



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. 19728

HEARING DATE: AUGUST 11, 2016

Case No.: 2014-002834CUA
Project Address: 1452-1458 Broadway
Zoning: RM-2 (Residential-Mixed, Moderate Density) District
65-A Height and Bulk District
Block/Lot: 0572/013
Project Sponsor: Yakuh Askew
YA-Studio
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San Francisco, CA 94110
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ADOPTING FINDINGS RELATING TO THE APPROVAL OF CONDITIONAL USE AUTHORIZATION PURSUANT TO SECTIONS 253 AND 303 OF THE PLANNING CODE TO PERMIT A BUILDING EXCEEDING 50 FEET WITHIN A RM-2 (RESIDENTIAL-MIXED, MODERATE DENSITY) ZONING DISTRICT AND 65-A HEIGHT AND BULK DISTRICT, AND ADOPTING FINDINGS UNDER THE CALIFORNIA ENVIRONMENTAL QUALITY ACT

PREAMBLE

On December 3, 2013, Yakuh Askew from Y.A. Studio ("Project Sponsor"), submitted an application with the Planning Department (hereinafter "Department") for a Preliminary Project Assessment ("PPA") with Case No. 2013.1790U. The PPA letter was issued on February 3, 2014.

On December 17, 2014, the Project Sponsor filed an application with the Department for Conditional Use Authorization pursuant to Planning Code Sections 253 and 303 to permit a building exceeding 50 feet within a RM-2 Zoning District. The project scope called for a 4-story vertical addition to the existing 2-story limited commercial structure, creating a 6-story, residential building with 8 dwelling units.

On April 30, 2014, the Project Sponsor submitted an Environmental Evaluation Application. The application packet was accepted on April 30, 2014 and assigned Case Number 2013.1790E.

On July 16, 2015, the Department issued a Notification of Project Receiving Environmental Review to owners and occupants of properties within a 300 foot radius of the project site, and other interested parties. The notification period was open through July 30, 2015; however, public comments were accepted throughout the environmental review process.

On January 8, 2016 the Project was issued a Categorical Exemption, Class 32 (California Environmental Quality Act (CEQA) Guidelines Section 15332). Approval of the Conditional Use Authorization by the Planning Commission is the Approval Action for the project. The Approval Action date establishes the start of the 30-day appeal period for this CEQA exemption determination pursuant to Section 31.04(h) of the San Francisco *Administrative Code*.

On April 28, 2016, the Project was issued a No Impact Letter as the Project was determined to be in compliance with Planning Code Section 295, and will not require any additional shadow analysis as the Project is currently proposed.

On August 11, 2016, the San Francisco Planning Commission (hereinafter "Commission") conducted a duly noticed public hearing at a regularly scheduled meeting on Conditional Use Application No. 2014-002834CUA.

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

MOVED, that the Commission hereby authorizes the Conditional Use requested in Application No. 2014-002834CUA, 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 5,018 square foot project site ("Site") (Lot 013 in Assessor's Block 0572) is located on the block bounded by Broadway to the south, Polk Street to the west, Vallejo Street to the north, and Larkin Street to the east. The subject lot is has 36.5 feet of street frontage along Broadway and a depth of 137'-6". The Site was previously occupied by a two-story building that contained parking on the ground-floor and limited commercial office uses on the second floor.
3. **Surrounding Properties and Neighborhood.** The Site is located within the Russian Hill neighborhood, near the northern boundary of the Nob Hill neighborhood, within the RM-2 Zoning District and a 65-A Height and Bulk District. The neighborhood contains a mix of uses, with residential uses found immediately north and east of the subject property, and ground-floor commercial uses found along the Polk Street neighborhood commercial corridor, located approximately one-half block west of the subject property. The bulk and massing of building is

fairly unified along the northern block-face of Broadway, with most residential buildings ranging between 3 and 5 stories. The parcel immediately to the west of the Site is improved with a 4-story building containing 6 dwelling units. The parcel located immediately to the east of the Site is improved with two structures: a one-story building at the front of the lot, and a two-story structure located at the rear of the lot. Per the Assessor-Recorder's Report, the parcel contains 7 dwelling units. Helen Wills Park, a property within the jurisdiction of the Recreation and Park Department, is a .8-acre park located directly across the street from the subject property.

