



SAN FRANCISCO PLANNING DEPARTMENT

Subject to: (Select only if applicable)

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|--|--|
| <input type="checkbox"/> Affordable Housing (Sec. 415) | <input type="checkbox"/> First Source Hiring (Admin. Code) |
| <input type="checkbox"/> Jobs Housing Linkage Program (Sec. 413) | <input type="checkbox"/> Child Care Requirement (Sec. 414) |
| <input type="checkbox"/> Downtown Park Fee (Sec. 412) | <input checked="" type="checkbox"/> Other - Street Tree In-Lieu Fee (Sec. 428) |

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Planning Commission Motion No. 19232

HEARING DATE: SEPTEMBER 11, 2014

Date: September 23, 2014
Case No.: **2013.1375 EC**
Project Address: **115 TELEGRAPH HILL BLVD. (AKA 363 FILBERT STREET)**
Zoning: RH-3 (Residential House, Three-Family)
Telegraph Hill/North Beach Residential Special Use District
40-X Height and Bulk District
Block/Lot: 0105/065
Project Sponsor: Jeremy Ricks
735 Montgomery Street, Suite 350
San Francisco, CA 94111
Staff Contact: Elizabeth Watty – (415) 558-6620
Elizabeth.Watty@sfgov.org

ADOPTING FINDINGS RELATING TO THE APPROVAL OF A CONDITIONAL USE AUTHORIZATION PURSUANT TO PLANNING CODE SECTIONS 209.1(h) AND 303, TO ALLOW THE CONSTRUCTION OF THREE NEW DWELLING UNITS (FOR A LOT TOTAL OF FOUR UNITS) WITH THREE OFF-STREET PARKING SPACES WITHIN THE RH-3 (RESIDENTIAL HOUSE, THREE-FAMILY) ZONING DISTRICT, TELEGRAPH HILL – NORTH BEACH RESIDENTIAL SPECIAL USE DISTRICT, AND A 40-X HEIGHT AND BULK DISTRICT.

PREAMBLE

On August 21, 2013, Daniel Frattin, attorney for Jeremy Ricks (hereinafter “Project Sponsor”), filed an application with the Planning Department (hereinafter “Department”) for Conditional Use Authorization under Planning Code Sections 151, 151.1, 209.1(h), 249.49, and 303, to allow the construction of three new dwelling-units above four off-street parking spaces on a lot that contains one existing unit within the RH-3 (Residential House, Three-Family) Zoning District, Telegraph Hill – North Beach Residential Special Use District, and a 40-X Height and Bulk District.

On July 17, 2014, the San Francisco Planning Commission (hereinafter “Commission”) conducted a duly noticed public hearing at a regularly scheduled meeting on Conditional Use Application No. 2013.1375C.

At that hearing, the Planning Commission continued the hearing to September 11, 2014 so that the Project Sponsor could make revisions to the Project's design and provide additional information about the rear cottage.

On September 11, 2014, the Commission conducted a duly noticed public hearing at a regularly scheduled meeting on Conditional Use Application No. 2013.1375C.

On September 11, 2014, during the duly noticed public hearing on Conditional Use Application No. 2013.1375C, the Project Sponsor verbally withdrew, on-record, the request for a Conditional Use Authorization, pursuant to Planning Code Sections 151, 151.1, and 249.49, to allow a fourth off-street parking space (a one-to-one parking to dwelling-unit ratio), reducing the parking included as part of the Project to three spaces serving four dwelling-units.

On September 3, 2014, the Project was determined to be exempt from the California Environmental Quality Act ("CEQA") as a Class 1 and 3 Categorical Exemption under CEQA as described in the determination contained in the Planning Department files for this Project.

