



SAN FRANCISCO PLANNING DEPARTMENT

Subject to: (Select only if applicable)

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

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Planning Commission Motion No. 19930

HEARING DATE: JUNE 1, 2017

Case No.: 2015-014040CUAVAR
 Project Address: 2301 LOMBARD STREET
 Zoning: NC-3 (Neighborhood Commercial, Moderate Scale)
 40-X Height and Bulk District
 Block/Lot: 0512/031
 Project Sponsor: Brett Leon
 DM Development
 448 Linden Street
 San Francisco, CA 94102
 Staff Contact: Laura Ajello – (415) 575-9142 or laura.ajello@sfgov.org

ADOPTING FINDINGS RELATING TO THE APPROVAL OF CONDITIONAL USE AUTHORIZATION PURSUANT TO SECTIONS 121.1 AND 303 OF THE PLANNING CODE TO ALLOW CONSTRUCTION OF A FOUR-STORY MIXED-USE BUILDING CONTAINING 22 DWELLING UNITS, APPROXIMATELY 2,600 SQUARE FEET OF COMMERCIAL SPACE AND 22 RESIDENTIAL PARKING SPACES ON A LOT SIZE IN EXCESS OF 10,000 SQUARE FEET, WITHIN THE NC-3 (NEIGHBORHOOD COMMERCIAL, MODERATE SCALE) DISTRICT AND A 40-X HEIGHT AND BULK DISTRICT.

PREAMBLE

On October 16, 2016 DM Development (hereinafter "Project Sponsor") filed an application with the Planning Department (hereinafter "Department") for Conditional Use Authorization under Planning Code Sections 121.1 and 303 to utilize a vacant lot that was last occupied by a gasoline station, and construct a four-story mixed-use building within the NC-3 (Neighborhood Commercial, Moderate Scale) District and a 40-X Height and Bulk District.

On June 1, 2017, the San Francisco Planning Commission (hereinafter "Commission") conducted a duly noticed public hearing at a regularly scheduled meeting on Conditional Use Application No. 2015-014040CUA.

On May 17, 2017 the Project was determined to be exempt from the Categorical Exemption, Class 32 (California Environmental Quality Act (CEQA) Guidelines Section 15332). General Rule Exclusion (CEQA Guidelines Section 15061(b)(3)).

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. 2015-014040CUAVAR, subject to the conditions contained in "EXHIBIT A" of this motion, based on the following findings:

FINDINGS

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

1. The above recitals are accurate and constitute findings of this Commission.
2. **Site Description and Present Use.** The project site is located at the southwest corner of Lombard (Highway 101) and Pierce Streets, Scott Street is located to the west, and Greenwich Street to the south. The Lombard Street corridor nearby predominantly consists of one-to-four story buildings with a mixture of residential, retail, professional, and hotel/motel uses. Nearby property uses include an IHOP restaurant across Pierce Street to the east, three and four-story mixed-use buildings to the north and west on Lombard Street, and three-story residential buildings adjacent to the south on Pierce and Greenwich Streets.

Recently completed and pending development in the project vicinity includes the construction of a four-story mixed-use building with 21 residential units over ground floor retail immediately adjacent to the west of the project site, expansion of a motel across the street, and San Francisco Municipal Transportation Agency (SFMTA) improvements on the Lombard Street corridor. The improvements include upgrading the crosswalks at the Lombard and Pierce intersection, relocating the transit stop in front of 2301 Lombard to the eastern side of the intersection in front of the IHOP, and establishing parking on Lombard Street in front of the project site, with the exception of the 20 feet closest to the intersection. Pierce Street frontages consist mainly of two- and three-story residential buildings.

3. **Surrounding Properties and Neighborhood.** The subject block is zoned NC-3 along Lombard Street and the remaining lots are zoned RH-2 and RM-2. The project site is a vacant corner lot that was last occupied by a Chevron gas station (demolished in 2005). One hotel and two recently constructed four-story, mixed-use buildings are also located on this block. The block-face across Lombard Street is characterized by a mix of one-, two- and three-story tall buildings, with a pattern of ground floor commercial uses.

