

File No. 130988

Committee Item No. \_\_\_\_\_

Board Item No. 68

## COMMITTEE/BOARD OF SUPERVISORS

### AGENDA PACKET CONTENTS LIST

Committee \_\_\_\_\_

Date \_\_\_\_\_

Board of Supervisors Meeting

Date October 21, 2013

#### Cmte Board

- |                          |                                     |  |
|--------------------------|-------------------------------------|--|
| <input type="checkbox"/> | <input checked="" type="checkbox"/> | Motion                                       |
| <input type="checkbox"/> | <input type="checkbox"/>            | Resolution                                   |
| <input type="checkbox"/> | <input type="checkbox"/>            | Ordinance                                    |
| <input type="checkbox"/> | <input type="checkbox"/>            | Legislative Digest                           |
| <input type="checkbox"/> | <input type="checkbox"/>            | Budget Analyst Report                        |
| <input type="checkbox"/> | <input type="checkbox"/>            | Legislative Analyst Report                   |
| <input type="checkbox"/> | <input type="checkbox"/>            | Introduction Form (for hearings)             |
| <input type="checkbox"/> | <input checked="" type="checkbox"/> | Department/Agency Cover Letter and/or Report |
| <input type="checkbox"/> | <input type="checkbox"/>            | MOU  |
| <input type="checkbox"/> | <input type="checkbox"/>            | Grant Information Form                       |
| <input type="checkbox"/> | <input type="checkbox"/>            | Grant Budget                                 |
| <input type="checkbox"/> | <input type="checkbox"/>            | Subcontract Budget                           |
| <input type="checkbox"/> | <input type="checkbox"/>            | Contract/Agreement                           |
| <input type="checkbox"/> | <input type="checkbox"/>            | Award Letter                                 |
| <input type="checkbox"/> | <input type="checkbox"/>            | Application                                  |
| <input type="checkbox"/> | <input type="checkbox"/>            | Public Correspondence                        |

**OTHER** (Use back side if additional space is needed)

<input type="checkbox"/>	<input type="checkbox"/>	_____
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<input type="checkbox"/>	<input type="checkbox"/>	_____
<input type="checkbox"/>	<input type="checkbox"/>	_____

Completed by: Joy Lamug

Date October 17, 2013

Completed by: \_\_\_\_\_

Date \_\_\_\_\_

An asterisked item represents the cover sheet to a document that exceeds 20 pages. The complete document is in the file.

1 [Final Map 6293 - 1266 9th Avenue]  
2

3 **Motion approving Final Map 6293, a one Lot Subdivision, a 15 Residential Unit and one**  
4 **Commercial Unit, Mixed-Use Condominium Project, located at 1266 9<sup>th</sup> Avenue being a**  
5 **subdivision of Assessor's Block No. 1742, Lot No. 043, and adopting findings pursuant**  
6 **to the General Plan and City Planning Code, Section 101.1.**  
7

8       MOVED, That the certain map entitled "FINAL MAP 6293", comprising 2 sheets,  
9 approved October 1, 2013, by Department of Public Works Order No. 181705 is hereby  
10 approved and said map is adopted as an Official Final Map 6293; and, be it

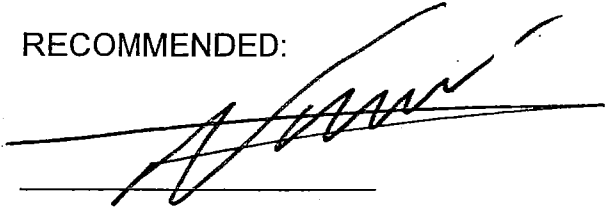
11       FURTHER MOVED, That the San Francisco Board of Supervisors adopts as its own  
12 and incorporates by reference herein as though fully set forth the findings made by the City  
13 Planning Department, by its letter dated February 15, 2011, that the proposed subdivision is  
14 consistent with the objectives and policies of the General Plan and the Eight Priority Policies  
15 of Section 101.1 of the Planning Code; and, be it

16       FURTHER MOVED, That the San Francisco Board of Supervisors hereby authorizes  
17 the Director of the Department of Public Works to enter all necessary recording information on  
18 the Final Map and authorizes the Clerk of the Board of Supervisors to execute the Clerk's  
19 Statement as set forth herein; and, be it

20       FURTHER MOVED, That approval of this map is also conditioned upon compliance by  
21 the subdivider with all applicable provisions of the San Francisco Subdivision Code and  
22 amendments thereto.  
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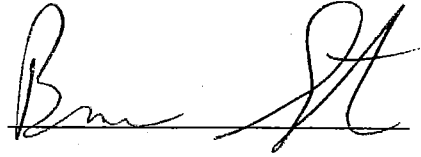
RECOMMENDED:



Mohammed Nuru

Director of Public Works

DESCRIPTION APPROVED:



Bruce R. Storrs, PLS

City and County Surveyor



Office of the City and County Surveyor  
1155 Market Street, 3rd Floor  
San Francisco, CA 94103  
(415) 554-5827 ■ www.sfdpw.org



Edwin M. Lee, Mayor  
Mohammed Nuru, Director

Bruce R. Storrs, City and County Surveyor

**DPW Order No: 181705**

**CITY AND COUNTY OF SAN FRANCISCO  
DEPARTMENT OF PUBLIC WORKS**

APPROVING FINAL MAP 6293, 1266 9<sup>TH</sup> AVENUE, A ONE LOT SUBDIVISION, A 15 RESIDENTIAL UNIT AND ONE COMMERCIAL UNIT MIXED-USE CONDOMINIUM PROJECT, BEING A SUBDIVISION OF ASSESSORS BLOCK NO. 1742, LOT NO. 043.

A ONE LOT SUBDIVISION, A 15 RESIDENTIAL UNIT AND ONE COMMERCIAL UNIT MIXED-USE CONDOMINIUM PROJECT

The City Planning Department in its letter dated February 15, 2011, stated that the subdivision is in conformity with the General Plan and the Priority Policies of City Planning Code Section 101.1.

The Director of Public Works, the Advisory Agency, acting in concurrence with other City agencies, has determined that said Final Map complies with all subdivision requirements related thereto. Pursuant to the California Subdivision Map Act and the San Francisco Subdivision Code, the Director recommends that the Board of Supervisors approve the aforementioned Final Map.

Transmitted herewith are the following:

1. Four (4) paper copies of the Motion approving said map – one (1) copy in electronic format.
2. One (1) mylar signature sheet and one (1) paper set of the "Final Map 6293", each comprising 2 sheets.
3. One (1) copy of the Tax Certificate from the Office of the Treasurer and Tax Collector certifying that there are no liens against the property for taxes or special assessments collected as taxes.
4. One (1) copy of the letter dated February 15, 2011, from the City Planning Department verifying conformity of the subdivision with the General Plan and the Priority Policies set forth in City Planning Code Section 101.1.

It is recommended that the Board of Supervisors adopt this legislation.



RECOMMENDED:

Bruce R. Storrs, PLS  
City and County Surveyor, DPW

cc: File (2)  
Board of Supervisors (signed)  
Tax Collector's Office

APPROVED: October 1, 2013

10/1/2013

X Bruce R. Storrs

---

Storrs, Bruce  
City and County Surveyor

APPROVED:

Mohammed Nuru  
Director of Public Works

MOHAMMED NURU, DIRECTOR

10/1/2013

X Mohammed Nuru

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Nuru, Mohammed  
Director, DPW



San Francisco Department of Public Works  
Making San Francisco a beautiful, livable, vibrant, and sustainable city.

