



SAN FRANCISCO PLANNING DEPARTMENT

Planning Commission Motion No. 20192 HEARING DATE: MAY 17, 2018

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Record No.: 2014.1102CUA/ENV/SHD/TDM
Project Address: 555 GOLDEN GATE AVENUE
Zoning: RC-4 (Residential-Commercial, High Density)
130-V Height and Bulk District
Van Ness Avenue Special Use District
Area Plan: Van Ness Avenue Area Plan
Block/Lot: 0766/010
Project Sponsor: Calvin Hom
JS Sullivan Development
2044 Fillmore Street, 3rd Floor
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Property Owner: 555 Golden Gate Avenue, LLC
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ADOPTING FINDINGS RELATING TO THE APPROVAL OF CONDITIONAL USE AUTHORIZATION PURSUANT TO PLANNING CODE SECTIONS 243, 253, 253.2, 271 AND 303, TO DEMOLISH A ONE-STORY OVER BASEMENT COMMERCIAL BUILDING AND CONSTRUCT AN 11-STORY, APPROXIMATELY 60,000 SQUARE-FOOT MIXED USE BUILDING CONTAINING APPROXIMATELY 1,600 SQUARE FEET OF GROUND FLOOR COMMERCIAL/RETAIL SPACE, 55 DWELLING UNITS (INCLUDING SEVEN BELOW MARKET RATE UNITS), 21 OFF-STREET PARKING SPACES INCLUDING ONE CAR-SHARE PARKING SPACE, 55 CLASS 1 BICYCLE PARKING SPACES, AND SIX CLASS 2 BICYCLE PARKING SPACES. THE PROJECT IS SEEKING AN ADMINISTRATIVE MODIFICATION OF THE REAR YARD REQUIREMENT PURSUANT TO PLANNING CODE SECTIONS 243 AND 307. THE SUBJECT PROPERTY IS LOCATED AT 555 GOLDEN GATE AVENUE, LOT 010 IN ASSESSOR'S BLOCK 0766, WITHIN AN RC-4 (RESIDENTIAL-COMMERCIAL, HIGH DENSITY) ZONING DISTRICT AND THE VAN NESS AVENUE SPECIAL USE DISTRICT, AND A 130-V HEIGHT AND BULK DISTRICT.

PREAMBLE

On March 25, 2015, JS Sullivan Development (hereinafter "Project Sponsor") filed Application No. 2014.1102CUA (hereinafter "Application") with the Planning Department (hereinafter "Department") for a Conditional Use Authorization to demolish a one-story over basement commercial building and construct an 11-story, approximately 60,000 gross square-foot mixed use building containing approximately 1,600 square feet of ground floor commercial space, and 55 dwelling units including seven below market rate units (hereinafter "Project") at 555 Golden Gate Avenue, Block 0766 Lot 010 (hereinafter "Project Site").

The Planning Department Commission Secretary is the custodian of records; the File for Record No. 2014.1102CUA is located at 1650 Mission Street, Suite 400, San Francisco, California.

On May 17, 2018, the San Francisco Planning Commission (hereinafter "Commission") conducted a duly noticed public hearing at a regularly scheduled meeting on Conditional Use Authorization Application No. 2014.1102CUA.

On March 19, 2018, 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 Authorization as requested in Application No. 2014.1102CUA, 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. **Project Description.** The Project includes demolition of the existing one-story over basement commercial building on the Project site, and new construction of an 11-story, 112-foot tall, approximately 60,000 gross square-foot mixed use building containing approximately 1,600 square feet of ground floor commercial space, 55 dwelling units (including seven below market rate units), 21 off-street parking spaces including 1 car-share parking space, 55 Class 1 bicycle parking spaces, and 6 Class 2 bicycle parking spaces. The Project includes a dwelling unit mix consisting of 3 three-bedroom units, 35 two-bedroom units, and 17 one-bedroom units. The Project includes approximately 400 square feet of common open space via a roof deck for seven units, and approximately 4,000 square feet of private open space via balconies and a roof deck for the remaining 48 units. The Project is also seeking an administrative Zoning Administrator modification of the rear yard requirement pursuant to Planning Code Sections 243 and 307.
3. **Site Description and Present Use.** The Project site is on an approximately 7,919 square-foot through lot with 66-foot wide frontages on both Golden Gate Avenue and Redwood Alley. The Project site is occupied by a one-story over basement commercial building, containing approximately 15,800 gross square feet. The 20-foot tall building, constructed in 1909, is currently occupied by a restaurant (d.b.a. "Fine and Rare") and a night club/lounge (d.b.a. "The Empire Room").
4. **Surrounding Properties and Neighborhood.** The Project site is located within the RC-4 Zoning District and the Van Ness Avenue Special Use District in the Van Ness Avenue Area Plan. The

immediate context is mixed in character with commercial, institutional, and residential uses. The immediate neighborhood includes: two-to-four-story commercial and institutional uses to the west and north, the 13-story Public Utilities Commission (PUC) building immediately to the east at 525 Golden Gate Avenue, a series of court house and civic buildings, City Hall, and the Civic Center Plaza to the south and east. The Project site is located in the south end of an RC-4 Zoning District which extends northward from Civic Center to Broadway and into the Tenderloin neighborhood. The property is also at the southern edge of the Van Ness Special Use District, directly reflecting the Van Ness Avenue Area Plan, which extends from Golden Gate Avenue to Chestnut Street and calls for well-designed high-density mixed-use development along the north/south Van Ness Avenue corridor. This area along Van Ness Avenue includes a combination of commercial, institutional, and residential uses that reflect the convergence of the Civic Center, Tenderloin, and Hayes Valley neighborhoods. Further west of the Project Site, on Van Ness Avenue and Golden Gate Avenue is the Opera Plaza, a mixed-use development containing neighborhood-serving retail uses such as the Max's Opera Café and the Landmark Theater, as well as 449 dwelling units.

5. **Public Outreach and Comments.** According to the Project Sponsor, the Project Sponsor had met with nearby building owners and local neighborhood organizations on various occasions over the past four years with regard to issues raised in the design of the building, building amenities, and construction management. The Project Sponsor had multiple meetings with PUC since 2014 and received support of the Project in May 2018. The Project Sponsor also met with the Superior Court of California in 2016 on construction related issues. Local neighborhood organizations and building owners supporting the Project include: SF Housing Action Coalition (SFHAC), Van Ness Corridor Neighborhood Council (VNCNC), Lower Polk Neighbors, Middle Polk Neighborhood Association, Tenderloin Housing Clinic, C5 Children's School, 590 Van Ness Avenue, and 600 Van Ness Avenue.

