



SAN FRANCISCO PLANNING DEPARTMENT

Subject to: (Select only if applicable)

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

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Planning Commission Motion No. 18968

HEARING DATE: SEPTEMBER 19, 2013

(Continued from August 1, 2013)

Date: July 24, 2013
Case No.: **2011.0924C**
Project Address: **2419, 2421, 2435 LOMBARD STREET**
Zoning: NC-3 (Neighborhood Commercial, Moderate-Scale)
40-X Height and Bulk District
Block/Lot: 0937/028, 029, 030
Project Sponsors: KB Design & Consulting
Ben Wong
407 Cabot Road
South San Francisco, CA 94080

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ADOPTING FINDINGS RELATING TO THE APPROVAL OF CONDITIONAL USE AUTHORIZATION PURSUANT TO PLANNING CODE SECTIONS 712.39, 303 and 317 REQUIRING CONDITIONAL USE AUTHORIZATION FOR THE DEMOLITION OF TWO DWELLING UNITS AT THE SECOND FLOOR OF A MIXED-USE BUILDING WITHIN THE NC-3 (NEIGHBORHOOD COMMERCIAL, MODERATE SCALE) DISTRICT AND AN 40-X HEIGHT AND BULK DISTRICT AND ADOPTING FINDINGS UNDER THE CALIFORNIA ENVIRONMENTAL QUALITY ACT. THE SPONSOR HAS REQUESTED A PARKING REDUCTION PER PLANNING CODE SECTION 161(J) TO ELIMINATE TWO PARKING SPACES FROM THE PROPOSAL.

PREAMBLE

On July 7, 2012, Ben Wong of KB Design and Consulting (Project Architect) for Kins, LLC (Project Sponsor) filed an application with the Planning Department (hereinafter “Department”) for Conditional Use Authorization under Planning Code Sections 712.39, 303 and 317 to demolish a mixed-use building containing ground-floor commercial space and two dwelling units on the second floor at **2419, 2421, 2435 LOMBARD STREET** within an NC-3 (Neighborhood Commercial, Moderate-Scale), 40-X Height and Bulk District.

On August 1, 2013, the San Francisco Planning Commission (hereinafter "Commission") conducted a duly noticed public hearing at a regularly scheduled meeting on Conditional Use Application No. 2011.0924C. At the hearing the item was continued to September 19, 2013 in order for the sponsor to work with the Department to improve the building's design and address questions and comments presented by the Commission and members of the community.

On September 19, 2013 the San Francisco Planning Commission (hereinafter "Commission") conducted a second public hearing at a regularly scheduled meeting on Conditional Use Application No. 2011.0924C.

On June 24, 2013 the Project was determined to be exempt from the California Environmental Quality Act ("CEQA") as a Class 32 Categorical Exemption under CEQA as described in the determination contained in the Planning Department files for this Project;

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. 2011.0924C, 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. **Project Description.** The proposal is to demolish the existing one-to-two story mixed-use buildings containing two vacant dwelling units and commercial space that is partially occupied, and construct a replacement building containing 11 dwelling units, ground floor commercial space and off-street parking.

The site is located on the south side of Lombard Street (aka US Highway 101), between Scott Street and Divisadero Street, in the Marina neighborhood. The site consists of three lots occupied by a series of connected wood frame buildings: a one-story commercial use building (lot 028, 2,656 square-feet), a two-story commercial building with two residential units of approximately 1,100 square feet each (lot 029, 2,656 square-feet) and a one-story-over-basement commercial building (lot 030, 1,555 square-feet). A parking lot of approximately 500 square feet is located on the west side of the site fronting, and visible from, Lombard Street. The property does not provide any Code-compliant residential open space and one unit does not comply with the exposure requirement. A commercial tenant (dba Uptons Catering) currently occupies the commercial kitchen and uses the parking lot for loading and unloading. The tenant has occupied the premises for approximately 20 years and is on a month-to-month lease.

