



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 checked="" type="checkbox"/> Other: EN Impact Fees (Sec. 423) |
| | Useable Open Space (Sec. 426, 427) |

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Planning Commission Motion No. 19201

HEARING DATE: JULY 24, 2014

Date: July 17, 2014
Case No.: **2012.0793 KX**
Project Address: **346 POTRERO AVENUE**
Zoning: UMU (Urban Mixed Use)
85-X Height and Bulk District
Block/Lot: 3962/008
Project Sponsor: Jessie Stuart
90 New Montgomery, Suite 750
San Francisco, CA 94105
Staff Contact: Diego R Sánchez – (415) 575-9082
diego.sanchez@sfgov.org

ADOPTING FINDINGS RELATING TO LARGE PROJECT AUTHORIZATION PURSUANT TO PLANNING CODE SECTION 329 TO ALLOW NEW CONSTRUCTION OF A NINE-STORY RESIDENTIAL BUILDING WITH UP TO 70 DWELLING UNITS AND TO ALLOW EXCEPTIONS FROM (1) REAR YARD PURSUANT TO PLANNING CODE SECTION 134, (2) USEABLE OPEN SPACE PURSUANT TO PLANNING CODE SECTION 135, (3) USEABLE OPEN SPACE FOR USES OTHER THAN DWELLING UNITS PURSUANT TO PLANNING CODE SECTION 135.3, (4) DWELLING UNIT EXPOSURE PURSUANT TO PLANNING CODE SECTION 140 AND (5) STREET FRONTAGE PURSUANT TO PLANNING CODE SECTION 145.1, AND TO ADOPT FINDINGS UNDER THE CALIFORNIA ENVIRONMENTAL QUALITY ACT AT 346 POTRERO AVENUE, LOT 008 IN ASSESSOR'S BLOCK 3962, WITHIN THE UMU (URBAN MIXED USE) ZONING DISTRICT AND AN 85-X HEIGHT AND BULK DISTRICT.

PREAMBLE

On April 18, 2013 Jessie Stuart (hereinafter "Project Sponsor") filed an application with the Planning Department (hereinafter "Department") for a Large Project Authorization under Planning Code Section 329 to allow new construction of a nine-story residential building with up to 70 dwelling units and to allow exceptions from the following: (1) Rear Yard pursuant to Planning Code Section 134, (2) Useable Open Space pursuant to Planning Code Section 135, (3) Useable Open Space for Uses Other than

Dwelling Units pursuant to Planning Code Section 135.3, (4) Dwelling Unit Exposure pursuant to Planning Code Section 140 and (5) Street Frontage pursuant to Planning Code Section 145.1 on the property at 346 Potrero Avenue, west side of Potrero Avenue between 16th Street and 17th Street; Lot 008 in Assessor Block 3962 (hereinafter "Subject Property"). The project is located within a UMU (Urban Mixed Use) Zoning District an 85-X Height and Bulk District.

On July 24, 2014, the San Francisco Planning Commission (hereinafter "Commission") conducted a duly noticed public hearing at a regularly scheduled meeting on a Large Project Authorization, application No. 2012.0793KX.

The environmental effects of the Project were determined by the San Francisco Planning Department to have been fully reviewed under the Eastern Neighborhoods Area Plan Environmental Impact Report (hereinafter "EIR"). The EIR was prepared, circulated for public review and comment, and, at a public hearing on August 7, 2008, by Motion No. 17661, certified by the Commission as complying with the California Environmental Quality Act (Cal. Pub. Res. Code Section 21000 et seq., (hereinafter "CEQA")). The Commission has reviewed the Final EIR, which has been available for this Commissions review as well as public review.

The Eastern Neighborhoods EIR is a Program EIR. Pursuant to CEQA Guideline 15168(c)(2), if the lead agency finds that no new effects could occur or no new mitigation measures would be required of a proposed project, the agency may approve the project as being within the scope of the project covered by the program EIR, and no additional or new environmental review is required. In approving the Eastern Neighborhoods Plan, the Commission adopted CEQA Findings in its Motion No. 17661 and hereby incorporates such Findings by reference.

Additionally, State CEQA Guidelines Section 15183 provides a streamlined environmental review for projects that are consistent with the development density established by existing zoning, community plan or general plan policies for which an EIR was certified, except as might be necessary to examine whether there are project-specific effects which are peculiar to the project or its site. Section 15183 specifies that examination of environmental effects shall be limited to those effects that (a) are peculiar to the project or parcel on which the project would be located, (b) were not analyzed as significant effects in a prior EIR on the zoning action, general plan or community plan with which the project is consistent, (c) are potentially significant off-site and cumulative impacts which were not discussed in the underlying EIR, or(d) are previously identified in the EIR, but which are determined to have a more severe adverse impact than that discussed in the underlying EIR. Section 15183(c) specifies that if an impact is not peculiar to the parcel or to the proposed project, then an EIR need not be prepared for that project solely on the basis of that impact.

On February 3, 2014, the Department determined that the proposed application did not require further environmental review under Section 15183 of the CEQA Guidelines and Public Resources Code Section 21083.3. The Project is consistent with the adopted zoning controls in the Eastern Neighborhoods Area Plan and was encompassed within the analysis contained in the Eastern Neighborhoods Final EIR. Since the Eastern Neighborhoods Final EIR was finalized, there have been no substantial changes to the Eastern Neighborhoods Area Plan and no substantial changes in circumstances that would require major

revisions to the Final EIR 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 Final EIR. The file for this project, including the Eastern Neighborhoods Final EIR and the Community Plan Exemption certificate, is available for review at the San Francisco Planning Department, 1650 Mission Street, Suite 400, San Francisco, California.