As of the drafting of this motion, the Department has received three letters in support of the Project from PUC, SFHAC and VNCNC. The Department has not received any letters or calls in opposition to the Project.

6. **Anti-Discriminatory Housing Policy.** The Project is subject to the requirements of the Anti-Discriminatory Housing Policy (Administrative Code Section 1.61) for projects creating ten (10) or more new residential units. The Project Sponsor is required to submit the supplemental information form as part of the required entitlement application. The Department is not to review the responses other than to confirm that all questions have been answered. Upon confirmation, the information is sent to the Human Rights Commission by email at: hrc.info@sfgov.org.

The Project Sponsor has submitted a complete Affidavit for Anti-Discriminatory Housing Policy on April 4, 2018.

7. **First Source Hiring Program.** The Project is subject to the requirements of the First Source Hiring Program (Chapter 83 of the Administrative Code) for projects creating ten (10) or more new residential units. The Project Sponsor will comply with the requirements of this Program. Prior to the issuance of any Building Permit or a First Addendum to a Site Permit, the Project Sponsor will have an approved and signed First Source Hiring Memorandum of Understanding (MOU)

from the First Source Hiring Administrator, which will be evidenced in writing. This MOU will include Exhibit A, Construction First Source Hiring Agreement, and Exhibit B, End-Use First Source Hiring Agreement. Before the Commission can act on the Project, the Project Sponsor must complete the "Affidavit for First Source Hiring Program".

The Project Sponsor has submitted a complete Affidavit for First Source Hiring Program on April 4, 2018.

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

- A. **Residential Density.** Planning Code Section 243(c)(2) states that the restrictions on density set forth in the Zoning Control Tables shall not apply to the Van Ness Special Use District.

The Project proposes 55 dwelling units with a mix of one-, two- and three-bedroom units.

- B. **Building Height.** Planning Code Section 253 requires a Conditional Use authorization for review of any new building or structure exceeding 40 feet in height in a RC District with more than 50 feet of street frontage, and any building or structure exceeding 50 feet in height in the RC Districts, and Section 252 of the Planning Code limits the height of development at the site to 130 feet.

The Project site is situated on a through lot with frontages on Golden Gate Avenue and Redwood Alley. The proposed building height varies from approximately 112 feet tall on Golden Gate Avenue to approximately 118 feet tall on Redwood Alley (due to its gradual downward descent toward Redwood Alley). The building has been sculpted and provides setbacks from Levels 2 to 11 so as to be compatible with the scale and massing of the surrounding buildings.

- C. **Bulk.** Planning Code Sections 243(c)(3) and 270 states that the "V" Bulk District shall have a maximum length of 110 feet and a maximum diagonal dimension of 140 feet, at a setback height of 50 feet established per Section 253.2. Section 271(c) allows a bulk exception if certain criteria are met through the Conditional Use authorization process.

The Project proposes a single tower with a maximum horizontal dimension of 120 feet and a maximum diagonal dimension of 126.6 feet above a height of 50 feet. The Project is seeking a bulk exception for exceeding the maximum length dimension by 10 feet through the Conditional Use authorization process. Findings under Section 271(c) are set forth below.

- D. **Basic Floor Area Ratio (FAR) and Floor Area Premium.** Planning Code Section 124(d) limits the basic FAR in the Van Ness Special Use District to 7:1 square feet of building area for every 1 square foot of lot area, or approximately 55,433 square feet of building area for the subject site. Planning Code Section 125(b) allows an interior lot, which abuts along its rear lot line upon an alley, by increasing the depth of the lot, for purposes of floor area computation, by 10 feet, resulting in approximately 4,620 square feet.

The Project site contains approximately 7,919 square feet of lot area, which would allow approximately 55,433 gross square feet of floor area. The Project is seeking a floor area premium under Section

125(b). It would allow an increase in gross floor area from 55,433 gsf to 60,053 gsf, increasing the permitted FAR from 7:1 to 7.58:1. The Project proposes 60,043 gsf or an FAR of 7.58:1.

- E. **Rear Yard.** Planning Code Section 134(a)(1) requires that in RC-4 Districts a 25 percent rear yard be provided. An approximately 30-foot deep rear yard from the rear lot line would need to be provided for the Project. However, in the Van Ness Special Use District, Section 243(c)(6) allows an administrative Zoning Administrator modification. The Project is seeking an administrative modification from the rear yard requirement pursuant to Sections 243(c)(6) and 307.

The Project does not meet the rear yard depth per Planning Code Section 134(a)(1); however, the Project is seeking an administrative modification to the rear yard requirement from the Zoning Administrator under Sections 243(c)(6) and 307. The Project is required to provide a rear yard of approximately 1,980 square feet. The Project proposes to provide open spaces totaling approximately 4,400 square feet via a common roof deck, private balconies and decks.

- F. **Open Space.** Planning Code Section 135 requires 48 square feet of common usable open space or 36 square feet of private usable open space per dwelling unit.

The Project will provide private usable open space for 48 units through a combination of balconies and a roof deck, totaling approximately 4,000 square feet. Common usable open space will be provided for 7 units in the form of a roof deck on Level 10, totaling approximately 400 square feet. The combined usable open space for the Project would be approximately 4,400 square feet.

- G. **Standards for Bird-Safe Buildings.** Planning Code Section 139 establishes the Bird-Safe Standards for new building construction to reduce bird mortality from circumstances that are known to pose a high risk to birds and are considered to be "bird hazards." The two circumstances regulated by this Section are (1) location-related hazards, where the siting of a structure creates increased risk to birds, and (2) feature-related hazards, which may create increased risk to birds regardless of where the structure is located. Location-related hazards are created by structures that are located inside of, or within a clear flight path of less than 300 feet from an Urban Bird Refuge. The subject property is not within 300 feet from any Urban Bird Refuge. However, the Project will comply with provisions related to feature-related hazards, such as roof deck glass railings and balcony railings.

The Project meets the standards for bird-safe buildings.

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

All of the units in the Project meet this requirement.

