



# SAN FRANCISCO PLANNING DEPARTMENT

## Executive Summary Conditional Use

HEARING DATE: DECEMBER 21, 2017

*Date:* December 11, 2017  
*Case No.:* **2015-009053CUA**  
*Project Address:* **3601 Lawton Street**  
*Zoning:* NC-1 (Neighborhood Commercial, Cluster) Zoning District  
40-X Height and Bulk District  
*Block/Lot:* 1901 / 001  
*Project Sponsor:* Kodorski Design Inc.  
525 Hickory Street  
San Francisco, Ca 94102  
*Staff Contact:* Jeff Horn – (415) 575-6925  
[jeffrey.horn@sfgov.org](mailto:jeffrey.horn@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**

### BACKGROUND

On November 2, 2017, the Planning Commission took action to adopt a Motion of Intent to Approve this proposal and allow the for conversion of the existing automotive service station, demolition of all existing structures, and construction of a new 40-foot tall, four-story-over-basement, approximately 40,000 gross square-feet mixed-use building with up to 4,500 square feet of ground floor retail space and 15 dwelling units.

However, after the Planning Commission took action, Staff determined that the project did not meet the notification requirements of Section 312, because notices had not been sent to the occupants of properties within the 150 foot radius notification area of the project.

### CURRENT PROPOSAL

The project has not changed from what was presented to and approved by the Commission on November 2, 2017. An updated Motion reflecting the new hearing date is attached.

### HEARING NOTIFICATION

TYPE	REQUIRED PERIOD	REQUIRED NOTICE DATE	ACTUAL NOTICE DATE	ACTUAL PERIOD
Classified News Ad	20 days	December 1, 2017	Novmeber 29, 2017	22 days
Posted Notice	20 days	December 1, 2017	October 13, 2017	20 days
Mailed Notice	20 days	December 1, 2017	October 13, 2017	20 days

**Executive Summary****Hearing Date: December 21, 2017****CASE NO. 2015-009053CUA****3601 Lawton Street**

The proposal requires a Section 312-neighborhood notification, which was conducted in conjunction with the conditional use authorization process.

**PUBLIC COMMENT/COMMUNITY OUTREACH**

Three (3) written correspondences in opposition of the project and three (3) in support of the project have been received since the publishing of the November 2, 2017 Staff Report package. All correspondences are included as an attachment.

**REQUIRED COMMISSION ACTION**

In order for the Project to proceed, the Commission must grant Conditional Use Authorization pursuant to Planning Code Sections 121.1, 202.5, 303 and 710, respectively, to allow the conversion and demolition of an automotive service station and construction of new 40-foot tall, four-story-over-basement, approximately 40,000 gross square-foot mixed-use building with up to 4,500 square feet of ground floor retail space, 15 dwelling units, 6,990 square feet of private open space located on the building's roof and rear yard, a 10,000 square-foot basement level garage with 24 vehicle and 24 Class 1 bicycle parking spaces and 12 Class 2 bicycle parking spaces at street level within the NC-1 Zoning District and an 40-X Height and Bulk District.

<b>RECOMMENDATION:</b>	<b>Approval with Conditions</b>
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**Attachments:**

Updated Draft Motion - Conditional Use Authorization

Public Correspondence

November 2, 2017 Staff Report Package



# SAN FRANCISCO PLANNING DEPARTMENT

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*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 checked="" type="checkbox"/> Child Care Requirement (Sec. 414)             |
| <input type="checkbox"/> Downtown Park Fee (Sec. 412)             | <input checked="" type="checkbox"/> Transportation Sustainability Fee (Sec. 411A) |

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## Planning Commission Draft Motion

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**ADOPTING FINDINGS RELATING TO THE APPROVAL OF CONDITIONAL USE AUTHORIZATION PURSUANT TO SECTIONS 121.1, 202.5, 303 AND 710 OF THE PLANNING CODE TO ALLOW FOR CONVERSION OF AN EXISTING AUTOMOTIVE SERVICE STATION, DEMOLITION OF ALL EXISTING STRUCTURES, AND CONSTRUCTION OF A NEW 40-FOOT TALL, FOUR-STORY-OVER-BASEMENT, APPROXIMATELY 40,000 GROSS SQUARE-FOOT MIXED-USE BUILDING WITH UP TO 4,500 SQUARE FEET OF GROUND FLOOR RETAIL SPACE, 15 DWELLING UNITS, 6,990 SQUARE FEET OF PRIVATE OPEN SPACE LOCATED ON THE BUILDING'S ROOF AND REAR YARD, A 10,000 SQUARE-FOOT BASEMENT LEVEL GARAGE WITH 24 AUTOMOBILE AND 24 CLASS 1 BICYCLE PARKING SPACES AND 12 CLASS II BICYCLE PARKING SPACES AT STREET LEVEL LOCATED AT 3601 LAWTON STREET, LOT 001 IN ASSESSOR'S BLOCK 1901, WITHIN THE NC-1 (NEIGHBORHOOD COMMERCIAL, CLUSTER) ZONING DISTRICT AND 40-X HEIGHT AND BULK DISTRICT.**

### PREAMBLE

On June 15, 2017, Kodorski Design Inc. (hereinafter "Project Sponsor") filed an application with the Planning Department (hereinafter "Department") for Conditional Use Authorization under Planning Code Sections 121.1, 202.5, 303 and 710 of the planning code to allow for conversion of the existing automotive service station, demolition of all existing structures, and construction of a new 40-foot tall, four-story-over-basement, approximately 40,000 gross square-foot mixed-use building with up to 4,500 square feet of ground floor retail space, 15 dwelling units, 6,990 square feet of private open space located on the building's roof and rear yard, a 10,000 square-foot basement level garage with 24 automobile and

24 Class 1 bicycle parking spaces and 12 Class 2 bicycle parking spaces at street level located at 3601 Lawton street, lot 001 in assessor's block 1901, in San Francisco, California.

On October 10, 2017 the Project was determined to be exempt from the California Environmental Quality Act ("CEQA") as a Class 32 Categorical Exemption under CEQA as described in the determination contained in the Planning Department files for this Project;

On December 21, 2017, the San Francisco Planning Commission (hereinafter "Commission") conducted a duly noticed public hearing at a regularly scheduled meeting on Conditional Use Application No. 2015-009053CUA.

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. 2015-009053CUA, subject to the conditions contained in "EXHIBIT A" of this motion, based on the following findings:

## FINDINGS

Having reviewed the materials identified in the preamble above, and having heard all testimony and arguments, this Commission finds, concludes, and determines as follows:

1. The above recitals are accurate and constitute findings of this Commission.
2. **Site Description and Present Use.** The project is located on the southern side of Lawton Street, on the southwest corner of the intersection with 42nd Avenue, Block 1901, Lot 001. The property is located within the NC-1 (Neighborhood Commercial, Cluster) Zoning District and a 40-X Height and Bulk District. The property is developed as an automotive service station which consists of a one-story, 1,463-square-foot commercial building, a canopy and four fuel dispensers. The gas station is still in use and was constructed in 1966. The gas station and convenience store are currently operating as a '76' Station, convenient store and a vehicle repair garage that operates as "JT's Auto Repair." The subject property is a corner lot, with approximately 100 feet of frontage on Lawton Street and 100 feet of frontage on 42nd Avenue.
3. **Surrounding Properties and Neighborhood.** The site is located in the Outer Sunset neighborhood of San Francisco in an area characterized by one- to three-story residential, commercial and institutional uses. Two churches (Sunset Church and Holy Name of Jesus Church) and three schools (Francis Scott Key Elementary School, Holy Name School and Noriega Children Center Preschool) are located within three blocks of the project site. The area surrounding the project site is mixed-use in character. A variety of commercial establishments are located within ground floor storefronts on Lawton Street with the NC-1 District, including a bar/pub, coffee shop, convenience stores, and other types of retailers. Residential buildings in the vicinity typically are two stories in height. The surrounding properties are located within the NC-1 (Neighborhood Commercial, Cluster) and RH-1 (Residential House, One-Family) Districts.



4. **Project Description.** The project site consists of a 10,000-square-foot, square lot located at the southwest corner of Lawton Street and 42nd Avenue in the Outer Sunset neighborhood of San Francisco. The site is occupied by a gas station, which consists of a one-story, 1,463-square-foot commercial building, a canopy and four fuel dispensers. The gas station is still in use and was constructed in 1966. The proposed project would demolish the existing structures, remove the associated underground storage tanks and construct an approximately 40,000-square-foot, 40-foot-tall (48-foot-tall including stair penthouses), four-story-over-basement, mixed-use building with 15 residential units totaling 22,396 square feet and two ground-floor commercial units totaling 4,500 square feet.

The proposed project would include 24 off-street vehicle parking spaces and 24 class 1 bicycle parking spaces located in a basement-level garage. The garage would be accessed by a new 10-foot-wide curb cut on Lawton Street; three existing 30-foot-wide curb cuts would be removed (one on Lawton Street and two on 42nd Avenue). In addition, 12 class 2 bicycle parking spaces would be provided at street level; eight of these spaces would be distributed along Lawton Street and 42nd Avenue and four spaces would be located at the rear of the property.

The entire lot would be excavated to a maximum depth of 10 feet below ground surface and remove approximately 4,400 cubic yards of soil. Soil removal would be conducted in compliance with local and state regulations. In accordance with a geotechnical report prepared for the site, chemical grouting would be injected to a depth of 20 feet below the finished grade (i.e., the new basement subgrade) to prepare the site for a mat slab foundation that would support the proposed building. Construction of the proposed project would occur over a period of 18 to 24 months.

5. **Public Comment.** As of December 11, 2017, in advance of the Planning Commission hearing on December 21, 2017, the Department has received a total of 6 emails and a letter from SFHAC in support of the proposed project, and three letters and two emails in opposition to the proposed project with concerns to the project's height and impacts on off-street parking and increased traffic congestion.
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. **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 apply to projects that consist of 10 or more units. Pursuant to Planning Code Section 415.5 and 415.6, the Inclusionary Affordable Housing Program requirement for the On-site Affordable Housing Alternative is to provide 12% 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 an '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 25, 2017. 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. A complete Environmental Evaluation application was submitted on July 24, 2015. Pursuant to Planning Code Section 415.3 and 415.6, the on-site requirement is 12%. One unit (three-bedroom) of the 12 total units 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.

*The Project proposes three (3) on-site three-bedroom affordable unit, meeting the requirements of Inclusionary Affordable Housing Program and Planning Code Section 207(c)(1).*

- B. **Development of Large Lots.** Planning Code Section 121.1 states that in order to promote, protect, and maintain a scale of development which is appropriate to each district and compatible with adjacent buildings, new construction or significant enlargement of existing buildings on lots in excess of 5,000 square feet in the NC-1 (Neighborhood Commercial, Cluster) Zoning District shall be permitted only as conditional uses.

*The Project Sponsor is seeking conditional use authorization to develop an existing 10,000 square-foot lot. The project site is much larger than the average lot within the District, but it is located on a prominent corner site where a larger development is more appropriate to add emphasis and frame the intersection. The façade of the project will contribute to the positive visual quality of the district, which does not possess a prevailing architectural style. With the ground floor commercial and residential units, the character of the Lawton Street and 42<sup>nd</sup> Avenue frontages respond to the finer grain residential buildings to the south, east and north of the site. Overall, the building responds well to its varied context.*

- C. **Rear Yard.** Section 134 of the Planning Code requires a 25% rear yard opposite the Lawton Street frontage.

*The project provides a compliant rear yard of 25% on the southern portion of the lot.*

- D. **Exposure.** Planning Code Section 140 requires that each dwelling unit shall face a public street, a Code-compliant rear yard, or another defined open space.

*The project's dwelling units would face onto Lawton Street or onto a code-compliant rear yard, meeting this requirement.*

- E. **Parking - Residential.** Planning Section 151 of the Planning Code requires off-street parking for every residential unit.

*The Subject Property contains 15 units and will provide 24 off-street parking spaces. Accessory spaces are allowed by Planning Code Section 151(c), which sets a maximum of parking to 150% of the required number of spaces.*

- F. **Parking - Commercial.** Planning Section 151 of the Planning Code requires off-street parking for every 200 square-feet of occupied floor area, where the occupied floor area exceeds 5,000 square-feet.

*The Subject Property contains approximately 4,500 square-feet of occupied floor area and thus does not require any off-street parking.*

- G. **Unbundled Parking.** Planning Code Section 167 requires that all off-street parking spaces accessory to residential uses in new structures of 10 dwelling units or more be leased or sold separately from the rental or purchase fees for dwelling units for the life of the dwelling units.

*The Project proposes total 24 off-street parking spaces, of which nine (9) are accessory to the dwelling units. These spaces will be unbundled and sold or leased separately from the dwelling units. Therefore, the Project meets this requirement.*

- H. **Bicycle Parking.** Section 155.2 of the Planning Code requires one Class 1 bicycle parking space for every dwelling unit, one Class 2 bicycle parking space for every 20 dwelling units and one Class 2 bicycle parking space for every 2,500 square feet of commercial use.

*The project is required to provide 15 Class 1 bicycle parking spaces and two Class 2 bicycle parking spaces and would meet this requirement by providing 24 Class 1 bicycle parking spaces and eight Class 2 bicycle parking spaces.*

- I. **Street Frontage in Neighborhood Commercial Districts.** Section 145.1 of the Planning Code requires that within NC Districts space for active uses shall be provided within the first 25 feet of building depth on the ground floor and 15 feet on floors above from any facade facing a street at least 30 feet in width. In addition, the floors of street-fronting interior spaces housing non-residential active uses and lobbies shall be as close as possible to the level of the adjacent sidewalk at the principal entrance to these spaces. Frontages with active uses that must be fenestrated with transparent windows and doorways for no less than 60 percent of the street frontage at the ground level and allow visibility to the inside of the building. The use of dark or mirrored glass shall not count towards the required transparent area. Any decorative railings or grillwork, other than wire mesh, which is placed in front of or behind ground floor windows, shall be at least 75 percent open to perpendicular view. Rolling or sliding security gates shall consist of open grillwork rather than solid material, so as to provide visual interest to pedestrians when the gates are closed, and to permit light to pass through mostly unobstructed. Gates, when both open and folded or rolled as well as the gate mechanism, shall be recessed within, or laid flush with, the building facade.

*The subject commercial space has approximately 77-feet of frontage on Lawton Street with approximately 65 feet devoted to window space and has approximately 27-feet of frontage on 42<sup>nd</sup>*

*Avenue with approximately 20 feet devoted to window space. The windows are clear and unobstructed.*

- J. **Building Height.** Per Planning Code Section 260, the maximum height limit for the subject property is 40 feet.

*The Project proposes maximum building height of 40 feet, which is compliant with the provisions of Planning Code Section 260.*

- K. **Residential Density.** Section 710 of the Planning Code limits the residential density within the NC-1 District to one (1) dwelling unit for each 800 square feet of lot area.

*Based on the 10,000 square foot size of the lot, the project has a maximum density of 13 units. The project proposes 15 dwelling units. Planning Code Section 207(c)(1) states that when a project provides 20 percent or more of the Dwelling Units as on-site affordable units, the on-site affordable units shall not count towards the calculation of dwelling unit density. Therefore, the project is in conformance with the density allowed within the NC-1 District by providing 12 market rate and three (3) affordable units.*

- L. **Dwelling Unit Mix.** Planning Code Section 207.6 requires that no less than 40 percent of the total number of proposed dwelling units contain at least two bedrooms, or no less than 30 percent of the total number of proposed dwelling units contain at least three bedrooms.

*The Project includes 15 total dwelling units and is required to provide at least 6 (or 40%) two-bedroom units or greater. The Project includes 14 three-bedroom units and one two-bedroom unit (or 100%) and therefore complies with the unit mix requirement.*

- M. **Shadow.** Section 295 of the Code prohibits any structure that exceeds 40 feet in height from casting any shade or shadow upon any property under the jurisdiction of, or designated for acquisition by, the Recreation and Parks Commission, with certain exceptions identified in the Sunlight Ordinance.

*A shadow fan was developed based on the drawings submitted with the application to determine the shadow impact of the project on properties protected by the Sunlight Ordinance. The fan indicates that there is no shadow impact from the subject property on any property protected by the Ordinance.*

- N. **Use Size.** Section 710 of the code permits non-residential use sizes up to 2,999 square feet.

*The Project proposes two non-residential units are in total 4,500 square feet in size. The Project is seeking Conditional Use authorization for use size.*

- O. **Signage.** Currently, there is not a proposed sign program on file with the Planning Department. The proposed business does not have a name as of this writing. Any proposed signage will be subject to the review and approval of the Planning Department.

- P. **Transportation Demand Management (TDM) Plan.** Pursuant to Planning Code Section 169 and the TDM Program Standards, the Project shall finalize a TDM Plan prior to Planning Department approval of the first Building Permit or Site Permit. As currently proposed, the Project must achieve a target of 12 points.

*The Project submitted a completed Environmental Evaluation Application prior to September 4, 2016. Therefore, the Project must only achieve 50% of the point target established in the TDM Program Standards, resulting in a required target of 6 points. As currently proposed, the Project will achieve 6 points through the following TDM measures:*

- *Unbundled Parking*
- *Bicycle Parking*
- *On-Site Affordable Housing*

7. **Conditional Use Authorization for Development of Large Lots.** Planning Code Section 121.1 establishes the following additional criteria the Planning Commission shall consider for new construction on lots of the same size or larger than 10,000 sq. ft. in the Regional Commercial District:

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

*The Project Sponsor is seeking conditional use authorization to develop an existing 10,000 square-foot lot. The project site is much larger than the average lot within the District, but it is located on a prominent corner site where a larger development is more appropriate to add emphasis and frame the intersection. The façade of the project will contribute to the positive visual quality of the district, which does not possess a prevailing architectural style. By breaking the design and modulating the massing vertically into distinct parts, the design creates a townhouse expression that integrates the project well into the mixed-character of the residential neighborhood. Overall, the building responds well to its varied context. New street trees are proposed along all frontages, public bicycle parking racks would be installed and all off-street parking will be located underground accessed via a single 10-foot wide garage door and hidden from public view to improve the visual quality of the neighborhood.*

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

*The Project's design reflects the influences of the surrounding mid-20th century residential buildings through the application of stucco and wood materials and contextual fenestration proportions. With the ground floor commercial and residential units, the character of the Lawton Street and 42nd Avenue frontages respond to the finer grain residential buildings to the south, east and north of the site and creates a positive visual addition to the area.*

8. **Conditional Use Authorization for Automotive Service Station Conversion.** Planning Code Section 202.5(d)(3) establishes the criteria the Commission shall consider when authorizing the conversion of an automotive service station to another use in lieu of the criteria set forth in Section 303(c). The Planning 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 because the benefits to the public of the service station conversion would outweigh any reduction in automotive goods and services availability because the proposed new use is more necessary or desirable for the neighborhood or community than continued service station use.

The Project fulfills the criteria of Section 202.5(d)(1)(B). In making determinations under Subsection (B), the Planning Commission finds that, on balance, the Project complies with said criteria:

- A. 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 proposes 15 new residential units, with three (or 20%) on-site affordable units.*

- B. 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 will include approximately 4,500 sq. ft. of ground floor commercial retail space that can be divided into the desired number and size of storefronts to flexibly fit the needs of the neighborhood and the prevailing market demand. Current design is for two commercial units.*

- C. The importance of the street on which the service station fronts to walking, cycling, and public transit, and the impact of automobile access and egress to the service station and of the proposed new uses and structures on the safety and comfort of pedestrians, cyclists, and transit riders;

*The Project site currently has two long curb cuts on 42<sup>nd</sup> Avenue Street and another on Lawton Street just west of the intersection with 42<sup>nd</sup> Avenue. These access and egress points exacerbate traffic and are a significant conflict with pedestrian and bicycle movement. The proposed Project would reduce some of these conflicts by eliminating all but one 10-ft. wide access and egress driveway on Lawton Street for the Project.*

*The Project would significantly improve traffic conditions around the site by removing a gas station with multiple curb cuts that create significant automobile conflicts. In its place, a mixed-use development with ground floor commercial retail, and 15 dwelling units will be constructed with only one 10-ft. wide driveway to access the underground parking spaces on Lawton Street.*

- D. 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 cleanup of existing contamination at the property;

*The current uses include an automotive gas station, which specifically generates automobile trips and requires the receipt, storage and conveyance of gasoline on site. Gasoline directly causes noxious and offensive emissions, and is a fire and explosion hazard. Other uses include a convenience store and auto*

*repair garage that generate automobile trips. These uses are prohibited with the current ingress/egress points under the Project's zoning districts, which is a mixed-use and residential and commercial cluster. The Project would remove the incompatible gas station and auto repair garage, stored gasoline at the site, underground storage tanks, and remediate the site followed by replacement commercial retail and residential uses that would generate significantly less hazardous waste, noxious or offensive emissions, noise, fire and explosion hazards that are more compatible and desirable with the surrounding residential and commercial uses.*

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

*The Project includes 4,500 square feet of ground floor commercial retail space that will provide more employment opportunities than the existing 1,463 square-foot gas service station, convenient store and auto repair garage. In addition, the residential component of the Project will also create long-term employment opportunities and many building and construction jobs will be created for the amount of time construction occurs.*

- F. 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 current use at the Property would pay property taxes to the City in the amount of approximately \$14,256 for tax year 2016/2017 based on the assessed value.*

*The proposed Project will generate significantly more revenue for the City than the current use by payment of property and documentary transfer taxes for 15 dwelling residential units. If the units are individually sold as condominiums, then the Project is estimated to generate approximately \$231,660 annually in property taxes. Further, the Project will provide 4,500 square feet of commercial space which will also generate revenue for the City in the form of sales and use taxes.*

- G. The compatibility of the existing service station and of the proposed new use or structure with the General Plan and area plan urban design policies and the street frontage standards of this Code;

*The existing gas station and auto repair garage are non-conforming uses, adjacent to residences on 42<sup>nd</sup> Avenue, and are not compatible with the surrounding commercial, residential and institutional uses intended for the NC-1 and RH-1 zoning districts. The proposed project is more appropriate with these surrounding land uses and is compatible with the policies of the General Plan as they apply to this Motion, and are incorporated herein as though fully set forth below.*

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

*The Project is located in the NC-1 Zoning District which principally permits residential and commercial retail uses and prohibits automobile gas stations and car repair services. The Project would remove these nonconforming and incompatible land uses and replaces them with residential and commercial uses that are more appropriate and compatible with the neighborhood.*

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

- C. 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 size of the proposed mixed-use building is necessary and desirable, as it will add 15 dwelling units to the City's housing stock. While denser than the NC-1 Zoning District allows, the project is compatible with the heights and uses at the intersection of Lawton Street and 42nd Avenue. The proposed project would also replace a 1-story automotive service station, convenience store, vehicle repair and surface parking with two neighborhood-serving ground floor commercial spaces.*

- D. 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 proposed size, shape and arrangement of the proposed building would not be detrimental to persons residing or working in the vicinity, as the new building, in general, is consistent with the massing and height of the few other tall buildings found within the immediate vicinity, particularly the three-story church building directly to the northwest of the subject property. The proposed project represents the appropriate infill of a lot that is currently underdeveloped and provides a prominent corner building*

- 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 would provide twenty-four (24) unbundled off-street parking spaces for the residential uses in a garage located below grade. The Planning Code does not require parking or loading for the proposed 4,500 square feet of commercial uses. The project would eliminate the existing curb cut currently providing access to the site on the 42<sup>nd</sup> Avenue frontage and would reduce the width and relocate the curb cut on the Lawton Street frontage to be further from the intersection, reducing the potential for pedestrian and vehicular conflicts and allowing for the establishment of new on-street parking.*

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

*The project is not expected to cause any negative noise, glare, dust or odor impacts.*



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

*The project locates residential parking on the below-grade that will be screened by a 10 foot wide door. Ground floor residential fronting on 42nd Avenue and commercial spaces fronting onto Lawton Street provide landscape planters at the street level. The rear yard facing the east elevation would be landscaped as private gardens and are fully visible from the residential units at the rear of the building. The project proposes approximately 6,990 square feet of open space on rooftop decks and rear yard. The project sponsor has identified that nine (9) street trees are required by the project. The feasibility of planting the required number of street trees at the project will be determined by the Department of Public Works, Urban Forestry Division.*

- E. 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.*

- F. That the use as proposed would provide development that is in conformity with the purpose of the applicable Neighborhood Commercial District.

*The proposed project is consistent with the stated purposed of NC-1 District in that it proposes neighborhood commercial uses that are compatible with other uses nearbywith housing provided above.*

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

## HOUSING

### Objectives and Policies

#### OBJECTIVE 1:

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

#### Policy 1.2:

Focus housing growth and infrastructure necessary to support growth according to community plans. Complete planning underway in key opportunity areas.

#### Policy 1.10:

Support new housing projects, especially affordable housing, where households can easily rely on public transportation, walking and bicycling for the majority of daily trips.

*The project is located in a Neighborhood Commercial, Cluster (NC-1) Zoning District, which has been identified as an area where existing and planned infrastructure can support residential and commercial*

*growth. Future residents of the proposed building will be able to rely on public transit, walking and bicycling for the majority of their daily trips.*

**OBJECTIVE 4: FOSTER A HOUSING STOCK THAT MEETS THE NEEDS OF ALL RESIDENTS ACROSS LIFESTYLES.**

**Policy 4.1:**

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

*The project will provide 14 three-bedroom units and 1 two-bedroom unit which would be suitable for families with children.*

**OBJECTIVE 12:**

BALANCE HOUSING GROWTH WITH ADEQUATE INFRASTRUCTURE THAT SERVES THE CITY'S GROWING POPULATION.

**Policy 12.1:**

Encourage new housing that relies on transit use and environmentally sustainable patterns of movement.

**Policy 12.2:**

Consider the proximity of quality of life elements, such as open space, child care, and neighborhood services, when developing new housing units.

**Policy 12.3:**

Ensure new housing is sustainably supported by the City's public infrastructure systems.

*The subject site is already adequately served by the City's water, and sewer systems, electricity and gas utilities, MUNI public transit, and receives solid waste and recycling collection.*

**OBJECTIVE 13:**

PRIORITIZE SUSTAINABLE DEVELOPMENT IN PLANNING FOR AND CONSTRUCTING NEW HOUSING.

**Policy 13.3:**

Promote sustainable land use patterns that integrate housing with transportation in order to increase transit, pedestrian, and bicycle mode share.

*The proposed residential building would provide 32 bicycle parking spaces for its residents to encourage bicycling, and is located within walking distance to several public transit lines.*

## NEIGHBORHOOD COMMERCE

### Objectives and Policies

**OBJECTIVE 1:**

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

**Policy 1.1:**

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

**Policy 1.2:**

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

*The project is located in a Neighborhood Commercial, Cluster (NC-1) Zoning District, which has been identified as an area where existing and planned infrastructure can support residential and commercial growth. Future residents of the proposed building will be able to rely on public transit, walking and bicycling for the majority of their daily trips.*

**OBJECTIVE 2:**

MAINTAIN AND ENHANCE A SOUND AND DIVERSE ECONOMIC BASE AND FISCAL STRUCTURE FOR THE CITY.

**Policy 2.1:** Seek to retain existing commercial and industrial activity and to attract new such activity to the City.

*The Project will offer two ground floor spaces for new commercial activity and will enhance the diverse economic base of the City.*

**OBJECTIVE 6:**

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

**Policy 6.1:** Ensure and encourage the retention and provision of neighborhood-serving goods and services in the city's neighborhood commercial districts, while recognizing and encouraging diversity among the districts.

*The project is proposing two separate commercial spaces that would enable the district to achieve optimal diversity in the types of goods and services available in the neighborhood.*

**TRANSPORTATION ELEMENT**

**Objectives and Policies**

**OBJECTIVE 2:**

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

**Policy 2.1:**

Use rapid transit and other transportation improvements in the city and region as the catalyst for desirable development, and coordinate new facilities with public and private development.

*The project proposes to create high-density housing within walking distance of MUNI lines N, NX, 7, 7X, and 29. The project would provide 32 bicycle parking spaces and will not provide any parking for the proposed commercial uses which will encourage transit usage amongst residents and patrons of the ground floor retail spaces.*

**OBJECTIVE 28:**

PROVIDE SECURE AND CONVENIENT PARKING FACILITIES FOR BICYCLES.

**Policy 28.1:**

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

**Policy 28.3:**

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

*The project will provide 24 Class 1 bicycle parking spaces within a secure, weather protected area within the building as well as 8 Class 2 bicycle parking spaces along the Lawton Street and 42nd Avenue frontages that will accommodate both employees and patrons of the building's commercial uses as well as guests of the residential units above*

## URBAN DESIGN

### Objectives and Policies

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

**Policy 3.1:**

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

**Policy 3.6:**

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

*In order to respond to the surrounding context in terms of bulk and massing, the project proposes a varied massing and material application, thus creating a break in the building mass and giving the appearance of independent residential buildings, similar to the context of the surrounding low density residential.*

11. **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 subject site is located at the intersection of 42nd Avenue and Lawton Street, located on a small commercial corridor. The project will introduce new residents who will visit and shop at the existing neighborhood retail and commercial establishments, thereby enhancing their businesses. Although the existing gas and service station on the subject property will be demolished, the project will provide approximately 4,500 square feet of ground floor commercial space for future commercial uses.*

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

*The project would not displace any existing housing or negatively affect the existing neighborhood character. The project would improve the existing character of the neighborhood by redeveloping an underutilized lot with new residential and commercial uses that will add economic diversity to the neighborhood, including a mix of dwelling unit types on-site. The proposed ground floor retail spaces are consistent with the pedestrian-oriented uses in the immediate area.*

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

*There is currently no housing on the subject property, and therefore no affordable housing is proposed to be removed for this project. Moreover, the project would enhance the City's supply of affordable housing by providing three (3) on-site affordable dwelling units, in compliance with the proposed project exceptions to Dwelling Unit Density Limits allowed by Section 207(c)(1) of the Planning Code.*

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

*The site is on Lawton Street and is served by transit, particularly along the Judah Street and Noriega Street corridor (N, NX, 7, 7X, and 29). It is presumable that the residents and employees would commute by transit thereby mitigating possible effects on street parking.*

- 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. The project will not affect industrial or service sector uses or related employment opportunities. Ownership of industrial or service sector businesses will not be affected by this project.*

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

*The Project is designed and will be constructed to conform to the structural and seismic safety requirements of the City Building Code. 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.*

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

## DECISION

That based upon the Record, the submissions by the Applicant, the staff of the Department and other interested parties, the oral testimony presented to this Commission at the public hearings, and all other written materials submitted by all parties, the Commission hereby **APPROVES Conditional Use Application No. 2015-009053CUA** subject to the following conditions attached hereto as "EXHIBIT A" in general conformance with plans on file, dated December 21, 2017, and stamped "EXHIBIT B", which is incorporated herein by reference as though fully set forth.

**APPEAL AND EFFECTIVE DATE OF MOTION:** Any aggrieved person may appeal this Conditional Use Authorization to the Board of Supervisors within thirty (30) days after the date of this Motion No. XXXXX. 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 December 21, 2017.

Jonas P. Ionin  
Commission Secretary

AYES:

NAYS:

ABSENT:

ADOPTED: December 21, 2017

## EXHIBIT A

### AUTHORIZATION

This authorization is for a conditional use to allow conversion of an existing automotive service station, demolition of all existing structures, and construction of a new 40-foot tall, four-story-over-basement, approximately 40,000 gross square-foot mixed-use building with up to 4,500 square feet of ground floor retail space, 15 dwelling units located at 3601 Lawton Street, Block 1901, and Lot 001 pursuant to Planning Code Section(s) 121.1, 202.5, 303 and 710 within the NC-1 Zoning District and a 40-X Height and Bulk District; in general conformance with plans, dated November 2, 2017, and stamped "EXHIBIT B" included in the docket for Case No. 2015-009053CUA and subject to conditions of approval reviewed and approved by the Commission on December 21, 2017 under Motion No XXXXXX. 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 December 21, 2017 under Motion No XXXXXX.

### PRINTING OF CONDITIONS OF APPROVAL ON PLANS

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

### SEVERABILITY

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

### CHANGES AND MODIFICATIONS

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



## Conditions of Approval, Compliance, Monitoring, and Reporting

### PERFORMANCE

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

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

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

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

6. **Expiration of the Inclusionary Rate.** Pursuant to Planning Code Section 415, if the Project has obtained a site or building permit by December 7, 2018 it is subject to the current Inclusionary Affordable Housing Requirements.

## DESIGN

7. **Final Materials.** The Project Sponsor shall continue to work with Planning Department on the building design. Final materials, glazing, color, texture, landscaping, and detailing shall be subject to Department staff review and approval. The architectural addenda shall be reviewed and approved by the Planning Department prior to issuance.

*For information about compliance, contact the Case Planner, Planning Department at 415-558-6378, [www.sf-planning.org](http://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](http://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](http://www.sf-planning.org)*

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

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

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>*

11. **Overhead Wiring.** The Property owner will allow MUNI to install eyebolts in the building adjacent to its electric streetcar line to support its overhead wire system if requested by MUNI or MTA.

*For information about compliance, contact San Francisco Municipal Railway (Muni), San Francisco Municipal Transit Agency (SFMTA), at 415-701-4500, [www.sfmta.org](http://www.sfmta.org)*

12. **Landscaping.** Pursuant to Planning Code Section 132, the Project Sponsor shall submit a site plan to the Planning Department prior to Planning approval of the building permit application indicating that 50% of the front setback areas shall be surfaced in permeable materials and further, that 20% of the front setback areas shall be landscaped with approved plant species. The size and specie of plant materials and the nature of the permeable surface shall be as approved by the Department of Public Works.

*For information about compliance, contact the Case Planner, Planning Department at 415-558-6378, [www.sf-planning.org](http://www.sf-planning.org)*

## PARKING AND TRAFFIC

13. **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](http://www.sf-planning.org)*

14. **Bicycle Parking - Commercial Only.** Pursuant to Planning Code Sections 155.1 and 155.4, the Project shall provide no fewer than one (1) Class 1 or Class 2 bicycle parking spaces. SFMTA has final authority on the type, placement and number of Class 2 bicycle racks within the public ROW. Prior to issuance of first architectural addenda, the project sponsor shall contact the SFMTA Bike Parking Program at [bikeparking@sfmta.com](mailto:bikeparking@sfmta.com) to coordinate the installation of on-street bicycle racks and ensure that the proposed bicycle racks meet the SFMTA's bicycle parking guidelines. Depending on local site conditions and anticipated demand, SFMTA may request the project sponsor pay an in-lieu fee for Class II bike racks required by the Planning Code.

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

15. **Bicycle Parking - Residential Only.** The Project shall provide no fewer than 15 Class 1 bicycle parking spaces as required by Planning Code Sections 155.1 and 155.2.

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

16. **Parking Maximum.** Pursuant to Planning Code Section 151.1, the Project shall provide no more than 23 off-street parking spaces.

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

17. **Parking Requirement.** Pursuant to Planning Code Section 151, the Project shall provide 15 independently accessible off-street parking spaces.

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

18. **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](http://www.sf-planning.org)*

## PROVISIONS

19. **Anti-Discriminatory Housing.** The Project shall adhere to the requirements of the Anti-Discriminatory Housing policy, pursuant to Administrative Code Section 1.61.

*For information about compliance, contact the Case Planner, Planning Department at 415-558-6378, [www.sf-planning.org](http://www.sf-planning.org)*

20. **First Source Hiring.** The Project shall adhere to the requirements of the First Source Hiring Construction and End-Use Employment Program approved by the First Source Hiring Administrator, pursuant to Section 83.4(m) of the Administrative Code. The Project Sponsor shall comply with the requirements of this Program regarding construction work and on-going employment required for the Project.

*For information about compliance, contact the First Source Hiring Manager at 415-581-2335, [www.onestopSF.org](http://www.onestopSF.org)*

21. **Transportation Sustainability Fee.** The Project is subject to the Transportation Sustainability Fee (TSF), as applicable, pursuant to Planning Code Section 411A.