**OWNER'S STATEMENT:**  
 I HEREBY STATE THAT I AM THE ONLY OWNER OF AND HOLDERS OF RECORD TITLE INTEREST IN THE REAL PROPERTY SUBSCRIBED AND SHOWN UPON THIS MAP, AND DO HEREBY CONSENT TO THE PREPARATION AND RECORDATION OF SAID MAP.  
 IN WITNESS WHEREOF, WE, THE UNDERSIGNED, HAVE CAUSED THIS STATEMENT TO BE EXECUTED.

OWNER: 1288 NORTH LLC, A CALIFORNIA LIMITED LIABILITY COMPANY

BY: [Signature]  
 OWNER'S ATTORNEY IN LAW

BY: [Signature]  
 FIRST REPUBLIC BANK  
 MS: VP President

OWNER'S ACKNOWLEDGEMENT:  
 STATE OF CALIFORNIA  
 COUNTY OF SAN FRANCISCO  
 ON 9/28/13 BEFORE ME,  
Blair L. Ed  
 A  
David Secher  
 NOTARY PUBLIC, PERSONALLY APPEARED

WHO PRODUCED TO ME ON THE BASIS OF SATISFACTORY EVIDENCE TO BE THE PERSONS OF WHOSE NAMES I HAVE SUBSCRIBED TO THE WITHIN INSTRUMENT AND BY HIS/HER/THEIR SIGNATURES ON THE INSTRUMENT THE SAME IN HIS/HER/THEIR AUTHORIZED CAPACITIES AND BY HIS/HER/THEIR SIGNATURES ON THE INSTRUMENT THE PERSON(S), OF THE ENTITY UPON BEHALF OF WHICH THE PERSON(S) ACTED, EXECUTED THE INSTRUMENT.  
 I, PERSON, UNDER PENALTY OF PERJURY UNDER THE LAWS OF THE STATE OF CALIFORNIA THAT THE FOREGOING PARAGRAPH IS TRUE AND CORRECT.

WITNESS MY HAND AND SEAL OF OFFICE:  
 SIGNATURE: [Signature]  
 NAME (PRINTED) NOTARY PUBLIC IN AND FOR SAID COUNTY AND STATE: San Francisco  
 PRINCIPAL COUNTY OF BUSINESS: San Francisco  
 COMMISSION EXPIRES: 11/16/2014  
 COMMISSION # OF NOTARY: 18956495

BENEFICIARY'S ACKNOWLEDGEMENT:  
 STATE OF CALIFORNIA  
 COUNTY OF San Francisco  
 ON SEP 14 2013 BEFORE ME,  
MARISTINA FLORES, F. PALARIN  
 A  
Mel G. Palaprin  
 NOTARY PUBLIC, PERSONALLY APPEARED

WHO PRODUCED TO ME ON THE BASIS OF SATISFACTORY EVIDENCE TO BE THE PERSON(S) WHOSE NAMES I HAVE SUBSCRIBED TO THE WITHIN INSTRUMENT AND BY HIS/HER/THEIR SIGNATURES ON THE INSTRUMENT THE SAME IN HIS/HER/THEIR AUTHORIZED CAPACITIES AND BY HIS/HER/THEIR SIGNATURES ON THE INSTRUMENT THE PERSON(S), OF THE ENTITY UPON BEHALF OF WHICH THE PERSON(S) ACTED, EXECUTED THE INSTRUMENT.  
 I, PERSON, UNDER PENALTY OF PERJURY UNDER THE LAWS OF THE STATE OF CALIFORNIA THAT THE FOREGOING PARAGRAPH IS TRUE AND CORRECT.

WITNESS MY HAND:  
 SIGNATURE: [Signature]  
 NAME (PRINTED) NOTARY PUBLIC IN AND FOR SAID COUNTY AND STATE: San Francisco  
 PRINCIPAL COUNTY OF BUSINESS: San Francisco  
 COMMISSION EXPIRES: 11/16/2014  
 COMMISSION # OF NOTARY: 18956495

**TAX STATEMENT:**  
 I, ANGELA CALLEJA, CLERK OF THE BOARD OF SUPERVISORS OF THE CITY AND COUNTY OF SAN FRANCISCO, STATE THAT I HAVE REVIEWED THE INSTRUMENT AND HAVE DETERMINED THAT THE SUBSCRIBER HAS FILED A STATEMENT FROM THE ASSessor AND TAX COLLECTOR OF THE CITY AND COUNTY OF SAN FRANCISCO SHOWING THAT ACCORDING TO THE INSTRUMENT THE PROPERTY IS SUBJECT TO THE TAXES OF THE CITY AND COUNTY OF SAN FRANCISCO AND NOT TO THE TAXES OF ANY OTHER CITY AND COUNTY. I HAVE THEREFORE FORWARDED STATEMENT TO THE MUNICIPAL OR LOCAL TAXES, OR SPECIAL ASSESSMENTS COLLECTED AS TAXES.

DATED:            DAY OF           , 20          

SIGNED: CLERK OF THE BOARD OF SUPERVISORS  
 CITY AND COUNTY OF SAN FRANCISCO  
 STATE OF CALIFORNIA

CLERK'S STATEMENT:  
 I, ANGELA CALLEJA, CLERK OF THE BOARD OF SUPERVISORS OF THE CITY AND COUNTY OF SAN FRANCISCO, STATE OF CALIFORNIA, DO HEREBY STATE THAT SAID BOARD OF SUPERVISORS HAS APPROVED THIS MAP FILED FOR THE "TRAIL AND NO. GRAY" COMMISSION 2 SHEETS.  
 IN TESTIMONY WHEREOF, I HAVE HEREIN SUBSCRIBED MY HAND AND CAUSED THE SEAL OF THIS OFFICE TO BE AFFIXED.

STATE OF THE BOARD OF SUPERVISORS  
 CITY AND COUNTY OF SAN FRANCISCO  
 STATE OF CALIFORNIA

**BOARD OF SUPERVISOR'S APPROVAL:**  
 I,           , CLERK OF THE BOARD OF SUPERVISORS OF THE CITY AND COUNTY OF SAN FRANCISCO, STATE OF CALIFORNIA, DO HEREBY STATE THAT SAID BOARD OF SUPERVISORS HAS APPROVED THIS MAP FILED FOR THE "TRAIL AND NO. GRAY" COMMISSION 2 SHEETS.  
 IN TESTIMONY WHEREOF, I HAVE HEREIN SUBSCRIBED MY HAND AND CAUSED THE SEAL OF THIS OFFICE TO BE AFFIXED.

APPROVALS:  
 THIS MAP IS APPROVED THIS 1st DAY OF October, 2013  
 BY:            DATE:           

NOTARIAL SEAL:  
 NOTARIAL PUBLIC AND ADVISORY AGENCY  
 CITY AND COUNTY OF SAN FRANCISCO  
 STATE OF CALIFORNIA

APPROVED AS TO FORM:  
            
 DEPUTY CITY ATTORNEY  
 CITY AND COUNTY OF SAN FRANCISCO

**CITY AND COUNTY SURVEYOR'S STATEMENT:**  
 I HEREBY STATE THAT I HAVE EXAMINED THIS MAP AND THE SUBSCRIBER AS SHOWN IS A CORRECT REPRESENTATION OF THE TRAIL AND NO. GRAY COMMISSION 2 SHEETS AND ANY APPROVED AMENDMENTS THEREON THAT ALL PROVISIONS OF THE CALIFORNIA SURVEYOR LAW ACT AND ANY LOCAL ORDINANCE APPLICABLE AT THE TIME OF THE SURVEYING IS FULLY COMPLIED WITH AND THAT I AM Satisfied THAT THE MAP IS TECHNICALLY CORRECT.  
 I HAVE THEREFORE FORWARDED THIS MAP TO THE MUNICIPAL OR LOCAL TAXES, OR SPECIAL ASSESSMENTS COLLECTED AS TAXES.

