



## EXECUTIVE SUMMARY

# CONDITIONAL USE AUTHORIZATION, SHADOW FINDINGS & STATE DENSITY BONUS PROJECT FINDINGS

**HEARING DATE:** October 14, 2021

**CONTINUED FROM:** July 15, 2021

**Case No.:** 2020-001610CUA  
**Project Address:** 3832 18th Street  
**Zoning:** RM-1(Residential- Mixed, Low Density) Zoning District  
40-X Height and Bulk District  
**Block/Lots:** 3580/018  
**Project Sponsor:** Mark Loper  
Reuben, Junius & Rose LLP  
One Bush Street #600  
San Francisco, CA 94104  
**Property Owner:** M-J SF Investments LLC  
2501 Mission Street  
San Francisco, CA 94110  
**Staff Contact:** Jeff Horn – (628) 652-7366  
[Jeffrey.Horn@sfgov.org](mailto:Jeffrey.Horn@sfgov.org)

**Recommendation:** **Approval with Conditions**

### Background

On July 15, 2021, the Commission held a public hearing on the project and provided feedback on the design of the proposal with recommendations on possible changes, including the removal of a floor to reduce the height of the building. The item was continued to allow the sponsor time to develop and incorporate design changes.

### Project Sponsor's response.

At the time of the preparation of this Memo to the Commission, the Project Sponsor has not made substantial design changes to the proposed project. The attached plans dated October 4, 2021, propose a building that is the same height; total square footage and unit count are the same as the project presented to the Commission on July 15, 2021. Minor changes to the plans include notes that all kitchenettes will be provided with a combination convection oven microwaves and the community room will provide a full kitchen with oven.

The project sponsor has submitted an updated Inclusionary Housing Affidavit (Exhibit C) and a letter from First Republic Bank (Exhibit C) stating an interest in providing loans for condominiums with limited kitchen facilities.

### Department's Alternative Design

In the interest in fulfilling the intent of the Commission's request to study an alternative design scheme that reduces the massing by a floor, the Department prepared the attached perspective, section, and ground level floor plan drawings (Exhibit F) for a building that implements the intent of the Commission's suggested design improvements for the Project. This alternate design retains the housing unit count and sizes through the following changes:

1. Remove sixth floor, including the two penthouse units, stairs and elevator and roof decks, and relocate the two units to ground level at rear.
2. Lower the ceiling height of the ground floor to 8'-6".
3. Reduce the height of the roof parapet at front and rear to curb height.

To accommodate the relocation of two units at the ground level, the community room would be removed from the scope of the Project. Although a desirable amenity, the community room is not a Planning Code requirement for group housing projects. Additionally, the Class 1 bicycle parking area would be relocated to the center of the floor, and the total amount of spaces provided would be reduced to five, the minimum amount required by the Planning Code. The trash room would be relocated and reduced in size and the dedicated mail room would be eliminated but could functionally replace by wall mounted cabinets to accommodate packages. Unit 1 could recapture square footage by eliminating the proposed recessed entrance area at the front of the building.

The proposed modifications would not remove or reduce the size of any of the 19 group housing units. The ground level rear units (which are substitutes for the penthouse units) would be the same size as the typical units on floors above. The location and footprint of the proposed building remain the same.

Eliminating a partial sixth floor with its attendant stairs, corridor, elevator and roof decks and the removal of the community room would not affect the construction costs to develop the project, but rather would assumedly, decrease cost.

## **Attachments**

Draft Motion – Conditional Use Authorization with Conditions of Approval (Exhibit A)  
Draft Motion – Shadow Findings  
Exhibit B – Plans and Renderings  
Exhibit C – Updated Inclusionary Housing Affidavit  
Exhibit D – First Republic Bank letter  
Exhibit E – Department's Alternative Design exhibits  
Exhibit F – July 15, 2021 Case Report Package





# PLANNING COMMISSION DRAFT MOTION

**HEARING DATE: OCTOBER 14, 2021**

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ADOPTING FINDINGS RELATING TO APPROVAL OF CONDITIONAL USE AUTHORIZATION PURSUANT TO PLANNING CODE SECTION 209.2, 253, 303, and 317, TO ALLOW DEMOLITION OF A SINGLE-FAMILY RESIDENCE AND APPROVAL OF AN INDIVIDUALLY REQUESTED STATE DENSITY BONUS PROJECT PURSUANT TO PLANNING CODE SECTION 206.6 (USING THE STATE DENSITY BONUS LAW (CALIFORNIA GOVERNMENT CODE SECTIONS 65915- 65918)) FOR THE PROJECT INVOKING WAIVERS FROM THE DEVELOPMENT STANDARDS FOR REAR YARD (SECTION 134), DWELLING UNIT EXPOSURE (SECTION 140) AND MAXIMUM HEIGHT LIMIT (SECTION 260) THAT WOULD CONSTRUCT A NEW SIX-STORY, 60-FOOT TALL, RESIDENTIAL BUILDING (APPROXIMATELY 11,147 SQUARE FEET) WITH 19 GROUP HOUSING UNITS LOCATED AT 3832 18TH STREET, LOT 018 IN ASSESSOR'S BLOCK 3580, WITHIN THE RM-1 (RESIDENTIAL-MIXED, LOW DESNITY) ZONING DISTRICT AND A 40-X HEIGHT AND BULK DISTRICT, AND ADOPTING FINDINGS UNDER THE CALIFORNIA ENVIRONMENTAL QUALITY ACT.

## PREAMBLE

On July 30, 2020, Sally Szeto of SIA Consulting filed Application No. 2020-001610PRJ (hereinafter “Application”) with the Planning Department (hereinafter “Department”) for Conditional Use Authorization and Individually-Requested State Density Bonus Project to demolish an existing single-family home and construct a new 11,147 square foot, six-story, 60-foot tall, residential building with 19 Group Housing units (hereinafter “Project”) at 3832 18th Street, Block 3580 Lot 018 (hereinafter “Project Site”). On June 17, 2021, Mark Loper of Rueben, Junius and Rose LLP (hereinafter “Project Sponsor”) filed revised Applications for the Project.

The Project Sponsor seeks to proceed under the State Density Bonus Law, Government Code Section 65915 et seq (“the State Law”), as amended under AB-2345. Under the State Law, a housing development that includes affordable housing is entitled to additional density, concessions and incentives, and waivers from development standards that might otherwise preclude the construction of the project. The Project Sponsor is providing 20% of base project units of housing affordable to lower income households and is therefore eligible for a density bonus of 35% and waivers of the following development standards: 1) Height (Planning Code Sections 260); 2) Rear Yard (Planning Code Section 134); and 3) Dwelling Unit Exposure (Planning Code Section 140).

On May 24, 2021, 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 July 15, 2021, the Commission conducted a duly noticed public hearing at a regularly scheduled meeting on Conditional Use Authorization Application No. 2020-001610CUA and after public comment and discussion, continued the item to October 14, 2021.

On October 14, 2021, the Commission conducted a duly noticed public hearing on case No. 2020-001610CUA.

The Planning Department Commission Secretary is the Custodian of Records; the File for Record No. 2020-001610CUA is located at 49 South Van Ness Avenue, Suite 1400, San Francisco, California.

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

**MOVED**, that the Commission hereby authorizes the Conditional Use Authorization as requested in Application No. 2020-001610CUA, 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. Project Description.** The Project includes demolition of the single-family home on the project site, and new construction of a six-story, 60-foot tall, residential building (approximately 11,147 gross square feet) with 19 group housing units, a 390-square-foot communal space, 19 Class 1 bicycle parking spaces, and two Class 2 bicycle parking spaces. The Project includes 890 square feet of common open space via a ground floor courtyard and two separate private roof decks at the sixth floor, including a 149 square foot front deck and a 165 square foot rear deck. The building's rooftop stair and mechanical penthouses would add an additional eight feet of height above the roof, and the elevator shaft will rise six feet above the roof, these features are centrally located toward the middle of the roof plan. The project provides no automotive parking and would remove an existing curb cut.
- 3. Site Description and Present Use.** The Project site is located midblock on the on the north side of 18th Street, between Dolores and Sanchez Streets; Lot 018 in Assessor's Block 3580 and is located within the RM-1 (Residential-Mixed, Low Density) Zoning District and a 40-X Height and Bulk District. The Project site is a relatively flat lot with an area of approximately 3,868 square feet, frontage of 27 feet, 6 inches on 18th Street, and an average depth of approximately 141 feet, 10 inches. The site is currently developed with an existing 1,210 square foot, two-bedroom, one-story-over-garage, single-family dwelling constructed circa 1900.
- 4. Surrounding Properties and Neighborhood.** The subject property is located on the southeast side of the Castro/Upper Market Neighborhood within Supervisorial District 8. The surrounding properties are located in the RM-1, RH-3, RM-3, and Public (P) Zoning Districts and are developed with a variety of residential, institutional and mixed-use buildings ranging in height from one to five stories. Ground floor commercial uses are generally provided at the street corners and the block includes a range of residential uses ranging from single family homes to multi-unit apartment building. The adjacent property to the east (3826, 3828, 3830a 18th St) is developed with a 3-story-attic (within the gabled roof) at the front and a one-story-attic (within the gabled roof) dwelling unit/cottage located at the rear of the property. The adjacent property to the west (3838 18<sup>th</sup> St) contains a two-story two-family dwelling. One lot further to the west contains the Mission Terrace Senior Housing site, a 5-story, 107 apartment development that extends through the block to Dorland Street. Across from the Project Site, on the south side of 18<sup>th</sup> Street, lots are within RH-3 and 40-X Districts and developed with 3 and 4-story multi-family dwellings. Mission High School and Mission Dolores Park are located one block directly east along 18th Street. There is a J-Church MUNI stop platform near the corner of 18th Street and Church Street which runs along the western edge of Mission Dolores Park and Mission High School.
- 5. Public Outreach and Comments.** On July 7, 2020, the Project Sponsor held a virtual pre-application meeting as required by the Planning Department. Prior to the publishing of the case report, 30 public correspondences were received that included inquiries and concerns about the project's construction noise, the building's height and massing and resulting impacts to mid-block open space, and the

increased density and the group housing use. Nine correspondences were received in support of the project's proposed density and Group Housing residential use type.

The Project Sponsor has twice met with a group of neighborhood representatives, which includes a meeting facilitated by District 8 Supervisor Mandelman's office. In the second meeting and follow-up correspondence the members of the neighborhood recommended project modifications; including a reduction of floor-to-floor ceiling heights, a reduction in height and lengthening of the building, and a relocation of the project's communal area and bicycle parking into a basement level to allow for additional area to accommodate residential units. The Project Sponsor responded to those recommendation directly and within the Sponsor's Brief dated July 6<sup>th</sup>, 2021.

**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. Use.** Planning Code Section 209.3 principally permits Group Housing uses within the RM-1 Zoning Districts. Group Housing density is limited to one unit per 275 square feet of lot area. Per the State Density Bonus law, if 20% of the Base Density Units are provided at 80% AMI, then a Bonus Density of 35% is permitted.

*The subject lot has an area of 3,868 square feet, allowing for a base density of 14 group housing units. The proposal includes 20% of the Base Density Units at 80% AMI, allowing for a bonus of five (35% of the Base project) units for a total of 19 Group Housing units.*

- B. Front Yard.** Planning Code Section 132 requires, in RM-1 Districts, a front yard the average of the two adjacent neighbors, but no greater than 15 feet.

*The subject property has a required front setback line of 11 feet, 6 inches based on the location and frontages of the structures on the two adjacent properties and the Project meets the Front Yard requirement.*

- C. Front Setback Landscaping and Permeability.** Planning Code Section 132 requires that the required front setback be at least 20% unpaved and devoted to plant material and at least 50% permeable to increase storm water infiltration.

*The Project complies with Section 132 and provides the required landscaping permeable area.*

- D. Rear yard.** Within the RM-1 Zoning District, Planning Code Section 134 establishes that the minimum rear yard depth shall be equal to 45% of the total lot depth on which the lot is situated but in no case less than 15 feet.

*The Project site has an average depth of 141 feet, 10 inches in depth and therefore requires a minimum rear yard of 63 feet, 4 inches or 45%. The Project proposes a rear yard depth of 31 feet, 2 inches, or 22% of lot depth.*

*Strict enforcement of the Code would physically preclude the construction of the Project with the additional dwelling units as permitted under the Density Bonus Law. Per California Government Code*

*Sections 65915-65918, the Project Sponsor has elected to use the State Density Bonus Law and proposes a waiver for the reduction of site development standards for rear yard, which are defined in Planning Code 134.*

- E. **Usable Open Space.** Within the RM-1 Zoning District, Planning Code Section 135 requires the Group Housing structures provide one third of the required area of usable open space per dwelling unit, or 43.3 square feet of common usable open space per Group Housing unit and 33.3 square feet of private usable open space per Group Housing unit.

*The Planning Code requires a total of 736 square feet of common usable open space for 17 of the Group Housing units. The project proposes 860 square feet of usable open space at the rear courtyard, which meets the minimum commons area requirements. The project proposes private open space for two units, a 149 square foot front deck and a 165 square foot rear deck, meeting area requirements and providing open space for two units. Therefore, the Project meets the Open Space requirement for all units.*

- F. **Dwelling Unit Exposure.** Planning Code Section 140(b) requires that either each Group Housing bedroom or at least one interior common area that meets the 120 square-foot minimum superficial floor area shall include windows that face onto a public street, rear yard, or other open area that meets minimum requirements for area and horizontal dimensions.

*The Project contains 9 units that face the rear yard area, which is non-complying and does not meet the minimum 25-foot dimension requirements per Planning Code Section 140(a)(1). The remaining 10 units have exposure over 18<sup>th</sup> Street. Therefore, the Project meets the requirements of Section 140 of the Planning Code for only the 10 street facing units.*

*Strict enforcement of the Code would physically preclude the construction of the Project with the additional dwelling units as permitted under the Density Bonus Law. Per California Government Code Sections 65915-65918, the Project Sponsor has elected to use the State Density Bonus Law and proposes a waiver for the reduction of site development standards for dwelling unit exposure, which are defined in Planning Code 140.*

- G. **Bicycle Parking** Planning Code Section 155.2 requires at least one Class 1 bicycle parking space for every four beds, or for buildings containing over 100 beds, 25 Class 1 spaces plus one Class 1 space for every five beds over 100. It additionally requires two Class 2 spaces for every 100 beds.

*The Project, which includes 19 group housing beds, requires five Class 1 bicycle parking spaces and two Class 2 bicycle parking spaces. At the ground floor, the project will provide 19 Class 1 bicycle parking spaces and two Class 2 spaces are proposed at the front of the property. The project meets the requirements of Planning Code Section 155.*

- H. **Transportation Demand Management (TDM) Plan.** Pursuant to Planning Code Section 169 and the TDM Program Standards, the Project shall finalize a TDM Plan prior Planning Department approval of the first Building Permit or Site Permit. As currently proposed, the Project must achieve a target of 10 points.

*The Project submitted a completed Environmental Evaluation Application on July 30, 2020. Therefore, the Project must only achieve 100% of the point target established in the TDM Program Standards, resulting in a required target of 17 points. As currently proposed, the Project will achieve a total of 17 points through the following TDM measures:*

- *Bicycle Parking (Option A)*
- *Delivery Supportive Amenities*
- *On-Site Affordable Housing (Option D)*
- *Parking Supply (Option K)*

- I. **Height and Bulk.** Planning Code Section 260, and Article 2.5 of the Planning Code generally, require that the height of buildings not exceed the limits specified in the Zoning Map and defines rules for the measurement of height. The project is located in a 40-X Height and Bulk District, which allows for a maximum height of 40 feet. Section 260(b) allows elevator, stair and mechanical penthouses to exceed the maximum height by an additional 10 feet, except that the elevator shaft may exceed the maximum height by 16 feet. Per Section 253 of the Planning Code, buildings within the RM zoning districts that exceed a height of 40 feet are subject to Conditional Use Authorization.

*The finished roof of the Project would reach a maximum height of approximately 60 feet, as measured from the center point of the frontage. Rooftop stair and mechanical penthouses would add an additional eight feet of height in those areas, while the elevator shaft will rise six feet above the roof; however, these features are exempt from height limits per Planning Code Section 260(b). As proposed, the height of the Project exceeds the 40-foot height limit by 20 feet, thereby requiring Conditional Use Authorization before the Planning Commission. The specific findings related to the Conditional Use Authorization are analyzed in item 7 below.*

*Per California Government Code Sections 65915-65918, the Project Sponsor has elected to use the State Density Bonus Law and requests a waiver from the 40-foot height limit, which the project exceeds by 20 feet. This waiver in height limit is necessary to enable the construction of the project with the increased density provided by Government Code Section 65915(f)(2).*

- J. **Shadow.** Planning Code Section 295 requires a shadow analysis for projects over 40 feet in height to ensure that new buildings would not cast new shadows on properties that are under the jurisdiction of the San Francisco Recreation and Park Department.

*A shadow analysis report, prepared by Prevision Design, was submitted on March 29, 2021, analyzing the potential shadow impacts of the Project to properties under the jurisdiction of the Recreation and Parks Department (Record No. 2020-001610SHD). The memorandum concluded that the Project would cast approximately 12,327 square-foot hours of new shadow on Mission Dolores Park, equal to approximately 0.001% of the TAAS on Mission Dolores Park, bringing the estimated total annual shading of the Park as a percentage of TAAS to 3.998% (previously at 3.997%).*

*The Shadow Study found that the proposed would result in new shadows falling on the park, adding approximately 12,327 annual net new square foot hours (sfh) of shadow and increasing shadow load by +0.001% above current levels, resulting in an increase in the total annual shading from 3.997% to 3.998% of Total Annual Available Sunlight (TAAS). The new shadow resulting from the project would occur from*

*April 20th to August 22nd and would be present for an average for 12.1 minutes, in the summer late afternoon (after 4pm). During these periods, the largest new shadow (based on area) would occur on June 21st at 7:36 pm covering an area of 860 sf, or 0.1% of the park. The maximum shadow coverage would contribute net new shadow to portions of the MUNI stop/platform, pedestrian pathway, and maintenance/utility area.*

*On June 15, 2021, the full Recreation and Park Commission conducted a duly noticed public hearing at a regularly scheduled meeting and recommended that the Planning Commission find that the shadows cast by the Project would not be adverse to the use of Mission Dolores Park.*

- K. Residential Demolition:** Pursuant to Planning Code Section 317, Conditional Use Authorization is required for applications proposing to remove one or more residential units. This Code Section establishes a checklist of criteria that delineate the relevant General Plan Policies and Objectives.

*As the Project requires Conditional Use Authorization per the requirements of the Section 317, the additional criteria specified under Section 317 for residential demolition and merger have been incorporated as findings a part of this Motion. See Below "Additional Findings pursuant to Section 317."*

- L. Transportation Sustainability Fee.** Planning Code Section 411A is applicable to new development that results in more than twenty dwelling units or group housing facilities with more than 800 gross square feet.

*The Project will pay the appropriate Transportation Sustainability Fee upon issuance of a building permit application.*

- M. Residential Child-Care Impact fee.** Planning Code Section 414A is applicable to new development that results in at least one net new residential unit.

*The Project includes approximately 11,147 gross square feet of new residential use associated with the new construction of 19 Group Housing units. This square footage shall be subject to the Residential Child-Care Impact Fee, as outlined in Planning Code Section 414A.*

- N. 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 13.5% 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 June 15, 2021. 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 Project Application. A complete Project Application was submitted on July 30, 2020. Pursuant to Planning Code Section 415.3 and 415.6, the on-site requirement is 13.5%, or two units.*

*At least 20% of the units in the base project must be affordable to households earning 80% AMI to qualify for a 35% density bonus under the State Density Bonus Law. The Project Sponsor has elected to provide one additional affordable unit at 80% AMI in order to qualify for a 35% density bonus. Therefore, three units of the 19 total units provided will be affordable units.*

- 7. Conditional Use Findings.** Planning Code Section 303 establishes criteria for the Planning Commission to consider when reviewing applications for Conditional Use authorization. On balance, the project complies with said criteria in that:

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

*The Castro/Upper Market neighborhood contains a mix of predominantly two-, three, and four-story multi-family residential buildings, that also includes large development uses such as the Mission Terrace Senior Housing (five-stories tall) and Mission High School, with commercial or uses at the street level along the commercial corridors. The proposed residential building will be compatible with the existing neighborhood mix of uses and densities. The Project will demolish an existing, single-family home to construct a new residential building containing 19 Group Housing units, in which three of the proposed units will be provided as on-site affordable units.*

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

- (1) Nature of proposed site, including its size and shape, and the proposed size, shape and arrangement of structures;

*The Project's proposed massing is generally consistent with the character and design of the neighborhood, and will not impede any development of surrounding properties. The proposed design is contemporary yet compatible, referencing character-defining features of the surrounding buildings on the subject block and is compatible with the district's size, scale, composition, and details. The massing is compatible in terms of lot occupancy, solid-to-void ratio, and vertical articulation, including bays and windows designed to relate to the surrounding properties. Although taller than the adjacent properties, the project would provide substantial setbacks of the upper floor at both the front (15'-11") and rear (17'-1") building walls.*

*The building provides a front setback that is equal to the depths of the two adjacent neighbors and the area will be appropriately developed with landscaping and permeable surfaces. In addition to two common entrances, at the front of the ground floor the project includes a*



*housing unit that is directly accessed from the street, consistent with the existing residential development on the block. The project provides a rear yard that contains enough area to provide code-complaint open space for 17 of the Project's units. Along the side property lines, the building provides four lightwells starting at the second floor, two on each side of the building; all are three feet deep and range in length from 17 feet to 36 feet. These lightwells provide additional light and air to each neighboring property. The Project results in a building size, shape, and height that is appropriate for the neighborhood context.*

- (2) 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 Planning Code does not require parking or loading within the RM-1 Zoning District, and none is proposed. The project includes 19 Class 1 bicycle parking spaces and is well-situated for easy access to numerous public transit modes including numerous MUNI lines. The Project is located along 33-Ashbury/18th bus line, a half-block from a J-Church Metro platform, and is within walking distance (¼ mile) of the BART Station at 16th and Mission Streets and the 22-Fillmore bus route. The Project provides no off-street parking, but will remove a curb cut along the street and provide sufficient bicycle parking for residents and their guests.*

- (3) The safeguards afforded to prevent noxious or offensive emissions such as noise, glare, dust and odor;

*The Project is residential in nature, which is a use that typically is not considered to have the potential to produce noxious or offensive emissions.*

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

*The Project's front setback will be appropriately landscaped. The Project will add one new street trees where there are currently none, two new Class 2 bicycle parking spaces, and remove an existing curb cut on 18<sup>th</sup> Street.*

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

*The Project complies with all relevant requirements and standards of the Planning Code and is consistent with objectives and policies of the General Plan as detailed below.*

- D. That use or feature as proposed will provide development that is in conformity with the stated purpose of the applicable Use District.

*The Project is consistent with the stated purpose of the RM-1 Zoning District, which is characterized by a mixture of the dwelling types found in RH Districts, but in addition have a significant number of apartment buildings that broaden the range of unit sizes and the variety of structures. The project maintains the pattern of 25-foot to 35-foot building widths, and provides a five-story structure at the building's front wall, with a substantial setback of the upper floor. The overall density of units*

*remains low at a per bedroom basis. The project provides usable open space within a ground floor yard that also contributes to the mid-block open space.*

- 8. Additional Findings pursuant to Section 317** establishes criteria for the Planning Commission to consider when reviewing applications to demolish or convert Residential Buildings. On balance, the Project does comply with said criteria in that:

- A. Whether the property is free of a history of serious, continuing code violations;

*A review of the Department of Building Inspection and the Planning Department databases showed no open enforcement cases or notices of violation for the subject property.*

- B. Whether the housing has been maintained in a decent, safe, and sanitary condition;

*The structure appears to be in decent condition with an original construction date circa 1900.*

- C. Whether the property is an “historic resource” under CEQA;

*The subject building and property are not identified as a historical resource. Pursuant to CEQA, a Historic Resource Evaluation (HRE) was prepared to evaluate the existing subject building, constructed in 1900, whether they would meet CEQA section 15064.5 criteria for listing on the California Register or in an adopted local historic register. The subject building and property were determined to not be eligible for listing in the California Register under any criteria, individually or as part of a historic district.*

- D. Whether the removal of the resource will have a substantial adverse impact under CEQA;

*The Project is not a historic resource and no substantial adverse impacts were identified as part of the Project’s review under CEQA.*

- E. Whether the Project converts rental housing to other forms of tenure or occupancy;

*The Project does not convert rental housing to other forms of tenure.*

- F. Whether the Project removes rental units subject to the Rent Stabilization and Arbitration Ordinance;

*Although rent control determinations are the purview of the Rent Board, any unit in San Francisco is subject to eviction controls as of January 2020. There is no evidence that the existing single-family home is subject to price controls since the home was owner occupied and there is no evidence of it being a rental property.*

- G. Whether the Project conserves existing housing to preserve cultural and economic neighborhood diversity;

*Although the Project proposes the demolition of a two-bedroom single-family dwelling, there will be a net gain of 17 bedrooms at the project site. The Project would be consistent with the density and*

*development pattern as it would provide three-story single-family dwelling a neighborhood that is comprised of two- and three-story one-family dwellings.*

- H. Whether the Project conserves neighborhood character to preserve neighborhood cultural and economic diversity;

*The replacement building will conserve neighborhood character with appropriate scale, design, and materials, and improve cultural and economic diversity by appropriately increasing the number of bedrooms. The project would maximize the number of units allowed on the site while increases the total number of bedrooms provided.*

- I. Whether the Project protects the relative affordability of existing housing;

*The Project protects the relative affordability of existing housing through the development of Group Housing units.*

- J. Whether the Project increases the number of permanently affordable units as governed by Section 415;

*The Project would establish three new permanently affordable units as governed by Section 415.*

- K. Whether the Project locates in-fill housing on appropriate sites in established neighborhoods;

*The Castro/Upper Market neighborhood is an established transit-oriented residential neighborhood with mixed-uses along several commercial corridors. The Project has been designed to be in-keeping with the scale and development pattern of the established neighborhood character.*

- L. Whether the Project increases the number of family-sized units on-site;

*While not creating additional new family-sized housing units, the Project proposes increases the number of bedrooms, which is desirable for many families.*

- M. Whether the Project creates new supportive housing;

*The Project does not create supportive housing.*

- N. Whether the Project is of superb architectural and urban design, meeting all relevant design guidelines, to enhance existing neighborhood character;

*The Project's proposed massing is generally consistent with the character and design of the neighborhood. The proposed design is contemporary yet compatible, referencing character-defining features of the surrounding buildings on the subject block and is compatible with the district's size, scale, composition, and details. The massing is compatible in terms of lot occupancy, solid-to-void ratio, and vertical articulation, including bays and windows designed to relate to the surrounding properties. Although taller than the adjacent properties, the project would provide substantial setbacks of the upper floor at both the front (15'- 11") and rear (17'-1") building walls.*

*The building provides a front setback that is equal to the depths of the two adjacent neighbors and the area will be appropriately developed with landscaping and permeable surfaces. In addition to two common entrances, at the front of the ground floor the project includes a housing unit that is directly accessed from the street, consistent with the existing residential development on the block. The project provides a rear yard that contains enough area to provide code-complaint open space for 17 of the units. Along the side property lines, the building provides four lightwells starting at the second floor, two on each side of the building; all are three feet deep and range in length from 17 feet to 36 feet. These lightwells provide additional light and air to each neighboring property. The Project results in a building size, shape, and height that is appropriate for the neighborhood context.*

- O. Whether the Project increases the number of on-site dwelling units;

*The Project proposes 19 bedrooms of Group Housing, which is a residential use, but is not a dwelling unit per the Section 102 definition. Therefore, although the project would increase the number of housing units on-site, the number of dwelling units would be reduced as a result of the demolition of the existing single-family home*

- P. Whether the Project increases the number of on-site bedrooms;

*The Project proposes 19 bedrooms of Group Housing, which is an increase of 17 bedrooms more than the original building.*

- Q. Whether or not the replacement project would maximize density on the subject lot; and;

*The Project proposes to maximize the density on the subject lot as the proposal includes 19 Group Housing units on the subject lot with an area of 3,868 square feet, allowing for a base density of 14 group housing units. The proposal includes 20% of the Base Density Units at 80% AMI, allowing for a bonus of five (35% of the Base project) units.*

- R. If replacing a building not subject to the Residential Rent Stabilization and Arbitration Ordinance, whether the new project replaces all of the existing units with new Dwelling Units of a similar size and with the same number of bedrooms.

*The Project proposes to replace the existing two-bedroom single-family dwelling not subject to the Residential Rent Stabilization and Arbitration Ordinance. The Project proposes 19 bedrooms of Group Housing, a net increase of 17 additional bedroom above what previously existed.*

- 9. State Density Bonus Program Findings.** Pursuant to Planning Code Section 206.6(e), the Planning Commission shall make the following findings as applicable for any application for a Density Bonus, Incentive, Concession or Waiver for any Individually Requested Density Bonus Project:

- A. The Housing Project is eligible for the Individually Requested Density Bonus Program.

*The Project consists of five or more group housing units on a site located in the Residential-Mixed, Low Density Zoning District that is currently developed as a single-family dwelling that is not subject to San Francisco Rent Stabilization and Arbitration Ordinance and is, therefore, eligible for the*

*Individually Requested Density Bonus Program.*

*The Project provides at least 20% of the proposed ownership Group Housing units in the base project (three units) as affordable to lower income households, defined as those earning 80% of area median income, and is therefore entitled to a 35% density bonus under California Government Code Sections 65915-95918.*

- B. The Housing Project has demonstrated that any Concessions or Incentives reduce actual housing costs, as defined in Section 50052.5 of the California Health and Safety Code, or for rents for the targeted units, based upon the financial analysis and documentation provided.

*The Project does not request any concessions or incentives under the Individually Requested Density Bonus Program.*

- C. If a waiver or modification is requested, a finding that the Development Standards for which the waiver is requested would have the effect of physically precluding the construction of the Housing Project with the Density Bonus or Concessions and Incentives permitted.

*The Project requests the following waivers from the Planning Code Development Standards: 1) Height (Planning Code Section 260); 2) Rear Yard (Planning Code Section 134; and 3) Dwelling Unit Exposure (Planning Code Section 140).*

*The Project provides a maximum density of 14 group housing units, plus the 35% density bonus of five additional Group Housing units afforded under the Individually State Density Bonus, for a total of 19 Group Housing units. The density is obtained by increasing the total height of the building and expanding the building horizontally into the required rear yard at all floors. Additionally, the expansion of the ground floor into the Rear Yard renders the units which face onto the Rear Yard non-compliant with the Dwelling Unit Exposure requirement of Planning Code Section 140. Rendering the proposed building compliant with height, rear yard, or dwelling unit exposure would require reduction of building volume and/or reduction in the number of units proposed; thus, these requirements are eligible for Waiver under the density bonus request.*

- D. If the Density Bonus is based all or in part on donation of land, a finding that all the requirements included in Government Code Section 65915(g) have been met.