- I. **Street Frontages in Residential-Commercial (RC) Districts.** Planning Code Section 145.1 requires in RC Districts containing specific uses, including retail stores, that building lobbies do not exceed 40 feet of building frontage, that parking entrances are no more than 20 feet

wide, that ground floors have a minimum 14-foot floor-to-floor height, and that the ground floor non-residential street frontage be at least 60% transparent in order to allow visibility to the inside of the building. The use of dark or mirrored glass shall not count towards the required transparent area. Any decorative railings or decorated grille work, other than wire mesh, which is placed in front or behind ground floor windows, shall be at least 75 percent open to perpendicular view.

The proposed Project is consistent with the relevant provisions under Section 145.1. The proposed ground floor level is set back 6 feet along Golden Gate Avenue to provide a buffer along the streetscape and an opportunity for outdoor uses by the commercial units. The storefronts of the commercial units have been designed to include tall slender operable glass doors with transom windows. Additionally, landscaping is proposed along the Golden Gate Avenue frontage. The ground floor commercial/retail floor-to-floor height is at 15 feet along Golden Gate Avenue and 20 feet along Redwood Alley. New transparency/glazing will be added to the frontages along Golden Gate Avenue and Redwood Alley exceeding the 60 percent threshold: 82% on Golden Gate Avenue and 68% on Redwood Alley. No curb cut is proposed on Golden Gate Avenue, but the one curb cut proposed on Redwood Alley is 10 feet wide.

- J. **Off-Street Parking - Commercial.** Planning Code Section 151.1 permits one off-street parking space for each 500 square feet of occupied floor area up to 20,000 square feet for commercial or retail stores.

Off-street parking is not required for any use in the RC District. The amount of parking specified in Section 151.1 is the maximum amount of off-street parking allowed at the Project site. The Project proposes approximately 1,600 square feet of commercial/retail space. The allowed parking maximum would be 3 spaces. The Project is not proposing any commercial/retail parking spaces due to its proximity to public transit and available bicycle parking spaces.

- K. **Off-Street Parking - Residential.** Planning Code Sections 151 and 243(c)(9) state that one off-street parking space is permitted as of right for each two dwelling units.

The Project proposes a total of 20 residential parking spaces for 55 dwelling units, a ratio of 0.36:1.

- L. **Off-Street Freight Loading - Commercial.** Planning Code Section 152 requires one off-street freight loading space for retail stores where the occupied floor area of structure or use is over 10,000 square feet.

The Project proposes approximately 1,600 square feet of commercial/retail space. Therefore, an off-street freight loading space is not required.

- M. **Off-Street Freight Loading - Residential.** Planning Code Section 152 requires one off-street freight loading space for residential uses where the occupied floor area of structure or use is over 100,000 square feet.

The Project proposes approximately 60,000 square feet of residential use. Therefore, an off-street freight loading space is not required.

- N. **Handicapped Parking.** Planning Code Section 155(i) requires one handicapped parking space for each 25 off-street parking spaces provided.

The Project proposes a total of 21 off-street parking spaces (including one car-share parking space). While handicapped parking is not required for the Project, nonetheless, one is provided on-site.

- O. **Bicycle Parking - Class 1.** Planning Section 155.2 requires one Class 1 space for every dwelling unit. For retail sales and services, one Class 1 space is required for every 7,500 of occupied floor area. All bicycle parking must meet the standards set forth under Section 155.1.

The Project will provide 55 Class 1 bicycle parking spaces for the proposed 55 dwelling units and none are required for the proposed sales and services or commercial/retail space at approximately 1,600 square feet.

- P. **Bicycle Parking - Class 2.** Planning Code Section 155.2 requires one Class 2 space for every 20 dwelling unit and a minimum of two Class 2 space and one for every 2,500 square feet of occupied floor area for retail sales and services space. All bicycle parking must meet the standards set forth under Section 155.1.

The Project will provide 4 Class 2 bicycle parking spaces for the proposed 55 dwelling units and 2 Class 2 bicycle parking spaces for the approximately 1,600 square feet of commercial/retail space.

- Q. **Car-Share Parking Spaces.** Planning Code Section 166 requires one car-share space for projects with more than 50 units but not exceeding 200 units.

The Project containing 55 dwelling units will provide one car-share parking space.

- R. **Shadows on Parks.** Planning Code Section 295 requires any project proposing a structure exceeding a height of 40 feet to undergo a shadow analysis in order to determine if the project will result in the net addition of shadow to properties under the jurisdiction of the Recreation and Park Department.

The Department prepared a preliminary shadow fan, under Case No. 2014.1102E, to determine whether the proposed Project would have the potential to cast new shadow on nearby parks or open spaces under the jurisdiction of the Recreation and Park Department. The preliminary analysis indicated that the proposed Project could potentially shade Civic Center Plaza. The Project was subsequently revised to address the shadow issue and also light and air issues raised by PUC. Modifications include: a reduction in the overall building height from 119 feet to 112 feet; incorporation of an approximately 25-foot rear setback of the top two floors along the south side (Redwood Alley) of the building, and a 10-foot side setback above the third floor along the east side of the building at its north and south ends. As a result, the Project would not result in any net new shading on Civic Center Plaza, nor on any other parks or open spaces under the jurisdiction of the Recreation and Park Department.

- S. **Wind Currents on Ground Level.** Planning Code Section 243(c)(15) states that new buildings be shaped, or other wind baffling measures be adopted, so that the development will not cause year-round ground level wind currents to exceed, more than 10 percent of the time, between 7:00 a.m. and 6:00 p.m., the comfort level of 11 m.p.h. equivalent wind speed in areas of pedestrian use and seven m.p.h. equivalent wind speed in public seating areas. When pre-existing ambient wind speeds exceed the comfort levels specified above, the building shall be designed to reduce the ambient wind speeds in efforts to meet the goals of this requirement. It further states that an exception to this requirement may be permitted but only if and to the extent that the project sponsor demonstrates that the building cannot be shaped or wind baffling measures cannot be adopted without unduly restricting the development potential of the building site in question.

According to the Project's CEQA determination, wind tunnel testing indicated that existing wind conditions exceed the 11-mph pedestrian comfort criterion at a number of locations. The proposed Project would result in a new wind comfort exceedance adjacent to the Project site, but it would reduce overall pedestrian comfort exceedances by approximately 2% and would reduce the overall average wind speed at the measured locations by 0.5 mph. The Project is seeking an exception to the wind comfort level through the Conditional Use authorization. Findings under Section 243(c)(15) are set forth below.

