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SAN FRANCISCO PLANNING DEPARTMENT

Subject to: (Select only if applicable)

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

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Planning Commission Motion No. 19057 HEARING DATE: DECEMBER 19, 2013

Date: December 19, 2013
Case No.: **2009.1177ECV**
Project Address: **2353 LOMBARD STREET**
Zoning: NC-3 (Neighborhood Commercial, Moderate Scale)
 40-X Height and Bulk District
Block/Lot: 0512/025 and 026
Project Sponsor: Gary Gee
 98 Brady Street,
 San Francisco, CA 94103
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ADOPTING FINDINGS RELATING TO THE APPROVAL OF CONDITIONAL USE AUTHORIZATION PURSUANT TO SECTIONS 121 AND 303 OF THE PLANNING CODE TO ALLOW THE DEMOLITION OF A VACANT ONE-STORY COMMERCIAL BUILDING AND CONSTRUCTION OF A FOUR-STORY MIXED-USE BUILDING CONTAINING 21 DWELLING UNITS, APPROXIMATELY 2,700 SQUARE FEET OF COMMERCIAL SPACE AND 28 RESIDENTIAL PARKING SPACES. THIS PROJECT WILL MERGE TWO LOTS RESULTING IN A LOT SIZE IN EXCESS OF 10,000 SQUARE FEET, WITHIN THE NC-3 (MODERATE-SCALE, NEIGHBORHOOD COMMERCIAL) DISTRICT AND A 40-X HEIGHT AND BULK DISTRICT. THE PROJECT REQUIRES A REAR YARD MODIFICATION PURSUANT TO PLANNING CODE SECTION 135 (CASE NO. 2009.1177V).

PREAMBLE

On January 15, 2013, Gary Gee (hereinafter "Project Sponsor") filed an application with the Planning Department (hereinafter "Department") for Conditional Use Authorization under Planning Code Sections 121 and 303 to allow the demolition of a vacant one-story commercial building and construction of a four-story mixed-use building containing 21 dwelling units, approximately 2,700 square feet of commercial space and 28 residential parking spaces. This project will merge two lots resulting in a lot size in excess of 10,000 square feet, within the NC-3 (Moderate-Scale, Neighborhood Commercial) District and a 40-X

Height and Bulk District. The project requires a rear yard modification pursuant to Planning Code Section 135 (Case No. 20009.1177V).

On December 19, 2013, the San Francisco Planning Commission (hereinafter "Commission") conducted a duly noticed public hearing at a regularly scheduled meeting on Conditional Use Application No. 2009.1177CV.

On June 23, 2010 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 Case No. 2009.1177E.

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. 2009.1177CV, subject to the conditions contained in "EXHIBIT A" of this motion, based on the following findings:

FINDINGS

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

1. The above recitals are accurate and constitute findings of this Commission.
2. **Site Description and Present Use.** The project site is located on the south side of Lombard Street between Pierce and Scott Streets, Lots 025 and 026 in Assessor's Block 0512 within the Marina neighborhood. The site is located in an NC-3 (Neighborhood Commercial, Moderate-Scale) and a 40-X Height and Bulk district. The project site contains two lots, the eastern lot (026) is an irregularly shaped lot approximately 73 feet wide at the widest point by 106 feet deep, and the western lot (025) is approximately 58 feet wide by 106 feet deep. The total lot area is approximately 12,850 square feet. The project site currently contains a one-story building that overlaps both lots, and was constructed in 1973. The building currently contains a single vacant commercial space that was last used as a restaurant. The area surrounding the commercial building is used as a 30-car parking lot. The abutting rear lot (009) with frontage on Greenwich Street contains existing legal non-conforming open parking in the rear yard, and has an easement through lot 026 for vehicular access onto Lombard Street.
3. **Surrounding Properties and Neighborhood.** The subject block is zoned NC-3 along Lombard Street and the remaining lots are zoned RH-2 and RM-2. The project site is located adjacent to a vacant corner lot (southwest corner of Lombard and Pierce Streets) that was last occupied by a Chevron gas station to the east, and a four-story motel to the west. The remaining lot on the block-face (southeast corner of Lombard and Scott Streets) contains a four-story, 12-unit mixed-use building with ground floor commercial space and off-street parking, that was constructed in

2010. The block-face across Lombard Street is characterized by a mix of one-, two- and three-story tall buildings, with a pattern of ground floor commercial uses.