The subject NC-3 zoning district is a linear commercial corridor along Lombard Street (US Highway 101) between Van Ness Avenue and Baker Street, which is a heavily trafficked

thoroughfare and major connector to and from the Golden Gate Bridge. This NC District offers a wide variety of goods and services to a population greater than the immediate neighborhood, including motels, eating and drinking establishments, auto related uses and other retail stores. Housing development in new buildings is encouraged above the first story in the subject zoning district.

4. **Project Description.** The applicant proposes to construct a four-story mixed-use building on a vacant corner lot that was last occupied by a gasoline station. The project is subject to a Conditional Use Authorization for the new construction of a building on a lot greater than 10,000 square feet (Planning Code Sections 121.1 and 303), and the project requires a rear yard modification (Planning Code Section 134(e)).

The proposed 40-foot tall building comprises three stories of residential units over ground floor commercial space and residential parking. Project features include: 22 dwelling units, a 2,600 square foot commercial space, 2,200 square feet of common usable open space on the roof deck, 300 square feet of private usable open space for two dwelling units, 33 residential parking spaces, 22 Class 1 bicycle parking spaces and four Class 2 bicycle parking spaces. The proposed unit mix includes five one-bedroom units ranging from 700 to 806 square feet, 16 two-bedroom units ranging from 1,057 to 1,584 square feet and one 1,710 square foot three-bedroom unit. The sponsor has elected to pay an in-lieu fee to comply with Planning Code Section 415, the Inclusionary Affordable Housing Fee.

The original proposal was seeking to provide the maximum amount of allowable residential parking, which is 33 spaces. However, at the hearing upon review of the proposal, the Commission reduced the residential parking to no greater than one parking space per dwelling unit for the project, which is 22 spaces.

5. **Public Comment.** The Department has received one letter in support of the project from Realty Equities, Inc., the developer and owner of VELA Apartments located next door at 2395 Lombard Street.

The project sponsor has conducted outreach to the adjacent neighbors and interested community groups, including the Cow Hollow and Union Street Associations.

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

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

The lot measures approximately 13,263 square feet, which is in excess of the lot size limit and thus requires a Conditional Use authorization.

- B. **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 13,263 square feet of lot area, 22 dwelling units are permitted on the proposed new lot. The proposed unit count complies with the prescribed density.

- C. **Rear Yard Requirement in the NC-3 District.** Planning Code Section 134 requires a rear yard measuring 25 percent of the total lot area at all residential levels. A modification of rear yard requirements is permitted pursuant to Section 134(e), provided that the following criteria are met:
1. Residential uses are included in the new or expanding development and a comparable amount of usable open space is provided elsewhere on the lot or within the development where it is more accessible to the residents of the development; and
 2. The proposed new or expanding structure will not significantly impede the access of light and air to and views from adjacent properties; and
 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 project sponsor is seeking a modification of the rear yard requirement from the Zoning Administrator because the proposed rear yard is not equal to 25% of the lot area. The Project proposes an approximately 72-foot, 6 inch wide by 41-foot, 3 inch deep rear yard located at the residential floors at the interior corner of the lot that faces the mid-block open space. This area will be landscaped and remain open to the sky. Additional open space at the roof level is proposed provides a comparable amount of usable open space and is more easily accessible by tenants. Locating the rear yard to the interior corner of the lot allows for alignment with adjacent properties provides a better connection to the mid-block open space.

- D. **Exposure (Section 140).** At least one room within a dwelling unit that is at least 120 square feet must face directly onto a public street or alley at least 20 feet in width, an open area at least 25 feet in width which increases in five foot increments beyond the second floor, or a code-compliant rear yard.

The project proposes 22 total dwelling units, 14 of which face streets and alleys that are greater than 20 feet wide. The remaining eight dwelling units face an open area larger than 25 feet wide at the rear yard setback which meets exposure requirements.

- E. **Parking.** Planning Code Section 151 requires one parking space for each dwelling unit. Planning Code Section 204.5 permits up to 150 percent of the required number of spaces where three or more spaces are required.

Although the Project originally proposed 33 off-street parking spaces for residential use, the Planning Commission limited the parking to 22 spaces, one for each dwelling unit. All of the parking spaces other than the accessible space will utilize a parking stacker/lift.