4. **Project Description.** The proposed project ("Project") is a vertical addition of 4-stories, creating a 62' foot-tall building—up to 73' feet tall with the staircase and elevator penthouses—over the existing 2-story limited commercial building. The proposed Project would provide six (6) two-bedroom units and one (1) three-bedroom unit for a total of seven (7) dwelling units. The new 18,580 gross square foot building, at five-stories-over-garage, would retain 7 ground-floor parking spaces, add 7 Class I bicycle parking spaces, and provide private open space for each dwelling unit. The new vertical addition would have a varied front setback: no setback at Floors 1-4; 24'-7" at the Floor 5; and 42'-6" at Floor 6. Additionally, the Project will have a varied rear yard setback: 9'-8" at Floors 1-2 (existing conditions); 34'-4" at Floor 3; and 44'-4" at Floors 4-6. The new vertical additional is set within the buildable area; as such, a variance for rear yard encroachment is not required. The proposed Project would include excavation of approximately 600 cubic yards of soil up to approximately 15 feet in depth.
5. **Public Comment.** To date, the Department has not received any public comment on the proposal.
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. **Rear Yard.** Planning Code Section 134 states that the minimum rear yard depth for parcels located within the RM-2 Zoning District shall be equal to 45% of lot depth or average of adjacent neighbors (if averaged, no less than 25% of lot depth or 15 feet, whichever is greater). Rear yards shall be provided at the lowest story containing a dwelling unit, and at each succeeding level or story of the building.

The averaging of the adjacent buildings would allow for a reduced rear yard (approximately 32'-6"), however, that value is less than 25% of the lot depth; as such a variance would have been required. The Project Sponsor seeks a Code-compliant project therefore the Project provides the required 25 percent rear yard (34'-4.5"), beginning at the lowest floor containing a residential unit floor (Floor 2).

- B. **Useable Open Space.** Planning Code Section 135 states 36 square feet of Usable Open Space is required per unit if such space is private, and each square foot of private open space may be substituted with 1.33 square foot of common open space. Planning Code Section 135(f)(2)(B) requires that the open space must face a street, face or be within a rear yard, or face some over space which meets the minimum dimension and area requirements of Planning Code Section 135(f)(1), or six feet in every horizontal direction and at least 36 feet in area on a deck.

The Project provides a total of 2,660 square feet of private useable open space, which, is substantially more than the required amount of private useable open space (560 square feet). The Project provides private useable open space for each of the seven (7) dwelling units that meets the minimum dimension and area requirements of Planning Code Section 135(f)(1).

- C. **Exposure.** Planning Code Section 140 requires that at least one room of each dwelling unit must face onto a public street, a rear yard, or other open area that meets minimum requirements for area and horizontal dimensions.

All of the proposed seven (7) dwelling units would face directly onto Broadway or the Code-complying rear yard. Therefore, the Project is consistent with the dwelling unit exposure requirements of Code Section 140.

- D. **Street Frontages in RM Districts.** Planning Code Section 144 exists to assure the ground story of dwellings as viewed from the street is compatible with the scale and character of the existing street frontage, visually interesting and attractive in relation to the pattern of the neighborhood, and so designed that adequate areas are provided for front landscaping, street trees and on-street parking between driveways.

The Project includes a reduction in the width of the existing curb cut from approximately 16' down to 10', to enhance pedestrian safety along the sidewalk directly in front of the subject property. The reduced dimension of the curb cut is also complaint with Code Section 144.

- E. **Moderation of Building Fronts in RM-1 and RM-2 Districts.** Planning Code Section 144 exists to assure that new dwellings will be compatible with the established mixture of houses and apartment buildings in terms of apparent building width, requiring that on wider lots the front of the building be divided visually into narrower segments, according to the predominant existing scale in such areas.

Code Section 144.1 would require some form of stepping of building height and walls (either through a variation of the upper limit of the front elevation of the building, or, a variation of the depth of the front building wall from the front lot line) at intervals of not more than 35 feet. Given that the Site is 36'-3", only 1'-3" would be subject to such literal interpretation of Code Section 144.1. Therefore, the Project provides both horizontal and vertical variation along the front building façade through the application of varied, recessed architectural expressions along the building's front façade at floors 2-4, and a varied front setback of the upper floors (5-6).

- F. **Parking.** Planning Section 151 of the Planning Code requires off-street parking for dwelling units in the RM-2 Zoning District at a ratio of one-to-one.

The Subject Property contains existing parking on the ground-floor and the Project would retain seven (7) parking spaces for the seven (7) dwelling units, as required by Planning Code Section 151.