Planning Department staff prepared a Mitigation Monitoring and Reporting Program (MMRP) setting forth mitigation measures that were identified in the Eastern Neighborhoods Plan EIR that are applicable to the project. These mitigation measures are set forth in their entirety in the MMRP attached to the draft Motion as Exhibit C.

The Planning Department, Jonas P. Ionin, is the custodian of records, located in the File for Case No. 2012.0793 KX at 1650 Mission Street, Fourth Floor, San Francisco, California.

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 Large Project Authorization requested in Application No. 2012.0793X, 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 west side of Potrero Avenue, between 16th and 17th Streets, Block 3962, Lot 008. The property is located within the UMU (Urban Mixed Use) District with an 85-X height and bulk district. The present use of the property is an automobile washing establishment, and includes a one-story building of approximately 3,000 square feet in area. The property is located in the middle of the block, has 125 feet of frontage along Potrero Avenue, a depth of 90 feet and an area of 11,250 square feet.
3. **Surrounding Properties and Neighborhood.** The property is located at the eastern end of the Mission neighborhood, near the intersection of Potrero Avenue and 16th Street. Properties in the area are of a mixed character, including light industrial, residential and retail buildings. The property to the north of the subject property is a limited restaurant (dba McDonalds) that also includes a drive up facility. The property to the south is an automobile service station (dba Shell). Properties to east, across Potrero Avenue, are generally two- and three-story properties. These properties include either PDR uses, mixed use retail/residential buildings or entirely residential uses. Properties to west include two- and four-story institutional uses and a surface

parking lot serving the institutional uses. Further west is Franklin Square, a public park owned and operated by the San Francisco Recreation and Park Department. The surrounding properties are located within the PDR-1-G (Production, Distribution and Repair: General), UMU (Urban mixed Use) and P (Public Use) zoning districts.

4. **Project Description.** The applicant proposes to demolish the existing 3,000 square foot automotive use building and construct a nine-story, 85 foot tall mixed use building with up to 70 dwelling units and 1,600 square feet of retail. In total, the building will be approximately 88,100 square feet in size. The project will also provide 43 off-street parking spaces located in a basement level at the rear of the property as well as 5,037 square feet of useable open space at the rear and roof of the building.
5. **Public Comment.** The Department has not received any input from the public regarding the proposed project.
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. **Permitted Uses in UMU Zoning Districts.** Planning Code Sections 843.20 and 843.45 states that residential and retail uses are principally permitted use within the UMU Zoning District.

The proposed project would construct new residential and retail uses within the UMU Zoning District; therefore, the proposed project complies with Planning Code Sections 843.20 and 843.45.

- B. **Rear Yard.** Planning Code Section 134 requires a rear yard shall be equal to 25 percent of the total depth of the lot on which the building is situated, but in no case less than 15 feet.

The project is providing a rear yard of 14 feet (equivalent to 15.6 percent of total lot depth) which does not comply with the Planning Code minimum of 25 percent or 15 feet. The project is seeking an exception from this requirement pursuant to Planning Section 329.

- C. **Useable Open Space for Dwelling Units.** Planning Code Section 135 requires a minimum of 80 square feet of useable open space for each dwelling unit or 54 square feet if that useable open space is made publically accessible. Any amount of useable open space not provided is subject to the provisions of Planning Code Section 427.

The project is required to provide 5,600 square feet of useable open space. The project is proposing 5,037 square feet of useable open space at the rear yard and on decks at the roof. The project is seeking an exception from the rear yard requirement and will pay the in-lieu fee, in accordance with Planning Code Section 427, for the useable open space not provided.

- D. **Useable Open Space for Uses Other than Dwelling Units.** Planning Code Section 135.3 requires a minimum of one square foot of useable open space for each 250 square feet of

occupied floor area for retail businesses within the Eastern Neighborhoods Mixed Use Districts.

The project is required to provide 6.4 square feet of useable open space for the non-residential use. The project is seeking an exception from this requirement and will pay the in-lieu fee, in accordance with Planning Code Section 426, for the 6.4 square feet of useable open space not provided.

- E. **Streetscape and Pedestrian Improvements.** Planning Code Section 138.1 requires one new street tree for every 20 feet of street frontage for projects proposing new construction and requires streetscape and pedestrian elements in conformance with the Better Streets Plan when a project is on a lot that is greater than ½-acre in total area and the project includes new construction

The project is proposing the new construction of a nine-story mixed use building on a ¼ acre lot with 125 feet of frontage on Potrero Avenue. The project will provide six street trees in compliance with Section 138.1.

- F. **Dwelling Unit Exposure.** Planning Code Section 140 requires each dwelling unit to face directly on a public street, public alley at least 25 feet in width, side yard at least 25 feet in width, a rear yard meeting the requirements of this Code or an outer court whose width is 25 feet or an open area 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.

There are 34 units that do not face an area as required by Planning Code Section 140. An exception is being sought pursuant to Planning Code Section 140.