- T. **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, 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 October 1, 2014; therefore, pursuant to Planning Code Section 415.3 the Inclusionary Affordable Housing Program requirement for the On-site Affordable Housing Alternative is to provide 13.5% of the proposed dwelling units as affordable.

The Project Sponsor has demonstrated that it is eligible for the On-Site Affordable Housing Alternative under Planning Code Section 415.5 and 415.6, and has submitted 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 April 27, 2018. 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 October 1, 2014; therefore, pursuant to Planning Code Section 415.3 the Inclusionary Affordable Housing Program requirement for the On-site Affordable Housing Alternative is to provide 13.5% of the total proposed dwelling units as affordable. Seven units (2 one-bedroom, and 5 two-bedroom) of the total 55 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.

- U. **Child-Care and Transportation Sustainability Impact Fees.** Sections 411 and 414 authorize the imposition of certain development impact fees on new development projects to offset impacts on child-care services and the transit system. Land use categories for all impact fees are defined in Section 401.

The Project Sponsor will comply with the requirements of this section prior to the issuance of the first construction document.

- V. **Signage.** Any proposed signage will be subject to the review and approval of the Planning Department pursuant to Article 6 of the Planning Code
- W. **Transportation Demand Management (TDM) Plan.** Pursuant to Planning Code Section 169 and the TDM Program Standards, the Project shall finalize a TDM Plan prior Planning Department approval of the first Building Permit or Site Permit. As currently proposed, the Project must achieve a target of 7 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 7 points for the residential use and none is required for the commercial/retail use. As currently proposed, the Project will achieve its required 7 points through the following TDM measures:

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

9. **Planning Code Section 243(c)(15) Findings Relating to Reduction of Ground Level Wind Currents.** Section 243(c)(15) establishes criteria for the Planning Commission to consider when reviewing applications for projects seeking an exception to the ground level wind comfort level in the Van Ness Special Use District through the Conditional Use authorization process. On balance, the Project does comply with said criteria in that:

- (A) New buildings and additions to existing buildings shall be shaped, or other wind baffling measures shall be adopted, so that the development will not cause year-round ground level wind currents to exceed, more than 10 percent of the time, between 7:00 a.m. and 6:00 p.m., the comfort level of 11 m.p.h. equivalent wind speed in areas of pedestrian use and seven m.p.h. equivalent wind speed in public seating areas. When pre-existing ambient wind speeds exceed the comfort levels specified above, the building shall be designed to reduce the ambient wind speeds in efforts to meet the goals of this requirement.

- (B) An exception to this requirement may be permitted but only if and to the extent that the project sponsor demonstrates that the building or addition cannot be shaped or wind baffling measures cannot be adopted without unduly restricting the development potential of the building site in question.

(i) The exception may permit the building or addition to increase the time that the comfort level is exceeded, but only to the extent necessary to avoid undue restriction of the development potential of the site.

The proposed Project would satisfy the wind hazard criteria of Section 243(c)(15), but would require an exception for exceedances of the wind comfort criteria. The Project is seeking an exception to the wind comfort criteria because changing the massing of the building to further reduce existing wind conditions would unduly restrict the development potential of the building site. According to the Project's CEQA determination, wind tunnel testing indicated that existing wind conditions exceed the 11-mph pedestrian comfort criterion at a number of locations. The proposed Project would result in a new wind comfort exceedance adjacent to the Project site, but it would reduce overall pedestrian comfort exceedances by approximately 2% and would reduce the overall average wind speed at the measured locations by 0.5 mph.

The Project site is currently developed with a one-story over basement commercial building. The Project is proposing an 11-story, 112-foot tall, dense mixed-use development that was envisioned under the Van Ness Special Use District's development standards. The Project would provide 55 dwelling units of a variety of unit sizes, including 38 family-sized units in a transit-rich location that is also within easy access of numerous dedicated bicycle routes. The site is within walking distance of 2 long-standing and diverse neighborhood commercial corridors located on Van Ness Avenue and Polk Street. The Project would enhance to the existing neighborhood-serving retail uses by providing approximately 1,600 square feet of ground floor commercial/retail space in the building. The Project is providing 21 parking spaces (including 1 car-share space), most of which will be parked in mechanical stackers (minimizing excavation at the site). 55 Class 1 bicycle spaces would also be provided at the site to facilitate travel by bicycle. Common and private open spaces are also proposed in the form of roof decks and private balconies, totaling approximately 4,400 square feet.

If the building were to be redesigned to limit or tailor the bulk at the upper stories to reduce the wind exceedances, there would be a loss of a wide range of units and of the uniquely situated open spaces at the upper stories. The Project site is well-suited for housing in dense, transit-rich, and established neighborhoods. The Project proposes to maximize density and to provide for a wide range of unit sizes to accommodate a variety of households.

(ii) Notwithstanding the above, no exception shall be allowed and no building or addition shall be permitted that causes equivalent wind speeds to reach or exceed the hazard level of 26 m.p.h. for a single hour of the year. For the purposes of this Section, the term "equivalent wind speed" shall mean an hourly wind speed adjusted to incorporate the effects of gustiness or turbulence on pedestrians.

The Project would not exceed the hazard criterion under existing conditions plus Project conditions.

10. **Planning Code Section 253 Findings Relating to Height Above 50 Feet and Street Frontage Greater Than 50 Feet in Residential-Commercial Districts.** Section 253 establishes criteria for the Planning Commission to consider when reviewing applications for projects where the building height exceeds 50 feet and street frontage is greater than 50 feet where the building height exceeds 40 feet through the Conditional Use authorization process. On balance, the Project does comply with said criteria in that:

(a) Notwithstanding any other provision of this Code to the contrary, in any RH, RM, or RC District, established by the use district provisions of Article 2 of this Code, wherever a height limit of more than 40 feet in a RH District, or more than 50 feet in a RM or RC District, is prescribed by the height and bulk district in which the property is located, any building or structure exceeding 40 feet in height in a RH District, or 50 feet in height in a RM or RC District, shall be permitted only upon approval by the Planning Commission according to the procedures for conditional use approval in Section 303 of this Code; provided, however, that a building over 40 feet in height in a RM or RC District with more than 50 feet of street frontage on the front façade is subject to the conditional use requirement.