- F. **Bicycle Parking.** Planning Code Section 155 requires one Class 1 Bicycle Parking space for every dwelling unit and one Class 2 Bicycle Parking space for every 20 dwelling units. Class 1 Bicycle Parking Space is defined as spaces in secure, weather-protected facilities intended for use as long-term, overnight, and work-day bicycle storage by dwelling unit residents, non-residential occupants, and Employees. Class 2 Bicycle Parking Space is defined as bicycle

racks located in a publicly-accessible, highly visible location intended for transient or short-term use by visitors, guests, and patrons to the building or use.

The project proposes to provide 22 Bicycle Parking Spaces located on the ground floor that will satisfy the bicycle parking requirements. Two inverted u-rack Class 2 Bicycle Parking racks will be installed in the public right of way; one on each street frontage.

- G. **Height.** Planning Code Section 260 requires that all structures be no taller than the height prescribed in the subject height and bulk district. The proposed Project is located in a 40-X Height and Bulk District, with a 40-foot height limit.

The project proposes to construct a building of 40 feet in height. Stair, elevator and mechanical penthouses would extend above the roof height and are exempted from the height limit per Planning Code Section 260(b).

- H. **Open Space.** Planning Code Section 135 requires 100 square feet of common usable open space or 80 square feet of private usable open space per dwelling unit.

The Project proposes to provide more than 100 square feet of private usable open space for two second floor level dwelling units abutting the rear yard; the remaining rear yard area will be landscaped. Approximately 2,200 square feet of common usable open space will be provided for the remaining 20 dwelling units at the fourth-story roof deck, where 2,000 square feet is required.

- 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. Pursuant to Planning Code Section 415.5, the Project must pay the Affordable Housing Fee ("Fee"). This Fee is made payable to the Department of Building Inspection ("DBI") for use by the Mayor's Office of Housing and Community Development for the purpose of increasing affordable housing citywide. The applicable percentage is dependent on the number of units in the project, the zoning of the property, and the date that the project submitted a complete Environmental Evaluation Application. A complete Environmental Evaluation Application was submitted on June 24, 2016; therefore, pursuant to Planning Code Section 415.3 the Inclusionary Affordable Housing Program requirement for the Affordable Housing Fee is at a rate equivalent to an off-site requirement of 20%. This requirement is subject to change under pending legislation to modify Planning Code Section 415 which is currently under review by the Board of Supervisors (Board File Nos.161351 and 170208). The proposed changes to Section 415, which include but are not limited to modifications to the amount of inclusionary housing required onsite or offsite, the methodology of fee calculation, and dwelling unit mix requirements, will become effective after approval by the Board of Supervisors.

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 and Community Development. The applicable percentage is dependent on

the total number of units in the project, the zoning of the property, and the date that the project submitted a complete Environmental Evaluation Application. A complete Environmental Evaluation Application was submitted on June 24, 2016; therefore, pursuant to Planning Code Section 415.3 the Inclusionary Affordable Housing Program requirement for the Affordable Housing Fee is at a rate equivalent to an off-site requirement of 20%.

- J. **Street Frontage in Neighborhood Commercial Districts.** Section 145.1 of the Planning Code requires that within NC Districts space for active uses shall be provided within the first 25 feet of building depth on the ground floor and 15 feet on floors above from any facade facing a street at least 30 feet in width. In addition, 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 at the principal entrance to these spaces. Frontages with active uses that must be fenestrated with transparent windows and doorways for no less than 60 percent of the street frontage at the ground level and allow visibility to the inside of the building. The use of dark or mirrored glass shall not count towards the required transparent area. Any decorative railings or grillwork, other than wire mesh, which is placed in front of or behind ground floor windows, shall be at least 75 percent open to perpendicular view. Rolling or sliding security gates shall consist of open grillwork rather than solid material, so as to provide visual interest to pedestrians when the gates are closed, and to permit light to pass through mostly unobstructed. Gates, when both open and folded or rolled as well as the gate mechanism, shall be recessed within, or laid flush with, the building facade.

The project is compliant with Section 145.1. The subject commercial space has approximately 113.5 feet of frontage on Lombard Street and 105.5 feet frontage along Pierce Street. Both frontages include active uses for the first 25 feet of lot depth except for those areas required for maintenance and egress. The proposed ground floor ceiling height will be a minimum of 10 feet tall, windows are clear and unobstructed and a perforated garage door is proposed.