- G. **Street Frontage in Mixed Use Districts.** Section 145.1 of the Planning Code requires off-street parking at street grade on a development lot to be set back at least 25 feet on the ground floor; that no more than one-third of the width or 20 feet, whichever is less, of any given street frontage of a new or altered structure parallel to and facing a street shall be devoted to parking and loading ingress or egress; that space for active uses be provided within the first 25 feet of building depth on the ground floor; that non-residential uses have a minimum floor-to-floor height of 17 feet; that the floors of street-fronting interior spaces housing non-residential active uses and lobbies be as close as possible to the level of the adjacent sidewalk at the principal entrance to these spaces; and that frontages with active uses that are not residential or PDR be fenestrated with transparent windows and doorways for no less than 60 percent of the street frontage at the ground level.

The project is proposing the off-street parking to be located at the rear of the property. The off-street parking entrance is approximately 12 feet in width. The ground floor features two retail uses as well as the residential lobby and areas for building systems. The street-fronting spaces are set back three feet from the sidewalk, providing a comfortable buffer from the public realm, but still meeting the intention of this Code Section. The ground floor is fenestrated in excess of 60 percent of the street frontage.

The minimum floor-to-floor height of 17 feet, as required in the UMU zoning district, is not provided for the non-residential uses. The project is seeking an exception from this requirement.

- H. **Off-Street Parking.** Planning Section 151.1 of the Planning Code allows as of right up to three off-street parking spaces for every four dwelling units within the UMU Zoning District and up to one off-street parking space for each dwelling unit if that dwelling unit has at least two bedrooms and 1,000 square feet of area.

The project is proposing 70 dwelling units, of which four are at least two bedrooms and 1,000 square feet in size. Up to 54 off-street parking spaces are allowed, as of right. The project is proposing 43 off-street parking spaces, in compliance with Planning Code Section 151.1.

- I. **Bicycle Parking Requirement.** Planning Code Section 155.2 requires at least one Class 1 bicycle parking space for each dwelling unit as well as one Class 2 bicycle parking space for each 20 dwelling units. Section 155.2 also requires at least two Class 2 bicycle parking spaces for the retail component

The project is proposing up to 70 dwelling units and approximately 1,600 square feet of occupied floor area of retail space and requires at least 70 Class 1 bicycle parking spaces and four Class 2 bicycle spaces for the residential component and two Class 2 bicycle parking spaces for the retail component. The project is proposing 78 Class 1 bicycle parking spaces and six Class 2 bicycle parking spaces, in compliance with Planning Code Section 155.2.

- J. **Car Sharing.** In newly constructed buildings containing residential uses, Planning Code Section 166 requires, if parking is provided, car-share parking spaces to be provided based on the number of dwelling units in the amount specified in Table 166.

The project is proposing up to 70 dwelling units and is required to provide at least one car sharing space. The project is proposing one car sharing space.

- K. **Minimum Dwelling Unit Mix.** Planning Section 207.6 requires new residential projects proposing at least five dwelling units to provide either 40 percent of the total number of proposed dwelling units as two bedroom units or 30 percent of the total number of proposed dwelling units as three bedrooms units.

The project is proposing up to 70 dwelling units of which 32 will be two bedroom units or larger. This is equivalent to 45% of all dwelling units being two bedroom units.

- L. **Shadow Impact Analysis.** Planning Code Section 295 restricts net new shadow, cast by structures exceeding a height of 40 feet, upon property under the jurisdiction of the Recreation and Park Commission. Any project in excess of 40 feet in height and found to cast net new shadow must be found by the Planning Commission, with comment from the General Manager of the Recreation and Parks Department, in consultation with the

Recreation and Park Commission, to have no adverse impact upon the property under the jurisdiction of the Recreation and Park Commission.

The project is proposing a nine-story mixed use building 85 feet in height, as measured to the finished roof, and was found to cast new shadow upon Franklin Square, a property under the jurisdiction of the Recreation and Park Commission. The Planning Commission finds the new shadow, after comment from the General Manager of the Recreation and Parks Department, in consultation with the Recreation and Park Commission, to have no adverse impact upon Franklin Square.

- M. Neighborhood Notification.** Planning Section 312 requires neighborhood notification when proposing a change of use from one land use category to another within the Eastern Neighborhoods Mixed Use Districts.

The project is proposing a change of use from the Motor Vehicle Services land use category to the Residential Uses land use category and has conducted the required notification in conjunction with the notification for the Large Project Authorization.

- N. Inclusionary Affordable Housing Program in UMU.** Planning Code Section 415 sets forth the requirements and procedures for the Inclusionary Affordable Housing Program. Under Planning Code Section 415.3, these requirements would apply to projects that consist of 10 or more units, where the first application (EE or BPA) was applied for on or after July 18, 2006. Since the Project is located within the UMU Zoning District, the Inclusionary Affordable Housing Program requirement for the On-Site Affordable Housing Alternative is to provide 16% of the proposed dwelling units as affordable, as outlined in Planning Code Section 419.3.