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

MOVED, that the Commission hereby authorizes the Conditional Use requested in Application No. 2013.1375CE, as amended at the hearing on September 11, 2014, 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 Property is a 7,517 square-foot lot that is steeply sloping; in 1993, three lots were merged into the one large lot in existence today. It once contained five buildings, but four of the five buildings were demolished circa 1997. The lot currently contains a one-story cottage that was constructed in 1906, concrete retaining walls, concrete and wood stairways, and fencing. The lot has been vacant – with the exception of the vacant cottage – since 1997. In the early 1990s, the Bureau of Building Inspection declared the cottage "unsound" and it is currently uninhabitable. The Property occupies 82'-6" of frontage, including 68' along the Filbert Street steps.
3. **Surrounding Properties and Neighborhood.** The Project is located on the south side of Telegraph Hill Boulevard, between Montgomery, and Kearny Streets on Telegraph Hill near Coit Tower. On this portion of the hill, Filbert Street consists of a set of concrete public stairs, but provides no vehicle throughway. Telegraph Hill Blvd passes to the north of the Property,

spiraling up to Coit Tower. The Property is in the North Beach neighborhood, and is located in an RH-3 Zoning District, towards the top of Telegraph Hill near Coit Tower. Properties in the immediate area typically consist of one-, two- and three-family dwellings. Buildings heights are varied, but typically range from two-to-four stories tall at the street, and are scaled at the street to respect the laterally-sloping topography of the hill. To the west is a two-story, two-unit building, and immediately to the east is a four-story, three-unit building.

4. **Project Description.** The Project Sponsor proposes to construct a 15,544 sq. ft. three-unit residential building with three-off-street parking spaces on a lot that contains one existing dwelling-unit (a vacant cottage in the southeast corner of the lot). The Project also includes the renovation and restoration of the cottage located at the rear of the property, returning it to its pre-variance (93.180V) building form.

The new building will be designed to appear from the street as three, three-story single-family dwellings that will step down the hill relative to the naturally sloping topography of Telegraph Hill. The new building will include three off-street parking spaces in a shared 3,137 sq. ft. below-grade garage/basement, accessed from one garage door that will be located at the top of the Filbert Street stairs along Telegraph Hill Boulevard. The cottage in the rear would be accessed via a designated pedestrian path to the west of Unit #3, as well as through the garage.

The three units will each occupy 23'-10" of frontage. Each unit will contain a green roof deck featuring sustainable native plants, as well as extensive landscaping. Although the rear cottage was authorized to expand as part of Variance Case no. 93.180V, the implementing Building Permit Applications were never finalized by the Department of Building Inspection. Therefore, the variance has expired, and the Project Sponsor must either revert the cottage to the pre-variance building form or seek and justify an additional variance. The Project Sponsor chose to revert the cottage to the pre-variance building form. Revised plans dated September 16, 2014, approved as part of this Motion (Exhibit B), show this scope of work.

5. **Public Comment.** The Department has received letters of support from 43 people (including the North Beach Neighbors), and letters in opposition to the Project from 41 people (including the Telegraph Hill Dwellers).
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. **Density.** Planning Code Section 209.1(h) states that a density ratio up to one dwelling unit for each 1,000 square feet of lot area is permitted in the RH-3 Zoning District, if authorized as a Conditional Use by the Planning Commission.

The Property contains 7,517 sq. ft. of lot area and would permit up to seven units with a Conditional Use Authorization. The Project would result in a lot total of four units, and thus is permitted with a Conditional Use Authorization, which is justified in more detail through Section 7, below.

- B. **Rear Yard Requirement.** Planning Code Section 134 states that the minimum rear yard depth shall be equal to 45 percent of the total depth of a lot in which it is situated, and based on conditions on the adjacent properties, it may be reduced up to 25 percent of the total depth of the lot, based on the average depths of adjacent buildings.

The Project will be constructed within buildable area of the lot, maintaining a 45 percent rear yard. The existing rear yard cottage is located entirely within the required rear yard; although it will be repaired, remodeled, and reduced to the pre-variance building form, it will not be expanded, and therefore is considered an existing legal noncomplying structure. The Project complies with Planning Code Section 134.

- C. **Open Space.** Planning Code Section 135 requires 100 square-feet of usable open space per dwelling unit in the RH-3 Zoning District if privately accessible, or 133 square-feet per unit if the space is commonly accessible.

