



SAN FRANCISCO PLANNING DEPARTMENT

Subject to: (Select only if applicable)

- Affordable Housing (Sec. 415)
- Jobs Housing Linkage Program (Sec. 413)
- Downtown Park Fee (Sec. 412)
- First Source Hiring (Admin. Code)
- Child Care Requirement (Sec. 414)
- Other

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Planning Commission Motion 18509

HEARING DATE: DECEMBER 15, 2011

Date: December 8, 2011
Case No.: **2010.0948 XV**
Project Address: **527-529 STEVENSON STREET**
Zoning: C-3-G (Downtown, General Commercial)
120-F Height and Bulk District
Block/Lot: 3703/012
Project Sponsor: Stewart Tsang
P.O. Box 391656
Mountain View, CA 94039
Staff Contact: Rick Crawford – (415) 558-6358
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ADOPTING FINDINGS AUTHORIZING A DETERMINATION OF COMPLIANCE AND THE GRANTING OF AN EXCEPTION (FROM THE REQUIREMENTS SET FORTH IN THE PLANNING CODE FOR SECTION 134 "REAR YARD") PURSUANT TO SECTION 309 OF THE PLANNING CODE, FOR A PROPOSED PROJECT TO CONVERT A VACANT 42,600 SQUARE FOOT FOUR-STORY INDUSTRIAL BUILDING TO A MIXED-USE BUILDING WITH 60 RESIDENTIAL UNITS, FIVE OFF-STREET PARKING SPACES, AND A 535 SQUARE FOOT GROUND FLOOR COMMERCIAL SPACE LOCATED AT 527-529 STEVENSON STREET, LOT 012 IN ASSESSOR'S BLOCK 3703, WITHIN A C-3-G (DOWNTOWN GENERAL COMMERCIAL) ZONING DISTRICT AND 120-F HEIGHT AND BULK DISTRICT.

PREAMBLE

On October 19, 2010 Stewart Tsang (hereinafter "Project Sponsor") filed an application with the Planning Department (hereinafter "Department") for Determination of Compliance pursuant to Section 309 with requested exception from Section 134, (Rear Yard) to allow the conversion of vacant 42,600 square foot, four-story industrial building to a mixed-use building with 60 residential units, five off-street parking spaces, and a 535 square foot ground floor commercial space located at 527-529 Stevenson Street, Lot 012 in Assessor's Block 3703, within the C-3-G (Downtown, General Commercial) District and 120-F Height and Bulk District.

On October 26, 2010, the Project Sponsor filed an application for a Variance from the Dwelling Unit Exposure requirements of Planning Code Section 140. The Zoning Administrator will consider the request for a Variance at the December 15, 2011 hearing.

On August 31, 2011, the project was determined to be exempt from the California Environmental Quality Act ("CEQA") as a Class 32 Categorical Exemption under CEQA as described in the determination contained in the Planning Department files for this project.

On September 15, 2011, the San Francisco Planning Commission (hereinafter "Commission") conducted a duly noticed public hearing at a regularly scheduled meeting on Section 309 Determination of Compliance Application No. 2010.0948XV. At that hearing, the Commission continued the case to October 20, 2011 and directed the Project Sponsor to reduce the number of dwelling units that do not comply with the residential exposure requirements of Planning Code Section 140, expand the proposed commercial space, and reconsider the design of the exterior of the building.

On October 5, 2011, the Project Sponsor submitted revised plans for the Project that indicated, fewer units that do not comply with Planning Code Section 140, and expanded commercial space and design changes.

On October 20, 2011, the Commission reconvened and conducted a duly noticed public hearing at a regularly scheduled meeting on Section 309 Determination of Compliance Application No. 2010.0948XV. At that hearing, the Commission continued the case to December 15, 2011 and directed the Project Sponsor to continue to work on the project to further reduce the number of dwelling units that do not comply with the residential exposure requirements of Planning Code Section 140, and improve light and air to all units.

