



SAN FRANCISCO PLANNING DEPARTMENT

Subject to: (Select only if applicable)

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

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Planning Commission Motion No. 19229

HEARING DATE: SEPTEMBER 4, 2014

Date: August 28, 2014
Case No.: **2013.0205CEKSV**
Project Address: **395 26th AVENUE**
Zoning: Outer Clement Street Neighborhood Commercial District
40-X Height and Bulk District
Block/Lot: 1407/017
Project Sponsor: Gabriel Ng
Gabriel Ng & Architects, Inc.
1360 9th Avenue, Suite 210
San Francisco, CA 94122
Staff Contact: Christine Lamorena – (415) 575-9085
christine.lamorena@sfgov.org

ADOPTING FINDINGS RELATING TO THE APPROVAL OF CONDITIONAL USE AUTHORIZATION PURSUANT TO PLANNING CODE SECTIONS 303 AND 317 REQUIRING CONDITIONAL USE AUTHORIZATION FOR THE REMOVAL OF TWO OR MORE RESIDENTIAL UNITS.

PREAMBLE

On February 26, 2013, Gabriel Ng of Gabriel Ng & Architects, Inc. (Project Sponsor) filed an application with the Planning Department (hereinafter “Department”) for Conditional Use Authorization under Planning Code Sections 303 and 317 to demolish two residential units at 395 26th Avenue within the Outer Clement Street Neighborhood Commercial District (NCD) and a 40-X Height and Bulk District.

On January 16, 2014, the San Francisco Planning Commission (hereinafter “Commission”) conducted a duly noticed public hearing at a regularly scheduled meeting on Conditional Use Application No. 2013.0205C. The Commission continued the item from January 16, 2014 to February 20, 2014, and then to April 4, 2014 and lastly to September 4, 2014.

On September 4, 2014, the Commission conducted a duly noticed public hearing at a regularly scheduled meeting on Conditional Use Application No. 2013.0205C.

On August 26, 2014 the Project was determined by the Department to be categorically exempt from environmental review under Case No. 2013.0205E. 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. 2013.0205C, subject to the conditions contained in "EXHIBIT A" of this motion, based on the following findings:

FINDINGS

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

1. The above recitals are accurate and constitute findings of this Commission.
2. **Project Description.** The proposed project would include the demolition of an existing two-story building, subdivision of the existing lot into two lots (Lots A and B), and the construction of two new buildings with a total of six (6) dwelling units, seven (7) off-street parking spaces within two (2) at-grade parking garages, and approximately 851 square feet (sq ft) of retail space in Lot A only. The proposed mixed-use building (Lot A) would be approximately 7,533 gross square feet (gsf) and 45-feet tall. The proposed residential building (Lot B), would be approximately 5,667 gsf and 40-feet tall. The project site is located on the block bounded by California Street to the north, Clement Street to the south, 26th Avenue to the east, and 27th Avenue to the west, in the Outer Richmond neighborhood.

The proposed mixed-use building on Lot A would consist of ground floor retail space with two (2) Class 2 bicycle spaces, three (3) three-bedroom units, four (4) off-street vehicle parking spaces, and three (3) Class I bicycle parking spaces, in an at-grade parking garage, and a roof deck for common open space. The proposed residential building on Lot B would consist of three (3) dwelling units (townhouse and two flats), three (3) vehicle parking spaces, with three (3) Class I bicycle parking spaces, in an at-grade garage, and a roof deck for private open space.

Access to the ground-floor retail space and residential lobby on Lot A would be through entrances located on Clement Street. Main access to the residential building on Lot B would be from a ground floor lobby on 26th Avenue. Vehicular access to the at-grade parking garages for both buildings would be located on 26th Avenue.

3. **Site Description and Present Use.** The project site is located on the northwest corner of Clement Street and 26th Avenue, Assessor's Block 1407, Lot 017. The project site is within the Outer Clement Street Neighborhood Commercial Zoning District (NCD) and a 40-X Height and Bulk District. The existing two-story building currently contains two dwelling units and ground floor

commercial space. A rear portion of the lot is used as surface parking for the two dwelling units. The project site measures 37 feet wide by 118 feet deep with an area of 4,366 square feet.

