



SAN FRANCISCO PLANNING DEPARTMENT

Subject to: (Select only if applicable)

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| <input checked="" type="checkbox"/> Affordable Housing (Sec. 415) | <input checked="" type="checkbox"/> First Source Hiring (Admin. Code) |
| <input type="checkbox"/> Jobs Housing Linkage Program (Sec. 413) | <input checked="" type="checkbox"/> Child Care Requirement (Sec. 414) |
| <input type="checkbox"/> Downtown Park Fee (Sec. 412) | <input checked="" type="checkbox"/> Transportation Sustainability Fee (Sec. 411A) |

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Planning Commission Motion No. 20042

HEARING DATE: OCTOBER 19, 2017

Case No.: **2014.1183CUA**
Project Address: **2444 LOMBARD STREET**
Zoning: NC-3 (Neighborhood Commercial, Moderate-Scale)
40-X Height and Bulk District
Block/Lot: 0936/014
Project Sponsor: Jon Heimdahl, JS Sullivan Development
2044 Fillmore St, 3rd Floor
San Francisco, CA 94115
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ADOPTING FINDINGS RELATING TO THE APPROVAL OF CONDITIONAL USE AUTHORIZATION PURSUANT TO SECTIONS 121.1, 303 AND 304, TO DEVELOP A PLANNED UNIT DEVELOPMENT (PUD) FOR THE CONSTRUCTION OF A 4-STORY BUILDING WITH 41 DWELLING UNITS ABOVE APPROXIMATELY 3,343 SQUARE FEET OF GROUND FLOOR RETAIL SPACE AND 41 VEHICULAR PARKING SPACES WITHIN AN NC-3 (NEIGHBORHOOD COMMERCIAL, MODERATE-SCALE) ZONING DISTRICT AND THE 40-X HEIGHT AND BULK DISTRICT. THE PUD PROCESS WOULD ALLOW FOR A MODIFICATION TO THE REAR YARD, DWELLING UNIT EXPOSURE, AND STREET FRONTAGE REQUIREMENTS OF PLANNING CODE SECTIONS 134, 140 AND 145.1.

PREAMBLE

On April 3, 2015, Jon Heimdahl on behalf of JS Sullivan Development (hereinafter "Project Sponsor") filed an application with the Planning Department (hereinafter "Department") for Conditional Use Authorization, pursuant to Planning Code Sections 121.1, 303 and 304, to demolish an existing one-story, 9,517 square-foot retail building and develop a Planned Unit Development (PUD) for the construction of a 4-story building with 41 dwelling units above approximately 3,343 square feet of ground floor retail space and 41 vehicular parking spaces within an NC-3 (Neighborhood Commercial, Moderate Scale) Zoning District and the 40-X Height and Bulk District. The PUD process would allow for a modification to the rear yard, dwelling unit exposure, and street frontage requirements of Planning Code Sections 134, 140 and 145.1.

On October 19, 2017, the San Francisco Planning Commission (hereinafter "Commission") conducted a duly noticed public hearing at a regularly scheduled meeting on Conditional Use Application No. 2014.1183CUA.

On July 26, 2016, the Project was determined to be exempt from the California Environmental Quality Act ("CEQA") as a Class 32 Categorical Exemption under CEQA as described in the determination contained in the Planning Department files for this Project.

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

MOVED, that the Commission hereby authorizes the Conditional Use requested in Application No. 2014.1183CUA, subject to the conditions contained in "EXHIBIT A" of this motion, based on the following findings:

FINDINGS

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

1. The above recitals are accurate and constitute findings of this Commission.
2. **Site Description and Present Use.** The project is located on the north side of Lombard Street, between Divisadero and Scott Streets, Block 0936, Lot 014. The property is located within the NC-3 (Neighborhood Commercial, Moderate Scale) Zoning District and the 40-X Height and Bulk District. The parcel measures approximately 22,032 square feet and is developed with a one-story retail building (currently occupied by "Wolf & Lion Pet Supplies") of approximately 9,517 square feet in size and a surface parking lot accessory to the retail use. The subject lot is irregularly-shaped with approximately 151 feet of frontage on Lombard Street and approximately 22.5 feet of frontage on Divisadero Street and a lot area of approximately 22,032 square feet.
3. **Surrounding Properties and Neighborhood.** The area surrounding the project site is mixed-use in character and is generally auto-oriented. The project is located on the portion of Lombard Street designated as US Highway 101, which connects vehicular traffic between the Golden Gate Bridge and the Interstate 80 freeway and is zoned NC-3 (Neighborhood Commercial, Moderate-Scale). The lot completely encompassed by the subject property, on the northeast corner of Lombard and Divisadero Streets, is currently occupied by a gas station (dba "Lombard 76"). Immediately to the east of the subject property is a three-story motel (dba "Super 8") which occupies its entire lot. Across Lombard Street and to the south there are several three-story buildings containing small-scale retail uses with two floors of residential uses above. Directly to the north of the subject property along the Divisadero Street frontage is a two-story single-family dwelling. Further to the north of the subject property there are several two-

three- and four-story buildings fronting Chestnut Street containing small-scale retail and restaurant uses with residential units above.

4. **Project Description.** The project proposes the demolition of the existing one-story, approximately 9,517 square-foot retail building (dba "Wolf & Lion Pet Supplies") and the construction of a 40-foot tall, four-story building with 41 dwelling units (15 one-bedrooms and 26 two-bedrooms) above four ground floor retail spaces totaling approximately 3,343 square feet. The project proposes 41 vehicular parking spaces accessed via Divisadero Street, and 47 bicycle parking spaces. Usable open space for the dwelling units would be provided on an approximately 3,746 square-foot shared rooftop deck and on approximately 2,853 square feet of qualifying private roof decks and 2nd floor terraces.
5. **Public Comment.** As of October 6, 2017, in advance of the Planning Commission hearing on October 19, 2017, the Department has received emails and phone inquiries from two nearby households – at 3234 and 3236 Divisadero Street – that raised concerns with potential privacy and shadowing impacts from the project. At the hearing on October 19, 2017, the property owners of these households withdrew their opposition to the project provided that the Planning Commission approve modified plans indicating that the proposed shared roof deck would be set back 20 feet from the north façade, that the amount of glazing on the north façade be reduced, that the stair penthouse providing access to the roof deck on the portion of the project fronting Divisadero St be relocated to the south side, and provided that a condition of approval be added to require hoarding be erected on the north property line during construction to mitigate noise and dust.
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. **Development of Large Lots.** Planning Code Section 121.1 states that in order to promote, protect, and maintain a scale of development which is appropriate to each district and compatible with adjacent buildings, new construction or significant enlargement of existing buildings on lots in excess of 10,000 square feet in the NC-3 (Neighborhood Commercial, Moderate-Scale) District shall be permitted only as conditional uses.