On November 17, 2011, the Project Sponsor submitted revised plans for the Project that indicated, fewer units that do not comply with Planning Code Section 140, and improved light and air to all dwelling units.

On December 15, 2011, the Commission reconvened and conducted a duly noticed public hearing at a regularly scheduled meeting on Section 309 Determination of Compliance Application No. 2010.0948XV.

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 Determination of Compliance and exceptions under Section 309 requested in Application No. 2010.0948XV, subject to the conditions contained in "EXHIBIT A" of this motion, based on the following findings:

FINDINGS

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

1. The above recitals are accurate and constitute findings of this Commission.
2. **Site Description and Present Use.** The project is located on the south side of Stevenson Street between 6th and 7th Streets on a through lot with 50 feet of frontage on Stevenson Street and 92 feet of frontage on Jessie Street, (Block 3703, Lot 012). The property is located within the C-3-G (Downtown, General Commercial) District and 120-F Height and Bulk District. The property is occupied by a 42,600 square foot, vacant four-story industrial building with four off-street parking spaces that was previously used for garment manufacturing. The building covers the entire 10,646 square foot parcel.
3. **Surrounding Properties and Neighborhood.** The Project Site is located in the Mid-Market area and south of Market Street. The predominant land uses in the area are industrial and warehousing uses. Residential uses tend to be in residential hotels along 6th Street. The north side of Stevenson features the rear doors of office and commercial buildings on through lots fronting on Market Street. The U.S. Court of Appeals building is located on 7th Street between Stevenson and Mission Streets. Buildings along Stevenson and Jessie Streets in this vicinity range in height from one to 8-stories.
4. **Project Description.** The proposed project will convert the 42,600 square foot, vacant, four-story industrial building to mixed-use with 60 residential units, four tandem off-street parking spaces and one independently accessible off-street parking space for a car-share vehicle, and a 535 square foot ground floor commercial space. The project will not expand the building but will remodel the interior.
5. **Public Comment.** At the date of issuance of this report, the Department had not received any public comment relating to the construction of the project or the granting of exceptions under Planning Code Section 309.
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. **Usable Open Space.** Planning Code Section 135 requires that, in the C-3 Districts, private usable open space shall be provided at a ratio of 36 square feet per unit or that common usable space be provided at a ratio of 48 square feet per unit.

The project includes 60 dwelling units and is required to provide a minimum of 2,880 square feet of common usable open space. The project provides 6,800 square feet of common usable open space on a roof top deck.
 - B. **Streetscape Improvements.** Planning Code Section 138.1 requires streetscape improvements to improve the public realm on certain streets. The Section also requires street trees be provided at a ratio of one tree for each 20 lineal feet of lot frontage on a street.

The project site has 50 feet of frontage on Stevenson Street and 92 feet of frontage on Jessie Street. Therefore, the project requires three street trees along Stevenson Street and five street trees along the Jessie Street.

- C. **Residential Exposure.** Planning Code Section 140 requires that at least one room in a dwelling unit face onto a public street at least 25 feet in width, a Code complying rear yard, or another open space as defined by the Code.

The project includes 2 units do not face onto a public street at least 25 feet in width, a Code complying rear yard or another defined open space. The project includes a large interior courtyard that complies with the dimensional requirements of Section 140 at the first and second-floor levels and complies with the rear yard requirement on the third and fourth-floor levels. A majority of the project dwelling units face onto this interior courtyard. Two of the units facing the courtyard do not comply with Section 140. The project will require a Variance from Section 140.

- D. **Street Frontages In Commercial Use Districts.** Planning Code Section 145.1 requires that active uses be developed on the ground floor of buildings in the C-3 District with the exception of space allowed for parking access, building egress and mechanical systems. The Section further requires that decorative railings or grillwork, other than wire mesh, which is placed in front of or behind ground floor windows, shall be at least 75 percent open to perpendicular view. Residential uses are considered active uses above the ground floor; on the ground floor, residential uses are considered active uses only if more than 50 percent of the linear residential street frontage at the ground level features walk-up dwelling units, which provide direct, individual pedestrian access to a public sidewalk.