The Project Sponsor has demonstrated that it is eligible for the On-Site Affordable Housing Alternative under Planning Code Section 415.6 and 419.3, and 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 by providing the affordable housing on-site instead of through payment of the Affordable Housing Fee. In order for the Project Sponsor to be eligible for the On-Site Affordable Housing Alternative, the Project Sponsor must submit an 'Affidavit of Compliance with the Inclusionary Affordable Housing Program: Planning Code Section 415,' to the Planning Department stating that any affordable units designated as on-site units shall be sold as ownership units and will remain as ownership units for the life of the project. The Project Sponsor submitted such Affidavit on July 7, 2014. The EE application was submitted on October 12, 2010. Therefore, 11 dwelling units (six one-bedroom and five two-bedroom units) of the 70 units provided will be affordable units.

- O. Transit Impact Development Fee.** Planning Code Section 411 applies the Transit Impact Development Fee to projects cumulatively creating more than 800 gross square feet of non-residential uses including Retail/Entertainment, Management, Information and Professional Services and Production/Distribution/Repair

The project is proposing approximately 1,600 gross square feet of retail use. This use is subject to the Transit Impact Development Fee at the per gross square foot rate in place at time of building permit issuance.

- P. **Eastern Neighborhood Infrastructure Impact Fees.** Planning Code Section 423 is applicable to any development project within the UMU (Urban Mixed Use) Zoning District that results in at least one net new residential and/or any replacement of gross square feet or change of use.

The project is proposing up to 70 dwelling units within a nine-story mixed use building of approximately 80,570 gross square feet in size. The project is also replacing the existing PDR uses. The project is subject to Planning Code Section 423 and all associated impact fees must be paid prior to the issuance of the building permit application.

7. **General Compliance with the Large Project Authorization in Eastern Neighborhoods Mixed Use District Objectives.** Planning Code Section 329(c) lists nine aspects of design review in which a project must comply; the Planning Commission finds that the project is compliant with these nine aspects as follows:

- A. Overall building mass and scale

The proposed building mass and scale is appropriate for the context given that the context is undergoing rapid change. Currently the context is dominated by two- and three-story mixed use, residential and light industrial buildings. The base of the building corresponds to this context. The base of the building is strongly delineated from the upper stories at the third floor by a horizontal element that forms part of the exterior structural system. The second story is also differentiated through the use of concrete as a frame for the protruding windows. Together, these treatments express a horizontality of the base that lends itself to the current context.

The upper stories foretell the coming development and the associated higher residential density of the area; at the same time the upper stories are rooted into the base of the building through the exterior structural system. Five columns of the exterior structural system emanating from the base of building help anchor that portion of the exterior structural system that wraps the upper stories. The depth of the upper story is reduced by one-third, in deference to the adjacent properties to the west and to help reduce scale. The north and south facades are also sculpted to reduce mass through two vertical, continuous notches 12 feet in width and five feet in depth.

- B. Architectural treatments, facade design and building materials:

The principal architectural treatment is a concrete exterior structural system that wraps the building on all four sides and provides depth and interest to the project. Behind that exterior structural system, at the front and rear of the building, are a number of balconies for the enjoyment of the residents. The primary façade, on Potrero Avenue, is aptly split into a base that corresponds in height and motif to the current context. This façade enjoys two generously fenestrated retail spaces as well as welcoming

residential lobby. These areas will also feature planting and hardscape paving patterns that help establish a sense of place and entry into the project. The upper stories feature the exposed structural system which is expressed in a primary grid and a secondary "vine-like" motif. The exterior walls or enclosure of the building is a high quality window wall system with integrated sliding glass doors. Juliet balconies will be defined by steel cable rails. The material palette of concrete, aluminum window systems and steel cable rails reflects a contemporary architectural style.

- C. The design of lower floors, including building setback areas, commercial space, townhouses, entries, utilities, and the design and siting of rear yards, parking and loading access;

The lower floors are designed to correspond to the prevailing context of the area. The ground floor is setback two feet from the public right of way and at the residential lobby it is setback three feet. This provides an adequate buffer for the ground floor uses, while maintaining engagement with the public realm given the magnitude of the setbacks. The generous fenestration of the active uses - the two retail spaces and the residential lobby- further engage the public and provide transparency into the building. The sole off-street parking entrance is at the north end of the project and is 12 feet in width. Off-street parking is located at the rear of the project, and uses a system of mechanical car stackers to further reduce building footprint devoted to off-street parking.

- D. The provision of required open space, both on- and off-site. In the case of off-site publicly accessible open space, the design, location, access, size, and equivalence in quality with that otherwise required on-site;

The project provides useable open space, both common and private, at the rear yard, at private decks and at a common roof deck. The common roof deck is especially attractive as it provides sweeping views west of the project. All proposed open spaces are easily accessed from dwelling units.

- E. The provision of mid-block alleys and pathways on frontages between 200 and 300 linear feet per the criteria of Section 270, and the design of mid-block alleys and pathways as required by and pursuant to the criteria set forth in Section 270.2;

The provision of a mid-block alley is not applicable because the Potrero Avenue frontage is less than 200 feet in length.

- F. Streetscape and other public improvements, including tree planting, street furniture, and lighting.

Required street trees, in accordance with Planning Code Section 138.1 as well as required Class 2 bicycle parking will be provided within the public right of way immediately in front on the building. In addition the project sponsor will provided landscaped planters along the commercial façade.

- G. Circulation, including streets, alleys and mid-block pedestrian pathways;

Automobile access is provided exclusively through the sole garage entrance at the northern end of the subject property. The project will be eliminating one of the two existing curb cuts, further enhancing pedestrian circulation.

