

File No. 141248

Committee Item No. _____

Board Item No. 42

COMMITTEE/BOARD OF SUPERVISORS

AGENDA PACKET CONTENTS LIST

Committee: _____
Board of Supervisors Meeting

Date _____
Date December 16, 2014

Cmte Board

- Motion
- Resolution
- Ordinance
- Legislative Digest
- Budget and Legislative Analyst Report
- Youth Commission Report
- Introduction Form
- Department/Agency Cover Letter and/or Report
- MOU
- Grant Information Form
- Grant Budget
- Subcontract Budget
- Contract/Agreement
- Form 126 – Ethics Commission
- Award Letter
- Application
- Public Correspondence

OTHER (Use back side if additional space is needed)

- Appeal Letter - 11/26/2014
- Project Sponsor Letter - 12/08/2014
- Planning Memo - 12/08/2014
- Planning Motion No. 19096 - 02/20/2014
- Planning Rear Yard Mod Decision - 05/02/2014
- Planning NSR - 05/07/2014
- Application for Parcel Map - 09/26/2014
- Ten Map Decision - 11/10/2014
- Ten Map Approval - 11/20/2014
- PW Notice - 11/20/2014
- Clerical Documents and Hearing Notice

Completed by: John Carroll Date December 11, 2014

Completed by: _____ Date _____

11/26/2014

San Francisco Department of Public Works
c/o:
The Clerk of the Board of Supervisors
1 Dr Carlton B Goodlett Place, Room 244
San Francisco, CA 94102

RECEIVED
BOARD OF SUPERVISORS
SAN FRANCISCO

2014 DEC -1 PM 3:22

EBB

Dear Clerk of the Board of Supervisors and SF Department of Public Works

I am writing this letter to appeal the approval of the construction a new building at 3032, 3038 and 3040 Clement Street (Block 1402, Lot 022 and 023). I am writing on behalf of my family and my neighbors who oppose the building as designed for the following reasons.

- The building is too large for the neighborhood.
- The building is designed to the very limits of the lot with no open space at ground level. There are no buildings in the neighborhood other than a 100 year old Church that has no open space.
- The increased residential density will impact the parking and noise for the immediate neighbors. One parking space per unit is not enough in today's society. At present, we see most residents parking their vehicles on the street while using their on-site parking for storage. We see no reason to believe that the residents of this new building will behave differently.
- Placing residential units at the very back of the lot and at the upper levels will allow new residents to live very close to the bedrooms of the existing neighbors. The neighbors have serious concerns of noise and privacy.
- While some apartment buildings are already large and at four stories, the neighbors do not wish to increase the number of very large buildings. The existing large apartment buildings on the block are already causing noise and density problems. Additional density will only exacerbate the problem. The immediate neighbors to the proposed building are much smaller in scale at only 2 and 3 stories.
- The obvious prewritten letters of support in the original Draft motion for Case # 2012.0990CUEV do not represent the immediate neighbors who have to live and sleep by the new building.
- The vague plans for rooftop mechanical equipment will potentially have severe impact on the peace and quiet of immediate neighbors. Our bedrooms will be mere feet from the new building. Consideration is only given to the impact on a noisy street however no consideration is given to the quiet residential backside of the building.
- The building's excessive height and bulk will greatly diminish sunlight on the homes of the immediate neighbors. We expect the situation to become especially severe in the winter months when we need sunlight the most. Lowering the height of the proposed building will help alleviate this problem.
- Not all neighbors were notified of the various hearings on this project. Some neighbors complained of not receiving any notices of hearing or being given very short notice for any opportunity of appeal.

Thank you for your consideration in my appeal.



Karl Nakamura
371-31st Avenue
San Francisco, CA 94121
415-752-7944

Date: November 20, 2014



THIS IS NOT A BILL.

The City and County Surveyor has approved a tentative map for a proposed subdivision located at:

Edwin M. Lee
Mayor

Mohammed Nuru
Director

Jerry Sanguinetti
Bureau of Street Use & Mapping
Manager

Address	Block	Lot(s)
3032 CLEMENT STREET	1402	022
3038 – 3040 CLEMENT STREET	1402	023

Bruce R. Storrs P.L.S.
City and County Surveyor

This subdivision will result in:

Bureau of Street Use & Mapping
1155 Market St., 3rd floor
San Francisco, CA 94103
tel (415) 554-5827
Subdivision.Mapping@sfdpw.org

Mixed Use New Construction Condominiums 6 Residential & 1 Commercial Units

sfpublicworks.org
facebook.com/sfpublicworks
twitter.com/sfpublicworks

This notification letter is to inform you of your right to appeal this tentative approval.

IF YOU WOULD LIKE TO FILE AN APPEAL OF THE TENTATIVE APPROVAL:

You must do so in writing with the Clerk of the Board of Supervisors within ten (10) days of the date of this letter along with a check in the amount of \$298.00, payable to SF Public Works.

The Clerk of the Board is located at: City Hall of San Francisco
1 Dr. Carlton B. Goodlett Place, Room 244
San Francisco, CA 94102
(415) 554-5184

If you have any questions on this matter, please call us at (415) 554 – 5827 or our email address: Subdivision.Mapping@sfdpw.org.

Sincerely,

Bruce R. Storrs, P.L.S.
City and County Surveyor
City and County of San Francisco

KOSAKU KARL NAKAMURA
SHIRLEY Y. NAKAMURA
371 - 31ST AVE.
SAN FRANCISCO, CA 94121-1706

90-7162
3222-40749

1432

DATE Nov. 26, 2014

PAY TO THE ORDER OF SF Public Works

\$ 298.⁰⁰

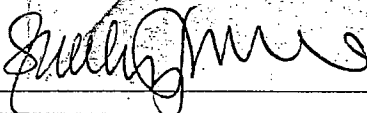
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MEMO Block 1402
appeal Lot 022, 023



MP

REUBEN, JUNIUS & ROSE, LLP

RECEIVED
BOARD OF SUPERVISORS
SAN FRANCISCO

December 8, 2014

RECEIVED - 8 PM 1:51

Handwritten initials

Delivered by Hand

Ms. Angela Calvillo
Clerk of the Board of Supervisors
1 Dr. Carlton B. Goodlett Place
City Hall, Room 244
San Francisco, CA 94102

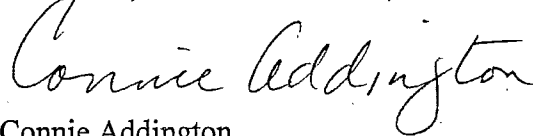
**Re: Appeal of Tentative Map for 3032 – 3038 Clement Street
Board of Supervisors File No. 141248
Our File No.: 7991.01**

Dear Ms. Calvillo:

At the request of Mark Loper, enclosed please find 15 copies of our letter brief in connection with the above-referenced appeal. Should you have any questions or require any additional information, please contact Mr. Loper direct at 415-567-9000 or via e-mail at mloper@reubenlaw.com. Thank you.

Very truly yours,

REUBEN, JUNIUS & ROSE, LLP



Connie Addington
For Mark H. Loper

Enclosures

James A. Reuben | Andrew J. Junius | Kevin H. Rose | Daniel A. Frattin
Sheryl Reuben¹ | David Silverman | Thomas Tunny | Jay F. Drake | John Kevlin
Lindsay M. Petrone | Melinda A. Sarjapur | Mark H. Loper | Jody Knight | Jared Eigerman^{2,3} | John McInerney III²

1. Also admitted in New York 2. Of Counsel 3. Also admitted in Massachusetts

One Bush Street, Suite 600
San Francisco, CA 94104

tel: 415-567-9000
fax: 415-399-9480

www.reubentlaw.com

REUBEN, JUNIUS & ROSE, LLP

December 8, 2014

By Hand Delivery

President Katy Tang
San Francisco Board of Supervisors
1 Dr. Carlton B. Goodlet Place
San Francisco, CA 94102

**Re: Appeal of Tentative Map: 3032 – 3038 Clement Street
Board of Supervisors File No. 141248
Our File No.: 7991.01**

Dear President Tang and Honorable Members:

This office represents 3838 Clement LLC, the sponsor of an approved project to construct a four-story residential building above ground-floor retail (the “Project”) at 3032-3038 Clement Street in the Outer Richmond (the “Site”). The Project—which would add six family-sized units over a modest retail space fronting Clement Street—was approved by the Planning Commission more than nine months ago. Demolition at the Site already occurred, and the Project’s construction permit has been issued. Before this Board is an appeal of a tentative subdivision map at the Site. The tentative map has been reviewed and approved by all relevant City departments. We respectfully request the appeal be denied.

A. Background: Project Authorization, then Tentative Map Approval.

After public notice, the Project was unanimously approved by the Planning Commission in February of this year, with no neighborhood opposition and eight neighbors in support. Appellant was mailed a notice of the Planning Commission hearing, but did not oppose it. The Project sponsor properly posted notice of the hearing at the Site. No appeals were filed for either of the Project’s entitlements.¹ After the Project’s unanimous approval, Project sponsor initiated the subdivision process, with the intent to offer the Project’s six (6) family-sized units for sale. The City and County Surveyor and the Planning Department’s Zoning Administrator each determined that the Project’s tentative map met all applicable legal standards, and the Department of Public Works approved the tentative map on November 20, 2014. The Department of Public Works’ decision to grant a tentative map is directly appealable to the Board of Supervisors.

James A. Reuben | Andrew J. Junius | Kevin H. Rose | Daniel A. Frattin
Sheryl Reuben¹ | David Silverman | Thomas Tunny | Jay F. Drake | John Kevlin
Lindsay M. Petrone | Melinda A. Sarjapur | Mark H. Loper | Jody Knight | Jared Eigerman^{2,3} | John McInerney III²

1. Also admitted in New York. 2. Of Counsel. 3. Also admitted in Massachusetts.

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B. Appellant Does Not Raise Any Issues Regarding the Tentative Map Approval.

At issue before this Board is the propriety of the Department of Public Works' decision to approve a vesting tentative map that permits subdividing the approved four-story, six-unit building. Appellant's rationale for denying the tentative map relates to Project design, and not concerns about subdividing the building. These design issues were already identified, deliberated on, and resolved—first by Planning Department staff during the 18-month entitlement processing period², and then by the Planning Commission at the Project's hearing.

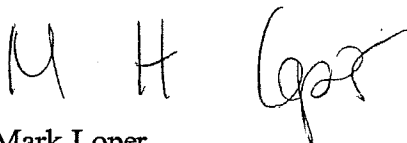
Subdividing the Site will allow Project sponsor to offer the building's family-sized units for sale, each of which have two- or three-bedrooms, making the building ideal for families looking for a new home. Reversing DPW's approval of the tentative map would not affect the Project's underlying entitlements. The prior single-story building on the Site has been demolished, and a permit to construct the new building was issued in late October of this year.³ The only practical effect of reversing the Department of Public Works' decision would be to deny ownership opportunities for families looking to either buy in or move to the Outer Richmond.

C. Conclusion.

Project sponsor began the approval process for this six-unit, four-story multifamily housing building in July 2012, more than two years ago. Since that time, it has worked diligently with neighbors, the Planning Department, and the Department of Public Works to design a building that addresses the City's lack of family-sized housing and complies with all applicable laws—including the Subdivision Map Act. This effort culminated in the Department of Public Works' tentative map approval last month. Appellant raises no issues as to why the six family-sized units cannot or should not be located on separate air parcels. We respectfully request that this Board uphold the Department of Public Works' decision.

Very truly yours,

REUBEN, JUNIUS & ROSE, LLP



Mark Loper

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President Tang and Supervisors

December 8, 2014

Page 3

cc:

Supervisor Eric Mar

Supervisor Mark Farrell

Supervisor London Breed

Supervisor Jane Kim

Supervisor Norman Yee

Supervisor Scott Weiner

Supervisor David Campos

Supervisor Malia Cohen

Supervisor John Avalos

Angela Calvillo, Clerk of the Board

Mohammad Nuru, Director, Public Works

Jerry Sanguinetti, Public Works – Bureau of Street Use and Mapping

Fuad Sweiss, Public Works – City Engineer

Bruce Storrs, Public Works – City and County Surveyor

Scott Sanchez, Planning Department – Zoning Administrator

Mary Woods, Planning Department

Edward Shoikhet, 3838 Clement LLC

¹ Conditional use was required to allow a development lot over 5,000 square feet pursuant to Planning Code Sections 121.1 and 710.11, and the Zoning Administrator granted a rear yard modification as permitted by Section 134(e).

² Project sponsor filed a Preliminary Project Assessment application on July 30, 2012, starting the entitlement process.

³ See Building Permit Nos. 2012-11-09-3910 (demolition); 2012-11-09-3902 (new construction).

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San Francisco, CA 94104

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fax: 415-399-9480

www.reubenlaw.com

From: Rodgers, AnMarie (CPC)
Sent: Monday, December 08, 2014 1:28 PM
To: Calvillo, Angela (BOS)
Cc: BOS Legislation (BOS); BOS-Legislative Aides; BOS-Supervisors; Givner, Jon (CAT); Malamut, John (CAT); Cleveland-Knowles, Susan (CAT); Kirby, Alexandra (CPC); Sanguinetti, Jerry; Sweiss, Fuad; jkevin@reubenlaw.com; Karl Nakamura; bruce.storrs@sfgov.org
Subject: BF 141248 Appeal of Tentative Parcel Map 3032, 3038-3040 Clement Street
Attachments: 3032 3038-40 Clement St- Subdivision Planning Response.pdf; Attach A Commission Motion.pdf; Attach B ZA Decision.pdf

Categories: 141248

Dear Honorable Members of the Board of Supervisors and Clerk Calvillo,

The memorandum and attachments provided with this email constitute our Department's response to the letter of appeal to the Board of Supervisors regarding the Department of Public Work's approval of the application for a two-lot subdivision related to a project at 3032, 3038-40 Clement Street (Assessor's Block 1402, Lots 022 and 023). This response addresses the appeal to the Board filed by Karl Nakamura. These materials are being transmitted for the December 16, 2014 hearing date. Hardcopies will be delivered to the Clerk this afternoon and can be made available upon request.

AnMarie Rodgers
Senior Policy Advisor

Planning Department | City and County of San Francisco
1650 Mission Street, Suite 400, San Francisco, CA 94103
Direct: 415.558.6395 | Fax: 415.558.6409
Email: anmarie@sfgov.org
Web: <http://www.sf-planning.org/Legislative.Affairs>
Property Info Map: <http://propertymap.sfplanning.org/>





SAN FRANCISCO PLANNING DEPARTMENT

MEMO

Appeal of Tentative Parcel Map 3032, 3038—3040 Clement Street

DATE: December 8, 2014

TO: Angela Calvillo, Clerk of the Board of Supervisors

FROM: AnMarie Rodgers, Senior Policy Advisor – Planning (415) 558-6395
Alexandra Kirby, Case Planner – Planning Department (415) 575-9133

RE: Board File No. 141248, Planning Case No. 2012.0990CEUV, 2014.1587Q –
Appeal of the Tentative Parcel Map for 3032, 3038-40 Clement Street

HEARING DATE: December 16, 2014

ATTACHMENTS:

- A. Planning Commission Motion No. 19096 (Conditional Use Authorization)
- B. Zoning Administrator Decision (Rear Yard Modification)

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

Reception:
415.558.6378

Fax:
415.558.6409

Planning
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PROJECT SPONSOR: 3038 Clement, LLC
c/o John Kevlin
Reuben, Junius & Rose, LLP
One Bush Street, Suite 600
735 Market Street, 4th Floor, San Francisco, CA 94107

APPELLANT: Karl Nakamura 371-31st Avenue, San Francisco, CA 94121

INTRODUCTION:

This memorandum and the attached documents are in response to the letter of appeal (“Appeal Letter”) to the Board of Supervisors (the “Board”) regarding the Department of Public Works (“DPW”) November 20, 2014 approval of a Tentative Parcel Map for a two-lot subdivision related to a project at 3032, 3038-40 Clement Street (Assessor’s Block 1402, Lots 022 and 023, “Project Site”). The related project consists of three components: (1) the merger of the two lots on the Project Site; (2) the demolition of the existing one-story retail building and carport, and (3) the construction of a new, 40-foot tall, four-story mixed-use building (Planning Case No. 2012.0990CEUV, 2014.1587Q). The application was filed with the Department of Public Works (“DPW”) on September 30, 2014 and referred to the Planning Department (the “Department”) for review on October 3, 2014. The Department recommended approval of the subdivision on November 10, 2014, and DPW issued an approval on November 10, 2014. The Appeal Letter to the Board was filed on December 1, 2014 by Karl Nakamura.

