



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

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

Reception:
415.558.6378

Fax:
415.558.6409

Planning
Information:
415.558.6377

Planning Commission Motion No. 19648

HEARING DATE: MAY 12, 2016

Case No.: **2014-001676CUA**
 Project Address: **2224 Clement Street**
 Zoning: Outer Clement Street NCD (Neighborhood Commercial District)
 40-X Height and Bulk District
 Block/Lot: 1410/021
 Project Sponsor: Green Oak Investment Group Corp.
 5526 Big Oak Drive
 San Jose, CA, 95125
 Staff Contact: Alexandra Kirby – (415) 575-9133
alexandra.kirby@sfgov.org

ADOPTING FINDINGS RELATING TO THE APPROVAL OF CONDITIONAL USE AUTHORIZATION PURSUANT TO SECTIONS 121.1, 303 AND 717.11 OF THE PLANNING CODE TO ALLOW FOR THE CONSTRUCTION OF A FOUR-STORY, TWELVE-UNIT MIXED USE BUILDING WITH RETAIL AT THE GROUND FLOOR ON A 10,000 SQUARE FOOT LOT WITHIN THE OUTER CLEMENT STREET NCD (NEIGHBORHOOD COMMERCIAL) ZONING DISTRICT AND A 40-X HEIGHT AND BULK DISTRICT.

PREAMBLE

On June 17, 2015, Green Oak Investment Group Corp., (hereinafter “Project Sponsor”) filed an application with the Planning Department (hereinafter “Department”) for Conditional Use Authorization under Planning Code Sections 121.1, 303, and 717.11 to allow construction of a four-story, twelve-unit residential building on a lot 10,000 square feet in area at 2224 Clement Street within the Outer Clement Street NCD (Neighborhood Commercial) Zoning District and a 40-X Height and Bulk District.

The project was originally submitted as a four-story residential project with 16 three-bedroom units accessed via four raised entries at the sidewalk level and 17 parking spaces partially below grade accessed by a central garage entrance. The Urban Design Advisory Committee requested that the project incorporate a more active, transparent commercial ground story in conformance with Section 145.1 of the Planning Code to better relate to the surrounding commercial context. The sponsor has provided a

commercial ground story, incorporated better-quality materials on the front façade, provided a solid parapet to better cap the building and complied with all streetscape requirements.

On May 4, 2016, the Project was determined to be exempt from the California Environmental Quality Act (“CEQA”) as a Class 32 Categorical Exemption under CEQA as described in the determination contained in the Planning Department files for this Project.

On May 12, 2016, the San Francisco Planning Commission (hereinafter “Commission”) conducted a duly noticed public hearing at a regularly scheduled meeting on Conditional Use Application No. 2014-001676CUA.

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

MOVED, that the Commission hereby authorizes the Conditional Use requested in Application No. 2014-001676CUA, subject to the conditions contained in “EXHIBIT A” of this motion, based on the following findings:

FINDINGS

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

1. The above recitals are accurate and constitute findings of this Commission.
2. **Site Description and Present Use.** The project is located on the north side of Clement Street, between 23rd and 24th Avenues, Block 1410, Lot 021. The property is located within the Outer Clement Street NCD (Neighborhood Commercial) Zoning District and a 40-X Height and Bulk District. The subject property has approximately 100 feet of street frontage on Clement Street, with a depth of 100 feet, with a total lot area of approximately 10,000 square feet. The lot is currently occupied by a surface commercial parking lot that provides approximately 25 parking spaces.
3. **Surrounding Properties and Neighborhood.** The project site is located on Clement Street between 23rd and 24th Avenues in the Outer Richmond Neighborhood. The Outer Clement Street NCD, which runs between 19th and 24th Avenues, contains small-scale convenience businesses, as well as many restaurants and a movie theater. The district's restaurants serve a neighborhood and Citywide clientele during the evening hours, while convenience shopping uses cater for the most part to daytime neighborhood shoppers. Clement Street contains many mixed-use buildings with some fully commercial and fully residential buildings interspersed between them. The surrounding zoning is predominantly RM-1, and to the south, the zoning transitions to NC-3 (Neighborhood Commercial, Moderate Scale) along Geary Boulevard, providing a wider array of goods and services.