The ground floor of the project includes three residential units, a small commercial space, and residential lobbies, in addition to parking and doors to the transformer room and garbage storage area. The ground floor residential units will be walk-up units accessible from both the public street and an interior corridor. The windows of the ground floor dwelling units will be protected with brass grillwork that will be at least 75 percent open to perpendicular view.

- E. **Parking.** Planning Code Section 151.1 provides that no off-street parking for residential units is required in the C-3 Districts. The Section allows accessory parking at a ratio of up to one off-street-parking space for each four dwelling units.

The project includes 60 dwelling units and is allowed up to 15 off-street parking spaces. The project proposes four tandem off-street parking spaces and one car-share vehicle parking space in an existing garage on the ground floor of the Jessie Street frontage of the building. The parking garage uses two curb cuts on the property for access because the depth of the garage does not allow for maneuvering within the garage. Elimination of one of the curb cuts would require a larger garage and elimination of four to five dwelling units from the project. Each curb cut will be used by no more than four cars and traffic from the garage on to Jessie Street is not expected to create conflicts with pedestrians or vehicle traffic.

- F. **Freight Loading:** Planning Code Section 152.1 establishes Off-Street Freight Loading requirements for uses in the C-3 Districts. The Section requires that off-street freight loading be provided for apartments where the gross floor area of the building exceeds 100,000 square feet.

The project is 42,646 Square feet in area and does not require an off-street freight loading space.

- G. **Bicycle Parking.** Planning Code Section 155.5 requires bicycle parking for buildings with four or more residential units. Bicycle parking must be provided at a ratio of one bicycle parking space for every two dwelling units for the first 50 dwelling units and one space per every four dwelling units exceeding 50 units.

The project develops 60 new dwelling units and is required to provide 28 bicycle parking spaces. The project provides 28 bicycle parking spaces on the ground floor of the building. All the bicycle parking spaces are located in reasonably close vicinity to the residential entrances and exits.

- H. **Car-Sharing Parking.** Planning Code Section 166 requires that spaces for car-share parking be provided in residential parking garages. Car-share parking is not required in residential projects with fewer than 50 dwelling units and one car-share space is required for residential projects with 50 to 200 dwelling units.

The project proposes to develop 60 new dwelling units and is required to provide one car-sharing parking space. One off-street car-sharing parking space is provided in the garage.

- I. **Residential Affordable Housing Program:** Planning Code Section 415 sets forth requirements for the Residential Affordable Housing Program for new residential projects and requires the provision of affordable housing units at a minimum of 15% of the total number of dwelling units proposed by the project.

The project will comply with the provisions of Planning Code Section 415 by constructing the required affordable dwelling units on site. The project includes 60 dwelling units and is required to provide a minimum of nine units as affordable units. The size, distribution, and type of units to be dedicated under Section 415 must be comparable to the size, distribution, and type of market rate units in the project. The project contains 27 studio, and 33 one-bedroom units; therefore, the required affordable unit mix is four studio, and five one-bedroom units. The project plans designate only three one-bedroom units as affordable. A recommended condition of approval requires the two additional affordable one-bedroom unit be provided in the project.

7. **Exceptions Requested Pursuant to Section 309.** The proposed project is required to meet all applicable Code requirements or request exceptions as permitted by Section 309(a) (1)-(9). The Project Sponsor is seeking an exception from Section 134 requirements for rear yard:

- A. **Rear Yard:** Planning Code Section 134 requires a rear yard depth of 25% of the lot at the lowest story containing a dwelling unit. Section 134(d) provides that an exception to the

rear yard requirement may be allowed provided that the building location and configuration assure adequate light and air to windows within the residential units and to the usable open space provided:

The project includes an interior courtyard with an area sufficient to comply with the rear yard requirements on the third and fourth floors of the building. Two dwelling units are located within this area on the first and second floor. The project converts an existing industrial building to residential use and includes both a large inner court and a spacious roof deck. Compliance with the rear yard requirement could require the elimination of two dwelling units from the project. No pattern of rear yards exists on the block.