- G. **Bicycle Parking.** Planning Code Section 155.2 requires bicycle parking for residential development projects in the following amounts: one class I space for every dwelling unit, and one Class II space per 20 dwelling units.

The Project will provide seven (7) Class-I bicycle parking spaces within the new building on the ground floor, consistent with Code Section 155.2, and the City's Transit First Policies.

- H. **Dwelling Unit Density.** Planning Code Section 209.2 allows a residential density of one dwelling unit per 600 square feet of lot area within the RM-2 Zoning District. With approximately 5,018 square of lot area, 8 dwelling units could be developed on the lot.

The project would contain a total of seven (7) dwelling units. With a total of seven (7) dwelling units (as defined by the Code), the project would be consistent with the dwelling unit density provisions of the Code.

- I. **Height.** Planning Code Section 253 requires that wherever a height limit of more than 40 feet in a RH District, or more than 50 feet in a RM or RC District, is prescribed by the height and bulk district in which the property is located, any building or structure exceeding 40 feet in height in a RH District, or 50 feet in height in a RM or RC District, shall be permitted only upon approval by the Planning Commission according to the procedures for conditional use approval in Section 303 of the Code.

The Project would exceed a height of 50 feet in the RM Zoning District, therefore requires Conditional Use Authorization. Even though the underlying Bulk and Height District (65-A) would allow for a taller structure, the Code requires approval by the Planning Commission according to the procedures for conditional use approval in Section 303 of this Code. In addition, the Project proposes several rooftop features (elevator, stairs, mechanical penthouses, and windscreens) that are all exempt from Section 260 since the total proposed height of the exempt features is 16'-0", as allowed by the Code.

- J. **Shadows.** Planning Code Section 295 requires a shadow analysis for projects over 40 feet in height to ensure that new buildings do not cast new shadows on properties that are under the jurisdiction of the San Francisco Recreation and Park Department.

Planning Code Section 295 restricts structures over 40 feet in height from casting new shadow on properties under the jurisdiction of the Recreation and Park Department. A previous shadow fan prepared by the Department indicated that new shadow could potentially be cast by the proposed Project on Helen Wills Park, a property within the jurisdiction of the Recreation and Park Department. The Project was subsequently reconfigured and front setbacks were introduced to eliminate any potential shadows that could be cast on Helen Wills Park. The Department has reviewed a supplemental shadow analysis (prepared by 'Prevision Design', dated April 6, 2016) for the Project for compliance Code Section 295. After reviewing and analyzing the aforementioned supplemental analysis, the Department concurs with the analysis in that no net new shadow will be cast upon Helen Wills Park because the shadow cast by the project would not be long enough to reach the parks during the hours regulated by Code Section 295.

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 Project will add seven (7) new dwelling units to an existing structure that only contained limited-commercial uses. The Project's development of in-fill housing is consistent with the City's policies and goals toward the creation of new dwelling units. Additionally, it is anticipated that the new residents will support the nearby neighborhood-serving retail uses (Polk Street Corridor), bolstering pedestrian-oriented activity. The Project will be consistent with the surrounding neighborhood, which is primarily comprised of multi-story, low- and medium-density, residential buildings. The neighborhood contains a mix of uses, with residential uses found immediately north and east of the subject property, and ground-floor commercial uses found along the Polk Street neighborhood commercial corridor, located approximately one-half block west of the subject property.

- 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 consistent with the surrounding neighborhood, which is primarily multi-story, low-to medium-density residential buildings. The Project will create a more unified street wall along Broadway, as the height of the fourth floor is aligned with the existing, predominant street wall base (four stories). The Project meets the open space and rear yard requirements of the current Planning Code. The Project provides ample, private open space for each of the seven (7) dwelling units.

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

The Project provides off-street parking at a ratio that is compliant with the Planning Code (seven spaces for seven dwelling units). Nevertheless, it is anticipated that residents will be well-served by the abundance of existing transit options found in the neighborhood: the MUNI line No. 19 bus stop is only one-half block away; the MUNI line Nos. 10, 12, 47, 49 and 49R bus stop is approximately 2 blocks away on Van Ness Avenue; the MUNI cable car stop is 1-1/2 blocks away on Hyde Street; the MUNI Line Nos. 27, 41, and 45 bus stop is approximately three blocks away; and the MUNI Line No. 1 bus stop is approximately five blocks away. Additionally, the Golden Gate Transit bus service to Marin and Sonoma counties stops at Van Ness and Union (southbound service) and at Van Ness and Broadway (northbound service). The Project will not alter accessibility or the pedestrian and vehicular traffic patterns around the Site. The Categorical Exemption concluded that the Proposed Project will have no adverse impact on traffic. The Proposed Project with seven off-street parking spaces will meet the project's demand.