4. **Project Description.** The project proposes to construct a new four-story, twelve-unit mixed-use building with three stories of residential over ground floor retail and parking on the site that is presently used as a commercial parking lot. The new building would feature twelve three-bedroom residential units with a total of approximately 17,850 square feet of residential space. The proposed commercial space would be approximately 1,215 square feet in area. The resulting structure would be 29,375 square feet in area and 45 feet in height. The proposal includes 16 off-street parking spaces, provided by five stackers and one ADA space; 12 Class One bicycle spaces within the proposed garage, and four (4) Class Two bicycle spaces at the front of the property.
5. **Public Comment.** To date, the Department has received one petition in opposition to the project with 41 signatures, one letter in opposition from an adjacent neighbor, and two emails in opposition to the proposed project. No letters or calls in support of the project have been received. All comments were received prior to the submittal of the current plans; however the cited concerns remain relevant. Expressed project concerns include potential loss of light and air at the adjacent properties to the west, the overall scale and height of the new development, traffic congestion, effects to the market rate of surrounding housing, and the lack of a car sharing space.
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. **Residential Density.** The permitted ratio of dwelling units in the Outer Clement Street NCD Zoning District is one dwelling unit per 600 square feet, pursuant to Planning Code Section 209.2.

The lot area is 10,000 square feet, thus 17 dwelling units are permitted. The project proposes 12 new dwelling units.

- B. **Rear Yard Requirement in the Outer Clement Street NCD Zoning District.** Planning Code Section 134 states that the minimum rear yard depth shall be equal to 25 percent of the total depth of a lot in which it is situated, but in no case less than 15 feet and that the rear yard is to be provided at grade level and above.

The Project proposes a 25-foot deep rear yard at grade, as required by Section 134 of the Planning Code.

- C. **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.

Per Section 135 of the Planning Code, the proposed project requires 1,200 square feet of common usable open space. The project proposes 2,500 square feet of common open space at the rear yard, providing adequate common open space for the twelve new units.

- D. Dwelling Unit Exposure (Section 140).** Planning Code Section 140 requires that at least one room of all dwelling units face directly onto a public street, public alley at least 20 feet in width, side yard at least 25 feet in width or Code-compliant rear yard.

Each of the 12 units directly faces onto a Code-compliant rear yard or a public street. Therefore, the Project complies with Section 140.

- E. Street frontages and ground floor uses and standards in Neighborhood Commercial Districts.** Planning Code Section 145 requires the following:

1. **Entrances to Off-Street parking.** No more than one-third of the width of the ground story along the front lot line shall be devoted to entrances to off-street parking, limited to no more than 10 feet in width.

The proposed garage entrance is approximately 10 feet in width and located at the west end of the front façade to minimize the effect on the public right-of-way.

2. **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 and 15 feet on floors above from any facade facing a street at least 30 feet in width.

The proposed ground story features a retail space with 54 feet of frontage and a depth of 25 feet. All upper stories feature residential uses. Parking is proposed to be located at the rear of the building and will not be visible from the street.

3. **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 proposed ground story features 60 feet, or 60 percent, of transparent fenestration, not including parking access and emergency egress openings.

- F. Off-Street Parking, Residential.** Planning Code Section 151 requires one automobile parking space per dwelling unit. The maximum permitted accessory parking is limited to 150 percent of the principally permitted parking.

The project requires a total of 12 automotive parking spaces per Section 151 of the Planning Code, and proposes 16 parking spaces. The automotive parking includes five parking stackers, each accommodating three (3) vehicles, and one ADA-accessible space. The maximum permitted parking is 18 spaces, which the project does not propose to exceed.

- G. Bicycle Parking.** Planning Code Section 155.2 requires one Class 1 Bicycle Parking space for every dwelling unit, one Class 2 Bicycle Parking space for every 20 residential units, and two

Class 2 Bicycle Parking Spaces for retail spaces under 2,500 square feet of occupied commercial floor area.

The project requires a total of 12 Class 1 bicycle parking spaces that satisfy the bicycle parking requirements of one space for each unit, in addition to three Class 2 bicycle parking space to meet both the residential and retail bicycle parking requirements pursuant to Section 155.2 of the Planning Code.

- H. 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. However, Section 263.20 allows a special height exception for an additional 5 feet of height to provide a more gracious active ground story.