The proposal is to merge the three contiguous lots, demolish the existing buildings and construct a four-story, 40-foot tall building containing 11 dwelling units, approximately 1,700 square feet of residential open space, nine off-street parking spaces, six Class 1 bicycle storage spaces, approximately 900 square feet of ground-floor commercial space and will incorporate the existing basement. The proposed unit mix includes 10 two-bedroom units of approximately 1,000 square feet, and a one-bedroom unit of approximately 500 square feet. The sponsor has elected to pay an in-lieu fee to comply with Planning Code Section 317, the Inclusionary Affordable Housing Requirement. The project is subject to the Transit Impact Development Fee (TIDF) as the 900 square feet of commercial space would be newly constructed and the use will change from Production/Distribution/Repair (the current commercial space is used as a commercial kitchen) to Retail, a change of use category under the TIDF program. The sponsor sought a parking reduction from 11 off-street spaces to nine, pursuant to Planning Code Sections 161 and 307, which the Zoning Administrator administratively approved July 22, 2013.

3. **Site Description and Present Use.** The project site is located on the south side of Lombard Street between Divisadero and Scott Streets, Lots 028, 029 and 030 in Assessor's Block 0937 in the Marina neighborhood. The project site is within an NC-3 (Neighborhood Commercial, Moderate-Scale) and a 40-X Height and Bulk district. The project site contains three lots, the eastern lot is approximately 89 feet deep and the remaining two lots are approximately 106 feet deep. Lot 030 is approximately 23 feet wide containing approximately 2,000 square feet. Lots 028 and 029 are 25 feet wide each, and each are approximately 2,600 square feet. The project site currently contains one building that was created through modifications that connected the three original buildings on the three individual lots. The easterly portion of the building is one-story with a commercial space and basement, the middle portion of the building is two stories with two dwelling units on the second floor and ground-floor commercial space, and the westernmost portion is one story with a commercial space.
4. **Surrounding Properties and Neighborhood.** The project site is located mid-block and flanked by a two-story building to the east and three-story building to the west. The adjacent building to the east is a two-story building containing two dwelling units and ground-floor commercial space. The adjacent lot to the west contains two buildings. The front building contains 15 dwelling units and ground-floor commercial space, and the rear building contains off-street parking. The buildings on the block-face are generally two to three stories in height. The majority of buildings on the block-face are mixed-use with dwelling units above ground-floor commercial uses. A gas station, vacant commercial space and motel are located across Lombard Street and to the west of the project site.
5. **Planning Code Compliance:** The Commission finds that the Project is consistent with the relevant provisions of the Planning Code in the following manner:
 - A. **Residential Demolition – Section 317:** Pursuant to Planning Code Section 317, Conditional Use Authorization is required for applications proposing to remove residential units at the second floor and above in the NC-3 District. This Code Section establishes a checklist of criteria that delineate the relevant General Plan Policies and Objectives.

As the project requires Conditional Use Authorization per the requirements of Sections 712.39 and 317, the additional criteria specified under Section 317 have been incorporated as findings a part of this Motion. See Item 8. "Additional Findings pursuant to Section 317" below.

- B. **Lot Size.** Planning Code Section 712.11 permits as-of-right a lot size of up to 9,999 square feet.

When the three existing, and subject, lots are combined, the total square footage of the new lot would be approximately 6,900 square feet.

- C. **Residential Density.** Planning Code Section 712.91 permits a density ratio of 1 dwelling unit for each 600 square feet of lot area.

At approximately 6,900 square feet of lot area, 11 dwelling units are permitted on the proposed single lot.

- D. **Rear Yard Requirement.** Planning Code Section 134 requires, in NC-3 Districts, a rear yard measuring 25 percent of the total lot depth at residential levels.

The Project proposes an approximately 26-foot rear yard for the portion of the proposed lot with a depth of approximately 106 feet, and an approximately 17-foot rear yard for the proposed portion of the lot with a depth of approximately 69 feet.

- E. **Parking.** Planning Code Section 151 requires one parking space for each dwelling unit.

The Project proposes nine off-street parking spaces for the 11 dwelling units. On July 22, 2013, the Zoning Administrator administratively approved a parking reduction per Planning Code Section 161(j) to eliminate two parking spaces from the proposal.

