

NOTICE OF SPECIAL RESTRICTIONS UNDER THE PLANNING CODE

RECORDING REQUESTED BY

And When Recorded Mail To:

Name: *DEAN CIVAS*

Address: *50 CALIFORNIA ST., STE. 1500*

City: *SAN FRANCISCO*

State: *CA* **ZIP:** *94111*

CONFIRMED COPY of document recorded

06/18/2014, 2014J895920

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)

I (We) *1634 PINE STREET LLC*, 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):

See Exhibit A

BEING ASSESSOR'S BLOCK: 064, LOTS: 007, 008, 009, 010, 011, and 011A;

COMMONLY KNOWN AS: 1634-1690 Pine 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. 2011.1306CE** authorized by the Planning Commission of the City and County of San Francisco on May 15, 2014, as set forth in Planning Commission Motion No. 19153 to **demolish most of the five existing buildings at the project site and to construct a 13-story PUD with 261 residential units in two tower structures, two ground floor commercial spaces, one level of below grade parking containing 201 parking spaces, and thirty-one (31) on-site affordable units at 1634-1690 Pine Street, between Franklin Street and Van Ness Avenue, on Lots 007, 008, 009, 010, 011 and 011A in Assessor's Block 0647 within the NC-3 (Neighborhood Commercial, Moderate-Scale) Zoning District, the 130-E Height and Bulk District with all lots except for Lot 011A within the Van Ness Automotive Special Use District.**

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

AUTHORIZATION

1. This authorization is for a conditional use for a project that proposes to demolish most of the five existing buildings at the project site and to construct a 13-story PUD with 261 residential units in two tower structures, two ground floor commercial spaces, one level of below grade parking containing 201 parking

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spaces, and thirty-one (31) on-site affordable units at 1634-1690 Pine Street, between Franklin Street and Van Ness Avenue, on Lots 007, 008, 009, 010, 011 and 011A in Assessor's Block 0647 within the NC-3 (Neighborhood Commercial, Moderate-Scale) Zoning District, the 130-E Height and Bulk District with all lot except for Lot 011A within the Van Ness Automotive Special Use District; in general conformance with plans, dated May 5, 2014, and stamped "EXHIBIT B" included in the docket for Case No. 2011.1306C and subject to conditions of approval reviewed and approved by the Commission on May 15, 2014 under Motion No. 19153. This authorization and the conditions contained herein run with the property and not with a particular Project Sponsor, business, or operator.

2. The "Mitigation Monitoring and Reporting Program," attached herein as EXHIBIT C and which identifies Mitigation Measures and Improvement Measures to be included as part of the project as outlined in the Final Case No. 2011.1306C, shall be Conditions of Approval and are accepted by the project applicant and the successors-in-interest. If any measures of the Mitigation Monitoring and Reporting Program are less restrictive than the following conditions of approval, the more restrictive and more protective condition of approval shall apply.

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

PERFORMANCE

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

RECORDATION OF CONDITIONS OF APPROVAL

4. Prior to the issuance of the building permit or commencement of use for the Project the Zoning Administrator shall approve and order the recordation of a Notice in the Official Records of the Recorder of the City and County of San Francisco for the subject property. This Notice shall state that the project is subject to the conditions of approval contained herein and reviewed and approved by the Planning Commission on May 15, 2014 under Motion No. 19153.

PRINTING OF CONDITIONS OF APPROVAL ON PLANS

5. The conditions of approval under the 'Exhibit A' of this Planning Commission Motion No. 19153 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.

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SEVERABILITY

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

CHANGES AND MODIFICATIONS

7. 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.

DESIGN – COMPLIANCE AT PLAN STAGE

8. **Final Materials.** The Project Sponsor shall continue to work with Planning Department on the building design. Final materials, glazing, color, texture, landscaping, and detailing shall be subject to Department staff review and approval.

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

9. **Glazing.** Final glazing selection, particularly at the ground floor shall be subject to Department staff review and approval in order to ensure light maximum transparency and minimal reflectivity. 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.

10. **Lighting Plan.** The Project Sponsor shall submit an exterior lighting plan to the Planning Department prior to Planning Department approval of the building / site permit application.

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

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

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

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AFFORDABLE UNITS

12. **Number of Required Units.** Pursuant to Planning Code Section 415.6, the Project is required to provide 15% of the proposed dwelling units as affordable to qualifying households. Pursuant San Francisco Charter Section 16.110 (g) the 15% on-site requirement stipulated in Planning Code Section 415.6, is reduced by 3% (20% of 15%) to 12%. The Project contains 261 units; therefore, 31 affordable units are required. The Project Sponsor will fulfill this requirement by providing the 31 affordable units on-site. If the number of market-rate units change, the number of required affordable units shall be modified accordingly with written approval from Planning Department staff in consultation with the Mayor's Office of Housing ("MOH").
For information about compliance, contact the Case Planner, Planning Department at 415-558-6378, www.sf-planning.org or the Mayor's Office of Housing at 415-701-5500, www.sf-moh.org.
13. **Unit Mix.** The Project contains 143 one-bedroom, 17 two-bedroom and 14 three-bedroom units; therefore, the required affordable unit mix is 16 one-bedroom and 15 two-bedroom units. If the market-rate unit mix changes, the affordable unit mix will be modified accordingly with written approval from Planning Department staff in consultation with MOH.
For information about compliance, contact the Case Planner, Planning Department at 415-558-6378, www.sf-planning.org or the Mayor's Office of Housing at 415-701-5500, www.sf-moh.org.
14. **Unit Location.** The affordable units shall be designated on a reduced set of plans recorded as a Notice of Special Restrictions on the property prior to the issuance of the first construction permit.
For information about compliance, contact the Case Planner, Planning Department at 415-558-6378, www.sf-planning.org or the Mayor's Office of Housing at 415-701-5500, www.sf-moh.org.
15. **Phasing.** If any building permit is issued for partial phasing of the Project, the Project Sponsor shall have designated not less than twelve percent (12%) of the each phase's total number of dwelling units as on-site affordable units.
For information about compliance, contact the Case Planner, Planning Department at 415-558-6378, www.sf-planning.org or the Mayor's Office of Housing at 415-701-5500, www.sf-moh.org.
16. **Duration.** Under Planning Code Section 415.8, all units constructed pursuant to Section 415.6, must remain affordable to qualifying households for the life of the project.
For information about compliance, contact the Case Planner, Planning Department at 415-558-6378, www.sf-planning.org or the Mayor's Office of Housing at 415-701-5500, www.sf-moh.org.
17. **Other Conditions.** The Project is subject to the requirements of the Inclusionary Affordable Housing Program under Section 415 et seq. of the Planning Code and City and County of San Francisco Inclusionary Affordable Housing Program Monitoring and Procedures Manual ("Procedures Manual"). The Procedures Manual, as amended from time to time, is incorporated herein by reference, as published and adopted by the Planning Commission, and as required by Planning Code Section 415. Terms used in these conditions of approval and not otherwise defined shall have the meanings set forth in the Procedures Manual. A copy of the Procedures Manual can be obtained at the MOH at 1 South Van Ness Avenue or on the Planning Department or Mayor's Office of Housing's websites, including on the internet at:
<http://sf-planning.org/Modules/ShowDocument.aspx?documentid=4451>. As provided in the

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Inclusionary Affordable Housing Program, the applicable Procedures Manual is the manual in effect at the time the subject units are made available for sale.

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

- a. The affordable unit(s) shall be designated on the building plans prior to the issuance of the first construction permit by the Department of Building Inspection ("DBI"). The affordable unit(s) shall (1) reflect the unit size mix in number of bedrooms of the market rate units, (2) be constructed, completed, ready for occupancy and marketed no later than the market rate units, and (3) be evenly distributed throughout the building; and (4) be of comparable overall quality, construction and exterior appearance as the market rate units in the principal project. The interior features in affordable units should be generally the same as those of the market units in the principal project, but need not be the same make, model or type of such item as long they are of good and new quality and are consistent with then-current standards for new housing. Other specific standards for on-site units are outlined in the Procedures Manual.
- b. If the units in the building are offered for sale, the affordable unit(s) shall be sold to first time home buyer households, as defined in the Procedures Manual, whose gross annual income, adjusted for household size, does not exceed an average of ninety (90) percent of Area Median Income under the income table called "Maximum Income by Household Size derived from the Unadjusted Area Median Income for HUD Metro Fair Market Rent Area that contains San Francisco." The initial sales price of such units shall be calculated according to the Procedures Manual. Limitations on (i) reselling; (ii) renting; (iii) recouping capital improvements; (iv) refinancing; and (v) procedures for inheritance apply and are set forth in the Inclusionary Affordable Housing Program and the Procedures Manual.
- c. The Project Sponsor is responsible for following the marketing, reporting, and monitoring requirements and procedures as set forth in the Procedures Manual. MOH shall be responsible for overseeing and monitoring the marketing of affordable units. The Project Sponsor must contact MOH at least six months prior to the beginning of marketing for any unit in the building.
- d. Required parking spaces shall be made available to initial buyers or renters of affordable units according to the Procedures Manual.
- e. Prior to the issuance of the first construction permit by DBI for the Project, the Project Sponsor shall record a Notice of Special Restriction on the property that contains these conditions of approval and a reduced set of plans that identify the affordable units satisfying the requirements of this approval. The Project Sponsor shall promptly provide a copy of the recorded Notice of Special Restriction to the Department and to MOH or its successor.
- f. The Project Sponsor has demonstrated that it is eligible for the On-site Affordable Housing Alternative under Planning Code Section 415.6 instead of payment of the Affordable Housing Fee, and has submitted the *Affidavit of Compliance with the Inclusionary Affordable Housing Program: Planning Code Section 415* to the Planning Department stating that any affordable units designated as on-site units shall be sold as ownership units and will remain as ownership units for the life of the Project.

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- g. If the Project Sponsor fails to comply with the Inclusionary Affordable Housing Program requirement, the Director of DBI shall deny any and all site or building permits or certificates of occupancy for the development project until the Planning Department notifies the Director of compliance. A Project Sponsor's failure to comply with the requirements of Planning Code Section 415 et seq. shall constitute cause for the City to record a lien against the development project and to pursue any and all available remedies at law.
- h. If the Project becomes ineligible at any time for the On-site Affordable Housing Alternative, the Project Sponsor or its successor shall pay the Affordable Housing Fee prior to issuance of the first construction permit or may seek a fee deferral as permitted under Ordinances 0107-10 and 0108-10. If the Project becomes ineligible after issuance of its first construction permit, the Project Sponsor shall notify the Department and MOH and pay interest on the Affordable Housing Fee at a rate equal to the Development Fee Deferral Surcharge Rate in Section 107A.13.3.2 of the San Francisco Building Code and penalties, if applicable.

PARKING AND TRAFFIC

18. **Managing Traffic During Construction.** The Project Sponsor and construction contractor(s) shall coordinate with the Traffic Engineering and Transit Divisions of the San Francisco Municipal Transportation Agency (SFMTA), the Police Department, the Fire Department, the Planning Department, and other construction contractor(s) for any concurrent nearby Projects to manage traffic congestion and pedestrian circulation effects during construction of the Project.

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

19. **Car Share.** Pursuant to Planning Code Section 166, no less than two (2) car share space shall be made available, at no cost, to a certified car share organization for the purposes of providing car share services for its service subscribers.

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

20. **Bicycle Parking (Residential Only).** The Project shall provide no fewer than 125 Class 1 bicycle parking spaces as required by Planning Code Sections 155.2.

