



SAN FRANCISCO PLANNING DEPARTMENT

Executive Summary Conditional Use Authorization

HEARING DATE: AUGUST 24, 2017

Date: August 17, 2017
Case No.: **2017-004110CUA**
Project Address: **2867-2899 San Bruno Avenue**
Zoning: NC-2 (Small-Scale Neighborhood Commercial) Zoning District
40-X Height and Bulk District
Block/Lots: 5457/037
Project Sponsor: Nelson Tong
c/o Jeremy Schaub, Gabriel Ng and Architects Inc.
1360 9th Avenue, Suite 210
San Francisco, CA 94122
Staff Contact: Daniel Sirois – (415) 575-8714
daniel.sirois@sfgov.org
Recommendation: **Approval with Conditions**

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

Reception:
415.558.6378

Fax:
415.558.6409

Planning
Information:
415.558.6377

PROJECT DESCRIPTION

The proposed project includes a modification of the conditions of approval for satisfying the requirements of the Inclusionary Housing Program through payment of a fee instead of providing a below market rate unit for sale on-site, as stipulated in the Conditions of Approval in Planning Commission Motion No. 18782.

PROJECT BACKGROUND

On January 17, 2003, under Planning Commission Motion No. 18782 (Case No. 2010.0627C), the Planning Commission approved a project to demolish an existing service station and construct a new development consisting of five, four-story mixed-use buildings containing a total of ten dwelling units, 15 off-street parking spaces, ground-floor retail spaces and second floor business or professional service uses. As part of this approval, the project was conditioned to meet its affordable housing obligations by designating one on-site dwelling unit as part of the Inclusionary Affordable Housing Program. The project is now complete and received its Certificate of Final Completion and Occupancy on November 23, 2016.

SURROUNDING PROPERTIES AND NEIGHBORHOOD

The proposed project is located in the Portola neighborhood, which is a low-to-moderate-density urban neighborhood located in the southeastern quadrant of San Francisco, northeast of McLaren Park. The neighborhood is roughly bounded by San Bruno Avenue and the James Lick Freeway (U.S. Route 101) to the east, Mansell Street to the south, University Street to the west and Interstate 280 to the north. In addition to the NC-2 Zoning District, there are two other higher density residential districts (RM-1 and RM-2) in the vicinity. Most properties on San Bruno Avenue, between Olmstead and Bacon streets, are zoned NC-2. A few properties on the block between Mansell and Dwight Streets are zoned RM-1.

Properties on Woolsey Street, west of San Bruno Avenue are zoned RM-1 and RM-2. Buildings in the neighborhood contain a mixture of use types, most with residential uses over ground floor retail.

ENVIRONMENTAL REVIEW

The proposed modification to the condition of approval is exempt from the California Environmental Quality Act ("CEQA") as a Class 1 Categorical Exemption.

HEARING NOTIFICATION

TYPE	REQUIRED PERIOD	REQUIRED NOTICE DATE	ACTUAL NOTICE DATE	ACTUAL PERIOD
Classified News Ad	20 days	August 4, 2017	August 2, 2017	22 days
Posted Notice	20 days	August 4, 2017	August 4, 2017	20 days
Mailed Notice	20 days	August 4, 2017	August 4, 2017	20 days

PUBLIC COMMENT/COMMUNITY OUTREACH

- The Department has not received any public comments for this Project.

ISSUES AND OTHER CONSIDERATIONS

- The first two floors of the development are retail and/or business or professional service uses. The upper two floors are residential units. The project sponsor has chosen to retain control of the Project as a long-term rental investment and not to subdivide the property into condominiums. The management and fee structure under a condominium scenario for this mixed use project was deemed too complex and expensive for a project of this size. Therefore, the project sponsor has elected to pay the Affordable Housing Fee in lieu of providing on-site affordable housing pursuant to Planning Code Sections 415.5. Based upon the number of dwelling units, the fee is approximately \$835,907. In addition to this fee, the project sponsor would also be assessed interest and pay a penalty for not having complied with the Condition of Approvals in Motion No. 18782 (Condition 15 a & c).

REQUIRED COMMISSION ACTION

Under Planning Code 303(e), authorization of a change in any condition previously imposed in the authorization of a conditional use shall be subject to the same procedures as a new conditional use. Therefore, the Project must obtain a new conditional use authorization to modify the conditions of approval of Planning Commission Motion No. 18782.

BASIS FOR RECOMMENDATION

- The BMR requirements can be satisfied on-site, off-site or by payment of a fee.
- The original basis for project approval are not affected by satisfying the BMR requirement with a fee payment, which included:
 1. The project will provide ten family sized dwelling units, two of which are affordable units, to the City's family housing stock.

2. The project will convert an underused site into a productive mixed use development.
3. The project design is consistent with and respects the existing neighborhood character, and is an appropriate in-fill development that compliments the existing development pattern.
4. The project promotes the continued operation of established, locally-owned businesses and contributes to the viability of the overall NC-2 District.
5. The project would not displace an existing retail tenant providing convenience goods and services to the neighborhood.
6. The project meets all applicable requirements of the Planning Code.
7. The project is consistent with the objectives and policies of the General Plan.
8. The project complies with the First Source Hiring Program.

RECOMMENDATION: Approval with Conditions
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Attachments:

Draft Motion
Planning Commission Motion No. 18782
Parcel Map
Sanborn Map
Zoning Map
Height and Bulk Map
Aerial Photographs
Site Photos
Project Plans

Attachment Checklist

- | | |
|---|--|
| <input checked="" type="checkbox"/> Executive Summary | <input checked="" type="checkbox"/> Project Sponsor Submittal: |
| <input checked="" type="checkbox"/> Draft Motion | Drawings: <u>Existing Conditions</u> |
| <input checked="" type="checkbox"/> Zoning District Map | <input checked="" type="checkbox"/> Check for Legibility |
| <input checked="" type="checkbox"/> Height & Bulk Map | Drawings: <u>Proposed Project</u> |
| <input checked="" type="checkbox"/> Parcel Map | <input checked="" type="checkbox"/> Check for Legibility |
| <input checked="" type="checkbox"/> Sanborn Map | <input checked="" type="checkbox"/> 3-D Renderings: |
| <input checked="" type="checkbox"/> Aerial Photo | (New Construction or Significant Addition) |
| <input checked="" type="checkbox"/> Site Photos | <input type="checkbox"/> Wireless Telecommunications Materials |
| <input type="checkbox"/> Environmental Determination | <input type="checkbox"/> Health Dept. Review of RF levels |
| <input checked="" type="checkbox"/> First Source Hiring Affidavit | <input type="checkbox"/> RF Report |
| | <input type="checkbox"/> Community Meeting Notice |
| | <input checked="" type="checkbox"/> Housing Documents |
| | <input checked="" type="checkbox"/> Inclusionary Affordable Housing
Program: Affidavit for Compliance |
| | <input checked="" type="checkbox"/> Anti-Discriminatory Housing Affidavit |

Exhibits above marked with an "X" are included in this packet

DS
Planner's Initials

DS: G:\Documents\ENX\2177 3rd Street_2013.0784ENX-02\Draft Docs\2177 3rd St_2013.0784ENX-02_Exec Sum.doc



SAN FRANCISCO PLANNING DEPARTMENT

Subject to: (Select only if applicable)

- | | |
|--|---|
| <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. 414A) |
| <input type="checkbox"/> Transportation Sustainability Fee (Sec. 411A) | <input type="checkbox"/> Eastern Neighborhoods Impact Fee (Sec. 423) |

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Planning Commission Motion No. XXXXX

HEARING DATE: AUGUST 24, 2017

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Recommendation: **Approval with Conditions**

ADOPTING FINDINGS RELATING TO THE APPROVAL OF A CONDITIONAL USE AUTHORIZATION PURSUANT TO PLANNING CODE SECTIONS 303(E) TO MODIFY THE CONDITIONS OF APPROVAL FOR PLANNING COMMISSION MOTION NO. 18782 TO SATISFY THE REQUIREMENTS OF THE INCLUSIONARY HOUSING PROGRAM DEFINED IN PLANNING CODE SECTION 415 THROUGH PAYMENT OF THE AFFORDABLE HOUSING FEE FOR THE PROJECT AT 2867-2899 SAN BRUNO AVENUE, ASSESSOR'S BLOCK 5457, LOT 037 IN THE SMALL-SCALE NEIGHBORHOOD COMMERCIAL (NC-2) ZONING DISTRICT AND A 40-X HEIGHT AND BULK DISTRICT AND ADOPTING FINDINGS UNDER THE CALIFORNIA ENVIRONMENTAL QUALITY ACT.

PREAMBLE

On July 29, 2010, Jeremy Schaub of Gabriel Ng and Architects Inc for Nelson Tong (Project Sponsor) filed an application with the Planning Department (hereinafter "Department") for Conditional Use Authorization under Planning Code Sections 121.1, 228.3, 303 and 711.11 to allow the demolition of an existing service station and the construction of a new development consisting of five four-story residential/mixed use buildings containing a total of ten dwelling units, 15 off-street parking spaces, ground-floor retail spaces, and second floor business or professional service uses in the Small-Scale Neighborhood Commercial (NC-2) Zoning District and a 40-X Height and Bulk District.

On July 25, 2012, Draft Initial Study/Mitigated Negative Declaration (IS/MND) for the Project was prepared and published for public review; and

The Draft IS/MND was available for public comment until August 15, 2012, and

On September 17, 2012, the Planning Department reviewed and considered the Final Mitigated Negative Declaration (FMND) and found that the contents of said report and the procedures through which the FMND was prepared, publicized, and reviewed complied with the California Environmental Quality Act (California Public Resources Code Sections 21000 et seq.) (CEQA), Title 14 California Code of Regulations Sections 15000 et seq. (the "CEQA Guidelines") and Chapter 31 of the San Francisco Administrative Code ("Chapter 31"); and

The Planning Department found the FMND was adequate, accurate and objective, reflected the independent analysis and judgment of the Planning Department and the Planning Commission, [and that the summary of comments and responses contained no significant revisions to the Draft IS/MND,] and approved the FMND for the Project in compliance with CEQA, the CEQA Guidelines and Chapter 31.

Planning Department staff prepared a Mitigation Monitoring and Reporting program (MMRP), which material was made available to the public and this Commission for this Commission's review, consideration and action.

On January 17, 2013, the Commission conducted a duly noticed public hearing at a regularly scheduled meeting on Conditional Use Application No. 2010.0627C.

On January 17, 2013, the Commission approved the Conditional Use Authorization requested in Case No. 2010.0627C, as noted in Planning Commission Motion No. 18782. Findings contained within said motion are incorporated herein by this reference thereto as if fully set forth in this Motion.

On April 4th, 2017, Jeremy Schaub of Gabriel Ng and Architects Inc. for Nelson Tong (Project Sponsor) filed an application with the Planning Department (hereinafter "Department") for Conditional Use Authorization under Planning Code Section 303(e) to modify the conditions of approval of Planning Commission Motion No. 18782 for satisfying the requirements of the Inclusionary Housing Program through payment of a fee instead of providing one on-site below-market rate dwelling unit.

On August 24, 2017, the Commission conducted a duly noticed public hearing at a regularly scheduled meeting on Conditional Use Application No. 2017-004110CUA.

The Planning Commission Secretary is the custodian of records for the File for Case No. 2017-004110CUA 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 Conditional Use requested in Application No. 2017-004110CUA, 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 site is improved with five, four-story mixed-use buildings (14,500 gross square feet) containing a total of ten dwelling units, 15 off-street parking spaces, ground-floor retail spaces and second floor business or professional service uses, as approved under Planning Commission Motion No. 18782.
3. **Surrounding Properties and Neighborhood.** The Portola neighborhood is a low-to-moderate-density urban neighborhood located in the southeastern quadrant of San Francisco, northeast of McLaren Park. The neighborhood is roughly bounded by San Bruno Avenue and the James Lick Freeway (U.S. Route 101) to the east, Mansell Street to the south, University Street to the west and Interstate 280 to the north. In addition to the NC-2 Zoning District, there are two other higher density residential districts (RM-1 and RM-2) in the vicinity. Most properties on San Bruno Avenue, between Olmstead and Bacon streets, are zoned NC-2. A few properties on the block between Mansell and Dwight Streets are zoned RM-1. Properties on Woolsey Street, west of San Bruno Avenue are zoned RM-1 and RM-2. Buildings in the neighborhood contain a mixture of use types, most with residential uses over ground floor retail.
4. **Project Description.** The proposed project includes a modification of the conditions of approval for satisfying the requirements of the Inclusionary Housing Program through payment of a fee instead of providing a below market rate unit for sale on-site, as stipulated in the Conditions of Approval in Planning Commission Motion No. 18782.
5. **Public Comment.** The Department has not received any public comments regarding the proposed change to the conditions of approval.
6. **Planning Code Compliance.** The Planning Code Compliance Findings set forth in Motion No. 18782, Case No. 2010.0627C (Conditional Use Authorization, pursuant to Planning Code Section 121.1, 228.3, 303 and 711.11) apply to this Motion, and are incorporated herein as though fully set forth.

In addition, the Commission finds that the Project is consistent with the relevant provisions of the Planning Code in the following manner:

- a. **Inclusionary Affordable Housing Program.** Planning Code Section 415 sets forth the requirements and procedures for the Inclusionary Affordable Housing Program. Under

Planning Code Section 415.3, the current percentage requirements apply to projects that consist of ten or more units. Pursuant to Planning Code Section 415.5, the Project must pay the Affordable Housing Fee (“Fee”). This Fee is made payable to the Department of Building Inspection (“DBI”) for use by the Mayor’s Office of Housing and Community Development for the purpose of increasing affordable housing citywide. The applicable percentage is dependent on the number of units in the project, the zoning of the property, and the date that the project submitted a complete Environmental Evaluation Application. A complete Environmental Evaluation Application (Case No. 2010.0627E) was submitted on August 5, 2010; therefore, pursuant to Planning Code Section 415.3, the Inclusionary Affordable Housing Program requirement for the Affordable Housing Fee is at a rate equivalent to an off-site requirement of 20%.

The Project Sponsor has submitted an ‘Affidavit of Compliance with the Inclusionary Affordable Housing Program: Planning Code Section 415,’ to satisfy the requirements of the Inclusionary Affordable Housing Program through payment of the Fee, in an amount to be established by the Mayor’s Office of Housing and Community Development. The applicable percentage is dependent on the total number of units in the project, the zoning of the property, and the date that the project submitted a complete Environmental Evaluation Application 2010.0627E. A complete Environmental Evaluation Application was submitted on August 5, 2010; therefore, pursuant to Planning Code Section 415.3, the Inclusionary Affordable Housing Program requirement for the Affordable Housing Fee is at a rate equivalent to an off-site requirement of 20%.

7. **Gasoline Service Station Conversion.** Planning Code Section 228.3 establishes criteria for the Commission’s consideration as Conditional Use Authorization for a “conversion,” or change in use, from gasoline service station to another use. The Gasoline Service Station Conversion Findings set forth in Motion No. 18782, Case No. 2010.0627C (Conditional Use Authorization, pursuant to Planning Code Section 121.1, 228.3, 303 and 711.11) apply to this Motion, and are incorporated herein as though fully set forth.
8. **Conditional Use Authorization.** Planning Code Section 303 establishes criteria for the Commission to consider when reviewing applications for Conditional Use Authorization. The Conditional Use Authorization Findings set forth in Motion No. 18782, Case No. 2010.0627C (Conditional Use Authorization, pursuant to Planning Code Section 121.1, 228.3, 303 and 711.11) apply to this Motion, and are incorporated herein as though fully set forth.
9. **General Plan Compliance.** The General Plan Consistency Findings set forth in Motion No. 18782, Case No. 2010.0627 (Conditional Use Authorization, pursuant to Planning Code Section 121.1, 228.3, 303 and 711.11) apply to this Motion, and are incorporated herein as though fully set forth.
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 would enhance neighborhood-serving retail uses as 4,200 square feet of ground floor commercial spaces are proposed.

- 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 have no negative impact on this policy, as there is no existing housing at the project site.

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

The project sponsor will be paying a fee in contribution to the production of affordable housing in San Francisco

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

Traffic generated by the residential uses would be intermittent and not significant to overburden local streets. 15 off-street parking spaces are proposed. Traffic would not impede MUNI transit service along San Bruno Avenue as the garage access is proposed from Woolsey Street. The site is also well served by public transit; MUNI lines 9, 9AX, 9X, 29, 54 and SamTrans.

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

The project will not displace any service or industry establishment.

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

The project will be designed and will be constructed to conform to the structural and seismic safety requirements of the Building Code. This proposal will not impact the property's ability to withstand an earthquake.

- G. That landmarks and historic buildings be preserved.

A landmark or historic building does not occupy the Project site.

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

The project will have no negative impact on existing parks and open spaces. The Project does not have an impact on open spaces.

11. 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.
12. 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 Authorization Application No. 2017-004110CUA**, subject to the following conditions attached hereto as "EXHIBIT A" 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. 18782. 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 August 24, 2017.

Jonas P. Ionin
Commission Secretary

AYES:

NAYS:

ABSENT:

ADOPTED: August 24, 2017

EXHIBIT A

AUTHORIZATION

This is a Conditional Use Authorization pursuant to Planning Code Section 303(e) to modify conditions of approval for Planning Commission Motion No. 18782 to satisfy the Inclusionary Housing Program defined in Planning Code Section 415 through the payment of the Affordable Housing Fee for the proposed project at 2867-2899 San Bruno Avenue, which is located in the NC-2 (Small-Scale Neighborhood Commercial) Zoning District and a 40-X Height and Bulk District, in general conformance with plans, dated August 14, 2013, and stamped "EXHIBIT B" included in the docket for Case No. 2017-004110CUA and subject to conditions of approval reviewed and approved by the Commission on August 24, 2017, under Motion No. XXXXX. 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 August 24, 2017 under Motion No. XXXXX.

PRINTING OF CONDITIONS OF APPROVAL ON PLANS

The conditions of approval under the 'Exhibit A' of this Planning Commission Motion No. XXXXX 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 Office Development 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.** This authorization may be extended at the discretion of the Zoning Administrator only where failure to issue a permit by the Department of Building Inspection to perform said tenant improvements is caused by a delay by a local, State or Federal agency or by any appeal of the issuance of such permit(s). *For information about compliance, contact Code Enforcement, Planning Department at 415-575-6863, www.sf-planning.org*
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 attached as Exhibit C are necessary to avoid potential significant effects of the proposed project and have been agreed to by the project sponsor. Their implementation is a condition of project approval.

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

DESIGN – COMPLIANCE AT PLAN STAGE

7. **Final Materials.** 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 architectural addenda. Space for the collection and storage of recyclable and compostable materials that meets the size, location, accessibility and other standards specified by the San Francisco Recycling Program shall be provided at the ground level of the buildings.

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

9. **Rooftop Mechanical Equipment.** Pursuant to Planning Code 141, the Project Sponsor shall submit a roof plan to the Planning Department prior to Planning approval of the building permit application. Rooftop mechanical equipment, if any is proposed as part of the Project, is required to be screened so as not to be visible from any point at or below the roof level of the subject building.

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

PARKING AND TRAFFIC

10. **Unbundled Parking.** 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

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

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

MONITORING

22. **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

23. **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

24. **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>

25. **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>

26. **Lighting.** All Project lighting shall be directed onto the Project site and immediately surrounding sidewalk area only, and designed and managed so as not to be a nuisance to adjacent residents. Nighttime lighting shall be the minimum necessary to ensure safety, but shall in no case be directed so as to constitute a nuisance to any surrounding property.

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

27. **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

INCLUSIONARY HOUSING

Affordable Units. The following Inclusionary Affordable Housing Requirements are those in effect at the time of Planning Commission action. In the event that the requirements change, the Project Sponsor shall comply with the requirements in place at the time of issuance of first construction document.

28. **Requirement.** Pursuant to Planning Code Section 415.5, the Project Sponsor must pay an Affordable Housing Fee at a rate equivalent to the applicable percentage of the number of units in an off-site project needed to satisfy the Inclusionary Affordable Housing Program Requirement for the principal project. The applicable percentage for this project is twenty percent (20%). The Project Sponsor shall pay the applicable Affordable Housing Fee at the time such Fee is required to be paid.

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 and Community Development at 415-701-5500, www.sf-moh.org.

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

<http://sf-planning.org/Modules/ShowDocument.aspx?documentid=4451>.

As provided in the Inclusionary Affordable Housing Program, the applicable Procedures Manual is the manual in effect at the time the subject units are made available for sale or rent.

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

- a. The Project Sponsor must pay the Fee in full sum to the Development Fee Collection Unit at the DBI for use by MOHCD prior to the issuance of the first construction document.
- b. Prior to the issuance of the first construction permit by the DBI for the Project, the Project Sponsor shall record a Notice of Special Restriction on the property that records a copy of this approval. The Project Sponsor shall promptly provide a copy of the recorded Notice of Special Restriction to the Department and to MOHCD or its successor.
- c. If project applicant fails to comply with the Inclusionary Affordable Housing Program requirement, the Director of DBI shall deny any and all site or building permits or certificates of occupancy for the development project until the Planning Department notifies the Director of compliance. A Project Sponsor's failure to comply with the requirements of Planning Code Sections 415 et seq. shall constitute cause for the City to record a lien against the development project and to pursue any and all other remedies at law.



SAN FRANCISCO PLANNING DEPARTMENT

Subject to: (Select only if applicable)

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

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

Reception:
415.558.6378

Fax:
415.558.6409

Planning
Information:
415.558.6377

Planning Commission Motion No. 18782

HEARING DATE: JANUARY 17, 2013

Date: November 8, 2012
Case No.: **2010.0627C**
Project Address: **2895 SAN BRUNO AVENUE**
Zoning: Small-Scale Neighborhood Commercial (NC-2) District
40-X Height and Bulk District
Block/Lots: 5457/037
Project Sponsor: Nelson Tong
c/o Jeremy Schaub
Gabriel Ng and Architects Inc.
1360 9th Avenue, Suite 210
San Francisco, CA 94122
Staff Contact: Ben Fu – (415) 558-6613
ben.fu@sfgov.org

ADOPTING FINDINGS RELATING TO CONDITIONAL USE AUTHORIZATION PURSUANT TO PLANNING CODE SECTIONS 121.1, 228.3, 303 AND 711.11 TO ALLOW THE DEMOLITION OF AN EXISTING SERVICE STATION, LARGE LOT DEVELOPMENT AND THE CONSTRUCTION OF A NEW DEVELOPMENT CONSISTING OF APPROXIMATELY 14,500 SQUARE FEET, IN FIVE FOUR-STORY, 40-FOOT TALL RESIDENTIAL/MIXED USE BUILDINGS CONTAINING A TOTAL OF TEN DWELLING UNITS, 15 OFF-STREET PARKING SPACES, GROUND-FLOOR RETAIL SPACES, AND SECOND FLOOR BUSINESS OR PROFESSIONAL SERVICE USES IN THE SMALL-SCALE NEIGHBORHOOD COMMERCIAL (NC-2) ZONING DISTRICT AND A 40-X HEIGHT AND BULK DISTRICT.

PREAMBLE

On July 29, 2010, Jeremy Schaub of Gabriel Ng and Architects Inc for Nelson Tong (Project Sponsor) filed an application with the Planning Department (hereinafter "Department") for Conditional Use Authorization under Planning Code Sections 121.1, 228.3, 303 and 711.11 to allow the demolition of an existing service station and the construction of a new development consisting of five four-story residential/mixed use buildings containing a total of ten dwelling units, 15 off-street parking spaces, ground-floor retail spaces, and second floor business or professional service uses in the Small-Scale Neighborhood Commercial (NC-2) Zoning District and a 40-X Height and Bulk District.

On July 25, 2012, Draft Initial Study/Mitigated Negative Declaration (IS/MND) for the Project was prepared and published for public review; and

The Draft IS/MND was available for public comment until August 15, 2012, and

On September 17, 2012, the Planning Department reviewed and considered the Final Mitigated Negative Declaration (FMND) and found that the contents of said report and the procedures through which the FMND was prepared, publicized, and reviewed complied with the California Environmental Quality Act (California Public Resources Code Sections 21000 et seq.) (CEQA), Title 14 California Code of Regulations Sections 15000 et seq. (the "CEQA Guidelines") and Chapter 31 of the San Francisco Administrative Code ("Chapter 31"); and

The Planning Department found the FMND was adequate, accurate and objective, reflected the independent analysis and judgment of the Planning Department and the Planning Commission, [and that the summary of comments and responses contained no significant revisions to the Draft IS/MND,] and approved the FMND for the Project in compliance with CEQA, the CEQA Guidelines and Chapter 31.

The Planning Department, Jonas P. Ionin, is the custodian of records, located in the File for Case No. 2010.0627CE, at 1650 Mission Street, Fourth Floor, San Francisco, California.

Planning Department staff prepared a Mitigation Monitoring and Reporting program (MMRP), which material was made available to the public and this Commission for this Commission's review, consideration and action.

On November 15, 2012, the Commission conducted a duly noticed public hearing at a regularly scheduled meeting on Conditional Use Application No. 2010.0627C.

MOVED, that the Commission hereby authorizes the Conditional Use requested in Application No. 2010.0627C, 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 site is located on the northeast corner of San Bruno Avenue and Woolsey Street in the Portola neighborhood, along the San Bruno Avenue commercial corridor. The site block is bounded by Highway 101 to the east, Wayland Street to the north, San Bruno Avenue to the west, and Woolsey Street to the south. The site was most recently used as a gasoline service station. The service station was demolished in 2009 under Building

Permit Application No. 2008-06-19-4830. The site is currently vacant, unpaved and fenced in with a chain-link fence.

3. **Surrounding Properties and Neighborhood.** The Portola neighborhood is a low-to-moderate-density urban neighborhood located in the southeastern quadrant of San Francisco, northeast of McLaren Park. The neighborhood is roughly bounded by San Bruno Avenue and the James Lick Freeway (U.S. Route 101) to the east, Mansell Street to the south, University Street to the west and Interstate 280 to the north.

In addition to the NC-2 Zoning District, there are two other higher density residential districts (RM-1 and RM-2) in the vicinity. Most properties on San Bruno Avenue, between Olmstead and Bacon streets, are zoned NC-2. A few properties on the block between Mansell and Dwight Streets are zoned RM-1. Properties on Woolsey Street, west of San Bruno Avenue are zoned RM-1 and RM-2.

Buildings in the neighborhood contain a mixture of use types, most with residential uses over ground floor retail. Immediately north of the site at 2861 San Bruno is a two-story building occupied by a nail salon on the first floor and two residential units on the second floor. South of the project site, on the southeast corner of Woolsey Street at 2901 San Bruno is a three-story building with a grocery store on the first floor and two dwelling units on second and third floors. Commercial uses on this block include tax services, retail furniture sales, a martial arts training facility and a gas station. On the west side of San Bruno Avenue, between Wayland and Woolsey Streets and across the street from the project site, there are eleven two-story buildings, one is occupied by a single family home operating a childcare center and two buildings have commercial uses on the first floor, including a grocery store and a foot clinic. The remainder buildings are a mix of single and multi-family occupancies.

4. **Project Description.** The project proposes to demolish the existing service station and construct a new development of five four-story residential/mixed use buildings containing a total of ten dwelling units, 15 off-street parking spaces, ground-floor retail spaces, and second floor business or professional service uses. The building would contain a total of approximately 14,500 square feet and would be 40 feet in height.
5. **Public Comment.** The Department has not received any comments on 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. **Zoning District.** The project site is within an NC-2 (Small-scale Neighborhood Commercial) zoning district. The NC-2 District is intended to serve as the City's Small-Scale Neighborhood Commercial District. These districts are linear shopping streets which provide convenience goods and services to the surrounding neighborhoods as well as limited comparison shopping goods for a wider market. The range of comparison goods and services offered is varied and often includes specialty retail stores, restaurants, and neighborhood-

serving offices. NC-2 Districts are commonly located along both collector and arterial streets which have transit routes.

The small-scale district controls provide for mixed-use buildings which approximate or slightly exceed the standard development pattern. Rear yard requirements above the ground story and at residential levels preserve open space corridors of interior blocks.

Most new commercial development is permitted at the ground and second stories. Neighborhood-serving businesses are strongly encouraged. Eating and drinking and entertainment uses, however, are confined to the ground story. The second story may be used by some retail stores, personal services, and medical, business and professional offices. Parking and hotels are monitored at all stories. Limits on late-night activity, drive-up facilities, and other automobile uses protect the livability within and around the district, and promote continuous retail frontage.

Housing development in new buildings is encouraged above the ground story. Existing residential units are protected by limitations on demolition and upper-story conversions. Generally, the surrounding properties to the east, south and northwest of the project site are zoned NC-2.

