



SAN FRANCISCO PLANNING DEPARTMENT

Subject to: (Select only if applicable)

- Inclusionary Housing (Sec. 315)
- Jobs Housing Linkage Program (Sec. 313)
- Downtown Park Fee (Sec. 139)
- First Source Hiring (Admin. Code)
- Child Care Requirement (Sec. 314)
- Other

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Planning Commission Motion No. 18820 Hearing date: MARCH 7, 2013

Date: February 21, 2013
Case No.: 2004.0093CEV
Project Address: San Francisco Overlook
Zoning: RM-1 (Residential, Mixed, Low-Density)
Height/Bulk: 40-X
Block/Lot: 2636/025, 028
Project Sponsor: Gary Testa
 San Francisco Overlook Development, LLC
 8 Copper Hill Way
 Novato, CA 94947
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ADOPTING FINDINGS RELATED TO THE APPROVAL OF CONDITIONAL USE AUTHORIZATION FOR A PLANNED UNIT DEVELOPMENT, PURSUANT TO PLANNING CODE SECTIONS 303 AND 304, WITH SPECIFIC MODIFICATIONS TO PLANNING CODE REGULATIONS RELATED TO REAR YARD (SECTION 134), DWELLING UNIT EXPOSURE (SECTION 140), AND OFF-STREET PARKING EXCEEDING ACCESSORY AMOUNTS, TO CONSTRUCTION OF 34 DWELLING UNITS, 68 OFF-STREET PARKING SPACES, WITHIN 13 STRUCTURES, AND A NEW PAVED, APPROXIMATELY 20-FOOT-WIDE, 700-FOOT-LONG PRIVATE STREET TO BE LOCATED ON TWO VACANT LOTS WITHIN A RM-1 (RESIDENTIAL, MIXED, LOW-DENSITY) DISTRICT AND A 40-X HEIGHT AND BULK DISTRICT. THE APPROVALS ALSO INCLUDE ADOPTION OF FINDINGS UNDER THE CALIFORNIA ENVIRONMENTAL QUALITY ACT, INCLUDING THE ADOPTION OF A MITIGATION MONITORING AND REPORTING PROGRAM.

PREAMBLE

On January 27, 2004, the Crestmont Hills, LLC submitted an Environmental Evaluation Application with the Planning Department (hereinafter "Department"), for a project proposing to construct 34 dwelling units as a Planned Unit Development (PUD) located on two vacant lots (Assessor's Block 2636, Lot 025 and 028, "Project Site") within a RM-1 (Residential, Mixed, Low-Density) District and a 40-X Height and Bulk District, Case No. 2004.0093E. The Department issued a Notice of Preparation of Environmental Review on **18820188201882018820** May 27, 2006, to owners of properties within 300 feet, adjacent tenants, and other

potentially interested parties.

On March 25, 2004, the Crestmont Hill, LLC, filed an application for Conditional Use Authorization pursuant to Sections 303 and 304 of the Planning Code, Application No. 2004.0093C, to construct 34 dwelling units as a Planned Unit Development (PUD) on the Project Site.

The Project Site was subsequently purchased by the San Francisco Overlook, LLC (hereinafter "Project Sponsor").

On May 2, 2012 the Department published a draft Environmental Impact Report (DEIR) for public review. The DEIR was available for public comment until June 18, 2012. On June 7, 2012, the Planning Commission (Commission) conducted a duly noticed public hearing at a regularly scheduled meeting to solicit comments regarding the DEIR. On February 21, 2013, the Department published the Responses to Comments document, responding to comments made regarding the DEIR prepared for the Project. The Responses to Comments document, together with the DEIR constitute the Final Environmental Impact Report (Final EIR).

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On March 7, 2013, the Commission reviewed and considered the Final EIR and in Motion No. **188201882018820** found that the contents of said report and the procedures through which the Final EIR was prepared, publicized, and reviewed complied with the California Environmental Quality Act (California Public Resources Code Sections 21000 et seq.) (CEQA), 14 California Code of Regulations Sections 15000 et seq. (the CEQA Guidelines), and Chapter 31 of the San Francisco Administrative Code (Chapter 31).

The Commission found the Final EIR was adequate, accurate and objective, reflected the independent analysis and judgment of the Department and the Commission, and that the Responses and Comments document contained no significant revisions to the DEIR, and approved the Final EIR for the Project in compliance with CEQA, the CEQA Guidelines and Chapter 31. The findings adopted by the Planning Commission in Motion No. **188201882018820** are incorporated in this Motion by this reference.

The Planning Department, Jonas P. Ionin, Commission Secretary, is the custodian of records, located in the File for Case No. 2004.0093E, at 1650 Mission Street, Fourth Floor, San Francisco, California.

Department staff prepared CEQA Findings, contained in ATTACHMENT A to this Motion, including a Mitigation Monitoring and Reporting program (MMRP), contained in EXHIBIT C, all in compliance with CEQA, which material was made available to the public and this Commission for this Commission's review, consideration and action.

On March 7, 2013, the Commission conducted a duly noticed public hearing at a regularly scheduled meeting on Case No. 2004.0093CEV. 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, the Planning Department staff, and other interested parties.

MOVED, that the Commission hereby authorizes the Conditional Use requested in Application No. 2004.0093CEV for the Project, subject to the conditions contained in "EXHIBIT A" of this motion attached hereto and incorporated by reference, and adopts CEQA Findings, including a Mitigation Monitoring and Reporting Program, contained in EXHIBIT C of this motion attached hereto and incorporated by reference, based on the following findings:

FINDINGS

Having reviewed the materials identified in the recitals 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 Site is located on the northwest slope of Mount Sutro, about a quarter of a mile southwest of the University of California San Francisco (UCSF) Medical Center in the Mount Sutro/Forest Knolls/Clarendon Heights neighborhood. The subject site is an undeveloped, partially wooded, lot consisting of lot 25 (49,558 square feet) and a portion of lot 28 (14,332 square feet). Lot 28 is a dirt road over which the project sponsor holds an easement in perpetuity. The site is neither formally designated nor dedicated open space. The project site slopes down to the west and north. The property is located within a RM-1 (Residential, Mixed, Low-Density) Zoning District and 40-X Height and Bulk District. The project site is also located within the Northwest Mount Sutro Slope Protection Area.
3. **Surrounding Properties and Neighborhood.** There is an abandoned quarry northwest of the site and at the foot of the quarry are the 11-story Avalon Tower apartment complex at 8 Locksley Avenue and the Kirkham Heights Apartments. Two and three-story apartment buildings and single-family dwellings are downhill to the west and southwest, along Warren Drive. To the south, uphill from the site, are two- to four story single-family and two-family residences that are accessed from Crestmont Drive and steeply sloped undeveloped parcels that are located behind the buildings on Crestmont Drive. There is an adjacent two-unit residential building northeast of the site at the mouth of the proposed private street. The Mount Sutro Open Space Reserve is to the east, across and uphill from Crestmont Drive.
4. **Project Description.** The Project seeks Conditional Use Authorization, pursuant to Planning Code Sections 303 and 304, to authorize a Planned Unit Development (PUD) on vacant lots measuring approximately 63,890 square-feet in size, that includes the construction of 34 dwelling units, 68 off-street parking spaces, and a new paved, approximately 20-foot-wide, 700-foot-long private street. Twenty-four of the 34 dwellings would be constructed as duplexes and the remaining 10 dwellings would be constructed as townhomes within a single building, resulting in a total of 13 structures on the site. The proposed buildings would measure between approximately 16 to 40 feet in height above the new street grade. The Project requires a variance from the landscaping and permeability requirement (Section 132), and PUD modifications for rear yard (Section 134), dwelling unit exposure (Section 140), and off-street parking exceeding accessory amounts (Section 157). The property is located within a RM-1 (Residential, Mixed, Low-Density) Zoning District and 40-X Height and Bulk District. CEQA (California Environmental Quality Act) Findings also are being adopted as part of the project approvals.

The proposed dwellings would range in size from approximately 1,815 square feet to 2,585 square feet with two or more bedrooms per dwelling. Fifty-three of the 68 off-street parking spaces being provided would be located in car stackers. The entire development would be accessed from the private street at the end of Crestmont Drive. Open space would be provided within the green roof decks, smaller secondary decks, and the common usable open space located at the southern end of the private street. To maintain fire ingress and egress parking would not be permitted along the private street.

5. **CEQA Findings.** The Planning Commission has reviewed and considered the Final EIR and the record as a whole and has considered the information contained in the Final EIR. The Commission hereby adopts CEQA Findings contained in ATTACHMENT A, including the MMRP in EXHIBIT C. The Commission finds that with the adoption of the mitigation measures contained in EXHIBIT C the Project will have no significant effect on the environment. The Commission hereby adopts the CEQA mitigation measures in EXHIBIT C and makes compliance with said measures a condition of the approval of the project.
6. **Public Comment.** The Department received 36 letters of opposition for the Project and a petition with 151 signatures in opposition to the Project. Concerns raised by the opposition include: Potential impacts to parking and traffic in the neighborhood; Destabilization of the hillside; The scale and density of the development; Potential blockage of emergency vehicle access to the neighborhood; Pedestrian safety; And construction impacts to existing nearby residences. A letter of opposition was also received from the Crestmont – Mount Sutro Neighborhood Preservation Coalition citing the same concerns as those above.
7. **Planning Code Compliance:** The Commission finds that the Project is consistent with the relevant provisions of the Planning Code in the following manner:
 - A. **Lot Width and Area.** Planning Code Section 121(d) requires a minimum lot width of 25'-0". Planning Code Section 121(e) requires a minimum lot area of 2,500 square feet.

The Project Site would remain as it exists and would not be subdivided.
 - B. **Front Setback.** Section 132 of the Planning Code requires a front setback equal to the average setbacks of the two adjacent buildings. The requirements are intended to assure an adequate transition between building setbacks, establish a building street wall, and provide an area for landscaping.

The Project has no front setback requirement because the adjacent properties front on different streets, however, the project will provide minimum four-foot front setbacks to permit a walkway alongside the street. This setback provides a sense of openness for the development and moderates the building scale at the street. The proposed setbacks are also similar to those that are provided for the nearby buildings on Crestmont Drive.
 - C. **Rear Yard.** Section 134 of the Planning Code requires a rear yard equal to 25 percent of the lot depth, but in no case less than 15'-0", to be provided at grade level and each succeeding level. The rear yard requirements are intended to assure the protection and continuation of

established midblock, landscaped open spaces, and maintenance of a scale of development appropriate to each district, consistent with the location of adjacent buildings.

Due to the unique lot shape and general site constraints, the Project has been designed to provide minimum four-foot front setbacks to permit a walkway alongside the street. This walkway, normally provided in the public right-of-way, has made it necessary to set the proposed structures back further on the lot leaving smaller rear yards behind the structures. The proposed rear yards would range from 19-28% of lot depth. Nine of the proposed 13 structures would not meet the 25% minimum rear yard requirement. The Project's lot coverage is approximately 52%. The Project is seeking a modification of the Code provision governing the rear yard requirements; although the projects satisfies the Code-required distance to the neighbors' rear property lines of 25% of the subject lot depths, the Project requires a rear yard modification for the location and configuration of the rear yards.

An exception from the rear yard configuration requirement is justified for the following reasons. First, the site has more than adequate usable open space for the development's residents. Second, the yards behind the structures are steeply sloped making unsuitable for usable open space. Lastly, the proposed configuration respects the established pattern of mid-block open space on this block for rear yards.

- D. Usable Open Space.** Section 135 requires that a minimum amount of usable open space be provided for dwelling units within the RM-1 District. This Section specifies that the area counting as usable open space must meet minimum requirements for area and horizontal dimensions.

The Code requires that 100 square feet of private open space or 133 square feet of common usable open space, or a combination of the two, be provided for each dwelling unit within the RM-1 District. The Project therefore must provide a minimum of 4,522 square feet of common usable open space or 3,400 square feet of private open space, or a combination of the two. Twenty-eight dwellings provide 100 square feet or more of private usable open space. Six dwellings would not meet the private usable open requirement but would have access to the common usable open space. The Project includes an approximate total of 14,530 square feet of private usable open space on privately accessible decks and 1,150 square-feet of common usable open space located in the parklet at the end of the private street which includes play court, sitting/view area and picnic area, which is accessible to the whole development. The project complies with the overall usable open space requirement.

- E. Dwelling Unit Exposure.** Planning Code Section 140 requires that at least one room of all dwelling units face onto a public street, a rear yard, or other open area that meets minimum requirements for area and horizontal dimensions.

All of the townhouse dwellings meet their exposure requirement at the front of the dwellings. The 12 proposed duplexes containing stacked dwelling units. The upper dwelling units have exposure at the front on the private street that is 20-feet in width. The lower dwellings have exposure on the noncomplying rear yards that measure approximately 13' to 22' in depth. As part of this PUD, the Project is seeking a modification to the Code-requirement for dwelling-unit exposure for these units.

An exception from the dwelling-unit exposure requirement is justified because in reality the dwellings have exposure from the area beyond the rear property line which constitutes the rear yard for the

properties below on Locksley Avenue and is not likely to be developed in the future because of its slope, affording the dwellings unobstructed exposure to the north.

- F. **Street Trees.** Planning Code Section 143 requires installation of one 24-inch box street tree in the case of new construction for every 20 feet of frontage of the property along each street or alley, with any remaining fraction of 10 feet or more of frontage requiring an additional tree.

The Project Site has approximately 700 feet of frontage along the proposed private street. 35 new street trees are required based upon this frontage. The Project would provide 15 new street trees along the proposed private street. The sponsor will pay an in-lieu street tree fee pursuant to Section 428 of the Code for the 20 street trees that are not being provided. The project is not able to meet the requirement because a geotechnical analysis of the site recommended that pavement be used to control water runoff.

- G. **Off-Street Parking.** Planning Code Section 151 establishes off-street parking requirements for all uses in all districts. Pursuant to this Section, one parking space is required for each dwelling and up to 150% of the permitted parking is permitted as an accessory use.

The required parking for the RM-1 District is one parking space per unit, with an allowance to have up to 1.5 spaces per dwelling as an accessory use. The Project includes a total of 68 off-street parking spaces including one car share parking space and two handicap parking spaces. Fifty-three of the 68 off-street parking spaces being provided would be located efficiently in car stackers. The amount of parking being provided is consistent with the City's efforts to relate parking to unit size as well as density, is consistent with the off-street parking already being provided in the neighborhood, and should help to mitigate the lack of on-street parking available for this Project. Furthermore, due to the siting and configuration of this Project, and the Fire Department prohibition against parking on the access road to the site, there will be no immediately adjacent street parking available to any of the occupants of the Project. Finally, the Project Site is not well served by public transit.

The Project requires conditional use authorization to provide off-street parking at a ratio that exceeds the accessory amounts permitted by the Code (see criteria below).

- H. **Bicycle Parking.** Planning Code Section 155.5 establishes bicycle parking requirements for new construction of four or more residential dwelling units. For projects up to 50 dwelling units, one Class 1 space is required for every 2 dwelling units.