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

MONITORING

21. **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

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22. **Extension.** This authorization may be extended at the discretion of the Zoning Administrator only where failure to issue a permit by the Department of Building Inspection to perform said tenant improvements is caused by a delay by a local, State or Federal agency or by any appeal of the issuance of such permit(s). *For information about compliance, contact Code Enforcement, Planning Department at 415-575-6863, www.sf-planning.org.*
23. **Revocation due to Violation of Conditions.** Should implementation of this Project result in complaints from interested property owners, residents, or commercial lessees which are not resolved by the Project Sponsor and found to be in violation of the Planning Code and/or the specific conditions of approval for the Project as set forth in Exhibit A of this Motion, 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.*
24. **Lighting.** All Project lighting shall be directed onto the Project site and immediately surrounding sidewalk area only, and designed and managed so as not to be a nuisance to adjacent residents. Nighttime lighting shall be the minimum necessary to ensure safety, but shall in no case be directed so as to constitute a nuisance to any surrounding property. *For information about compliance, contact Code Enforcement, Planning Department at 415-575-6863, www.sf-planning.org.*

OPERATION

25. **Sidewalk Maintenance.** The Project Sponsor shall maintain the main entrance to the building and all sidewalks abutting the subject property in a clean and sanitary condition in compliance with the Department of Public Works Streets and Sidewalk Maintenance Standards. *For information about compliance, contact Bureau of Street Use and Mapping, Department of Public Works, 415-695-2017, <http://sfdpw.org/>.*
26. **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.*

NOTARY ACKNOWLEDGMENT

STATE OF CALIFORNIA)
COUNTY OF SAN FRANCISCO)

On June 18, 2014

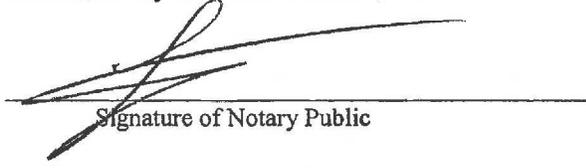
before me, Lenore M. DiPrima, a Notary Public, personally appeared

DEAN D. GIVAS

who proved to me on the basis of satisfactory evidence to be the person whose name is subscribed to the within instrument and acknowledged to me that he executed the same in his authorized capacity and by his signature on the instrument the person, or the entity upon behalf of which the person 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 of Notary Public



(Notary Seal)

EXHIBIT A

The land referred to is situated in the County of San Francisco, City of San Francisco, State of California, and is described as follows:

PARCEL 1:

Beginning at a point on the Northerly line of Pine Street, distant thereon 125 feet 6 inches Westerly from the Westerly line of Van Ness Avenue; running thence Westerly along said Northerly line of Pine Street 67 feet 6 inches; thence at a right angle Northerly 137 feet 6 inches; thence at a right angle Easterly 59 feet; thence at a right angle Northerly 17 feet 6 inches; thence at a right angle Easterly 1 foot; thence at a right angle Southerly 40 feet; thence at a right angle Easterly 7 feet 6 inches; thence at a right angle Southerly 115 feet to the said Northerly line of Pine Street, and the point of beginning.

Assessor's Lot 007, Block 0647

PARCEL 1A:

An easement for right of way for ingress and egress through, over and across a strip of land 7 feet and 6 inches in width, adjacent to said land on the East, as granted in the deed recorded December 12, 1912 in Book 699, page 39 of Deeds, described as follows:

Beginning at a point on the Northerly line of Pine Street, distant 118 feet Westerly from the Westerly line of Van Ness Avenue; running thence Westerly along said line of Pine Street 7 feet 6 inches; thence at a right angle Northerly 115 feet; thence at a right angle Easterly 7 feet 6 inches; thence at a right angle Southerly 115 feet to the Northerly line of Pine Street and the point of beginning.

Being portions of Western Addition Block No. 87

PARCEL 2:

Beginning at a point on the Northerly line of Pine Street, 55 feet Easterly from the intersection of the Easterly line of Franklin Street and the Northerly line of Pine Street; thence at a right angle Northerly 137 feet and 6 inches; thence at a right angle Easterly 40 feet, thence at a right angle Southerly to the Northerly line of Pine Street 137 feet and 6 inches, thence along said Northerly line of Pine Street Westerly 40 feet to the point of beginning.

Being a portion of Assessor's Block No. 647, and Western Addition Block No. 87.

Assessor's Lot 011, Block 0647

PARCEL 3:

Beginning at the point formed by the intersection of the Northerly line of Pine Street with the Easterly line of Franklin Street; running thence Easterly along said line of Pine Street 55 feet;

thence at a right angle Northerly 137 feet and 6 inches; thence at a right angle Westerly 55 feet to the Easterly line of Franklin Street; and thence at a right angle Southerly along said line of Franklin Street 137 feet and 6 inches to the point of beginning.

Being part of Western Addition Block No. 87.

Assessor's Lot 011A, Block 0647

PARCEL 4:

Beginning at a point on the Northerly line of Pine Street, distant thereon 220 feet and 1-1/2 inches Westerly from the Westerly line of Van Ness Avenue; running thence Westerly along said line of Pine Street 27 feet and 1-1/2 inches; thence at a right angle Northerly 137 feet and 6 inches; thence at a right angle Easterly 27 feet and 1-1/2 inches, thence at a right angle Southerly 137 feet and 6 inches to the point of beginning.

Being a portion of Western Addition Block No. 87.

Assessor's Lot 009, Block 0647

PARCEL 5:

Beginning at a point on the Northerly line of Pine Street, distant thereon 164 feet and 7-1/2 inches Easterly from the Easterly line of Franklin Street; running thence Easterly along said line of Pine Street 27 feet and 1-1/2 inches; thence at a right angle Northerly 137 feet and 6 inches; thence at a right angle Westerly 27 feet and 1-1/2 inches, thence at a right angle Southerly 137 feet and 6 inches to the point of beginning.

Being a portion of Western Addition Block No. 87.

Assessor's Lot 008, Block 0647

PARCEL 6:

Beginning at a point on the Northerly line of Pine Street, distant thereon 95 feet Easterly from the corner formed by the intersection of the said Northerly line of Pine Street with the Easterly line of Franklin Street; running thence Easterly and along said Northerly line of Pine Street 42 feet 6 inches; thence at a right angle Northerly 137 feet 6 inches; thence at a right angle Westerly 42 feet 6 inches, and thence at a right angle Southerly 137 feet 6 inches to the said Northerly line of Pine Street and the point of beginning.

Being a portion of Western Addition Block No. 87.

Assessor's Lot 010, Block 0647

1634

PINE ST

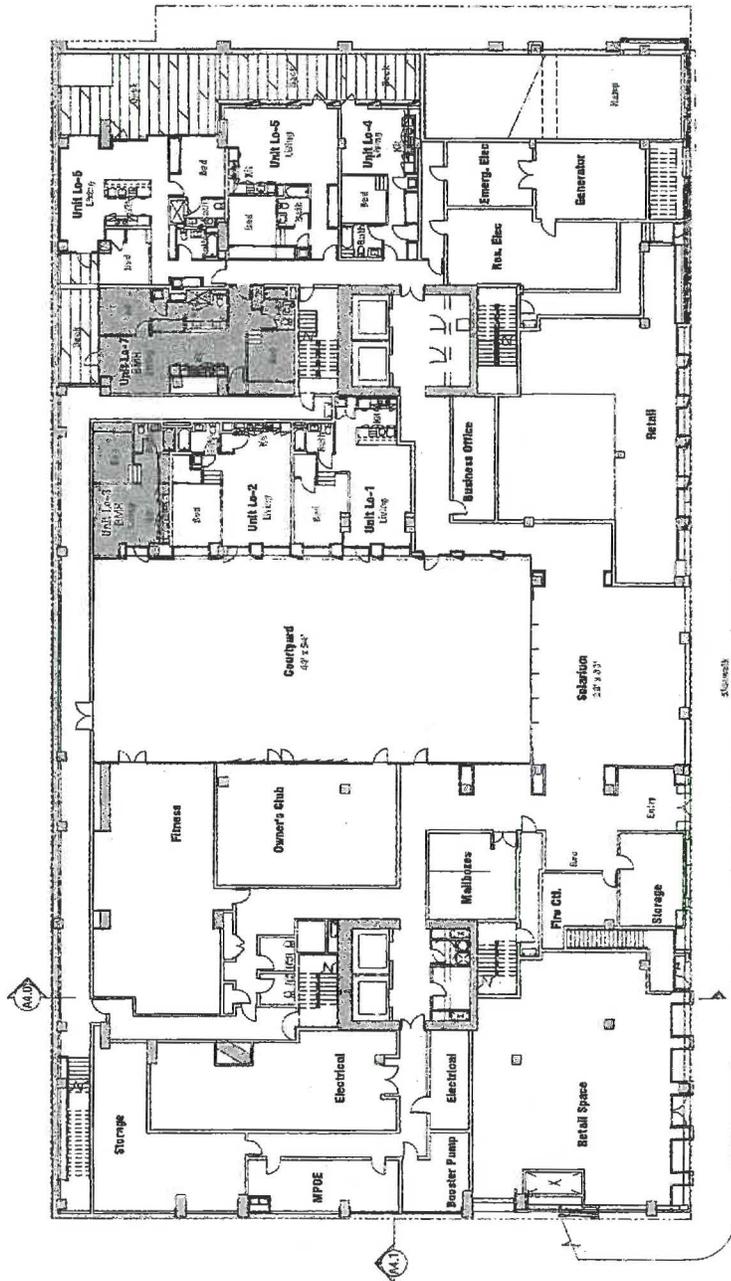
LOCATION OF BMR UNITS
(SHADED AND LABELED)