*The Project does not include a donation of land, and this is not the basis for the Density Bonus.*

- E. If the Density Bonus, Concession or Incentive is based all or in part on the inclusion of a Child Care Facility, a finding that all the requirements included in Government Code Section 65915(h) have been met.

*The Project does not include a Child Care Facility, and this is not the basis for the Density Bonus.*

- F. If the Concession or Incentive includes mixed-use development, a finding that all the requirements included in Government Code Section 65915(k) have been met.

*The Project does not include concessions or incentives for a mixed-use development. The Project is entirely residential.*

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

**HOUSING ELEMENT**

**Objectives and Policies**

**OBJECTIVE 1**

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

**Policy 1.1**

Plan for the full range of housing needs in the City and County of San Francisco, especially affordable housing.

**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.

**OBJECTIVE 4**

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

**Policy 4.4**

Encourage sufficient and suitable rental housing opportunities, emphasizing permanently affordable rental units wherever possible.

**Policy 4.5**

Ensure that new permanently affordable housing is located in all of the City's neighborhoods, and encourage integrated neighborhoods, with a diversity of unit types provided at a range of income levels.

**OBJECTIVE 11**

**SUPPORT AND RESPECT THE DIVERSE AND DISTINCT CHARACTER OF SAN FRANCISCO'S NEIGHBORHOODS.**

**Policy 11.1**

Promote the construction and rehabilitation of well-designed housing that emphasizes beauty, flexibility, and innovative design, and respects existing neighborhood character.

**Policy 11.2**

Ensure implementation of accepted design standards in project approvals.

**Policy 11.3**

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

Policy 11.4

Continue to utilize zoning districts which conform to a generalized residential land use and density plan and the General Plan.

Policy 11.6

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

**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, childcare, and neighborhood services, when developing new housing units.

Policy 12.3

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

**URBAN DESIGN ELEMENT**

**Objectives and Policies**

**OBJECTIVE 1**

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

Policy 1.3

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

Policy 1.7

Recognize the natural boundaries of districts and promote connections between districts.

*The Project's proposed massing is generally consistent with the character and design of the neighborhood. The proposed design is contemporary yet compatible, referencing character-defining features of the surrounding buildings on the subject block and is compatible with the district's size, scale, composition, and details. The massing is compatible in terms of lot occupancy, solid-to-void ratio, and vertical articulation,*

*including bays and windows designed to relate to the surrounding properties. Although taller than the adjacent properties, the project would provide substantial setbacks of the upper floor at both the front and rear building walls.*

*The building provides a front setback that is equal to the depths of the two adjacent neighbors and the area with be appropriately developed with landscaping and permittable surfaces. In addition to two common entrances, at the front of the ground floor the project includes a housing unit that is directly accessed from the street, consistent with the existing residential development on the block. The project provides a rear yard that contains enough area to provide code-complaint open space for 17 of the units. Along the side property lines, the building provides four lightwells starting at the second floor, two on each side of the building; all are three feet deep and range in length from 17 feet to 36 feet. These lightwells provide additional light and air to each neighboring property. The Project results in a building size, shape, and height that is appropriate for the neighborhood context.*

*The Project would provide additional density in a transit rich area of the City. The Project is located along 33-Ashbury/18th bus line, a half-block from a J-Church Metro platform, and is within walking distance (¼ mile) of the BART Station at 16th and Mission Streets and the 22-Fillmore bus route. The Project provides no off-street parking, but will remove a curb cut along the street and provide sufficient bicycle parking for residents and their guests.*

*The Project is consistent with the stated purpose of the RM-1 Zoning District, which is characterized by a mixture of the dwelling types found in Residential Districts, but in addition have a significant number of apartment buildings that broaden the range of unit sizes and the variety of structures. The Project maintains the pattern of 25-foot to 35-foot building widths, and provides a five-story structure at the building's front wall, with a substantial setback of the upper floor. The overall density of units remains low at a per bedroom basis. The project provides usable open space within a ground floor yard that also contributes to the mid-block open space. Overall, the project's design is complementary to the context of the district, while providing a new housing type to the neighborhood. For all these reasons, the Project is on balance, consistent with the Objectives and Policies of the General Plan.*

**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 complies with said policies in that:

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

*The project site does not possess any neighborhood-serving retail uses. The Project provides 19 new Group Housing units, which will enhance the nearby retail uses by providing new residents, who may patron and/or own these businesses.*

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

*The replacement building has been designed to be compatible with the neighborhood's mixed massing, width and height, and has been found to meet the Residential Design Guidelines. While*



*the existing two-bedroom home is proposed to be demolished, the replacement building would provide 19 group housing units/bedrooms in a transit-rich neighborhood made up of mostly multi-family dwellings of mixed architectural character. For these reasons, the Project would protect and preserve the cultural and economic diversity of the neighborhood.*

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

*The Project Site does not currently possess any existing affordable housing. The Project will comply with the City's Inclusionary Housing Program by providing three on-site below-market rate group housing units for ownership. Therefore, the Project will increase the stock of affordable housing units in the City.*

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

*The Project Site is served by nearby public transportation options. The Project is located along a Muni bus line (33-Ashbury/18th Street), a half-block from a J-Church Muni Metro platform, and is within walking distance (¼ mile) of the BART Station at 16th and Mission Streets and the 22-Fillmore bus route. Future residents would be afforded proximity to a bus line. The Project provides no off-street parking but will remove a curb cut along the street and provide sufficient bicycle parking for residents and their guests.*

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

*The Project is residential in nature and does not include commercial office development; therefore, the Project would not affect industrial or service sector uses or related employment opportunities. Ownership of industrial or service sector businesses would not be affected by the Project.*

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

*The Project will be designed and constructed to conform to the structural and seismic safety requirements of the Building Code. As such, this Project will improve the property's ability to withstand an earthquake.*

- G. That landmarks and historic buildings be preserved.

*Currently, the Project Site does not contain any City Landmarks or historic buildings.*

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

*The Project will create new shadow on one proposed park under jurisdiction of the Recreation and Park Department – Mission Dolores Park. The amount of additional shadow that would occur as a*

*result of the Project has not been found to be significant or adverse to the use of the park.*

- 12. First Source Hiring.** The Project is subject to the requirements of the First Source Hiring Program as they apply to permits for residential development (Administrative Code Section 83.11), and the Project Sponsor shall comply with the requirements of this Program as to all construction work and on-going employment required for the Project. Prior to the issuance of any building permit to construct or a First Addendum to the Site Permit, the Project Sponsor shall have a First Source Hiring Construction and Employment Program approved by the First Source Hiring Administrator, and evidenced in writing. In the event that both the Director of Planning and the First Source Hiring Administrator agree, the approval of the Employment Program may be delayed as needed.

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

- 13.** The project sponsor is aware of the Procedures Manual requirements for ownership BMR units and that there must be a competitive lending environment for prospective BMR owners at time of initial purchase and resale. If the sponsor is not able to provide multiple conventional lending sources to BMR owners and as a result decides to switch to a rental project, the project will require any additional approvals required by law at the time
- 14.** 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.
- 15.** The Commission hereby finds that approval of the Conditional Use Authorization would promote the health, safety and welfare of the City.

## DECISION

That based upon the Record, the submissions by the Applicant, the staff of the Department and other interested parties, the oral testimony presented to this Commission at the public hearings, and all other written materials submitted by all parties, the Commission hereby **APPROVES Conditional Use Authorization Application No. 2020-001610CUA** subject to the following conditions attached hereto as “EXHIBIT A” in general conformance with plans on file, dated October 4, 2021, 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. 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 October 14, 2021.

Jonas P. Ionin  
Commission Secretary

AYES:

NAYS:

ABSENT:

RECUSE:

ADOPTED:        October 14, 2021

## EXHIBIT A

### Authorization

This authorization is for a conditional use to allow demolition of an existing single-family residence and new construction of a six-story, approximately 60-foot-tall, 11,147 gross square foot residential building containing 19 group housing units, a 390-square-foot communal space, 19 Class 1 bicycle parking spaces, and two Class 2 bicycle parking spaces, located at 3832 18th Street, Block 3580, Lot 018, pursuant to Planning Code Sections 209.2, 303 and 317, and pursuant to Planning Code Section 206.6 as an Individually-Requested State Density Bonus Project, within the Residential-Mixed, Low Density Zoning District and a 40-X Height and Bulk District; in general conformance with plans, dated October 4, 2021, and stamped "EXHIBIT B" included in the docket for Record No. 2020-001610CUA and subject to conditions of approval reviewed and approved by the Commission on October 14, 2021 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 July 15, 2021 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 628.652.7463, [www.sfplanning.org](http://www.sfplanning.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 628.652.7463, [www.sfplanning.org](http://www.sfplanning.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 628.652.7463, [www.sfplanning.org](http://www.sfplanning.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 628.652.7463, [www.sfplanning.org](http://www.sfplanning.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 628.652.7463,*

[www.sfplanning.org](http://www.sfplanning.org)

- 6. Additional Project Authorization.** The Project Sponsor must obtain a Shadow Determination under Section 295 that the net new shadow cast by the Project on Dolores Park will be insignificant to the use of said park under the jurisdiction of the Recreation and Park Department and satisfy all the conditions thereof. The conditions set forth below are additional conditions required in connection with the Project. If these conditions overlap with any other requirement imposed on the Project, the more restrictive or protective condition or requirement, as determined by the Zoning Administrator, shall apply.

*For information about compliance, contact Code Enforcement, Planning Department at 628.652.7463, [www.sfplanning.org](http://www.sfplanning.org)*

## Design – Compliance at Plan Stage

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

*For information about compliance, contact the Case Planner, Planning Department at 628.652.7366, [www.sfplanning.org](http://www.sfplanning.org)*

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

*For information about compliance, contact the Case Planner, Planning Department at 628.652.7366, [www.sfplanning.org](http://www.sfplanning.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.sfplanning.org](http://www.sfplanning.org)*

- 10. Transformer Vault Location.** 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 in consultation with Public Works shall require the following location(s) for transformer vault(s) for this project: sidewalk. This location has the following design considerations: streetscape and building frontage detail issues. The above requirement shall adhere to the Memorandum of Understanding regarding Electrical Transformer Locations for Private Development Projects between Public Works and the Planning Department dated January 2, 2019.

*For information about compliance, contact Bureau of Street Use and Mapping, Department of Public Works at 628.271.2000, [www.sfpublishworks.org](http://www.sfpublishworks.org)*

- 11. 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 628.652.7366, [www.sfplanning.org](http://www.sfplanning.org)*

## Parking and Traffic

- 12. 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 TDM Performance Manager at [tdm@sfgov.org](mailto:tdm@sfgov.org) or 628.652.7340, [www.sfplanning.org](http://www.sfplanning.org)*

- 13. Bicycle Parking.** The Project shall provide no fewer than **five** Class 1 bicycle parking spaces and **two** Class 2 bicycle parking spaces as required by Planning Code Sections 155.1 and 155.2.

*For information about compliance, contact Code Enforcement, Planning Department at 628.652.7463, [www.sfplanning.org](http://www.sfplanning.org)*

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

*For information about compliance, contact Code Enforcement, Planning Department at 628.652.7463, [www.sfplanning.org](http://www.sfplanning.org)*

## Provisions

- 15. 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 628.652.7366, [www.sfplanning.org](http://www.sfplanning.org)*

- 16. 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)*

- 17. 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 628.652.7366, [www.sfplanning.org](http://www.sfplanning.org)*

- 18. Residential Child Care Impact Fee.** 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 628.652.7366, [www.sfplanning.org](http://www.sfplanning.org)*

- 15. State Density Bonus Regulatory Agreement.** Recipients of development bonuses under this Section 206.6 shall enter into a Regulatory Agreement with the City, as follows.

- A. The terms of the agreement shall be acceptable in form and content to the Planning Director, the Director of MOHCD, and the City Attorney. The Planning Director shall have the authority to execute such agreements.
- B. Following execution of the agreement by all parties, the completed Regulatory Agreement, or memorandum thereof, shall be recorded and the conditions filed and recorded on the Housing Project.
- C. The approval and recordation of the Regulatory Agreement shall take place prior to the issuance of the First Construction Document. The Regulatory Agreement shall be binding to all future owners and successors in interest.
- D. The Regulatory Agreement shall be consistent with the guidelines of the City's Inclusionary Housing Program and shall include at a minimum the following:
  - i. The total number of dwelling units approved for the Housing Project, including the number of restricted affordable units;



- ii. A description of the household income group to be accommodated by the HOME-SF Units, and the standards for determining the corresponding Affordable Rent or Affordable Sales Price. If required by the Procedures Manual, the project sponsor must commit to completing a market survey of the area before marketing restricted affordable units;
- iii. The location, dwelling unit sizes (in square feet), and number of bedrooms of the restricted affordable units;
- iv. Term of use restrictions for the life of the project;
- v. A schedule for completion and occupancy of restricted affordable units;
- vi. A description of any Concession, Incentive, waiver, or modification, if any, being provided by the City;
- vii. A description of remedies for breach of the agreement (the City may identify tenants or qualified purchasers as third-party beneficiaries under the agreement); and
- viii. Other provisions to ensure implementation and compliance with Section 206.6.

*For information about compliance, contact the Case Planner, Planning Department at 415-575-9087, [www.sfplanning.org](http://www.sfplanning.org) or the Mayor's Office of Housing and Community Development at (415) 701-5500, [www.sfmohcd.org](http://www.sfmohcd.org).*

**16. Number of Required Units.** Pursuant to Planning Code Section 415.6, the Project is required to provide 13.5% of the proposed dwelling units as affordable to qualifying households. In addition, the project sponsor has provided one additional unit, or 20% of the base project, to qualify for a 35% density bonus under the State Density Bonus Law. The Project contains 19 units; therefore, three (3) affordable units are required. The Project Sponsor will fulfill this requirement by providing the three 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 (628) 652-7600, [www.sfplanning.org](http://www.sfplanning.org) or the Mayor's Office of Housing and Community Development at (415) 701-5500, [www.sfmohcd.org](http://www.sfmohcd.org).*

**17. Income Levels for Affordable Units.** Pursuant to Planning Code Section 415.3, the Project is required to provide 13.5% of the proposed dwelling units as affordable to qualifying households at a rental rate of 80% of Area Median Income as defined in the Inclusionary Program. The State Density Bonus Law requires that the project provide 20% of the units in the base project to lower income households as defined in the State Law. The affordable units that satisfy both the Density Bonus Law and the Inclusionary Affordable Housing Program shall be sold to lower income households, defined as households earning 80% of AMI in the California Health and Safety Code Section 50105 and/or California Government Code Sections 65915-65918, the State Density Bonus Law. The income table used to determine the rent and income levels for the Density Bonus units shall be the table required by the State Density Bonus Law. If the resultant price or income levels at 80% of AMI under the table required by the State Density Bonus Law are higher than the price and income levels at 80% of AMI under the Inclusionary Affordable Housing Program, the rent and incomes levels shall default to the maximum allowable rent and income levels for affordable units under the Inclusionary Affordable Housing

Program. 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").

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- 18. Minimum Unit Sizes.** Pursuant to Planning Code Section 415.6, the affordable units shall meet the minimum unit sizes standards established by the California Tax Credit Allocation Committee (TCAC) as of May 16, 2017. One-bedroom units must be at least 450 square feet, two-bedroom units must be at least 700 square feet, and three-bedroom units must be at least 900 square feet. Studio units must be at least 300 square feet pursuant to Planning Code Section 415.6(f)(2). The total residential floor area devoted to the affordable units shall not be less than the applicable percentage applied to the total residential floor area of the principal project, provided that a 10% variation in floor area is permitted.

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- 19. Notice of Special Restrictions.** 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 (628) 652-7600, [www.sfplanning.org](http://www.sfplanning.org) or the Mayor's Office of Housing and Community Development at (415) 701-5500, [www.sfmohcd.org](http://www.sfmohcd.org).*

- 20. 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.

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- 21. Expiration of the Inclusionary Rate.** Pursuant to Planning Code Section 415.6(a)(10), if the Project has not obtained a site or building permit within 30 months of Planning Commission Approval of this Motion No. XXXXX, then it is subject to the Inclusionary Affordable Housing Requirements in effect at the time of site or building permit issuance.

- 22. Reduction of On-Site Units after Project Approval.** Pursuant to Planning Code Section 415.5(g)(3), any changes by the project sponsor which result in the reduction of the number of on-site affordable units shall require public notice for hearing and approval from the Planning Commission.

- 23. 20% Below Market Sales Prices.** Pursuant to PC Section 415.6, the maximum affordable sales price shall be no higher than 20% below market sales prices for the neighborhood within which the project is located, which

shall be defined in accordance with the American Community Survey Neighborhood Profile Boundaries Map. MOHCD shall adjust the allowable rents and sales prices, and the eligible households for such units, accordingly, and such potential readjustment shall be a condition of approval upon project entitlement. The City shall review the updated data on neighborhood sales prices on an annual basis.

**24. 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 (628) 652-7600, [www.sfplanning.org](http://www.sfplanning.org) or the Mayor's Office of Housing and Community Development at (415) 701-5500, [www.sfmohcd.org](http://www.sfmohcd.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) be constructed, completed, ready for occupancy and marketed no later than the market rate units, and (2) be evenly distributed throughout the building floor plates; and (3) 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. The affordable units that satisfy both the Density Bonus Law and the Inclusionary Affordable Housing Program shall be sold to lower income households, defined as households earning 80% of AMI in the California Health and Safety Code Section 50105 and/or California Government Code Sections 65915-65918, the State Density Bonus Law. The income table used to determine the rent and income levels for the Density Bonus units shall be the table required by the State Density Bonus Law. If the resultant price or income levels at 80% of AMI under the table required by the State Density Bonus Law are higher than the price and income levels at 80% of AMI under the Inclusionary Affordable Housing Program, the rent and incomes levels shall default to the maximum allowable rent and income levels for affordable units under the Inclusionary Affordable Housing Program. 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'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, including penalties and interest, if applicable.

**19. Fee Requirement.** Pursuant to Planning Code Section 415.5, the Project Sponsor must pay an Affordable Housing Fee at a rate equivalent to the applicable percentage of the number of units in an off-site project needed to satisfy the Inclusionary Affordable Housing Program Requirement for the principal project. The applicable percentage for this project is twenty percent (20%) because it is a project with fewer than 25 total units. The Project Sponsor shall pay the applicable Affordable Housing Fee at the issuance of the first construction document. The Project Sponsor has elected to provide 67% of their Inclusionary requirement by providing on-site units, consistent with the "Combination" alternative included in Section 415.5(g)(1)(D). Therefore, the Project Sponsor is required to satisfy the remaining 33% of the Inclusionary requirement through payment of the Inclusionary Affordable Housing Fee.

*For information about compliance, contact the Case Planner, Planning Department at (628) 652-7600, [www.sfplanning.org](http://www.sfplanning.org) or the Mayor's Office of Housing and Community Development at (415) 701-5500, [www.sfmohcd.org](http://www.sfmohcd.org).*

## Monitoring - After Entitlement

- 20. Enforcement.** Violation of any of the Planning Department conditions of approval contained in this Motion or of any other provisions of Planning Code applicable to this Project shall be subject to the enforcement procedures and administrative penalties set forth under Planning Code Section 176 or Section 176.1. The Planning Department may also refer the violation complaints to other city departments and agencies for appropriate enforcement action under their jurisdiction.

*For information about compliance, contact Code Enforcement, Planning Department at 628.652.7463, [www.sfplanning.org](http://www.sfplanning.org)*

- 21. Revocation due to Violation of Conditions.** Should implementation of this Project result in complaints from interested property owners, residents, or commercial lessees which are not resolved by the Project Sponsor and found to be in violation of the Planning Code and/or the specific conditions of approval for the Project as set forth in Exhibit A of this Motion, the Zoning Administrator shall refer such complaints to the Commission, after which it may hold a public hearing on the matter to consider revocation of this authorization.

*For information about compliance, contact the Case Planner, Planning Department at 628.652.7366, [www.sfplanning.org](http://www.sfplanning.org)*

## Operation

- 22. 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, 628.271.2000, [www.sfpublishworks.org](http://www.sfpublishworks.org)*

- 23. 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 and all registered neighborhood groups for the area with written notice of the name, business address, and telephone number of the community liaison. Should the contact information change, the Zoning Administrator and registered neighborhood groups 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 628.652.7463, [www.sfplanning.org](http://www.sfplanning.org)*

- 24. Group Housing Cooking Facilities.** Pursuant to ZA Interpretation of 209.2(a), effective October 2005, are allowed to have limited kitchen facilities with the following specifications: a small counter space, a small under-counter refrigerator, a small sink, a microwave, and a small two-ring burner. Such limited kitchen facility shall not include any other type of oven, as that would constitute a full kitchen.

*For information about compliance, contact Code Enforcement, Planning Department at 628.652.7463,*

[www.sfplanning.org](http://www.sfplanning.org)



## PLANNING COMMISSION DRAFT MOTION

**HEARING DATE: October 14, 2021**

**Case No.:** 2020-001610SHD  
**Project Address:** 3832 18th Street  
**Zoning:** RM-1(Residential- Mixed, Low Density ) Zoning District  
40-X Height and Bulk District  
**Block/Lots:** 3580/018  
**Project Sponsor:** Mark Loper  
Reuben, Junius & Rose LLP  
One Bush Street #600  
San Francisco, CA 94104  
**Staff Contact:** Jeff Horn – (628) 652-7366  
[Jeffrey.Horn@sfgov.org](mailto:Jeffrey.Horn@sfgov.org)

**ADOPTING FINDINGS WITH THE RECOMMENDATION OF THE RECREATION AND PARK COMMISSION REGARDING WHETHER OR NOT THE NEW SHADOW CAST BY THE PROPOSED PROJECT AT 3832 18TH STREET WILL HAVE A SIGNIFICANT ADVERSE IMPACT ON THE USE OF MISSION DOLORES PARK PURSUANT TO PLANNING CODE SECTION 295 (THE SUNLIGHT ORDINANCE).**

### Preamble

Under Planning Code Section 295, a building permit application for a project exceeding a height of 40 feet cannot be approved if there is any shadow impact on a property under the jurisdiction of the Recreation and Park Department, unless the Planning Commission, upon recommendation from the Recreation and Park Commission, makes a determination that the shadow impact will not be significant or adverse.

On February 7, 1959, the Recreation and Park Commission and the Planning Commission adopted criteria establishing absolute cumulative limits for additional shadows on fourteen parks throughout San Francisco (Planning Commission Resolution No. 11595).

Planning Code Section 295 was adopted in 1985 in response to voter-approved Proposition K, which required Planning Commission disapproval of any structure greater than 40 feet in height that cast a shadow on property under the jurisdiction of the Recreation and Park Department, unless the Planning Commission found the shadow would not be significant. In 1989, the Recreation and Park Commission and Planning Commission jointly adopted

a memorandum which identified quantitative and qualitative criteria for determinations of significant shadows in parks under the jurisdiction of the Recreation and Park Department.

The Proposition K Memorandum established generic criteria for determining a potentially permissible quantitative limit for additional shadows, known as the absolute cumulative limit, for parks not named in the memorandum. Dolores Park was not named in the Proposition K memorandum and, at 14.20 acre (618,561 sf), is considered a large park which is shadowed less than four (4) percent of the time during the year. As such, Proposition K Memorandum recommended that additional shadow of up to 0.001 percent could be potentially permitted if the shadow meets the qualitative criteria of the park. The qualitative criteria includes existing shadow profiles, important times of day and seasons in the year associated with the park's use, the size and duration of new shadows, and the public good served by the buildings casting new shadow. Approval of new shadow on Dolores Park would require hearings at the Recreation and Park Commission and the Planning Commission.

Dolores Park is a public park under the jurisdiction of the Recreation and Park Department (RPD). It is an urban park located in the Castro/Upper Market-Mission neighborhood located on a rectangular site bounded by 20th Street to the south, 18th Street to the north, Church Street to the west and Dolores Street to the east. The stated hours of operation for Dolores Park are from 6:00 am to 10:00 pm, year-round.

Topographically, the rectangular-shaped park features a distinct gradual slope upwards from its northeast corner towards its southwest corner forming a hill and is predominantly unfenced allowing sidewalk and pathway access along each of its frontages. There is a J-Church MUNI stop/platform at the northwest corner of the park, the area of the project shadow, whose railing tracks run along the parks entire eastern edge. Programmatically, the park includes a diversity of uses, including six tennis courts, a basketball court and multi-use court along the northern edge and a children's playground at the southeast corner. The park features a prominent pedestrian pathway that bisects the middle of park and connects to adjacent curvilinear pathways that span the park. The remaining areas are composed of large open expanses of multi-use grass fields and areas used for general user gatherings and picnics.

The proposed project would result in new shadows falling on the park, adding approximately 12,327 annual net new square foot hours (sfh) of shadow and increasing shadow load by +0.001% above current levels, resulting in an increase in the total annual shading from 3.997% to 3.998% of Total Annual Available Sunlight (TAAS). The new shadow resulting from the project would occur from April 20th to August 22nd and would be present for an average for 12.1 minutes, in the summer late afternoon (after 4pm). During these periods, the largest new shadow (based on area) would occur on June 21st at 7:36 pm covering an area of 860 sf, or 0.1% of the park. The maximum shadow coverage would contribute net new shadow to portions of the MUNI stop/platform, pedestrian pathway, and maintenance/utility area.

On July 30, 2020, SIA Consulting Corp, acting on behalf of M-J SF Investments LLC (hereinafter "Project Sponsor") filed Application No. 2020-001610SHD (hereinafter "Application") with the Planning Department (hereinafter "Department") for a Shadow Analysis to construct a six-story, 60-foot tall, residential building (approximately 11,147 gross square feet) with 19 group housing units, a 390-square-foot communal space, 19 Class 1 bicycle parking spaces, and two Class 2 bicycle parking spaces. The Project includes 890 square feet of common open space via a ground floor courtyard and two separate private roof decks at the sixth floor, including a 149 square foot front deck and a 165 square foot rear deck. The building's rooftop stair and mechanical penthouses would add an additional eight feet of height above the roof, and the elevator shaft will rise six feet above the roof, these



features are centrally located toward the middle of the roof plan (hereinafter "Project") at 3832 18th Street, Block 3580 and Lot 018 (hereinafter "Project Site"). The Project is located within the RM-1 (Residential-Mixed, Low Density) Zoning District and a 40-X Height and Bulk District.

On an annual basis, the Theoretical Annual Available Sunlight ("TAAS") on Dolores Park is approximately 409,342,836 square-foot hours of sunlight. Existing structures in the area cast shadows on Dolores Park that total approximately 92,010,192 square-foot hours, or approximately 3.997% of the TAAS.

A shadow analysis report, prepared by Prevision Design, was submitted on March 29, 2021, analyzing the potential shadow impacts of the Project to properties under the jurisdiction of the Recreation and Parks Department (Record No. 2020-001610SHD). The memorandum concluded that the Project would cast approximately 12,327 square-foot hours of new shadow on Dolores Park, equal to approximately 0.001% of the TAAS on Dolores Park, bringing the estimated total annual shading of the Park as a percentage of TAAS to 3.998% (previously at 3.997%).

On May 7, 2021, 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.

The Planning Department Commission Secretary is the custodian of records; the File for Case No. 2020-001610SHD is located at 49 South Van Ness Avenue, Suite 1400, San Francisco, California.

On October 14, 2021, the San Francisco Planning Commission (hereinafter "Commission") conducted a duly noticed public hearing at a regularly scheduled meeting on Shadow Analysis Application No. 2020-001610SHD.

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.

## 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. The additional shadow cast by the Project would not be adverse and is not expected to interfere with the use of the Park for the following reasons:
  - a. The magnitude of the additional shadow is well below one percent of TAAS on an annual basis, and amounts to a reasonable and small loss of sunlight for a park in an area of intended for increased building heights and residential density.
  - b. When present, the new shadow would occur in the late afternoon entering the park after 4:00 pm when lower levels of weekday and weekend use were observed relative to the peak usage time around noon, with the average duration of the net new shadow being 12 minutes, and never exceeding 22 minutes.
  - c. Shading from the Project would be cast over the top of intervening buildings, which already cast shadows on the park.
  - e. No single location within the park would be in continuous new shadow for longer than 15 minutes.
3. **Public Outreach and Comment.** On July 7, 2020, the Project Sponsor held a virtual pre-application meeting as required by the Planning Department. Prior to the publishing of the case report, 30 public correspondences were received that included inquiries and concerns about the project's construction noise, the building's height and massing and resulting impacts to mid-block open space, and the increased density and the group housing use. Nine correspondences were received in support of the project's proposed density and Group Housing residential use type.

The Project Sponsor has twice met with a group of neighborhood representatives, which includes a meeting facilitated by District 8 Supervisor Mandelman. In the second meeting and follow-up correspondence, the members of the neighborhood recommended project modifications; including a reduction of floor-to-floor ceiling heights, a reduction in height and lengthening of the building, and a relocation of the project's communal area and bicycle parking into a basement level to allow for additional area to accommodate residential units. The Project Sponsor responded to those recommendation directly and within the Sponsor's Brief dated July 6<sup>th</sup> 2021.
4. A determination by the Planning Commission and the Recreation and Park Commission to allocate new shadow to the Project does not constitute an approval of the Project.

## 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 **DETERMINES**, under Shadow Analysis Application No. 2020-001610SHD that the net new shadow cast by the Project on Mission Dolores Park will not be adverse to the use of Mission Dolores Park.

I hereby certify that the Planning Commission ADOPTED the foregoing Motion on October 14, 2021.