The decision before the Board is whether to uphold or overturn the Tentative Parcel Map approval. We write to explain the extensive process of Planning Department review and the Planning Commission and Zoning Administrator approval for this project, which has already occurred. Opportunity for public review occurred at every step of the process; there was no opposition to the project and no appeals of past decisions were taken. The scale, density and rear-yard dimensions of the project were all considered

at a joint hearing of the Planning Commission and Zoning Administrator. At that hearing, the project received all necessary entitlements from the Planning Commission and Zoning Administrator. The Conditional Use Authorization for this project was not appealed to the Board of Supervisors. The Rear-Yard Modification was not appealed to the Board of Appeals. We attach the Planning Department memorandum reviewing the project, the Planning Commission Motion of Approval and the Zoning Administrator's Variance Decision so that the Board of Supervisors can review the thoroughness of the review that has already occurred.

The Appellant now raises for the first time issues that could have – indeed should have – been addressed at the time the Planning Commission and Zoning Administrator considered the permits for this project. We urge the Board of Supervisors to reject this appeal; to consider these issues at this late date could thwart the well-established, thoughtful and public review process that occurs at the time the Planning Department, Planning Commission and Zoning Administrator consider the permits for this and any project. These issues are not germane to the parcel map decision before the Board of Supervisors at this time.

SURROUNDING PROPERTIES AND NEIGHBORHOOD

The Project Site is located within an NC-1 (Neighborhood Commercial Cluster) District and 40-X Height and Bulk District. The Project Site is situated towards the western end of the NC-1 District along the one-block commercial corridor in the Outer Richmond neighborhood. The MUNI line "38-Geary" is one block south of the Project Site linking the Richmond area to Downtown and the Financial District. Other transit lines are also nearby and are within walking distance of the Site. Except for the commercial uses located on the subject block and adjacent blocks, the Project Site is surrounded by predominantly residential dwellings and residentially zoned districts to the north and east of the site. To the west of the site on Clement Street and 32nd Avenue, uses include a large supermarket and Lincoln Park and Golf Course. Buildings on the subject block and facing block on Clement Street range from one to two stories tall with primarily commercial uses on the ground floor and residential units on the upper floor. Commercial uses on the subject and facing blocks on Clement Street include restaurants, a flower shop, a clothing store, a dry cleaner, a Laundromat, a dance school, a convenience store, and other professional offices. The Geary Boulevard commercial corridor is one block south of the Project Site.

BACKGROUND:

2012: Applications for Development Filed

On November 13, 2012, 3030 Clement, LLC (hereinafter "Project Sponsor") filed an application with the Planning Department (hereinafter "Department") for Conditional Use authorization under Planning Code Sections 121.1, 303(c) and 710.11 to allow a development lot size of 5,000 square feet, in an NC-1 (Neighborhood Commercial Cluster) District, and a 40-X Height and Bulk District. The proposal was to demolish an existing one-story commercial building and construct a new four-story mixed use building containing approximately 900 square feet of retail space, six residential parking spaces and 10 bicycle spaces on the ground floor, and six dwelling units on the upper floors, including three two-bedroom units, and three three-bedroom units. The proposed ground floor level occupies the entire lot, resulting in the need for a rear yard modification per the Variance process. The development would total approximately 15,500 square feet

November 2013 – Planning Department Completes CEQA Review

On November 6, 2013, the Project was determined to be exempt from the California Environmental Quality Act ("CEQA") as Class One and Class 3 Categorical Exemption under CEQA as described in the determination contained in the Planning Department files for this Project (Case 2012.0990E). No appeal of the categorical exemption was filed.

February 2014 – Planning Commission approves Conditional Use Authorization and Zoning Administrator Approves Variance Application

On February 27, 2014, the San Francisco Planning Commission (hereinafter "Commission") conducted a duly noticed public hearing at a regularly scheduled meeting on Conditional Use Application No. 2012.0990CEUV. This hearing was conducted jointly with a public hearing of the Zoning Administrator on the Variance Application No. 2012.0990CEUV. Both items were approved unanimously on the consent calendar without opposition.

October 2014 – Building Permits Issued by Department of Building Inspection

On November 16, 2012, the Project Sponsor filed a Building Permit Application with the Department of Building Inspection. On May 8, 2014, following the approval of all required entitlements, Building Permit Application no. 201211093902 and 201211093910 were approved by Planning Department staff. The Department of Building Inspection completed review of detailed construction drawings and permits for demolition and new construction. The final approved building permits were issued by the Central Permitting Bureau on October 27, 2014.

September-November 2014 – Tentative Parcel Map Application Filed & Approved

The tentative map application was filed with DPW on September 30, 2014 and referred to the Planning Department for review on October 3, 2014. The Department recommended approval of the subdivision on November 10, 2014, and DPW issued an approval on November 10, 2014.

APPELLANT ISSUES AND PLANNING DEPARTMENT RESPONSES:

In the appellant's materials describing the basis for the appeal, the Appellant raises issues that have been addressed by previous actions regarding the 3032, 3038-3040 Clement Street. Specifically, the scale, density, and rear-yard dimensions of the project were all considered at the joint hearing of the Planning Commission and Zoning Administrator. At that hearing, the project received all necessary entitlements from the Planning Commission and Zoning Administrator. The Conditional Use Authorization for this project was not appealed to the Board of Supervisors. The Rear-Yard Modification was not appealed to the Board of Appeals.

The appellant raises issues with respect to the scale, density and design of the project. The issues raised by the Appellant were addressed by the Planning Commission and Zoning Administrator as follows:

1. **The scale of the proposed building.** The Commission found that the scale of the proposed Project was compatible with the existing scale of the district in that it is typified by ground floor commercial uses with housing on the upper floors. The new four-story building is typical of the surrounding three to four-story residential buildings in the district and on this block. Across 32nd Avenue is a large formula retail pharmacy and grocery store.
2. **The density of the proposed project.** The Commission found the previous development to be underutilizing the site's potential. Prior to the demolition of the previous building, the site contained a one-story building, with a specialty European grocery store and a carport for two tandem parking spaces. The proposed Project would create six new dwelling units and an approximately 900 square-foot retail space on the ground floor. The City is currently facing a housing crisis due to economic and employment changes. The Mayor issued an executive order establishing a working group to develop policies to address the housing crisis. The working group has recommended that the Planning Commission encourage density in new housing projects. The Project maximizes the permitted residential density allowed in the NC District by building the six units permitted by this zoning district. The Project is necessary and desirable because it is also located at a unique in-fill location in the Outer Richmond neighborhood, where new housing would be appropriate and desirable. A new retail storefront will be provided, adding pedestrian interest and vitality along Clement Street.
3. **The rear-yard and open space of the proposed building.** The proposed project provides no rear yard at the ground floor level. Therefore, the project required a modification from the rear yard requirement of the Planning Code. In granting the rear-yard modification, the Zoning Administrator found that the new building will not encroach any further into the mid-block open space than the previous structure. The previous one-story structure occupied almost the entirety of the lots. The proposed building would occupy the entirety of the lot at the ground floor level only. As a result, it will have no additional impact on the mid-block open space. Further, with the proposed project, an equal amount of open space that would otherwise be provided by a ground level rear yard is being provided on the second level. In addition, a roof deck totaling approximately 2,000 square feet will provide additional open space. The open space provided at the second level will be directly accessible by the two units on the second floor, allowing these residents to access open space at the same floor as their unit, rather than having to travel down a floor. The open space provided at the roof deck will serve the units on the third and fourth floor levels. As such the rooftop space will be closer to the fourth floor than if provided at the ground level, and just as close to the third floor than if provided at the ground level. The rooftop mechanical equipment is required to be screened pursuant to Planning Code section 141. In sum,

the rear yard modification will allow for the construction of six family-sized dwelling units above a ground floor with retail space, six required off-street parking spaces for the dwelling units, and 10 Class 1 bicycle spaces.

4. **The process.** In conjunction with the planning entitlements, public notification was completed as required. The Project Sponsor conducted a pre-application meeting on August 15, 2012. After the application was filed, the project was noticed for public hearing in three ways: (1) a newspaper advertisement, (2) mailed notice to property owners and occupants within 150' and mailed notice to property owners within 300', and (3) a 30" x 30" sign posted at the site, as required by Section 312. Eight letters of support were submitted to the Commission prior to the hearing. There was no opposition to the project. The item was approved unanimously on the consent calendar on February 27, 2014.

All of Appellant's issues were addressed at the time the Planning Commission and Zoning Administrator considered permits authorizing the project at a particular scale and design. The City's well-established permit process affords an opportunity for public review and comment, as well as careful consideration by City decision-makers in the appropriate context – review of the permits needed to construct the building, at a particular scale and design, in the context of the neighborhood.

CONCLUSION:

In their approval of the Conditional Use Authorization, the Commission cited numerous benefits of the Project, including the addition of new housing on a commercial corridor in the Richmond District and over 30' of fenestrated transparent windows and doorways to activate the street frontage. The location, just one block south of the 38-Gear Muni line links the area to the Downtown and is a suitable location for mixed-use development. The Commission also found that the Project's uses, size, density, height, and design are compatible with the surrounding context.

As described above, the project was found to be exempt from CEQA, and the Project has received all necessary entitlements from the Planning Commission and Zoning Administrator. Department staff has concluded that the Tentative Map application would merge the subject parcels in a manner that is consistent with the configuration of the development project approved by the entitlements. Further, the Tentative Map application is consistent the General Plan in that it will replace an underutilized one-story retail building with a four-story mixed-use building. The new building will provide six dwelling units, including three 2-bedroom units and three 3-bedroom units. The Planning Department recommends that the Board uphold the Department of Public Work's decision in approving the Tentative Parcel Map for 3032, 3038—3040 Clement Street and deny the Appellant's request for appeal.



SAN FRANCISCO PLANNING DEPARTMENT

Subject to: (Select only if applicable)

- Inclusionary Housing (Sec. 415)
- Jobs Housing Linkage Program (Sec. 313)
- Downtown Park Fee (Sec. 139)
- Better Streets Plan (Sec. 138.1)
- First Source Hiring (Admin. Code Chapter 83)
- Transit Impact Development Fee (Sec. 411)

1650 Mission St.
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Planning Commission Motion No.19096

HEARING DATE: FEBRUARY 27, 2014

Date: February 20, 2014
Case No.: 2012.0990CEUV
Project Address: 3032 - 3038 CLEMENT STREET
Zoning: NC-1 (Neighborhood Commercial Cluster) District
40-X Height and Bulk District
Block/Lots: 1402/022 and 023
Project Sponsor: 3038 Clement, LLC
c/o John Kevlin
Reuben, Junius & Rose, LLP
One Bush Street, Suite 600
San Francisco, CA 94104
Staff Contact: Mary Woods – (415) 558-6315
mary.woods@sfgov.org

ADOPTING FINDINGS RELATING TO THE APPROVAL OF A CONDITIONAL USE AUTHORIZATION PURSUANT TO SECTIONS 121.1, 303(C) AND 710.11 OF THE PLANNING CODE TO ALLOW A DEVELOPMENT LOT SIZE OF 5,000 SQUARE FEET, IN AN NC-1 (NEIGHBORHOOD COMMERCIAL CLUSTER) DISTRICT AND A 40-X HEIGHT AND BULK DISTRICT.

PREAMBLE

On November 13, 2012, 3030 Clement, LLC (hereinafter "Project Sponsor") filed an application with the Planning Department (hereinafter "Department") for Conditional Use authorization under Planning Code Sections 121.1, 303(c) and 710.11 to allow a development lot size of 5,000 square feet, in an NC-1 (Neighborhood Commercial Cluster) District, and a 40-X Height and Bulk District.

On February 27, 2014, the San Francisco Planning Commission (hereinafter "Commission") conducted a duly noticed public hearing at a regularly scheduled meeting on Conditional Use Application No. 2012.0990CEUV.

On November 6, 2013, the Project was determined to be exempt from the California Environmental Quality Act ("CEQA") as Class One and Class 3 Categorical Exemption under CEQA as described in the determination contained in the Planning Department files for this Project (Case 2012.0990E).

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 Project Sponsor, Department staff, and other interested parties.

MOVED, that the Commission hereby authorizes the Conditional Use requested in Application No. 2012.0990CEUV, 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 is located on the north side of Clement Street between 31st and 32nd Avenues, in Assessor's Block 1402, Lots 022 and 023. The property is located within an NC-1 (Neighborhood Commercial Cluster) District and 40-X Height and Bulk District. The Project Site is improved with a one-story retail building occupying almost the entire depth of both lots, and an ancillary carport for two tandem parking spaces on the east side of the property. The existing approximately 17-foot tall, 4,100 square-foot building is currently used as a specialty European grocery store.
3. **Surrounding Properties and Neighborhood.** The Project Site is situated towards the western end of the NC-1 District along the one-block commercial corridor in the Outer Richmond neighborhood. The MUNI line "38-Geary" is one block south of the Project Site linking the Richmond area to Downtown and the Financial District. Other transit lines are also nearby and are within walking distance of the Site. Except for the commercial uses located on the subject block and adjacent blocks, the Project Site is surrounded by predominantly residential dwellings and residentially zoned districts to the north and east of the site. To the west of the site on Clement Street and 32nd Avenue, uses include a large supermarket and Lincoln Park and Golf Course. Buildings on the subject block and facing block on Clement Street range from one to two stories tall with primarily commercial uses on the ground floor and residential units on the upper floor. Commercial uses on the subject and facing blocks on Clement Street include restaurants, a flower shop, a clothing store, a dry cleaner, a Laundromat, a dance school, a convenience store, and other professional offices. The Geary Boulevard commercial corridor is one block south of the Project Site.
4. **Project Description.** The proposed Project consists of three components: (1) the merger of the two lots on the Project Site; (2) the demolition of the existing one-story retail building and carport, and (3) the construction of a new, 40-foot tall, four-story mixed-use building. The new

building will contain a retail space (approximately 900 square feet), six parking spaces and 10 bicycle spaces on the ground floor, and six dwelling units on the upper floors, including 3 two-bedroom units, and 3 three-bedroom units. The proposed ground floor level occupies the entire lot, resulting in the need for a rear yard modification per the Variance process (Case 2012.0990V). The development would total approximately 15,500 square feet.

The proposed Project requires public notice per Planning Code Section 312 and the related Variance request for a rear yard modification, which was conducted in conjunction with the Conditional Use authorization process:

5. **Public Comment.** To date, the Department has received eight letters in support of the Project, and none received in opposition to the Project.
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.** Sections 121.1 and 710.11 state that a Conditional Use authorization is required for development of a lot size exceeding 4,999 square feet in Neighborhood Commercial Districts.

The Project's two combined lots will total 5,000 square feet.

- B. **Basic Floor Area Ratio.** Section 124 limits the building square footage to 1.8 square feet of building area for every 1 square foot of lot area, or approximately 9,000 square feet of building area for the subject site. However, in NC Districts, the FAR limits do not apply to dwellings or to other residential uses per Section 124(b).

The entire Project would total approximately 15,500 square feet, of which, approximately 14,600 square feet is related to residential uses. The remaining 900 square feet is devoted to non-residential uses.

- C. **Residential Density.** Section 710.91, which sets forth density restrictions for dwelling units in NC Districts, states that one dwelling unit is allowed for each 800 square feet of lot area.

Based on a lot area of 5,000 square feet, six dwelling units are permitted. The Project proposes to develop up to six dwelling units.

- D. **Front Setback.** Section 132 is not applicable. There is no front setback requirement for buildings in NC-1 Districts.

- E. **Rear Yard.** Section 134(a)(1) requires that a rear yard equal to 25% of the lot depth be provided opposite the site's frontage. Section 134(a)(1)(A) requires that in NC-1 Districts, rear yards must be provided at the ground level and at each succeeding story of the building. Further, Section 134(e)(1) allows for a modification to the rear yard requirement to be granted by the Zoning Administrator in NC Districts when three alternative findings are made.