05 May 2014

KH

Floor Plan
- Level 1

A2.1



1634

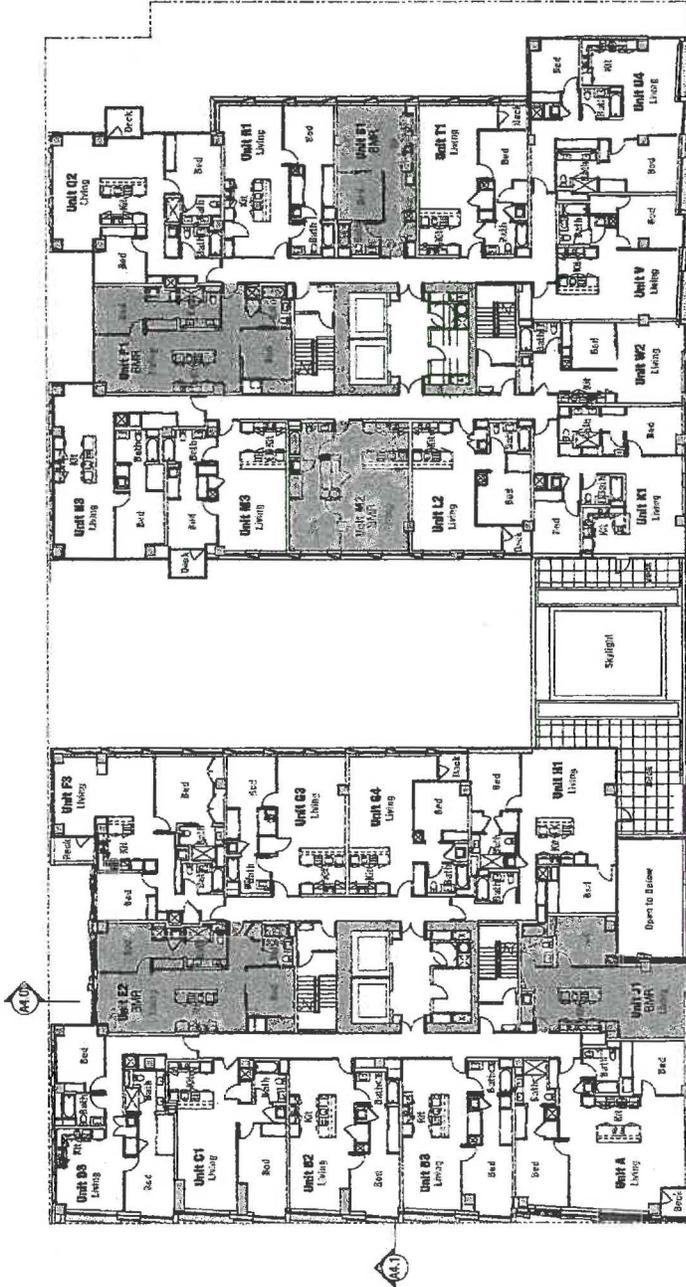
PINE ST

05 May 2014

KI

Floor Plan
- Level 3

A2.3



1634

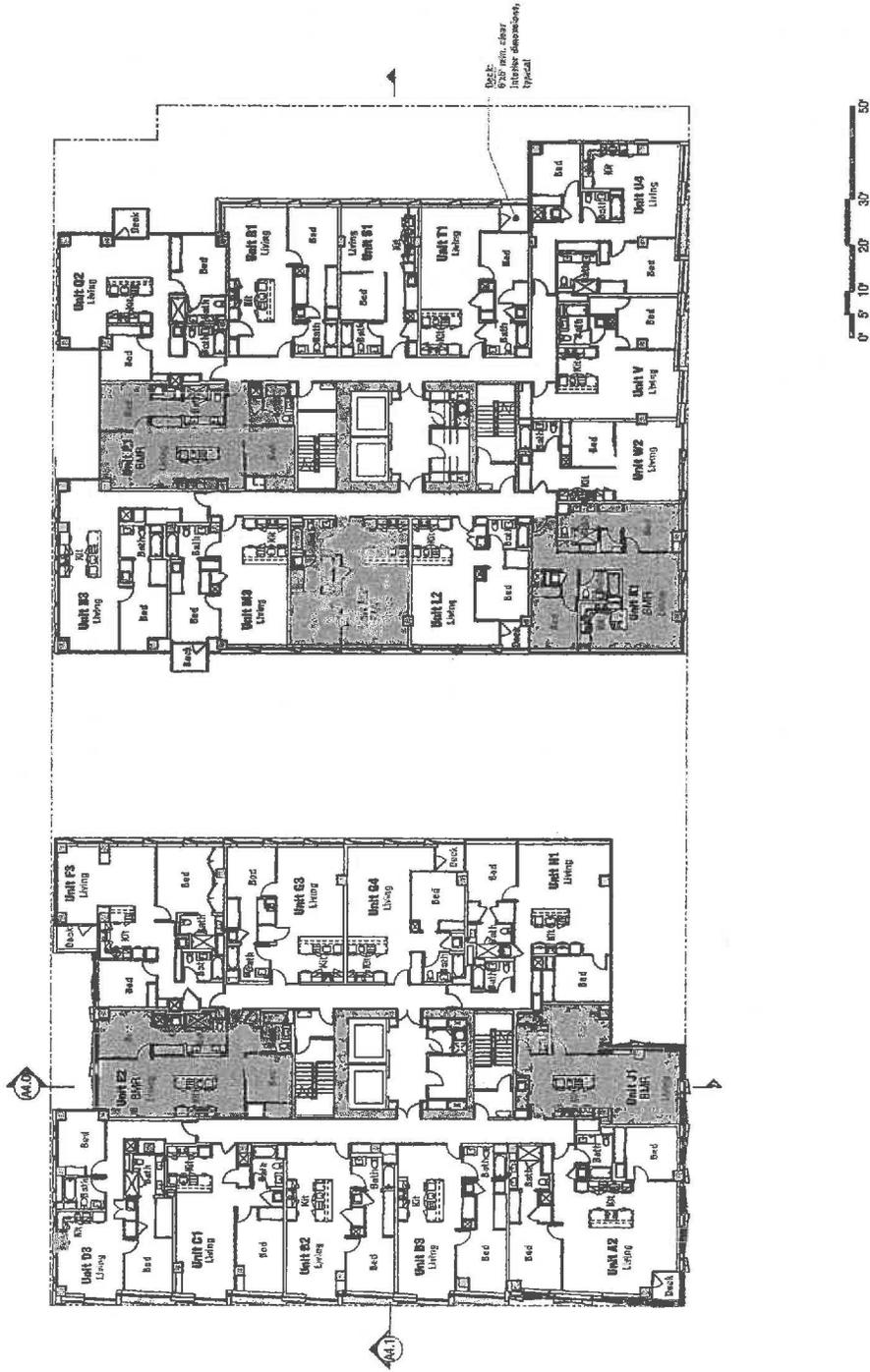
PINE ST

05 May 2014

KF

Floor Plans
- Level 4

A2.4



1634

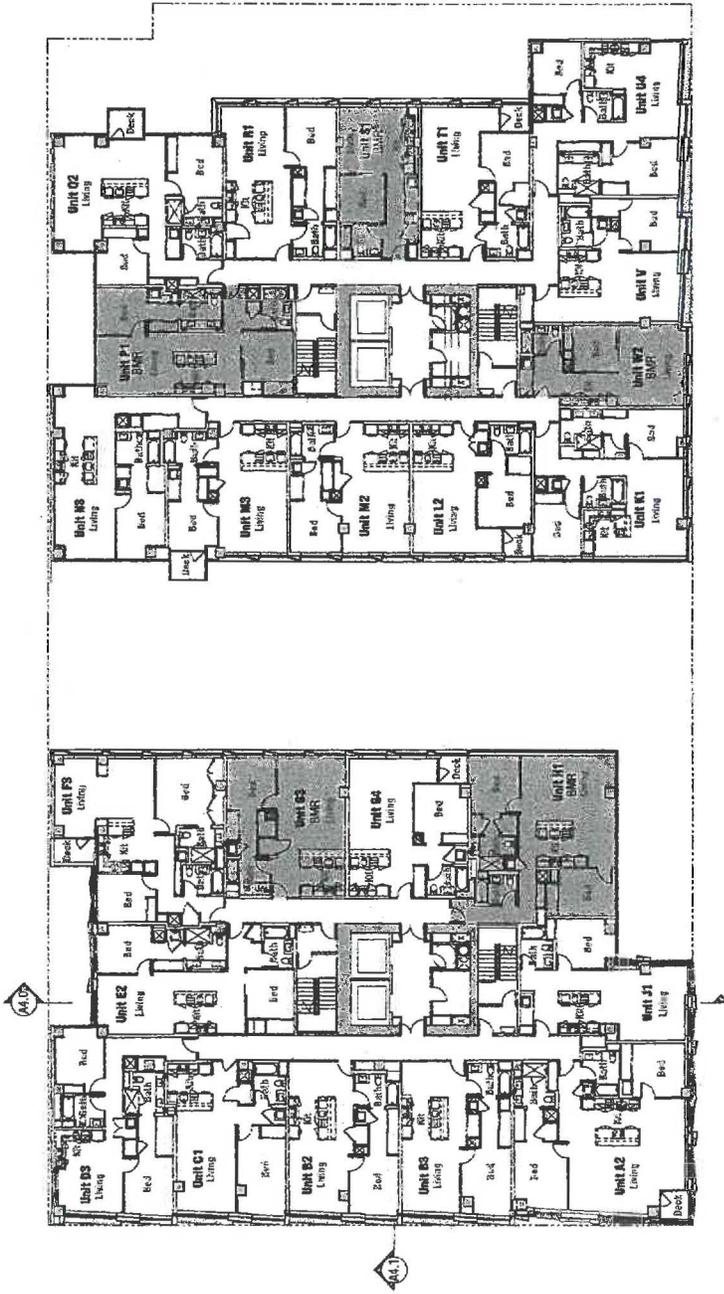
PINE ST

05 May 2014

KH

Floor Plan
- Level 5

A2.5



1634

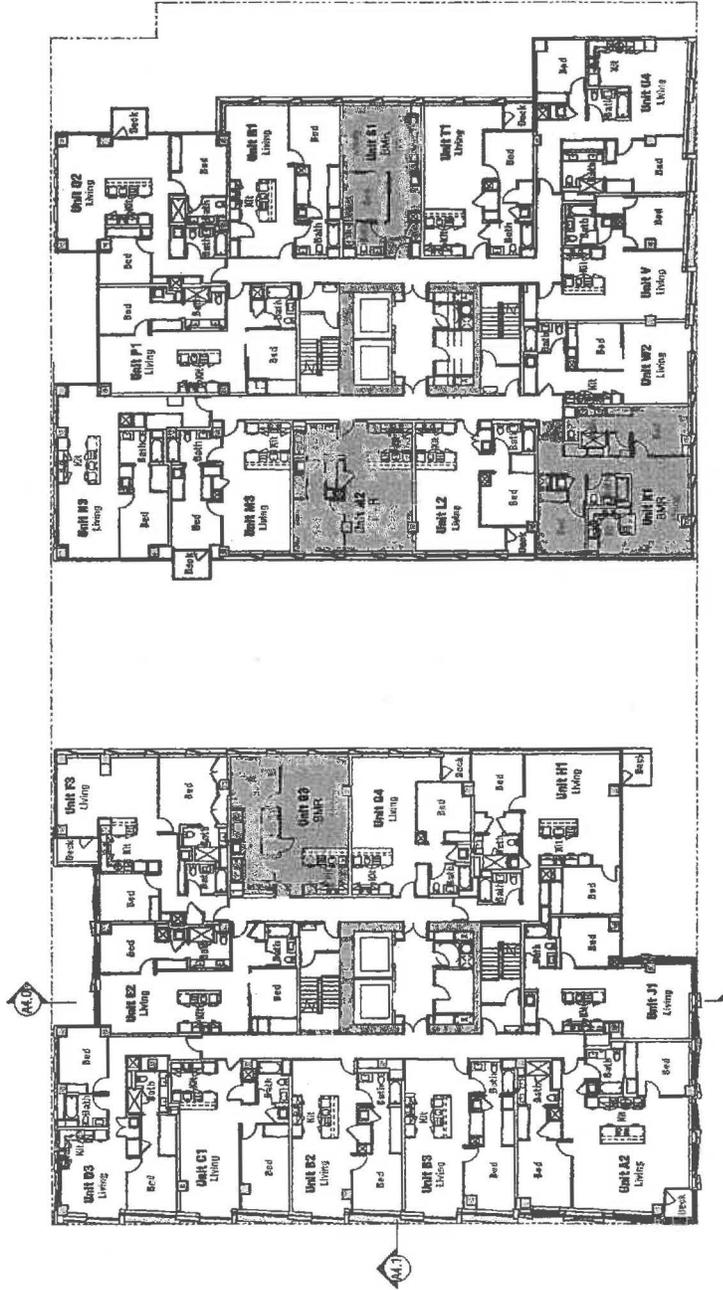
PINE ST

05 May 2014

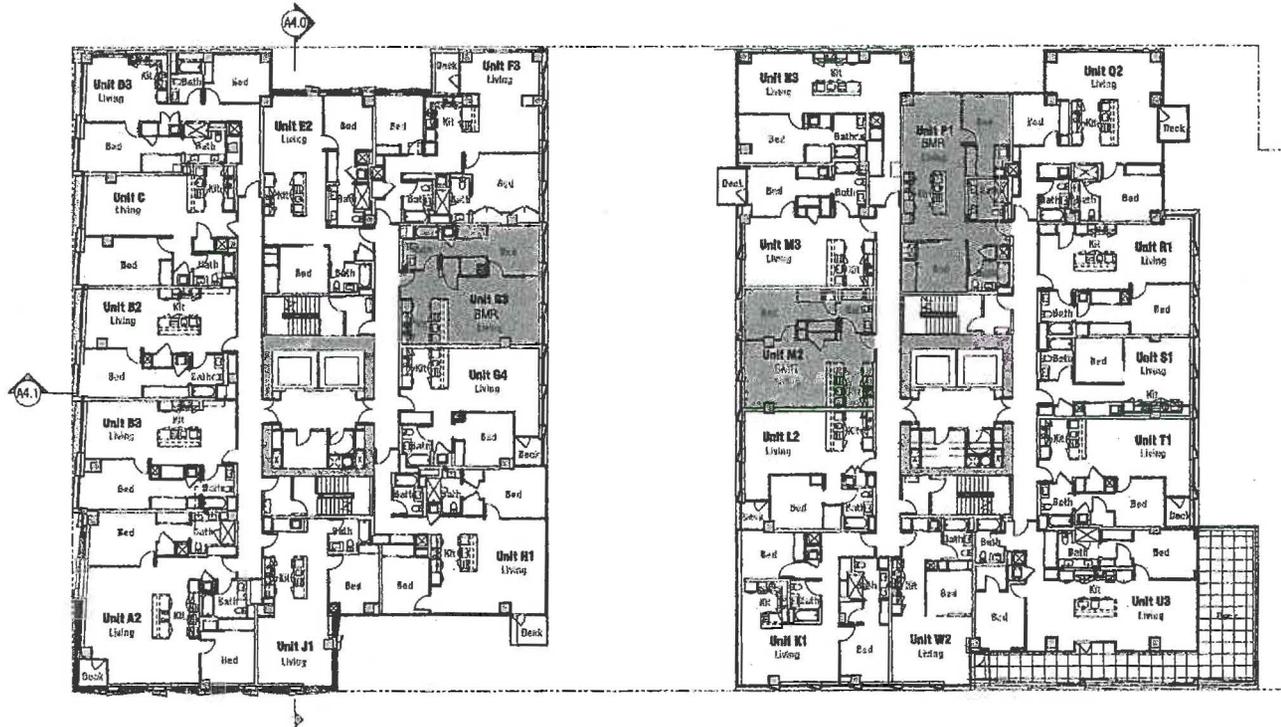
KH

Floor Plan
- Level 6

A2.6



1634 PINE ST



05 May 2014

KH

Floor Plan
- Level 7

A2.7

1634

PINE ST

05 May 2014

K1

Floor Plan
- Level 8

A2.8

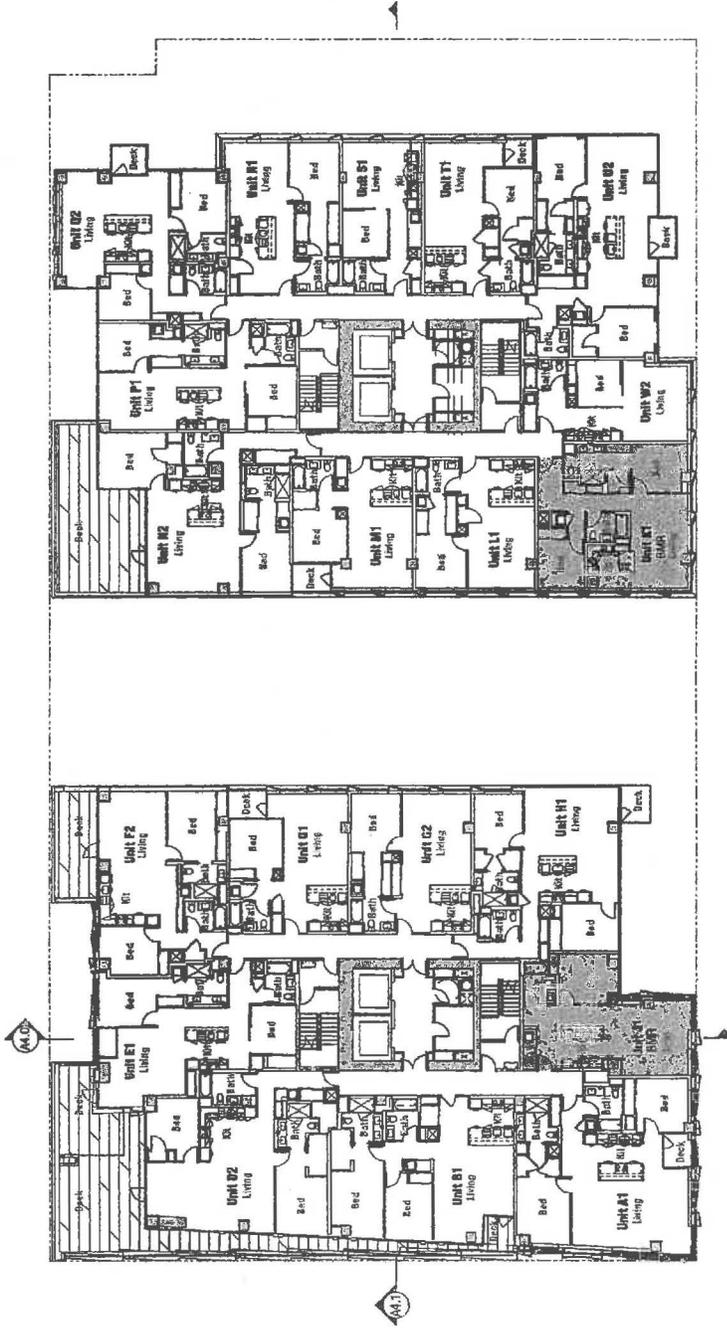




EXHIBIT C

SAN FRANCISCO PLANNING DEPARTMENT

Agreement to Implement Mitigation Measure(s)

Case No.: 2011.1306E
Project Title: 1634-1690 Pine Street
BPA Nos.: NA
Zoning: NC-3 (Moderate-Scale, Neighborhood Commercial) Zoning District
Van Ness Automotive Special Use District
130-E Height and Bulk District
Block/Lot: 0647/007, 008, 009, 010, 011, and 011A
Lot Size: 35,500 Square Feet
Project Sponsor: Oyster Development Corp., 1634 Pine Street, LLC
Lead Agency: San Francisco Planning Department
Staff Contact: Jeanie Poling – (415) 575-9072
Jeanie.Poling@sfgov.org

1650 Mission St.
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MITIGATION MEASURES

Mitigation Measure M-CP-2: Archaeological Testing for Project with Archaeological Research Design and Treatment Plan

Based on a reasonable presumption that archaeological resources may be present within the project site, the following measures shall be undertaken to avoid any potentially significant adverse effect from the proposed project on buried or submerged historical resources. The project sponsor shall retain the services of an archaeological consultant from the Planning Department (Department) pool of qualified archaeological consultants as provided the Department archaeologist. The archaeological consultant shall undertake an archaeological testing program as specified herein. In addition, the consultant shall be available to conduct an archaeological monitoring and/or data recovery program if required pursuant to this measure. The archaeological consultant's work shall be conducted in accordance with this measure and with the requirements of the project archaeological research design and treatment plan (Pastron, Allen G., *Archaeological Research Design/Treatment Plan for the 1634-1690 Pine Street Project*, June 2005) at the direction of the Environmental Review Officer (ERO). In instances of inconsistency between the requirement of the project archaeological research design and treatment plan and of this archaeological mitigation measure, the requirements of this archaeological mitigation measure shall prevail. All plans

and reports prepared by the archaeological consultant as specified herein shall be submitted first and directly to the ERO for review and comment, and shall be considered draft reports subject to revision until final approval by the ERO. Archaeological monitoring and/or data recovery programs required by this measure could suspend construction of the project for up to a maximum of four weeks. At the direction of the ERO, the suspension of construction can be extended beyond four weeks only if such a suspension is the only feasible means to reduce to a less-than-significant level potential effects on a significant archaeological resource as defined in *State CEQA Guidelines* Section 15064.5(a)(c).

Archaeological Testing Program. The archaeological consultant shall prepare and submit to the ERO for review and approval an archaeological testing plan (ATP). The archaeological testing program shall be conducted in accordance with the approved ATP. The ATP shall identify the property types of the expected archaeological resource(s) that potentially could be adversely affected by the proposed project, the testing method to be used, and the locations recommended for testing. The purpose of the archaeological testing program will be to determine to the extent possible the presence or absence of archaeological resources and to identify and to evaluate whether any archaeological resource encountered on the site constitutes an historical resource under CEQA.

At the completion of the archaeological testing program, the archaeological consultant shall submit a written report of the findings to the ERO. If based on the archaeological testing program, the archaeological consultant finds that significant archaeological resources may be present, the ERO in consultation with the archaeological consultant shall determine if additional measures are warranted. Additional measures that may be undertaken include additional archaeological testing, archaeological monitoring, and/or an archaeological data recovery program. If the ERO determines that a significant archaeological resource is present and that the resource could be adversely affected by the proposed project, at the discretion of the project sponsor either:

- A) The proposed project shall be re-designed so as to avoid any adverse effect on the significant archaeological resource; or

- B) A data recovery program shall be implemented, unless the ERO determines that the archaeological resource is of greater interpretive than research significance and that interpretive use of the resource is feasible.

Archaeological Monitoring Program. If the ERO, in consultation with the archaeological consultant, determines that an archaeological monitoring program shall be implemented the archaeological monitoring program (AMP) shall minimally include the following provisions:

- The archaeological consultant, project sponsor, and ERO shall meet and consult on the scope of the AMP reasonably prior to any project-related soils disturbing activities commencing. The ERO, in consultation with the archeological consultant, shall determine what project activities shall be archaeologically monitored. In most cases, any soils- disturbing activities, such as demolition, foundation removal, excavation, grading, utilities installation, foundation work, driving of piles (foundation, shoring, etc.), site remediation, etc., shall require archaeological monitoring because of the risk these activities pose to potential archaeological resources and to their depositional context;
- The archaeological consultant shall advise all project contractors to be on the alert for evidence of the presence of the expected resource(s), of how to identify the evidence of the expected resource(s), and of the appropriate protocol in the event of apparent discovery of an archaeological resource;
- The archaeological monitor(s) shall be present on the project site according to a schedule agreed upon by the archaeological consultant and the ERO until the ERO has, in consultation with the archaeological consultant, determined that project construction activities could have no effects on significant archaeological deposits;
- The archaeological monitor shall record and be authorized to collect soil samples and artifactual/ecofactual material as warranted for analysis;
- If an intact archaeological deposit is encountered, all soils-disturbing activities in the vicinity of the deposit shall cease. The archaeological monitor shall be empowered to temporarily redirect demolition/excavation/pile driving/construction activities and equipment until the deposit is evaluated. If in the case of pile driving activity (foundation, shoring, etc.), the archaeological monitor has cause to believe that the pile driving activity may affect an archaeological resource, the pile driving activity shall be terminated until an appropriate evaluation of the resource has been made in consultation with the ERO. The archaeological consultant shall immediately notify the ERO of the encountered archaeological deposit. The archaeological consultant

shall make a reasonable effort to assess the identity, integrity, and significance of the encountered archaeological deposit, and present the findings of this assessment to the ERO.

