



SAN FRANCISCO PLANNING DEPARTMENT

Subject to: (Select only if applicable)

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

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Planning Commission Motion No. 19166

HEARING DATE: JUNE 5, 2014

Date: June 24, 2014
Case No.: **2013.0227C**
Project Address: **2101-2155 Webster Street**
Zoning: RM-1 (Residential, Mixed, Low-Density) Zoning District
160-F Height and Bulk District
Block/Lots: 0629/016, 017, 018, 021C, 034, 037, 038, 039 & 040
Project Sponsor: Trumark Urban, c/o Christopher Davenport
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Danville, CA 94506
Staff Contact: Glenn Cabreros – (415) 558-6169
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ADOPTING FINDINGS RELATING TO THE APPROVAL OF CONDITIONAL USE AUTHORIZATION PURSUANT TO PLANNING CODE SECTIONS 303 AND 304 TO BULK EXCEPTIONS FROM THE "F" BULK DISTRICT AND TO ALLOW A PLANNED UNIT DEVELOPMENT WITH 76 DWELLING UNITS BY PROPOSING TO MERGE NINE LOTS CONTAINING APPROXIMATELY 48,000 SQUARE FEET, CONVERT THE EXISTING EIGHT-STORY INSTITUTIONAL BUILDING INTO A TEN-STORY, 66-UNIT RESIDENTIAL BUILDING, AND CONSTRUCT 10 NEW TOWNHOMES WITHIN THE RM-1 (RESIDENTIAL, MIXED, LOW DENSITY) ZONING DISTRICT AND A 160-F HEIGHT AND BULK DISTRICT.

PREAMBLE

On July 30, 2013, Trumark Urban (hereinafter "Project Sponsor") filed an application with the Planning Department (hereinafter "Department") for Conditional Use Authorization under Planning Code Sections 303 and 304 for a Planned Unit Development ("PUD") with 76 residential dwelling units by proposing to merge nine lots containing approximately 48,000 square feet, convert the existing eight-story residential building into a ten-story, 66-unit residential building and construct 10 new townhomes within the RM-1 (Residential, Mixed, Low Density) Zoning District and a 160-F Height and Bulk District.

On May 1, 2013, the Department conducted a shadow fan as part of a Preliminary Project Assessment, Case No. 2013.0227K, for the project pursuant to Planning Code Section 295. A more detailed shadow fan prepared by a consultant found that the project would not cast shadows on any Recreation and Park Department properties.

On June 2, 2014, the project was determined to be exempt from the California Environmental Quality Act ("CEQA") as a Class 32 Categorical Exemption under CEQA as described in the determination contained in the Planning Department files for this project.

On June 5, 2014, the San Francisco Planning Commission (hereinafter "Commission"), by Motion No. 19166 concurred with the Class 32 Categorical Exemption, Case No. 2013.0227E, for the project at 2101-2155 Webster Street.

On May 15, 2014, the Commission conducted a duly noticed public hearing at a regularly scheduled meeting on Conditional Use Application No. 2013.0227C requesting authorization to construct a Planned Unit Development.

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 for a Planned Unit Development requested in Application No. 2013.0227C, 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 at 2101-2155 Webster Street on Lots 0629/016, 017, 018, 021C, 034, 037, 038, 039 & 040 in Assessor's Block 0629. The property is located within the RM-1 (Residential, Mixed, Low Density) Zoning District and a 160-F Height and Bulk District. The site contains an existing 8-story institutional building (formerly University of the Pacific, Arthur A. Dugoni School of Dentistry) at the northwest corner of Webster and Sacramento Streets. Directly west and adjacent to the existing building is a surface parking lot that extends from Clay Street to Sacramento Street. The project site is a large lot, over a half-acre in size, containing 48,000 square feet.
3. **Surrounding Properties and Neighborhood.** The project is located in the Pacific Heights neighborhood. Across Webster Street and to the east is a large 6-story, medical office building that is part of the California Pacific Medical Center (CPMC), Pacific Campus. Directly north of

the existing building on the project site is a 5-story parking garage structure owned by the CPMC, Pacific Campus. Along the western property line of the project site is a partial mid-block, pedestrian crossing known as Goldberg Lane. Further west of Goldberg Lane is the Upper Fillmore Neighborhood Commercial District. Directly across Sacramento Street from the project site is a 12-story apartment building known as the John F. Kennedy Towers. Generally, the surrounding neighborhood is a mixture of fine-grained residential and mixed-use buildings, along with larger-scale medical buildings.