The Project proposes the development of a 22,032 square-foot lot and therefore requires Conditional Use Authorization. The additional required findings are listed below under Subsection 7.

- B. **Planned Unit Development.** Planning Code Section 304 states that for projects on lots in excess of half an acre, Planned Unit Developments may be developed as integrated units and designed to produce an environment of stable and desirable character which will benefit the occupants, the neighborhood and the City as a whole. Planned Unit Developments shall be permitted only as conditional uses and in cases of outstanding overall design, complementary to the design and values of the surrounding area, such projects may merit modifications of certain Planning Code provisions.

The Project proposes the development of a 0.51-acre lot and therefore requires Conditional Use Authorization. The additional required findings are listed below under Subsection 9.

- C. **Building Height.** Per Planning Code Section 260, the maximum height limit for the subject property is 40 feet.

The Project proposes a building height of 40 feet and is therefore compliant with this requirement.

- D. **Floor Area Ratio.** Planning Code Section 124 states that in the NC-3 Zoning District, the basic floor area ratio limit shall be 3.6 to 1.

The subject property is approximately 22,032 square feet in size. As such, the maximum permitted basic floor area ratio would allow for a total of 79,315 square feet of non-residential uses. The total proposed non-residential gross floor area approximately 3,343 square feet and therefore complies with this requirement.

- E. **Street Frontage in Neighborhood-Commercial Districts.** Section 145.1 of the Planning Code requires that, with the exception of space allowed for parking and loading access, building egress, and access to mechanical systems, space for active uses shall be provided within the first 25 feet of building depth on the ground floor and 15 feet on floors above from any facade facing a street at least 30 feet in width. The floors of street-fronting interior spaces housing non-residential active uses and lobbies shall be as close as possible to the level of the adjacent sidewalk at the principal entrance to these spaces. Frontages with active uses must be fenestrated with transparent windows and doorways for no less than 60 percent of the street frontage at the ground level and allow visibility to the inside of the building. The use of dark or mirrored glass shall not count towards the required transparent area. No more than one-third of the width or 20 feet, whichever is less, of any given street frontage shall be devoted to parking ingress or egress. Ground floor non-residential uses in Neighborhood Commercial districts with a height limit of 40 feet shall have a minimum floor-to-floor height of 10 feet.

The proposed building would front onto both Lombard Street and Divisadero Street and active uses are required along both frontages. Approximately 15 feet of the Lombard Street frontage is occupied by doors providing access to the electrical transformer room and approximately 4 feet is occupied by the secondary building ingress/egress corridor, both of which are exempted from the provisions of Planning Code Section 145.1. The remainder of the Lombard Street frontage is occupied by the residential entry and four commercial spaces ranging in depth from approximately 25 feet to 45 feet with a floor-to-floor ground floor ceiling height of approximately 10 feet. Approximately 62% of the ground floor along the Lombard Street frontage will be fenestrated with transparent windows.

On the Divisadero Street frontage, approximately 10 feet is occupied by a garage door providing access to the off-street parking garage. The remainder of the Divisadero Street frontage is occupied by the residential access to the two dwelling units fronting Divisadero Street. Since more than 1/3 of the 22.5-foot Divisadero Street frontage will be occupied by parking ingress and egress, the project is

seeking a modification of Section 145(c)(2) of the Planning Code through the PUD process. The additional required findings are listed below under Subsection 9.

- F. **Rear Yard.** Planning Code Section 134 requires that the project provide a rear yard equal to 25 percent of the total lot depth at the lowest level containing a residential unit, and at each succeeding level or story of the building, but in no case less than 15 feet.

Due to the subject property's irregular shape, the literal application of the rear yard requirement would result in a rear yard ranging from 15 feet to approximately 34 feet, and totaling approximately 6,311 square feet, or 29% of the lot area. The project proposes a rear yard area ranging from 0 feet (being the north side of the four-story, 2-unit portion of the project fronting Divisadero Street) to 25 feet (abutting the rear yards of the adjacent properties fronting Chestnut Street), for a total of approximately 3,278 square feet. In addition to 25-foot rear yard, the project proposes two light courts on the east and west elevations totaling approximately 2,400 square feet, to serve as the required rear yard and to provide open space, and light and air into the centrally-located units and for adjacent properties. These areas total approximately 5,678 square feet, which amounts to approximately 26% of the site. In addition, the proposed 3,746 square-foot shared roof deck would also serve as a comparable amount of usable open space that would be more accessible to residents of the building. This modification is being sought pursuant to Planning Code Section 304. The additional required findings are listed below under Subsection 9.

- G. **Usable Open Space.** Planning Code Section 135 requires that the project provide a minimum of 80 square feet of open space per dwelling unit, if not publically accessible. Alternatively, common useable open space, at a rate of 100 square feet per dwelling unit, shall be at least 15 feet in every horizontal dimension and shall be a minimum of 300 square feet. The area of an inner court may be credited as common usable open space if the enclosed space is not less than 20 feet in every horizontal dimension and 400 square feet in area, and if the height of the walls above the court on at least three sides (or 75 percent of the perimeter, whichever is greater) is such that no point on any such wall is higher than one foot for each foot that such point is horizontally distant from the opposite side of the clear space in the court.

The project proposes 41 dwelling units; therefore a total of 3,280 square feet of private open space is required. Seven of the dwelling units have access to qualifying private open space totaling approximately 2,853 square feet. The remaining 34 units have access to a common rooftop deck totaling approximately 3,746 square feet, for an amount equal to 110 square feet per dwelling unit, which complies with this requirement.