- B. **Use.** The project site is within an NC-2 Zoning District. NC-2 Districts encourage a combination of medium-density dwellings with supporting commercial uses located in or below the ground story and excluding automobile-oriented establishments. Open spaces are required for dwellings, except that rear yards need not be at ground level and front setback areas are not required.

The proposed project's residential and ground-level retail uses would be permitted in the NC-2 District. The proposed project would require conditional use authorization for the conversion of a service station to another use (per Planning Code Sections 228.3 and 228.3) and large lot development per Planning Code Section 121.1.

- C. **Rear Yard.** Section 134 of the Planning Code, requires residential developments in NC-2 districts to provide a minimum rear yard depth equal to 25 percent of the total depth of the lot on the second story and above and for all residential levels.

In this case, with a lot depth of 90 feet, a rear yard of 22.5 feet would be required. The proposed project provides a rear yard with a depth of 22.6 feet, or 25.1 percent. The proposed project would comply with the rear yard requirement for NC-2 District.

- D. **Exposure.** Planning Code Section 140 requires each dwelling unit to have at least one window facing a public street, code-complying rear yard, or an appropriately sized open area.

All of the proposed dwelling units face either the street or the proposed code complying rear yard; therefore, the project meets the exposure requirement.

- E. **Street Trees.** Planning Code Section 143 requires the owner or developer of a new building in this District to install street trees. Each street tree must be a minimum of 24-inch box for every 20 feet of frontage of the property along each street or public alley.

The Project is required to install six street trees along San Bruno Avenue and five along Woolsey Street. The Project includes six street trees along San Bruno Avenue and five along Woolsey Street.

- F. **Street Frontages.** Planning Code Section 145.1 requires the following for street frontages in Neighborhood Commercial Districts: (1) not more than 1/3 the width of the building facing the street may be devoted to ingress/egress to parking; (2) off-street parking at street grade must be set back at least 25 feet; (3) "active" use shall be provided within the first 25 feet of building depth at the ground floor; (4) ground floor non-residential uses in 40-foot height districts shall have a floor-to-floor height of 10-feet; (5) frontages with active uses shall be fenestrated with transparent windows; and, (6) decorative railings or grillwork placed in front of or behind ground floor windows, shall be at least 75 percent open to perpendicular views.

The project meets the requirements of Section 145.1 as follows: (1) providing no garage openings at the street frontage; (2) situating parking at the rear through an easement; (3) incorporating an approximately 4,200 square foot ground floor commercial ("active" use) space and residential lobbies that provide full coverage of the ground floor; (4) providing a floor-to-floor ground floor height of 10'-6" for commercial frontage; and, (5) providing transparent windows at the ground floor active use.

- G. **Height.** The project site is located in the 40-X Height and Bulk District. The proposed project would comply with the controls of the 40-foot district in which the project is located, which permits building heights up to 40 feet with some exemptions for items such as stairwell penthouses (per Planning Code Section 260(b)(1)(13)).

- H. **Parking.** Planning Code Section 151 principally allows one parking space per dwelling unit, one space for each 500-square-foot of occupied commercial floor area, where the occupied floor area exceeds 5,000 square feet, and one space for each 1,000-square-foot of occupied office floor area, where the occupied floor area exceeds 5,000 square feet.

The project proposes 15 parking spaces for the ten proposed dwelling units at a ratio of one space per unit, and none for the non-residential uses. The project has a six-space off-street parking requirement for the proposed second floor business/professional service uses, and an eight-space requirement for the proposed ground floor retail spaces. A parking reduction has been requested per Planning Code Sections 161(j) and 307(i) for consideration by the Zoning Administrator to allow a reduction in the off-street parking requirement for the proposed non-residential uses.

- I. **Bicycle parking.** Planning Code Section 155.5 requires projects with up to 50 dwelling units to provide at least one bicycle parking for every two dwelling units. Therefore, the project requires five bicycle parking spaces, and ten bicycle parking spaces are proposed.

- J. **Dwelling Unit Density.** Planning Code Sections 711.91 and 207.4, allow dwelling units within the NC-2 District at a density not to exceed one unit per 800 square feet of lot area.

The property has a lot area of approximately 11,250 square feet, wherein a maximum of 14 dwelling units would be permitted. The project proposes a total of ten units, containing at least two bedrooms.

- L. **Open Space.** Planning Code Section 135 states that residential uses in the NC-2 District must provide either 100 square feet of useable private open space, 133 square feet of common useable open space, or some combination of both.

The proposed project requires either 1,000 square feet of private open space, 1,330 square feet of common open space, or some combination thereof. Each of the 10 units in the project would include a private balcony; however some of the balconies do not comply with the Code provisions with respect to size or dimensions to qualify as private open space. The proposed project would also include a roof deck with a total of approximately 2,410 square feet of common open space. Thus, the project would comply with the Planning Code's open space requirements.

- N. **Inclusionary Affordable Housing Program.** Inclusionary Affordable Housing Program. Planning Code Section 415 sets forth the requirements and procedures for the Inclusionary Affordable Housing Program. Under Planning Code Section 415.3, these requirements would apply to projects that consist of ten or more units, where the first application (EE or BPA) was applied for on or after July 18, 2006. Pursuant to Planning Code Section 415.5 and 415.6, the Project is meeting the Inclusionary Affordable Housing Program requirement through the On-site Affordable Housing Alternative by providing 15% of the proposed dwelling units as affordable.

The Project Sponsor has demonstrated that it is eligible for the On-Site Affordable Housing Alternative under Planning Code Section 415.5 and 415.6, 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 October 19, 2012. The EE application was submitted on August 5, 2010. One unit (one three-bedroom) of the ten units (four two-bedroom, four three-bedroom, and two four-bedroom) provided will be affordable units. If the Project becomes ineligible to meet its Inclusionary Affordable Housing Program obligation through the On-site Affordable Housing Alternative, it must pay the Affordable Housing Fee with interest, if applicable.

7. **Gasoline Service Station Conversion.** Planning Code Section 228.3 establishes criteria for the Commission's consideration as Conditional Use Authorization for a "conversion," or change in use, from gasoline service station to another use. The Commission shall approve the conversion if it determines from the facts presented that the reduction in availability of automotive goods and services resulting from the gasoline service station conversion would not be unduly detrimental to the public. On balance, the project complies with said criteria:

B. The benefits to the public of the service station conversion would outweigh any reduction in automotive goods and services available because the proposed new use is more necessary or desirable for the neighborhood or community than continued service station use.

- i. If the proposed use is a residential use, the total number of units to be provided and the number of those units that are affordable units.

The project will make a noticeable contribution to the City's housing supply by providing ten family-sized residential dwelling units. The Project will also positively contribute to the City's affordable housing supply by providing units on-site.

- ii. If the proposed new use is a commercial use, the types of goods and services to be offered and the availability of comparable products and services in the vicinity.

The project includes approximately 4,200 square feet of ground floor commercial/retail space. The retail/commercial area frontage will be provided on San Bruno Avenue as well as a portion of Woolsey Street. The types of goods and services to be offered by the retail/commercial space will be determined at a later time. The retail space shall be divided into five spaces, each with approximately 820 gross square feet.

- iii. The relative environmental dangers posed by the current and proposed uses, including but not limited to the quality and the character of waste generated, noxious or offensive emissions, fire and explosion hazards and noise, and whether the service station conversion would facilitate the clean up of existing contamination at the property.

The project will consist of high quality residential units, and ground floor retail/commercial space. The proposed uses will not generate any noxious or offensive emissions, noise, glare, dust or odors, as such effects are inconsistent with the project objectives. The proposed uses will replace the prior gasoline station use and related improvements, which may have generated offensive emissions, noise, and/or odors. The underground storage tanks at the property were removed in 2009. A soil assessment will be conducted, and remediation as necessary will be provided prior to construction of the project.

- iv. The relative employment opportunities offered by the gasoline service station and the proposed new use.

No current employment opportunities are offered by the gasoline station because it has been out of operation since 2009. The project will provide employment opportunities in its ground floor commercial/retail space. Also, the residents of the new building will most likely patronize the local businesses.

- v. The relative amount of taxes or other revenues to be received by the City or other governmental bodies from service station use and the proposed new use.

The amount of taxes or other revenues received by the City from the gasoline station, other than property tax, is currently zero, because the gasoline station is no longer in service. The City and County of San Francisco will likely receive substantial property tax revenue from the project's ten residential dwelling units, ground floor commercial/retail uses, and office uses on the second floor.

- vi. Whether the service station use and the proposed use are permitted principal uses, conditional use or non-conforming use.

The former gasoline station was a conditional use pursuant to Planning Code Sections 711.57 and 711.58. Residential use is a principally permitted use in the NC-2 Zoning District pursuant to Planning Code Section 711.90, retail/commercial use is a principally permitted use pursuant to Planning Code Section 711.40, and business / professional service uses are principally permitted pursuant to Planning Code Section 711.53.

- 8. **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 executed a First Source Hiring Memorandum of Understanding and a First Source Hiring Agreement with the City's First Source Hiring Administration.

- 9. **Conditional Use Authorization.** Planning Code Section 303 establishes criteria for the 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 proposed project is in keeping with the intended character of the NC-2 District, where medium-density housing over a commercial ground floor is encouraged. The project is necessary and desirable

in that ten dwelling units will be added to the City's housing stock. The proposed mixed-use development is characteristic of other existing mixed-use buildings located along San Bruno Avenue.

- 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 height and bulk of the project proposes a building scale that is compatible with the scale and width of San Bruno Avenue, and other existing developments. The location of the commercial space which fronts onto San Bruno is appropriate in providing a continuous commercial frontage at the ground floor. The location of the parking entrance at the rear is more appropriate and eliminates any interference with the pedestrian experience along San Bruno. The site is currently vacant and underutilized. The project would provide a desirable use in place of a vacant lot.

- 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 project proposes 15 parking spaces; including ten spaces for the residential uses. The project eliminates two existing 30-foot wide curb cuts along San Bruno Avenue, and more appropriately provides vehicle entrances to the project at the rear.

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

Noxious or offensive emissions are not typically associated with the residential uses proposed. The proposed commercial spaces, even though commercial tenants have not been identified, are not anticipated to create a nuisance.

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

Eleven street trees are proposed as required by the Planning Code. A separate garage entry is provided at the rear of the property and away from the street frontages.

- 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.

10. For development on large lots, pursuant to Planning Code Section 121.1, in addition to the criteria of Section 303(c) of this Code, the Planning Commission shall consider the extent to which the following criteria are met:

- A. The mass and facade of the proposed structure are compatible with the existing scale of the district.

The project proposes five four-story buildings, up to the maximum allowable height of 40 feet. The existing block face is characterized by a range of building heights from 20-foot, two-story buildings to taller three-story buildings of approximately 35 feet. The proposed massing with façade articulation is compatible with the scale of the district.

- B. The facade of the proposed structure is compatible with design features of adjacent facades that contribute to the positive visual quality of the district.

There is a mixed architecture style for the existing buildings on the block and the greater district. However, there is a consistent development pattern of distinctive ground floor retail façades from the dwelling units above, greater emphases on corner buildings, and façade variation and articulation. The proposed design, with projecting bays and offsetting balconies and recesses, elevated and distinctive lower level non-residential uses, articulated façade, and emphasized corner elements, is compatible with the context and contributes to the visual quality of the neighborhood.

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

HOUSING ELEMENT

Objectives and Policies – Housing Supply

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

Policy 1.4. Locate in-fill housing on appropriate sites in established residential neighborhoods.

Policy 1.7. Encourage and support the construction of quality, new family housing.

Objectives and Policies -- Housing Density, Design and Quality of Life

OBJECTIVE 11. IN INCREASING THE SUPPLY OF HOUSING, PURSUE PLACE MAKING AND NEIGHBORHOOD BUILDING PRINCIPLES AND PRACTICES TO MAINTAIN SAN FRANCISCO'S DESIRABLE URBAN FABRIC AND ENHANCE LIVABILITY IN ALL NEIGHBORHOODS.

Policy 11.1. Use new housing development as a means to enhance neighborhood vitality and diversity.

Policy 11.2. Ensure housing is provided with adequate public improvements, services, and amenities.

Policy 11.3. Encourage appropriate neighborhood-serving commercial activities in residential areas, without causing affordable housing displacement.

Policy 11.5. Promote the construction of well-designed housing that enhances existing neighborhood character.

Policy 11.8. Strongly encourage housing project sponsors to take full advantage of allowable building densities in their housing developments while remaining consistent with neighborhood character.

The Project facilitates the conversion of an underutilized lot in an established neighborhood to more desirable residential and commercial/retail uses. The Project appropriately locates housing units at a site zoned for residential use and increases the supply of housing in conformity with the allowable density of the NC-2 Zoning District. The Project is also consistent with the City's policies of providing housing appropriate for families: all of the units are family-sized and approximately 1,400 square feet in area.

The Project's architectural design is compatible with the existing scale, character of the neighborhood, and the property's corner lot location. The Project is well designed and provides a quality living environment. The Project further promotes neighborhood-serving commercial activities by providing ground floor commercial/retail space.

COMMERCE AND INDUSTRY ELEMENT

OBJECTIVE 6. MAINTAIN AND STRENGTHEN VIABLE NEIGHBORHOOD COMMERCIAL AREAS EASILY ACCESSIBLE TO CITY RESIDENTS.

Policy 6.9. Regulate uses so that traffic impacts and parking problems are minimized.

The project develops an underutilized lot with a desirable mix of residential and commercial/retail uses that will enhance the neighborhood. The project also eliminates the prior abandoned gasoline service station and the temporary surface parking use. The project is consistent with the objectives of the NC-2 Zoning District by proposing a mixed-use development with ground floor retail/commercial and ten dwelling units. The Project's ground floor retail/commercial component will help the City maintain a viable neighborhood area that is accessible to City residents. The Project minimizes parking problems by providing 15 accessible parking spaces at the rear and relieves any potential traffic impacts from the Property by removing curb cuts along San Bruno Avenue.

URBAN DESIGN ELEMENT

City Pattern

OBJECTIVE 1. EMPHASIS OF THE CHARACTERISTIC PATTERN, WHICH GIVES TO THE CITY AND ITS NEIGHBORHOODS AN IMAGE, A SENSE OF PURPOSE AND A MEANS OF ORIENTATION.

Policy 1.2. Protect and reinforce the existing street pattern, especially as it is related to topography.

Policy 1.3. Recognize that buildings, when seen together, produce a total effect that characterizes the City and its districts.

The Project will enhance the NC-2 District by reinforcing the urban nature of the street pattern, and by providing a unified street wall along its San Bruno Avenue and Woolsey Street frontages. The Project's design is compatible with the design features of surrounding buildings, and will result in a better utilization of the Project Site than the current unused gas station and unpaved vacant lot. The Project will also continue the pattern of residential use over ground floor retail/commercial use that predominates along the NC-2 District.

Visual Harmony

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

Neighborhood Environment

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

Policy 4.12. Install, promote and maintain landscaping in public and private areas.

The Project will improve the neighborhood environment by providing ground floor retail/commercial space with pedestrian-oriented active uses. The new building will be compatible in use and design with other buildings in the neighborhood. Further, existing curb cuts along San Bruno Avenue will be removed,

increasing the personal safety and comfort of pedestrians along the sidewalk. Street trees will also be installed along both San Bruno Avenue and Woolsey Street, beautifying a corner that was formerly used as a gas station.

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

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

The proposal would enhance neighborhood-serving retail uses as 4,200 square feet of ground floor commercial spaces are proposed.

- 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 have no negative impact on this policy, as there is no existing housing at the project site.

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

The project sponsor has proposed to provide on-site affordable units to meet the affordable housing requirement.

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

Traffic generated by the residential uses would be intermittent and not significant to overburden local streets. 15 off-street parking spaces are proposed. Traffic would not impede MUNI transit service along San Bruno Avenue as the garage access is proposed from Woolsey Street. The site is also well served by public transit; MUNI lines 9, 9AX, 9X, 29, 54 and SamTrans.

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

The project will not displace any service or industry establishment.

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

The project will be designed and will be constructed to conform to the structural and seismic safety requirements of the Building Code. This proposal will not impact the property's ability to withstand an earthquake.

- G. That landmarks and historic buildings be preserved.

A landmark or historic building does not occupy the Project site.

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

The project will have no negative impact on existing parks and open spaces. The Project does not have an impact on open spaces.

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

DECISION

That based upon the Record, the submissions by the Applicant, the staff of the Department and other interested parties, the oral testimony presented to this Commission at the public hearings, and all other written materials submitted by all parties, the Commission hereby **APPROVES Conditional Use Application No. 2010.0627C** subject to the following conditions attached hereto as "EXHIBIT A" in general conformance with plans on file, dated October 31, 2012, and stamped "EXHIBIT B", which is incorporated herein by reference as though fully set forth.

The Planning Commission has reviewed and considered the IS/MND and the record as a whole and finds that there is no substantial evidence that the Project will have a significant effect on the environment with the adoption of the mitigation measures contained in the MMRP to avoid potentially significant environmental effects associated with the Project, and hereby adopts the FMND.

The Planning Commission hereby adopts the MND and the MMRP attached hereto as Exhibit C and incorporated herein as part of this Resolution/Motion by this reference thereto. All required mitigation measures identified in the IS/MND 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. 18782. The effective date of this Motion shall be the date of this Motion if not appealed (After the 30-day period has expired) OR the date of the decision of the Board of Supervisors if appealed to the Board of Supervisors. For further information, please contact the Board of Supervisors at (415) 554-5184, City Hall, Room 244, 1 Dr. Carlton B. Goodlett Place, San Francisco, CA 94102.

I hereby certify that the Planning Commission ADOPTED the foregoing Motion on November 15, 2012.

Jonas P. Ionin
Acting Commission Secretary

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

NAYES: None

ABSENT: None

ADOPTED: January 17, 2013

EXHIBIT A

AUTHORIZATION

This authorization is for a conditional use to allow a mixed use building located at 2895 San Bruno Avenue, Block 5457 and Lot 037, pursuant to Planning Code Sections 121.1, 228.3, 303 and 711.11 to allow the demolition of an existing service station, large lot development and the construction of a new development consisting of approximately five 40-foot tall four-story residential/mixed use buildings containing a total of ten dwelling units, 15 off-street parking spaces, ground-floor retail spaces, and second floor business or professional service uses in the Small-Scale Neighborhood Commercial (NC-2) Zoning District and a 40-X Height and Bulk District, in general conformance with plans, dated October 31, 2012, and stamped "EXHIBIT B" included in the docket for Case No. 2010.0627C and subject to conditions of approval reviewed and approved by the Commission on November 15, 2012, under Motion No. 18782. 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 November 15, 2012, under Motion No. 18782.

PRINTING OF CONDITIONS OF APPROVAL ON PLANS

The conditions of approval under the 'Exhibit A' of this Planning Commission Motion No. 18782 shall be reproduced on the Index Sheet of construction plans submitted with the Site or Building permit application for the Project. The Index Sheet of the construction plans shall reference to the Conditional Use authorization and any subsequent amendments or modifications.

SEVERABILITY

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

CHANGES AND MODIFICATIONS

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

Conditions of Approval, Compliance, Monitoring, and Reporting PERFORMANCE

1. **Validity and Expiration.** The authorization and right vested by virtue of this action is valid for three years from the effective date of the Motion. A building permit from the Department of Building Inspection to construct the project and/or commence the approved use must be issued as this Conditional Use authorization is only an approval of the proposed project and conveys no independent right to construct the project or to commence the approved use. The Planning Commission may, in a public hearing, consider the revocation of the approvals granted if a site or building permit has not been obtained within three (3) years of the date of the Motion approving the Project. Once a site or building permit has been issued, construction must commence within the timeframe required by the Department of Building Inspection and be continued diligently to completion. The Commission may also consider revoking the approvals if a permit for the Project has been issued but is allowed to expire and more than three (3) years have passed since the Motion was approved. *For information about compliance, contact Code Enforcement, Planning Department at 415-575-6863, www.sf-planning.org.*
2. **Extension.** This authorization may be extended at the discretion of the Zoning Administrator only where failure to issue a permit by the Department of Building Inspection to perform said tenant improvements is caused by a delay by a local, State or Federal agency or by any appeal of the issuance of such permit(s). *For information about compliance, contact Code Enforcement, Planning Department at 415-575-6863, www.sf-planning.org*
3. **Parking Reduction.** Approval of this project shall be subject to the granting of a parking reduction by the Zoning Administer, pursuant to Planning Code Sections 161(j) and 307(i).

DESIGN

4. **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 415-558-6613, www.sf-planning.org*
5. **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 415-558-6613, www.sf-planning.org

6. Transformer Vault. The location of individual project PG&E Transformer Vault installations has significant impacts 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 impacts 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).

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>*

PARKING AND TRAFFIC

7. 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.*

- 8. 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 impacts during construction of the Project.

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

PROVISIONS

- 9. First Source Hiring.** The Project shall adhere to the requirements of the First Source Hiring Construction and 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 415-401-4960, www.onestopSF.org*

AFFORDABLE UNITS

- 10. Number of Required Units.** Pursuant to Planning Code Section 415.6, the Project is required to provide 12% of the proposed dwelling units as affordable to qualifying households. The Project contains ten units; therefore, one affordable units are required. The Project Sponsor will fulfill this requirement by providing the two 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.

- 11. Unit Mix.** The Project contains four two-bedroom, four three-bedroom units, and two four-bedroom units; therefore, the required affordable unit mix is one three-bedroom unit. 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.

- 12. 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.

- 13. Phasing.** If any building permit is issued for partial phasing of the Project, the Project Sponsor shall have designated not less than fifteen percent (15%) 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.

- 14. 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.

- 15. 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 sale, the affordable unit(s) shall be sold to first time home buyer households, as defined in the Procedures Manual, whose gross annual income, adjusted for household size, does not exceed an average of ninety (90) 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 sales price of such units shall be calculated according to the Procedures Manual. Limitations on (i) reselling; (ii) renting; (iii) recouping capital improvements; (iv) refinancing; and (v) procedures for inheritance apply 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 initial buyers or 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 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.
- 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.

MONITORING

16. 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*

17. 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

18. 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/>*

19. 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.

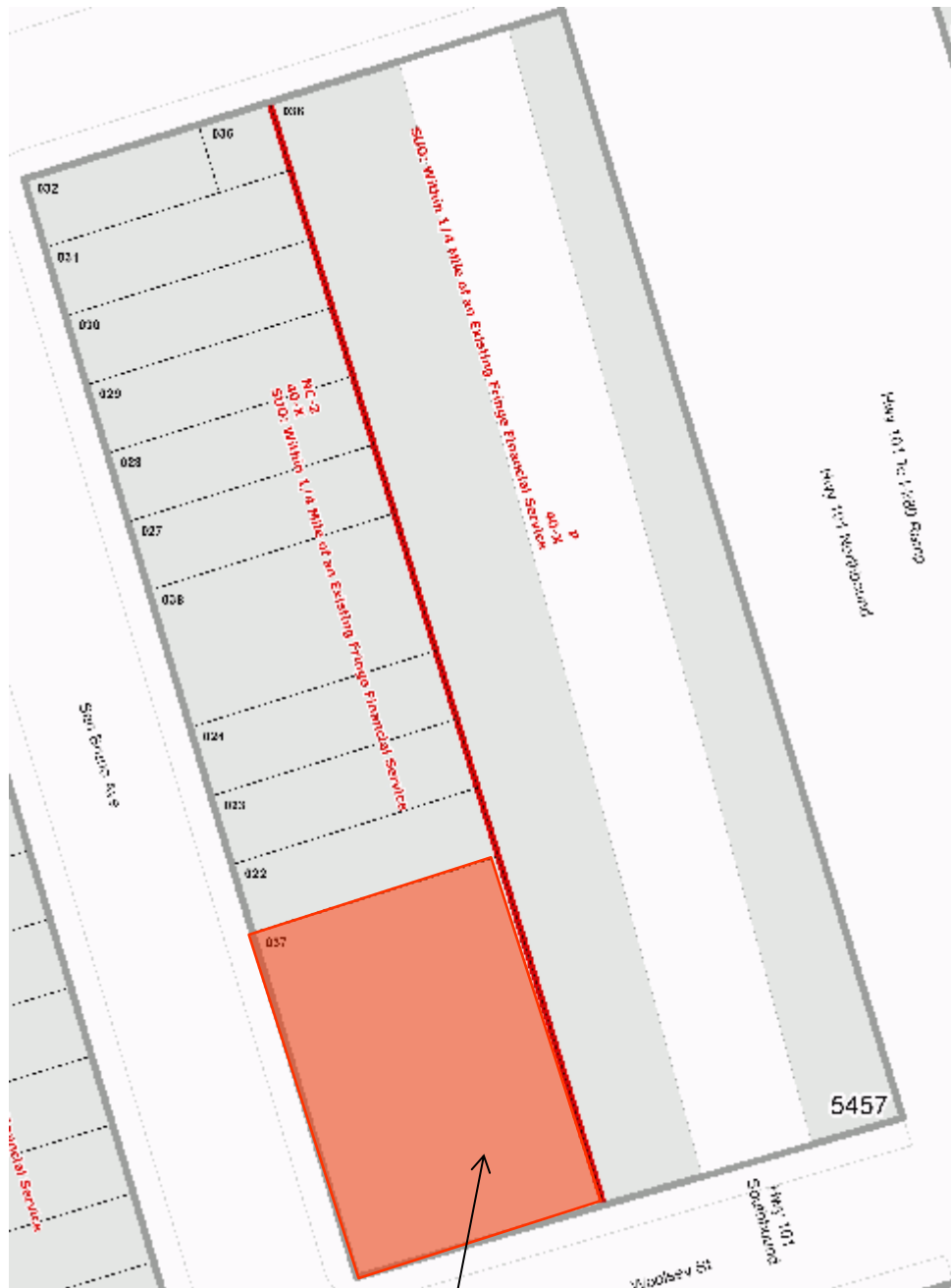
For information about compliance, contact Code Enforcement, Planning Department at 415-575-6863, www.sf-planning.org