*For information about compliance, contact the Case Planner, Planning Department at 415-558-6378, [www.sf-planning.org](http://www.sf-planning.org)*

22. **Child Care Fee - Residential.** The Project is subject to the Residential Child Care Fee, as applicable, pursuant to Planning Code Section 414A.

*For information about compliance, contact the Case Planner, Planning Department at 415-558-6378, [www.sf-planning.org](http://www.sf-planning.org)*

## AFFORDABLE 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 shall comply with the requirements in place at the time of issuance of first construction document.

1. **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 15 units; therefore, three (3) affordable units are required for the project to meet the project's intended 20% affordable unit minimum required to allow the use Planning Code Section 207(c)(1), Exceptions to Dwelling Unit Density Limits. The Project Sponsor will fulfill this requirement by providing the three (3) 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 and Community Development ("MOHCD").

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

2. **Unit Mix.** The Project contains one (1) two-bedroom, and 14 three-bedroom units; therefore, the required affordable unit mix is three (3) three-bedroom units. If the market-rate unit mix changes, the affordable unit mix will be modified accordingly with written approval from Planning Department staff in consultation with MOHCD.

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

3. **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](http://www.sf-planning.org) or the Mayor's Office of Housing and Community Development at 415-701-5500, [www.sf-moh.org](http://www.sf-moh.org).*

4. **Phasing.** If any building permit is issued for partial phasing of the Project, the Project Sponsor shall have designated not less than twelve percent (12%) 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](http://www.sf-planning.org) or the Mayor's Office of Housing and Community Development at 415-701-5500, [www.sf-moh.org](http://www.sf-moh.org).*

5. **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](http://www.sf-planning.org) or the Mayor's Office of Housing and Community Development at 415-701-5500, [www.sf-moh.org](http://www.sf-moh.org).*

6. **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 MOHCD at 1 South Van Ness Avenue or on the Planning Department or MOHCD 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](http://www.sf-planning.org) or the Mayor's Office of Housing and Community Development at 415-701-5500, [www.sf-moh.org](http://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 Planning Code and 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. The affordable unit shall be affordable to low-income households, as defined in the Planning Code and Procedures Manual. 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. MOHCD shall be responsible for overseeing and monitoring the marketing of affordable units. The Project



Sponsor must contact MOHCD 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 MOHCD 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. If the Project becomes ineligible after issuance of its first construction permit, the Project Sponsor shall notify the Department and MOHCD and pay interest on the Affordable Housing Fee and penalties, if applicable.

## MONITORING - AFTER ENTITLEMENT

- 23. **Enforcement.** Violation of any of the Planning Department conditions of approval contained in this Motion or of any other provisions of Planning Code applicable to this Project shall be subject to the enforcement procedures and administrative penalties set forth under Planning Code Section 176 or Section 176.1. The Planning Department may also refer the violation complaints to other city departments and agencies for appropriate enforcement action under their jurisdiction. *For information about compliance, contact Code Enforcement, Planning Department at 415-575-6863, [www.sf-planning.org](http://www.sf-planning.org)*
- 24. **Revocation due to Violation of Conditions.** Should implementation of this Project result in complaints from interested property owners, residents, or commercial lessees which are not resolved by the Project Sponsor and found to be in violation of the Planning Code and/or the specific conditions of approval for the Project as set forth in Exhibit A of this Motion, the Zoning

Administrator shall refer such complaints to the Commission, after which it may hold a public hearing on the matter to consider revocation of this authorization.

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

## OPERATION

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. **Community Liaison.** Prior to issuance of a building permit to construct the project and implement the approved use, the Project Sponsor shall appoint a community liaison officer to deal with the issues of concern to owners and occupants of nearby properties. The Project Sponsor shall provide the Zoning Administrator with written notice of the name, business address, and telephone number of the community liaison. Should the contact information change, the Zoning Administrator shall be made aware of such change. The community liaison shall report to the Zoning Administrator what issues, if any, are of concern to the community and what issues have not been resolved by the Project Sponsor.

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

## TRANSPORTATION DEMAND MANAGEMENT

27. **Transportation Demand Management (TDM) Program.** Pursuant to Planning Code Section 169, the Project shall finalize a TDM Plan prior to the issuance of the first Building Permit or Site Permit to construct the project and/or commence the approved uses. The Property Owner, and all successors, shall ensure ongoing compliance with the TDM Program for the life of the Project, which may include providing a TDM Coordinator, providing access to City staff for site inspections, submitting appropriate documentation, paying application fees associated with required monitoring and reporting, and other actions.

Prior to the issuance of the first Building Permit or Site Permit, 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 to document compliance with the TDM Program. This Notice shall provide the finalized TDM Plan for the Project, including the relevant details associated with each TDM measure included in the Plan, as well as associated monitoring, reporting, and compliance requirements.

*For information about compliance, contact the Case Planner, Planning Department at 415-558-6378, [www.sf-planning.org](http://www.sf-planning.org)*



Dear Katy Tang,

Thank you for organizing the community meeting regarding the proposed construction for 3601 Lawton St. I was able to attend the meeting and hear the multiple perspectives of both the surrounding community and the architect working with the developer. Also, the arbitrators were helpful with keeping the conversation focused with such an emotional topic. I understand that the building of more housing in the Sunset district is a popular topic with the rest of the city San Francisco and I just wanted to share the perspective of my family who live in your district and the neighboring block of this proposed development.

My family and I were able to buy a house two years ago on the 3500 block of Lawton St. This endeavor was the work of three generations of hard work and savings (my mother's family has lived in San Francisco and The Bay Area since the 19<sup>th</sup> century). My wife and I had been living in a small apartment in the Richmond district for years and when we found out that we were expecting a child, we were fortunate to have supportive family who were able to help us with the down payment of a house.

We chose to buy in the Outer Sunset because we fell in love with the culture of the neighborhood and thought that it would be the best place to raise our children and start our new family. Watching elementary-aged children ride their scooters and bikes on the Lawton St. sidewalks (in front of the current 76 gas station) was a refreshing site coming from the unsafe bustle of cars and competitive parking of the Richmond District. In fact, in the years that we lived in The Richmond, we watched our neighborhood grow from a tranquil street where residents and business owners were friendly with each other, to an area made unsafe for children to be playing on the sidewalks because of parking and traffic congestion and the aggressive driving that it causes. So, when we were looking to purchase a home, our #1 priority was to find an area that would be without the unsafe conditions that traffic congestion causes. Thus, we felt fortunate to find a home on the 3500 block of Lawton St.

Unlike surrounding cities, San Francisco neighborhoods have their own clearly defined culture that makes this city a woven fabric of diverse urban living. For many of our friends who want to live in dense areas, they've chosen to live in neighborhoods such as the Mission District, SOMA, or The Tenderloin. On the other hand, my family has chosen to live in the Outer Sunset for the opposite reason.

The tranquil atmosphere of The Outer Sunset is an essential element of its culture. While the immense, turbulent wilderness of the Pacific Ocean does not live up to the definition of it's name, the district it borders does: The Outer Sunset is "pacific." This pacific personality is what defines the culture of The Outer Sunset and it is why my family has chosen to settle here.

My wife and I are both public school teachers. Unfortunately, we work at schools that are located in areas in which taking public transportation would mean 2+ hour commutes, thus public transportation and biking is not an option. So, we both have to have vehicles for work. Furthermore, my aging parents (both in their 70s) who

often help care for our 1-year old son drive a vehicle as well. Thus, parking is an issue for our family. And again, this is another reason why we chose to live in the Outer Sunset. With my aging parents, it is important that they are able to park close to our house.

As public school teachers we understand and continue to witness the effect of the San Francisco housing crisis. Many of our colleagues who are not as fortunate as us are unable to afford to buy a house in San Francisco. We understand the need for more housing and the push for more development in the Sunset district.

We understand that if this specific proposed develop is approved, then appealed, then voted on by the SF sups, it will most likely pass. The whole city seems to be telling the Outer Sunset, "Build, Build, Build!"

Although we would love to see a park replace the 76 Gas Station, we understand the need for housing, the push from the rest of the city ("density equity"), and thus that development is inevitable. We ask that our perspective be kept in mind when proposed development happens in the Sunset.

We suggest eliminating the amount of commercial space in the proposal. The traffic congestion created from patrons would create competitive parking in the surrounding blocks, thus unsafe conditions for our children attending the nearby schools at Francis Scott Key and other child care facilities and schools. We suggest reducing the number of stories of the proposal by two in order to aesthetically match The Sunset Church across the street (3638 Lawton St.). The current proposal does not aesthetically fit in with the surrounding neighborhood. This is important to the culture of the neighborhood. We propose that the amount of parking in the structure be two spaces for each dwelling and that these spaces be automatically attached to the cost of the corresponding units and not parking spaces for rent. We suggest that a thorough environmental report be conducted before the proposal is approved. Since this land has been a gas station for over 50 years, surrounding residents should be provided a health report on the possible effects of construction. Furthermore, we request a report on the effects of the actual structure, once built, on traffic congestion, infrastructure such as sewer lines, and amount of sun that will be blocked for neighboring residences.

These requests best summarize what we have been discussing with our neighbors.

It is frustrating that some at the meeting were holding up red cards to disagree that there should be a thorough environmental report before this proposal is passed. A neighbor who lives directly next to the gas station has two young children and is very concerned about the possible harmful environmental impact of the construction of the project; yet when this was proposed at the meeting, others who did not live in the surrounding blocks said that this was not important to them. We understand that a community meeting should be open for all to attend; however, after speaking with many attendees who did not care about the environmental impact of this proposal for example, I learned that many who shared this opinion

did not live in the surrounding blocks of the 3601 Lawton St. Why would they be able to weigh in on what essentially effects the residents who live around the proposed development? (Although I might have opinions regarding construction in the Mission district, I do not attend community meetings there when I know that it's the community that should weigh in on their own issues.)

Perhaps in our housing crisis, some are willing to take risks on the health of the people in our surrounding community.

Some people I spoke to at the meeting who were staunch supporters of the proposal did not live in the surrounding blocks, nor were they homeowners with families.

Concerning to me was that a representative of San Francisco Housing Action Coalition (SFHAC), named Corey W. Smith, was organizing a group of attendees who were clearly in favor of the proposal, yet did not live in the surrounding blocks. This person was approaching people during the meeting and had to be told many times by arbitrators to please respect others who were speaking in the room. Although I appreciated the community meeting, this was very concerning to me.

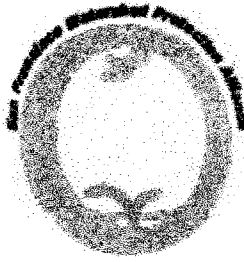
It's our hope that our perspective, and the perspective of the neighboring residents, is considered during the proposal approval process.

Unfortunately, the November 2<sup>nd</sup> approval meeting for this proposed development is scheduled at a time (1pm on a Thursday) when most our neighbors who feel the same way have to work. It is a shame that this meeting was not scheduled with us working families in mind.

Thank you,  
Alex deLanda  
Email: alexdelanda@gmail.com  
Tel: (415) 802-7703

11/2/17

J. Horn



*San Francisco Watershed Protection Alliance*

*1511 44th Ave*

*San Francisco, CA 94122*

*Association Reg. No. #13759*

San Francisco Planning Commission

Esteemed Commissioners:

The San Francisco Watershed Protection Alliance respectfully submits the following recommendations on Case No. 2015-009053CUA for the public record:

Recommendation in re 2015-009053CUA: ***Deny Conditional Use Authorization***

The Outer Sunset/Parkside neighborhoods have become sensitized to the threat of overdevelopment especially in areas in or near the Coastal Zone. Neighbors have publicly and vocally stated their opposition to the programs which would add population density and create additional negative infrastructure impacts.

My family and I live a few blocks away on 44th Ave and are some of those concerned.

Objections to the proposed Conditional Use are as follows:

- 1) Project is out of scale, not in character for the neighborhood. The project will add the equivalent of 3/4's of a block of housing on one corner of the Avenue. The project is four stories in height and is not directly on a transit line. Thus, it is double the height of nearby buildings, with the exceptions of churches. Churches, as significant places where the community congregates to worship, are not fair comparisons to townhouses for wealthy real estate speculators. The project is inconsistent with the architecture of the area. Plans clearly indicate this.

2) The current tenant of the location is an automotive service station. Owner(s) have consistently priced their gasoline at upwards of 25 cents/gallon more than surrounding stations and have rented space to rideshare Uber/Getaround who along with others in this disruptive industry have put 45,000 additional cars per day on SF streets. It seems that the owner(s) deliberately planned to take a loss on potential sales and align themselves with corporate interests in an unprofitable scheme to satisfy the terms required by Conditional Use.

3) At present, the city has an agreement with the EPA which allows the City to pollute the Bay and Ocean with discharges of both secondarily and only primarily treated sewerage. The City has not honored its commitment to add permeable surfaces to reduce runoff into the combined sewer system in violation of the terms of the NPEDS permit. This past rainfall year saw a record number of combined sewer overflows into our Pacific Ocean. Removal of the station will add a small permeable space on the south side but will result in net increases of flow to the system by adding 15 households.

4) The Sunset has recently become, like Lower Market, the land of shuttered storefronts. Additional high-rent commercial space is unnecessary. A similar residential over commercial project on Sloat near Great Highway has sputtered and is currently reported to be in a bulk sale proceeding. Concerns are that this project on Lawton will fare similarly as the winds of finance blow and neighbors will face a toxic hole in the ground for years, or a zombie building that epitomizes the blight of dullness that has swept the City.

5) Finally, the Environmental Assessment is inadequate. Soil studies are years old and there is no recently known quantification of potentially toxic/carcinogenic/mutagenic petroleum products and by-products in the ground which will be excavated. These toxins will enter our groundwater and may be mixed in with the potable supply.

Thank you for taking the time to review these concerns.

Sincerely,

Mike Murphy, Director, San Francisco Watershed Protection Alliance

## Horn, Jeffrey (CPC)

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**From:** Alex deLanda <alexdelanda@gmail.com>  
**Sent:** Thursday, November 02, 2017 10:08 PM  
**To:** Horn, Jeffrey (CPC)  
**Subject:** 3601 Lawton St.

Dear Jeffrey Horn,

Thank you for being a part of the community meeting regarding the proposed construction for 3601 Lawton St. I was able to attend the meeting and hear the multiple perspectives of both the surrounding community and the architect working with the developer. Also, the arbitrators were helpful with keeping the conversation focused with such an emotional topic. I understand that the building of more housing in the Sunset district is a popular topic with the rest of the city San Francisco and I just wanted to share the perspective of my family who live in the neighboring block of this proposed development.

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again, this is another reason why we chose to live in the Outer Sunset. With my aging parents, it is important that they are able to park close to our house.

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**These requests best summarize what we have been discussing with our neighbors.**

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Thank you,

Alex deLanda

Email: [alexdelanda@gmail.com](mailto:alexdelanda@gmail.com)

Tel: [\(415\) 802-7703](tel:(415)802-7703)



## Horn, Jeffrey (CPC)

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**From:** Secretary, Commissions (CPC)  
**Sent:** Friday, November 03, 2017 2:10 PM  
**To:** Johnson, Christine (CPC); Richards, Dennis (CPC); Koppel, Joel (CPC); Moore, Kathrin (CPC); Melgar, Myrna (CPC); Rich Hillis; Rodney Fong  
**Cc:** Gerber, Patricia (CPC); Horn, Jeffrey (CPC)  
**Subject:** FW: 3601 Lawton Street

Office of Commission Affairs

Planning Department | City & County of San Francisco  
1650 Mission Street, Suite 400, San Francisco, CA 94103  
Direct: 415-558-6309 | Fax: 415-558-6409

[commissions.secretary@sfgov.org](mailto:commissions.secretary@sfgov.org)  
[www.sfplanning.org](http://www.sfplanning.org)

-----Original Message-----

From: Ana [[mailto:ana\\_mariemartinez@yahoo.com](mailto:ana_mariemartinez@yahoo.com)]  
Sent: Thursday, November 02, 2017 2:05 PM  
To: Secretary, Commissions (CPC)  
Subject: 3601 Lawton Street

To whom it may concern:

As a homeowner one block away from 3601 Lawton Street, I want to extend my support of the construction. I am excited about new businesses opening up within walking distance of our home. I think the neighborhood needs more restaurants and shops. And I also think whoever moves in is going to love the concept of an open private rooftop space!

All the best with the hearing as I know many in our neighborhood are hesitant to embrace the construction.

-Ana Martinez  
1427 42nd Ave  
SF CA 94122

Sent from my iPhone

## **Horn, Jeffrey (CPC)**

---

**From:** Jonathan Maguire <j.maguire.sf@gmail.com>  
**Sent:** Wednesday, November 01, 2017 5:27 PM  
**To:** Horn, Jeffrey (CPC)  
**Subject:** 3601 Lawton Street Development

Dear Mr. Horn,

I support the proposed development at 3601 Lawton St.

Sincerely,  
Jonathan Maguire  
2646 45th Ave

## Horn, Jeffrey (CPC)

---

**From:** Kathleen Keeler <joydolphins@yahoo.com>  
**Sent:** Wednesday, November 01, 2017 8:42 PM  
**To:** Horn, Jeffrey (CPC)  
**Subject:** 3601 Lawton Street

Dear Mr. Horn,

I will not be able to attend the Nov 2, 2017 meeting regarding neighborhood impact of erecting a four story building in our beach neighborhood but I did want to weigh in on this ill conceived project.

I live at 3820 Lawton Street, two blocks from the proposed building. I have lived here since 2005.

I feel this project is too big and too tall for our neighborhood and will change the atmosphere of Lawton Street and our outer Sunset Neighborhood. In addition to my concerns about general over-crowding and increased overall congestion, I am particularly concerned about increased traffic on Lawton Street for these reasons:

1. Traffic dangers associated with putting a large building causing increased traffic so close to Francis Scott Key Elementary is simply not good for our children. There are many locations that will not intersect with a busy school drop off traffic pattern and this project could be located in a space that is not right next door to young children walking to school.
2. My driveway is already frequently blocked by car drivers unable to find street parking nearby and willing to fudge it. There has already been a big increase in drivers blocking my driveway with the neighbor addition of two popular venues, Andytown Coffee and Seven Still. I enjoy these local offerings but there is only so much traffic one neighborhood can sustain and Lawton Street has reached critical mass.
3. The Sunset Church is already a large structure (bringing its own parking difficulties during services and meetings) on Lawton Street and combined with a four story building, Lawton Street will be too cluttered with oversized structures that are much larger than those found in the rest of the Sunset District. These large buildings, if approved at all, should be spread out rather than clumped on one street.

Please deliver these concerns to the Planning Commission and other regulatory agencies.

Thank you,  
Kathleen Keeler

**Project Address:** 3601 Lawton Street

**Project Sponsor:** Kodorski Designs

**Date of SFHAC Review:** 10/11/2017

## Grading Scale

1= Fails to meet project review guideline criteria

2= Meets some project review guideline criteria

3= Meets basic project review guideline criteria

4 = Exceeds basic project review guideline criteria

5 = Goes far beyond what is required

## Criteria for SFHAC Endorsement

1. The development must have been presented to the SFHAC Project Review Committee

2. The Project must score a minimum of 3/5 on any given guideline

<i><b>Guideline</b></i>	<i><b>Comments</b></i>	<i><b>Grade</b></i>
<b>Land Use</b>	Originally, the site was a gas station. The committee appreciated reimagining the space as a multi-home/multi-use project. Given the context of San Francisco's housing shortage, the committee saw this as it's highest and best use.	<b>5</b>
<b>Affordability</b>	The three on-site below market rate homes assure the project is in compliance with inclusionary requirements, but committee would have liked to see more inclusionary homes, especially through a state or local density bonus.	<b>3</b>
<b>Density</b>	Compared to the surrounding neighborhood, the multi-story, multi-family project features increased density without sacrificing amenities built for families, such as private spaces, which are built in to the design. With that being said, the project does not implement a state or local density bonus, so the committee did not feel it could earn highest marks.	<b>4</b>
<b>Community Input</b>	Although community consulting was not extensive, it was thorough, and the design did take several aspects of community input into account. Major changes, such as the shrinking height of commercial space from double height down to a standard 10 feet and the creation of 36 total parking spaces were all the result of community input.	<b>4</b>

<b>Urban Design</b>	Overall, the design was a strong effort. It had some innovative design elements such as the double facades, which reduce the bulk of the building while also mimicing the neighborhood fabric of the Sunset. Similarly, the architect put in bay windows, which are made to match the design of bays across the street, but also implement passive design aspects that minimize heating and cooling needs. Finally, the committee felt the private spaces, especially those on the rooftop were well-made with families in mind, as it is often a concern for families in cities to find equivalent space.	<b>5</b>
<b>Parking &amp; Alternative Transportation</b>	The committee understood that public transportation does not serve this area of the city as well as other areas, so the demand for vehicle accomodations would be high. However, the creation of 24 parking spaces for a total of 15 new homes works against the goal of less congestion and less automobile dependence, so the committee did not feel they could give this project higher marks. It was understood that the architect saw immense pressure from the community to implement even more parking, and tried to accomodate that as best he could.	<b>3</b>
<b>Environmental Features</b>	It was evident that the architect made of point of implementing environmentally friendly aspects into the project. Aside from the inherent environmentalism of added density, the project also implemented passive design features, such as the double-paned bay windows, which allow for natural tempurature regulation through air pressure differential, and a common space that doubles as a common light well. The project also features solar paneling to help decrease its overall impact.	<b>5</b>
<b>Preservation</b>	The committee did not feel the existing structure represented a significant preservation opportunity.	<b>n/a</b>
<b>Additional Comments</b>		<b>n/a</b>
<b>Final Comments</b>	After seeing the project, the SFHAC Project Review Committee has chosen to endorse the project given the aforementioned considerations.	<b>4.1</b>



# SAN FRANCISCO PLANNING DEPARTMENT

## Executive Summary Conditional Use

HEARING DATE: NOVEMBER 2, 2017

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

Reception:  
**415.558.6378**

Fax:  
**415.558.6409**

Planning  
Information:  
**415.558.6377**

*Date:* October 26, 2017  
*Case No.:* **2015-009053CUA**  
*Project Address:* **3601 Lawton Street**  
*Zoning:* NC-1 (Neighborhood Commercial, Cluster) Zoning District  
40-X Height and Bulk District  
*Block/Lot:* 1901 / 001  
*Project Sponsor:* Kodorski Design Inc.  
525 Hickory Street  
San Francisco, Ca 94102  
*Staff Contact:* Jeff Horn – (415) 575-6925  
[jeffrey.horn@sfgov.org](mailto:jeffrey.horn@sfgov.org)  
*Recommendation:* **Approval with Conditions**

### PROJECT DESCRIPTION

The project proposes the demolition of an existing one-story 1,463 square foot automotive service station (dba 76) and to construct an approximately 40,000 square-foot, 40-foot-tall, four-story-over-basement, mixed-use building on a 10,000 square-foot lot. The proposed building would include 15 dwelling units with a mix of 14 three-bedroom units and one (1) two-bedroom unit. The project also includes 6,990 square feet of private usable open space (designed as private gardens) located on the building's roof and rear yard, and 4,500 square feet of commercial space at the ground floor fronting on Lawton Street. The project would include 24 off-street vehicle parking spaces and 24 Class 1 bicycle parking spaces located in a 10,000 square basement-level garage. The garage would be accessed by a new 10-foot-wide curb cut on Lawton Street; three existing 30-foot-wide curb cuts would be removed (one on Lawton Street and two on 42nd Avenue). In addition, 12 Class 2 bicycle parking spaces would be provided at street level; eight (8) of these spaces would be distributed along Lawton Street and 42nd Avenue and four (4) spaces would be located at the rear of the property.

### SITE DESCRIPTION AND PRESENT USE

The project is located on the south side of Lawton Street, on the southwest corner of the intersection with 42nd Avenue, Block 1901, Lot 001. The property is located within the NC-1 (Neighborhood Commercial, Cluster) District with 40-X height and bulk district. The property is developed as an automotive service which consists of a one-story, 1,463-square-foot commercial building, a canopy and four fuel dispensers. The gas station was constructed in 1966, is currently operating as a '76', and contains a convenience store and vehicle repair garage operating as "JT's Auto Repair." The subject property is a corner lot, with approximately 100 feet of frontage on Lawton Street and 100 feet of frontage on 42nd Avenue.

## **SURROUNDING PROPERTIES AND NEIGHBORHOOD**

The site is located in the Outer Sunset neighborhood of San Francisco in an area characterized by one- to three-story residential, commercial and institutional uses. Two churches (Sunset Church and Holy Name of Jesus Church) and three schools (Francis Scott Key Elementary School, Holy Name School and Noriega Children Center Preschool) are located within three blocks of the project site. The area surrounding the project site is mixed-use in character. A variety of commercial establishments are located within ground floor storefronts on Lawton Street within the NC-1 District boundaries, including a bar/pub, coffee shop, convenience store, and other types of retailers. Residential buildings in the vicinity are generally two stories in height. The surrounding properties are located within the NC-1 and RH-1 (Residential House, One-Family) Districts.

## **ENVIRONMENTAL REVIEW**

The Project is exempt from the California Environmental Quality Act ("CEQA") as a Categorical Exemption, Class 32 (California Environmental Quality Act [CEQA] Guidelines section 15332), and a General Rule Exemption (CEQA Guidelines section 15061(b) (3)).

## **HEARING NOTIFICATION**

<b>TYPE</b>	<b>REQUIRED PERIOD</b>	<b>REQUIRED NOTICE DATE</b>	<b>ACTUAL NOTICE DATE</b>	<b>ACTUAL PERIOD</b>
Classified News Ad	30 days	October 06, 2017	October 06, 2017	30 days
Posted Notice	20 days	October 13, 2017	October 13, 2017	20 days
Mailed Notice	20 days	October 13, 2017	October 13, 2017	20 days

The proposal requires a Section 312-neighborhood notification, which was conducted in conjunction with the conditional use authorization process.

## **PUBLIC COMMENT/COMMUNITY OUTREACH**

- As of October 26, 2017, in advance of the Planning Commission hearing on November 2, 2017, the Department has received: 4 emails in support of the proposed project, and two letters and one email in opposition to the proposed project with concerns with the project's height and impacts on off-street parking and traffic congestion.
- On October 5th 2017, The District 4 Supervisor's office organized an outreach meeting to the adjacent neighbors and interested community groups. The meeting was facilitated by Community Boards with the intent to allow community stakeholders to learn more about the project and share questions and concerns. Included in this package is the Sponsor's response to the stakeholder's questions from that meeting: "Response letter For Community Meeting October 5<sup>th</sup>."

## ISSUES AND OTHER CONSIDERATIONS

- **Dwelling Unit Density.** Pursuant to Planning Code Section 710, the size of the subject property allows for 13 dwelling units, however, the project proposes 15 dwelling units, three (3) of which are affordable units. Planning Code Section 207(c)(1) states that when a project provides 20 percent or more of the dwelling units as on-site affordable units, the on-site affordable units shall not count towards the calculation of dwelling unit density. Therefore, the project is in conformance with the density allowed within the NC-1 District by providing 12 market rate and three (3) affordable units.
- **Inclusionary Housing.** The Project has elected to provide on-site affordable housing as identified in Planning Code Section 415.6, which requires 12% percent of the total number of units to be designated as part of the Inclusionary Affordable Housing Program. The Project provides three (3) affordable units which results in a total of 20% onsite affordable units.
- **Development of Large Lots.** The Project proposes the development of a 10,000 square foot lot. Planning Code Section 121.1 states that new construction or significant enlargement of existing buildings on lots in excess of 5,000 square feet in the NC-1 District shall be permitted only as Conditional Uses.
- **Conversion of an Automotive Service Station.** The Project proposes the conversion and demolition of an existing gas station (dba '76'), convenience store and auto repair garage (dba 'JT's Auto Repair').

## REQUIRED COMMISSION ACTION

In order for the Project to proceed, the Commission must grant Conditional Use Authorization pursuant to Planning Code Sections 121.1, 202.5, 303 and 710, respectively, to allow the conversion and demolition of an automotive service station and construction of new 40-foot tall, four-story-over-basement, approximately 40,000 gross square-foot mixed-use building with up to 4,500 square feet of ground floor retail space, 15 dwelling units, 6,990 square feet of private open space located on the building's roof and rear yard, a 10,000 square-foot basement level garage with 24 vehicle and 24 Class 1 bicycle parking spaces and 12 Class 2 bicycle parking spaces at street level within the NC-1 Zoning District and an 40-X Height and Bulk District.

## BASIS FOR RECOMMENDATION

- The project will replace an underutilized site with 15 dwelling units, including three (3) on-site affordable dwelling units, 24 vehicle parking spaces and 32 bicycle parking spaces.
- The Project would remove nonconforming and incompatible land uses and replaces them with residential and commercial uses that are more appropriate and compatible with the existing residential and small-scale commercial character of the neighborhood.
- Two curb cuts on the 42nd Avenue frontage would be removed, and the curb cut on Lawton Street will be shifted further from the intersection and reduced to 10 feet, which will reduce potential pedestrian-vehicular conflicts and increase on-street parking opportunities.
- The project will introduce new residents who will support existing businesses in the nearby Lawton Street commercial district and in the greater Sunset neighborhoods.



**Executive Summary****Hearing Date: November 2, 2017****CASE NO. 2015-009053CUA****3601 Lawton Street**

- Although the former automotive service station use on the subject property will be eliminated, the project will provide approximately 4,500 square feet of ground floor commercial space for future retail use.
- The removal of surface parking and introduction of a pedestrian-scale commercial space along both Lawton Avenue and 42<sup>nd</sup> Street will help activate an otherwise underwhelming public realm.
- The project meets all applicable requirements of the Planning Code and proposes land uses that are overall in greater conformity with the Planning Code.
- The project represents the sensitive redevelopment of an underutilized site and is desirable for, and compatible with the surrounding neighborhood.

<b>RECOMMENDATION:</b>	<b>Approval with Conditions</b>
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**Attachments:**

Draft Motion - Conditional Use Authorization

Parcel Map

Sanborn Map

Zoning Map

Height and Bulk Map

Aerial Photographs

Site Photos

Certificate of Determination - Exemption from Environmental Review

Public Correspondence

Project Sponsor Submittal

- Affordable Housing Affidavit
- Anti-Discriminatory Housing Affidavit
- First Source Hiring Affidavit
- TDM Plan
- Response letter For Community Meeting October 5<sup>th</sup>
- Architectural Drawings

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"/> Environmental Determination | <input checked="" type="checkbox"/> Check for legibility  |
| <input checked="" type="checkbox"/> Zoning District Map         | Drawings: <u>Proposed Project</u>   |
| <input checked="" type="checkbox"/> Height & Bulk Map           | <input checked="" type="checkbox"/> Check for legibility  |
| <input checked="" type="checkbox"/> Parcel Map                  | 3-D Renderings (new construction or significant addition)   |
| <input checked="" type="checkbox"/> Sanborn Map                 | <input checked="" type="checkbox"/> Check for legibility  |
| <input checked="" type="checkbox"/> Aerial Photo                | <input type="checkbox"/> Wireless Telecommunications Materials  |
| <input checked="" type="checkbox"/> Context Photos              | <input type="checkbox"/> Health Dept. review of RF levels   |
| <input checked="" type="checkbox"/> Site Photos                 | <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 |

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

\_\_\_\_\_ JH  
Planner's Initials

JH: I:\Cases\2015\2015-009053CUA - 3601 Lawton Street\3601 Lawton ExecutiveSummary.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 checked="" type="checkbox"/> Child Care Requirement (Sec. 414)             |
| <input type="checkbox"/> Downtown Park Fee (Sec. 412)             | <input checked="" type="checkbox"/> Transportation Sustainability Fee (Sec. 411A) |

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 Draft Motion

HEARING DATE: NOVEMBER 2, 2017

*Date:* October 26, 2017  
*Case No.:* **2015-009053CUA**  
*Project Address:* **3601 Lawton Street**  
*Zoning:* NC-1 (Neighborhood Commercial, Cluster) Zoning District  
40-X Height and Bulk District  
*Block/Lot:* 1901 / 001  
*Project Sponsor:* Kodorski Design Inc.  
525 Hickory Street  
San Francisco, Ca 94102  
*Staff Contact:* Jeff Horn – (415) 575-6925  
[jeffrey.horn@sfgov.org](mailto:jeffrey.horn@sfgov.org)

**ADOPTING FINDINGS RELATING TO THE APPROVAL OF CONDITIONAL USE AUTHORIZATION PURSUANT TO SECTIONS 121.1, 202.5, 303 AND 710 OF THE PLANNING CODE TO ALLOW FOR CONVERSION OF AN EXISTING AUTOMOTIVE SERVICE STATION, DEMOLITION OF ALL EXISTING STRUCTURES, AND CONSTRUCTION OF A NEW 40-FOOT TALL, FOUR-STORY-OVER-BASEMENT, APPROXIMATELY 40,000 GROSS SQUARE-FOOT MIXED-USE BUILDING WITH UP TO 4,500 SQUARE FEET OF GROUND FLOOR RETAIL SPACE, 15 DWELLING UNITS, 6,990 SQUARE FEET OF PRIVATE OPEN SPACE LOCATED ON THE BUILDING'S ROOF AND REAR YARD, A 10,000 SQUARE-FOOT BASEMENT LEVEL GARAGE WITH 24 AUTOMOBILE AND 24 CLASS 1 BICYCLE PARKING SPACES AND 12 CLASS II BICYCLE PARKING SPACES AT STREET LEVEL LOCATED AT 3601 LAWTON STREET, LOT 001 IN ASSESSOR'S BLOCK 1901, WITHIN THE NC-1 (NEIGHBORHOOD COMMERCIAL, CLUSTER) ZONING DISTRICT AND 40-X HEIGHT AND BULK DISTRICT.**

### PREAMBLE

On June 15, 2017, Kodorski Design Inc. (hereinafter "Project Sponsor") filed an application with the Planning Department (hereinafter "Department") for Conditional Use Authorization under Planning Code Sections 121.1, 202.5, 303 and 710 of the planning code to allow for conversion of the existing automotive service station, demolition of all existing structures, and construction of a new 40-foot tall, four-story-over-basement, approximately 40,000 gross square-foot mixed-use building with up to 4,500 square feet of ground floor retail space, 15 dwelling units, 6,990 square feet of private open space located on the building's roof and rear yard, a 10,000 square-foot basement level garage with 24 automobile and

24 Class 1 bicycle parking spaces and 12 Class 2 bicycle parking spaces at street level located at 3601 Lawton street, lot 001 in assessor's block 1901, in San Francisco, California.

On October 10, 2017 the Project was determined to be exempt from the California Environmental Quality Act ("CEQA") as a Class 32 Categorical Exemption under CEQA as described in the determination contained in the Planning Department files for this Project;

On November 2, 2017, the San Francisco Planning Commission (hereinafter "Commission") conducted a duly noticed public hearing at a regularly scheduled meeting on Conditional Use Application No. 2015-009053CUA.

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. 2015-009053CUA, subject to the conditions contained in "EXHIBIT A" of this motion, based on the following findings:

## FINDINGS

Having reviewed the materials identified in the preamble above, and having heard all testimony and arguments, this Commission finds, concludes, and determines as follows:

1. The above recitals are accurate and constitute findings of this Commission.
2. **Site Description and Present Use.** The project is located on the southern side of Lawton Street, on the southwest corner of the intersection with 42nd Avenue, Block 1901, Lot 001. The property is located within the NC-1 (Neighborhood Commercial, Cluster) Zoning District and a 40-X Height and Bulk District. The property is developed as an automotive service station which consists of a one-story, 1,463-square-foot commercial building, a canopy and four fuel dispensers. The gas station is still in use and was constructed in 1966. The gas station and convenience store are currently operating as a '76' Station, convenient store and a vehicle repair garage that operates as "JT's Auto Repair." The subject property is a corner lot, with approximately 100 feet of frontage on Lawton Street and 100 feet of frontage on 42nd Avenue.
3. **Surrounding Properties and Neighborhood.** The site is located in the Outer Sunset neighborhood of San Francisco in an area characterized by one- to three-story residential, commercial and institutional uses. Two churches (Sunset Church and Holy Name of Jesus Church) and three schools (Francis Scott Key Elementary School, Holy Name School and Noriega Children Center Preschool) are located within three blocks of the project site. The area surrounding the project site is mixed-use in character. A variety of commercial establishments are located within ground floor storefronts on Lawton Street with the NC-1 District, including a bar/pub, coffee shop, convenience stores, and other types of retailers. Residential buildings in the vicinity typically are two stories in height. The surrounding properties are located within the NC-1 (Neighborhood Commercial, Cluster) and RH-1 (Residential House, One-Family) Districts.