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

HOUSING

Objectives and Policies

OBJECTIVE 1:

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

Policy 1.8:

Promote mixed-use development, and include housing, particularly permanently affordable housing, in new commercial, institutional or other single use development projects.

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 furthers these policies by creating a high-density residential project with ground floor commercial and permanently affordable housing units in a location where households can easily rely on public transportation, walking, and bicycling for the majority of daily trips. The project creates nine new affordable housing units and a new ground floor commercial space while providing additional market-rate housing units. The project is located in the Downtown area, on a side street removed from heavy traffic, a location that facilitates walking and bicycling for the majority of daily trips. The project is one block from MUNI bus lines operating on Mission Street and one block from BART, MUNI Metro service and MUNI bus lines on Market Street

OBJECTIVE 8:

BUILD PUBLIC AND PRIVATE SECTOR CAPACITY TO SUPPORT, FACILITATE, PROVIDE, AND MAINTAIN AFFORDABLE HOUSING.

Policy 8.1:

Support the production and management of permanently affordable housing.

The project creates nine new permanently affordable housing units on-site. The units are well distributed throughout the building and represent all unit types proposed for the project.

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 proposal will have no effect on existing neighborhood-serving retail uses but will provide new housing that will bring additional customers to the area to patronize neighborhood businesses. The project creates a new commercial space that will provide an opportunity for resident employment in and ownership of a local business.

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

No housing exists on the Project Site at this time. The project will provide 60 units of new housing to enhance the neighborhood character and promote cultural and economic diversity in the neighborhood.

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

No housing is removed for this project. The project will provide nine new affordable housing units to the City's housing stock.

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

The site is within the Downtown area and is well served by transit. The development of off-street parking on the property will not impede transit operations as no transit vehicles operate on either Stevenson or Jessie Streets.

- 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 will not include commercial office development and will not displace any service or industry establishment as the project site is vacant.

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

The project is designed and will be constructed to conform to the structural and seismic safety requirements of the City Building Code. This proposal will not affect the property's ability to withstand an earthquake.

- G. That landmarks and historic buildings be preserved.

No landmark or historic buildings are located on the Project Site.

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

The project will not expand the existing building and will have no negative affect on existing parks and open spaces. The project does not have an affect on other open spaces.

10. The project is consistent with and would promote the general and specific purposes of the Code provided under Section 101.1(b) in that, as designed, the project would contribute to the character and stability of the neighborhood and would constitute a beneficial development.
11. The Commission hereby finds that approval of the Section 309 Determination of Compliance of a Downtown Project 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 the Planning Code Section 309 Determination of Compliance Application No. 2010.0948XV and grants the requested exception** subject to the following conditions attached hereto as "EXHIBIT A" in general conformance with plans on file, dated November 17, 2011, 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 Planning Code Section 309 Determination of Compliance Authorization and Request for Exception to the Board of Appeals within fifteen (15) days after the date of this Motion No. 18509. The effective date of this Motion shall be the date of adoption of this Motion if not appealed (after the 15-day period has expired) OR the date of the decision of the Board of Appeals if appealed to the Board of Appeals. For further information, please contact the Board of Appeals at (415) 575-6880, 1660 Mission, Room 3036, San Francisco, CA 94103.

I hereby certify that the Planning Commission ADOPTED the foregoing Motion on December 15, 2011.