Jonas P. Ionin  
*Commission Secretary*

AYES:

NAYS:

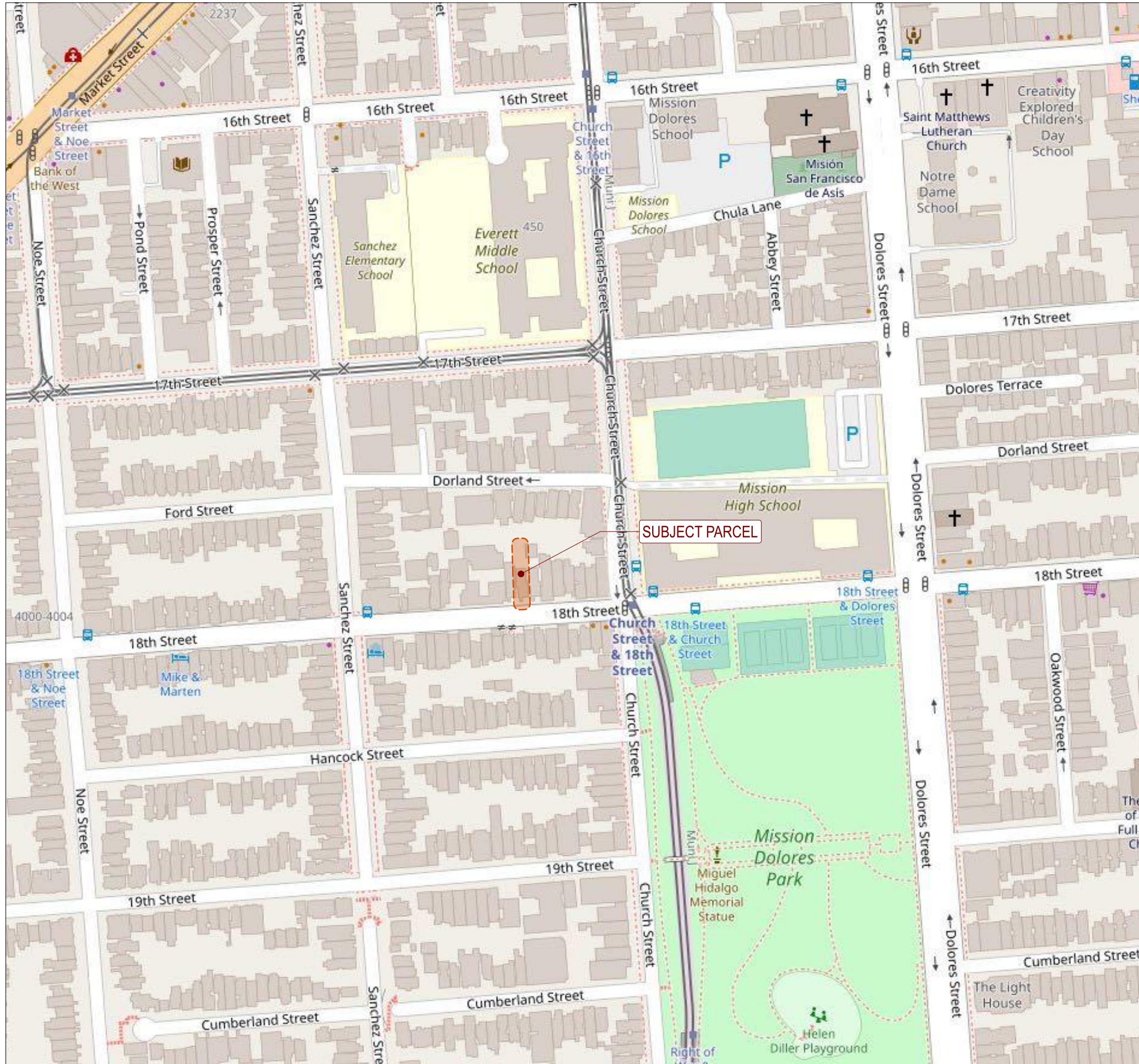
ABSENT:

RECUSE:

ADOPTED:

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ASSESSOR's MAP				UNIT MATRIX						These documents are property of A CONSULTING and are not to be produced changed or copied without the expressed written consent of A CONSULTING ENGINEER .
				<u>FLOOR AREA DATA BREAKDOWN (G F)</u>						
				<u>RESIDENTIAL UNIT COUNT</u>						CHECK BY R.L.
										DESIGN BY R.K.
										REVISED DATE 01/14/2020
										DATE 10/04/2021
										JOB NO. 20-1872
										SHEET NO.
										A-0.1
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PROJECT NAME

3832 18th St.  
San Francisco, CA



SHEET TITLE

Vicinity Map / Site  
Photos

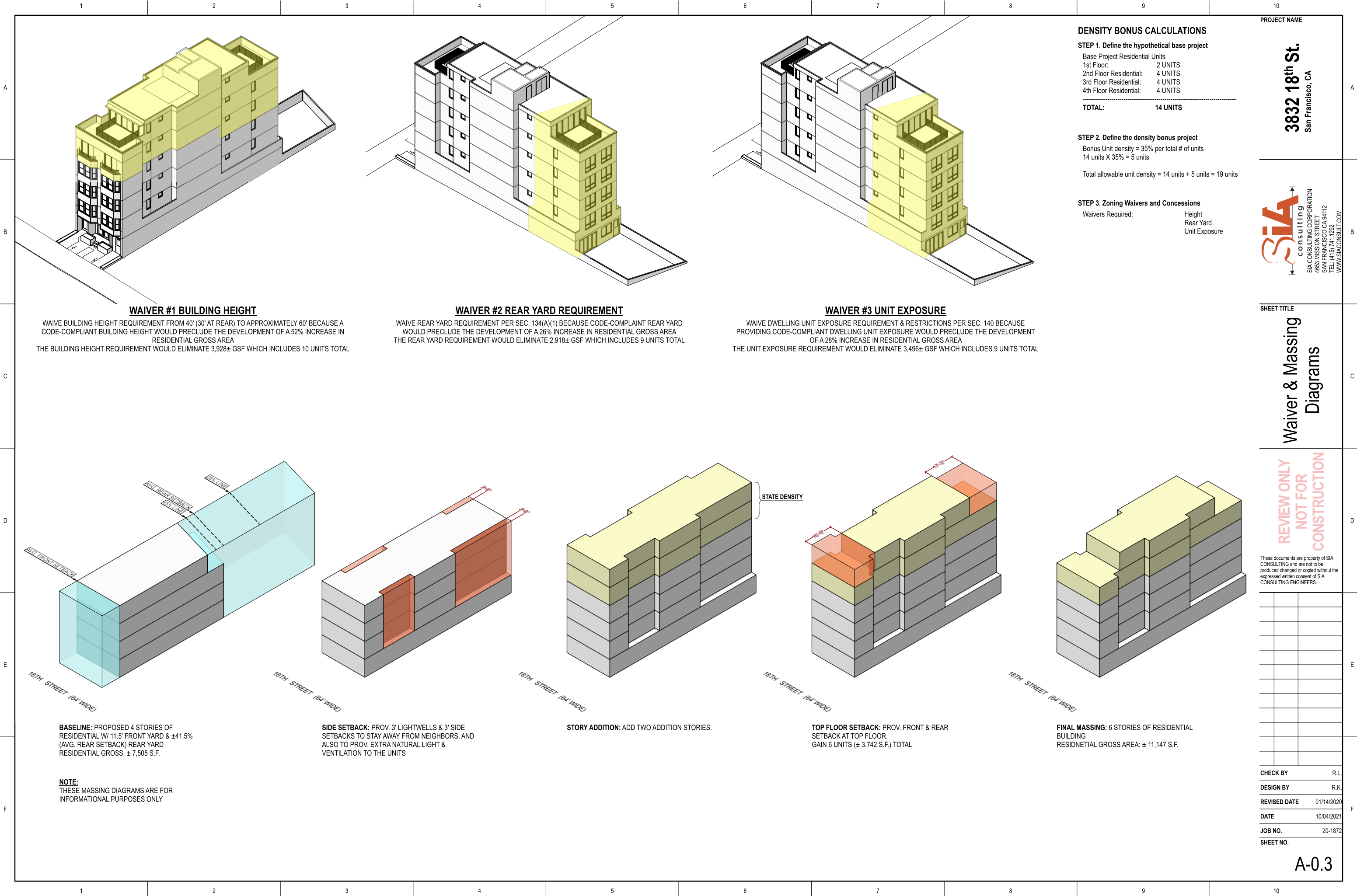
REVIEW ONLY  
NOT FOR  
CONSTRUCTION

These documents are property of SIA CONSULTING and are not to be produced changed or copied without the expressed written consent of SIA CONSULTING ENGINEERS.

CHECK BY	R.L.
DESIGN BY	R.K.
REVISED DATE	01/14/2020
DATE	10/04/2021
JOB NO.	20-1872
SHEET NO.	

A-0.2





**WAIVER #1 BUILDING HEIGHT**

WAIVE BUILDING HEIGHT REQUIREMENT FROM 40' (30' AT REAR) TO APPROXIMATELY 60' BECAUSE A CODE-COMPLIANT BUILDING HEIGHT WOULD PRECLUDE THE DEVELOPMENT OF A 52% INCREASE IN RESIDENTIAL GROSS AREA  
THE BUILDING HEIGHT REQUIREMENT WOULD ELIMINATE 3,928± GSF WHICH INCLUDES 10 UNITS TOTAL

**WAIVER #2 REAR YARD REQUIREMENT**

WAIVE REAR YARD REQUIREMENT PER SEC. 134(A)(1) BECAUSE CODE-COMPLAINT REAR YARD WOULD PRECLUDE THE DEVELOPMENT OF A 26% INCREASE IN RESIDENTIAL GROSS AREA  
THE REAR YARD REQUIREMENT WOULD ELIMINATE 2,918± GSF WHICH INCLUDES 9 UNITS TOTAL

**WAIVER #3 UNIT EXPOSURE**

WAIVE DWELLING UNIT EXPOSURE REQUIREMENT & RESTRICTIONS PER SEC. 140 BECAUSE PROVIDING CODE-COMPLIANT DWELLING UNIT EXPOSURE WOULD PRECLUDE THE DEVELOPMENT OF A 28% INCREASE IN RESIDENTIAL GROSS AREA  
THE UNIT EXPOSURE REQUIREMENT WOULD ELIMINATE 3,496± GSF WHICH INCLUDES 9 UNITS TOTAL

**DENSITY BONUS CALCULATIONS**

**STEP 1. Define the hypothetical base project**

Base Project Residential Units  
1st Floor: 2 UNITS  
2nd Floor Residential: 4 UNITS  
3rd Floor Residential: 4 UNITS  
4th Floor Residential: 4 UNITS

**TOTAL: 14 UNITS**

**STEP 2. Define the density bonus project**

Bonus Unit density = 35% per total # of units  
14 units X 35% = 5 units

Total allowable unit density = 14 units + 5 units = 19 units

**STEP 3. Zoning Waivers and Concessions**

Waivers Required: Height  
Rear Yard  
Unit Exposure

PROJECT NAME  
**3832 18th St.**  
San Francisco, CA

**SIA** consulting  
SIA CONSULTING CORPORATION  
4653 MISSION STREET  
SAN FRANCISCO CA 94112  
TEL: (415) 741.1292  
WWW.SIACONSULT.COM

SHEET TITLE  
**Waiver & Massing  
Diagrams**

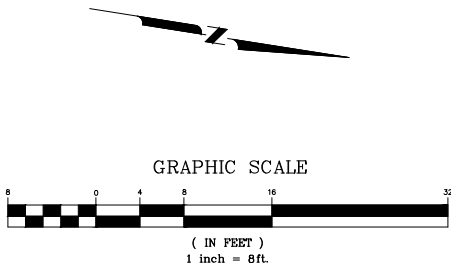
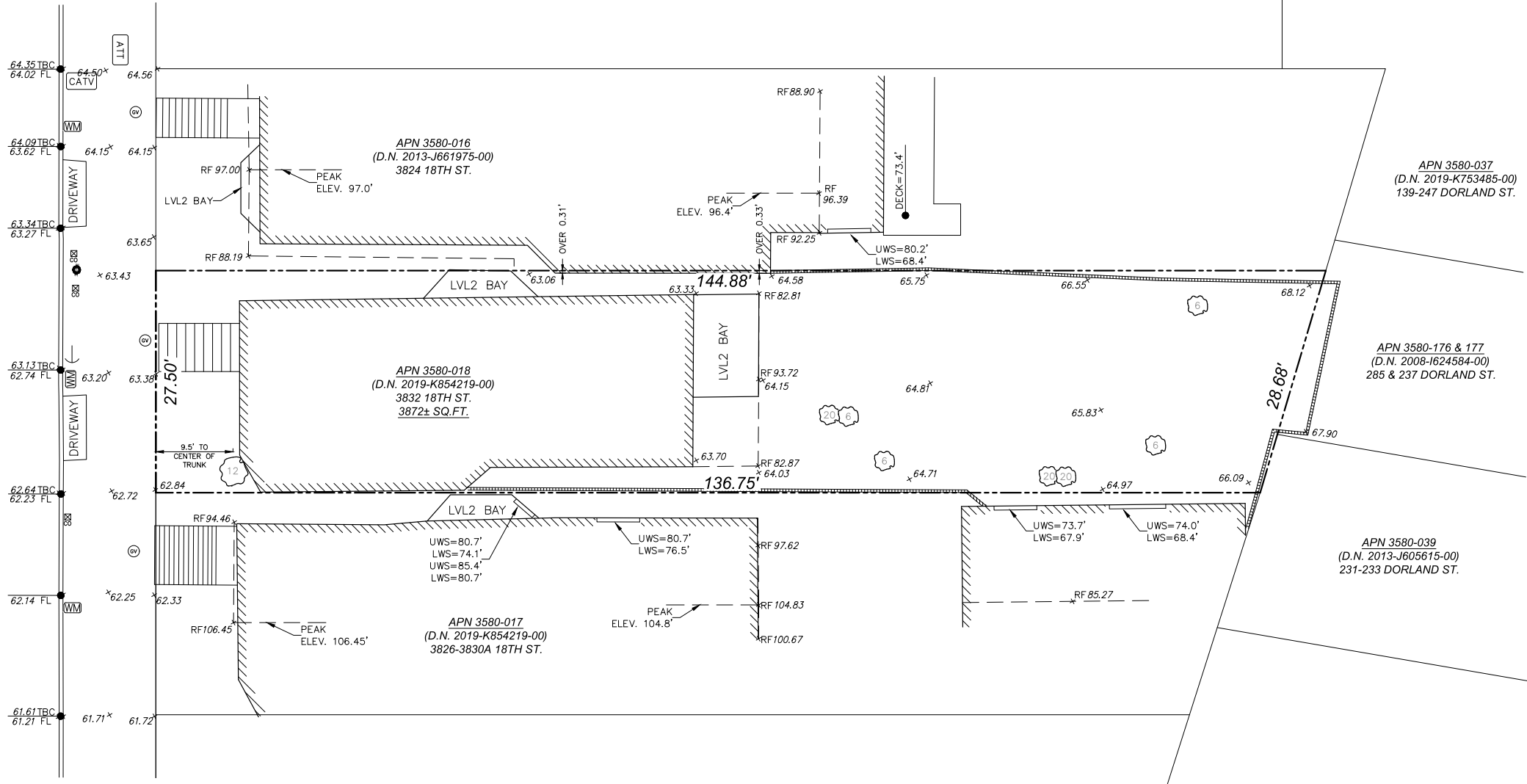
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DESIGN BY	R.K.
REVISED DATE	01/14/2020
DATE	10/04/2021
JOB NO.	20-1872
SHEET NO.	

**A-0.3**

18TH STREET (64' WIDE)



LEGEND

- PROPERTY LINE
- ROOF LINE
- WOOD FENCE
- BUILDING FOOTPRINT
- CONCRETE WALL
- UTILITY POLE
- SANITARY SEWER CLEANOUT
- TREE WITH DIA. IN INCHES
- WATER VALVE
- WATER METER
- ROOF
- TBC TOP BACK OF CURB
- TF TOP OF FENCE
- LWS LOWER WINDOW SEAL
- UWS UPPER WINDOW SEAL
- SPOT ELEVATION
- GAS VALVE
- GUY WIRE
- ATT AT&T BOX
- CATV CABLE TV BOX

BOUNDARY NOTE:

BOUNDARY INFORMATION SHOWN HEREON IS FOR PLANNING PURPOSES ONLY. PROPERTY AND RIGHT-OF-WAY LINES SHOWN HEREON ARE BASED ON RECORD DATA AND EXISTING IMPROVEMENTS AND ARE NOT INTENDED TO BE A FINAL BOUNDARY SURVEY OF THE PROPERTY WHICH REQUIRES FILING A RECORD OF SURVEY OR SUBDIVISION MAP WITH THE COUNTY RECORDER. NO PROPERTY LINES OR CORNERS WERE SET ON THIS SURVEY.

GENERAL NOTES:

- ALL DISTANCES ARE IN DECIMAL FEET UNLESS OTHERWISE NOTED.
- ALL ANGLES ARE AT 90° UNLESS OTHERWISE NOTED.
- THIS MAP REPRESENTS THE SITE CONDITIONS ON DATE OF FIELD SURVEY. NOVEMBER 26, 2019.
- ELEVATIONS ARE BASED UPON SAN FRANCISCO CITY DATUM (SFVD13). BENCHMARK NO. 11682. ELEVATION 88.636.

SURVEYOR'S STATEMENT

THIS MAP WAS PREPARED BY ME OR UNDER MY DIRECTION AND IS BASED UPON A FIELD SURVEY AT THE REQUEST OF M-J SF INVESTMENTS, LLC IN NOVEMBER 2019.

BY: *Daniel J. Westover*  
DANIEL J. WESTOVER, L.S. 7779

DATE: 6/14/2021

NO.	DATE	COMMENTS	JOB NO.
1.	6/14/21	added tree and signs at front, utilities on adjoining lot	19072

SITE SURVEY
3832 18TH STREET LOT 018 OF ASSESSORS BLOCK 9580, CITY AND COUNTY OF SAN FRANCISCO, CALIFORNIA

SHEET

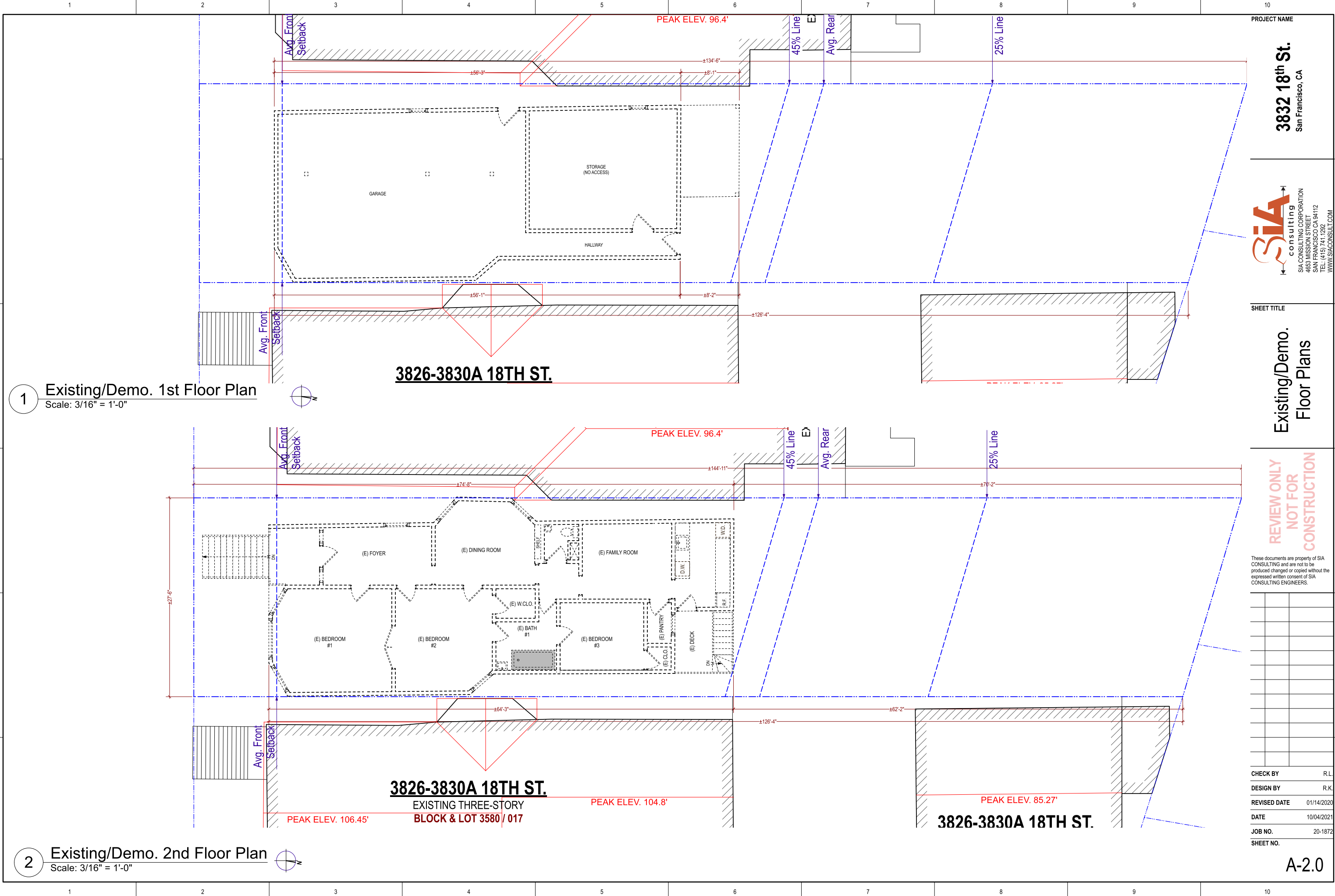
1  
OF  
1



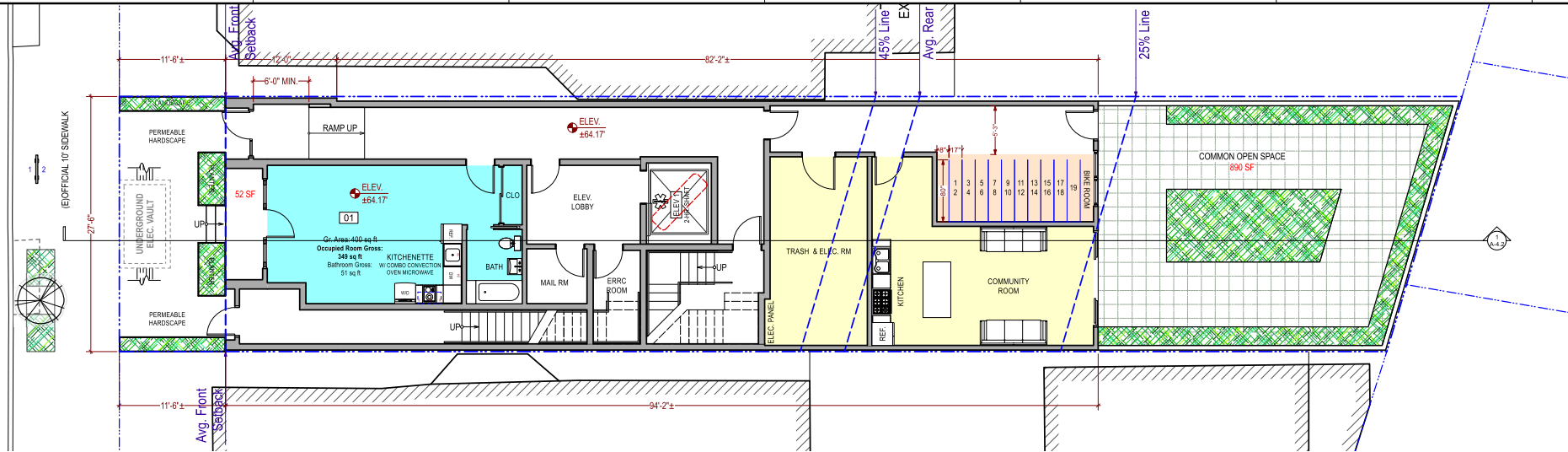




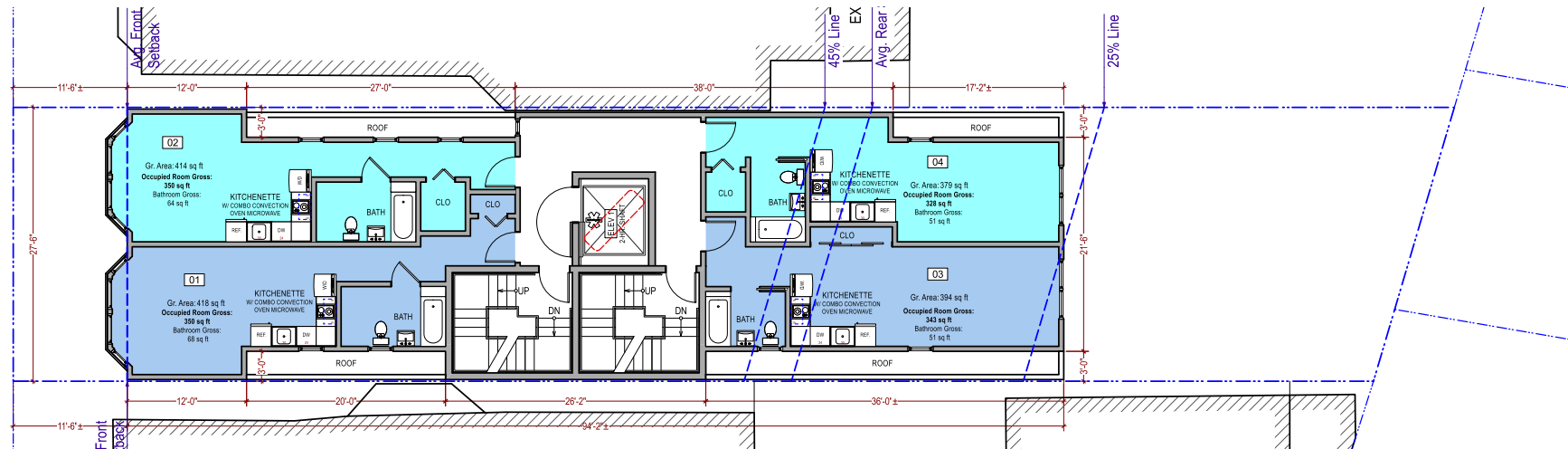




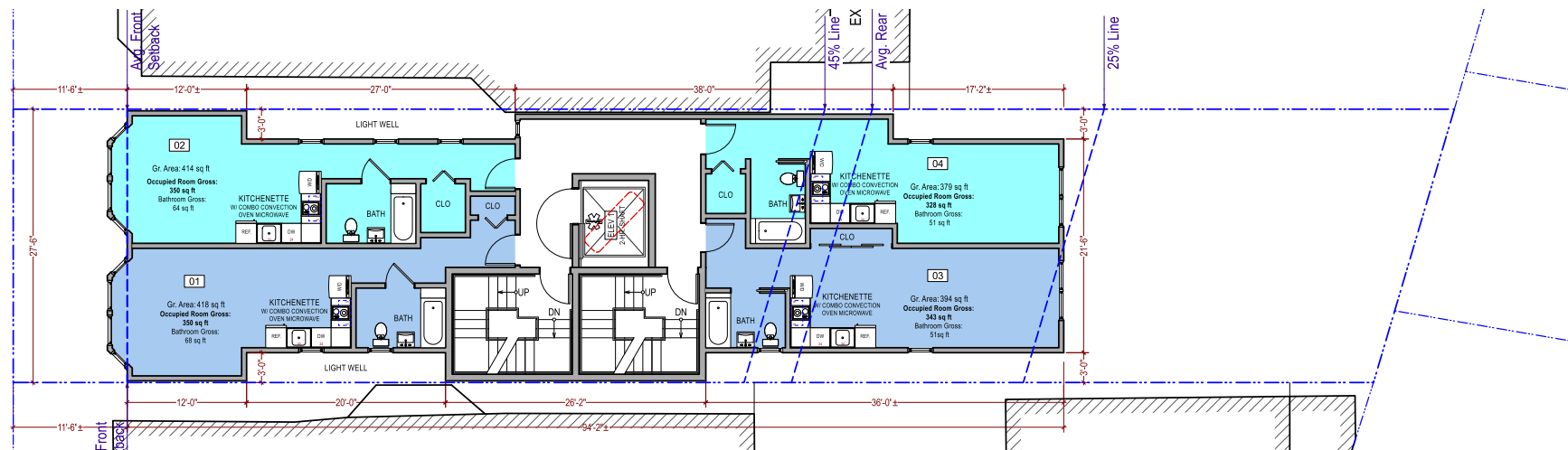
18TH STREET  
(64' WIDE)



1 Proposed First Floor  
Scale: 1/8" = 1'-0"



2 Proposed Second Floor  
Scale: 1/8" = 1'-0"



3 Proposed Third/Fourth Floor  
Scale: 1/8" = 1'-0"

PROJECT NAME  
**3832 18th St.**  
San Francisco, CA

**SIA** consulting  
SIA CONSULTING CORPORATION  
4653 MISSION STREET  
SAN FRANCISCO CA 94112  
TEL: (415) 741.1202  
WWW.SIACONSULT.COM

SHEET TITLE  
**Proposed 1 - 4  
Floor Plans**

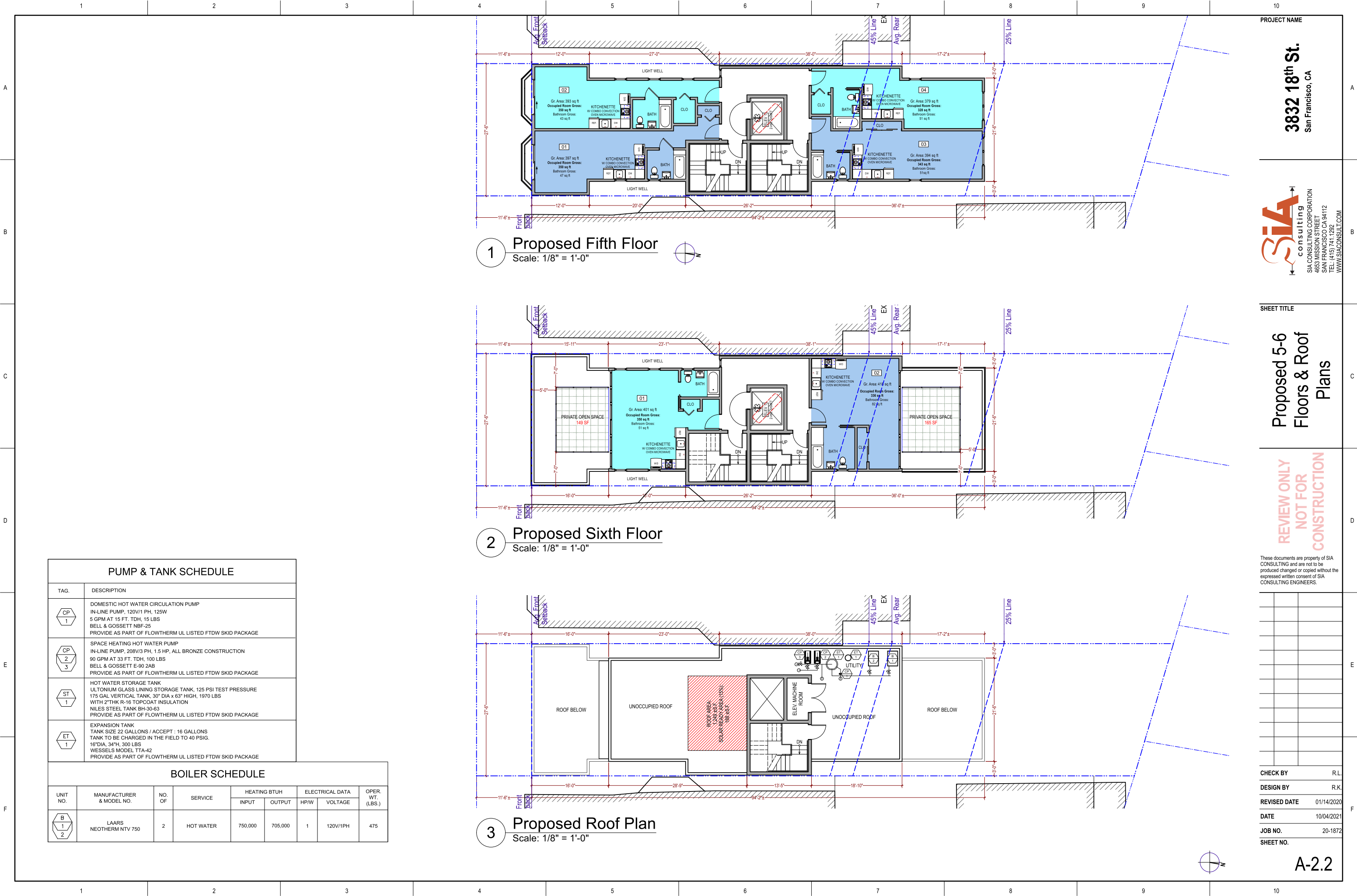
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A-2.1