- F. **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 Project is located in a 40-X Height and Bulk District, with a 40-foot height limit.

The project proposes one replacement building of 40 feet in height. Stair, elevator and mechanical penthouses will reach above the roof height.

- G. **Open Space.** Planning Code Section 134 requires 1,166 square feet of common open space for the 11 proposed dwelling units.

Plans submitted for the proposal indicate that a rear deck located at the first residential level above the ground floor would contain approximately 1,700 square feet of open space.

- H. **Street Trees.** Planning Code Section 138.1 requires one tree of 24-inch box size for each 20 feet of frontage of the property along each street or alley.

The site fronts Lombard Street for a distance of 73 feet, and the project proposes four street trees within the sidewalk in front of the proposed building.

- I. **Inclusionary Affordable Housing Program.** Planning Code Section 415 sets forth the requirements and procedures for the Inclusionary Affordable Housing Program. Under Planning Code Section 415.3, the current percentage requirements apply to projects that consist of ten or more units, where the first application (Environmental Evaluation or Building Permit Application) was applied for on or after July 18, 2006. Pursuant to Planning Code Section 415.5, the Project must pay the Affordable Housing Fee ("Fee"). This Fee is made payable to the Department of Building Inspection ("DBI") for use by the Mayor's Office of Housing for the purpose of increasing affordable housing citywide.

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

6. **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 use and size of the proposed project is compatible with the immediate neighborhood. While the project proposes demolition of two existing dwelling units, the replacement building would provide 11 new dwelling units constructed to contemporary standards in terms of life/safety, unit layout, parking, dwelling unit exposure and open space. The replacement building is similar in height to the surrounding buildings and is consistent with density requirements of the NC-3 District. The replacement building is designed to be in keeping with the existing development pattern and the neighborhood character through a defined base, consistent window pattern and strong vertical elements.

- B. The proposed project will not be detrimental to the health, safety, convenience or general welfare of persons residing or working in the vicinity. There are no features of the project that could be detrimental to the health, safety or convenience of those residing or working the area, in that:

- i. Nature of proposed site, including its size and shape, and the proposed size, shape and arrangement of structures;

The Project is designed to be compatible with the surrounding neighborhood. Visually, the structure on the three separate lots currently read as one development, as does the proposed building. The existing building(s) generally extend to the rear lot line, which the proposed building does as well. Upper floors of the proposed building are set back slightly more than the Code requires. Lightwells have been incorporated to address light and air of immediately adjacent buildings.

- ii. The accessibility and traffic patterns for persons and vehicles, the type and volume of such traffic, and the adequacy of proposed off-street parking and loading;

The Planning Code requires 11 parking spaces for the replacement building. Nine have been provided and the Zoning Administrator administratively approved a parking reduction per Planning Code Section 161(j) to eliminate two parking spaces from the proposal on July 22, 2013.

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

The proposed project is primarily residential in nature with approximately 900 square feet of commercial space. With the residential density and commercial intensity the uses are not considered to have the potential to produce noxious or offensive emissions.

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

Although designed in a contemporary aesthetic, the façade treatment and materials of the replacement building have been appropriately selected to be harmonious with the existing surrounding neighborhood.

- 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 NC-3 District.

The proposed project is consistent with the stated purpose of the NC-3 Districts.

7. **Additional Findings pursuant to Section 317** establishes criteria for the Planning Commission to consider when reviewing applications to demolish or convert Residential Buildings. On balance, the Project does comply with said criteria in that:

- i. Whether the Project Sponsor has demonstrated that the residential structure is unsound, where *soundness* is an economic measure of the feasibility of upgrading a residence that is deficient with respect to habitability and Housing Code requirements, due to its original construction. The *soundness factor* for a structure shall be the ratio of a construction upgrade to the replacement cost, expressed as a percent. A building is unsound if its soundness factor exceeds 50-percent. A residential building that is unsound may be approved for demolition.

Project does not meet criterion.

The Project Sponsor has not submitted a soundness report.

- ii. Whether the property is free of a history of serious, continuing code violations;

Project meets criterion.

A review of the Department of Building Inspection and the Planning Department databases showed no current enforcement cases or notices of violation for the subject property. The property owner has been cited in the past for a general advertising sign and a change of use without a building permit application and neighborhood notification. Both of these citations have been resolved and are closed.

- iii. Whether the housing has been maintained in a decent, safe, and sanitary condition;

Project meets criterion.

The structure appears to be in decent condition, although layout deficiencies are evident on the plans.

- iv. Whether the property is an "historic resource" under CEQA;

Project meets criterion.

Although the existing structure(s) are more than 50 years old, a review of the supplemental information resulted in a determination that the structure(s) are not historical resources.

- v. Whether the removal of the resource will have a substantial adverse impact under CEQA;

Project meets criterion.

Not applicable. The structure(s) are not historical resources.

- vi. Whether the Project converts rental housing to other forms of tenure or occupancy;

Criterion not applicable

The Project proposes to demolish the existing dwelling units and create 11 new dwelling units for a total of nine net new dwelling units contributing to the city's housing stock.

- vii. Whether the Project removes rental units subject to the Rent Stabilization and Arbitration Ordinance;

Project does not meet criterion.

The proposal will remove two rent controlled units, but will add nine new units to the city's housing stock and the developer will pay an in-lieu fee to support new affordable housing.

- viii. Whether the Project conserves existing housing to preserve cultural and economic neighborhood diversity;

Project meets criterion.

Although the Project proposes demolition of two units, the proposed building will create 11 new units with improved layout, quality and amenities.

- ix. Whether the Project conserves neighborhood character to preserve neighborhood cultural and economic diversity;

Project meets criterion.

The existing building is out of character with the neighborhood as it does not visually contribute to the neighborhood, provides an awkward interior layout that is not conducive to a neighborhood-serving commercial space, the residential entries are set back from the street frontage and not visible from the street and off-street parking is visible from the street. The proposed building visually fills in the block face and creates a strong street frontage with ground-floor commercial space that is visible from the street, a prominent residential entry, and off-street parking that is screened from view. Through these gestures the proposed development contributes more to the neighborhood character than the existing development.

- x. Whether the Project protects the relative affordability of existing housing;

Project does not meet criterion.

The Project does not protect the relative affordability of existing housing, as the project proposes demolition of the existing building and construction of a new building. However, it should be taken into consideration that the existing units have not been occupied for a number of years, that the proposed structure offers a variety of unit sizes and increases the number of units in the City's housing stock by nine, and that the sponsor will comply with Planning Code Section 415 by contributing a fee for the development of new affordable housing.

- xi. Whether the Project increases the number of permanently affordable units as governed by Section 415;

Project meets criterion.

The Project will pay a fee to support the development of new affordable housing.

- xii. Whether the Project locates in-fill housing on appropriate sites in established neighborhoods;

Project meets criterion.

The Project has been designed to be in keeping with the scale and development pattern of the established neighborhood character. The base is well defined, strong vertical elements have been incorporated and the window pattern is consistent between building elements. The rear of the upper floors would be set back from the rear property line to retain the mid-block open space.

- xiii. Whether the Project creates quality, new family housing;

Project meets criterion.

The Project proposes 10 two-bedroom units of approximately 1,000 square feet and a one-bedroom unit of approximately 500 square feet.

- xiv. Whether the Project creates new supportive housing;

Project does not meet criterion.

The Project does not propose supportive housing.

- xv. Whether the Project promotes construction of well-designed housing to enhance existing neighborhood character;

Project meets criterion.

The overall scale, design, and materials of the proposed building is consistent with the block-face and compliments the neighborhood character with a contemporary design. The building base is well defined, which is consistent with other mixed-use buildings in the neighborhood. The building is divided into three vertical segments to bring a sense of verticality to the building. The proposed window systems are organized in a systematic manner that is cohesive along the building's façade.

- xvi. Whether the Project increases the number of on-site dwelling units;

Project meets criterion.

The Project would create a total of 11 new dwelling units, nine more than currently exist on the site.