Whether or not significant archaeological resources are encountered, the archaeological consultant shall submit a written report of the findings of the monitoring program to the ERO.

Archaeological Data Recovery Program. The archaeological data recovery program shall be conducted in accord with an archaeological data recovery plan (ADRP). The archaeological consultant, project sponsor, and ERO shall meet and consult on the scope of the ADRP prior to preparation of a draft ADRP. The archaeological consultant shall submit a draft ADRP to the ERO. The ADRP shall identify how the proposed data recovery program will preserve the significant information the archaeological resource is expected to contain. That is, the ADRP will identify what scientific/historical research questions are applicable to the expected resource, what data classes the resource is expected to possess, and how the expected data classes would address the applicable research questions. Data recovery, in general, should be limited to the portions of the historical property that could be adversely affected by the proposed project. Destructive data recovery methods shall not be applied to portions of the archaeological resources if nondestructive methods are practical.

The scope of the ADRP shall include the following elements:

- *Field Methods and Procedures.* Descriptions of proposed field strategies, procedures, and operations.
- *Cataloguing and Laboratory Analysis.* Description of selected cataloguing system and artifact analysis procedures.
- *Discard and Deaccession Policy.* Description of and rationale for field and post-field discard and deaccession policies.
- *Interpretive Program.* Consideration of an on-site/off-site public interpretive program during the course of the archaeological data recovery program.
- *Security Measures.* Recommended security measures to protect the archeological resource from vandalism, looting, and non-intentionally damaging activities.

- *Final Report.* Description of proposed report format and distribution of results.
- *Curation.* Description of the procedures and recommendations for the curation of any recovered data having potential research value, identification of appropriate curation facilities, and a summary of the accession policies of the curation facilities.

Human Remains and Associated or Unassociated Funerary Objects. The treatment of human remains and of associated or unassociated funerary objects discovered during any soils disturbing activity shall comply with applicable state and federal laws. This shall include immediate notification of the Coroner of the City and County of San Francisco and in the event of the Coroner's determination that the human remains are Native American remains, notification of the California State Native American Heritage Commission (NAHC) who shall appoint a Most Likely Descendant (MLD) (Public Resources Code Section 5097.98). The archaeological consultant, project sponsor, and MLD shall make all reasonable efforts to develop an agreement for the treatment of, with appropriate dignity, human remains and associated or unassociated funerary objects (*State CEQA Guidelines* Section 15064.5(d)). The agreement should take into consideration the appropriate excavation, removal, recordation, analysis, custodianship, curation, and final disposition of the human remains and associated or unassociated funerary objects.

Final Archaeological Resources Report. The archaeological consultant shall submit a Draft Final Archaeological Resources Report (FARR) to the ERO that evaluates the historical significance of any discovered archaeological resource and describes the archaeological and historical research methods employed in the archaeological testing/monitoring/data recovery program(s) undertaken. Information that may put at risk any archaeological resource shall be provided in a separate removable insert within the final report.

Once approved by the ERO, copies of the FARR shall be distributed as follows: California Archaeological Site Survey Northwest Information Center (NWIC) shall receive one copy and the ERO shall receive a copy of the transmittal of the FARR to the NWIC. The Major Environmental Analysis (MEA) division of the Planning Department shall receive two copies (bound and unbound) of the FARR

and one unlocked, searchable PDF copy on a compact disk. MEA shall receive a copy of any formal site recordation forms (CA DPR [Department of Parks and Recreation] 523 series) and/or documentation for nomination to the National Register of Historic Places/California Register of Historical Resources. In instances of high public interest in or the high interpretive value of the resource, the ERO may require a different final report content, format, and distribution than that presented above.

Mitigation Measure M-CP-4a: Historic Preservation Plan and Protective Measures

A historic preservation plan shall be prepared and implemented to aid in preserving those portions of the historic district and individual historical resources that would be incorporated into the project. The plan shall establish measures to protect the remaining elements of the historical resources during construction, particularly the unreinforced masonry building façades, from vibration effects. If deemed necessary upon further condition assessment of the buildings, the plan shall include the preliminary stabilization of deteriorated or damaged masonry prior to construction. The historic preservation plan shall also further investigate and incorporate preservation recommendations regarding the potential historic materials that comprise the façades and other elements of the historical resources to be retained. The plan shall be prepared by a qualified architectural historian who meets the Secretary of Interior's Professional Qualification Standards (36 CFR, Part 61). The project sponsor shall ensure that the contractor follows these plans. The protection plan, specifications, monitoring schedule, and other supporting documents shall be incorporated into the building permit application plan sets. The documentation shall be reviewed and approved by a Planning Department Preservation Specialist.

Mitigation Measure M-CP-4b: Historic Resource Baseline Condition Study

Prior to construction, a historic preservation architect and a structural engineer shall undertake an existing condition study of the three buildings whose facades are to be retained. The purpose of the study would be to establish the baseline condition of the buildings prior to construction. The documentation shall take the form of written descriptions and visual illustrations, including those physical

characteristics of the resource that convey its historic significance and that justify its inclusion on, or eligibility for inclusion on, the California Register. The documentation shall be reviewed and approved by a Planning Department Preservation Specialist.

The structural engineer shall make periodic site visits to monitor the condition of the resource, including monitoring of any instruments such as crack gauges. The structural engineer shall consult with the historic preservation architect to ensure that character-defining features are protected, especially if any problems with character-defining features of the historic resource are discovered. If in the opinion of the structural engineer, in consultation with the historic preservation architect, substantial adverse impacts to the historic resource related to construction activities are found during construction, the monitoring team shall so inform the project sponsor or designated representative responsible for construction activities. The project sponsor shall adhere to the monitoring team's recommendations for corrective measures, including halting construction in situations where construction activities would imminently endanger the historic resource. The monitoring team shall prepare site visit reports and submit them for review by a Planning Department Preservation Specialist.