1 Proposed Fifth Floor  
Scale: 1/8" = 1'-0"

2 Proposed Sixth Floor  
Scale: 1/8" = 1'-0"


3 Proposed Roof Plan  
Scale: 1/8" = 1'-0"

PUMP & TANK SCHEDULE	
TAG.	DESCRIPTION
CP 1	DOMESTIC HOT WATER CIRCULATION PUMP IN-LINE PUMP, 120V/1 PH, 125W 5 GPM AT 15 FT. TDH, 15 LBS BELL & GOSSETT NBF-25 PROVIDE AS PART OF FLOWTHERM UL LISTED FTDW SKID PACKAGE
CP 2 3	SPACE HEATING HOT WATER PUMP IN-LINE PUMP, 208V/3 PH, 1.5 HP, ALL BRONZE CONSTRUCTION 90 GPM AT 33 FT. TDH, 100 LBS BELL & GOSSETT E-90 2AB PROVIDE AS PART OF FLOWTHERM UL LISTED FTDW SKID PACKAGE
ST 1	HOT WATER STORAGE TANK ULTONIUM GLASS LINING STORAGE TANK, 125 PSI TEST PRESSURE 175 GAL VERTICAL TANK, 30" DIA x 63" HIGH, 1970 LBS WITH 2"THK R-16 TOPCOAT INSULATION NILES STEEL TANK BH-30-63 PROVIDE AS PART OF FLOWTHERM UL LISTED FTDW SKID PACKAGE
ET 1	EXPANSION TANK TANK SIZE 22 GALLONS / ACCEPT : 16 GALLONS TANK TO BE CHARGED IN THE FIELD TO 40 PSIG. 16"DIA, 34"H, 300 LBS WESSELS MODEL TTA-42 PROVIDE AS PART OF FLOWTHERM UL LISTED FTDW SKID PACKAGE

BOILER SCHEDULE								
UNIT NO.	MANUFACTURER & MODEL NO.	NO. OF	SERVICE	HEATING BTUH		ELECTRICAL DATA		OPER. WT. (LBS.)
				INPUT	OUTPUT	HP/W	VOLTAGE	
B 1 2	LAARS NEOTHERM NTV 750	2	HOT WATER	750,000	705,000	1	120V/1PH	475

PROJECT NAME

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San Francisco, CA

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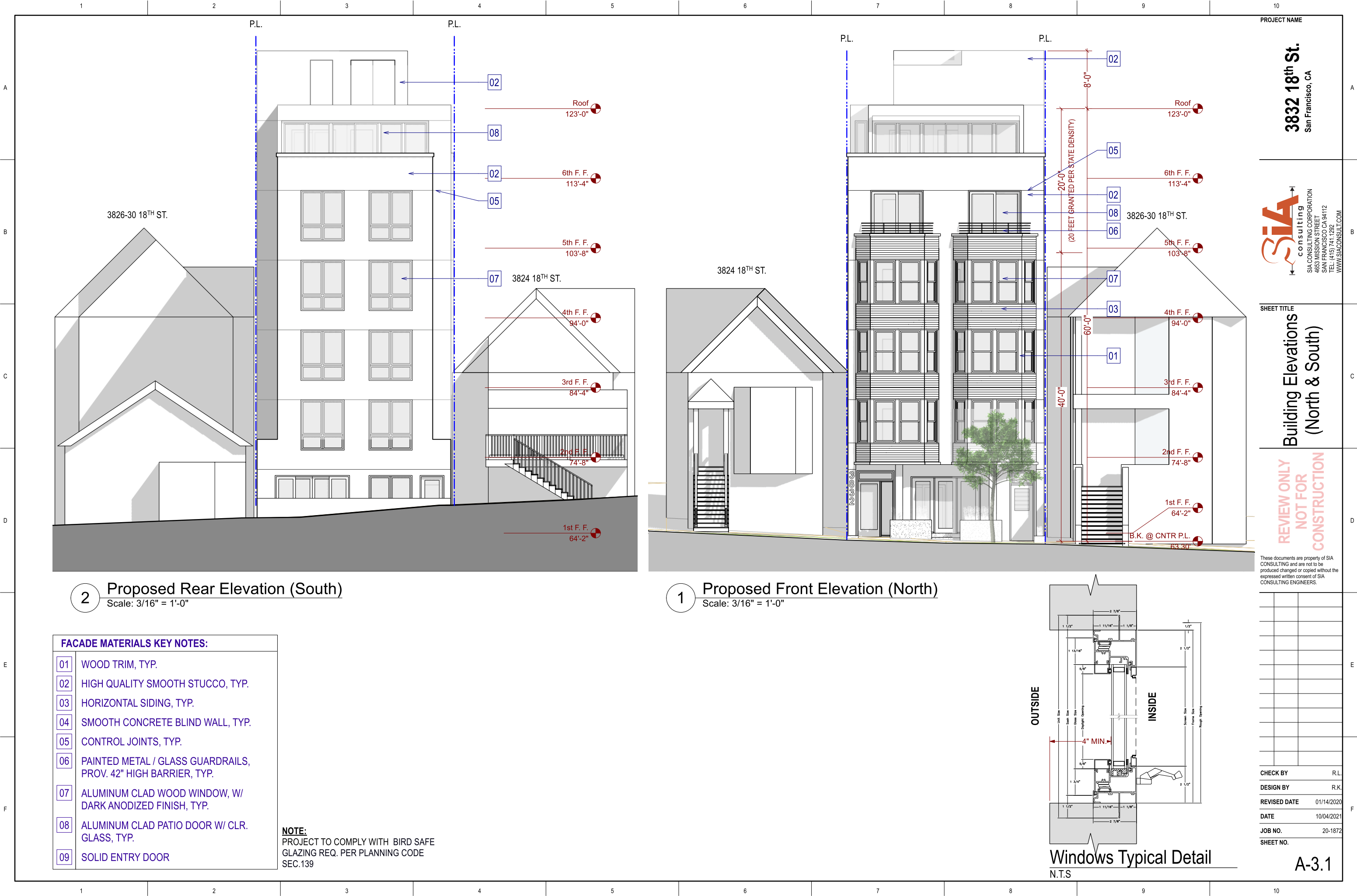
SHEET TITLE

Proposed 5-6  
Floors & Roof  
Plans

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SHEET TITLE  
**Building Elevations  
(North & South)**

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SHEET NO.	

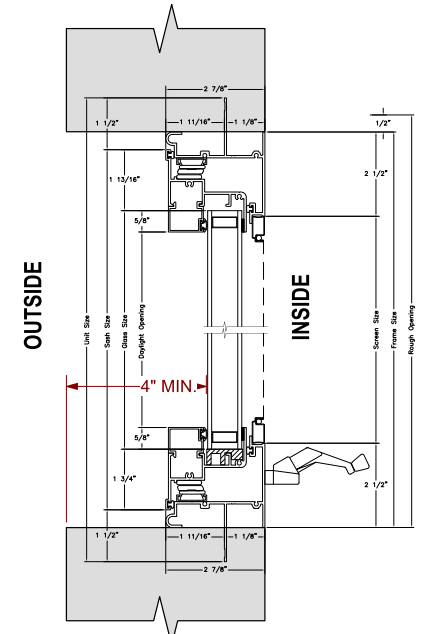
A-3.1

**2** Proposed Rear Elevation (South)  
Scale: 3/16" = 1'-0"

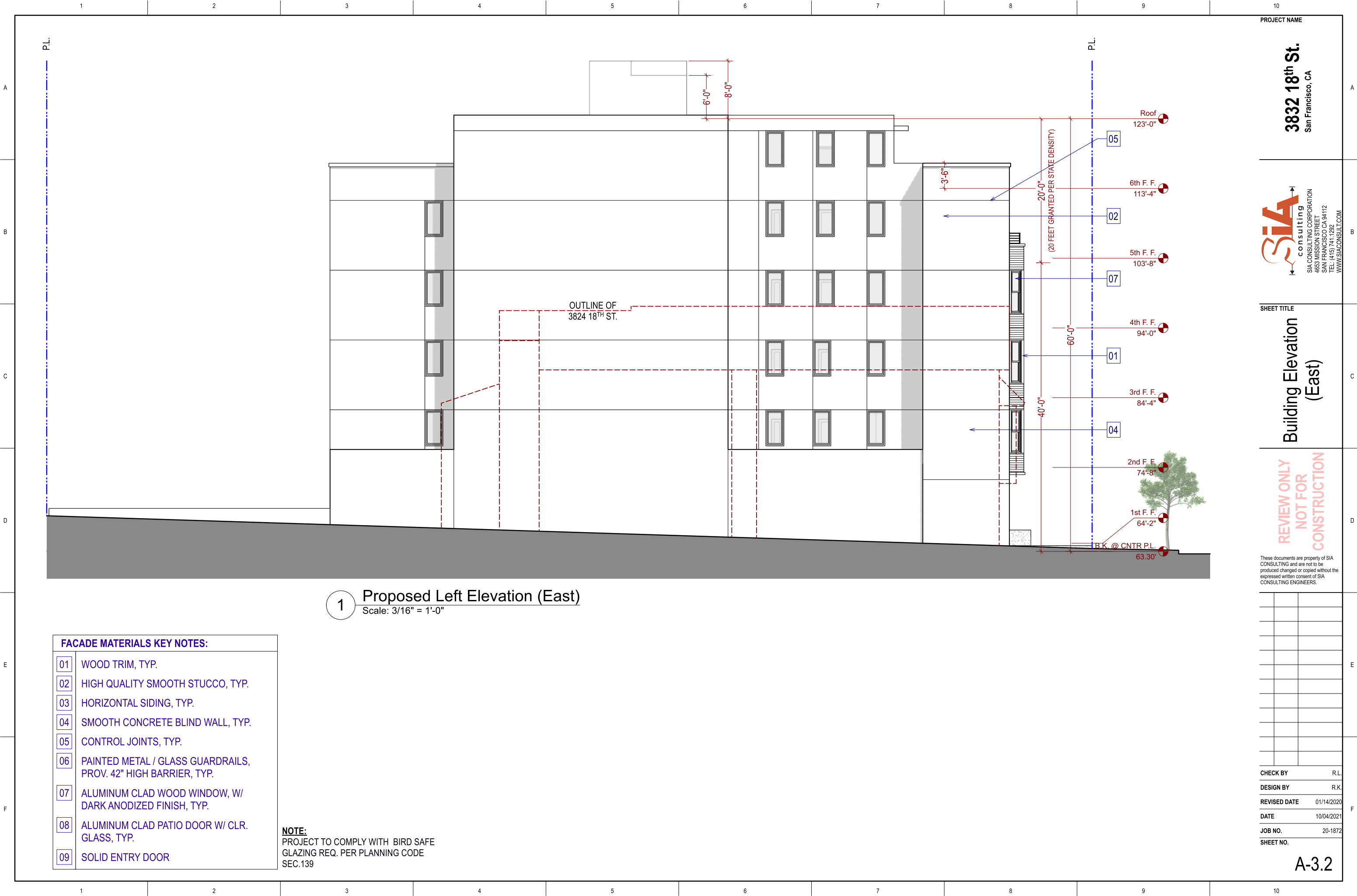
FACADE MATERIALS KEY NOTES:	
01	WOOD TRIM, TYP.
02	HIGH QUALITY SMOOTH STUCCO, TYP.
03	HORIZONTAL SIDING, TYP.
04	SMOOTH CONCRETE BLIND WALL, TYP.
05	CONTROL JOINTS, TYP.
06	PAINTED METAL / GLASS GUARDRAILS, PROV. 42" HIGH BARRIER, TYP.
07	ALUMINUM CLAD WOOD WINDOW, W/ DARK ANODIZED FINISH, TYP.
08	ALUMINUM CLAD PATIO DOOR W/ CLR. GLASS, TYP.
09	SOLID ENTRY DOOR

**NOTE:**  
PROJECT TO COMPLY WITH BIRD SAFE GLAZING REQ. PER PLANNING CODE SEC.139

**1** Proposed Front Elevation (North)  
Scale: 3/16" = 1'-0"



**Windows Typical Detail**  
N.T.S.



1 Proposed Left Elevation (East)  
Scale: 3/16" = 1'-0"

FACADE MATERIALS KEY NOTES:	
01	WOOD TRIM, TYP.
02	HIGH QUALITY SMOOTH STUCCO, TYP.
03	HORIZONTAL SIDING, TYP.
04	SMOOTH CONCRETE BLIND WALL, TYP.
05	CONTROL JOINTS, TYP.
06	PAINTED METAL / GLASS GUARDRAILS, PROV. 42" HIGH BARRIER, TYP.
07	ALUMINUM CLAD WOOD WINDOW, W/ DARK ANODIZED FINISH, TYP.
08	ALUMINUM CLAD PATIO DOOR W/ CLR. GLASS, TYP.
09	SOLID ENTRY DOOR

**NOTE:**  
PROJECT TO COMPLY WITH BIRD SAFE  
GLAZING REQ. PER PLANNING CODE  
SEC.139

PROJECT NAME  
**3832 18th St.**  
San Francisco, CA

**SIA** consulting  
SIA CONSULTING CORPORATION  
4653 MISSION STREET  
SAN FRANCISCO CA 94112  
TEL: (415) 741.1292  
WWW.SIACONSULT.COM

SHEET TITLE  
**Building Elevation  
(East)**

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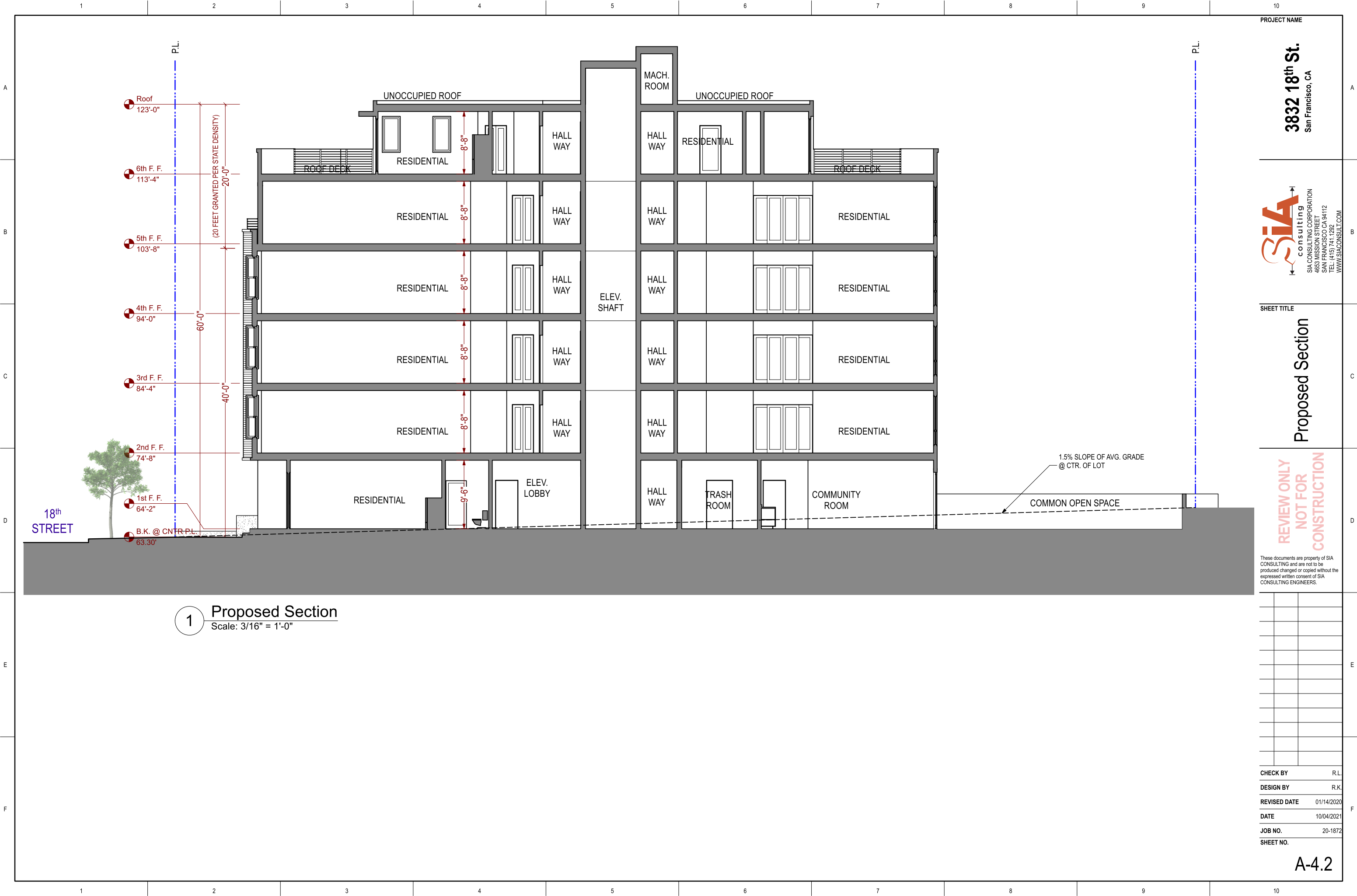
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A-3.2







PROJECT NAME

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San Francisco, CA

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SHEET TITLE

Proposed Section

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A-4.2








- 01 CLOSET / STORAGE
- 02 BATHROOM
- 03 KITCHEN
- 04 ENTERTAINMENT
- 05 SOFA / MURPHY BED

PROJECT NAME

3832 18th St.  
San Francisco, CA



SIA CONSULTING CORPORATION  
4653 MISSION STREET  
SAN FRANCISCO CA 94112  
TEL: (415) 741.1292  
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SHEET TITLE

Interior Rendering  
-Typical Rear Unit

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DATE	06/25/2021
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SHEET NO.	

A-5.2





- 01 CLOSET / STORAGE
- 02 BATHROOM
- 03 KITCHEN
- 04 ENTERTAINMENT
- 05 SOFA / MURPHY BED

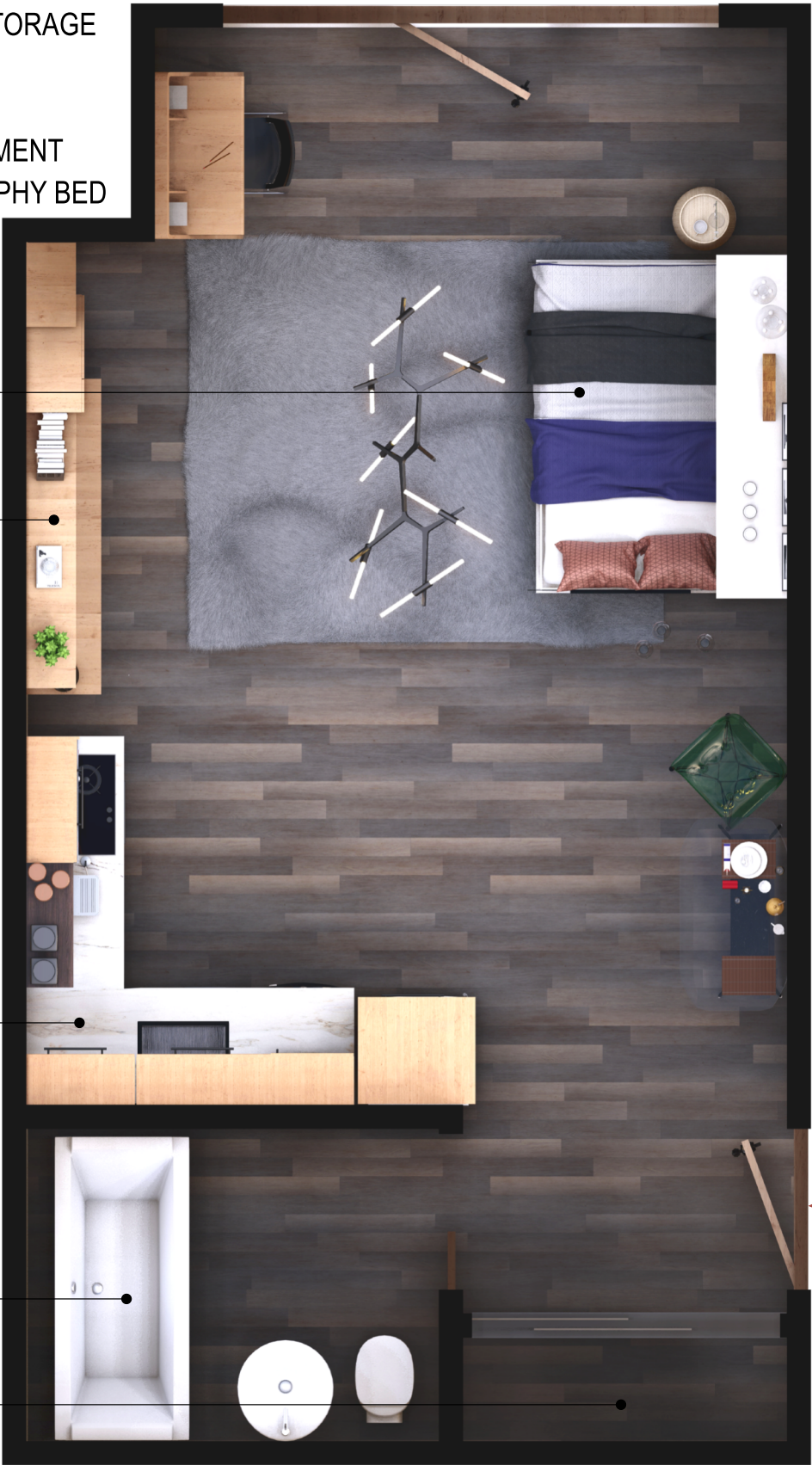
05

04

03

02

01



PROJECT NAME

3832 18th St.  
San Francisco, CA

**SIA** consulting  
SIA CONSULTING CORPORATION  
4653 MISSION STREET  
SAN FRANCISCO CA 94112  
TEL: (415) 741.1292  
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SHEET TITLE

Interior Rendering  
-Ground Floor Unit

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DATE	06/25/2021
JOB NO.	20-1872
SHEET NO.	

A-5.3













**AFFIDAVIT**

# COMPLIANCE WITH THE INCLUSIONARY AFFORDABLE HOUSING PROGRAM

PLANNING CODE SECTION 415, 417 & 419



**San Francisco  
Planning**

SAN FRANCISCO PLANNING DEPARTMENT  
1650 MISSION STREET, SUITE 400  
SAN FRANCISCO, CA 94103-2478  
MAIN: (415) 558-6378 SFPLANNING.ORG

29 SEP 2021

Date

I, JAMES NUNEMACHER  
do hereby declare as follows:

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

3832 18th Street

Address

3580/018

Block / Lot

The subject property is located within the following Zoning District:

RM-1

Zoning District

40-X

Height and Bulk District

Special Use District, if applicable

Is the subject property located in the SOMA NCT, North of Market Residential SUD, or Mission Area Plan?

☐ Yes ☒ No

**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:

2020-001610

Planning Case Number

Building Permit Number

This project requires the following approval:

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

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

Jeff Horn

Planner Name

A complete Environmental Evaluation Application or Project Application was accepted on:

Filed on 7/15/2020

Date

The project contains 19 total dwelling units and/or group housing rooms.

19 Group Housing Condominiums

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

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

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

☐ Yes ☒ No

(If yes, please indicate Affordable Housing Tier)

Is this project a HOME-SF Project?

☐ Yes ☒ No

(If yes, please indicate HOME-SF Tier)

Is this project an Analyzed or Individually Requested State Density Bonus Project?

☒ Yes ☐ No



**C** Please indicate the tenure of the project.

**CONDOMINIUMS**

☒ **Ownership.** If affordable housing units are provided on-site or off-site, all affordable units will be sold as ownership units and will remain as ownership units for the life of the project. The applicable fee rate is the ownership fee rate.

**Rental.** If affordable housing units are provided on-site or off-site, all affordable units will be rental units and will remain rental units for the life of the project. The applicable fee rate is the rental fee rate.

**D** 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)
- ☒ Combination of payment of the Affordable Housing Fee and the construction of on-site or off-site units (Planning Code Section 415.5 - required for Individually Requested State Density Bonus Projects)
- ☐ Eastern Neighborhoods Alternate Affordable Housing Fee (Planning Code Section 417)
- ☐ Land Dedication (Planning Code Section 419)

The applicable inclusionary rate is:

13.5%

---

*On-site, off-site or fee rate as a percentage*

If the method of compliance is the payment of the Affordable Housing Fee pursuant to Planning Code Section 415.5, please indicate the total residential gross floor area in the project.

---

*Residential Gross Floor Area*

**E** The Project Sponsor acknowledges that any change which results in the reduction of the number of on-site affordable units following the project approval shall require public notice for a hearing and approval by the Planning Commission.

**F** The Project Sponsor acknowledges that failure to sell or rent the affordable units or to eliminate the on-site or off-site affordable units at any time will require the Project Sponsor to:

- (1) Inform the Planning Department and the Mayor's Office of Housing and Community Development 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.

**G** The Project Sponsor acknowledges that in the event that one or more rental units in the principal project become ownership units, the Project Sponsor shall notify the Planning Department of the conversion, and shall either reimburse the City the proportional amount of the Inclusionary Affordable Housing Fee equivalent to the then-current requirement for ownership units, or provide additional on-site or off-site affordable units equivalent to the then-current requirements for ownership units.

**I** For projects with over 25 units and with EEA's accepted between January 1, 2013 and January 12 2016, in the event that the Project Sponsor does not procure a building or site permit for construction of the principal project before December 7, 2018, rental projects will be subject to the on-site rate in effect for the Zoning District in 2017, generally 18% or 20%.

**J** For projects with EEA's/PRJ's accepted on or after January 12 2016, in the event that the Project Sponsor does not procure a building or site permit for construction of the principal project within 30 months of the Project's approval, the Project shall comply with the Inclusionary Affordable Housing Requirements applicable thereafter at the time the Sponsor is issued a site or building permit.

**K** If a Project Sponsor elects to completely or partially satisfy their Inclusionary Housing requirement by paying the Affordable Housing Fee, the Sponsor must pay the 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.

# UNIT MIX TABLES

19 group housing condominiums

Number of All Units in PRINCIPAL PROJECT:					
<b>TOTAL UNITS:</b>	SRO / Group Housing:	Studios:	One-Bedroom Units:	Two-Bedroom Units:	Three (or more) Bedroom Units:
19	19				

If you selected the On-site, Off-Site, or Combination Alternative, please fill out the applicable section below. The On-Site Affordable Housing Alternative is required for HOME-SF Projects pursuant to Planning Code Section 206.4. State Density Bonus Projects that have submitted an Environmental Evaluation Application prior to January 12, 2016 must select the On-Site Affordable Housing Alternative. State Density Bonus Projects that have submitted an Environmental Evaluation Application on or after to January 12, 2016 must select the Combination Affordable Housing Alternative to record the required fee on the density bonus pursuant to Planning Code Section 415.3. If the Project includes the demolition, conversion, or removal of any qualifying affordable units, please complete the Affordable Unit Replacement Section.

☐ **On-site Affordable Housing Alternative** (Planning Code Section 415.6, 419.3, or 206.4):  % of the unit total.

Number of Affordable Units to be Located ON-SITE:					
<b>TOTAL UNITS:</b>	SRO / Group Housing:	Studios:	One-Bedroom Units:	Two-Bedroom Units:	Three (or more) Bedroom Units:
<b>LOW-INCOME</b>	Number of Affordable Units		% of Total Units		AMI Level
<b>MODERATE-INCOME</b>	Number of Affordable Units		% of Total Units		AMI Level
<b>MIDDLE-INCOME</b>	Number of Affordable Units		% of Total Units		AMI Level

☐ **Off-site Affordable Housing Alternative** (Planning Code Section 415.7 or 419.3):  % 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:	

<b>AMI LEVELS:</b>	Number of Affordable Units		% of Total Units		AMI Level
	Number of Affordable Units		% of Total Units		AMI Level
	Number of Affordable Units		% of Total Units		AMI Level

## UNIT MIX TABLES: CONTINUED

- ☒ **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. On-Site  % of affordable housing requirement.

If the project is a State Density Bonus Project, please enter "100%" for the on-site requirement field and complete the Density Bonus section below.

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	3 condominiums				

2. 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:	

Income Levels for On-Site or Off-Site Units in Combination Projects:			
AMI LEVELS:	Number of Affordable Units	% of Total Units	AMI Level
80%	3 condominiums		
AMI LEVELS:	Number of Affordable Units	% of Total Units	AMI Level
AMI LEVELS:	Number of Affordable Units	% of Total Units	AMI Level

3. Fee  % of affordable housing requirement.

Is this Project a State Density Bonus Project? ☒ Yes ☐ No

If yes, please indicate the bonus percentage, up to 35% , and the number of bonus units and the bonus amount of residential gross floor area (if applicable) 5 condominium units

I acknowledge that Planning Code Section 415.4 requires that the Inclusionary Fee be charged on the bonus units or the bonus residential floor area. Sponsor reserves all rights relating to the legality of this fee.