- K. **Transportation Demand Management (TDM) Plan.** Pursuant to Planning Code Section 169 and the TDM Program Standards, the Project shall finalize a TDM Plan prior Planning Department approval of the first Building Permit or Site Permit. As currently proposed, the Project must achieve a target of 15 points.

The Project submitted a completed Environmental Evaluation Application prior to September 4, 2016. Therefore, the Project must only achieve 50% of the point target established in the TDM Program Standards, resulting in a required target of 8 points. As currently proposed, the Project will achieve its required 8 points through the following TDM measures:

- *Unbundled Parking*
- *Bicycle Parking (Option A)*
- *Bicycle Repair Station*
- *Delivery Supportive Amenities*
- *Multimodal Wayfinding Signage*

7. **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. The existing vacant 33263 square foot lot will be developed with a new building that will provide 22 new dwelling units, the majority of which are family-sized units, parking, usable private and common open space and a 2,600 square foot commercial space. The new building is similar in height and scale to the surrounding mixed-use buildings and is consistent with the density requirements of the NC-3 District. This will complement the mix of goods and services currently available in the district and contribute to the economic vitality of the neighborhood by developing a vacant lot.

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 height and bulk of the proposed structure are consistent with the surrounding development. The requested rear yard modification allows the project sponsor to maintain a streetwall along both street frontages and to provide a more prominent corner building.

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 one parking space per residential unit and allows up to 150% of the requirement. Although the applicant sought the maximum number of spaces (33) allowed by the Planning Code, the Planning Commission limited the number of spaces to 22, including one accessible space. The project site is located along a US Highway and is a major thorough-fare. It is not expected that 22 new parking spaces for residential use will significantly affect traffic conditions. The proposed 2,600 square foot commercial tenant space does not require parking or loading spaces.

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 2,600 square feet of commercial space, with the tenant to be determined at a later date. The proposed residential density and commercial intensity are not anticipated 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 requires a rear yard modification variance from Planning Code Section 134, to provide an equivalent amount of open space elsewhere on the site. A rear setback is proposed at residential floors at the interior portion of the lot but it is not equal to 25% of the lot area as required by the Code. The remainder of the project is consistent with objectives and policies of the General Plan as detailed below.

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

- E. *The proposed project is consistent with the stated purposes of NC-3 Districts in that a commercial use is located at the ground floor with residential use above and a rear yard located at the residential levels.*

- 8. For development on large lots, pursuant to Planning Code Section 121.1, in addition to the criteria of Section 303(c) of this Code, the Planning Commission shall consider the extent to which the following criteria are met:

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

The project proposes a four-story mixed-use building up to the allowable height of 40 feet. The proposed mass and façade are consistent with the existing Lombard Street blockface and with the existing scale of the district.

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

The architectural character of the district is mixed. However, there is a consistent development pattern of ground floor retail with dwelling units above. The contemporary design of the proposed facades will contribute to the positive visual quality of the neighborhood.

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

HOUSING ELEMENT

Objectives and Policies

OBJECTIVE 1:

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

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 proposed project would add 22 dwelling units to the City's housing stock and provide in-lieu fees for affordable housing. The project site is located along a heavily trafficked thoroughfare which also serves as a major transit route. , The site is in close proximity to local and regional transit lines, including Muni lines 22, 28, 28R, 30, and 43. The site is also located one block from bicycle routes located on Greenwich and Steiner Streets.

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.

No existing dwelling units will be demolished. The project lot is vacant and the former use was a gasoline service station.

OBJECTIVE 11:

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

Policy 11.1:

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

Policy 11.2:

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

Policy 11.5:

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

The project proposes 22 dwelling units in a new building that is consistent with the surrounding character. The proposed massing is consistent with the surrounding context, as it is consistent with other four-story buildings on Lombard Street.

URBAN DESIGN

Objectives and Policies

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 streetwall by constructing an appropriately designed building along both street frontages. The proposed 40 foot tall mixed-use building will be consistent with the prevailing building heights and building uses in the neighborhood, 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 new building has been designed to be compatible with the prevailing streetwall height of the subject NC-3 District. The building has been designed to maintain a clear delineation of a commercial ground floor with residential uses above. The building façade is designed with a contemporary expression and is consistent with the immediate neighborhood character.