The subject NC-3 zoning district is a linear commercial corridor along Lombard Street (US Highway 101) between Van Ness Avenue and Baker Street, which is a heavily trafficked thoroughfare and major connector to and from the Golden Gate Bridge. This NCD offers a wide variety of goods and services to a population greater than the immediate neighborhood, including motels, eating and drinking establishments, auto related uses and other retail stores. Housing development in new buildings is encouraged above the first story in the subject zoning district

4. **Project Description.** The proposal is to demolish the existing one- story vacant commercial building that was last occupied by a restaurant, and construct with a four-story mixed-use building. The project proposes to merge the two lots resulting in a lot containing approximately 12,850 square feet of lot area and approximately 131 feet of lot frontage. The proposal will maintain the existing vehicular easement from the rear abutting property to Lombard Street by providing a garage door along the rear property line.

The proposed 40 foot tall building comprises three stories of residential units over ground floor commercial space and residential parking. Project features include 21 dwelling units, two commercial spaces, 2,516 square feet of common usable open space on the roof deck, 4,552 square feet of private usable open space, 28 residential parking spaces, and 22 Class 1 bicycle storage spaces. The proposed unit mix includes three one-bedroom units of approximately 703 square feet, and 18 two-bedroom units ranging from 1,138 to 1,264 square feet. The sponsor has elected to pay an in-lieu fee to comply with Planning Code Section 415, the Inclusionary Affordable Housing Fee

5. **Public Comment.** The Department has not received any comments to date.
6. **Planning Code Compliance:** The Commission finds that the Project is consistent with the relevant provisions of the Planning Code in the following manner:

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

The proposed lot merger of lots 0025 and 026 would result in a new lot area of approximately 12,850 square feet, which is in excess of the lot size limit and thus requires a Conditional Use authorization.

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

At approximately 12,850 square feet of lot area, 21 dwelling units are permitted on the proposed new lot. The proposed unit count complies with the prescribed density.

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

The Project proposes an approximately 26-foot, 6 inches rear yard for the portion of the proposed lot with a depth of approximately 106 feet at the residential floors, and no rear yard for the proposed portion of the lot with a depth of approximately 59 feet at the residential floors. A rear yard modification is required for this project to be considered by the Zoning Administrator under Case No. 2009.1177V.

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

The Project proposes 28 off-street parking spaces for residential use. Twenty-one parking spaces are required and seven permitted accessory parking spaces are proposed. Fifteen of the parking spaces will utilize a parking lift.

- E. **Bicycle Parking.** Planning Code Section 155 requires one Class 1 Bicycle Parking space for every dwelling unit and one Class 2 Bicycle Parking space for every 20 dwelling units. Class 1 Bicycle Parking Space is defined as spaces in secure, weather-protected facilities intended for use as long-term, overnight, and work-day bicycle storage by dwelling unit residents, non-residential occupants, and Employees. Class 2 Bicycle Parking Space is defined as bicycle racks located in a publicly-accessible, highly visible location intended for transient or short-term use by visitors, guests, and patrons to the building or use.

The project proposes to provide 22 Bicycle Parking Spaces in two separate locations on the ground floor that will satisfy the bicycle parking requirements. The one required Class 2 Bicycle Parking Space will not be locked and will be accessible to visitors via building lobby.

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

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

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

The Project proposes to provide approximately 618 to 846 square feet of private usable open space for each of the three dwelling units (units #202, #204, and #206) abutting the second floor rear roof deck. Approximately 2,516 square feet of common usable open space will be provided for the remaining 18 dwelling units at the fourth-story roof deck, where 1,800 square feet is required.

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

The site's Lombard Street frontage is 131 feet, and would require seven total street trees. There are currently three existing street trees and the project proposes four new street trees to meet a total of seven street trees within the sidewalk in front of the proposed building.

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

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

- J. **Street Frontage in Neighborhood Commercial Districts.** Section 145.1 of the Planning Code requires the following:

1. **Above-Grade Parking Setback.** Off-street parking at street grade on a development lot must be set back at least 25 feet from the front of the development on the ground floor.

All proposed parking is set back a minimum of 32 feet from the front building wall.

2. **Parking and Loading Entrances.** No more than one-third of the width or 20 feet, whichever is less, of any given street frontage of a new structure parallel to and facing a street shall be devoted to parking and loading ingress or egress. Street-facing garage structures and garage doors may not extend closer to the street than a primary building facade unless the garage structure and garage door are consistent with the features listed in Section 136 of this Code. The total street frontage dedicated to parking and loading access should be minimized, and combining entrances for off-street parking with those for off-street loading is encouraged. The placement of parking and loading entrances should minimize interference with street-fronting active uses and with the movement of pedestrians, cyclists, public transit, and autos. Off-street parking and loading entrances should minimize the loss of on-street parking and loading spaces.