The Project satisfies the residential open space requirements through a private 132 square-foot deck for Unit #1, a private 300 square-foot deck for Unit #2, a 252 square-foot deck for Unit #3, and through a commonly-accessible 2,266 square-foot, rear yard for the existing rear yard cottage. The Project complies with the open space requirements of Planning Code Section 135.

- D. **Street Trees.** Planning Code Section 138.1 requires the provision of street trees with the addition of a new dwelling unit. When street trees are required, one 24-inch box size tree is required for each 20 feet of lot frontage along a street, with any remaining fraction of 10 feet or more of frontage requiring an additional tree. Such trees shall be located either within a setback area on the lot or within the public right-of-way along such lot.

The Property currently contains two street trees along the 82'-6" property frontage, located between the Filbert Street stairs and Telegraph Hill Boulevard. The Property requires installation of 4 trees; however, according to the Department of Public Works, installation of the additional two required street trees is infeasible. As such, the Project Sponsor will pay an in-lieu fee for two street trees.

- E. **Bird Safe Glazing.** Planning Code Section 139 allows residential buildings within R-Districts that are less than 45 feet in height and have an exposed facade comprised of less than 50% glass to be exempt from the Location-Related Glazing Standards outlined in Planning Code Section 139(c)(1).

The Property is located within 300-feet of an Urban Bird Refuge; however, the new buildings' exposed facades are comprised of less than unobstructed 50 percent glass, and are therefore exempt from meeting the Location-Related Glazing Standards outlined in Planning Code Section 139(c)(1).

- F. **Exposure.** Planning Code Section 140 requires that at least one qualifying room of every dwelling unit must face directly on an open area. The open area may be a street or alley, Code-compliant rear yard, or a qualifying open space.

The three new dwelling-units will face Telegraph Hill Boulevard, which is a qualifying street for the purpose of dwelling-unit exposure. The dwelling-unit located within the existing legal noncomplying structure in the rear yard will face an open space between the buildings that meets the dimensional requirements of Planning Code Section 140(a)(2); the space is 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 complies with the dwelling unit exposure requirements of Planning Code Section 140.

- G. **Telegraph Hill – North Beach Residential Special Use District.** Planning Code Section 249.49 establishes the Telegraph Hill – North Beach Residential Special Use District (SUD). The purpose of this SUD, as it relates to new construction projects, is to regulate off-street parking in order to ensure that it does not significantly increase the level of automobile traffic, increase pollution, or impair pedestrian use on narrow public rights-of-way in the District. Although the RH-3 Zoning District would typically require one parking space per dwelling unit (a one-to-one parking ratio), this SUD requires a Conditional Use, along with related findings outlined in Section 151.1(g), to achieve the same parking ratio.

The Project is located within the Telegraph Hill – North Beach Residential Special Use District. Although the original Project proposed four off-street parking spaces, which required a Conditional Use Authorization, the Project was revised during the hearing to eliminate the fourth parking space. With only three off-street parking spaces now part of the Project, the parking is considered principally permitted, and no longer requires a Conditional Use Authorization under Sections 151, 151.1, and 249.49.

7. **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:

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

The Project is necessary and desirable because it will provide much needed family-sized in-fill housing in a residential neighborhood, on a lot that has been vacant (less for a small cottage at the rear of the lot) for over 10 years. The lot previously contained five buildings, but four of those five buildings were demolished in 1997. At present, the vacancy of the Property is a detriment to the neighborhood and creates a gap in the urban fabric that is built along the Filbert Street walkway and stairs. The vacant lot is visually inconsistent with the character of the surrounding private property, which features housing developments that relate to the topography of the hill. The Project is compatible with properties that abut a vehicular street, which typically include off-street parking. The Project will also incorporate landscaping to match the surrounding area, and create visual consistency in the neighborhood. As an area that attracts tourists and visitors, the Project is a desirable improvement to the neighborhood over the existing vacant lot.