20. Mitigation Measures

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

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Parcel Map



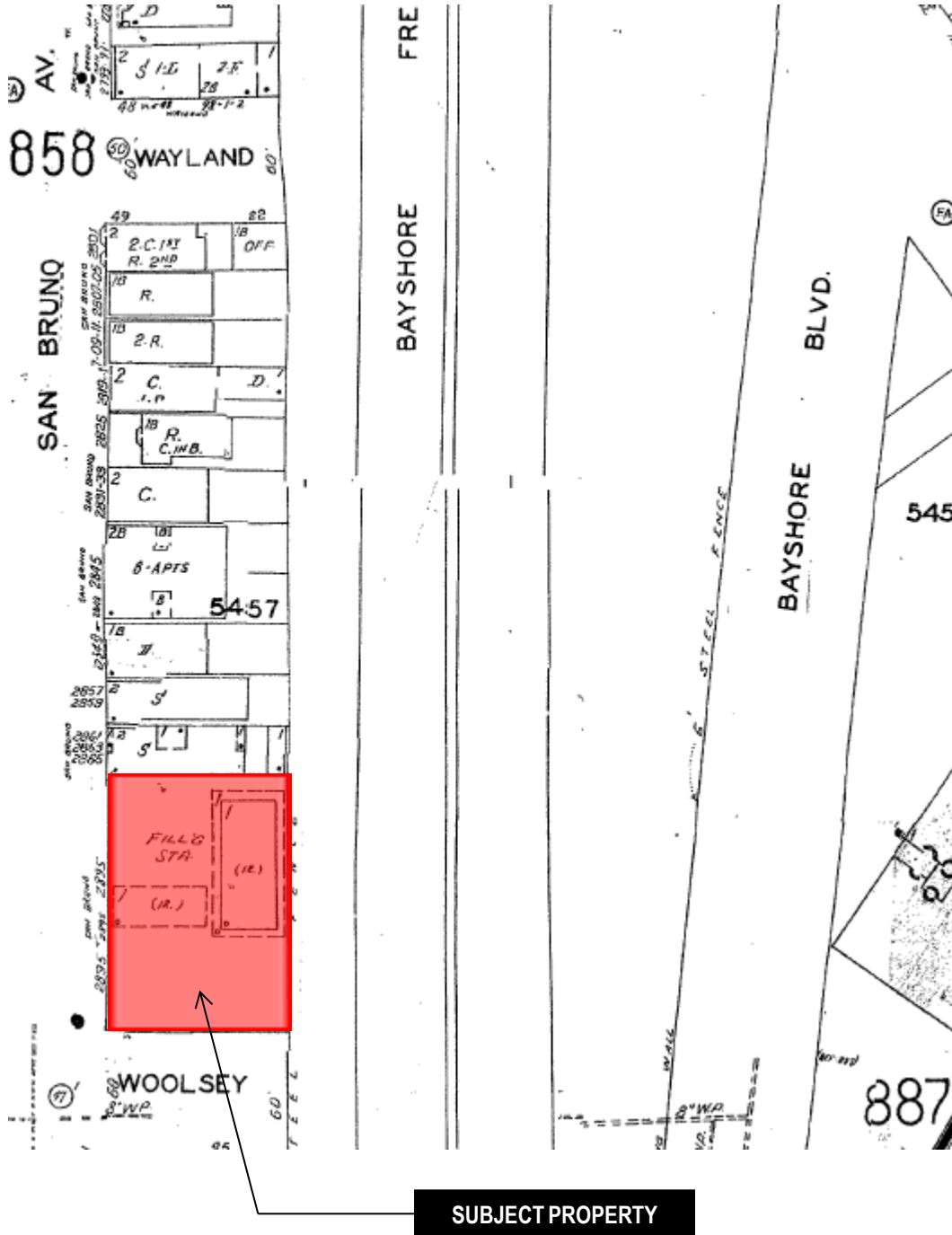
SUBJECT PROPERTY



Conditional Use Hearing
Case Number 2017-004110CUA
2867-2899 San Bruno Avenue

Sanborn Map*

Guerrero Street

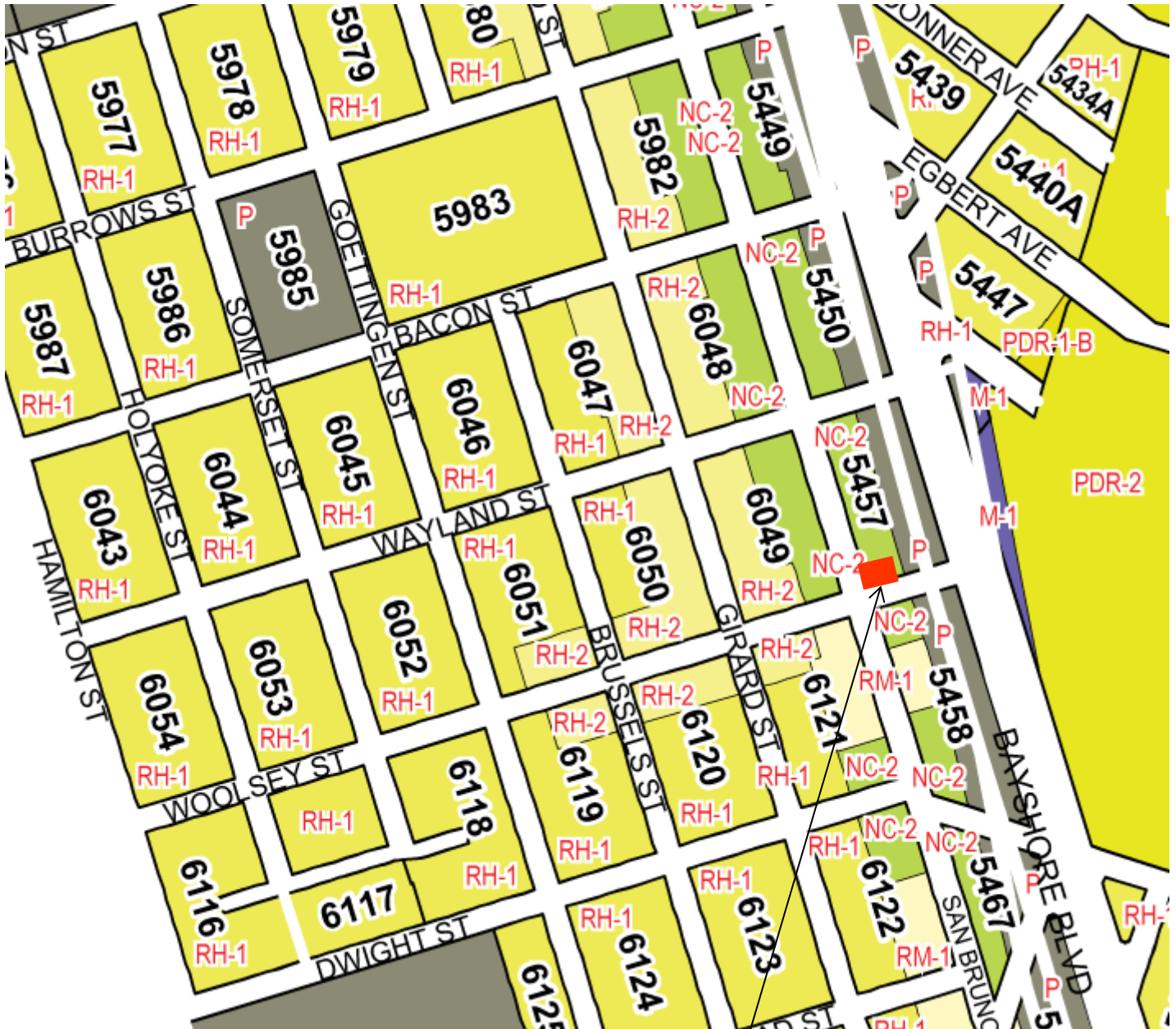


Valencia Street

*The Sanborn Maps in San Francisco have not been updated since 1998, and this map may not accurately reflect existing conditions.



Zoning Map

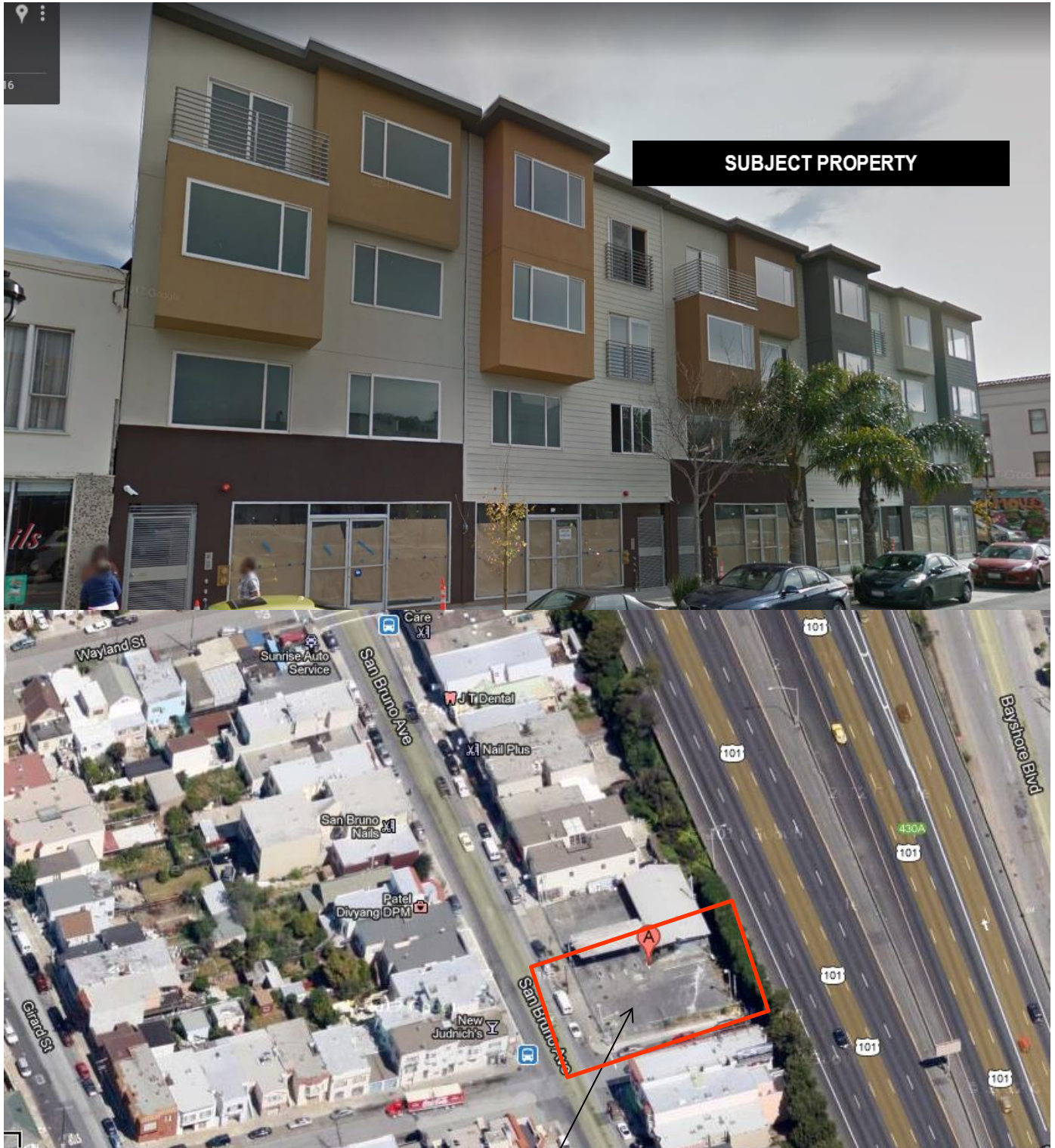


SUBJECT PROPERTY



Conditional Use Hearing
Case Number 2017-004110CUA
2867-2899 San Bruno Avenue

Aerial Photo



SUBJECT PROPERTY

SUBJECT PROPERTY



Conditional Use Hearing
Case Number 2017-004110CUA
2867-2899 San Bruno Avenue

COMPLIANCE WITH THE INCLUSIONARY AFFORDABLE HOUSING PROGRAM



Date: August 16, 2016
To: Applicants subject to Planning Code Section 415 and 419: *Inclusionary Affordable Housing Program*
From: San Francisco Planning Department
Re: **Compliance with the Inclusionary Affordable Housing Program**

All projects that include 10 or more dwelling units must participate in the *Inclusionary Affordable Housing Program* contained in Planning Code Sections 415 and 419. Every project subject to the requirements of Planning Code Section 415 or 419 is required to pay the Affordable Housing Fee. A project may be eligible for an Alternative to the Affordable Housing Fee if the developer chooses to commit to sell the new residential units rather than offer them as rental units. Projects may be eligible to provide rental affordable units if it demonstrates the affordable units are not subject to the Costa Hawkins Rental Housing Act. All projects that can demonstrate that they are eligible for an Alternative to the Affordable Housing Fee must provide necessary documentation to the Planning Department and Mayor's Office of Housing.

Before the Planning Department and/or Planning Commission can act on the project, this Affidavit for Compliance with the Inclusionary Affordable Housing Program must be completed. Please note that this affidavit is required to be included in Planning Commission packets and therefore, must comply with packet submittal guidelines.

The Affidavit is divided into two sections. This first section is devoted to projects that are subject to Planning Code Section 415. The second section covers projects that are located in the Urban Mixed Use (UMU) Zoning District and certain projects within the Mission Neighborhood Commercial Transit District that are subject to Planning Code Section 419. Please use the applicable form and contact Planning staff with any questions.

On June 7, 2016, Proposition C was passed by San Francisco voters to modify Affordable Housing Requirements and trailing legislation was passed by the Board of Supervisors (Ord No. 76-16 and File No. 160255) to implement the increased requirements. Please be aware that the inclusionary requirements may differ for projects depending on when a complete Environmental Evaluation Application (EEA) was submitted with the Department. Please also note that there are different requirements for smaller projects (10-24 units) and larger projects (25+ units). Please use the attached tables to determine the applicable requirement.

For new projects with complete EEA's accepted after January 12, 2016, the Inclusionary Affordable Housing Program includes provisions to allow for mixed income levels. Generally speaking, if the required number of units constructed on-site is 25%, a minimum of 15% of the units must be affordable to low-income households and 10% of the units affordable to low- or moderate/middle-income households. The Average Median Income (AMI) for low income is 55% for rental and 80% for ownership. The AMI for moderate/middle income units is 100% for rental and 120% for ownership.

Summary of requirements. Please determine what percentage is applicable for your project based on the size of the project, the zoning of the property, and the date that a complete Environmental Evaluation Application (EEA) was submitted. Chart A applies throughout San Francisco whereas Chart B addresses UMU (Urban Mixed Use District) Zoning Districts.

The Project contains:	The zoning of the property is:	Complete EEA was submitted on:
UNITS		

CHART A: Inclusionary Requirements for San Francisco, excluding UMU Zoning Districts.

Complete EEA Accepted: →	Before 1/1/13	Before 1/1/14	Before 1/1/15	Before 1/12/16	After 1/12/16
Fee or Off-site					
10-24 unit projects	20.0%	20.0%	20.0%	20.0%	20.0%
25+ unit projects at or below 120'	20.0%	25.0%	27.5%	30.0%	33.0%
25+ unit projects over 120' in height *	20.0%	33.0%	33.0%	33.0%	33.0%
On-site					
10-24 unit projects	12.0%	12.0%	12.0%	12.0%	12.0%
25+ unit projects	12.0%	13.0%	13.5%	14.5%	25.0%

* except buildings up to 130 feet in height located both within a special use district and within a height and bulk district that allows a maximum building height of 130 feet.

CHART B: Inclusionary Requirements for UMU Districts. Please note that the Middle Income Incentive Alternative regulated in Planning Code Section 419 was not changed by Code amendment (Ord. No. 76-16). Also, certain projects in the SOMA Youth and Family SUD rely upon UMU requirements as stipulated by the Planning Code.

Complete EEA Accepted: →	Before 1/1/13	Before 1/1/14	Before 1/1/15	Before 1/12/16	After 1/12/16
On-site UMU					
Tier A 10-24 unit projects	14.4%	14.4%	14.4%	14.4%	14.4%
Tier A 25+ unit projects	14.4%	15.4%	15.9%	16.4%	25.0%
Tier B 10-24 unit projects	16.0%	16.0%	16.0%	16.0%	16.0%
Tier B 25+ unit projects	16.0%	17.0%	17.5%	18.0%	25.0%
Tier C 10-24 unit projects	17.6%	17.6%	17.6%	17.6%	17.6%
Tier C 25+ unit projects	17.6%	18.6%	19.1%	19.6%	25.0%
Fee or Off-site UMU					
Tier A 10-24 unit projects	23.0%	23.0%	23.0%	23.0%	23.0%
Tier A 25+ unit projects	23.0%	28.0%	30.5%	33.0%	33.0%
Tier B 10-24 unit projects	25.0%	25.0%	25.0%	25.0%	25.0%
Tier B 25+ unit projects	25.0%	30.0%	32.5%	33.0%	33.0%
Tier C 10-24 unit projects	27.0%	27.0%	27.0%	27.0%	27.0%
Tier C 25+ unit projects	27.0%	32.0%	33.0%	33.0%	33.0%
Land Dedication in UMU or Mission NCT					
Tier A 10-24 unit < 30K	35.0%	35.0%	35.0%	35.0%	35.0%
Tier A 10-24 unit > 30K	30.0%	30.0%	30.0%	30.0%	30.0%
Tier A 25+ unit < 30K	35.0%	40.0%	42.5%	45.0%	35.0%
Tier A 25+ unit > 30K	30.0%	35.0%	37.5%	40.0%	30.0%
Tier B 10-24 unit < 30K	40.0%	40.0%	40.0%	40.0%	40.0%
Tier B 10-24 unit > 30K	35.0%	35.0%	35.0%	35.0%	35.0%
Tier B 25+ unit < 30K	40.0%	45.0%	47.5%	50.0%	40.0%
Tier B 25+ unit > 30K	35.0%	40.0%	42.5%	45.0%	35.0%
Tier C 10-24 unit < 30K	45.0%	45.0%	45.0%	45.0%	45.0%
Tier C 10-24 unit > 30K	40.0%	40.0%	40.0%	40.0%	40.0%
Tier C 25+ unit < 30K	45.0%	50.0%	52.5%	55.0%	45.0%
Tier C 25+ unit > 30K	40.0%	45.0%	47.5%	50.0%	40.0%

AFFIDAVIT

COMPLIANCE WITH THE INCLUSIONARY AFFORDABLE HOUSING PROGRAM

PLANNING CODE SECTION 415 & 419



**San Francisco
Planning**

SAN FRANCISCO PLANNING DEPARTMENT
1650 MISSION STREET, SUITE 400
SAN FRANCISCO, CA 94103-2479
MAIN: (415) 558-6378 SFPLANNING.ORG

Date

I, _____,
do hereby declare as follows:

A The subject property is located at (address and block/lot):

Address

Block / Lot

B The proposed project at the above address is subject to the *Inclusionary Affordable Housing Program*, Planning Code Section 415 and 419 et seq.

The Planning Case Number and/or Building Permit Number is:

Planning Case Number

Building Permit Number

This project requires the following approval:

- ☐ Planning Commission approval (e.g. Conditional Use Authorization, Large Project Authorization)
- ☐ This project is principally permitted.

The Current Planner assigned to my project within the Planning Department is:

Planner Name

Is this project an UMU project within the Eastern Neighborhoods Plan Area?

☐ Yes _____ ☐ No

(If yes, please indicate Affordable Housing Tier)

This project is exempt from the *Inclusionary Affordable Housing Program* because:

- ☐ This project is 100% affordable.
- ☐ This project is 100% student housing.

C This project will comply with the Inclusionary Affordable Housing Program by:

- ☐ Payment of the Affordable Housing Fee prior to the first construction document issuance (Planning Code Section 415.5).
- ☐ On-site Affordable Housing Alternative (Planning Code Sections 415.6).
- ☐ Off-site Affordable Housing Alternative (Planning Code Sections 415.7):
 - ☐ Small Sites Affordable Housing Alternative
- ☐ Land Dedication

D If the project will comply with the Inclusionary Affordable Housing Program through an **On-site** or **Off-site Affordable Housing Alternative**, please fill out the following regarding how the project is eligible for an alternative.

- ☐ **Ownership.** All affordable housing units will be sold as ownership units and will remain as ownership units for the life of the project.
- ☐ **Rental.** Exemption from Costa Hawkins Rental Housing Act.¹ The Project Sponsor has demonstrated to the Department that the affordable units are not subject to the Costa Hawkins Rental Housing Act, under the exception provided in Civil Code Sections 1954.50 through one of the following:
- ☐ Direct financial contribution from a public entity.
 - ☐ Development or density bonus, or other public form of assistance.
 - ☐ Development Agreement with the City. The Project Sponsor has entered into or has applied to enter into a Development Agreement with the City and County of San Francisco pursuant to Chapter 56 of the San Francisco Administrative Code and, as part of that Agreement, is receiving a direct financial contribution, development or density bonus, or other form of public assistance.

E The Project Sponsor acknowledges that failure to sell the affordable units as ownership units or to eliminate the on-site or off-site affordable ownership-only units at any time will require the Project Sponsor to:

- (1) Inform the Planning Department and the Mayor's Office of Housing and, if applicable, fill out a new affidavit;
- (2) Record a new Notice of Special Restrictions; and
- (3) Pay the Affordable Housing Fee plus applicable interest (using the fee schedule in place at the time that the units are converted from ownership to rental units) and any applicable penalties by law.

F Affordability Levels:

No. of Affordable Units:	% Affordable Units:	AMI Level:

No. of Affordable Units:	% Affordable Units:	AMI Level:

G The Project Sponsor must pay the Affordable Housing Fee in full sum to the Development Fee Collection Unit at the Department of Building Inspection for use by the Mayor's Office of Housing prior to the issuance of the first construction document.

H I am a duly authorized agent or owner of the subject property.

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

Executed on this day in:

San Francisco

Location

8/15/17

Date

Sign Here

Signature

Nelson Tong, Owner

Name (Print), Title

415-282-7777

Contact Phone Number

cc: Mayor's Office of Housing and
Community Development
Planning Department Case Docket

¹ California Civil Code Section 1954.50 and following.

UNIT MIX TABLES

Number of All Units in PRINCIPAL PROJECT:

TOTAL UNITS:	SRO / Group Housing:	Studios:	One-Bedroom Units:	Two-Bedroom Units:	Three (or more) Bedroom Units:
--------------	----------------------	----------	--------------------	--------------------	--------------------------------

If you selected an On-site or Off-Site Alternative, please fill out the applicable section below. If using more than one AMI to satisfy the requirement, please submit a separate sheet for each AMI level.

☐ **On-site Affordable Housing Alternative** Planning Code Section 415.6): calculated at % of the unit total.

Number of Affordable Units to be Located ON-SITE:

TOTAL UNITS:	SRO / Group Housing:	Studios:	One-Bedroom Units:	Two-Bedroom Units:	Three (or more) Bedroom Units:
--------------	----------------------	----------	--------------------	--------------------	--------------------------------

☐ **Off-site Affordable Housing Alternative** (Planning Code Section 415.7): calculated at % of the unit total.

Number of Affordable Units to be Located OFF-SITE:

TOTAL UNITS:	SRO / Group Housing:	Studios:	One-Bedroom Units:	Two-Bedroom Units:	Three (or more) Bedroom Units:
Area of Dwellings in Principal Project (in sq. feet):		Off-Site Project Address:			
Area of Dwellings in Off-Site Project (in sq. feet):					
Off-Site Block/Lot(s):		Motion No. for Off-Site Project (if applicable):		Number of Market-Rate Units in the Off-site Project:	

☐ **Combination of payment of a fee, on-site affordable units, or off-site affordable units** with the following distribution:

Indicate what percent of each option will be implemented (from 0% to 99%) and the number of on-site and/or off-site below market rate units for rent and/or for sale.

1. Fee % of affordable housing requirement.

2. On-Site % of affordable housing requirement.

Number of Affordable Units to be Located ON-SITE:

TOTAL UNITS:	SRO / Group Housing:	Studios:	One-Bedroom Units:	Two-Bedroom Units:	Three (or more) Bedroom Units:
--------------	----------------------	----------	--------------------	--------------------	--------------------------------

3. Off-Site % of affordable housing requirement.

Number of Affordable Units to be Located OFF-SITE:

TOTAL UNITS:	SRO / Group Housing:	Studios:	One-Bedroom Units:	Two-Bedroom Units:	Three (or more) Bedroom Units:
Area of Dwellings in Principal Project (in sq. feet):		Off-Site Project Address:			
Area of Dwellings in Off-Site Project (in sq. feet):					
Off-Site Block/Lot(s):		Motion No. for Off-Site Project (if applicable):		Number of Market-Rate Units in the Off-site Project:	

Contact Information and Declaration of Sponsor of PRINCIPAL PROJECT

Nelson Tong

Company Name

Nelson Tong

Name (Print) of Contact Person

1355 Fairfax Ave, Suite B

San Francisco, CA 94124

Address

415-282-7777

City, State, Zip

crimewatchsf@yahoo.com

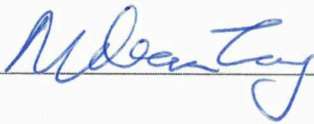
Phone / Fax

Email

I hereby declare that the information herein is accurate to the best of my knowledge and that I intend to satisfy the requirements of Planning Code Section 415 as indicated above.

Sign Here

Signature:



Name (Print), Title:

Owner

Contact Information and Declaration of Sponsor of OFF-SITE PROJECT (If Different)

Company Name

Name (Print) of Contact Person

Address

City, State, Zip

Phone / Fax

Email

I hereby declare that the information herein is accurate to the best of my knowledge and that I intend to satisfy the requirements of Planning Code Section 415 as indicated above.

Sign Here

Signature:

Name (Print), Title:



SUPPLEMENTAL INFORMATION PACKET FOR Anti-Discriminatory Housing Policy

Planning Department
1650 Mission Street
Suite 400
San Francisco, CA
94103-9425

T: 415.558.6378
F: 415.558.6409

Pursuant to Administrative Code Section 1.61, certain housing projects must complete and submit a completed Anti-Discriminatory Housing Policy form as part of any entitlement or building permit application that proposes an increase of ten (10) dwelling units or more.

Planning Department staff is available to advise you in the preparation of this application. Call (415)558-6377 for further information.

WHEN IS THE SUPPLEMENTAL INFORMATION FORM NECESSARY?

Administrative Code Section 1.61 requires the Planning Department to collect an application/form with information about an applicant's internal anti-discriminatory policies for projects proposing an increase of ten (10) dwelling units or more.

WHAT IF THE PROJECT SPONSOR OR PERMITTEE CHANGE PRIOR TO THE FIRST ISSUANCE OF CERTIFICATE OF OCCUPANCY?

If the permittee and/or sponsor should change, they shall notify the Planning Department and file a new supplemental information form with the updated information.

HOW IS THIS INFORMATION USED?

The Planning Department is not to review the responses other than to confirm that all questions have been answered. Upon confirmation, the information is routed to the Human Rights Commission.

For questions about the Human Rights Commission (HRC) and/or the Anti-Discriminatory Housing Policy, please call (415) 252-2500 or email hrc.info@sfgov.org.

All building permit applications and/or entitlements related to a project proposing 10 dwelling units or more will not be considered complete until all responses are provided.

WHAT PART OF THE POLICY IS BEING REVIEWED?

The Human Rights Commission will review the policy to verify whether it addresses discrimination based on sexual orientation and gender identity. The policy will be considered incomplete if it lacks such protections.

WILL THE ANSWERS TO THE QUESTIONS EFFECT THE REVIEW OF MY PROJECT?

The Planning Department's and Planning Commission's processing of and recommendations or determinations regarding an application shall be unaffected by the applicant's answers to the questions.

INSTRUCTIONS:

The attached supplemental information form is to be submitted as part of the required entitlement application and/or Building Permit Application. This application does not require an additional fee.

Answer all questions fully and type or print in ink. Attach additional pages if necessary.

Please see the primary entitlement application or Building Permit Application instructions for a list of necessary materials required.

THIS PAGE INTENTIONALLY LEFT BLANK.



FOR MORE INFORMATION:
Call or visit the San Francisco Planning Department

Central Reception

1650 Mission Street, Suite 400
San Francisco CA 94103-2479

TEL: **415.558.6378**
FAX: **415 558-6409**
WEB: **<http://www.sfplanning.org>**

Planning Information Center (PIC)

1660 Mission Street, First Floor
San Francisco CA 94103-2479

TEL: **415.558.6377**

*Planning staff are available by phone and at the PIC counter.
No appointment is necessary.*

SUPPLEMENTAL INFORMATION FOR Anti-Discriminatory Housing Policy

1. Owner/Applicant Information

PROPERTY OWNER'S NAME:	
PROPERTY OWNER'S ADDRESS:	TELEPHONE:
	()
	EMAIL:

APPLICANT'S NAME:	
Same as Above <input type="checkbox"/>	
APPLICANT'S ADDRESS:	TELEPHONE:
	()
	EMAIL:

CONTACT FOR PROJECT INFORMATION:	
Same as Above <input type="checkbox"/>	
ADDRESS:	TELEPHONE:
	()
	EMAIL:

COMMUNITY LIAISON FOR PROJECT (PLEASE REPORT CHANGES TO THE ZONING ADMINISTRATOR):	
Same as Above <input type="checkbox"/>	
ADDRESS:	TELEPHONE:
	()
	EMAIL:

2. Location and Project Description

STREET ADDRESS OF PROJECT:		ZIP CODE:
CROSS STREETS:		
ASSESSORS BLOCK/LOT:	ZONING DISTRICT:	HEIGHT/BULK DISTRICT:
/		

PROJECT TYPE: (Please check all that apply)	EXISTING DWELLING UNITS:	PROPOSED DWELLING UNITS:	NET INCREASE:
<input type="checkbox"/> New Construction <input type="checkbox"/> Demolition <input type="checkbox"/> Alteration <input type="checkbox"/> Other: _____			

Compliance with the Anti-Discriminatory Housing Policy

1. Does the applicant or sponsor, including the applicant or sponsor's parent company, subsidiary, or any other business or entity with an ownership share of at least 30% of the applicant's company, engage in the business of developing real estate, owning properties, or leasing or selling individual dwelling units in States or jurisdictions outside of California? ☐ YES ☒ NO

1a. If yes, in which States? _____

- 1b. If yes, does the applicant or sponsor, as defined above, have policies in individual States that prohibit discrimination based on sexual orientation and gender identity in the sale, lease, or financing of any dwelling units enforced on every property in the State or States where the applicant or sponsor has an ownership or financial interest? ☐ YES ☒ NO

- 1c. If yes, does the applicant or sponsor, as defined above, have a national policy that prohibits discrimination based on sexual orientation and gender identity in the sale, lease, or financing of any dwelling units enforced on every property in the United States where the applicant or sponsor has an ownership or financial interest in property? ☐ YES ☒ NO

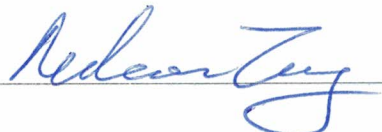
If the answer to 1b and/or 1c is yes, please provide a copy of that policy or policies as part of the supplemental information packet to the Planning Department.