DATED:            DAY OF           , 20          

SIGNED:             
 BRUCE R. STORING, L.S. 8014  
 CITY AND COUNTY SURVEYOR  
 CITY AND COUNTY OF SAN FRANCISCO

**SURVEYOR'S STATEMENT:**  
 THIS MAP WAS PREPARED BY ME OR UNDER MY DIRECTION AND IS BASED UPON A FIELD SURVEY IN CONFORMANCE WITH THE REQUIREMENTS OF THE SURVEYOR LAW AND NOT ANY LOCAL ORDINANCE AT THE REQUEST OF SAID NOTARY PUBLIC. I HEREBY STATE THAT I AM Satisfied THAT THE MAP IS TECHNICALLY CORRECT AND THAT I AM Satisfied THAT THE MAP IS FULLY COMPLIED WITH AND THAT I AM Satisfied THAT THE MAP IS TECHNICALLY CORRECT.  
 I HAVE THEREFORE FORWARDED THIS MAP TO THE MUNICIPAL OR LOCAL TAXES, OR SPECIAL ASSESSMENTS COLLECTED AS TAXES.

BY:             
 BRUCE R. STORING, L.S. 8014  
 LICENSE EXPIRES 31 DECEMBER 2013  
 DATE: 9/22/13



**RECORDER'S STATEMENT:**  
 FILED FOR RECORD THIS            DAY OF           , 20           AT            IN            COUNTY OF            STATE OF CALIFORNIA.  
 AT            PAGES, REGISTERED IN            VOLUME            OF THE OFFICIAL RECORDS OF THE CITY AND COUNTY OF SAN FRANCISCO, STATE OF CALIFORNIA, AT THE REQUEST OF MARTIN M. RON ASSOCIATES.  
 BY:            DATE:           

**FINAL MAP NO. 6293**

A ONE LOT SUBDIVISION  
 A 15 RESIDENTIAL UNIT AND 1 COMMERCIAL UNIT  
 WERE SUBMITTED TO THE BOARD OF SUPERVISORS OF THE LAWS OF CALIFORNIA FOR APPROVAL AND RECORDATION.  
 REEL 4897, PAGE 152, OFFICIAL RECORDS  
 CITY AND COUNTY OF SAN FRANCISCO, STATE OF CALIFORNIA  
 MARTIN M. RON ASSOCIATES, INC.  
 Land Surveyors  
 889 Harrison Street, Suite 200  
 San Francisco, California

SEPTEMBER 2013  
 AS 1742, LOT 43  
 SHEET 1 OF 2  
 1288 9TH AVENUE





**I, José Cisneros, Tax Collector of the City and County San Francisco, State of California, do hereby certify that according to the records of my office, there are no liens against the subdivision designated on the map entitled:**

**Block No. 1742 Lot No. 043**

**Address: 1266-1270 9th Ave.**

**for unpaid City & County property taxes or special assessments collected as taxes.**



**José Cisneros**

**Tax Collector**

**Dated this 12th day of September 2013**



**NOTICE OF SPECIAL RESTRICTIONS UNDER THE PLANNING CODE**

RECORDING REQUESTED BY: )  
 And When Recorded Mail To: )  
 Name: LIGA CONGDM )  
           c/o PYRADO GROUP )  
 Address: 150 POST ST. #320 )  
 City: SAN FRANCISCO )  
 California           94108 )



San Francisco Assessor-Recorder  
 Phil Ting, Assessor-Recorder  
**DOC- 2008-I683606-00**  
 Check Number 1035  
 Friday, NOV 21, 2008 09:27:56  
 Ttl Pd \$23.00 Rcpt # 0003575199  
**REEL J773 IMAGE 0266**  
 car/AB/1-6

) Space Above This Line For Recorder's Use

6 03

I (We) 1266 NINTN LLC, a CA LLC the owner(s) of that certain real property situated in the City and County of San Francisco, State of California, more particularly described as follows (or see attached sheet marked Exhibit A on which property is more fully described):

Being Assessor's Block 1742, Lot 043, commonly known as 1266 - 9<sup>th</sup> Avenue, hereby give notice that there are special restrictions on the use of said property under Part II, Chapter II of the San Francisco Municipal Code (Planning Code).

Said restrictions consist of conditions attached to Conditional Use Application No. 2007.1397C authorized by the Planning Commission of the City and County of San Francisco on October 16, 2008 as set forth in Planning Commission Motion No. 17718, to allow the demolition of a vacant funeral home (formerly occupied by Sullivan Funeral Home) and removal of a surface parking lot; and the development of a four-story mixed use building (15 residential units over ground-floor commercial) with a 16-space subterranean garage, within the Inner Sunset Neighborhood Commercial District and a 40-X Height and Bulk District.

## NOTICE OF SPECIAL RESTRICTIONS UNDER THE PLANNING CODE

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

1. This authorization is for a Conditional Use Authorization under Planning Code Sections 303, 730.11 and 730.21 of the Planning Code to allow the demolition of a vacant funeral home (formerly occupied by Sullivan Funeral Home) and surface parking lot; and to develop a four-story mixed-use building (15 residential units over ground-floor commercial) with a 16-space subterranean garage. The lot area is approximately 12,000 square feet and the total commercial area will be approximately 5,650 square feet, with no one tenant exceeding 4,999 square feet of occupied floor area within the Inner Sunset Neighborhood Commercial District and a 40-X Height and Bulk District, in general conformance with plans filed with the Application as received on June 26, 2008 and stamped "EXHIBIT B" included in the docket for Case No. 2007.1397C, reviewed and approved by the Commission on October 16, 2008.
2. Prior to the issuance of the Building Permit 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 premises (Assessor's Block 1742, Lot 043), which notice shall state that construction has been authorized by and is subject to the conditions of this Motion.
3. Security gates/bars shall be restricted from the exterior of the building, but permitted on the interior side of the windows.
4. The Project Sponsor shall maintain the main entrance to the building and all sidewalks abutting the subject property in a clean condition. Such maintenance shall include, at a minimum, daily litter pickup and disposal, and washing or steam cleaning of the main entrance and abutting sidewalks at least once each week.
5. Signs and exterior lighting for the business shall be reviewed and approved by the Planning Department before they are installed.
6. The Project Sponsor shall maintain an attractive storefront providing visibility of the interior through the storefront windows.
7. The Project is subject to the requirements of the Inclusionary Affordable Housing Program under Section 315 of the Planning Code and the terms of the Affordable Housing Monitoring Procedures Manual (hereinafter "Procedures Manual"), incorporated herein by reference, as published and adopted by Resolution No. 13405 on June 28, 2007 by the Planning Commission, and as required by Planning Code Sections 315 ("Inclusionary Requirement"). The Project Sponsor has elected to provide fifteen percent (15%) or two (2) on-site affordable below-market-rate units ("BMR units") to satisfy its Inclusionary Requirement.