4. **Project Description.** The project proposes to convert the existing 8-story institutional building into 10-story, 66-unit residential building. The mechanical penthouse at the existing building is proposed to be removed, and in its place two new residential floors will be constructed on the existing building. On the vacant parking lot, 10 new townhomes are proposed to be constructed. The project proposes a Planned Unit Development with 76 dwelling units and 98 parking spaces within the existing two parking levels of the garage. A mix of one-, two-, three- and four-bedroom units are proposed at the project.
5. **Public Comment.** To date, opposition has not been received by the Department. Over 100 signatures and 13 letters in support of the project have been provided by the project sponsor.
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. **Planned Unit Development.** Per Planning Code Sections 303 and 304, a Conditional Use application for a Planned Unit Development (PUD) may be authorized by the Planning Commission for projects that exceed a half-acre in size (21,781 square feet). Certain modifications from the base zoning requirements for the RM-1 zoning district could be requested with the PUD authorization, e.g., modifications to the rear yard requirement, dwelling unit exposure, and open space.

The project site exceeds a half-acre in area and contains 47,901 square feet, thus the applicant requests a PUD authorization for the project.
 - B. **Height.** Per Article 2 of the Planning Code and the 160-F Height and Bulk District, the maximum allowable building height for the project site shall be 160 feet.

As measured from Sacramento Street, the height of the PUD is proposed at 133 feet.
 - C. **Bulk.** Per Article 2 of the Planning Code, within the F Bulk District and above a height of 80 feet, the plan dimensions of a structure shall have a maximum length of 110 feet and a maximum diagonal dimension of 140 feet.

As the existing building was originally constructed beyond the prescribed bulk limits, a portion of the building is a noncomplying structure with regard to bulk. The existing mechanical penthouse, proposed to be removed, exceeds the Bulk requirement with a length of 152 feet and a diagonal

dimension of 165 feet. The proposed two-floor penthouse structure would also exceed the bulk requirements with a proposed length of 176 feet and a diagonal dimension of 176 feet. Per Planning Code Section 271, the project requests exceptions from the dimensions specified by the E Bulk District. See Bulk Exception Findings below.

- D. **Unit Density.** Per Article 2 of the Planning Code and per Planning Code Section 304, a PUD shall be limited in dwelling unit density to less than the density that would be allowed by Article 2 for a district permitting a greater density, so that the PUD will not be substantially equivalent to a reclassification of the property. The area of the project site contains 47,901 square feet. The RM-1 zoning district, with a dwelling unit ratio of 1:800, would allow 59 units on the site. The next dense zoning district is the RM-2 district with a dwelling unit ratio of 1:600, which would permit 79 units. With a PUD authorization, the maximum dwelling unit density that could be permitted at the project site is 78 units.

The project proposes 76 dwelling units. 66 units are proposed at the existing building. 10 units are proposed at the 10 new townhomes to be constructed.

- E. **Rear Yard.** Per Planning Code Section 134, a 45-percent rear yard is required in the RM-1 District; however, the rear yard requirement may be modified as part of a PUD application pursuant to the criteria listed under Planning Code Section 304.

The existing building is noncomplying with regard to the rear yard requirement, and the proposed townhomes do not comply with the rear yard requirement. For the portion of the project where the new townhomes are proposed, a 45-percent rear yard depth for each lot would yield an area of approximately 7,617 square feet of rear yard area. The proposed configuration of the proposed townhomes would yield an on-grade area of 7,622 square feet, thus the new construction portion of the project would result in an open space area that slightly exceeds the area of a Code-complying rear yard depth. The project does not meet the rear yard depth per Planning Code Section 134; however the project seeks modifications to the rear yard requirement as part of the PUD authorization. See CU/PUD Findings below.