Linda D. Avery
Commission Secretary

AYES: Commissioners Antonini, Bordon, Fong, Miguel, Moore, Olague, Sugaya

NAYS: none

ABSENT: none

ADOPTED: December 15, 2011

EXHIBIT A

AUTHORIZATION

This authorization is for a for Section 309 Determination of Compliance for a project in a C-3 District, with an exception from: Section 134, Rear Yard to allow the conversion of a 42,600 square foot, vacant four-story industrial building to a mixed-use building with 60 residential units, five off-street parking spaces, and a 535 square foot ground floor commercial space located at 527 Stevenson Street, Block 3703, Lot 012 pursuant to Planning Code Section 309 within the C-3-G (Downtown General Commercial) District and a 120-F Height and Bulk District; in general conformance with plans, dated November 17, 2011, and stamped "EXHIBIT B" included in the docket for Case No. 2010.0948XV and subject to conditions of approval reviewed and approved by the Commission on December 15, 2011 under Motion No 18509. 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 December 15, 2011 under Motion No 18509.

PRINTING OF CONDITIONS OF APPROVAL ON PLANS

The conditions of approval under the 'Exhibit A' of this Planning Commission Motion No. 18509 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 Section 309 Determination of Compliance 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 Section 309 Determination of Compliance authorization.

Conditions of Approval, Compliance, Monitoring, and Reporting

PERFORMANCE

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

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

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

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

DESIGN

3. **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

4. **Garbage, composting and recycling storage.** Space for the collection and storage of garbage, composting, and recycling shall be provided within enclosed areas on the property and clearly labeled and illustrated on the architectural addenda. Space for the collection and storage of recyclable and compostable materials that meets the size, location, accessibility and other standards specified by the San Francisco Recycling Program shall be provided at the ground level of the buildings.

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

5. **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

6. **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

7. **Active Ground Floor Uses.** Pursuant to Planning Code Section 145.1 any decorative railings or grillwork, other than wire mesh, which is placed in front of or behind ground floor windows, shall be at least 75 percent open to perpendicular view.

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

8. **Transformer Vault.** The location of individual project PG&E Transformer Vault installations has significant effects to San Francisco streetscapes when improperly located. However, they may not have any impact if they are installed in preferred locations. Therefore, the Planning Department recommends the following preference schedule in locating new transformer vaults, in order of most to least desirable:

1. On-site, in a basement area accessed via a garage or other access point without use of separate doors on a ground floor façade facing a public right-of-way;
2. On-site, in a driveway, underground;
3. On-site, above ground, screened from view, other than a ground floor façade facing a public right-of-way;
4. Public right-of-way, underground, under sidewalks with a minimum width of 12 feet, avoiding effects on streetscape elements, such as street trees; and based on Better Streets Plan guidelines;
5. Public right-of-way, underground; and based on Better Streets Plan guidelines;
6. Public right-of-way, above ground, screened from view; and based on Better Streets Plan guidelines;
7. On-site, in a ground floor façade (the least desirable location).

Unless otherwise specified by the Planning Department, Department of Public Work's Bureau of Street Use and Mapping (DPW BSM) should use this preference schedule for all new transformer vault installation requests.

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

PARKING AND TRAFFIC

9. **Parking for Affordable Units.** All off-street parking spaces shall be made available to project residents only as a separate "add-on" option for purchase or rent and shall not be bundled with any project dwelling unit for the life of the dwelling units. The required parking spaces may be made available to residents within a quarter mile of the project. All affordable dwelling units pursuant to Planning Code Section 415 shall have equal access to use of the parking as the market rate units, with parking spaces priced commensurate with the affordability of the dwelling unit. Each unit within the project shall have the first right of refusal to rent or purchase a parking space until the number of residential parking spaces are no longer available. No conditions may be placed on the purchase or rental of dwelling units, nor may homeowner's rules be established, which prevent or preclude the separation of parking spaces from dwelling units.

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

10. **Car-Share.** Pursuant to Planning Code Section 166, one car-share space shall be made available, at no cost, to a certified car-share organization for the purposes of providing car-share services for its service subscribers.