Affordable Unit Replacement: Existing Number of Affordable Units to be Demolished, Converted, or Removed for the Project					
TOTAL UNITS:	SRO / Group Housing:	Studios:	One-Bedroom Units:	Two-Bedroom Units:	Three (or more) Bedroom Units:
0					

This project will replace the affordable units to be demolished, converted, or removed using the following method:

- ☐ On-site Affordable Housing Alternative
- ☐ Payment of the Affordable Housing Fee prior to the first construction document issuance
- ☐ Off-site Affordable Housing Alternative (Section 415.7)
- ☐ Combination of payment of the Affordable Housing Fee and the construction of on-site or off-site units (Section 415.5)

### Contact Information and Declaration of Sponsor of PRINCIPAL PROJECT

3032 18TH ST LLC	
Company Name	
JAMES NUNEMACHER	
Name (Print) of Contact Person	
2501 MISSION ST	SF CA 94110
Address	City, State, Zip
415-321-7007	jnc@VANGUARDSF.com
Phone / Fax	Email

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. 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. **Subject to the reservation of rights relating to the inclusionary housing fee.**

#### Sign Here

Signature: 	Name (Print), Title: JAMES NUNEMACHER, Manager 3032 18TH ST LLC
--	---

Executed on this day in:

Location: SAN FRANCISCO	Date: 29 SEPT '21
-------------------------	-------------------

### 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:
------------	----------------------



**FIRST REPUBLIC BANK**  
It's a privilege to serve you®

September 16, 2021

Mr. James Nunemacher & Mr. Michael Cassidy  
2501 Mission Street  
San Francisco, CA 94110

RE: M-J SF Investments Project located at 3832 18<sup>th</sup> Street, San Francisco, CA 94114

Dear Mr. Nunemacher and Mr. Cassidy,

Your potential development at 3832 18<sup>th</sup> Street looks like an exciting opportunity!

I would like to confirm that First Republic Bank has done loans on condominiums with small kitchens as proposed at 3832 18<sup>th</sup> Street. Presently, we would consider doing individual dwelling unit loans on similar condos.

Please keep us posted as you progress, and we look forward to continuing to work with you in the near future.

This letter is not a loan approval.

Sincerely,

A blue ink handwritten signature, appearing to read 'KHutchinson', written over a horizontal line.

Kimberley Hutchinson  
Executive Managing Director  
415-296-3737  
khutchinson@firstrepublic.com

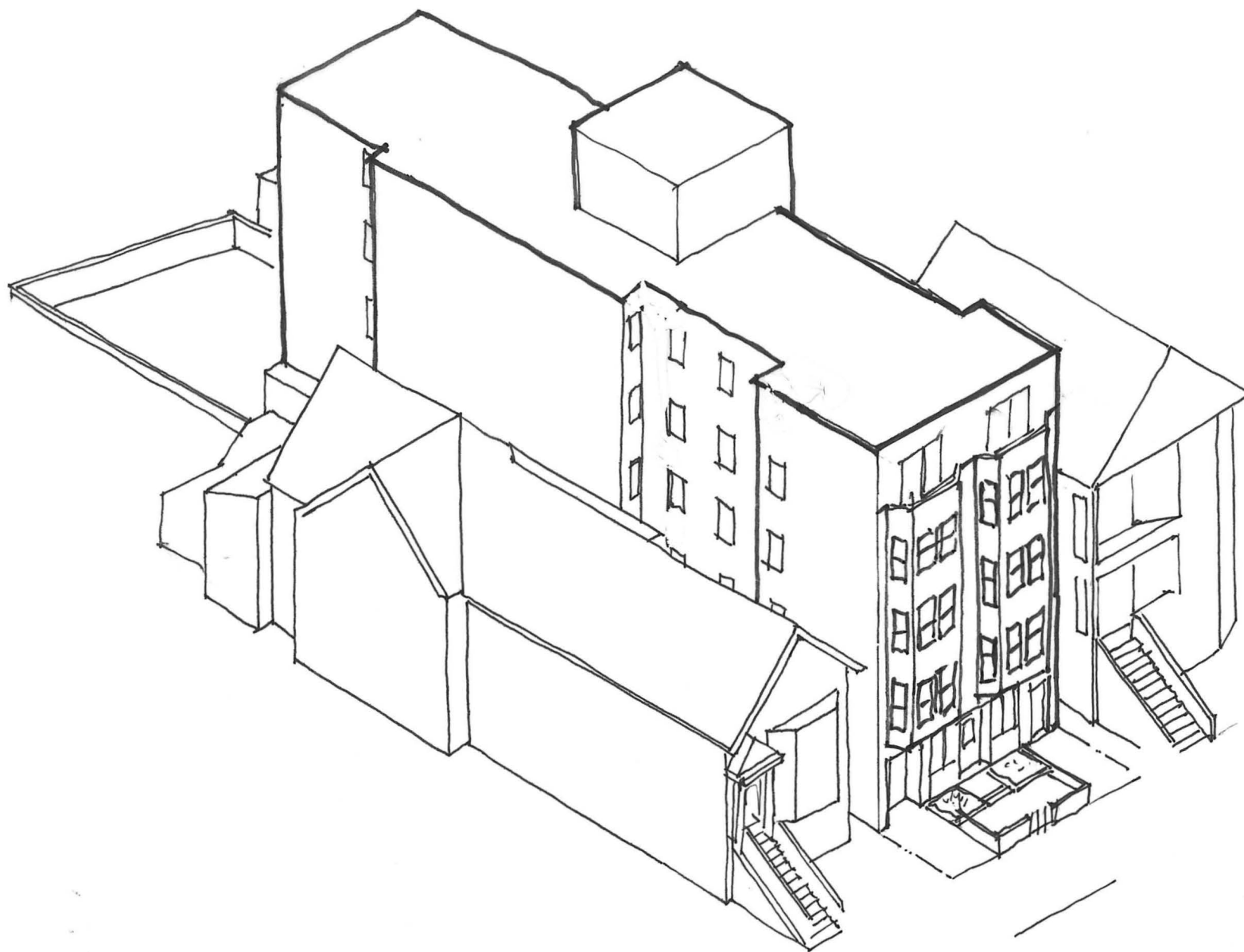
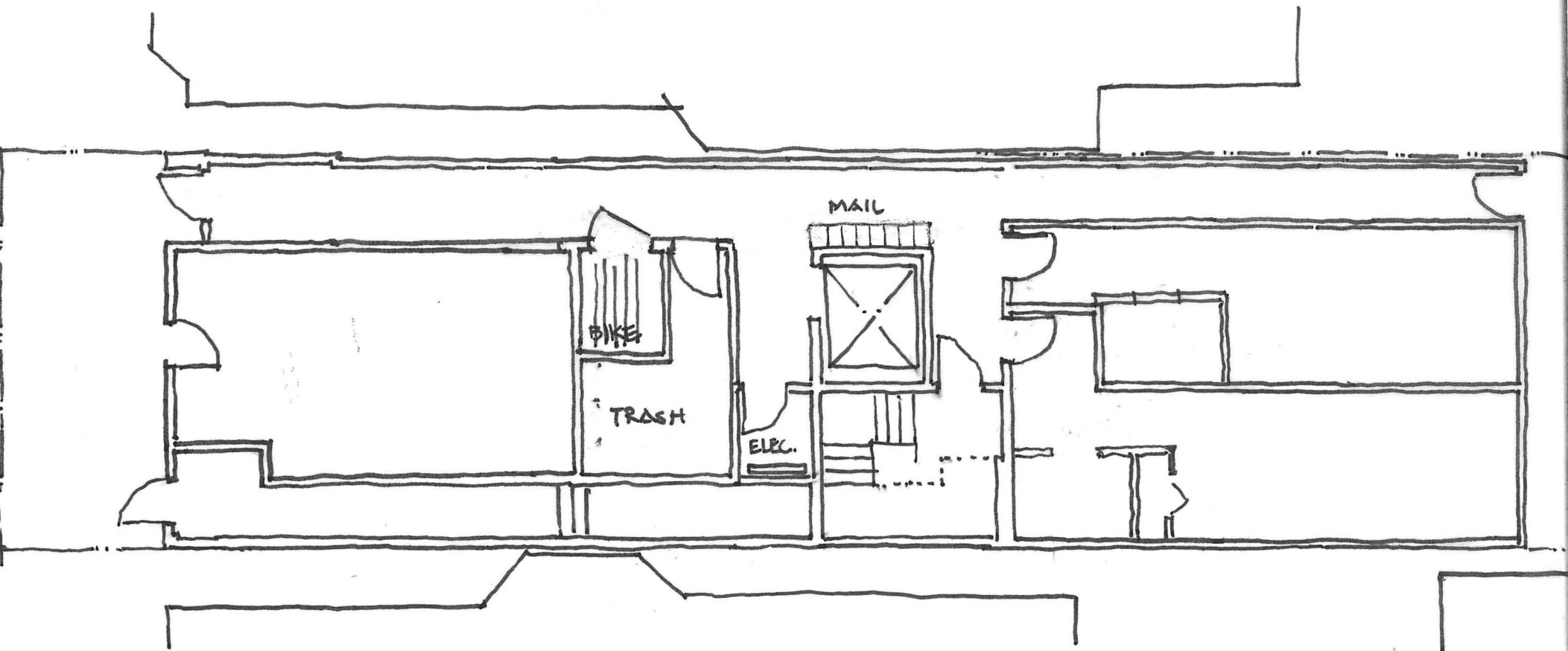


Exhibit E



FIRST FLOOR

1" = 10'-0"



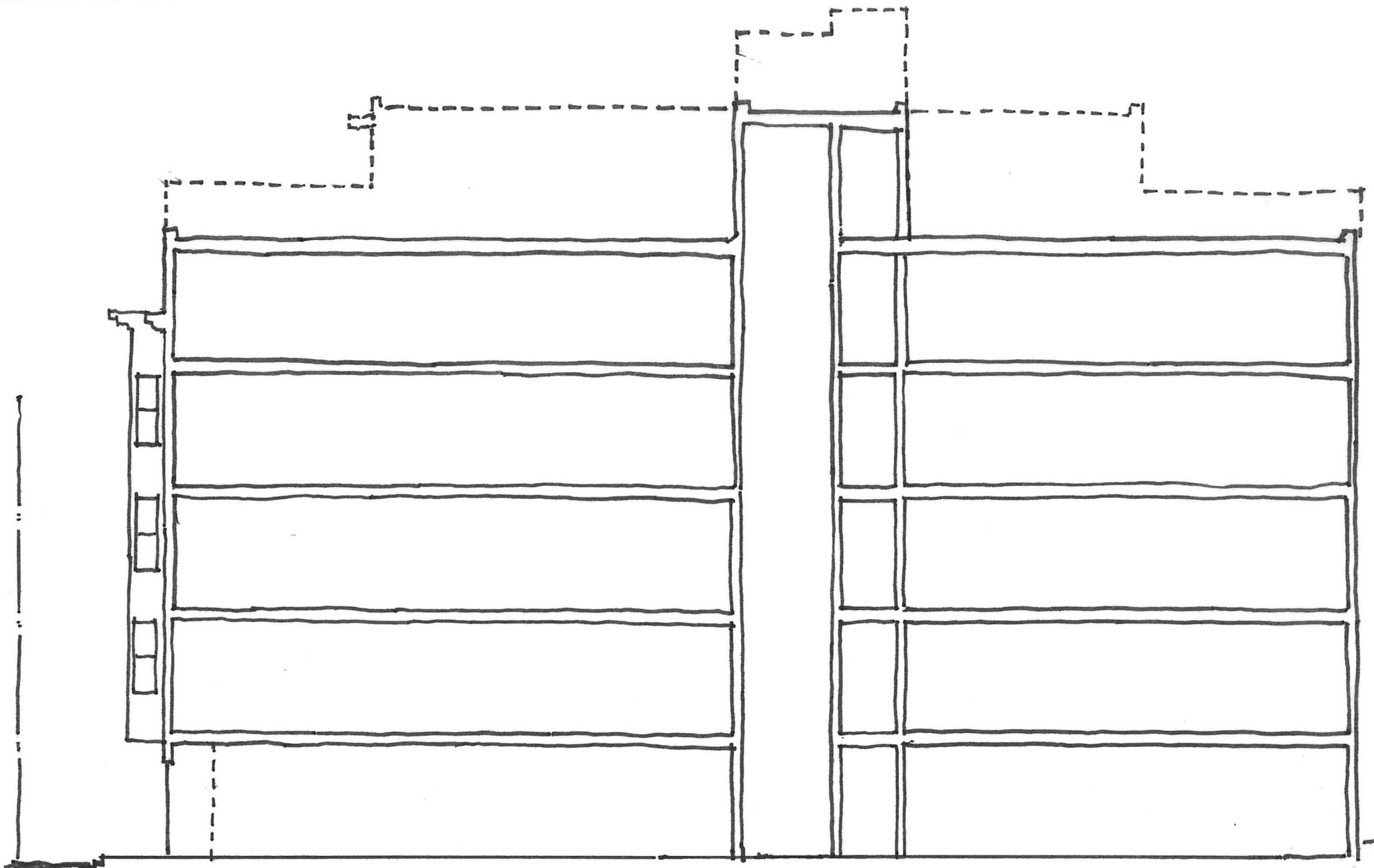


Exhibit E





## EXECUTIVE SUMMARY

# CONDITIONAL USE AUTHORIZATION, SHADOW FINDINGS & STATE DENSITY BONUS PROJECT FINDINGS

**HEARING DATE:** July 15, 2021

**Case No.:** 2020-001610CUA  
**Project Address:** 3832 18th Street  
**Zoning:** RM-1(Residential- Mixed, Low Density) Zoning District  
40-X Height and Bulk District  
**Block/Lots:** 3580/018  
**Project Sponsor:** Mark Loper  
Reuben, Junius & Rose LLP  
One Bush Street #600  
San Francisco, CA 94104  
**Property Owner:** M-J SF Investments LLC  
2501 Mission Street  
San Francisco, CA 94110  
**Staff Contact:** Jeff Horn – (628) 652-7366  
[Jeffrey.Horn@sfgov.org](mailto:Jeffrey.Horn@sfgov.org)

**Recommendation:** **Approval with Conditions**

### Project Description

The Project includes demolition of the single-family home on the project site, and new construction of a six-story, 60-foot tall, residential building (approximately 11,147 gross square feet) with 19 group housing units, a 390 square foot communal space, 19 Class 1 bicycle parking spaces, and two Class 2 bicycle parking spaces. The Project includes 890 square feet of common open space via a ground floor courtyard and two separate private roof decks at the sixth floor, including a 149 square foot front deck and a 165 square foot rear deck. The Project will provide three group housing units subject to the inclusionary affordable housing program.

Pursuant to California Government Code Section 65400, and 65915-65918, the Project Sponsor has elected to use the State Density Bonus Law and has requested waivers from the Planning Code development standards for: Height (Planning Code Section 260), Rear Yard (Planning Code Section 134), and Dwelling Unit Exposure (Planning Code Section 140).

## Required Commission Action

In order for the Project to proceed, the Commission must grant a Conditional Use Authorization, pursuant to Planning Code Sections 209.2, 253, 303 and 317, to allow the demolition of the existing two-bedroom single-family residence and to allow the new construction of a residential building that exceeds 50 feet in height at the street frontage within the RM-1 (Residential – Mixed, Low Density) Zoning District and a 40-X Height and Bulk District.

Additionally, the Commission must make findings related to requested waivers from development standards for Building Height pursuant to Planning Code Section 260, Rear Yard pursuant to Planning Code Section 134, and for Dwelling Unit Exposure pursuant to Planning Code Section 140, pursuant to the State Density Bonus Law.

## Issues and Other Considerations

- **Public Comment & Outreach.** On July 7, 2020, the Project Sponsor held a virtual pre-application meeting as required by the Planning Department. Prior to the publishing of the case report, 30 public correspondences were received that included inquiries and concerns about the project's construction noise, the building's height and massing and resulting impacts to mid-block open space, and the increased density related to the group housing use. Nine public correspondences were received in support of the project's proposed density and Group Housing residential use type.

The Project Sponsor has twice met with a group of neighborhood representatives, which includes a meeting facilitated by District 8 Supervisor Mandelman's office. During the second meeting and in follow-up correspondence, the members of the neighborhood recommended modifications to the project, including a reduction of floor-to-floor ceiling heights, a reduction in height and lengthening of the building, and a relocation of the project's communal area and bicycle parking into a basement level to allow for additional area to accommodate residential units at the ground floor. The Project Sponsor responded to those recommendation directly to the neighbors and within the Sponsor's Brief dated July 6<sup>th</sup>, 2021, attached herein.

- **Inclusionary Affordable Housing.** 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 13.5% 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 June 15, 2021. 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 Project Application. A complete Project Application was submitted on July 30, 2020. Pursuant to Planning Code Section 415.3 and 415.6, the on-site requirement is 13.5%, or two units.

At least 20% of the units in the base project must be affordable to households earning 80% AMI to qualify for a 35% density bonus under the State Density Bonus Law. The project sponsor has elected to provide one additional affordable unit at 80% AMI in order to qualify for a 35% density bonus. Therefore, three units of the 19 total units provided will be affordable units.

- **State Density Bonus Law & Waivers.** The RM-1 (Residential-Mixed, Low Density) District regulates density based on lot area and for the subject property, a density of up to one (1) Group Housing unit per 275 square feet of lot area may be achieved, or up to 14 Group Housing units as the base density. The Project is providing on-site affordable housing for three units (or 20% of the base project) at the low income level (51%-80% AMI) and is therefore entitled to a 35% density bonus, or five additional group housing units for a total of 19. The Project proposes the full 19 units with the density bonus. Under the State Density Bonus Law, the Project is requesting waivers from Height, Rear Yard and Dwelling Unit Exposure, and is not requesting any concessions or incentives.

Under the State Density Bonus Law, the Project is requesting three waivers from development standards, including: Height (Planning Code Section 260), Rear Yard (Planning Code Section 134), and Dwelling Unit Exposure (Planning Code Section 140). The project is not seeking any incentives or concessions.

## Environmental Review

On May 7, 2021, 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.

## Basis for Recommendation

The Department finds that the Project is, on balance, consistent with the the Objectives and Policies of the General Plan. The Project would provide 19 Group Housing rooms helping alleviate San Francisco's severe housing crisis and provide housing within a transit rich neighborhood. Additionally, 20% of the proposed Group Housing rooms (or 3 units) will be on-site below market rate units. The Department also finds the project to be necessary, desirable, and compatible with the surrounding neighborhood, and not to be detrimental to persons or adjacent properties in the vicinity.

## Attachments

Draft Motion – Conditional Use Authorization with Conditions of Approval (Exhibit A)  
Draft Motion – Shadow Findings  
Exhibit B – Plans and Renderings  
Exhibit C – Environmental Determination  
Exhibit D – Land Use Data  
Exhibit E – Maps and Context Photos  
Exhibit F – Project Sponsor Brief

Exhibit G – Neighborhood Opposition Brief  
Exhibit H – Individually-Requested State Density Bonus Application  
Exhibit I – Inclusionary Affordable Housing Affidavit  
Exhibit J – Anti-Discriminatory Housing Affidavit  
Exhibit K – First Source Hiring Affidavit



# PLANNING COMMISSION DRAFT MOTION

**HEARING DATE: JULY 15, 2021**

**Case No.:** 2020-001610CUA  
**Project Address:** 3832 18th Street  
**Zoning:** RM-1 (Residential- Mixed, Low Density) Zoning District  
40-X Height and Bulk District  
**Block/Lots:** 3580/018  
**Project Sponsor:** Mark Loper  
Reuben, Junius & Rose LLP  
One Bush Street #600  
San Francisco, CA 94104  
**Property Owner:** M-J SF Investments LLC  
2501 Mission Street  
San Francisco, CA 94110  
**Staff Contact:** Jeff Horn – (628) 652-7366  
[Jeffrey.Horn@sfgov.org](mailto:Jeffrey.Horn@sfgov.org)

ADOPTING FINDINGS RELATING TO APPROVAL OF CONDITIONAL USE AUTHORIZATION PURSUANT TO PLANNING CODE SECTION 209.2, 253, 303, and 317, TO ALLOW DEMOLITION OF A SINGLE-FAMILY RESIDENCE AND APPROVAL OF AN INDIVIDUALLY REQUESTED STATE DENSITY BONUS PROJECT PURSUANT TO PLANNING CODE SECTION 206.6 (USING THE STATE DENSITY BONUS LAW (CALIFORNIA GOVERNMENT CODE SECTIONS 65915- 65918)) FOR THE PROJECT INVOKING WAIVERS FROM THE DEVELOPMENT STANDARDS FOR REAR YARD (SECTION 134), DWELLING UNIT EXPOSURE (SECTION 140) AND MAXIMUM HEIGHT LIMIT (SECTION 260) THAT WOULD CONSTRUCT A NEW SIX-STORY, 60-FOOT TALL, RESIDENTIAL BUILDING (APPROXIMATELY 11,147 SQUARE FEET) WITH 19 GROUP HOUSING UNITS LOCATED AT 3832 18TH STREET, LOT 018 IN ASSESSOR'S BLOCK 3580, WITHIN THE RM-1 (RESIDENTIAL-MIXED, LOW DESNITY) ZONING DISTRICT AND A 40-X HEIGHT AND BULK DISTRICT, AND ADOPTING FINDINGS UNDER THE CALIFORNIA ENVIRONMENTAL QUALITY ACT.

## PREAMBLE

On July 30, 2020, Sally Szeto of SIA Consulting filed Application No. 2020-001610PRJ (hereinafter “Application”) with the Planning Department (hereinafter “Department”) for Conditional Use Authorization and Individually-Requested State Density Bonus Project to demolish an existing single-family home and construct a new 11,147 square foot, six-story, 60-foot tall, residential building with 19 Group Housing units (hereinafter “Project”) at 3832 18th Street, Block 3580 Lot 018 (hereinafter “Project Site”). On June 17, 2021, Mark Loper of Rueben, Junius and Rose LLP (hereinafter “Project Sponsor”) filed revised Applications for the Project.

The Project Sponsor seeks to proceed under the State Density Bonus Law, Government Code Section 65915 et seq (“the State Law”), as amended under AB-2345. Under the State Law, a housing development that includes affordable housing is entitled to additional density, concessions and incentives, and waivers from development standards that might otherwise preclude the construction of the project. The Project Sponsor is providing 20% of base project units of housing affordable to lower income households and is therefore eligible for a density bonus of 35% and waivers of the following development standards: 1) Height (Planning Code Sections 260); 2) Rear Yard (Planning Code Section 134); and 3) Dwelling Unit Exposure (Planning Code Section 140).

On May 7, 2021, 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 July 15, 2021, the Commission conducted a duly noticed public hearing at a regularly scheduled meeting on Conditional Use Authorization Application No. 2020-001610CUA.

The Planning Department Commission Secretary is the Custodian of Records; the File for Record No. 2020-001610CUA is located at 49 South Van Ness Avenue, Suite 1400, San Francisco, California.

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

**MOVED**, that the Commission hereby authorizes the Conditional Use Authorization as requested in Application No. 2020-001610CUA, 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. Project Description.** The Project includes demolition of the single-family home on the project site, and new construction of a six-story, 60-foot tall, residential building (approximately 11,147 gross square feet) with 19 group housing units, a 390-square-foot communal space, 19 Class 1 bicycle parking spaces, and two Class 2 bicycle parking spaces. The Project includes 890 square feet of common open space via a ground floor courtyard and two separate private roof decks at the sixth floor, including a 149 square foot front deck and a 165 square foot rear deck. The building's rooftop stair and mechanical penthouses would add an additional eight feet of height above the roof, and the elevator shaft will rise six feet above the roof, these features are centrally located toward the middle of the roof plan. The project provides no automotive parking and would remove an existing curb cut.
- 3. Site Description and Present Use.** The Project site is located midblock on the on the north side of 18th Street, between Dolores and Sanchez Streets; Lot 018 in Assessor's Block 3580 and is located within the RM-1 (Residential-Mixed, Low Density) Zoning District and a 40-X Height and Bulk District. The Project site is a relatively flat lot with an area of approximately 3,868 square feet, frontage of 27 feet, 6 inches on 18th Street, and an average depth of approximately 141 feet, 10 inches. The site is currently developed with an existing 1,210 square foot, two-bedroom, one-story-over-garage, single-family dwelling constructed circa 1900.
- 4. Surrounding Properties and Neighborhood.** The subject property is located on the southeast side of the Castro/Upper Market Neighborhood within Supervisorial District 8. The surrounding properties are located in the RM-1, RH-3, RM-3, and Public (P) Zoning Districts and are developed with a variety of residential, institutional and mixed-use buildings ranging in height from one to five stories. Ground floor commercial uses are generally provided at the street corners and the block includes a range of residential uses ranging from single family homes to multi-unit apartment building. The adjacent property to the east (3826, 3828, 3830a 18th St) is developed with a 3-story-attic (within the gabled roof) at the front and a one-story-attic (within the gabled roof) dwelling unit/cottage located at the rear of the property. The adjacent property to the west (3838 18<sup>th</sup> St) contains a two-story two-family dwelling. One lot further to the west contains the Mission Terrace Senior Housing site, a 5-story, 107 apartment development that extends through the block to Dorland Street. Across from the Project Site, on the south side of 18<sup>th</sup> Street, lots are within RH-3 and 40-X Districts and developed with 3 and 4-story multi-family dwellings. Mission High School and Mission Dolores Park are located one block directly east along 18th Street. There is a J-Church MUNI stop platform near the corner of 18th Street and Church Street which runs along the western edge of Mission Dolores Park and Mission High School.
- 5. Public Outreach and Comments.** On July 7, 2020, the Project Sponsor held a virtual pre-application meeting as required by the Planning Department. Prior to the publishing of the case report, 30 public correspondences were received that included inquiries and concerns about the project's construction noise, the building's height and massing and resulting impacts to mid-block open space, and the



increased density and the group housing use. Nine correspondences were received in support of the project's proposed density and Group Housing residential use type.

The Project Sponsor has twice met with a group of neighborhood representatives, which includes a meeting facilitated by District 8 Supervisor Mandelman's office. In the second meeting and follow-up correspondence the members of the neighborhood recommended project modifications; including a reduction of floor-to-floor ceiling heights, a reduction in height and lengthening of the building, and a relocation of the project's communal area and bicycle parking into a basement level to allow for additional area to accommodate residential units. The Project Sponsor responded to those recommendation directly and within the Sponsor's Brief dated July 6<sup>th</sup>, 2021.

**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. Use.** Planning Code Section 209.3 principally permits Group Housing uses within the RM-1 Zoning Districts. Group Housing density is limited to one unit per 275 square feet of lot area. Per the State Density Bonus law, if 20% of the Base Density Units are provided at 80% AMI, then a Bonus Density of 35% is permitted.

*The subject lot has an area of 3,868 square feet, allowing for a base density of 14 group housing units. The proposal includes 20% of the Base Density Units at 80% AMI, allowing for a bonus of five (35% of the Base project) units for a total of 19 Group Housing units.*

- B. Front Yard.** Planning Code Section 132 requires, in RM-1 Districts, a front yard the average of the two adjacent neighbors, but no greater than 15 feet.

*The subject property has a required front setback line of 11 feet, 6 inches based on the location and frontages of the structures on the two adjacent properties and the Project meets the Front Yard requirement.*

- C. Front Setback Landscaping and Permeability.** Planning Code Section 132 requires that the required front setback be at least 20% unpaved and devoted to plant material and at least 50% permeable to increase storm water infiltration.

*The Project complies with Section 132 and provides the required landscaping permeable area.*

- D. Rear yard.** Within the RM-1 Zoning District, Planning Code Section 134 establishes that the minimum rear yard depth shall be equal to 45% of the total lot depth on which the lot is situated but in no case less than 15 feet.

*The Project site has an average depth of 141 feet, 10 inches in depth and therefore requires a minimum rear yard of 63 feet, 4 inches or 45%. The Project proposes a rear yard depth of 31 feet, 2 inches, or 22% of lot depth.*

*Strict enforcement of the Code would physically preclude the construction of the Project with the additional dwelling units as permitted under the Density Bonus Law. Per California Government Code*

*Sections 65915-65918, the Project Sponsor has elected to use the State Density Bonus Law and proposes a waiver for the reduction of site development standards for rear yard, which are defined in Planning Code 134.*

- E. **Usable Open Space.** Within the RM-1 Zoning District, Planning Code Section 135 requires the Group Housing structures provide one third of the required area of usable open space per dwelling unit, or 43.3 square feet of common usable open space per Group Housing unit and 33.3 square feet of private usable open space per Group Housing unit.

*The Planning Code requires a total of 819 square feet of common usable open space for 17 of the Group Housing units. The project proposes 860 square feet of usable open space at the rear courtyard, which meets the minimum commons area requirements. The project proposes private open space for two units, a 149 square foot front deck and a 165 square foot rear deck, meeting area requirements and providing open space for two units. Therefore, the Project meets the Open Space requirement for all units.*

- F. **Dwelling Unit Exposure.** Planning Code Section 140(b) requires that either each Group Housing bedroom or at least one interior common area that meets the 120 square-foot minimum superficial floor area shall include windows that face onto a public street, rear yard, or other open area that meets minimum requirements for area and horizontal dimensions.

*The Project contains 9 units that face the rear yard area, which is non-complying and does not meet the minimum 25-foot dimension requirements per Planning Code Section 140(a)(1). The remaining 10 units have exposure over 18<sup>th</sup> Street. Therefore, the Project meets the requirements of Section 140 of the Planning Code for only the 10 street facing units.*

*Strict enforcement of the Code would physically preclude the construction of the Project with the additional dwelling units as permitted under the Density Bonus Law. Per California Government Code Sections 65915-65918, the Project Sponsor has elected to use the State Density Bonus Law and proposes a waiver for the reduction of site development standards for dwelling unit exposure, which are defined in Planning Code 140.*

- G. **Bicycle Parking** Planning Code Section 155.2 requires at least one Class 1 bicycle parking space for every four beds, or for buildings containing over 100 beds, 25 Class 1 spaces plus one Class 1 space for every five beds over 100. It additionally requires two Class 2 spaces for every 100 beds.

*The Project, which includes 19 group housing beds, requires five Class 1 bicycle parking spaces and two Class 2 bicycle parking spaces. At the ground floor, the project will provide 19 Class 1 bicycle parking spaces and two Class 2 spaces are proposed at the front of the property. The project meets the requirements of Planning Code Section 155.*

- H. **Transportation Demand Management (TDM) Plan.** Pursuant to Planning Code Section 169 and the TDM Program Standards, the Project shall finalize a TDM Plan prior Planning Department approval of the first Building Permit or Site Permit. As currently proposed, the Project must achieve a target of 10 points.