4. **Project Description.** The project site consists of a 10,000-square-foot, square lot located at the southwest corner of Lawton Street and 42nd Avenue in the Outer Sunset neighborhood of San Francisco. The site is occupied by a gas station, which consists of a one-story, 1,463-square-foot commercial building, a canopy and four fuel dispensers. The gas station is still in use and was constructed in 1966. The proposed project would demolish the existing structures, remove the associated underground storage tanks and construct an approximately 40,000-square-foot, 40-foot-tall (48-foot-tall including stair penthouses), four-story-over-basement, mixed-use building with 15 residential units totaling 22,396 square feet and two ground-floor commercial units totaling 4,500 square feet.

The proposed project would include 24 off-street vehicle parking spaces and 24 class 1 bicycle parking spaces located in a basement-level garage. The garage would be accessed by a new 10-foot-wide curb cut on Lawton Street; three existing 30-foot-wide curb cuts would be removed (one on Lawton Street and two on 42nd Avenue). In addition, 12 class 2 bicycle parking spaces would be provided at street level; eight of these spaces would be distributed along Lawton Street and 42nd Avenue and four spaces would be located at the rear of the property.

The entire lot would be excavated to a maximum depth of 10 feet below ground surface and remove approximately 4,400 cubic yards of soil. Soil removal would be conducted in compliance with local and state regulations. In accordance with a geotechnical report prepared for the site, chemical grouting would be injected to a depth of 20 feet below the finished grade (i.e., the new basement subgrade) to prepare the site for a mat slab foundation that would support the proposed building. Construction of the proposed project would occur over a period of 18 to 24 months.

5. **Public Comment.** As of October 26, 2017, in advance of the Planning Commission hearing on November 2, 2017, the Department has received 4 emails in support of the proposed project, and two letters and one email in opposition to the proposed project with concerns to the projects height and impacts on off-street parking and increased traffic congestion.
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. **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 apply to projects that consist of 10 or more units. Pursuant to Planning Code Section 415.5 and 415.6, the Inclusionary Affordable Housing Program requirement for the On-site Affordable Housing Alternative is to provide 12% 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 an '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 25, 2017. 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. A complete Environmental Evaluation application was submitted on July 24, 2015. Pursuant to Planning Code Section 415.3 and 415.6, the on-site requirement is 12%. One unit (three-bedroom) of the 12 total units 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.

*The Project proposes three (3) on-site three-bedroom affordable unit, meeting the requirements of Inclusionary Affordable Housing Program and Planning Code Section 207(c)(1).*

- B. **Development of Large Lots.** Planning Code Section 121.1 states that in order to promote, protect, and maintain a scale of development which is appropriate to each district and compatible with adjacent buildings, new construction or significant enlargement of existing buildings on lots in excess of 5,000 square feet in the NC-1 (Neighborhood Commercial, Cluster) Zoning District shall be permitted only as conditional uses.

*The Project Sponsor is seeking conditional use authorization to develop an existing 10,000 square-foot lot. The project site is much larger than the average lot within the District, but it is located on a prominent corner site where a larger development is more appropriate to add emphasis and frame the intersection. The façade of the project will contribute to the positive visual quality of the district, which does not possess a prevailing architectural style. With the ground floor commercial and residential units, the character of the Lawton Street and 42<sup>nd</sup> Avenue frontages respond to the finer grain residential buildings to the south, east and north of the site. Overall, the building responds well to its varied context.*

- C. **Rear Yard.** Section 134 of the Planning Code requires a 25% rear yard opposite the Lawton Street frontage.

*The project provides a compliant rear yard of 25% on the southern portion of the lot.*

- D. **Exposure.** Planning Code Section 140 requires that each dwelling unit shall face a public street, a Code-compliant rear yard, or another defined open space.

*The project's dwelling units would face onto Lawton Street or onto a code-compliant rear yard, meeting this requirement.*

- E. **Parking - Residential.** Planning Section 151 of the Planning Code requires off-street parking for every residential unit.

*The Subject Property contains 15 units and will provide 24 off-street parking spaces. Accessory spaces are allowed by Planning Code Section 151(c), which sets a maximum of parking to 150% of the required number of spaces.*

- F. **Parking - Commercial.** Planning Section 151 of the Planning Code requires off-street parking for every 200 square-feet of occupied floor area, where the occupied floor area exceeds 5,000 square-feet.

*The Subject Property contains approximately 4,500 square-feet of occupied floor area and thus does not require any off-street parking.*

- G. **Unbundled Parking.** Planning Code Section 167 requires that all off-street parking spaces accessory to residential uses in new structures of 10 dwelling units or more be leased or sold separately from the rental or purchase fees for dwelling units for the life of the dwelling units.

*The Project proposes total 24 off-street parking spaces, of which nine (9) are accessory to the dwelling units. These spaces will be unbundled and sold or leased separately from the dwelling units. Therefore, the Project meets this requirement.*

- H. **Bicycle Parking.** Section 155.2 of the Planning Code requires one Class 1 bicycle parking space for every dwelling unit, one Class 2 bicycle parking space for every 20 dwelling units and one Class 2 bicycle parking space for every 2,500 square feet of commercial use.

*The project is required to provide 15 Class 1 bicycle parking spaces and two Class 2 bicycle parking spaces and would meet this requirement by providing 24 Class 1 bicycle parking spaces and eight Class 2 bicycle parking spaces.*

- I. **Street Frontage in Neighborhood Commercial Districts.** Section 145.1 of the Planning Code requires that within NC Districts space for active uses shall be provided within the first 25 feet of building depth on the ground floor and 15 feet on floors above from any facade facing a street at least 30 feet in width. In addition, the floors of street-fronting interior spaces housing non-residential active uses and lobbies shall be as close as possible to the level of the adjacent sidewalk at the principal entrance to these spaces. Frontages with active uses that must be fenestrated with transparent windows and doorways for no less than 60 percent of the street frontage at the ground level and allow visibility to the inside of the building. The use of dark or mirrored glass shall not count towards the required transparent area. Any decorative railings or grillwork, other than wire mesh, which is placed in front of or behind ground floor windows, shall be at least 75 percent open to perpendicular view. Rolling or sliding security gates shall consist of open grillwork rather than solid material, so as to provide visual interest to pedestrians when the gates are closed, and to permit light to pass through mostly unobstructed. Gates, when both open and folded or rolled as well as the gate mechanism, shall be recessed within, or laid flush with, the building facade.

*The subject commercial space has approximately 77-feet of frontage on Lawton Street with approximately 65 feet devoted to window space and has approximately 27-feet of frontage on 42<sup>nd</sup>*

*Avenue with approximately 20 feet devoted to window space. The windows are clear and unobstructed.*

- J. **Building Height.** Per Planning Code Section 260, the maximum height limit for the subject property is 40 feet.

*The Project proposes maximum building height of 40 feet, which is compliant with the provisions of Planning Code Section 260.*

- K. **Residential Density.** Section 710 of the Planning Code limits the residential density within the NC-1 District to one (1) dwelling unit for each 800 square feet of lot area.

*Based on the 10,000 square foot size of the lot, the project has a maximum density of 13 units. The project proposes 15 dwelling units. Planning Code Section 207(c)(1) states that when a project provides 20 percent or more of the Dwelling Units as on-site affordable units, the on-site affordable units shall not count towards the calculation of dwelling unit density. Therefore, the project is in conformance with the density allowed within the NC-1 District by providing 12 market rate and three (3) affordable units.*

- L. **Dwelling Unit Mix.** Planning Code Section 207.6 requires that no less than 40 percent of the total number of proposed dwelling units contain at least two bedrooms, or no less than 30 percent of the total number of proposed dwelling units contain at least three bedrooms.

*The Project includes 15 total dwelling units and is required to provide at least 6 (or 40%) two-bedroom units or greater. The Project includes 14 three-bedroom units and one two-bedroom unit (or 100%) and therefore complies with the unit mix requirement.*

- M. **Shadow.** Section 295 of the Code prohibits any structure that exceeds 40 feet in height from casting any shade or shadow upon any property under the jurisdiction of, or designated for acquisition by, the Recreation and Parks Commission, with certain exceptions identified in the Sunlight Ordinance.

*A shadow fan was developed based on the drawings submitted with the application to determine the shadow impact of the project on properties protected by the Sunlight Ordinance. The fan indicates that there is no shadow impact from the subject property on any property protected by the Ordinance.*

- N. **Use Size.** Section 710 of the code permits non-residential use sizes up to 2,999 square feet.

*The Project proposes two non-residential units are in total 4,500 square feet in size. The Project is seeking Conditional Use authorization for use size.*

- O. **Signage.** Currently, there is not a proposed sign program on file with the Planning Department. The proposed business does not have a name as of this writing. Any proposed signage will be subject to the review and approval of the Planning Department.



- P. **Transportation Demand Management (TDM) Plan.** Pursuant to Planning Code Section 169 and the TDM Program Standards, the Project shall finalize a TDM Plan prior to Planning Department approval of the first Building Permit or Site Permit. As currently proposed, the Project must achieve a target of 12 points.

*The Project submitted a completed Environmental Evaluation Application prior to September 4, 2016. Therefore, the Project must only achieve 50% of the point target established in the TDM Program Standards, resulting in a required target of 6 points. As currently proposed, the Project will achieve 6 points through the following TDM measures:*

- *Unbundled Parking*
- *Bicycle Parking*
- *On-Site Affordable Housing*

7. **Conditional Use Authorization for Development of Large Lots.** Planning Code Section 121.1 establishes the following additional criteria the Planning Commission shall consider for new construction on lots of the same size or larger than 10,000 sq. ft. in the Regional Commercial District:

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

*The Project Sponsor is seeking conditional use authorization to develop an existing 10,000 square-foot lot. The project site is much larger than the average lot within the District, but it is located on a prominent corner site where a larger development is more appropriate to add emphasis and frame the intersection. The façade of the project will contribute to the positive visual quality of the district, which does not possess a prevailing architectural style. By breaking the design and modulating the massing vertically into distinct parts, the design creates a townhouse expression that integrates the project well into the mixed-character of the residential neighborhood. Overall, the building responds well to its varied context. New street trees are proposed along all frontages, public bicycle parking racks would be installed and all off-street parking will be located underground accessed via a single 10-foot wide garage door and hidden from public view to improve the visual quality of the neighborhood.*

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

*The Project's design reflects the influences of the surrounding mid-20th century residential buildings through the application of stucco and wood materials and contextual fenestration proportions. With the ground floor commercial and residential units, the character of the Lawton Street and 42nd Avenue frontages respond to the finer grain residential buildings to the south, east and north of the site and creates a positive visual addition to the area.*

8. **Conditional Use Authorization for Automotive Service Station Conversion.** Planning Code Section 202.5(d)(3) establishes the criteria the Commission shall consider when authorizing the conversion of an automotive service station to another use in lieu of the criteria set forth in Section 303(c). The Planning 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 because the benefits to the public of the service station conversion would outweigh any reduction in automotive goods and services availability because the proposed new use is more necessary or desirable for the neighborhood or community than continued service station use.

The Project fulfills the criteria of Section 202.5(d)(1)(B). In making determinations under Subsection (B), the Planning Commission finds that, on balance, the Project complies with said criteria:

- A. 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 proposes 15 new residential units, with three (or 20%) on-site affordable units.*

- B. 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 will include approximately 4,500 sq. ft. of ground floor commercial retail space that can be divided into the desired number and size of storefronts to flexibly fit the needs of the neighborhood and the prevailing market demand. Current design is for two commercial units.*

- C. The importance of the street on which the service station fronts to walking, cycling, and public transit, and the impact of automobile access and egress to the service station and of the proposed new uses and structures on the safety and comfort of pedestrians, cyclists, and transit riders;

*The Project site currently has two long curb cuts on 42<sup>nd</sup> Avenue Street and another on Lawton Street just west of the intersection with 42<sup>nd</sup> Avenue. These access and egress points exacerbate traffic and are a significant conflict with pedestrian and bicycle movement. The proposed Project would reduce some of these conflicts by eliminating all but one 10-ft. wide access and egress driveway on Lawton Street for the Project.*

*The Project would significantly improve traffic conditions around the site by removing a gas station with multiple curb cuts that create significant automobile conflicts. In its place, a mixed-use development with ground floor commercial retail, and 15 dwelling units will be constructed with only one 10-ft. wide driveway to access the underground parking spaces on Lawton Street.*

- D. 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 cleanup of existing contamination at the property;

*The current uses include an automotive gas station, which specifically generates automobile trips and requires the receipt, storage and conveyance of gasoline on site. Gasoline directly causes noxious and offensive emissions, and is a fire and explosion hazard. Other uses include a convenience store and auto*

*repair garage that generate automobile trips. These uses are prohibited with the current ingress/egress points under the Project's zoning districts, which is a mixed-use and residential and commercial cluster. The Project would remove the incompatible gas station and auto repair garage, stored gasoline at the site, underground storage tanks, and remediate the site followed by replacement commercial retail and residential uses that would generate significantly less hazardous waste, noxious or offensive emissions, noise, fire and explosion hazards that are more compatible and desirable with the surrounding residential and commercial uses.*

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

*The Project includes 4,500 square feet of ground floor commercial retail space that will provide more employment opportunities than the existing 1,463 square-foot gas service station, convenient store and auto repair garage. In addition, the residential component of the Project will also create long-term employment opportunities and many building and construction jobs will be created for the amount of time construction occurs.*

- F. 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 current use at the Property would pay property taxes to the City in the amount of approximately \$14,256 for tax year 2016/2017 based on the assessed value.*

*The proposed Project will generate significantly more revenue for the City than the current use by payment of property and documentary transfer taxes for 15 dwelling residential units. If the units are individually sold as condominiums, then the Project is estimated to generate approximately \$231,660 annually in property taxes. Further, the Project will provide 4,500 square feet of commercial space which will also generate revenue for the City in the form of sales and use taxes.*

- G. The compatibility of the existing service station and of the proposed new use or structure with the General Plan and area plan urban design policies and the street frontage standards of this Code;

*The existing gas station and auto repair garage are non-conforming uses, adjacent to residences on 42<sup>nd</sup> Avenue, and are not compatible with the surrounding commercial, residential and institutional uses intended for the NC-1 and RH-1 zoning districts. The proposed project is more appropriate with these surrounding land uses and is compatible with the policies of the General Plan as they apply to this Motion, and are incorporated herein as though fully set forth below.*

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

*The Project is located in the NC-1 Zoning District which principally permits residential and commercial retail uses and prohibits automobile gas stations and car repair services. The Project would remove these nonconforming and incompatible land uses and replaces them with residential and commercial uses that are more appropriate and compatible with the neighborhood.*

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

- C. 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 size of the proposed mixed-use building is necessary and desirable, as it will add 15 dwelling units to the City's housing stock. While denser than the NC-1 Zoning District allows, the project is compatible with the heights and uses at the intersection of Lawton Street and 42nd Avenue. The proposed project would also replace a 1-story automotive service station, convenience store, vehicle repair and surface parking with two neighborhood-serving ground floor commercial spaces.*

- D. 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 proposed size, shape and arrangement of the proposed building would not be detrimental to persons residing or working in the vicinity, as the new building, in general, is consistent with the massing and height of the few other tall buildings found within the immediate vicinity, particularly the three-story church building directly to the northwest of the subject property. The proposed project represents the appropriate infill of a lot that is currently underdeveloped and provides a prominent corner building*

- 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 would provide twenty-four (24) unbundled off-street parking spaces for the residential uses in a garage located below grade. The Planning Code does not require parking or loading for the proposed 4,500 square feet of commercial uses. The project would eliminate the existing curb cut currently providing access to the site on the 42<sup>nd</sup> Avenue frontage and would reduce the width and relocate the curb cut on the Lawton Street frontage to be further from the intersection, reducing the potential for pedestrian and vehicular conflicts and allowing for the establishment of new on-street parking.*

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

*The project is not expected to cause any negative noise, glare, dust or odor impacts.*

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

*The project locates residential parking on the below-grade that will be screened by a 10 foot wide door. Ground floor residential fronting on 42nd Avenue and commercial spaces fronting onto Lawton Street provide landscape planters at the street level. The rear yard facing the east elevation would be landscaped as private gardens and are fully visible from the residential units at the rear of the building. The project proposes approximately 6,990 square feet of open space on rooftop decks and rear yard. The project sponsor has identified that nine (9) street trees are required by the project. The feasibility of planting the required number of street trees at the project will be determined by the Department of Public Works, Urban Forestry Division.*

- E. 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.*

- F. That the use as proposed would provide development that is in conformity with the purpose of the applicable Neighborhood Commercial District.

*The proposed project is consistent with the stated purposed of NC-1 District in that it proposes neighborhood commercial uses that are compatible with other uses nearbywith housing provided above.*

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

## HOUSING

### Objectives and Policies

#### OBJECTIVE 1:

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

#### Policy 1.2:

Focus housing growth and infrastructure necessary to support growth according to community plans. Complete planning underway in key opportunity areas.

#### Policy 1.10:

Support new housing projects, especially affordable housing, where households can easily rely on public transportation, walking and bicycling for the majority of daily trips.

*The project is located in a Neighborhood Commercial, Cluster (NC-1) Zoning District, which has been identified as an area where existing and planned infrastructure can support residential and commercial*

*growth. Future residents of the proposed building will be able to rely on public transit, walking and bicycling for the majority of their daily trips.*

**OBJECTIVE 4:** FOSTER A HOUSING STOCK THAT MEETS THE NEEDS OF ALL RESIDENTS ACROSS LIFESTYLES.

**Policy 4.1:**

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

*The project will provide 14 three-bedroom units and 1 two-bedroom unit which would be suitable for families with children.*

**OBJECTIVE 12:**

BALANCE HOUSING GROWTH WITH ADEQUATE INFRASTRUCTURE THAT SERVES THE CITY'S GROWING POPULATION.

**Policy 12.1:**

Encourage new housing that relies on transit use and environmentally sustainable patterns of movement.

**Policy 12.2:**

Consider the proximity of quality of life elements, such as open space, child care, and neighborhood services, when developing new housing units.

**Policy 12.3:**

Ensure new housing is sustainably supported by the City's public infrastructure systems.

*The subject site is already adequately served by the City's water, and sewer systems, electricity and gas utilities, MUNI public transit, and receives solid waste and recycling collection.*

**OBJECTIVE 13:**

PRIORITIZE SUSTAINABLE DEVELOPMENT IN PLANNING FOR AND CONSTRUCTING NEW HOUSING.

**Policy 13.3:**

Promote sustainable land use patterns that integrate housing with transportation in order to increase transit, pedestrian, and bicycle mode share.

*The proposed residential building would provide 32 bicycle parking spaces for its residents to encourage bicycling, and is located within walking distance to several public transit lines.*

## NEIGHBORHOOD COMMERCE

### Objectives and Policies

**OBJECTIVE 1:**

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

**Policy 1.1:**

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

**Policy 1.2:**

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

*The project is located in a Neighborhood Commercial, Cluster (NC-1) Zoning District, which has been identified as an area where existing and planned infrastructure can support residential and commercial growth. Future residents of the proposed building will be able to rely on public transit, walking and bicycling for the majority of their daily trips.*

**OBJECTIVE 2:**

MAINTAIN AND ENHANCE A SOUND AND DIVERSE ECONOMIC BASE AND FISCAL STRUCTURE FOR THE CITY.

**Policy 2.1:** Seek to retain existing commercial and industrial activity and to attract new such activity to the City.

*The Project will offer two ground floor spaces for new commercial activity and will enhance the diverse economic base of the City.*

**OBJECTIVE 6:**

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

**Policy 6.1:** Ensure and encourage the retention and provision of neighborhood-serving goods and services in the city's neighborhood commercial districts, while recognizing and encouraging diversity among the districts.

*The project is proposing two separate commercial spaces that would enable the district to achieve optimal diversity in the types of goods and services available in the neighborhood.*

## TRANSPORTATION ELEMENT

### Objectives and Policies

**OBJECTIVE 2:**

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

**Policy 2.1:**

Use rapid transit and other transportation improvements in the city and region as the catalyst for desirable development, and coordinate new facilities with public and private development.

*The project proposes to create high-density housing within walking distance of MUNI lines N, NX, 7, 7X, and 29. The project would provide 32 bicycle parking spaces and will not provide any parking for the proposed commercial uses which will encourage transit usage amongst residents and patrons of the ground floor retail spaces.*

**OBJECTIVE 28:**

PROVIDE SECURE AND CONVENIENT PARKING FACILITIES FOR BICYCLES.

**Policy 28.1:**

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

**Policy 28.3:**

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

*The project will provide 24 Class 1 bicycle parking spaces within a secure, weather protected area within the building as well as 8 Class 2 bicycle parking spaces along the Lawton Street and 42nd Avenue frontages that will accommodate both employees and patrons of the building's commercial uses as well as guests of the residential units above*

## URBAN DESIGN

### Objectives and Policies

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

**Policy 3.1:**

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

**Policy 3.6:**

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

*In order to respond to the surrounding context in terms of bulk and massing, the project proposes a varied massing and material application, thus creating a break in the building mass and giving the appearance of independent residential buildings, similar to the context of the surrounding low density residential.*

11. **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 subject site is located at the intersection of 42nd Avenue and Lawton Street, located on a small commercial corridor. The project will introduce new residents who will visit and shop at the existing neighborhood retail and commercial establishments, thereby enhancing their businesses. Although the existing gas and service station on the subject property will be demolished, the project will provide approximately 4,500 square feet of ground floor commercial space for future commercial uses.*

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

*The project would not displace any existing housing or negatively affect the existing neighborhood character. The project would improve the existing character of the neighborhood by redeveloping an underutilized lot with new residential and commercial uses that will add economic diversity to the neighborhood, including a mix of dwelling unit types on-site. The proposed ground floor retail spaces are consistent with the pedestrian-oriented uses in the immediate area.*

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

*There is currently no housing on the subject property, and therefore no affordable housing is proposed to be removed for this project. Moreover, the project would enhance the City's supply of affordable housing by providing three (3) on-site affordable dwelling units, in compliance with the proposed project exceptions to Dwelling Unit Density Limits allowed by Section 207(c)(1) of the Planning Code.*

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

*The site is on Lawton Street and is served by transit, particularly along the Judah Street and Noriega Street corridor (N, NX, 7, 7X, and 29). It is presumable that the residents and employees would commute by transit thereby mitigating possible effects on street parking.*

- 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. The project will not affect industrial or service sector uses or related employment opportunities. Ownership of industrial or service sector businesses will not be affected by this project.*

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

*The Project is designed and will be constructed to conform to the structural and seismic safety requirements of the City Building Code. 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.*

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

## DECISION

That based upon the Record, the submissions by the Applicant, the staff of the Department and other interested parties, the oral testimony presented to this Commission at the public hearings, and all other written materials submitted by all parties, the Commission hereby **APPROVES Conditional Use Application No. 2015-009053CUA** subject to the following conditions attached hereto as "EXHIBIT A" in general conformance with plans on file, dated November 2, 2017, and stamped "EXHIBIT B", which is incorporated herein by reference as though fully set forth.

**APPEAL AND EFFECTIVE DATE OF MOTION:** Any aggrieved person may appeal this Conditional Use Authorization to the Board of Supervisors within thirty (30) days after the date of this Motion No. **XXXXX**. 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 November 2, 2017.

Jonas P. Ionin  
Commission Secretary

AYES:

NAYS:

ABSENT:

ADOPTED: November 2, 2017

# **EXHIBIT A**

## **AUTHORIZATION**

This authorization is for a conditional use to allow conversion of an existing automotive service station, demolition of all existing structures, and construction of a new 40-foot tall, four-story-over-basement, approximately 40,000 gross square-foot mixed-use building with up to 4,500 square feet of ground floor retail space, 15 dwelling units located at 3601 Lawton Street, Block 1901, and Lot 001 pursuant to Planning Code Section(s) 121.1, 202.5, 303 and 710 within the NC-1 Zoning District and a 40-X Height and Bulk District; in general conformance with plans, dated November 2, 2017, and stamped "EXHIBIT B" included in the docket for Case No. 2015-009053CUA and subject to conditions of approval reviewed and approved by the Commission on November 2, 2017 under Motion No XXXXXX. 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 2, 2017 under Motion No XXXXXX.

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

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

## **SEVERABILITY**

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

## **CHANGES AND MODIFICATIONS**

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

## Conditions of Approval, Compliance, Monitoring, and Reporting

### PERFORMANCE

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

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

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

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

6. **Expiration of the Inclusionary Rate.** Pursuant to Planning Code Section 415, if the Project has obtained a site or building permit by December 7, 2018 it is subject to the current Inclusionary Affordable Housing Requirements.

## DESIGN

7. **Final Materials.** The Project Sponsor shall continue to work with Planning Department on the building design. Final materials, glazing, color, texture, landscaping, and detailing shall be subject to Department staff review and approval. The architectural addenda shall be reviewed and approved by the Planning Department prior to issuance.

*For information about compliance, contact the Case Planner, Planning Department at 415-558-6378, [www.sf-planning.org](http://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](http://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](http://www.sf-planning.org)*

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

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

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>*

11. **Overhead Wiring.** The Property owner will allow MUNI to install eyebolts in the building adjacent to its electric streetcar line to support its overhead wire system if requested by MUNI or MTA.

*For information about compliance, contact San Francisco Municipal Railway (Muni), San Francisco Municipal Transit Agency (SFMTA), at 415-701-4500, [www.sfmta.org](http://www.sfmta.org)*

12. **Landscaping.** Pursuant to Planning Code Section 132, the Project Sponsor shall submit a site plan to the Planning Department prior to Planning approval of the building permit application indicating that 50% of the front setback areas shall be surfaced in permeable materials and further, that 20% of the front setback areas shall be landscaped with approved plant species. The size and specie of plant materials and the nature of the permeable surface shall be as approved by the Department of Public Works.

*For information about compliance, contact the Case Planner, Planning Department at 415-558-6378, [www.sf-planning.org](http://www.sf-planning.org)*

## PARKING AND TRAFFIC

13. **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](http://www.sf-planning.org)*

14. **Bicycle Parking - Commercial Only.** Pursuant to Planning Code Sections 155.1 and 155.4, the Project shall provide no fewer than one (1) Class 1 or Class 2 bicycle parking spaces. SFMTA has final authority on the type, placement and number of Class 2 bicycle racks within the public ROW. Prior to issuance of first architectural addenda, the project sponsor shall contact the SFMTA Bike Parking Program at [bikeparking@sfmta.com](mailto:bikeparking@sfmta.com) to coordinate the installation of on-street bicycle racks and ensure that the proposed bicycle racks meet the SFMTA's bicycle parking guidelines. Depending on local site conditions and anticipated demand, SFMTA may request the project sponsor pay an in-lieu fee for Class II bike racks required by the Planning Code.

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

15. **Bicycle Parking - Residential Only.** The Project shall provide no fewer than 15 Class 1 bicycle parking spaces as required by Planning Code Sections 155.1 and 155.2.

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

16. **Parking Maximum.** Pursuant to Planning Code Section 151.1, the Project shall provide no more than 23 off-street parking spaces.

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

17. **Parking Requirement.** Pursuant to Planning Code Section 151, the Project shall provide 15 independently accessible off-street parking spaces.

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

18. **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](http://www.sf-planning.org)*

## PROVISIONS

19. **Anti-Discriminatory Housing.** The Project shall adhere to the requirements of the Anti-Discriminatory Housing policy, pursuant to Administrative Code Section 1.61.

*For information about compliance, contact the Case Planner, Planning Department at 415-558-6378, [www.sf-planning.org](http://www.sf-planning.org)*

20. **First Source Hiring.** The Project shall adhere to the requirements of the First Source Hiring Construction and End-Use Employment Program approved by the First Source Hiring Administrator, pursuant to Section 83.4(m) of the Administrative Code. The Project Sponsor shall comply with the requirements of this Program regarding construction work and on-going employment required for the Project.

*For information about compliance, contact the First Source Hiring Manager at 415-581-2335, [www.onestopSF.org](http://www.onestopSF.org)*

21. **Transportation Sustainability Fee.** The Project is subject to the Transportation Sustainability Fee (TSF), as applicable, pursuant to Planning Code Section 411A.

*For information about compliance, contact the Case Planner, Planning Department at 415-558-6378, [www.sf-planning.org](http://www.sf-planning.org)*



22. **Child Care Fee - Residential.** The Project is subject to the Residential Child Care Fee, as applicable, pursuant to Planning Code Section 414A.  
*For information about compliance, contact the Case Planner, Planning Department at 415-558-6378, [www.sf-planning.org](http://www.sf-planning.org)*

## AFFORDABLE 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 shall comply with the requirements in place at the time of issuance of first construction document.

1. **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 15 units; therefore, three (3) affordable units are required for the project to meet the project's intended 20% affordable unit minimum required to allow the use Planning Code Section 207(c)(1), Exceptions to Dwelling Unit Density Limits. The Project Sponsor will fulfill this requirement by providing the three (3) 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 and Community Development ("MOHCD").  
*For information about compliance, contact the Case Planner, Planning Department at 415-558-6378, [www.sf-planning.org](http://www.sf-planning.org) or the Mayor's Office of Housing and Community Development at 415-701-5500, [www.sf-moh.org](http://www.sf-moh.org).*
2. **Unit Mix.** The Project contains one (1) two-bedroom, and 14 three-bedroom units; therefore, the required affordable unit mix is three (3) three-bedroom units. If the market-rate unit mix changes, the affordable unit mix will be modified accordingly with written approval from Planning Department staff in consultation with MOHCD.  
*For information about compliance, contact the Case Planner, Planning Department at 415-558-6378, [www.sf-planning.org](http://www.sf-planning.org) or the Mayor's Office of Housing and Community Development at 415-701-5500, [www.sf-moh.org](http://www.sf-moh.org).*
3. **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](http://www.sf-planning.org) or the Mayor's Office of Housing and Community Development at 415-701-5500, [www.sf-moh.org](http://www.sf-moh.org).*
4. **Phasing.** If any building permit is issued for partial phasing of the Project, the Project Sponsor shall have designated not less than twelve percent (12%) 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](http://www.sf-planning.org) or the Mayor's Office of Housing and Community Development at 415-701-5500, [www.sf-moh.org](http://www.sf-moh.org).*

5. **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](http://www.sf-planning.org) or the Mayor's Office of Housing and Community Development at 415-701-5500, [www.sf-moh.org](http://www.sf-moh.org).*
6. **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 MOHCD at 1 South Van Ness Avenue or on the Planning Department or MOHCD 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](http://www.sf-planning.org) or the Mayor's Office of Housing and Community Development at 415-701-5500, [www.sf-moh.org](http://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 Planning Code and 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. The affordable unit shall be affordable to low-income households, as defined in the Planning Code and Procedures Manual. 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. MOHCD shall be responsible for overseeing and monitoring the marketing of affordable units. The Project

- Sponsor must contact MOHCD 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 MOHCD 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. If the Project becomes ineligible after issuance of its first construction permit, the Project Sponsor shall notify the Department and MOHCD and pay interest on the Affordable Housing Fee and penalties, if applicable.

## MONITORING - AFTER ENTITLEMENT

23. **Enforcement.** Violation of any of the Planning Department conditions of approval contained in this Motion or of any other provisions of Planning Code applicable to this Project shall be subject to the enforcement procedures and administrative penalties set forth under Planning Code Section 176 or Section 176.1. The Planning Department may also refer the violation complaints to other city departments and agencies for appropriate enforcement action under their jurisdiction. *For information about compliance, contact Code Enforcement, Planning Department at 415-575-6863, [www.sf-planning.org](http://www.sf-planning.org)*
24. **Revocation due to Violation of Conditions.** Should implementation of this Project result in complaints from interested property owners, residents, or commercial lessees which are not resolved by the Project Sponsor and found to be in violation of the Planning Code and/or the specific conditions of approval for the Project as set forth in Exhibit A of this Motion, the Zoning

Administrator shall refer such complaints to the Commission, after which it may hold a public hearing on the matter to consider revocation of this authorization.

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

## OPERATION

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. **Community Liaison.** Prior to issuance of a building permit to construct the project and implement the approved use, the Project Sponsor shall appoint a community liaison officer to deal with the issues of concern to owners and occupants of nearby properties. The Project Sponsor shall provide the Zoning Administrator with written notice of the name, business address, and telephone number of the community liaison. Should the contact information change, the Zoning Administrator shall be made aware of such change. The community liaison shall report to the Zoning Administrator what issues, if any, are of concern to the community and what issues have not been resolved by the Project Sponsor.

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

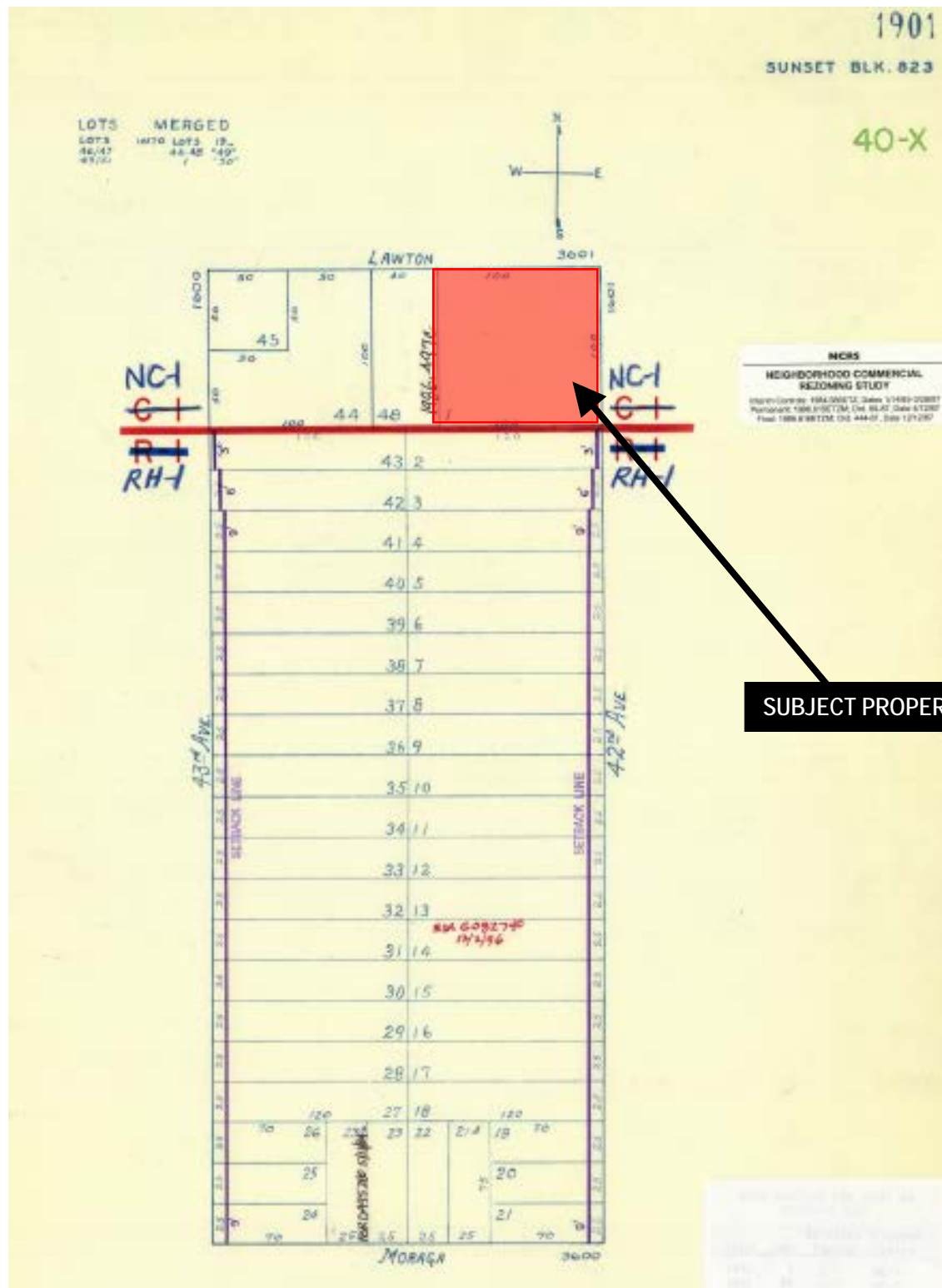
## TRANSPORTATION DEMAND MANAGEMENT

27. **Transportation Demand Management (TDM) Program.** Pursuant to Planning Code Section 169, the Project shall finalize a TDM Plan prior to the issuance of the first Building Permit or Site Permit to construct the project and/or commence the approved uses. The Property Owner, and all successors, shall ensure ongoing compliance with the TDM Program for the life of the Project, which may include providing a TDM Coordinator, providing access to City staff for site inspections, submitting appropriate documentation, paying application fees associated with required monitoring and reporting, and other actions.