- F. **Dwelling Unit Exposure.** Planning Code Section 140 requires every dwelling unit to face onto a Code-complying rear yard or a 25-foot wide street or side yard. Per Planning Code Section 304, the Commission in considering a Planned Unit Development may approve exceptions to Planning Code requirements in order to achieve an outstanding overall design.

Due to the configuration of three townhomes to address adjacent conditions such as Goldberg Lane and the proximity of the rear facades and rear yards of adjacent buildings that front onto Fillmore Street, the project seeks modifications to the dwelling unit exposure requirements as part of the PUD authorization. See CU/PUD Findings below.

- G. **Open Space.** Per Planning Code Section 135, 100 square feet of private useable open space is required for each dwelling unit. Common open space may also satisfy the open space requirement, provided the common open space is provided at a ratio of 1.33 of the required

private open space per unit. Section 135 also provides additional open space criteria, such as minimum dimensions and minimum areas. A combination of common and private useable open space areas may be used to satisfy Section 135.

The 10 townhouse units and 23 units in the existing building (33 units total) are proposed with private useable open space. The 33 units would require 2,300 square feet of private useable open space. The project proposes a total of 17,374 square feet of private useable open space for the 33 units. The remaining 43 units proposed at the project will rely on common usable open space. The common usable open space area required is 5,719 square feet. The project provides 9,063 square feet of common useable open space at the existing building and on-grade adjacent to the proposed townhomes. See PUD Findings below.

- A. **Streetscape.** Per Planning Code Section 138.1, the project shall provide pedestrian and streetscape improvements in accordance with the City's "Better Streets Plan." Included in Section 138.1 is the requirement for twenty-five, 24-inch-box-sized street trees in addition to other "Better Streets" requirements.

The project provides twenty-five, 24-inch box-sized street trees. In the event that the Department of Public Works, Bureau of Urban Forestry determines the required street tree(s) cannot be planted, an in-lieu fee for each street tree not planted will be assessed.

- B. **Parking.** Per Planning Code Section 151, one parking space is required for each dwelling unit. As 76 dwelling units are proposed, 76 parking spaces are required for the project. The Code allow up to 150 percent of the required amount, which is equivalent to 116 spaces. Per Planning Code Section 307, the Planning Commission may reduce or modify the parking requirements.

The project proposes 98 parking spaces within the existing garage levels.

- C. **Loading.** Per Planning Code Section 152, as the proposed gross floor area of the project is greater than 100,000 square feet and does not exceed 200,000 square feet, one off-street loading space is required.

The project proposes a total floor area of 193,420 square feet, which requires one loading space. One loading space within the existing loading area along the Sacramento Street façade is proposed.

- D. **Bicycle Parking.** Per Planning Code Section 155.2, one Class 1 bicycle parking space is required for each unit plus one Class 2 bicycle parking space is required per 20 units proposed. As the project proposes 76 dwelling units, 76 Class 1 and 4 Class 2 bicycle parking spaces are required for the project.

The project proposes 76 Class 1 and 4 Class 2 bicycle parking spaces.

- E. **Affordable Housing.** Per Planning Code Section 415, all projects that include five or more units must participate in the Inclusionary Affordable Housing Program. Of the total number of proposed dwelling units, the project shall provide 12-percent on-site affordable units or payment of an in-lieu fee reflecting 20 percent of the total unit count.

The project sponsor proposes to pay the in-lieu fee. See Inclusionary Affordable Housing Program Findings below.

7. Inclusionary Affordable Housing Program Findings. 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 apply to projects that consist of ten or more units, where the first application (EE or BPA) was applied for on or after 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 an '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 20%. The project sponsor has not selected an alternative to payment of the Fee. The EE application was submitted on June 25, 2013.

8. **Bulk Exception Findings:** Planning Code Section 271 permits exceptions to the bulk limits in districts other than the C-3 District, subject to the Conditional Use requirements of Section 303 (below). Section 271 requires that the Commission consider certain criteria in granting any exception to the Bulk limits in addition to those criteria required in Section 303. The additional criteria are:

- A. The appearance of bulk in the building, structure or development shall be reduced by means of at least one and preferably a combination of the following factors, so as to produce the impression of an aggregate of parts rather than a single building mass:
- i. Major variations in the planes of wall surfaces, in either depth or direction, that significantly alter the mass;
 - ii. Significant differences in the heights of various portions of the building, structure or development that divide the mass into distinct elements;
 - iii. Differences in materials, colors or scales of the facades that produce separate major elements;
 - iv. Compensation for those portions of the building, structure or development that may exceed the bulk limits by corresponding reduction of other portions below the maximum bulk permitted; and
 - v. In cases where two or more buildings, structures or towers are contained within a single development, a wide separation between such buildings, structures or towers.