The project proposes a new building 45 feet in height, with a retail ground story 15' in height from floor to floor. A shadow study was conducted and it was determined that no shadows would be cast on any public open spaces by the proposed new building.

- I. Signage.** Currently, there is not a proposed sign program on file with the Planning Department. The proposed business does not have a name as of this writing. Any proposed signage will be subject to the review and approval of the Planning Department.
- J. Shadows on Parks (Section 295).** Section 295 requires any project proposing a structure exceeding a height of 40 feet to undergo a shadow analysis to determine if the project would result in the net addition of shadow to properties under the jurisdiction of the Recreation and Park Department.

The preliminary shadow fan analysis prepared for the Project's Preliminary Project Assessment found that the proposed structure would not cast a shadow on any properties or public parks under the jurisdiction of the Recreation and Park Department. A shadow analysis dated April 13, 2016 found that the Project would not cast any shadow on any such Recreation and Park Department properties. Therefore the Project is compliant with Section 295.

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

The Project proposes 12 new dwelling units and will be required to pay a fee of \$0.91 for each net new gross square foot of residential development.

- K. 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 would apply to projects that consist of 10 or more units, where the first application (EE or BPA) was applied for on or after July 18, 2006. Pursuant to Planning Code Section 415.5, the Inclusionary Affordable Housing Program requirement for the Payment of a Fee is to provide 20% of the proposed dwelling units as affordable. This Fee is made payable to the Department of Building Inspection ("DBI") for

use by the Mayor's Office of Housing and Community Development for the purpose of increasing affordable housing citywide.

The Project Sponsor has submitted a 'Affidavit of Compliance with the Inclusionary Affordable Housing Program: Planning Code Section 415,' to satisfy the requirements of the Inclusionary Affordable Housing Program through payment of the Fee, in an amount to be established by the Mayor's Office of Housing and Community Development at a rate equivalent to an off-site requirement of 20% for projects with fewer than 25 proposed units. The project sponsor has not selected an alternative to payment of the Fee. The EE application was submitted on January 23, 2016.

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 proposed project would provide 12 three-bedroom dwelling units on a lot that is currently occupied by surface parking. The project will also provide a 1,215 square-foot retail space and parking that is adequate for the residential occupants of the building. The scale of the new building is consistent with the surrounding context, as a number of four-story buildings are located within the adjacent residential and commercial districts. The project will accommodate a commercial ground story with family-sized residential units above, in keeping with the character of the neighborhood.

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

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

The Project is designed to be compatible with the surrounding neighborhood character of the Outer Clement Street corridor by providing a mixed-use structure with retail frontage at the street level. The surrounding scale of the neighborhood is predominantly two- to three- stories in height; however, there are numerous examples of four-story structures in the surrounding residential neighborhoods. The mid-block open space will be minimally affected as the project proposes a 25-foot deep rear yard.

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

The Project includes 16 off-street automobile parking spaces and a total of 16 bicycle parking spaces (12 Class One and four Class Two). The Project would add two metered parking spaces along Clement Street due to the removal of an existing curb cut. The site is easily accessible by public transit, as it is within a quarter mile of six major MUNI lines (1/1A, 29, 38A/B/R), and is located near three marked bikeways.

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

The proposed project is primarily residential and no commercial tenant has yet been proposed. Any new commercial tenants would be subject to applicable Health and Planning Codes and requirements pertaining to 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;

The façade treatment and materials of the new building has been designed to be harmonious with the existing surrounding neighborhood. No landscaping is proposed as the project abuts the front property line. Five new street trees will be planted. The new curb cut will be minimal in width, as will the proposed garage entrance to minimize the effect on the public right-of-way. No loading or service areas are proposed or required.

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

The Project complies with all relevant requirements and standards of the Planning Code and is consistent with objectives and policies of the General Plan as detailed below.

- 8. **Development of Large Lots.** Planning Code Section 121.1 establishes the following additional criteria the Planning Commission shall consider for new construction on lots of the same size or larger than 10,000 sq. ft. in the Outer Clement Street NCD.

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

The proposed project's mass and façade are in keeping with the existing and intended scale and character of the Outer Clement Street NCD, where residential housing over a commercial ground floor is encouraged. The subject block is primarily two- to three-story mixed-use buildings on a 25-foot wide lot with an occasional four-story building along Clement Street and the adjacent residential blocks.