Mitigation Measure M-CP-4c: Historic Resource HABS Documentation

Prior to the issuance of demolition or site permits, the project sponsor shall undertake Historic American Building Survey (HABS) documentation of the subject property, structures, objects, materials, and landscaping. The documentation shall be undertaken by a qualified professional who meets the standards for history, architectural history, or architecture (as appropriate), as set forth by the Secretary of the Interior's Professional Qualification Standards (36 CFR, Part 61). The documentation shall consist of the following:

- *Measured Drawings:* A set of measured drawings that depict the existing size, scale, and dimension of the subject property. The Planning Department Preservation staff will accept the original architectural drawings or an as-built set of architectural drawings (plan, section, elevation, etc.). The Planning Department Preservation staff will assist the consultant in determining the appropriate level of measured drawings;

- *HABS-Level Photography*: Digital photographs of the interior and the exterior of subject property. Large format negatives are not required. The scope of the digital photographs shall be reviewed by Planning Department Preservation staff for concurrence, and all digital photography shall be conducted according to the latest National Park Service Standards. The photography shall be undertaken by a qualified professional with demonstrated experience in HABS photography; and
- *HABS Historical Report*: A written historical narrative and report, per HABS Historical Report Guidelines.

The professional shall prepare the documentation and submit it for review and approval by the Planning Department's Preservation Specialist prior to the issuance of building permits. The documentation shall be disseminated to the Planning Department, San Francisco Main Library History Room, Northwest Information Center-California Historical Resource Information System, and San Francisco Architectural Heritage.

Mitigation Measure M-CP-4d: Permanent Interpretive Exhibits

The project sponsor shall install permanent interpretive exhibits on the property that provide information to visitors and occupants regarding the history of the Pine Street Auto Shops Historic District, the development of Van Ness Auto Row, and the buildings' association during the period of Japanese-American internment during World War II. The interpretive exhibit shall utilize images, narrative history, drawings, or other archival resources. The interpretive exhibits may be in the form of, but are not necessarily limited to plaques or markers, interpretive display panels, and/or printed material for dissemination to the public. The interpretive exhibits shall be installed at a pedestrian-friendly location, and be of adequate size to attract the interested pedestrian.

Mitigation Measure M-TR-1: Payment of Fair-Share Cost of Near-Term Intersection Improvements

The project sponsor shall be responsible for making a fair-share contribution to the cost of any improvement(s) at the Van Ness Avenue/Pine Street intersection deemed necessary by the San Francisco Municipal Transportation Agency in the near-term, defined as the period between Existing (2013) Conditions and

implementation of the Van Ness Avenue Bus Rapid Transit Project (in 2018 or later).

Mitigation Measure M-C-TR-1: Payment of Fair-Share Cost of Van Ness Avenue Bus Rapid Transit Improvements

The project sponsor shall be responsible for making a fair-share contribution to the cost of any Van Ness Avenue Bus Rapid Transit improvements at the intersection of Van Ness Avenue/Pine Street deemed necessary by the San Francisco Municipal Transportation Agency.

IMPROVEMENT MEASURES

Improvement Measure I-TR-2: Abatement of Parking Queue

It shall be the responsibility of the owner/operator of any off-street parking facility developed on the project site with more than 20 parking spaces (excluding loading and car-share spaces) to ensure that recurring vehicle queues do not occur on the public right-of-way. A vehicle queue is defined as one or more vehicles (destined to the parking facility) blocking any portion of any public street, alley or sidewalk for a consecutive period of 3 minutes or longer on a daily or weekly basis.

If a recurring queue occurs, the owner/operator of the parking facility shall employ abatement methods as needed to abate the queue. Appropriate abatement methods will vary depending on the characteristics and causes of the recurring queue, as well as the characteristics of the parking facility, the street(s) to which the facility connects, and the associated land uses (if applicable).

Suggested abatement methods include but are not limited to the following: redesign of facility to improve vehicle circulation and/or on-site queue capacity; employment of parking attendants; installation of "LOT FULL" signs with active management by parking attendants; use of valet parking or other space-efficient parking techniques; use of off-site parking facilities or shared parking with nearby uses; use of parking occupancy sensors and signage directing drivers to available spaces; travel demand management strategies such as additional bicycle

parking, customer shuttles, delivery services; and/or parking demand management strategies such as parking time limits, paid parking, time-of-day parking surcharge, or validated parking.

If the Planning Director, or his or her designee, suspects that a recurring queue is present, the Department shall notify the property owner in writing. Upon request, the owner/operator shall hire a qualified transportation consultant to evaluate the conditions at the site for no less than seven days. The consultant shall prepare a monitoring report to be submitted to the Department for review. If the Department determines that a recurring queue does exist, the facility owner/operator shall have 90 days from the date of the written determination to abate the queue.

Improvement Measure I-TR-4a: Audible and Visual Warning Devices

Install audible and visible warning devices to alert pedestrians of the outbound vehicles from the parking garage.

Improvement Measure I-TR-4b: Limited Loading Hours

Limit hours of retail and residential operation of the loading dock to off-peak hours to avoid peak pedestrian times (7:00 AM to 9:00 AM and 5:00 PM to 7:00 PM)

Improvement Measure I-TR-4c: Coordination of Loading Activities

Schedule and coordinate loading activities through building management to spread out loading activity at the project site.

Improvement Measure I-TR-8: Transportation Demand Management Program

The project sponsor should establish a Transportation Demand Management program for building tenants, which could include, but would not be limited to, various elements such as carpool ridematching services, a "guaranteed ride home" program, transit passes or other commuter subsidies for employees who use alternative modes of travel, additional designated carpool/carshare spaces

inside the building's garage in excess of *San Francisco Planning Code* requirements, and marketing and information distribution efforts.

Improvement Measure I-TR-9a: Limited Construction Hours

Limit hours of construction-related traffic, including, but not limited to, truck movements, to avoid the weekday AM and PM peak hours (7:00 AM to 9:00 AM and 4:00 PM to 6:00 PM) (or other times, if approved by the San Francisco Municipal Transportation Authority).

Improvement Measure I-TR-9b: Coordination of Construction Activities

Construction contractor(s) should coordinate construction activities with other potential projects that may be constructed in the vicinity of the project site (such as the Van Ness Bus Rapid Transit Project and California Pacific Medical Center Long-Range Development Plan, among others) in order to spread out truck deliveries and minimize traffic delays due to temporary street closures.

I agree to implement the above mitigation measure and improvement measures as a condition of project approval.

Michael A. Skind
Property Owner or Legal Agent Signature

4/23/14
Date

PRESIDENT OF VAN NESS CLAY CORP.,

MANAGING MEMBER OF 1634 PINE STREET LLC



SAN FRANCISCO PLANNING DEPARTMENT

Subject to: (Select only if applicable)

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

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Planning Commission Motion No. 19153

Date: May 15, 2014
Case No.: 2011.1306C
Project Address: 1634-1690 Pine Street
Zoning: NC-3 (Neighborhood Commercial, Moderate Scale)
130-E Height and Bulk District
Partially within the Van Ness Automotive Special Use District
Block/Lot: 0647/007, 008, 009, 010, 011, and 011A
Project Sponsor: Dean Givas, Oyster Development Corp.
355 1st Street, #809
San Francisco, CA 94105
Staff Contact: Glenn Cabreros – (415) 558-6169
glenn.cabreros@sfgov.org

ADOPTING FINDINGS RELATING TO THE APPROVAL OF CONDITIONAL USE AUTHORIZATION PURSUANT TO PLANNING CODE SECTIONS 303 AND 304 TO ALLOW A PLANNED UNIT DEVELOPMENT PROPOSING TO MERGE SIX LOTS CONTAINING APPROXIMATELY 35,500 SQUARE FEET, DEMOLISH MOST OF THE FIVE BUILDINGS ON THE PROJECT SITE, AND CONSTRUCT A 13-STORY, 130-FOOT TALL APPROXIMATELY 353,000-GROSS-SQUARE-FOOT MIXED-USED BUILDING CONTAINING 261 RESIDENTIAL UNITS IN TWO TOWERS, 4000 SQUARE FEET OF COMMERCIAL USE ON THE GROUND FLOOR, AND ONE LEVEL OF BELOW-GRADE PARKING FOR 201 VEHICLES WITHIN THE NC-3 (NEIGHBORHOOD COMMERCIAL, MODERATE-SCALE) ZONING DISTRICT, THE 130-E HEIGHT AND BULK DISTRICT AND PARTIALLY WITHIN THE VAN NESS AUTOMOTIVE SPECIAL USE DISTRICT.

PREAMBLE

On March 16, 2011, Oyster Development Corporation (hereinafter "Project Sponsor") filed an application with the Planning Department (hereinafter "Department") for Conditional Use Authorization under Planning Code Sections 303 and 304 for a Planned Unit Development ("PUD") proposing to merge six lots, demolish most of the five existing buildings and to construct a 13-story, 130-foot tall mixed-use

building containing 261 dwelling units in two towers, 4000 square feet of ground floor commercial space and one level of below-grade parking for 201 vehicles within the NC-3 (Neighborhood Commercial, Moderate-Scale) Zoning District, the 130-E Height and Bulk District and partially within the Van Ness Automotive Special Use District.

On January 25, 2012, the Department conducted a shadow fan as part of a Preliminary Project Assessment, Case No. 2011.1306U, for the project pursuant to Planning Code Section 295. The shadow fan found that the project would not cast shadows on any Recreation and Park Department properties, and a formal shadow study application was not required to further review shadow created by the project.

On May 15, 2014, the San Francisco Planning Commission (hereinafter "Commission"), by Motion No. 19151 certified the Final Environmental Impact Report, Case No. 2011.1306E, for the project at 1634-1690 Pine Street.

On May 15, 2014, the San Francisco Planning Commission (hereinafter "Commission"), by Motion No. 19152 approved CEQA findings, Case No. 2011.1306E, for approval of the proposed PUD at 1634-1690 Pine Street.

On May 15, 2014, the Commission conducted a duly noticed public hearing at a regularly scheduled meeting on Conditional Use Application No. 2011.1306C requesting authorization to construct a Planned Unit Development.

The Commission has heard and considered the testimony presented to it at the public hearing and has further considered written materials and oral testimony presented on behalf of the applicant, Department staff, and other interested parties.

MOVED, that the Commission hereby authorizes the Conditional Use for a Planned Unit Development requested in Application No. 2011.1306C, 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 at 1634-1690 Pine Street on the north side of Pine Street between Franklin Street and Van Ness Avenue on Lots 007, 008, 009, 010, 011 and 011A in Assessor's Block 0647. The property is located within the NC-3 (Neighborhood Commercial, Moderate-Scale) Zoning District and a 130-E Height and Bulk District. All subject lots except for the westernmost lot, Lot 011A, are within the Van Ness Automotive Special Use District. The project site occupies 260 feet of street frontage along Pine Street and 138 feet of frontage along Franklin Street. The frontage along Franklin Street slopes upward, while the

entire project site slopes downhill from Franklin Street to Van Ness Avenue. The project site is a large lot, over a half-acre in size, containing 35,500 square feet.

3. **Surrounding Properties and Neighborhood.** The project is located in the northeast corner of the Western Addition neighborhood. The block to the north is within Pacific Heights neighborhood, and the block to the east is within the Nob Hill neighborhood. The adjacent lot to the east is a corner lot containing a gas station at Pine Street and Van Ness Avenue. Across Pine Street is an existing 13-story PUD known as San Francisco Towers (senior housing) which occupies the entire block. The block face to the west and across Franklin Street from the project site includes a two-story automotive repair building and large apartment buildings four to six stories in height. The adjacent lots to the rear of the project site contain large, three-story commercial structures housing a grocery store use (Whole Foods Market) that fronts onto Franklin and California Streets.
4. **Project Description.** The project proposes to demolish most of the five existing buildings at the project site. For the purposes of the Planning Code, the buildings are considered to be demolished, although the project proposes to retain the façades of some of the existing buildings. The project proposes a 13-story PUD with 261 residential units in two tower structures and ground floor commercial spaces. One level of below grade parking would contain 201 parking spaces through the use of car stackers. Thirty-one (31) of the 261 residential units are proposed to be on-site affordable units, reflecting the unit mix of mostly one- and two-bedroom units proposed at the project.
5. **Public Comment.** Public comment to date has included concerns regarding various aspects of the project (scale, mass, demolition, etc.). As evidenced in the letters of support submitted by the Middle Polk Neighborhood Association and the Cathedral Hill Neighbors Association, both neighborhood groups had expressed concerns which were addressed by the project sponsor as part of the project sponsor's public outreach. Over twenty-five (25) letters in support of the project have been provided by the project sponsor.
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. **Planned Unit Development.** Per Planning Code Section 304 provisions governing PUD applications, the gross floor area of the project shall not exceed the floor area ratio (FAR) limit permitted for the NC-3 District. Per Planning Code Section 712.20, the floor area ratio in the NC-3 District is 3.6 to 1, and residential uses are not counted toward FAR. As such, based on a lot area of 35,500 square feet, the gross floor area of the project shall not exceed 127,638 square feet exclusive of residential uses.