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

All exterior lighting will be down lighting. Insofar as the Project will renovate an existing commercial building constructed in 1907 and the additional floors will be residential, there will be no increase in noise, glare, dust, or odor. A noise study was prepared for the proposed project and the recommendations will be followed to ensure that the residential units will meet the interior noise level of the City's Noise Ordinance requirements. Since the Project is residential, it will not increase the ambient noise levels. Construction of the Project would temporarily increase noise and vibration levels in the vicinity. Construction noise and vibration would fluctuate depending on the construction phase, equipment type, duration of use, and distance of the noise source. Furthermore, construction noise and vibration would be intermittent and limited to the construction period of the Project. No pile driving will be necessary for the construction of the Project. Noise from construction activities is regulated by the San Francisco Noise Ordinance (San Francisco Police Code Article 29).

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

Two (2) new street trees will be planted where none exist today. Seven (7) off-street parking spaces are included. Any sign will comply with the requirements of Article 6 of the Planning Code.

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

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

- D. That the use as proposed would provide development that is in conformity with the purpose of the applicable Use District.

The proposed project is consistent with the stated purpose of the RM-2 Zoning Districts.

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

HOUSING ELEMENT

Objectives and Policies

OBJECTIVE 11:

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

Policy 1.10:

Support new housing projects, especially affordable housing where households can easily rely on public transportation, walking and bicycling for the majority of daily trips.

The Project will create new housing within a transit-rich area. The proposed Project would provide six (6) two-bedroom units and one (1) three-bedroom unit for a total of seven (7) dwelling units.

OBJECTIVE 11

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

Policy 11.1:

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

The Project is designed to fit within the neighborhood characterized by low- and medium-density, residential buildings. The Project will create a more unified street wall along Broadway, as the height of the fourth floor is aligned with the existing, predominant street wall base (four stories).

Policy 11.3:

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

Policy 11.4:

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

The Proposed Project represents an infill development of an underutilized lot. The design of the proposed Project is compatible with the nearby buildings, with substantial setbacks of the upper two floors, such that that the upper floors are minimally visible from the public right-of-way.

OBJECTIVE 12

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

Policy 12.1:

Encourage new housing that relies on transit use and environmentally sustainable patterns of movement.

Policy 12.2:

Consider the proximity of quality of life elements, such as open space, child care, and neighborhood services, when developing new housing units.

Policy 12.3:

Ensure new housing is sustainably supported by the City's public infrastructure systems.

The proposed Project will be well-served by public transit, with multiple transit stops located within 1-5 blocks of the subject property. Additionally, the Site is located one-half block from the vibrant Polk Street Neighborhood Commercial District, a corridor containing a high concentration of neighborhood-serving retail uses. A public playground, Helen Wills Park, is located directly across from the proposed Project. The proposed Project is the development of an underutilized site that is already supported by the City's public infrastructure.

AIR QUALITY ELEMENT

Objectives and Policies

OBJECTIVE 3

DECREASE THE AIR QUALITY IMPACTS OF DEVELOPMENT BY COORDINATION OF LAND USE AND TRANSPORTATION DECISIONS.

Policy 3.2:

Encourage mixed land use development near transit lines and provide retail and other types of service oriented uses within walking distance to minimize automobile dependent development.

Future residents of the proposed Project have easy access to multiple transit lines located within 1-5 blocks of the Project Site.

Policy 3.4:

Continue past efforts and existing policies to promote new residential development in and close to the downtown area and other centers of employment, to reduce the number of auto commute trips to the city and to improve the housing/job balance within the city.

Public transit connects the Site to all major employment centers of the City including the Civic Center, Downtown, the Kaiser and UCSF medical Centers and will contribute to the housing/job balance in the City.

Policy 3.9:

Encourage and require planting of trees in conjunction with new development to enhance pedestrian environment and select species of trees that optimize achievement of air quality goals.

Street trees will be planted on Broadway where none exist today. The project will comply with Planning Code Section 138.1 requirement governing streetscape and pedestrian improvements.

OBJECTIVE 5

MINIMIZE PARTICULATE MATTER EMISSIONS FROM ROAD AND CONSTRUCTION SITES.

Policy 5.1:

Continue policies to minimize particulate matter emissions during road and building construction and demolition.