*The Project submitted a completed Environmental Evaluation Application on July 30, 2020. Therefore, the Project must only achieve 100% of the point target established in the TDM Program Standards, resulting in a required target of 17 points. As currently proposed, the Project will achieve a total of 17 points through the following TDM measures:*

- *Bicycle Parking (Option A)*
- *Delivery Supportive Amenities*
- *On-Site Affordable Housing (Option D)*
- *Parking Supply (Option K)*

- I. **Height and Bulk.** Planning Code Section 260, and Article 2.5 of the Planning Code generally, require that the height of buildings not exceed the limits specified in the Zoning Map and defines rules for the measurement of height. The project is located in a 40-X Height and Bulk District, which allows for a maximum height of 40 feet. Section 260(b) allows elevator, stair and mechanical penthouses to exceed the maximum height by an additional 10 feet, except that the elevator shaft may exceed the maximum height by 16 feet. Per Section 253 of the Planning Code, buildings within the RM zoning districts that exceed a height of 40 feet are subject to Conditional Use Authorization.

*The finished roof of the Project would reach a maximum height of approximately 60 feet, as measured from the center point of the frontage. Rooftop stair and mechanical penthouses would add an additional eight feet of height in those areas, while the elevator shaft will rise six feet above the roof; however, these features are exempt from height limits per Planning Code Section 260(b). As proposed, the height of the Project exceeds the 40-foot height limit by 20 feet, thereby requiring Conditional Use Authorization before the Planning Commission. The specific findings related to the Conditional Use Authorization are analyzed in item 7 below.*

*Per California Government Code Sections 65915-65918, the Project Sponsor has elected to use the State Density Bonus Law and requests a waiver from the 40-foot height limit, which the project exceeds by 20 feet. This waiver in height limit is necessary to enable the construction of the project with the increased density provided by Government Code Section 65915(f)(2).*

- J. **Shadow.** Planning Code Section 295 requires a shadow analysis for projects over 40 feet in height to ensure that new buildings would not cast new shadows on properties that are under the jurisdiction of the San Francisco Recreation and Park Department.

*A shadow analysis report, prepared by Prevision Design, was submitted on March 29, 2021, analyzing the potential shadow impacts of the Project to properties under the jurisdiction of the Recreation and Parks Department (Record No. 2020-001610SHD). The memorandum concluded that the Project would cast approximately 12,327 square-foot hours of new shadow on Mission Dolores Park, equal to approximately 0.001% of the TAAS on Mission Dolores Park, bringing the estimated total annual shading of the Park as a percentage of TAAS to 3.998% (previously at 3.997%).*

*The Shadow Study found that the proposed would result in new shadows falling on the park, adding approximately 12,327 annual net new square foot hours (sfh) of shadow and increasing shadow load by +0.001% above current levels, resulting in an increase in the total annual shading from 3.997% to 3.998% of Total Annual Available Sunlight (TAAS). The new shadow resulting from the project would occur from*

*April 20th to August 22nd and would be present for an average for 12.1 minutes, in the summer late afternoon (after 4pm). During these periods, the largest new shadow (based on area) would occur on June 21st at 7:36 pm covering an area of 860 sf, or 0.1% of the park. The maximum shadow coverage would contribute net new shadow to portions of the MUNI stop/platform, pedestrian pathway, and maintenance/utility area.*

*On June 15, 2021, the full Recreation and Park Commission conducted a duly noticed public hearing at a regularly scheduled meeting and recommended that the Planning Commission find that the shadows cast by the Project would not be adverse to the use of Mission Dolores Park.*

- K. Residential Demolition:** Pursuant to Planning Code Section 317, Conditional Use Authorization is required for applications proposing to remove one or more residential units. This Code Section establishes a checklist of criteria that delineate the relevant General Plan Policies and Objectives.

*As the Project requires Conditional Use Authorization per the requirements of the Section 317, the additional criteria specified under Section 317 for residential demolition and merger have been incorporated as findings a part of this Motion. See Below "Additional Findings pursuant to Section 317."*

- L. Transportation Sustainability Fee.** Planning Code Section 411A is applicable to new development that results in more than twenty dwelling units or group housing facilities with more than 800 gross square feet.

*The Project will pay the appropriate Transportation Sustainability Fee upon issuance of a building permit application.*

- M. Residential Child-Care Impact fee.** Planning Code Section 414A is applicable to new development that results in at least one net new residential unit.

*The Project includes approximately 11,147 gross square feet of new residential use associated with the new construction of 19 Group Housing units. This square footage shall be subject to the Residential Child-Care Impact Fee, as outlined in Planning Code Section 414A.*

- N. 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 13.5% 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 June 15, 2021. 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 Project Application. A complete Project Application was submitted on July 30, 2020. Pursuant to Planning Code Section 415.3 and 415.6, the on-site requirement is 13.5%, or two units.*

*At least 20% of the units in the base project must be affordable to households earning 80% AMI to qualify for a 35% density bonus under the State Density Bonus Law. The Project Sponsor has elected to provide one additional affordable unit at 80% AMI in order to qualify for a 35% density bonus. Therefore, three units of the 19 total units provided will be affordable units.*

- 7. Conditional Use Findings.** Planning Code Section 303 establishes criteria for the Planning Commission to consider when reviewing applications for Conditional Use authorization. On balance, the project complies with said criteria in that:

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

*The Castro/Upper Market neighborhood contains a mix of predominantly two-, three, and four-story multi-family residential buildings, that also includes large development uses such as the Mission Terrace Senior Housing (five-stories tall) and Mission High School, with commercial or uses at the street level along the commercial corridors. The proposed residential building will be compatible with the existing neighborhood mix of uses and densities. The Project will demolish an existing, single-family home to construct a new residential building containing 19 Group Housing units, in which three of the proposed units will be provided as on-site affordable units.*

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

- (1) Nature of proposed site, including its size and shape, and the proposed size, shape and arrangement of structures;

*The Project's proposed massing is generally consistent with the character and design of the neighborhood, and will not impede any development of surrounding properties. The proposed design is contemporary yet compatible, referencing character-defining features of the surrounding buildings on the subject block and is compatible with the district's size, scale, composition, and details. The massing is compatible in terms of lot occupancy, solid-to-void ratio, and vertical articulation, including bays and windows designed to relate to the surrounding properties. Although taller than the adjacent properties, the project would provide substantial setbacks of the upper floor at both the front (15'-11") and rear (17'-1") building walls.*

*The building provides a front setback that is equal to the depths of the two adjacent neighbors and the area will be appropriately developed with landscaping and permeable surfaces. In addition to two common entrances, at the front of the ground floor the project includes a*

*housing unit that is directly accessed from the street, consistent with the existing residential development on the block. The project provides a rear yard that contains enough area to provide code-complaint open space for 17 of the Project's units. Along the side property lines, the building provides four lightwells starting at the second floor, two on each side of the building; all are three feet deep and range in length from 17 feet to 36 feet. These lightwells provide additional light and air to each neighboring property. The Project results in a building size, shape, and height that is appropriate for the neighborhood context.*

- (2) 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 Planning Code does not require parking or loading within the RM-1 Zoning District, and none is proposed. The project includes 19 Class 1 bicycle parking spaces and is well-situated for easy access to numerous public transit modes including numerous MUNI lines. The Project is located along 33-Ashbury/18th bus line, a half-block from a J-Church Metro platform, and is within walking distance (¼ mile) of the BART Station at 16th and Mission Streets and the 22-Fillmore bus route. The Project provides no off-street parking, but will remove a curb cut along the street and provide sufficient bicycle parking for residents and their guests.*

- (3) The safeguards afforded to prevent noxious or offensive emissions such as noise, glare, dust and odor;

*The Project is residential in nature, which is a use that typically is not considered to have the potential to produce noxious or offensive emissions.*

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

*The Project's front setback will be appropriately landscaped. The Project will add one new street trees where there are currently none, two new Class 2 bicycle parking spaces, and remove an existing curb cut on 18<sup>th</sup> Street.*

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

*The Project complies with all relevant requirements and standards of the Planning Code and is consistent with objectives and policies of the General Plan as detailed below.*

- D. That use or feature as proposed will provide development that is in conformity with the stated purpose of the applicable Use District.

*The Project is consistent with the stated purpose of the RM-1 Zoning District, which is characterized by a mixture of the dwelling types found in RH Districts, but in addition have a significant number of apartment buildings that broaden the range of unit sizes and the variety of structures. The project maintains the pattern of 25-foot to 35-foot building widths, and provides a five-story structure at the building's front wall, with a substantial setback of the upper floor. The overall density of units*



*remains low at a per bedroom basis. The project provides usable open space within a ground floor yard that also contributes to the mid-block open space.*

- 8. Additional Findings pursuant to Section 317** establishes criteria for the Planning Commission to consider when reviewing applications to demolish or convert Residential Buildings. On balance, the Project does comply with said criteria in that:

- A. Whether the property is free of a history of serious, continuing code violations;

*A review of the Department of Building Inspection and the Planning Department databases showed no open enforcement cases or notices of violation for the subject property.*

- B. Whether the housing has been maintained in a decent, safe, and sanitary condition;

*The structure appears to be in decent condition with an original construction date circa 1900.*

- C. Whether the property is an “historic resource” under CEQA;

*The subject building and property are not identified as a historical resource. Pursuant to CEQA, a Historic Resource Evaluation (HRE) was prepared to evaluate the existing subject building, constructed in 1900, whether they would meet CEQA section 15064.5 criteria for listing on the California Register or in an adopted local historic register. The subject building and property were determined to not be eligible for listing in the California Register under any criteria, individually or as part of a historic district.*

- D. Whether the removal of the resource will have a substantial adverse impact under CEQA;

*The Project is not a historic resource and no substantial adverse impacts were identified as part of the Project’s review under CEQA.*

- E. Whether the Project converts rental housing to other forms of tenure or occupancy;

*The Project does not convert rental housing to other forms of tenure.*

- F. Whether the Project removes rental units subject to the Rent Stabilization and Arbitration Ordinance;

*The single family home was not deed-restricted, tax-credit funded affordable housing. No evidence has been provided demonstrating the property is subject to the Residential Rent Stabilization and Arbitration Ordinance.*

- G. Whether the Project conserves existing housing to preserve cultural and economic neighborhood diversity;

*Although the Project proposes the demolition of a two-bedroom single-family dwelling, there will be a net gain of 17 bedrooms at the project site. The Project would be consistent with the density and development pattern as it would provide three-story single-family dwelling a neighborhood that is*

*a comprised of two- and three-story one-family dwellings.*

- H. Whether the Project conserves neighborhood character to preserve neighborhood cultural and economic diversity;

*The replacement building will conserve neighborhood character with appropriate scale, design, and materials, and improve cultural and economic diversity by appropriately increasing the number of bedrooms. The project would maximize the number of units allowed on the site while increases the total number of bedrooms provided.*

- I. Whether the Project protects the relative affordability of existing housing;

*The Project protects the relative affordability of existing housing through the development of Group Housing units.*

- J. Whether the Project increases the number of permanently affordable units as governed by Section 415;

*The Project would establish three new permanently affordable units as governed by Section 415.*

- K. Whether the Project locates in-fill housing on appropriate sites in established neighborhoods;

*The Castro/Upper Market neighborhood is an established transit-oriented residential neighborhood with mixed-uses along several commercial corridors. The Project has been designed to be in-keeping with the scale and development pattern of the established neighborhood character.*

- L. Whether the Project increases the number of family-sized units on-site;

*While not creating additional new family-sized housing units, the Project proposes increases the number of bedrooms, which is desirable for many families.*

- M. Whether the Project creates new supportive housing;

*The Project does not create supportive housing.*

- N. Whether the Project is of superb architectural and urban design, meeting all relevant design guidelines, to enhance existing neighborhood character;

*The Project's proposed massing is generally consistent with the character and design of the neighborhood. The proposed design is contemporary yet compatible, referencing character-defining features of the surrounding buildings on the subject block and is compatible with the district's size, scale, composition, and details. The massing is compatible in terms of lot occupancy, solid-to-void ratio, and vertical articulation, including bays and windows designed to relate to the surrounding properties. Although taller than the adjacent properties, the project would provide substantial setbacks of the upper floor at both the front (15'-11") and rear (17'-1") building walls.*

*The building provides a front setback that is equal to the depths of the two adjacent neighbors and*

*the area will be appropriately developed with landscaping and permeable surfaces. In addition to two common entrances, at the front of the ground floor the project includes a housing unit that is directly accessed from the street, consistent with the existing residential development on the block. The project provides a rear yard that contains enough area to provide code-complaint open space for 17 of the units. Along the side property lines, the building provides four lightwells starting at the second floor, two on each side of the building; all are three feet deep and range in length from 17 feet to 36 feet. These lightwells provide additional light and air to each neighboring property. The Project results in a building size, shape, and height that is appropriate for the neighborhood context.*

- O. Whether the Project increases the number of on-site dwelling units;

*The Project will provide one dwelling, which is the maximum permitted density in the RM-1 District.*

- P. Whether the Project increases the number of on-site bedrooms;

*The Project proposes 19 bedrooms of Group Housing, which is an increase of 17 bedrooms more than the original building.*

- Q. Whether or not the replacement project would maximize density on the subject lot; and;

*The Project proposes to maximize the density on the subject lot as the proposal includes 19 Group Housing units on the subject lot with an area of 3,868 square feet, allowing for a base density of 14 group housing units. The proposal includes 20% of the Base Density Units at 80% AMI, allowing for a bonus of five (35% of the Base project) units.*

- R. If replacing a building not subject to the Residential Rent Stabilization and Arbitration Ordinance, whether the new project replaces all of the existing units with new Dwelling Units of a similar size and with the same number of bedrooms.

*The Project proposes to replace the existing two-bedroom single-family dwelling not subject to the Residential Rent Stabilization and Arbitration Ordinance. The Project proposes 19 bedrooms of Group Housing, a net increase of 17 additional bedroom above what previously existed.*

**9. State Density Bonus Program Findings.** Pursuant to Planning Code Section 206.6(e), the Planning Commission shall make the following findings as applicable for any application for a Density Bonus, Incentive, Concession or Waiver for any Individually Requested Density Bonus Project:

- A. The Housing Project is eligible for the Individually Requested Density Bonus Program.

*The Project consists of five or more group housing units on a site located in the Residential-Mixed, Low Density Zoning District that is currently developed as a single-family dwelling that is not subject to San Francisco Rent Stabilization and Arbitration Ordinance and is, therefore, eligible for the Individually Requested Density Bonus Program.*

*The Project provides at least 20% of the proposed ownership Group Housing units in the base project (three units) as affordable to lower income households, defined as those earning 80% of area*

*median income, and is therefore entitled to a 35% density bonus under California Government Code Sections 65915-95918.*

- B. The Housing Project has demonstrated that any Concessions or Incentives reduce actual housing costs, as defined in Section 50052.5 of the California Health and Safety Code, or for rents for the targeted units, based upon the financial analysis and documentation provided.

*The Project does not request any concessions or incentives under the Individually Requested Density Bonus Program.*

- C. If a waiver or modification is requested, a finding that the Development Standards for which the waiver is requested would have the effect of physically precluding the construction of the Housing Project with the Density Bonus or Concessions and Incentives permitted.

*The Project requests the following waivers from the Planning Code Development Standards: 1) Height (Planning Code Section 260); 2) Rear Yard (Planning Code Section 134; and 3) Dwelling Unit Exposure (Planning Code Section 140).*

*The Project provides a maximum density of 14 group housing units, plus the 35% density bonus of five additional Group Housing units afforded under the Individually State Density Bonus, for a total of 19 Group Housing units. The density is obtained by increasing the total height of the building and expanding the building horizontally into the required rear yard at all floors. Additionally, the expansion of the ground floor into the Rear Yard renders the units which face onto the Rear Yard non-compliant with the Dwelling Unit Exposure requirement of Planning Code Section 140. Rendering the proposed building compliant with height, rear yard, or dwelling unit exposure would require reduction of building volume and/or reduction in the number of units proposed; thus, these requirements are eligible for Waiver under the density bonus request.*

- D. If the Density Bonus is based all or in part on donation of land, a finding that all the requirements included in Government Code Section 65915(g) have been met.

*The Project does not include a donation of land, and this is not the basis for the Density Bonus.*

- E. If the Density Bonus, Concession or Incentive is based all or in part on the inclusion of a Child Care Facility, a finding that all the requirements included in Government Code Section 65915(h) have been met.

*The Project does not include a Child Care Facility, and this is not the basis for the Density Bonus.*

- F. If the Concession or Incentive includes mixed-use development, a finding that all the requirements included in Government Code Section 65915(k) have been met.

*The Project does not include concessions or incentives for a mixed-use development. The Project is entirely residential.*

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

Policies of the General Plan:

## **HOUSING ELEMENT**

### **Objectives and Policies**

#### **OBJECTIVE 1**

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

##### **Policy 1.1**

Plan for the full range of housing needs in the City and County of San Francisco, especially affordable housing.

##### **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.

#### **OBJECTIVE 4**

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

##### **Policy 4.4**

Encourage sufficient and suitable rental housing opportunities, emphasizing permanently affordable rental units wherever possible.

##### **Policy 4.5**

Ensure that new permanently affordable housing is located in all of the City's neighborhoods, and encourage integrated neighborhoods, with a diversity of unit types provided at a range of income levels.

#### **OBJECTIVE 11**

**SUPPORT AND RESPECT THE DIVERSE AND DISTINCT CHARACTER OF SAN FRANCISCO'S NEIGHBORHOODS.**

##### **Policy 11.1**

Promote the construction and rehabilitation of well-designed housing that emphasizes beauty, flexibility, and innovative design, and respects existing neighborhood character.

##### **Policy 11.2**

Ensure implementation of accepted design standards in project approvals.

##### **Policy 11.3**

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

Policy 11.4

Continue to utilize zoning districts which conform to a generalized residential land use and density plan and the General Plan.

Policy 11.6

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

**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, childcare, and neighborhood services, when developing new housing units.

Policy 12.3

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

**URBAN DESIGN ELEMENT**

**Objectives and Policies**

**OBJECTIVE 1**

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

Policy 1.3

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

Policy 1.7

Recognize the natural boundaries of districts and promote connections between districts.

*The Project's proposed massing is generally consistent with the character and design of the neighborhood. The proposed design is contemporary yet compatible, referencing character-defining features of the surrounding buildings on the subject block and is compatible with the district's size, scale, composition, and details. The massing is compatible in terms of lot occupancy, solid-to-void ratio, and vertical articulation, including bays and windows designed to relate to the surrounding properties. Although taller than the adjacent properties, the project would provide substantial setbacks of the upper floor at both the front and rear building walls.*



*The building provides a front setback that is equal to the depths of the two adjacent neighbors and the area will be appropriately developed with landscaping and permittable surfaces. In addition to two common entrances, at the front of the ground floor the project includes a housing unit that is directly accessed from the street, consistent with the existing residential development on the block. The project provides a rear yard that contains enough area to provide code-complaint open space for 17 of the units. Along the side property lines, the building provides four lightwells starting at the second floor, two on each side of the building; all are three feet deep and range in length from 17 feet to 36 feet. These lightwells provide additional light and air to each neighboring property. The Project results in a building size, shape, and height that is appropriate for the neighborhood context.*

*The Project would provide additional density in a transit rich area of the City. The Project is located along 33-Ashbury/18th bus line, a half-block from a J-Church Metro platform, and is within walking distance (¼ mile) of the BART Station at 16th and Mission Streets and the 22-Fillmore bus route. The Project provides no off-street parking, but will remove a curb cut along the street and provide sufficient bicycle parking for residents and their guests.*

*The Project is consistent with the stated purpose of the RM-1 Zoning District, which is characterized by a mixture of the dwelling types found in Residential Districts, but in addition have a significant number of apartment buildings that broaden the range of unit sizes and the variety of structures. The Project maintains the pattern of 25-foot to 35-foot building widths, and provides a five-story structure at the building's front wall, with a substantial setback of the upper floor. The overall density of units remains low at a per bedroom basis. The project provides usable open space within a ground floor yard that also contributes to the mid-block open space. Overall, the project's design is complementary to the context of the district, while providing a new housing type to the neighborhood. For all these reasons, the Project is on balance, consistent with the Objectives and Policies of the General Plan.*

**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 complies with said policies in that:

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

*The project site does not possess any neighborhood-serving retail uses. The Project provides 19 new Group Housing units, which will enhance the nearby retail uses by providing new residents, who may patron and/or own these businesses.*

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

*The replacement building has been designed to be compatible with the neighborhood's mixed massing, width and height, and has been found to meet the Residential Design Guidelines. While the existing two-bedroom home is proposed to be demolished, the replacement building would provide 19 group housing units/bedrooms in a transit-rich neighborhood made up of mostly multi-family dwellings of mixed architectural character. For these reasons, the Project would protect and*

*preserve the cultural and economic diversity of the neighborhood.*

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

*The Project Site does not currently possess any existing affordable housing. The Project will comply with the City's Inclusionary Housing Program by providing three on-site below-market rate group housing units for ownership. Therefore, the Project will increase the stock of affordable housing units in the City.*

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

*The Project Site is served by nearby public transportation options. The Project is located along a Muni bus line (33-Ashbury/18th Street), a half-block from a J-Church Muni Metro platform, and is within walking distance (¼ mile) of the BART Station at 16th and Mission Streets and the 22-Fillmore bus route. Future residents would be afforded proximity to a bus line. The Project provides no off-street parking but will remove a curb cut along the street and provide sufficient bicycle parking for residents and their guests.*

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

*The Project is residential in nature and does not include commercial office development; therefore, the Project would not affect industrial or service sector uses or related employment opportunities. Ownership of industrial or service sector businesses would not be affected by the Project.*

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

*The Project will be designed and constructed to conform to the structural and seismic safety requirements of the Building Code. As such, this Project will improve the property's ability to withstand an earthquake.*

- G. That landmarks and historic buildings be preserved.

*Currently, the Project Site does not contain any City Landmarks or historic buildings.*

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

*The Project will create new shadow on one proposed park under jurisdiction of the Recreation and Park Department – Mission Dolores Park. The amount of additional shadow that would occur as a result of the Project has not been found to be significant or adverse to the use of the park.*

**12. First Source Hiring.** The Project is subject to the requirements of the First Source Hiring Program as they

apply to permits for residential development (Administrative Code Section 83.11), and the Project Sponsor shall comply with the requirements of this Program as to all construction work and on-going employment required for the Project. Prior to the issuance of any building permit to construct or a First Addendum to the Site Permit, the Project Sponsor shall have a First Source Hiring Construction and Employment Program approved by the First Source Hiring Administrator, and evidenced in writing. In the event that both the Director of Planning and the First Source Hiring Administrator agree, the approval of the Employment Program may be delayed as needed.

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

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

## DECISION

That based upon the Record, the submissions by the Applicant, the staff of the Department and other interested parties, the oral testimony presented to this Commission at the public hearings, and all other written materials submitted by all parties, the Commission hereby **APPROVES Conditional Use Authorization Application No. 2020-001610CUA** subject to the following conditions attached hereto as “EXHIBIT A” in general conformance with plans on file, dated July 7, 2021, 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. The effective date of this Motion shall be the date of this Motion if not appealed (after the 30-day period has expired) OR the date of the decision of the Board of Supervisors if appealed to the Board of Supervisors. For further information, please contact the Board of Supervisors at (415) 554-5184, City Hall, Room 244, 1 Dr. Carlton B. Goodlett Place, San Francisco, CA 94102.

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

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

I hereby certify that the Planning Commission ADOPTED the foregoing Motion on July 15, 2021.

Jonas P. Ionin  
Commission Secretary

AYES:

NAYS:

ABSENT:

RECUSE:

ADOPTED: July 15, 2021

## EXHIBIT A

### Authorization

This authorization is for a conditional use to allow demolition of an existing single-family residence and new construction of a six-story, approximately 60-foot-tall, 11,147 gross square foot residential building containing 19 group housing units, a 390-square-foot communal space, 19 Class 1 bicycle parking spaces, and two Class 2 bicycle parking spaces, located at 3832 18th Street, Block 3580, Lot 018, pursuant to Planning Code Sections 209.2, 303 and 317, and pursuant to Planning Code Section 206.6 as an Individually-Requested State Density Bonus Project, within the Residential-Mixed, Low Density Zoning District and a 40-X Height and Bulk District; in general conformance with plans, dated July 7, 2021, and stamped "EXHIBIT B" included in the docket for Record No. 2020-001610CUA and subject to conditions of approval reviewed and approved by the Commission on July 15, 2021 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 July 15, 2021 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 628.652.7463, [www.sfplanning.org](http://www.sfplanning.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 628.652.7463, [www.sfplanning.org](http://www.sfplanning.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 628.652.7463, [www.sfplanning.org](http://www.sfplanning.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 628.652.7463, [www.sfplanning.org](http://www.sfplanning.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 628.652.7463,*



[www.sfplanning.org](http://www.sfplanning.org)

- 6. Additional Project Authorization.** The Project Sponsor must obtain a Shadow Determination under Section 295 that the net new shadow cast by the Project on Dolores Park will be insignificant to the use of said park under the jurisdiction of the Recreation and Park Department and satisfy all the conditions thereof. The conditions set forth below are additional conditions required in connection with the Project. If these conditions overlap with any other requirement imposed on the Project, the more restrictive or protective condition or requirement, as determined by the Zoning Administrator, shall apply.

*For information about compliance, contact Code Enforcement, Planning Department at 628.652.7463, [www.sfplanning.org](http://www.sfplanning.org)*

## Design – Compliance at Plan Stage

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

*For information about compliance, contact the Case Planner, Planning Department at 628.652.7366, [www.sfplanning.org](http://www.sfplanning.org)*

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

*For information about compliance, contact the Case Planner, Planning Department at 628.652.7366, [www.sfplanning.org](http://www.sfplanning.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.sfplanning.org](http://www.sfplanning.org)*

- 10. Transformer Vault Location.** 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 in consultation with Public Works shall require the following location(s) for transformer vault(s) for this project: sidewalk. This location has the following design considerations: streetscape and building frontage detail issues. The above requirement shall adhere to the Memorandum of Understanding regarding Electrical Transformer Locations for Private Development Projects between Public Works and the Planning Department dated January 2, 2019.

*For information about compliance, contact Bureau of Street Use and Mapping, Department of Public Works at 628.271.2000, [www.sfpublishworks.org](http://www.sfpublishworks.org)*

- 11. 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 628.652.7366, [www.sfplanning.org](http://www.sfplanning.org)*

## Parking and Traffic

- 12. 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 TDM Performance Manager at [tdm@sfgov.org](mailto:tdm@sfgov.org) or 628.652.7340, [www.sfplanning.org](http://www.sfplanning.org)*

- 13. Bicycle Parking.** The Project shall provide no fewer than **five** Class 1 bicycle parking spaces and **two** Class 2 bicycle parking spaces as required by Planning Code Sections 155.1 and 155.2.

*For information about compliance, contact Code Enforcement, Planning Department at 628.652.7463, [www.sfplanning.org](http://www.sfplanning.org)*

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

*For information about compliance, contact Code Enforcement, Planning Department at 628.652.7463, [www.sfplanning.org](http://www.sfplanning.org)*

## Provisions

- 15. 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 628.652.7366, [www.sfplanning.org](http://www.sfplanning.org)*

- 16. 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)*

- 17. 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 628.652.7366, [www.sfplanning.org](http://www.sfplanning.org)*

- 18. Residential Child Care Impact Fee.** 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 628.652.7366, [www.sfplanning.org](http://www.sfplanning.org)*

- 15. State Density Bonus Regulatory Agreement.** Recipients of development bonuses under this Section 206.6 shall enter into a Regulatory Agreement with the City, as follows.

- A. The terms of the agreement shall be acceptable in form and content to the Planning Director, the Director of MOHCD, and the City Attorney. The Planning Director shall have the authority to execute such agreements.
- B. Following execution of the agreement by all parties, the completed Regulatory Agreement, or memorandum thereof, shall be recorded and the conditions filed and recorded on the Housing Project.
- C. The approval and recordation of the Regulatory Agreement shall take place prior to the issuance of the First Construction Document. The Regulatory Agreement shall be binding to all future owners and successors in interest.
- D. The Regulatory Agreement shall be consistent with the guidelines of the City's Inclusionary Housing Program and shall include at a minimum the following:
  - i. The total number of dwelling units approved for the Housing Project, including the number of restricted affordable units;

- ii. A description of the household income group to be accommodated by the HOME-SF Units, and the standards for determining the corresponding Affordable Rent or Affordable Sales Price. If required by the Procedures Manual, the project sponsor must commit to completing a market survey of the area before marketing restricted affordable units;
- iii. The location, dwelling unit sizes (in square feet), and number of bedrooms of the restricted affordable units;
- iv. Term of use restrictions for the life of the project;
- v. A schedule for completion and occupancy of restricted affordable units;
- vi. A description of any Concession, Incentive, waiver, or modification, if any, being provided by the City;
- vii. A description of remedies for breach of the agreement (the City may identify tenants or qualified purchasers as third-party beneficiaries under the agreement); and
- viii. Other provisions to ensure implementation and compliance with Section 206.6.

*For information about compliance, contact the Case Planner, Planning Department at 415-575-9087, [www.sfplanning.org](http://www.sfplanning.org) or the Mayor's Office of Housing and Community Development at (415) 701-5500, [www.sfmohcd.org](http://www.sfmohcd.org).*

**16. Number of Required Units.** Pursuant to Planning Code Section 415.6, the Project is required to provide 13.5% of the proposed dwelling units as affordable to qualifying households. In addition, the project sponsor has provided one additional unit, or 20% of the base project, to qualify for a 35% density bonus under the State Density Bonus Law. The Project contains 19 units; therefore, three (3) affordable units are required. The Project Sponsor will fulfill this requirement by providing the three 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 (628) 652-7600, [www.sfplanning.org](http://www.sfplanning.org) or the Mayor's Office of Housing and Community Development at (415) 701-5500, [www.sfmohcd.org](http://www.sfmohcd.org).*

**17. Income Levels for Affordable Units.** Pursuant to Planning Code Section 415.3, the Project is required to provide 13.5% of the proposed dwelling units as affordable to qualifying households at a rental rate of 80% of Area Median Income as defined in the Inclusionary Program. The State Density Bonus Law requires that the project provide 20% of the units in the base project to lower income households as defined in the State Law. The affordable units that satisfy both the Density Bonus Law and the Inclusionary Affordable Housing Program shall be sold to lower income households, defined as households earning 80% of AMI in the California Health and Safety Code Section 50105 and/or California Government Code Sections 65915-65918, the State Density Bonus Law. The income table used to determine the rent and income levels for the Density Bonus units shall be the table required by the State Density Bonus Law. If the resultant price or income levels at 80% of AMI under the table required by the State Density Bonus Law are higher than the price and income levels at 80% of AMI under the Inclusionary Affordable Housing Program, the rent and incomes levels shall default to the maximum allowable rent and income levels for affordable units under the Inclusionary Affordable Housing

Program. 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 (628) 652-7600, [www.sfplanning.org](http://www.sfplanning.org) or the Mayor's Office of Housing and Community Development at (415) 701-5500, [www.sfmohcd.org](http://www.sfmohcd.org).*

- 18. Minimum Unit Sizes.** Pursuant to Planning Code Section 415.6, the affordable units shall meet the minimum unit sizes standards established by the California Tax Credit Allocation Committee (TCAC) as of May 16, 2017. One-bedroom units must be at least 450 square feet, two-bedroom units must be at least 700 square feet, and three-bedroom units must be at least 900 square feet. Studio units must be at least 300 square feet pursuant to Planning Code Section 415.6(f)(2). The total residential floor area devoted to the affordable units shall not be less than the applicable percentage applied to the total residential floor area of the principal project, provided that a 10% variation in floor area is permitted.