H. Bulk limits;

The proposed project is within an 'X' bulk district, which does not restrict bulk.

I. Other changes necessary to bring a project into conformance with any relevant design guidelines, Area Plan or Element of the General Plan;

The proposed project, on balance, meets the Objectives and Policies of the General Plan.

8. **Large Project Authorization Exceptions.** As a component of the review process under Planning Code Section 329, projects may seek specific exceptions to the provisions of this Code as provided for below:

A. Where not specified elsewhere in Planning Code Section 329, modification of other Code requirements which could otherwise be modified as a Planned Unit Development (as set forth in Section 304), irrespective of the zoning district in which the property is located

The proposed project is seeking exceptions from the rear yard requirement (Section 134), the useable open space requirement (Section 135) the useable open space for uses other than dwelling units requirement (Section 135.3), the dwelling unit exposure requirement (Section 140) and the Street Frontage requirement (Section 145.1).

Planning Code Section 134 requires the project to provide a rear yard equivalent to 25 percent of lot depth at the rear of the yard and at the lowest story containing a dwelling unit. Given the depth of the subject lot, 90 feet, the project is required to provide a rear yard of 22 feet, six inches in depth. This is equivalent to an area of 2,025 square feet. The project is proposing a rear yard of 14 feet and is seeking an exception on the basis of the eight foot height differential between the location of the rear yard and the top of the surface of the adjacent off-street parking lot. To ameliorate the lack of a code complying rear yard, the project is providing 3,270 square feet of space for roof decks at the rear of the project.

Planning Code Section 135 requires the project to provide at least 80 square feet of useable open space for each dwelling unit. Because the project is proposing 70 dwelling units, the project is required to provide at least 5,600 square feet of useable open space. The project is proposing 5,037 square feet of useable open space at the rear yard, on decks and at a common roof deck. The project sponsor will pay the in-lieu fee, in accordance with Planning Code Section 427, for the useable open space not provided.

Planning Code Section 135.3 requires the project to provide a minimum of one square foot of useable open space for each 250 square feet of occupied floor area for retail businesses within the Eastern Neighborhoods Mixed Use Districts. The project is proposing 1,600 square feet of retail space and is required to provide 6.4 square feet of useable open space for the retail businesses. The project sponsor

will pay the in-lieu fee, in accordance with Planning Code Section 426, for the useable open space not provided.

Planning Code Section 140 requires each dwelling unit to face directly on a public street, public alley at least 25 feet in width, side yard at least 25 feet in width, a rear yard meeting the requirements of this Code or an outer court whose width is 25 feet or an open area 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 is proposing thirty four units that do not meet this requirement. These units that do not meet the requirement are at the rear of the proposed building and face the rear yard and Franklin Square. All other units either face Potrero Avenue or a public street in excess of 25 feet in width; these units are complying with Planning Code Section 140.

Planning Code Section 145.1 requires the project provide areas with non-residential uses a minimum floor-to-floor height of 17 feet. The project provides a portion of the ground floor retail spaces with the required 17 foot floor-to-floor height. However portions of the ground floor retail spaces do not enjoy the required 17 foot floor-to-floor height as the project is proposing residential amenity spaces and portions of two dwelling units over the retail spaces. The floor-to-floor heights at these locations vary from 9 feet, two inches at the amenity spaces to eleven feet, eight inches at one dwelling unit.

9. **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 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 proposed project exceeds the minimum dwelling unit mix requirement by providing more than 40% of its units as two-bedroom units or larger.

OBJECTIVE 5:

ENSURE THAT ALL RESIDENTS HAVE EQUAL ACCESS TO AVAILABLE UNITS.

Policy 5.4:

Provide a range of unit types for all segments of need, and work to move residents between unit types as their needs change.

The Project proposes a mix of unit types, including studio, loft, one- and two-bedroom apartments, which may suit the needs of a variety of households including singles, families and the elderly.

OBJECTIVE 11:

FOSTER A HOUSING STOCK THAT MEETS THE NEEDS OF ALL RESIDENTS ACROSS LIFECYCLES SUPPORT AND RESPECT THE DIVERSE AND DISTINCT CHARACTER OF SAN FRANCISCO'S NEIGHBORHOODS.

Policy 11.6:

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

The ample common useable open spaces as well as the generous fenestration at the ground floor provide, through architectural design, opportunities for community interaction either through common use of spaces or through a visual connection and invitation to interact.

COMMERCE AND INDUSTRY ELEMENT

Objectives and Policies

OBJECTIVE 1:

MANAGE ECONOMIC GROWTH AND CHANGE TO ENSURE ENHANCEMENT OF THE TOTAL CITY LIVING AND WORKING ENVIRONMENT.

Policy 1.1:

Encourage development which provides substantial net benefits and minimizes undesirable consequences. Discourage development that has substantial undesirable consequences that cannot be mitigated.

Policy 1.2:

Assure that all commercial and industrial uses meet minimum, reasonable performance standards.

Policy 1.3:

Locate commercial and industrial activities according to a generalized commercial and industrial land use plan.

The Project is proposing two retail spaces along Potrero Avenue. The proposed retail spaces will provide desirable goods and/or services to the residents of the project as well as to the greater neighborhood which is consistent with the UMU zoning district.

TRANSPORTATION ELEMENT

Objectives and Policies

OBJECTIVE 24:

IMPROVE THE AMBIENCE OF THE PEDESTRIAN ENVIRONMENT.