Policy 5.2:

Encourage the use of building and other construction materials and methods which generate minimum amounts of particulate matter during construction as well as demolition.

The Project Sponsor will comply with the City's Building Code and Public Health provisions governing dust control, including watering of the site with non-potable water.

COMMUNITY SAFETY ELEMENT

Objectives and Policies

OBJECTIVE 1

REDUCE STRUCTURAL AND NON-STRUCTURAL HAZARDS TO LIFE SAFETY AND MINIMIZE PROPERTY DAMAGE RESULTING FROM FUTURE DISASTERS.

Policy 1.3:

Assure that new construction meets current structural and life safety standards.

The alteration (and vertical addition) to the existing building will meet all current Building Code seismic and fire safety standards.

Policy 1.6:

Consider site soils conditions when reviewing projects in areas subject to liquefaction or slope instability.

A Geotechnical Report will be submitted to the Department of Building Inspection for review and approval as part of the building permit process to ensure that the building's foundation will be designed appropriately.

Policy 1.11:

Continue to promote green storm-water management techniques.

The Project would comply with all City requirements related to storm water management, including the San Francisco Green Building Requirements, the San Francisco Stormwater Management Ordinance, and the SFPUC's Stormwater Design Guidelines. The Project would comply with the Stormwater management requirements and design guidelines. The Project would also comply with the San Francisco Green Building Requirements related to reduction of water use by cutting potable water use by 20%. The project will utilize green storm water management techniques by installing bio-retention planters on-site, which will improve the quality of the storm water runoff while reducing the volume and rate of runoff through the promotion of infiltration into the native soils.

TRANSPORTATION ELEMENT

Objectives and Policies

OBJECTIVE 1

MEET THE NEEDS OF ALL RESIDENTS AND VISITORS FOR SAFE, CONVENIENT AND INEXPENSIVE TRAVEL WITHIN SAN FRANCISCO AND BETWEEN THE CITY AND OTHER PARTS OF THE REGION WHILE MAINTAINING THE HIGH QUALITY LIVING ENVIRONMENT OF THE BAY AREA.

Policy 1.3:

Give priority to public transit and other alternatives to the private automobile as the means of meeting San Francisco's transportation needs, particularly those of commuters.

The Project creates new housing within a transit-rich area and within close proximity to an established, neighborhood-serving commercial corridor.

OBJECTIVE 11

ESTABLISH PUBLIC TRANSIT AS THE PRIMARY MODE OF TRANSPORTATION IN SAN FRANCISCO AND AS A MEANS THROUGH WHICH TO GUIDE FUTURE DEVELOPMENT AND IMPROVE REGIONAL MOBILITY AND AIR QUALITY.

Policy 11.3:

Encourage development that efficiently coordinates land use with transit service, requiring that developers address transit concerns as well as mitigate traffic problems.

The Project will provide seven (7) Class-I (off-street, secure) bicycle parking spaces. The project Site is easily accessible to public transit.

OBJECTIVE 24

IMPROVE THE AMBIENCE OF THE PEDESTRIAN ENVIRONMENT.

Policy 24.2:

Maintain and expand the planting of street trees and the infrastructure to support them.

Policy 24.4:

Preserve pedestrian-oriented building frontages.

Two (2) new street trees will be planted to meet Planning Code Requirements, which will enhance the pedestrian environment and the public realm.

OBJECTIVE 28

PROVIDE SECURE AND CONVENIENT PARKING FACILITIES FOR BICYCLES.

Policy 28.1:

Provide secure bicycle parking in new governmental, commercial, and residential developments.

Policy 28.3:

Provide bicycle parking facilities which are safe, secure, and convenient.

The Project will provide seven (7) Class-I (off-street, secure) bicycle parking spaces.

URBAN DESIGN ELEMENT

Objectives and Policies

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.

Policy 1.3:

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

The proposed Project will reinforce the block face's street wall, reflecting the topography which has a slight uphill slope to the east. The vertical addition to the existing two-story building will enhance this residential area with buildings of predominately three to five story buildings.

OBJECTIVE 3:

MODERATION OF MAJOR NEW DEVELOPMENT TO COMPLEMENT THE CITY PATTERN, THE RESOURCES TO BE CONSERVED, AND THE NEIGHBORHOOD ENVIRONMENT.

Policy 3.1:

Promote harmony in the visual relationships and transitions between new and older buildings.

The proposed Project utilizes a substantial front setback, beginning at Floor 5, to reinforce the street wall base and to provide a transition between the older four story building to the east and the modern five story building to the west.