## NOTICE OF SPECIAL RESTRICTIONS UNDER THE PLANNING CODE

8. The BMR units shall be designated on the building plans prior to approval of any building permit. The BMR units shall (1) reflect the unit size mix in number of bedrooms of the market rate units, (2) shall be constructed, completed, and ready for occupancy no later than the market rate units, and (3) shall be of comparable overall quality, construction, location, and exterior appearance as the market rate units in the principal Project.
9. If the units in the building are offered for sale, the BMR units shall be sold to first time home buyer households, as defined in the Procedures Manual, whose gross annual income, adjusted for household size, does not exceed an average of one hundred (100) of the San Francisco Area Median Income (SFAMI).
10. The initial sales price of such units shall be calculated according to the Procedures Manual based on such percentage of median income. This restriction shall apply for the life of the project.
11. The Applicant shall administer the marketing and reporting procedures, according to the procedures established in the Procedures Manual or as otherwise provided by law.
12. The definitions, procedures and requirements for BMR units are set forth in the Procedures Manual and are incorporated herein as Conditions of Approval. Terms used in these Conditions of Approval and not otherwise defined shall have the meanings set forth in the Procedures Manual.
13. Prior to issuance of the Building Permit, the Project Sponsor shall record a Notice of Special Restriction on the property that records a copy of this approval and identifies the BMR 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 the Mayor's Office of Housing or its successor (MOH), the monitoring agency for the BMR unit.
14. The Project shall appoint a Community Liaison Officer to address issues of concern to neighbors related to the operation of this Project. The Project Sponsor shall report the name and telephone number of this Officer to the Zoning Administrator and the neighborhood for reference. The Applicant will keep the above parties apprised should a different staff liaison be designated.
15. The Project Sponsor shall assure the execution and recordation of the specified conditions as a Notice of Special Restrictions at the Office of the County Recorder / County Clerk.
16. Violation of the conditions contained in this Motion or of any other provisions of the Planning Code may be subject to abatement procedures and fines up to \$500 a day in accordance with Planning Code Section 176.
17. Should monitoring of the Conditions of Approval contained in Exhibit A of this Motion be required, the Project Sponsor or successors shall pay fees as established in Planning Code Section 351(e)(1).

## NOTICE OF SPECIAL RESTRICTIONS UNDER THE PLANNING CODE

18. The Planning Commission may, in a public hearing, consider the revocation of this conditional use authorization if a site or building permit has not been issued 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 thenceforth diligently to completion. The Commission may also consider revoking this conditional use authorization 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. This authorization may be extended at the discretion of the Zoning Administrator only if the failure to issue a permit by the Department of Building Inspection is delayed by a City, state or federal agency or by appeal of the issuance of such permit.

The use of said property contrary to these special restrictions shall constitute a violation of the Planning Code, and no release, modification or elimination of these restrictions shall be valid unless notice thereof is recorded on the Land Records by the Zoning Administrator of the City and County of San Francisco; except that in the event that the zoning standards above are modified so as to be less restrictive and the uses therein restricted are thereby permitted and in conformity with the provisions of the Planning Code, this document would no longer be in effect and would be null and void.

Dated: 11/17/08 at San Francisco, California

1266 Ninth LLC, a California limited liability company

  
\_\_\_\_\_  
(Owner's Signature)  
Joseph L. Felson, Manager

\_\_\_\_\_  
(Agent's Signature)

This signature(s) must be acknowledged by a notary public before recordation; add Notary Public Certification and Official Notarial Seal.

JPI:pg\NWTeam\Documents\CU\1266 - 9<sup>th</sup> Avenue - NSR

## EXHIBIT A

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

Beginning at a point on the Easterly line of Ninth Avenue, distant thereon 100 feet Northerly from the Northerly line of Irving Street; and running thence Northerly along the said Easterly line of Ninth Avenue 100 feet; thence at a right angle Easterly 120 feet; thence at a right angle Southerly 100 feet; and thence at a right angle Westerly 120 feet to the point of beginning.

Being a portion of Outside Land Block No. 665.

APN: Lot 043; Block 1742.

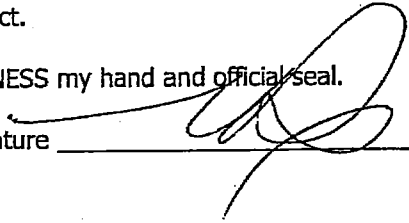
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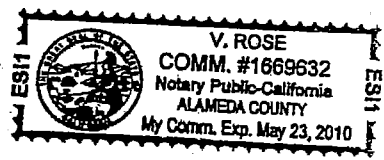
State of California )  
County of Alameda )

On November 17, 2008 before me,  
V. Rose, Notary Public (here insert name and title of the officer),  
personally appeared Joseph L. Felson,  
who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within  
instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that  
by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted,  
executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and  
correct.

WITNESS my hand and official seal.

Signature  (Seal)



RECORDING REQUESTED BY )

And When Recorded Mail to )

Name: *YARD GROUP* )

*C/O VISA COMADM* )

Address: *150. POST STREET* )

City: *SUITE 320.* )  
*SAN FRANCISCO, CA* )

State: *94108* )



San Francisco Assessor-Recorder

Phil Ting, Assessor-Recorder

DOC- 2012-J424355-00

Thursday, MAY 31, 2012 15:56:24

Ttl Pd \$23.00 Rept # 0004418315

REEL K658 IMAGE 0764

081/AK/1-4

Space Above This Line For Recorder's Use

NOTICE OF SPECIAL RESTRICTIONS UNDER THE PLANNING CODE

I, (We) 1266 NINJA LLC, ^ *a California limited liability company*, the owner(s) of that certain real property situated in the City and County of San Francisco, State of California, more particularly described as follows: (LEGAL DESCRIPTION AS ON DEED). \*see exhibit A

BEING Assessor's Block 1742, Lots 043, commonly known as 1266 9<sup>th</sup> Avenue, hereby give notice that there are special restrictions on the use of said property under Part II, Chapter II of the San Francisco Municipal Code (Planning Code).

Said restrictions consist of conditions attached to the Conditional Use Application No. 2007.1397C approved by the Planning Commission of the City and County of San Francisco on October 16, 2008, as set forth in Planning Commission Motion No. 17718. This Notice rescinds and supersedes only those certain restrictions associated with the provision of two on-site affordable below-market-rate ("BMR") units described in the Notice of Special Restrictions

**NOTICE OF SPECIAL RESTRICTIONS UNDER THE PLANNING CODE**

under the Planning Code recorded in the Official Records of San Francisco County on November 21, 2008 as Instrument No. 2008-1683606-00.

The Project has been modified into a rental development and the Zoning Administrator has issued a Letter of Determination modifying the Project's Inclusionary Housing condition(s) of approval from providing on-site affordable units to satisfying its affordable housing requirement by paying an in-lieu fee.

In order to satisfy the Affordable Housing requirement the Project must pay an in-lieu fee (estimated to be \$950,514, but subject to adjustment under Planning Code Section 413), prior to building permit application issuance, established by the following unit distribution:

Unit Size	Total No.	Percentage	Off-site requirement
Studio	0	20%	0
1-bdrm.	4	20%	0.80
2-bdrm	9	20%	1.80
3-bdrm	2	20%	0.40
<b>Total:</b>	<b>15</b>		<b>3.0</b>

The use of said property contrary to these special restrictions shall constitute a violation of the Planning Code, and no release, modification or elimination of these restrictions shall be valid unless notice thereof is recorded on the Land Records by the Zoning Administrator of the City and County of San Francisco.

Dated: 5/30/12 at San Francisco, California

  
\_\_\_\_\_  
(Signature of owner)

1266 NINTH LLC, a CA limited  
\_\_\_\_\_  
(Signature of owner) liability company

**This signature must be notarized prior to recordation; add Notary Public Certification and Official Notarial Seal below.**



**ACKNOWLEDGMENT**

State of California  
County of Alameda ) SS.