- H. **Dwelling Unit Density.** Planning Code Section 712 permits a maximum of 1 dwelling unit per 600 square foot lot area. Planning Code Section 304(d)(4) allows for an increase in dwelling unit density to less than the density that would be allowed for a district permitting a greater density, so that the Planned Unit Development will not be substantially equivalent to a reclassification of property.

The subject property is approximately 22,032 square feet in size; therefore a maximum of 37 dwelling units would be permitted pursuant to Planning Code Section 712. The RM-3 Zoning District, which

is the Zoning District with the next highest density limit, allows for a dwelling unit density of 1 unit per 400 square feet of lot area. Pursuant to Planning Code Section 304(d)(4), the project may provide up to 1 dwelling unit per 400 square feet of lot area, less one unit. In this instance, that would amount to 54 dwelling units. The project proposes 41 dwelling units, and is therefore below the maximum dwelling unit density pursuant to Planning Code Section 304(d)(4). The additional required findings are listed below under Subsection 9.

- I. **Dwelling Unit Exposure.** Planning Code Section 140 states that in each dwelling unit, the windows of at least one room of 120-square-foot minimum dimensions shall face directly onto a public street, public alley at least 20 feet in width, side yard at least 25 feet in width, a Code-complying rear yard, or an open area which is unobstructed and is no less than 25 feet in every horizontal dimension for the floor at which the dwelling unit in question is located and the floor immediately above it, with an increase of five feet in every horizontal dimension at each subsequent floor.

Fourteen (14) of the 41 proposed dwelling units face directly onto either Lombard Street or Divisadero Street. The remainder of the units obtain their exposure by facing onto the rear yard or one of the two exterior courts on the east and west elevations. Three of these units – Units 210, 211 and 212 – are located on the second floor and front onto open areas that do not increase five feet in every horizontal dimension at the fourth floor level. As such, a modification to dwelling unit exposure is being sought pursuant to Planning Code Section 304. The additional required findings are listed below under Subsection 9.

- J. **Off-Street Parking and Loading.** Section 151.1 of the Planning Code requires a minimum of one (1) off-street parking space per dwelling unit. No off-street parking spaces are required for retail sales and service uses with less than 5,000 square feet of occupied floor area. Planning Code Section 152 does not require any off-street loading spaces for non-residential uses with a gross floor area less than 10,000 square feet.

The project proposes forty-one (41) off-street parking spaces – one for each dwelling unit - including two handicap-accessible spaces, in the at-grade garage level behind the retail spaces, accessed from Divisadero Street. The project does not require nor propose any off-street loading spaces for the non-residential uses. The project therefore complies with these requirements.

- K. **Non-Residential Bicycle Parking.** Planning Code Section 155.2 requires the provision of at least one (1) Class 2 bicycle parking space for every 2,500 square feet of occupied floor area, but no less than two, for retail sales and services uses.

The Project would provide three (3) Class 2 bicycle parking spaces, which complies with the Planning Code requirements.

- L. **Residential Bicycle Parking.** Planning Code Section 155.2 requires the provision of at least one (1) Class 1 bicycle parking space per dwelling unit and one (1) Class 2 bicycle parking space per 20 dwelling units for residential uses.

The Project would provide a total of forty-one (41) Class 1 bicycle parking spaces in a bicycle storage area on the ground floor. Three (3) Class 2 bicycle parking spaces for guests of the residential uses would also be provided.

- M. **Neighborhood Notification.** Planning Code Section 312 requires notification to all owners and occupants within 150 feet of the subject property when new construction is proposed in the Neighborhood Commercial District.

The proposal is located in the NC-3 (Moderate Scale Neighborhood Commercial) Zoning District and proposes the construction of a four-story mixed-use building. This new construction requires Neighborhood Notification per Planning Code Section 312. Accordingly, notification was conducted in conjunction with the noticing for the Conditional Use Authorization. The applicant also conducted a pre-application meeting prior to submission on September 28, 2015.

- N. **Entertainment Commission Outreach.** Planning Code Section 314 requires that the Planning Department and Planning Commission consider the compatibility of uses when approving residential uses adjacent to or near existing permitted Places of Entertainment and shall take all reasonably available means through the City's design review and approval processes to ensure that the design of such new residential development project takes into account the needs and interests of both the Places of Entertainment and the future residents of the new development.

The subject property is located within 300 feet of Reed & Greenough, which is considered an active place of entertainment. In accordance with the Entertainment Commission's approved "Guidelines for Entertainment Commission Review of Residential Development Proposals Under Administrative Code Chapter 116," Entertainment Commission staff determined that a hearing on this project was not required under Section 116.7(b) of the Administrative Code because the available evidence indicates that noise from the POE is not likely to create a significant disturbance for residents of the project. The Commission has adopted a set of standard "Recommended Noise Attenuation Conditions for Chapter 116 Projects," and asks that the Planning Commission adopt them along with the standard conditions, all of which are included as recommended conditions of approval in Exhibit A.

- O. **Transportation Sustainability Fee.** Planning Code Section 411A is applicable to any development project that results in the construction of more than twenty (20) new dwelling units.

The Project proposes the construction of forty-one (41) new dwelling units and is therefore subject to the Transportation Sustainability Fee. These fees must be paid prior to the issuance of the first construction document.

- P. **Transportation Demand Management (TDM) Plan.** Pursuant to Planning Code Section 169 and the TDM Program Standards, the Project shall finalize a TDM Plan prior to Planning Department approval of the first Building Permit or Site Permit. As currently proposed, the Project must achieve a target of 16 points.

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

- *Unbundled Parking*
- *Parking Supply*
- *Bicycle Parking (Option B)*
- *On-Site Affordable Housing*

Q. Inclusionary Affordable Housing. Planning Code Section 415 sets forth the requirements and procedures for the Inclusionary Affordable Housing Program. Under Planning Code Section 415.3, these requirements apply to projects that consist of 10 or more units. The applicable percentage is dependent on the number of units in the project, the zoning of the property, and the date that the project submitted a complete Environmental Evaluation Application. A complete Environmental Evaluation Application was submitted on February 4, 2015; therefore, pursuant to Planning Code Section 415.3 the Inclusionary Affordable Housing Program requirement for the On-site Affordable Housing Alternative is to provide 14.5% of the proposed dwelling units as affordable.