(b) **Commission Review of Proposals.**

(i) In reviewing any such proposal for a building or structure exceeding 40 feet in height in a RH District, 50 feet in height in a RM or RC District, or 40 feet in a RM or RC District where the street frontage of the building is more than 50 feet the Planning Commission shall consider the expressed purposes of this Code, of the RH, RM, or RC Districts, and of the height and bulk districts, set forth in Sections 101, 209.1, 209.2, 209.3, and 251 hereof, as well as the criteria stated in Section 303(c) of this Code and the objectives, policies and principles of the General Plan, and may permit a height of such building or structure up to but not exceeding the height limit prescribed by the height and bulk district in which the property is located.

The proposed Project will be 112 feet in height with 66-foot wide frontages at both Golden Gate Avenue and Redwood Alley. It complies with the 130-foot height limit. The intent of the Van Ness Special Use District and the 130-foot height limit is to increase residential density in order to increase housing supply and to provide for high-quality, visually interesting urban design, and activation of the ground floor of the block on which the Project is located. The proposed 11-story building is comparable to other mid-rise buildings in the neighborhood. Its street frontage reflects the dense and urban nature of the surrounding commercial area on Golden Gate Avenue, Van Ness Avenue, and Polk Street. The proposed building would provide a substantial amount of open space in both private (decks/balconies) and common areas. By allowing a height of 112 feet, the Commission would enable the creation of 55 dwelling units, including 38 family-sized units. These features would not be feasible were the height of the building limited to 50 feet.

11. **Planning Code Section 253.2 Findings Relating to Height Above 50 Feet in the Van Ness Special Use District.** Section 253.2 establishes criteria for the Planning Commission to consider when reviewing applications for projects where the height exceeds 50 feet through the

Conditional Use authorization process. On balance, the Project does comply with said criteria in that:

(1) On Narrow Streets and Alleys. The Planning Commission may require that the permitted bulk and required setbacks of a building be arranged to maintain appropriate scale on and maximize sunlight to narrow streets (rights-of-way 40 feet in width or narrower) and alleys.

While the Project is within the Van Ness Avenue Special Use District, the Project site is situated farther east of Van Ness Avenue and closer to Polk Street, on a through lot with frontage on Redwood Alley. The Project was revised to address light and air issues raised by the Public Utilities Commission, immediately east of the Project at 525 Golden Gate Avenue. Modifications include: a reduction in the overall building height from 119 feet to 112 feet tall; incorporation of an approximately 25-foot rear setback of the top two floors along the south side (Redwood Alley) of the building, and a 10-foot side setback above the third floor along the east side of the building at its north and south ends. With these changes, the PUC is supportive of the Project.

12. **Planning Code Section 271(c) Findings Relating to Bulk Limit Exceptions in Districts Other Than C-3.** Section 271(c) establishes standards and criteria for the Planning Commission to consider when reviewing applications for projects seeking bulk limit exceptions through the Conditional Use authorization process. On balance, the Project does comply with said standards and criteria in that:

(1) The appearance of bulk in the building, structure or development shall be reduced by means of at least one and preferably a combination of the following factors, so as to produce the impression of an aggregate of parts rather than a single building mass:

(A) Major variations in the planes of wall surfaces, in either depth or direction, that significantly alter the mass;

In the "V" bulk district, the maximum horizontal dimension above 50 feet is 110 feet and the maximum diagonal dimension is 140 feet. The Project proposes a maximum horizontal dimension of 120 feet and a maximum diagonal dimension of 126.5 feet above a height of 50 feet. A bulk-compliant alternative, however, would allow fewer units or smaller units. The proposed Project provides multiple setbacks with active uses along Golden Gate Avenue and Redwood Alley.

(B) Significant differences in the heights of various portions of the building, structure or development that divide the mass into distinct elements;

The proposed building massing is designed with multiple setbacks at the ground level, side and rear, creating distinct portions of the building at different heights. The Project site is situated on a through lot with frontages on Golden Gate Avenue and Redwood Alley. The proposed building height varies from approximately 112 feet on Golden Gate Avenue to approximately 118 feet on Redwood Alley (due to its gradual downward descent toward Redwood Alley). The building has been sculpted and provides setbacks from Levels 2 to 11 so as to be compatible with the scale and massing of the surrounding buildings.

(C) Differences in materials, colors or scales of the facades that produce separate major elements;

Various materials, colors, and scales have been used to accentuate the differences of the main massing components. The vertical bias of the building has been emphasized by grouping clusters of balconies together in a vertical orientation. Similarly, blocks of residential windows also follow this pattern creating a relationship of solids and voids that strengthen the vertical bias. The balconies have been segmented into smaller more detailed components with a panelized façade. The amount of glazing on the frontage has been reduced and solid materials have been introduced to articulate the building into smaller groups of elements.

(D) Compensation for those portions of the building, structure or development that may exceed the bulk limits by corresponding reduction of other portions below the maximum bulk permitted; and

The Project exceeds the maximum horizontal dimension by 10 feet on floor levels 5 through 9. A "bulk compliant" Project alternative would result in fewer units and smaller units. In addition, a bulk compliant alternative would not have allowed for the significant setbacks on the side and rear of the building to address light and air issues raised by PUC. The proposed Project would provide significantly more light and air to PUC than the bulk-compliant alternative. In order to improve access to light and air for the dwelling units, the Project also includes an approximately 570 square-foot (25 feet wide by 23 feet deep) interior light court above level 2. The circulation of the dwelling units will be served by metal grating bridges, which will provide more transparency, minimize light obstruction, and facilitate better air circulation in the light court. As part of the Conditions of Approval under Exhibit A, this interior light court is to remain open to the sky, and cannot be filled-in in the future.

(E) In cases where two or more buildings, structures or towers are contained within a single development, a wide separation between such buildings, structures or towers.

The proposed Project consists of one building only.

(2) In every case, the building, structure or development shall be made compatible with the character and development of the surrounding area by means of all of the following factors:

(A) A silhouette harmonious with natural land-forms and building patterns, including the patterns produced by height limits;

The proposed Project is on an interior lot between Van Ness Avenue and Polk Street. The new building, at a height of 112 feet, complements the pattern of other buildings in the surrounding neighborhood.

(B) Either maintenance of an overall height similar to that of surrounding development or a sensitive transition, where appropriate, to development of a dissimilar character;

The Project conforms to the height and guidelines of the Van Ness Avenue Special Use District. The 13-story, 525 Golden Gate Avenue PUC building, directly east of the Project site, is two stories taller than the Project. The Phillip Burton Federal Building and Courthouse at 450 Golden Gate Avenue, located half a block east of the Project site, on the opposite side of Golden Gate Avenue, is 21 stories tall.