Human Rights Commission contact information
hrc.info@sfgov.org or (415)252-2500

Applicant's Affidavit

Under penalty of perjury the following declarations are made:

- a: The undersigned is the owner or authorized agent of the owner of this property.
- b: The information presented is true and correct to the best of my knowledge.
- c: Other information or applications may be required.

Signature: 

Date: 8/15/17

Print name, and indicate whether owner, or authorized agent:

Nelson Tong, Owner

Owner / Authorized Agent (circle one)

PLANNING DEPARTMENT USE ONLY

PLANNING DEPARTMENT VERIFICATION:

- ☐ Anti-Discriminatory Housing Policy Form is **Complete**
- ☐ Anti-Discriminatory Housing Policy Form is **Incomplete**

Notification of Incomplete Information made:

To: _____ Date: _____

BUILDING PERMIT NUMBER(S):	DATE FILED:
RECORD NUMBER:	DATE FILED:
VERIFIED BY PLANNER:	
<div style="display: flex; justify-content: space-between;"> <div>Signature: _____</div> <div>Date: _____</div> </div> <div style="display: flex; justify-content: space-between; margin-top: 10px;"> <div>Printed Name: _____</div> <div>Phone: _____</div> </div>	
ROUTED TO HRC:	DATE:
<input type="checkbox"/> Emailed to: _____	

ABBREVIATIONS

&	AND
@	AT
○	CENTER LINE
⌀	DIAMETER
#	POUND OR NUMBER
ℓ	PROPERTY LINE
A.D.	AREA DRAIN
ADJ.	ADJACENT
ALUM.	ALUMINUM
APPROX.	APPROXIMATE
ARCH.	ARCHITECTURAL
AWN.	AWNING WINDOW
BD.	BOARD
BLDG.	BUILDING
BLKG.	BLOCKING
BM.	BEAM
BOT.	BOTTOM
C.B.	CATCH BASIN
C.O.	CLEANOUT
CAB.	CABINET
CLG.	CEILING
CL.O.	CLOSET
CLR.	CLEAR
COL.	COLUMN
CONC.	CONCRETE
CONST.	CONSTRUCTION
CORR.	CORRIDOR
CSMT.	CASEMENT WINDOW
D.H.	DOUBLE HUNG WINDOW
DBL.	DOUBLE
DEPT.	DEPARTMENT
DET.	DETAIL
DIA.	DIAMETER
DIM.	DIMENSION
DN.	DOWN
DR.	DOOR
DW.	DISHWASHER
DWG.	DRAWING
E	EAST
(E)	EXISTING
EA	EACH
EL.	ELEVATION
ELEC.	ELECTRICAL
ELEV.	ELEVATOR
EO	EQUAL
EXT.	EXTERIOR
F.D.	FLOOR DRAIN
F.D.C.	FIRE DEPT. CONNECTION
F.G.	FIXED GLASS WINDOW
F.P.	FIREPLACE
FDN.	FOUNDATION
FIN.	FINISH
FLR.	FLOOR
FLUOR.	FLUORESCENT
FT.	FOOT OR FEET
FTG.	FOOTING
G.F.I.	GROUND FAULT
INTERRUPTER	
G.S.M.	GALVANIZED
	SHEET METAL
GA.	GAUGE
GL.	GLASS
GND.	GROUND
GYP.	GYPSPUM
H.B.	HOSE BIBB
HDWD.	HARDWOOD
HORIZ.	HORIZONTAL
HR.	HOUR
HT.	HEIGHT
INSUL.	INSULATION
INT.	INTERIOR
LAV.	LAVATORY
LT.	LIGHT
MAX.	MAXIMUM
MECH.	MECHANICAL
MET.	METAL
MFR.	MANUFACTURER
MIN.	MINIMUM
MISC.	MISCELLANEOUS
N	NORTH
(N)	NEW
N.T.S.	NOT TO SCALE
NO. OR #	NUMBER
O.C.	ON CENTER
O.F.D.	OVERFLOW DRAIN
O.H.	OVERHANG
OBS.	OBSURED
OPNG.	OPENING
P/L	PROPERTY LINE
PL	PLATE
PLYWD.	PLYWOOD
PT.	POINT
Q.T.	QUARRY TILE
R.	RISER
R.D.	ROOF DRAIN
R.W.	REDWOOD
R.W.L.	RAIN WATER LEADER
RAD.	RADIUS
REFR.	REFRIGERATOR
REINF.	REINFORCED
REQ.	REQUIRED
RET.	RETAINING
S.	SOUTH
S.G.D.	SLIDING GLASS DOOR
S.H.	SINGLE HUNG WINDOW
SIM.	SIMILAR
SL.	SLIDER WINDOW
SPEC.	SPECIFICATION
SQ.	SQUARE
STD.	STANDARD
STL.	STEEL
STOR.	STORAGE
STRL.	STRUCTURAL
SYM.	SYMMETRICAL
T.&G.	TONGUE & GROOVE
THK.	THICK
TYP.	TYPICAL
T.G.	TEMPERED GLASS
U.O.N.	UNLESS OTHERWISE NOTED
VERT.	VERTICAL
W.	WEST
W/	WITH
WD.	WOOD
W/O	WITHOUT
WP.	WATERPROOF
WT.	WEIGHT



NOTES:

PROVIDE FIRE SPRINKLER SYSTEM AND STANDPIPES THROUGHOUT THE BLDG. AND UNDER SEPARATE PERMIT. FIRE SPRINKLER SYSTEM TO BE DESIGN-BUILT BY A LICENSED FIRE PROTECTION CONTRACTOR.

CONSTRUCTION COST OF THIS PERMIT DOES NOT INCLUDE SPRINKLER SYSTEM.

PROVIDE EMERGENCY LIGHTING PER SEC. 1006.3

PROVIDE EXIT SIGNS PER SEC. 1011

TWO HOUR STAIR ENCLOSURE FOR 4 OR MORE STORIES WITH 90 MIN. DOOR WITH CLOSER PER SEC. 1022.1

PROVIDE ONE HOUR CONSTRUCTION W/ SOUND INSULATION BETWEEN UNIT AND PUBLIC AREA

PROVIDE SMOKE DETECTORS PER SEC. 907.2.11.2

PROVIDE CARBON MONOXIDE DETECTOR PER SEC. 420.4

PROVIDE TEMPERED (SAFETY) GLASS AT HAZARDOUS LOCATIONS PER SEC. 2406.4

ROOF DRAIN AND OVERFLOW DRAIN AT ROOF OR DECK SHALL CONNECT TO CITY SEWER

PROVIDE MET. STRAP TO WALL FOR WATER HEATER ON 18" PLATFORM

COMPLY w/ SECURITY REQUIREMENTS PER S.F.B.C. SEC. 1005A

EXIT ENCLOSURE VENTILATION PER S.F.B.C. SEC. 1022.5

ALL LIGHTS SHALL COMPLY WITH 2008 CALIFORNIA TITLE 24 RESIDENTIAL STANDARDS

UNDERPINNING & SHORING IF REQUIRED UNDER SEPARATE PERMIT.

SEE SOIL REPORT PREPARED BY FRANK LEE & ASSOCIATES DATED 5/9/11

ACCESSIBILITY STATEMENT

COMMERCIAL SPACE TO FULLY COMPLY W/ THE REQUIREMENTS FOR THE PHYSICALLY DISABLED

SUBJECT BUILDING

GENERAL NOTES

PLEASE TAKE NOTICE THAT THE DRAWINGS AS PREPARED BY SCHAUB LY ARCHITECTS, INC. FOR THE PROJECT ARE LIMITED TO THE EXTENT AS REQUIRED FOR PLAN CHECK PURPOSES BY CITY AGENCIES HAVING JURISDICTION OVER THE PROJECT.

IT IS THE RESPONSIBILITY OF THE CONTRACTOR TO DESIGN-BUILD (DESIGN AND INSTALL) ALL SYSTEMS AND ELEMENTS AS REQUIRED FOR THE CONSTRUCTION OF THE PROJECT, INCLUDING BUT NOT LIMITED TO PLUMBING, MECHANICAL, FIRE SPRINKLER AND ELECTRICAL SYSTEMS; AND ALL DETAILS FOR ROOFING, FLASHING, WATERPROOFING AND SOUND PROOFING STANDARDS.

THE USE OF THESE DRAWINGS FOR THE CONSTRUCTION OF THE PROJECT SHALL CONSTITUTE THE CONTRACTOR'S REPRESENTATION THAT IT HAS REVIEWED AND VERIFIED THE BUILDABILITY OF THE PROJECT AS SHOWN ON THESE DRAWINGS IN THE LIGHT OF SITE CONDITIONS AND APPLICABLE CODE REQUIREMENTS; AND THAT ONCE CONSTRUCTION HAS COMMENCED, THE CONTRACTOR SHALL UNDERTAKE FULL RESPONSIBILITIES TO DESIGN-BUILD ALL ELEMENTS AND MAKE NECESSARY ADJUSTMENTS AS REQUIRED FOR THE COMPLETION OF THE PROJECT IN ITS ENTIRETY PURSUANT TO ALL APPLICABLE CODE REQUIREMENTS, TRADE AND WORKMANSHIP STANDARDS.

ALL CONSTRUCTION WORK SHALL BE DONE IN ACCORDANCE WITH THE CITY BUILDING CODE AND INTERNATIONAL BUILDING CODE, AS WELL AS ALL APPLICABLE FEDERAL, STATE, OSHA, BAY AREA AIR QUALITY MANAGEMENT DISTRICT, COUNTY AND CITY ORDINANCES, AMENDMENTS AND RULINGS. THE CITY CODE SHALL GOVERN WHEN IT AND THE IBC OR ANY OTHER REFERENCE CODES AND STANDARDS ARE IN CONFLICT.

THE CONTRACTOR SHALL GIVE ALL NOTICES NECESSARY AND INCIDENTAL TO THE LAWFUL EXECUTION OF THE WORK.

THE CONTRACTOR SHALL VERIFY ALL DIMENSIONS OF THE LOT, EASEMENT, SOIL CONDITIONS, ALL PROPOSED DIMENSIONS, INCLUDING EXCAVATION, UNDERPINNING, DRAINAGE AND UTILITY LINES AT SUBJECT PROPERTY, AS WELL AS, AT ADJACENT PROPERTIES. IF THE CONTRACTOR ENCOUNTERS DISCREPANCIES IN THE DRAWINGS, HE SHALL CONTACT THE ARCHITECT FOR CLARIFICATION BEFORE PROCEEDING WITH THE WORK. THE CONTRACTOR SHALL BE RESPONSIBLE FOR THE COSTS OF CORRECTIONS TO THE WORK IF HE NEGLECTS TO ADHERE TO THIS PROCESS.

2867A, 2867B, 2869, 2871 & 2873
SAN BRUNO AVENUE
NEW 4-STORY MIXED-USE BUILDING

2867A & 2867B: OFFICE SPACE (B OCCUPANCY)
2869 & 2871: TWO FAMILY DWELLINGS (R-3 OCCUPANCY)
2873: RETAIL SALES (M OCCUPANCY)

SCOPE OF WORK:

- SUBDIVISION OF EXISTING LOT INTO 5 LOTS
- NEW 4-STORY MIXED-USE BUILDING ON EACH LOT. TWO DWELLINGS OVER TWO OFFICES, WITH RETAIL AND GARAGE ON GROUND FLOOR

APPLICABLE CODES & ORDINANCES

2010 CALIFORNIA BUILDING CODE (CBC), W/ SAN FRANCISCO AMENDMENTS
2010 CALIFORNIA MECHANICAL, ELECTRICAL, AND PLUMBING CODES, W/ SAN FRANCISCO AMENDMENTS

2010 CALIFORNIA FIRE CODE, W/ SAN FRANCISCO AMENDMENTS

2008 CALIFORNIA ENERGY CODE - TITLE 24

2010 NFPA 13R STANDARD FOR THE INSTALLATION OF SPRINKLER SYSTEMS



DRAWING INDEX

- A-0.0 PERSPECTIVE / PROJECT DATA
- A-0.1 PLANNING COMMISSION MOTION
- A-0.2 PLANNING COMMISSION MOTION
- A-0.3 PLANNING COMMISSION MOTION
- A-0.4 CU NOTICE OF SPECIAL RESTRICTION
- A-0.5 CU NOTICE OF SPECIAL RESTRICTION
- A-0.6 PRE-APPLICATION CONFIRMATION & FIRE FLOW CALC.
- A-0.7 GREEN BUILDING ATTACHMENT C-2
- A-0.8 ACOUSTICAL REPORT & REVIEW LETTER
- A-0.9 BMR NOTICE OF SPECIAL RESTRICTION
- A-1.0 SITE PLAN
- A-2.0 GROUND & 2ND FLOOR PLANS
- A-2.1 3RD & 4TH FLOOR PLANS
- A-2.2 ROOF PLAN
- A-3.0 FRONT & RIGHT ELEVATIONS
- A-3.1 REAR & LEFT ELEVATIONS
- A-3.2 SECTIONS
- A-4.1 WALL/FLOOR/ROOF DETAILS
- A-4.2 DETAILS
- A-4.3 STANDARD DETAILS
- A-4.4 ACCESSIBILITY DETAILS
- A-5.1 ELECTRICAL / MECHANICAL LAYOUTS
- A-5.2 ELECTRICAL / MECHANICAL LAYOUTS
- A-5.3 ELECTRICAL / MECHANICAL LAYOUT
- A-5.4 TITLE 24 - ENERGY COMPLIANCE COMMERCIAL
- A-5.5 TITLE 24 - ENERGY COMPLIANCE RESIDENTIAL
- G-2 GREEN POINT RATED SUBMITTAL ATTACHMENT C-4
- G-3a GREEN POINT RATED CHECKLIST
- G-3b GREEN POINT RATED CHECKLIST
- G-3b GREEN POINT RATED CHECKLIST
- G-4 SPECIFIC LOCALLY REQUIRED MEASURES ONLY

PROJECT DATA

BUILDING PERMIT APPLICATION #: 2012-09-27-0766

BLOCK/LOT: 5457 / 037

ZONING: NC-2

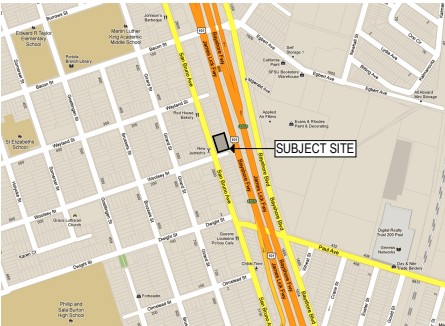
OCCUPANCY: R-3 / B / M

NUMBER OF UNITS: 2 FAMILY DWELLING, 2 OFFICES & 1 RETAIL SALES

NUMBER OF STORIES: 4

TYPE OF CONSTRUCTION: V-B (FULLY SPRINKLERED)

VICINITY MAP



SYMBOLS

	COLUMN GRID LINE		EL. = XX.XX' ELEVATION
	SECTION / DETAIL IDENTIFICATION SHEET NUMBER		EXISTING STUD WALL
	INTERIOR ELEVATION ID		NEW STUD WALL
	INTERIOR ELEVATION #		NEW DOOR
	SHEET NUMBER		EXISTING WALL/DOOR TO BE REMOVED
	ENLARGED PLAN SECTION OR DETAIL REFERENCE		EXISTING WALL/DOOR TO REMAIN
	DOOR NUMBER		WALL DETAIL NUMBER
	WINDOW NUMBER		

S|L|A
SCHAUB LY
ARCHITECTS

SCHAUB LY
ARCHITECTS, INC.

1360 9TH AVENUE, SUITE 210
SAN FRANCISCO CA 94122
415-682-8060 Fax 510-281-1359
www.slasf.com

NEW MIXED-USE BUILDING
2867-73 SAN BRUNO AVENUE
(AKA 2895 SAN BRUNO AVENUE)
BLOCK 5457, LOT 037
SAN FRANCISCO, CA 94134

PERSPECTIVE / PROJECT DATA

Date	By
2/27/12	JS
UNAT	
9/25/12	JS
10/31/12	JS
Planning Commission	
1/17/13	JS
2/28/13	JS
8/14/13 WD	MML

Job 100712

Sheet

A-0.0

Of 25 Sheets



SAN FRANCISCO
PLANNING DEPARTMENT

Subject to: (Select only if applicable)

- ☒ Affordable Housing (Sec. 415)
☐ Jobs Housing Linkage Program (Sec. 413)
☐ Downtown Park Fee (Sec. 412)

- ☒ First Source Hiring (Admin. Code)
☐ Child Care Requirement (Sec. 414)
☐ Other

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

Reception:
415.558.6378

Fax:
415.558.6409

Planning
Information:
415.558.6377

Planning Commission Motion No. 18782
HEARING DATE: JANUARY 17, 2013

Date: November 8, 2012
Case No.: 2010.0627C
Project Address: 2895 SAN BRUNO AVENUE
Zoning: Small-Scale Neighborhood Commercial (NC-2) District
40-X Height and Bulk District
Block/Lots: 5457/037
Project Sponsor: Nelson Tong
c/o Jeremy Schaub
Gabriel Ng and Architects Inc.
1360 9th Avenue, Suite 210
San Francisco, CA 94122
Staff Contact: Ben Fu – (415) 558-6613
ben.fu@sfgov.org

ADOPTING FINDINGS RELATING TO CONDITIONAL USE AUTHORIZATION PURSUANT TO PLANNING CODE SECTIONS 121.1, 228.3, 303 AND 711.11 TO ALLOW THE DEMOLITION OF AN EXISTING SERVICE STATION, LARGE LOT DEVELOPMENT AND THE CONSTRUCTION OF A NEW DEVELOPMENT CONSISTING OF APPROXIMATELY 14,500 SQUARE FEET, IN FIVE FOUR-STORY, 40-FOOT TALL RESIDENTIAL/MIXED USE BUILDINGS CONTAINING A TOTAL OF TEN DWELLING UNITS, 15 OFF-STREET PARKING SPACES, GROUND-FLOOR RETAIL SPACES, AND SECOND FLOOR BUSINESS OR PROFESSIONAL SERVICE USES IN THE SMALL-SCALE NEIGHBORHOOD COMMERCIAL (NC-2) ZONING DISTRICT AND A 40-X HEIGHT AND BULK DISTRICT.

PREAMBLE

On July 29, 2010, Jeremy Schaub of Gabriel Ng and Architects Inc for Nelson Tong (Project Sponsor) filed an application with the Planning Department (hereinafter "Department") for Conditional Use Authorization under Planning Code Sections 121.1, 228.3, 303 and 711.11 to allow the demolition of an existing service station and the construction of a new development consisting of five four-story residential/mixed use buildings containing a total of ten dwelling units, 15 off-street parking spaces, ground-floor retail spaces, and second floor business or professional service uses in the Small-Scale Neighborhood Commercial (NC-2) Zoning District and a 40-X Height and Bulk District.

www.sfplanning.org

Motion No. 18782
January 17, 2013

CASE NO. 2010.0627C
2895 San Bruno Avenue

- E. **Street Trees.** Planning Code Section 143 requires the owner or developer of a new building in this District to install street trees. Each street tree must be a minimum of 24-inch box for every 20 feet of frontage of the property along each street or public alley.

The Project is required to install six street trees along San Bruno Avenue and five along Woolsey Street. The Project includes six street trees along San Bruno Avenue and five along Woolsey Street.

- F. **Street Frontages.** Planning Code Section 145.1 requires the following for street frontages in Neighborhood Commercial Districts: (1) not more than 1/3 the width of the building facing the street may be devoted to ingress/egress to parking; (2) off-street parking at street grade must be set back at least 25 feet; (3) "active" use shall be provided within the first 25 feet of building depth at the ground floor; (4) ground floor non-residential uses in 40-foot height districts shall have a floor-to-floor height of 10-feet; (5) frontages with active uses shall be fenestrated with transparent windows; and, (6) decorative railings or grillwork placed in front of or behind ground floor windows, shall be at least 75 percent open to perpendicular views.

The project meets the requirements of Section 145.1 as follows: (1) providing no garage openings at the street frontage; (2) siting parking at the rear through an easement; (3) incorporating an approximately 4,200 square foot ground floor commercial ("active" use) space and residential lobbies that provide full coverage of the ground floor; (4) providing a floor-to-floor ground floor height of 10'-6" for commercial frontage; and, (5) providing transparent windows at the ground floor active use.

- G. **Height.** The project site is located in the 40-X Height and Bulk District. The proposed project would comply with the controls of the 40-foot district in which the project is located, which permits building heights up to 40 feet with some exemptions for items such as stairwell penthouses (per Planning Code Section 260(b)(1)(13)).

- H. **Parking.** Planning Code Section 151 principally allows one parking space per dwelling unit, one space for each 500-square-foot of occupied commercial floor area, where the occupied floor area exceeds 5,000 square feet, and one space for each 1,000-square-foot of occupied office floor area, where the occupied floor area exceeds 5,000 square feet.

The project proposes 15 parking spaces for the ten proposed dwelling units at a ratio of one space per unit, and none for the non-residential uses. The project has a six-space off-street parking requirement for the proposed second floor business/professional service uses, and an eight-space requirement for the proposed ground floor retail spaces. A parking reduction has been requested per Planning Code Sections 161(i) and 307(i) for consideration by the Zoning Administrator to allow a reduction in the off-street parking requirement for the proposed non-residential uses.

- I. **Bicycle parking.** Planning Code Section 155.5 requires projects with up to 50 dwelling units to provide at least one bicycle parking for every two dwelling units. Therefore, the project requires five bicycle parking spaces, and ten bicycle parking spaces are proposed.

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On July 25, 2012, Draft Initial Study/Mitigated Negative Declaration (IS/MND) for the Project was prepared and published for public review; and

The Draft IS/MND was available for public comment until August 15, 2012, and

On September 17, 2012, the Planning Department reviewed and considered the Final Mitigated Negative Declaration (FMND) and found that the contents of said report and the procedures through which the FMND was prepared, publicized, and reviewed complied with the California Environmental Quality Act (California Public Resources Code Sections 21000 et seq.) (CEQA), Title 14 California Code of Regulations Sections 15000 et seq. (the "CEQA Guidelines") and Chapter 31 of the San Francisco Administrative Code ("Chapter 31"); and

The Planning Department found the FMND was adequate, accurate and objective, reflected the independent analysis and judgment of the Planning Department and the Planning Commission, [and that the summary of comments and responses contained no significant revisions to the Draft IS/MND.] and approved the FMND for the Project in compliance with CEQA, the CEQA Guidelines and Chapter 31.

The Planning Department, Jonas P. Ionin, is the custodian of records, located in the File for Case No. 2010.0627CE, at 1650 Mission Street, Fourth Floor, San Francisco, California.

Planning Department staff prepared a Mitigation Monitoring and Reporting program (MMRP), which material was made available to the public and this Commission for this Commission's review, consideration and action.

On November 15, 2012, the Commission conducted a duly noticed public hearing at a regularly scheduled meeting on Conditional Use Application No. 2010.0627C.

MOVED, that the Commission hereby authorizes the Conditional Use requested in Application No. 2010.0627C, 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:

- The above recitals are accurate and constitute findings of this Commission.
- Site Description and Present Use.** The project site is located on the northeast corner of San Bruno Avenue and Woolsey Street in the Portola neighborhood, along the San Bruno Avenue commercial corridor. The site block is bounded by Highway 101 to the east, Wayland Street to the north, San Bruno Avenue to the west, and Woolsey Street to the south. The site was most recently used as a gasoline service station. The service station was demolished in 2009 under Building

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- J. **Dwelling Unit Density.** Planning Code Sections 711.91 and 207.4, allow dwelling units within the NC-2 District at a density not to exceed one unit per 800 square feet of lot area.

The property has a lot area of approximately 11,250 square feet, wherein a maximum of 14 dwelling units would be permitted. The project proposes a total of ten units, containing at least two bedrooms.

- L. **Open Space.** Planning Code Section 135 states that residential uses in the NC-2 District must provide either 100 square feet of useable private open space, 133 square feet of common useable open space, or some combination of both.

The proposed project requires either 1,000 square feet of private open space, 1,330 square feet of common open space, or some combination thereof. Each of the 10 units in the project would include a private balcony; however some of the balconies do not comply with the Code provisions with respect to size or dimensions to qualify as private open space. The proposed project would also include a roof deck with a total of approximately 2,410 square feet of common open space. Thus, the project would comply with the Planning Code's open space requirements.

- N. **Inclusionary Affordable Housing Program.** Inclusionary Affordable Housing Program. Planning Code Section 415 sets forth the requirements and procedures for the Inclusionary Affordable Housing Program. Under Planning Code Section 415.3, these requirements would apply to projects that consist of ten or more units, where the first application (EE or B1A) was applied for on or after July 18, 2006. Pursuant to Planning Code Section 415.5 and 415.6, the Project is meeting the Inclusionary Affordable Housing Program requirement through the On-site Affordable Housing Alternative by providing 15% of the proposed dwelling units as affordable.

The Project Sponsor has demonstrated that it is eligible for the On-Site Affordable Housing Alternative under Planning Code Section 415.5 and 415.6, 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 October 19, 2012. The EE application was submitted on August 5, 2010. One unit (one three-bedroom) of the ten units (four two-bedroom, four three-bedroom, and two four-bedroom) provided will be affordable units. If the Project becomes ineligible to meet its Inclusionary Affordable Housing Program obligation through the On-Site Affordable Housing Alternative, it must pay the Affordable Housing Fee with interest, if applicable.

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Permit Application No. 2008-06-19-4830. The site is currently vacant, unpaved and fenced in with a chain-link fence.

3. **Surrounding Properties and Neighborhood.** The Portola neighborhood is a low-to-moderate-density urban neighborhood located in the southeastern quadrant of San Francisco, northeast of McLaren Park. The neighborhood is roughly bounded by San Bruno Avenue and the James Lick Freeway (U.S. Route 101) to the east, Mansell Street to the south, University Street to the west and Interstate 280 to the north.

In addition to the NC-2 Zoning District, there are two other higher density residential districts (RM-1 and RM-2) in the vicinity. Most properties on San Bruno Avenue, between Olmstead and Bacon streets, are zoned NC-2. A few properties on the block between Mansell and Dwight Streets are zoned RM-1. Properties on Woolsey Street, west of San Bruno Avenue are zoned RM-1 and RM-2.

Buildings in the neighborhood contain a mixture of use types, most with residential uses over ground floor retail. Immediately north of the site at 2861 San Bruno is a two-story building occupied by a nail salon on the first floor and two residential units on the second floor. South of the project site, on the southeast corner of Woolsey Street at 2901 San Bruno is a three-story building with a grocery store on the first floor and two dwelling units on second and third floors. Commercial uses on this block include tax services, retail furniture sales, a martial arts training facility and a gas station. On the west side of San Bruno Avenue, between Wayland and Woolsey Streets and across the street from the project site, there are eleven two-story buildings, one is occupied by a single family home operating a childcare center and two buildings have commercial uses on the first floor, including a grocery store and a foot clinic. The remainder buildings are a mix of single and multi-family occupancies.

4. **Project Description.** The project proposes to demolish the existing service station and construct a new development of five four-story residential/mixed use buildings containing a total of ten dwelling units, 15 off-street parking spaces, ground-floor retail spaces, and second floor business or professional service uses. The building would contain a total of approximately 14,500 square feet and would be 40 feet in height.

5. **Public Comment.** The Department has not received any comments on 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. **Zoning District.** The project site is within an NC-2 (Small-scale Neighborhood Commercial) zoning district. The NC-2 District is intended to serve as the City's Small-Scale Neighborhood Commercial District. These districts are linear shopping streets which provide convenience goods and services to the surrounding neighborhoods as well as limited comparison shopping goods for a wider market. The range of comparison goods and services offered is varied and often includes specialty retail stores, restaurants, and neighborhood-

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7. **Gasoline Service Station Conversion.** Planning Code Section 228.3 establishes criteria for the Commission's consideration as Conditional Use Authorization for a "conversion," or change in use, from gasoline service station to another use. The Commission shall approve the conversion if it determines from the facts presented that the reduction in availability of automotive goods and services resulting from the gasoline service station conversion would not be unduly detrimental to the public. On balance, the project complies with said criteria:

- B. The benefits to the public of the service station conversion would outweigh any reduction in automotive goods and services available because the proposed new use is more necessary or desirable for the neighborhood or community than continued service station use.

- i. If the proposed use is a residential use, the total number of units to be provided and the number of those units that are affordable units.

The project will make a noticeable contribution to the City's housing supply by providing ten family-sized residential dwelling units. The Project will also positively contribute to the City's affordable housing supply by providing units on-site.