The Project Sponsor has demonstrated that the project is eligible for the On-Site Affordable Housing Alternative under Planning Code Section 415.5 and 415.6, and has submitted an 'Affidavit of Compliance with the Inclusionary Affordable Housing Program: Planning Code Section 415,' to satisfy the requirements of the Inclusionary Affordable Housing Program by providing the affordable housing on-site instead of through payment of the Affordable Housing Fee. In order for the Project Sponsor to be eligible for the On-Site Affordable Housing Alternative, the Project Sponsor must submit an 'Affidavit of Compliance with the Inclusionary Affordable Housing Program: Planning Code Section 415,' to the Planning Department stating that any affordable units designated as on-site units shall be sold as ownership units and will remain as ownership units for the life of the project. The Project Sponsor submitted such Affidavit on July 31, 2017. The applicable percentage is dependent on the total number of units in the project, the zoning of the property, and the date that the project submitted a complete Environmental Evaluation Application. A complete Environmental Evaluation Application was submitted on February 4, 2015; therefore, pursuant to Planning Code Section 415.3 the Inclusionary Affordable Housing Program requirement for the On-site Affordable Housing Alternative is to provide 14.5% of the total proposed dwelling units as affordable. Six (6) units (2 one-bedroom, and 4 two-bedroom) of the total 41 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.

R. First Source Hiring. The Project is subject to the requirements of the First Source Hiring Program as they apply to permits for residential development (Section 83.4(m) of the Administrative Code), and the Project Sponsor shall comply with the requirements of this Program as to all construction work and on-going employment required for the Project. Prior to the issuance of any building permit to construct or a First Addendum to the Site Permit, the Project Sponsor shall have a First Source Hiring Construction and Employment Program

approved by the First Source Hiring Administrator, and evidenced in writing. In the event that both the Director of Planning and the First Source Hiring Administrator agree, the approval of the Employment Program may be delayed as needed.

The Project Sponsor submitted a First Source Hiring Affidavit and prior to issuance of a building permit will execute a First Source Hiring Memorandum of Understanding and a First Source Hiring Agreement with the City's First Source Hiring Administration.

- S. **Child Care Fee.** Planning Code Section 414A requires payment of a child care impact fee for a project that results in one net new dwelling unit.

The Project proposes 41 new dwelling units and will be required to pay a fee for each net new gross square foot of residential development, which will be paid before the issuance of the first construction document.

7. **Development of Large Lots.** In addition to the criteria of Section 303(c) of the Planning Code, as it pertains to the development of large lots, the City Planning Commission shall consider the extent to which the following criteria are met:

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

The scale of development along Lombard Street is mixed, with an eclectic, auto-oriented architectural character and many blocks featuring large building footprints with no prevailing style or dominant visual pattern. The project's proposed four-story massing and facade is compatible with the existing three- and four-story scale of the surrounding neighborhood commercial district.

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

The facade of the proposed structure is compatible with the surrounding development in that the project would demolish an existing one-story retail building with little street presence surrounded by surface parking, and replace it with a new four-story building with a strong street presence along both street frontages which will enhance the visual quality of the neighborhood commercial district.

8. **Conditional Use Authorization 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:

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

The use and size of the proposed project is compatible with the immediate neighborhood. The existing 22,032 square-foot lot will be developed with a new building that will provide 41 new dwelling units,

the majority of which are family-sized units, private and common usable open space, and 3,433 square feet of ground floor commercial space. The new building is similar in height and scale to the surrounding mixed-use buildings and is consistent with the density requirements of the NC-3 District. The project will complement the mix of goods and services currently available in the district and contribute to the economic vitality of the neighborhood by redeveloping an underutilized lot.

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

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

The proposed size, shape and arrangement of the proposed building would not be detrimental to persons residing or working in the vicinity, as the building, in general, is consistent with the massing and height of other tall buildings found within the immediate vicinity and within the wider Marina neighborhood. The proposed project represents the appropriate redevelopment of a lot that is currently underutilized.

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

The project would provide forty-one (41) unbundled off-street parking spaces for the residential uses in an at-grade garage located behind the four ground floor commercial spaces. The Planning Code does not require parking or loading for the proposed 3,433 square feet of commercial uses. The project would eliminate both of the two existing curb cuts on Lombard Street currently providing access to the site, thereby reducing the potential for pedestrian and vehicular conflicts. Parking access would be located via the existing curb cut on the Divisadero Street frontage.

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

The project is not expected to cause any negative noise, glare, dust or odor impacts.

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

The project locates residential parking on the ground floor behind the residential lobby and commercial spaces fronting Lombard Street. The two outer courts on the east and west elevations would be landscaped and would be fully accessible from the residential corridor on the second floor. The vehicular access for the parking garage is accessed via Divisadero Street, which is a less travelled street, thus minimizing potential pedestrian and vehicular conflicts. The project proposes approximately 3,746 square feet of common open space on the rooftop deck and a total of approximately 2,853 square feet of private open space on rooftop decks and terraces. The project

sponsor has completed the required Tree Planting and Protection Checklist and has identified that nine street trees are required by the project. The feasibility of planting the required number of street trees at the project will be determined by the Department of Public Works, Urban Forestry Division.

- C. That the use as proposed will comply with the applicable provisions of the Planning Code and will not adversely affect the General Plan.

The Project complies with all relevant requirements and standards of the Planning Code. Where the project deviates from the standard provisions of the Planning Code, the project sponsor is requesting the necessary modifications as required by the Planning Code. The project is consistent with objectives and policies of the General Plan as detailed below.

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

The proposed project is consistent with the stated purpose of NC-3 District in that it proposes moderate-scale commercial uses on the ground floor that are compatible with other uses nearby, and residential uses on the floors above.

9. **Planned Unit Development.** Planning Code Section 304(d) establishes criteria and limitations for the authorization of Planned Unit Developments (PUDs) over and above those applicable to Conditional Uses in general and contained in Section 303(c) and elsewhere in the Code. In cases of outstanding overall design, projects may merit modification of certain Planning Code requirements. PUDs must also:

- A. Affirmatively promote applicable objectives and policies of the General Plan;

As is further explained in Subsection 10, the Project is, on balance, consistent with the objectives and policies of the General Plan.

- B. Provide off street parking adequate for the occupancy proposed.