(C) Use of materials, colors and scales either similar to or harmonizing with those of nearby development; and

The Project's massing, material, color and scale are complementary of nearby buildings. The primary massing of the building is a light-stucco frame expression in recognition of the buildings in the neighborhood.

(D) Preservation or enhancement of the pedestrian environment by maintenance of pleasant scale and visual interest.

The proposed Project would enhance the pedestrian environment by activating the frontages on both Golden Gate Avenue and Redwood Alley with approximately 1,600 square feet of ground floor commercial/retail uses, and the creation of a ground level landscaping area east of the residential lobby on Golden Gate Avenue.

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

The Project is seeking only an exception to the maximum horizontal length dimension permitted, to allow 120 feet in length rather than the permitted 110 feet. The Project provides setbacks and sculpts the massing of the building. This approach has been supported by the immediate neighbors.

13. **Conditional Use Findings.** Planning Code Section 303(c) establishes criteria for the Planning Commission to consider when reviewing applications for Conditional Use authorization. On balance, the project complies with said criteria in that:

(1) 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 Project site is currently occupied by a restaurant (d.b.a. "Fine and Rare) and a night club/lounge (d.b.a. "The Empire Room") on month-to-month leases. The Project is necessary and desirable because it will replace a one-story over basement commercial building with an 11-story mixed-use development containing 55 dwelling units and commercial/retail spaces on the ground level along Golden Gate Avenue and Redwood Alley. Of the 55 residential units, about 31% (17 units) would be one-bedroom units, 64% (35 units) would be two-bedroom units, and 5% (3 units) would be three-bedroom units. The Project would assist in alleviating the City's housing shortage for numerous families and smaller households. The Project would add both residential and ground-floor neighborhood-serving retail, both of which support policies in the Van Ness Area Plan. Additionally, the Project is compatible in use, scale and massing with the surrounding area.

The influx of residents would enliven this area of Golden Gate Avenue, and strengthen the retail establishments in the neighborhood. The Project proposes to add approximately 1,600 square feet of commercial/retail amenities. It would also generate a substantial amount of pedestrian activity throughout the area.

The Project Sponsor will comply with the inclusionary housing requirement by providing seven on-site below market rate units.

The CU authorizations for construction over 50 feet in height and a bulk exception would allow the Project to maximize the dwelling unit density in an efficient building configuration, and, thereby increase the Project's contribution to the City's inclusionary affordable housing program. The added bulk in the north-south direction also provides the opportunity to create a large ground floor outer courtyard in the center of the building, which would provide for more light and air to bedrooms located in the center of the building. As of right, the Project is allowed a parking ratio of 0.50 space to each dwelling unit. The Project will provide 21 off-street parking spaces, including one car-share parking space; thereby minimizing the need for on-street parking in the neighborhood. The main residential lobby is located on Golden Gate Avenue. Pedestrian entrances to the commercial/retail space are provided at both the Golden Gate Avenue frontage as well as the Redwood Alley frontage. Vehicular access to parking is located on Redwood Alley.

- (2) 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:

- (A) Nature of the proposed site, including its size and shape, and the proposed size, shape and arrangement of structures;

The size and shape of the site are adequate for accommodating a high-density, mid-rise residential development. The building height varies from approximately 112 feet tall on Golden Gate Avenue to approximately 118 feet tall on Redwood Alley due to its gradual downward descent toward Redwood Alley. The Project is, therefore, in compliance with the 130-foot height limit. The design of the Project is intended to complement the massing of the neighborhood. The added bulk in the north-south direction provides the opportunity to create a large ground floor open courtyard in the center of the building, which would provide for more light and air to bedrooms located in the center of the building. As such, the Project is seeking an administrative modification of the rear yard requirement by providing an open courtyard in the middle of the building rather than in the rear of the building.

In order to ensure that ample light and air is maintained for the adjacent PUC building to the east at 525 Golden Gate Avenue, the Project proposes side and rear setbacks on various floors abutting the east property line. Starting from Level 2 to Level 9, an approximately 10-foot deep side setback is provided at both the front (north) and rear (south) corners of the building along the east property line. The lengths of these side setbacks vary from 35 feet long on Golden Gate Avenue to 29 feet long on Redwood Alley. On Levels 10 and 11, side setbacks (approximately 10 feet deep by 35 feet long) are provided at the front of the building along the east property line, while the rear building wall on these two levels is set back approximately 25 feet from the rear property line, equivalent to a 21% rear yard setback.

- (B) 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 and of

proposed alternatives to off-street parking, including provisions of car-share parking spaces, as defined in Section 166 of this Code.

The Project will provide 21 off-street parking spaces, including one car-share parking space. The Planning Code does not require parking or loading for a 1,600 square-foot commercial/retail space. The Project will provide 55 Class 1 bicycle parking spaces for the proposed 55 dwelling units, and 6 Class 2 bicycle parking spaces located on the sidewalk, for a total of 61 bicycle parking spaces. The site is also well-served by public transit with transit stops located near the site. Van Ness Avenue is a transit rich corridor with transit lines serving San Francisco and Marin County. Local transit lines are also nearby and are within walking distance of the site.

The proposed Project is designed to meet the needs of the immediate neighborhood and should not generate significant amounts of vehicular trips from the immediate neighborhood or citywide.

- (C) The safeguards afforded to prevent noxious or offensive emissions such as noise, glare, dust and odor;

The Project, which is predominantly residential in nature, will not emit any noxious odors or other offensive emissions. During construction, the Project will adhere to the City's relevant noise, dust and emission control requirements.

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

The Project is required to provide six new street trees. However, four trees would be installed on the Golden Gate frontage while none would be provided on Redwood Alley due to site constraints. An in-lieu fee would be paid for the two trees. The Project would provide usable open space through a combination of roof decks and balconies, totaling approximately 4,400 square feet. Vehicular access would be provided via a single curb cut on Redwood Alley.

All proposed lighting and signage would comply with the requirements of the Planning Code.

- (3) 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 and is consistent with objectives and policies of the General Plan as detailed below.

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

Not applicable; the proposed Project is in an RC District.