The proposed ground floor occupies the entire depth of the lot while the upper three floors have a 25-foot rear yard setback (25% of the 100-foot lot depth) at all the residential levels. The Project, therefore, requires a rear yard modification pursuant to the Variance procedures.

- F. **Useable Open Space.** Section 135 typically requires 100 square feet of usable open space be provided for every dwelling unit, when provided as private open space, in NC-1 Districts. The open space requirement must be multiplied by 1.33 when provided as common open space.

For the proposed six-unit Project, approximately 800 square feet of common useable open space would be required. For four of the units, the Project will provide common useable open space at the roof deck totaling approximately 2,000 square feet (532 square feet required). The remaining two units contain private useable open space in the form of private decks, totaling approximately 1,200 (200 square feet required). All private open spaces meet the minimum area requirements of the Code.

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

All of the units in the proposed Project meet this requirement.

- H. **Street Frontage in Neighborhood Commercial Districts.** Section 145.1 requires in NC Districts containing specific uses, including retail stores, that off-street parking at street grade on a development lot be set back at least 25 feet on the ground floor from any facade facing a street at least 30 feet in width, that parking entrances are no more than 17 feet wide, that active uses be provided within the first 25 feet of building depth on the ground floor, that ground floors have a minimum 10-foot ceiling height, that street-fronting interior spaces for non-residential active uses and lobbies be as close as possible to the sidewalk, and that the ground floor street frontage be at least 60% transparent in order to 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 decorated grille work, other than wire mesh, which is placed in front or behind ground floor windows, shall be at least 75 percent open to perpendicular view.

The proposed Project is consistent with the relevant provisions under Section 145.1. The proposed ground floor parking is set back approximately 55 feet from the building facade. The parking entrance is 8 feet wide. The ground floor ceiling height is 10.6 feet. The proposed retail space and residential lobby are designed to be set back three feet from the front property line. Along the 50-foot wide Clement Street frontage, approximately 30 feet are fenestrated with transparent windows and doorways, which is equivalent to approximately 60 percent transparency.

- I. **Parking.** Section 151 requires one off-street parking space for each dwelling unit. Section 155.2(b) requires one Class 1 bicycle space for every dwelling unit, and a minimum of two Class 2 spaces for the retail use.

The proposed Project meets the provisions of the parking requirements as follows: six off-street parking spaces for the dwelling units, and 10 Class 1 bicycle spaces. The Project will provide two on-street Class 2 bicycle spaces. The Project would not be required to have off-street freight loading spaces because the Project proposes approximately 900 square feet of retail use on the ground floor. Adequate signs or notices of the availability of bicycle parking will be provided at the Project Site.

- J. Transit Impact Development Fee.** Sections 411 through 411.8 authorizes the imposition of certain development impact fees on new non-residential development projects or conversion of non-residential space of at least 800 gross square feet to offset impacts on the transit system. Land use categories for all impact fees are defined in Section 401.

The Project Sponsor will comply with the requirements of this section prior to the issuance of a Site Permit.

- K. Inclusionary Affordable Housing Program.** Section 415 (formerly Section 315) sets forth the requirements and procedures for the Inclusionary Affordable Housing Program. Under Planning Code Section 415.3, these requirements apply to projects that consist of 10 or more units, where the first application (EE or BPA) was applied for before July 18, 2006.

The proposed Project for six dwelling units is not required to provide any inclusionary affordable housing units.

- L. Signage.** Any proposed signage will be subject to the review and approval of the Planning Department and must comply with Article 6 of the Planning Code.

- 7. Planning Code Section 303(c)** 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 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 existing Project Site is underutilized. It contains a one-story building currently used as a specialty European grocery store, and a carport for two tandem parking spaces. The proposed Project would create six new dwelling units and an approximately 900 square-foot retail space on the ground floor.

The City is currently facing a housing crisis due to economic and employment changes. The Mayor had issued an executive order establishing a working group to develop policies to address the housing crisis. The working group has recommended that the Planning Commission encourage density in new housing projects. The Project maximizes the permitted residential density allowed in the NC District. The Project is necessary and desirable because it is also located at a unique in-fill location in the Outer Richmond neighborhood, where new housing would be appropriate and desirable. The Mayor, in his latest State of the City speech, called for the construction of 30,000 new dwelling units in the next six

years. The proposed mixed-use development will add six dwelling units to the City's housing stock. A new retail storefront will be provided, adding pedestrian interest and vitality along Clement Street.

(1) In Neighborhood Commercial Districts, if the proposed development lot exceeds the limitation (4,999 square feet) found in Planning Code Section 121.1, the following shall be considered:

(i) The mass and façade of the proposed structure are compatible with the existing scale of the district; and

The proposed Project is compatible with the existing scale of the district in that it is typified by ground floor commercial uses with housing on the upper floors. The new four-story building is typical of the surrounding three to four-story residential buildings in the district. The façade of the Project is also consistent with other multi-family developments in the area. It has vertical, multi-story bay windows. The ground floor provides significant transparency, consistent with the street frontage requirements.

(ii) The façade of the proposed structure is compatible with design features of adjacent facades that contribute to the positive visual quality of the district.

The lot to the west of the Project Site is a non-conforming automobile service station, which is not consistent with the character of the neighborhood. The Project's façade is compatible with the building adjacent to the east of the site. The Project is situated on a double-wide lot with a single building with its mass at the street broken into two halves, providing a mass that communicates two separate buildings of the same width as the building adjacent to the east. Each "half" of the building provides two lateral bays, similar to the two bays on the east building. Other multi-family buildings in the neighborhood also provide similar vertical, multi-story bay windows similar to the proposed Project. The Project will provide a building with a contemporary design that is still harmonious with the aesthetic character of the surrounding buildings.

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 four stories tall with an arcaded ground floor level. There are numerous four-story buildings on the subject block and adjacent blocks, near the Project Site. The design of the new building has been created to be compatible with the scale and context of the surrounding neighborhood.

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

The Project Site is well-served by public transit. Several MUNI transit lines (1-California, 1AX, 2-Clement, and 38-Geary) run directly in front of or near the Site. The Project proposes ground level parking for six cars, 10 Class 1 bicycle spaces, as well as two on-street bicycle spaces.

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

No noxious or offensive emissions will be associated with the Project. The Project's retail or commercial tenant (to be determined) will incorporate appropriate measures in order to avoid any such emissions.

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

The Project provides both private and common useable open space at the second level decks and a roof deck. Landscaping will be provided at the outdoor open spaces. The proposed garage door is set back approximately 5 feet from the front property line. The parking spaces will be fully enclosed within the new building.

- 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 relevant requirements and standards of the Planning Code, and is consistent with objectives and policies of the General Plan as detailed below.

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

The proposed Project is consistent with the stated purpose of the NC-1 (Neighborhood Commercial Cluster) District in that the intended use is to replace an underutilized one-story building with a four-story mixed use development. The larger lot size is required to create six new housing units on upper floors, and a retail space, automobile and bicycle parking spaces on the ground floor.

- 8. **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 DEVELOPEMNT ADEQUATE SITES TO MEET THE CITY'S HOUSING NEEDS, ESPECIALLY PERMANENTLY AFFORDABLE HOUSING.

Policy 1.1:

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

The new four-story mixed-use building will contain a retail space (approximately 900 square feet) on the ground floor, and six dwelling units on the upper floors, including three two-bedroom units, and three three-bedroom units.

OBJECTIVE 11:

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

Policy 11.6

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

The Project consists of an in-fill development, which replaces an underutilized one-story retail building with a combined residential and retail building, consistent with the established uses in the neighborhood.

COMMERCE AND INDUSTRY ELEMENT

Objectives and Policies

OBJECTIVE 6:

MAINTAIN AND STRENGTHEN VIABLE NEIGHBORHOOD COMMERCIAL AREAS EASILY ACCESSIBLE TO CITY RESIDENTS.

Policy 6.1:

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

Policy 6.3

Preserve and promote the mixed commercial-residential character in neighborhood commercial districts. Strike a balance between the preservation of existing affordable housing and needed expansion of commercial activity.

Policy 6.9

Regulate uses so that traffic impacts and parking problems are minimized

The Project's commercial component will provide desirable goods and services to the neighborhood and will provide resident employment opportunities to those in the community. Further, the Project Site is located within a Neighborhood Commercial District and is thus consistent with activities in the commercial land use plan.

By providing a modified rear yard, the Project will be able to provide adequate on-site parking to meet the needs of the residential use so that the Project will not significantly increase traffic congestion or parking problems in the neighborhood.

URBAN DESIGN ELEMENT

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 1.2:

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

Policy 1.3:

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

The Project consists of an in-fill development, which replaces an underutilized one-story retail building with a four-story mixed use building. The new building is consistent with the existing pattern of four-story buildings on the subject block and adjacent blocks in 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 design of the Project draws on architectural features of surrounding older development and is compatible with the existing character of the neighborhood. The Project also echoes similar multi-family housing developments on the block and adjacent blocks by providing similar vertical, multi-story bay windows on residential levels.

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.

The proposed Project will replace an underutilized one-story building with a four-story mixed use building with a retail space on the ground floor and residential units on the upper floors. The Project's new retail space will offer new employment opportunities and business ownership.

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

The design of the new mixed-use building will be compatible with the scale and design of the existing neighborhood.

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

The Project Site currently does not have any housing units. With the Project, six new dwelling units will be added to the City's housing stock.

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

The Project Site is well-served by public transit. Several MUNI transit lines (1-California, 1AX, 2-Clement, and 38-Geary) run directly in front of or near the Site. The Project proposes ground level parking for six cars, 10 Class 1 bicycle spaces, as well as two on-street bicycle spaces. The Transit Impact Development Fee also applies to the retail component of the Project, thereby providing additional funds to support MUNI and other public transit services.

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

The Project will not displace any service or industry establishment. The Project will not affect industrial or service sector uses or related employment opportunities. Ownership of industrial or service sector businesses will not be affected by this Project.

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

The Project will comply will all current earthquake safety requirements of the City's Building Code for the new building as well as the existing theatre building.

- G. That landmarks and historic buildings be preserved.

The existing building is not a landmark nor considered a historic resource.

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

The new building will not exceed the 40-foot height limit; therefore, the Project will not affect existing parks and open spaces.

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 Project Sponsor, the staff of the Department and other interested parties, the oral testimony presented to this Commission at the public hearings, and all other written materials submitted by all parties, the Commission hereby **APPROVES Conditional Use Application No. 2012.0990CEUV** subject to the following conditions attached hereto as "EXHIBIT A" in general conformance with plans on file, dated January 31, 2014, and labeled "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. 19096. 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 February 27, 2014.

Jonas P. Ionin
Commission Secretary

AYES: Fong, Antonini, Hillis, Moore, Sugaya
NAYS: N/A
ABSENT: Wu, Borden

ADOPTED: February 27, 2014

EXHIBIT A

Conditions of Approval

AUTHORIZATION

This authorization is for a Conditional Use Authorization to allow a development lot size of 5,000 square feet, pursuant to Planning Code Sections 121.1, 303(c) and 710.11, in an NC-1 (Neighborhood Commercial Cluster) District, and a 40-X Height and Bulk District; in general conformance with plans dated January 31, 2014 and labeled "EXHIBIT B" included in the docket for Case No. 2012.0990CEUV and subject to conditions of approval reviewed and approved by the Commission on February 27, 2014 under Motion No. 19096. 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 Application 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 February 27, 2014 under Motion No. 19096.

PRINTING OF CONDITIONS OF APPROVAL ON PLANS

The conditions of approval under the "EXHIBIT A" of this Planning Commission Motion No. 19096 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. The 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 – COMPLIANCE AT PLAN STAGE

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 Planning Department staff review and approval. The Building/Site Permit Application and/or 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 Placement.** 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.
8. **Lighting Plan.** The Project Sponsor shall submit an exterior lighting plan to the Planning Department prior to Planning Department's approval of the Building or Site Permit Application.
For information about compliance, contact the Case Planner, Planning Department at 415-558-6378, www.sf-planning.org.
9. **Rooftop Mechanical Equipment.** Pursuant to Planning Code 141, the Project Sponsor shall submit a roof plan to the Planning Department prior to Planning approval of the Building Permit application. Rooftop mechanical equipment, if any is proposed as part of the Project, is required to be screened so as not to be visible from any point at or below the roof level of the subject building.
For information about compliance, contact the Case Planner, Planning Department at 415-558-6378, www.sf-planning.org.
10. **Signage Program.** Any proposed signage shall be subject to the review and approval of the Planning Department and must comply with Article 6 of the Planning Code.
For information about compliance, contact the Case Planner, Planning Department at 415-558-6378, www.sf-planning.org.
11. **Transformer Vault.** The location of individual project PG&E Transformer Vault installations has significant effects to San Francisco streetscapes when improperly located. However, they may not have any impact if they are installed in preferred locations. Therefore, the 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 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 the Bureau of Street use and Mapping, Department of Public Works at 415-554-5810, <http://sfdpw.org>.

PARKING AND TRAFFIC

12. **Automobile Parking.** The Project Sponsor shall provide six spaces for the Project.
For information about compliance, contact Code Enforcement, Planning Department at 415-575-6863, www.sf-planning.org.
13. **Bicycle Parking.** The Project Sponsor shall provide ten (10) on-site "Class 1" bicycle parking spaces, and two (2) "Class 2" bicycle parking spaces. Adequate signs or notices of the availability of bicycle parking shall also be provided at the Project Site.
For information about compliance, contact Code Enforcement, Planning Department at 415-575-6863, www.sf-planning.org.
14. **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 impacts during construction of the Project.
For information about compliance, contact Code Enforcement, Planning Department at 415-575-6863, www.sf-planning.org.

PROVISIONS

15. **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.sfplanning.org

MONITORING - AFTER ENTITLEMENT

16. **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*
17. **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

18. **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.*
19. **Garbage, Recycling, and Composting Receptacles.** Garbage, recycling, and compost containers shall be kept within trash enclosures on 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/>.*
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/>*



SAN FRANCISCO PLANNING DEPARTMENT

Rear Yard Modification Decision

Date: May 2, 2014
Case No.: 2012.0990CEUY
Project Address: **3032 - 3038 CLEMENT STREET**
Zoning: NC-1 (Neighborhood Commercial Cluster) District and
40-X Height and Bulk District
Block/Lots: 1402/022 and 023
Applicant: John Kevlin
Reuben, Junius & Rose, LLP
One Bush Street, Suite 600
San Francisco, CA 94104
Property Owner: 3038 Clement, LLC
c/o Reza Khoshnevisan
SIA Consulting Corp.
1256 Howard Street
San Francisco, CA 94103
Staff Contact: Mary Woods – (415) 558-6315
mary.woods@sfgov.org

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

Reception:
415.558.6378

Fax:
415.558.6409

Planning
Information:
415.558.6377

REAR YARD MODIFICATION SOUGHT:

The proposal is to demolish an existing one-story commercial building and construct a new four-story mixed use building containing approximately 900 square feet of retail space, six residential parking spaces and 10 bicycle spaces on the ground floor, and six dwelling units on the upper floors, including three two-bedroom units, and three three-bedroom units. The proposed ground floor level occupies the entire lot, resulting in the need for a rear yard modification per the Variance process. The development would total approximately 15,500 square feet.

Planning Code Section 134(a)(1) requires the project to provide a rear yard equal to 25 percent of the lot depth. Section 134(a)(1)(A) requires that in NC-1 Districts, rear yards must be provided at the ground level and at each succeeding story of the building. The proposed project provides no rear yard at the ground floor level. Therefore, the project requires a modification from the rear yard requirement of the Planning Code.

Planning Code Section 134(e)(1) allows modification of the required rear yard in Neighborhood Commercial Districts when three alternative findings are made: (1) that residential uses are included in the new development and a comparable amount of usable open space is provided elsewhere on the lot where it is more accessible to the residents of the development; (2) the proposed new structure will not significantly impede the access of light and air to and views from adjacent properties, and (3) the proposed new structure will not adversely affect the interior block open space formed by rear yards of adjacent properties.