- ii. If the proposed new use is a commercial use, the types of goods and services to be offered and the availability of comparable products and services in the vicinity.

The project includes approximately 4,200 square feet of ground floor commercial/retail space. The retail/commercial area frontage will be provided on San Bruno Avenue as well as a portion of Woolsey Street. The types of goods and services to be offered by the retail/commercial space will be determined at a later time. The retail space shall be divided into five spaces, each with approximately 820 gross square feet.

- iii. The relative environmental dangers posed by the current and proposed uses, including but not limited to the quality and the character of waste generated, noxious or offensive emissions, fire and explosion hazards and noise, and whether the service station conversion would facilitate the clean up of existing contamination at the property.

The project will consist of high quality residential units, and ground floor retail/commercial space. The proposed uses will not generate any noxious or offensive emissions, noise, glare, dust or odors, as such effects are inconsistent with the project objectives. The proposed uses will replace the prior gasoline station use and related improvements, which may have generated offensive emissions, noise, and/or odors. The underground storage tanks at the property were removed in 2009. A soil assessment will be conducted, and remediation as necessary will be provided prior to construction of the project.

- iv. The relative employment opportunities offered by the gasoline service station and the proposed new use.

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serving offices. NC-2 Districts are commonly located along both collector and arterial streets which have transit routes.

The small-scale district controls provide for mixed-use buildings which approximate or slightly exceed the standard development pattern. Rear yard requirements above the ground story and at residential levels preserve open space corridors of interior blocks.

Most new commercial development is permitted at the ground and second stories. Neighborhood-serving businesses are strongly encouraged. Eating and drinking and entertainment uses, however, are confined to the ground story. The second story may be used by some retail stores, personal services, and medical, business and professional offices. Parking and hotels are monitored at all stories. Limits on late-night activity, drive-up facilities, and other automobile uses protect the livability within and around the district, and promote continuous retail frontage.

Housing development in new buildings is encouraged above the ground story. Existing residential units are protected by limitations on demolition and upper-story conversions. Generally, the surrounding properties to the east, south and northwest of the project site are zoned NC-2.

- B. **Use.** The project site is within an NC-2 Zoning District. NC-2 Districts encourage a combination of medium-density dwellings with supporting commercial uses located in or below the ground story and excluding automobile-oriented establishments. Open spaces are required for dwellings, except that rear yards need not be at ground level and front setback areas are not required.

The proposed project's residential and ground-level retail uses would be permitted in the NC-2 District. The proposed project would require conditional use authorization for the conversion of a service station to another use (per Planning Code Sections 228.3 and 228.3) and large lot development per Planning Code Section 121.1.

- C. **Rear Yard.** Section 134 of the Planning Code, requires residential developments in NC-2 districts to provide a minimum rear yard depth equal to 25 percent of the total depth of the lot on the second story and above and for all residential levels.

In this case, with a lot depth of 90 feet, a rear yard of 22.5 feet would be required. The proposed project provides a rear yard with a depth of 22.6 feet, or 25.1 percent. The proposed project would comply with the rear yard requirement for NC-2 District.

- D. **Exposure.** Planning Code Section 140 requires each dwelling unit to have at least one window facing a public street, code-complying rear yard, or an appropriately sized open area.

All of the proposed dwelling units face either the street or the proposed code complying rear yard; therefore, the project meets the exposure requirement.

No current employment opportunities are offered by the gasoline station because it has been out of operation since 2009. The project will provide employment opportunities in its ground floor commercial/retail space. Also, the residents of the new building will most likely patronize the local businesses.

- v. The relative amount of taxes or other revenues to be received by the City or other governmental bodies from service station use and the proposed new use.

The amount of taxes or other revenues received by the City from the gasoline station, other than property tax, is currently zero, because the gasoline station is no longer in service. The City and County of San Francisco will likely receive substantial property tax revenue from the project's ten residential dwelling units, ground floor commercial/retail uses, and office uses on the second floor.

- vi. Whether the service station use and the proposed use are permitted principal uses, conditional use or non-conforming use.

The former gasoline station was a conditional use pursuant to Planning Code Sections 711.57 and 711.58. Residential use is a principally permitted use in the NC-2 Zoning District pursuant to Planning Code Section 711.90, retail/commercial use is a principally permitted use pursuant to Planning Code Section 711.40, and business / professional service uses are principally permitted pursuant to Planning Code Section 711.53.

8. **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 executed a First Source Hiring Memorandum of Understanding and a First Source Hiring Agreement with the City's First Source Hiring Administration.

9. **Conditional Use Authorization.** Planning Code Section 303 establishes criteria for the 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 proposed project is in keeping with the intended character of the NC-2 District, where medium-density housing over a commercial ground floor is encouraged. The project is necessary and desirable

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PLANNING COMMISSION MOTION

Date	By
2/8/12 UBAT	JS
9/25/12	JS
10/31/12 Planning Commission	JS
1/17/13	JS
2/28/13	JS
8/14/13 WD	MML

Job 100712

Sheet

A-0.1

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in that ten dwelling units will be added to the City's housing stock. The proposed mixed-use development is characteristic of other existing mixed-use buildings located along San Bruno Avenue.

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 height and bulk of the project proposes a building scale that is compatible with the scale and width of San Bruno Avenue, and other existing developments. The location of the commercial space which fronts onto San Bruno is appropriate in providing a continuous commercial frontage at the ground floor. The location of the parking entrance at the rear is more appropriate and eliminates any interference with the pedestrian experience along San Bruno. The site is currently vacant and underutilized. The project would provide a desirable use in place of a vacant lot.

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 project proposes 15 parking spaces, including ten spaces for the residential uses. The project eliminates two existing 30-foot wide curb cuts along San Bruno Avenue, and more appropriately provides vehicle entrances to the project at the rear.

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

Noxious or offensive emissions are not typically associated with the residential uses proposed. The proposed commercial spaces, even though commercial tenants have not been identified, are not anticipated to create a nuisance.

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

Eleven street trees are proposed as required by the Planning Code. A separate garage entry is provided at the rear of the property and away from the street frontages.

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.

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increasing the personal safety and comfort of pedestrians along the sidewalk. Street trees will also be installed along both San Bruno Avenue and Woolsey Street, beautifying a corner that was formerly used as a gas station.

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

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

The proposal would enhance neighborhood-serving retail uses as 4,200 square feet of ground floor commercial spaces are proposed.

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 have no negative impact on this policy, as there is no existing housing at the project site.

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

The project sponsor has proposed to provide on-site affordable units to meet the affordable housing requirement.

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

Traffic generated by the residential uses would be intermittent and not significant to overburden local streets. 15 off-street parking spaces are proposed. Traffic would not impede MUNI transit service along San Bruno Avenue as the garage access is proposed from Woolsey Street. The site is also well served by public transit: MUNI lines 9, 9AX, 9X, 29, 54 and SanTrans.

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

The project will not displace any service or industry establishment.

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

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10. For development on large lots, pursuant to Planning Code Section 121.1, in addition to the criteria of Section 303(c) of this Code, the Planning Commission shall consider the extent to which the following criteria are met:

A. The mass and facade of the proposed structure are compatible with the existing scale of the district.

The project proposes five four-story buildings, up to the maximum allowable height of 40 feet. The existing block face is characterized by a range of building heights from 20-foot, two-story buildings to taller three-story buildings of approximately 35 feet. The proposed massing with facade articulation is compatible with the scale of the district.

B. The facade of the proposed structure is compatible with design features of adjacent facades that contribute to the positive visual quality of the district.

There is a mixed architecture style for the existing buildings on the block and the greater district. However, there is a consistent development pattern of distinctive ground floor retail facades from the dwelling units above, greater emphases on corner buildings, and facade variation and articulation. The proposed design, with projecting bays and offsetting balconies and recesses, elevated and distinctive lower level non-residential uses, articulated facade, and emphasized corner elements, is compatible with the context and contributes to the visual quality of the neighborhood.

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

HOUSING ELEMENT

Objectives and Policies – Housing Supply

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

Policy 1.4. Locate in-fill housing on appropriate sites in established residential neighborhoods.

Policy 1.7. Encourage and support the construction of quality, new family housing.

Objectives and Policies -- Housing Density, Design and Quality of Life

OBJECTIVE 11. INCREASING THE SUPPLY OF HOUSING, PURSUE PLACE MAKING AND NEIGHBORHOOD BUILDING PRINCIPLES AND PRACTICES TO MAINTAIN SAN FRANCISCO'S DESIRABLE URBAN FABRIC AND ENHANCE LIVABILITY IN ALL NEIGHBORHOODS.

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The project will be designed and will be constructed to conform to the structural and seismic safety requirements of the Building Code. This proposal will not impact the property's ability to withstand an earthquake.

C. That landmarks and historic buildings be preserved.

A landmark or historic building does not occupy the Project site.

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

The project will have no negative impact on existing parks and open spaces. The Project does not have an impact on open spaces.

13. The Project is consistent with and would promote the general and specific purposes of the Code provided under Section 101.1(b) in that, as designed, the Project would contribute to the character and stability of the neighborhood and would constitute a beneficial development.

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

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Policy 11.1. Use new housing development as a means to enhance neighborhood vitality and diversity.

Policy 11.2. Ensure housing is provided with adequate public improvements, services, and amenities.

Policy 11.3. Encourage appropriate neighborhood-serving commercial activities in residential areas, without causing affordable housing displacement.

Policy 11.5. Promote the construction of well-designed housing that enhances existing neighborhood character.

Policy 11.8. Strongly encourage housing project sponsors to take full advantage of allowable building densities in their housing developments while remaining consistent with neighborhood character.

The Project facilitates the conversion of an underutilized lot in an established neighborhood to more desirable residential and commercial/retail uses. The Project appropriately locates housing units at a site zoned for residential use and increases the supply of housing in conformity with the allowable density of the NC-2 Zoning District. The Project is also consistent with the City's policies of providing housing appropriate for families: all of the units are family-sized and approximately 1,400 square feet in area.

The Project's architectural design is compatible with the existing scale, character of the neighborhood, and the property's corner lot location. The Project is well designed and provides a quality living environment. The Project further promotes neighborhood-serving commercial activities by providing ground floor commercial/retail space.

COMMERCE AND INDUSTRY ELEMENT

OBJECTIVE 6. MAINTAIN AND STRENGTHEN VIABLE NEIGHBORHOOD COMMERCIAL AREAS EASILY ACCESSIBLE TO CITY RESIDENTS.

Policy 6.9. Regulate uses so that traffic impacts and parking problems are minimized.

The project develops an underutilized lot with a desirable mix of residential and commercial/retail uses that will enhance the neighborhood. The project also eliminates the prior abandoned gasoline service station and the temporary surface parking use. The project is consistent with the objectives of the NC-2 Zoning District by proposing a mixed-use development with ground floor retail/commercial and ten dwelling units. The Project's ground floor retail/commercial component will help the City maintain a viable neighborhood area that is accessible to City residents. The Project minimizes parking problems by providing 15 accessible parking spaces at the rear and relieves any potential traffic impacts from the Property by removing curb cuts along San Bruno Avenue.

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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. 2010.0627C subject to the following conditions attached hereto as "EXHIBIT A" in general conformance with plans on file, dated October 31, 2012, and stamped "EXHIBIT B", which is incorporated herein by reference as though fully set forth.

The Planning Commission has reviewed and considered the IS/MND and the record as a whole and finds that there is no substantial evidence that the Project will have a significant effect on the environment with the adoption of the mitigation measures contained in the MMRP to avoid potentially significant environmental effects associated with the Project, and hereby adopts the FMND.

The Planning Commission hereby adopts the MND and the MMRP attached hereto as Exhibit C and incorporated herein as part of this Resolution/Motion by this reference thereto. All required mitigation measures identified in the IS/MND 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. 18782. The effective date of this Motion shall be the date of this Motion if not appealed (After the 30-day period has expired) OR the date of the decision of the Board of Supervisors if appealed to the Board of Supervisors. For further information, please contact the Board of Supervisors at (415) 554-5184, City Hall, Room 244, 1 Dr. Carlton B. Goodlett Place, San Francisco, CA 94102.

I hereby certify that the Planning Commission ADOPTED the foregoing Motion on November 15, 2012.

Jonas P. Iorin
Acting Commission Secretary

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

NAYES: None

ABSENT: None

ADOPTED: January 17, 2013

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URBAN DESIGN ELEMENT

City Pattern

OBJECTIVE 1. EMPHASIS OF THE CHARACTERISTIC PATTERN, WHICH GIVES TO THE CITY AND ITS NEIGHBORHOODS AN IMAGE, A SENSE OF PURPOSE AND A MEANS OF ORIENTATION.

Policy 1.2. Protect and reinforce the existing street pattern, especially as it is related to topography.

Policy 1.3. Recognize that buildings, when seen together, produce a total effect that characterizes the City and its districts.

The Project will enhance the NC-2 District by reinforcing the urban nature of the street pattern, and by providing a unified street wall along its San Bruno Avenue and Woolsey Street frontages. The Project's design is compatible with the design features of surrounding buildings, and will result in a better utilization of the Project Site than the current unused gas station and unpaved vacant lot. The Project will also continue the pattern of residential use over ground floor retail/commercial use that predominates along the NC-2 District.

Visual Harmony

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

Neighborhood Environment

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

Policy 4.12. Install, promote and maintain landscaping in public and private areas.

The Project will improve the neighborhood environment by providing ground floor retail/commercial space with pedestrian-oriented active uses. The new building will be compatible in use and design with other buildings in the neighborhood. Further, existing curb cuts along San Bruno Avenue will be removed,

EXHIBIT A

AUTHORIZATION

This authorization is for a conditional use to allow a mixed use building located at 2895 San Bruno Avenue, Block 5457 and Lot 037, pursuant to Planning Code Sections 121.1, 228.3, 303 and 711.11 to allow the demolition of an existing service station, large lot development and the construction of a new development consisting of approximately five 40-foot tall four-story residential/mixed use buildings containing a total of ten dwelling units, 15 off-street parking spaces, ground-floor retail spaces, and second floor business or professional service uses in the Small-Scale Neighborhood Commercial (NC-2) Zoning District and a 40-X Height and Bulk District, in general conformance with plans, dated October 31, 2012, and stamped "EXHIBIT B" included in the docket for Case No. 2010.0627C and subject to conditions of approval reviewed and approved by the Commission on November 15, 2012, under Motion No. 18782. 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 November 15, 2012, under Motion No. 18782.

PRINTING OF CONDITIONS OF APPROVAL ON PLANS

The conditions of approval under the 'Exhibit A' of this Planning Commission Motion No. 18782 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.

Date	By
2/6/12	JS
9/25/12	JS
10/31/12	JS
1/17/13	JS
2/28/13	JS
8/14/13 WD	MML

Conditions of Approval, Compliance, Monitoring, and Reporting
PERFORMANCE

1. **Validity and Expiration.** The authorization and right vested by virtue of this action is valid for three years from the effective date of the Motion. A building permit from the Department of Building Inspection to construct the project and/or commence the approved use must be issued as this Conditional Use authorization is only an approval of the proposed project and conveys no independent right to construct the project or to commence the approved use. The Planning Commission may, in a public hearing, consider the revocation of the approvals granted if a site or building permit has not been obtained within three (3) years of the date of the Motion approving the Project. Once a site or building permit has been issued, construction must commence within the timeframe required by the Department of Building Inspection and be continued diligently to completion. The Commission may also consider revoking the approvals if a permit for the Project has been issued but is allowed to expire and more than three (3) years have passed since the Motion was approved. *For information about compliance, contact Code Enforcement, Planning Department at 415-575-6863, www.sf-planning.org.*
2. **Extension.** This authorization may be extended at the discretion of the Zoning Administrator only where failure to issue a permit by the Department of Building Inspection to perform said tenant improvements is caused by a delay by a local, State or Federal agency or by any appeal of the issuance of such permit(s). *For information about compliance, contact Code Enforcement, Planning Department at 415-575-6863, www.sf-planning.org.*
3. **Parking Reduction.** Approval of this project shall be subject to the granting of a parking reduction by the Zoning Administer, pursuant to Planning Code Sections 161(j) and 307(i).

DESIGN

4. **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 415-558-6613, www.sf-planning.org.*
5. **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 415-558-6613, www.sf-planning.org

6. **Transformer Vault.** The location of individual project PG&E Transformer Vault installations has significant impacts 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 impacts 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).

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>*

PARKING AND TRAFFIC

7. **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.*

8. **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 impacts during construction of the Project. *For information about compliance, contact Code Enforcement, Planning Department at 415-575-6863, www.sf-planning.org*

PROVISIONS

9. **First Source Hiring.** The Project shall adhere to the requirements of the First Source Hiring Construction and 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 415-401-4960, www.onestopSF.org*

AFFORDABLE UNITS

10. **Number of Required Units.** Pursuant to Planning Code Section 415.6, the Project is required to provide 12% of the proposed dwelling units as affordable to qualifying households. The Project contains ten units; therefore, one affordable units are required. The Project Sponsor will fulfill this requirement by providing the two 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.*
11. **Unit Mix.** The Project contains four two-bedroom, four three-bedroom units, and two four-bedroom units; therefore, the required affordable unit mix is one three-bedroom unit. 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.*
12. **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.

13. **Phasing.** If any building permit is issued for partial phasing of the Project, the Project Sponsor shall have designated not less than fifteen percent (15%) 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.*
14. **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.*

15. **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 sale, the affordable unit(s) shall be sold to first time home buyer households, as defined in the Procedures Manual, whose gross annual income, adjusted for household size, does not exceed an average of ninety (90) 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 sales price of such units shall be calculated according to the Procedures Manual. Limitations on (i) reselling; (ii) renting; (iii) recouping capital improvements; (iv) refinancing; and (v) procedures for inheritance apply 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 initial buyers or 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 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.
- 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.

MONITORING

16. **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*
17. **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

18. **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>*
19. **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*

20. Mitigation Measures

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

Date	By
2/6/12 UBAT	JS
9/25/12	JS
10/31/12 Planning Commission	JS
1/17/13	JS
2/28/13	JS
8/14/13 WD	MML

RECORDING REQUESTED BY:

And When Recorded Mail To:

Name: GABRIEL NG + ARCHITECTS, INC.

Address: 1360 9TH AVE, SUITE #210

City: SAN FRANCISCO, 94122

State: CALIFORNIA

CONFIRMED COPY of document recorded
on 02/12/2013, 2013J501775
This document has not been compared with the original
SAN FRANCISCO ASSESSOR-RECORDER

Space Above this Line For Recorder's Use

NOTICE OF SPECIAL RESTRICTIONS UNDER THE CITY PLANNING CODE

Caddy Zhou Lee & Yin Ding Lee, Yin Kwan Tam,
Yin Kai Tong & Di-Fun Tsang-Tonga
I, (We) _____, the owner(s) of that certain real
property situated in the City and County of San Francisco, State of California more particularly
described as follows: (LEGAL DESCRIPTION AS ON DEED).

BEING Assessor's Block 5457, Lot 037, commonly known as 2895 San Bruno Avenue,
hereby give notice that there are special restrictions on the use of said property under Part II,
Chapter II of the San Francisco Municipal Code (City Planning Code).

Said restrictions consist of conditions attached to the Conditional Use Application No.
2010.0627C approved by the Planning Commission of the City and County of San Francisco on
January 17, 2013, as set forth in Planning Commission Motion No. 18782.

The restrictions and conditions of which notice is hereby given are:

AUTHORIZATION

This authorization is for a conditional use to allow a mixed use building located at 2895 San
Bruno Avenue, Block 5457 and Lot 037, pursuant to Planning Code Sections 121.1, 228.3, 303
and 711.11 to allow the demolition of an existing service station, large lot development and the
construction of a new development consisting of approximately five 40-foot tall four-story
residential/mixed use buildings containing a total of ten dwelling units, 15 off-street parking
spaces, ground-floor retail spaces, and second floor business or professional service uses in the

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NOTICE OF SPECIAL RESTRICTIONS UNDER THE CITY PLANNING CODE

415-575-6863, www.sf-planning.org

Provisions

9. **First Source Hiring.** The Project shall adhere to the requirements of the First Source
Hiring Construction and 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 415-401-4960, www.onesf.org

AFFORDABLE UNITS

10. **Number of Required Units.** Pursuant to Planning Code Section 415.6, the Project is
required to provide 12% of the proposed dwelling units as affordable to qualifying
households. The Project contains ten units; therefore, one affordable units are required.
The Project Sponsor will fulfill this requirement by providing the two 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.

11. **Unit Mix.** The Project contains four two-bedroom, four three-bedroom units, and two four-
bedroom units; therefore, the required affordable unit mix is one three-bedroom unit. 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
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www.sf-moh.org.

12. **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
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www.sf-moh.org.

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NOTICE OF SPECIAL RESTRICTIONS UNDER THE CITY PLANNING CODE

Small-Scale Neighborhood Commercial (NC-2) Zoning District and a 40-X Height and Bulk
District, in general conformance with plans, dated October 31, 2012, and stamped "EXHIBIT B"
included in the docket for Case No. 2010.0627C and subject to conditions of approval reviewed
and approved by the Commission on November 15, 2012, under Motion No. 18782. 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 November 15, 2012, under Motion No. 18782.

Printing of conditions of approval on plans

The conditions of approval under the 'Exhibit A' of this Planning Commission Motion No. 18782
shall be reproduced on the Index Sheet of construction plans submitted with the Site or Building
permit application for the Project. The Index Sheet of the construction plans shall reference to
the Conditional Use authorization and any subsequent amendments or modifications.

Severability

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

Changes and Modifications

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

Conditions of Approval, Compliance, Monitoring, and Reporting

Performance

1. **Validity and Expiration.** The authorization and right vested by virtue of this action is valid
for three years from the effective date of the Motion. A building permit from the Department
of Building Inspection to construct the project and/or commence the approved use must be
issued as this Conditional Use authorization is only an approval of the proposed project and
conveys no independent right to construct the project or to commence the approved use.
The Planning Commission may, in a public hearing, consider the revocation of the approvals.
granted if a site or building permit has not been obtained within three (3) years of the date of.

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NOTICE OF SPECIAL RESTRICTIONS UNDER THE CITY PLANNING CODE

13. **Phasing.** If any building permit is issued for partial phasing of the Project, the Project
Sponsor shall have designated not less than fifteen percent (15%) 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,
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14. **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,
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15. **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,
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- 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
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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

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NOTICE OF SPECIAL RESTRICTIONS UNDER THE CITY PLANNING CODE

the Motion approving the Project. Once a site or building permit has been issued,
construction must commence within the timeframe required by the Department of Building
Inspection and be continued diligently to completion. The Commission may also consider
revoking the approvals if a permit for the Project has been issued but is allowed to expire
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about compliance, contact Code Enforcement, Planning Department at 415-575-6863,
www.sf-planning.org.

2. **Extension.** This authorization may be extended at the discretion of the Zoning
Administrator only where failure to issue a permit by the Department of Building Inspection to
perform said tenant improvements is caused by a delay by a local, State or Federal agency
or by any appeal of the issuance of such permit(s). *For information about compliance,*
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shall be reviewed and approved by the Planning Department prior to issuance. *For*
information about compliance, contact the Case Planner, Planning Department at 415-
558-6613, www.sf-planning.org

5. **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*
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6. **Transformer Vault.** The location of individual project PG&E Transformer Vault
installations has significant impacts 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:

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NOTICE OF SPECIAL RESTRICTIONS UNDER THE CITY PLANNING CODE

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 sale, the affordable unit(s) shall be sold to first
time home buyer households, as defined in the Procedures Manual, whose gross annual
income, adjusted for household size, does not exceed an average of ninety (90) 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 sales price of such units shall be
calculated according to the Procedures Manual. Limitations on (i) reselling; (ii) renting;
(iii) recouping capital improvements; (iv) refinancing; and (v) procedures for inheritance
apply 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 initial buyers or 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 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.

- 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

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NOTICE OF SPECIAL RESTRICTIONS UNDER THE CITY PLANNING CODE

- 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 impacts 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).

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>

Parking and Traffic

7. **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.

8. **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
impacts during construction of the Project.

For information about compliance, contact Code Enforcement, Planning Department at

Page 4 of 9

NOTICE OF SPECIAL RESTRICTIONS UNDER THE CITY PLANNING CODE

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.

Monitoring

16. **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 178 or Section 178.1. 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

17. **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

18. **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/>

Page 8 of 9

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ARCHITECTS, INC.

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NEW MIXED-USE BUILDING
2867-73 SAN BRUNO AVENUE
(AKA 2895 SAN BRUNO AVENUE)
BLOCK 5457, LOT 037
SAN FRANCISCO, CA 94134

CU NOTICE OF SPECIAL
RESTRICTION

Date	By
2/6/12	JS
UBAT	
9/25/12	JS
10/31/12	JS
Planning Commission	
1/17/13	JS
2/28/13	JS
8/14/13 WD	MML

Job 100712

Sheet

A-0.4

Of 25 Sheets

NOTICE OF SPECIAL RESTRICTIONS UNDER THE CITY PLANNING CODE

19. 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

20. Mitigation Measures

Mitigation measures described in the MMRP attached as Exhibit C are necessary to avoid potential significant effects of the proposed project and have been agreed to by the project sponsor. Their implementation is a condition of project approval. The use of said property contrary to these special restrictions shall constitute a violation of the City Planning Code, and no release, modification or elimination of these restrictions shall be valid unless notice thereof is recorded on the Land Records by the Zoning Administrator of the City and County of San Francisco.

Dated: see below at San Francisco, California
Signature page and certificate bear embossment.
1/31/13 Yin Kwan Tam (Signature of owner)
2/1/2013 Yin Kwan Tam (Signature of owner)

This signature must be notarized prior to recordation; add Notary Public Certification and Official Notarial Seal below.

U:\BFA\DOCUMENTS\NSRs\CU2895 San Bruno Avenue\2010.0627C.doc

Page 9 of 9

NOTICE OF SPECIAL RESTRICTIONS UNDER THE CITY PLANNING CODE

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Dated: 2-11-2013 at San Francisco, California
Signature page and certificate bear embossment.
Helen Meng (Signature of owner)
Yin Kwan Tam (Signature of owner)

This signature must be notarized prior to recordation; add Notary Public Certification and Official Notarial Seal below.

U:\BFA\DOCUMENTS\NSRs\CU2895 San Bruno Avenue\2010.0627C.doc

Page 9 of 9

LEGAL DESCRIPTION

Real property in the City of San Francisco, County of San Francisco, State of California, described as follows:

COMMENCING AT THE POINT OF INTERSECTION OF THE NORTHEASTERLY LINE OF SAN BRUNO AVENUE AND THE NORTHWESTERLY LINE OF WOOLSEY STREET; RUNNING THENCE NORTHWESTERLY AND ALONG SAID LINE OF SAN BRUNO AVENUE 125 FEET; THENCE AT A RIGHT ANGLE NORTHEASTERLY 90 FEET TO THE SOUTHWESTERLY LINE OF BAYSHORE BOULEVARD; THENCE AT A RIGHT ANGLE SOUTHWESTERLY ALONG SAID LINE OF BAYSHORE BOULEVARD; 125 FEET TO THE NORTHWESTERLY LINE OF WOOLSEY STREET; THENCE AT A RIGHT ANGLE SOUTHWESTERLY ALONG SAID LINE OF WOOLSEY STREET 90 FEET TO THE POINT OF COMMENCEMENT.

BEING LOTS NOS. 1 TO 5 INCLUSIVE, IN BLOCK "E" OF THE PLAN OF THE HALEY PURCHASE.

ASSESSORS PARCEL NO: LOT 37, BLOCK 5457.

APN: Lot 37, Block 5457

First American Title

CALIFORNIA ALL-PURPOSE ACKNOWLEDGMENT

CIVIL CODE § 1180

State of California }
County of San Francisco }
On January 31, 2013 before me, K. Nguyen, Notary Public
personally appeared Yin Kwan Tam (Name(s) of Signer(s))



who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.

WITNESS my hand and official seal.

Signature: K. Nguyen (Signature of Notary Public)

Place Notary Seal Above

OPTIONAL

Though the information below is not required by law, it may prove valuable to persons relying on the document and could prevent fraudulent removal and reattachment of this form to another document.

Description of Attached Document: Notice of Special Restrictions Under The City Planning Code

Title or Type of Document: Notice of Special Restrictions Under The City Planning Code

Document Date: January 31, 2013 Number of Pages: 9

Signer(s) Other Than Named Above:

Capacity(ies) Claimed by Signer(s)

Signer's Name: _____ Signer's Name: _____

☐ Corporate Officer — Title(s): _____ ☐ Corporate Officer — Title(s): _____

☐ Individual ☐ Individual

☐ Partner — ☐ Limited ☐ General ☐ Partner — ☐ Limited ☐ General

☐ Attorney in Fact ☐ Attorney in Fact

☐ Trustee ☐ Trustee

☐ Guardian or Conservator ☐ Guardian or Conservator

☐ Other: _____ ☐ Other: _____

Signer Is Representing: _____ Signer Is Representing: _____

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Signature page and certificate bear embossment.