Policy 24.2:

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

The Project will install street trees at approximately 20 foot intervals along the Potrero Avenue frontage, in compliance with requirements.

OBJECTIVE 28:

PROVIDE SECURE AND CONVENIENT PARKING FACILITIES FOR BICYCLES.

Policy 28.1:

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

Policy 28.3:

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

The Project includes 112 bicycle parking spaces in a secure and convenient location on the subject property.

MISSION AREA PLAN

Objectives and Policies

OBJECTIVE 1.2:

IN AREAS OF THE MISSION WHERE HOUSING AND MIXED-USE IS ENCOURAGED, MAXIMIZE DEVELOPMENT POTENTIAL IN KEEPING WITH NEIGHBORHOOD CHARACTER.

Policy 1.2.2:

For new construction, and as part of major expansion of existing buildings in neighborhood commercial districts, require ground floor commercial uses in new housing development. In other mixed-use districts encourage housing over commercial or PDR where appropriate.

The Project is proposing to demolish an existing automobile washing establishment and construction 70 dwelling units. The Project is proposing two retail spaces along Potrero Avenue. These retail spaces encompass the majority of the area on the ground floor.

OBJECTIVE 2.3:

ENSURE THAT NEW RESIDENTIAL DEVELOPMENTS SATISFY AN ARRAY OF HOUSING NEEDS WITH RESPECT TO TENURE, UNIT MIX AND COMMUNITY SERVICES.

Policy 2.3.1:

Target the provision of affordable units for families.

Policy 2.3.3:

Require that a significant number of units in new developments have two or more bedrooms, except Senior Housing and SRO developments unless all Below Market Rate units are two or more bedrooms.

The Project is proposing to satisfy the affordable housing requirement by providing affordable units on-site. Of the required 11 affordable units, seven two-bedroom units will be designated as affordable units.

OBJECTIVE 3.2:

PROMOTE AN URBAN FORM AND ARCHITECTURAL CHARACTER THAT SUPPORTS WALKING AND SUSTAINS A DIVERSE, ACTIVE AND SAFE PUBLIC REALM.

Policy 3.2.3:

Minimize the visual impact of parking.

The Project is proposing to locate its off-street parking at the rear of the property, within mechanical car stackers.

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

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

The proposal will enhance the existing neighborhood-serving retail uses by introducing a large number of potential patrons to the area.

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 building is designed in a manner that complements the current mixed character of the area, with an eye toward establishing a framework from which subsequent residential development may draw inspiration.

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

The proposed development will add 70 new dwelling units, of which 11 will be affordable, on-site dwelling units under Planning Code Sections 415 and 419.

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

It is not anticipated that commuter traffic will impede MUNI transit or overburden streets or neighborhood parking as the sole automobile entrance is at the northern end of the subject property.

- 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 proposed project will not displace industrial and service sector establishments with commercial office development as the proposed project is primarily residential.

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

The proposed project is designed and will be constructed to conform to the structural and seismic safety requirements of the Building Code.

- G. That landmarks and historic buildings be preserved.

No historic resource or landmark properties are on the project site.

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

The Planning Commission found that the net new shadow cast by the project upon Franklin Square will not be adverse to the use of the park.

- 11. **First Source Hiring.** The Project is subject to the requirements of the First Source Hiring Program as they apply to permits for residential development (Section 83.4(m) of the Administrative Code), and the Project Sponsor shall comply with the requirements of this Program as to all construction work and on-going employment required for the Project. Prior to the issuance of any building permit to construct or a First Addendum to the Site Permit, the Project Sponsor shall have a First Source Hiring Construction and Employment Program approved by the First Source Hiring Administrator, and evidenced in writing. In the event that both the Director of Planning and the First Source Hiring Administrator agree, the approval of the Employment Program may be delayed as needed.

The Project Sponsor submitted a First Source Hiring Affidavit and prior to issuance of a building permit will execute a First Source Hiring Memorandum of Understanding and a First Source Hiring Agreement with the City's First Source Hiring Administration.

- 12. 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.

13. 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 Large Project Authorization Application No. 2012.0793KX** under Planning Code Section 329 to allow the new construction of a nine-story mixed use building with up to 70 dwelling units, 1,600 gross square feet of retail space and exceptions from the rear yard, useable open space, useable open space for uses other than dwelling units, dwelling unit exposure and street frontages requirements within the UMU (Urban Mixed Use) Zoning District and an 85-X Height and Bulk District. The Project is subject to the following conditions attached hereto as "EXHIBIT A" in general conformance with plans on file, dated July 15, 2014, and stamped "EXHIBIT B", which is incorporated herein by reference as though fully set forth.

The Planning Commission hereby adopts the MMRP attached hereto as Exhibit C and incorporated herein as part of this Motion by this reference thereto. All required mitigation measures identified in the Eastern Neighborhoods Plan EIR and contained in the MMRP are included as conditions of approval.

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. 19201. The effective date of this Motion shall be the date of this Motion if not appealed (After the 30-day period has expired) OR the date of the decision of the Board of Supervisors if appealed to the Board of Supervisors. For further information, please contact the Board of Supervisors at (415) 554-5184, City Hall, Room 244, 1 Dr. Carlton B. Goodlett Place, San Francisco, CA 94102.