The project proposes forty-one (41) off-street parking spaces one for each dwelling unit - in an at-grade garage located behind the four retail spaces fronting Lombard Street. No off-street parking spaces are required for the proposed retail uses.

- C. Provide open space usable by the occupants and, where appropriate, by the general public, at least equal to the open spaces required by the Code.

The two outer courts would provide usable open space accessible on the second floor to the occupants of the building as well as a common rooftop deck. The total amount of usable open space provided would exceed the minimum amount required by the Planning Code.

- D. 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 RM-3 Zoning District, which is the Zoning District with the next highest density limit, allows for a dwelling unit density of 1 unit per 400 square feet of lot area. As such, the project may provide up to 1 dwelling unit per 400 square feet of lot area, less one unit. In this instance, that would amount to 54 dwelling units. The project proposes 41 dwelling units, and is therefore below the maximum dwelling unit density pursuant to Planning Code Section 304(d)(4).

- E. In R Districts, include commercial uses only to the extent that such uses are necessary to serve residents of the immediate vicinity, subject to the limitations for NC-1 (Neighborhood Commercial Cluster) Districts under the Code.

The subject property is located in the NC-3 Zoning district.

- F. Under no circumstances be excepted from any height limit established by Article 2.5 of this Code, unless such exception is explicitly authorized by the terms of this Code. In the absence of such an explicit authorization, exceptions from the provisions of this Code with respect to height shall be confined to minor deviations from the provisions for measurement of height in Sections 260 and 261 of this Code, and no such deviation shall depart from the purposes or intent of those sections.

The proposed building would not exceed any height limitations established by the Planning Code.

- G. In NC Districts, be limited in gross floor area to that allowed under the floor area ratio limit permitted for the district in Section 124 and Article 7 of the Planning Code.

The subject property is approximately 22,032 square feet in size. As such, the maximum permitted basic floor area ratio would allow for a total of 79,315 square feet. The total proposed non-residential gross floor area of the Project is 3,343 square feet and therefore complies with this requirement.

- H. In NC Districts, not violate the use limitations by story set forth in Article 7 of the Planning Code.

The project proposes retail uses that are permitted on the ground floor. Residential uses are permitted on the 2nd story and above pursuant to Article 7 of the Planning Code.

- I. In RTO and NCT Districts, include the extension of adjacent alleys or streets onto or through the site, and/or the creation of new publicly-accessible streets or alleys through the site as appropriate, in order to break down the scale of the site, continue the surrounding existing pattern of block size, streets and alleys, and foster beneficial pedestrian and vehicular circulation.

The subject property is located in the NC-3 Zoning district.

- J. Provide street trees as per the requirements of Section 138.1 of the Code.

The project proposes streetscape improvements including nine (9) new street trees along the Lombard Street and Divisadero Street frontages, in accordance with the Better Streets Plan guidelines.

- K. Provide landscaping and permeable surfaces in any required setbacks in accordance with Section 132 (g) and (h).

The project will provide landscaping within front setback areas that are not occupied by pedestrian and vehicle entrances.

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

HOUSING

Objectives and Policies

OBJECTIVE 1:

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

Policy 1.2:

Focus housing growth and infrastructure necessary to support growth according to community plans. Complete planning underway in key opportunity areas.

Policy 1.10:

Support new housing projects, especially affordable housing, where households can easily rely on public transportation, walking and bicycling for the majority of daily trips.

The project is located in a Moderate Scale Neighborhood-Commercial (NC-3) Zoning District, which has been identified as an area where existing and planned infrastructure can support residential and commercial growth. Future residents of the proposed building will be able to rely on public transit, walking and bicycling for the majority of their daily trips.

OBJECTIVE 4:

FOSTER A HOUSING STOCK THAT MEETS THE NEEDS OF ALL RESIDENTS ACROSS LIFESTYLES.

Policy 4.1:

Develop new housing, and encourage the remodeling of existing housing, for families with children.

The project will provide 25 two-bedroom units and 1 three-bedroom unit which would be suitable for families with children.

OBJECTIVE 12:

BALANCE HOUSING GROWTH WITH ADEQUATE INFRASTRUCTURE THAT SERVES THE CITY'S GROWING POPULATION.

Policy 12.1:

Encourage new housing that relies on transit use and environmentally sustainable patterns of movement.

Policy 12.2:

Consider the proximity of quality of life elements, such as open space, child care, and neighborhood services, when developing new housing units.

Policy 12.3:

Ensure new housing is sustainably supported by the City's public infrastructure systems.

The subject site is already adequately served by the City's water, and sewer systems, electricity and gas utilities, MUNI public transit, and receives solid waste and recycling collection.

OBJECTIVE 13:

PRIORITIZE SUSTAINABLE DEVELOPMENT IN PLANNING FOR AND CONSTRUCTING NEW HOUSING.

Policy 13.3:

Promote sustainable land use patterns that integrate housing with transportation in order to increase transit, pedestrian, and bicycle mode share.

The proposed residential building would provide 47 bicycle parking spaces for its residents to encourage bicycling, and is located within walking distance to several public transit lines. Lombard Street is designated as a Key Walking Street as designated by the Planning Department's WalkFirst program.

NEIGHBORHOOD COMMERCE

Objectives and Policies

OBJECTIVE 1:

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

Policy 1.1:

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

Policy 1.2:

Assure that all commercial and industrial uses meet minimum, reasonable performance standards.

Policy 1.3:

Locate commercial and industrial activities according to a generalized commercial and industrial land use plan.

The proposed project will provide approximately 3,433 square feet of retail space on the ground floor, which will contribute positively to the diversity of commercial uses and services found in the surrounding neighborhood.

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 will offer four ground floor spaces for new commercial activity and will enhance the diverse economic base of the City.

OBJECTIVE 6:

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

Policy 6.1:

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

The project is proposing four separate commercial spaces that would enable the district to achieve optimal diversity in the types of goods and services available in the neighborhood.

Policy 6.2:

Promote economically vital neighborhood commercial districts which foster small business enterprises and entrepreneurship and which are responsive to the economic and technological innovation in the marketplace and society.

An independent entrepreneur is sponsoring the proposal. The proposed use is a neighborhood serving use. No Formula Retail use is being proposed.