Excluding the residential use, the project proposes a FAR of 4000 square feet.
 - B. **Height.** Per Article 2 of the Planning Code and the 130-E Height and Bulk District, the maximum allowable building height for the project site shall be 130 feet.

As measured from Franklin Street, the height of the PUD is proposed at 130 feet.

- C. **Bulk.** Per the E Bulk District, above a height of 65 feet, the plan dimensions of each proposed tower shall have a maximum length of 110 feet and a maximum diagonal dimension of 140 feet.

The project requests exceptions from the dimensions specified by the E Bulk District. See Bulk Exception Findings below.

- D. **Unit Density.** Per Article 2 of the Planning Code and per Planning Code Section 304, a PUD shall be limited in dwelling unit density to less than the density that would be allowed by Article 2 for a district permitting a greater density, so that the PUD will not be substantially equivalent to a reclassification of the property.

The NC-3 District allows for a dwelling unit density equal to the density of the nearest R District. The closest R District is the adjacent RC-4 District, which allows a dwelling unit density of 1:200. The next zoning district permitting a greater density would be the C District, which allows for a density of 1:125. Thus, based on a lot area of 35,500 square feet, the maximum dwelling unit density that could be permitted at the project site is 284 units. The project proposes 261 dwelling units.

- E. **Rear Yard.** Per Planning Code Sections 134 and 712.12, a 25-percent rear yard is required at all residential levels in the NC-3 District. An approximately 35-foot deep rear yard from the rear lot line would need to be provided for the project (with front lot line assumed along Pine Street); however, the rear yard requirement may be modified as part of a PUD application pursuant to the criteria listed under Planning Code Section 304.

The project does not meet the rear yard depth per Planning Code Section 134; however the project seeks modifications to the rear yard requirement as part of the PUD authorization. See CU/PUD Findings below.

- F. **Unit Exposure.** Planning Code Section 140 requires every dwelling unit to face onto a Code-complying rear yard or a 25-foot wide street or side yard. Per Planning Code Section 304, the Commission in considering a Planned Unit Development may approve exceptions to Planning Code requirements in order to achieve an outstanding overall design.

As a Code-complying rear yard is not provided, the dwelling units that face the rear or east side property line or that face the open space provided between the two tower structures do not meet the dwelling unit exposure requirement. The project seeks modifications to the dwelling unit exposure requirements as part of the PUD authorization. See CU/PUD Findings below.

- G. **Open Space.** Per Planning Code Section 135, in Neighborhood Commercial Districts, the amount of usable open space to be provided shall be the amount required in the nearest Residential District. The adjacent RC-4 District requires 36 square feet of private open space

per unit or 48 square feet of common open space per unit. Section 135 also provides additional open space criteria, such as minimum dimensions and minimum areas.

The project requires 9,396 sf of private open space or 12, 528 sf of common open space. The open space requirement may be met using a combination of private and common open space areas. The project exceeds the amount of open space area required by the Code; however not all of the open space areas proposed meet the minimum dimensions and areas prescribed by the Code. The project seeks modification of the open space requirement via the PUD authorization. See PUD Findings below.

- H. **Streetscape.** Per Planning Code Section 138.1, the project shall provide pedestrian and streetscape improvements in accordance with the City's "Better Streets Plan." Included in Section 138.1 is the requirement for twenty, 24-inch-box-sized street trees in addition to other "Better Streets" requirements.

The project provides twenty, 24-inch box-sized street trees. In the event that the Department of Public Works, Bureau of Urban Forestry determines the required street tree(s) cannot be planted, an in-lieu fee for each street tree not planted will be assessed.

- I. **Street Frontage.** Per Planning Code Section 145.1, the treatment of the street frontages at the project shall be designed to preserve, enhance and promote attractive, clearly defined street frontages that are pedestrian-oriented, fine-grained, and which are appropriate and compatible with the buildings and uses in the NC-3 District. The project requires that 60 percent of the building perimeter at the ground floor be transparent and the first 25 feet of the ground floor to be devoted to active uses.

The project proposes the ground floor to be 51 percent transparent. As building utilities are also proposed at the ground floor, the project seeks PUD modifications to the street frontage requirements of the Code via the PUD authorization. See CU/PUD Findings below.

- J. **Parking.** Per Planning Code Section 151, one parking space is required for each dwelling unit. As 261 dwelling units are proposed, 261 parking spaces are required for the project. Per Planning Code Section 307, the Planning Commission may reduce or modify the parking requirements.

The project proposes 201 parking spaces. The project seeks a parking reduction pursuant to Planning Code Section 307. See Parking Reduction Findings below.

- K. **Loading.** Per Planning Code Section 152, as the proposed gross floor area of the project is greater than 200,000 square feet and does not exceed 500,000 square feet, two off-street loading spaces are required.

The project proposes no loading spaces. The project seeks modification to the loading requirements via the PUD authorization. See CU/PUD Findings below.

- L. **Bicycle Parking.** Per Planning Code Section 155.2, one (1) Class 1 bicycle parking space per unit up to 100 units, and one additional space per each 4 units above 100 units are required for new construction projects. As the project proposes 260 dwelling units, 140 Class 1 bicycle parking spaces are required for the project.

The project proposes 141 Class 1 bicycle parking spaces at the garage level.

- M. **Affordable Housing.** Per Planning Code Section 415, all projects that include ten or more units must participate in the Inclusionary Affordable Housing Program. Of the total number of proposed dwelling units, the project shall provide 12-percent on-site affordable units.

The project proposes 31 on-site affordable housing units, which equals 12-percent of the 261 units proposed at the project. See Inclusionary Affordable Housing Program Findings below.

7. **Planning Code Section 121.1** establishes criteria for the Planning Commission to consider when reviewing applications for projects within the NC-3 Zoning District on lots that exceed 10,000 square feet, through the Conditional Use authorization process. The project site is approximately 35,500 square feet. On balance, the project complies with said criteria in that:

- a. The mass and façade of the proposed structure are compatible with the existing scale of the district.

The project would be in keeping with the building scale and massing of other residential buildings found in the area of the Van Ness Avenue corridor. The San Francisco Towers PUD across Pine Street from the project occupies the entire block and is 14 stories tall. There is also a Holiday Inn across Van Ness Avenue from the subject block that has 25 stories and is 243 feet tall – significantly taller than the project. The project’s six-story podium level helps to transition the project to adjacent lower scaled development, and the appearance of bulk in its upper levels has been reduced by incorporating a two-tower design with a 40-foot separation between the towers. Each tower is designed to have a floor plate that is staggered in plan view, which creates an exterior appearance of two slender towers constructed side-by-side. Overall, the project’s proposed height and bulk are consistent with the applicable massing and scale of development in the district.

- b. The façade of the proposed structure is compatible with the design features of adjacent facades that contribute to the positive visual qualities of the district.

The project’s facades are proposed to be clad with high-quality building materials. The varied use of materials, colors, and exterior façade patterns/textures are of a modern architectural aesthetic, but are complimentary to building materials, colors and scales found in the surrounding neighborhood. At the sidewalk level, a 14-foot high ground floor, use of windows and two commercial tenant spaces would enhance the pedestrian environment at the site. The project will also maintain and incorporate into its design the facades of some of the existing historic commercial/industrial buildings at the site. This will help create a connection between the

previous automotive uses in the surrounding neighborhood and the new, high density building proposed, consistent with other development in the area since the Van Ness Area Plan was enacted. Overall, the project's design is compatible with features of adjacent facades and will contribute to the positive visual qualities of the district.

8. **Inclusionary Affordable Housing Program Findings.** Planning Code Section 415 sets forth the requirements and procedures for the Inclusionary Affordable Housing Program. Under Planning Code Section 415.3, these requirements would apply to projects that consist of 10 or more units, where the first application (EE or BPA) was applied for on or after July 18, 2006. Pursuant to Planning Code Section 415.5 and 415.6, the Inclusionary Affordable Housing Program requirement for the On-site Affordable Housing Alternative is to provide 15% of the proposed dwelling units as affordable. Pursuant to San Francisco Charter Section 16.110 (g), adopted by the voters in November, 2012, beginning on January 1, 2013, the City shall reduce by 20% the on-site inclusionary housing obligation for all on-site projects subject to the Inclusionary Affordable Housing, but in no case below 12%. Thus, under Charter Section 16.110 (g) all the on-site requirements here are reduced by 3% (20% of 15%) to 12%.

The Project Sponsor has demonstrated that it is eligible for the On-Site Affordable Housing Alternative under Planning Code Section 415.5 and 415.6, and has submitted a 'Affidavit of Compliance with the Inclusionary Affordable Housing Program: Planning Code Section 415,' to satisfy the requirements of the Inclusionary Affordable Housing Program by providing the affordable housing on-site instead of through payment of the Affordable Housing Fee. In order for the Project Sponsor to be eligible for the On-Site Affordable Housing Alternative, the Project Sponsor must submit an 'Affidavit of Compliance with the Inclusionary Affordable Housing Program: Planning Code Section 415,' to the Planning Department stating that any affordable units designated as on-site units shall be sold as ownership units and will remain as ownership units for the life of the project. The Project Sponsor submitted such Affidavit on April 23, 2014. The EE application was submitted on May 4, 2012. Pursuant San Francisco Charter Section 16.110 (g) the 15% on-site requirement stipulated in Planning Code Section 415.6, is reduced by 3% (20% of 15%) to 12%. Thirty-one (31) units (17 one-bedroom and 14 two-bedroom units) of the 261 units provided will be affordable units. If the Project becomes ineligible to meet its Inclusionary Affordable Housing Program obligation through the On-site Affordable Housing Alternative, it must pay the Affordable Housing Fee with interest, if applicable.

9. **Parking Reduction Findings:** Planning Code Section 307(i) provides criteria for the Reduction or Modification of Off-Street Parking Requirements. In approving a reduction or modification of off-street requirements the Planning Commission shall consider and apply the following criteria:
- a. the reduction in the parking requirement is justified by the reasonably anticipated automobile usage by residents of and visitors to the project; and
 - b. the reduction in the parking requirement will not be detrimental to the health, safety, convenience, or general welfare of persons residing in or working in the vicinity; and
 - c. the minimization of conflict of vehicular and pedestrian movements; and
 - d. the availability of transportation modes other than the automobile; and
 - e. the pattern of land use and character of development in the vicinity;

The project currently proposes 201 parking spaces, where 261 spaces are required. The reduction of parking spaces is in keeping with the City's Transit First Policy. The amount of proposed parking is desirable, as the project is within a transit-rich neighborhood and is close to State Highway 101 (Van Ness Avenue). The project does not propose the two required loading spaces; however the project is not expected to create the need for regular loading activity, as the project is comprised of mostly residential uses and two smaller commercial spaces. The project's Environmental Impact Report has fully analyzed the project's impact on traffic and parking. The project's vehicular parking is proposed via one access point, thus limiting the potential for pedestrian and vehicular conflicts. The garage access is proposed on Pine Street; therefore the traffic flow along Franklin Street, which is a well-travelled north-south traffic route, will be unimpeded. The project incentivizes bicycle use by proposing 141 Class 1 bicycle parking spaces at the garage level.

10. **Bulk Exception Findings:** Planning Code Section 271 permits exceptions to the bulk limits in districts other than the C-3 District, subject to the Conditional Use requirements of Section 303 (below). Section 271 requires that the Commission consider certain criteria in granting any exception to the Bulk limits in addition to those criteria required in Section 303. The additional criteria are:

- A. The appearance of bulk in the building, structure or development shall be reduced by means of at least one and preferably a combination of the following factors, so as to produce the impression of an aggregate of parts rather than a single building mass:
- i. Major variations in the planes of wall surfaces, in either depth or direction, that significantly alter the mass;
 - ii. Significant differences in the heights of various portions of the building, structure or development that divide the mass into distinct elements;
 - iii. Differences in materials, colors or scales of the facades that produce separate major elements;
 - iv. Compensation for those portions of the building, structure or development that may exceed the bulk limits by corresponding reduction of other portions below the maximum bulk permitted; and
 - v. In cases where two or more buildings, structures or towers are contained within a single development, a wide separation between such buildings, structures or towers.

The project exceeds the maximum length dimension of 110 by 28 feet as the longest portion of the proposed building is approximately 138 feet. The project exceeds the maximum diagonal dimension of 140 feet by 24 feet with a proposed diagonal dimension of 164 feet.