4. **Surrounding Properties and Neighborhood.** The project site is a corner lot with commercial and residential entrances on 26th Avenue. The adjacent property along 26th Avenue at 377 26th Avenue contains a two-story over garage, four-unit building. The adjacent property along Clement Street at 2510-2512 Clement Street contains two structures. The front structure contains a two-story, mixed-use building with two dwelling units and ground floor commercial space. The rear structure is a one-story, single-family dwelling. Along the subject block on Clement Street and 26th Avenue, all of the buildings are three to four stories in height. Across Clement Street, the building heights are all three stories.
5. **Public Comment.** The Department has received the following public comment:
 - a. 112 letters and petitions in support of the project
 - b. An online petition (www.change.org) with 171 persons opposed to the project
 - c. Petitions with 137 signatures of persons opposed to the project
 - d. One email and five phone calls opposed to the project
 - e. Two phone calls with no position, but requesting additional information.

Those opposed to the project have the following concerns: loss of view, loss of light, loss of on-street parking, and the project being too large and out of scale in the existing neighborhood.

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 Demolition.** Pursuant to Planning Code Section 317, Conditional Use Authorization is required for applications proposing to remove two or more residential units in the Outer Clement Street NCD. This Code Section establishes a checklist of criteria that delineate the relevant General Plan Policies and Objectives.

As the project requires Conditional Use Authorization per the requirements of Section 317, the additional criteria specified under Section 317 have been incorporated as findings in this Motion. See Item 7, "Additional Findings pursuant to Section 317" below.

- B. **Lot Size.** Planning Code Section 121 requires a lot size of 1,750 square feet for lots within 125 feet of an intersection.

After the proposed lot subdivision, the Clement Street lot with primary frontage on Clement Street would measure 2,200 square feet and the 26th Avenue lot with frontage on 26th Avenue would measure 2,146 square feet.

- C. **Residential Density.** Planning Code Section 717.91 permits a density ratio of one dwelling unit for each 600 square feet of lot area.

Up to four dwelling units are permitted on each of the subdivided lots. The proposed unit count of three dwelling units each complies with the prescribed density.

- D. **Rear Yard Requirement.** Planning Code Section 134 requires a rear yard measuring 25 percent of the total depth at grade level and at each succeeding level or story of the building in the Outer Clement Street NCD.

After the proposed lot subdivision, the Clement Street lot with primary frontage on Clement Street would measure 60 feet deep and the 26th Avenue lot with frontage on 26th Avenue would measure 37 feet deep. The required rear yard for the Clement Street lot is 15 feet; however, the project proposes full lot coverage on the ground floor with a roof deck above. The required rear yard for the 26th Avenue lot is also 15 feet; however, the project proposes a partial rear yard on the ground floor at a depth of 13 feet with a portion of the garage and a roof deck extending into required rear yard. Therefore, the Project Sponsor is seeking a rear yard modification for the project.

- E. **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.

For the Clement Street building, the project proposes 340 square feet of common open space on the proposed roof deck where 212.8 square feet are required and 519 square feet of private open space on a rear deck where 80 square feet are required. For the 26th Avenue building, the project proposes 1,044 square feet of private open space in a rear yard, rear deck, and roof deck where 240 square feet are required.

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

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

The project proposes parking at the property line along 26th Avenue, not set back 25 feet. The Project Sponsor is requesting a variance from this section of the Planning Code.

2. **Parking and Loading Entrances.** No more than one-third of the width or 20 feet, whichever is less, of any given street frontage of a new structure parallel to and facing a street shall be devoted to parking and loading ingress or egress.

The proposed parking entrance for the Clement Street building is 16 feet wide and the proposed parking entrance for the 26th Avenue building is 12 feet wide. Two curb cuts along 26th Avenue, each 10 feet wide, are proposed.

3. **Active Uses Required.** With the exception of space allowed for parking and loading access, building egress, and access to mechanical systems, space for active uses shall be

provided within the first 25 feet of building depth on the ground floor from any façade facing a street at least 30 feet in width.

Active ground floor uses (commercial use at the Clement Street building and residential use at the 26th Avenue building) are proposed within the first 25 feet of the building depth on the ground floor of each building.

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

The proposed ground floor ceiling heights for both buildings would be a minimum of ten feet tall.

5. **Street-Facing Ground-Level Spaces.** The floors of street-fronting interior spaces housing non-residential active uses and lobbies shall be as close as possible to the level of the adjacent sidewalk at the principal entrance to those spaces.