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

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

Existing neighborhood-serving retail uses would not be displaced or otherwise adversely affected by the proposal. The project site has been vacant since 2005. The proposed mixed-use development will add a 2,600 square foot commercial space. New commercial activity and employment opportunities will be created as a result of this development.

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

No existing housing would be affected. The existing neighborhood character will be conserved in that the proposed new building has been designed to be compatible with the surrounding mass and scale. The addition of new dwelling units and commercial space will increase the economic diversity of the neighborhood.

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

No housing is removed for this Project. 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 22.

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

The Project will not have a significant adverse effect on automobile traffic congestion or increase parking demand in the neighborhood. The replacement building will provide 22 residential off-street parking spaces for 22 dwelling units. Twenty-two Class 1 and four Class 2 bicycle parking spaces will also be provided.

- 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 2,600 square feet of commercial space to be occupied by a use that will comply with the Planning Code. The commercial 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 Project is designed and will be constructed to conform to the structural and seismic safety requirements of the City Building Code. This proposal will not impact the property's ability to withstand an earthquake.

- G. That landmarks and historic buildings be preserved.

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

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

The project will have no negative impact on existing parks and open spaces. The Project does not have an impact on open spaces. The project does not exceed the 40-foot height limit and is compatible with the established neighborhood development.

11. The Project is consistent with and would promote the general and specific purposes of the Code provided under Section 101.1(b) in that, as designed, the Project would contribute to the character and stability of the neighborhood and would constitute a beneficial development.

12. The Commission hereby finds that approval of the Conditional Use authorization would promote the health, safety and welfare of the City.

DECISION

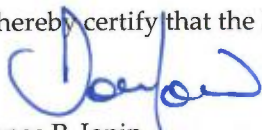
That based upon the Record, the submissions by the Applicant, the staff of the Department and other interested parties, the oral testimony presented to this Commission at the public hearings, and all other written materials submitted by all parties, the Commission hereby **APPROVES Conditional Use Application No. 2015-014040CUA** subject to the following conditions attached hereto as "EXHIBIT A" in general conformance with plans on file, dated May 22, 2017, and stamped "EXHIBIT B", which is incorporated herein by reference as though fully set forth.

APPEAL AND EFFECTIVE DATE OF MOTION: Any aggrieved person may appeal this Conditional Use Authorization to the Board of Supervisors within thirty (30) days after the date of this Motion No. 19930. The effective date of this Motion shall be the date of this Motion if not appealed (After the 30-day period has expired) OR the date of the decision of the Board of Supervisors if appealed to the Board of Supervisors. For further information, please contact the Board of Supervisors at (415) 554-5184, City Hall, Room 244, 1 Dr. Carlton B. Goodlett Place, San Francisco, CA 94102.

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

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

I hereby certify that the Planning Commission **ADOPTED** the foregoing Motion on June 1, 2017.


Jonas P. Ionin
Commission Secretary

AYES: Hillis, Fong, Johnson, Koppel, Melgar, Moore and Richards

NAYS: None

ABSENT: None

ADOPTED: June 1, 2017

EXHIBIT A

AUTHORIZATION

This authorization is for a conditional use to allow construction of a four-story mixed-use building containing 22 dwelling units, approximately 2,600 square feet of commercial space and 22 residential parking spaces. This project site is a lot size in excess of 10,000 square feet, located at 2301 Lombard Street, Block 0512, and Lot 031, pursuant to Planning Code Sections 121 and 303 within the NC-3 District and a 40-X Height and Bulk District; in general conformance with plans, dated May 22, 2017, and stamped "EXHIBIT B" included in the docket for Case No. 2015-014040CUA and subject to conditions of approval reviewed and approved by the Commission on **June 1, 2017**, under Motion No. **19930**. 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 **June 1, 2017** under Motion No **19930**.