PROCEDURAL BACKGROUND:

1. The Planning Department issued a Categorical Exemption, Class One and Class Three from the California Environmental Quality Act ("CEQA") for the project on **November 6, 2013**.
2. The Zoning Administrator held a joint public hearing on **Variance Application No. 2012.0990CEUV** with the Planning Commission on **February 27, 2014**. At this hearing, the Planning Commission unanimously approved the requested Conditional Use Authorization (Motion No. 19096).
3. Planning Code Section 312 Notification was covered under the 20 day Conditional Use authorization notice for Case No. 2012.0990CEUV, mailed on February 7, 2014.

DECISION:

GRANTED, in general conformity with the plans on file with this application, shown as EXHIBIT A, to demolish an existing one-story commercial building and construct a new four-story, mixed use building with six dwelling units where the entire ground floor level is located within the required rear yard, subject to the following conditions:

1. Any future physical expansion, even in the buildable area, shall be reviewed by the Zoning Administrator to determine if the expansion is compatible with existing neighborhood character and scale. If the Zoning Administrator determines that there would be a significant or extraordinary impact, the Zoning Administrator shall require either notice to adjacent and/or affected property owners or a new Rear Yard Modification or Variance application be sought and justified.
2. The proposed project must meet these conditions and all applicable City Codes. In case of conflict, the more restrictive controls apply.
3. Minor modifications as determined by the Zoning Administrator may be permitted.
4. The owner of the subject property shall record on the land records of the City and County of San Francisco the conditions attached to this Rear Yard Modification Decision as a Notice of Special Restrictions in a form approved by the Zoning Administrator.
5. This Rear Yard Modification Decision and the recorded Notice of Special Restrictions shall be reproduced on the Index Sheet of the construction plans submitted with the Site or Building Permit Application for the Project. This Index Sheet of the construction plans shall reference the Variance Case Number.

FINDINGS:

Section 134(e)(1) of the Planning Code states that in order to grant a rear yard modification, and in accordance with Section 307, the Zoning Administrator must determine that the facts of the case are sufficient to establish each of the following criteria:

CRITERIA 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

Requirement Met.

- A. The proposed project is located in an NC-1 zoning district, which requires that a 25 percent rear yard (equivalent to approximately 1,250 square feet) be provided at grade level and above in a new building. The project proposes a 25 percent rear yard at the second story and above.
- B. The granting of the rear yard modification will allow for the construction of six family-sized dwelling units above a ground floor with retail space, six required off-street parking spaces for the dwelling units, and 10 Class 1 bicycle spaces. An equal amount of open space that would otherwise be provided by a ground level rear yard is being provided on the second level. In addition, a roof deck totaling approximately 2,000 square feet will provide additional open space. The open space provided at the second level will be directly accessible by the two units on the second floor, allowing these residents to access open space at the same floor as their unit, rather than having to travel down a floor. The open space provided at the roof deck will serve the units on the third and fourth floor levels, provided closer to the fourth floor than if provided at the ground level, and just as close to the third floor than if provided at the ground level.

CRITERIA 2.

The proposed new or expanding structure will not significantly impede the access of light and air to and views from adjacent properties; and

Requirement Met.

- A. The existing site is currently improved with a one-story retail building occupying almost the entire depth of both lots (except for the last 2.9 feet). As a result, within the 25 percent rear yard area, there will be no additional mass than what exists today. The new building's height at the front of the lot is approximately seven feet taller than the adjacent building to the east. The lot to the west is an auto service center.

CRITERIA 3.

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

Requirement Met.

- A. The new building will not encroach any further into the mid-block open space than the existing structure. The existing one-story structure occupies almost the entirety of the lots. The proposed building would occupy the entirety of the lot at the ground floor level only. As a result, it will have no additional impact on the mid-block open space.

FINDINGS PER PLANNING CODE SECTION 101.1

This development is consistent with the generally stated intent and purpose of the Planning Code to promote orderly and beneficial development. Planning Code Section 101.1 establishes eight priority-planning policies and requires review of variance applications for consistency with said policies. The project meets all relevant policies, including conserving neighborhood character, and maintaining housing stock.

1. The proposed project does not adversely affect neighborhood parking or public transit.
2. The proposed project will be in keeping with the existing housing and neighborhood character.
3. The project will have no effect on the City's industrial and service sectors.
4. The proposed project will add six dwelling units to the City's housing supply.
5. The proposed project will have no effect on the City's preparedness to protect against injury and loss of life in an earthquake.
6. The project will have no adverse effect on the City's landmarks or historic buildings.
7. The project would not affect any existing or planned public parks or open spaces.
8. Existing neighborhood retail uses will not be adversely affected by the proposed project.

The effective date of this decision shall be either the date of this decision letter if not appealed or the date of the Notice of Decision and Order if appealed to the Board of Appeals.

Once any portion of the granted variance is utilized, all specifications and conditions of the variance authorization became immediately operative.

The authorization and rights vested by virtue of this decision letter shall be deemed void and cancelled if (1) a Building Permit has not been issued within three years from the effective date of this decision; or (2) a Tentative Map has not been approved within three years from the effective date of this decision for Subdivision cases; or (3) neither a Building Permit or Tentative Map is involved but another required City action has not been approved within three years from the effective date of this decision. However, this authorization may be extended by the Zoning Administrator when the issuance of a necessary Building Permit or approval of a Tentative Map or other City action is delayed by a City agency or by appeal of the issuance of such a permit or map or other City action.

APPEAL: Any aggrieved person may appeal this variance decision to the Board of Appeals within ten (10) days after the date of the issuance of this Variance Decision. For further information, please contact the Board of Appeals in person at 1650 Mission Street, 3rd Floor (Room 304) or call 575-6880.

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

Rear Yard Modification Decision
May 2, 2014

CASE NO. 2012.0990CEUY
3032 - 3038 Clement Street

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.

Very truly yours,

Scott Sanchez
Zoning Administrator

THIS IS NOT A PERMIT TO COMMENCE ANY WORK OR CHANGE OCCUPANCY. PERMITS FROM APPROPRIATE DEPARTMENTS MUST BE SECURED BEFORE WORK IS STARTED OR OCCUPANCY IS CHANGED.

MW: G:\DOCUMENTS\VARIANCE\2012.0990V - 3032-38 Clement St - RYmodification.doc

Lamug, Joy

From: Adina, Seema (DPW)
Sent: Tuesday, December 02, 2014 12:52 PM
To: BOS Legislation (BOS)
Cc: Lamug, Joy; Carroll, John (BOS); Leibof, Steven
Subject: RE: Tentative Map Appeal - 3032, 3038-3040 Clement Street
Attachments: 8410_Application.pdf; 8410_DCP Tent App.pdf; 8410_Planning Commission Action.pdf; 8410_Planning NSR.pdf; 8410_DCP Rear Yard Modification.pdf; 8410_CCSF Surveyor App.pdf

Dear BOS,

Please see attached for supporting documents for Tentative Map Appeal PID 8410 3032, 3038-3040 Clement Street.

They are:

1. Application for Parcel Map/Final Map Subdivision
2. Distribution/Mailing list in excel or spreadsheet format (this was provided on 12/01/2014)
3. Planning Tentative Approval by Zoning Administrator
4. Planning Commission Action
5. Planning NSRs
6. Planning Department Rear Yard Modification Decision
7. County Surveyor's approval of the Tentative Map

Should you require further documentation, please let me know.

Thank you,



Seema Adina

City and County of San Francisco
San Francisco Public Works
Bureau of Street-Use and Mapping
1155 Market Street, 3rd Floor, San Francisco, CA 94103
Direct: (415) 554-5818 | Email: seema.adina@sfdpw.org

From: BOS Legislation (BOS)
Sent: Tuesday, December 02, 2014 9:18 AM
To: Adina, Seema (DPW)
Cc: BOS Legislation (BOS); Lamug, Joy
Subject: Tentative Map Appeal - 3032, 3038-3040 Clement Street

Good morning,

The attached Tentative Map appeal was filed yesterday, December 1, 2014, by Karl Nakamura. The appeal is scheduled to be heard by the Board of Supervisors on Tuesday, December 16, 2014.

Please see below list of documents needed to process this appeal. Can you please provide them **ASAP**? Kindly send everything to bos.legislation@sfgov.org.

- 1) **Application for Parcel Map/Final Map Subdivision**
- 2) Distribution/Mailing list in excel or spreadsheet format
- 3) Letter from Planning stating that the Tentative Map Application had been reviewed by the Zoning Administrator
- 4) Planning Commission Action
- 5) County Surveyor's approval of the Tentative Map

Please email or call me if any questions. Sorry for the rush! There's a lot of processing to do here, with the date coming so soon.

Thank you in advance.

John Carroll
Legislative Clerk
Board of Supervisors
San Francisco City Hall, Room 244
San Francisco, CA 94102
(415)554-4445 - Direct | (415)554-5184 - General | (415)554-5163 - Fax
john.carroll@sfgov.org | board.of.supervisors@sfgov.org

Please complete a Board of Supervisors Customer Service Satisfaction form by clicking [here](#).

The [Legislative Research Center](#) provides 24-hour access to Board of Supervisors legislation, and archived matters since August 1998.

Disclosures: Personal information that is provided in communications to the Board of Supervisors is subject to disclosure under the California Public Records Act and the San Francisco Sunshine Ordinance. Personal information provided will not be redacted. Members of the public are not required to provide personal identifying information when they communicate with the Board of Supervisors and its committees. All written or oral communications that members of the public submit to the Clerk's Office regarding pending legislation or hearings will be made available to all members of the public for inspection and copying. The Clerk's Office does not redact any information from these submissions. This means that personal information—including names, phone numbers, addresses and similar information that a member of the public elects to submit to the Board and its committees—may appear on the Board of Supervisors website or in other public documents that members of the public may inspect or copy.



SAN FRANCISCO PLANNING DEPARTMENT

Subject to: (Select only if applicable)

- Inclusionary Housing (Sec. 415)
- Jobs Housing Linkage Program (Sec. 313)
- Downtown Park Fee (Sec. 139)
- Better Streets Plan (Sec. 138.1)
- First Source Hiring (Admin. Code Chapter 83)
- Transit Impact Development Fee (Sec. 411)

1650 Mission St.
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Planning Commission Motion No.19096

HEARING DATE: FEBRUARY 27, 2014

Date: February 20, 2014
Case No.: 2012.0990CEUV
Project Address: 3032 - 3038 CLEMENT STREET
Zoning: NC-1 (Neighborhood Commercial Cluster) District
40-X Height and Bulk District
Block/Lots: 1402/022 and 023
Project Sponsor: 3038 Clement, LLC
c/o John Kevlin
Reuben, Junius & Rose, LLP
One Bush Street, Suite 600
San Francisco, CA 94104
Staff Contact: Mary Woods - (415) 558-6315
mary.woods@sfgov.org

ADOPTING FINDINGS RELATING TO THE APPROVAL OF A CONDITIONAL USE AUTHORIZATION PURSUANT TO SECTIONS 121.1, 303(C) AND 710.11 OF THE PLANNING CODE TO ALLOW A DEVELOPMENT LOT SIZE OF 5,000 SQUARE FEET, IN AN NC-1 (NEIGHBORHOOD COMMERCIAL CLUSTER) DISTRICT AND A 40-X HEIGHT AND BULK DISTRICT.

PREAMBLE

On November 13, 2012, 3030 Clement, LLC (hereinafter "Project Sponsor") filed an application with the Planning Department (hereinafter "Department") for Conditional Use authorization under Planning Code Sections 121.1, 303(c) and 710.11 to allow a development lot size of 5,000 square feet, in an NC-1 (Neighborhood Commercial Cluster) District, and a 40-X Height and Bulk District.

On February 27, 2014, the San Francisco Planning Commission (hereinafter "Commission") conducted a duly noticed public hearing at a regularly scheduled meeting on Conditional Use Application No. 2012.0990CEUV.

On November 6, 2013, the Project was determined to be exempt from the California Environmental Quality Act ("CEQA") as Class One and Class 3 Categorical Exemption under CEQA as described in the determination contained in the Planning Department files for this Project (Case 2012.0990E).

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 Project Sponsor, Department staff, and other interested parties.

MOVED, that the Commission hereby authorizes the Conditional Use requested in Application No. 2012.0990CEUV, 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 is located on the north side of Clement Street between 31st and 32nd Avenues, in Assessor's Block 1402, Lots 022 and 023. The property is located within an NC-1 (Neighborhood Commercial Cluster) District and 40-X Height and Bulk District. The Project Site is improved with a one-story retail building occupying almost the entire depth of both lots, and an ancillary carport for two tandem parking spaces on the east side of the property. The existing approximately 17-foot tall, 4,100 square-foot building is currently used as a specialty European grocery store.
3. **Surrounding Properties and Neighborhood.** The Project Site is situated towards the western end of the NC-1 District along the one-block commercial corridor in the Outer Richmond neighborhood. The MUNI line "38-Geary" is one block south of the Project Site linking the Richmond area to Downtown and the Financial District. Other transit lines are also nearby and are within walking distance of the Site. Except for the commercial uses located on the subject block and adjacent blocks, the Project Site is surrounded by predominantly residential dwellings and residentially zoned districts to the north and east of the site. To the west of the site on Clement Street and 32nd Avenue, uses include a large supermarket and Lincoln Park and Golf Course. Buildings on the subject block and facing block on Clement Street range from one to two stories tall with primarily commercial uses on the ground floor and residential units on the upper floor. Commercial uses on the subject and facing blocks on Clement Street include restaurants, a flower shop, a clothing store, a dry cleaner, a Laundromat, a dance school, a convenience store, and other professional offices. The Geary Boulevard commercial corridor is one block south of the Project Site.
4. **Project Description.** The proposed Project consists of three components: (1) the merger of the two lots on the Project Site; (2) the demolition of the existing one-story retail building and carport, and (3) the construction of a new, 40-foot tall, four-story mixed-use building. The new

building will contain a retail space (approximately 900 square feet), six parking spaces and 10 bicycle spaces on the ground floor, and six dwelling units on the upper floors, including 3 two-bedroom units, and 3 three-bedroom units. The proposed ground floor level occupies the entire lot, resulting in the need for a rear yard modification per the Variance process (Case 2012.0990V). The development would total approximately 15,500 square feet.

The proposed Project requires public notice per Planning Code Section 312 and the related Variance request for a rear yard modification, which was conducted in conjunction with the Conditional Use authorization process.

5. **Public Comment.** To date, the Department has received eight letters in support of the Project, and none received in opposition to the Project.
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.** Sections 121.1 and 710.11 state that a Conditional Use authorization is required for development of a lot size exceeding 4,999 square feet in Neighborhood Commercial Districts.

The Project's two combined lots will total 5,000 square feet.

- B. **Basic Floor Area Ratio.** Section 124 limits the building square footage to 1.8 square feet of building area for every 1 square foot of lot area, or approximately 9,000 square feet of building area for the subject site. However, in NC Districts, the FAR limits do not apply to dwellings or to other residential uses per Section 124(b).

The entire Project would total approximately 15,500 square feet, of which, approximately 14,600 square feet is related to residential uses. The remaining 900 square feet is devoted to non-residential uses.

- C. **Residential Density.** Section 710.91, which sets forth density restrictions for dwelling units in NC Districts, states that one dwelling unit is allowed for each 800 square feet of lot area.

Based on a lot area of 5,000 square feet, six dwelling units are permitted. The Project proposes to develop up to six dwelling units.

- D. **Front Setback.** Section 132 is not applicable. There is no front setback requirement for buildings in NC-1 Districts.
- E. **Rear Yard.** Section 134(a)(1) requires that a rear yard equal to 25% of the lot depth be provided opposite the site's frontage. Section 134(a)(1)(A) requires that in NC-1 Districts, rear yards must be provided at the ground level and at each succeeding story of the building. Further, Section 134(e)(1) allows for a modification to the rear yard requirement to be granted by the Zoning Administrator in NC Districts when three alternative findings are made.

The proposed ground floor occupies the entire depth of the lot while the upper three floors have a 25-foot rear yard setback (25% of the 100-foot lot depth) at all the residential levels. The Project, therefore, requires a rear yard modification pursuant to the Variance procedures.

- F. Useable Open Space.** Section 135 typically requires 100 square feet of usable open space be provided for every dwelling unit, when provided as private open space, in NC-1 Districts. The open space requirement must be multiplied by 1.33 when provided as common open space.