The project's Clement Street façade at the ground floor includes 54 feet of commercial frontage with a generous height of 14 feet and approximately 6 feet of frontage for the building's primary residential lobby. The upper stories of the building include family-sized dwelling units organized

in a pattern of structural bays that are scaled similarly to other upper story dwellings and comparably tall buildings found throughout the Clement Street corridor of this district.

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

The project's façade is compatible with the design features of adjacent properties because the distinction between ground floor commercial spaces and upper floor residential dwellings are made primarily through recessed walls at the ground floor, the width and dimension of bay windows, architectural features such as balconies, and the use of exterior materials to differentiate the ground and upper floors to be consistent with similar land uses at adjacent properties and along Clement Street.

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

HOUSING ELEMENT

OBJECTIVE 4:

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

Policy 4.1:

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

This project will create 12 new family-sized, three-bedroom dwelling units.

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.

This new construction project will conform to the scale and character of the district, respecting the neighborhood character in design and use. Ground story retail is proposed to align with the surrounding commercial district and the proposed height and massing will be compatible with the surrounding context while adding density to the surrounding neighborhood.

Policy 11.4:

Continue to utilize zoning districts which conform to a generalized residential land use and density plan and the General Plan.

The project conforms to the zoning and height districts for the Outer Clement Street NCD.

Policy 11.6:

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

The project's materiality, design, and scale relate thoughtfully to the surrounding neighborhood, which is mixed in scale and design.

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 1.2:

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

The Project proposes a new four-story structure adjacent to a two-story mixed-use building to the west and a three-story mixed-use building to the east. The existing site is a commercial surface parking lot that presently accommodates approximately 25 spaces. The Project would reinforce the existing street pattern by infilling an under-utilized site with a new structure that is in keeping with the surrounding scale, use and character of the neighborhood.

Policy 1.3:

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

The proposed building reflects the existing neighborhood character and development pattern while proposing to introduce greater density. The Project proposes a building with an unusually long frontage for the district that has been divided by recessed entries and a retail space at the ground story to create interest at the pedestrian scale. The residential upper stories are divided into bays to relate to the surrounding patterns of the Clement Street corridor. Although the building is a story taller than any adjacent properties on the block, there are a number of four-story buildings along Clement Street and within the adjacent residential districts.

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 and design of the building have been designed to respect and reflect the height and proportions of the surrounding mixed-use development. Although interpreted in a contemporary architectural style, the proposed building proportions and exterior materials have been selected to be compatible with the adjacent buildings and the immediate neighborhood character, taking various cues from the surrounding context of Clement Street.

10. **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 proposed new retail space is 1,215 square feet in area, providing opportunity for a new, small-scale business at the site. The proposed project will add 12 new residential units, which will support existing neighborhood-serving retail uses.

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

The Project does not propose removal of existing housing or structures that contribute to the existing character of the Outer Clement Street District. In addition, the proposed structure respects the neighborhood's character, scale, mass, and proportions.

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

The project site is currently developed as a commercial surface parking lot. No existing housing would be removed or modified, and the replacement building will provide 12 new dwelling units and a total of 36 new bedrooms.

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

The project would not have a significant adverse effect on automobile traffic congestion or create parking problems in the neighborhood. 16 off-street automobile parking spaces are provided for the project and approximately two new street parking spaces would be generated due to the removal of the existing curb cut. The site is within a quarter mile of three bus lines, thus offering transit opportunities for resident commuters and potential users of the commercial space. Additionally, 12 Class 1 and four Class 2 bicycle parking spaces will 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 Project is not a commercial office project. Ownership of industrial or service sector businesses would not be affected by the Project.

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

The proposed 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.

No landmark or historic buildings 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 proposed height is greater than 40 feet, and was therefore subject to a shadow study that found that no properties under the jurisdiction of the Recreation and Parks Department would be affected by the shadow cast by the proposed building.