CALIFORNIA ALL-PURPOSE CERTIFICATE OF ACKNOWLEDGMENT

State of California)
County of San Francisco)

On February 1st before me, Patricia Leves, Notary Public
(Here insert name and title of the officer)

personally appeared Andy Chau Lee
Pan Ling Lee

who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.

WITNESS my hand and official seal.



Signature: Patricia Leves (Seal)

OPTIONAL INFORMATION

Although the information in this section is not required by law, it could prevent fraudulent removal and reattachment of this acknowledgment to an unauthorized document and may prove useful to persons relying on the attached document.

Description of Attached Document

The preceding Certificate of Acknowledgment is attached to a document

titled for the purpose of Recordation

containing _____ pages, and dated _____

The signer(s) capacity or authority is/are as:

☐ Individual(s)

☐ Attorney-in-Fact

☐ Corporate Officer(s)

_____ Title(s)

☐ Guardian/Conservator

☐ Partner - Limited/General

☐ Trustee(s)

☐ Other: _____

representing: _____

Name(s) of Person(s) or Entity(ies) Signer Is Representing

Method of Signer Identification

Proved to me on the basis of satisfactory evidence:

☐ Form(s) of identification ☐ Credible witness(es)

Notarial event is detailed in notary journal on:

Page # _____ Entry # _____

Notary contact: 415-241-2919

Other: _____

☐ Additional Signer(s) ☐ Signer(s) Thumbprint(s)

☐

CALIFORNIA ALL-PURPOSE ACKNOWLEDGMENT

State of California }
County of San Francisco }
On 2/11/2013 before me, Helen Meng, Notary Public
(Here insert name and title of the officer)
personally appeared Yin Kwan Tam & Yifun Tsang
Toung (Name(s) of Signer(s))



who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.

WITNESS my hand and official seal.

Signature: Helen Meng (Signature of Notary Public)

Place Notary Seal and/or Stamp Above

OPTIONAL

Though the information below is not required by law, it may prove valuable to persons relying on the document and could prevent fraudulent removal and reattachment of this form to another document.

Description of Attached Document

Title or Type of Document: _____

Document Date: _____ Number of Pages: _____

Signer(s) Other Than Named Above: _____

Capacity(ies) Claimed by Signer(s)

Signer's Name: _____ Signer's Name: _____

☐ Corporate Officer — Title(s): _____ ☐ Corporate Officer — Title(s): _____

☐ Individual ☐ Individual

☐ Partner — ☐ Limited ☐ General ☐ Partner — ☐ Limited ☐ General

☐ Attorney in Fact ☐ Attorney in Fact

☐ Trustee ☐ Trustee

☐ Guardian or Conservator ☐ Guardian or Conservator

☐ Other: _____ ☐ Other: _____

Signer Is Representing: _____ Signer Is Representing: _____

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NEW MIXED-USE BUILDING
2867-73 SAN BRUNO AVENUE
(AKA 2895 SAN BRUNO AVENUE)
BLOCK 5457, LOT 037
SAN FRANCISCO, CA 94134

CU NOTICE OF SPECIAL RESTRICTION

Date	By
2/07/12	JS
9/25/12	JS
10/31/12	JS
Planning Commission	
1/17/13	JS
2/28/13	JS
8/14/13 WD	MML

Job 100712

Sheet

A-0.5

Of 25 Sheets

February 12th, 2013

Jeff Ma
Department of Building Inspection
1660 Mission Street, 2nd Floor
San Francisco, CA 94103

John Curd
Fire Department
1660 Mission Street
San Francisco, CA 94103

Addresses: 2867-73 San Bruno Avenue (#2012-0927-0766 S)
2875-81 San Bruno Avenue (#2012-0927-0765 S)
2883-89 San Bruno Avenue (#2012-0927-0764 S)
2891-97 San Bruno Avenue (#2012-0927-0763 S)
2899 San Bruno Avenue & 80-88 Woolsey Street (#2012-0927-0758 S)
Block/Lot: 5457 / 037
Subject: Pre-Application Meeting Request

Dear Mr. Ma and Mr. Curd,

I am writing to confirm the items discussed in the meeting we had on February 6th, 2013, regarding the above referenced project.

The 125'x90' project site is currently vacant, and would be subdivided into 5 equal lots facing San Bruno Avenue. Each new lot would have two dwellings, 2 offices and 1 retail space, occupancies R-3, B & M. I would like to confirm the following code compliance issues pertaining to SFGC 2010:

- Emergency Escape Windows:** Egress windows are provided for the bedrooms on the third floor only, and are not required on the fourth floor. The bedrooms facing the rear yard open onto a 22'-6" rear yard with a 25'-6" driveway easement at the ground floor, which has direct access to the public way. Similar to Information Sheet E-02, AB-005 will be filed to make an equivalency for this egress.

Response: The driveway easement can be used for egress and emergency access. AB-005 will not need to be filed, as the intent of the code is already met.

- 2nd exit:** The building only has two dwellings, and is R-3 occupancy on the 3rd & 4th floors. Per section 1021.1, exception 4, only 1 exit is required when the occupant load is less than 20, and the building is sprinkled. The second story B occupancies are limited to 29 occupants and 75 feet travel distance. These requirements will be met, and the second exit is not required.

Response: Agreed, and the exit access travel distance is limited to 125' to exit all occupancy. Provide sprinklers per NFPA 13R with fire alarm system.

- Roof Deck:** The deck will be constructed per Information Sheet E-01, with a fully sprinkled building, and no second egress.

Response: Agree, and sprinklers will be installed per NFPA 13R with fire alarm system, but without standpipes.

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- Lightwell:** The 4'x10' two story lightwell provides light and air for the studies and bedrooms. Per Table 705.8, with a fire separation distance of 5'-0", up to 25% of wall area may be unprotected openings in a sprinkled building.

Response: Agreed.

- Rear Easement:** The rear easement contains the meters for each building, as well as the Fire Sprinkler Riser. The sprinkler monitor, alarm panel and FDC will be at the main entry.

Response: Fire alarm will be at the main entry, and no storage will be allowed in the stair shaft.

Regards,

Gabriel Ng
Principal Architect

Agreed to the above determination:

By: Jeff Ma, DBI

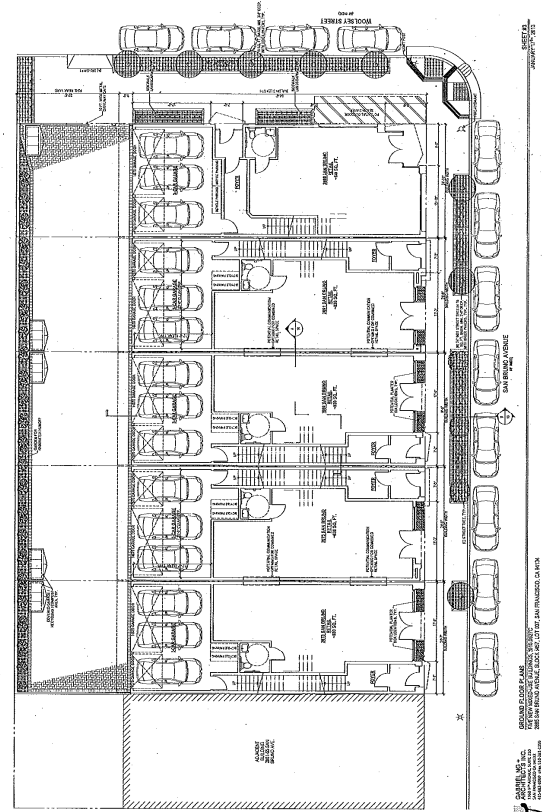
Date: 2/14/13

By: John Curd, SFFD

Date: 2.27.13

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09/20/2012 13:23 4155756933

SFFD WATERFLOW

PAGE 01



SAN FRANCISCO FIRE DEPARTMENT
BUREAU OF FIRE PREVENTION
PLAN CHECK DIVISION/WATER FLOW
1660 MISSION STREET
SAN FRANCISCO, CA. 94103
FAX # (415) 558-6560

REQUEST FOR WATER FLOW INFORMATION

DATE: 9/6/12 REQUEST IS FOR: ☒ FIRE FLOW ☒ SPRINKLER

DESIGN CONTACT PERSON: JEROME ADDRESS: 1360 9th AVE #210

PHONE NO. (415) 682-8060 FAX NO. (510) 281-1359

OWNER'S NAME/PHONE # NELSON TONG 415-282-7777

ADDRESS FOR WATER FLOW INFORMATION: PROVIDE SKETCH HERE:

2895 SAN BRUNO AVE

CROSS STREETS (BOTH ARE REQUIRED):

WOOLSEY / WAYLAND



SPECIFY STREET FOR POINT OF CONNECTION: NE CORNER SAN BRUNO + WOOLSEY

OCCUPANCY (CIRCLE ONE): ☒ R2 LIVE/WORK ☒ COMMERCIAL ☐ OTHER

HAZARD CLASSIFICATION: ☒ LIGHT ☐ ORD 1 ☐ ORD 2 ☐ EXT 1 ☐ EXT 2 ☐ OTHER

NUMBER OF STORIES: 4 HEIGHT OF BLDG.: 40 FT.

- SUBMIT FORM WITH A \$110.00 CHECK MADE PAYABLE TO 'S.F.F.D.' REQUESTS REQUIRING A FIELD FLOW TEST WILL BE NOTIFIED BY FAX AND AN ADDITIONAL FEE OF \$220.00 WILL BE NECESSARY.
- WATER FLOW INFORMATION WILL BE RETURNED BY FAX OR MAIL.
- INCOMPLETE FORMS WILL NOT BE PROCESSED.
- PLEASE ALLOW 7-14 WORKING DAYS FOR PROCESSING.

*****Official use only*****

Flow data provided by: F. Brown Date Forwarded 9-20-12

Flow data: FIELD FLOW TEST ☒ STATIC 53 PSI

RECORDS ANALYSIS RESIDUAL 47 PSI

Gate Page 150 FLOW 485 GPM

MAIN 8 IN. ON SAN BRUNO AVE

IF YOU HAVE ANY QUESTIONS PLEASE CONTACT INSPECTOR BROWN @ (415) 558-6114

VERSION DATE 07/14/2010

Fire Flow Calculation - 2010 California Fire Code

Address: 2867-73 San Bruno Avenue
Building Permit Application: 2012-0927-0766

Type of Construction	VB	Number of Stories	4
High-Rise	NO	Sprinkler Protection	YES
Occupancy Group	R3	Sprinkler Hazard	LH
Garage	YES	Car Stackers	NO
Residential Area	3,051 S.F. =	50.79%	
Other Area	2,956 S.F. =	48.21%	
Total Building Area	6,007 S.F. =	100%	
Area Separation	NO		

Water Flow Information

Q1 = Test Flow = 485 GPM
S = Static Pressure = 53 PSI
R1 = Residual Pressure = 47 PSI
R2 = Residual Pressure of 20 PSI

Q2 = Available Fire Flow
Q2 = Q1x[(S-R2)²]/[(S-R1)²] = 1218 GPM

Fire Flow Calculation for R3 Portion

Floor Area = 3,051 S.F.
Required Fire Flow (no hazard class modifier or reductions) = 1000 (Per Sec.B105.1 CFC)
Reduction per Sprinkler Protection = 500 (Per Sec.B105.2, Exception CFC)
Min Required Fire Flow = 500 gpm

Fire Flow Calculation for Other Than R3

Floor Area = 2,956 S.F.
Required Fire Flow (no hazard class modifier or reductions) = 1500 (Per Table B105.1 CFC)
Reduction per Sprinkler Protection = 375 (Per Sec.B105.2, Exception CFC)
Min Required Fire Flow = 1500 gpm

Combined Fire Flow Requirement

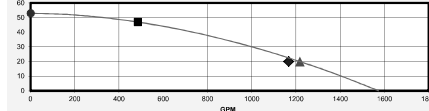
USE	Area	% of Area	GPM	Fire Flow
One or Two Family Dwelling (R3)	3,051	50.79%	500	254 gpm
Occupancy other than R-3	2,956	49.21%	1500	736 gpm
	6,007	100%		992 gpm

Fire Flow Due to Sprinkler Hazard

Fire Flow due to Sprinkler Hazard Group of LH 175 gpm
Fire Flow due to Car Stackers = 0 gpm
Total Fire Flow by Calculation = 1,167 gpm

Total Required Fire Flow = USE 1,167 gpm @ 20psi

Available Fire Flow: 1,218 ≥ Minimum Required Fire Flow: 1,167 OK



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NEW MIXED-USE BUILDING
2867-73 SAN BRUNO AVENUE
(AKA 2895 SAN BRUNO AVENUE)
BLOCK 5457, LOT 037
SAN FRANCISCO, CA 94134

PRE-APPLICATION CONFIRMATION &
FIRE FLOW CALC.

Date 2/27/12 By JS
UNAT 9/25/12 JS
10/31/12 JS
Planning Commission 1/17/13 JS
2/28/13 JS
8/14/13 WD MML

Job 100712

Sheet

A-0.6

Of 25 Sheets

Green Building: Site Permit Checklist

BASIC INFORMATION:

These facts, plus the primary occupancy, determine which requirements apply. For details, see AB 093 Attachment A Table 1.

Project Name 2895 SAN BRUNO AVENUE	Block/Lot 5457 / 037	Address 2867-73 SAN BRUNO AVENUE
Gross Building Area 6996	Primary Occupancy R-3 / B / M	Design Professional/Applicant: Sign & Date JEREMIAH SCHAUB
# of Dwelling Units 2	Height to highest occupied floor 30'-0"	Number of occupied floors 4

ALL PROJECTS, AS APPLICABLE	
Construction activity stormwater pollution prevention and site runoff controls - Provide a construction site Stormwater Pollution Prevention Plan and implement SFPUC Best Management Practices.	●
Stormwater Control Plan: Projects disturbing ≥5,000 square feet must implement a Stormwater Control Plan meeting SFPUC Stormwater Design Guidelines	●
Water Efficient Irrigation - Projects that include ≥ 1,000 square feet of new or modified landscape must comply with the SFPUC Water Efficient Irrigation Ordinance.	●
Construction Waste Management – Comply with the San Francisco Construction & Demolition Debris Ordinance	●
Recycling by Occupants: Provide adequate space and equal access for storage, collection and loading of compostable, recyclable and landfill materials. See Administrative Bulletin 088 for details.	●

GREENPOINT RATED PROJECTS	
Proposing a GreenPoint Rated Project (Indicate at right by checking the box.)	
Base number of required Greenpoints:	75
Adjustment for retention / demolition of historic features / building:	
Final number of required points (base number +/- adjustment)	
GreenPoint Rated (i.e. meets all prerequisites)	●
Energy Efficiency: Demonstrate a 15% energy use reduction compared to 2008 California Energy Code, Title 24, Part 6.	●
Meet all California Green Building Standards Code requirements (CalGreen measures for residential projects have been integrated into the GreenPoint Rated system.)	●

Notes

- 1) New residential projects of 75' or greater must use the "New Residential High-Rise" column. New residential projects with >3 occupied floors and less than 75 feet to the highest occupied floor may choose to apply the LEED for Homes Mid-Rise rating system; if so, you must use the "New Residential Mid-Rise" column.
- 2) LEED for Homes Mid-Rise projects must meet the "Silver" standard, including all prerequisites. The number of points required to achieve Silver depends on unit size. See LEED for Homes Mid-Rise Rating System to confirm the base number of points required.
- 3) Requirements for additions or alterations apply to applications received on or after July 1, 2012.

Instructions:

As part of application for site permit, this form acknowledges the specific green building requirements that apply to a project under San Francisco Building Code Chapter 13C, California Title 24 Part 11, and related local codes. Attachment C3, C4, or C5 will be due with the applicable addendum. To use the form:

(a) Provide basic information about the project in the box at left. This info determines which green building requirements apply.

AND

(b) Indicate in one of the columns below which type of project is proposed. If applicable, fill in the blank lines below to identify the number of points the project must meet or exceed. A LEED or GreenPoint checklist is not required to be submitted with the site permit application, but such tools are strongly recommended to be used .

Solid circles in the column indicate mandatory measures required by state and local codes. For projects applying LEED or GreenPoint Rated, prerequisites of those systems are mandatory. This form is a summary; see San Francisco Building Code Chapter 13C for details.

LEED PROJECTS						
	New Large Commercial	New Residential Mid-Rise¹	New Residential High-Rise¹	Commerical Interior	Commercial Alteration	Residential Alteration
Type of Project Proposed (Indicate at right)						
Overall Requirements:						
LEED certification level (includes prerequisites):	GOLD	SILVER	SILVER	GOLD	GOLD	GOLD
Base number of required points:	60	2	50	60	60	60
Adjustment for retention / demolition of historic features / building:				n/a		
Final number of required points (base number +/- adjustment)				50		
Specific Requirements: (n/r indicates a measure is not required)						
Construction Waste Management – 75% Diversion AND comply with San Francisco Construction & Demolition Debris Ordinance LEED MR 2, 2 points	●	●	●	●	Meet C&D ordinance only	●
15% Energy Reduction Compared to Title-24 2008 (or ASHRAE 90.1-2007) LEED EA 1, 3 points	●	●	●	●	LEED prerequisite only	
Renewable Energy or Enhanced Energy Efficiency Effective 1/1/2012: Generate renewable energy on-site ≥1% of total annual energy cost (LEED EAc2), OR Demonstrate an additional 10% energy use reduction (total of 25% compared to Title 24 Part 6 2008), OR Purchase Green-E certified renewable energy credits for 35% of total electricity use (LEED EA c6).	●	n/r	n/r	n/r	n/r	n/r
Enhanced Commissioning of Building Energy Systems LEED EA 3	●	Meet LEED prerequisites				
Water Use - 30% Reduction LEED WE 3, 2 points	●	n/r	●	Meet LEED prerequisites		
Enhanced Refrigerant Management LEED EA 4	●	n/r	n/r	n/r	n/r	n/r
Indoor Air Quality Management Plan LEED IEQ 3.1	●	n/r	n/r	n/r	n/r	n/r
Low-Emitting Materials LEED IEQ 4.1, 4.2, 4.3, and 4.4	●	n/r	●	●	●	●
Bicycle parking: Provide short-term and long-term bicycle parking for 5% of total motorized parking capacity each, or meet San Francisco Planning Code Sec 155, whichever is greater, or meet LEED credit SSc4.2. (13C.5.106.4)	●	n/r See San Francisco Planning Code 155		●	n/r	n/r
Designated parking: Mark 8% of total parking stalls for low-emitting, fuel efficient, and carpool/van pool vehicles. (13C.5.106.5)	●			●	n/r	n/r
Water Meters: Provide submeters for spaces projected to consume more than 1,000 gal/day, or more than 100 gal/day if in building over 50,000 sq. ft. (13C.5.303.1)	●	n/r	n/r	n/r	n/r	n/r
Air Filtration: Provide at least MERV-8 filters in regularly occupied spaces of mechanically ventilated buildings (or LEED credit IEQ 5). (13C.5.504.5.3)	●	n/r	n/r	●	n/r	n/r
Air Filtration: Provide MERV-13 filters in residential buildings in air-quality hot-spots (or LEED credit IEQ 5). (SF Health Code Article 38 and SF Building Code 1203.5)	n/r	●	●	n/r	n/r	n/r
Acoustical Control: Wall and roof-ceilings STC 50, exterior windows STC 30, party walls and floor-ceilings STC 40. (13C.5.507.4)	●	See CBC 1207		●	n/r	n/r

OTHER APPLICABLE NON-RESIDENTIAL PROJECTS		
	Other New Non-Residential	Addition >2,000 sq ft OR Alteration >\$500,000³
Type of Project Proposed (Check box if applicable)		
Energy Efficiency: Demonstrate a 15% energy use reduction compared to 2008 California Energy Code, Title 24, Part 6. (13C.5.201.1.1)	●	n/r
Bicycle parking: Provide short-term and long-term bicycle parking for 5% of total motorized parking capacity each, or meet San Francisco Planning Code Sec 155, whichever is greater (or LEED credit SSc4.2). (13C.5.106.4)	●	●
Fuel efficient vehicle and carpool parking: Provide stall marking for low-emitting, fuel efficient, and carpool/van pool vehicles; approximately 8% of total spaces. (13C.5.106.5)	●	●
Water Meters: Provide submeters for spaces projected to consume >1,000 gal/day, or >100 gal/day if in buildings over 50,000 sq. ft.	●	●
Indoor Water Efficiency: Reduce overall use of potable water within the building by 20% for showerheads, lavatories, kitchen faucets, wash fountains, water closets, and urinals. (13C.5.303.2)	●	●
Commissioning: For new buildings greater than 10,000 square feet, commissioning shall be included in the design and construction of the project to verify that the building systems and components meet the owner's project requirements. (13C.5.410.2) OR for buildings less than 10,000 square feet, testing and adjusting of systems is required.	●	● (Testing & Balancing)
Protect duct openings and mechanical equipment during construction (13C.5.504.3)	●	●
Adhesives, sealants, and caulks: Comply with VOC limits in SCAQMD Rule 1168 VOC limits and California Code of Regulations Title 17 for aerosol adhesives. (13C.5.504.4.1)	●	●
Paints and coatings: Comply with VOC limits in the Air Resources Board Architectural Coatings Suggested Control Measure and California Code of Regulations Title 17 for aerosol paints. (13C.5.504.4.3)	●	●
Carpets: All carpet must meet one of the following: 1. Carpet and Rug Institute Green Label Plus Program 2. California Department of Public Health Standard Practice for the testing of VOCs (Specification 01350) 3. NSF/ANSI 140 at the Gold level 4. Scientific Certifications Systems Sustainable Choice AND Carpet cushion must meet CRI Green Label, AND Carpet adhesive must not exceed 50 g/L VOC content. (13C.5.504.4.4)	●	●
Composite wood: Meet CARB Air Toxics Control Measure for Composite Wood (13C.5.504.4.5)	●	●
Resilient flooring systems: For 50% of floor area receiving resilient flooring, install resilient flooring complying with the VOC-emission limits defined in the 2009 Collaborative for High Performance Schools (CHPS) criteria or certified under the Resilient Floor Covering Institute (RFCI) FloorScore program. (13C.5.504.4.6)	●	●
Environmental Tobacco Smoke: Prohibit smoking within 25 feet of building entries, outdoor air intakes, and operable windows. (13C.5.504.7)	●	●
Air Filtration: Provide at least MERV-8 filters in regularly occupied spaces of mechanically ventilated buildings. (13C.5.504.5.3)	●	Limited exceptions. See CA T24 Part 11 Section 5.714.6
Acoustical Control: Wall and roof-ceilings STC 50, exterior windows STC 30, party walls and floor-ceilings STC 40. (13C.5.507.4)	●	● See CA T24 Part 11 Section 5.714.7
CFCs and Halons: Do not install equipment that contains CFCs or Halons. (13C.5.508.1)	●	●
Additional Requirements for New A, B, I, OR M Occupancy Projects 5,000 - 25,000 Square Feet		
Construction Waste Management – Divert 75% of construction and demolition debris AND comply with San Francisco Construction & Demolition Debris Ordinance.	●	Meet C&D ordinance only
Renewable Energy or Enhanced Energy Efficiency Effective January 1, 2012: Generate renewable energy on-site equal to ≥1% of total annual energy cost (LEED EAc2), OR demonstrate an additional 10% energy use reduction (total of 25% compared to Title 24 Part 6 2008), OR purchase Green-E certified renewable energy credits for 35% of total electricity use (LEED EA c6).	●	n/r

6 August 2013

Alfred Lee
1320 Marin Street
San Francisco, CA 94124

Subject: Environmental Noise Analysis
Project: 2867-2899 San Bruno Avenue
RGD #: 13-050

Dear Lee:

We have completed our analysis of environmental noise for the project. This letter summarizes our analysis and presents recommendations to meet applicable State noise standards.

Acoustical Criteria

The California Building Code (Section 1207) requires that indoor noise levels in new multi-family housing be controlled to an L_{dn} of 45 dBA if outdoor levels are in excess of an L_{dn} of 60 dBA. Furthermore, if windows must be in the closed position to meet the standard, then the design for the structure must also specify a ventilation or air-conditioning system to provide a habitable interior environment. The ventilation system must not compromise the noise reduction of the exterior façade.

Existing Noise Environment

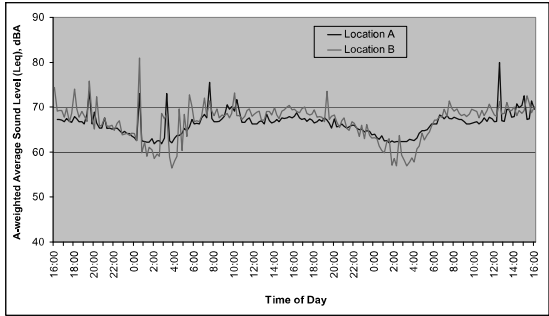
The major noise source that affects the project site is vehicular traffic on San Bruno Avenue and US 101. Noise measurements were made at the project site, and nearby, to quantify the existing noise environment. These included two long-term (48-hour) noise measurement and one short-term, 15-minute noise measurement. The noise measurement locations are shown in Figure 1. Table 1 shows the short-term noise measurements results and Figure 2 shows the measured noise levels at the noise monitor locations at 15-minute intervals.

The noise monitor at Location A was located on a street light pole about 12 feet above the ground. At this height the monitor was below the height of the soundwall of the adjacent US 101 freeway. This monitor documented the daily variation of traffic noise on US 101, however, the noise level was reduced by the soundwall. The short-term noise measurement at Location 1 was elevated 24 feet above the ground to document the noise exposure at the upper floors of the project that would overlook the soundwall. The short-term measurement results were correlated with simultaneous

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Alfred Lee
6 August 2013
Page 3

Figure 2: Long-Term Noise Measurement Results



Based on the noise measurements the existing L_{dn} at the upper floors of the proposed building along US 101 is 78 dBA. The existing L_{dn} at along San Bruno Avenue is 74 dBA. To address future conditions, an increase of 1 dBA is applied to the existing noise levels to account for future traffic increase of about 25%.

Recommendations

To determine the needed treatments we reviewed the floor plans and elevations created on 18 June 2013. To achieve the State's interior noise standard we recommended that exterior windows and sliding glass doors of the dwelling unit rooms along US 101, San Bruno Avenue, and Woolsey Street be sound-rated. The recommended minimum sound transmission class (STC) ratings are shown in Figure 3. In addition, the exterior walls that have siding on the exterior should have an additional layer of 5/8-inch gypsum board on the interior side. These window and wall recommendations do not apply to the first and second floors those spaces are retail and office which are not regulated by the State Building Code noise standards.

The recommendations for the windows along US 101 apply to the both the windows of the bedrooms and the windows of the balconies. The windows in the light wells will be shielded from traffic noise by the building and do not need to be sound-rated. You should receive laboratory test reports from the manufacturers documenting the acoustical performance of the windows and sliding glass doors.

Alfred Lee
6 August 2013
Page 2

measurements at the long-term monitoring location to determine that the L_{dn} at the facades of the buildings facing the freeway.

The noise monitor at Location B documented the noise exposure from San Bruno Avenue at the setback of the proposed project. This measurement was conducted east of the site so that the existing buildings blocked the freeway noise in a manner similar to the how the proposed project buildings will block freeway noise from the facades facing San Bruno Avenue.

Figure 1: Noise Measurement Locations

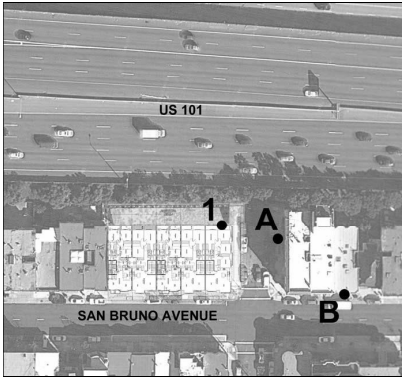


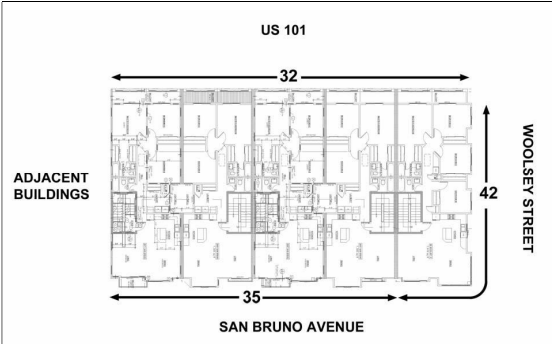
Table 1: Short-Term Noise Measurement Results

Location	Time	A-weighted Sound Level, dBA				
		L_{eq}	L_{10}	L_{50}	L_{90}	L_{dn}^*
1 Proposed building setback Along US 101 24 feet above the ground	1 July 2013 4:35 – 4:50 P.M.	73	74	72	70	78

* L_{dn} based on comparison with simultaneous measurement at the long-term Location A.