- xvii. Whether the Project increases the number of on-site bedrooms.

Project meets criterion.

The existing building contains 4 bedrooms and the proposed building would contain 21 bedrooms, an increase of 17.

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

HOUSING ELEMENT

OBJECTIVE 2:

RETAIN EXISTING HOUSING UNITS, AND PROMOTE SAFETY AND MAINTENANCE STANDARDS, WITHOUT JEOPARDIZING AFFORDABILITY.

Policy 2.1:

Discourage the demolition of sound existing housing, unless the demolition results in a net increase in affordable housing.

While the project proposes demolition of two dwelling units, the sponsor will contribute to the development of affordable housing through payment of a fee. The housing developed through payment of the fee will be of higher quality, and provide better amenities than the existing units.

URBAN DESIGN

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 1.3:

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

The project proposes a development that will strengthen the street wall through design and height. At 40 feet tall, the proposed building height will be more consistent with the prevailing building heights in the neighborhood, will introduce a strong base that is differentiated from upper building floors, and will bring an improved aesthetic to the neighborhood.

OBJECTIVE 2:

CONSERVATION OF RESOURCES WHICH PROVIDE A SENSE OF NATURE, CONTINUITY WITH THE PAST, AND FREEDOM FROM OVERCROWDING.

Policy 2.6:

Respect the character of older development nearby in the design of new buildings.

The massing of the replacement building has been designed to be compatible with the prevailing street wall height. Although interpreted in a contemporary architectural style, the proposed building vertical elements and exterior materials have been selected to be compatible with the immediate neighborhood character.

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

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

Existing neighborhood-serving retail uses would not be displaced or otherwise adversely affected by the proposal. A portion of the site has been leased to a commercial kitchen for approximately 20 years. This use is considered a Catering Service per Planning Code Section 222(g) or a Home & Business Service per Planning Code Section 890.25. Neither of these uses are considered to be neighborhood-serving retail uses.

The new units in the replacement building would house more individuals to patronize existing, and future, neighborhood-serving retail uses.

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

While the existing housing is proposed to be demolished, the replacement building will increase the number of dwelling units and should improve the cultural and economic diversity of the neighborhood by accommodating new residents who will patronize commercial establishments in the area. The proposed commercial space is much improved as it will be more visible from the street through the number and size of windows.

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

While the affordability of the existing units is not preserved since they are proposed to be demolished, the sponsor will contribute to the development of affordable housing through payment of an in-lieu fee, and the project will increase the number of dwelling units in the City's housing stock by nine.

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

The Project would not have a significant adverse affect on automobile traffic congestion or create parking problems in the neighborhood. By providing 9 off-street parking spaces for 11 dwelling units, the project creates a balance between the desire for off-street parking by residents, and supporting the City's transit first policies.

- 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 proposal is to construct a new mixed-use building containing approximately 900 square feet of vacant space to be occupied by a use that complies with the Planning Code. At the time of approval, the proposal does not include commercial office development. The vacant space will create an opportunity for resident employment and ownership in sectors permitted by the Planning Code.

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

The replacement structure would be built in compliance with San Francisco's current Building Code Standards and would meet all earthquake safety requirements.

- G. That landmarks and historic buildings be preserved.

Landmark or historic buildings do not occupy the Project site.

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

The project will have no negative effect on existing parks and open spaces. The project does not exceed the 40-foot height limit, and is thus not subject to the requirements of Planning Code Section 295 – Height Restrictions on Structures Shadowing Property Under the Jurisdiction of the Recreation and Park Commission. The height of the proposed structures is compatible with the established neighborhood development.

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

DECISION

That based upon the Record, the submissions by the Applicant, the staff of the Department and other interested parties, the oral testimony presented to this Commission at the public hearings, and all other written materials submitted by all parties, the Commission hereby **APPROVES Conditional Use Application No. 2011.0924C** subject to the following conditions attached hereto as "EXHIBIT A" 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. 18968. 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 September 19, 2013.