For the proposed six-unit Project, approximately 800 square feet of common useable open space would be required. For four of the units, the Project will provide common useable open space at the roof deck totaling approximately 2,000 square feet (532 square feet required). The remaining two units contain private useable open space in the form of private decks, totaling approximately 1,200 (200 square feet required). All private open spaces meet the minimum area requirements of the Code.

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

All of the units in the proposed Project meet this requirement.

- H. Street Frontage in Neighborhood Commercial Districts.** Section 145.1 requires in NC Districts containing specific uses, including retail stores, that off-street parking at street grade on a development lot be set back at least 25 feet on the ground floor from any facade facing a street at least 30 feet in width, that parking entrances are no more than 17 feet wide, that active uses be provided within the first 25 feet of building depth on the ground floor, that ground floors have a minimum 10-foot ceiling height, that street-fronting interior spaces for non-residential active uses and lobbies be as close as possible to the sidewalk, and that the ground floor street frontage be at least 60% transparent in order to 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 decorated grille work, other than wire mesh, which is placed in front or behind ground floor windows, shall be at least 75 percent open to perpendicular view.

The proposed Project is consistent with the relevant provisions under Section 145.1. The proposed ground floor parking is set back approximately 55 feet from the building facade. The parking entrance is 8 feet wide. The ground floor ceiling height is 10.6 feet. The proposed retail space and residential lobby are designed to be set back three feet from the front property line. Along the 50-foot wide Clement Street frontage, approximately 30 feet are fenestrated with transparent windows and doorways, which is equivalent to approximately 60 percent transparency.

- I. Parking.** Section 151 requires one off-street parking space for each dwelling unit. Section 155.2(b) requires one Class 1 bicycle space for every dwelling unit, and a minimum of two Class 2 spaces for the retail use.

The proposed Project meets the provisions of the parking requirements as follows: six off-street parking spaces for the dwelling units, and 10 Class 1 bicycle spaces. The Project will provide two on-street Class 2 bicycle spaces. The Project would not be required to have off-street freight loading spaces because the Project proposes approximately 900 square feet of retail use on the ground floor. Adequate signs or notices of the availability of bicycle parking will be provided at the Project Site.

- J. **Transit Impact Development Fee.** Sections 411 through 411.8 authorizes the imposition of certain development impact fees on new non-residential development projects or conversion of non-residential space of at least 800 gross square feet to offset impacts on the transit system. Land use categories for all impact fees are defined in Section 401.

The Project Sponsor will comply with the requirements of this section prior to the issuance of a Site Permit.

- K. **Inclusionary Affordable Housing Program.** Section 415 (formerly Section 315) sets forth the requirements and procedures for the Inclusionary Affordable Housing Program. Under Planning Code Section 415.3, these requirements apply to projects that consist of 10 or more units, where the first application (EE or BPA) was applied for before July 18, 2006.

The proposed Project for six dwelling units is not required to provide any inclusionary affordable housing units.

- L. **Signage.** Any proposed signage will be subject to the review and approval of the Planning Department and must comply with Article 6 of the Planning Code.

7. **Planning Code Section 303(c)** 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 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 existing Project Site is underutilized. It contains a one-story building currently used as a specialty European grocery store, and a carport for two tandem parking spaces. The proposed Project would create six new dwelling units and an approximately 900 square-foot retail space on the ground floor.

The City is currently facing a housing crisis due to economic and employment changes. The Mayor had issued an executive order establishing a working group to develop policies to address the housing crisis. The working group has recommended that the Planning Commission encourage density in new housing projects. The Project maximizes the permitted residential density allowed in the NC District. The Project is necessary and desirable because it is also located at a unique in-fill location in the Outer Richmond neighborhood, where new housing would be appropriate and desirable. The Mayor, in his latest State of the City speech, called for the construction of 30,000 new dwelling units in the next six

years. The proposed mixed-use development will add six dwelling units to the City's housing stock. A new retail storefront will be provided, adding pedestrian interest and vitality along Clement Street.

(1) In Neighborhood Commercial Districts, if the proposed development lot exceeds the limitation (4,999 square feet) found in Planning Code Section 121.1, the following shall be considered:

- (i) The mass and façade of the proposed structure are compatible with the existing scale of the district; and

The proposed Project is compatible with the existing scale of the district in that it is typified by ground floor commercial uses with housing on the upper floors. The new four-story building is typical of the surrounding three to four-story residential buildings in the district. The façade of the Project is also consistent with other multi-family developments in the area. It has vertical, multi-story bay windows. The ground floor provides significant transparency, consistent with the street frontage requirements.

- (ii) The façade of the proposed structure is compatible with design features of adjacent facades that contribute to the positive visual quality of the district.

The lot to the west of the Project Site is a non-conforming automobile service station, which is not consistent with the character of the neighborhood. The Project's façade is compatible with the building adjacent to the east of the site. The Project is situated on a double-wide lot with a single building with its mass at the street broken into two halves, providing a mass that communicates two separate buildings of the same width as the building adjacent to the east. Each "half" of the building provides two lateral bays, similar to the two bays on the east building. Other multi-family buildings in the neighborhood also provide similar vertical, multi-story bay windows similar to the proposed Project. The Project will provide a building with a contemporary design that is still harmonious with the aesthetic character of the surrounding buildings.

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 four stories tall with an arcaded ground floor level. There are numerous four-story buildings on the subject block and adjacent blocks, near the Project Site. The design of the new building has been created to be compatible with the scale and context of the surrounding neighborhood.

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

The Project Site is well-served by public transit. Several MUNI transit lines (1-California, LAX, 2-Clement, and 38-Geary) run directly in front of or near the Site. The Project proposes ground level parking for six cars, 10 Class 1 bicycle spaces, as well as two on-street bicycle spaces.

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

No noxious or offensive emissions will be associated with the Project. The Project's retail or commercial tenant (to be determined) will incorporate appropriate measures in order to avoid any such emissions.

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

The Project provides both private and common useable open space at the second level decks and a roof deck. Landscaping will be provided at the outdoor open spaces. The proposed garage door is set back approximately 5 feet from the front property line. The parking spaces will be fully enclosed within the new building.

- 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 relevant requirements and standards of the Planning Code, and is consistent with objectives and policies of the General Plan as detailed below.

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

The proposed Project is consistent with the stated purpose of the NC-1 (Neighborhood Commercial Cluster) District in that the intended use is to replace an underutilized one-story building with a four-story mixed use development. The larger lot size is required to create six new housing units on upper floors, and a retail space, automobile and bicycle parking spaces on the ground floor.

- 8. **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 DEVELOPEMNT ADEQUATE SITES TO MEET THE CITY'S HOUSING NEEDS, ESPECIALLY PERMANENTLY AFFORDABLE HOUSING.

Policy 1.1:

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

The new four-story mixed-use building will contain a retail space (approximately 900 square feet) on the ground floor, and six dwelling units on the upper floors, including three two-bedroom units, and three three-bedroom units.

OBJECTIVE 11:

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

Policy 11.6

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

The Project consists of an in-fill development, which replaces an underutilized one-story retail building with a combined residential and retail building, consistent with the established uses in the neighborhood.

COMMERCE AND INDUSTRY ELEMENT

Objectives and Policies

OBJECTIVE 6:

MAINTAIN AND STRENGTHEN VIABLE NEIGHBORHOOD COMMERCIAL AREAS EASILY ACCESSIBLE TO CITY RESIDENTS.

Policy 6.1:

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

Policy 6.3

Preserve and promote the mixed commercial-residential character in neighborhood commercial districts. Strike a balance between the preservation of existing affordable housing and needed expansion of commercial activity.

Policy 6.9

Regulate uses so that traffic impacts and parking problems are minimized

The Project's commercial component will provide desirable goods and services to the neighborhood and will provide resident employment opportunities to those in the community. Further, the Project Site is located within a Neighborhood Commercial District and is thus consistent with activities in the commercial land use plan.

By providing a modified rear yard, the Project will be able to provide adequate on-site parking to meet the needs of the residential use so that the Project will not significantly increase traffic congestion or parking problems in the neighborhood.

URBAN DESIGN ELEMENT

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 1.2:

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

Policy 1.3:

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

The Project consists of an in-fill development, which replaces an underutilized one-story retail building with a four-story mixed use building. The new building is consistent with the existing pattern of four-story buildings on the subject block and adjacent blocks in 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 design of the Project draws on architectural features of surrounding older development and is compatible with the existing character of the neighborhood. The Project also echoes similar multi-family housing developments on the block and adjacent blocks by providing similar vertical, multi-story bay windows on residential levels.

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.

The proposed Project will replace an underutilized one-story building with a four-story mixed use building with a retail space on the ground floor and residential units on the upper floors. The Project's new retail space will offer new employment opportunities and business ownership.

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

The design of the new mixed-use building will be compatible with the scale and design of the existing neighborhood.

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

The Project Site currently does not have any housing units. With the Project, six new dwelling units will be added to the City's housing stock.

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

The Project Site is well-served by public transit. Several MUNI transit lines (1-California, 1AX, 2-Clement, and 38-Geary) run directly in front of or near the Site. The Project proposes ground level parking for six cars, 10 Class 1 bicycle spaces, as well as two on-street bicycle spaces. The Transit Impact Development Fee also applies to the retail component of the Project, thereby providing additional funds to support MUNI and other public transit services.

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

The Project will not displace any service or industry establishment. The Project will not affect industrial or service sector uses or related employment opportunities. Ownership of industrial or service sector businesses will not be affected by this Project.

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

The Project will comply with all current earthquake safety requirements of the City's Building Code for the new building as well as the existing theatre building.

- G. That landmarks and historic buildings be preserved.

The existing building is not a landmark nor considered a historic resource.

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

The new building will not exceed the 40-foot height limit; therefore, the Project will not affect existing parks and open spaces.

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 Project Sponsor, the staff of the Department and other interested parties, the oral testimony presented to this Commission at the public hearings, and all other written materials submitted by all parties, the Commission hereby **APPROVES Conditional Use Application No. 2012.0990CEUV** subject to the following conditions attached hereto as "EXHIBIT A" in general conformance with plans on file, dated January 31, 2014, and labeled "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. 19096. 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 February 27, 2014.

Jonas P. Iorin
Commission Secretary

AYES: Fong, Antonini, Hillis, Moore, Sugaya
NAYS: N/A
ABSENT: Wu, Borden

ADOPTED: February 27, 2014

EXHIBIT A

Conditions of Approval

AUTHORIZATION

This authorization is for a Conditional Use Authorization to allow a development lot size of 5,000 square feet, pursuant to Planning Code Sections 121.1, 303(c) and 710.11, in an NC-1 (Neighborhood Commercial Cluster) District, and a 40-X Height and Bulk District; in general conformance with plans dated January 31, 2014 and labeled "EXHIBIT B" included in the docket for Case No. 2012.0990CEUV and subject to conditions of approval reviewed and approved by the Commission on February 27, 2014 under Motion No. 19096. 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 Application 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 February 27, 2014 under Motion No. 19096.

PRINTING OF CONDITIONS OF APPROVAL ON PLANS

The conditions of approval under the "EXHIBIT A" of this Planning Commission Motion No. 19096 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. The 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 – COMPLIANCE AT PLAN STAGE

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 Planning Department staff review and approval. The Building/Site Permit Application and/or 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 Placement.** 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.

8. **Lighting Plan.** The Project Sponsor shall submit an exterior lighting plan to the Planning Department prior to Planning Department's approval of the Building or Site Permit Application.

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

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

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

10. **Signage Program.** Any proposed signage shall be subject to the review and approval of the Planning Department and must comply with Article 6 of the Planning Code.

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

11. **Transformer Vault.** The location of individual project PG&E Transformer Vault installations has significant effects to San Francisco streetscapes when improperly located. However, they may not have any impact if they are installed in preferred locations. Therefore, the 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 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 the Bureau of Street use and Mapping, Department of Public Works at 415-554-5810, <http://sfdpw.org>.

PARKING AND TRAFFIC

12. **Automobile Parking.** The Project Sponsor shall provide six spaces for the Project.
For information about compliance, contact Code Enforcement, Planning Department at 415-575-6863, www.sf-planning.org.
13. **Bicycle Parking.** The Project Sponsor shall provide ten (10) on-site "Class 1" bicycle parking spaces, and two (2) "Class 2" bicycle parking spaces. Adequate signs or notices of the availability of bicycle parking shall also be provided at the Project Site.
For information about compliance, contact Code Enforcement, Planning Department at 415-575-6863, www.sf-planning.org.
14. **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 impacts during construction of the Project.
For information about compliance, contact Code Enforcement, Planning Department at 415-575-6863, www.sf-planning.org.

PROVISIONS

15. **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.sfplanning.org

MONITORING - AFTER ENTITLEMENT

16. **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

17. **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

18. **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.

19. **Garbage, Recycling, and Composting Receptacles.** Garbage, recycling, and compost containers shall be kept within trash enclosures on 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/>.

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/>



SAN FRANCISCO PLANNING DEPARTMENT

Rear Yard Modification Decision

Date: May 2, 2014
Case No.: 2012.0990CEUY
Project Address: 3032 - 3038 CLEMENT STREET
Zoning: NC-1 (Neighborhood Commercial Cluster) District and
40-X Height and Bulk District
Block/Lot: 1402/022 and 023
Applicant: John Kevlin
Reuben, Junius & Rose, LLP
One Bush Street, Suite 600
San Francisco, CA 94104
Property Owner: 3038 Clement, LLC
c/o Reza Khoshnevisan
SIA Consulting Corp.
1256 Howard Street
San Francisco, CA 94103
Staff Contact: Mary Woods - (415) 558-6315
mary.woods@sfgov.org

1850 Mission St
Suite 400
San Francisco
CA 94103-2476

Phone:
415.558.6378

Fax:
415.558.6379

Meeting
Information:
415.558.6377

REAR YARD MODIFICATION SOUGHT:

The proposal is to demolish an existing one-story commercial building and construct a new four-story mixed use building containing approximately 900 square feet of retail space, six residential parking spaces and 10 bicycle spaces on the ground floor, and six dwelling units on the upper floors, including three two-bedroom units, and three three-bedroom units. The proposed ground floor level occupies the entire lot, resulting in the need for a rear yard modification per the Variance process. The development would total approximately 15,500 square feet.

Planning Code Section 134(a)(1) requires the project to provide a rear yard equal to 25 percent of the lot depth. Section 134(a)(1)(A) requires that in NC-1 Districts, rear yards must be provided at the ground level and at each succeeding story of the building. The proposed project provides no rear yard at the ground floor level. Therefore, the project requires a modification from the rear yard requirement of the Planning Code.

Planning Code Section 134(e)(1) allows modification of the required rear yard in Neighborhood Commercial Districts when three alternative findings are made: (1) that residential uses are included in the new development and a comparable amount of usable open space is provided elsewhere on the lot where it is more accessible to the residents of the development; (2) the proposed new structure will not significantly impede the access of light and air to and views from adjacent properties, and (3) the proposed new structure will not adversely affect the interior block open space formed by rear yards of adjacent properties.

PROCEDURAL BACKGROUND:

1. The Planning Department issued a Categorical Exemption, Class One and Class Three from the California Environmental Quality Act ("CEQA") for the project on November 6, 2013.
2. The Zoning Administrator held a joint public hearing on Variance Application No. 2012.0990CEUV with the Planning Commission on February 27, 2014. At this hearing, the Planning Commission unanimously approved the requested Conditional Use Authorization (Motion No. 19096).
3. Planning Code Section 312 Notification was covered under the 20 day Conditional Use authorization notice for Case No. 2012.0990CEUV, mailed on February 7, 2014.

DECISION:

GRANTED, in general conformity with the plans on file with this application, shown as EXHIBIT A, to demolish an existing one-story commercial building and construct a new four-story, mixed use building with six dwelling units where the entire ground floor level is located within the required rear yard, subject to the following conditions:

1. Any future physical expansion, even in the buildable area, shall be reviewed by the Zoning Administrator to determine if the expansion is compatible with existing neighborhood character and scale. If the Zoning Administrator determines that there would be a significant or extraordinary impact, the Zoning Administrator shall require either notice to adjacent and/or affected property owners or a new Rear Yard Modification or Variance application be sought and justified.
2. The proposed project must meet these conditions and all applicable City Codes. In case of conflict, the more restrictive controls apply.
3. Minor modifications as determined by the Zoning Administrator may be permitted.
4. The owner of the subject property shall record on the land records of the City and County of San Francisco the conditions attached to this Rear Yard Modification Decision as a Notice of Special Restrictions in a form approved by the Zoning Administrator.
5. This Rear Yard Modification Decision and the recorded Notice of Special Restrictions shall be reproduced on the Index Sheet of the construction plans submitted with the Site or Building Permit Application for the Project. This Index Sheet of the construction plans shall reference the Variance Case Number.