Alfred Lee
6 August 2013
Page 4


Figure 3: Recommended Minimum STC Ratings for Windows and Sliding Glass Doors of Residential Units



The sound-rated windows will need to be in the closed position to meet the indoor noise standard. Therefore, the rooms will require a ventilation or air-conditioning system that does not compromise the sound attenuation of the exterior façade. You should review this requirement with the project mechanical engineer.

This concludes our review of environmental noise and recommendations to meet the State of California's standards. Please call if you have any questions.

Sincerely,


Harold S. Goldberg, P.E.
Principal
Rosen Goldberg Der & Lewitz, Inc.

21 August 2013

Alfred Lee
1320 Marin Street
San Francisco, CA 94121

Subject: Environmental Noise Analysis – Drawing Review
Project: 2867-2899 San Bruno Avenue
RGD #: 13-050


Dear Alfred:

In our letter dated 6 August 2013 we analyzed the subject project with respect to the California Building Code standards for exterior noise (CBC 1207.11). We found that the State's interior noise standard will be achieved with sound-rated windows and sliding glass doors as well as an additional layer of gypsum board on some exterior walls. Since the windows would need to be in the closed position to meet the indoor noise standard, we identified these rooms as requiring a ventilation or air-conditioning system that does not compromise the sound attenuation of the exterior façade.

Subsequent to our recommendations the project drawings have been modified. Based on our review of the drawings revised 14 August 2013 the design includes the sound-rated windows and special exterior wall construction recommended in our report. The plans also indicate a forced air furnace with fresh-air which is consistent with the requirement for ventilation.

This concludes our current comments. Please call if you have any questions.

Sincerely,


Harold S. Goldberg, P.E.
Principal
Rosen Goldberg Der & Lewitz, Inc.

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1360 9TH AVENUE, SUITE 210
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NEW MIXED-USE BUILDING
2867-73 SAN BRUNO AVENUE
(AKA 2895 SAN BRUNO AVENUE)
BLOCK 5457, LOT 037
SAN FRANCISCO, CA 94134

ACOUSTICAL REPORT & REVIEW
LETTER

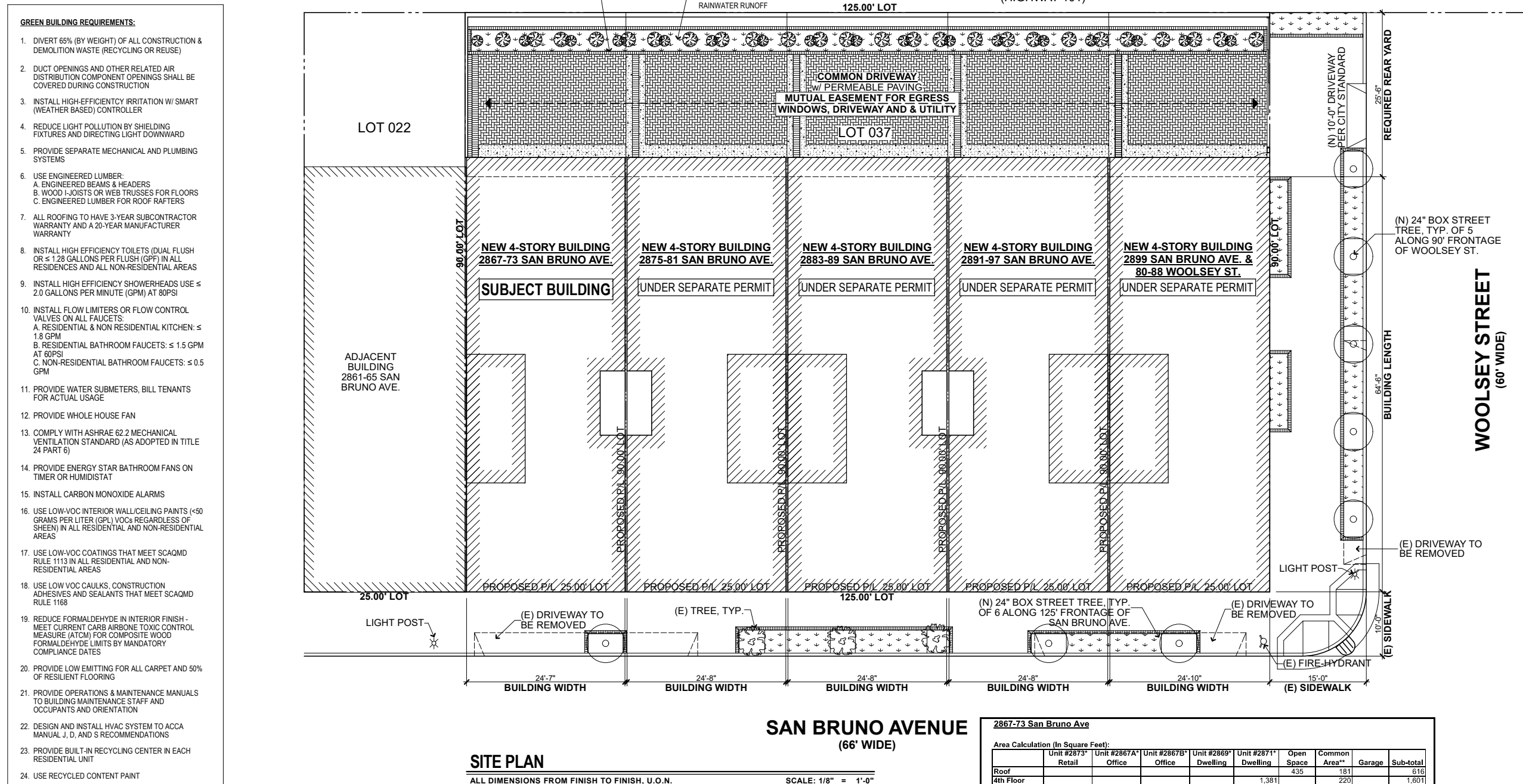
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Of 25 Sheets



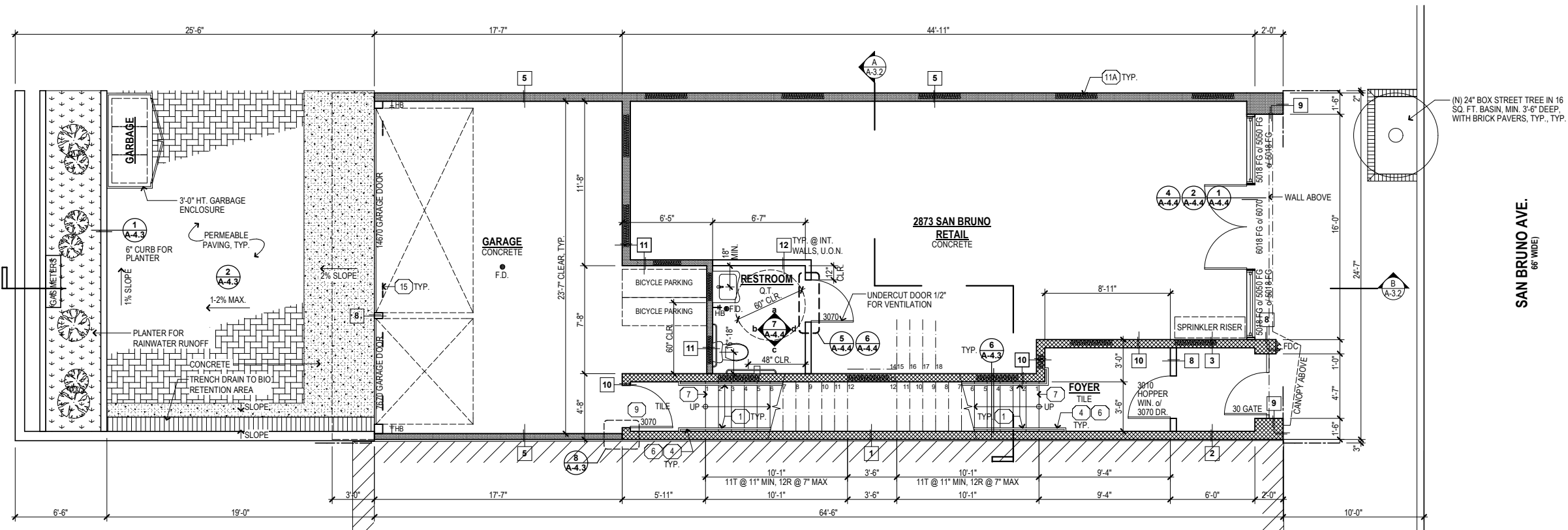
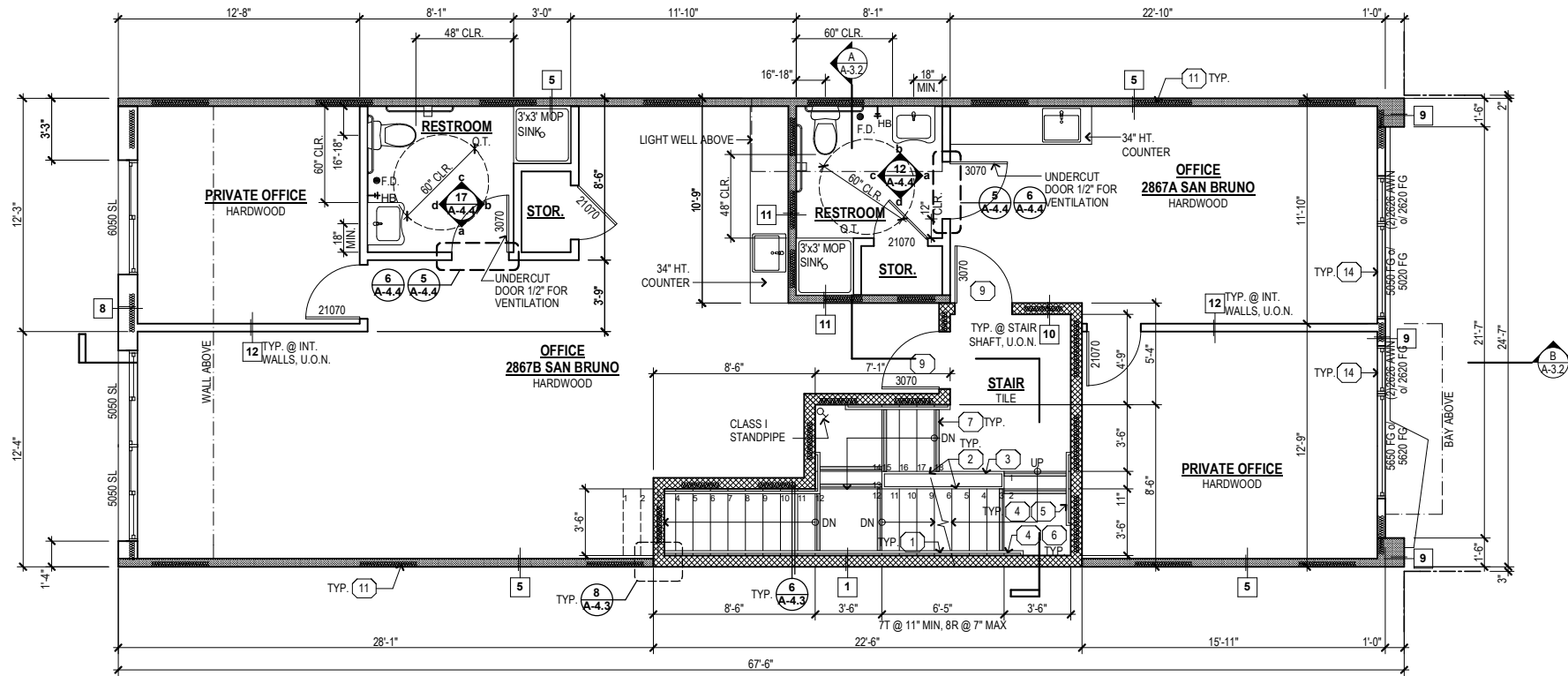
2867-73 San Bruno Ave									
Area Calculation (In Square Feet):									
	Unit #2873* Retail	Unit #2867A* Office	Unit #2867B* Office	Unit #2869* Dwelling	Unit #2871* Dwelling	Open Space	Common Area**	Garage	Sub-total
Roof						435	181		616
4th Floor					1,381		220		1,601
3rd Floor				1,405			221		1,626
2nd Floor		520	823				292		1,635
Ground Floor	763						290	447	1,500
							1,204	Total	6,978
Total Living area for all Units =				2,786 S.F.					
Total Office area for all Units =				1,343 S.F.					
Total Retail area =				763 S.F.					
Total Open Space =				435 S.F.					
Total Garage & Common Area =				1,651 S.F.					
Total Area =				6,978 S.F.					

Usable Open Space Calculation:

Usable Open Space Required:
Private : 100 S.F.
Common: 133 S.F. x 2 = 266 S.F.

Total Proposed Usable Open Space:
Private : 0.00 S.F.
Common: 435.00 S.F.
Total: 435.00 S.F.

- PLAN NOTES:
- 1-1/2" DIA. SHAPED HANDRAIL, 34" TO 38" HT., PROVIDE SOLID BLOCKING BEHIND SUPPORT
 - 1-1/2" DIA. SHAPED HANDRAIL, 34" TO 38" HT. ATTACHED TO 42" HT. GUARDRAIL W/ OPEN RAILING AT 4" O.C.
 - 42" HT. GUARDRAIL W/ OPEN RAILING AT 4" O.C.
 - HANDRAIL BUTT INTO WALL W/ ROUNDED CORNER
 - 12" HANDRAIL EXTENSION AT TOP OF STAIRS, SEE **A-4.3**
 - 23" HANDRAIL EXTENSION AT BOTTOM OF STAIRS, SEE **A-4.3**
 - 2" WIDE SOLID CONTRASTING STRIP @ 1ST & LAST STEP OF STAIR W/ 1" MAX. FROM EDGE OF STAIRS
 - STAIR IDENTIFICATION SIGN
 - 1-3/4" S.C. W/ CLOSER & LATCH, 90 MIN. RATING. FIRE RATED DOOR & FRAMES SHALL BE LABELED W/ SUCH PROTECTION RATING PER 715.4.5.1.
 - INSULATE WALL & WEATHER STRIP DOOR
 - R-13 BATT TYPE INSULATION TYPICAL AT EXTERIOR WALL AND WHERE SHOWN
 - R-19 BATT TYPE INSULATION TYPICAL AT EXTERIOR WALL AND WHERE SHOWN
 - 3-1/2" SOUND ATTENUATION BLANKET TYPICAL AT STAIR, DEMISING WALL, & BET. BEDROOM & LIVING AREA
 - EGRESS WINDOW - NET CLEAR OPENING OF 5.7 SQ. FT. W/ 20" MIN. NET CLEAR WIDTH, 24" MIN. NET CLEAR HT., AND MAX. SILL HT. AT 44" PER SFBC SEC. 1029.2 & 3
 - TEMP. (SAFETY) GLASS AT HAZARDOUS LOCATION PER SEC. 2406.4
 - 200 SQ. IN. MET. LOUVER GARAGE VENT W/ IN 18" ABOVE FLOOR
 - FULL HT. TILE AT WALL SHOWER W/ CEMENT BOARD BACKING
 - DRYER VENT TO OUTSIDE, DRYER EXHAUST DUCT LENGTH PER MANUFACTURER'S RECOMMENDATIONS
 - PROVIDE DRAIN PAN AT LAUNDRY CLOSET
 - STRAP W/ H TO WALL W/ 18" HT. PLATFORM
 - CEC CERTIFIED CONDENSING GAS FURNACE W/ DIRECT-VENT APPLICATION

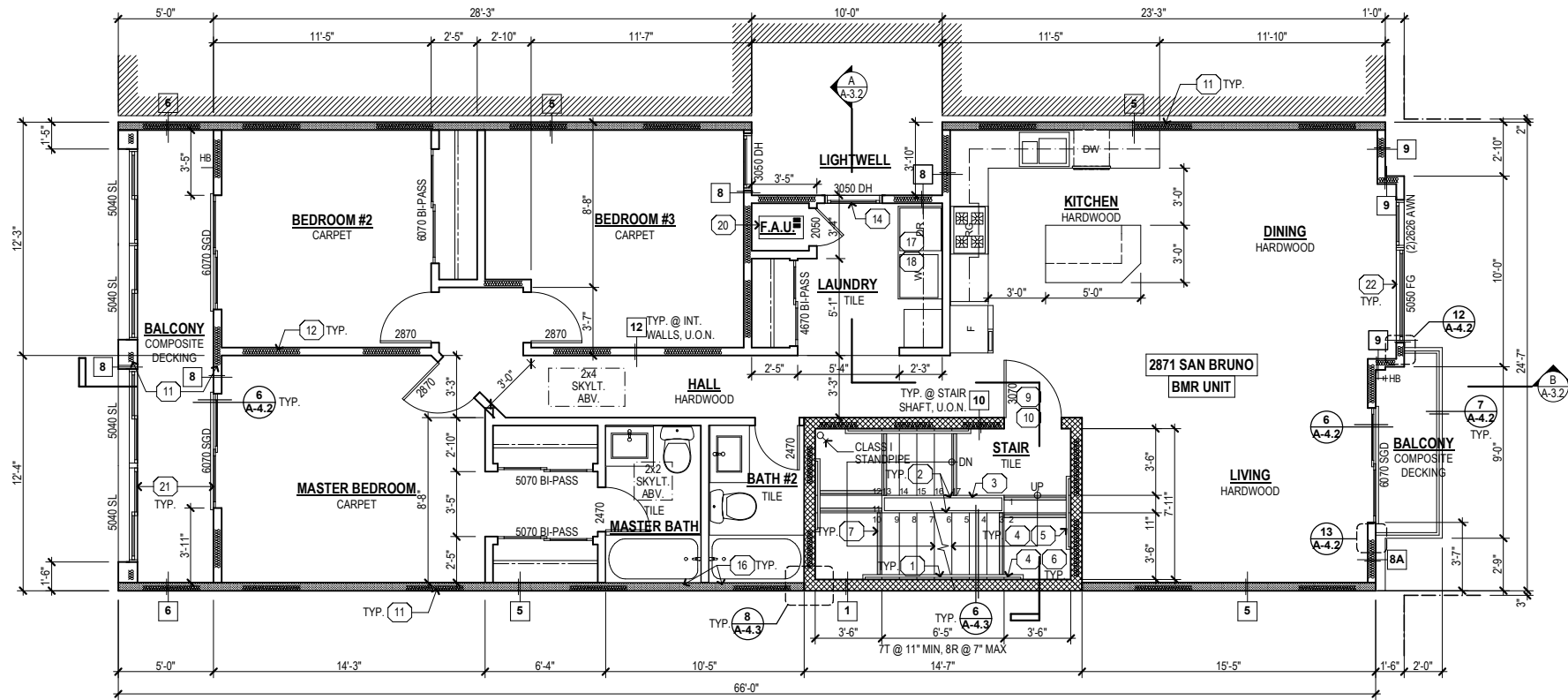


GROUND FLOOR PLAN

ALL DIMENSIONS FROM FINISH TO FINISH, U.O.N.

SCALE: 1/4" = 1'-0"

- PLAN NOTES:
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 - 23" HANDRAIL EXTENSION AT BOTTOM OF STAIRS, SEE **A-4.3**
 - 2" WIDE SOLID CONTRASTING STRIP @ 1ST & LAST STEP OF STAIR W/ 1" MAX. FROM EDGE OF STAIRS
 - ~~STAIR IDENTIFICATION SIGN~~
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 - PROVIDE DRAIN PAN AT LAUNDRY CLOSET
 - STRAP W/ H TO WALL W/ 18" HT. PLATFORM
 - CEC CERTIFIED CONDENSING GAS FURNACE W/ DIRECT-VENT APPLICATION
 - PROVIDE WINDOWS WITH MINIMUM STC 32 FOR ALL GLAZING AREAS ON 3RD & 4TH FLRS. FACING HIGHWAY 101 PER ENVIRONMENTAL NOISE ANALYSIS REPORT BY ROSEN, GOLDBERG, DER & LEWITZ DATED 8/6/13
 - PROVIDE WINDOWS WITH MINIMUM STC 35 FOR ALL GLAZING AREAS ON 3RD & 4TH FLRS. FACING SAN BRUNO AVE. PER ENVIRONMENTAL NOISE ANALYSIS REPORT BY ROSEN, GOLDBERG, DER & LEWITZ DATED 8/6/13



4TH FLOOR PLAN

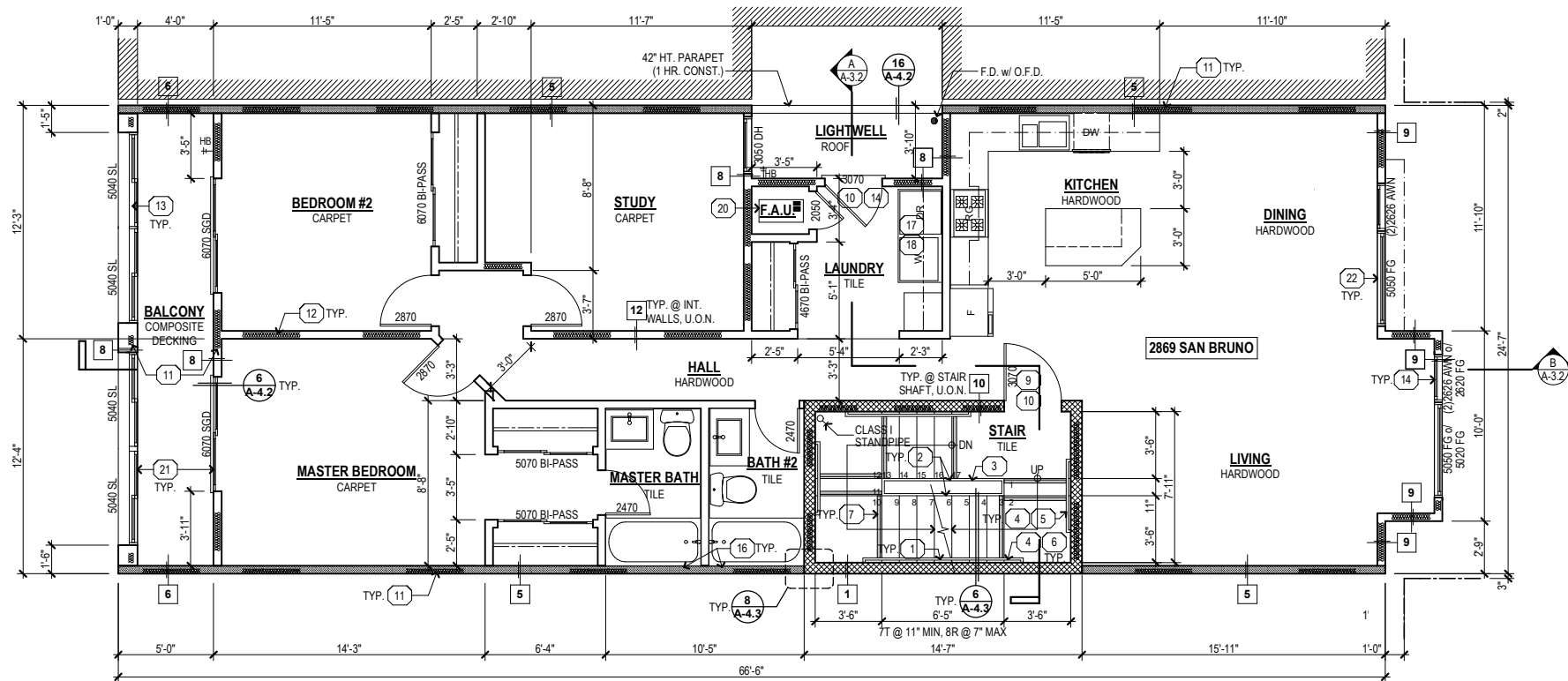
ALL DIMENSIONS FROM FINISH TO FINISH, U.O.N.

SCALE: 1/4" = 1'-0"

LEGEND

SEE SHEET A-4.1 FOR WALL DETAILS

- 2 HOUR WALL
- 1 HOUR WALL
- NON-RATED WALL



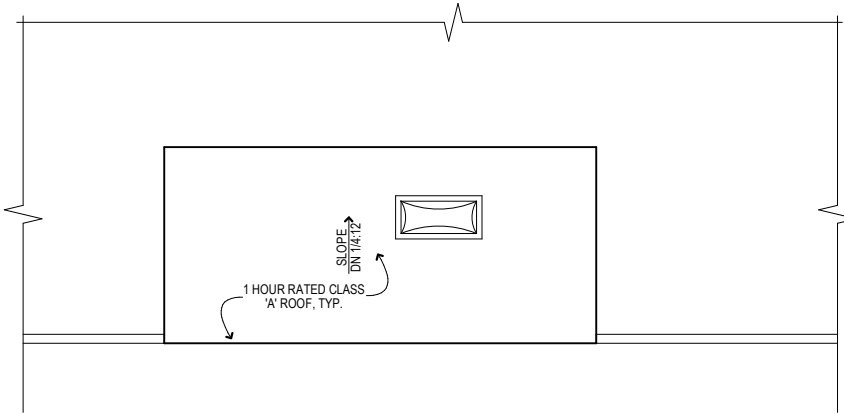
3RD FLOOR PLAN

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8/14/13 WD	MML

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10/31/12	JS
Planning Commission	
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8/14/13 WD	MML



PENTHOUSE ROOF PLAN

ALL DIMENSIONS FROM FINISH TO FINISH, U.O.N.

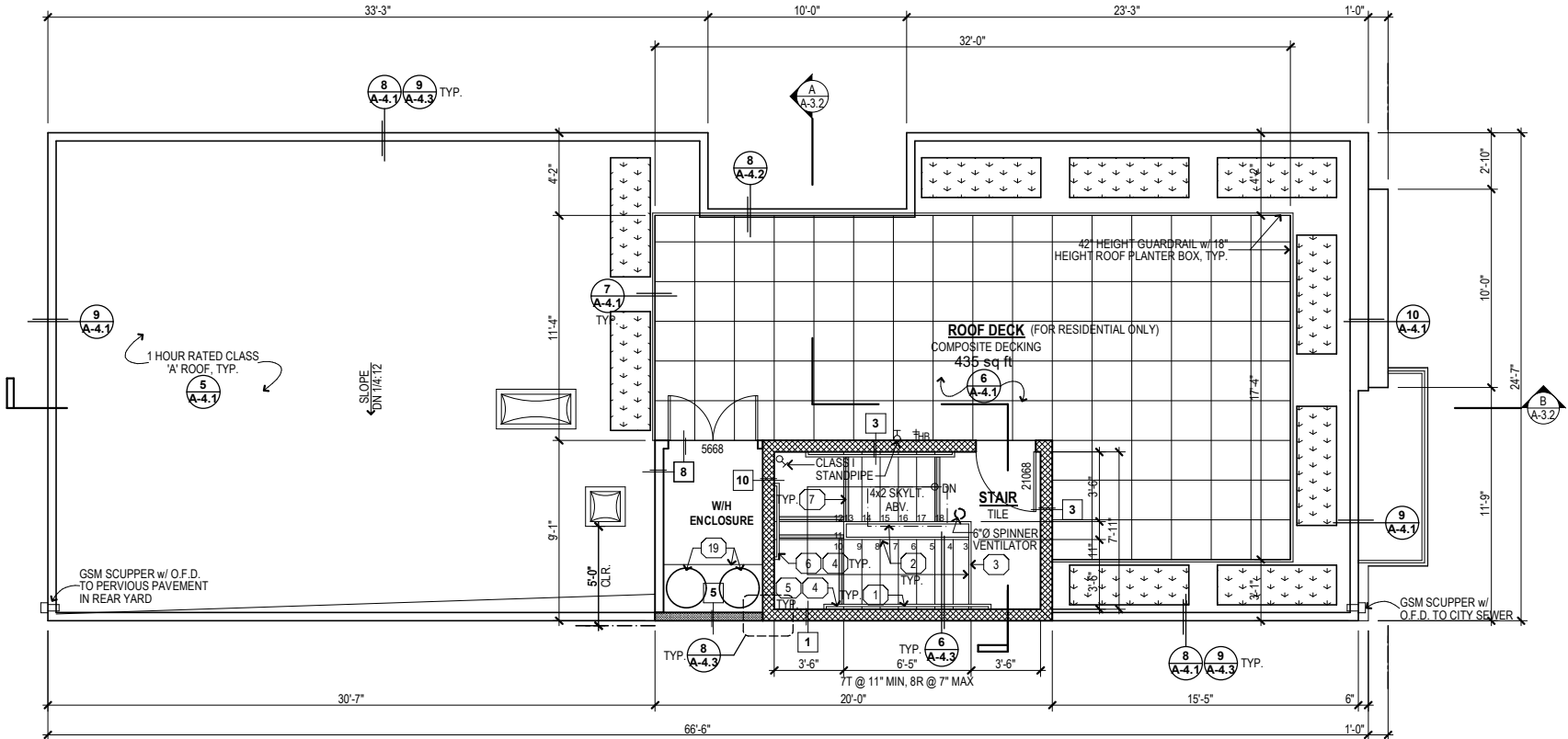
SCALE: 1/4" = 1'-0"

LEGEND

SEE SHEET A-4.1 FOR WALL DETAILS

- 2 HOUR WALL
- 1 HOUR WALL
- NON-RATED WALL

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ROOF PLAN

ALL DIMENSIONS FROM FINISH TO FINISH, U.O.N.