The proposed active uses and residential lobbies are designed along the property lines of the subject lot.

6. **Transparency and Fenestration.** Frontages with active uses that are not residential must be fenestrated with transparent windows and doorways for no less than 60 percent of the street frontage at the ground level and allow visibility to the inside of the building. The use of dark or mirrored glass shall not count towards the required transparent area.

The proposed commercial use in the Clement Street building contains approximately 911 square feet of exterior ground floor wall area. Approximately 550 square feet of wall area would be dedicated to glazing, which is equivalent to approximately 60 percent transparency.

7. **Gates, Railings, and Grillwork.** Any decorative railings or grillwork, other than wire mesh, which is placed in front of or behind floor windows, shall be at least 75 percent open to perpendicular view.

No gates, railing, or grillwork are proposed.

- G. **Parking.** Planning Code Section 151 requires one parking space for each dwelling unit.

The project proposes seven parking spaces for the six replacement dwelling units.

- H. **Bicycle Parking.** Planning Code Section 155 requires one Class 1 Bicycle Parking space for every dwelling unit and a minimum of two Class 2 spaces for the commercial use.

The project proposes six Class 1 bicycle parking spaces that satisfy the bicycle parking requirements. The two Class 2 spaces are provided with a bike rack on Clement Street.

- I. **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. Planning Code Section 263.20 allows for a special height exemption of five feet for active ground floor uses.

The project proposes two replacement buildings. The Clement Street building is proposed at 45 feet tall, utilizing the five-foot height exemption for an active ground floor use as a commercial space. The 26th Avenue building is proposed to be 40 feet tall.

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

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

The use and size of the proposed project is compatible with the immediate neighborhood. While the project proposes demolition of two units, the proposed density of six units distributed into two, three-unit buildings is more desirable in terms of compatibility with the surrounding housing density and the Outer Clement Street NCD. The replacement buildings are also designed to be consistent with the existing development pattern and the neighborhood character. Both new buildings are four-story buildings; however, the building fronting on 26th Avenue proposes a design and massing that respects the predominant pattern of three-story residential facades along both sides of 26th Avenue.

- 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 and specifically with the adjacent buildings. The proposed size, shape and arrangement of the project are in keeping with the development pattern of the block. The 26th Avenue building is set back at the rear and side to respect a single-family noncomplying structure in the adjacent lot at 2510-2512 Clement Street and property line windows in the adjacent lot at 377 26th Avenue.

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

The Planning Code requires six parking spaces for the replacement buildings. Seven spaces are proposed, where currently there are three surface lot spaces provided for the existing building.

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

The proposed project is primarily residential in nature with approximately 867 square feet of commercial space, which is an increase in floor area from the existing 464 square feet. The proposed residential density and commercial intensity are not anticipated to produce noxious or offensive emissions.

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

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

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

The project complies with all relevant requirements and standards of the Planning Code except for rear yard and street frontage and is consistent with objectives and policies of the General Plan as detailed below.

- D. That the use as proposed would provide development that is in conformity with the purpose of the Outer Clement Street NCD.

The proposed project is consistent with the stated purpose of the Outer Clement NCD. The NCD allows for up to one dwelling unit per 600 square feet of lot area. With proposed lot areas of 2,200 square feet and 2,146 square feet after the lot subdivision, six dwelling units would be permitted. The project proposes six dwelling units.

- 8. **Additional Findings pursuant to Section 317** establishes criteria for the Planning Commission to consider when reviewing applications to demolish or convert Residential Buildings. On balance, the Project does comply with said criteria in that:

- i. Whether the Project Sponsor has demonstrated that the residential structure is unsound, where *soundness* is an economic measure of the feasibility of upgrading a residence that is deficient with respect to habitability and Housing Code requirements, due to its original construction. The *soundness factor* for a structure shall be the ratio of a construction upgrade to the replacement cost, expressed as a percent. A building is unsound if its soundness factor exceeds 50-percent. A residential building that is unsound may be approved for demolition.

Project does not meet criterion.

The Project Sponsor has not submitted a soundness report, as he does not contend that the building is unsound.

- ii. Whether the property is free of a history of serious, continuing code violations;

Project meets criterion.

A review of the Department of Building Inspection and the Planning Department databases showed no enforcement cases or notices of violation for the subject property.