FINDINGS:

Section 134(e)(1) of the Planning Code states that in order to grant a rear yard modification, and in accordance with Section 307, the Zoning Administrator must determine that the facts of the case are sufficient to establish each of the following criteria:

CRITERIA 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

Requirement Met.

- A. The proposed project is located in an NC-1 zoning district, which requires that a 25 percent rear yard (equivalent to approximately 1,250 square feet) be provided at grade level and above in a new building. The project proposes a 25 percent rear yard at the second story and above.
- B. The granting of the rear yard modification will allow for the construction of six family-sized dwelling units above a ground floor with retail space, six required off-street parking spaces for the dwelling units, and 10 Class 1 bicycle spaces. An equal amount of open space that would otherwise be provided by a ground level rear yard is being provided on the second level. In addition, a roof deck totaling approximately 2,000 square feet will provide additional open space. The open space provided at the second level will be directly accessible by the two units on the second floor, allowing these residents to access open space at the same floor as their unit, rather than having to travel down a floor. The open space provided at the roof deck will serve the units on the third and fourth floor levels, provided closer to the fourth floor than if provided at the ground level, and just as close to the third floor than if provided at the ground level.

CRITERIA 2.

The proposed new or expanding structure will not significantly impede the access of light and air to and views from adjacent properties; and

Requirement Met.

- A. The existing site is currently improved with a one-story retail building occupying almost the entire depth of both lots (except for the last 2.9 feet). As a result, within the 25 percent rear yard area, there will be no additional mass than what exists today. The new building's height at the front of the lot is approximately seven feet taller than the adjacent building to the east. The lot to the west is an auto service center.

CRITERIA 3.

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

Requirement Met.

- A. The new building will not encroach any further into the mid-block open space than the existing structure. The existing one-story structure occupies almost the entirety of the lots. The proposed building would occupy the entirety of the lot at the ground floor level only. As a result, it will have no additional impact on the mid-block open space.

FINDINGS PER PLANNING CODE SECTION 101.1

This development is consistent with the generally stated intent and purpose of the Planning Code to promote orderly and beneficial development. Planning Code Section 101.1 establishes eight priority-planning policies and requires review of variance applications for consistency with said policies. The project meets all relevant policies, including conserving neighborhood character, and maintaining housing stock.

1. The proposed project does not adversely affect neighborhood parking or public transit.
2. The proposed project will be in keeping with the existing housing and neighborhood character.
3. The project will have no effect on the City's industrial and service sectors.
4. The proposed project will add six dwelling units to the City's housing supply.
5. The proposed project will have no effect on the City's preparedness to protect against injury and loss of life in an earthquake.
6. The project will have no adverse effect on the City's landmarks or historic buildings.
7. The project would not affect any existing or planned public parks or open spaces.
8. Existing neighborhood retail uses will not be adversely affected by the proposed project.

The effective date of this decision shall be either the date of this decision letter if not appealed or the date of the Notice of Decision and Order if appealed to the Board of Appeals.

Once any portion of the granted variance is utilized, all specifications and conditions of the variance authorization became immediately operative.

The authorization and rights vested by virtue of this decision letter shall be deemed void and cancelled if (1) a Building Permit has not been issued within three years from the effective date of this decision; or (2) a Tentative Map has not been approved within three years from the effective date of this decision for Subdivision cases; or (3) neither a Building Permit or Tentative Map is involved but another required City action has not been approved within three years from the effective date of this decision. However, this authorization may be extended by the Zoning Administrator when the issuance of a necessary Building Permit or approval of a Tentative Map or other City action is delayed by a City agency or by appeal of the issuance of such a permit or map or other City action.

APPEAL: Any aggrieved person may appeal this variance decision to the Board of Appeals within ten (10) days after the date of the issuance of this Variance Decision. For further information, please contact the Board of Appeals in person at 1650 Mission Street, 3rd Floor (Room 304) or call 575-6880.

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

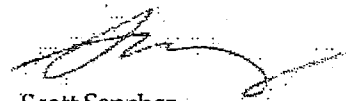
Rear Yard Modification Decision
May 2, 2014

CASE NO. 2012.0990CEUY
3032 - 3038 Clement Street

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 refererencing 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.

Very truly yours,



Scott Sanchez
Zoning Administrator

THIS IS NOT A PERMIT TO COMMENCE ANY WORK OR CHANGE OCCUPANCY. PERMITS FROM APPROPRIATE DEPARTMENTS MUST BE SECURED BEFORE WORK IS STARTED OR OCCUPANCY IS CHANGED.

MW: CADOCUMENTS\VARIANCE\2012.0990V - 3032-38 Clement St - RYmodification.doc

NOTICE OF SPECIAL RESTRICTIONS UNDER THE PLANNING CODE

RECORDING REQUESTED BY

And When Recorded Mail To:

Name: EDWARD SHOIKHET
Address: 438 KIRKHAM ST.
City: SAN FRANCISCO,
State: CA ZIP: 94122

CONFORMED COPY of document recorded

05/07/2014, 2014J874832

on _____ with document no _____
This document has not been compared with the original
SAN FRANCISCO ASSESSOR-RECORDER

(Space Above This Line For Recorder's Use)

GARY G. U.

I (We) ~~GERMAN VERKHOLAZ~~ VLADIMIR VERKHOLAZ RIMMA VERKHOLAZ, the owner(s) of that certain real property situated in the City and County of San Francisco, State of California more particularly described as follows: (or see attached sheet marked "Exhibit A" on which property is more fully described):

BEING ASSESSOR'S BLOCK: 1402 LOTS: 022 and 023

COMMONLY KNOWN AS: 3032 - 3038 Clement Street

hereby give notice that there are special restrictions on the use of said property under Part II, Chapter II of the San Francisco Municipal Code (Planning Code).

Said Restrictions consist of conditions attached to Conditional Use Application No. 2012.0990C authorized by the Planning Commission of the City and County of San Francisco on February 27, 2014, as set forth in Planning Commission Motion No. 19096, to allow a development lot size of 5,000 square feet, in an NC-1 (Neighborhood Commercial Cluster) District, and a 40-X Height and Bulk District.

The restrictions and conditions of which notice is hereby given are:

AUTHORIZATION

This authorization is for a Conditional Use Authorization to allow a development lot size of 5,000 square feet, pursuant to Planning Code Sections 121.1, 303(c) and 710.11, in an NC-1 (Neighborhood Commercial Cluster) District, and a 40-X Height and Bulk District; in general conformance with plans dated January 31, 2014 and labeled "EXHIBIT B" included in the docket for Case No. 2012.0990CEUV and subject to conditions of approval reviewed and approved by the Commission on February 27, 2014 under Motion No. 19096. 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 Application 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

NOTICE OF SPECIAL RESTRICTIONS UNDER THE PLANNING CODE

subject to the conditions of approval contained herein and reviewed and approved by the Planning Commission on February 27, 2014 under Motion No. 19096.

PRINTING OF CONDITIONS OF APPROVAL ON PLANS

The conditions of approval under the "EXHIBIT A" of this Planning Commission Motion No. 19096 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. The 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

NOTICE OF SPECIAL RESTRICTIONS UNDER THE PLANNING CODE

- 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 – COMPLIANCE AT PLAN STAGE

- 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 Planning Department staff review and approval. The Building/Site Permit Application and/or 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 Placement.** 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.

- 8. Lighting Plan.** The Project Sponsor shall submit an exterior lighting plan to the Planning Department prior to Planning Department's approval of the Building or Site Permit Application.

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

NOTICE OF SPECIAL RESTRICTIONS UNDER THE PLANNING CODE

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

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

10. **Signage Program.** Any proposed signage shall be subject to the review and approval of the Planning Department and must comply with Article 6 of the Planning Code.

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

11. **Transformer Vault.** The location of individual project PG&E Transformer Vault installations has significant effects to San Francisco streetscapes when improperly located. However, they may not have any impact if they are installed in preferred locations. Therefore, the 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 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 the Bureau of Street use and Mapping, Department of Public Works at 415-554-5810, <http://sdpw.org>.

PARKING AND TRAFFIC

12. **Automobile Parking.** The Project Sponsor shall provide six spaces for the Project.

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

NOTICE OF SPECIAL RESTRICTIONS UNDER THE PLANNING CODE

13. **Bicycle Parking.** The Project Sponsor shall provide ten (10) on-site "Class 1" bicycle parking spaces, and two (2) "Class 2" bicycle parking spaces. Adequate signs or notices of the availability of bicycle parking shall also be provided at the Project Site.

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

14. **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 impacts during construction of the Project.

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

PROVISIONS

15. **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 - AFTER ENTITLEMENT

16. **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

17. **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.

NOTICE OF SPECIAL RESTRICTIONS UNDER THE PLANNING CODE

OPERATION

18. **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.sfplanning.org.

19. **Garbage, Recycling, and Composting Receptacles.** Garbage, recycling, and compost containers shall be kept within trash enclosures on 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://sfplm.org>.

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, 415-554-5810, <http://sfplm.org>.

NOTICE OF SPECIAL RESTRICTIONS UNDER THE PLANNING CODE

The use of said property contrary to these special restrictions shall constitute a violation of the Planning Code, and no release, modification or elimination of these restrictions shall be valid unless notice thereof is recorded on the Land Records by the Zoning Administrator of the City and County of San Francisco; except that in the event that the zoning standards above are modified so as to be less restrictive and the uses therein restricted are thereby permitted and in conformity with the provisions of the Planning Code, this document would no longer be in effect and would be null and void.

[Signature] (Signature) VLADIMIR VERKHOLAZ (Printed Name)
 Dated: MAY 6/1, 2014 at S.F., California.
 (Month, Day) (City)

[Signature] (Signature) RIMMA VERKHOLAZ (Printed Name)
 Dated: MAY 6/14, 2014 at S.F., California.
 (Month, Day) (City)

[Signature] (Signature) GARY VERKHOLAZ (Printed Name)
 Dated: 5/6, 2014 at S.F., California.
 (Month, Day) (City)

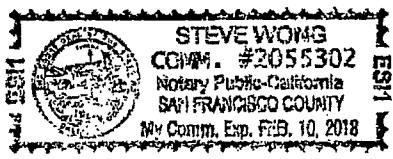
Each signature must be acknowledged by a notary public before recordation; add Notary Public Certification(s) and Official Notarial Seal(s).

ACKNOWLEDGMENT

State of California, County of SAN FRANCISCO
 On MAY 6, 2014 before me, STEVE WONG (notary public),
 personally appeared VLADIMIR VERKHOLAZ,
GARY VERKHOLAZ, AND RIMMA VERKHOLAZ
 who proved to me on the basis of satisfactory evidence to be the
 person(s) whose name(s) is/are subscribed to the within instrument
 and acknowledged to me that he/she/they executed the same in
 his/her/their authorized capacity(ies), and that by his/her/their
 signature(s) on the instrument the person(s), or the entity upon
 behalf of which the person(s) acted, executed the instrument.

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

WITNESS my hand and official seal.
 Signature [Signature] (Seal)



MCW/kc/3032-3038 Clement Street/NSR

EXHIBIT A

Title No. 12-36513878-RM
Locate No. CACTI7738-7738-2365-0036513878

LEGAL DESCRIPTION

EXHIBIT "A"

THE LAND REFERRED TO HEREIN BELOW IS SITUATED IN THE CITY AND COUNTY OF SAN FRANCISCO, STATE OF CALIFORNIA, AND IS DESCRIBED AS FOLLOWS:

Parcel A:

Beginning at a point on the northerly line of Clement Street distant thereon 82 feet, 6 inches easterly from the easterly line of 32nd Avenue; running thence easterly along said line of Clement Street, 25 feet; thence at a right angle northerly 100 feet; thence at a right angle westerly 25 feet; thence at a right angle southerly 100 feet to the point of beginning.

Being a portion of Outside Land Block 151.

Assessors Parcel No. : Lot 22, Block 1402

Parcel B:

Beginning at a point on the northerly line of Clement Street distant thereon 57 feet, 6 inches easterly from the easterly line of 32nd Avenue; running thence easterly along said line of Clement Street, 25 feet; thence at a right angle northerly 100 feet; thence at a right angle westerly 25 feet; thence at a right angle southerly 100 feet to the point of beginning.

Being a portion of Outside Land Block 151.

Assessors Parcel No. : Lot 23, Block 1402

APN: Lot 022 & 0233, Block 1402

(Required for all New Construction Condominium Applications)

D. APPLICATION

Property Address: 3032-3038 Clement Street
Assessor's Block: 1402 Lot Number(s): 022 and 23

For DPW-BSM use only
ID No.: 8410

Owner:	
Name:	<u>3838 Clement Street LLC</u>
Address:	<u>2125 Lake Street, San Francisco, CA 94121</u>
Phone:	E-mail:
Person to be contacted concerning this project (if different from owner)	
Name:	<u>Jack Wholey, Utrecht + Levin, LLP</u>
Address:	<u>109 Stevenson Street 5th Floor, San Francisco, CA 94105</u>
Phone:	<u>(415) 351-0600</u> E-mail: <u>jwholey@willawfirm.com</u>
Firm or agent preparing the subdivision map:	
Name:	<u>Westover Surveying</u>
Address:	<u>336 Claremont Blvd. Ste 2, San Francisco, CA 94127</u>
Phone:	<u>(415) 242-5400</u> E-mail: <u>clan@westoversurveying.com</u>
Subdivider: (if different from owner)	
Name:	
Address:	

Number of Units in Project: 7

This subdivision creates an airspace: No Yes (shown on Tentative Map)
This subdivision creates an addition to an existing building: No Yes (shown on Tentative Map)

Check only one of the following options:

	Indicate project type
Residential Only	<input type="checkbox"/>
Mixed-Use	<input checked="" type="checkbox"/> If checked, Number of residential unit(s): <u>6</u> Number of commercial unit(s): <u>1</u>

RECEIVED
SEP 30 PM 2:29

STATE OF CALIFORNIA
CITY AND COUNTY OF SAN FRANCISCO

I (We) 3838 Clement Street, LLC
(Print Subdivider's Name in full)

declare, under penalty of perjury, that I am (we are) the owner(s) [authorized agent of the owner(s)] of the property that is the subject of this application, that the statements herein and in the attached exhibits present the information required for this application, and the information presented is true and correct to the best of my (our) knowledge and belief.

Date: 9/26/14 Signed: Edward Shokhet
By: EDWARD SHOKHET
Date: _____ Signed: ITS: MANAGING MEMBER



RECEIVED

NOV 13 PM 10:18

Department of Public Works
Office of the City and County Surveyor

1155 Market Street, 3rd Floor
San Francisco, CA 94103

Edwin M. Lee, Mayor
Mohammed Nuru, Director

Fuad S. Sweiss, PE, PLS,
City Engineer & Deputy Director of Engineering

Bruce R. Storrs, City and County Surveyor

TENTATIVE MAP DECISION

NW

Date: October 3, 2014

Department of City Planning
1650 Mission Street, Suite 400
San Francisco, CA 94103

Attention: Mr. Scott F. Sanchez

Project ID: 8410			
Project Type: 6 Residential and 1 Commercial Units Mixed Use Condominium Project			
Address#	StreetName	Block	Lot
3032	CLEMENT ST	1402	022
3038 - 3040	CLEMENT ST	1402	023
Tentative Map Referral			

The subject Tentative Map has been reviewed by the Planning Department and does comply with applicable provisions of the Planning Code. On balance, the Tentative Map is consistent with the General Plan and the Priority Policies of Planning Code Section 101.1 based on the attached findings. The subject referral is exempt from environmental review per Class 1 California Environmental Quality Act Guidelines.