As the existing building was originally constructed beyond the prescribed bulk limits, the findings below specifically address the construction of the new penthouse structure containing two floors and four residential units. The existing mechanical penthouse, proposed to be removed, exceeds the bulk requirement with a length of 152 feet and a diagonal dimension of 165 feet. The proposed two-floor penthouse structure would also exceed the bulk requirements with a proposed length of 176 feet and a diagonal dimension of 176 feet. Per Planning Code Section 271, the project requests exceptions from the dimensions specified by the F Bulk District. See Bulk Exception Findings below.

The project exceeds the maximum length dimension of 110 by 66 feet as the longest portion of the proposed penthouse structure is approximately 176 feet. The project exceeds the maximum diagonal dimension of 140 feet by 36 feet with a proposed diagonal dimension of 176 feet.

The appearance of the proposed bulk is reduced by varying the wall planes of all facades of the penthouse structure. Also, the façade of each level of the penthouse undulates at various depths, so as not to create a continuous two-story façade expression at the upper two floors of the project. The bulk of the penthouse structure is not apparent from the adjacent rights-of-way due to the existing height of the building and because the penthouse structure is set back from the footprint of the existing building.

- B. In every case the building, structure or development shall be made compatible with the character and development of the surrounding area by means of all of the following factors:
- i. A silhouette harmonious with natural land-forms and building patterns, including the patterns produced by height limits;
 - ii. Either maintenance of an overall height similar to that of surrounding development or a sensitive transition, where appropriate, to development of a dissimilar character;
 - iii. Use of materials, colors and scales either similar to or harmonizing with those of nearby development; and
 - iv. Preservation or enhancement of the pedestrian environment by maintenance of pleasant scale and visual interest.

The project's bulk would be in keeping with the building scale and massing of other nearby buildings, as large medical/institutional buildings associated with the CPMC, Pacific Campus are directly across Webster Street from the project site. The John F. Kennedy Towers, a large 12-story residential building, is also across Sacramento Street from the project. As the penthouse structure is setback from all existing building facades, the apparent height of the existing building is maintained as viewed from the adjacent rights-of-way and thus does not affect the surrounding neighborhood character and the pedestrian environment.

- C. While the above factors must be present to a considerable degree for any bulk limit to be exceeded, these factors must be present to a greater degree where both the maximum length and the maximum diagonal dimension are to be exceeded than where only one maximum dimension is to be exceeded.

Both maximum bulk dimensions are exceeded; however the project re-uses an existing building and therefore existing building height and development patterns are maintained.

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

- D. 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 proposed project is necessary as it adds 76 new dwelling units to the City's housing stock. An in-lieu fee reflecting 20-percent of the total number of units will be paid to satisfy the affordable housing requirements for the project. The scale and size of the project is desirable as it retains the existing building envelope, which is compatible with the surrounding neighborhood patterns. Access to Goldberg Lane is retained; however the desirability of the project at all public rights-of-way should be improved. The project sponsor has stated a commitment to continue working with the Department to improve the project design, particularly in relationship to Goldberg Lane, the Webster Street façade and other public rights-of-way and open spaces.

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

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

The project converts an existing institutional building to residential use. The existing building is a noncomplying structure, however the recladding of the exterior materials and the lowering of the podium level helps the building to better relate to the adjacent public rights-of-way. The Department recommended additional openings and/or stoops along the existing Sacramento Street façade; however potential structural issues related to the existing garage level have been cited by the applicant, which prevents the further alterations to the Sacramento Street façade at the podium level.