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

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

I hereby certify that the Planning Commission ADOPTED the foregoing Motion on July 24, 2014.

Jonas P. Ionin
Commission Secretary

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

NAYES: None

ABSENT: None

ADOPTED: July 24, 2014

EXHIBIT A

AUTHORIZATION

This authorization is for a conditional use to allow to allow the new construction of a nine-story mixed use building with up to 70 dwelling units, 1,600 gross square feet of retail space and exceptions from the rear yard, useable open space, useable open space for uses other than dwelling units, dwelling unit exposure and street frontages requirements located at 346 Potrero Avenue, Lot 008 in Assessor's Block 3962 pursuant to Planning Code Section 329 within the UMU (Urban Mixed Use) District and an 85-X Height and Bulk District; in general conformance with plans, dated July 24, 2014, and stamped "EXHIBIT B" included in the docket for Case No. **2012.0793KX** and subject to conditions of approval reviewed and approved by the Commission on **July 24, 2014** under Motion No. **19201**. 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 **July 24, 2014** under Motion No. **19201**.

PRINTING OF CONDITIONS OF APPROVAL ON PLANS

The conditions of approval under the 'Exhibit A' of this Planning Commission Motion No. **19201** shall be reproduced on the Index Sheet of construction plans submitted with the Site or Building permit application for the Project. The Index Sheet of the construction plans shall reference to the Conditional Use authorization and any subsequent amendments or modifications.

SEVERABILITY

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

CHANGES AND MODIFICATIONS

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

Conditions of Approval, Compliance, Monitoring, and Reporting

PERFORMANCE

1. **Validity.** The authorization and right vested by virtue of this action is valid for three (3) years from the effective date of the Motion. The Department of Building Inspection shall have issued a Building Permit or Site Permit to construct the project and/or commence the approved use within this three-year period.

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

2. **Expiration and Renewal.** Should a Building or Site Permit be sought after the three (3) year period has lapsed, the project sponsor must seek a renewal of this Authorization by filing an application for an amendment to the original Authorization or a new application for Authorization. Should the project sponsor decline to so file, and decline to withdraw the permit application, the Commission shall conduct a public hearing in order to consider the revocation of the Authorization. Should the Commission not revoke the Authorization following the closure of the public hearing, the Commission shall determine the extension of time for the continued validity of the Authorization.

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

3. **Diligent pursuit.** Once a site or Building Permit has been issued, construction must commence within the timeframe required by the Department of Building Inspection and be continued diligently to completion. Failure to do so shall be grounds for the Commission to consider revoking the approval if more than three (3) years have passed since this Authorization was approved.

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

4. **Extension.** All time limits in the preceding three paragraphs may be extended at the discretion of the Zoning Administrator where implementation of the project is delayed by a public agency, an appeal or a legal challenge and only by the length of time for which such public agency, appeal or challenge has caused delay.

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

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

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

6. **Mitigation Measures.** Mitigation measures described in the MMRP for the Eastern Neighborhoods Plan EIR (Case No. 2004.0160E) attached as Exhibit C are necessary to avoid potential significant effects of the proposed project and have been agreed to by the project sponsor.

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

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. 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

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

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

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

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

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

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

10. **Street Trees.** Pursuant to Planning Code Section 138.1 (formerly 143), the Project Sponsor shall submit a site plan to the Planning Department prior to Planning approval of the building permit application indicating that street trees, at a ratio of one street tree of an approved species for every 20 feet of street frontage along public or private streets bounding the Project, with any remaining fraction of 10 feet or more of frontage requiring an extra tree, shall be provided. The street trees shall be evenly spaced along the street frontage except where proposed driveways or other street obstructions do not permit. The exact location, size and species of tree shall be as approved by the Department of Public Works (DPW). In any case in which DPW cannot grant approval for installation of a tree in the public right-of-way, on the basis of inadequate sidewalk width, interference with utilities or other reasons regarding the public welfare, and where installation of such tree on the lot itself is also impractical, the requirements of this Section 428 may be modified or waived by the Zoning Administrator to the extent necessary.

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

PARKING AND TRAFFIC

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

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

12. **Car Share.** Pursuant to Planning Code Section 166, no fewer 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

13. **Bicycle Parking.** Pursuant to Planning Code Sections 155.1, 155.4, and 155.5, the Project shall provide no fewer than 76 bicycle parking spaces (70 Class 1 spaces and four Class 2 spaces for the

residential portion of the Project and two Class 1 or 2 spaces for the commercial portion of the Project).

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

14. **Parking Maximum.** Pursuant to Planning Code Section 151.1, the Project shall provide no more than fifty four (54) off-street parking spaces.

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

PROVISIONS

15. **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

16. **Transit Impact Development Fee.** Pursuant to Planning Code Section 411, 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

17. **Affordable Units.**

- A. **Eastern Neighborhoods Affordable Housing Requirements for UMU.** Pursuant to Planning Code Section 419.3, Project Sponsor shall provide 16 percent of the proposed dwelling units as affordable to qualifying households as the proposed project is a Tier B project where a minimum of 16 percent of the total units constructed shall be affordable to and occupied by qualifying persons and families. The Project contains 70 units; therefore, 11 affordable units are required. The Project Sponsor will fulfill this requirement by providing the 11 affordable units on-site. If the number of market-rate units change, the number of required affordable units shall be modified accordingly with written approval from Planning Department staff in consultation with the Mayor's Office of Housing ("MOH").