On May 30, 2012 before me, P. D. Campbell, notary public, personally  
(insert name and title of the officer)

appeared Joseph L. Felson, who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s) or the entity upon behalf of which the person(s) acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.

WITNESS my hand and official seal.

P. D. Campbell  
[Notary Signature]



(Seal)

**ORDER NO. : 0436004800-MK**

**EXHIBIT A**

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

Beginning at a point on the Easterly line of Ninth Avenue, distant thereon 100 feet Northerly from the Northerly line of Irving Street; and running thence Northerly along the said Easterly line of Ninth Avenue 100 feet; thence at a right angle Easterly 120 feet; thence at a right angle Southerly 100 feet; and thence at a right angle Westerly 120 feet to the point of beginning.

Being a portion of Outside Land Block No. 665.

APN: Lot 043; Block 1742.

**NOTICE OF SPECIAL RESTRICTIONS UNDER THE PLANNING CODE**

RECORDING REQUESTED BY: )  
And When Recorded Mail To: )  
Name: *JP Lachance* )  
*Bay Bread LLC* )  
Address: *2325 Pine St.* )  
City: *San Francisco, CA 94115* )  
California )

  
San Francisco Assessor-Recorder  
Phil Ting, Assessor-Recorder  
DOC- 2012-J424607-00  
Friday, JUN 01, 2012 09:16:26  
Tel Pd \$32.00 Rpt # 0004418437  
REEL K659 IMAGE 0246  
081/AK/1-7

) Space Above This Line For Recorder's Use

I (We) *1266 NINTM LLC, a California limited liability company* the  
owner(s) of that certain real property situated in the City and County of San Francisco, State of  
California, more particularly described as follows (or see attached sheet marked Exhibit A on  
which property is more fully described):

Being Assessor's Block 1742, Lot 043, commonly known as 1266 - 9<sup>th</sup> Avenue, hereby  
give notice that there are special restrictions on the use of said property under Part II, Chapter II  
of the San Francisco Municipal Code (Planning Code).

Said restrictions consist of conditions attached to Conditional Use Application No.  
2011.1420C, authorized by the Planning Commission of the City and County of San Francisco  
on April 5, 2012 as set forth in Planning Commission Motion No. 18586, TO ALLOW A  
FORMULA RETAIL FULL-SERVICE RESTAURANT (D.B.A. LA BOULANGE CAFÉ AND BAKERY)  
WITHIN THE INNER SUNSET NCD (NEIGHBORHOOD COMMERCIAL DISTRICT) AND THE 40-  
X HEIGHT AND BULK DISTRICT.

## **NOTICE OF SPECIAL RESTRICTIONS UNDER THE PLANNING CODE**

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

### **AUTHORIZATION**

This authorization is for a Conditional Use authorization to allow a Formula Retail Use (d.b.a. La Boulange) located at 1266 - 9<sup>th</sup> Avenue, Block 1742 in Assessor's Lot 043, pursuant to Planning Code Sections 303, 703.3(b), 703.4, and 730.42 within the Inner Sunset NCD (Neighborhood Commercial District) and 40-X Height and Bulk District; in general conformance with plans, dated March 07, 2012, and stamped "EXHIBIT B" included in the docket for Case No. 2011.1420C and subject to conditions of approval reviewed and approved by the Commission on April 5, 2012 under Motion No 18586. 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 April 5, 2012 under Motion No 18586.

### **PRINTING OF CONDITIONS OF APPROVAL ON PLANS**

The conditions of approval under the 'Exhibit A' of this Planning Commission Motion No. 18586 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.

# NOTICE OF SPECIAL RESTRICTIONS UNDER THE PLANNING CODE

## 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](http://www.sf-planning.org)*

2. **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](http://www.sf-planning.org)*

### DESIGN – COMPLIANCE AT PLAN STAGE

3. **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](http://www.sf-planning.org)*

4. **Final Design.** The Project Sponsor shall continue working with Planning staff to revise the interior layout of the restaurant in order make the display cases more visible from the sidewalk, and to make the three bays more differentiated.

*For information about compliance, contact the Case Planner, Planning Department at 415-558-6378, [www.sf-planning.org](http://www.sf-planning.org)*

# NOTICE OF SPECIAL RESTRICTIONS UNDER THE PLANNING CODE

## MONITORING - AFTER ENTITLEMENT

5. **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](http://www.sf-planning.org)*

6. **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](http://www.sf-planning.org)*

## OPERATION

7. **Garbage, Recycling, and Composting Receptacles.** Garbage, recycling, and compost containers shall be kept within the premises and hidden from public view, and placed outside only when being serviced by the disposal company. Trash shall be contained and disposed of pursuant to garbage and recycling receptacles guidelines set forth by the Department of Public Works.

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

8. **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>*

9. **Noise Control.** The premises shall be adequately soundproofed or insulated for noise and operated so that incidental noise shall not be audible beyond the premises or in other sections of the building and fixed-source equipment noise shall not exceed the decibel levels specified in the San Francisco Noise Control Ordinance.

*For information about compliance with the fixed mechanical objects such as rooftop air conditioning, restaurant ventilation systems, and motors and compressors with acceptable noise levels, contact the Environmental Health Section, Department of Public Health at (415) 252-3800, [www.sfdph.org](http://www.sfdph.org)*

*For information about compliance with the construction noise, contact the Department of Building Inspection, 415-558-6570, [www.sfdbi.org](http://www.sfdbi.org)*

## NOTICE OF SPECIAL RESTRICTIONS UNDER THE PLANNING CODE

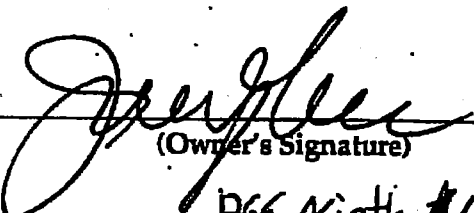
*For information about compliance with the amplified sound including music and television contact the Police Department at 415-553-1012 or 415-5530123, [www.sf-police.org](http://www.sf-police.org)*

10. **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](http://www.sf-planning.org)*

The use of said property contrary to these special restrictions shall constitute a violation of the Planning Code, and no release, modification or elimination of these restrictions shall be valid unless notice thereof is recorded on the Land Records by the Zoning Administrator of the City and County of San Francisco; except that in the event that the zoning standards above are modified so as to be less restrictive and the uses therein restricted are thereby permitted and in conformity with the provisions of the Planning Code, this document would no longer be in effect and would be null and void.

Dated: 5/30/12 at San Francisco, California

  
(Owner's Signature)  
DGG Ninth, LLC  
(Agent's Signature)

**This signature(s) must be acknowledged by a notary public before recordation; add Notary Public Certification and Official Notarial Seal.**

EW:gwf

## EXHIBIT A

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

Beginning at a point on the Easterly line of Ninth Avenue, distant thereon 100 feet Northerly from the Northerly line of Irving Street; and running thence Northerly along the said Easterly line of Ninth Avenue 100 feet; thence at a right angle Easterly 120 feet; thence at a right angle Southerly 100 feet; and thence at a right angle Westerly 120 feet to the point of beginning.

Being a portion of Outside Land Block No: 665.

APN: Lot 043; Block 1742.

lsc



# ACKNOWLEDGMENT

State of California  
County of Alameda ) SS.

On May 30, 2012 before me, P.D. Campbell, notary public, personally  
(insert name and title of the officer)

appeared Joseph L. Felson, who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s) or the entity upon behalf of which the person(s) acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.

WITNESS my hand and official seal.