The arrangement of the townhouse structures helps to hold the street wall and transitions the project to the finer-scaled development found in the adjacent Upper Fillmore Neighborhood Commercial District. As Goldberg Lane provides a partial mid-block crossing from Clay Street and from Sacramento Street, the project is afforded a unique opportunity to address this pedestrian public right-of-way. While the current project does propose landscape improvements adjacent to Goldberg Lane and access to the project's open space via the pedestrian-only public right-of-way, plans originally submitted with the Conditional Use application proposed a higher-quality design of open space sequences and a better pedestrian experience along Goldberg Lane than currently proposed.

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

The parking proposed is permitted by the Planning Code; however the amount of parking proposed exceeds the base requirement of one parking space per unit by 22 parking spaces. While the parking is in excess of recent Planning approvals that support a parking reduction, the number of parking spaces proposed correlates to the re-use of the garage levels in the existing building. With regard to loading, it would be preferable for the proposed loading space to be contained within the interior of the garage; however the proposed loading space takes advantage of the existing loading bay at the existing building. The project proposes to provide for some separation between the garage opening and the loading area to improve upon the existing configuration.

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

Noxious or offensive emissions are not associated with the proposed residential uses.

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

The project proposes a variety of common and private open spaces in the form of balconies, roof decks and at the ground floor level. New street trees are proposed along Webster, Clay and Sacramento Streets. The required parking is screened from view by a garage door, and a façade treatment between the garage door and the loading area is proposed to improve upon the wide expanse dedicated to vehicular access. The applicant is committed to improving the design details with regard to landscaping and lighting along Goldberg Lane.

- F. 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 the relevant requirements and standards of the Planning Code and is consistent with objectives and policies of the General Plan as detailed below.

- G. That the use as proposed would provide development that is in conformity with the purpose of the RM-1 Zoning District.

The proposed project is consistent with the stated purpose of the RM-1 Zoning District, which recognizes that larger, multi-unit buildings broaden the range of unit sizes and the variety of residential structures.

- 10. **Planned Unit Development Findings:** Planning Code Section 304 sets forth criteria, which must be met before the Commission may authorize a Conditional Use for a Planned Unit Development. This project generally complies with all applicable criteria:

- A. The development shall affirmatively promote applicable objectives and policies of the General Plan.

See "General Plan Compliance" findings below.

- B. The development shall provide off-street parking adequate for the occupancy proposed.

The project currently proposes 98 parking spaces, where 76 spaces are required. The project uses the garage levels of the existing building.

- C. The development shall provide open space usable by the occupants and, where appropriate, by the general public, at least equal to the open space required by the Planning Code.

The project exceeds the amount of open space area required by the Code; however 43 units on 5 floors (levels 3-6 per plans) must access common open space at the lower levels of the building or at the roof deck. The 43 units require 5,719 square feet of common usable open space, and 3,575 square feet of common usable open space is provided at the existing building. While the Department prefers that all common usable open space for the 43 units be provided at the existing building, the remaining common open space requirement (2,144 square feet) is satisfied by the common usable open space provided at grade in the area of the townhouse units.

- D. The development shall be limited in dwelling unit density to less than the density that would be allowed by Article 2 of this Code for a district permitting a greater density, so that the PUD will not be substantially equivalent to a reclassification of property.

The project site contains 47,901 square feet. The RM-1 zoning district, with a dwelling unit ratio of 1:800, would allow 59 units on the site. The next dense zoning district is the RM-2 district with a dwelling unit ratio of 1:600, which would permit 79 units. With a PUD authorization, the maximum dwelling unit density that could be permitted at the project site is 78 units.

- E. The development shall include commercial uses only to the extent that such uses are necessary to the serve residents of the immediate vicinity.

Commercial uses are not proposed as part of the project.

- F. The development shall under no circumstances be excepted from any height limit.

The project is within the 160-foot height limit. As measured from Sacramento Street, the height of the project is proposed at 133 feet.

- G. Provide street trees as required by the Code.

The project proposes the required number of street trees as prescribed by Code.

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

HOUSING ELEMENT – ISSUE 1: ADEQUATE SITES

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 proposes a mix of one-, two-, three- and four-bedroom units. The requirements of the Inclusionary Affordable Housing Program are proposed to be met by payment of an in-lieu fee.

HOUSING ELEMENT – ISSUE 6: REMOVE CONSTRAINTS TO THE CONSTRUCTION AND REHABILITATION OF HOUSING

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 11.6 Foster a sense of community through architectural design, using features that promote community interaction.