- 11. First Source Hiring.** The Project is subject to the requirements of the First Source Hiring Program as they apply to permits for residential development (Section 83.4(m) of the Administrative Code), and the Project Sponsor shall comply with the requirements of this Program as to all construction work and on-going employment required for the Project. Prior to the issuance of any building permit to construct or a First Addendum to the Site Permit, the Project Sponsor shall have a First Source Hiring Construction and Employment Program approved by the First Source Hiring Administrator, and evidenced in writing. In the event that both the Director of Planning and the First Source Hiring Administrator agree, the approval of the Employment Program may be delayed as needed.

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

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

DECISION

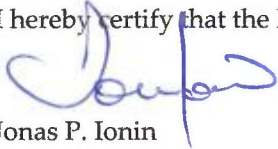
That based upon the Record, the submissions by the Applicant, the staff of the Department and other interested parties, the oral testimony presented to this Commission at the public hearings, and all other written materials submitted by all parties, the Commission hereby **APPROVES Conditional Use Application No. 2014-001676CUA** subject to the following conditions attached hereto as "EXHIBIT A" in general conformance with plans on file, dated April 11, 2016, 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. 19509. 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 12, 2016.



Jonas P. Ionin
Commission Secretary

AYES: Antonini, Hillis, Johnson, Richards, Wu

NAYS: None

ABSENT: Moore, Fong

ADOPTED: May 12, 2016

EXHIBIT A

AUTHORIZATION

This authorization is for a conditional use to allow construction of a six-unit residential building located at 2224 Clement Street, Block 1410, Lot 021, pursuant to Planning Code Section(s) **121.1, 303, and 717.11** within the **Outer Clement Street NCD (Neighborhood Commercial) Zoning District** and a **40-X Height and Bulk District**; in general conformance with plans, dated **April 11, 2016**, and stamped "EXHIBIT B" included in the docket for Case No. **2014-001676CUA** and subject to conditions of approval reviewed and approved by the Commission on **May 12, 2016** under Motion No **19648**. 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 12, 2016** under Motion No. **19648**.

PRINTING OF CONDITIONS OF APPROVAL ON PLANS

The conditions of approval under the 'Exhibit A' of this Planning Commission Motion No. **19648** 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 and Expiration.** The authorization and right vested by virtue of this action is valid for three years from the effective date of the Motion. A building permit from the Department of Building Inspection to construct the project and/or commence the approved use must be issued as this Conditional Use authorization is only an approval of the proposed project and conveys no independent right to construct the project or to commence the approved use. The Planning Commission may, in a public hearing, consider the revocation of the approvals granted if a site or building permit has not been obtained within three (3) years of the date of the Motion approving the Project. Once a site or building permit has been issued, construction must commence within the timeframe required by the Department of Building Inspection and be continued diligently to completion. The Commission may also consider revoking the approvals if a permit for the Project has been issued but is allowed to expire and more than three (3) years have passed since the Motion was approved.

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

2. **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

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

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

4. **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

5. **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

6. **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.

7. **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

8. **Transformer Vault.** The location of individual project PG&E Transformer Vault installations has significant impacts 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 impacts 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>

PARKING AND TRAFFIC

9. **Bicycle Parking.** Pursuant to Planning Code Sections 155.1, 155.4, and 155.5, the Project shall provide no fewer than **12** Class 1 bicycle parking spaces and **4** Class 2 bicycle parking spaces.
For information about compliance, contact Code Enforcement, Planning Department at 415-575-6863, www.sf-planning.org

PROVISIONS

10. **Residential Childcare Impact Fee.** Pursuant to Planning Code Section 414A, the Project Sponsor shall comply with the Residential Childcare Impact Fee provisions through payment of an Impact Fee pursuant to Article 4.
For information about compliance, contact the Case Planner, Planning Department at 415-575-6378, www.sf-planning.org
11. **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

INCLUSIONARY AFFORDABLE HOUSING PROGRAM

12. **Requirement.** Pursuant to Planning Code Section 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%). The Project Sponsor shall pay the applicable Affordable Housing Fee at the time such Fee is required to be paid.
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.
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 and Community Development ("MOHCD") at 1 South Van Ness Avenue or on the Planning Department or

Mayor's Office of Housing and Community Development'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 and Community Development 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 MOHCD prior to the issuance of the first construction document.
- 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 MOHCD 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.

MONITORING - AFTER ENTITLEMENT

14. **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

OPERATION

15. **Sidewalk Maintenance.** The Project Sponsor shall maintain the main entrance to the tenant space 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/>

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