P.D. Campbell  
[Notary Signature]



(Seal)



# SAN FRANCISCO PLANNING DEPARTMENT

Subject to: (Select only if applicable)

- Inclusionary Housing (Sec. 315)
- Jobs Housing Linkage Program (Sec. 313)
- Downtown Park Fee (Sec. 139)

- First Source Hiring (Admin. Code)
- Child Care Requirement (Sec. 314)
- 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. 17718

HEARING DATE: OCTOBER 16, 2008

*Date:* October 16, 2008  
*Case No.:* 2007.1397C  
*Project Address:* 1266 9<sup>th</sup> Avenue  
*Zoning:* Inner Sunset Neighborhood Commercial District  
 40-X Height and Bulk District  
*Block/Lot:* 1742/043  
*Project Sponsor:* 1266 Ninth LLC  
 150 Post Street, Suite 320  
 San Francisco, CA 94108  
*Staff Contact:* Jonas P. Ionin - (415) 558-6309  
 jonas.ionin@sfgov.org

ADOPTING FINDINGS RELATING TO CONDITIONAL USE AUTHORIZATION PURSUANT TO SECTIONS 303, 730.11 AND 730.21 OF THE PLANNING CODE TO ALLOW THE DEVELOPMENT OF A NEW MIXED USE BUILDING (15 RESIDENTIAL UNITS OVER GROUND-FLOOR COMMERCIAL) ON A LOT OVER 4,999 SQUARE FEET AND NON-RESIDENTIAL USE SIZE(S) OVER 2,499 GROSS SQUARE FEET WITHIN THE INNER SUNSET NEIGHBORHOOD COMMERCIAL DISTRICT AND A 40-X HEIGHT AND BULK DISTRICT.

### PREAMBLE

On June 26, 2008 Prado Group for 1266 Ninth LLC (Project Sponsor) filed an application with the Department for Conditional Use Authorization under Planning Code Sections 730.11 and 730.21 of the Planning Code to allow the demolition of a vacant funeral home (formerly occupied by Sullivan Funeral Home) and removal of a surface parking lot; and the development of a four-story mixed use building (15 residential units over ground-floor commercial) with a 16-space subterranean garage, within the Inner Sunset Neighborhood Commercial District and a 40-X Height and Bulk District.

On October 16, 2008, the Commission conducted a duly noticed public hearing at a regularly scheduled meeting on Conditional Use Application No. 2007.1397C.

The Project was determined by the San Francisco Planning Department (hereinafter "Department") to be categorically exempt from environmental review, pursuant to Case No. 2007.1397E determination issued on June 6, 2008. The Commission has reviewed and concurs with said determination.

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. 2007.1397C, 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 vacant funeral home (formerly occupied by Sullivan Funeral Home) and surface parking lot is located on the east side of 9<sup>th</sup> Avenue, between Lincoln Way and Irving Street, Block 1742, Lot 043. The funeral home has not been in operation since 1997.
3. **Surrounding Properties and Neighborhood.** The Inner Sunset NCD provides convenience goods and services to the local Inner Sunset residents as well as comparison shopping goods and services to a larger market area. The district is frequented by users of Golden Gate Park (approximately one block from the subject site) and others for its eating, drinking and entertainment places. Numerous housing units establish the district's mixed residential-commercial character. Commercial buildings without housing are typically one- and two-stories while mixed use and/or wholly residential buildings are typically three- to four-stories tall, within the Inner Sunset NCD and its adjacent districts. The adjacent parcel to the north is developed with a three-story residential building, while the adjacent parcel to the south is developed with a single-story commercial building. The surrounding zoning is primarily Inner Sunset NCD and RH-2.
4. **Project Description.** The proposal is to demolish the vacant funeral home (formerly occupied by Sullivan Funeral Home) and surface parking lot; and to develop a four-story mixed-use building (15 residential units over ground-floor commercial) with a 16-space subterranean garage (including one car share space). The lot area is approximately 12,000 square feet and the total commercial area will be approximately 5,650, with no one tenant exceeding 4,999 square feet of occupied floor area. No commercial parking is required and none will be provided.
5. **Public Comment.** The Department has received one letter in support of the proposal and no comments in opposition.

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

A. **Lot Size.** Planning Code Section 730.11 requires conditional use authorization for development of large lots over 4,999 square feet in the Inner Sunset NCD, pursuant to Section 121.1. In addition to the criteria of Section 303(c), the Planning Commission must consider the following criteria:

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

*The existing scale and character of the Inner Sunset District is varied. The subject block face and opposing block face on 9<sup>th</sup> Avenue include one- to three-story structures on lots that range from 25 feet to 50 feet to 100 feet wide. The mass and façade of the proposed new development are consistent with the existing scale of the district in that appropriate articulation has been incorporated to mitigate the mass by dividing the 100 foot wide facade into three vertical elements that are more consistent with surrounding pattern of development. The residential floors (at the third and fourth stories) have been set back from the front retail facade approximately ten to fourteen feet and the ground floor commercial area has been divided into three separate storefronts that may used as two or three spaces.*

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

*The façades of the adjacent structures are as varied as the district. The building north of the subject property is wholly residential three-story stucco building with minimal articulation and the adjacent structure to the south is a wholly commercial single-story building with an awning. The façade of the proposed structure is compatible with the design features of adjacent facades in that the residential façade incorporates a similar scale of the adjacent residential building in each of the three vertical elements, while the ground floor commercial façade will incorporate an awning similar to the adjacent commercial building.*

B. **Non-Residential Use Size.** Planning Code Section 730.21 requires conditional use authorization for uses over 2,499 gross square feet, as defined by Planning Code Section 790.130.

*The Project Sponsor intends to lease the ground floor commercial spaces to three separate tenants, each occupying 2,499 gross square feet or less. However, the Sponsor would like to retain some flexibility and have the option to lease to tenants that may require gross floor areas up to 4,999 square feet.*

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 new uses and building will provide infill housing and ground floor retail on a parcel that has been a surface parking lot with vacant buildings since 1997. The ground floor commercial has been divided into three separate spaces with total floor areas of approximately 1,485 square feet, 1,960 square feet and 2,210. As part of this authorization the Project Sponsor retains the flexibility of leasing to two tenants with floor areas greater than 2,499 square feet, but no more than 4,999 square feet. The housing includes units appropriate for families, provides parking and the inclusionary housing requirement will be satisfied with on-site units.*

- i. The intensity of activity in the district is not such that allowing the larger use will be likely to foreclose the location of other needed neighborhood-servicing uses in the area; and

*The future tenants of the commercial spaces are unknown, however, the predominant commercial uses in the District are food related services. New full-service and small-service restaurants require conditional use authorization from the Planning Commission, and large fast food restaurants are prohibited.*

- ii. The proposed use will serve the neighborhood, in whole or in significant part, and the nature of the use requires a larger size in order to function; and

*The future tenants of the commercial spaces are unknown.*

- iii. The building in which the use is to be located is designed in discrete elements which respect the scale of development in the district; and

*The ground floor commercial will incorporate a discrete contemporary design that respects the scale of development in the district.*

- B. That such use or feature as proposed will not be detrimental to the health, safety, convenience or general welfare of persons residing or working in the vicinity, or injurious to property, improvements or potential development in the vicinity, with respect to aspects including but not limited to the following:

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

*The nature of the site and proposed massing relates well to the surrounding neighborhood. It provides the required 30 foot rear yard. Therefore, the proposal would not be detrimental or injurious to neighboring properties, improvements or development potential.*

- 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 proposed residential units will include the required one to one ratio of parking and an additional parking space for a car share vehicle. As proposed, commercial parking is not required.*

*The subject location is well served by public transit. MUNI lines within a one block radius include: the N Judah, 6, 16, 43, 44, 66 and 71; within a five block radius they also include: the 36.*

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

*The future uses must comply with any Building and Health Codes to mitigate 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 proposed expansion shall be reviewed by the Department for all lighting and signs proposed for the new business in accordance with Condition No. 5 of Exhibit A.*

- C. That the use or feature 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.*

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

*The proposed project is consistent with the stated purposes of Inner Sunset NCD in that the intended use is located at the ground floor and will provide a compatible convenience service for the immediately surrounding neighborhoods.*

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

## NEIGHBORHOOD COMMERCE

### Objectives and Policies

#### OBJECTIVE 1:

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

**Policy 1.1:**

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

**Policy 1.2:**

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

**Policy 1.3:**

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

*The proposed development will provide desirable goods and services to the neighborhood and will provide resident employment opportunities to those in the community. The expanded scope of the existing business will not result in undesirable consequences. Further, the Project Site is located within a Neighborhood Commercial District and is thus consistent with activities in the commercial land use plan.*

**OBJECTIVE 2:**

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

**Policy 2.1:**

Seek to retain existing commercial and industrial activity and to attract new such activity to the City.