*For information about compliance, contact the Case Planner, Planning Department at (628) 652-7600, [www.sfplanning.org](http://www.sfplanning.org) or the Mayor's Office of Housing and Community Development at (415) 701-5500, [www.sfmohcd.org](http://www.sfmohcd.org).*

- 19. Notice of Special Restrictions.** 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 (628) 652-7600, [www.sfplanning.org](http://www.sfplanning.org) or the Mayor's Office of Housing and Community Development at (415) 701-5500, [www.sfmohcd.org](http://www.sfmohcd.org).*

- 20. 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 (628) 652-7600, [www.sfplanning.org](http://www.sfplanning.org) or the Mayor's Office of Housing and Community Development at (415) 701-5500, [www.sfmohcd.org](http://www.sfmohcd.org).*

- 21. Expiration of the Inclusionary Rate.** Pursuant to Planning Code Section 415.6(a)(10), if the Project has not obtained a site or building permit within 30 months of Planning Commission Approval of this Motion No. XXXXX, then it is subject to the Inclusionary Affordable Housing Requirements in effect at the time of site or building permit issuance.

- 22. Reduction of On-Site Units after Project Approval.** Pursuant to Planning Code Section 415.5(g)(3), any changes by the project sponsor which result in the reduction of the number of on-site affordable units shall require public notice for hearing and approval from the Planning Commission.

- 23. 20% Below Market Sales Prices.** Pursuant to PC Section 415.6, the maximum affordable sales price shall be no higher than 20% below market sales prices for the neighborhood within which the project is located, which

shall be defined in accordance with the American Community Survey Neighborhood Profile Boundaries Map. MOHCD shall adjust the allowable rents and sales prices, and the eligible households for such units, accordingly, and such potential readjustment shall be a condition of approval upon project entitlement. The City shall review the updated data on neighborhood sales prices on an annual basis.

**24. 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 (628) 652-7600, [www.sfplanning.org](http://www.sfplanning.org) or the Mayor's Office of Housing and Community Development at (415) 701-5500, [www.sfmohcd.org](http://www.sfmohcd.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) be constructed, completed, ready for occupancy and marketed no later than the market rate units, and (2) be evenly distributed throughout the building floor plates; and (3) 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. The affordable units that satisfy both the Density Bonus Law and the Inclusionary Affordable Housing Program shall be sold to lower income households, defined as households earning 80% of AMI in the California Health and Safety Code Section 50105 and/or California Government Code Sections 65915-65918, the State Density Bonus Law. The income table used to determine the rent and income levels for the Density Bonus units shall be the table required by the State Density Bonus Law. If the resultant price or income levels at 80% of AMI under the table required by the State Density Bonus Law are higher than the price and income levels at 80% of AMI under the Inclusionary Affordable Housing Program, the rent and incomes levels shall default to the maximum allowable rent and income levels for affordable units under the Inclusionary Affordable Housing Program. 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'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, including penalties and interest, if applicable.

**19. Fee Requirement.** Pursuant to Planning Code Section 415.5, the Project Sponsor must pay an Affordable Housing Fee at a rate equivalent to the applicable percentage of the number of units in an off-site project needed to satisfy the Inclusionary Affordable Housing Program Requirement for the principal project. The applicable percentage for this project is twenty percent (20%) because it is a project with fewer than 25 total units. The Project Sponsor shall pay the applicable Affordable Housing Fee at the issuance of the first construction document. The Project Sponsor has elected to provide 67% of their Inclusionary requirement by providing on-site units, consistent with the "Combination" alternative included in Section 415.5(g)(1)(D). Therefore, the Project Sponsor is required to satisfy the remaining 33% of the Inclusionary requirement through payment of the Inclusionary Affordable Housing Fee.

*For information about compliance, contact the Case Planner, Planning Department at (628) 652-7600, [www.sfplanning.org](http://www.sfplanning.org) or the Mayor's Office of Housing and Community Development at (415) 701-5500, [www.sfmohcd.org](http://www.sfmohcd.org).*

## Monitoring - After Entitlement

- 20. Enforcement.** Violation of any of the Planning Department conditions of approval contained in this Motion or of any other provisions of Planning Code applicable to this Project shall be subject to the enforcement procedures and administrative penalties set forth under Planning Code Section 176 or Section 176.1. The Planning Department may also refer the violation complaints to other city departments and agencies for appropriate enforcement action under their jurisdiction.

*For information about compliance, contact Code Enforcement, Planning Department at 628.652.7463, [www.sfplanning.org](http://www.sfplanning.org)*

- 21. Revocation due to Violation of Conditions.** Should implementation of this Project result in complaints from interested property owners, residents, or commercial lessees which are not resolved by the Project Sponsor and found to be in violation of the Planning Code and/or the specific conditions of approval for the Project as set forth in Exhibit A of this Motion, the Zoning Administrator shall refer such complaints to the Commission, after which it may hold a public hearing on the matter to consider revocation of this authorization.

*For information about compliance, contact the Case Planner, Planning Department at 628.652.7366, [www.sfplanning.org](http://www.sfplanning.org)*

## Operation

- 22. 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, 628.271.2000, [www.sfpublishworks.org](http://www.sfpublishworks.org)*

- 23. 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 and all registered neighborhood groups for the area with written notice of the name, business address, and telephone number of the community liaison. Should the contact information change, the Zoning Administrator and registered neighborhood groups 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 628.652.7463, [www.sfplanning.org](http://www.sfplanning.org)*

- 24. Group Housing Cooking Facilities.** Pursuant to ZA Interpretation of 209.2(a), effective October 2005, are allowed to have limited kitchen facilities with the following specifications: a small counter space, a small under-counter refrigerator, a small sink, a microwave, and a small two-ring burner. Such limited kitchen facility shall not include any other type of oven, as that would constitute a full kitchen.

*For information about compliance, contact Code Enforcement, Planning Department at 628.652.7463,*

[www.sfplanning.org](http://www.sfplanning.org)



# PLANNING COMMISSION DRAFT MOTION

**HEARING DATE:** July 15, 2021

**Case No.:** 2020-001610SHD  
**Project Address:** 3832 18th Street  
**Zoning:** RM-1(Residential- Mixed, Low Density ) Zoning District  
40-X Height and Bulk District  
**Block/Lots:** 3580/018  
**Project Sponsor:** Mark Loper  
Reuben, Junius & Rose LLP  
One Bush Street #600  
San Francisco, CA 94104  
**Staff Contact:** Jeff Horn – (628) 652-7366  
[Jeffrey.Horn@sfgov.org](mailto:Jeffrey.Horn@sfgov.org)

**ADOPTING FINDINGS WITH THE RECOMMENDATION OF THE RECREATION AND PARK COMMISSION REGARDING WHETHER OR NOT THE NEW SHADOW CAST BY THE PROPOSED PROJECT AT 3832 18TH STREET WILL HAVE A SIGNIFICANT ADVERSE IMPACT ON THE USE OF MISSION DOLORES PARK PURSUANT TO PLANNING CODE SECTION 295 (THE SUNLIGHT ORDINANCE).**

## Preamble

Under Planning Code Section 295, a building permit application for a project exceeding a height of 40 feet cannot be approved if there is any shadow impact on a property under the jurisdiction of the Recreation and Park Department, unless the Planning Commission, upon recommendation from the Recreation and Park Commission, makes a determination that the shadow impact will not be significant or adverse.

On February 7, 1959, the Recreation and Park Commission and the Planning Commission adopted criteria establishing absolute cumulative limits for additional shadows on fourteen parks throughout San Francisco (Planning Commission Resolution No. 11595).

Planning Code Section 295 was adopted in 1985 in response to voter-approved Proposition K, which required Planning Commission disapproval of any structure greater than 40 feet in height that cast a shadow on property under the jurisdiction of the Recreation and Park Department, unless the Planning Commission found the shadow would not be significant. In 1989, the Recreation and Park Commission and Planning Commission jointly adopted

a memorandum which identified quantitative and qualitative criteria for determinations of significant shadows in parks under the jurisdiction of the Recreation and Park Department.

The Proposition K Memorandum established generic criteria for determining a potentially permissible quantitative limit for additional shadows, known as the absolute cumulative limit, for parks not named in the memorandum. Dolores Park was not named in the Proposition K memorandum and, at 14.20 acre (618,561 sf), is considered a large park which is shadowed less than four (4) percent of the time during the year. As such, Proposition K Memorandum recommended that additional shadow of up to 0.001 percent could be potentially permitted if the shadow meets the qualitative criteria of the park. The qualitative criteria includes existing shadow profiles, important times of day and seasons in the year associated with the park's use, the size and duration of new shadows, and the public good served by the buildings casting new shadow. Approval of new shadow on Dolores Park would require hearings at the Recreation and Park Commission and the Planning Commission.

Dolores Park is a public park under the jurisdiction of the Recreation and Park Department (RPD). It is an urban park located in the Castro/Upper Market-Mission neighborhood located on a rectangular site bounded by 20th Street to the south, 18th Street to the north, Church Street to the west and Dolores Street to the east. The stated hours of operation for Dolores Park are from 6:00 am to 10:00 pm, year-round.

Topographically, the rectangular-shaped park features a distinct gradual slope upwards from its northeast corner towards its southwest corner forming a hill and is predominantly unfenced allowing sidewalk and pathway access along each of its frontages. There is a J-Church MUNI stop/platform at the northwest corner of the park, the area of the project shadow, whose railing tracks run along the parks entire eastern edge. Programmatically, the park includes a diversity of uses, including six tennis courts, a basketball court and multi-use court along the northern edge and a children's playground at the southeast corner. The park features a prominent pedestrian pathway that bisects the middle of park and connects to adjacent curvilinear pathways that span the park. The remaining areas are composed of large open expanses of multi-use grass fields and areas used for general user gatherings and picnics.

The proposed project would result in new shadows falling on the park, adding approximately 12,327 annual net new square foot hours (sfh) of shadow and increasing shadow load by +0.001% above current levels, resulting in an increase in the total annual shading from 3.997% to 3.998% of Total Annual Available Sunlight (TAAS). The new shadow resulting from the project would occur from April 20th to August 22nd and would be present for an average for 12.1 minutes, in the summer late afternoon (after 4pm). During these periods, the largest new shadow (based on area) would occur on June 21st at 7:36 pm covering an area of 860 sf, or 0.1% of the park. The maximum shadow coverage would contribute net new shadow to portions of the MUNI stop/platform, pedestrian pathway, and maintenance/utility area.

On July 30, 2020, SIA Consulting Corp, acting on behalf of M-J SF Investments LLC (hereinafter "Project Sponsor") filed Application No. 2020-001610SHD (hereinafter "Application") with the Planning Department (hereinafter "Department") for a Shadow Analysis to construct a six-story, 60-foot tall, residential building (approximately 11,147 gross square feet) with 19 group housing units, a 390-square-foot communal space, 19 Class 1 bicycle parking spaces, and two Class 2 bicycle parking spaces. The Project includes 890 square feet of common open space via a ground floor courtyard and two separate private roof decks at the sixth floor, including a 149 square foot front deck and a 165 square foot rear deck. The building's rooftop stair and mechanical penthouses would add an additional eight feet of height above the roof, and the elevator shaft will rise six feet above the roof, these



features are centrally located toward the middle of the roof plan (hereinafter "Project") at 3832 18th Street, Block 3580 and Lot 018 (hereinafter "Project Site"). The Project is located within the RM-1 (Residential-Mixed, Low Density) Zoning District and a 40-X Height and Bulk District.

On an annual basis, the Theoretical Annual Available Sunlight ("TAAS") on Dolores Park is approximately 409,342,836 square-foot hours of sunlight. Existing structures in the area cast shadows on Dolores Park that total approximately 92,010,192 square-foot hours, or approximately 3.997% of the TAAS.

A shadow analysis report, prepared by Prevision Design, was submitted on March 29, 2021, analyzing the potential shadow impacts of the Project to properties under the jurisdiction of the Recreation and Parks Department (Record No. 2020-001610SHD). The memorandum concluded that the Project would cast approximately 12,327 square-foot hours of new shadow on Dolores Park, equal to approximately 0.001% of the TAAS on Dolores Park, bringing the estimated total annual shading of the Park as a percentage of TAAS to 3.998% (previously at 3.997%).

On May 7, 2021, 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.

The Planning Department Commission Secretary is the custodian of records; the File for Case No. 2020-001610SHD is located at 49 South Van Ness Avenue, Suite 1400, San Francisco, California.

On July 15, 2021, the San Francisco Planning Commission (hereinafter "Commission") conducted a duly noticed public hearing at a regularly scheduled meeting on Shadow Analysis Application No. 2020-001610SHD.

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.

## 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. The additional shadow cast by the Project would not be adverse and is not expected to interfere with the use of the Park for the following reasons:
  - a. The magnitude of the additional shadow is well below one percent of TAAS on an annual basis, and amounts to a reasonable and small loss of sunlight for a park in an area of intended for increased building heights and residential density.
  - b. When present, the new shadow would occur in the late afternoon entering the park after 4:00 pm when lower levels of weekday and weekend use were observed relative to the peak usage time around noon, with the average duration of the net new shadow being 12 minutes, and never exceeding 22 minutes.
  - c. Shading from the Project would be cast over the top of intervening buildings, which already cast shadows on the park.
  - e. No single location within the park would be in continuous new shadow for longer than 15 minutes.
3. **Public Outreach and Comment.** On July 7, 2020, the Project Sponsor held a virtual pre-application meeting as required by the Planning Department. Prior to the publishing of the case report, 30 public correspondences were received that included inquiries and concerns about the project's construction noise, the building's height and massing and resulting impacts to mid-block open space, and the increased density and the group housing use. Nine correspondences were received in support of the project's proposed density and Group Housing residential use type.

The Project Sponsor has twice met with a group of neighborhood representatives, which includes a meeting facilitated by District 8 Supervisor Mandelman's office. In the second meeting and follow-up correspondence, the members of the neighborhood recommended project modifications; including a reduction of floor-to-floor ceiling heights, a reduction in height and lengthening of the building, and a relocation of the project's communal area and bicycle parking into a basement level to allow for additional area to accommodate residential units. The Project Sponsor responded to those recommendation directly and within the Sponsor's Brief dated July 6<sup>th</sup> 2021.

4. A determination by the Planning Commission and the Recreation and Park Commission to allocate new shadow to the Project does not constitute an approval of the Project.

## 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 **DETERMINES**, under Shadow Analysis Application No. 2020-001610SHD that the net new shadow cast by the Project on Mission Dolores Park will not be adverse to the use of Mission Dolores Park.

I hereby certify that the Planning Commission ADOPTED the foregoing Motion on July 15, 2021.

Jonas P. Ionin  
*Commission Secretary*

AYES:

NAYS:

ABSENT:

RECUSE:

ADOPTED:









PROJECT NAME

**3832 18th St.**  
San Francisco, CA



SHEET TITLE

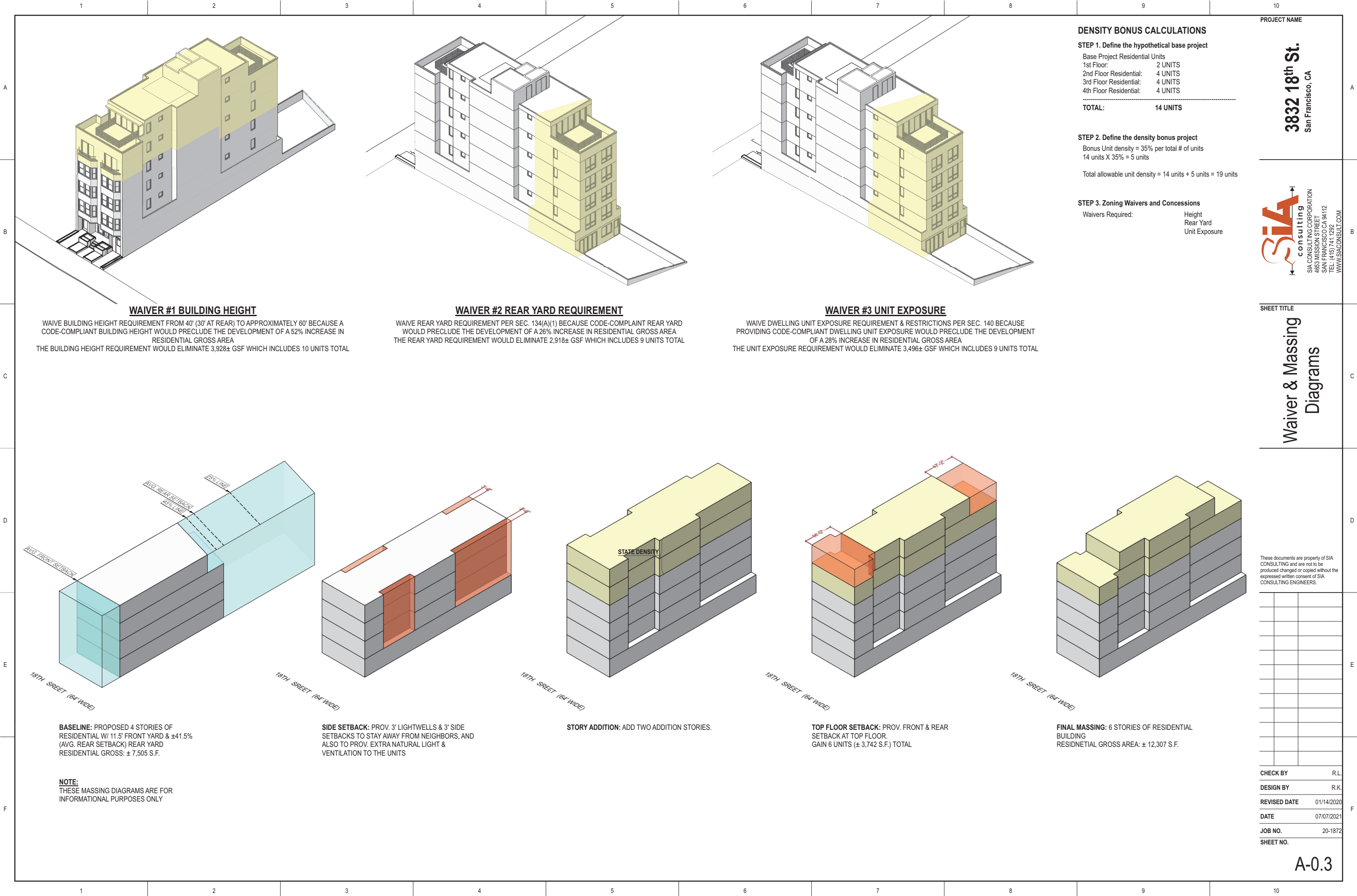
**Vicinity Map / Site  
Photos**

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CHECK BY	R.L.
DESIGN BY	R.K.
REVISED DATE	01/14/2020
DATE	07/07/2021
JOB NO.	20-1872
SHEET NO.	

A-0.2





PROJECT NAME  
**3832 18th St.**  
San Francisco, CA

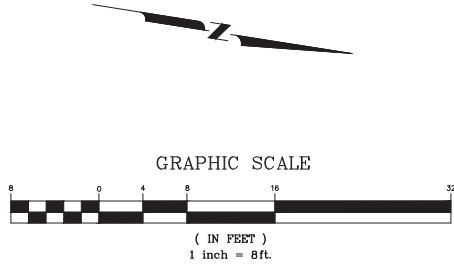
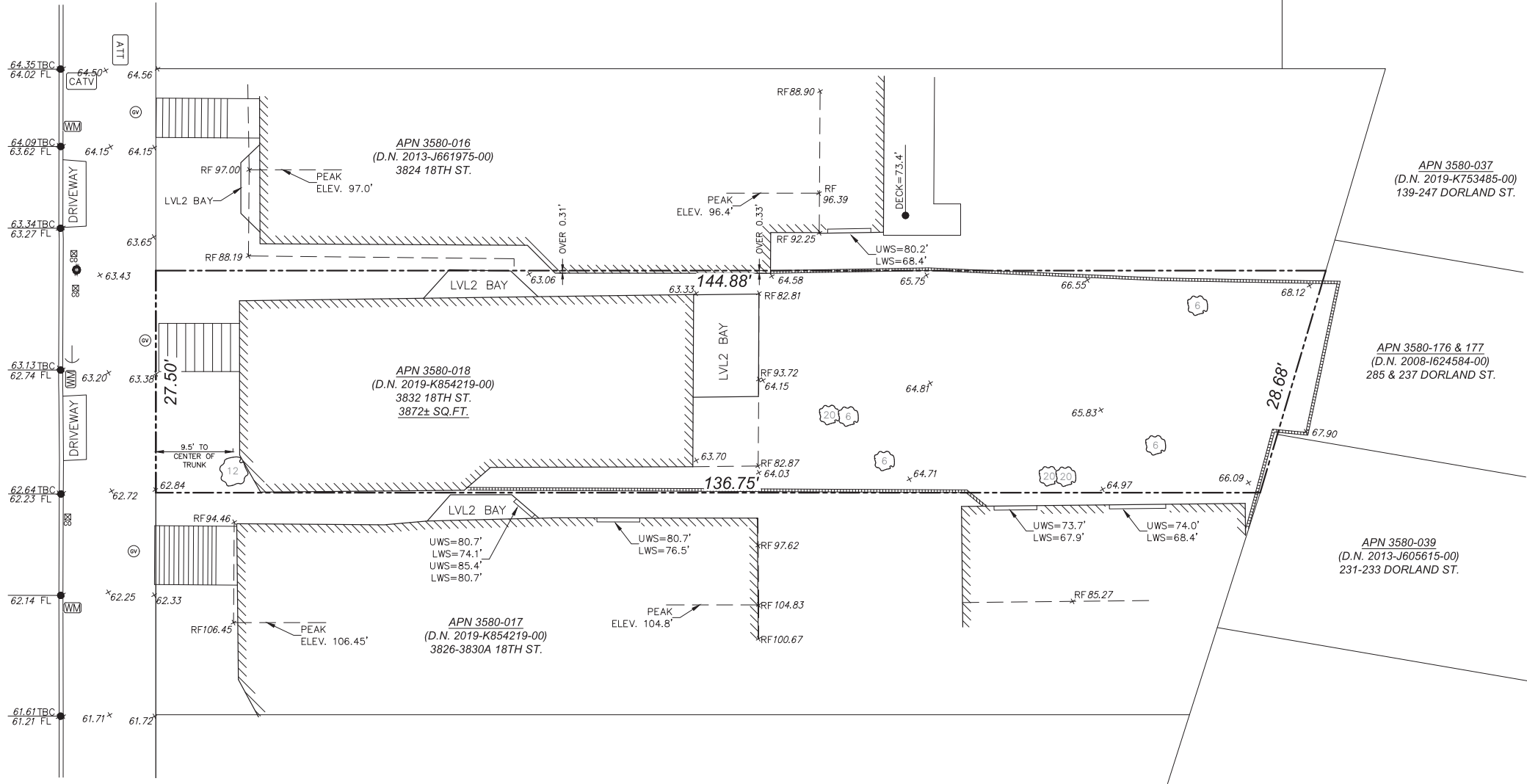
**SIA consulting**  
SIA CONSULTING CORPORATION  
4663 MISSION STREET  
SAN FRANCISCO CA 94112  
TEL: (415) 741.1292  
WWW.SIACONSULT.COM

SHEET TITLE  
**Waiver & Massing  
Diagrams**

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CHECK BY	R.L.
DESIGN BY	R.K.
REVISED DATE	01/14/2020
DATE	07/07/2021
JOB NO.	20-1872
SHEET NO.	

18TH STREET (64' WIDE)



LEGEND

- PROPERTY LINE
- ROOF LINE
- WOOD FENCE
- /// BUILDING FOOTPRINT
- CONCRETE WALL
- UTILITY POLE
- SANITARY SEWER CLEANOUT
- TREE WITH DIA. IN INCHES
- WATER VALVE
- WATER METER
- RF ROOF
- TBC TOP BACK OF CURB
- TF TOP OF FENCE
- LWS LOWER WINDOW SEAL
- UWS UPPER WINDOW SEAL
- x 62.84 SPOT ELEVATION
- GAS VALVE
- GUY WIRE
- ATT AT&T BOX
- CATV CABLE TV BOX

BOUNDARY NOTE:

BOUNDARY INFORMATION SHOWN HEREON IS FOR PLANNING PURPOSES ONLY. PROPERTY AND RIGHT-OF-WAY LINES SHOWN HEREON ARE BASED ON RECORD DATA AND EXISTING IMPROVEMENTS AND ARE NOT INTENDED TO BE A FINAL BOUNDARY SURVEY OF THE PROPERTY WHICH REQUIRES FILING A RECORD OF SURVEY OR SUBDIVISION MAP WITH THE COUNTY RECORDER. NO PROPERTY LINES OR CORNERS WERE SET ON THIS SURVEY.

GENERAL NOTES:

- ALL DISTANCES ARE IN DECIMAL FEET UNLESS OTHERWISE NOTED.
- ALL ANGLES ARE AT 90° UNLESS OTHERWISE NOTED.
- THIS MAP REPRESENTS THE SITE CONDITIONS ON DATE OF FIELD SURVEY. NOVEMBER 26, 2019.
- ELEVATIONS ARE BASED UPON SAN FRANCISCO CITY DATUM (SFVD13). BENCHMARK NO. 11682. ELEVATION 88.636.

SURVEYOR'S STATEMENT

THIS MAP WAS PREPARED BY ME OR UNDER MY DIRECTION AND IS BASED UPON A FIELD SURVEY AT THE REQUEST OF M-J SF INVESTMENTS, LLC IN NOVEMBER 2019.

BY: *Daniel J. Westover*  
DANIEL J. WESTOVER, L.S. 1779

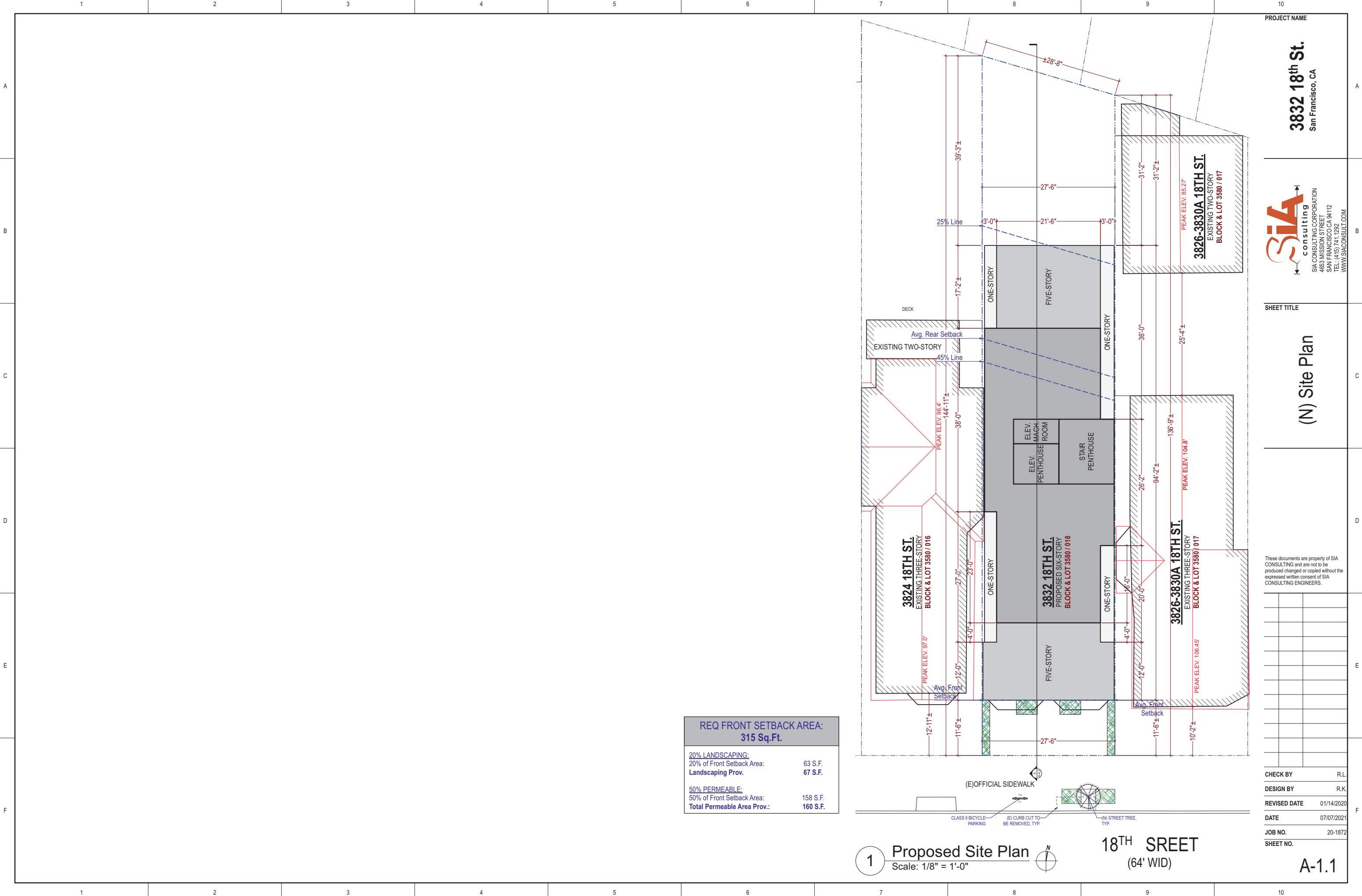
DATE: 6/14/2021

NO.	DATE	COMMENTS	JOB NO.
1.	6/14/21	added tree and signs at front, utilities on adjoining lot	19072

SITE SURVEY
3832 18TH STREET LOT 018 OF ASSESSORS BLOCK 3580, CITY AND COUNTY OF SAN FRANCISCO, CALIFORNIA

SHEET

1  
OF  
1













PROJECT NAME  
**3832 18th St.**  
San Francisco, CA

**SIA** consulting  
SIA CONSULTING CORPORATION  
4653 MISSION STREET  
SAN FRANCISCO CA 94112  
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SHEET TITLE  
**Proposed 1 - 4  
Floor Plans**

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DESIGN BY	R.K.
REVISED DATE	01/14/2020
DATE	07/07/2021
JOB NO.	20-1872
SHEET NO.	