The appearance of the proposed bulk is reduced by employing various design techniques. The project is designed with two tower structures with a 40-foot separation between the towers. Each tower is designed to have a floor plate that is staggered in plan view which creates an exterior appearance of two slender towers constructed side-by-side. This illusion of slender towers is further expressed by differentiating the use of exterior materials and window proportions. At the north, west and east property lines, the towers step down to a six-story podium level which further breaks up the massing of the project. The six-story podium level also helps to complement the lower scale residential development across Franklin Street from the project.

- B. In every case the building, structure or development shall be made compatible with the character and development of the surrounding area by means of all of the following factors:
- i. A silhouette harmonious with natural land-forms and building patterns, including the patterns produced by height limits;
 - ii. Either maintenance of an overall height similar to that of surrounding development or a sensitive transition, where appropriate, to development of a dissimilar character;
 - iii. Use of materials, colors and scales either similar to or harmonizing with those of nearby development; and
 - iv. Preservation or enhancement of the pedestrian environment by maintenance of pleasant scale and visual interest.

The project's bulk would be in keeping with the building scale and massing of other residential buildings on corner lots found in the area of the Van Ness Avenue corridor, and the project is specifically in keeping with the height of the San Francisco Towers PUD across Pine Street from the project. The six-story podium level helps to transition the project to adjacent lower scaled development. The various use of materials, colors and exterior façade patterns/textures are of a modern architectural aesthetic, but are complimentary to building materials, colors and scales found in the surrounding neighborhood. At the sidewalk level, a 14-foot high ground floor, use of windows and two commercial tenant spaces would enhance the pedestrian environment at the project.

- C. While the above factors must be present to a considerable degree for any bulk limit to be exceeded, these factors must be present to a greater degree where both the maximum length and the maximum diagonal dimension are to be exceeded than where only one maximum dimension is to be exceeded.

Both maximum bulk dimensions for each tower are exceeded; however the project is sensitively designed to give the appearance of a less bulky building. The façades are proposed to be clad with high-quality building materials. The spatial relationships at the project in relation to the immediate vicinity are well-designed, and the project is designed so all facades are visually attractive.

11. **Conditional Use Findings:** Planning Code Section 303 establishes criteria for the Planning Commission to consider when reviewing applications for Conditional Use approval. On balance, the project does comply with said criteria in that:

- D. The proposed new uses and building, at the size and intensity contemplated and at the proposed location, will provide a development that is necessary or desirable, and compatible with, the neighborhood or the community.

The proposed project is necessary as it adds 261 new dwelling units to the City's housing stock, including 31 affordable housing units. The project is desirable, as the affordable units are provided on site. The project is also desirable in that it is well-designed and in keeping with the scale and density of the immediate neighborhood. As is typical in most residential neighborhoods throughout the City, large corner buildings often serve as structures that define and anchor city blocks.

E. 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 proposes a 40-foot separation between the two towers and for each tower to be set back from the rear and both side lot lines. The arrangement of both towers allows for all façades to be architecturally designed and to include windows.

- 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 parking proposed at the project is reasonable and in keeping with the City's Transit First Policy. The project does not propose the two required loading spaces; however the project is not expected to create the need for regular loading, as the project is comprised of mostly residential uses and two smaller commercial spaces. The project's Environmental Impact Report has fully analyzed the project's impact on traffic and parking. The project's vehicular parking is proposed via one access point, thus limiting the potential for pedestrian and vehicular conflicts. The garage access is proposed on Pine Street; therefore the traffic flow along Franklin Street, which is a well-travelled north-south traffic route, will be unimpeded

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

Noxious or offensive emissions are not associated with the residential uses and smaller commercial spaces proposed.

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

The project proposes a variety of common and private open spaces in the form of balconies, roof decks and at the ground floor level. New street trees are proposed along Pine and Franklin Streets. The required parking is screened from view by a garage door, and parking is proposed within the basement level.

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

- G. That the use as proposed would provide development that is in conformity with the purpose of the NC-3 Neighborhood Commercial District.

The proposed project is consistent with the stated purpose of the NC-3 Neighborhood Commercial District. The project will allow for ground floor commercial opportunities with residential uses located at the upper floors.

12. **Planned Unit Development Findings:** Planning Code Section 304 sets forth criteria, which must be met before the Commission may authorize a Conditional Use for a Planned Unit Development. This project generally complies with all applicable criteria:

- A. The development shall affirmatively promote applicable objectives and policies of the General Plan.

See "General Plan Compliance" findings below.

- B. The development shall provide off-street parking adequate for the occupancy proposed.

The project currently proposes 201 parking spaces, where 261 spaces are required. The reduction of parking spaces is in keeping with the City's Transit First Policy. The amount of proposed parking is desirable, as the project is within a transit-rich neighborhood and is close to State Highway 101 (Van Ness Avenue).

- C. The development shall provide open space usable by the occupants and, where appropriate, by the general public, at least equal to the open space required by the Planning Code.

The project exceeds the amount of open space area required by the Code. In some areas, the open space areas do not meet the prescriptive measurements of the Code; however the residents of the project are afforded options to various open space areas: a solarium, a ground floor courtyard, a roof deck and private balconies at some units.

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

The NC-3 District allows for a dwelling unit density equal to the density of the nearest R District. The closest R District is the adjacent RC-4 District, which allows a unit density of 1:200. The next zoning district permitting a greater density would be the C Districts, which allow for a density of 1:125. Thus, based on a lot area of 35,500 square feet, the maximum dwelling unit density that could be permitted at the project site is 284 units. The project proposes 261 dwelling units.

- E. The development shall include commercial uses only to the extent that such uses are necessary to the serve residents of the immediate vicinity.

Two commercial spaces are proposed as part of the project. The future commercial uses are subject to the permitted or conditional uses allowed in the NC-3 District.

- F. The development shall under no circumstances be excepted from any height limit.

The project is within the 130-foot height limit. The project is proposed at a height of 130 feet as measured from Franklin Street.

- G. Provide street trees as required by the Code.

The project proposes the required number of street trees as prescribed by Code.

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

HOUSING ELEMENT – ISSUE 1: ADEQUATE SITES

OBJECTIVE 1: IDENTIFY AND MAKE AVAILABLE FOR DEVELOPMENT ADEQUATE SITES TO MEET THE CITY’S HOUSING NEEDS, ESPECIALLY PERMANENTLY AFFORDABLE HOUSING.

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

The project proposes a mix of mostly one- and two-bedroom units. One three-bedroom unit is proposed. The requirements of the Inclusionary Affordable Housing Program are proposed to be met by providing 31 affordable dwelling units (12 percent of the total unit count) reflecting the mix of the proposed market rate units.

HOUSING ELEMENT – ISSUE 6: REMOVE CONSTRAINTS TO THE CONSTRUCTION AND REHABILITATION OF HOUSING

OBJECTIVE 11: SUPPORT AND RESPECT THE DIVERSE AND DISTINCT CHARACTER OF SAN FRANCISCO’S NEIGHBORHOODS.

- Policy 11.1 Promote the construction and rehabilitation of well-designed housing that emphasizes beauty, flexibility, and innovative design, and respects existing neighborhood character.

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

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

The project design is of a contemporary style, but in keeping with the building patterns, scale and massing of the existing neighborhood character. The project design does not replicate previous traditional building styles, but the project relies on window proportions, variation of facade planes and select exterior materials to produce a building that is harmonious with its surroundings. The residential density is comparable to other large apartment/condominium buildings found in the immediate vicinity particularly along the Van Ness Avenue corridor. A sense of community is fostered by the project in terms of the location of the residential entry and the active commercial uses that front onto Pine Street, the provision of residential balconies and the use of residential-scaled exterior materials.

COMMERCE AND INDUSTRY ELEMENT

OBJECTIVE 1: MANAGE ECONOMIC GROWTH AND CHANGE TO ENSURE ENHANCEMENT OF THE TOTAL CITY LIVING AND WORKING ENVIRONMENT.

Policy 1: Encourage development which provides substantial net benefits and minimizes undesirable consequences. Discourage development which has substantial undesirable consequences that cannot be mitigated.

The project would add 261 units to the City's housing stock in a zoning district that encourages the development of high density housing and commercial uses at the lower levels of the building. The number of units and the building size and shape are proposed to create a design that is beneficial to residents and users of the project and also to the urban landscape and existing development patterns.

OBJECTIVE 2: MAINTAIN AND ENHANCE A SOUND AND DIVERSE ECONOMIC BASE AND FISCAL STRUCTURE FOR THE CITY.

Policy 2.1: Seek to retain existing commercial and industrial activity and to attract new such activity to the city.

The project proposes two ground floor commercial spaces. The size and number of commercial spaces would promote a variety of uses that would be complimentary to the existing commercial uses in the immediate vicinity, particularly as the main commercial areas in the immediate vicinity are concentrated along Van Ness Avenue.

URBAN DESIGN ELEMENT

OBJECTIVE 1: EMPHASIS OF THE CHARACTERISTIC PATTERN WHICH GIVES TO THE CITY AND ITS NEIGHBORHOODS AN IMAGE, A SENSE OF PURPOSE, AND A MEANS OF ORIENTATION.

Policy 1: Recognize and reinforce the existing street pattern, especially as it is related to the topography.

The project's height of 130 feet is comparable to the residential PUD structure (SF Towers) across Pine Street, thus framing this portion of Pine Street. As the project is uphill of the PUD across Pine Street, it recognizes and reinforces the existing street pattern and topography, as Franklin Street rises toward the crest of Cathedral Hill. As discussed above, the project's massing, articulation and scale are in keeping with existing neighborhood patterns and residential uses.

Policy 3: Recognize that buildings, when seen together, produce a total effect that characterizes the city and its districts.

The project is of a modern architectural style that relates positively to the nearby residential buildings. The project is grounded in the common rhythms and elements of architectural expression found in the surrounding neighborhood. The massing of the project is broken down into two towers that are more compatible with the massing of other tower structures in the immediate vicinity. The scale is broken down further with the use of varied window proportions and the expression and use of various exterior materials. The project will complement and be harmonious with the surrounding neighborhood character.

OBJECTIVE 3: MODERATION OF MAJOR NEW DEVELOPMENT TO COMPLEMENT THE CITY PATTERN, THE RESOURCES TO BE CONSERVED, AND THE NEIGHBORHOOD ENVIRONMENT.

Policy 1: Promote harmony in the visual relationship and transitions between new and older buildings.

Beyond the massing and architectural features described in Objective 1, Policy 3, the project will relate to the massing of the neighborhood buildings. The two tower structures are of similar height of the PUD (SF Towers) across Pine Street, while the shorter portions of the project at the east and west property lines step down to address the existing pattern of lower scaled development.

Policy 3: Promote efforts to achieve high quality of design for buildings to be constructed at prominent locations.

The project has been divided into distinct volumes/segments to reflect the proportion and scale of existing nearby residential buildings, and the project's architectural style complements the older residential buildings as well as the newer mixed-use and commercial buildings in the neighborhood. The project is designed so that the massing, bulk, height, design, color, shape and other features will be contextually appropriate to the neighborhood.

Policy 6: Relate the bulk of buildings to the prevailing scale of development to avoid an overwhelming or dominating appearance in new construction.

See Objective 1 Policy 3 and Objective 3 Policy 1, above, for a description of how the bulk and massing of the building is related to the neighborhood.

Policy 7: Recognize the special urban design problems posed in development of large properties.

Some of the design problems typically occurring in larger urban developments are addressed by the project by responding to the visual character of the neighborhood with regard to the project's site design and the building scale and form. The project building will draw from elements that are common to the block including a tall ground floor with commercial uses. Additional problems often occur at the base of larger developments where multiple garage entrances dominate the pedestrian level as seen in many large residential buildings in the neighborhood. The base of the project building will have one garage entrance on Pine Street. The massing of the building will reflect the site characteristics of the existing topography and will not obscure any public views. The massing of the proposed building will reflect the pattern of each block-face with the taller massing at the corner and along Pine Street and with the building mass stepping down to respond to the context of lower residential buildings across Franklin Street.

OBJECTIVE 4: IMPROVEMENT OF THE NEIGHBORHOOD ENVIRONMENT TO INCREASE PERSONAL SAFETY, COMFORT, PRIDE AND OPPORTUNITY.

Policy 1: Protect residential areas from the noise, pollution and physical danger of excessive traffic.

The Transportation Study for the Draft Environmental Impact Report concluded that the project will not generate excessive traffic. The San Francisco Noise Ordinance (Police Code Article 29) and Title 24 of the California Building Code will ensure that the nearby residences will not be exposed to excessive noise. As the project is primarily a residential use with a reduced amount of parking, the project will not expose the nearby residential areas to noise, pollution or the physical danger of excessive traffic.

Policy 10: Encourage or require the provisions of recreation space in private development.