As the project proposes re-use of an existing institutional building, the project would not be disruptive to the existing residential neighborhood character. The new townhomes are proposed to be constructed at a finer building scale that is in keeping with surrounding residential development in the area. While the project retains access and provides landscaping at Goldberg Lane, design details, lighting, and plant selection would further improve upon this pedestrian-only public right-of-way. At other street frontages, the project lowers the existing building podium, proposes stoops and balconies, and provides for landscape opportunities in an effort to promote community interaction.

URBAN DESIGN ELEMENT

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: Recognize and reinforce the existing street pattern, especially as it is related to the topography.

The project's height of 133 feet is comparable to the height of the existing building. The existing building is to be retained, and the new construction of the townhomes is proposed at an appropriate residential scale that better relates to the street and other residential buildings in the area.

OBJECTIVE 3: MODERATION OF MAJOR NEW DEVELOPMENT TO COMPLEMENT THE CITY PATTERN, THE RESOURCES TO BE CONSERVED, AND THE NEIGHBORHOOD ENVIRONMENT.

Policy 1: Promote harmony in the visual relationship and transitions between new and older buildings.

The new construction of the townhomes will better relate the visual relationship of the re-clad existing building to the surrounding finer-scaled residential development in the area.

Policy 3: Promote efforts to achieve high quality of design for buildings to be constructed at prominent locations.

The project has been designed to use quality exterior materials, and to create an architectural façade expression that is an improvement to the existing building.

Policy 6: Relate the bulk of buildings to the prevailing scale of development to avoid an overwhelming or dominating appearance in new construction.

The bulk of the existing building, although proposed to be used for residential uses, is consistent with other bulky buildings in the area due to the proximity of the institutional buildings at CPMC, Pacific Campus and the John F. Kennedy Tower, a 12-story residential building. The new construction portion of the project is appropriately scaled in relation to the prevailing neighborhood scale.

Policy 7: Recognize the special urban design problems posed in development of large properties.

Re-use and conversion of a large, existing building to residential uses is encouraged at the project site, as the scale of the existing building is not out of context with other larger building in the area. The re-use of the building addresses various urban design problems and challenges, as compared to the potential for an alternative project that could propose demolition of the existing building and new construction at the entire project site.

OBJECTIVE 4: IMPROVEMENT OF THE NEIGHBORHOOD ENVIRONMENT TO INCREASE PERSONAL SAFETY, COMFORT, PRIDE AND OPPORTUNITY.

Policy 1: Protect residential areas from the noise, pollution and physical danger of excessive traffic.

As the project is a residential use, the project will not expose the nearby residential areas to noise, pollution or the physical danger of excessive traffic.

Policy 10: Encourage or require the provisions of recreation space in private development.

The project will provide private and common useable open space areas for future residents of the project.

Policy 12: Install, promote and maintain landscaping in public and private areas.

The required street trees are proposed to be planted as approved by the Department of Public Works.

TRANSPORTATION ELEMENT

OBJECTIVE 28: PROVIDE SECURE AND CONVENIENT PARKING FACILITIES FOR BICYCLES.

Policy 28.1: Provide Secure and bicycle parking in new governmental, commercial, and residential developments.

76 secured bicycle parking spaces (Class 1) are proposed in the basement level.

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.

The project would not affect neighborhood-serving retail uses, as there is currently no neighborhood-serving retail use at the project site.

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

There are no existing dwelling units on the site. The neighborhood character will not be impaired and the residential component of the project will add economic diversity to the neighborhood.

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

The project will pay an in-lieu fee to meet the affordability requirements of the Planning Code.

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

The amount of parking proposed at the project will reduce the necessity for on-street parking by future residents of the project.

- 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.

Industrial or service sector businesses are not permitted in the prescribed zoning district for the project site.

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

The project will comply with all current Building Code seismic and fire safety standards.

- G. That landmarks and historic buildings be preserved.

No landmarks or historic buildings are present at the project site.

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

The project proposes a building up to 133 feet in height. A shadow fan study was prepared by the Planning Department and determined that the Project will not affect the sunlight access to any public parks or open space.