The proposed parking entrance along Lombard Street is 12 feet wide. The existing curb cut is proposed to be reduced from 35 feet wide to 10 feet wide, which will result in an increase of on-street parking. No loading entrance is proposed. The proposed rear easement entrance is 9 feet wide.

3. **Active Uses Required.** 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 from any facade facing a street at least 30 feet in width. Building systems including mechanical, electrical, and plumbing features may be exempted from this requirement by the Zoning Administrator only in instances where those features are provided in such a fashion as to not negatively impact the quality of the ground floor space.

Active ground floor uses are proposed within the first 25 feet of the building depth on the ground floor. All mechanical features are minimized and have been designed to integrate with the building façade.

4. **Ground Floor Ceiling Height.** Ground floor non-residential uses in NC districts shall have a minimum floor-to-floor height of 10 feet in a 40-foot height districts.

The proposed ground floor ceiling height will be a minimum of 10 feet tall.

5. **Street-Facing Ground-Level Spaces.** 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.

The proposed active uses and residential lobby are designed within one foot of the sidewalk.

6. **Transparency and Fenestration.** Frontages with active uses that are not residential 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.

The project contains 76 feet of total commercial frontage, 13 feet of residential lobby, and 5 feet is dedicated to a second means of egress, for a total of 94 feet of active uses. Approximately 64 feet 6 inches is dedicated to windows and doors, providing approximately 69 percent of transparency and fenestration.

7. **Gates, Railings, and Grillwork.** Any decorative railings or grillwork, other than wire mesh, which is placed in front of or behind ground floor windows, shall be at least 75 percent open to perpendicular view. Rolling or sliding security gates shall consist of open grillwork rather than solid material, so as to provide visual interest to pedestrians when the gates are closed, and to permit light to pass through mostly unobstructed. Gates,

when both open and folded or rolled as well as the gate mechanism, shall be recessed within, or laid flush with, the building façade.

No gates, railing or grillwork is proposed to conceal windows. A perforated garage door and transformer door are proposed.

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

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

The use and size of the proposed project is compatible with the immediate neighborhood. The existing single-story approximately 2,500 square foot vacant commercial space and parking lot located on a 12,850 square foot site are underutilized at an FAR (Floor Area Ratio) of 0.2:1. The new building would provide 21 new dwelling units, the majority of which are family-sized units, parking, usable private and common open space and an increase of commercial space to approximately 2,715 square feet. The replacement 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 replacement building is designed to be in keeping with the existing development pattern and the neighborhood character through a defined base with active uses, a consistent window pattern and strong vertical elements in appropriate modulations, and a well-defined termination to the top of the building.

- 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 subject lots have historically been utilized as a single lot, in that the existing single-story vacant commercial building was constructed on both lots. The proposed merger of the irregularly shaped lot containing an existing vehicular easement from the rear abutting property fronting on Greenwich Street with the rectangular lot will result in a development lot with more flexibility. The existing irregularly shaped lot would be challenging to develop independently due to the need to preserve the existing easement for legal non-conforming parking for an adjacent lot. Furthermore, the merger of the two lots will allow the development of a larger ground floor commercial space, which is consistent with the existing commercial uses along Lombard Street. The existing block does not have a well-defined mid-block pattern and many structures project within this area. The proposed project is developed to the existing rear retaining wall that abuts the rear property line at the ground floor and will provide a setback of 26 feet, 6 inches for all residential floors for the majority of the site. The portion of the site with a shallow lot depth of

approximately 59 feet will not provide a rear setback; however, it is abutting a vacant lot in the same zoning district. The Project is designed to be compatible with the surrounding neighborhood.

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

The Planning Code requires 21 off-street parking spaces for the replacement building and 28 will be provided. The project site is located along a US Highway and is a major thorough-fare. It is not expected that 28 new parking spaces for residential use will significantly affect traffic conditions. The proposed commercial tenant spaces of 190 square feet and 2,525 square feet do not require parking or loading spaces.

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

The proposed project is primarily residential in nature with approximately 2,715 square feet of total commercial space, which is a nominal increase in commercial floor area from the existing 2,500 square feet. The proposed residential density and commercial intensity are not anticipated to produce noxious or offensive emissions.

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

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

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

The Project requires a rear yard modification from Planning Code Section 134, for the substandard lot depth portion of the lot. No rear setback is proposed at residential floors for the portion of the lot with a depth of 59 feet, where 15 feet would be required by the 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 the NC-3 Districts.

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

HOUSING ELEMENT

OBJECTIVE 2:

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

Policy 2.1:

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

No existing dwelling units will be demolished.