Policy 3.2:

Avoid extreme contrasts in color, shape and other characteristics which will cause new buildings to stand out in excess of their public importance.

Policy 3.5:

Relate the height of buildings to important attributes of the city pattern and to the height and character of existing development.

Policy 3.6:

Relate the bulk of buildings to the prevailing scale of development to avoid an overwhelming or dominating appearance in new construction.

The proposed Project utilizes a substantial front setback, beginning at Floor 5, to reinforce the street wall base and to provide a transition between the older four story building to the east and the modern five story building to the west. As such, from the street-level, the new building would appear to be similar in height with the other buildings on the same block face and would not dominate or overwhelm the existing adjacent buildings.

OBJECTIVE 4

IMPROVEMENT OF THE NEIGHBORHOOD ENVIRONMENTAL TO INCREASE PERSONAL SAFETY, COMFORT, PRIDE AND OPPORTUNITY.

Policy 4.10:

Encourage or require the provision of recreation space in private development.

The Project provides a total of 2,660 square feet of private useable open space, which, is substantially more than the required amount of common useable open space (560 square feet). The Project provides private open space for each of the seven (7) dwelling units that meets the minimum dimension and area requirements of Planning Code Section 135(f)(1).

Policy 4.12:

Install, promote and maintain landscaping in public and private areas.

Two (2) new street trees will be planted to meet Planning Code Requirements, which will enhance the pedestrian environment and the public realm.

Policy 4.13:

Improve pedestrian areas by providing human scale and interest.

Policy 4.15:

Protect the livability and character of residential properties from the intrusion of incompatible new buildings.

The building's primary building façade has been detailed to provide an appropriate scale for pedestrians, and the Project would add an important aspect of activity by virtue of the introduction of dwelling units to a lot that previously contained no dwelling units.

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.

The existing limited commercial use building is not neighborhood-serving retail. Moreover, the existing neighborhood-serving retail, found along the nearby Polk Street neighborhood commercial corridor, will be preserved and enhanced through the construction of new residential units at the

subject property, as the new residents are anticipated to patronize the existing businesses in the community.

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

The Proposed Project will enhance the residential character of the neighborhood by abandoning a lawful non-conforming commercial use with seven (7) new residential units which will preserve enhance the cultural and economic diversity of the neighborhood.

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

The existing limited commercial use contains no dwelling units. As such, no existing resident units will be removed. Seven (7) new dwelling units will be added to the City's housing supply.

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

The Proposed Project will have sufficient off-street parking spaces and will not overburden neighborhood on-street parking. Moreover, the Project Site is well-served by public transportation and is located within close proximity to downtown where jobs are concentrated. Residents will have many alternative forms of transportation, including public transit, bicycling and walking.

- 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 does not eliminate any industrial or service sectors. It is anticipated that new residents will patronize nearby businesses and thereby promote business and economic development in the neighborhood.

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

The existing, limited-commercial building does not meet current seismic safety and fire standards. The proposed Project will upgrade the existing building and the additional floors will be constructed to meet current seismic and fire safety standards.

- G. That landmarks and historic buildings be preserved.

The Project Site is not located in an identified historic or conservation district. A Historic Resource Evaluation ("HRE") was prepared and submitted to the Planning Department. The Department's Preservation Team reviewed the HRE and determined that the existing building is not a historic resource. Therefore, the proposed Project will have no effect on any historic resource nor historic district and the Project.

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

Helen Wills Park, a property within the jurisdiction of the Recreation and Park Department, is located directly across the street from the Project Site. The original design of the project would have cast a shadow for a maximum of 24 minutes on June 21 one hour before sunset on the northeast corner of the Playground. The proposed Project was subsequently redesigned to eliminate any additional shadow on the Helen Wills Park. Therefore, the proposed Project will not impair sunlight access to any parks or open space within the jurisdiction of the Recreation and Park Department.

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

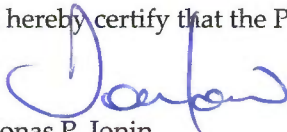
That based upon the Record, the submissions by the Applicant, the staff of the Department and other interested parties, the oral testimony presented to this Commission at the public hearings, and all other written materials submitted by all parties, the Commission hereby **APPROVES Conditional Use Application No. 2014-002834CUA** subject to the following conditions attached hereto as "EXHIBIT A" in general conformance with plans on file, dated July 27, 2016, and stamped "EXHIBIT B", which is incorporated herein by reference as though fully set forth.