*The Project will attract new commercial activity and will enhance the diverse economic base of the Inner Sunset and the City.*

**OBJECTIVE 6: MAINTAIN AND STRENGTHEN VIABLE NEIGHBORHOOD COMMERCIAL AREAS EASILY ACCESSIBLE TO CITY RESIDENTS.**

**Policy 6.1:**

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

*Providing 15 new residences (with two below market rate units on-site) over two to three new commercial spaces will encourage the retention of neighborhood-serving uses.*

**RESIDENCE ELEMENT**

**Objectives and Policies**

**OBJECTIVE 1:**

TO PROVIDE NEW HOUSING IN APPROPRIATE LOCATIONS WHICH MEETS IDENTIFIED HOUSING NEEDS AND TAKES INTO ACCOUNT THE DEMAND FOR HOUSING CREATED BY EMPLOYMENT GROWTH.

**Policy 4:**

Locate infill housing on appropriate sites.

**OBJECTIVE 2:**

TO INCREASE THE SUPPLY OF HOUSING WITHOUT OVERCROWDING OR ADVERSELY AFFECTING THE PREVAILING CHARACTER OF EXISTING NEIGHBORHOODS.

**Policy 2:**

Encourage higher residential density in areas adjacent to downtown and in neighborhood commercial districts where higher density will not have harmful effects.

**OBJECTIVE 12:**

TO PROVIDE A QUALITY LIVING ENVIRONMENT.

**Policy 1:**

Assure housing is provided with adequate public improvements, services and amenities.

**Policy 4:**

Promote construction of well-designed housing that conserves existing neighborhood character.

**Policy 6:**

Relate land use controls to the appropriate scale for new and existing residential areas.

*The project creates additional dwelling units within an existing development pattern of mixed uses. The proposal would result in the construction 15 new residential units (four one-bedroom, nine two-bedroom and two three bedroom units), with a majority suitable for family housing.*

*The previous use, a funeral home, ceased operating in 1997. Since, then it has been vacant and used as a surface parking lot.*

*The proposal includes adequate open space. The design of the project maintains the integrity of the existing neighborhood context. The character of the block is mixed; however, the in-fill is an appropriately-designed mixed-use structure and is consistent with the neighborhood character.*

9. Planning Code Section 101.1(b) establishes eight priority-planning policies and requires review of permits for consistency with said policies. On balance, the project does comply with said policies in that:
  - A. That existing neighborhood-serving retail uses be preserved and enhanced and future opportunities for resident employment in and ownership of such businesses be enhanced.



*Providing two to three new commercial spaces will enhance future opportunities for resident employment and ownership of businesses in the Inner Sunset NCD.*

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

*The proposal maintains provides 15 new housing units over ground floor commercial, consistent with the neighborhood character. By providing below market rate housing on-site, it will enhance the economic diversity of the Inner Sunset NCD.*

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

*The proposal includes two below market rate housing units on-site.*

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

*The site is on 9<sup>th</sup> Avenue between Lincoln Way and Irving Street, and is well served by transit. It is likely that employees would commute by foot or transit, thereby mitigating possible impacts on street parking. MUNI lines within a one block radius include: the N Judah, 6, 16, 43, 44, 66 and 71; within a five block radius they also include: the 36.*

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

*The proposal does not displace any active commercial tenants and actually provides up to three new commercial spaces enhancing future opportunities for resident employment and ownership.*

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

*The Project will be reviewed and constructed to conform to the structural and seismic safety requirements of the City Building Code.*

- G. That landmarks and historic buildings be preserved.

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

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

*The project will have no negative impact on existing parks and open spaces.*

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

### DECISION

That based upon the Record, the submissions by the Applicant, the staff of the Department and other interested parties, the oral testimony presented to this Commission at the public hearings, and all other written materials submitted by all parties, the Commission hereby APPROVES Conditional Use Application No. 2007.1397C subject to the following conditions attached hereto as "EXHIBIT A" 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. 17718. The effective date of this Motion shall be the date of this Motion if not appealed (After the 30-day period has expired) OR the date of the decision of the Board of Supervisors if appealed to the Board of Supervisors. For further information, please contact the Board of Supervisors at (415) 554-5184, City Hall, Room 244, 1 Dr. Carlton B. Goodlett Place, San Francisco, CA 94102.

I hereby certify that the Planning Commission ADOPTED the foregoing Motion on October 16, 2008.

Linda Avery  
Commission Secretary

AYES: Commissioners Antonini, Borden, Miguel, Moore, Olague and Sugaya

NAYS: None

ABSENT: Commissioner W. Lee

ADOPTED: October 16, 2008

## Exhibit A

# Conditions of Approval

Whenever "Project Sponsor" is used in the following conditions, the conditions shall also bind any successor to the Project or other persons having an interest in the Project or underlying property.

1. This authorization is for a Conditional Use Authorization under Planning Code Sections 303, 730.11 and 730.21 of the Planning Code to allow the demolition of a vacant funeral home (formerly occupied by Sullivan Funeral Home) and surface parking lot; and to develop a four-story mixed-use building (15 residential units over ground-floor commercial) with a 16-space subterranean garage. The lot area is approximately 12,000 square feet and the total commercial area will be approximately 5,650 square feet, with no one tenant exceeding 4,999 square feet of occupied floor area within the Inner Sunset Neighborhood Commercial District and a 40-X Height and Bulk District, in general conformance with plans filed with the Application as received on June 26, 2008 and stamped "EXHIBIT B" included in the docket for Case No. 2007.1397C, reviewed and approved by the Commission on October 16, 2008.
2. Prior to the issuance of the Building Permit 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 premises (Assessor's Block 1742, Lot 043), which notice shall state that construction has been authorized by and is subject to the conditions of this Motion.
3. Security gates/bars shall be restricted from the exterior of the building, but permitted on the interior side of the windows.
4. The Project Sponsor shall maintain the main entrance to the building and all sidewalks abutting the subject property in a clean condition. Such maintenance shall include, at a minimum, daily litter pickup and disposal, and washing or steam cleaning of the main entrance and abutting sidewalks at least once each week.
5. Signs and exterior lighting for the business shall be reviewed and approved by the Planning Department before they are installed.
6. The Project Sponsor shall maintain an attractive storefront providing visibility of the interior through the storefront windows.
7. The Project is subject to the requirements of the Inclusionary Affordable Housing Program under Section 315 of the Planning Code and the terms of the Affordable Housing Monitoring Procedures Manual (hereinafter "Procedures Manual"), incorporated herein by reference, as published and adopted by Resolution No. 13405 on June 28, 2007 by the Planning Commission, and as required by Planning Code Sections 315 ("Inclusionary Requirement"). The Project Sponsor has elected to