In addition to private open space, the project will include both indoor and outdoor recreational space for the residents by providing common usable open space for the residents at a ground floor solarium and outdoor space that is visible from the public right-of-way.

Policy 12: Install, promote and maintain landscaping in public and private areas.

The required street trees are proposed to be planted as approved by the Department of Public Works.

TRANSPORTATION ELEMENT

OBJECTIVE 2: USE THE TRANSPORTATION SYSTEM AS A MEANS FOR GUIDING DEVELOPMENT AND IMPROVING THE ENVIRONMENT

OBJECTIVE 11: MAINTAIN PUBLIC TRANSIT AS THE PRIMARY MODE OF TRANSPORTATION IN SAN FRANCISCO AND AS A MEANS THROUGH WHICH TO GUIDE FUTURE DEVELOPMENT AND IMPROVE REGIONAL MOBILITY AND AIR QUALITY.

The project site is easily accessible by public transit. MUNI lines 1, 31, 38, 47, 49 AX, BX and NX are within one block of the project site. MUNI lines 2, 3 and 19 are within 2-4 blocks from the project site.

OBJECTIVE 28: PROVIDE SECURE AND CONVENIENT PARKING FACILITIES FOR BICYCLES.

Policy 28.1: Provide Secure and bicycle parking in new governmental, commercial, and residential developments.

141 secured bicycle parking spaces (Class 1) are proposed in the basement level.

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

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

The project would not affect neighborhood-serving retail uses, as there is currently no neighborhood-serving retail use at the Site. The project would provide future commercial opportunities, as two ground floor commercial spaces are proposed.

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

There are no existing dwelling units on the site. The neighborhood character will not be impaired and the residential component of the project will add economic diversity to the neighborhood including a mix of affordable units on-site

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

The buildings to be demolished do not contain housing. The addition of 31 affordable units will enhance the City's supply of affordable housing.

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

The Transportation Study and the Final EIR concluded that the project will not have any significant effect on the streets, neighborhood parking and MUNI services. The reduction in the amount of required parking would help in reducing commuter traffic by way of private vehicles.

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.

Industrial or service sector businesses are not permitted in the prescribed zoning district for the project site.

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

The proposed building will comply with all current Building Code seismic and fire safety standards.

- G. That landmarks and historic buildings be preserved.

The project would demolish historic resources to make way for a new construction project. The adverse impact of the project on the historic resources has been fully analyzed in the Project EIR. While the project proposes demolition of the existing buildings, the project would increase much needed housing, including 31 integrated on-site affordable units, by 261 units.

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

The project proposes a building up to 130 feet in height. A shadow fan study was prepared by the Planning Department and determined that the Project will not affect the sunlight access to any public parks or open space. The building is an infill development and will not impair any public view corridor.

15. 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.
16. The Commission hereby finds that approval of the Conditional Use authorization would promote the health, safety and welfare of the City.

DECISION

That based upon the Record, the submissions by the Applicant, the staff of the Department and other interested parties, the oral testimony presented to this Commission at the public hearings, and all other written materials submitted by all parties, the Commission hereby **APPROVES Conditional Use Application No. 2011.1306C** subject to the following conditions attached hereto as "EXHIBIT A" in general conformance with plans on file, dated May 5, 2014, and stamped "EXHIBIT B", which is incorporated herein by reference as though fully set forth.

APPEAL AND EFFECTIVE DATE OF MOTION: Any aggrieved person may appeal this Conditional Use Authorization to the Board of Supervisors within thirty (30) days after the date of this Motion No. 19153. 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

Motion No. 19153
May 15, 2014

CASE NO. 2011.1306C
1634-1690 Pine Street

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.

I hereby certify that the Planning Commission ADOPTED the foregoing Motion on May 15, 2014.

Jonas Ionin
Commission Secretary

AYES: Commissioners Wu, Fong, Antonini, Borden, Hillis, Moore & Sugaya

NAYS: (none)

ABSENT: (none)

ADOPTED: May 15, 2014

EXHIBIT A

AUTHORIZATION

1. This authorization is for a conditional use for a project that proposes to demolish most of the five existing buildings at the project site and to construct a 13-story PUD with 261 residential units in two tower structures, two ground floor commercial spaces, one level of below grade parking containing 201 parking spaces, and thirty-one (31) on-site affordable units at 1634-1690 Pine Street, between Franklin Street and Van Ness Avenue, on Lots 007, 008, 009, 010, 011 and 011A in Assessor's Block 0647 within the NC-3 (Neighborhood Commercial, Moderate-Scale) Zoning District, the 130-E Height and Bulk District and partially within the Van Ness Automotive Special Use District (all lots except for Lot 011A are within the Van Ness Automotive SUD); in general conformance with plans, dated May 5, 2014, and stamped "EXHIBIT B" included in the docket for Case No. 2011.1306C and subject to conditions of approval reviewed and approved by the Commission on May 15, 2014 under Motion No. 19153. This authorization and the conditions contained herein run with the property and not with a particular Project Sponsor, business, or operator.
2. The "Mitigation Monitoring and Reporting Program," attached herein as EXHIBIT C and which identifies Mitigation Measures and Improvement Measures to be included as part of the project as outlined in the Final Case No. 2011.1306C, shall be Conditions of Approval and are accepted by the project applicant and the successors-in-interest. If any measures of the Mitigation Monitoring and Reporting Program are less restrictive than the following conditions of approval, the more restrictive and more protective condition of approval shall apply.
For information about compliance, contact Code Enforcement, Planning Department at 415-575-6863, www.sf-planning.org

PERFORMANCE

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

RECORDATION OF CONDITIONS OF APPROVAL

4. Prior to the issuance of the building permit or commencement of use for the Project the Zoning Administrator shall approve and order the recordation of a Notice in the Official Records of the Recorder of the City and County of San Francisco for the subject property. This Notice shall state that

the project is subject to the conditions of approval contained herein and reviewed and approved by the Planning Commission on May 15, 2014 under Motion No. 19153.

PRINTING OF CONDITIONS OF APPROVAL ON PLANS

5. The conditions of approval under the 'Exhibit A' of this Planning Commission Motion No. 19153 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

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

CHANGES AND MODIFICATIONS

7. 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.

DESIGN – COMPLIANCE AT PLAN STAGE

8. **Final Materials.** The Project Sponsor shall continue to work with Planning Department on the building design. Final materials, glazing, color, texture, landscaping, and detailing shall be subject to Department staff review and approval.
For information about compliance, contact the Case Planner, Planning Department at 415-558-6378, www.sf-planning.org.
9. **Glazing.** Final glazing selection, particularly at the ground floor shall be subject to Department staff review and approval in order to ensure light maximum transparency and minimal reflectivity. 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.
10. **Lighting Plan.** The Project Sponsor shall submit an exterior lighting plan to the Planning Department prior to Planning Department approval of the building / site permit application.
For information about compliance, contact the Case Planner, Planning Department at 415-558-6378, www.sf-planning.org.
11. **Street Trees.** A total of 20 street trees shall be proposed along Pine and Franklin Streets. The Project Sponsor shall submit a site plan to the Planning Department prior to Planning approval of the building permit application indicating that street trees, at a ratio of one street tree of an approved

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

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

AFFORDABLE UNITS

12. **Number of Required Units.** Pursuant to Planning Code Section 415.6, the Project is required to provide 15% of the proposed dwelling units as affordable to qualifying households. Pursuant San Francisco Charter Section 16.110 (g) the 15% on-site requirement stipulated in Planning Code Section 415.6, is reduced by 3% (20% of 15%) to 12%. The Project contains 261 units; therefore, 31 affordable units are required. The Project Sponsor will fulfill this requirement by providing the 31 affordable units on-site. If the number of market-rate units change, the number of required affordable units shall be modified accordingly with written approval from Planning Department staff in consultation with the Mayor's Office of Housing ("MOH").

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

13. **Unit Mix.** The Project contains 143 one-bedroom, 117 two-bedroom and 1 three-bedroom units; therefore, the required affordable unit mix is 17 one-bedroom and 14 two-bedroom units. If the market-rate unit mix changes, the affordable unit mix will be modified accordingly with written approval from Planning Department staff in consultation with MOH.

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

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

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

15. **Phasing.** If any building permit is issued for partial phasing of the Project, the Project Sponsor shall have designated not less than twelve percent (12%) of the each phase's total number of dwelling units as on-site affordable units.

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

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

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

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

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

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

- a. The affordable unit(s) shall be designated on the building plans prior to the issuance of the first construction permit by the Department of Building Inspection ("DBI"). The affordable unit(s) shall (1) reflect the unit size mix in number of bedrooms of the market rate units, (2) be constructed, completed, ready for occupancy and marketed no later than the market rate units, and (3) be evenly distributed throughout the building; and (4) be of comparable overall quality, construction and exterior appearance as the market rate units in the principal project. The interior features in affordable units should be generally the same as those of the market units in the principal project, but need not be the same make, model or type of such item as long they are of good and new quality and are consistent with then-current standards for new housing. Other specific standards for on-site units are outlined in the Procedures Manual.
- b. If the units in the building are offered for sale, the affordable unit(s) shall be sold to first time home buyer households, as defined in the Procedures Manual, whose gross annual income, adjusted for household size, does not exceed an average of ninety (90) percent of Area Median Income under the income table called "Maximum Income by Household Size derived from the Unadjusted Area Median Income for HUD Metro Fair Market Rent Area that contains San Francisco." The initial sales price of such units shall be calculated according to the Procedures Manual. Limitations on (i) reselling; (ii) renting; (iii) recouping capital improvements; (iv) refinancing; and (v) procedures for inheritance apply and are set forth in the Inclusionary Affordable Housing Program and the Procedures Manual.
- c. The Project Sponsor is responsible for following the marketing, reporting, and monitoring requirements and procedures as set forth in the Procedures Manual. MOH shall be

responsible for overseeing and monitoring the marketing of affordable units. The Project Sponsor must contact MOH at least six months prior to the beginning of marketing for any unit in the building.

- d. Required parking spaces shall be made available to initial buyers or renters of affordable units according to the Procedures Manual.
- e. Prior to the issuance of the first construction permit by DBI for the Project, the Project Sponsor shall record a Notice of Special Restriction on the property that contains these conditions of approval and a reduced set of plans that identify the affordable units satisfying the requirements of this approval. The Project Sponsor shall promptly provide a copy of the recorded Notice of Special Restriction to the Department and to MOH or its successor.
- f. The Project Sponsor has demonstrated that it is eligible for the On-site Affordable Housing Alternative under Planning Code Section 415.6 instead of payment of the Affordable Housing Fee, and has submitted the *Affidavit of Compliance with the Inclusionary Affordable Housing Program: Planning Code Section 415* to the Planning Department stating that any affordable units designated as on-site units shall be sold as ownership units and will remain as ownership units for the life of the Project.
- g. If the Project Sponsor fails to comply with the Inclusionary Affordable Housing Program requirement, the Director of DBI shall deny any and all site or building permits or certificates of occupancy for the development project until the Planning Department notifies the Director of compliance. A Project Sponsor's failure to comply with the requirements of Planning Code Section 415 et seq. shall constitute cause for the City to record a lien against the development project and to pursue any and all available remedies at law.
- h. If the Project becomes ineligible at any time for the On-site Affordable Housing Alternative, the Project Sponsor or its successor shall pay the Affordable Housing Fee prior to issuance of the first construction permit or may seek a fee deferral as permitted under Ordinances 0107-10 and 0108-10. If the Project becomes ineligible after issuance of its first construction permit, the Project Sponsor shall notify the Department and MOH and pay interest on the Affordable Housing Fee at a rate equal to the Development Fee Deferral Surcharge Rate in Section 107A.13.3.2 of the San Francisco Building Code and penalties, if applicable.

PARKING AND TRAFFIC

18. **Managing Traffic During Construction.** The Project Sponsor and construction contractor(s) shall coordinate with the Traffic Engineering and Transit Divisions of the San Francisco Municipal Transportation Agency (SFMTA), the Police Department, the Fire Department, the Planning Department, and other construction contractor(s) for any concurrent nearby Projects to manage traffic congestion and pedestrian circulation effects during construction of the Project.
For information about compliance, contact Code Enforcement, Planning Department at 415-575-6863, www.sf-planning.org

19. **Car Share.** Pursuant to Planning Code Section 166, no less than two (2) car share space shall be made available, at no cost, to a certified car share organization for the purposes of providing car share services for its service subscribers.

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

20. **Bicycle Parking (Residential Only).** The Project shall provide no fewer than 125 Class 1 bicycle parking spaces as required by Planning Code Sections 155.2.

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

MONITORING

21. **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.

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

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

23. **Revocation due to Violation of Conditions.** Should implementation of this Project result in complaints from interested property owners, residents, or commercial lessees which are not resolved by the Project Sponsor and found to be in violation of the Planning Code and/or the specific conditions of approval for the Project as set forth in Exhibit A of this Motion, 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.

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

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

OPERATION

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

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

26. **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