The subject Tentative Map has been reviewed by the Planning Department and does comply with applicable provisions of the Planning Code subject to the following conditions (Any requested documents should be sent in with a copy of this letter to Scott F. Sanchez at the above address):

The subject Tentative Map has been reviewed by the Planning Department and does not comply with applicable provisions of the Planning Code. Due to the following reasons (Any requested documents should be sent in with a copy of this letter to Scott F. Sanchez at the above address):

Enclosures:

- Application
- Print of Tentative Map

Sincerely,

Bruce R. Storrs
Bruce R. Storrs, P.L.S.
City and County Surveyor

PLANNING DEPARTMENT

A. Kirby for

Mr. Scott F. Sanchez, Zoning Administrator

DATE 11/10/14



Date: November 20, 2014

Westover Surveying
336 Claremont Blvd, Suite 2
San Francisco, CA 94127

TENTATIVE MAP APPROVAL

Edwin M. Lee
Mayor

Mohammed Nuru
Director

Jerry Sanguinetti
Bureau of Street Use & Mapping
Manager

Bruce R. Storrs P.L.S.
City and County Surveyor

Bureau of Street Use & Mapping
1155 Market St, 3rd floor
San Francisco, CA 94103
tel (415) 554-5827
Subdivision.Mapping@sfdpw.org

sfpublicworks.org
facebook.com/sfpublicworks
twitter.com/sfpublicworks

Project ID:	8410		
Project Type:	6 Residential and 1 Commercial Units Mixed Use Condominium Project		
Address #	Street Name	Block	Lot(s)
3032	Clement Street	1402	022
3038 – 3040	Clement Street	1402	023

Dear Engineer / Surveyor:

The Tentative Map which you submitted to this Agency for review is approved, subject to compliance with the following:

The C.C.S.F. Planning Code and all Planning Department conditions outlined in the attached Planning Department memo dated November 10, 2014

Copy of Planning Department approval/conditions

The C.C.S.F. Building Code and all Department of Building Inspection conditions outlined in the attached D.B.I. memo dated _____

Copy of D.B.I. approval/conditions (check if attached)

The San Francisco Redevelopment Agency, Successor Agency conditions outlined in the attached S.F.R.A. memo dated _____

Copy of S.F.R.A. approval/conditions (check if attached)

The C.C.S.F. Subdivision Code and the California State Map Act:
Please submit:

One (1) Check Print in PDF format of the final version of this map

One (1) copy of C.F.C. (Certificate of Final Completion)

One (1) copy of the Map Checklist

Do not submit check prints without complying with ALL of the above.
Incomplete submittals will be returned and subject to additional handling charges.

Sincerely,


Bruce R. Storrs, PLS
City and County Surveyor

Tentative approval valid for 36 months:

This Tentative Map Approval is valid for 36 months, unless a written request for an extension is received prior to the expiration date. When the approved time frame expires, the project is terminated. A completely new application packet together with new fees must then be submitted to Public Works/BSM to reopen or reactivate the project.

Contesting this decision:

If you wish to contest this decision, you may do so by filing an appeal (together with an appeal fee check for \$298) with the Clerk of the Board of Supervisors at 1 Dr. Carlton B. Goodlett Place, City Hall, Room 244, within ten (10) days of the date of this letter per Section 1314 of the San Francisco Subdivision Code.



Date: November 20, 2014

THIS IS NOT A BILL.

The City and County Surveyor has approved a tentative map for a proposed subdivision located at:

Edwin M. Lee
Mayor

Mohammed Nuru
Director

Jerry Sanguinetti
Bureau of Street Use & Mapping
Manager

Address	Block	Lot(s)
3032 CLEMENT STREET	1402	022
3038 – 3040 CLEMENT STREET	1402	023

Bruce R. Storrs P.L.S.
City and County Surveyor

This subdivision will result in:

Bureau of Street Use & Mapping
1155 Market St., 3rd floor
San Francisco, CA 94103
tel (415) 554-5827
Subdivision.Mapping@sfdpw.org

Mixed Use New Construction Condominiums 6 Residential & 1 Commercial Units

sfpublicworks.org
facebook.com/sfpublicworks
twitter.com/sfpublicworks

This notification letter is to inform you of your right to appeal this tentative approval.

IF YOU WOULD LIKE TO FILE AN APPEAL OF THE TENTATIVE APPROVAL:

You must do so in writing with the Clerk of the Board of Supervisors within ten (10) days of the date of this letter along with a check in the amount of \$298.00, payable to SF Public Works.

The Clerk of the Board is located at: City Hall of San Francisco
1 Dr. Carlton B. Goodlett Place, Room 244
San Francisco, CA 94102
(415) 554-5184

If you have any questions on this matter, please call us at (415) 554 – 5827 or our email address: Subdivision.Mapping@sfdpw.org.

Sincerely,

Bruce R. Storrs, P.L.S.
City and County Surveyor
City and County of San Francisco



NOTICE OF PUBLIC HEARING

BOARD OF SUPERVISORS OF THE CITY AND COUNTY OF SAN FRANCISCO

NOTICE IS HEREBY GIVEN THAT the Board of Supervisors of the City and County of San Francisco will hold a public hearing to consider the following proposal and said public hearing will be held as follows, at which time all interested parties may attend and be heard:

Date: Tuesday, December 16, 2014

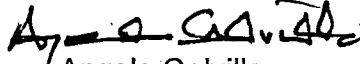
Time: 3:00 p.m.

Location: City Hall, 1 Dr. Carlton B. Goodlett Place, Legislative Chamber, Room 250, San Francisco, CA 94102

Subject: File No. 141248. Hearing of persons interested in or objecting to the decision of Public Works dated November 20, 2014, approving a Tentative Map for a Six Residential and One Commercial Unit Mixed-Use New Construction Condominiums Project located at 3032, and 3038-3040 Clement Street, Assessor's Block No. 1402, Lot Nos. 022 and 023. (District 1) (Appellant: Karl Nakamura) (Filed December 1, 2014).

Pursuant to Government Code, Section 65009, the following notice is hereby given: if you challenge, in court, the general plan amendments or planning code and zoning map amendments described above, you may be limited to raising only those issues you or someone else raised at the public hearing described in this notice, or in written correspondence delivered to the Board of Supervisors at, or prior to, the public hearing.

In accordance with Administrative Code, Section 67.7-1, persons who are unable to attend the hearing on these matters may submit written comments to the City prior to the time the hearing begins. These comments will be made part of the official public record in these matters, and shall be brought to the attention of the Board of Supervisors. Written comments should be addressed to Angela Calvillo, Clerk of the Board, City Hall, 1 Dr. Carlton B. Goodlett Place, Room 244, San Francisco, CA 94102. Information relating to this matter is available in the Office of the Clerk of the Board and agenda information will be available for public review on December 12, 2014.


Angela Calvillo
Clerk of the Board

BUSINESS

The Chronicle with Bloomberg

SPOTLIGHT ON RETAIL
Market Data Provided by Bloomberg News

L.L. Bean sees huge demand for boots

LEWISTON, Maine — Whether it's "lumberjack chic" or old-school utility, demand for L.L. Bean boots is climbing — so much so that some customers will have to wait until February to get their holiday purchases.

A backlog of 60,000 boot orders could grow to 100,000 by month's end, and the company is in the process of hiring 100 workers and purchasing additional equipment to catch up with demand.

"We just can't make enough of them," said Tom Armstrong, L.L. Bean's chief merchandising officer.

The rubber-bottomed, leather-topped "duck boot" has seen sales grow from fewer than 100,000 a decade ago to about 450,000 this year. Next year, the number is expected to top 500,000.

That growth has outpaced even the company's aggressive expectations, Armstrong said. But it's difficult to say exactly what's boosting demand — popularity on college campuses, new styles including bright colors or the plaid-and-boots style dubbed "lumberjack chic."

"Whatever is driving it is making us happy. We're scrambling to get them produced," said Royce Haines, L.L. Bean's operations manager, who oversees shoemaking operations.

L.L. Bean is adding a third shift this weekend at its leather-sewing facility in Brunswick,

which joins an operation that makes rubber soles in Lewiston that's already working around the clock.

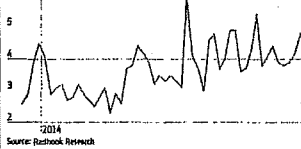
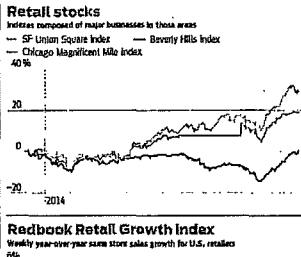
The company plans to hire 100 people in the coming year to bring the shoe-making operation to go workers, and spending \$1 million to purchase a second injection-molding machine like one in Lewiston. But the production boost won't happen overnight because it takes up to six months to get new workers fully trained.

L.L. Bean is an enviable position with its boots because price-conscious young shoppers are willing to pay for the original heritage item as opposed to a knockoff, much like the growing demand for original Sperry Top-Siders, said Marshal Cohen, chief industry analyst at market researcher NPD Group.

"You've got the younger consumer jumping all over it like they just discovered it, but the Boomer generation has been wearing it for all their lives. So you're getting growth from the top and the bottom of the age spectrum," he said.

Bean's boot is a rare success story for domestic shoemaking.

Other well-known brands like G.H. Bass, Cole Haan, Sebago and Dexter long ago moved their production out of Maine in search of cheaper labor. Nationwide, the number of shoe-manufacturing jobs dropped from more than 200,000



Retail exchange-traded funds

ETF	Year of 10/20 dividend	1 month	3 months		
	Close	1 WK Chg	\$100	\$1000	\$1000
Retail HOLDRs	69.37	-1.0%			
SPDR S&P Retail	92.43	-1.9%			

Union Square Index

Composed of major businesses around Union Square

Company	Value of \$100 invested over	1 month	3 months		
	Close	1 WK Chg	\$600	\$1000	\$1400
Abercrombie&Fitch	27.29	-5.4%			
Apple Inc	135.00	-3.3%			
Best Buy Co Inc	2.78	-2.45%			
ChesapeakeEnergy	40.35	-0.1%			
Children's Place	53.29	-3.9%			
Costco Inc	31.50	-0.1%			
Gap	40.74	2.8%			
Gap Inc	20.45	-0.7%			
Herman Miller	8.43	-1.7%			
LVG	178.60	1.1%			
Macy's Inc	62.25	-3.9%			
Men's Wearhouse	45.46	-2.7%			
Nike	92.35	0.0%			
Nordstrom Inc	75.55	-1.0%			
Northwestern	103.20	-0.6%			
Revlon Stores Inc	92.69	-0.6%			
Tiffany & Co	107.65	-0.4%			
Williams-Sonoma	72.39	-2.0%			

Chronicle Wine & Cheese Index

Composed of global wine producers and cheese makers

Company	Value of \$100 invested over	1 month	3 months		
	Close	1 WK Chg	\$400	\$1000	\$1000
Borden de Ley	74.00	-1.2%			
Bega Cheese Ltd	4.95	-3.0%			
Bongoran SA	53.51	-0.9%			
OTK Global Wine	5.61	-1.6%			
Constellation Brands	50.09	-1.3%			
Ernst AG	373.75	-0.1%			
Freemanticol Dal	250.00	-0.0%			
Meglenichow Brand	1,400.00	1.6%			
Milkmaid HV	2.17	10.7%			
Robko Butter Co	1,177.00	-0.3%			
Treasury Wine Ests	4.77	0.0%			
Unibet	650.00	-0.7%			
Van Sente Wines	142.00	0.1%			
Woodbridge Vine	1,623.50	-3.0%			
Xinling Winery	11.75	5.0%			
Yantai Kring PinWine	23.30	6.3%			



Eric Rego works in the plant where L.L. Bean boots are assembled. The famed boots are enjoying more popularity than ever among buyers of all ages.

in the 1970s to about 14,000 last year, according to the Labor Department.

Many of L.L. Bean's products are now made overseas as well, but the family-owned company has insisted on keeping production of the boot in Maine.

L.L. Bean's familiar boot started with the original "Maine hunting shoe," produced by Leon Leavell Wood Bean in 1924. "These days, the company has two giant "L.L. Bean

"You're getting growth from the top and the bottom of the age spectrum."

Marshal Cohen, NPD Group analyst, on boot buyers

Bootmobiles [that travel the country to promote the brand, and tourists pose for photos next to a giant boot outside flagship store in Freeport, Maine.

"For now, there's no sign that demand is waning. A couple of miles from the Lewiston plant, many Bates College students trading across the snowy campus on a recent day were keeping their feet warm and dry with Bean boots.

"It's kind of a running joke that your outfit is not complete without a pair of Bean boots and a North Face jacket," said junior Caitrin Griffin. "As a Bates student, that's what you wear. You see every one walking around in them, especially after the first snowfall."

LEGAL NOTICES legalnotice.org/pl/sfgate

NOTICE TO DEBTERS

Notice is hereby given that Mark Paul Trefler, Attorney-at-Law (State Bar No. 20414), SPECIAL EDUCATION ATTORNEY, 810 TRANSPORTATION CENTER, at 1000 Ave. of the Americas, San Francisco, CA 94108, is the assignee of the following accounts receivable of L.L. Bean, Inc. dated 10/15/2014, at the above-mentioned address, Leawood, CA. Meeting room to be determined.

Interested parties may obtain bills, contracts, specifications, and related documents from Denise K. Peitl, Esquire, Director, by calling (415) 221-7200. For a copy of the public hearing notice, please contact Denise K. Peitl, Esquire, at (415) 221-7200.

Mark Paul Trefler, Attorney-at-Law, 810 Transportation Center, San Francisco, CA 94108.

Bids must be sealed in an envelope marked with name of the contractor and the name of the project, and the time and date of submission, sealed, and delivered to the assignee no later than Wednesday, January 7, 2015, at 10:00 a.m. The assignee reserves the right to accept or reject any or all bids or any combination thereof, and to waive any informality in bid or in the bidding.

A mandatory bidder's Conference by information only is scheduled at 10:00 a.m. on Tuesday, December 30, 2014, in the Civic Center Building, Room 417, 250 DeSoto Drive, Leawood, CA 94977.

PUBLISHED ON November 17, 2014, in the San Francisco Chronicle.

MARK PAUL TREFLER 10747026 to BLS-C

NOTICE TO CREDITORS

Wife and beneficiary Cole Section 362(b) to determine whether your spouse should be terminated and your child(ren) be freed from your estate plan. If you are a beneficiary child and required to appear at the hearing, please call (415) 221-7200, at the above-mentioned address, Leawood, CA. Meeting room to be determined.

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PUBLISHED ON November 17, 2014, in the San Francisco Chronicle.

MARK PAUL TREFLER 10747026 to BLS-C

NOTICE OF PUBLIC HEARING

THE BOARD OF SUPERVISORS OF THE CITY AND COUNTY OF SAN FRANCISCO

NOTICE IS HEREBY GIVEN THAT the Board of Supervisors of the City and County of San Francisco will hold a public hearing to consider the following proposed ordinance, to be held as follows, at which time you may be heard and your amendments proposed:

DATE: Tuesday, December 23, 2014, 10:00 a.m.

CITY HALL, 100 CALIFORNIA STREET, SAN FRANCISCO, CALIFORNIA 94102

SUBJECT: Public Hearing on Ordinance No. 117/2014, regarding the Use of Non-Construction Contractors for the Construction of the City of San Francisco's new headquarters building, located at 3000 and 3000-3040 Chestnut Street, Alameda County, CA 94608. Ordinance No. 117/2014, and Ordinance No. 118/2014, regarding the Use of Non-Construction Contractors for the Construction of the City of San Francisco's new headquarters building, located at 3000 and 3000-3040 Chestnut Street, Alameda County, CA 94608.

The following notice is hereby given: If you challenge, in court, the proposed ordinance or planning commission's findings, you must file a written correspondence delivered to the Board of Supervisors at or prior to the public hearing.

The public hearing will be held in the hearing room, 3000 and 3000-3040 Chestnut Street, Alameda County, CA 94608. Written comments will be accepted at the public hearing, and you may be heard in person at the public hearing. If you wish to be heard in person, you must appear at the public hearing on the date and time specified above.

The public hearing is open to all interested parties. If you are unable to attend the public hearing, you may submit written comments to the Board of Supervisors at the address above.

The public hearing is held in the hearing room, 3000 and 3000-3040 Chestnut Street, Alameda County, CA 94608. Written comments will be accepted at the public hearing, and you may be heard in person at the public hearing. If you wish to be heard in person, you must appear at the public hearing on the date and time specified above.