The Project will provide three new family-sized dwelling units, and will renovate an existing cottage that is in disrepair in order to make it suitable for occupancy. In-fill sites in developed residential neighborhoods, such as Telegraph Hill, should be developed with new housing.

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

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

The 7,517 square-foot Property is located in a relatively low-density area; the lot is large for the neighborhood. In 1993, three lots were merged into the one large lot in existence today. Prior to that merger, up to nine dwelling units would have been principally permitted (approvable without a Conditional Use Authorization); now, only three units would be principally permitted, and four-to-seven units would be permitted with a Conditional Use Authorization.

This large vacant lot is an appropriate location for a three-unit in-fill development (for a total of four units on the lot). Due to the relatively low density development of the surrounding area, the Project will create housing at an appropriate scale in a desirable urban area without overcrowding the neighborhood. Although the three units are technically located within one building, they appear as three single-family dwellings, each with approximately 23'-10" wide building facades that are located at the front property line, which is typical of residential properties in the surrounding area. The existing and proposed uses are consistent with the neighborhood uses, and the proposed design is compatible with the immediate vicinity.

- 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 Property is located in a relatively low-density area. The addition of three new dwelling-units will have negligible adverse effect on traffic in the neighborhood, and it is anticipated that the Project will generate traffic volumes and patterns compatible with those of existing surrounding uses, particularly those properties with off-street parking. The Project will provide three off-street parking spaces in a below-grade basement garage, which will be sufficient to serve the residents at the property.

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

The Project consists of the construction of a new three-unit residential building with three off-street parking spaces, and the renovation of one existing cottage. The Project will comply with all City codes regarding construction hours, noise, and dust, and it will not produce, or include, any permanent uses that would emit noxious or offensive emissions such as noise, glare, dust and odor.

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

The Project will improve the exterior appearance of the Property by upgrading landscaping and creating an attractive, Code-compliant housing development. The Project will incorporate ample landscaping in planters at the front of the Property, and the area surrounding the new development will be landscaped to allow the development to blend into, and complement, the surrounding hillside. The Project Sponsors have also committed to working in good faith with DPW and other relevant City agencies on a stewardship and maintenance agreement for the landscaped area to the north of the Filbert Street stairs.

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

The Project complies with all relevant requirements and standards of the Planning Code and is consistent with Objectives and Policies of the General Plan, as detailed below.

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

HOUSING ELEMENT

Objectives and Policies

OBJECTIVE 2:

RETAIN EXISTING HOUSING UNITS, AND PROMOTE SAFETY AND MAINTENANCE STANDARDS, WITHOUT JEOPARDIZING AFFORDABILITY.

Policy 2.4:

Promote improvements and continued maintenance to existing units to ensure long term habitation and safety.

The Project includes the renovation of the existing rear yard cottage, which is in poor condition, in order to make it suitable for occupancy.

OBJECTIVE 4:

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

Policy 4.1:

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

The Project includes the renovation of the existing rear yard cottage, which is in poor condition, in order to make it suitable for occupancy, and includes the development of three new family-sized units.

OBJECTIVE 11:

SUPPORT AND RESPECT THE DIVERSE AND DISTRICT 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 the existing neighborhood character.

Policy 11.2:

Ensure implementation of acceptable design standards in project approvals.

Policy 11.3:

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

The Project includes a well-design renovation of the existing rear yard cottage, and includes new construction that is compatible with the surrounding scale of buildings at the street and the massing of adjacent buildings, as well as the architectural character of the surrounding neighborhood.

TRANSPORTATION ELEMENT

Objectives and Policies

OBJECTIVE 1:

MEET THE NEEDS OF ALL RESIDENTS AND VISITORS FOR SAFE, CONVENIENT AND INEXPENSIVE TRAVEL WITHIN SAN FRANCISCO AND BETWEEN THE CITY AND OTHER PARTS OF THE REGION WHILE MAINTAINING THE HIGH QUALITY LIVING ENVIRONMENT OF THE BAY AREA.