URBAN DESIGN

OBJECTIVE 1:

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

Policy 1.3:

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

The project proposes a development that will strengthen the street wall by constructing an appropriately designed building at the front lot line and replacing the existing single-story commercial building and parking lot. The proposed 40 foot tall mixed-use building will be more consistent with the prevailing building heights and building uses in the neighborhood, and will bring an improved aesthetic to the neighborhood.

OBJECTIVE 2:

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

Policy 2.6:

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

The massing of the replacement building has been designed to be compatible with the prevailing street wall height of the subject NC-3 District. The building has been designed to maintain a clear delineation of a commercial ground floor with residential uses above. The building façade is expressed vertically to be consistent with the immediate neighborhood character. The proposed wood and stucco façade has been designed to be compatible with the other mixed-use buildings found in the area.

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

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

Existing neighborhood-serving retail uses would not be displaced or otherwise adversely affected by the proposal. The existing commercial building has been vacant since 2011. The proposed mixed-use development will replace the commercial space to be demolished and increase the site's commercial square footage by approximately 215 square feet. New commercial activity and employment opportunities will be created as a result of this development.

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

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

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

No existing affordable housing will be affected. The sponsor will contribute to the development of affordable housing through payment of an in-lieu fee, and the project will increase the number of dwelling units in the City's housing stock by 21.

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

The Project will not have a significant adverse effect on automobile traffic congestion or increase parking demand in the neighborhood. The replacement building will provide 28 residential off-street parking spaces for 21 dwelling units. Twenty-two bicycle parking spaces will also be provided.

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

The proposal is to construct a new mixed-use building containing approximately 2,525 square feet of commercial space to be occupied by a use that complies with the Planning Code. An additional 190 square feet of ground floor commercial space will be used for principally permitted business or professional services, in the form of a real estate management office for the property owner. The commercial space will create an opportunity for resident employment and ownership in sectors permitted by the Planning Code.

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

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

- G. That landmarks and historic buildings be preserved.

Landmark or historic buildings do not occupy the Project site.

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

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

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

DECISION

That based upon the Record, the submissions by the Applicant, the staff of the Department and other interested parties, the oral testimony presented to this Commission at the public hearings, and all other written materials submitted by all parties, the Commission hereby **APPROVES Conditional Use Application No. 2009.1177ECV** subject to the following conditions attached hereto as "EXHIBIT A" in general conformance with plans on file, dated October 25, 2013, 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. 19057. 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.

I hereby certify that the Planning Commission ADOPTED the foregoing Motion on December 19, 2013.

Jonas P. Ionin
Acting Commission Secretary

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

NAYS: N/A

ABSENT: N/A

ADOPTED: December 19, 2013

EXHIBIT A

AUTHORIZATION

This authorization is for a conditional use to allow the demolition of a vacant one-story commercial building and construction of a four-story mixed-use building containing 21 dwelling units, approximately 2,700 square feet of commercial space and 28 residential parking spaces. This project will merge two lots resulting in a lot size in excess of 10,000 square feet, located at 2353 Lombard Street, Block 0512, and Lots 025 and 026, pursuant to Planning Code Sections 121 and 303 within the NC-3 District and a 40-X Height and Bulk District; in general conformance with plans, dated October 25, 2013, and stamped "EXHIBIT B" included in the docket for Case No. 209.1177CV and subject to conditions of approval reviewed and approved by the Commission on December 19, 2013, under Motion No. 19057. 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 December 19, 2013, under Motion No. 19057.

PRINTING OF CONDITIONS OF APPROVAL ON PLANS

The conditions of approval under the 'Exhibit A' of this Planning Commission Motion No. 19057 shall be reproduced on the Index Sheet of construction plans submitted with the Site or Building permit application for the Project. The Index Sheet of the construction plans shall reference to the Conditional Use authorization and any subsequent amendments or modifications.

SEVERABILITY

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

CHANGES AND MODIFICATIONS

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

Conditions of Approval, Compliance, Monitoring, and Reporting PERFORMANCE

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

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

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

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

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

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

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

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

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

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

DESIGN

6. **Final Materials.** The Project Sponsor shall continue to work with Planning Department on the building design. Final materials, glazing, color, texture, landscaping, and detailing shall be subject to Department staff review and approval. The architectural addenda shall be reviewed and approved by the Planning Department prior to issuance.