Jonas P. Ionin
Acting Commission Secretary

AYES: Fong, Wu., Moore, Sugaya, Antonini, Hillis, Borden
NAYS: 0
ABSENT: 0
RECUSED: 0
ADOPTED: September 19, 2013

EXHIBIT A

AUTHORIZATION

This authorization is for a conditional use to allow demolition of a mixed-use building containing ground-floor commercial space and two dwelling units on the second floor located at 2419, 2421, 2435 LOMBARD STREET, Block 0937, and Lots 028, 029, 030 pursuant to Planning Code Sections **712.39, 303 and 317** within the **NC-3 (Neighborhood Commercial, Moderate-Scale)** District and a **40-X Height and Bulk District**; in general conformance with plans, dated **September 18, 2013**, and stamped "EXHIBIT B" included in the docket for Case No. **2011.0924C** and subject to conditions of approval reviewed and approved by the Commission on **September 19, 2013** under Motion No **18968**. 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 **September 19, 2013** under Motion No **18968**.

PRINTING OF CONDITIONS OF APPROVAL ON PLANS

The conditions of approval under the 'Exhibit A' of this Planning Commission Motion No. **18968** shall be reproduced on the Index Sheet of construction plans submitted with the Site or Building permit application for the Project. The Index Sheet of the construction plans shall reference to the Conditional Use authorization and any subsequent amendments or modifications.

SEVERABILITY

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

CHANGES AND MODIFICATIONS

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

Conditions of Approval, Compliance, Monitoring, and Reporting PERFORMANCE

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

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

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

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

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

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

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

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

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

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

DESIGN

6. **Final Materials.** The Project Sponsor shall continue to work with Planning Department on the

building design. Final materials, glazing, color, texture, landscaping, and detailing shall be subject to Department staff review and approval. The architectural addenda shall be reviewed and approved by the Planning Department prior to issuance.

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

7. **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

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

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

9. **Transformer Vault.** The sponsor has indicated that the transformer vaults can be located below the sidewalk or within the basement of the building.

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 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>

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

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

PARKING AND TRAFFIC

11. **Parking Requirement.** Pursuant to Planning Code Section 151 and the Parking Reeducation Request approved by the Zoning Administrator on July 22, 2013, the Project shall provide 9 independently accessible off-street parking spaces.

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

12. **Bicycle Parking.** The Project shall provide no fewer than 6 Class 1 bicycle parking spaces as required by Planning Code Sections 155.1 and 155.5.

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

13. **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

Inclusionary Affordable Housing Program

14. **Requirement.** Pursuant to Planning Code 415.5, the Project Sponsor must pay an Affordable Housing Fee at a rate equivalent to the applicable percentage of the number of units in an off-site project

needed to satisfy the Inclusionary Affordable Housing Program Requirement for the principal project. The applicable percentage for this project is twenty percent (20%).

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

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

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

- a. The Project Sponsor must pay the Fee in full sum to the Development Fee Collection Unit at the DBI for use by MOH prior to the issuance of the first construction document, with an option for the Project Sponsor to defer a portion of the payment prior to issuance of the first certificate of occupancy upon agreeing to pay a deferral surcharge that would be deposited into the Citywide Inclusionary Affordable Housing Fund in accordance with Section 107A.13.3 of the San Francisco Building Code.
- b. Prior to the issuance of the first construction permit by the DBI for the Project, the Project Sponsor shall record a Notice of Special Restriction on the property that records a copy of this approval. The Project Sponsor shall promptly provide a copy of the recorded Notice of Special Restriction to the Department and to MOH or its successor.
- c. If project applicant fails to comply with the Inclusionary Affordable Housing Program requirement, the Director of DBI shall deny any and all site or building permits or certificates of occupancy for the development project until the Planning Department notifies the Director of compliance. A Project Sponsor's failure to comply with the requirements of Planning Code Sections 415 et seq. shall constitute cause for the City to record a lien against the development project and to pursue any and all other remedies at law.

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

For information about compliance, contact the First Source Hiring Manager at 415-581-2335, www.onestopSF.org

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

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

MONITORING

18. **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

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

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

OPERATION

20. **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/>*

21. **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

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

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

23. **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