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

HOUSING ELEMENT

Objectives and Policies

OBJECTIVE 1:

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

OBJECTIVE 4:

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

OBJECTIVE 11:

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

Policy 11.1:

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

Policy 11.3:

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

OBJECTIVE 12:

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

OBJECTIVE 13:

PRIORITIZE SUSTAINABLE DEVELOPMENT IN PLANNING FOR AND CONSTRUCTING NEW HOUSING.

Policy 13.1:

Support "smart" regional growth that locates new housing close to jobs and transit.

Policy 13.2:

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

COMMERCE AND INDUSTRY ELEMENT

Objectives and Policies

OBJECTIVE 2:

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

VAN NESS AVENUE AREA PLAN

Objectives and Policies

OBJECTIVE 1:

IDENTIFY AND MAKE AVAILABLE FOR DEVELOPMENT ADEQUATE SITES TO MEET THE CITY'S HOUSING NEEDS, ESPECIALLY PERMANENTLY AFFORDABLE HOUSING. CONTINUE EXISTING COMMERCIAL USES AND ADD A SIGNIFICANT INCREMENT OF NEW HOUSING.

Policy 1.3

Allow residential densities to be established by building volume rather than lot size.

Policy 1.4

Maximize the number of housing units.

Policy 1.5

Employ various techniques to provide more affordable housing.

OBJECTIVE 5

ENCOURAGE DEVELOPMENT WHICH REINFORCES TOPOGRAPHY AND URBAN PATTERN, AND DEFINES AND GIVES VARIETY TO THE AVENUE.

Policy 5.4

(Setbacks) Preserve existing view corridors.

Policy 5.5

(Rear Yards) Encourage full lot development resulting in a maximum number of dwelling units.

OBJECTIVE 6

ENCOURAGE DISTINGUISHED ARCHITECTURE WHOSE SCALE, COMPOSITION AND DETAILING ENHANCES THE OVERALL DESIGN STRUCTURE OF THE AVENUE AND RELATES TO HUMAN SCALE.

Policy 6.1

Design exterior facades which complement and enhance significant works of architecture along the Avenue.

Policy 6.3

Incorporate setbacks and/or stepping down of building form on new developments — and major renovations when necessary — to increase sun exposure on sidewalks.

Policy 6.4

Differentiate bases of buildings and incorporate detail at ground level through variety in materials, color, texture and architectural projections. Provide windows with clear glass throughout the building.

OBJECTIVE 7

PROVIDE SAFE AND ATTRACTIVE ENVIRONMENTS WITHIN EACH MIXED USE DEVELOPMENT.

Policy 7.1

Ensure safety, security and privacy within new residential developments while encouraging efficient use of common open space areas.

Policy 7.2

Provide wind protection and sun exposure to private and common open space areas.

Policy 7.3

Generally maintain existing open space requirements for residential use. Allow common open space requirements to be met by a variety of recreation and open space features.

OBJECTIVE 8

CREATE AN ATTRACTIVE STREET AND SIDEWALK SPACE WHICH CONTRIBUTES TO THE TRANSFORMATION OF VAN NESS AVENUE INTO A RESIDENTIAL BOULEVARD.

Policy 8.1

Require sponsors of major renovation or new development projects to improve and maintain the sidewalk space abutting their properties according to the guidelines contained in this Plan.

Policy 8.2

Where there are no trees, plant trees within the sidewalk space and the median strip. Maintain existing healthy trees and replace unhealthy ones.

Policy 8.3

Provide street trees with tree grates that have removable sections to adequately accommodate tree growth.

Policy 8.4

Incorporate low-growing ground cover around the tree plantings within the median strip.

Policy 8.5

Maintain existing sidewalk widths.

Policy 8.9

Provide attractive street furniture at convenient locations and intervals throughout the length of the street.

The Project is a high-density residential development, providing 55 new dwelling units in a mixed-use area. The Project includes 7 on-site affordable housing units, which assist in meeting the City's affordable housing goals. The Project also provides a diversity of housing types (from one bed-room to larger family-sized units). The Project is also in proximity to ample public transportation.

Overall, the Project features an appropriate use encouraged by the RC District and the Van Ness Avenue Area Plan for this location. The Project introduces a contemporary architectural vocabulary that is sensitive to the prevailing scale and neighborhood fabric. The Project provides for a high quality designed exterior, which features a variety of materials, colors and textures, including painted stucco on primary facades, fiber cement board sidings, aluminum storefront, glass railings, and bronze anodized aluminum frame windows and doors. The Project provides ample useable open space and also improves the public rights of way with new street trees and landscaping. On balance, the Project is consistent with the Objectives and Policies of the General Plan.

15. **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 complies with said policies in that:

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

The Project provides 55 new dwelling units, which will enhance the nearby retail uses by providing new residents, who may patronize and/or own these businesses. The Project would also enhance the district by providing new commercial/retail uses, providing opportunities for local resident employment in and/or ownership of such businesses.

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

The existing housing in the surrounding neighborhood would not be affected. There are no existing dwelling units on the site. The Project proposes to add 55 new dwelling units to the City's housing stock. The Project reflects the mix of residential and retail uses in the area.

- (3) That the City's supply of affordable housing be preserved and enhanced,

The Project site does not currently contain any affordable housing. The Project will comply with the City's Inclusionary Housing Program by providing 7 below-market-rate, on-site dwelling units. Therefore, the Project will increase the stock of affordable housing units in the City.

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

The Project will provide 21 off-street parking spaces, including one car-share parking space. The Project is not expected to result in significant cumulative effects related to transit or neighborhood parking. The on-site parking spaces would reduce the burden on local streets and neighborhood parking. The site is served by nearby public transportation options. The Project also provides sufficient bicycle parking spaces for its residents.

- (5) 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 does not include commercial office development. 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.

- (6) 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.

- (7) That landmarks and historic buildings be preserved.

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

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

The Project proposes a building approximately 112 feet in height. The Department has determined that, based on shadow analysis for the Project, the Project will not affect sunlight access to any public parks or open space.

16. 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.
17. 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 Authorization Application No. 2014.1102CUA** subject to the following conditions attached hereto as "EXHIBIT A" in general conformance with plans on file, dated May 8, 2018, and labeled "EXHIBIT B", which is incorporated herein by reference as though fully set forth.

APPEAL AND EFFECTIVE DATE OF MOTION: Any aggrieved person may appeal this Conditional Use Authorization to the Board of Supervisors within thirty (30) days after the date of this Motion No. 20192. 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 May 17, 2018.