PRINTING OF CONDITIONS OF APPROVAL ON PLANS

The conditions of approval under the 'Exhibit A' of this Planning Commission Motion No. **19930** 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. **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

PARKING AND TRAFFIC

7. **Parking.** 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. 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

8. **Bicycle Parking.** Pursuant to Planning Code Sections 155, 155.1, and 155.2, the Project shall provide no fewer than 24 bicycle parking spaces (22 Class 1 spaces for the residential portion of the Project and 2 Class 1 or 2 spaces for the commercial portion of the Project). SFMTA has final authority on the type, placement and number of Class 2 bicycle racks within the public ROW. Prior to issuance of first architectural addenda, the project sponsor shall contact the SFMTA Bike Parking Program at bikeparking@sfmta.com to coordinate the installation of on-street bicycle racks and ensure that the proposed bicycle racks meet the SFMTA’s bicycle parking guidelines. Depending on local site conditions and anticipated demand, SFMTA may request the project sponsor pay an in-lieu fee for Class II bike racks required by the Planning Code.

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

9. **Parking Requirement.** The Planning Commission directed that no more than one parking space per dwelling unit is permitted; 22 off-street parking spaces are permitted for the Project.

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

10. **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

11. **Anti-Discriminatory Housing.** The Project shall adhere to the requirements of the Anti-Discriminatory Housing policy, pursuant to Administrative Code Section 1.61.
For information about compliance, contact the Case Planner, Planning Department at 415-558-6378, www.sf-planning.org
12. **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
13. **Child Care Fee - Residential.** The Project is subject to the Residential Child Care Fee, as applicable, pursuant to Planning Code Section 414A.
For information about compliance, contact the Case Planner, Planning Department at 415-558-63782, www.sf-planning.org
14. **Affordable Units.** The following Inclusionary Affordable Housing Requirements are those in effect at the time of Planning Commission action. In the event that the requirements change, the Project Sponsor shall comply with the requirements in place at the time of issuance of first construction document. This requirement is subject to change under pending legislation to modify Planning Code Section 415 which is currently under review by the Board of Supervisors (Board File No.161351). The proposed changes to Section 415, which include but are not limited to modifications to the amount of inclusionary housing required onsite or offsite, the methodology of fee calculation, and dwelling unit mix requirements, will become effective after approval by the Board of Supervisors.
 1. **Requirement.** Pursuant to Planning Code Section 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%). The Project Sponsor shall pay the applicable Affordable Housing Fee at the time such Fee is required to be paid. The Project Sponsor has elected to designate the payment of the Inclusionary Housing Fee to the Small Sites Program pursuant to Planning Code Section 415.7-1. Affordable housing fees designated for this program shall expend the funds on a qualifying Small Sites Project within the same neighborhood.
For information about compliance, contact the Case Planner, Planning Department at 415-558-6378, www.sf-planning.org or the Mayor's Office of Housing and Community Development at 415-701-5500, www.sf-moh.org.
 2. **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

Manual. A copy of the Procedures Manual can be obtained at the Mayor's Office of Housing and Community Development ("MOHCD") at 1 South Van Ness Avenue or on the Planning Department or Mayor's Office of Housing and Community Development's websites, including on the internet at:

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

As provided in the Inclusionary Affordable Housing Program, the applicable Procedures Manual is the manual in effect at the time the subject units are made available for sale or rent. *For information about compliance, contact the Case Planner, Planning Department at 415-558-6378, www.sf-planning.org or the Mayor's Office of Housing and Community Development at 415-701-5500, www.sf-moh.org.*

- a. The Project Sponsor must pay the Fee in full sum to the Development Fee Collection Unit at the DBI for use by MOHCD prior to the issuance of the first construction document.
- b. Prior to the issuance of the first construction permit by the DBI for the Project, the Project Sponsor shall record a Notice of Special Restriction on the property that records a copy of this approval. The Project Sponsor shall promptly provide a copy of the recorded Notice of Special Restriction to the Department and to MOHCD or its successor.
- c. If project applicant fails to comply with the Inclusionary Affordable Housing Program requirement, the Director of DBI shall deny any and all site or building permits or certificates of occupancy for the development project until the Planning Department notifies the Director of compliance. A Project Sponsor's failure to comply with the requirements of Planning Code Sections 415 et seq. shall constitute cause for the City to record a lien against the development project and to pursue any and all other remedies at law.

MONITORING - AFTER ENTITLEMENT

15. **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*

16. **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

17. **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

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. **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