Prior to the issuance of the first Building Permit or Site Permit, 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 to document compliance with the TDM Program. This Notice shall provide the finalized TDM Plan for the Project, including the relevant details associated with each TDM measure included in the Plan, as well as associated monitoring, reporting, and compliance requirements.

*For information about compliance, contact the Case Planner, Planning Department at 415-558-6378, [www.sf-planning.org](http://www.sf-planning.org)*

# Parcel Map



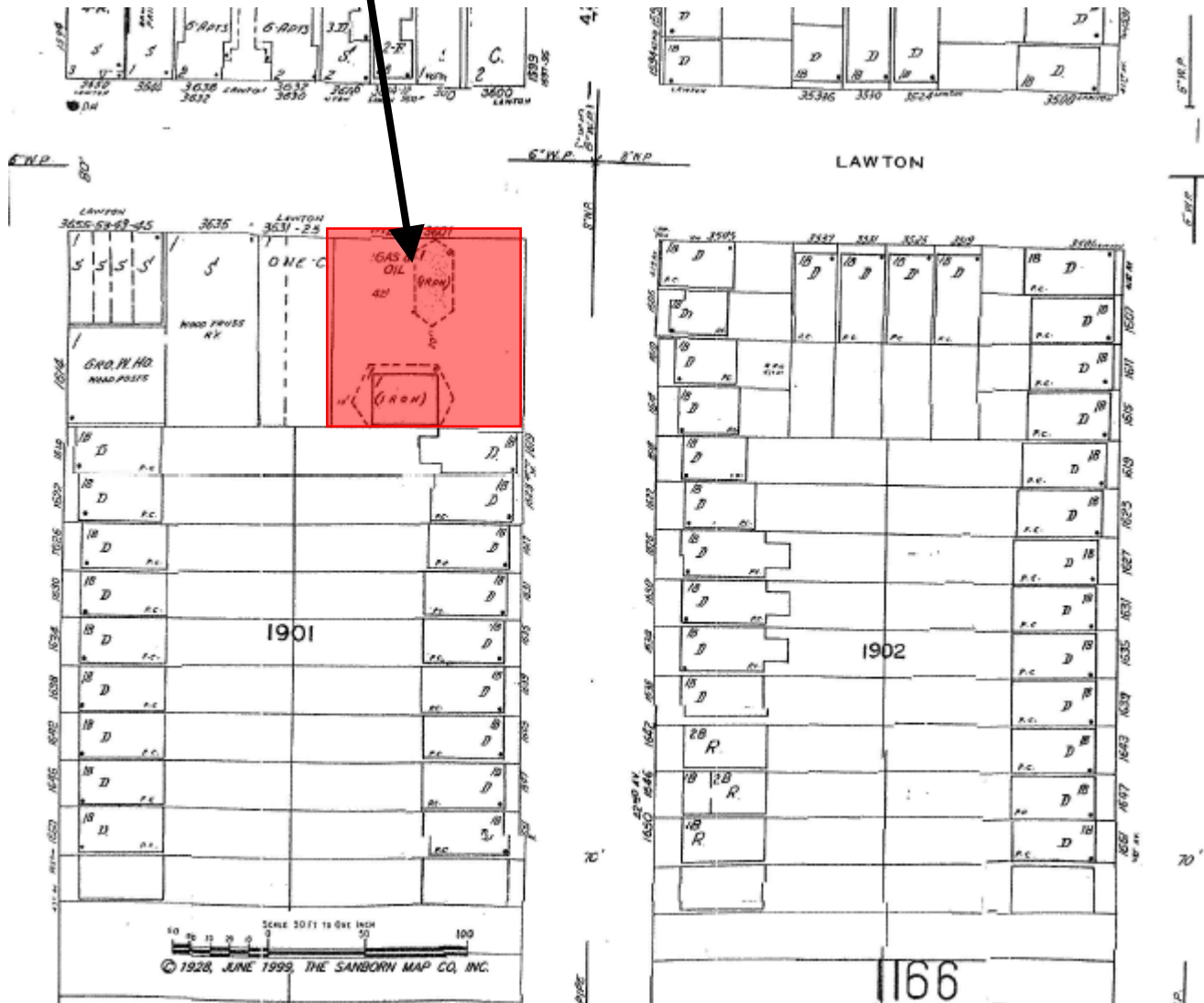
SUBJECT PROPERTY



Conditional Use Authorization Hearing  
Case Number 2015-009053CUA  
3601 Lawton Street

# Sanborn Map\*

SUBJECT PROPERTY



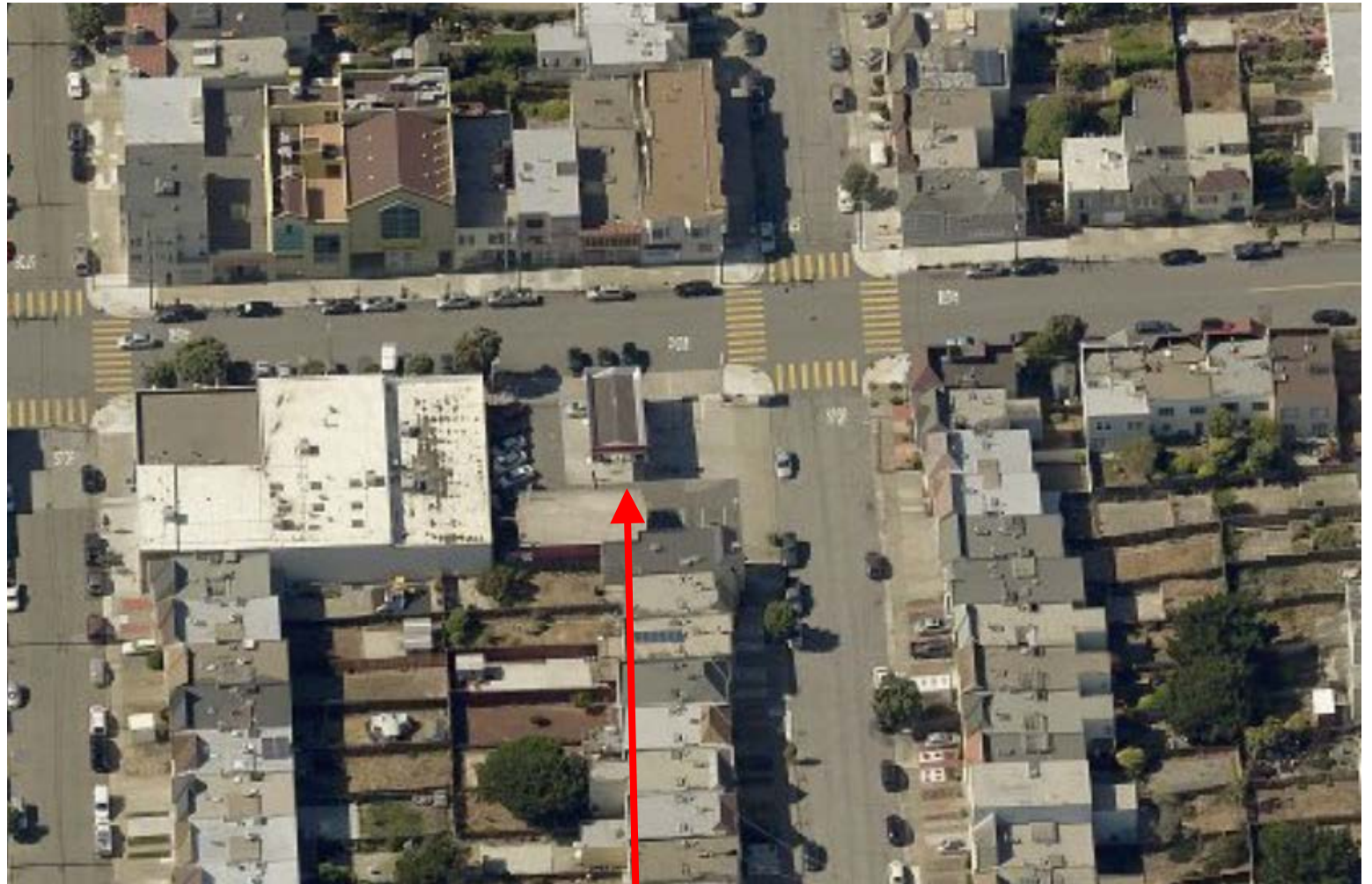
\*The Sanborn Maps in San Francisco have not been updated since 1998, and this map may not accurately reflect existing conditions.



Conditional Use Authorization Hearing  
Case Number 2015-009053CUA  
3601 Lawton Street



# Aerial Photo

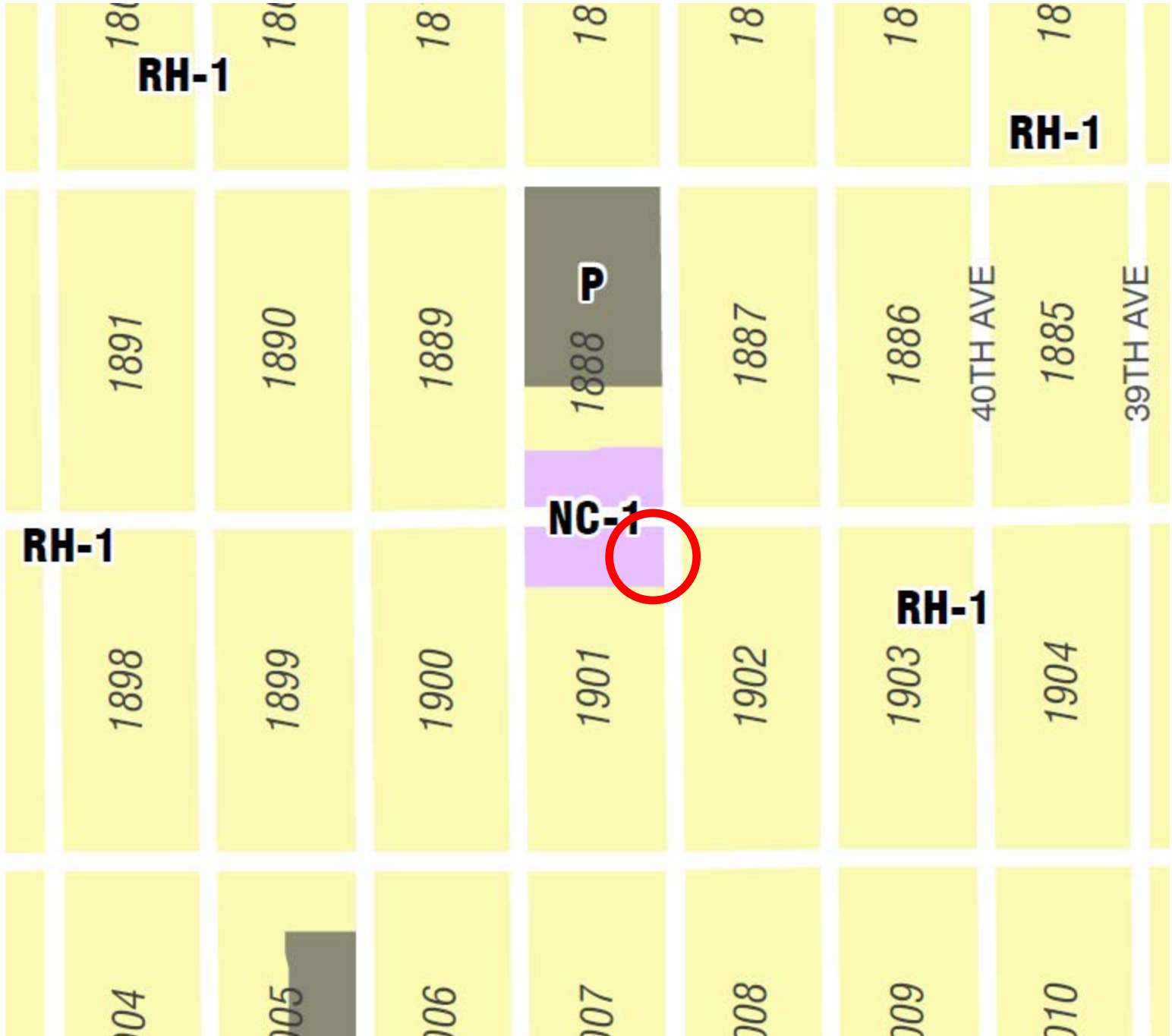


SUBJECT PROPERTY



Conditional Use Authorization Hearing  
Case Number 2015-009053CUA  
3601 Lawton Street

# Zoning Map



Conditional Use Authorization Hearing  
Case Number 2015-009053CUA  
3601 Lawton Street



# Site Photos



Conditional Use Authorization Hearing  
Case Number 2015-009053CUA  
3601 Lawton Street



# SAN FRANCISCO PLANNING DEPARTMENT

## Certificate of Determination Exemption from Environmental Review

Case No.: 2015-009053ENV  
Project Title: 3601 Lawton Street  
Zoning: NC-1(Neighborhood Commercial, Cluster) Use District  
40-X Height and Bulk District  
Block/Lot: 1901/001  
Lot Size: 10,000 square feet (0.23 acres)  
Project Sponsor: Kodor Baalbaki, Kodorski Design – (415) 335-3260  
Staff Contact: Jennifer McKellar – (415) 575-8754  
Jennifer.McKellar@sfgov.org

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 project site consists of a 10,000-square-foot, square lot located at the southwest corner of Lawton Street and 42nd Avenue in the Outer Sunset neighborhood of San Francisco. The site is occupied by a gas station, which consists of a one-story, 1,463-square-foot commercial building, a canopy and four fuel dispensers. The gas station is still in use and was constructed in 1966. The proposed project would demolish the existing structures, remove the associated underground storage tanks and construct an approximately 40,000-square-foot, 40-foot-tall (48-foot-tall including stair penthouses), four-story-over-basement, mixed-use building with 15 residential units totaling 22,396 square feet and two ground-floor commercial units totaling 4,500 square feet.

(Continued on next page)

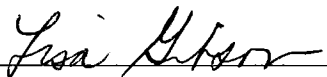
### EXEMPT STATUS:

Categorical Exemption, Class 32 (California Environmental Quality Act [CEQA] Guidelines section 15332), and General Rule Exemption (CEQA Guidelines section 15061(b)(3)). See page 2.

(Continued on next page)

### DETERMINATION:

I do hereby certify that the above determination has been made pursuant to State and local requirements.



Lisa Gibson  
Environmental Review Officer

10/10/17  
Date

cc: Kodor Baalbaki, Project Sponsor  
Jeffrey Horn, Current Planner  
Stephanie Cisneros, Preservation Planner  
Supervisor Katy Tang, District 4, (via Clerk of the Board)

Distribution List  
Historic Preservation Distribution List  
Virna Byrd, M.D.F.

**PROJECT DESCRIPTION (continued):**

The proposed project would include 14 three-bedroom units and one two-bedroom unit; three of the units would be provided at below market rate (BMR). The residential units would be accessed via a lobby off 42nd Avenue. The commercial units would front Lawton Street. Approximately 7,000 square feet of private open space would be provided in the form of rear and rooftop gardens and balconies.

The proposed project would include 24 off-street vehicle parking spaces and 24 class 1 bicycle parking spaces located in a basement-level garage. The garage would be accessed by a new 10-foot-wide curb cut on Lawton Street; three existing 30-foot-wide curb cuts would be removed (one on Lawton Street and two on 42nd Avenue). In addition, 12 class 2 bicycle parking spaces would be provided at street level; eight of these spaces would be distributed along Lawton Street and 42nd Avenue and four spaces would be located at the rear of the property.<sup>1</sup>

The entire lot would be excavated to a maximum depth of 10 feet below ground surface and remove approximately 4,400 cubic yards of soil. Soil removal would be conducted in compliance with local and state regulations. In accordance with a geotechnical report<sup>2</sup> prepared for the site, chemical grouting would be injected to a depth of 20 feet below the finished grade (i.e., the new basement subgrade) to prepare the site for a mat slab foundation that would support the proposed building. Construction of the proposed project would occur over a period of 18 to 24 months.

**Project Approvals**

The proposed project would require the following approvals:

- **Conditional use authorizations.** Pursuant to the Planning Code sections cited below, the proposed project would require conditional use authorizations from the Planning Commission to: (1) convert the project site from an automotive service use to a mixed residential/commercial use (section 202.5); (2) develop a lot that exceeds 5,000 square feet in size (sections 121.1 and 710); and (3) construct non-residential uses that exceed 3,000 square feet in an NC-1 district (sections 303(c)(1) and 710).
- **Demolition and building permits.** The proposed project would require approval of demolition and building permits from the Department of Building Inspection (DBI).

**Approval Action:** If discretionary review before the Planning Commission is requested, the discretionary review hearing is the Approval Action for the project. If no discretionary review is requested, the approval of the conditional use authorizations by the Planning Commission would constitute the Approval Action for the proposed project. The Approval Action date establishes the start of the 30-day

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<sup>1</sup> Section 155.1(a) of the planning code defines class 1 bicycle spaces as “spaces in secure, weather-protected facilities intended for use as long-term, overnight, and work-day bicycle storage by dwelling unit residents, nonresidential occupants, and employees” and defines class 2 bicycle spaces as “spaces located in a publicly-accessible, highly visible location intended for transient or short-term use by visitors, guests, and patrons to the building or use.”

<sup>2</sup> Wayne Ting & Associates, *Geotechnical Investigation: 3601 Lawton Street, San Francisco, California*, April 6, 2017. This document (and all other documents cited in this report, unless otherwise noted), is available for review at the San Francisco Planning Department, 1650 Mission Street, Suite 400, as part of case file number 2015-009053ENV.

appeal period for this CEQA exemption determination pursuant to section 31.04(h) of the San Francisco Administrative Code. The Approval Action date establishes the start of the 30-day appeal period for this CEQA exemption determination pursuant to Section 31.04(h) of the San Francisco Administrative Code.

**EXEMPT STATUS (continued):**

CEQA Guidelines Section 15332, or Class 32, provides an exemption from environmental review for in-fill development projects that meet the following conditions. As discussed below, the proposed project satisfies the terms of the Class 32 exemption.

- a) *The project is consistent with applicable general plan designations and policies as well as with applicable zoning designations.*

The San Francisco General Plan describes the objectives and policies that guide the City's decision making as it pertains to, among other topics, environmental protection, air quality, transportation, housing, urban design and land use. In addition, permits to demolish, alter or construct buildings may not be issued unless the project conforms to the Planning Code, or an exception is granted pursuant to provisions in the Planning Code.

The proposed project is located in a NC-1 (Neighborhood Commercial, Cluster) district and a 40-X height and bulk district. NC-1 districts are intended to serve as local neighborhood shopping districts that provide convenience retail goods and services for the immediately surrounding neighborhoods, primarily during the daytime. NC-1 districts also permit residential uses that meet a dwelling unit density of one unit per 800 square feet, or 13 units in this case.<sup>3</sup> Since the proposed project would provide three below-market-rate (BMR) units and, pursuant to Planning Code section 207(c)(1), BMR units are not included in density calculations, the proposed project, at 12 qualifying residential units,<sup>4</sup> would fall below the 13-unit density limit. NC-1 districts also conditionally permit non-residential uses exceeding 3,000 square feet in size. As described above, the proposed project would seek a conditional use authorization to permit the proposed 4,500 square feet of commercial uses. The proposed project would also seek conditional use authorizations to convert the site from an automotive services use to a mixed residential/commercial use and to develop a lot exceeding 5,000 square feet in size.

The 40-X height and bulk designation limits the height of buildings to 40 feet and places no restrictions on bulk for projects proposed on non-sloping lots. At 40 feet in height, and located on a non-sloping lot, the proposed project would comply with the 40-X height and bulk designation. The additional 8 feet in height added by the proposed stair penthouses and accessory rooftop structures would be exempt from height calculations pursuant to Planning Code section 260.

Therefore, for the reasons described above, the proposed project is consistent with the San Francisco General Plan and applicable zoning designations.

<sup>3</sup> Dwelling unit density = 10,000-square-foot lot divided by 800 square feet per dwelling unit = 13 units

<sup>4</sup> Qualifying units = 15 proposed units minus three below-market-rate (BMR) units

- b) *The development occurs within city limits on a site of less than five acres surrounded by urban uses.*

The project site consists of an approximately 0.2-acre (10,000-square-foot) corner lot occupied by a gasoline station. The site is located in the Outer Sunset neighborhood of San Francisco in an area characterized by one- to three-story residential, commercial and institutional uses. Two churches (Sunset Church and Holy Name of Jesus Church) and three schools (Francis Scott Key Elementary School, Holy Name School and Noriega Children Center Preschool) are located within three blocks of the project site. The western terminus of Judah Street, a commercial strip populated by hotels, restaurants and other retail uses, is located two blocks north of the project site. Therefore, the proposed development occurs within city limits on a site of less than five acres surrounded by urban uses.

- c) *The project site has no habitat for endangered, rare or threatened species.*

The project site is occupied by a gas station, which is still in use. The site is completely paved with no vegetation present. Therefore, the site contains no habitat for endangered, rare or threatened species.

- d) *Approval of the project would not result in any significant effects relating to traffic, noise, air quality, or water quality.*

#### **Transportation**

On March 3, 2016, in anticipation of the future certification of revised CEQA Guidelines pursuant to Senate Bill 743, the San Francisco Planning Commission adopted the State Office of Planning and Research's recommendation in the *Revised Proposal on Updates to the CEQA Guidelines on Evaluating Transportation Impacts in CEQA*<sup>5</sup> to use the Vehicle Miles Traveled (VMT) metric instead of automobile delay to evaluate the transportation impacts of projects (Resolution 19579). (Note: the VMT metric does not apply to the analysis of impacts on non-automobile modes of travel such as riding transit, walking, and bicycling). Accordingly, this categorical exemption does not contain a separate discussion of automobile delay (i.e., traffic) impacts. Instead, a VMT and induced automobile travel impact analysis is provided within.

#### **Vehicle Miles Traveled (VMT)**

Many factors affect travel behavior. These factors include density, diversity of land uses, transportation network design, access to regional destinations, distance to high-quality transit, development scale, demographics, and transportation demand management. Typically, low-density development at great distance from other land uses, located in areas with poor access to non-private vehicular modes of travel, generate more automobile travel compared to development located in urban areas, where a higher density, mix of land uses, and travel options other than private vehicles are available.

Given these travel behavior factors, San Francisco has a lower VMT ratio than the nine-county San Francisco Bay Area region. In addition, some areas of the city, expressed geographically through

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<sup>5</sup> State Office of Planning and Research, Revised Proposal on Updates to the CEQA Guidelines on Evaluating Transportation Impacts in CEQA, [http://www.opr.ca.gov/docs/Revised\\_VMT\\_CEQA\\_Guidelines\\_Proposal\\_January\\_20\\_2016.pdf](http://www.opr.ca.gov/docs/Revised_VMT_CEQA_Guidelines_Proposal_January_20_2016.pdf), accessed September 25, 2017.

transportation analysis zones (TAZs), have lower VMT ratios than other areas of the city. The Planning Department has prepared a geographic information system database (the Transportation Information Map) with current and projected 2040 per capita VMT figures for all TAZs in the city, in addition to regional daily average figures.<sup>6</sup>

A project would have a significant effect on the environment if it would cause substantial additional VMT. The OPR's *Revised Proposal on Updates to the CEQA Guidelines on Evaluating Transportation Impacts in CEQA* recommends screening criteria to identify types, characteristics, or locations of projects that would not result in significant impacts to VMT. If a project meets one of the three screening criteria provided (map-based screening, small projects, and proximity to transit stations), then it is presumed that VMT impacts would be less than significant for the project and a detailed VMT analysis is not required. Map-based screening is used to determine if a project site is located within an area that exhibits low levels of VMT, defined as 15 percent or more below the regional average. Small projects are projects that would generate fewer than 100 vehicle trips per day. The proximity to transit stations criterion includes projects that are within a half-mile of an existing major transit stop, have a floor area ratio (FAR) greater than or equal to 0.75, vehicle parking that is less than or equal to that required or allowed by the Planning Code without a conditional use authorization, and are consistent with the Sustainable Communities Strategy.

The project site is located within San Francisco Bay Area transportation analysis zone (TAZ) 174. As shown in Table 1, existing and future VMT values for the proposed residential use are 12.2 and 11.5, respectively.<sup>7</sup> These values are approximately 16 percent below the corresponding existing and future thresholds (the regional average less 15 percent). In addition, the existing and future VMT values for the proposed retail use are 6.8 and 6.5, respectively.<sup>8</sup> These values are approximately 47 percent below the corresponding existing and future thresholds (the regional average less 15 percent). Therefore, the proposed project meets the map-based screening criterion because the project site is located within an area that exhibits low levels of VMT for the proposed land uses. The proposed project also meets the proximity to transit stations screening criteria, which further indicates that the proposed project would not cause substantial additional VMT.<sup>9</sup> Therefore the proposed project would not require a detailed VMT analysis.

Table 1. Map-Based Screening of Daily Vehicle Miles Traveled Per Capita

Land Use	Bay Area					
	Existing VMT			Future (2040) VMT		
	Regional Average	Regional Average minus 15%	TAZ 174	Regional Average	Regional Average minus 15%	TAZ 174
Residential	17.2	14.6	12.2	16.1	13.7	11.5
Retail	14.8	12.6	6.8	14.6	12.4	6.5

Source: San Francisco Transportation Information Map, <http://sftransportationmap.org>, accessed September 14, 2017.

<sup>6</sup> San Francisco Planning Department, Transportation Information Map, <http://sftransportationmap.org>, accessed March 22, 2017.

<sup>7</sup> San Francisco Planning Department, *Eligibility Checklist: CEQA Section 21099 – Modernization of Transportation Analysis*, 3601 Lawton Street, September 19, 2017.

<sup>8</sup> *Ibid.*

<sup>9</sup> *Ibid.*

Induced Automobile Travel

A project that would substantially induce additional automobile travel by increasing physical roadway capacity in congested areas (i.e., by adding new mixed-flow lanes) or by adding new roadways to the network would have a significant effect on the environment. The Office of Planning and Research's proposed transportation impact guidelines includes a list of transportation project types that would not likely lead to a substantial or measureable increase in VMT. If a project fits within the general types of projects (including combinations of types), then it is presumed that VMT impacts would be less than significant and a detailed VMT analysis would not be required. The proposed project would not increase physical roadway capacity or add new roadways to the network. The proposed project would remove three existing 30-foot-wide curb cuts (one on Lawton Street and two on 42nd Avenue) and add one new 10-foot-wide curb cut on Lawton Street, which could increase the number of on-street parking spaces and parking meters. However, these modifications would be considered minor and would not lead to a substantial increase in VMT.<sup>10</sup> Therefore, the proposed project would not substantially induce automobile travel and associated impacts would be less than significant.

The number of trips that would be generated by the proposed project was estimated based on the Planning Department's Transportation Impact Analysis Guidelines for Environmental Review.<sup>11</sup> As described in the guidelines, the department analyzes traffic conditions for the weekday p.m. peak period (between the hours of 4:00 p.m. and 6:00 p.m.), which typically represents the most congested conditions on the local transportation network. The proposed project's estimated daily and p.m. peak hour trips, categorized by mode of transportation, are shown in Table 2 below.

Table 2. Proposed Project Trip Generation<sup>12</sup>

Transportation Mode	Daily Trips		Peak Hour (p.m.) Trips	
	Person	Vehicle	Person	Vehicle
Auto	613	379	64	42
Transit	101	n/a	13	n/a
Walk	115	n/a	10	n/a
Other (bicycle, taxi, etc.)	19	n/a	3	n/a
<b>Total</b>	<b>848</b>	<b>379</b>	<b>91</b>	<b>42</b>

In summary, the proposed project is anticipated to generate 848 daily person trips, 91 of which would occur during the p.m. peak hour. These trips would be distributed among different modes of transportation, including single-occupancy vehicles, carpools, transit, bicycling, and walking. The proposed project is estimated to generate 379 daily vehicle trips, 42 of which would occur during the p.m. peak hour. These vehicle trips are not anticipated to substantially affect traffic conditions or circulation in the project vicinity. It should also be noted that the proposed project's trip generation does not account for existing vehicular traffic that the gasoline station generates (i.e., the net new daily vehicle trips on the street network may be lower than 379 daily trips.) The proposed project is

<sup>10</sup> *Ibid.*<sup>11</sup> San Francisco Planning Department, Transportation Impact Analysis Guidelines for Environmental Review, October 2002, [http://default.sfplanning.org/publications\\_reports/Transportation\\_Impact\\_Analysis\\_Guidelines.pdf](http://default.sfplanning.org/publications_reports/Transportation_Impact_Analysis_Guidelines.pdf), accessed September 21, 2017.<sup>12</sup> San Francisco Planning Department, *Transportation Calculations: 3601 Lawton Street*, September 19, 2017.

anticipated to generate 101 daily transit trips, 13 of which would occur during the p.m. peak hour. These transit trips are not anticipated to substantially affect transit in the project vicinity. Additionally, the proposed project would not create hazardous conditions for people walking or bicycling. The proposed project would, therefore, not result in a significant impact related to transportation.

#### Construction Traffic

Construction of the proposed project would occur over approximately 18 to 24 months, which would increase automobile travel due to construction workers traveling to and from the site. However, this increase would be temporary, and therefore, any construction-related induced automobile travel impacts associated with the proposed project would be less than significant.

#### Noise

In a decision issued on December 17, 2015, the California Supreme Court held that CEQA does not generally require an agency to consider the effects of existing environmental conditions on a proposed project's future users or residents except where a project or its residents may exacerbate existing environmental hazards.<sup>13</sup> Nonetheless, the proposed project would be subject to the California Building Standards Code (Title 24), which establishes uniform noise insulation standards. The Title 24 acoustical requirement for residential structures is incorporated into section 1207 of the San Francisco Building Code and requires that these structures be designed to prevent the intrusion of exterior noise so that the noise level with windows closed, attributable to exterior sources, shall not exceed 45 A-weighted decibels (dBA),<sup>14</sup> in any habitable room.

Potential noise impacts associated with the construction and operation of the proposed project are discussed below.

#### Construction Noise

Construction of the proposed project would occur over approximately 18 to 24 months. All construction activities for the proposed project would be subject to the San Francisco Noise Ordinance (article 29 of the San Francisco Police Code). The ordinance requires construction work to be conducted in the following manner: (1) noise levels of construction equipment, other than impact tools, must not exceed 80 dBA at a distance of 100 feet from the source (the equipment generating the noise); (2) impact tools must have intake and exhaust mufflers that are approved by the Director of Public Works or the Director of the Department of Building Inspection to best accomplish maximum noise reduction; and (3) if the noise from the construction work would exceed the ambient noise levels at the site property line by 5 dBA, the work must not be conducted between 8:00 p.m. and 7:00 a.m. unless the Director of Public Works authorizes a special permit for conducting the work during that period.

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<sup>13</sup> California Courts, *California Building Industry Association v. Bay Area Air Quality Management District*, December 17, 2015, Case No. S213478, <http://www.courts.ca.gov/opinions-slip.htm>, accessed September 25, 2017.

<sup>14</sup> A decibel (dB) is a unit of measurement describing the amplitude of sound, equal to 20 times the logarithm to the base 10 of the ratio of the pressure of the sound measured to the reference pressure, which is 20 micropascals. The dBA, or A-weighted decibel, refers to a scale of noise measurement that approximates the range of sensitivity of the human ear to sounds of different frequencies. On this scale, the normal range of human hearing extends from about 0 dBA to about 140 dBA. A 10-dBA increase in the level of a continuous noise represents a perceived doubling of loudness.



The Department of Building Inspection is responsible for enforcing the ordinance for private construction projects during normal business hours (8:00 a.m. to 5:00 p.m.). The Police Department is responsible for enforcing the ordinance during all other hours. Nonetheless, during the 18- to 24-month construction period for the proposed project, occupants of the nearby properties could be disturbed by construction noise. Times may occur when noise could interfere with indoor activities in nearby residences and other businesses near the project site. However, the increase in noise in the project area during project construction would not be considered a significant impact of the proposed project because the construction noise would be temporary, intermittent, and restricted in occurrence and level, as the contractor would be required to comply with the ordinance, which would reduce construction noise impacts to a less-than-significant level.

#### Operational Noise

The proposed project would construct a mixed-use building with 15 residential units and two commercial units in a location where the existing Day-Night Average Sound Level (Ldn)<sup>15</sup> ranges from approximately 60 Ldn to 65 Ldn along Lawton Street and 42<sup>nd</sup> Avenue.<sup>16</sup> Ambient noise levels in the vicinity of the project site are typical of noise levels in neighborhoods in San Francisco, which are dominated by vehicular traffic, including trucks, cars, buses, emergency vehicles, and land use activities, such as commercial businesses and periodic temporary construction-related noise from nearby development, or street maintenance. The traffic volume in the vicinity would need to double in order to produce a 3-decibel increase in ambient noise levels, which would be barely perceptible to the human ear.<sup>17</sup> As discussed above, the proposed project would add approximately 379 daily vehicle trips to the local street network.<sup>18</sup> The existing traffic volume at the intersection of 43<sup>rd</sup> Avenue and Lawton Street (the closest measured intersection) averages 511 southbound vehicles and 910 northbound vehicles per day.<sup>19</sup> Therefore, vehicle trips generated by the proposed project would not double existing traffic volumes and thus, would not result in a perceptible increase in ambient noise levels near the project site.

Noises generated by residential and commercial uses are common and generally accepted in urban areas, including the vicinity of the project site. The proposed project would include approximately 7,000 square feet of open space for the residents of the 15 proposed dwelling units. This open space would take the form of private balconies and private rear and rooftop terraces. Intermittent operational noise attributed to the use of these private open spaces, the use of the commercial spaces and use of mechanical equipment associated with the proposed building (e.g., elevators, heating, ventilation and air conditioning equipment) would be subject to section 2909 (b) and (d) of the abovementioned noise ordinance. Section 2909 (b) regulates noise from mechanical equipment and devices on commercial property; mechanical equipment and devices operating on commercial

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<sup>15</sup> The Day-Night Average Sound Level (Ldn) is the A-weighted equivalent continuous sound exposure level for a 24-hour period with a 10 decibel (dB) adjustment added to the sound levels occurring during nighttime hours (10 PM to 7AM).

<sup>16</sup> San Francisco Planning Department, *EP\_ArcMap: Traffic Noise Levels Layer*, accessed September 19, 2017.

<sup>17</sup> United States Department of Transportation, Federal Highway Administration, *Highway Traffic Noise: Analysis and Abatement Guidance*, December 2011,

[http://www.fhwa.dot.gov/environment/noise/regulations\\_and\\_guidance/analysis\\_and\\_abatement\\_guidance/revguidance.pdf](http://www.fhwa.dot.gov/environment/noise/regulations_and_guidance/analysis_and_abatement_guidance/revguidance.pdf), accessed September 19, 2017.

<sup>18</sup> San Francisco Planning Department, *Transportation Calculations: 3601 Lawton Street*, September 19, 2017.