Policy 1.3:

Give priority to public transit and other alternatives to the private automotive as the means of meeting San Francisco's transportation needs, particularly those of commuters.

OBJECTIVE 2:

USE THE TRANSPORTATION SYSTEM AS A MEANS FOR GUIDING DEVELOPMENT AND IMPROVING THE ENVIRONMENT.

Policy 2.2:

Reduce pollution, noise and energy consumption.

The Project's central location to the City's downtown and its proximity to public transportation make it an ideal location for new housing. Residents will have a variety of options connecting them to the rest of the

City and beyond. Due to the Property's central location, residents will be able to commute to jobs and access much of San Francisco by transit, foot or bicycle.

URBAN DESIGN ELEMENT

Objectives and Policies

OBJECTIVE 2

CONSERVATION OF RESOURCES WHICH PROVIDE A SENSE OF NATURE, CONTINUITY WITH THE PAST, AND FREEDOM FROM OVERCROWDING.

Policy 2.7:

Recognize and protect outstanding and unique areas that contribute in an extraordinary degree to San Francisco's visual form and character.

Telegraph Hill is identified in the General Plan's Urban Design Element as an outstanding and unique area. The Special characteristics of the area are identified as the following:

- *A hilltop park with the highly visible green of trees from which Coit Tower rises above all else.*
- *Low, small-scale buildings having predominantly flat roofs and light pastel colors, hugging the topography in a highly articulated form which contrasts with the power of downtown construction.*
- *Cliffs and complex stairs and walkways on the east side above the waterfront, with buildings perched precariously along the slope and trees interspersed.*
- *Intimate pedestrian scale and texture of streets and housing, with sudden and dramatic views of the Bay and downtown through narrow openings.*

The Project is compatible with the aforementioned special characteristics, in that the buildings are designed to be consistent with the scale and massing of surrounding properties, and include flat, landscaped roof. The buildings respect the topography of the street by "stepping-down" the laterally-sloping topography of the Filbert Street steps. The buildings have been designed with a pedestrian scale and texture, incorporating both landscaping as well as side setbacks along the west side of each of the three new units, which provide for views of downtown.

OBJECTIVE 3:

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

Policy 3.1:

Promote harmony in the visual relationships and transitions between new and older buildings.

Policy 3.6:

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

The Project provides an attractive modern design and form that compliments and blends with surrounding structures without mimicking them. This creates a visually dynamic and harmonious neighborhood with an appropriate mixture of building styles.

OBJECTIVE 4

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

Policy 4.4

Design walkways and parking facilities to minimize danger to pedestrians.

This General Plan states that driveways across sidewalks should be kept to a practical minimum, with control maintained over the number and width of curb cuts, in order to minimize danger to pedestrians. The Project includes a 10-foot wide curb cut, which is the City standard, and a 12-foot wide garage door, which is comparable with the size of garage doors found on surrounding properties (specifically the two properties to the east). The Project has been designed to include one garage entrance that will serve the vehicle storage for all four units on the Property, thereby minimizing danger to pedestrians. The garage has sufficient space for maneuvering such that exiting vehicles will not need to be backed-out in reverse. The garage door will be recessed 7'-6" from the front Property Line, in order to allow cars to exit the garage and observe pedestrian activity before crossing the sidewalk. As indicated through the Conditions of Approval, the Project Sponsor has also agreed to install warning signs to alert pedestrians on the Filbert Steps to the presence of the driveway, as well as mirrors to enhance the view of drivers exiting the garage.

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

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

The Project includes the re-use of the existing vacant residential cottage at the rear of the property, and the addition of three residential units on a largely vacant lot. It will not displace any neighborhood serving retail uses or have any adverse effect on future opportunities for resident employment and ownership of retail uses.

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

The Project will conserve and protect existing housing and neighborhood character by renovating and restoring an existing building in the neighborhood. It will improve a dilapidated vacant lot with a well-designed, high-quality residential development that is compatible with the scale and mass of surrounding properties. It will include screening and green elements specifically designed to allow the new structure to blend seamlessly into the character of the neighborhood.