APPEAL AND EFFECTIVE DATE OF MOTION: Any aggrieved person may appeal this Conditional Use Authorization to the Board of Supervisors within thirty (30) days after the date of this Motion No. 19728. The effective date of this Motion shall be the date of this Motion if not appealed (After the 30-day period has expired) OR the date of the decision of the Board of Supervisors if appealed to the Board of Supervisors. For further information, please contact the Board of Supervisors at (415) 554-5184, City Hall, Room 244, 1 Dr. Carlton B. Goodlett Place, San Francisco, CA 94102.

Protest of Fee or Exaction: You may protest any fee or exaction subject to Government Code Section 66000 that is imposed as a condition of approval by following the procedures set forth in Government Code Section 66020. The protest must satisfy the requirements of Government Code Section 66020(a) and must be filed within 90 days of the date of the first approval or conditional approval of the development referencing the challenged fee or exaction. For purposes of Government Code Section 66020, the date of imposition of the fee shall be the date of the earliest discretionary approval by the City of the subject development.

If the City has not previously given Notice of an earlier discretionary approval of the project, the Planning Commission's adoption of this Motion, Resolution, Discretionary Review Action or the Zoning Administrator's Variance Decision Letter constitutes the approval or conditional approval of the development and the City hereby gives **NOTICE** that the 90-day protest period under Government Code Section 66020 has begun. If the City has already given Notice that the 90-day approval period has begun for the subject development, then this document does not re-commence the 90-day approval period.

I hereby certify that the Planning Commission **ADOPTED** the foregoing Motion on August 11, 2016.


Jonas P. Ionin
Commission Secretary

AYES: Antonini, Fong, Hillis, Richards

NAYS: Moore

ABSENT: Johnson, Wu

ADOPTED: August 11, 2016

EXHIBIT A

AUTHORIZATION

This authorization is for a conditional use to permit a building exceeding 50 feet in height, located at 1452-1458 Broadway, Lot 013 in Assessor's Block 0572 pursuant to Planning Code Section(s) 253 and 303 within the RM-2 Zoning District and a 65-A Height and Bulk District; in general conformance with plans, dated July 27, 2016, and stamped "EXHIBIT B" included in the docket for Case No. 2014-002834 and subject to conditions of approval reviewed and approved by the Commission on August 11, 2016 under Motion No. 19728. 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 August 11, 2016 under Motion No. 19728.

PRINTING OF CONDITIONS OF APPROVAL ON PLANS

The conditions of approval under the 'Exhibit A' of this Planning Commission Motion No. 19728 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

ENTERTAINMENT COMMISSION – NOISE ATTENUATION CONDITIONS

Chapter 116 Residential Projects. The Project Sponsor shall comply with the “Recommended Noise Attenuation Conditions for Chapter 116 Residential Projects,” which were recommended by the Entertainment Commission on August 25, 2015. These conditions state:

6. **Community Outreach.** Project Sponsor shall include in its community outreach process any businesses located within 300 feet of the proposed project that operate between the hours of 9PM-5AM. Notice shall be made in person, written or electronic form.
7. **Sound Study.** Project sponsor shall conduct an acoustical sound study, which shall include sound readings taken when performances are taking place at the proximate Places of Entertainment, as well as when patrons arrive and leave these locations at closing time. Readings should be taken at locations that most accurately capture sound from the Place of Entertainment to best of their ability. Any recommendation(s) in the sound study regarding window glaze ratings and soundproofing materials including but not limited to walls, doors, roofing, etc. shall be given highest consideration by the project sponsor when designing and building the project.
8. **Design Considerations.**
 - a. During design phase, project sponsor shall consider the entrance and egress location and paths of travel at the Place(s) of Entertainment in designing the location of (a) any entrance/egress for the residential building and (b) any parking garage in the building.
 - b. In designing doors, windows, and other openings for the residential building, project sponsor should consider the POE’s operations and noise during all hours of the day and night.
9. **Construction Impacts.** Project sponsor shall communicate with adjacent or nearby Place(s) of Entertainment as to the construction schedule, daytime and nighttime, and consider how this schedule and any storage of construction materials may impact the POE operations.
10. **Communication.** Project Sponsor shall make a cell phone number available to Place(s) of Entertainment management during all phases of development through construction. In addition, a line of communication should be created to ongoing building management throughout the occupation phase and beyond.