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BLOCK LOT	OWNER	OADDR	CITY	STATE	ZIP
0001 001	RADIUS SERVICES NO. 14020023	3038 CLEMENT ST	3838CLEM	14	0520
0001 002	
0001 003	RADIUS SERVICES	1221 HARRISON ST #18	SAN FRANCISCO	CA	94103
0001 004	3838 CLEMENT LLC	438 KIRKHAM ST	SAN FRANCISCO	CA	94122
0001 005	
1401 002	KLEIN GROUP	611 CLEMENT ST	SAN FRANCISCO	CA	94118-2206
1401 015	NG WING HEI & WONG MEI LING	25 MARVEL CT	SAN FRANCISCO	CA	94121-1718
1401 016	VERA WINKLER	17 MARVEL CT	SAN FRANCISCO	CA	94121-1718
1401 017	JOE TRS	7 MARVEL CT	SAN FRANCISCO	CA	94121-1718
1401 018	SALVATORE & CAROL SPINALI	1 MARVEL CT	SAN FRANCISCO	CA	94121-1718
1402 005	KWANG TRS	333 31ST AV #1	SAN FRANCISCO	CA	94121-1744
1402 006	TOM & CHANG TRS	337 31ST AV	SAN FRANCISCO	CA	94121-1706
1402 007	RICHARD & THERESA WON	339 31ST AV	SAN FRANCISCO	CA	94121-1706
1402 008	EMILIO & FELISA LAM	345 31ST AV	SAN FRANCISCO	CA	94121-1706
1402 009	WINN-POLITEO TRS	349 31ST AV	SAN FRANCISCO	CA	94121-1706
1402 010	TAKAYE SAKO TRS	353 31ST AV	SAN FRANCISCO	CA	94121-1706
1402 011	CHAN TRS	361 31ST AV	SAN FRANCISCO	CA	94121-1708
1402 012	LAM LAY KIN TRS	1722 CABRILLO ST	SAN FRANCISCO	CA	94121-3634
1402 013	LENA & RANDY LEE	367 31ST AV	SAN FRANCISCO	CA	94121-1706
1402 014	KOSAKU NAKAMURA ETAL	371 31ST AV	SAN FRANCISCO	CA	94121-1706
1402 015	GEORGE TOSCANINI TRS	418 34TH AV	SAN FRANCISCO	CA	94121-1608
1402 016	STANLEY & NANCY TUN	1501 DIAMOND COUNTRY DR	RENO	NV	89521-6151
1402 017	YEH TRS	3220 ORTEGA ST	SAN FRANCISCO	CA	94122-4054
1402 018	DAVID YEE TRS	3008 CLEMENT ST	SAN FRANCISCO	CA	94121-1715
1402 019	WILSON TSANG	155 BUCHANAN DR	SAUSALITO	CA	94965-1607
1402 020	PETERSEN TRS	190 SCENIC CT	SAN BRUNO	CA	94066-4741
1402 021	CHUEY TRS	539 22ND AV	SAN FRANCISCO	CA	94121-3015
1402 022	VLADIMIR VERKHOLAZ ETAL	3028 CLEMENT ST	SAN FRANCISCO	CA	94121-1715
1402 023	VLADIMIR VERKHOLAZ ETAL	3028 CLEMENT ST	SAN FRANCISCO	CA	94121-1715
1402 024	HAMER TRS	575 41ST AV	SAN FRANCISCO	CA	94121-2526
1402 026	YU TRS	380 32ND AV	SAN FRANCISCO	CA	94121-1708
1402 029	MARY CLAY TRS	366 32ND AV	SAN FRANCISCO	CA	94121-1708
1402 033	UNG LEE	346 32ND AV	SAN FRANCISCO	CA	94121-1708
1402 034	MARINA SHNAYDER	344 32ND AV	SAN FRANCISCO	CA	94121-1708
1402 035	J & J YOUNG	1120 N RD	BELMONT	CA	94002-1959
1402 036	G & D SKLOVSKY	334 32ND AV	SAN FRANCISCO	CA	94121-1708
1402 037	ANTHONY LEE TRS	291 24TH AV	SAN FRANCISCO	CA	94121-1222
1402 049	NICHOLAS & MARCELLA KWAN	297 PARKER AV	SAN FRANCISCO	CA	94118-3320
1402 050	CHOW TRS	2 WILBURN AV	ATHERTON	CA	94027-3840
1402 055	DANIEL CARLSON	350 32ND AV	SAN FRANCISCO	CA	94121-1708
1402 056	JAMES ARGO	354 32ND AV	SAN FRANCISCO	CA	94121-1708
1403 007	REC N & PK DEPT	501 STANYAN ST	SAN FRANCISCO	CA	94117-1898
1403 017	JOSEPH KAPAONA TRS	2940 CLEMENT ST	SAN FRANCISCO	CA	94121-1713
1403 018	KATHRYN GONG TRS	2946 CLEMENT ST	SAN FRANCISCO	CA	94121-1713
1403 019	LORI CHINN TRS	121 ASH CT	HERCULES	CA	94547-1153
1403 020	JOHN & LOUISE SHUI	382 31ST AV #3	SAN FRANCISCO	CA	94121-1789
1403 021	RAYNELL & MILDRED LEE	380 31ST AV	SAN FRANCISCO	CA	94121-1707
1403 022	VINCENT PANG TRS	1435 UNION ST # 4	SAN FRANCISCO	CA	94109-1863
1403 023	CHAR & MILLER	370 31ST AV	SAN FRANCISCO	CA	94121-1707
1403 024	TSEUNG & TO TRS	368 31ST AV	SAN FRANCISCO	CA	94121-1707
1403 039	MEDICOFF KNAFO	362 31ST AV	SAN FRANCISCO	CA	94121-1707
1403 040	ALFREDO CAHUAS	366 31ST AV	SAN FRANCISCO	CA	94121-1707
1462 041	DANIEL & DIANA LEE	916 STOCKTON ST #2ND	SAN FRANCISCO	CA	94108-1608
1462 042	RICHARD & MICHELLE GILLERN	410 31ST AV	SAN FRANCISCO	CA	94121-1721
1462 043	LEE TRS	61 CORTE YOLANDA	MORAGA	CA	94556-1625
1462 044	ALAN CHAN ETAL	464 18TH AV	SAN FRANCISCO	CA	94121-3109
1462 045	2939 CLEMENT ASSOCS LLC	2939 CLEMENT ST #3	SAN FRANCISCO	CA	94121-1712
1463 001	PACIFIC BELL WIRELESS LLC	4420 ROSEWOOD DR #2	PLEASANTON	CA	94588-3007
1463 003	FRANCES BASCOM	419 31ST AV	SAN FRANCISCO	CA	94121-1720
1463 004	VICTOR CHAN	423 31ST AV	SAN FRANCISCO	CA	94121-1720
1463 005	31ST AVE CONDOS CORP	630 TARAVAL ST	SAN FRANCISCO	CA	94116-2512
1463 006	STEVEN & JESSICA NG	431 31ST AV	SAN FRANCISCO	CA	94121-1720
1463 007	LI ZIHUA	609 27TH AV	SAN FRANCISCO	CA	94121-2812
1463 039	JUDY LAI TRS	1523 33RD AV	SAN FRANCISCO	CA	94122-3144
1463 040	WONG BING-CHIU & SO KUEN	430 32ND AV	SAN FRANCISCO	CA	94121-1724

RADIUS SERVICES 1221 HARRISON ST #18 SAN FRANCISCO CA 94103 415-391-4775

1463	040A	HOWE CHEE YEE TRS	428 32ND AV	SAN FRANCISCO	CA	94121-1724
1463	041	QIONG SHEN ETAL	3315 BALBOA ST	SAN FRANCISCO	CA	94121-2703
1463	042	NGUYEN YEN THI	420 32ND AV	SAN FRANCISCO	CA	94121-1724
1463	043	LAURENCE & JANE URMINI	3055 CLEMENT ST	SAN FRANCISCO	CA	94121-1714
1463	044	HOM BIG FONG TRS	724 35TH AV #3	SAN FRANCISCO	CA	94121-3436
1463	045	WELLINGTON TRINH TRS	2050 QUESADA AV	SAN FRANCISCO	CA	94124-2047
1463	046	YUTAI FU	3033 CLEMENT ST	SAN FRANCISCO	CA	94121-1714
1463	047	BRANDON ZHENG	635 5TH AV	SAN FRANCISCO	CA	94118-3914
1463	048	HUANG TRS	867 33RD AV	SAN FRANCISCO	CA	94121-3429
1463	049	LOWE NG TRS	5059 GEARY BL	SAN FRANCISCO	CA	94118-2813
1464	001	MOK TRS	100 TAMARACK DR	HILLSBOROUGH	CA	94010-6542
1464	001A	KAM HAR GOO TRS	3109 CLEMENT ST	SAN FRANCISCO	CA	94121-1615
1464	002	CHUNG ENTERPRISES LP	417 32ND AV	SAN FRANCISCO	CA	94121-1723
1464	002A	HONMA TRS	423 32ND AV	SAN FRANCISCO	CA	94121-1723
1464	003	LAUREL BROWN	427 32ND AV	SAN FRANCISCO	CA	94121-1723
1464	003A	SHIZUKO TURMON TRS	431 32ND AV	SAN FRANCISCO	CA	94121-1723
1464	024A	2308 CLEMENT LLC	2341 CLEMENT ST	SAN FRANCISCO	CA	94121-1919
1464	025	2308 CLEMENT LLC	2341 CLEMENT ST	SAN FRANCISCO	CA	94121-1919
1464	026	VEERAWAT TANVERAKUL ETAL	14 WOODHUE LN	CORTE MADERA	CA	94925-1630
1464	027	MARIA RANDO	6000 CALIFORNIA ST	SAN FRANCISCO	CA	94121-2108
1464	029	2308 CLEMENT LLC	2341 CLEMENT ST	SAN FRANCISCO	CA	94121-1919
9999	999					

BOARD of SUPERVISORS



City Hall
1 Dr. Carlton B. Goodlett Place, Room 244
San Francisco 94102-4689
Tel. No. 554-5184
Fax No. 554-5163
TDD/TTY No. 544-5227

December 2, 2014

Karl Nakamura
371-31st Avenue
San Francisco, CA 94121

Subject: Tentative Map Appeal - 3032, 3038-3040 Clement Street

Dear Mr. Nakamura:

This is in reference to the appeal you submitted concerning approval of the subject Tentative Map for property located at:

3032, and 3038-3040 Clement Street,
Assessor's Block No. 1402, Lot Nos. 022, and 023.

Pursuant to Subdivision Code, Section 1314, a hearing date has been scheduled on **Tuesday, December 16, 2014, at 3:00 p.m.**, at the Board of Supervisors meeting to be held in City Hall, 1 Dr. Carlton B. Goodlett Place, Legislative Chamber, Room 250, San Francisco, CA 94102.

Please provide one electronic copy (sent to BOS.Legislation@sfgov.org) and one hard copy to the Office of the Clerk of the Board by:

11 days prior to the hearing: names and addresses of interested parties to be notified of the hearing in spreadsheet format; and

8 days prior to the hearing: any documentation which you may want available to the Board members prior to the hearing.

NOTE: If an electronic version of the documentation is not available, please submit 18 hard copies to the Office of the Clerk of the Board for distribution.

DEPT. PUBLIC WORKS
DIRECTOR'S OFFICE

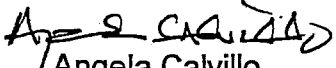
14 DEC -3 PM 2:37

RECEIVED

A handwritten signature in black ink, appearing to read "M. Nakamura", written over the "RECEIVED" stamp.

If you have any questions, please feel free to contact Legislative Deputy, Rick Caldeira at (415) 554-7711, or Legislative Clerks, Joy Lamug at (415) 554-7712, or John Carroll at (415) 554-4445.

Sincerely,


Angela Calvillo
Clerk of the Board

C:
Project Sponsor, 3838 Clement Street, LLC., c/o John Kevlin
Project Contact, Jack Wholey, Utrecht and Lénvin, LLP
Jon Givner, Deputy City Attorney
Kate Stacy, Deputy City Attorney
Marlena Byrne, Deputy City Attorney
John Malamut, Deputy City Attorney
Mohammed Nuru, Director, Public Works
Jerry Sanguinetti, Public Works-Bureau of Street Use and Mapping
Fuad Sweiss, City Engineer, Public Works
Bruce Storrs, Public Works
Scott Sanchez, Zoning Administrator, Planning Department
Sarah Jones, Planning Department
AnMarie Rodgers, Planning Department
Aaron Starr, Planning Department
Mary Woods, Planning Department

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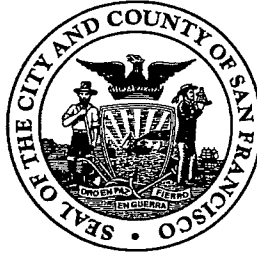
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Project Contact, Jack Wholey, Utrecht and Lénvin, LLP
Jon Givner, Deputy City Attorney
Kate Stacy, Deputy City Attorney
Marlena Byrne, Deputy City Attorney
John Malamut, Deputy City Attorney
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Jerry Sanguinetti, Public Works-Bureau of Street Use and Mapping
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Sarah Jones, Planning Department
AnMarie Rodgers, Planning Department
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Mary Woods, Planning Department

BOARD of SUPERVISORS



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San Francisco 94102-4689
Tel. No. 554-5184
Fax No. 554-5163
TDD/TTY No. 544-5227

December 3, 2014

FILE NO. 141248

Received from the Board of Supervisors-Clerk's Office a check in the amount of Two Hundred Ninety Eight Dollars (\$298), representing filing fee paid by Karl Nakamura (Appellant) for Appeal of Tentative Map for 3032, 3038-3040 Clement Street.

Public Works &
Planning Department
By:

Nathan Rodis

Print Name

Nathan Rodis 12/3/14
Signature and Date

KOSAKU KARL NAKAMURA
SHIRLEY Y. NAKAMURA
371 31ST AVE.
SAN FRANCISCO, CA 94121-1706

90-7162
3222 40749

1432

DATE Nov. 26, 2014

PAY TO THE ORDER OF SF Public Works

\$ 298.00

Two hundred ninety eight dollars only

DOLLARS



Security Features
Included
Details on Back

CHASE

JPMorgan Chase Bank, N.A.
www.Chase.com

MEMO Block 1402
appeal Lot 022, 023

Shirley Nakamura

Print Form

Introduction Form

By a Member of the Board of Supervisors or the Mayor

Time stamp
or meeting date

I hereby submit the following item for introduction (select only one):

- 1. For reference to Committee. (An Ordinance, Resolution, Motion, or Charter Amendment)
- 2. Request for next printed agenda Without Reference to Committee.
- 3. Request for hearing on a subject matter at Committee.
- 4. Request for letter beginning "Supervisor [] inquires"
- 5. City Attorney request.
- 6. Call File No. [] from Committee.
- 7. Budget Analyst request (attach written motion).
- 8. Substitute Legislation File No. []
- 9. Reactivate File No. []
- 10. Question(s) submitted for Mayoral Appearance before the BOS on []

Please check the appropriate boxes. The proposed legislation should be forwarded to the following:

- Small Business Commission
- Youth Commission
- Ethics Commission
- Planning Commission
- Building Inspection Commission

Note: For the Imperative Agenda (a resolution not on the printed agenda), use a Imperative Form.

Sponsor(s):

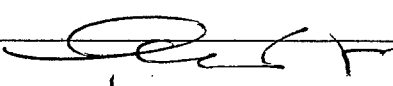
Clerk of the Board

Subject:

Public Hearing - Appeal of Tentative Map - 3032, and 3038-3040 Clement Street

The text is listed below or attached:

Hearing of persons interested in or objecting to the decision of Public Works dated November 20, 2014, approving a Tentative Map for a Six Residential and One Commercial Unit Mixed-Use New Construction Condominiums Project located at 3032, and 3038-3040 Clement Street, Assessor's Block No. 1402, Lot Nos. 022 and 023. (District 1) (Appellant: Karl Nakamura) (Filed December 1, 2014).

Signature of Sponsoring Supervisor: 

For Clerk's Use Only: