



# SAN FRANCISCO PLANNING DEPARTMENT

*Subject to: (Select only if applicable)*

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

1650 Mission St.  
Suite 400  
San Francisco,  
CA 94103-2479

Reception:  
**415.558.6378**

Fax:  
**415.558.6409**

Planning  
Information:  
**415.558.6377**

## Planning Commission Motion No. 19081

HEARING DATE: FEBRUARY 13, 2014

*Date:* February 6, 2014  
*Case No.:* **2011.1373CV**  
*Project Address:* **4126 17<sup>th</sup> STREET**  
*Zoning:* RH-3 (Residential House, Three-Family)  
40-X Height and Bulk District  
*Block/Lot:* 2623/028  
*Project Sponsor:* Reza Khoshnevisan  
1256 Howard Street  
San Francisco, CA 94103  
*Staff Contact:* Doug Vu – (415) 575-9120  
[doug.vu@sfgov.org](mailto:doug.vu@sfgov.org)

**ADOPTING FINDINGS RELATING TO THE APPROVAL OF CONDITIONAL USE AUTHORIZATION PURSUANT TO SECTIONS 209.1(h), 303 AND 317(d)(2) OF THE PLANNING CODE TO ALLOW THE DEMOLITION OF A SINGLE-FAMILY DWELLING AND CONSTRUCTION OF A THREE-FAMILY DWELLING AT THE FRONT, AND A SINGLE-FAMILY DWELLING AT THE REAR OF A LOT THAT MEASURES APPROXIMATELY 5,549 SQ. FT. WITHIN THE RH-3 (RESIDENTIAL HOUSE, THREE-FAMILY) DISTRICT AND A 40-X HEIGHT AND BULK DISTRICT.**

### PREAMBLE

On December 8, 2011 Reza Khoshnevisan (hereinafter “Project Sponsor”) filed an application with the Planning Department (hereinafter “Department”) for Conditional Use Authorization under Planning Code Sections 209.1(h), 303 and 317(d)(2) to allow the demolition of an existing single-family dwelling and construction of four dwelling units on a lot that measures approximately 5,549 sq. ft. within the RH-3 (Residential House, Three-Family) District and a 40-X Height and Bulk District.

On February 13, 2014, the San Francisco Planning Commission (hereinafter “Commission”) conducted a duly noticed public hearing at a regularly scheduled meeting on Conditional Use Application No. 2011.1373CV.

The project is exempt from the California Environmental Quality Act ("CEQA") as a Class 1 and 3 categorical exemptions. The existing building was reclassified to a Category C building on October 4, 2007, and thus is not a historical resource.

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

**MOVED**, that the Commission hereby authorizes the Conditional Use requested in Application No. 2011.1373CV, 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 north side of 17<sup>th</sup> Street, between Douglass and Castro Streets. Referred to as Block 2623 and Lot 028, the property measures 37' in width, 150' in depth, and has an area of approximately 5,549 sq. ft. The subject property is an upsloping lot with an elevation of 180' at the front and 218' at the rear, and is located within the RH-3 (Residential House, Three-Family) Zoning District and the 40-X Height and Bulk District. The structure on the property was originally built circa 1900 and is currently developed with a two-story, single-family dwelling with a semi-attached two-car garage.
3. **Surrounding Properties and Neighborhood.** The area surrounding the project site contains a mix of residential structures, both in terms of architectural style and density. The buildings located mid-block on 17<sup>th</sup> Street are typically two to three stories in height and contain one to three dwelling units, although there are a few multi-unit apartment buildings and a 33-unit condominium development at the intersection of Eureka Street. Most of the buildings on the subject block between Diamond and Douglass Streets were constructed primarily between 1900 and 1917 in the Queen Anne, Italianate, Stick/Eastlake and Period Revival styles, not including the 33-unit condominium development. Between Diamond and Castro Streets to the east, many properties were redeveloped in the 1960s and 1980s with Contractor Modern apartment buildings. Whereas the typical width of a lot in a RH-3 District is 25', the lots on this block of 17<sup>th</sup> Street vary from 25' to 61', not including the aforementioned condominium development which has a width of 104'.
4. **Project Description.** The project sponsor proposes to demolish the existing single-family dwelling and construct four dwelling units on the approximately 5,549 square foot lot, pursuant to Planning Code Sections 209.1(h) and 303. The property will be redeveloped with an 8,121 sq. ft., three-story over garage, 75' deep three-family dwelling at the front of the lot. The garage level

will provide six parking and two bicycle spaces for the entire project, and the three stories above will each function as a three-bedroom flat that will be accessed via entry stairs located along the eastern boundary of the property. At the rear of the 150' deep lot, a 2,398 sq. ft. detached, three-story, three-bedroom dwelling will be constructed along the rear property line. This 30' deep dwelling will be accessed by a walkway that is connected to the entry stairs for the main building, or an elevator that is located at the rear of the garage level. Since the one-family dwelling is sited adjacent to the rear property line, it will require a rear yard variance pursuant to Planning Code Section 134.

Pursuant to Planning Code 317(d)(2), "if Conditional Use authorization is required for the replacement structure by other sections of this Code, the Commission shall consider the demolition as part of its decision on the Conditional Use application," and "shall apply appropriate criteria adopted under this Section 317 in addition to the criteria in Section 303 of the Planning Code in its consideration of Conditional Use authorization." This report includes findings for a Conditional Use Authorization in addition to Demolition Criteria established in Planning Code Section 317.

5. **Public Comment.** The Department has received a letter from the Castro/Eureka Valley Neighborhood Association (EVNA) not opposing the granting of a rear yard variance because of the unique mid-block open space pattern surrounding the subject property.
6. **Planning Code Compliance:** The Commission finds that the Project is consistent with the relevant provisions of the Planning Code in the following manner:

- A. **Rear Yard Requirement in the RH-3 District.** Planning Code Section 134 states that the minimum rear yard depth shall be equal to 45 percent of the total depth of the lot in which it is situated, but in no case less than 25 percent.

*The Subject Property is required to maintain a rear yard of approximately 67'-6". The proposed single-family dwelling at the rear of the lot will encroach 30' into the required rear yard and necessitates a rear yard variance, pursuant to Planning Code Section 134. A variance has been filed for this encroachment, and the variance request will be heard by the Zoning Administrator following the Planning Commission's deliberations.*

- B. **Usable Open Space.** Planning Code Section 135 requires 100 sq. ft. of private usable open space for each dwelling unit in the RH-3 Zoning District, and 1.33 times as much usable open space when commonly accessible.

*The Project will result in every dwelling unit having access to a Code-complying amount of usable open space through private decks and patios that range in size from 217 sq. ft. to 539 sq. ft.*

- C. **Street Trees.** Planning Code Section 138.1(c) specifies the street tree requirements of this Section to be met with the construction of new dwelling units.

*The Subject Property has 37' of frontage along 17<sup>th</sup> Street and one existing tree, and the Project will include the planting of one additional street tree that meets the requirement of Planning Code Section 138.1(c).*

- D. **Exposure.** Planning Code Section 140 requires each dwelling unit to face an open area. The open area must either be a public street, public alley at least 25 feet in width, side yard at least 25 feet in width, or rear yard meeting the requirements of this Code; or an open area that is unobstructed and no less than 25 feet in every horizontal dimension for the floor at which the dwelling unit in question is located and the floor immediately above it, with an increase of five feet in every horizontal dimension at each subsequent floor.

*The Project will provide an unobstructed courtyard that is at least 37' in every horizontal dimension on all three floors of the buildings.*

- E. **Parking.** Planning Section 151 requires one-off street parking space for each dwelling unit in the RH-3 Zoning District.

*The Project will provide six off-street parking spaces at the ground level garage. Although there will be two more parking spaces than required, these spaces are still considered accessory and not excess parking because the six total parking spaces do not exceed 150 percent of the four required number of spaces, pursuant to Planning Code Section 204.5(c).*

- F. **Bicycle Parking.** Planning Code Section 155.5 requires one Class I bicycle parking space for every two dwelling units when a building contains at least four dwelling units.

*The Project will result in four dwelling units, which requires two Class 1 bicycle parking spaces. The Project Sponsor will provide these two required Class 1 bicycle parking spaces inside the ground level garage.*

- G. **Density.** Planning Code Section 209.1(e) allows three dwelling units as of right in the RH-3 Zoning District, and Section 209.1(h) allows a dwelling unit density of one unit per 1,000 sq. ft. of lot area with a Conditional Use authorization in the RH-3 Zoning District.

*The Subject Property has a lot width of 37' and a lot depth of 150', for an overall lot area of approximately 5,549 sq. ft. The Property currently contains one dwelling unit, but is permitted to contain up to five dwelling units with a Conditional Use authorization. The Project Sponsor is seeking Conditional Use Authorization to construct four dwelling units on the Property.*

- H. **Height.** The Subject Property is limited to a 40-X Height and Bulk District.

*The Subject Property is an upsloping lot that has an elevation of 180' at the front of the lot and 218' at the rear of the lot. At no point will the proposed buildings exceed 39' in height when measured at the average of the ground elevations at either side of the building or building step at that cross-section.*

7. **Planning Code Sections 303 and 317** establish criteria for the Planning Commission to consider when reviewing demolitions as part of applications for Conditional Use approval. On balance, the project does comply with said criteria in that:

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

*The construction of three additional dwelling units is compatible with the surrounding neighborhood, which includes a variety of densities that range from one dwelling unit per lot to 33 units per lot. The net increase of three dwelling units are necessary and desirable as they add to the City's supply of housing stock with minimal adverse impacts on the surrounding neighborhood.*

B. The proposed project will not be detrimental to the health, safety, convenience or general welfare of persons residing or working in the vicinity. There are no features of the project that could be detrimental to the health, safety or convenience of those residing or working the area, in that:

i. Nature of proposed site, including its size and shape, and the proposed size, shape and arrangement of structures;

*The site is an upsloping lot that has an elevation of 180' at the front and 218' at the rear of the lot. The garage level and the rear portion of the first story of the larger three-unit building will be nestled into the slope, and both new buildings will respect the existing unique block pattern by maintaining the mid-block open space that exists between buildings at the front and detached dwellings at the rear of the deep lots. The height and depth of the proposed buildings are compatible with the immediate context, and respect the adjacent properties by providing side setbacks that allow for light and air along the east and west façades. The privacy of the adjacent properties has been addressed by utilizing minimal amounts of glazing directed toward those properties. The form, façade widths, proportions and rooflines of the proposed buildings gradually step up with the upsloping topography, and the overall scales of the structures are consistent with the block face and compatible with the mixed residential neighborhood character.*

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;

*Traffic conditions will remain substantially unaltered by the Project because the proposed use is consistent with the residential character of the neighborhood and will provide the required amount of off-street parking. The Project will also maintain the existing sidewalk, thereby not affecting the accessibility of pedestrians and vehicles.*

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

*The proposed uses are dwelling units, which do not typically emit noxious or offensive emissions such as noise, glare, dust or odor.*

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

*The Project will provide 178 sq. ft. of landscaping in the front setback area, and an additional street tree along 17<sup>th</sup> Street. The Project also includes a rear yard and private decks that exceed the usable open space requirements of the Planning Code, and a ground level garage that will provide the required amount of off-street parking and Class 1 bicycle parking spaces.*

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

*The Project complies with all relevant requirements and standards of the Planning Code, other than Section 134, and is consistent with the Objectives and Policies of the General Plan as detailed below. The Project Sponsor is seeking a variance from the rear yard (134) Section of the Planning Code, which will be heard separately by the Zoning Administrator.*

- D. The Planning Commission shall consider the following additional criteria in the review of applications for Residential Demolition:

- i. Whether the property is free of a history of serious, continuing Code violations;

*The Property does not meet this criterion because the Property Owner received notices from the Department of Building Inspection (DBI) in the past for demolition work without permits (2006), interior construction without permits (2009), violation of the Vacant/Abandoned Building Ordinance (2010-2011), and violation of the Housing Code (2010). All these cases have been abated and the property currently does not have any active violations as documented by DBI and the Planning Department.*

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

*The Property does not meet this criterion because the Property Owner received notices from DBI in the past for violation of the Vacant/Abandoned Building Ordinance in 2010-2011, and violation of the Housing Code in 2010. These violations have been addressed by the property owner, and the cases have been abated.*

- iii. Whether the property is an "historical resource" under CEQA;

*The Property meets this criterion because the existing building was reclassified to a Category C building on October 4, 2007, and is not eligible as a historical resource under CEQA.*

- iv. If the property is a historical resource, whether the removal of the resource will have a substantial adverse impact under CEQA;

*This criterion is not applicable because the existing building was reclassified to a Category C building on October 4, 2007, and is not eligible as a historical resource under CEQA.*

- v. Whether the Project converts rental housing to other forms of tenure or occupancy;

*The Project does not meet this criterion because the existing dwelling unit is considered rental housing that will be demolished and replaced with three condominiums and a single-family dwelling.*

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

*The Project does not meet this criterion because the existing single-family dwelling is subject to certain provisions of the Rent Stabilization and Arbitration Ordinance. Pursuant to this Ordinance, the subject property is exempt from the rent increase limitations, but a landlord must have a "just cause" reason that is the dominant motive for pursuing the eviction. There are fifteen (15) "just cause" reasons for eviction under Ordinance Section 37.9(a), which includes the demolition or permanent removal of a rental unit from housing use.*

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

*The Project does not meet this criterion because the existing dwelling will be demolished. However, the Project will result in an increase of the quantity of housing with four new family-sized units that will preserve and positively contribute to the cultural and economic diversity within the neighborhood.*

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

*The Project meets this criterion because it will conserve the neighborhood character by constructing new buildings that are compatible with regard to materials, massing, volume, glazing patterns, and roofline with the buildings in the surrounding neighborhood. By constructing compatible buildings in a neighborhood that includes single, two-family, and multi-family dwellings and apartments, the neighborhood's cultural and economic diversity will be preserved and enhanced.*

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

*The Project does not meet this criterion and does not protect the relative affordability of existing housing because the single-family dwelling will be demolished in order to construct four new dwelling units that will have larger floor areas that will create new family housing.*

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

*This criterion is not applicable because the Project includes the construction of four dwelling units, and is not subject to Planning Code Section 415 Affordable Housing requirements.*

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

*The Project meets this criteria because it will replace a single-family dwelling with a three-family dwelling at the front and a detached single-family dwelling at the rear of the lot in a neighborhood characterized by single, two-family, and multi-family dwellings and apartments.*

- xii. Whether the Project increases the number of family-sized units on site;

*The Project meets this criterion because it will result in a net increase of three dwelling units, and all four units will be family-sized. Each dwelling unit will have three bedrooms, and will range from approximately 1,800 sq. ft. to 2,300 sq. ft. in area.*

- xiii. Whether the Project creates new supportive housing;

*The Project does not meet this criterion because it is not specifically designed to accommodate any particular Special Population Group as defined in the Housing Element of the General Plan.*

- xiv. Whether the Project is of superb architectural and urban design, meeting all relevant design guidelines, to enhance existing neighborhood character;

*The Project meets this criterion because it meets all the relevant Residential Design Guidelines. The building at the front of the lot is compatible with the established two and three-story building scale at the street, and reinforces a stronger street wall with a more compatible front setback and projecting garage. The height and depth of the front and rear buildings are also compatible with the immediate neighborhood as several properties on the block have detached dwelling units that are located at the rear of the property. This arrangement of buildings at the front and rear of the deep lots establish a unique and strong mid-block open space character that the proposed buildings will maintain. The form, façade widths, proportions and rooflines of the proposed buildings gradually step up with the upsloping lot and are compatible with the mixed neighborhood context. The placement and scale of the architectural details are compatible with the mixed residential character of this neighborhood. The double glazed aluminum doors and windows along the primary façade are residential in character and offer a contemporary expression in comparison to many of the Queen Anne, Italianate, Stick/Eastlake and Period Revival style buildings in the surrounding neighborhood, and will enhance the existing neighborhood character.*

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

*The Project will increase the number of on-site dwelling units from one to four, a net increase of three units.*

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

*The Project meets this criterion because it will increase the number of on-site bedrooms from two to twelve, for a net increase of ten bedrooms.*

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

## **HOUSING ELEMENT**

### **Objectives and Policies**

#### **OBJECTIVE 1:**

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

#### **Policy 1.1:**

Plan for the full range of housing needs in the City and County of San Francisco, especially affordable housing.

*The Project will provide three additional dwelling units that are in close proximity to several public transit lines, and new residents can easily rely on walking and bicycling for the majority of daily trips.*

#### **OBJECTIVE 4:**

FOSTER A HOUSING STOCK THAT MEETS THE NEEDS OF ALL RESIDENTS ACROSS LIFECYCLES.

#### **Policy 4.1:**

Develop new housing, and encourage the remodeling of existing housing, for families with children.

*The Project will enable the demolition of a small single-family dwelling and construction of four dwelling units that will each have three bedrooms, range in size from 1,800 sq. ft. to 2,200 sq. ft., and be family-sized.*

#### **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 11.2:**

Ensure implementation of accepted design standards in project approvals.

#### **Policy 11.3:**

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

**Policy 11.4**

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

*The Project is well designed, is consistent with the Residential Design Guidelines, and will accommodate growth that conforms to the permissible density of the RH-3 Zoning District while respecting the existing neighborhood character.*

9. **Planning Code Section 101.1(b)** establishes eight priority-planning policies and requires review of permits for consistency with said policies. On balance, the project does comply with said policies in that:

- A. That existing neighborhood-serving retail uses be preserved and enhanced and future opportunities for resident employment in and ownership of such businesses be enhanced.

*The Project would not adversely impact neighborhood-serving retail uses because it includes the construction of four dwelling units within an established residential neighborhood that will allow for new customers of neighborhood-serving retail uses.*

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

*The Project includes the reconstruction of one dwelling unit, and the addition of three new units, thus preserving and positively contributing to the cultural and economic diversity of the neighborhood.*

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

*The Project will affect the City's supply of affordable housing because it includes the demolition of a detached single-family dwelling, although the four new dwelling units will have larger floor areas and create new family housing.*

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

*The traffic generated by the residential use would be intermittent and will not significantly overburden local streets and increase existing traffic patterns.*

- 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 displace any service or industry establishment, and will not affect industrial or service sector uses or related employment opportunities. Ownership of industrial or service sector businesses will not be affected by the Project.*

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

*The Project is designed and will be constructed to conform to the structural and seismic safety requirements of the City Building Code, and will not impact the property's ability to withstand an earthquake.*

- G. That landmarks and historic buildings be preserved.

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

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

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

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

**DECISION**

That based upon the Record, the submissions by the Applicant, the staff of the Department and other interested parties, the oral testimony presented to this Commission at the public hearings, and all other written materials submitted by all parties, the Commission hereby **APPROVES Conditional Use Application No. 2011.1373CV** subject to the following conditions attached hereto as "EXHIBIT A" in general conformance with plans on file, dated October 15, 2013, and stamped "EXHIBIT B", which is incorporated herein by reference as though fully set forth.

**APPEAL AND EFFECTIVE DATE OF MOTION:** Any aggrieved person may appeal this Conditional Use Authorization to the Board of Supervisors within thirty (30) days after the date of this Motion No. 19081. The effective date of this Motion shall be the date of this Motion if not appealed (After the 30-day period has expired) OR the date of the decision of the Board of Supervisors if appealed to the Board of Supervisors. For further information, please contact the Board of Supervisors at (415) 554-5184, City Hall, Room 244, 1 Dr. Carlton B. Goodlett Place, San Francisco, CA 94102.

I hereby certify that the Planning Commission ADOPTED the foregoing Motion on February 13, 2014.

Jonas P. Ionin  
Commission Secretary

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

NAYES: None

ABSENT: None

ADOPTED: February 13, 2014

## **EXHIBIT A**

### **AUTHORIZATION**

This authorization is for a conditional use to demolish the existing single-family dwelling and construct four dwelling units on the approximately 5,549 square feet lot located at 4126 17<sup>th</sup> Street, Block 2623 in Assessor's Lot 028 pursuant to Planning Code Sections **209.1(h), 303, and 317** within the **RH-3** District and a **40-X** Height and Bulk District; in general conformance with plans, dated **October 15, 2013**, and stamped "EXHIBIT B" included in the docket for Case No. **2011.1373CV** and subject to conditions of approval reviewed and approved by the Commission on **February 13, 2014** under Motion No. **19081**. 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 **February 13, 2014** under Motion No. **19081**.

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

The conditions of approval under the 'Exhibit A' of this Planning Commission Motion No. **19081** 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](http://www.sf-planning.org).*

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

*For information about compliance, contact Code Enforcement, Planning Department at 415-575-6863, [www.sf-planning.org](http://www.sf-planning.org).*

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

*For information about compliance, contact Code Enforcement, Planning Department at 415-575-6863, [www.sf-planning.org](http://www.sf-planning.org).*

### PARKING AND TRAFFIC

4. **Bicycle Parking.** The project shall provide no fewer than two Class 1 bicycle parking spaces as required by Planning Code Sections 155.1 and 155.5.

*For information about compliance, contact Code Enforcement, Planning Department at 415-575-6863, [www.sf-planning.org](http://www.sf-planning.org).*

5. **Parking Maximum.** Pursuant to Planning Code Sections 151.1 and 204.5(c), the Project shall provide no more than six (6) off-street parking spaces.

*For information about compliance, contact Code Enforcement, Planning Department at 415-575-6863, [www.sf-planning.org](http://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](http://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](http://www.sf-planning.org).*

## OPERATION

8. **Community Liaison.** Prior to issuance of a building permit to construct the project and implement the approved use, the Project Sponsor shall appoint a community liaison officer to deal with the issues of concern to owners and occupants of nearby properties. The Project Sponsor shall provide the Zoning Administrator with written notice of the name, business address, and telephone number of the community liaison. Should the contact information change, the Zoning Administrator shall be made aware of such change. The community liaison shall report to the Zoning Administrator what issues, if any, are of concern to the community and what issues have not been resolved by the Project Sponsor.  
*For information about compliance, contact Code Enforcement, Planning Department at 415-575-6863, [www.sf-planning.org](http://www.sf-planning.org).*