DESIGN – COMPLIANCE AT PLAN STAGE

11. **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
12. **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

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

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

14. **Landscaping.** Pursuant to Planning Code Section 132, the Project Sponsor shall submit a site plan to the Planning Department prior to Planning approval of the building permit application indicating that 50% of the front setback areas shall be surfaced in permeable materials and further, that 20% of the front setback areas shall be landscaped with approved plant species. The size and specie of plant materials and the nature of the permeable surface shall be as approved by the Department of Public Works.

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

15. **Landscaping, Screening of Parking and Vehicular Use Areas.** Pursuant to Planning Code Section 142, the Project Sponsor shall submit a site plan to the Planning Department prior to Planning approval of the building permit application indicating the screening of parking and vehicle use areas not within a building. The design and location of the screening and design of any fencing shall be as approved by the Planning Department. The size and species of plant materials shall be as approved by the Department of Public Works. Landscaping shall be maintained and replaced as necessary.

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

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

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

17. **Installation of Private Roof Hatch.** Pursuant to Planning Commission direction, the Project Sponsor shall install a private roof hatch accessing the Floor 6 roof deck in lieu of a private stairwell penthouse.

18. **Increased Unit Count.** Pursuant to Planning Commission direction, the Project Sponsor shall increase the number of proposed dwelling units by one (1) unit, from seven (7) dwelling units to eight (8) dwelling units.

19. **Side Setback.** Pursuant to Planning Commission direction, the Project Sponsor shall increase the depth of the side setback located at Floor 3, along the west property line (adjacent the neighboring light well), by an additional two (2) feet, from 3'-1" to 5'-1".
20. **Reduction of First Floor Envelope.** Pursuant to Planning Commission direction, the Project Sponsor shall reduce Floor 1 of the existing structure by fifteen (15) feet, from the rearmost building wall located at Floor 1.
21. **Reduction of Roof Deck and Railing.** Pursuant to Planning Commission direction, the Project Sponsor shall reduce the depth of the roof deck atop Floor 6, including railing, by five (5) feet from the rearmost building wall located at Floor 6.

PARKING AND TRAFFIC

22. **Bicycle Parking.** The Project shall provide no fewer than **eight (8)** Class 1 bicycle parking spaces as required by Planning Code Sections 155.1 and 155.5.
For information about compliance, contact Code Enforcement, Planning Department at 415-575-6863, www.sf-planning.org
23. **Parking Requirement.** Pursuant to Planning Code Section 151, the Project is required to provide independently accessible off-street parking spaces at a ratio of 1:1. Pursuant to Planning Commission direction, the Project Sponsor is encouraged to consider reducing the amount of on-site parking such that the ratio is less than 1:1.
For information about compliance, contact Code Enforcement, Planning Department at 415-575-6863, www.sf-planning.org

PROVISIONS

24. **Anti-Discriminatory Housing.** The Project shall adhere to the requirements of the Anti-Discriminatory Housing policy, pursuant to Administrative Code Section 1.61.
For information about compliance, contact the Case Planner, Planning Department at 415-558-6378, www.sf-planning.org
25. **Child Care Fee - Residential.** The Project is subject to the Residential Child Care Fee, as applicable, pursuant to Planning Code Section 414A.
For information about compliance, contact the Case Planner, Planning Department at 415-558-6378, www.sf-planning.org

MONITORING - AFTER ENTITLEMENT

26. **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

27. **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

28. **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>*
29. **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>*
30. **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*
- For information about compliance with the construction noise, contact the Department of Building Inspection, 415-558-6570, www.sfdbi.org*
- For information about compliance with the amplified sound including music and television contact the Police Department at 415-553-0123, www.sf-police.org*
31. **Odor Control.** While it is inevitable that some low level of odor may be detectable to nearby residents and passersby, appropriate odor control equipment shall be installed in conformance with the approved plans and maintained to prevent any significant noxious or offensive odors from escaping the premises.
- For information about compliance with odor or other chemical air pollutants standards, contact the Bay Area Air Quality Management District, (BAAQMD), 1-800-334-ODOR (6367), www.baaqmd.gov and Code Enforcement, Planning Department at 415-575-6863, www.sf-planning.org*
32. **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

33. **Lighting.** All Project lighting shall be directed onto the Project site and immediately surrounding sidewalk area only, and designed and managed so as not to be a nuisance to adjacent residents. Nighttime lighting shall be the minimum necessary to ensure safety, but shall in no case be directed so as to constitute a nuisance to any surrounding property.

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