TRANSPORTATION ELEMENT

Objectives and Policies

OBJECTIVE 2:

USE THE TRANSPORTATION SYSTEM AS A MEANS FOR GUIDING DEVELOPMENT AND IMPROVING THE ENVIRONMENT.

Policy 2.1:

Use rapid transit and other transportation improvements in the city and region as the catalyst for desirable development, and coordinate new facilities with public and private development.

The project proposes to create higher-density housing within walking distance of MUNI lines 28, 30, 30X, 41, 43, 45 and 76X. The project would provide forty-one (41) off-street parking spaces, for a total of 1 space per dwelling unit, and will not provide any parking for the proposed commercial uses which will encourage transit usage amongst residents and patrons of the ground floor retail spaces.

OBJECTIVE 11:

ESTABLISH 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.

Policy 11.3:

Encourage development that efficiently coordinates land use with transit service, requiring that developers address transit concerns as well as mitigate traffic problems.

The project is located within a neighborhood well-served by public transportation and, with no customer parking proposed for the retail uses, patrons are expected to rely heavily on public transit, cycling or walking to get to and from the ground floor retail spaces.

OBJECTIVE 28:

PROVIDE SECURE AND CONVENIENT PARKING FACILITIES FOR BICYCLES.

Policy 28.1:

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

Policy 28.3:

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

The project will provide forty-one (41) Class 1 bicycle parking spaces within a secure, weather protected area within the building as well as six (6) Class 2 bicycle parking spaces along the Lombard Street frontage that will accommodate both employees and patrons of the building's retail uses as well as guests of the residential units above.

OBJECTIVE 34:

RELATE THE AMOUNT OF PARKING IN RESIDENTIAL AREAS AND NEIGHBORHOOD COMMERCIAL DISTRICTS TO THE CAPACITY OF THE CITY'S STREET SYSTEM AND LAND USE PATTERNS.

Policy 34.1:

Regulate off-street parking in new housing so as to guarantee needed spaces without requiring excesses and to encourage low auto ownership in neighborhoods that are well served by transit and are convenient to neighborhood shopping.

Policy 34.3:

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

Policy 34.5:

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

A minimum of one off-street parking space is required (one for every dwelling unit) in the NC-3 Zoning District. The proposed commercial uses do not require nor propose any off-street parking or loading. As such, the project is consistent with the objectives of the General Plan for parking reduction for new buildings in residential and commercial areas well served by transit.

URBAN DESIGN

Objectives and Policies

OBJECTIVE 3:

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

Policy 3.1:

Promote harmony in the visual relationships and transitions between new and older buildings.

Policy 3.6:

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

In order to respond to the surrounding context in terms of bulk and massing, the project proposes two outer courts along the east and west elevations, thus creating a break in the building mass and giving the appearance of two buildings. The exposed west side elevation facing the gas station on the northeast corner of Lombard Street and Divisadero Street will be treated with stucco and feature reveal joints to create visual interest until such time that the adjacent property redevelops.

11. **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 subject site is located along the Lombard Street neighborhood commercial corridor. The project will introduce new residents who will visit and shop at the existing neighborhood retail and commercial establishments, thereby enhancing their businesses. Although the existing building currently occupied by a retail use on the subject property will be demolished, the project will provide approximately 3,433 square feet of ground floor commercial space for future commercial uses.

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

The project would not displace any existing housing or negatively affect the existing neighborhood character. The project would improve the existing character of the neighborhood by redeveloping an underutilized lot with new residential and commercial uses that will add economic diversity to the neighborhood, including a mix of dwelling unit types on-site. The proposed ground floor retail spaces are consistent with the pedestrian-oriented uses in the immediate area.

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

There is currently no housing on the subject property, and therefore no affordable housing is proposed to be removed for this project. Moreover, the project would enhance the City's supply of affordable housing by providing six (6) on-site affordable dwelling units, in compliance with the Inclusionary Affordable Housing Program pursuant to Planning Code Section 415.

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

The project is well-served by public transit. With one off-street parking space per dwelling unit and no parking spaces for the ground floor retail uses, the project is not expected to generate much commuter traffic that would overburden local streets or affect neighborhood parking.

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

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

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

The Project is designed and will be constructed to conform to the structural and seismic safety requirements of the City Building Code. This proposal will not impact the property's ability to withstand an earthquake.

- G. That landmarks and historic buildings be preserved.

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

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

A shadow analysis was prepared and the project's shadow does not reach any parks or open spaces under the jurisdiction of the Department of Recreation and Parks. The project will have no negative impact on existing parks and open spaces.

12. 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.
13. 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. 2014.1183CUA** subject to the following conditions attached hereto as "EXHIBIT A" in general conformance with plans on file, dated October 19, 2017, and stamped "EXHIBIT B", which is incorporated herein by reference as though fully set forth.

APPEAL AND EFFECTIVE DATE OF MOTION: Any aggrieved person may appeal this Conditional Use Authorization to the Board of Supervisors within thirty (30) days after the date of this Motion No. 20042. The effective date of this Motion shall be the date of this Motion if not appealed (After the 30-day period has expired) OR the date of the decision of the Board of Supervisors if appealed to the Board of Supervisors. For further information, please contact the Board of Supervisors at (415) 554-5184, City Hall, Room 244, 1 Dr. Carlton B. Goodlett Place, San Francisco, CA 94102.

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

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

I hereby certify that the Planning Commission **ADOPTED** the foregoing Motion on October 19, 2017.

Jonas P. Ionin
Commission Secretary

AYES: Hillis, Richards, Fong and Koppel

NAYS: None

ABSENT: Johnson, Melgar and Moore

ADOPTED: October 19, 2017

EXHIBIT A

AUTHORIZATION

This authorization is for a conditional use to demolish an existing one-story, 9,517 square-foot retail building and develop a Planned Unit Development (PUD) for the construction of a 4-story building with 41 dwelling units above approximately 3,343 square feet of ground floor retail space and 41 vehicular parking spaces located at 2444 Lombard Street, Assessor's Block 0936, and Lot 014, pursuant to Planning Code Sections 121.1, 303 and 304 within an NC-3 (Neighborhood Commercial, Moderate Scale) Zoning District and the 40-X Height and Bulk District; in general conformance with plans, dated October 19, 2017, and stamped "EXHIBIT B" included in the docket for Case No. 2014.1183CUA and subject to conditions of approval reviewed and approved by the Commission on October 19, 2017 under Motion No 20042. This authorization and the conditions contained herein run with the property and not with a particular Project Sponsor, business, or operator.