Jonas P. Ionin
Commission Secretary

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

NAYS: None

ABSENT: Fong

ADOPTED: May 17, 2018

EXHIBIT A

AUTHORIZATION

This authorization is for a conditional use to allow a mixed use development of 55 dwelling units with ground floor commercial/retail space located at 555 Golden Gate Avenue, Block 0766, and Lot 010 pursuant to Planning Code Sections 243, 253, 253.2, 271 and 303 within the RC-4 District, and the Van Ness Avenue Special Use District and a 130-V Height and Bulk District; in general conformance with plans, dated May 8, 2018, and labeled "EXHIBIT B" included in the docket for Record No. 2014.1102CUA and subject to conditions of approval reviewed and approved by the Commission on May 17, 2018 under Motion No. 20192. 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 May 17, 2018 under Motion No. 20192.

PRINTING OF CONDITIONS OF APPROVAL ON PLANS

The conditions of approval under the 'Exhibit A' of this Planning Commission Motion No. 20192 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 – COMPLIANCE AT PLAN STAGE

6. **Final Materials.** The Project Sponsor shall continue to work with Planning Department on the building design. Final materials, glazing, color, texture, landscaping, and detailing shall be subject to 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. **Interior Light Court.** The Project Sponsor shall not fill-in the approximately 570 square-foot (25 feet wide by 23 feet deep) interior light court above level 2. It shall remain open to the sky.
For information about compliance, contact the Case Planner, Planning Department at 415-558-6378, www.sf-planning.org
8. **Garbage, composting and recycling storage.** Space for the collection and storage of garbage, composting, and recycling shall be provided within enclosed areas on the property and clearly labeled and illustrated on the building permit plans. Space for the collection and storage of recyclable and compostable materials that meets the size, location, accessibility and other standards specified by the San Francisco Recycling Program shall be provided at the ground level of the buildings.
For information about compliance, contact the Case Planner, Planning Department at 415-558-6378, www.sf-planning.org
9. **Rooftop Mechanical Equipment.** Pursuant to Planning Code 141, the Project Sponsor shall submit a roof plan to the Planning Department prior to Planning approval of the building permit application. Rooftop mechanical equipment, if any is proposed as part of the Project, is required to be screened so as not to be visible from any point at or below the roof level of the subject building.
For information about compliance, contact the Case Planner, Planning Department at 415-558-6378, www.sf-planning.org
10. **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>

11. **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

12. **Noise.** Plans submitted with the building permit application for the approved project shall incorporate acoustical insulation and other sound proofing measures to control noise.

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

13. **Odor Control Unit.** In order to ensure any significant noxious or offensive odors are prevented from escaping the premises once the project is operational, the building permit application to implement the project shall include air cleaning or odor control equipment details and manufacturer specifications on the plans. Odor control ducting shall not be applied to the primary façade of the building.

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

PARKING AND TRAFFIC

14. **Transportation Demand Management (TDM) Program.** Pursuant to Planning Code Section 169, the Project shall finalize a TDM Plan prior to the issuance of the first Building Permit or Site Permit to construct the project and/or commence the approved uses. The Property Owner, and all successors, shall ensure ongoing compliance with the TDM Program for the life of the Project, which may include providing a TDM Coordinator, providing access to City staff for site inspections, submitting appropriate documentation, paying application fees associated with required monitoring and reporting, and other actions.

Prior to the issuance of the first Building Permit or Site Permit, 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 to document compliance with the TDM Program. This Notice shall provide the finalized TDM Plan for the Project, including the relevant details associated with each TDM measure included in the Plan, as well as associated monitoring, reporting, and compliance requirements.

For information about compliance, contact the TDM Performance Manager at tdm@sfgov.org or 415-558-6377, www.sf-planning.org.

15. **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
16. **Car-Share.** Pursuant to Planning Code Section 166, no fewer than one (1) car-share parking space shall be made available, at no cost, to a certified car-share organization for the purposes of providing car share services for its service subscribers.
For information about compliance, contact Code Enforcement, Planning Department at 415-575-6863, www.sf-planning.org
17. **Bicycle Parking** Pursuant to Planning Code Sections 155, 155.1, and 155.2, the Project shall provide no fewer than 61 bicycle parking spaces (55 Class 1 spaces for the residential portion of the Project and 6 Class 2 spaces for the residential and commercial uses 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
18. **Parking Maximum.** Pursuant to Planning Code Section 151.1, the Project shall provide no more than 21 off-street parking spaces, including the one car-share parking space.
For information about compliance, contact Code Enforcement, Planning Department at 415-575-6863, www.sf-planning.org
19. **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

20. **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
21. **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
22. **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 415-558-6378, www.sf-planning.org
23. **Child Care Fee - Residential.** The Project is subject to the Residential Child Care Fee, as applicable, pursuant to Planning Code Section 414A.
For information about compliance, contact the Case Planner, Planning Department at 415-558-6378, www.sf-planning.org
24. **Inclusionary Affordable Housing Program.** Pursuant to Planning Code Section 415, 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.
1. **Number of Required Units.** Pursuant to Planning Code Section 415.3, the Project is required to provide 13.5% of the proposed dwelling units as affordable to qualifying households. The Project contains 55 units; therefore, 7 affordable units are currently required. The Project Sponsor will fulfill this requirement by providing the 7 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 415-558-6378, www.sf-planning.org or the Mayor's Office of Housing and Community Development at 415-701-5500, www.sf-moh.org.
 2. **Unit Mix.** The Project contains 17 one-bedroom, 35 two-bedroom, and 3 three-bedroom units; therefore, the required affordable unit mix is 2 one-bedroom, and 5 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 415-558-6378, www.sf-planning.org or the Mayor's Office of Housing and Community Development at 415-701-5500, www.sf-moh.org.

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

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

4. **Phasing.** If any building permit is issued for partial phasing of the Project, the Project Sponsor shall have designated not less than 13.5 percent (13.5%), or the applicable percentage as discussed above, of the each phase's total number of dwelling units as on-site affordable units.

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

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

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

6. **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 415-558-6378, www.sf-planning.org or the Mayor's Office of Housing and Community Development at 415-701-5500, www.sf-moh.org.

- a. The 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.

- h. If the Project becomes ineligible at any time for the On-site Affordable Housing Alternative, the Project Sponsor or its successor shall pay the Affordable Housing Fee prior to issuance of the first construction permit. 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

25. **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
26. **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
27. **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>
28. **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
29. **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*