<sup>19</sup> San Francisco Municipal Transportation Agency, SFMTA Traffic Count Data 1995-2015, <https://www.sfmta.com/about-sfmta/reports/sfmta-traffic-count-data-1995-2015>, accessed September 19, 2017.

property must not produce a noise level more than 8 dBA above the ambient noise level at the property boundary. Section 2909 (d) states that no fixed noise source may cause the noise level measured inside any sleeping or living room in a dwelling unit on residential property to exceed 45 dBA between 10 p.m. and 7 a.m. or 55 dBA between 7 a.m. and 10 p.m. with windows open, except where building ventilation is achieved through mechanical systems that allow windows to remain closed. The proposed project would be subject to and required to comply with the ordinance.

For these reasons, operational noise impacts associated with the proposed project would be less than significant.

### Air Quality

#### Criteria Air Pollutants

In accordance with the state and federal Clean Air Acts, air pollutant standards are identified for the following six criteria air pollutants: ozone, carbon monoxide (CO), particulate matter (PM), nitrogen dioxide (NO<sub>2</sub>), sulfur dioxide (SO<sub>2</sub>) and lead. These air pollutants are termed criteria air pollutants because they are regulated by developing specific public health- and welfare-based criteria as the basis for setting permissible levels. The Bay Area Air Quality Management District (BAAQMD), in its *CEQA Air Quality Guidelines* (May 2011), has developed screening criteria to determine if projects would violate an air quality standard, contribute substantially to an air quality violation, or result in a cumulatively considerable net increase in criteria air pollutants within the San Francisco Bay Area Air Basin. If a proposed project meets the screening criteria, then the project would result in less-than-significant criteria air pollutant impacts. A project that exceeds the screening criteria may require a detailed air quality assessment to determine whether criteria air pollutant emissions would exceed significance thresholds. The proposed project, at 15 dwelling units, would not exceed the criteria air pollutant screening levels for operation (510 dwelling units) or construction (249 dwelling units) of a high-rise apartment.<sup>20</sup> In addition, the proposed commercial units, which would total 4,500 square feet, would not exceed the criteria air pollutant screening levels for operation (5,000 square feet or greater) or construction (277,000 square feet) of an applicable commercial use (e.g., restaurant, convenience market, retail store, etc.).<sup>21</sup> Further, the proposed project would require excavation of approximately 4,400 cubic yards of soil, which falls below the threshold (10,000 cubic yards) that would trigger extensive material transport and the generation of potentially significant levels of construction-related criteria air pollutants. Therefore, the proposed project would result in less-than-significant air quality impacts resulting from criteria air pollutant emissions.

#### Health Risks

In addition to criteria air pollutants, individual projects may emit toxic air contaminants. TACs collectively refer to a diverse group of air pollutants that are capable of causing chronic (i.e., of long-duration) and acute (i.e., severe, but short-term) adverse effects to human health, including carcinogenic effects. In response to growing concerns of TACs and their human health effects, the San Francisco Board of Supervisors approved a series of amendments to the San Francisco Building and Health Codes, generally referred to as the Enhanced Ventilation Required for Urban Infill Sensitive

<sup>20</sup> Bay Area Air Quality Management District, *CEQA Air Quality Guidelines*, Updated May 2011, Table 3-1, <http://www.baaqmd.gov/~media/Files/Planning%20and%20Research/CEQA/BAAQMD%20CEQA%20Guidelines%20May%202011.ashx?la=en>, accessed September 25, 2017.

<sup>21</sup> *Ibid.*

Use Developments or Health Code, Article 38 (Ordinance 224-14, effective December 8, 2014). The purpose of article 38 is to protect the public health and welfare by establishing an Air Pollutant Exposure Zone and imposing an enhanced ventilation requirement for all urban infill sensitive use development within the zone. Projects within the Air Pollutant Exposure Zone require special consideration to determine whether the project's activities would expose sensitive receptors to substantial air pollutant concentrations or add emissions to areas already adversely affected by poor air quality. The proposed project is not within an Air Pollutant Exposure Zone. In addition, the proposed project would not introduce any new stationary emissions sources, such as back-up diesel generators or boilers. Therefore, the proposed project would not result in a significant impact with respect to siting new sensitive receptors in areas with substantial levels of air pollution.

The proposed project would require construction activities over a period of 18 to 24 months. However, construction emissions would be temporary and variable in nature and would not be expected to expose sensitive receptors to substantial air pollutants. Furthermore, the proposed project would be subject to, and required to comply with, California regulations limiting idling to no more than five minutes,<sup>22</sup> which would further reduce nearby sensitive receptors' exposure to temporary and variable TAC emissions. Therefore, construction-related TAC emissions would not result in a significant impact with respect to exposing sensitive receptors to substantial levels of air pollution.

The demolition of the gas station, including removal of the underground storage tanks (USTs), proposed 4,400 cubic yards of excavation for the basement garage and site grading may cause wind-blown dust that could contribute particulate matter into the local atmosphere. The proposed project would be required to adhere to dust control requirements set forth in the Construction Dust Ordinance contained in San Francisco Health Code article 22B and San Francisco Building Code section 106.A.3.2.6, and therefore, construction of the project would not result in a significant impact related to the introduction of particulate matter into the local atmosphere.

For all of the above-cited reasons, the project would not result in a significant impact related to air quality.

### **Water Quality**

The 10,000-square-foot project site is completely paved (100 percent impervious surface coverage). The proposed project would reduce the site's impervious surface coverage to approximately 75 percent by including private gardens at the rear and on the roof of the proposed building. However, the proposed project would still include more than 5,000 square feet of impervious surface coverage. Therefore, in accordance with the Stormwater Management Ordinance, the proposed project would be required to comply with the San Francisco Stormwater Management Requirements and Design Guidelines, which would include submission of a Stormwater Control Plan to the San Francisco Public Utilities Commission for review and approval.

The proposed project would not include any uses that would generate wastewater or result in discharges that would have the potential to degrade water quality or contaminate the public water supply. In addition, project-related wastewater and stormwater would flow into the city's combined sewer system and would be treated to standards contained in the city's National Pollutant Discharge

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<sup>22</sup> California Code of Regulations, Title 13, Division 3, § 2485(c)(1) (on-road) and § 2449(d)(2) (off-road), <https://www.arb.ca.gov/regs/regs.htm>, accessed September 25, 2017.

Elimination System Permit prior to discharge. Project construction activities would be required to comply with the Construction Site Runoff Ordinance, which would reduce the discharge of pollution to the local storm drain system. In accordance with this requirement, the project sponsor, or its construction contractor, would be required to prepare an Erosion and Sediment Control Plan that would be reviewed, approved, and enforced by the San Francisco Public Utilities Commission. The control plan would specify construction best management practices and erosion and sedimentation control measures to prevent sediment from entering the city's combined stormwater/sewer system during project construction. Therefore, the proposed project would not result in significant water quality impacts.

- e) *The site can be adequately served by all required utilities and public services.*

The project site is located in an urban area where all required utilities and public services are available. The proposed project, at 15 dwelling units and 4,500 square feet of commercial space, would not result in a substantial increase in intensity of use or demand for utilities or public services that would necessitate an expansion of public utilities or public service facilities.

CEQA Guidelines section 15061(b)(3) establishes the general rule that CEQA applies only to projects that have the potential to cause a significant effect on the environment. Where it can be seen with certainty that there is no possibility that the activity in question may have a significant effect on the environment, the activity is not subject to CEQA. As discussed below, the proposed project would not result in a significant impact on the environment.

#### **DISCUSSION OF ENVIRONMENTAL ISSUES:**

CEQA Guidelines Section 15300.2 establishes exceptions to the application of a categorical exemption for a project. None of the established exceptions applies to the proposed project.

Guidelines Section 15300.2, subdivision (c), provides that a categorical exemption shall not be used for an activity where there is a reasonable possibility that the activity will have a significant effect on the environment due to unusual circumstances. As discussed above, the proposed project would not have a significant effect on traffic, noise, air quality and water quality. In addition, the proposed project would not have a significant effect on the environment due to unusual circumstances for other environmental topics, including those discussed below.

CEQA Guidelines Section 15300.2, subdivision (e), provides that a categorical exemption shall not be used for a project located on a site which is included on any list compiled pursuant to Section 65962.5 of the Government Code. Although the project site is one of the sites included on such a list, for the reasons discussed below under "Hazardous Materials," there is no possibility that the proposed project would have a significant effect on the environment related to this circumstance.

CEQA Guidelines Section 15300.2, subdivision (f), provides that a categorical exemption shall not be used for a project that may cause a substantial adverse change in the significance of a historical resource. For the reasons discussed below under "Historic Architectural Resources," there is no possibility that the proposed project would have a significant effect on a historic resource.

### Archeological Resources

The proposed project would include an underground parking garage, which would require excavation of approximately 4,400 cubic yards of soil to a depth of approximately 10 feet below ground surface. A Planning Department archeologist reviewed the proposed project and site history to evaluate the potential for encountering archeological resources and determined that it would be unlikely for any archeological resources to be encountered within the affected soils.<sup>23</sup> Therefore, the project would not result in a significant impact related to archeological resources.

### Hazardous Materials

Pursuant to section 65962.5 of the Government Code, the Secretary for Environmental Protection maintains a list of sites with potentially hazardous wastes, commonly referred to as the Cortese List. The Cortese list includes hazardous waste sites listed in the Department of Toxic Substances Control's EnviroStor database, hazardous facilities identified by the department as being subject to corrective action pursuant to Health and Safety Code section 25187.5, leaking underground storage tank sites listed in the State Water Resources Control Board's Geotracker database, a list of solid waste disposal sites maintained by the state board, and a list of sites with active cease and desist orders and cleanup and abatement orders.

The project site is listed on the Cortese List because the Geotracker database identifies it as a site that formerly contained a leaking underground storage tank (LUST). On June 27, 2014, the San Francisco Department of Public Health Local Oversight Program issued a *remedial action completion certification*, which confirmed that an investigation and corrective action had been completed at the site in compliance with the Health and Safety Code (sections 25296.10 and 25299.3) and that no further action related to petroleum releases at the site would be required.<sup>24</sup> Nevertheless, once a site is placed on the Cortese List, it is never removed. One of the reasons the Cortese List retains site listings is that remediation techniques may include capping the site (or containing the hazardous material) to prevent the hazardous material from posing a risk to humans or the environment. A subsequent project that includes excavation or would otherwise disturb that containment could expose the public and the environment to hazardous materials within the soil or groundwater that were previously contained.

To determine whether the project could present a risk to humans or the environment as a result of hazardous materials within the soil or groundwater, it is important to understand both the history of the site as well as the regulations in place to protect the health of the public and workers. Both are discussed below.

### *Site History: Underground Storage Tanks (USTs)*

The project sponsor retained Basics Environmental, a qualified environmental consultant, to prepare a *phase I environmental site assessment* of the project site.<sup>25</sup> The results of the assessment are as follows. The project site has been used continuously as a gasoline service station since at least 1950. The current service station configuration was constructed on the site in 1966. The station originally included two 10,000-

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<sup>23</sup> Vanderslice, Allison, Archeologist and Preservation Planner, San Francisco Planning Department, e-mail correspondence with Jennifer McKellar, Environmental Planner, San Francisco Planning Department, May 8, 2017.

<sup>24</sup> San Francisco Department of Public Health, Environmental Health Section, *Remedial Action Completion Certification, Underground Storage Tank (UST) Case, 76 Service Station No. 3243, 3601 Lawton Street, LOP Site Number 11751*, June 27, 2014.

<sup>25</sup> Basics Environmental, *Phase I Environmental Site Assessment: 3601 Lawton Street, San Francisco, California*, May 15, 2015.

gallon gasoline underground storage tanks (USTs) and one 280-gallon waste oil UST. In 1989, these tanks were removed and replaced with two 12,000-gallon gasoline USTs and one 520-gallon waste oil UST. At the time of removal of the 10,000- and 280-gallon USTs, soil samples were collected and analyzed for hazardous materials. In 1990 and 1992, the City health department requested additional site investigations; in March 1993, the health department granted closure of the case. The San Francisco Regional Water Quality Control Board corroborated this closure in June 1993.

In 2005, during a due diligence site assessment, petroleum hydrocarbons and oxygenates were detected in soil and groundwater at the site. As a result, the regional board reopened the case. Since then, site soil and groundwater impacts have been characterized using samples from soil borings collected in 1989, 2005, 2006 and 2008; grab groundwater samples collected in 2005 and 2009; and groundwater collected from five groundwater monitoring wells between 2006 and 2012. In addition, soil gas impacts have been characterized using samples collected from 10 multi-depth soil vapor sampling points in 2008 and 2009.

In 2013, a conceptual site model and closure request was submitted to the health department on behalf of the site based on the following summary characterization. The groundwater contamination plume is either stable or decreasing and has not migrated off-site. The residual contaminants in the soil include 0.011 parts per million (ppm) benzene, 0.0068 ppm toluene, and 0.75 ppm total petroleum hydrocarbons as gasoline (TPHg). The residual groundwater contaminants include 510 parts per billion (ppb) benzene, 150 ppb toluene, 680 ppb ethylbenzene, 11,000 ppb TPHg, and 1,700 ppb xylene. As stated above, on June 27, 2014, the health department issued a remedial action completion certification, which confirmed that an investigation and corrective action had been completed at the site in compliance with the California Health and Safety Code (sections 25296.10 and 25299.3) and that no further action related to petroleum releases at the site would be required.

#### *Applicable Regulations*

Construction of the proposed project would involve the demolition of the existing gas station structures and removal of two 12,000-gallon USTs and one 520-gallon waste oil UST. As noted above, state and local authorities have determined that contamination from the removed LUSTs would not pose a threat to public health or the environment. Compliance with existing state and local regulations, as described below, would ensure that the proposed project would not result in a significant hazard to the public or environment.

The health department's Hazardous Materials and Waste Program is the state designated enforcement program in San Francisco for the Hazardous Materials Unified Program Agency (HMUPA). The program provides regulatory oversight of the construction, operation, repair and removal of USTs in San Francisco, in accordance with the Health and Safety Code (chapter 6.7), California Code of Regulations (Title 23) and San Francisco Health Code (article 21). The purpose of the program is to prevent the release of petroleum and other hazardous substances stored in USTs into the environment. The program conducts all routine, construction, modification, repair and closure inspections of UST systems in San Francisco. As the HMUPA, the City health department has established a set of UST closure guidelines.<sup>26</sup> The proposed project would be required to follow these guidelines in order to obtain approval from the

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<sup>26</sup> San Francisco Department of Public Health, Hazardous Materials and Waste Program: Underground Storage Tanks, UST Closure Guidelines, <https://www.sfdph.org/dph/EH/HMUPA/UST.asp>, accessed September 20, 2017.

program to remove the existing USTs from the project site. Additional permits from the following agencies may also be required: San Francisco Fire Department; Department of Public Works, Street Use and Mapping; Bay Area Air Quality Management District; Department of Building Inspection; and Planning Department. The proposed project would be required to contact each agency to determine their respective requirements.

The proposed project would also require the excavation and removal of approximately 4,400 cubic yards of soil on a site with previous LUSTs. The project is, therefore, subject to article 22A of the San Francisco Health Code. Article 22A, also known as the Maher Ordinance, is administered and overseen by the health department. The ordinance requires remediation of soil and groundwater on sites with suspected contamination due to past or current uses. In compliance with the Maher Ordinance, the project sponsor submitted a Maher application,<sup>27</sup> phase I environmental assessment (ESA),<sup>28</sup> geotechnical report<sup>29</sup> and additional documentation to the health department. The health department reviewed the documents and determined that the project sponsor would be required to develop and submit a work plan for *site characterization* since the existing soil sample results apply only to the removal of the former USTs.<sup>30</sup> Once the work plan has been approved by the health department and implemented by the project sponsor, the health department would determine whether the project sponsor would be required to submit a *site mitigation plan* and remediate any soil and/or groundwater contamination in accordance with article 22A. The project sponsor would be required to comply with health department's determination. Therefore, the proposed project would not result in a significant impact to the public or environment related to contaminated soil and/or groundwater.

The existing structure was constructed prior to 1980, and therefore, may contain hazardous construction materials such as lead and asbestos. Pursuant to section 19827.5 of the California Health and Safety Code, the project sponsor must demonstrate compliance with notification requirements under applicable federal regulations regarding hazardous air pollutants prior to issuance of a demolition or alteration permit. In addition, the proposed project would be subject to San Francisco Existing Building Code section 327 ("Work Practices for Lead-Based Paint on Pre-1979 Buildings and Steel Structures") and section 328 ("Asbestos Information and Notice"), which would ensure that the proposed project would not result in significant impacts related to lead or asbestos.

As discussed under "Air Quality" above, the proposed project would also be required to adhere to dust control requirements set forth in the Construction Dust Ordinance contained in San Francisco Health Code article 22B and San Francisco Building Code section 106.A.3.2.6. Therefore, construction of the project would not result in a significant impact related to the introduction of particulate matter into the local atmosphere.

Thus, for the reasons discussed above, the proposed project would not result in a significant hazard to the public or the environment through the release of hazardous materials.

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<sup>27</sup> Karayanis, Zoe, Assistant, Ian Birchall and Associates, e-mail correspondence with Jennifer McKellar, Environmental Planner, San Francisco Planning Department, February 23, 2016.

<sup>28</sup> Basics Environmental, *Phase I Environmental Site Assessment: 3601 Lawton Street, San Francisco, California*, May 15, 2015.

<sup>29</sup> Wayne Ting & Associates, Inc., *Geotechnical Investigation: 3601 Lawton Street, San Francisco, California*, April 6, 2017.

<sup>30</sup> Cushing, Stephanie, Director, Environmental Health, San Francisco Department of Public Health, letter correspondence with David Silverman, Associate, Reuben, Junius & Rose, August 28, 2017.

Historic Architectural Resources

Under CEQA Section 21084.1, a property may be considered a historic resource if it is listed in, or determined to be eligible for listing in, the California Register of Historical Resources (CRHR). The CRHR stipulates that a property may be considered a historic resource if a historically significant (1) event, (2) person, or (3) architectural style is associated with the property, or (4) if there is potential to gather historically significant information from the site.

The project site is occupied by a gas station that was constructed in 1966. Since the existing site structures were constructed more than 50 years ago, the property qualifies as age-eligible for consideration as a potential historic resource. To determine the historic resource status of the property, the project sponsor retained Archaeological/Historical Consultants, a qualified historic resources consultant, to prepare a Historic Resources Evaluation (HRE).<sup>31</sup> The Planning Department reviewed the HRE and provided a determination in a Preservation Team Review (PTR) form.<sup>32</sup> The HRE found that the subject property is not eligible to be listed in the CRHR under any of the four criteria. The PTR agreed with the HRE determination for the following reasons: (1) no known historic events have occurred at the property; (2) no individual owners or occupants important to history are associated with the subject property; (3) the building is not architecturally distinct to the extent that it would qualify individually for listing in the CRHR; (4) no potential exists to gather historically significant information from the site; and (5) the property is not located within the boundaries of any identified historic district.

Therefore, the proposed project would not result in a significant impact related to historic architectural resources.

**Public Notice and Comment.** On July 13, 2017, the Planning Department mailed a "Notification of Project Receiving Environmental Review" to community organizations, tenants of the affected property and properties adjacent to the project site, and those persons who own property within 300 feet of the project site. The Planning Department received comments from five people in response to the notice. Comments pertaining to the potential physical environmental impacts of the proposed project are summarized and addressed below.

- 1. The proposed project would increase traffic congestion, exacerbate parking shortages and lead to the introduction of new parking meters, all of which could decrease traffic safety, particularly for children and the elderly.**

As previously discussed, the proposed project would not substantially increase vehicle miles traveled (VMT), induce automobile travel, affect transit in the project vicinity or create hazardous conditions for pedestrians and cyclists. In fact, the proposed project's removal of three 30-foot-wide curb cuts associated with the existing gas station could improve safety for pedestrians and cyclists in the area. Furthermore, in accordance with CEQA section 21099, Modernization of Transportation Analysis for Transit Oriented Projects, aesthetics and parking shall not be considered in determining if a project has the potential to result in significant environmental effects, provided the project is located on an infill site within a transit priority area and qualifies

<sup>31</sup> Archaeological/Historical Consultants, *Part 1 Historic Resources Evaluation*, 3601 Lawton Street, San Francisco, California, February 2016.

<sup>32</sup> San Francisco Planning Department, *Preservation Team Review Form*, 3601 Lawton Street, San Francisco, California, April 21, 2016.



as a residential, mixed-use or employment center project. The proposed project meets each of these criteria. Therefore, any effects that the project may have on parking would not constitute an environmental impact under CEQA.

2. **An increase in noise levels would result from construction activities (e.g., trucks and equipment) as well as from daily operations after the project is built (introduction of more people and new commercial uses).**

As described under "Noise" above, noise associated with the construction and operation of the proposed project would be subject to the San Francisco Noise Ordinance. Furthermore, the proposed project would not double existing traffic volumes in the project vicinity. Therefore, the project would not result in a significant impact related to noise.

3. **Contamination of soil and groundwater due to the release of hazardous contaminants during the demolition and cleanup of the existing gas station would lead to adverse health impacts.**

As discussed under "Hazardous Materials" above, the proposed project is subject to the Maher Ordinance and has enrolled in the Maher program. Under the program, the proposed project would be required to remediate any soil and/or groundwater contamination in accordance with article 22A of the Health Code. In addition, the proposed project would be subject to the underground storage tank (UST) closure requirements of the health department's Hazardous Materials and Waste Program, which would ensure that the existing USTs would be removed safely.

4. **A deterioration in air quality would result due to an increase in construction-related dust, construction-related emissions (from trucks and other equipment), operational emissions (new vehicles in the area) and from the release of contaminants during demolition of the gas station.**

As discussed under "Air Quality" and "Hazardous Materials" above, the proposed project would be required to comply with construction dust control requirements set forth in San Francisco Health Code article 22B and San Francisco Building Code section 106.A.3.2.6 as well as site remediation requirements set forth in article 22A of the Health Code. In addition, the proposed project, at 15 dwelling units and 4,500 square feet of commercial space, would not exceed the criteria air pollutant screening levels for the operation or construction of a high-rise apartment or the operation or construction of an applicable commercial use (e.g., restaurant, convenience market, retail store, etc.).<sup>33</sup> Furthermore, the proposed project would require excavation of approximately 4,400 cubic yards of soil, which falls below the threshold (10,000 cubic yards) that would trigger extensive material transport and the generation of potentially significant levels of construction-related criteria air pollutants. For these reasons, the proposed project would not result in a significant impact related to air quality.

5. **Overpopulation of the area would result, which could include an influx of homeless people attracted by the increase in commercial activity in the area.**

The proposed project, at 15 dwelling units and two commercial units totaling 4,500 square feet,

<sup>33</sup> Bay Area Air Quality Management District, CEQA Air Quality Guidelines, Updated May 2011, Table 3-1, <http://www.baaqmd.gov/-/media/Files/Planning%20and%20Research/CEQA/BAAQMD%20CEQA%20Guidelines%20May%202011.ashx?la=en>, accessed September 25, 2017.

would not induce substantial population growth in the area. In addition, there is no evidence that the proposed project would attract an influx of homeless people that would degrade the neighborhood. Not only is the proposed project consistent with the intent of the NC-1 district zoning, but it is compatible with existing uses observed along Lawton Street, which include a mix of multi-family apartment buildings and ground-floor commercial spaces.

**6. Obstruction of views would result, particularly of the ocean, due to the height of the proposed building.**

As previously discussed, the proposed project meets the criteria described in CEQA section 21099, Modernization of Transportation Analysis for Transit Oriented Projects. As such, aesthetics shall not be considered in determining if a project has the potential to result in significant environmental effects. Therefore, any effects that the project may have on a scenic vista would not constitute an environmental impact under CEQA.

**Conclusion.** The proposed project satisfies the criteria for exemption under the above-cited classifications. In addition, none of the CEQA Guidelines section 15300.2 exceptions to the use of a categorical exemption applies to the proposed project. Moreover, CEQA Guidelines section 15061(b)(3) provides an exemption from environmental review where it can be seen with certainty that the proposed project would not have a significant effect on the environment. As noted above, there is no possibility that the proposed project would have significant environmental impacts. For this reason, the proposed project is appropriately exempt from environmental review under the General Rule Exclusion (CEQA Guidelines 15061(b)(3)). For all of the above reasons, the proposed project is appropriately exempt from environmental review.





# SAN FRANCISCO PLANNING DEPARTMENT

## PRESERVATION TEAM REVIEW FORM

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

Preservation Team Meeting Date:		Date of Form Completion	3/29/2016
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PROJECT INFORMATION:		
Planner:	Address:	
Stephanie Cisneros	3601 Lawton Street	
Block/Lot:	Cross Streets:	
1901/001	42nd Avenue	
CEQA Category:	Art. 10/11:	BPA/Case No.:
B	N/A	2015-009053ENV

Reception:  
**415.558.6378**

Fax:  
**415.558.6409**

Planning  
Information:  
**415.558.6377**

PURPOSE OF REVIEW:		PROJECT DESCRIPTION:		
<input checked="" type="radio"/> CEQA	<input type="radio"/> Article 10/11	<input type="radio"/> Preliminary/PIC	<input type="radio"/> Alteration	<input checked="" type="radio"/> Demo/New Construction

DATE OF PLANS UNDER REVIEW:	07/14/2015
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PROJECT ISSUES:	
<input checked="" type="checkbox"/>	Is the subject Property an eligible historic resource?
<input type="checkbox"/>	If so, are the proposed changes a significant impact?
Additional Notes:	
Submitted: Historic Resource Evaluation prepared by Archaeological/Historical Consultants (dated February 2016).	
Proposed Project: Demolition of (E) gas station and subdivision into 4 parcels. Construction of 4 new buildings with 3-unit condominiums each and 4-stories high with parking.	

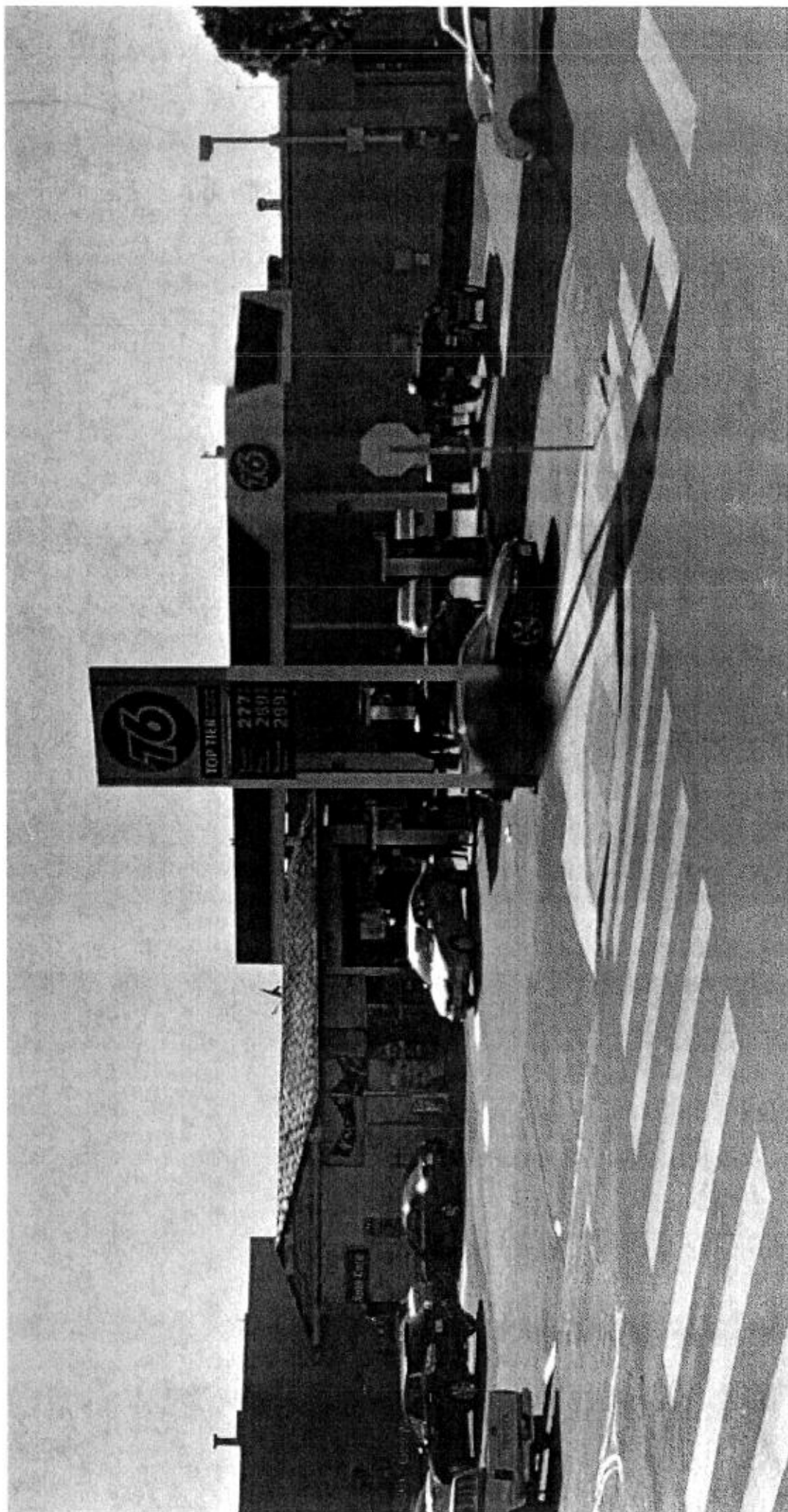
PRESERVATION TEAM REVIEW:			
Historic Resource Present		<input type="radio"/> Yes	<input checked="" type="radio"/> No *
		<input type="radio"/> N/A	
Individual	Historic District/Context		
Property is individually eligible for inclusion in a California Register under one or more of the following Criteria:	Property is in an eligible California Register Historic District/Context under one or more of the following Criteria:		
Criterion 1 - Event:	<input type="radio"/> Yes	<input checked="" type="radio"/> No	
Criterion 2 - Persons:	<input type="radio"/> Yes	<input checked="" type="radio"/> No	
Criterion 3 - Architecture:	<input type="radio"/> Yes	<input checked="" type="radio"/> No	
Criterion 4 - Info. Potential:	<input type="radio"/> Yes	<input checked="" type="radio"/> No	
Period of Significance:	Period of Significance:		
	<input type="radio"/> Contributor <input type="radio"/> Non-Contributor		

Complies with the Secretary's Standards/Art 10/Art 11:	<input type="radio"/> Yes	<input type="radio"/> No	<input checked="" type="radio"/> N/A
CEQA Material Impairment:	<input type="radio"/> Yes	<input checked="" type="radio"/> No	
Needs More Information:	<input type="radio"/> Yes	<input checked="" type="radio"/> No	
Requires Design Revisions:	<input type="radio"/> Yes	<input checked="" type="radio"/> No	
Defer to Residential Design Team:	<input checked="" type="radio"/> Yes	<input type="radio"/> No	

\* If No is selected for Historic Resource per CEQA, a signature from Senior Preservation Planner or Preservation Coordinator is required.

PRESERVATION TEAM COMMENTS:
<p>According to the Historic Resource Evaluation prepared by Archaeological/Historical Consultants (dated February 2016) and information found in the Planning Department files, the subject property at 3601 Lawton Street contains a one-story, steel-frame gas station and detached canopy with four gas pumps constructed in 1965 (source: building permit). The gas station was originally constructed in 1949 by Campbell Construction &amp; Equipment Company for Union Oil Company of California (UNOCAL). The original gas station was a one-story Union 76 Gas Station that was situated at the center of the Lawton Street side of the lot with an attached canopy and three pumps. In 1965, Union Oil demolished the original station and hired Parker Engineering &amp; Construction Company to design and construct the present-day Union 76 station. UNOCAL owned and operated the station from 1949 until 1997. Known alterations to the present gas station include: ADA upgrades to bathroom and parking facilities (1998); replacing area lights requiring new footing (2002); installation of new sign, canopy lights, canopy fascia, and wall sign (2008); and upgrade of vapor recovery systems (2009).</p> <p>No known historic events occurred at the subject property (Criterion 1). While prefabricated gas stations reflect the expansion and mass production of buildings accommodating automobile culture during the 1920s and 1930s, the subject property is not a particularly significant example of this property type as it was originally built and then re-built after the peak of automobile related building construction in San Francisco. As a gas station owned and operated by UNOCAL there are no individual owners or occupants that could be identified as important to history (Criterion 2). The building is not architecturally distinct such that it would qualify individually for listing in the California Register under Criterion 3.</p> <p>The subject property is not located within the boundaries of any identified historic district. The subject property is located in the Sunset District neighborhood on the corner of Lawton Street and 42nd Avenue on a block primarily made up of non-residential, retail commercial uses designed in a variety of styles with construction dates ranging from 1949 to 2005. Together, the block does not contain a significant concentration of historically or aesthetically unified buildings.</p> <p>Therefore, the subject property is not eligible for listing in the California Register under any criteria individually or as part of a historic district.</p>

Signature of a Senior Preservation Planner / Preservation Coordinator:	Date:
	4-21-2016



hi

my name is Lorraine Meier  
(lorrainemeier@gmail.com) and  
I have some concerns about the  
proposed building on Leavitt + 42nd  
Ave

1st: Tonight's meeting was posted on  
FB and I did get an email  
But the majority of my neighbors  
were not notified! This is  
unacceptable. If you want to  
have a community meeting: then  
notify the community!

Unfortunately, Thursday evening is  
the worst night for me to attend.  
Kids - soccer - ballet etc! So I  
am writing this letter.

I do not oppose the housing.  
We need housing BUT I do  
oppose the lack of parking  
I understand this project will  
have a very limited number  
of parking spaces and a very  
large commercial space

WE ALREADY HAVE parking problems  
around here. The supply store customers,  
the school, the coffee shop and  
seven stills cause problems. Oh, and  
the church. Some days getting out of  
the garage is impossible and other  
days the double parking on Lawton &  
43rd cause hazardous driving conditions.  
WE don't need metered parking!  
I understand that this project  
will bring meters to the neighborhood.  
Please NO!

Again, I am baffled as to why  
more neighbors were not made  
aware of this meeting? This project  
will impact us all!

Did like to hear more about this  
proposal my email is included.

Thank You  
Lorraine Meier



**From:** [Kevin Lei](#)  
**To:** [Horn, Jeffrey \(CPC\)](#)  
**Subject:** 3601 Lawton Street(2015-009053CUA)  
**Date:** Monday, October 16, 2017 7:33:53 PM

---

Hi Jeffrey,

We are strongly oppose the development of the 3601 Lawton st project. Beside attending the public hearing, are there any addtionation ways to go against this project ?

Best,

Kevin

**From:** [Jane Natoli](#)  
**Subject:** Support for 3601 Lawton  
**Date:** Sunday, October 15, 2017 8:28:32 PM

---

Hello,

I'm writing to share my support for the proposed 15 residential and 2 commercial units at 3601 Lawton Ave. As a member of SFYIMBY and a resident of the west side of San Francisco, I'm excited to see a project where we are finally doing our part on this side of the city to help alleviate the severe housing shortage we are facing as an entire city. We cannot keep foisting these kinds of developments on Soma or the Mission and this seems like an excellent opportunity to build more housing for new neighbors on the west side. I'm also excited to see that it's replacing a gas station, as I think housing folks is a far higher use of the land than that. It's also great to see a number of three-unit residences planned for the building as I do think we need to address housing at all levels, whether it's for a single person or a family. What I am curious to know is if we could explore even more housing at a location like that with Home-SF, because I believe that's exactly what we need. While there are aspects I don't love (I personally would love to see less parking), I think this is much-needed housing and I don't think perfect should be the enemy of good. I look forward to supporting this project and eventually seeing this addition to the neighborhood in the future.

Thanks for your time!  
Jane Natoli

**From:** [John Zwolinski](#)  
**To:** [Horn, Jeffrey \(CPC\)](#); [baal@kodorskidesign.com](mailto:baal@kodorskidesign.com)  
**Cc:** [wisfe@doubleaacorp.com](mailto:wisfe@doubleaacorp.com); [Tang, Katy \(BOS\)](#)  
**Subject:** More support for 3601 Lawton St  
**Date:** Sunday, October 22, 2017 9:02:20 PM

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Hello, Kodor and Jeff,

John Zwolinski here, Outer Sunset resident. Writing to enthusiastically express support for the 3601 Lawton Street project. Am particularly supportive of the plan to build BMR units on-site, though, hey, this is the kind of site HomeSF was created for. Any chance we could take a deep breath and push for that?

Thanks for all you folks do.

Z

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**From:** "Morvan, Maelig" <Maelig.Morvan@ucsf.edu>  
**To:** "Jeffrey.Horn@sfgov.org" <Jeffrey.Horn@sfgov.org>; "baal@kodorskidesign.com" <baal@kodorskidesign.com>  
**Cc:** "wisfe@doubleaacorp.com" <wisfe@doubleaacorp.com>; Katy Tang <Katy.Tang@sfgov.org>  
**Sent:** Thursday, October 19, 2017 12:11 AM  
**Subject:** Support for 3601 Lawton St

Dear Jeffrey and Kodor,

First, I would like to tell you how excited I am that some new housing is being built a few blocks from where I live and **I enthusiastically support the project at 3601 Lawton St.** While I definitely preferred the original proposal (apartment building with common open space) as someone who loves to share the backyard with the other families in my building, I am not opposed to this concept of « townhouse bundle » (despite the fact that there's nothing wrong with apartment buildings, a lot of my neighbors live in one). I am happy that someone is finally willing to build new homes in the Sunset and that you chose to have the BMR units on-site instead of paying the in-lieu fee. And the renderings show that the building looks great, especially considering it will replace a blighted gas station.

With one of my favorite spots in the neighborhood (Lawton Tap Room) and good bike parking (for now), this is probably the most awesome block in the Sunset, and I patronize it at least once a week by foot or by bike. I think this new building will be a fantastic addition (and quite frankly, improvement).

However, I would really like you to consider using **Home-SF** to bring more market rate and most importantly below-market rate units to this proposal. This is indeed the ideal site for a density bonus and the type of infill development for which Home-SF seems to have been specifically designed. I am afraid that if Home-SF cannot be used on such project, no one will ever be able to use it anywhere else in the Sunset.

And importantly, when it was brought up as a suggestion during the October 5th community meeting, the room voted at a majority in favor of using Home-SF for this project. So it seems to me that you should at least explore the option. You could also consider using the State Density Bonus if Home-SF doesn't pencil out.

Finally, I still have a few concerns and think there is room for improvement:

1) there is **WAY TOO MUCH parking** for cars, 24 underground spots for 15 units is not responsible at all, especially for such transit-oriented development (it's only 2 blocks away from a N-Judah streetcar stop), and in addition to its deleterious impact on traffic (24 more cars in the neighborhood, no thank you) and the environment (cf. climate change, I hope each parking spot will have at least an EV charging station), it will significantly increase the cost of construction per unit whereas we need more housing affordability.

2) there is **not enough bike storage**, which should be 3 bike slots per unit, period - and include room for cargo bikes and bike trailers for biking families. Also, most of the newly created 13 on-street parking spots for cars should be used for bike racks or a bike share station instead, and include a substantial white zone for rideshare pickup/dropoff and deliveries. You should also consider spots for carshare and mopeds, in particular electric ones.

3) there is **not enough new units**, especially since 3 units will be BMR and attributed by lottery/means testing, and 7 other units are already spoken for, leaving only 5 units available to the general public such as people like myself. Please increase the total number of units for this project, for example by replacing the commercial space by housing units (not sure we need more commercial space in the neighborhood given there are currently 100 empty storefronts in the Sunset anyway), maybe of a smaller size (studios or 1 bedroom), to have a better mix of unit sizes (not everyone, including families with children like mine, need 3 bedrooms).

I would definitely appreciate if this letter of support can be included in the November 2nd Planning Commission packet, during which I also plan on speaking in favor of approving the requested CUA during the corresponding public comments.

Thank you very much for reading me, hopefully taking my comments into account, and for your efforts to bring more new housing to the Sunset.

Maelig Morvan, resident on 48th Avenue and Kirkham St

Cc: Katy Tang, District 4 Supervisor  
Wisfe Aish, owner

**From:** [JL](#)  
**Subject:** In support of the 3601 Lawton  
**Date:** Monday, October 23, 2017 3:56:44 PM

---

Dear Supervisor Katy Tang, Jeffrey Horn, Wisfe Aish and Kodor Baalbaki,

I am writing to you all to enthusiastically SUPPORT the 3601 Lawton project. As someone who is born and raised in the Sunset district (48th Ave and Ortega), I believe this project will add to the neighborhood in the following ways:

- **BMR Units:** I was told this project will have 20% below market rate housing and this is a major selling point for me because we are currently in an affordable housing crisis and we need more housing for all income levels (BMR and market rate)
- **Gas Stations don't add character:** This building will replace a blighted gas station. As someone who does not drive, I believe that gas stations are horrible for our environment and does not add any neighborhood character.
- **Design:** As a professional graphic designer and student of art history, I LOVE the architectural design of the building. It is modern, sophisticated and pleasing to the eye and I wish there were more buildings like this in the Sunset.

While I support this project, I would like to provide additional feedback to you all since I missed the Oct 5th community meeting.

#### **Home-SF / State Density Bonus**

I hope this project takes advantage of Home-SF or the state density bonus. Since we are in a housing crisis and many including myself are unable to move out of our parent's home due to lack of housing inventory, I think the best way to alleviate this problem is to build denser housing so that we can have more BMR and MR units.

#### **We need less parking & more public transportation / cycling**

I choose to not drive because I believe that climate change is the number 1 issue of my generation. As a result, I believe that we all should do our part to depend less on cars and more on public transportation, biking and walking. Since this building will be a couple of blocks away from the N-Judah, I feel it is unnecessary to add so many parking spaces in the complex. Instead, we should accommodate more space for cyclists and encourage residents to take MUNI especially the N-Judah.

Thank you and have a nice day

Jimmy La

## Horn, Jeffrey (CPC)

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**From:** Horn, Jeffrey (CPC)  
**Sent:** Thursday, October 19, 2017 3:46 PM  
**To:** Horn, Jeffrey (CPC)  
**Subject:** RE: Support for 3601 Lawton St

**From:** Maelig [<mailto:maelig@ymail.com>]  
**Sent:** Wednesday, October 18, 2017 3:47 PM  
**To:** Horn, Jeffrey (CPC); [baal@kodorskidesign.com](mailto:baal@kodorskidesign.com)  
**Cc:** [wisfe@doubleaacorp.com](mailto:wisfe@doubleaacorp.com); Tang, Katy (BOS)  
**Subject:** Support for 3601 Lawton St

Dear Jeffrey and Kodor,

First, I would like to tell you how excited I am that some new housing is being built a few blocks from where I live and **I enthusiastically support the project at 3601 Lawton St.** While I definitely preferred the original proposal (apartment building with common open space) as someone who loves to share the backyard with the other families in my building, I am not opposed to this concept of « townhouse bundle » (despite the fact that there's nothing wrong with apartment buildings, a lot of my neighbors live in one). I am happy that someone is finally willing to build new homes in the Sunset and that you chose to have the BMR units on-site instead of paying the in-lieu fee. And the renderings show that the building looks great, especially considering it will replace a blighted gas station.

With one of my favorite spots in the neighborhood (Lawton Tap Room) and good bike parking (for now), this is probably the most awesome block in the Sunset, and I patronize it at least once a week by foot or by bike. I think this new building will be a fantastic addition (and quite frankly, improvement).

However, I would really like you to consider using **Home-SF** to bring more market rate and most importantly below-market rate units to this proposal. This is indeed the ideal site for a density bonus and the type of infill development for which Home-SF seems to have been specifically designed. I am afraid that if Home-SF cannot be used on such project, no one will ever be able to use it anywhere else in the Sunset.

And importantly, when it was brought up as a suggestion during the October 5th community meeting, the room voted at a majority in favor of using Home-SF for this project. So it seems to me that you should at least explore the option. You could also consider using the State Density Bonus if Home-SF doesn't pencil out.

Finally, I still have a few concerns and think there is room for improvement:

1) there is **WAY TOO MUCH parking** for cars, 24 underground spots for 15 units is not responsible at all, especially for such transit-oriented development (it's only 2 blocks away from a N-Judah streetcar stop), and in addition to its deleterious impact on traffic (24 more cars in the neighborhood, no thank you) and the environment (cf. climate change, I hope each parking spot will have at least an EV charging station), it will significantly increase the cost of construction per unit whereas we need more housing affordability.

2) there is **not enough bike storage**, which should be 3 bike slots per unit, period - and include room for cargo bikes and bike trailers for biking families. Also, most of the newly created 13 on-street parking spots for cars should be used for bike racks or a bike share station instead, and include a substantial white zone for rideshare pickup/dropoff and deliveries. You should also consider spots for carshare and mopeds, in particular electric ones.

3) there is **not enough new units**, especially since 3 units will be BMR and attributed by lottery/means testing, and 7 other units are already spoken for, leaving only 5 units available to the general public such as people like myself. Please increase the total number of units for this project, for example by replacing the commercial space by housing units (not sure we need more commercial space in the neighborhood given there are currently 100 empty storefronts in the Sunset anyway), maybe of a smaller size (studios or 1 bedroom), to have a better mix of unit sizes (not everyone, including families with children like mine, need 3 bedrooms).

I would definitely appreciate if this letter of support can be included in the November 2nd Planning Commission packet, during which I also plan on speaking in favor of approving the requested CUA during the corresponding public comments.

Thank you very much for reading me, hopefully taking my comments into account, and for your efforts to bring more new housing to the Sunset.

Maelig Morvan, resident on 48th Avenue and Kirkham St

Cc: Katy Tang, District 4 Supervisor  
Wisfe Aish, owner



# COMPLIANCE WITH THE INCLUSIONARY AFFORDABLE HOUSING PROGRAM



**San Francisco  
Planning**

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

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. Projects subject to grandfathering must provide the all of the inclusionary units at the low income AMI.

**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.

If the project received its first discretionary approval prior to January 12, 2016, please use the EEA accepted before 1/1/13 column to determine the applicable percentage because projects that received a first discretionary approval prior to January 12, 2016 are not subject to the new requirements included in the trailing legislation associated with Proposition C (Ord. No. 76-16 and File No. 160255).



The Project contains:	The zoning of the property is:	Complete EEA was submitted on:
15 UNITS	NC-1	09/05/2015

### 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
<b>Fee or Off-site</b>					
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%
<b>On-site</b>					
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
<b>On-site UMU</b>					
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%
<b>Fee or Off-site UMU</b>					
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%
<b>Land Dedication in UMU or Mission NCT</b>					
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

10/15/2017  
Date

I, Kodor Baalbaki,  
do hereby declare as follows:

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

3601 Lawton St. SF. CA 94122  
Address

1901 / 001  
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:

2015-009053 CUA  
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:

Jeff Horn.  
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):  
☐ 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.<sup>1</sup> 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: <b>3</b>	% Affordable Units: <b>20</b>	AMI Level: <b>90</b>
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, CA  
Location

10/25/2017  
Date

**Sign Here**

Signature

Kotor Baalbali  
Name (Print), Title

415-335-3260  
Contact Phone Number

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

<sup>1</sup> 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:
15				1	14

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 20 % 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:
				1	2

☐ **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**

Kodorski Design Inc.

Company Name

Kotor Baalbaki

Name (Print) of Contact Person

525 Hickory street

Address

415 - 335 - 3260

Phone / Fax

San Francisco, CA 94102

City, State, Zip

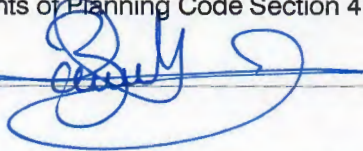
Baal@KodorskiDesign.com

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:



Kotor Baalbaki

Name (Print), Title:

**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 contact Mullane Ahern at (415) 252-2514 or [mullane.ahern@sfgov.org](mailto:mullane.ahern@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.**



**SAN FRANCISCO  
PLANNING  
DEPARTMENT**

**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: wistfe Aish AandM properties LLC	
PROPERTY OWNER'S ADDRESS: 1435 Huntington AVE. SUITE 210 South San Francisco CA 94080	TELEPHONE: (650) 589-7722 EMAIL: wistfe@doublecorp.com

APPLICANT'S NAME: Kotarski Design Inc		Same as Above <input type="checkbox"/>
APPLICANT'S ADDRESS: 525 Hickory street San Francisco CA 94102	TELEPHONE: (415) 335-3260 EMAIL: BoaL@KotarskiDesign.com	

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

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

## 2. Location and Project Description

STREET ADDRESS OF PROJECT: 3601 Lawton Street		ZIP CODE:
CROSS STREETS: Lawton St. and 42nd AVE.		
ASSESSORS BLOCK/LOT: 1901 / 001	ZONING DISTRICT: NC-1	HEIGHT/BULK DISTRICT: 40'-0"

PROJECT TYPE: (Please check all that apply)	EXISTING DWELLING UNITS:	PROPOSED DWELLING UNITS:	NET INCREASE:
<input checked="" type="checkbox"/> New Construction <input checked="" type="checkbox"/> Demolition <input type="checkbox"/> Alteration <input type="checkbox"/> Other:	(NA)	15	15



## 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.*

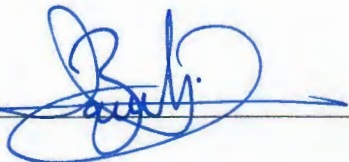
Human Rights Commission contact information  
**Mullane Ahern at (415)252-2514 or [mullane.ahern@sfgov.org](mailto:mullane.ahern@sfgov.org)**

## 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: \_\_\_\_\_

10/25/2017

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

Katar Baelbaki

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:	
Signature: _____ Date: _____	
Printed Name: _____ Phone: _____	
ROUTED TO HRC:	DATE:
<input type="checkbox"/> Emailed to: _____	



SAN FRANCISCO  
PLANNING  
DEPARTMENT

# AFFIDAVIT FOR FIRST SOURCE HIRING PROGRAM

## Administrative Code

### Chapter 83

1650 Mission Street, Suite 400 • San Francisco CA 94103-2479 • 415.558.6378 • <http://www.sfplanning.org>

#### Section 1: Project Information

PROJECT ADDRESS		BLOCK/LOT(S)	
3601 LAWTON STREET SAN FRANCISCO CA 94112		1901/001	
BUILDING PERMIT APPLICATION NO.		CASE NO. (IF APPLICABLE)	MOTION NO. (IF APPLICABLE)
		2015-009053CUA	
PROJECT SPONSOR		MAIN CONTACT	PHONE
KODORSKI DESIGN INC.		KODOR BAALBAKI	4153353260
ADDRESS			
525 HICKORY STREET			
CITY, STATE, ZIP		EMAIL	
SAN FRANCISCO, CA 94102			
ESTIMATED RESIDENTIAL UNITS	ESTIMATED SQ FT COMMERCIAL SPACE	ESTIMATED HEIGHT/FLOORS	ESTIMATED CONSTRUCTION COST
15 UNITS	4500 SQ.FT.	30'-0" TO 40'-0"	7 MILLIONS
ANTICIPATED START DATE			
AUGUST 2018			

#### Section 2: First Source Hiring Program Verification

CHECK ALL BOXES APPLICABLE TO THIS PROJECT	
<input type="checkbox"/>	Project is wholly Residential
<input type="checkbox"/>	Project is wholly Commercial
<input checked="" type="checkbox"/>	Project is Mixed Use
<input checked="" type="checkbox"/>	A: The project consists of ten (10) or more residential units;
<input type="checkbox"/>	B: The project consists of 25,000 square feet or more gross commercial floor area.
<input type="checkbox"/>	C: Neither 1A nor 1B apply.
<b>NOTES:</b> <ul style="list-style-type: none"><li>• If you checked <b>C</b>, this project is <u>NOT</u> subject to the First Source Hiring Program. Sign Section 4: Declaration of Sponsor of Project and submit to the Planning Department.</li><li>• If you checked <b>A</b> or <b>B</b>, your project <u>IS</u> subject to the First Source Hiring Program. Please complete the reverse of this document, sign, and submit to the Planning Department prior to any Planning Commission hearing. If principally permitted, Planning Department approval of the Site Permit is required for all projects subject to Administrative Code Chapter 83.</li><li>• For questions, please contact OEWD's CityBuild program at <a href="mailto:CityBuild@sfgov.org">CityBuild@sfgov.org</a> or (415) 701-4848. For more information about the First Source Hiring Program visit <a href="http://www.workforcedevelopmentsf.org">www.workforcedevelopmentsf.org</a></li><li>• If the project is subject to the First Source Hiring Program, you are required to execute a Memorandum of Understanding (MOU) with OEWD's CityBuild program prior to receiving construction permits from Department of Building Inspection.</li></ul>	

Continued...



### Section 3: First Source Hiring Program – Workforce Projection

Per Section 83.11 of Administrative Code Chapter 83, it is the developer's responsibility to complete the following information to the best of their knowledge.

Provide the estimated number of employees from each construction trade to be used on the project, indicating how many are entry and/or apprentice level as well as the anticipated wage for these positions.

Check the anticipated trade(s) and provide accompanying information (Select all that apply):

TRADE/CRAFT	ANTICIPATED JOURNEYMAN WAGE	# APPRENTICE POSITIONS	# TOTAL POSITIONS	TRADE/CRAFT	ANTICIPATED JOURNEYMAN WAGE	# APPRENTICE POSITIONS	# TOTAL POSITIONS
Abatement Laborer	3	1		Laborer	10	1	11
Boilermaker	2	1		Operating Engineer	1	1	2
Bricklayer	NA	NA		Painter	10	2	12
Carpenter	6	1		Pile Driver	2	1	3
Cement Mason	8	2		Plasterer	3	1	4
Drywall/Latherer	5	2		Plumber and Pipefitter	7	1	8
Electrician	4	1		Roofer/Water proofer	5	1	6
Elevator Constructor	3	0		Sheet Metal Worker	8	2	10
Floor Coverer	4	1		Sprinkler Fitter	5	2	7
Glazier	4	1		Taper	10	2	12
Heat & Frost Insulator	3	1		Tile Layer/Finisher	10	2	12
Ironworker	3	1		Other:	5	3	8
TOTAL:			57	TOTAL:			95

1. Will the anticipated employee compensation by trade be consistent with area Prevailing Wage?

YES ☒ NO ☐

2. Will the awarded contractor(s) participate in an apprenticeship program approved by the State of California's Department of Industrial Relations?

☐ YES ☒ NO

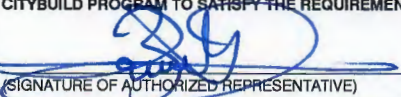
3. Will hiring and retention goals for apprentices be established?

☐ YES ☒ NO

4. What is the estimated number of local residents to be hired?

10-15

### Section 4: Declaration of Sponsor of Principal Project

PRINT NAME AND TITLE OF AUTHORIZED REPRESENTATIVE	EMAIL	PHONE NUMBER
Kodor Baalbaki	Baal@KodorskiDesign.com	415-335-3260
I HEREBY DECLARE THAT THE INFORMATION PROVIDED HEREIN IS ACCURATE TO THE BEST OF MY KNOWLEDGE AND THAT I COORDINATED WITH OEWD'S CITYBUILD PROGRAM TO SATISFY THE REQUIREMENTS OF ADMINISTRATIVE CODE CHAPTER 83.		
(SIGNATURE OF AUTHORIZED REPRESENTATIVE)	(DATE)	
	10/25/2017	

FOR PLANNING DEPARTMENT STAFF ONLY: PLEASE EMAIL AN ELECTRONIC COPY OF THE COMPLETED AFFIDAVIT FOR FIRST SOURCE HIRING PROGRAM TO OEWD'S CITYBUILD PROGRAM AT CITYBUILD@SFGOV.ORG

Cc: Office of Economic and Workforce Development, CityBuild  
Address: 1 South Van Ness 5th Floor San Francisco, CA 94103 Phone: 415-701-4848  
Website: www.workforcedevelopment.sfgov.org Email: CityBuild@sfgov.org



## APPLICATION PACKET OF INFORMATION FOR Transportation Demand Management Program

### WHAT IS THE TRANSPORTATION DEMAND MANAGEMENT (TDM) PROGRAM?

The City and County of San Francisco ("City") is projected to grow substantially through 2040, and this growth will bring more cars. The Transportation Demand Management (TDM) Program is aimed at improving and expanding the City's transportation system, and it creates a policy framework for new private development to minimize its impact on the transportation system. The TDM Program helps ensure that new developments are designed to make it easier for residents, tenants, employees, and visitors to get around by sustainable travel modes, such as transit, walking, and biking. Property owners choose from a variety of TDM measures, which are intended to reduce Vehicle Miles Traveled ("VMT") associated with a particular type of development project.

Planning Code Section 169 identifies the applicability for the TDM Program and establishes the TDM Program Standards. The TDM Program Standards contain the specific requirements necessary for a Development Project's compliance with the TDM Program. These requirements include submittal of one or more TDM Plans. The TDM Plan(s) shall document the Development Project's compliance with the TDM Program, including the Development Project's point target and associated TDM measures selected to achieve that point target.

### WHEN IS A TDM PLAN NECESSARY?

In general, any Development Project that meets the applicability criteria of Planning Code Section 169.3 shall be subject to the TDM Program requirements, and must submit a TDM Plan. This includes projects that propose:

- Addition/Construction of ten (10) or more Dwelling Units
- Addition/Construction of ten (10) or more bedrooms of Group Housing
- New construction resulting in 10,000 square feet of **occupied floor area** or more of any use other than Residential, excluding any area used for accessory parking
- Any Change of Use of 25,000 square feet of **occupied floor area** or more of any use other than Residential, excluding any area used for accessory parking, if:
  - The Change of Use involves a change from a Residential use to any use other than Residential, or
  - The Change of Use involves a change from any use other than Residential to another use other than Residential.

Projects that are 100% Affordable Housing, or projects that are for Parking Garages or Parking Lots that are not included within a larger Development Project, are exempt from the TDM Program requirements.

Projects with a Development Application filed, or an Environmental Evaluation Application deemed complete on or before September 4, 2016, shall be subject to 50% of the applicable target requirement. Projects not meeting the above criteria, but which file a Development Application before January 1, 2018, shall be subject to 75% of the applicable target requirement. Projects submitting their first Development Application on or after January 1, 2018 shall be subject to 100% of the target requirement.

### HOW DOES THE PROCESS WORK?

If the project is subject to the TDM Program per Planning Code Section 169.3, the Project Sponsor shall fill out and submit the accompanying application form, along with the associated application fee, at the time of submittal for the first Development Application for the project.

For projects that require a pre-application community meeting, the Project Sponsor must discuss potential TDM measures at the meeting and solicit feedback from the local community to be taken into consideration when preparing the proposed TDM Plan application for submission. In addition, if the project requires a Preliminary Project Assessment (PPA), the Project Sponsor is required to submit a draft TDM Plan with the PPA application.

Once the TDM Plan is received, Planning Department staff will review the application for compliance with the TDM Program Standards in conjunction with review of the Development Application for the project. The project will be subject to the TDM Program Standards in effect on the date the TDM Plan application is accepted at the Planning Department.

A project's TDM Plan will be finalized prior to Planning Department approval of the associated building permit. The final TDM Plan will be recorded as a Notice in the Official Records of the Recorder of the City. Neither the Planning Commission or the Zoning Administrator can waive, reduce, or adjust the requirements of the TDM Program through the approval process for the Development Application. However, a Development Project's finalized TDM Plan may be subsequently modified after the issuance of a building or site permit, in accordance with Planning Code Section 169.4 and the TDM Program Standards.

All projects subject to the TDM Program must designate a TDM coordinator: the point of contact for Planning Department staff on the project's compliance with the TDM Program. The project's TDM coordinator will also coordinate a pre-occupancy site visit with Planning Department staff, and will submit Pre-Occupancy and Ongoing Monitoring and Reporting Forms along with the associated monitoring fee. These steps will help the Department ensure that the project will continue to comply with its TDM Plan.

#### **WHO MAY SUBMIT A TDM PLAN?**

The TDM Plan will be recorded on the property and will run with the property in perpetuity. Therefore, the property owner or a party designated as the owner's agent may submit the TDM Plan application.

#### **FEES:**

Please refer to the Planning Department Fee Schedule available at [www.sfplanning.org](http://www.sfplanning.org) or at the Planning Information Center (PIC) located at 1660 Mission Street, First Floor, San Francisco. For questions related to the Fee Schedule, please call the PIC at (415) 558-6377.

Submission of a TDM Plan application includes an initial application submittal fee. Should the cost of staff time exceed the initial fee paid, an additional fee for time and materials may be billed upon completion of the hearing process or permit approval. Monitoring for compliance will occur once a year beginning 18 months after occupancy, or will occur once every 3 years for those property owners that are in good standing after a period of 5 consecutive years. Such monitoring will be subject to a separate application and associated fee.

Development Projects consisting of 24 or fewer Dwelling Units shall be exempt from the periodic compliance review fee and the voluntary TDM Plan update review fee, but shall otherwise be subject to the TDM Program, including the required payment of the initial application fee.

Any land use that requires a TDM Plan, but will be occupied by a non-profit organization that will receive funding from the City to provide services at the subject property shall be exempt from all TDM application fees, provided it files a fee waiver application with the TDM Plan application at the time of submittal, and additional fee waivers with each Ongoing Monitoring and Reporting Form, and as needed if there is a voluntary TDM Plan update submittal. These non-profit fee waivers shall be revoked if a change occurs in the use or tenancy of the project, such that the minimum requirements for a waiver are no longer met.

#### **TDM PLAN UPDATE:**

Following occupancy of a project, if a property owner wishes to change their TDM Plan and select different measures they may submit a TDM Plan Update application, so long as it would still allow them to achieve the required point target for their Development Project. The attached application will also be used for the TDM Plan Update application, and will require a Letter of Authorization from the property owner and a written description of any programmatic TDM measures to be offered. Additionally, for a TDM Plan Update application, a set of plans must be submitted showing any physical TDM measures.



## TRANSPORTATION DEMAND MANAGEMENT (TDM) PROGRAM

### APPLICATION SUBMITTAL REQUIREMENTS

The attached application for a TDM Plan includes a basic project description, necessary contact information, more detailed project description tables that identify the proposed land use(s), relevant point target(s) for the project, and a TDM Menu worksheet that lists the various measures the project may select in order to meet the required point target. For any programmatic TDM measures you must include a written description of the services to be provided. For physical TDM measures, the plans associated with the Development Application must show the location, number, and/or dimensions of these measures; however, a separate set of drawings is not required with the TDM application. Please answer all questions fully. Please type or print in ink and attach pages if necessary.

For assistance in preparing a TDM Plan, the Department provides a number of resources available online. Please visit <http://sf-planning.org/tdm-materials-and-resources> for more information.

#### WHAT TO SUBMIT:

1. One (1) original of this application signed by owner or agent, with all blanks filled in.
2. A digital copy of all documents submitted (may be provided via CD or USB drive), containing the application and any other submittal materials that are available electronically.
3. Additional Information for Programmatic TDM Measures: the application must be accompanied by a written description of the services to be provided for any programmatic TDM measures.
4. A check made payable to the "San Francisco Planning Department" for the required application fee amount. (See Fee Schedule and/or Calculator)

Additionally, if you are not the property owner:

5. Written documentation from the property owner designating the Applicant as an Authorized Agent.

All plans and other exhibits submitted with this application will be retained as part of the permanent public record in this case.

#### HOW TO SUBMIT:

To file your TDM Plan application, please bring the application and all accompanying materials with you at the time of your intake appointment for the project's Development Application.

To schedule an appointment, please send an email request along with the intake appointment request form to: [CPC.Intake@sfgov.org](mailto:CPC.Intake@sfgov.org).

Intake request forms are available here: <http://sf-planning.org/permit-forms-applications-and-fees>.

Projects that only require a Building Permit Application or if the Building Permit Application is the first Development Application filed for the project, the TDM Plan application may be submitted in person at the Planning Information Center at 1660 Mission Street, first floor.

**Español:** Si desea ayuda sobre cómo llenar esta solicitud en español, por favor llame al 415-575-9010. Tenga en cuenta que el Departamento de Planificación requerirá al menos un día hábil para responder

**中文:** 如果您希望獲得使用中文填寫這份申請表的幫助, 請致電415-575-9010。請注意, 規劃部門需要至少一個工作日來回應。

**Tagalog:** Kung gusto mo ng tulong sa pagkumpleto ng application na ito sa Filipino, paki tawagan ang 415-575-9121. Paki tandaan na mangangailangan ang Planning Department ng hindi kukulangin sa isang araw na pantrabaho para makasagot.



## TRANSPORTATION DEMAND MANAGEMENT (TDM) PLAN APPLICATION

### Property Owner's Information

Name: A&M PROPERTIES LLC / WISFE AISH

Address: 1435 HUNTINGTON AVE, SUITE 210  
SOUTH SAN FRANCISCO, CA 94080

Email Address: WISFE@DOUBLEAACORP.CO

Telephone: 650-589-7722

### Applicant Information (if applicable)

Name: KODOR BAALBAKI

Same as above ☐

Company/Organization: KODORSKI DESIGN INC.

Address: 525 HICKORY STREET  
SAN FRANCISCO, CA 94102

Email Address: BAAL@KODORSKIDESIGN.C

Telephone: 415-335-3260

### Please Select Billing Contact:

☐ Owner

☐ Applicant

☐ Other (see below for details)

Name: WISFE AISH

Email: WISFE@DOUBLEAACORP.C

Phone: 650-589-7722

### Please Select Primary Project/TDM Contact:

☐ Owner

☒ Applicant

☐ Billing

☐ Other (see below for details)

Name: KODOR BAALBAKI

Email: BAAL@KODORSKIDESIGN.

Phone: 415-335-3260

### Property Information

Project Address: 3601 LAWTON STREET

Block/Lot(s): 1901 / 001

### Project Description:

Please provide a narrative project description that summarizes the project and its purpose. ☐ See Attachment

CONSTRUCTION OF ONE NEW BUILDING WITH FIFTEEN UNITS TOWNHOUSES AND SIX  
COMMERCIAL SPACES WITH AN UNDERGROUND PARKING AND REAR YARD AT THE  
BACK OF THE BUILDING .

THE NEW DEVELOPMENT CONSISTS OF FOUR FLOORS WITH 40 FEET HIGH AND  
TOTAL BUILT UP AREA OF 30000SQ.FT. ABOVE A 10000 SQ.FT. BASEMENT.



## LAND USE TABLES

If you are not sure of the eventual size of the project, provide the maximum estimates.

Gross Floor Area and Occupied Floor Area are defined in Planning Code Section 102.

Land Use Category A (Retail)	
Gross Floor Area (GFA)	2956 SQ.FT.
Occupied Floor Area (OFA)	2833SQ.FT.
Number of Accessory Parking Spaces	
Target Points	

Land Use Category B (Office)	
Gross Floor Area (GFA)	3052SQ.FT.
Occupied Floor Area (OFA)	2934 SQ.FT.
Number of Accessory Parking Spaces	
Target Points	

Land Use Category C (Residential)	
Gross Floor Area (GFA)	19883
Occupied Floor Area (OFA)	19383
Number of Accessory Parking Spaces	24
Target Points	12

Land Use Category D (Other)	
Gross Floor Area (GFA)	
Occupied Floor Area (OFA)	
Number of Accessory Parking Spaces	
Target Points	

# TDM PLAN WORKSHEET

Category	Measure	Points	Land Use Category			
			A Retail	B Office	C Residential	D Other
ACTIVE-1	Improve Walking Conditions: Option A; or	1	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
	Improve Walking Conditions: Option B	1	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
ACTIVE-2	Bicycle Parking: Option A; or	1	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
	Bicycle Parking: Option B; or	2	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
	Bicycle Parking: Option C; or	3	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
	Bicycle Parking: Option D	4	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
ACTIVE-3	Showers and Lockers	1	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
ACTIVE-4	Bike Share Membership: Location A; or	1	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
	Bike Share Membership: Location B	2	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
ACTIVE-5A	Bicycle Repair Station	1	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
ACTIVE-5B	Bicycle Maintenance Services	1	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
ACTIVE-6	Fleet of Bicycles	1	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
ACTIVE-7	Bicycle Valet Parking	1	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
CSHARE-1	Car-share Parking and Membership: Option A; or	1	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
	Car-share Parking and Membership: Option B; or	2	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
	Car-share Parking and Membership: Option C; or	3	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
	Car-share Parking and Membership: Option D; or	4	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
	Car-share Parking and Membership: Option E	5	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
DELIVERY-1	Delivery Supportive Amenities	1	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
DELIVERY-2	Provide Delivery Services	1	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
FAMILY-1	Family TDM Amenities: Option A; and/or	1	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
	Family TDM Amenities: Option B	1	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
FAMILY-2	On-site Childcare	2	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
FAMILY-3	Family TDM Package	2	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
HOV-1	Contributions or Incentives for Sustainable Transportation: Option A; or	2	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
	Contributions or Incentives for Sustainable Transportation: Option B; or	4	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
	Contributions or Incentives for Sustainable Transportation: Option C; or	6	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
	Contributions or Incentives for Sustainable Transportation: Option D	8	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
HOV-2	Shuttle Bus Service: Option A; or	7	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
	Shuttle Bus Service: Option B	14	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

☒ = applicable to land use category.

☒ = applicable to land use category, see fact sheets for further details regarding project size and/or location.

☒ = applicable to land use category only if project includes some parking.

☒ = not applicable to land use category.

☐ = project sponsor can select these measures for land use category D, but will not receive points.

NOTE: Please tally the points on the next page.

NOTE: A project sponsor can only receive up to 14 points between HOV-2 and HOV-3.

Category	Measure	Points	Land Use Category			
			A Retail	B Office	C Residential	D Other
HOV-3	Vanpool Program: Option A; or	1	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	Vanpool Program: Option B; or	2	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	Vanpool Program: Option C; or	3	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	Vanpool Program: Option D; or	4	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	Vanpool Program: Option E; or	5	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	Vanpool Program: Option F; or	6	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	Vanpool Program: Option G	7	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
INFO-1	Multimodal Wayfinding Signage	1	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
INFO-2	Real Time Transportation Information Displays	1	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
INFO-3	Tailored Transportation Marketing Services: Option A; or	1	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	Tailored Transportation Marketing Services: Option B; or	2	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	Tailored Transportation Marketing Services: Option C; or	3	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	Tailored Transportation Marketing Services: Option D	4	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
LU-1	Healthy Food Retail in Underserved Area	2	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
LU-2	On-site Affordable Housing: Option A; or	1	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	On-site Affordable Housing: Option B; or	2	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	On-site Affordable Housing: Option C; or	3	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	On-site Affordable Housing: Option D	4	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
PKG-1	Unbundle Parking: Location A; or	1	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	Unbundle Parking: Location B; or	2	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	Unbundle Parking: Location C; or	3	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	Unbundle Parking: Location D; or	4	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	Unbundle Parking: Location E	5	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
PKG-2	Parking Pricing	2	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
PKG-3	Parking Cash Out: Non-residential Tenants	2	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
PKG-4	Parking Supply: Option A; or	1	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	Parking Supply: Option B; or	2	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	Parking Supply: Option C; or	3	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	Parking Supply: Option D; or	4	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	Parking Supply: Option E; or	5	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	Parking Supply: Option F; or	6	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	Parking Supply: Option G; or	7	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	Parking Supply: Option H; or	8	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	Parking Supply: Option I; or	9	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	Parking Supply: Option J; or	10	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	Parking Supply: Option K	11	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

☐ = applicable to land use category.

☐ = applicable to land use category, see fact sheets for further details regarding project size and/or location.

☐ = applicable to land use category only if project includes some parking.

☐ = not applicable to land use category.

☐ = project sponsor can select these measures for land use category D, but will not receive points.