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

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

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

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

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

9. **Street Trees.** Pursuant to Planning Code Section 138.1 (formerly 143), the Project Sponsor shall submit a site plan to the Planning Department prior to Planning approval of the building permit application indicating that street trees, at a ratio of one street tree of an approved species for every 20 feet of street frontage along public or private streets bounding the Project, with any remaining fraction of 10 feet or more of frontage requiring an extra tree, shall be provided. The street trees shall be evenly spaced along the street frontage except where proposed driveways or other street obstructions do not permit. The exact location, size and species of tree shall be as approved by the Department of Public Works (DPW). In any case in which DPW cannot grant approval for installation of a tree in the public right-of-way, on the basis of inadequate sidewalk width, interference with utilities or other reasons regarding the public welfare, and where installation of such tree on the lot itself is also impractical, the requirements of this Section 428 may be modified or waived by the Zoning Administrator to the extent necessary.

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

PARKING AND TRAFFIC

10. **Bicycle Parking.** The Project shall provide no fewer than 21 Class 1 bicycle parking space and 1 Class 2 bicycle parking space as required by Planning Code Sections 155.1 and 155.5.
For information about compliance, contact Code Enforcement, Planning Department at 415-575-6863, www.sf-planning.org
11. **Managing Traffic During Construction.** The Project Sponsor and construction contractor(s) shall coordinate with the Traffic Engineering and Transit Divisions of the San Francisco Municipal Transportation Agency (SFMTA), the Police Department, the Fire Department, the Planning Department, and other construction contractor(s) for any concurrent nearby Projects to manage traffic congestion and pedestrian circulation effects during construction of the Project.
For information about compliance, contact Code Enforcement, Planning Department at 415-575-6863, www.sf-planning.org

PROVISIONS

Inclusionary Affordable Housing Program

12. **Requirement.** Pursuant to Planning Code 415.5, the Project Sponsor must pay an Affordable Housing Fee at a rate equivalent to the applicable percentage of the number of units in an off-site project needed to satisfy the Inclusionary Affordable Housing Program Requirement for the principal project. The applicable percentage for this project is twenty percent (20%).
For information about compliance, contact the Case Planner, Planning Department at 415-558-6378, www.sf-planning.org or the Mayor's Office of Housing at 415-701-5500, www.sf-moh.org.
 13. **Other Conditions.** The Project is subject to the requirements of the Inclusionary Affordable Housing Program under Section 415 et seq. of the Planning Code and the terms of the City and County of San Francisco Inclusionary Affordable Housing Program Monitoring and Procedures Manual ("Procedures Manual"). The Procedures Manual, as amended from time to time, is incorporated herein by reference, as published and adopted by the Planning Commission, and as required by Planning Code Section 415. Terms used in these conditions of approval and not otherwise defined shall have the meanings set forth in the Procedures Manual. A copy of the Procedures Manual can be obtained at the Mayor's Office of Housing ("MOH") at 1 South Van Ness Avenue or on the Planning Department or Mayor's Office of Housing's websites, including on the internet at:
<http://sf-planning.org/Modules/ShowDocument.aspx?documentid=4451>.
As provided in the Inclusionary Affordable Housing Program, the applicable Procedures Manual is the manual in effect at the time the subject units are made available for sale or rent.
For information about compliance, contact the Case Planner, Planning Department at 415-558-6378, www.sf-planning.org or the Mayor's Office of Housing at 415-701-5500, www.sf-moh.org.
- a. The Project Sponsor must pay the Fee in full sum to the Development Fee Collection Unit at the DBI for use by MOH prior to the issuance of the first construction document, with an option for the Project Sponsor to defer a portion of the payment prior to issuance of the first certificate of occupancy upon agreeing to pay a deferral surcharge that would be deposited into the Citywide

Inclusionary Affordable Housing Fund in accordance with Section 107A.13.3 of the San Francisco Building Code.

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

14. **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

MONITORING

15. **Enforcement.** Violation of any of the Planning Department conditions of approval contained in this Motion or of any other provisions of Planning Code applicable to this Project shall be subject to the enforcement procedures and administrative penalties set forth under Planning Code Section 176 or Section 176.1. The Planning Department may also refer the violation complaints to other city departments and agencies for appropriate enforcement action under their jurisdiction.

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

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

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

OPERATION

17. **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/>*
18. **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
19. **Garbage, Recycling, and Composting Receptacles.** Garbage, recycling, and compost containers shall be kept within the premises and hidden from public view, and placed outside only when being serviced by the disposal company. Trash shall be contained and disposed of pursuant to garbage and recycling receptacles guidelines set forth by the Department of Public Works.
For information about compliance, contact Bureau of Street Use and Mapping, Department of Public Works at 415-554-.5810, <http://sfdpw.org>
20. **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