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

11. **Bicycle Parking.** The project shall provide no fewer than 28 Class 1 bicycle parking spaces as required by Planning Code Sections 155.1 and 155.5. The bicycle parking spaces shall be in locations convenient to the entrances and exits of the building.

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

12. **Parking Maximum.** Pursuant to Planning Code Section 151.1, the project shall provide no more than four tandem off-street parking spaces, excluding car-sharing spaces.

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

PROVISIONS

13. **First Source Hiring.** The project shall adhere to the requirements of the First Source Hiring Construction and End-Use Employment Program approved by the First Source Hiring Administrator, pursuant to Section 83.4(m) of the Administrative Code. The Project Sponsor shall comply with the requirements of this Program regarding construction work and on-going employment required for the project.

For information about compliance, contact the First Source Hiring Manager at 415-581-2335, www.onestopSF.org

14. Affordable Units

- a. **Number of Required Units.** Pursuant to Planning Code Section 415.6, the project is required to provide 15% of the proposed dwelling units as affordable to qualifying households. The project contains 60 units; therefore, 9 affordable units are required. The Project Sponsor will fulfill this requirement by providing the nine affordable units on-site. If the number of market-rate units change, the number of required affordable units shall be modified accordingly with written approval from Planning Department staff in consultation with the Mayor's Office of Housing ("MOH").

For information about compliance, contact the Case Planner, Planning Department at 415-558-6378, www.sf-planning.org or the Mayor's Office of Housing at 415-701-5500, <http://sf-moh.org/index.aspx?page=321>

- b. **Unit Mix.** The project contains 27 studio, and 33 one-bedroom units; therefore, the required affordable unit mix is four studio, and five one-bedroom units. If the market-rate unit mix changes, the affordable unit mix will be modified accordingly with written approval from Planning Department staff in consultation with MOH.

For information about compliance, contact the Case Planner, Planning Department at 415-558-6378, www.sf-planning.org or the Mayor's Office of Housing at 415-701-5500, <http://sf-moh.org/index.aspx?page=321>

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

For information about compliance, contact the Case Planner, Planning Department at 415-558-6378, www.sf-planning.org or the Mayor's Office of Housing at 415-701-5500, <http://sf-moh.org/index.aspx?page=321>

- d. **Phasing.** If any building permit is issued for partial phasing of the project, the Project Sponsor shall have designated not less than fifteen percent (15%) of the each phase's total number of dwelling units as on-site affordable units.

For information about compliance, contact the Case Planner, Planning Department at 415-558-6378, www.sf-planning.org or the Mayor's Office of Housing at 415-701-5500, <http://sf-moh.org/index.aspx?page=321>

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

For information about compliance, contact the Case Planner, Planning Department at 415-558-6378, www.sf-planning.org or the Mayor's Office of Housing at 415-701-5500, <http://sf-moh.org/index.aspx?page=321>

- f. **Other Conditions.** The project is subject to the requirements of the Inclusionary Affordable Housing Program under Section 415 et seq. of the Planning Code and City and County of San Francisco Inclusionary Affordable Housing Program Monitoring and Procedures Manual ("Procedures Manual"). The Procedures Manual, as amended from time to time, is incorporated herein by reference, as published and adopted by the Planning Commission, and as required by Planning Code Section 415. Terms used in these conditions of approval and not otherwise defined shall have the meanings set forth in the Procedures Manual. A copy of the Procedures Manual can be obtained at the MOH at 1 South Van Ness Avenue or on the Planning Department or Mayor's Office of Housing's websites, including on the internet at: <http://sf-planning.org/Modules/ShowDocument.aspx?documentid=4451>.

As provided in the Inclusionary Affordable Housing Program, the applicable Procedures Manual is the manual in effect at the time the subject units are made available for sale.