#### Land Use Category Totals

A	B	C	D
Retail	Office	Residential	Other

Point Subtotal from Page 1: \_\_\_\_\_

Point Subtotal from Page 2: \_\_\_\_\_

Totals: \_\_\_\_\_

# 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) The TDM Program Standards included multiple options to meet the target, and of those options, the owner has selected the TDM measures included in the TDM Plan application.
- d) Other information or applications may be required.

\_\_\_\_\_  
Signature

PROJECT APPLICANT

Relationship to Project  
(i.e. Owner, Architect, etc.)

\_\_\_\_\_  
415-335-3260

Phone

\_\_\_\_\_  
KODOR BAALBAKI

Name (Printed)

\_\_\_\_\_  
BAAL@KODORSKIDESIGN.COM

Email

**For Department Use Only**

**Application received by Planning Department:**

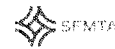
**By:** \_\_\_\_\_

**Date:** \_\_\_\_\_



## TDM Tool Results

April 26, 2017, 12:10 pm



### LOCATION:

Address: 3601 lawton

TAZ: 174

APN: 1901/001

### PROJECT CHARACTERISTICS:

#### *Category C:*

Dwelling Units and Beds in Group Housing: 18

Percentage of Dwelling Units Two Bedrooms or Larger: 100

Percentage On-site Affordable Housing: 0

Percentage On-site Very Affordable Housing: 0

Accessory Parking Spaces: 24

**Total Points: 6**

**Target Points: 12**

### COMMENTS:

Development Projects with a Development Application filed or an Environmental Application deemed complete on or before September 4, 2016 shall be subject to 50% of the applicable target, as defined in the Planning Commission's Standards.



Document Reference NO: KD10182017LSWA

DATE:10-18-2017

Project :3601 Lawton Street SF, CA 94122

## **Response letter For Community Meeting October 5<sup>th</sup>**

Dear Neighbors,

It was nice meeting with you to discuss the proposed development at 42<sup>ND</sup> Ave and Lawton Street.

Your feedback is of great importance to us and we are happy to work with you to address any concerns you have regarding the proposed project.

As such we have provided answers to the questions asked in the last meeting that was facilitated by Community Boards.

Project Description:

The project is located at 3601 Lawton Street & 42<sup>ND</sup> Ave. The site is currently occupied with a gas station (76 Gas station).

The proposed project consists of 2 to 3-stories of residences above commercial frontage. The height of the building is 30 to 40 feet as seen in the attached drawings. The project will have 15 town houses, each with 3 bedrooms and private gardens of 600-700 square feet. Private gardens will be located on the ground floor and on the top floor. Gardens on the top floor will have a privacy buffer space between the usable space and the perimeter of the building with a distance of six feet to eighteen feet as shown on the top of the roof plan, in addition to a buffer area of landscaping that will absorb sound. Five town houses on the ground floor will be fully accessible for people with disabilities. Three of the units will be Below Market Rate (BMR) units, and these units will be permanently affordable.

The project will have a 24-Car parking spaces; 9 of it to be unbundled for public use and car sharing and 15 cars parking that insure sufficient parking for the proposed 15 units building, in addition to that, the project will remove the existing 4-curbcuts of 30' each to generate 13 new on-street parking opportunities in the immediate site perimeter of Lawton street and 42<sup>nd</sup> which will add to the overall neighborhood available parking areas.

The project will have 31 Class-1 bicycle parking (secured for overnight parking) spaces and 13 class-2 bicycle parking (publicly accessible).

### **Questions asked by community members at October 5<sup>th</sup> meeting and their corresponding answers:**

**Q1** - What is the environmental health impact of: gas tanks, congestion, traffic impact on neighborhood and schools, construction?

**A1** - The environmental analysis concluded that there were no significant impacts to endangered species, traffic, noise, construction, air quality, or water quality. The environmental analysis is attached.

The proposed project is subject to the Maher Ordinance (<https://www.sfdph.org/dph/eh/HazWaste/hazWasteSiteMitigation.asp>) which regulates soil remediation and has enrolled in the Maher program. Under the program, the proposed project would be required to remediate any soil and/or groundwater contamination in accordance with article 22A of the Health Code. In addition, the proposed project would be subject to the underground storage tank closure requirements of the health department's Hazardous Materials and Waste Program, which would ensure that the existing underground storage tanks would be removed safely. For the transportation analysis, the City analyzed vehicle miles traveled (VMT) to determine the impact on traffic. San Francisco developed different Traffic Analysis Zones (TAZs) the City to recognize that some areas of the City have a higher VMT than other

areas of the City. To learn more about traffic analysis zones visit <http://sftransportationmap.org>. The TAZ zone for this project estimates current VMT at 12.2 per capita for residential and 6.8 per capital for residential and the VMT with the project is 11.5 VMT per capital for residential and 6.5 VMT per capita for retail. Given that the VMT is lower with the project and that is lower than the regional standards, there is no significant impact.

Additionally, the analysis determined that the daily trips generated by the project (for cars, transit, pedestrians, and bicycles) would result in no significant impacts as outlined on pages 5-7 of the environmental analysis.

**Q2** - What will the commercial spaces look like/be? What type of businesses will be there? How late will they be open?

**A2** - At this time, we have not yet determined which businesses will occupy the ground floor. The commercial spaces can be filled with any use permitted under the NC-1 zone. Please refer to Planning Code section 710 for reference:

<http://sf-planning.org/sites/default/files/FileCenter/Documents/3561-NC%20Zoning%20Control%20Table%202008-09.pdf>

Hours of operation and times also restrained by the Planning Code.

**Q3** - Parking concerns: Will there be parking for patrons of commercial spaces? Where is the entrance to underground parking/garage? Will businesses have parking?

**A3** - There will be parking on-street that could be used for patrons of the commercial space, and each commercial will have 1 underground parking spot. The entrance to the parking garage will be a ten-foot curb cut located at the west side of the building along Lawton Street. In addition to that, removing the existing 30-foot curb cuts will generate 13 additional public parking spots available to patrons.

**Q4** - Can neighbors use parking spaces in the new development?

**A4** - Neighbors can use the unbundled parking spots for a fee (rent or buy).

**Q5** - What is a BMR unit? Example? What income level qualifies for low income units?

**A5** - BMR Is a unit below current market price rate. These units are meant to be affordable for people with a specific income rate that is designated by the Mayor's Office of Housing. To learn about the Below-Market-Rate housing program, please visit:

<http://sfmohcd.org/inclusionary-housing-program>

**Q6** - What is the cost per unit to build so much parking underground?

**A6** - Each parking spot will cost around \$100,000 to build.

**Q7** - How will this affect housing prices in the area?

**A7** - The prices of the existing housing will either stay the same or increased with a margin based on the overall city housing growth, though it is very hard to speculate about the future prices of housing in the Bay Area.

**Q8** - Can we see a shadow plan? What is the timeline for this project?

**A8** - The Planning Code does not require a shadow plan for this project because the building height of 30-40 feet falls below the requisite threshold.

The project will be considered by the Planning Commission on Thursday, November 2nd. The meeting begins at 1:00pm at City Hall, Room 400. To view the agenda, visit: <http://sf-planning.org/meetings/17>. After the Planning Commission decision, the public has 30 days to file an appeal on the decision, which would go before the Board of Supervisors. If there is no appeal on the project, we expect to begin construction in August 2018. Construction is expected to last for 12-18 months.

**Q9** - Can there be more units at BMR?

**A9** - We are providing 3 BMR units which is 20% of the total number of units in the project -- the maximum amount required under the City's current regulations.

**Q10** - Can we see an environmental assessment?

**A10** - Please refer here to the environmental analysis attached.

**Q11** - How will the gas station chemicals be removed?

**A11** - The removal of any gas station in San Francisco triggers site mitigation and site cleaning.

**Q12** - Please re-explain the process for this development?

**A12** - The process entails the following:

- a- File a Preliminary Project Assessment with the Planning Department (see here for the PPA application: <http://notice.sfplanning.org/2015-009053PPA.pdf>)
- b- Planning Department Review. This project triggered a Conditional Use Permit which requires a Planning Commission Hearing
- c- Public Comment on the project will be accepted at the Planning Commission - a public hearing which is currently scheduled for November 2<sup>nd</sup>. Planning Commission agendas can be accessed here: <http://sf-planning.org/meetings/17>
- d- Planning Commission approves or denies project
- e- A Conditional Use permit can be appealed to the Board of Supervisors- [http://sfbos.org/sites/default/files/Conditional\\_Use\\_Appeal\\_Info\\_Sheet.pdf?documentid=28246](http://sfbos.org/sites/default/files/Conditional_Use_Appeal_Info_Sheet.pdf?documentid=28246)
- f- Board of Supervisors will vote on the appeal and it could be approved or denied.

**Q13** - Can the architects still make changes to their plan? How far along are negotiations with the City?

**A13** - Minor modifications to the plans can occur even during construction. We responded to concerns from the neighbors, the Planning Department, and other regulatory agencies that are involved in reviewing the project. We encourage neighbors to email us directly with concerns so we can work on addressing these issues as soon as possible. Please email us on the following email address: [Info@kodorskidesign.com](mailto:Info@kodorskidesign.com)

**Q14** - Can more units be added to the neighborhood?

**A14** - We are adding 15 family-friendly units to the neighborhood, and believe this is the best possible project under existing zoning.

**Q15** - What will street landscaping look like?

**A15** - Streetscape improvements will follow The Better Streets Plan guidelines, available here: <http://www.sf-planning.org/ftp/BetterStreets/index.htm>. Twelve new trees will be added along Lawton and 42<sup>nd</sup> Ave. Also, green areas along the side of the building on both streets will be added to create a more pleasant experience. Benches and street furniture will be added to create a destination point and an enhanced public part of the street. Bike racks and other amenities will be added, as well as improved sidewalk lighting. These streetscape improvements are designed to make the neighborhood safer and more ADA friendly.

**Q16** - What will the impact of height be like on neighborhood. Impact on views, privacy and light?

**A16** -The building height will be 30' -40 feet, which is less than the height of the existing church (Sunset Church) facing the project.

. We have conducted a view study of all the adjacent buildings and determined no impact on views or privacy as the proposed building is not blocking any of the existing buildings' views., If you feel that this building is blocking your view, please send us a photo of your current view from inside your house and show us how the new development is blocking it. We are happy to work with you.

Please email us at the following email address: [Info@kodorskidesign.com](mailto:Info@kodorskidesign.com)

**Q17** - What is the number of residential units? What is number of commercial spaces?

**A17** - There will be 15 family-friendly residential units (all are 2-story townhouses with 3 bedrooms) and two commercial spaces on the ground floor (total of 4,500 sq. ft.).

**Q18** - Is parking included with units?

**A18** - Parking is included with units; each unit will have a base count of 1-parking spot per unit. Residents will also have an opportunity in the future to purchase an extra parking space if they need it.

**Q19** - How many stories is the proposed project?

**A19** - The project will consist of three and four stories. Some sections of the building will be three stories in height while others will be four stories in height. Please see the attached photos at the end of this document.

**Q20** - How can the City ensure that the wider neighborhood gets the notice?

**A20** - The Planning Code requires a 300-foot radius mailed notification for neighbors 20 days in advance of the Planning Commission hearing. If you live within 300 feet of the project, you should have received this mailed notice by now. Prior to the October 5<sup>th</sup>



community meetings, 300 residents received hard-copy flyers about the project, which went beyond the Planning Code requirements for notification. We encourage you to share this information with neighbors who may not be aware of the project.

**Q21** – How long will construction last?

**A21** – The project construction should take between 12-18 months.

---

End of response

Kodorski Design  
525 Hickory Street  
San Francisco, Ca 94102  
TEL: 415-3353260  
Email: [Info@kodorskidesign.com](mailto:Info@kodorskidesign.com)

### **Revised Project Design for 3601 Lawton Street**











3601 LAWTON STREET, SAN FRANCISCO, CA 94122  
CONDITIONAL USE AUTHORIZATION NOV.2ND 2017



KODORSKI  
DESIGN  
525 HICKORY STREET  
SAN FRANCISCO CA 94102  
WWW.KODORSKIDESIGN.COM  
TEL: 415-335-3260





### PROPOSED BUILDING SCOPE OF WORK & DESCRIPTION

THE PROPOSED DEVELOPMENT SHALL BE A TOTAL OF 40,000.0 SQ.FT. AND WILL CONSIST OF THREE RESIDENTIAL STORIES ABOVE A COMMERCIAL PODIUM ON THE GROUND FLOOR WITH A BASEMENT. IT WILL CONSIST OF FIFTEEN RESIDENTIAL TOWNHOUSES AND TWO COMMERCIAL SPACES ON THE GROUND FLOOR WITH PARKING FOR TWENTY FOUR CARS IN THE BASEMENT.

THE STRUCTURE WILL BE A COMBINATION OF CONCRETE BASEMENT AND FIRST FLOOR WITH WOODEN-FRAMED THREE STORIES ABOVE. THE BUILDING WILL USE CONTEMPORARY INDUSTRIAL MATERIALS THAT BLEND WITH THE SURROUNDING ENVIRONMENT CREATING AN AESTHETICALLY PLEASING AND FUNCTIONAL STRUCTURE.

THE PROJECT WILL ENSURE HOMES FOR FIFTEEN FAMILIES IN ADDITION TO TWO NEW COMMERCIAL BUSINESSES WHICH WILL CONTRIBUTE TO THE OVERALL GROWTH OF THE NEIGHBORHOOD AND COMMUNITY. THE DESIGN PROVIDES AN EFFICIENT USE OF THE SPACE WITHIN THE ALLOWABLE ENVELOPE OF THE BUILDING.



525 HICKORY STREET  
SAN FRANCISCO CA 94102  
WWW.KODORSKIDESIGN.COM  
TEL: 415-335-3260



NOVEMBER 2ND 2017  
3601 LAWTON STREET, SAN FRANCISCO, CA 94122 CONDITIONAL USE AUTHORIZATION APPLICATION

PROJECT NARRATIVE

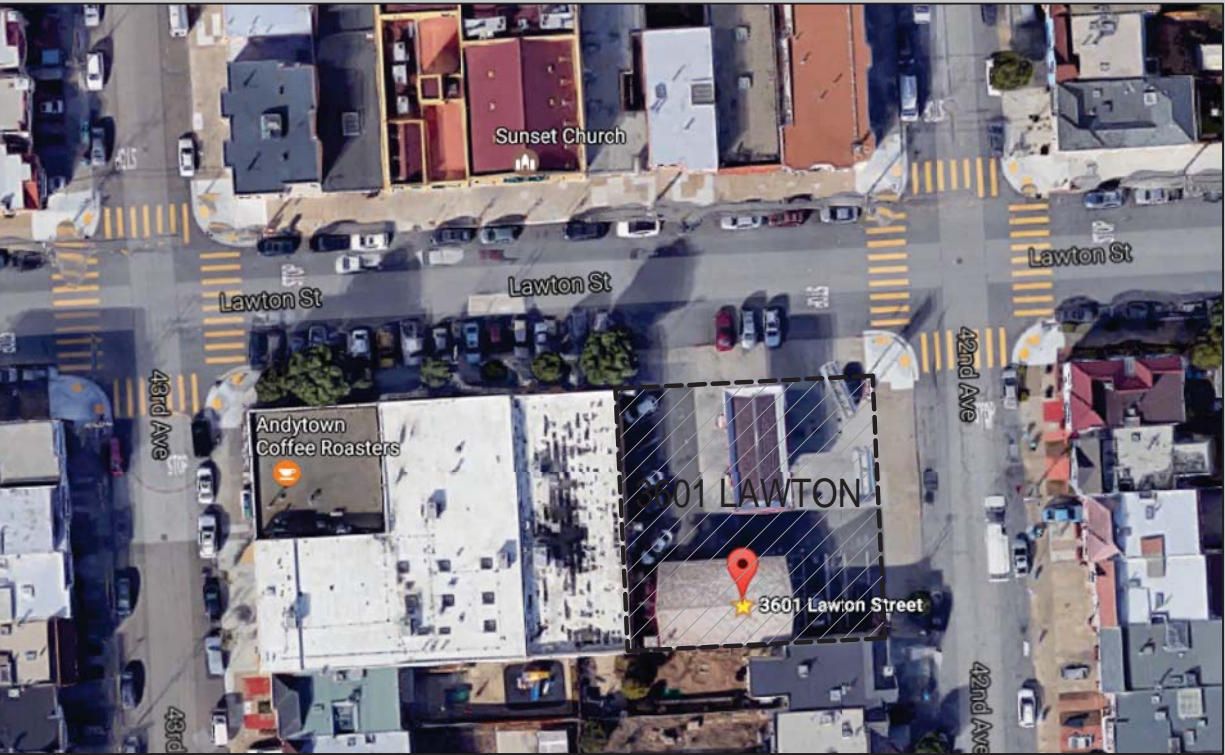
A-00.0



BUILDING DATA

PROJECT ADDRESS:	3601 LAWTON STREET SAN FRANCISCO, CA 94122
PROJECT DESCRIPTION: WITH	A PRIVATELY FUNDED 4-STORYRESIDENTIAL BUILDING GROUND FLOOR COMMERCIAL;ONE LEVEL BASEMENT.
CURRENT USE:	1-STORY GAS STATION BUILT 1966
ZONE:	NC-1 NEIGHBORHOOD COMMERCIAL CLUSTER
BLOCK & LOT NO.:	BLOCK 1901, LOT 001
HEIGHT LIMIT:	40'-0"
SETBACK : REAR YARD:	NONE 25% @ GRADE LEVEL & ABOVE
LOT AREA: LOT DIMENSIONS:	10,000 S.F. 100'X100'
RESIDENTIAL DENSITY: COMMERCIAL DENSITY	800 SQ.FT. LOT AREA 1.8 TO 1
NUMBER OF RESIDENTIAL UNITS PROPOSED: (15) UNITS NUMBER OF COMMERCIAL UNITS PROPOSED: (2 )UNITS	
CONSTRUCTION TYPE:	3STORIES TYPE (III) WOOD OVER 1-STORY TYPE(I) CONCRETE PODIUM.
SPRINKLER PROTECTION:	FULLY AUTOMATIC SPRINKLERED

BASIC ALLOWABLE NO. OF STORIES	4-STORIES
BASIC ALLOWABLE HEIGHT LIMIT	40 FEET



PLANNING DATA

<b>GROSS FLOOR AREA</b>	
BASEMENT GARAGEL/UTILITY	10,000 S.F.
FIRST FLOOR RESIDENTIAL/COMMERCIAL	7500 S.F.
SECOND FLOOR RESIDENTIAL	7500 S.F.
THIRD FLOOR RESIDENTIAL	7500 S.F.
FOURTH FLOOR RESIDENTIAL	7500 S.F.
RESIDENTIAL AREA SUBTOTAL	<b>22,396 S.F.</b>
COMMERCIAL AREA SUBTOTAL(GND.FLR)	<b>4,500 S.F.</b>
PARKING SUBTOTAL	<b>10,000 S.F.</b>
UTILITY & CIRCULATION SUBTOTAL	<b>3,104 S.F.</b>
GROSS RESIDENTIAL & COMMERCIAL AREA	<b>26,896 S.F.</b>
<b>TOTAL BUILT-UP AREA</b>	<b>40,000 S.F.</b>

<b>RESIDENTIAL UNITS</b>	
2 BEDROOM UNITS	1 UNIT (6.66 %)
3 BED ROOM UNITS	14 UNITS (93.33 %)
<b>TOTAL DWELLING UNITS</b>	<b>15 UNITS (100%)</b>
BMR UNITS	3 UNITS (20 %) ON-SITE

<b>PARKING</b>	
PARKING REQUIRED (1PER UNIT)	15 SPACES
PARKING PROVIDED	24 SPACES
MECHANICAL PARKING	0 SPACES
<b>TOTAL PARKING SPACE PROVIDED</b>	<b>24 SPACES</b>

<b>BICYCLE PARKING - PER SECTION 155.5</b>	
CLASS 1 BICYCLE PARKING REQ.(15).& PROPOSED	24 SPACES
CLASS 2 BICYCLE PARKING (STREET)	12 SPACES
<b>TOTAL BICYCLE PARKING SPACES PROPOSED</b>	<b>36 SPACES</b>

<b>OPEN SPACE PROGRAM</b>	
MIN. COMMON OPEN SPACE REQUIRED 133 S.F. PER UNIT	2261 S.F.
COMMON OPEN SPACE PROPOSED	NONE
PRIVATE OPEN SPACE REQUIRED 100 S.F. PER UNIT	1700 S.F.
PRIVATE OPEN SPACE PROPOSED 411 S.F. PER UNIT AVERAGE	6990 S.F.
<b>TOTAL PRIVATE OPEN SPACE PROPOSED</b>	<b>6990 S.F.</b>

PROJECT CONSTRUCTION TYPES AND OCCUPANCY SCHEDULE			
FLOOR	CONSTRUCTION TYPE	USE	OCCUP. CLS.
BASEMENT	TYPE I-A	PARKING /UTILITY	S-2
FIRST	TYPE I-A	COMMERCIAL /RESIDENTIAL	M / R-2
SECOND	TYPE III-A	RESIDENTIAL	R-2
THIRD	TYPE III-A	RESIDENTIAL	R-2
FOURTH	TYPE III-A	RESIDENTIAL	R-2

DRAWING INDEX

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A-0.3.1	PROPOSED PERSPECTIVES
A-0.3.2	PROPOSED PERSPECTIVES
A-0.4	PROPOSED PERSPECTIVES
A-0.4.1	PROPOSED PERSPECTIVES
A-0.4.2	PROPOSED PERSPECTIVES
A-0.4.3	PROPOSED PERSPECTIVES
A-0.4.4	PROPOSED PERSPECTIVES
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A-4.0	THIRD FLOOR PLAN
A-5.0	FOURTH FLOOR PLAN
A-6.0	ROOF PLAN
A-7.0	TOP OF ROOF PLAN
A-8.0	NORTHERN ELEVATION
A-9.0	SOUTHERN ELEVATION
A-10.0	EASTERN ELEVATION
A-11.0	WESTERN ELEVATION
A-12.0	LONGITUDINAL SECTION AA
A-13.0	LONGITUDINAL SECTION BB
A-14.0	LATERAL SECTION CC
A-15.0	LATERAL SECTION DD
A-16.0	UNITS INFO. SCHEDULE
L-1.0	LANDSCAPE 1ST. FLR. PLAN
L-2.0	LANDSCAPE 2ND FLR. PLAN



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WWW.KODORSKIDESIGN.COM  
TEL: 415-335-3260



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PROJECT DATA

A-0.0





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SITE PHOTOGRAPHS

A-0.1



1-NORTH-EAST VIEW



2-NORTH-WEST VIEW



3-SOUTH -EAST VIEW



4-WEST- NORTH VIEW



5- EAST VIEW



6-WEST VIEW



7- SOUTH-EAST EYE BIRD VIEW



8- SUNSET CHURCH NORTH VIEW



9- WEST VIEW EYE BIRD



10- EAST VIEW EYE BIRD



11- NORTH VIEW





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COLORED SITE PLAN





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PERSPECTIVES





**A** EASTERN ELEVATIONS PERSPECTIVE  
SCALE N.T.S. 42ND AVE.



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PERSPECTIVES

A-0.3





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PERSPECTIVES

**A** NORTHERNELEVATIONS PERSPECTIVE  
SCALE N.T.S. **LAWTON STREET**

A-0.3.1





PERSPECTIVES





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PERSPECTIVES





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PERSPECTIVES





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PERSPECTIVES





PERSPECTIVES







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PERSPECTIVES





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PERSPECTIVES

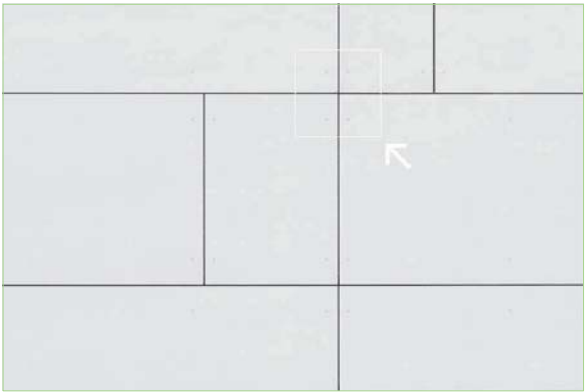




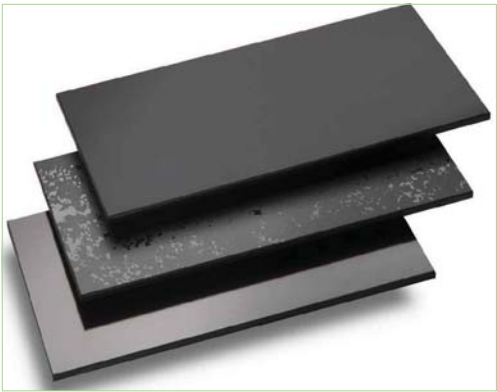
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PERSPECTIVES

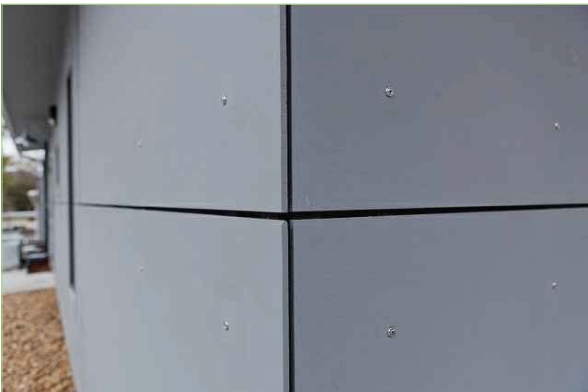




RAIN SCREEN (LIGHT GRAY)



RAIN SCREEN (COMBINATION )



RAIN SCREEN (CORNER DETAIL)



COMPOSITE STEEL I-BEAM DETAIL



TERRACE WEATHER PROOF COUCHES



SAND BLASTED GLASS



RAIN SCREEN (DARK GRAY)



TREE GRATE



COMPOSITE WOOD DECKING



COMMON & PRIVATE TERRACES WALLS (WOOD CLADDING)



TERRACE TABLE & CHAIRS



GRATE ( WATER DRAINAGE )



WOOD PLANTER WITH  
DETACHED SOIL BOXES



WOOD PLANTER WITH DETACHED SOIL BOXES



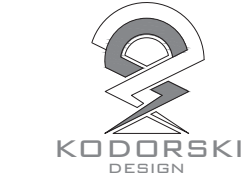
TERRACE TABLE & CHAIRS



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CONDITIONAL USE AUTHORIZATION APPLICATION



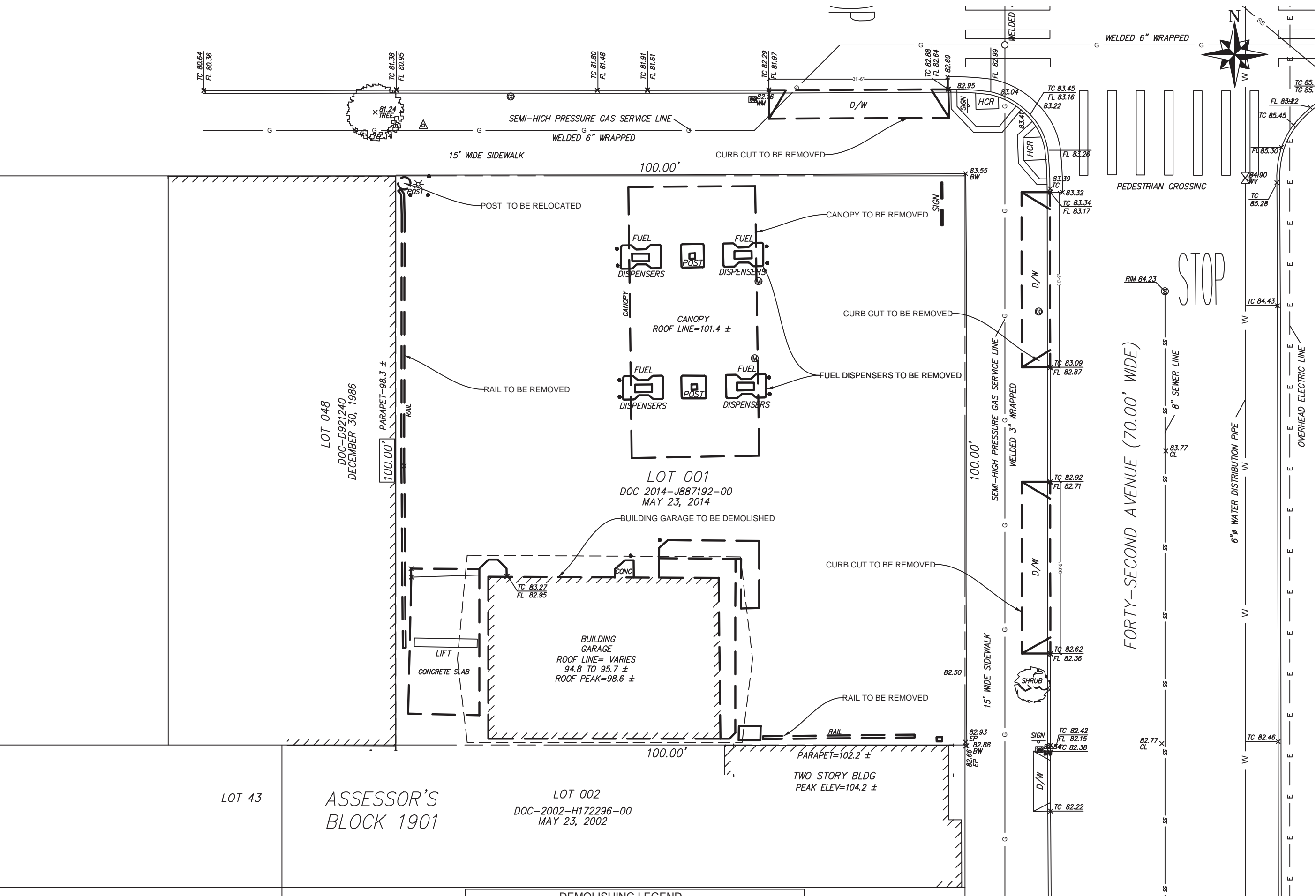
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PROJECT MATERIAL

A-0.5.2







DEMOLISHING LEGEND	
BUILDING TO BE DEMOLISHED	----
CURB CUT TO BE REMOVED	----

**A** DEMOLISHING PLAN  
SCALE 1/16"=1'-0"



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DEMOLISHING PLAN

A-0.6



LAWTON STREET (80.00' WIDE)

STOP



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PROPOSED SITE PLAN

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WELDED 6" WRAPPED

PEDESTRIAN CROSSING

STOP

FORTY-SECOND AVENUE (70.00' WIDE)

6" WATER DISTRIBUTION PIPE

RIM 84.23

8" SEWER LINE

82.77 CL

**A** SITE PLAN  
SCALE 1/16"=1'-0"

NEW CURB CUT

WELDED 6" WRAPPED

SEMI-HIGH PRESSURE GAS SERVICE LINE

WELDED 3" WRAPPED

15' WIDE SIDEWALK

PARAPET=102.2' ±  
TWO STORY BLDG  
PEAK ELEV=104.2' ±

83.15 BLDG

82.93 EP

82.66 BW

81.24 BLDG

91.08 BLDG

TC 81.80  
FL 81.48

TC 81.91  
FL 81.61

TC 82.29  
FL 81.97

TC 82.88  
FL 82.64

TC 83.45  
FL 83.16

FL 83.22

FL 83.26

TC 83.32  
FL 83.17

TC 83.34  
FL 83.17

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TC 83.89  
FL 83.17

TC 83.90  
FL 83.17

LOT 48

LOT 44

LOT 43

15' WIDE SIDEWALK

GREEN ROOF INACCESSIBLE

GREEN ROOF INACCESSIBLE

GREEN ROOF INACCESSIBLE

GREEN ROOF INACCESSIBLE

GREEN ROOF INACCESSIBLE

GREEN ROOF INACCESSIBLE

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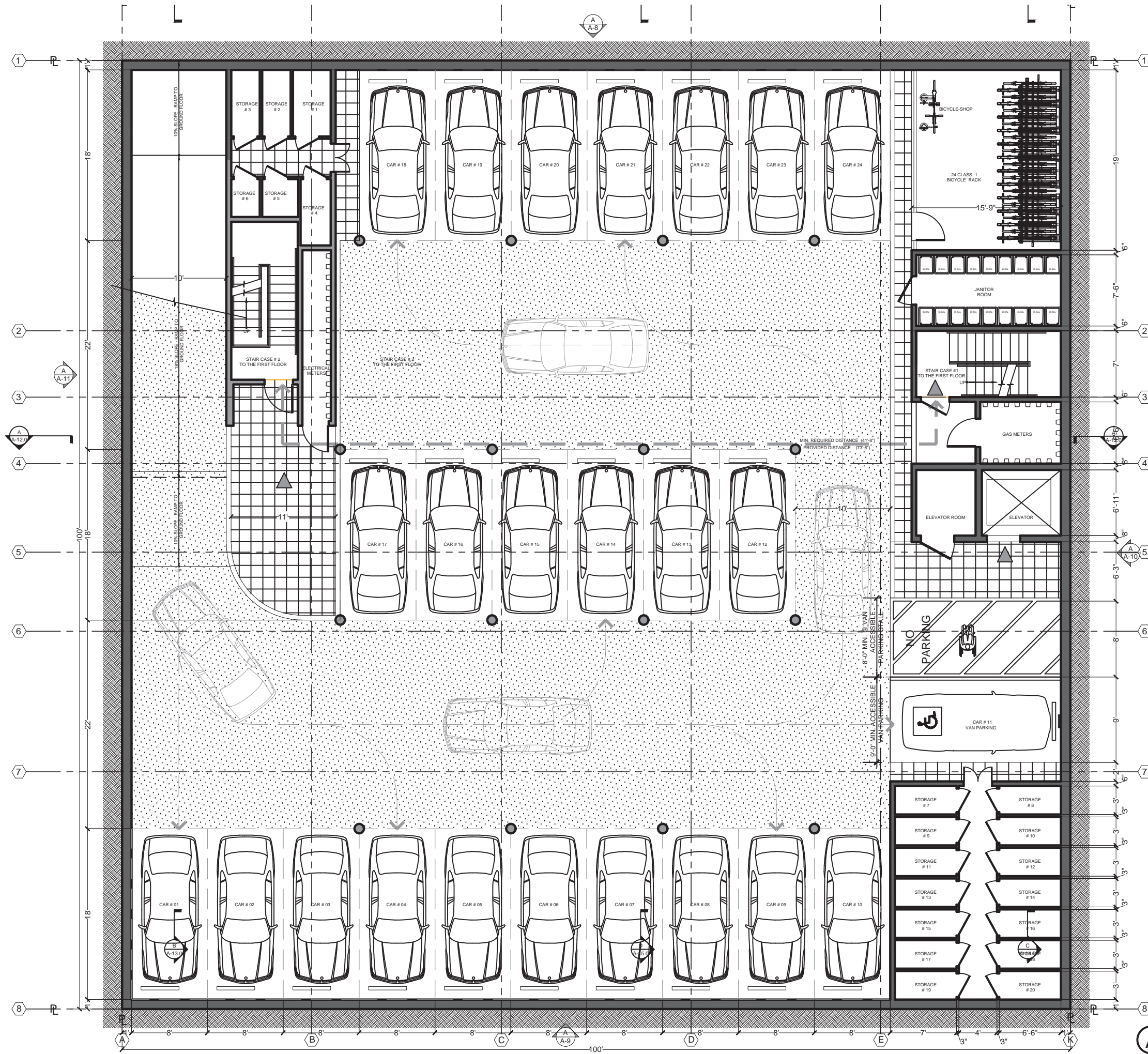
GREEN ROOF INACCESSIBLE