13. 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.
14. The Commission hereby finds that approval of the Conditional Use authorization would promote the health, safety and welfare of the City.

DECISION

That based upon the Record, the submissions by the Applicant, the staff of the Department and other interested parties, the oral testimony presented to this Commission at the public hearings, and all other written materials submitted by all parties, the Commission hereby **APPROVES Conditional Use Application No. 2013.0227C** subject to the following conditions attached hereto as "EXHIBIT A" in

general conformance with plans on file, dated June 5, 2014 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. 19166. 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 June 5, 2014.

Jonas Ionin
Commission Secretary

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

NAYS: (none)

ABSENT: (none)

ADOPTED: June 5, 2014

EXHIBIT A

AUTHORIZATION

1. This authorization is for Conditional Use Authorization for a Planned Unit Development with 76 residential dwelling units by proposing to merge nine lots containing approximately 48,000 square feet, convert the existing eight-story residential building into a ten-story, 66-unit residential building and construct ten new townhomes within the RM-1 (Residential, Mixed, Low Density) Zoning District and a 160-F Height and Bulk District; in general conformance with plans, dated June 5, 2014 and stamped "EXHIBIT B" included in the docket for Case No. 2013.0227C and subject to conditions of approval reviewed and approved by the Commission on May 14, 2014 under Motion No. 19166. This authorization and the conditions contained herein run with the property and not with a particular Project Sponsor, business, or operator.

PERFORMANCE

2. **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.

RECORDATION OF CONDITIONS OF APPROVAL

3. 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 June 5, 2014 under Motion No. 19166.

PRINTING OF CONDITIONS OF APPROVAL ON PLANS

4. The conditions of approval under the 'Exhibit A' of this Planning Commission Motion No. 19166 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

5. 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

6. 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.

DESIGN – COMPLIANCE AT PLAN STAGE

7. **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.
For information about compliance, contact the Case Planner, Planning Department at 415-558-6378, www.sf-planning.org.
8. **Open Spaces and Public Realm.** The project sponsor shall continue to work with the Planning Department on the proposed open spaces, particularly the open spaces adjacent to Goldberg Lane and all public rights-of-way. Further development of these open spaces shall take into consideration such elements such as landscape structures, landscape planting plans and lighting.
For information about compliance, contact the Case Planner, Planning Department at 415-558-6378, www.sf-planning.org.
9. **Glazing.** Final glazing selection, particularly at the ground floor shall be subject to Department staff review and approval in order to ensure light maximum transparency and minimal reflectivity. 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.
10. **Lighting Plan.** The Project Sponsor shall submit an exterior lighting plan to the Planning Department prior to Planning Department approval of the building / site permit application.
For information about compliance, contact the Case Planner, Planning Department at 415-558-6378, www.sf-planning.org.
11. **Street Trees.** A total of 25 street trees shall be proposed along Webster, Sacramento and Clay Streets. The Project Sponsor shall submit a site plan to the Planning Department prior to Planning approval of the building permit application indicating that street trees, at a ratio of one street tree of an approved species for every 20 feet of street frontage along public or private streets bounding the Project, with any remaining fraction of 10 feet or more of frontage requiring an extra tree, shall be provided. The street trees shall be evenly spaced along the street frontage except where proposed driveways or

other street obstructions do not permit. The exact location, size and species of tree shall be as approved by the Department of Public Works (DPW). In any case in which DPW cannot grant approval for installation of a tree in the public right-of-way, on the basis of inadequate sidewalk width, interference with utilities or other reasons regarding the public welfare, and where installation of such tree on the lot itself is also impractical, the requirements of this Section 428 may be modified or waived by the Zoning Administrator to the extent necessary.

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

AFFORDABLE UNITS

12. **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 twenty percent (20%).

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.

13. **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.

PARKING AND TRAFFIC

14. **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

15. **Car Share.** Pursuant to Planning Code Section 166, no less than one (1) car share space shall be made available, at no cost, to a certified car share organization for the purposes of providing car share services for its service subscribers.

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

16. **Bicycle Parking (Residential Only).** The Project shall provide no fewer than 76 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.

MONITORING

17. **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

18. **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.

1. **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

19. **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

OPERATION

2. **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/>

3. **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