Seventeen dedicated bicycle parking spaces are provided within the garage of the townhouse structure.

- I. **Car Share Parking.** Section 166 establishes car share parking requirements for newly constructed buildings containing residential uses, where parking is provided.

One car share space is required for 50 – 200 parking spaces. To satisfy this requirement the Project would provide one car share space within the garage of the townhouse structure.

- J. **Use and Density.** Section 209.1(i) permits residential uses within the RM-1 District, and permits at a density ratio not exceeding one dwelling unit for each 800 square feet of lot area.

Lot 25 is 49,550 square-feet which permits a maximum dwelling unit density of 62 dwellings. The Project proposes a total of 34 dwelling units for the Subject Property which is 46% below the maximum permitted density for the site.

- K. **Height/Bulk.** The Subject Property is located in the 40-X Height and Bulk District. Planning Code Section 261 further limits the height of a dwelling in an RH-1 District to 35 feet when located on a relatively flat lot.

The proposed Project would comply with the height and bulk limits of the 40-X District and Planning Code Section 261. The heights of the buildings would range from 16 to 40 feet in height above the new street grade.

- L. **Inclusionary Affordable Housing Program.** Planning Code Section 415 sets forth the requirements and procedures for the Inclusionary Affordable Housing Program. Under Planning Code Section 415.3, the current percentage requirements would apply to projects that consist of ten or more units, where the first application (EE or BPA) was applied for before July 18, 2006. Pursuant to Planning Code Section 415.5, the Project must pay the Affordable Housing Fee ("Fee"). This Fee is made payable to the Department of Building Inspection ("DBI") for use by the Mayor's Office of Housing for the purpose of increasing affordable housing citywide.

The Project Sponsor has submitted a 'Affidavit of Compliance with the Inclusionary Affordable Housing Program: Planning Code Section 415,' to satisfy the requirements of the Inclusionary Affordable Housing Program through payment of the Fee, in an amount to be established by the Mayor's Office of Housing at a rate equivalent to an off-site requirement of 17%. The project sponsor has not selected an alternative to payment of the Fee. The EE application was submitted on January 27, 2004.

8. **Planning Code Section 303** establishes criteria for the Planning Commission to consider when reviewing applications for Conditional Use Authorization. Projects that propose a Planned Unit Development through the Conditional Use authorization process must meet these criteria, in addition to the criteria in Section 304, discussed under item 8 below. On balance, the Project complies with the criteria of Section 303, in that:

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

The Subject Property is a vacant lot, measuring approximately one acre in size (49,550 square feet), comprising of a long, narrow strip of land situated between existing low-density residential buildings to the south and higher density residential apartment buildings to the north.

The Project includes the construction of 34 dwelling units within 12 duplexes and one townhouse structure in approximately 78,230 square-feet. The structures would range from one- to four-stories in height above the proposed private street. The buildings heights would follow the contours of the land beneath and the building facades are articulated to reduce the overall scale of the development as viewed from the private street. The development would fit nicely between the lower density development to the south and the higher density development to the north and 12 of the proposed 13 structures would

reflect the lower density development to the south. The dwellings would range in size from 1,815 square feet to 2,585 square feet with 31 three bedroom units and 3 two-bedroom units which is in keeping with the lower density development. The Project Site was always intended for development and the Project reflects a thoughtful way of developing the site in a manner consistent with surrounding development.

The Project's use, size, density, height, and architecture are compatible with the surrounding character of the neighborhood. Most of surrounding single-family dwellings are under 40 feet in height and are modest in size, similar to the Project. The Project maximizes the use of the irregular-shaped parcel by developing on the downslope at the rear of the lot while minimizing negative impacts on the Project's residents and on the neighboring properties uphill on Crestmont Drive. The light and air to the residences on Crestmont Drive would not be obstructed due to the dramatic change in elevation between the properties. The Project Site is further buffered from the residences on Crestmont Drive by the undeveloped common lot at the rear of the properties. The distance from the front of the proposed new homes to the back of the existing homes on Crestmont Drive ranges from 70 to well over 100 feet which would still afford the Crestmont residences the same degree of openness that they presently enjoy.

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

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

The currently vacant site is a long, narrow, steeply sloped, and irregularly shaped parcel. Given these constraints, the Project is designed to both respond to the site's slope and reflect the character of nearby development. The project achieves this by keeping the development relatively low at the street and taking full advantage of the site's slope. The result is a development pattern that matches that of the surrounding neighborhood. The new buildings will have features similar to the dwellings on Crestmont Drive with at-grade entrances, small front setbacks, varying building heights that follow grade, and prominent garage door entrances at the front of most buildings.

(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.

Currently the site is vacant, and Crestmont Drive dead-ends at the end of the Subject Property. Residents of the development will gain vehicular and pedestrian access to their individual homes and garages via a 20-foot wide, approximately 700-foot long private street. Moreover the proposed access would be used almost exclusively by residents of the development because it provides direct access only to their homes. The private street is designed to facilitate emergency vehicle ingress and egress; the Fire Department will not permit street parking on the private street.

Each dwelling will have two off-street parking spaces to limit demand for on-street parking on Crestmont Drive. Fifty-three of the 68 off-street parking spaces being provided would be located in car stackers. Due to the absence of on-street parking within the private street and the site's lack of

access to public transit, the 2:1 parking ratio is appropriate for and consistent with the neighborhood.

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

The Project includes residential uses that are typical of the surrounding context, and would not introduce operational noises or odors that are detrimental, excessive, or atypical for the area. Some temporary increase in noise is to be expected during construction. Construction related noise is limited in duration and will be regulated by a construction noise mitigation measure adopted as a condition of project approval (see EXHIBIT C, NOISE) and the San Francisco Noise Ordinance, which prohibits excessive noise levels from construction activity and limits the permitted hours of work. Excavation and grading will result in a minimal amount of dust generation; further an air quality mitigation measure adopted as a condition of project approval will control toxic emissions from construction activities (see EXHIBIT C, AIR QUALITY). Furthermore, the building will not exhibit an excessive amount of glazing or other reflective materials. Therefore, the Project is not expected to cause offensive amounts of glare.

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

The Project Site is steeply sloped and could pose a geologic hazard. The Project's EIR analyzed the geologic hazards associated with the site and the CEQA Findings adopt and make conditions of project approval all of the recommendations to mitigate the geological hazards, including but not limited to, reducing water runoff flows over soils and the collection of water runoff into storm retention drains. These recommendations are included in the project and as conditions of project approval in the MMRP (see EXHIBIT C, GEOLOGY) and have resulted in less permeable area being included in the Project design. The design as a result does not meet the street tree, permeability, or landscaping requirements of the Code.

All dwellings will have access to private usable open space in the form of private balconies and roof decks. Six of the dwellings would not have enough private usable open space to meet the Code requirement and would thus depend on the proposed parklet at the end of the street to fulfill their common usable open space requirement. The common usable space would be located at the western end of the site and include a play court, sitting/view area and picnic area. The open space provided at grade level would be contiguous to open spaces on adjacent properties. Fifteen new street trees will also be added along the private street frontages.

All 68 off-street parking spaces will be provided in private garages. No loading space is proposed, and signage would be minimal and comply with the requirements of Article 6 of the Planning Code.

- C. Such use or feature as proposed will comply with the applicable provisions of this Code and will not adversely affect the General Plan.

The Project generally complies with the applicable sections of the Code, with certain modifications. The residential density is permitted within the RM-1 Zoning District, and the height and bulk of the Project are consistent with the 40-X Height and Bulk District. The purpose of the PUD process is to allow well-designed development on larger sites to request modifications from the strict requirements of the Planning Code, provided that the project generally meets the intent of these Planning Code requirements and will not adversely affect the General Plan.

Considered as a whole, the Project would add family housing to the City's housing stock. The Project includes a mix of family-sized units to serve households with varied housing needs.

9. **Planning Code Section 304** establishes procedures for Planned Unit Developments, which are intended for projects on sites of considerable size, including an area of not less than half-acre, developed as integrated units and designed to produce an environment of stable and desirable character, which will benefit the occupants, the neighborhood and the City as a whole. In the cases of outstanding overall design, complementary to the design and values of the surrounding area, such a project may merit a well-reasoned modification of certain provisions contained elsewhere in the Planning Code.

A. **Modifications.** The Project Sponsor requests five modifications from the requirements of the Planning Code. These modifications are listed below, along with a reference to the relevant discussion for each modification.

(i) Rear Yard: Item #6C

(ii) Dwelling Unit Exposure: Item #6E

(iii) Off-Street Parking Exceeding accessory Amounts: Item #6G

These modifications are justified because, as a whole, the Project has outstanding overall design, and will promote harmony by visually relating to the lower density development in the neighborhood. The Project's density, height, dimensions, and character are designed to be respectful to and compatible with the surrounding buildings. The placement of the buildings on the site, taking advantage of the lot slope keep the building height low and reduce the scale of the development. Although the project would not meet the rear yard requirement of the Code, the rear yards provided are similar in depth to the properties uphill on Crestmont Drive. The uniquely shaped lot and outstanding design of the Project creates a development that is articulated well and compatible with the surrounding context.

B. **Criteria and Limitations.** Section 304(d) establishes criteria and limitations for the authorization of PUDs over and above those applicable to Conditional Uses in general and contained in Section 303 and elsewhere in the Code. On balance, the Project complies with said criteria in that it:

(i) Affirmatively promotes applicable objectives and policies of the General Plan;

See discussion under item #9.

- (ii) Provides off-street parking adequate for the occupancy proposes.

Pursuant to the requirements of Section 151, one off-street parking space is required per dwelling in an RM-1 District, for a total of 34 parking spaces. The Project will include 68 off-street parking spaces. Most of the off-street parking will be provided in car stackers within private garages. The proposed parking exceeds the accessory amount of 150% that is permitted by the Code and thus additional findings must be met, see item #9 below for discussion.

- (iii) Provides open space usable by the occupants and, where appropriate, by the general public, at least equal to the open space required by this Code;

The Code requires that 300 square feet of private open space or 399 square feet of common usable open space, or a combination of the two, be provided for each dwelling unit within the RH-1 District. The Project therefore must provide a minimum of 11,172 square feet of common usable open space or 8,400 square feet of private open space, or a combination of the two. The Project includes a total of 27,746 square feet of usable open space at grade (20,978 square feet of commonly accessible usable open space along the mews, and 6768 square feet of open space within the individual lots'), and an additional 3,737 square feet on privately accessible decks, for a total of 31,484 square feet of open space, which is in excess of what is required by Code.

- (iv) Be limited in dwelling unit density to less than the density that would be allowed by Article 2 of the Code for a district permitting a greater density, so that the Planned Unit Development will not be substantially equivalent to a reclassification of property.

The Project proposes a total of 34 dwelling-units on the Subject Property. Based on the allowable density specified by Section 209.1(i) for the RM-1 District, up to 61 dwelling-units would be allowed on lot 25, and thus the Project would be at 42% of the allowable density. Thus the Project density does not constitute a reclassification of the Subject Property.

- (v) In R Districts, include commercial uses only to the extent that such uses are necessary to serve residents of the immediate vicinity, subject to the limitations for NC-1 Districts under this Code.

There are no commercial uses proposed as part of this Project.

- (vi) Under no circumstances be excepted from any height limit established by Article 2.5 of this Code, unless such exception is explicitly authorized by the terms of this Code. In the absence of such an explicit authorization, exceptions from the provisions of this Code with respect to height shall be confined to minor deviations from the provisions for measurement of height in Sections 260 and 261 of this Code, and no such deviation shall depart from the purposes or intent of those sections.

As measured by the provisions of Planning Code Sections 102.12 and 260, the Project would not exceed the height limits of the 40-X Height and Bulk District. The proposed buildings would measure between approximately 16 to 40 feet in height above the new street grade. All of the buildings within the Project would comply with the 40-X Height and Bulk District.

10. In considering any application for a conditional use for parking for a specific use or uses, where the amount of parking provided exceeds the amount classified as accessory parking in Section 204.5 of this Code, the City Planning Commission shall apply the following criteria in addition to those stated in Section 303(c) and elsewhere in this Code:

- (a) Demonstration that trips to the use or uses to be served, and the apparent demand for additional parking, cannot be satisfied by the amount of parking classified by this Code as accessory, by transit service which exists or is likely to be provided in the foreseeable future, by car pool arrangements, by more efficient use of existing on-street and off-street parking available in the area, and by other means;
- (b) Demonstration that the apparent demand for additional parking cannot be satisfied by the provision by the applicant of one or more car-share parking spaces in addition to those that may already be required by Section 166 of this Code.
- (c) The absence of potential detrimental effects of the proposed parking upon the surrounding area, especially through unnecessary demolition of sound structures, contribution to traffic congestion, or disruption of or conflict with transit services;
- (d) In the case of uses other than housing, limitation of the proposed parking to short-term occupancy by visitors rather than long-term occupancy by employees; and
- (e) Availability of the proposed parking to the general public at times when such parking is not needed to serve the use or uses for which it is primarily intended.

The nearest transit service to the Project Site is MUNI's 36 Teresita line which has a stop on Warren Drive about 0.4 miles away . Access from there to the Project Site is via a winding, steep route on Crestmont Drive, Oahjurst Lane (stairs) and Devonshire Way. Furthermore, the Project Site is not near any commercial uses. The Inner Sunset is the nearest major commercial area and it is not easily accessible likely resulting in a higher than average number of vehicle trips for the Project's residents. To maintain emergency ingress and egress parallel parking will not be permitted along the sides of the proposed street. The proposed dwellings are also larger family-sized units with two or more bedrooms that are likely to have larger households. Add to these factors the desire of current uphill residents for the project to have no effect on street parking on Crestmont Drive make the site a reasonable candidate for additional parking beyond accessory amounts.

All of the parking would be provided in private garages and most would be efficiently arranged in car stackers. The additional parking would also be used for visitors to the development since the nearest street parking is several hundred feet away in some cases.

11. **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 **1**
TO PROVIDE NEW HOUSING, ESPECIALLY PERMANENTLY AFFORDABLE HOUSING, IN APPROPRIATE LOCATIONS WHICH MEETS IDENTIFIED HOUSING NEEDS AND TAKES INTO ACCOUNT THE DEMAND FOR AFFORDABLE HOUSING CREATED BY EMPLOYMENT DEMAND.

Policy 1.4:

Locate in-fill housing on appropriate sites in established residential neighborhoods.

The Project is an in-fill development on a vacant parcel of land in an established residential neighborhood.

**OBJECTIVE 8
ENSURE EQUAL ACCESS TO HOUSING OPPORTUNITIES**

Policy 8.7:

Eliminate discrimination against households with children

Policy 8.9:

Encourage the provision of new home ownership opportunities through new construction so that increased owner occupancy does not diminish the supply of rental housing.

The Project provides new family-sized dwelling-units with a variety of floor plans to meet the diverse needs of San Francisco's population. It will contain 34 new residences suitable for families with children. The Project will not diminish the supply of rental housing in that it will be built on a vacant parcel of land.

**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.

Policy 11.3

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

POLICY 11.5

Ensure densities in established residential areas promote compatibility with prevailing neighborhood character.

The Project Site is located on vacant parcels of land that are sandwiched in between development. The parcels are not contiguous to any larger parcels of dedicated open space and were originally proposed for residential development.

The Project is well designed with its structures detached and following the contours of the hillside in both placement and in height. Building footprints are compatible with the scale of the lower density development on Crestmont Drive just uphill from the Project Site. Quality materials that reflect the palette of the hillside are used throughout the design. Front and rear building facades are well articulated to reduce the overall scale of the project such that the buildings would appear no larger than others buildings on the hillside when viewed from afar.

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 1.3:

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

The proposed development is consistent with the scale and density in the surrounding neighborhood, in that the buildings range from one-to-four-stories in height and are low density.

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.

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.

The Project will promote harmony by visually relating the proposed buildings to the buildings in the neighborhood, which are predominantly two- and three-story buildings. The Project's height, massing, scale, materiality, and overall character have been designed to be respectful to and consistent with the surrounding buildings. The new construction will greatly enhance the character of the existing site and neighborhood.

OBJECTIVE 4

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

Policy 4.1:

Protect residential areas from the noise, pollution and physical danger of excessive traffic.

Policy 4.10:

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

Policy 4.11:

Make use of street space and other unused public areas for recreation, particularly in dense neighborhoods, such as those close to downtown, where land for traditional open spaces is more difficult to assemble.

Policy 4.12:

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

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 construction of the Project will also help to improve safety in the neighborhood by converting a currently vacant lot into a continuation of the surrounding low density neighborhood.

The proposed Project includes a parklet at its western edge. This open space will include a play court, sitting/view area and picnic area, accessible to the whole development.

The new buildings are compatible in scale, density, and materiality with the established neighborhood character.

RECREATION AND OPEN SPACE ELEMENT:

Objectives and Policies

OBJECTIVE 4

PROVIDE OPPORTUNITIES FOR RECREATION AND THE ENJOYMENT OF OPEN SPACE IN EVERY SAN FRANCISCO NEIGHBORHOOD.

Policy 4.5:

Require private usable outdoor open space in new residential development.

In addition to the parklet, each dwelling will have direct access to private usable open space in the form of balconies and roof decks for the benefit of its occupants.

12. **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.

No existing neighborhood serving uses would be displaced as the Property is currently vacant. By increasing the number of people who live in the neighborhood, the Project increases the opportunities for resident employment in and ownership of neighborhood businesses

- 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 would be a benefit to the neighborhood character, by constructing new single-family dwellings that are consistent with the existing height, density, and general architectural style of the surrounding neighborhood.

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

The proposed Project would enhance the City's supply of affordable housing by paying an in-lieu fee to satisfy the Project's affordable housing requirement.

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

The Project would provide 68 off-street parking spaces within private garages for a 2:1 parking ratio, along with one car-share space available to the community. The on-site parking should adequately accommodate the needs future residents and reduce their reliance on street parking on Crestmont Drive. The project would not impede MUNI transit service.

- 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 propose any office development, and will not displace any industrial or service uses. The Project should enhance future opportunities for resident employment by providing additional residents to the Neighborhood.

- 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.

- G. That landmarks and historic buildings be preserved. There are no landmarks or historic buildings on, or associated with, the Project site.

The Subject Property is vacant; there are no landmarks or historic buildings on or associated with the Project Site.

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

The Project would not cast a shadow on any existing parks or recreation facilities or obscure the vista from any park. Although vacant, the Project Site is not a dedicated open space area.

- I. 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.
- J. 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 Project Sponsor, 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. 2004.0093CEV** subject to the following conditions attached hereto as "EXHIBIT A" which is incorporated herein by reference as though fully set forth and in general conformance with the plans dated February 13, 2013, and marked "EXHIBIT B" included in the docket for Case No. 2004.0093CEV.

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. 18820. 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.

The Planning Commission has reviewed and considered the Final EIR and the record as a whole and has considered the information contained in the Final EIR. The Commission hereby adopts CEQA Findings contained in ATTACHMENT A, including the MMRP in EXHIBIT C, incorporated in this Motion by this reference. The Commission finds that with the adoption of the mitigation measures contained in EXHIBIT C the Project will have no significant effect on the environment. The Commission hereby adopts the CEQA mitigation measures in EXHIBIT C and makes compliance with said measures a condition of the approval of the project.

The Planning Commission further finds that since the DEIR was finalized, there have been no substantial project changes and no substantial changes in project circumstances that would require major revisions to the DEIR due to the involvement of new significant environmental effects or an increase in the severity of previously identified significant impacts, and there is no new information of substantial importance that would change the conclusions set forth in the DEIR.

I hereby certify that the Planning Commission ADOPTED the foregoing Motion on March 7, 2013.

Jonas P. Ionas
Commission Secretary

AYES: Commissioners Hillis, Sugaya, Fong, Antonini, Borden, Moore, and Wu

NAYES: None

ABSENT: None

ADOPTED: March 7, 2013

Exhibit A

Conditions of Approval

This Conditional Use Authorization is for a proposed Planned Unit Development for 34 dwelling units, San Francisco Overlook, located on the northwest slope of Mount Sutro at the eastern terminus of Crestmont Drive; Block 2636, Lots 025 and 028, within a RM-1 (Residential, Mixed, Low-Density) District and 40-X Height and Bulk District, in general conformance with the plans dated February 13, 2013, and marked "EXHIBIT B" included in the docket for Case No. 2004.0093CEV and subject to conditions of approval reviewed and approved by the Commission on **March 7, 2013** under Motion No. **18820**. 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 **March 7, 2013** under Motion No. **18820**.

PRINTING OF CONDITIONS OF APPROVAL ON PLANS

The conditions of approval under the 'EXHIBIT A' of this Planning Commission Motion No. **18820** shall be reproduced on the Index Sheet of construction plans submitted with the Site or Building permit application for the Project. The Index Sheet of the construction plans shall reference to the Conditional Use authorization and any subsequent amendments or modifications.

SEVERABILITY

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

CHANGES AND MODIFICATIONS

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

Conditions of Approval, Compliance, Monitoring, and Reporting

PERFORMANCE

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

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

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

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

3. **Mitigation Measures.** Mitigation measures described in the MMRP attached as EXHIBIT C are necessary to avoid potential significant effects of the proposed project and have been agreed to by the project sponsor. Their implementation is a condition of project approval.

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

DESIGN

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. **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

MONITORING

6. **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

7. **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

8. **Sidewalk Maintenance.** The Project Sponsor shall maintain the main entrance to the building and all sidewalks abutting the subject property in a clean and sanitary condition in compliance with the Department of Public Works Streets and Sidewalk Maintenance Standards. *For information about compliance, contact Bureau of Street Use and Mapping, Department of Public Works, 415-695-2017, <http://sfdpw.org/>*

9. **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>

10. **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

11. **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

PROVISIONS

12. **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

13. **Transit Impact Development Fee.** Pursuant to Planning Code Section 411 (formerly Chapter 38 of the Administrative Code), the Project Sponsor shall pay the Transit Impact Development Fee (TIDF) as required by and based on drawings submitted with the Building Permit Application. Prior to the issuance of a temporary certificate of occupancy, the Project Sponsor shall provide the Planning Director with certification that the fee has been paid.

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

PARKING AND TRAFFIC

14. **Off-Street Parking for All 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.

15. **Managing Traffic During Construction.** The Project Sponsor and construction contractor(s) shall coordinate with the Traffic Engineering and Transit Divisions of the San Francisco Municipal Transportation Agency (SFMTA), the Police Department, the Fire Department, the Planning Department, and other construction contractor(s) for any concurrent nearby Projects to manage traffic congestion and pedestrian circulation effects during construction of the Project.

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

AFFORDABLE UNITS

16. **Requirement.** Pursuant to Planning Code 415.5, the Project Sponsor must pay an Affordable Housing Fee at a rate equivalent to the applicable percentage of the number of units in an off-site project needed to satisfy the Inclusionary Affordable Housing Program Requirement for the principal project. The applicable percentage for this project is seventeen percent (17%).

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, www.sf-moh.org.

17. **Other Conditions.** The Project is subject to the requirements of the Inclusionary Affordable Housing Program under Section 415 et seq. of the Planning Code and the terms of the City and County of San Francisco Inclusionary Affordable Housing Program Monitoring and Procedures Manual ("Procedures Manual"). The Procedures Manual, as amended from time to time, is incorporated herein by reference, as published and adopted by the Planning Commission, and as required by Planning Code Section 415. Terms used in these conditions of approval and not otherwise defined shall have the meanings set forth in the Procedures Manual. A copy of the Procedures Manual can be obtained at the Mayor's Office of Housing ("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 or rent.

For information about compliance, contact the Case Planner, Planning Department at 415-558-6378, www.sf-planning.org or the Mayor's Office of Housing at 415-701-5500, www.sf-moh.org.

- a. The Project Sponsor must pay the Fee in full sum to the Development Fee Collection Unit at the DBI for use by MOH prior to the issuance of the first construction document, with an option for the Project Sponsor to defer a portion of the payment prior to issuance of the first certificate of occupancy upon agreeing to pay a deferral surcharge that would be deposited into the Citywide Inclusionary Affordable Housing Fund in accordance with Section 107A.13.3 of the San Francisco Building Code..
- b. Prior to the issuance of the first construction permit by the DBI for the Project, the Project Sponsor shall record a Notice of Special Restriction on the property that records a copy of this approval. The Project Sponsor shall promptly provide a copy of the recorded Notice of Special Restriction to the Department and to MOH or its successor.
- c. If project applicant fails to comply with the Inclusionary Affordable Housing Program requirement, the Director of DBI shall deny any and all site or building permits or certificates of occupancy for the development project until the Planning Department notifies the Director of compliance. A Project Sponsor's failure to comply with the requirements of Planning Code Sections 415 et seq. shall constitute cause for the City to record a lien against the development project and to pursue any and all other remedies at law.