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

- B. **Unit Mix.** The Project contains 38 one-bedroom, 30 two-bedroom and two three-bedroom units; therefore, the required affordable unit mix is six one-bedroom and five two-bedroom units. If the market-rate unit mix changes, the affordable unit mix will be modified

accordingly with written approval from Planning Department staff in consultation with MOH.

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

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

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

- D. **Phasing.** If any building permit is issued for partial phasing of the Project, the Project Sponsor shall have designated not less than sixteen percent (16%) of the each phase's total number of dwelling units as on-site affordable units.

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

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

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

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

<http://sf-planning.org/Modules/ShowDocument.aspx?documentid=4451>. As provided in the Inclusionary Affordable Housing Program, the applicable Procedures Manual is the manual in effect at the time the subject units are made available for sale.

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

- a. The affordable unit(s) shall be designated on the building plans prior to the issuance of the first construction permit by the Department of Building Inspection ("DBI"). The affordable unit(s) shall (1) reflect the unit size mix in number of bedrooms of the market rate units, (2) be constructed, completed, ready for occupancy and marketed no later than the market rate units, and (3) be evenly distributed throughout the building; and (4) be of comparable overall quality, construction and exterior appearance as the market rate units in the principal project.

- The interior features in affordable units should be generally the same as those of the market units in the principal project, but need not be the same make, model or type of such item as long they are of good and new quality and are consistent with then-current standards for new housing. Other specific standards for on-site units are outlined in the Procedures Manual.
- b. If the units in the building are offered for rent, the affordable unit(s) shall be rented to qualifying households, as defined in the Procedures Manual, whose gross annual income, adjusted for household size, does not exceed an average fifty-five (55) percent of Area Median Income under the income table called "Maximum Income by Household Size derived from the Unadjusted Area Median Income for HUD Metro Fair Market Rent Area that contains San Francisco." The initial and subsequent rent level of such units shall be calculated according to the Procedures Manual. Limitations on (i) occupancy; (ii) lease changes; (iii) subleasing, and; are set forth in the Inclusionary Affordable Housing Program and the Procedures Manual.
 - c. The Project Sponsor is responsible for following the marketing, reporting, and monitoring requirements and procedures as set forth in the Procedures Manual. MOH shall be responsible for overseeing and monitoring the marketing of affordable units. The Project Sponsor must contact MOH at least six months prior to the beginning of marketing for any unit in the building.
 - d. Required parking spaces shall be made available to renters of affordable units according to the Procedures Manual.
 - e. Prior to the issuance of the first construction permit by DBI for the Project, the Project Sponsor shall record a Notice of Special Restriction on the property that contains these conditions of approval and a reduced set of plans that identify the affordable units satisfying the requirements of this approval. The Project Sponsor shall promptly provide a copy of the recorded Notice of Special Restriction to the Department and to MOH or its successor.
 - f. The Project Sponsor has demonstrated that it is eligible for the On-site Affordable Housing Alternative under Planning Code Section 415.6 instead of payment of the Affordable Housing Fee, and has submitted the *Affidavit of Compliance with the Inclusionary Affordable Housing Program: Planning Code Section 415* to the Planning Department stating the intention to enter into an agreement with the City to qualify for a waiver from the Costa-Hawkins Rental Housing Act based upon the proposed density bonus and concessions (as defined in California Government Code Section 65915 et seq.) provided herein. The Project Sponsor has executed the Costa Hawkins agreement and will record a Memorandum of Agreement prior to issuance of the first construction document or must revert payment of the Affordable Housing Fee.
 - g. If the Project Sponsor fails to comply with the Inclusionary Affordable Housing Program requirement, the Director of DBI shall deny any and all site or building permits or certificates

of occupancy for the development project until the Planning Department notifies the Director of compliance. A Project Sponsor's failure to comply with the requirements of Planning Code Section 415 et seq. shall constitute cause for the City to record a lien against the development project and to pursue any and all available remedies at law.

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

19. **Eastern Neighborhoods Infrastructure Impact Fee.** Pursuant to Planning Code Section 423 (formerly 327), the Project Sponsor shall comply with the Eastern Neighborhoods Public Benefit Fund provisions through payment of an Impact Fee pursuant to Article 4.

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

MONITORING

20. **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

21. **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

22. **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>

23. **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>

24. **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

MEASURES ADOPTED AS CONDITIONS OF APPROVAL	Responsibility for Implementation	Schedule	Monitoring/Report Responsibility	Status/Date Completed
<i>Hazardous Materials Mitigation Measure</i>				
<p><u>Project Mitigation Measure 3 – Hazardous Building Materials (Mitigation Measure L-1 of the Eastern Neighborhoods FEIR)</u></p> <p>The City shall condition future development approvals to require that the subsequent project sponsors ensure that any equipment containing PCBs or DEPH, such as fluorescent light ballasts, are removed and properly disposed of according to applicable federal, state, and local laws prior to the start of renovation, and that any fluorescent light tubes, which could contain mercury, are similarly removed and properly disposed of. Any other hazardous materials identified, either before or during work, shall be abated according to applicable federal, state, and local laws.</p>	Project sponsor.	During demolition, excavation, and construction.	Department of Building Inspection (DBI).	Compliance through building permit process.