- iii. Whether the housing has been maintained in a decent, safe, and sanitary condition;

Project meets criterion.

The structure appears to be in decent condition, although the existing dwelling units' sizes, design and construction deficiencies are evident.

- iv. Whether the property is an "historic resource" under CEQA;

Project meets criterion.

Although the existing structures are more than 50 years old, a review of the supplemental information resulted in a determination that the structure is not a historical resource.

- v. Whether the removal of the resource will have a substantial adverse impact under CEQA;

Project meets criterion.

Not applicable. The structure is not a historical resource.

- vi. Whether the project converts rental housing to other forms of tenure or occupancy;

Project meets criterion.

The Project would remove two vacant units from the City's housing stock. There are no restrictions on whether the four new units will be rental or ownership.

- vii. Whether the Project removes rental units subject to the Rent Stabilization and Arbitration Ordinance;

Project does not meet criterion.

The two units were owner occupied before the current property owner purchased the building in January 2013. Although both units remain vacant under the current property owner, the units would be subject to the Rent Stabilization and Arbitration Ordinance due to the age of the building (constructed before June 13, 1979).

- viii. Whether the Project conserves existing housing to preserve cultural and economic neighborhood diversity;

Project meets criterion.

Although the Project proposes demolition of a two-bedroom unit and a one-bedroom unit, the number of units would be increased at the project site. The replacement structure primarily fronting on Clement Street is proposed as a three-unit building and the replacement structure fronting on 26th Avenue is proposed as another three-unit building.

- ix. Whether the Project conserves neighborhood character to preserve neighborhood cultural and economic diversity;

Project meets criterion.

The replacement buildings conserve neighborhood character with appropriate scale, design, and materials, and improve cultural and economic diversity by appropriately increasing the number of bedrooms, which provide family-sized housing. The project would conserve the existing number of dwelling units, while providing a net gain of four units to the City's housing stock.

- x. Whether the Project protects the relative affordability of existing housing;

Project does not meet criterion.

The project does not protect the relative affordability of existing housing, as the project proposes demolition of the existing dwelling units.

- xi. Whether the Project increases the number of permanently affordable units as governed by Section 415;

Project meets criterion.

The project is not subject to the provisions of Planning Code Section 415, as the project proposes less than ten units.

- xii. Whether the Project locates in-fill housing on appropriate sites in established neighborhoods;

Project meets criterion.

The project has been designed to be in keeping with the scale and development pattern of the established neighborhood character.

- xiii. Whether the Project creates quality, new family housing;

Project meets criterion.

The project proposes six opportunities for family-sized housing. Three-bedroom units are proposed.

- xiv. Whether the Project creates new supportive housing;

Project does not meet criterion.

The project does not create supportive housing.

- xv. Whether the Project promotes construction of well-designed housing to enhance existing neighborhood character;

Project meets criterion.

The overall scale, design, and materials of the proposed buildings are consistent with the block faces and compliment the neighborhood character with a contemporary design.

- xvi. Whether the Project increases the number of on-site dwelling units;

Project meets criterion.

The project would increase the number of on-site units with a net gain of four units.

- xvii. Whether the Project increases the number of on-site bedrooms.

Project meets criterion.

The project proposes 18 bedrooms. The existing building contains three bedrooms.

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

HOUSING ELEMENT

OBJECTIVE 2:

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

Policy 2.1:

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

The project proposes demolition of two dwelling units with the construction of six dwelling units.

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 demolition of the existing building. Similar to other existing structures on the block face, both proposed buildings contain garages at the ground floor that are to be constructed to the front lot line with residential uses above.

Policy 1.3:

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

The four-story replacement building at the corner of Clement Street and 26th Avenue is consistent with the pattern of three- and four-story buildings found along the block face. The four-story replacement building fronting 26th Avenue reinforces the existing pattern of three-story buildings found on both sides of the street, as the proposed fourth floor is designed to create the appearance of a three-story structure at the front façade and along the block face.

OBJECTIVE 2:

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

Policy 2.6:

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

The massing of the replacement buildings' main front façades have been designed to be compatible with the prevailing street wall height, particularly the height and proportions of the adjacent buildings. 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.

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 be enhanced as the project proposes to expand the ground floor commercial use on Clement Street from 464 square feet to 897 square feet. The additional bedrooms in the replacement buildings would house more individuals to patronize the 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.