RECORDATION OF CONDITIONS OF APPROVAL

Prior to the issuance of the building permit or commencement of use for the Project the Zoning Administrator shall approve and order the recordation of a Notice in the Official Records of the Recorder of the City and County of San Francisco for the subject property. This Notice shall state that the project is subject to the conditions of approval contained herein and reviewed and approved by the Planning Commission on October 19, 2017 under Motion No 20042.

PRINTING OF CONDITIONS OF APPROVAL ON PLANS

The conditions of approval under the 'Exhibit A' of this Planning Commission Motion No. 20042 shall be reproduced on the Index Sheet of construction plans submitted with the site or building permit application for the Project. The Index Sheet of the construction plans shall reference to the Conditional Use authorization and any subsequent amendments or modifications.

SEVERABILITY

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

CHANGES AND MODIFICATIONS

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

Conditions of Approval, Compliance, Monitoring, and Reporting PERFORMANCE

1. **Validity.** The authorization and right vested by virtue of this action is valid for three (3) years from the effective date of the Motion. The Department of Building Inspection shall have issued a Building Permit or Site Permit to construct the project and/or commence the approved use within this three-year period.
For information about compliance, contact Code Enforcement, Planning Department at 415-575-6863, www.sf-planning.org
2. **Expiration and Renewal.** Should a Building or Site Permit be sought after the three (3) year period has lapsed, the project sponsor must seek a renewal of this Authorization by filing an application for an amendment to the original Authorization or a new application for Authorization. Should the project sponsor decline to so file, and decline to withdraw the permit application, the Commission shall conduct a public hearing in order to consider the revocation of the Authorization. Should the Commission not revoke the Authorization following the closure of the public hearing, the Commission shall determine the extension of time for the continued validity of the Authorization.
For information about compliance, contact Code Enforcement, Planning Department at 415-575-6863, www.sf-planning.org
3. **Diligent pursuit.** Once a site or Building Permit has been issued, construction must commence within the timeframe required by the Department of Building Inspection and be continued diligently to completion. Failure to do so shall be grounds for the Commission to consider revoking the approval if more than three (3) years have passed since this Authorization was approved.
For information about compliance, contact Code Enforcement, Planning Department at 415-575-6863, www.sf-planning.org
4. **Extension.** All time limits in the preceding three paragraphs may be extended at the discretion of the Zoning Administrator where implementation of the project is delayed by a public agency, an appeal or a legal challenge and only by the length of time for which such public agency, appeal or challenge has caused delay.
For information about compliance, contact Code Enforcement, Planning Department at 415-575-6863, www.sf-planning.org
5. **Conformity with Current Law.** No application for Building Permit, Site Permit, or other entitlement shall be approved unless it complies with all applicable provisions of City Codes in effect at the time of such approval.
For information about compliance, contact Code Enforcement, Planning Department at 415-575-6863, www.sf-planning.org

ENTERTAINMENT COMMISSION – NOISE ATTENUATION CONDITIONS

Chapter 116 Residential Projects. The Project Sponsor shall comply with the “Recommended Noise Attenuation Conditions for Chapter 116 Residential Projects,” which were recommended by the Entertainment Commission on August 25, 2015. These conditions state:

6. **Community Outreach.** Project Sponsor shall include in its community outreach process any businesses located within 300 feet of the proposed project that operate between the hours of 9PM-5AM. Notice shall be made in person, written or electronic form.
7. **Sound Study.** Project sponsor shall conduct an acoustical sound study, which shall include sound readings taken when performances are taking place at the proximate Places of Entertainment, as well as when patrons arrive and leave these locations at closing time. Readings should be taken at locations that most accurately capture sound from the Place of Entertainment to best of their ability. Any recommendation(s) in the sound study regarding window glaze ratings and soundproofing materials including but not limited to walls, doors, roofing, etc. shall be given highest consideration by the project sponsor when designing and building the project.
8. **Design Considerations.**
 - a. During design phase, project sponsor shall consider the entrance and egress location and paths of travel at the Place(s) of Entertainment in designing the location of (a) any entrance/egress for the residential building and (b) any parking garage in the building.
 - b. In designing doors, windows, and other openings for the residential building, project sponsor should consider the POE’s operations and noise during all hours of the day and night.
9. **Construction Impacts.** Project sponsor shall communicate with adjacent or nearby Place(s) of Entertainment as to the construction schedule, daytime and nighttime, and consider how this schedule and any storage of construction materials may impact the POE operations.
10. **Communication.** Project Sponsor shall make a cell phone number available to Place(s) of Entertainment management during all phases of development through construction. In addition, a line of communication should be created to ongoing building management throughout the occupation phase and beyond.
11. **Construction Hoarding.** Prior to the beginning of construction activities, the Project Sponsor shall install adequate construction hoarding along the north property line to reduce dust and noise to the adjacent properties to the north. Such hoarding shall remain in place until such time that the Project Sponsor completes their site work.

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

DESIGN – COMPLIANCE AT PLAN STAGE

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

subject to Department staff review and approval. The architectural addenda shall be reviewed and approved by the Planning Department prior to issuance.

For information about compliance, contact the Case Planner, Planning Department at 415-575-9087, www.sf-planning.org

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

For information about compliance, contact the Case Planner, Planning Department at 415-575-9087, www.sf-planning.org

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

For information about compliance, contact the Case Planner, Planning Department at 415-575-9087, www.sf-planning.org

15. **Streetscape Plan.** Pursuant to Planning Code Section 138.1, the Project Sponsor shall continue to work with Planning Department staff, in consultation with other City agencies, to refine the design and programming of the Streetscape Plan so that the plan generally meets the standards of the Better Streets Plan and all applicable City standards. The Project Sponsor shall complete final design of all required street improvements, including procurement of relevant City permits, prior to issuance of first architectural addenda, and shall complete construction of all required street improvements prior to issuance of first temporary certificate of occupancy.