8. The BMR units shall be designated on the building plans prior to approval of any building permit. The BMR units shall (1) reflect the unit size mix in number of bedrooms of the market rate units, (2) shall be constructed, completed, and ready for occupancy no later than the market rate units, and (3) shall be of comparable overall quality, construction, location, and exterior appearance as the market rate units in the principal Project.
9. If the units in the building are offered for sale, the BMR units shall be sold to first time home buyer households, as defined in the Procedures Manual, whose gross annual income, adjusted for household size, does not exceed an average of one hundred (100) of the San Francisco Area Median Income (SFAMI).
10. The initial sales price of such units shall be calculated according to the Procedures Manual based on such percentage of median income. This restriction shall apply for the life of the project.
11. The Applicant shall administer the marketing and reporting procedures, according to the procedures established in the Procedures Manual or as otherwise provided by law.
12. The definitions, procedures and requirements for BMR units are set forth in the Procedures Manual and are incorporated herein as Conditions of Approval. Terms used in these Conditions of Approval and not otherwise defined shall have the meanings set forth in the Procedures Manual.
13. Prior to issuance of the Building Permit, the Project Sponsor shall record a Notice of Special Restriction on the property that records a copy of this approval and identifies the BMR 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 the Mayor's Office of Housing or its successor (MOH), the monitoring agency for the BMR unit.
14. The Project shall appoint a Community Liaison Officer to address issues of concern to neighbors related to the operation of this Project. The Project Sponsor shall report the name and telephone number of this Officer to the Zoning Administrator and the neighborhood for reference. The Applicant will keep the above parties apprised should a different staff liaison be designated.
15. The Project Sponsor shall assure the execution and recordation of the specified conditions as a Notice of Special Restrictions at the Office of the County Recorder / County Clerk.
16. Violation of the conditions contained in this Motion or of any other provisions of the Planning Code may be subject to abatement procedures and fines up to \$500 a day in accordance with Planning Code Section 176.
17. Should monitoring of the Conditions of Approval contained in Exhibit A of this Motion be required, the Project Sponsor or successors shall pay fees as established in Planning Code Section 351(e)(1).

18. The Planning Commission may, in a public hearing, consider the revocation of this conditional use authorization if a site or building permit has not been issued 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 thenceforth diligently to completion. The Commission may also consider revoking this conditional use authorization 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. This authorization may be extended at the discretion of the Zoning Administrator only if the failure to issue a permit by the Department of Building Inspection is delayed by a City, state or federal agency or by appeal of the issuance of such permit.

*JPI: C:Documents/CU's/Motions/1266 9<sup>th</sup> Av.mot*



Edwin M. Lee, Mayor  
Edward D. Reiskin, Director  
Fuad S. Swales, PE, PLS,  
City Engineer & Deputy Director of Engineering



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Subdivision.Mapping@sfdpw.org

Department of Public Works  
Office of the City and County Surveyor  
875 Stevenson Street, Room 410  
San Francisco, CA 94103

Bruce R. Storrs, City and County Surveyor

Date: January 19, 2011

2011-01330

Department of City Planning  
1650 Mission Street, Suite 400  
San Francisco, CA 94103

<b>Project ID:</b> 6293			
<b>Project Type:</b> 18 Units Mixed use New Construction			
<b>Address#</b>	<b>StreetName</b>	<b>Block</b>	<b>Lot</b>
1266	09TH AVE	1742	043
<b>Tentative Map Referral</b>			

Attention: Mr. Scott F. Sanchez

Pursuant to Section 1325 of the City and County of San Francisco Subdivision Code and Section 4.105 of the 1996 City Charter, a print of the above referenced Map is submitted for your review, CEQA and General Plan conformity determination. Under the provisions of the Subdivision Map Act and the City and County of San Francisco Subdivision Code, your Department must respond to the Bureau of Street-Use and Mapping within 30 days of the receipt of the application or CEQA Determination per SMA 664521(c). Under these same state and local codes, DPW is required to approve, conditionally approve, or disapprove the above referenced map within 50 days of the receipt of the application or CEQA Determination per SMA 664521(c). Failure to do so constitutes automatic approval. Thank you for your timely review of this Map.

Enclosures:

- Print of Parcel Map
- List "B"
- Proposition "M" Findings
- Photos

Sincerely,

*Bruce R. Storrs*  
Bruce R. Storrs, P.L.S.  
City and County Surveyor

The subject Tentative Map has been reviewed by the Planning Department and does comply with applicable provisions of the Planning Code. On balance, the Tentative Map is consistent with the General Plan and the Priority Policies of Planning Code Section 101.1 based on the attached findings. The subject referral is exempt from environmental review per Class 1 California Environmental Quality Act Guidelines.

The subject Tentative Map has been reviewed by the Planning Department and does comply with applicable provisions of the Planning Code subject to the following conditions (Any requested documents should be sent in with a copy of this letter to Scott F. Sanchez at the above address): *Urban 17718*

The subject Tentative Map has been reviewed by the Planning Department and does not comply with applicable provisions of the Planning Code. Due to the following reasons (Any requested documents should be sent in with a copy of this letter to Scott F. Sanchez at the above address):

PLANNING DEPARTMENT

*Scott F. Sanchez*  
Mr. Scott F. Sanchez, Acting Zoning Administrator

DATE 2/15/11

"IMPROVING THE QUALITY OF LIFE IN SAN FRANCISCO" We are dedicated individuals committed to teamwork, customer service and continuous improvement in partnership with the community.

Customer Service

Teamwork

Continuous Improvement



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2013 OCT -4 PM 4:01

*[Handwritten signature]*

Department of Public Works  
Bureau of Street-Use & Mapping  
1155 Market Street, 3<sup>rd</sup> Floor  
San Francisco, CA 94103

Bruce R. Storrs, City and County Surveyor

Edwin M. Lee, Mayor  
Mohammed Nuru, Director  
Fuad S. Sweiss, PE, PLS,  
City Engineer & Deputy Director of Engineering

### FINAL MAP ROUTING SHEET

Everyone involved in the processing of this Final Map is requested to complete this form so that the department has a written record of the steps taken. Please notify BSM Surveys at 554-5827 or the sender (see below) of any delays or questions.

#### MAP

Final Map No. 6293	Date Sent: October 2, 2013	Date Due at BOS Before 12PM, October 7, 2013
Block/Lot 1742 / 043	Map Address 1266 9 <sup>th</sup> Avenue	

#### SENDER

Name: Cheryl Chan	Telephone: 415-554-4885
Address: 1155 Market Street, 3 <sup>rd</sup> Floor	Email: <a href="mailto:Cheryl.Chan@sfdpw.org">Cheryl.Chan@sfdpw.org</a>

#### ROUTE

Date Received	To	Date Forwarded or Signed
10/2/13	Frank W. Lee Executive Assist. To Director City Hall, Room 348	
10/3/13	John Malamut / Susan Cleveland-Knowles City Attorney Office Email: <a href="mailto:John.Malamut@sfdpw.org">John.Malamut@sfdpw.org</a> Tel: (415) 554-4622	
10/4/13	Mohammed Nuru Director of Public Works City Hall, Room 348	10/4/13 MCA
	Clerk of Board of Supervisors (BOS) City Hall, Room 244 (Submit a copy of this sheet with map.)	
	When map is submitted to BOS, please return this original routing sheet to sender.	



*[Handwritten signature]*