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

The Project includes the rehabilitation and preservation of an existing vacant rear cottage, which based on its size, will be relatively affordable for the Telegraph Hill neighborhood.

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

With four residential units within walking distance of the City's employment core and public transit (MUNI #39), the Project will not generate substantial commuter traffic that will impede MUNI transit service, or overburden the streets or neighborhood parking. Furthermore, by including three off-street parking spaces, the Project will minimize the need for residents to use the limited on-street parking in the neighborhood.

- E. That a diverse economic base be maintained by protecting our industrial and service sectors from displacement due to commercial office development, and that future opportunities for resident employment and ownership in these sectors be enhanced.

The Project is a small residential development located on a nearly vacant lot in a residential neighborhood. No office use is proposed, and no industrial uses will be displaced.

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

The Project will conform to the structural and seismic requirements of the San Francisco Building Code, and thus meets this requirement.

- G. That landmarks and historic buildings be preserved.

The Project is not located in any Conservation or Historic District. The Project will not adversely alter any landmark building, contributory building, or architecturally significant building on the Property or in the vicinity.

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

The Project includes the in-fill development of three new dwelling-units on a largely vacant lot in a residential neighborhood. The Project will not adversely affect any public parks or open spaces. It is located below Coit Tower and Pioneer Park on Telegraph Hill, and will incorporate green rooftops to ensure that the Project blends with the hillside when viewed from above. It will not adversely affect Coit Tower's access to sunlight or public vistas.

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

DECISION

That based upon the Record, the submissions by the Applicant, the staff of the Department and other interested parties, the oral testimony presented to this Commission at the public hearings, and all other written materials submitted by all parties, the Commission hereby **APPROVES Conditional Use Application No. 2013.1375CE, as revised at the hearing on September 11, 2014**, subject to the following conditions attached hereto as "EXHIBIT A" in general conformance with plans on file, revised and dated September 16, 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. 19232. 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 September 11, 2014.

Jonas P. Ionin
Commission Secretary

AYES: Commissioners Antonini, Fong, Hillis, Johnson, Richards

NAYS: Commissioners Moore, Wu

ABSENT: N/A

ADOPTED: September 11, 2014

EXHIBIT A

AUTHORIZATION

This authorization is for a Conditional Use to allow the construction of three new dwelling-units on a lot that contains one existing unit, including three off-street parking spaces located at 115 Telegraph Hill Boulevard, Block 0105, and Lot 065 pursuant to Planning Code Sections 209.1(h) and 303, within the RH-3 (Residential House, Three-Family) Zoning District, Telegraph Hill – North Beach Residential Special Use District, and a 40-X Height and Bulk District; in general conformance with plans, revised and dated **September 16, 2014**, and stamped “EXHIBIT B” included in the docket for Case No. **2013.1375C** and subject to conditions of approval reviewed and approved by the Commission on **September 11, 2014** under Motion No. **19232**. 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 **September 11, 2014** under Motion No. **19232**.

PRINTING OF CONDITIONS OF APPROVAL ON PLANS

The conditions of approval under the 'Exhibit A' of this Planning Commission Motion No. **19232** 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

DESIGN

- 6. Final Materials.** Final materials, window details, glazing, color, texture, landscaping, and general 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
- 7. 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
- 8. Street Trees.** Pursuant to Planning Code Section 138.1, the Project Sponsor shall submit a site plan to the Planning Department prior to Planning approval of the Site or Building Permit Application indicating that the two existing street trees will remain. The Sponsor will pay an in-lieu fee for the remaining two required street trees in accordance with Planning Code Section 428, and as outlined in more detailed below.
For information about compliance, contact the Case Planner, Planning Department at 415-558-6378, www.sf-planning.org
- 9. Garage Door.** As shown on plans, revised and dated September 16, 2014, and stamped "EXHIBIT B", the garage door shall be recessed a total of 7'-6" from the front property line in order to allow drivers exiting the garage the ability to stop and view pedestrian traffic before crossing the sidewalk.
For information about compliance, contact the Case Planner, Planning Department at 415-558-6378, www.sf-planning.org
- 10. Stair Penthouse.** Rooftop stair penthouses shall not be permitted. Revised plans dated September 16, 2014, and stamped "EXHIBIT B", show roof access hatches that are flush with the roof, rather than the previously proposed stair penthouses.
For information about compliance, contact the Case Planner, Planning Department at 415-558-6378, www.sf-planning.org