For information about compliance, contact the Case Planner, Planning Department at 415-575-9087, www.sf-planning.org

16. **Transformer Vault.** The location of individual project PG&E Transformer Vault installations has significant effects to San Francisco streetscapes when improperly located. However, they may not have any impact if they are installed in preferred locations. Therefore, the Planning Department recommends the following preference schedule in locating new transformer vaults, in order of most to least desirable:

- a. On-site, in a basement area accessed via a garage or other access point without use of separate doors on a ground floor façade facing a public right-of-way;
- b. On-site, in a driveway, underground;
- c. On-site, above ground, screened from view, other than a ground floor façade facing a public right-of-way;
- d. Public right-of-way, underground, under sidewalks with a minimum width of 12 feet, avoiding effects on streetscape elements, such as street trees; and based on Better Streets Plan guidelines;

- e. Public right-of-way, underground; and based on Better Streets Plan guidelines;
- f. Public right-of-way, above ground, screened from view; and based on Better Streets Plan guidelines;
- g. On-site, in a ground floor façade (the least desirable location).

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

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

17. **Overhead Wiring.** The Property owner will allow MUNI to install eyebolts in the building adjacent to its electric streetcar line to support its overhead wire system if requested by MUNI or MTA.

For information about compliance, contact San Francisco Municipal Railway (Muni), San Francisco Municipal Transit Agency (SFMTA), at 415-701-4500, www.sfmta.org

18. **Noise, Ambient.** Interior occupiable spaces shall be insulated from ambient noise levels. Specifically, in areas identified by the Environmental Protection Element, Map1, "Background Noise Levels," of the General Plan that exceed the thresholds of Article 29 in the Police Code, new developments shall install and maintain glazing rated to a level that insulate interior occupiable areas from Background Noise and comply with Title 24.

For information about compliance, contact the Environmental Health Section, Department of Public Health at (415) 252-3800, www.sfdph.org.

PARKING AND TRAFFIC

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

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

20. **Bicycle Parking.** Pursuant to Planning Code Sections 155, 155.1, and 155.2, the Project shall provide no fewer than 47 bicycle parking spaces (41 Class 1 spaces for the residential portion of the Project and 6 Class 1 or 2 spaces for the commercial portion of the Project). SFMTA has final authority on the type, placement and number of Class 2 bicycle racks within the public ROW. Prior to issuance of first architectural addenda, the project sponsor shall contact the SFMTA Bike

Parking Program at bikeparking@sfmta.com to coordinate the installation of on-street bicycle racks and ensure that the proposed bicycle racks meet the SFMTA's bicycle parking guidelines. Depending on local site conditions and anticipated demand, SFMTA may request the project sponsor pay an in-lieu fee for Class II bike racks required by the Planning Code.

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

21. **Parking Requirement.** Pursuant to Planning Code Section 151, the Project shall provide forty-one (41) independently accessible off-street parking spaces.

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

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

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

PROVISIONS

23. **Anti-Discriminatory Housing.** The Project shall adhere to the requirements of the Anti-Discriminatory Housing policy, pursuant to Administrative Code Section 1.61.

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

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

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

25. **Transportation Sustainability Fee.** The Project is subject to the Transportation Sustainability Fee (TSF), as applicable, pursuant to Planning Code Section 411A.

For information about compliance, contact the Case Planner, Planning Department at 415-575-9087, www.sf-planning.org

26. **Child Care Fee - Residential.** The Project is subject to the Residential Child Care Fee, as applicable, pursuant to Planning Code Section 414A.

For information about compliance, contact the Case Planner, Planning Department at 415-575-9087, www.sf-planning.org

Inclusionary Affordable Housing Program. The following Inclusionary Affordable Housing Requirements are those in effect at the time of Planning Commission action. In the event that the requirements change, the Project Sponsor shall comply with the requirements in place at the time of issuance of first construction document.

27. **Number of Required Units.** Pursuant to Planning Code Section 415.3, the Project is required to provide 14.5% of the proposed dwelling units as affordable to qualifying households. The Project contains 41 units; therefore, 6 affordable units are currently required. The Project Sponsor will fulfill this requirement by providing the 6 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 and Community Development ("MOHCD").

For information about compliance, contact the Case Planner, Planning Department at 415-575-9087, www.sf-planning.org or the Mayor's Office of Housing and Community Development at 415-701-5500, www.sf-moh.org.

28. **Unit Mix.** The Project contains 15 one-bedrooms, 25 two-bedrooms, and 1 three-bedroom unit; therefore, the required affordable unit mix is two one-bedroom and four 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 MOHCD.

For information about compliance, contact the Case Planner, Planning Department at 415-575-9087, www.sf-planning.org or the Mayor's Office of Housing and Community Development at 415-701-5500, www.sf-moh.org.

29. **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 415-575-9087, www.sf-planning.org or the Mayor's Office of Housing and Community Development at 415-701-5500, www.sf-moh.org.

30. **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 415-575-9087, www.sf-planning.org or the Mayor's Office of Housing and Community Development at 415-701-5500, www.sf-moh.org.

31. **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 MOHCD at 1 South Van Ness Avenue or on the Planning Department or MOHCD 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 415-575-9087, www.sf-planning.org or the Mayor's Office of Housing and Community Development 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. The affordable unit shall be affordable to low-income households, as defined in the Planning Code and Procedures Manual. 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. MOHCD shall be responsible for overseeing and monitoring the marketing of affordable units. The Project Sponsor must contact MOHCD 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 MOHCD 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.
32. 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. If the Project becomes ineligible after issuance of its first construction permit, the Project Sponsor shall notify the Department and MOHCD and pay interest on the Affordable Housing Fee and penalties, if applicable.

MONITORING - AFTER ENTITLEMENT

33. **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
34. **Revocation due to Violation of Conditions.** Should implementation of this Project result in complaints from interested property owners, residents, or commercial lessees which are not resolved by the Project Sponsor and found to be in violation of the Planning Code and/or the specific conditions of approval for the Project as set forth in Exhibit A of this Motion, the Zoning Administrator shall refer such complaints to the Commission, after which it may hold a public hearing on the matter to consider revocation of this authorization.
For information about compliance, contact Code Enforcement, Planning Department at 415-575-6863, www.sf-planning.org

OPERATION

35. **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>

36. **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

37. **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