing at 415-701-5500, <http://sf-moh.org/index.aspx?page=321>

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

<http://sf-planning.org/Modules/ShowDocument.aspx?documentid=4451>. As provided in the Inclusionary Affordable Housing Program, the applicable Procedures Manual is the manual in effect at the time the subject units are made available for sale.

For information about compliance, contact the Case Planner, Planning Department at 415-558-6378, www.sf-planning.org or the Mayor's Office of Housing at 415-701-5500, <http://sf-moh.org/index.aspx?page=321>

- a. The affordable unit(s) shall be designated on the building plans prior to the issuance of the first construction permit by the Department of Building Inspection ("DBI"). The affordable unit(s) shall (1) reflect the unit size mix in number of bedrooms of the market rate units, (2) be constructed, completed, ready for occupancy and marketed no later than the market rate units, and (3) be evenly distributed throughout the building; and (4) be of comparable overall quality, construction and exterior appearance as the market rate units in the principal project. The interior features in affordable units should be generally the same as those of the market units in the principal project, but need not be the same make, model or type of such item as long they are of good and new quality and are consistent with then-current standards for new housing. Other specific standards for on-site units are outlined in the Procedures Manual.

- b. If the units in the building are offered for sale, the affordable unit(s) shall be sold to first time home buyer households, as defined in the Procedures Manual, whose gross annual income, adjusted for household size, does not exceed an average of one hundred (100) percent of the median income for the City and County of San Francisco as defined in the Inclusionary Affordable Housing Program, an amount that translates to ninety (90) percent of Area Median Income under the income table called "Maximum Income by Household Size" derived from the Unadjusted Area Median Income for HUD Metro Fair Market Rent Area that contains San Francisco. The initial sales price of such units shall be calculated according to the Procedures Manual. Limitations on (i) reselling; (ii) renting; (iii) recouping capital improvements; (iv) refinancing; and (v) procedures for inheritance apply and are set forth in the Inclusionary Affordable Housing Program and the Procedures Manual.
- c. The Project Sponsor is responsible for following the marketing, reporting, and monitoring requirements and procedures as set forth in the Procedures Manual. MOH shall be responsible for overseeing and monitoring the marketing of affordable units. The Project Sponsor must contact MOH at least six months prior to the beginning of marketing for any unit in the building.
- d. Required parking spaces shall be made available to initial buyers or renters of affordable units according to the Procedures Manual.
- e. Prior to the issuance of the first construction permit by DBI for the Project, the Project Sponsor shall record a Notice of Special Restriction on the property that contains these conditions of approval and a reduced set of plans that identify the affordable units satisfying the requirements of this approval. The Project Sponsor shall promptly provide a copy of the recorded Notice of Special Restriction to the Department and to MOH or its successor.
- f. The Project Sponsor has demonstrated that it is eligible for the On-site Affordable Housing Alternative under Planning Code Section 415.6 instead of payment of the Affordable Housing Fee, and has submitted the *Affidavit of Compliance with the Inclusionary Affordable Housing Program: Planning Code Section 415* to the Planning Department stating that any affordable units designated as on-site units shall be sold as ownership units and will remain as ownership units for the life of the Project.
- g. If the Project Sponsor fails to comply with the Inclusionary Affordable Housing Program requirement, the Director of DBI shall deny any and all site or building permits or certificates of occupancy for the development project until the Planning Department notifies the Director of compliance. A Project Sponsor's failure to comply with the requirements of Planning Code Section 415 et seq. shall constitute cause for the City to record a lien against the development project and to pursue any and all available remedies at law.

- h. If the Project becomes ineligible at any time for the On-site Affordable Housing Alternative, the Project Sponsor or its successor shall pay the Affordable Housing Fee prior to issuance of the first construction permit or may seek a fee deferral as permitted under Ordinances 0107-10 and 0108-10. If the Project becomes ineligible after issuance of its first construction permit, the Project Sponsor shall notify the Department and MOH and pay interest on the Affordable Housing Fee at a rate equal to the Development Fee Deferral Surcharge Rate in Section 107A.13.3.2 of the San Francisco Building Code and penalties, if applicable.
15. **Eastern Neighborhoods Infrastructure Impact Fee.** Pursuant to Planning Code Section 423 (formerly 327), the Project Sponsor shall comply with the Eastern Neighborhoods Public Benefit Fund provisions through payment of an Impact Fee pursuant to Article 4.
For information about compliance, contact the Case Planner, Planning Department at 415-558-6378, www.sf-planning.org
16. **Eastern Neighborhoods Payment in case of variance or exception.** Pursuant to Planning Code Section 427 [formerly Section 135 (j)], in the Eastern Neighborhoods Mixed Use Districts, should a Variance from usable open space requirements for residential uses be granted by the Zoning Administrator, or an exception be granted for those projects subject to the Section 329 process, the Project Sponsor shall pay a fee in accordance with Article 4.
For information about compliance, contact the Case Planner, Planning Department at 415-558-6378, www.sf-planning.org

MONITORING - AFTER ENTITLEMENT

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

OPERATION

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

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

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

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

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

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