For information about compliance, contact the Case Planner, Planning Department at 415-558-6378, www.sf-planning.org or the Mayor's Office of Housing at 415-701-5500, <http://sf-moh.org/index.aspx?page=321>

- i. The affordable unit(s) shall be designated on the building plans prior to the issuance of the first construction permit by the Department of Building Inspection ("DBI"). The affordable unit(s) shall (1) reflect the unit size mix in number of bedrooms of the market rate units, (2) be constructed, completed, ready for occupancy and marketed no later than the market rate units, and (3) be evenly distributed throughout the building; and (4) be of comparable overall quality, construction and exterior appearance as the market rate units in the principal project. The interior features in affordable units should be generally the same as those of the market units in the principal project, but need not be the same make, model or type of such item as long they are of good and new quality and are consistent with then-current standards for new housing. Other specific standards for on-site units are outlined in the Procedures Manual.
- ii. If the units in the building are offered for sale, the affordable unit(s) shall be sold to first time home buyer households, as defined in the Procedures Manual, whose gross annual income, adjusted for household size, does not exceed an average of one hundred (100) percent of the median income for the City and County of San Francisco as defined in the Inclusionary Affordable Housing Program, an amount that translates to ninety (90) percent of Area Median Income under the income table called "Maximum Income by Household Size" derived from the Unadjusted Area Median Income for HUD Metro Fair Market Rent Area that contains San Francisco. The initial sales price of such units shall be calculated according to the Procedures Manual. Limitations on (i) reselling; (ii) renting; (iii) recouping capital improvements; (iv) refinancing; and (v) procedures for inheritance apply and are set forth in the Inclusionary Affordable Housing Program and the Procedures Manual.
- iii. The Project Sponsor is responsible for following the marketing, reporting, and monitoring requirements and procedures as set forth in the Procedures Manual. MOH shall be responsible for overseeing and monitoring the marketing of affordable units. The Project

Sponsor must contact MOH at least six months prior to the beginning of marketing for any unit in the building.

iv. Required parking spaces shall be made available to initial buyers or renters of affordable units according to the Procedures Manual.

v. Prior to the issuance of the first construction permit by DBI for the project, the Project Sponsor shall record a Notice of Special Restriction on the property that contains these conditions of approval and a reduced set of plans that identify the affordable units satisfying the requirements of this approval. The Project Sponsor shall promptly provide a copy of the recorded Notice of Special Restriction to the Department and to MOH or its successor.

vi. The Project Sponsor has demonstrated that it is eligible for the On-site Affordable Housing Alternative under Planning Code Section 415.6 instead of payment of the Affordable Housing Fee, and has submitted the *Affidavit of Compliance with the Inclusionary Affordable Housing Program: Planning Code Section 415* to the Planning Department stating that any affordable units designated as on-site units shall be sold as ownership units and will remain as ownership units for the life of the project.

vii. If the Project Sponsor fails to comply with the Inclusionary Affordable Housing Program requirement, the Director of DBI shall deny any and all site or building permits or certificates of occupancy for the development project until the Planning Department notifies the Director of compliance. A Project Sponsor's failure to comply with the requirements of Planning Code Section 415 et seq. shall constitute cause for the City to record a lien against the development project and to pursue any and all available remedies at law.

viii. If the project becomes ineligible at any time for the On-site Affordable Housing Alternative, the Project Sponsor or its successor shall pay the Affordable Housing Fee prior to issuance of the first construction permit or may seek a fee deferral as permitted under Ordinances 0107-10 and 0108-10. If the project becomes ineligible after issuance of its first construction permit, the Project Sponsor shall notify the Department and MOH and pay interest on the Affordable Housing Fee at a rate equal to the Development Fee Deferral Surcharge Rate in Section 107A.13.3.2 of the San Francisco Building Code and penalties, if applicable.

MONITORING - AFTER ENTITLEMENT

15. **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*

16. **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

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. **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>

19. **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