GREEN ROOF INACCESSIBLE

GREEN ROOF INACCESSIBLE

GREEN ROOF INACCESSIBLE





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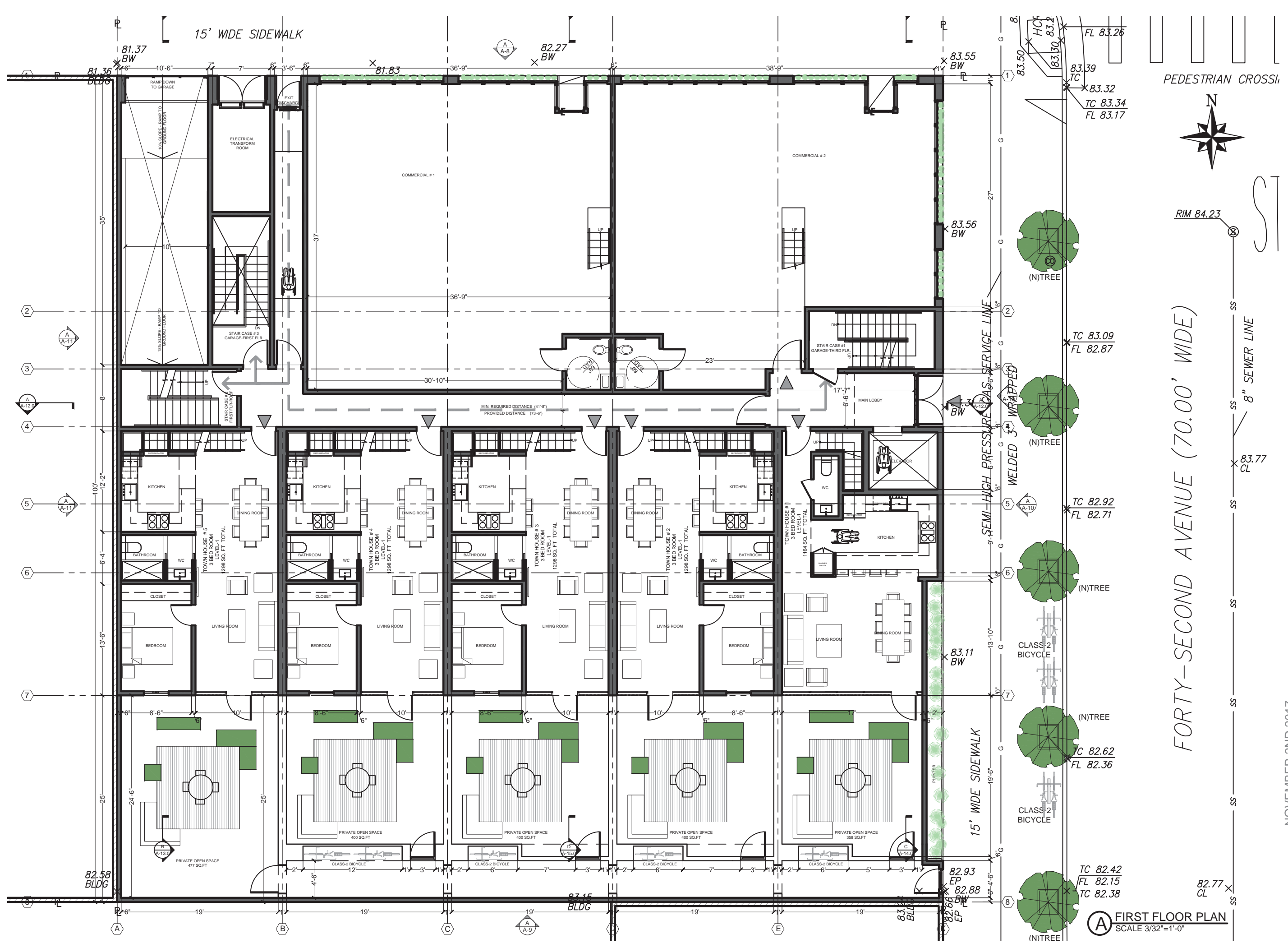
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BASEMENT FLOOR PLAN

**A** BASEMENT FLOOR PLAN  
 SCALE 3/32"=1'-0"

A-1.1





PEDESTRIAN CROSSING



RIM 84.23

FORTY-SECOND AVENUE (70.00' WIDE)

8" SEWER LINE

83.77 CL

SS

SS

SS

SS

SS



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FIRST FLOOR PLAN

A-2.0

**A** FIRST FLOOR PLAN  
SCALE 3/32"=1'-0"



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SECOND FLOOR PLAN





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**A** THIRD FLOOR PLAN  
SCALE 3/32"=1'-0"

THIRD FLOOR PLAN

A-4.0



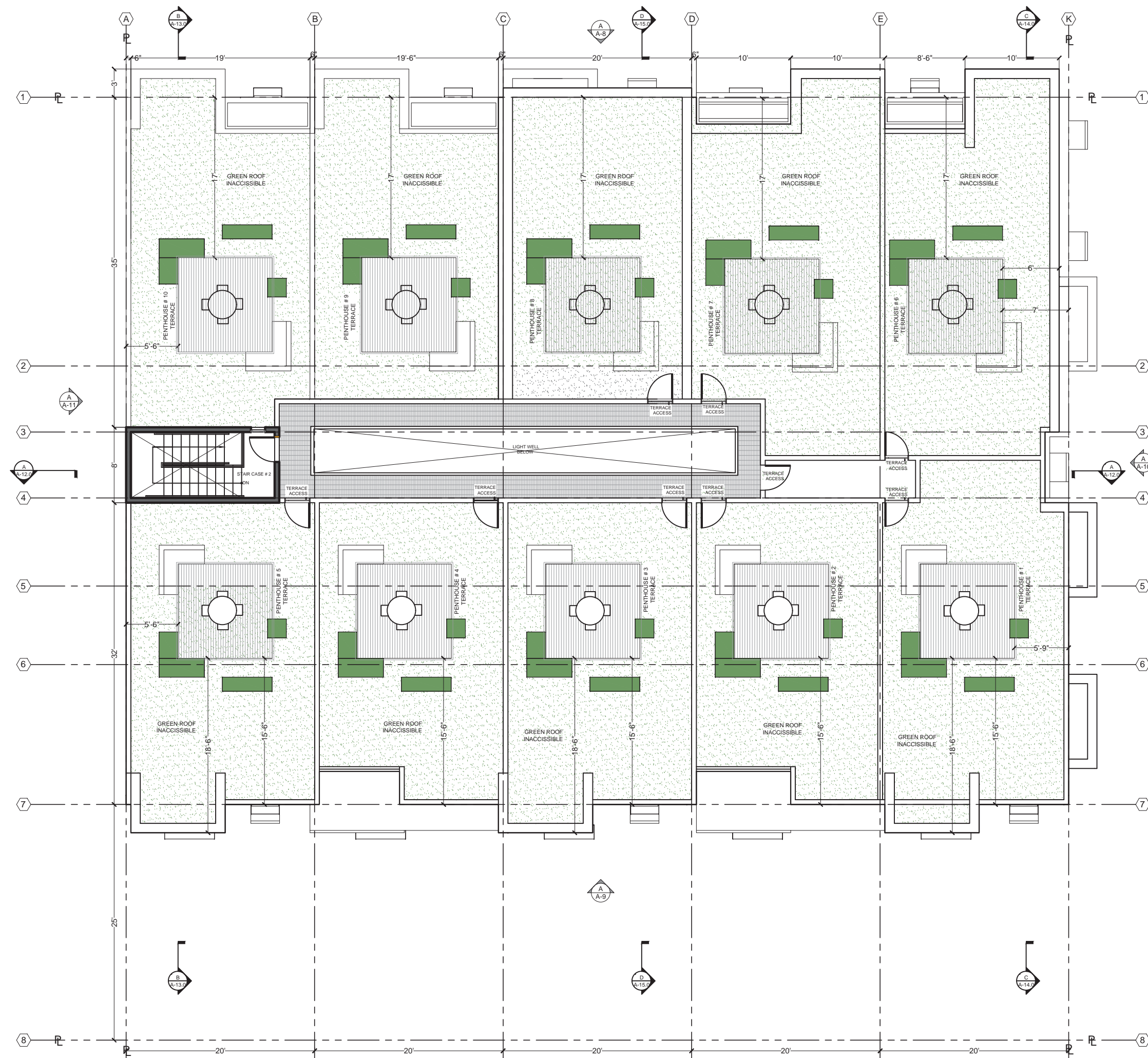
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**A** FOURTH FLOOR PLAN  
 SCALE 3/32"=1'-0"





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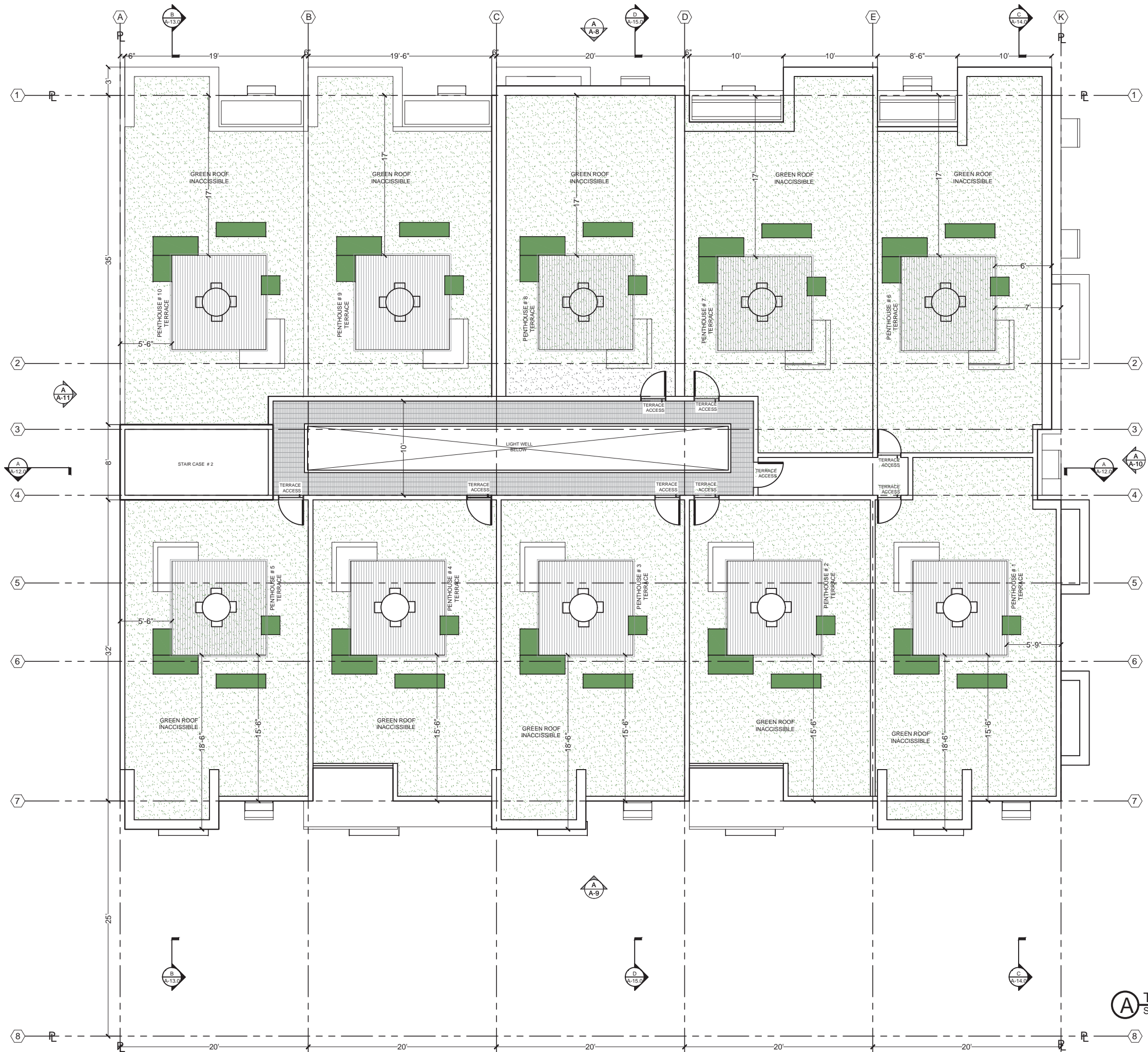


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**A** ROOF PLAN  
 SCALE 3/32"=1'-0"

ROOF PLAN  
 A-6.0





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**A** TOP OF ROOF PLAN  
 SCALE 3/32"=1'-0"

TOP OF ROOF PLAN

A-7.0



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NORTH ELEVATION

A-8.0



**A** NORTH ELEVATION  
SCALE 3/32"=1'-0"





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SOUTH ELEVATION

A-9.0

**A SOUTH ELEVATION**  
SCALE 3/32"=1'-0"





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**A EAST ELEVATION**  
SCALE 3/32"=1'-0"

EAST ELEVATION



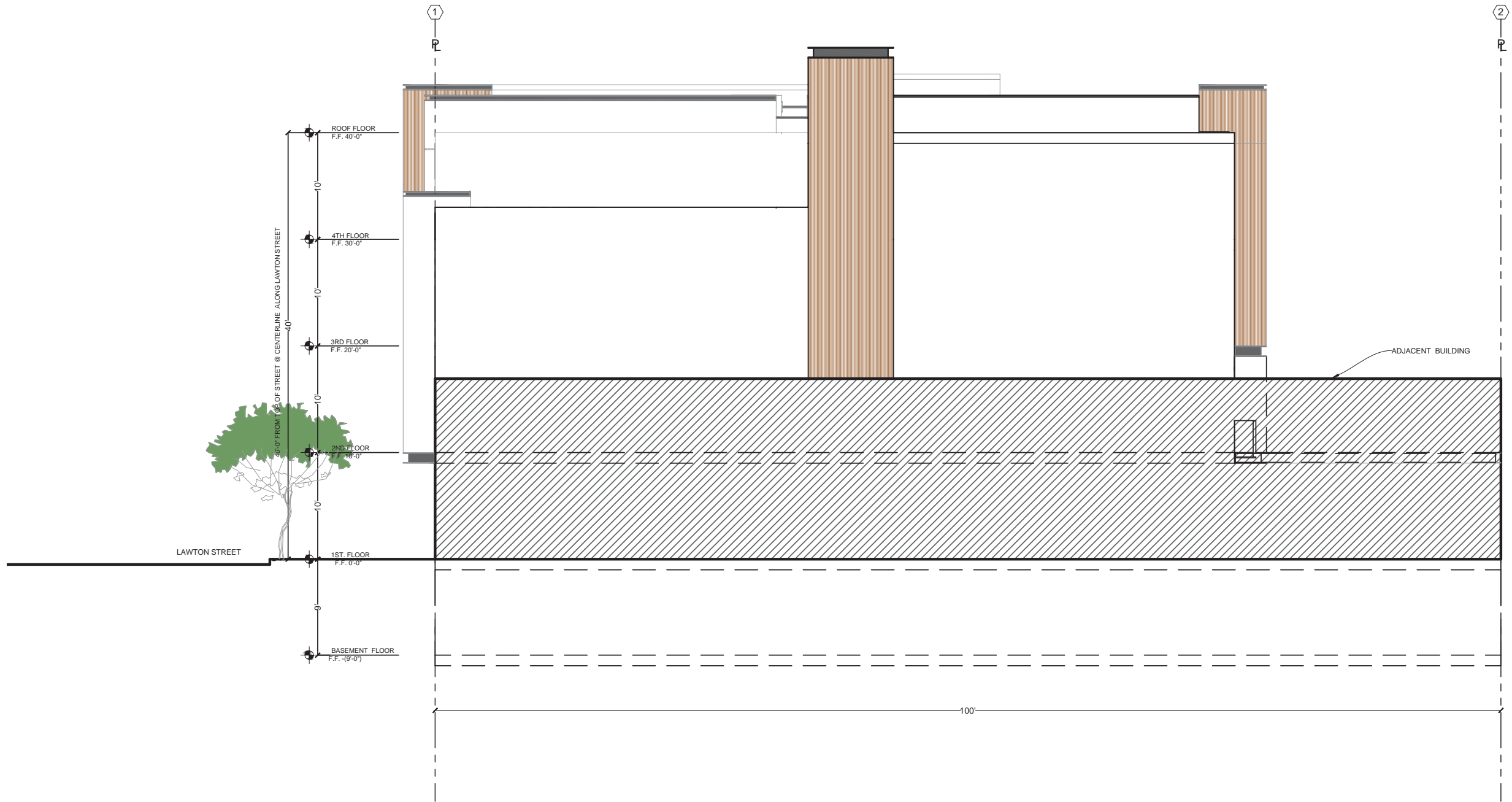
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WEST ELEVATION

A-11.0



A WEST ELEVATION  
SCALE 3/32"=1'-0"



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SECTION AA

A-12.0



SECTION AA  
SCALE 3/32"=1'-0"



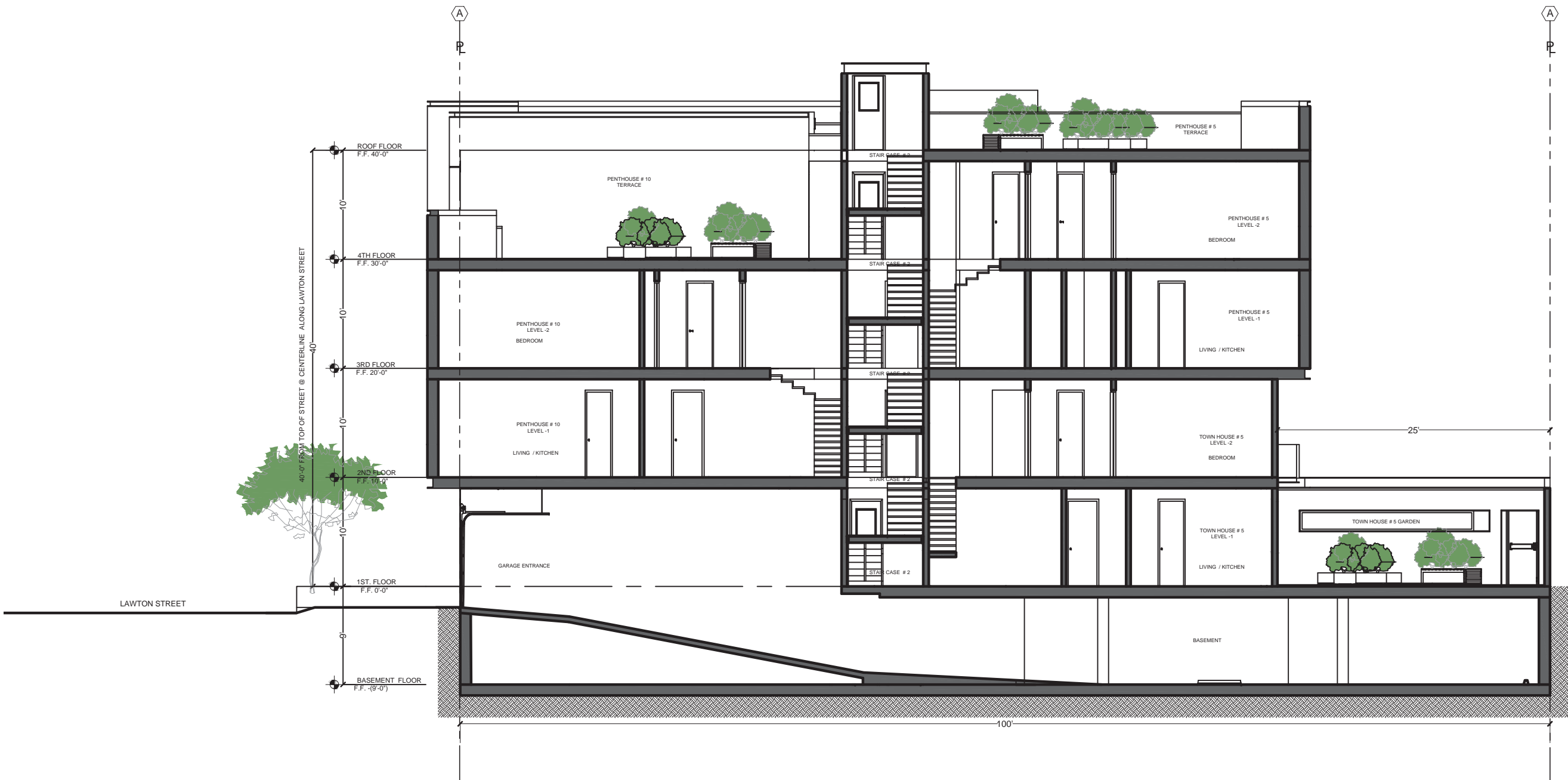


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SECTION BB

A-13.0

**A** SECTION BB  
SCALE 3/32"=1'-0"





SECTION CC

A-14.0

**A** SECTION CC  
SCALE 3/32"=1'-0"





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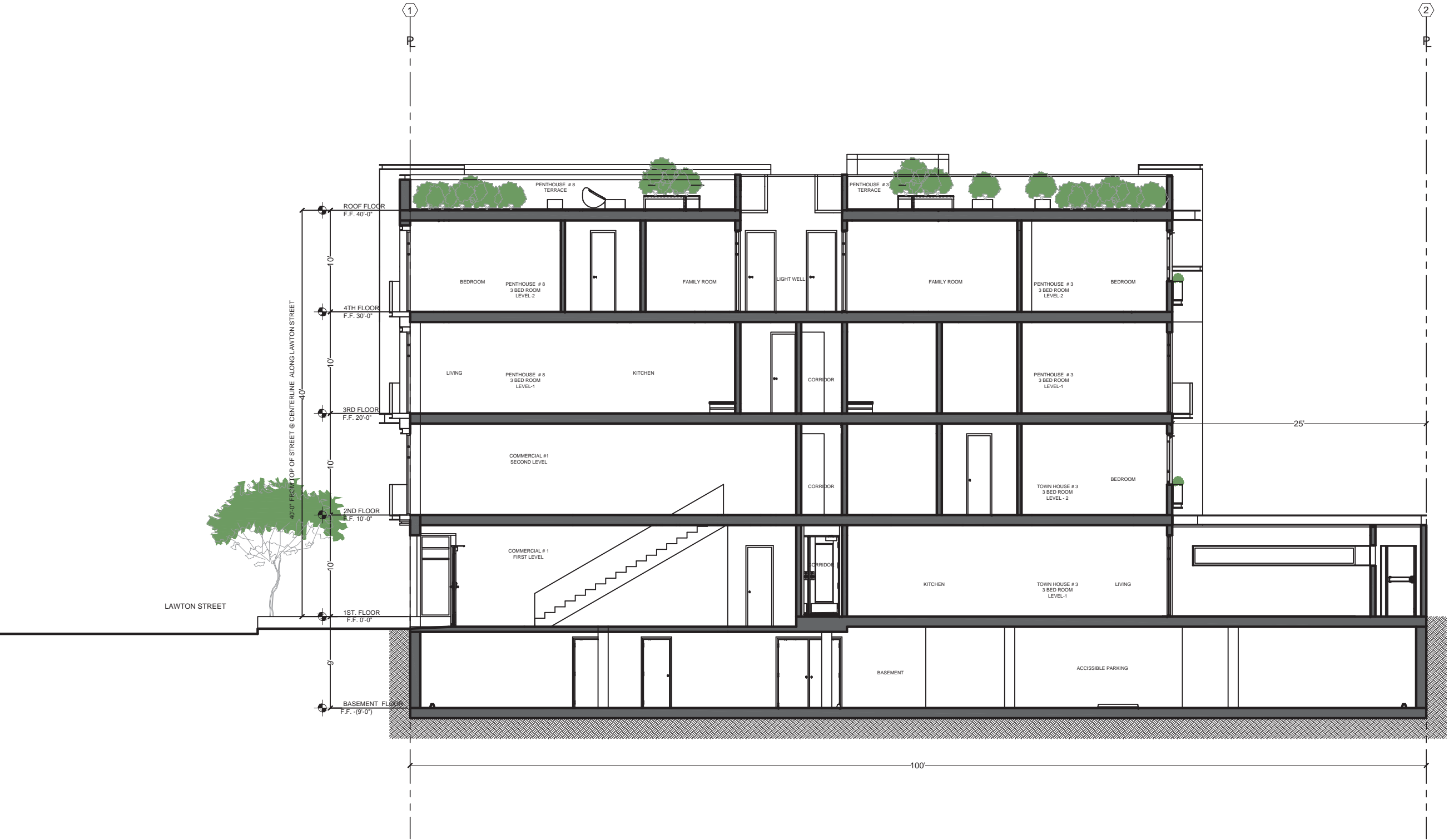


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SECTION DD

A-15.0

**A** SECTION DD  
SCALE 3/32"=1'-0"







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UNITS INFORMATION SCHEDULES						
UNIT NAME & NUMBER	FLOOR #	UNIT AREA	NO. OF BEDROOMS	NO. OF BATHROOMS	OPEN SPACE	NOTES
TOWN HOUSE # 1	1 & 2	1164 SQ.FT.	3	3	GARDEN - 1	
TOWN HOUSE # 2	1 & 2	1298 SQ.FT.	3	3	GARDEN - 2	
TOWN HOUSE # 3	1 & 2	1298 SQ.FT.	3	3	GARDEN - 3	
TOWN HOUSE # 4	1 & 2	1298 SQ.FT.	3	3	GARDEN - 4	
TOWN HOUSE # 5	1 & 2	1298 SQ.FT.	3	3	GARDEN - 5	
PENTHOUSE HOUSE # 1	3 & 4	1230 SQ.FT.	3	3	ROOF TOP -1	CORNER UNIT
PENTHOUSE HOUSE # 2	3 & 4	1298 SQ.FT.	3	2	ROOF TOP -2	
PENTHOUSE HOUSE # 3	3 & 4	1298 SQ.FT.	3	2	ROOF TOP -3	
PENTHOUSE HOUSE # 4	3 & 4	1298 SQ.FT.	3	2	ROOF TOP -4	
PENTHOUSE HOUSE # 5	3 & 4	1298 SQ.FT.	3	2	ROOF TOP -5	CORNER UNIT
PENTHOUSE HOUSE # 6	3 & 4	1654 SQ.FT.	3	3	ROOF TOP -6	CORNER UNIT
PENTHOUSE HOUSE # 7	3 & 4	1221 SQ.FT.	2	2	ROOF TOP -7	
PENTHOUSE HOUSE # 8	3 & 4	1419 SQ.FT.	3	3	ROOF TOP -8	
PENTHOUSE HOUSE # 9	3 & 4	1419 SQ.FT.	3	3	ROOF TOP -9	
PENTHOUSE HOUSE # 10	3 & 4	1402 SQ.FT.	3	3	ROOF TOP -10	CORNER UNIT
TOTAL RESIDENTIAL AREA		22,396 SQ.FT.				
COMMERCIAL # 1	1	2097 SQ.FT.	NA	1	NA	
COMMERCIAL # 2	1	2556 SQ.FT.	NA	1	NA	
TOTAL COMMERCIAL AREA		4653 SQ.FT.				



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UNITS INFORMATION  
SCHEDULE



PRECAST CONCRETE PANELS ON PEDESTALS



COMPOSITE WOOD DECKING



TREE GRATE



WOOD PLANTER WITH DETACHED SOIL BOXES



TERRACE TABLE & CHAIRS



TERRACE TABLE & CHAIRS



IPE WOOD DECK TILES



Maytenus Boaria (Mayten Tree)



Ulmus Parvifolia (Chinese Elm)



Lily-of-the-Nile (Agapanthus Africanus)



Shreve Juniper (Juniperus Conferta)



Tobira (Pittosporum Tobira)



Japanese Privet (Ligustrum Japonicum)



California Wild Lilac (Ceanothus spp.)



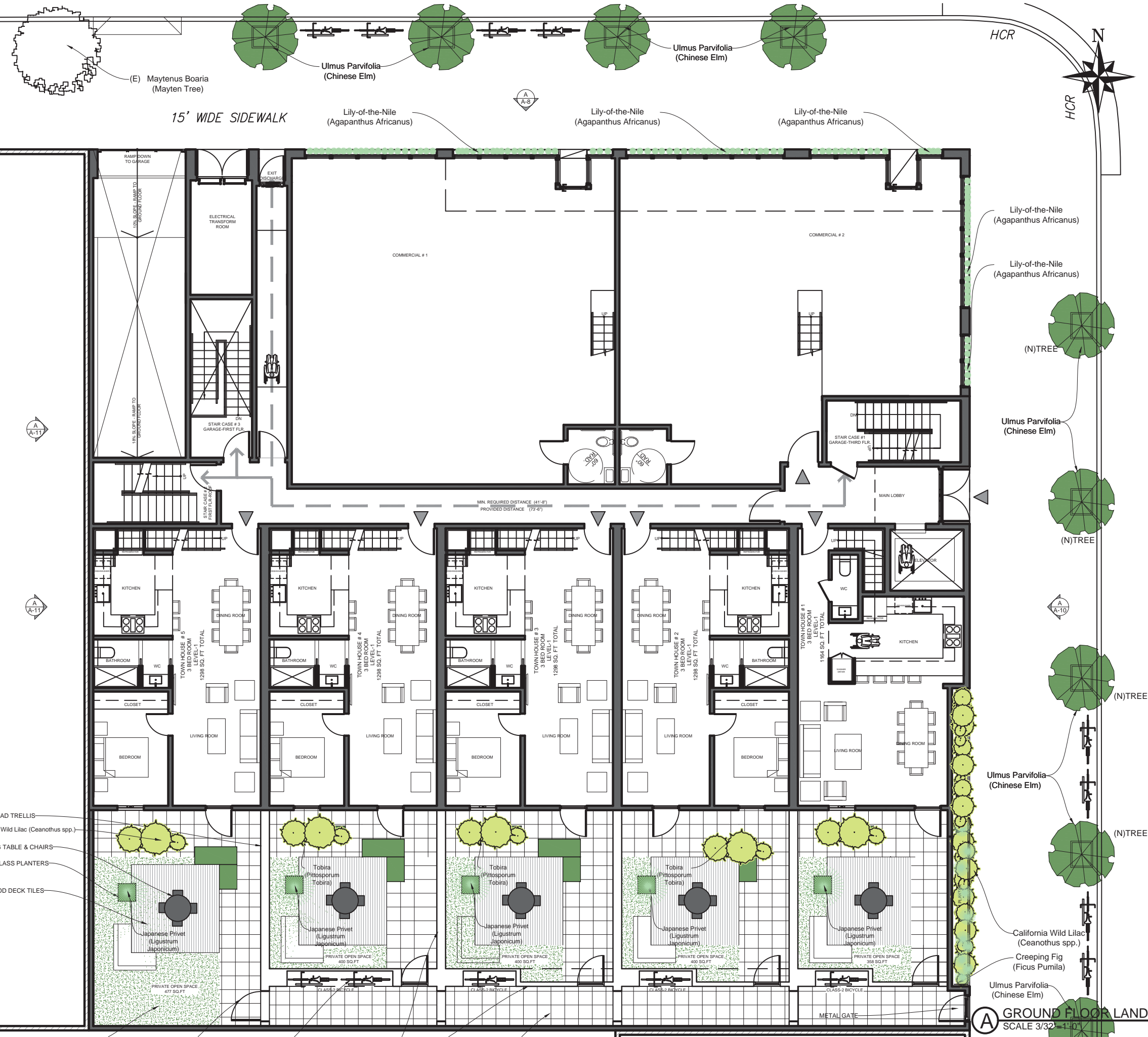
Creeping Fig (Ficus Pumila)



GREEN ROOF WITH ALTERNATING PATTERN



- OVERHEAD TRELLIS
- California Wild Lilac (Ceanothus spp.)
- DINNING TABLE & CHAIRS
- FIBER GLASS PLANTERS
- IPE WOOD DECK TILES



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LANDSCAPE

L-1.0  
GROUND FLOOR LANDSCAPE CONCEPT  
SCALE 3/32" = 1'-0"





PRECAST CONCRETE PANELS ON PEDESTALS



COMPOSITE WOOD DECKING



TREE GRATE



WOOD PLANTER WITH DETACHED SOIL BOXES



TERRACE TABLE & CHAIRS



TERRACE TABLE & CHAIRS



IPE WOOD DECK TILES



Maytenus boaria (Mayten Tree)



Ulmus parvifolia (Chinese Elm)



Lily of the Nile (Agapanthus Africanus)



Shore Juniper (Juniperus Conferta)



Tobira (Pittosporum Tobira)



Japanese Privet (Ligustrum japonicus)



California Wild Lilac (Ceanothus spp.)



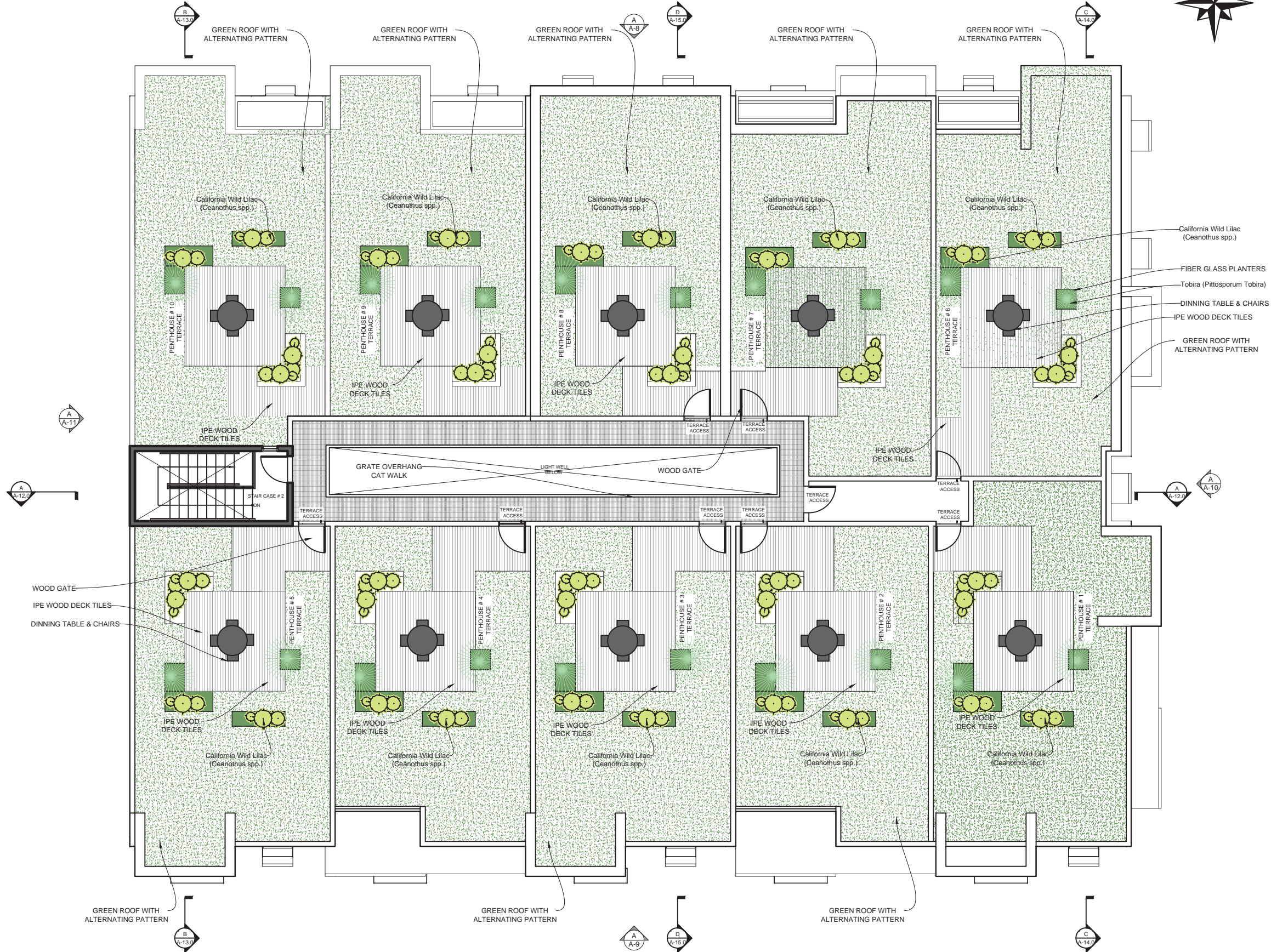
Creeping Fig (Ficus Pumila)



GREEN ROOF WITH ALTERNATING PATTERN



GREEN ROOF WITH ALTERNATING PATTERN



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LANDSCAPE