While the existing housing is proposed to be demolished, the new replacement buildings conserve the number of dwelling units in the existing buildings while providing a net gain of four units.

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

While the affordability of the existing units is not preserved since they are proposed to be demolished, the units are not considered "affordable housing" per Planning Code Section 415 and/or the Mayor's Office of Housing. The proposal to construct six family-sized units at the project site enhances the "affordability" of the units more than if a fewer number of dwelling units were proposed.

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

The project would not have a significant adverse affect on automobile traffic congestion or create parking problems in the neighborhood. The project would enhance neighborhood parking by providing seven off-street parking spaces, where three spaces currently exist.

- 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 a mixed-use project in the Outer Clement Street NCD; therefore the project would not affect industrial or service sector uses or related employment opportunities. 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 replacement structures would be built in compliance with San Francisco's current Building Code Standards and would meet all earthquake safety requirements.

- G. That landmarks and historic buildings be preserved.

Landmark or historic buildings do not occupy the project site.

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

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

11. 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.
12. 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. 2013.0205C** 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. 17820. 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 94012.

I hereby certify that the Planning Commission ADOPTED the foregoing Motion on September 4, 2014.

Jonas P. Ionin
Commission Secretary

AYES: Antonini, Fong, Hillis, Johnson

NAYS: Moore, Richards, Wu

ABSENT: None

RECUSED: None

ADOPTED: September 4, 2014

EXHIBIT A

AUTHORIZATION

This authorization is for a conditional use to allow the demolition of two residential units located at 395 26th Avenue pursuant to Planning Code Section(s) 303 and 317 within the Outer Clement Street Neighborhood Commercial District and a 40-X Height and Bulk District; in general conformance with plans, dated October 24, 2013, and stamped "EXHIBIT B" included in the docket for Case No. 2013.0305C and subject to conditions of approval reviewed and approved by the Commission on September 4, 2014 under Motion No 19229. 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 January 16, 2014 under Motion No 19229.

PRINTING OF CONDITIONS OF APPROVAL ON PLANS

The conditions of approval under the 'Exhibit A' of this Planning Commission Motion No. 19229 shall be reproduced on the Index Sheet of construction plans submitted with the Site or Building permit application for the Project. The Index Sheet of the construction plans shall reference to the Conditional Use authorization and any subsequent amendments or modifications.

SEVERABILITY

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

CHANGES AND MODIFICATIONS

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

Conditions of Approval, Compliance, Monitoring, and Reporting

PERFORMANCE

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

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

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

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

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

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

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

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

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

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

DESIGN – COMPLIANCE AT PLAN STAGE

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

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

7. **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

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

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

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

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

10. **Subdivision.** The Project Sponsor shall submit a lot subdivision application proposing to subdivide the lot into two lots prior to Planning approval of the building permit application.

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

PARKING AND TRAFFIC

11. **Bicycle Parking.** Pursuant to Planning Code Sections 155.1, 155.4, and 155.5, the Project shall provide no fewer than eight bicycle parking spaces (six Class 1 spaces for the residential portion of the Project and two Class 2 spaces for the commercial portion of the Project).
For information about compliance, contact Code Enforcement, Planning Department at 415-575-6863, www.sf-planning.org
12. **Parking Requirement.** Pursuant to Planning Code Section 151, the Project shall provide six off-street parking spaces.
For information about compliance, contact Code Enforcement, Planning Department at 415-575-6863, www.sf-planning.org
13. **Managing Traffic During Construction.** The Project Sponsor and construction contractor(s) shall coordinate with the Traffic Engineering and Transit Divisions of the San Francisco Municipal Transportation Agency (SFMTA), the Police Department, the Fire Department, the Planning Department, and other construction contractor(s) for any concurrent nearby Projects to manage traffic congestion and pedestrian circulation effects during construction of the Project.
For information about compliance, contact Code Enforcement, Planning Department at 415-575-6863, www.sf-planning.org

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

OPERATION

16. **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>

17. **Sidewalk Maintenance.** The Project Sponsor shall maintain the main entrance to the building and all sidewalks abutting the subject property in a clean and sanitary condition in compliance with the Department of Public Works Streets and Sidewalk Maintenance Standards.

For information about compliance, contact Bureau of Street Use and Mapping, Department of Public Works, 415-695-2017, <http://sfdpw.org>

18. **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