PARKING AND TRAFFIC

- 11. Bicycle Parking.** The Project shall provide no fewer than **four (4)** 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

- 12. Parking Maximum.** Pursuant to Planning Code Section 151.1 and 249.49, the Project shall provide no more than **three (3)** off-street parking spaces.
For information about compliance, contact Code Enforcement, Planning Department at 415-575-6863, www.sf-planning.org
- 13. Construction Parking.** The Project Sponsor shall require of the general contractor that construction workers shall park legally and shall not park in the Coit Tower parking lot. *For information about compliance, contact Code Enforcement, Planning Department at 415-575-6863, www.sf-planning.org*
- 14. Construction Management Plan.** A Construction Management Plan is required, as provided for under items 23-32 of the "General Notes" section of the Title Sheet of the revised plans, dated September 16, 2014, and stamped "EXHIBIT B".
For information about compliance, contact the Case Planner, Planning Department at 415-558-6378, www.sf-planning.org
- 15. Managing Traffic During Construction.** The Project Sponsor and construction contractor(s) shall coordinate with the Traffic Engineering and Transit Divisions of the San Francisco Municipal Transportation Agency (SFMTA), the Police Department, the Fire Department, the Planning Department, and other construction contractor(s) for any concurrent nearby Projects to manage traffic congestion and pedestrian circulation effects during construction of the Project. Prior to commencing construction, the Project Sponsor shall consult with the affected neighbors on Assessor's Block 105 before finalizing the construction staging and traffic plan, including:
- a. A schedule of delivery times and dates during which the construction materials are expected to arrive; and
 - b. Methods to be used to monitor truck movement into and out of the building site so as to minimize traffic conflicts on Telegraph Hill Boulevard.

There shall be no queuing of construction trucks along Telegraph Hill Boulevard. All trucks waiting to unload material shall be staged at a location offsite. Deliveries shall be made between the hours of 7:30 a.m. and 5 p.m. on weekdays, exclusive of legal holidays. The Project Sponsor shall employ full-time flag persons to direct traffic during excavation and concrete placement phases of construction. During other construction phases, all truck movement into and out of the Project Site shall be monitored by flag persons to minimize any traffic conflict.

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

- 16. Garage Safety Features.** The Project Sponsor shall post signs or other devices to alert pedestrians to vehicles exiting the garage. Parabolic mirrors shall be installed at the garage exit to enhance the view of exiting drivers.
For information about compliance, contact Code Enforcement, Planning Department at 415-575-6863, www.sf-planning.org

PROVISIONS

- 17. Street Tree In-Lieu Fee.** The Zoning Administrator waived the requirement for installation of two of the required four street trees under Planning Code Section 138.1 based on DPW's recommendation. Pursuant to Planning Code Section 428, the Project Sponsor shall comply with Planning Code Section 138.1 through payment of an in-lieu Fee pursuant to Section 428.

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

MONITORING

- 18. 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

- 19. 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

- 20. Sidewalk Maintenance.** The Project Sponsor shall maintain the main entrance to the building and all public sidewalks and stairways 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>

- 21. Filbert Street Stewardship.** The Project Sponsor will work in good faith with DPW and other relevant City Agencies to establish a stewardship and maintenance agreement for the landscaped area to the north of the Filbert Street stairs, between Kearny Street and the Project Site.

For information about compliance, contact Bureau of Street Use and Mapping, Department of Public Works, 415-695-2017, <http://sfdpw.org>

22. 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