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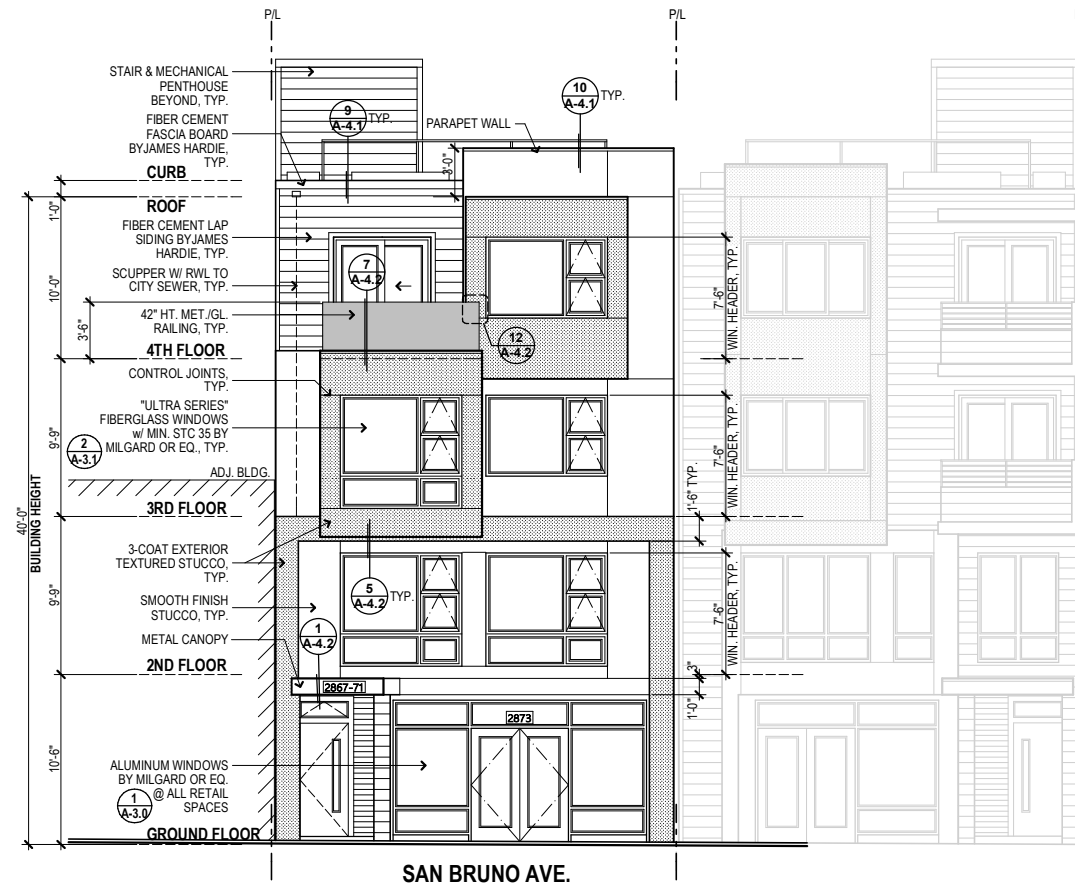
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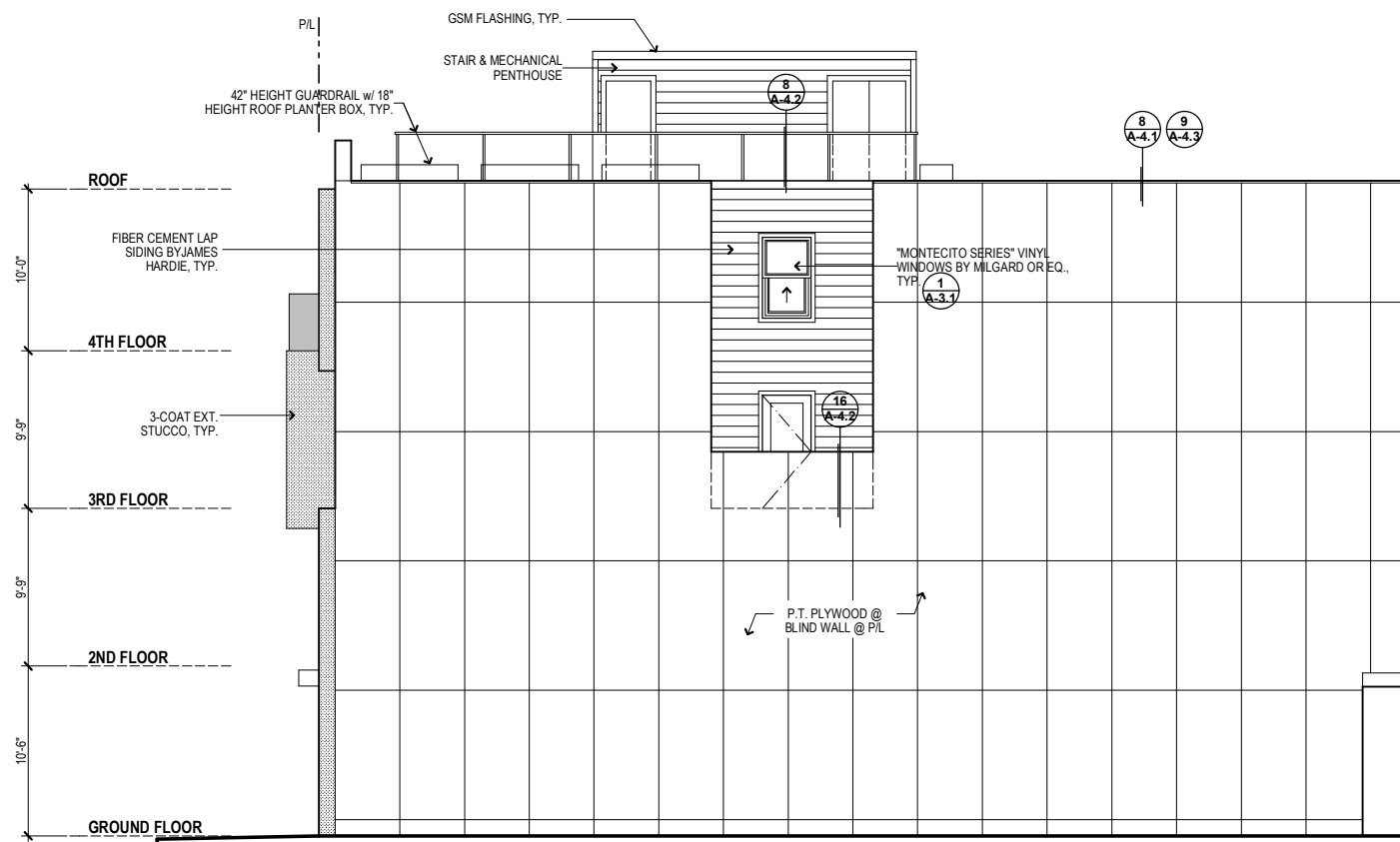
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FRONT ELEVATION

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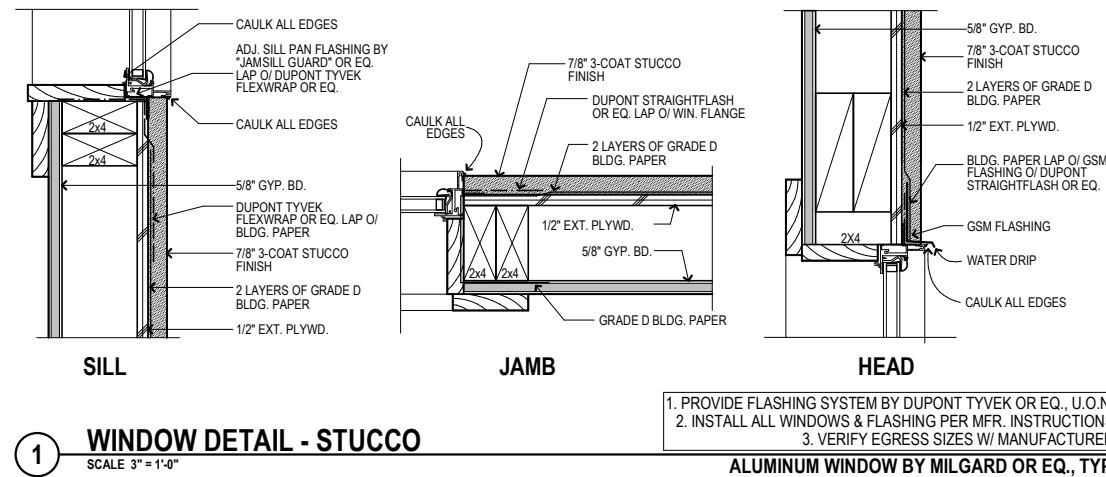
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RIGHT ELEVATION

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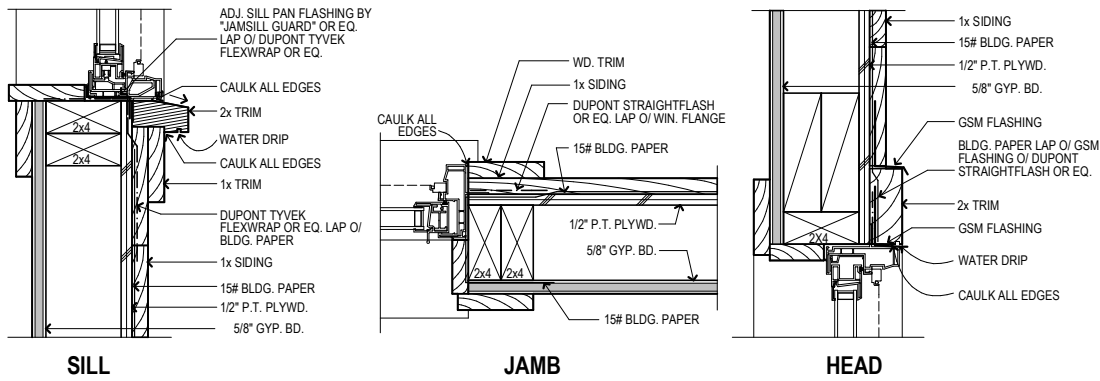
SCALE: 3/16" = 1'-0"



1 WINDOW DETAIL - STUCCO

SCALE 3" = 1'-0"

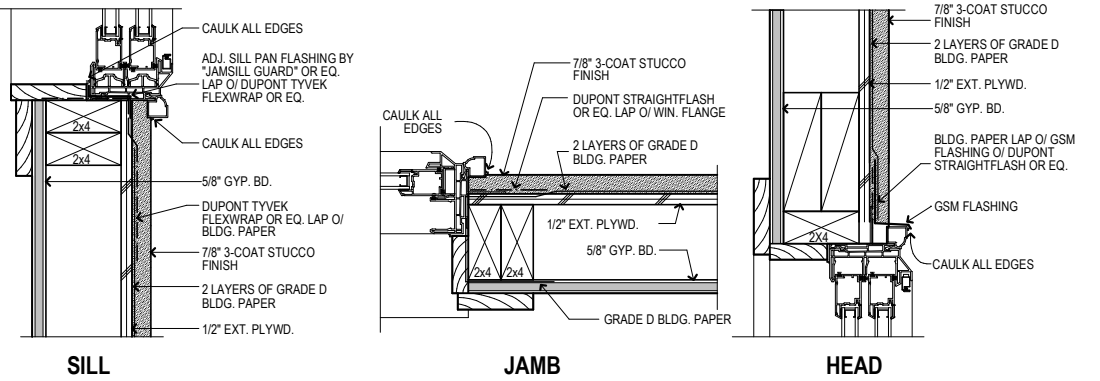
ALUMINUM WINDOW BY MILGARD OR EQ., TYP.



1 WINDOW DETAIL - WOOD SIDING
SCALE 3" = 1'-0"

1. PROVIDE FLASHING SYSTEM BY DUPONT TYVEK OR EQ., U.O.N.
2. INSTALL ALL WINDOWS & FLASHING PER MFR. INSTRUCTIONS
3. VERIFY EGRESS SIZES W/ MANUFACTURER

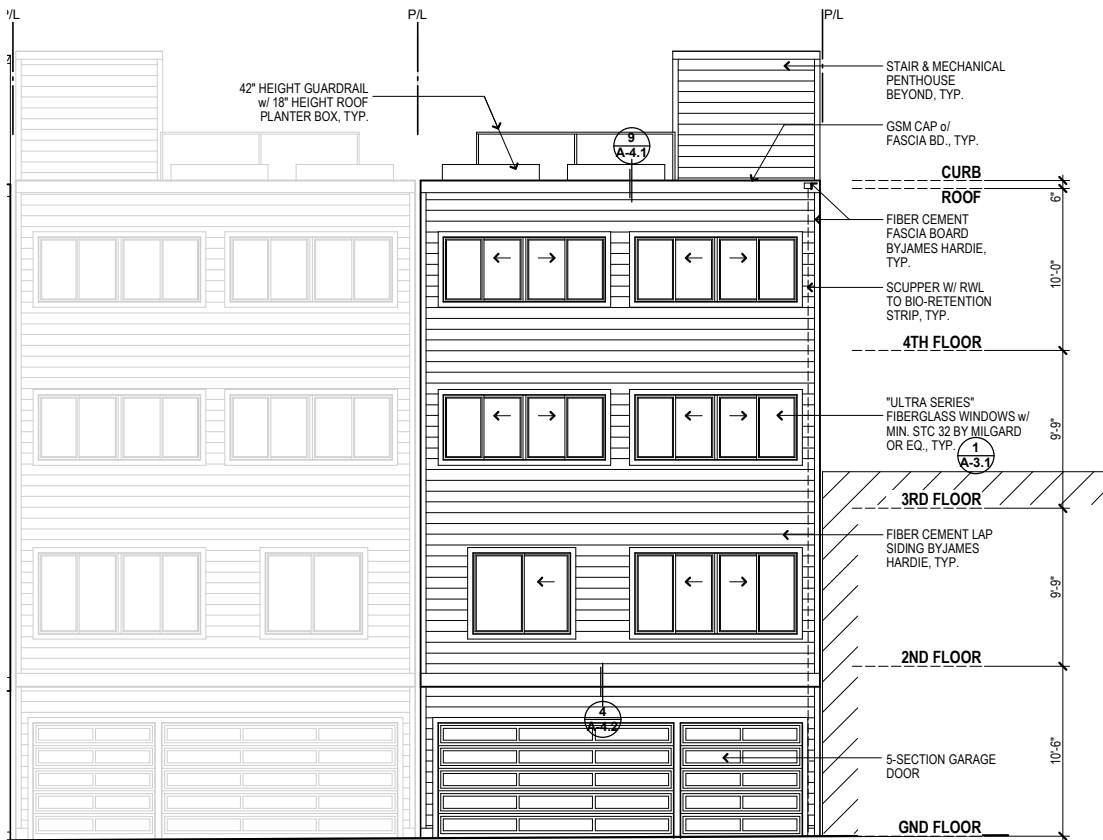
"MONTECITO" WINDOW BY MILGARD OR EQ., TYP.



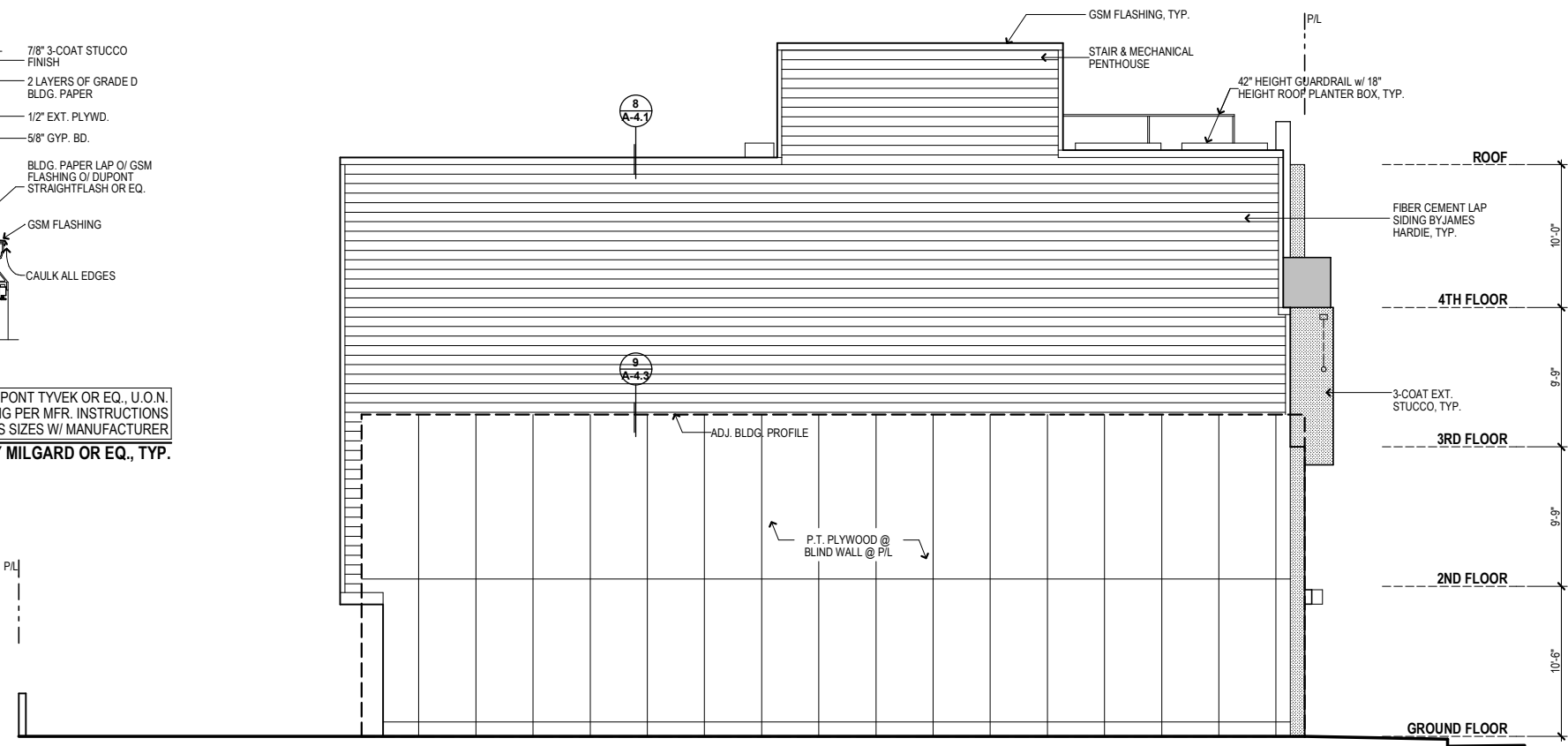
2 WINDOW DETAIL - STUCCO
SCALE 3" = 1'-0"

1. PROVIDE FLASHING SYSTEM BY DUPONT TYVEK OR EQ., U.O.N.
2. INSTALL ALL WINDOWS & FLASHING PER MFR. INSTRUCTIONS
3. VERIFY EGRESS SIZES W/ MANUFACTURER

"MONTECITO" WINDOW BY MILGARD OR EQ., TYP.

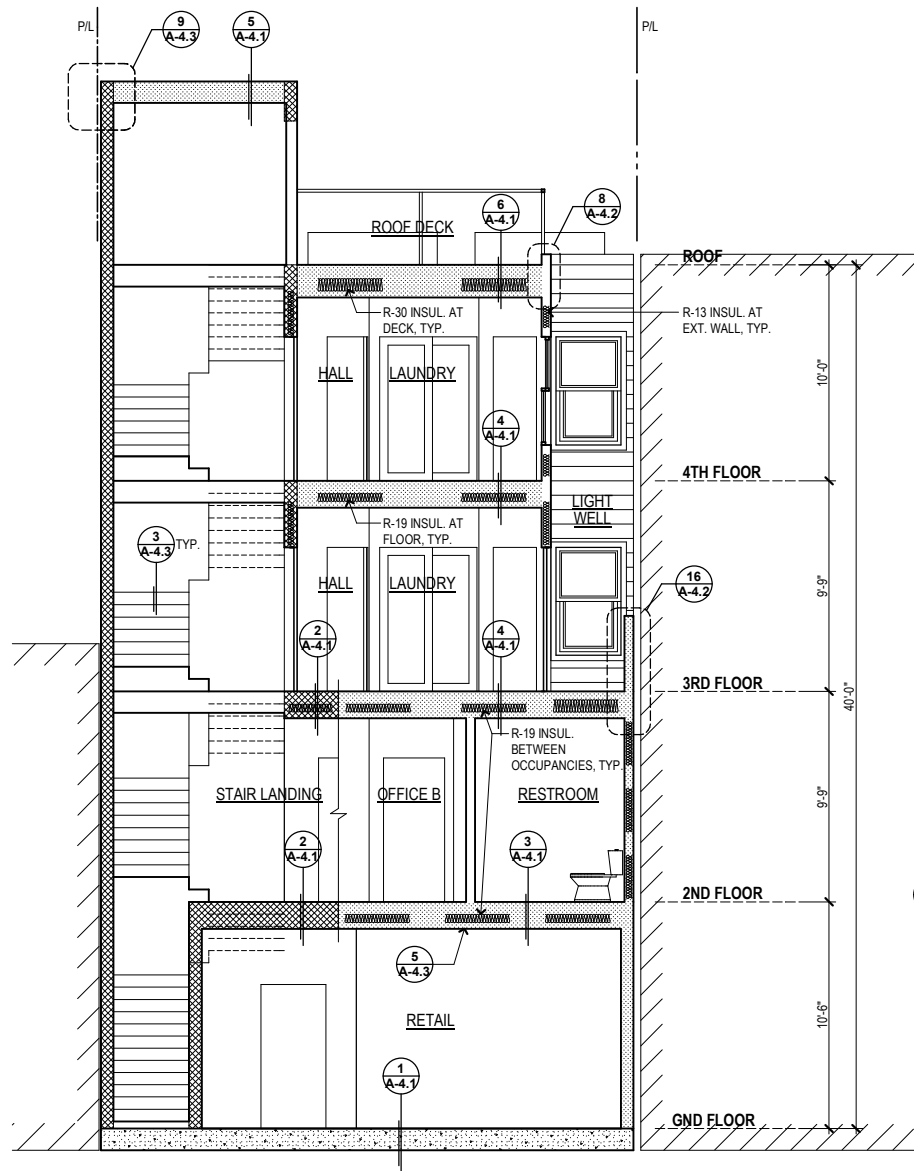


REAR ELEVATION
ALL DIMENSIONS FROM FINISH TO FINISH, U.O.N. SCALE: 3/16" = 1'-0"



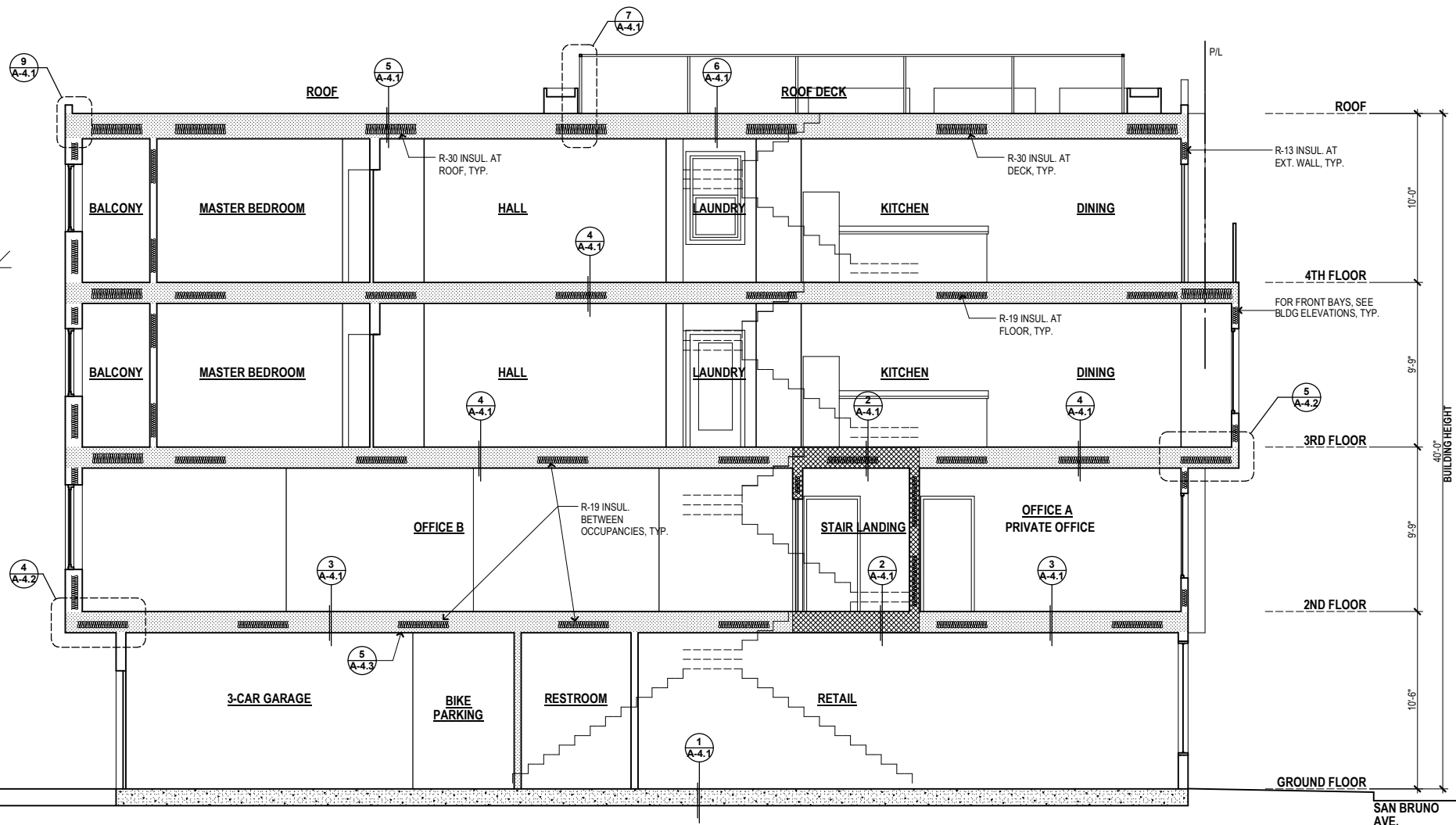
LEFT ELEVATION
ALL DIMENSIONS FROM FINISH TO FINISH, U.O.N. SCALE: 3/16" = 1'-0"

Date	By
2/6/12	JS
UBAT	
9/25/12	JS
10/31/12	JS
Planning Commission	
1/17/13	JS
2/28/13	JS
8/14/13 WD	MML



CROSS SECTION A

ALL DIMENSIONS FROM FINISH TO FINISH, U.O.N. SCALE: 1/4" = 1'-0"



LONGITUDINAL SECTION B

ALL DIMENSIONS FROM FINISH TO FINISH, U.O.N. SCALE: 1/4" = 1'-0"

LEGEND
SEE SHEET A-4.1 FOR WALL DETAILS
2 HOUR WALL
1 HOUR WALL
NON-RATED WALL

SECTIONS

Date	By
2/6/12	JS
9/25/12	JS
10/31/12	JS
Planning Commission	JS
1/17/13	JS
2/28/13	JS
8/14/13 WD	MML