A-2.1





2 Proposed Rear Elevation (South)  
Scale: 3/16" = 1'-0"

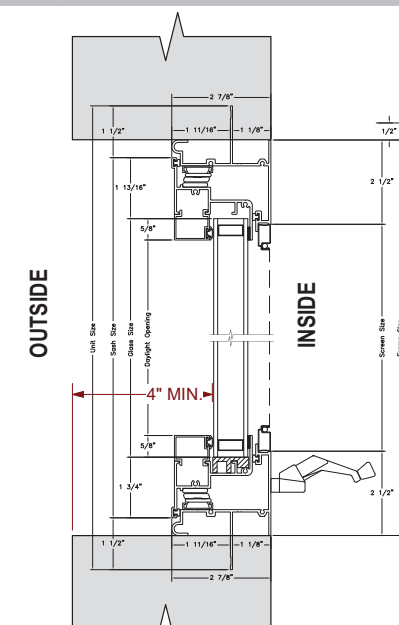
### FACADE MATERIALS KEY NOTES:

- 01 WOOD TRIM, TYP.
- 02 HIGH QUALITY SMOOTH STUCCO, TYP.
- 03 HORIZONTAL SIDING, TYP.
- 04 SMOOTH CONCRETE BLIND WALL, TYP.
- 05 CONTROL JOINTS, TYP.
- 06 PAINTED METAL / GLASS GUARDRAILS,  
PROV. 42" HIGH BARRIER, TYP.
- 07 ALUMINUM CLAD WOOD WINDOW, W/  
DARK ANODIZED FINISH, TYP.
- 08 ALUMINUM CLAD PATIO DOOR W/ CLR.  
GLASS, TYP.
- 09 SOLID ENTRY DOOR

**NOTE:**  
PROJECT TO COMPLY WITH BIRD SAFE  
GLAZING REQ. PER PLANNING CODE  
SEC.139



1 Proposed Front Elevation (North)  
Scale: 3/16" = 1'-0"



### Windows Typical Detail

PROJECT NAME

**3832 18<sup>th</sup> St.**



SHEET TITLE

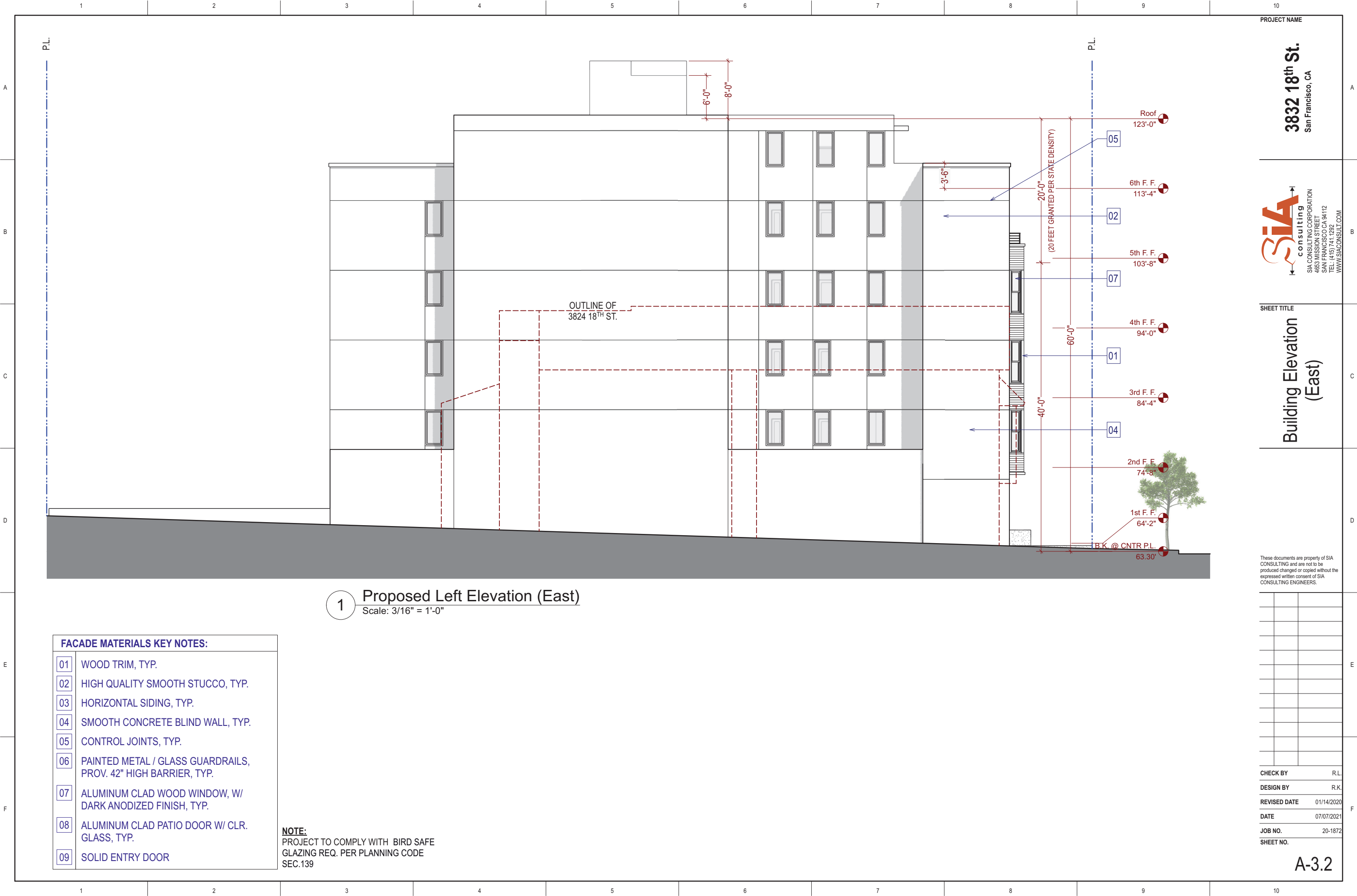
Building Elevations  
(North & South)

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[illegible]

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DATE	07/07/2021
JOB NO.	20-187
SHEET NO.	

### A-3.1



1 Proposed Left Elevation (East)  
Scale: 3/16" = 1'-0"

FACADE MATERIALS KEY NOTES:	
01	WOOD TRIM, TYP.
02	HIGH QUALITY SMOOTH STUCCO, TYP.
03	HORIZONTAL SIDING, TYP.
04	SMOOTH CONCRETE BLIND WALL, TYP.
05	CONTROL JOINTS, TYP.
06	PAINTED METAL / GLASS GUARDRAILS, PROV. 42" HIGH BARRIER, TYP.
07	ALUMINUM CLAD WOOD WINDOW, W/ DARK ANODIZED FINISH, TYP.
08	ALUMINUM CLAD PATIO DOOR W/ CLR. GLASS, TYP.
09	SOLID ENTRY DOOR

**NOTE:**  
PROJECT TO COMPLY WITH BIRD SAFE  
GLAZING REQ. PER PLANNING CODE  
SEC.139

PROJECT NAME

3832 18th St.  
San Francisco, CA



SHEET TITLE

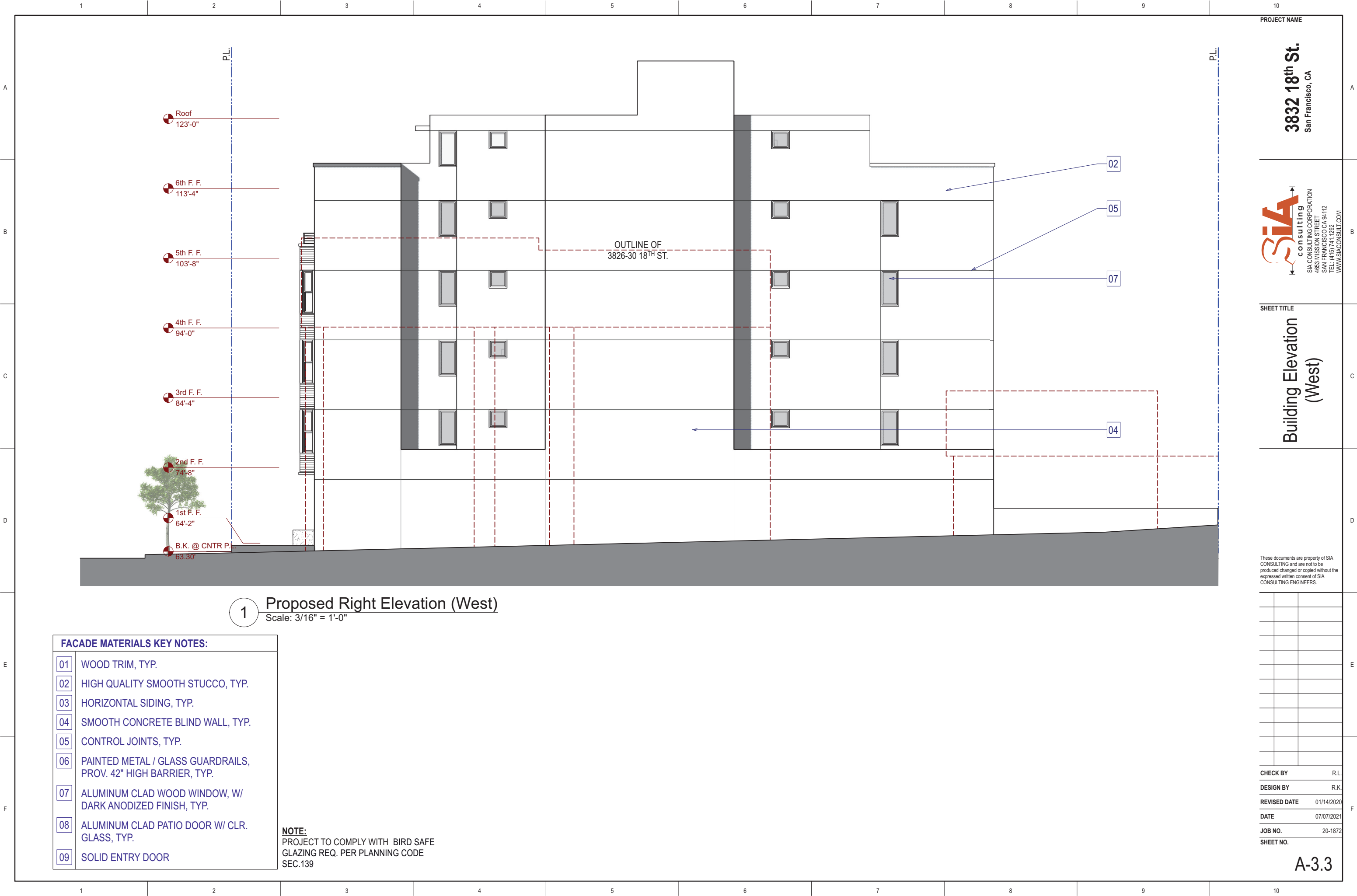
Building Elevation  
(East)

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DATE	07/07/2021
JOB NO.	20-1872
SHEET NO.	

A-3.2





1 Proposed Right Elevation (West)  
Scale: 3/16" = 1'-0"

FACADE MATERIALS KEY NOTES:	
01	WOOD TRIM, TYP.
02	HIGH QUALITY SMOOTH STUCCO, TYP.
03	HORIZONTAL SIDING, TYP.
04	SMOOTH CONCRETE BLIND WALL, TYP.
05	CONTROL JOINTS, TYP.
06	PAINTED METAL / GLASS GUARDRAILS, PROV. 42" HIGH BARRIER, TYP.
07	ALUMINUM CLAD WOOD WINDOW, W/ DARK ANODIZED FINISH, TYP.
08	ALUMINUM CLAD PATIO DOOR W/ CLR. GLASS, TYP.
09	SOLID ENTRY DOOR

**NOTE:**  
PROJECT TO COMPLY WITH BIRD SAFE  
GLAZING REQ. PER PLANNING CODE  
SEC.139

PROJECT NAME

3832 18th St.  
San Francisco, CA

**SIA** consulting  
SIA CONSULTING CORPORATION  
4653 MISSION STREET  
SAN FRANCISCO CA 94112  
TEL: (415) 741.1292  
WWW.SIACONSULT.COM

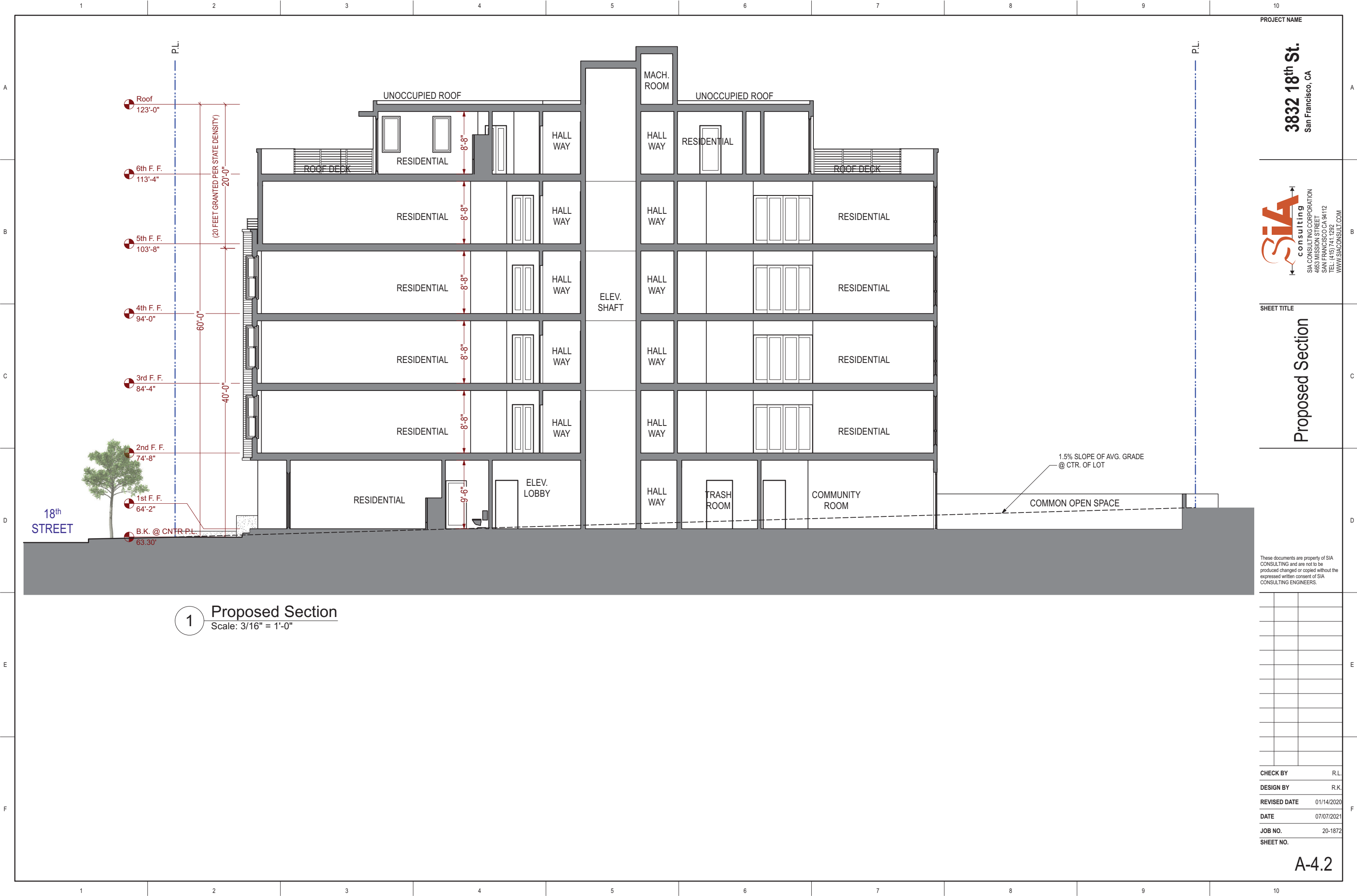
SHEET TITLE

Building Elevation  
(West)

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DATE	07/07/2021
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SHEET NO.	

A-3.3



1 Proposed Section  
Scale: 3/16" = 1'-0"

PROJECT NAME  
**3832 18th St.**  
San Francisco, CA

**SIA** consulting  
SIA CONSULTING CORPORATION  
4663 MISSION STREET  
SAN FRANCISCO CA 94112  
TEL: (415) 741.1292  
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SHEET TITLE  
**Proposed Section**

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DATE	07/07/2021
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SHEET NO.	

A-4.2













- 01 CLOSET / STORAGE  
02 BATHROOM  
03 KITCHEN  
04 ENTERTAINMENT  
05 SOFA / MURPHY BED



PROJECT NAME

**3832 18<sup>th</sup> St.**  
San Francisco, CA



**SHEET TITLE**

## Interior Rendering -Ground Floor Unit

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[illegible]

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DESIGN BY R.K.

REVISED DATE	01/14/2020
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DATE	06/25/2021
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JOB NO. 20-1872

**SHEET NO.**

A-5.3



A

B

C

D

E

F



REAR YARD

- 01 FOYER
- 02 KITCHEN
- 03 ENTERTAINMENT
- 04 SOFA

PROJECT NAME  
**3832 18th St.**  
San Francisco, CA

**SIA** consulting  
SIA CONSULTING CORPORATION  
4653 MISSION STREET  
SAN FRANCISCO CA 94112  
TEL: (415) 741.1292  
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SHEET TITLE  
**Interior Rendering -  
Community Room**

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DESIGN BY	R.K.
REVISED DATE	01/14/2020
DATE	07/07/2021
JOB NO.	20-1872
SHEET NO.	

A-5.4









## CEQA Exemption Determination

### PROPERTY INFORMATION/PROJECT DESCRIPTION

<b>Project Address</b>		<b>Block/Lot(s)</b>
3832 18TH ST		3580018
<b>Case No.</b>		<b>Permit No.</b>
2020-001610ENV		202008312955
<input type="checkbox"/> <b>Addition/ Alteration</b>	<input checked="" type="checkbox"/> <b>Demolition (requires HRE for Category B Building)</b>	<input checked="" type="checkbox"/> <b>New Construction</b>
<b>Project description for Planning Department approval.</b> The project sponsor proposes the demolition of the approximately 25-foot-tall, two-story, single-family residence and construction of a 60-foot-tall (68-foot-tall with elevator penthouse), six-story, residential building containing 19 group housing units. The proposed building would be approximately 11,147 gross square feet in size and would provide 890 square feet of common open space at the ground floor and 314 square feet of private open space at the 6th floor. The project would not provide off-street vehicular parking. The project proposes to use the state density bonus program.		

### STEP 1: EXEMPTION TYPE

<b>The project has been determined to be exempt under the California Environmental Quality Act (CEQA).</b>	
<input type="checkbox"/>	<b>Class 1 - Existing Facilities.</b> Interior and exterior alterations; additions under 10,000 sq. ft.
<input type="checkbox"/>	<b>Class 3 - New Construction.</b> Up to three new single-family residences or six dwelling units in one building; commercial/office structures; utility extensions; change of use under 10,000 sq. ft. if principally permitted or with a CU.
<input checked="" type="checkbox"/>	<b>Class 32 - In-Fill Development.</b> New Construction of seven or more units or additions greater than 10,000 sq. ft. and meets the conditions described below: (a) The project is consistent with the applicable general plan designation and all applicable general plan policies as well as with applicable zoning designation and regulations. (b) The proposed development occurs within city limits on a project site of no more than 5 acres substantially surrounded by urban uses. (c) The project site has no value as 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. (e) The site can be adequately served by all required utilities and public services. <b>FOR ENVIRONMENTAL PLANNING USE ONLY</b>
<input type="checkbox"/>	<b>Other</b> ____
<input type="checkbox"/>	<b>Common Sense Exemption (CEQA Guidelines section 15061(b)(3)).</b> It can be seen with certainty that there is no possibility of a significant effect on the environment. <b>FOR ENVIRONMENTAL PLANNING USE ONLY</b>



## STEP 2: ENVIRONMENTAL SCREENING ASSESSMENT

### TO BE COMPLETED BY PROJECT PLANNER

<input type="checkbox"/>	<b>Air Quality:</b> Would the project add new sensitive receptors (specifically, schools, day care facilities, hospitals, residential dwellings, and senior-care facilities within an Air Pollution Exposure Zone? Does the project have the potential to emit substantial pollutant concentrations (e.g. use of diesel construction equipment, backup diesel generators, heavy industry, diesel trucks, etc.)? <i>(refer to The Environmental Information tab on the San Francisco Property Information Map)</i>
<input type="checkbox"/>	<b>Hazardous Materials:</b> <input type="checkbox"/> <b>Maher</b> or <input type="checkbox"/> <b>Cortese</b> If the project site is located on the Maher map or is suspected of containing hazardous materials (based on a previous use such as gas station, auto repair, dry cleaners, or heavy manufacturing, or a site with underground storage tanks): Would the project involve 50 cubic yards or more of soil disturbance - or a change of use from industrial to residential? <b>Note that a categorical exemption shall not be issued for a project located on the Cortese List if box is checked, note below whether the applicant has enrolled in or received a waiver from the San Francisco Department of Public Health (DPH) Maher program, or if Environmental Planning staff has determined that hazardous material effects would be less than significant. (refer to The Environmental Information tab on the San Francisco Property Information Map)</b>
<input type="checkbox"/>	<b>Transportation:</b> Does the project involve a child care facility or school with 30 or more students, or a location 1,500 sq. ft. or greater? Does the project have the potential to adversely affect transit, pedestrian and/or bicycle safety (hazards) or the adequacy of nearby transit, pedestrian and/or bicycle facilities? Would the project involve the intensification of or a substantial increase in vehicle trips at the site due to autonomous vehicle or for-hire vehicle fleet maintenance, operations or charging?
<input checked="" type="checkbox"/>	<b>Archeological Resources:</b> Would the project result in soil disturbance/modification greater than two (2) feet below grade in an archeological sensitive area or eight (8) feet in a non-archeological sensitive area? If yes, archeology review is required.
<input type="checkbox"/>	<b>Subdivision/Lot Line Adjustment:</b> Does the project site involve a subdivision or lot line adjustment on a lot with a slope average of 20% or more? <i>(refer to The Environmental Information tab on the San Francisco Property Information Map)</i> <b>If box is checked, Environmental Planning must issue the exemption.</b>
<input type="checkbox"/>	<b>Average Slope of Parcel = or &gt; 25%, or site is in Edgehill Slope Protection Area or Northwest Mt. Sutro Slope Protection Area:</b> Does the project involve any of the following: (1) New building construction, except one-story storage or utility occupancy, (2) horizontal additions, if the footprint area increases more than 50%, or (3) horizontal and vertical additions increase more than 500 square feet of new projected roof area? <i>(refer to The Environmental Planning tab on the San Francisco Property Information Map)</i> <b>If box is checked, a geotechnical report is likely required and Environmental Planning must issue the exemption.</b>
<input checked="" type="checkbox"/>	<b>Seismic Hazard:</b> <input type="checkbox"/> <b>Landslide</b> or <input checked="" type="checkbox"/> <b>Liquefaction Hazard Zone:</b> Does the project involve any of the following: (1) New building construction, except one-story storage or utility occupancy, (2) horizontal additions, if the footprint area increases more than 50%, (3) horizontal and vertical additions increase more than 500 square feet of new projected roof area, or (4) grading performed at a site in the landslide hazard zone? <i>(refer to The Environmental tab on the San Francisco Property Information Map)</i> <b>If box is checked, a geotechnical report is required and Environmental Planning must issue the exemption.</b>
<b>Comments and Planner Signature (optional):</b> PLEASE SEE ATTACHED	

**STEP 3: PROPERTY STATUS - HISTORIC RESOURCE**  
**TO BE COMPLETED BY PROJECT PLANNER**

<b>PROPERTY IS ONE OF THE FOLLOWING:</b> <i>(refer to Property Information Map)</i>	
<input type="checkbox"/>	<b>Category A:</b> Known Historical Resource. <b>GO TO STEP 5.</b>
<input checked="" type="checkbox"/>	<b>Category B:</b> Potential Historical Resource (over 45 years of age). <b>GO TO STEP 4.</b>
<input type="checkbox"/>	<b>Category C:</b> Not a Historical Resource or Not Age Eligible (under 45 years of age). <b>GO TO STEP 6.</b>

**STEP 4: PROPOSED WORK CHECKLIST**  
**TO BE COMPLETED BY PROJECT PLANNER**

<b>Check all that apply to the project.</b>	
<input type="checkbox"/>	1. <b>Change of use and new construction.</b> Tenant improvements not included.
<input type="checkbox"/>	2. <b>Regular maintenance or repair</b> to correct or repair deterioration, decay, or damage to building.
<input type="checkbox"/>	3. <b>Window replacement</b> that meets the Department's <i>Window Replacement Standards</i> . Does not include storefront window alterations.
<input type="checkbox"/>	4. <b>Garage work.</b> A new opening that meets the <i>Guidelines for Adding Garages and Curb Cuts</i> , and/or replacement of a garage door in an existing opening that meets the Residential Design Guidelines.
<input type="checkbox"/>	5. <b>Deck, terrace construction, or fences</b> not visible from any immediately adjacent public right-of-way.
<input type="checkbox"/>	6. <b>Mechanical equipment installation</b> that is not visible from any immediately adjacent public right-of-way.
<input type="checkbox"/>	7. <b>Dormer installation</b> that meets the requirements for exemption from public notification under <i>Zoning Administrator Bulletin No. 3: Dormer Windows</i> .
<input type="checkbox"/>	8. <b>Addition(s)</b> that are not visible from any immediately adjacent public right-of-way for 150 feet in each direction; does not extend vertically beyond the floor level of the top story of the structure or is only a single story in height; does not have a footprint that is more than 50% larger than that of the original building; and does not cause the removal of architectural significant roofing features.
<b>Note: Project Planner must check box below before proceeding.</b>	
<input checked="" type="checkbox"/>	Project is not listed. <b>GO TO STEP 5.</b>
<input type="checkbox"/>	Project <b>does not conform</b> to the scopes of work. <b>GO TO STEP 5.</b>
<input type="checkbox"/>	Project involves <b>four or more</b> work descriptions. <b>GO TO STEP 5.</b>
<input type="checkbox"/>	Project involves <b>less than four</b> work descriptions. <b>GO TO STEP 6.</b>

**STEP 5: ADVANCED HISTORICAL REVIEW**  
**TO BE COMPLETED BY PRESERVATION PLANNER**

<b>Check all that apply to the project.</b>	
<input checked="" type="checkbox"/>	1. <b>Reclassification of property status.</b> <i>(Attach HRER Part I)</i> <div style="display: flex; justify-content: space-between; align-items: flex-start; margin-top: 10px;"> <div style="width: 45%;"> <input type="checkbox"/> Reclassify to Category A  a. Per HRER 05/07/2021  b. Other <i>(specify)</i>: </div> <div style="width: 45%; text-align: right;"> <input checked="" type="checkbox"/> Reclassify to Category C  <i>(No further historic review)</i> </div> </div>
<input type="checkbox"/>	2. Project involves a <b>known historical resource (CEQA Category A)</b> as determined by Step 3 and conforms entirely to proposed work checklist in Step 4.
<input type="checkbox"/>	3. <b>Interior alterations to publicly accessible spaces that do not</b> remove, alter, or obscure <b>character defining features.</b>
<input type="checkbox"/>	4. <b>Window replacement</b> of original/historic windows that are not "in-kind" but are consistent with existing historic character.
<input type="checkbox"/>	5. <b>Façade/storefront alterations</b> that do not remove, alter, or obscure character-defining features.

<input type="checkbox"/>	6. <b>Raising the building</b> in a manner that does not remove, alter, or obscure character-defining features.
<input type="checkbox"/>	7. <b>Restoration</b> based upon documented evidence of a building's historic condition, such as historic photographs, plans, physical evidence, or similar buildings.
<input type="checkbox"/>	8. <b>Work consistent</b> with the <i>Secretary of the Interior Standards for the Treatment of Historic Properties</i> (Analysis required):
<input type="checkbox"/>	9. <b>Work compatible</b> with a historic district (Analysis required):
<input type="checkbox"/>	10. <b>Work that would not materially impair</b> a historic resource (Attach HRER Part II).
<b>Note: If ANY box in STEP 5 above is checked, a Preservation Planner MUST sign below.</b>	
<input checked="" type="checkbox"/>	<b>Project can proceed with exemption review.</b> The project has been reviewed by the Preservation Planner and can proceed with exemption review. <b>GO TO STEP 6.</b>
Comments (optional):	
Preservation Planner Signature: Charles Enchill	

**STEP 6: EXEMPTION DETERMINATION**  
**TO BE COMPLETED BY PROJECT PLANNER**

<input checked="" type="checkbox"/>	No further environmental review is required. The project is exempt under CEQA. There are no unusual circumstances that would result in a reasonable possibility of a significant effect.	
	Project Approval Action:	Signature:
	Planning Commission Hearing	
	<p>Once signed or stamped and dated, this document constitutes an exemption pursuant to CEQA Guidelines and Chapter 31 of the Administrative Code.</p> <p>In accordance with Chapter 31 of the San Francisco Administrative Code, an appeal of an exemption determination to the Board of Supervisors can only be filed within 30 days of the project receiving the approval action.</p> <p>Please note that other approval actions may be required for the project. Please contact the assigned planner for these approvals.</p>	

## **Step 2: Environmental Screening Comments**

**Geology and Soils:** A preliminary geotechnical report was prepared by Rockridge Geotechnical (dated 6/26/2020), confirming that the proposed project is on a site subject to liquefaction. The project's structural drawings would be reviewed by the building department, where it would be determined if further geotechnical review and technical reports are required.

**Archeological Resources:** The department's staff archeologist conducted preliminary archeological review on 12/16/2020 and determined that no CEQA-significant archeological resources are expected within project-affected soils.

**Traffic:** The department's transportation staff reviewed the proposed project on 2/26/2020 and determined that additional transportation review is not required.

**Noise:** The project would use typical construction equipment that would be regulated by Article 29 of the Police Code (section 2907, Construction Equipment). No impact pile driving or nighttime construction is required. Construction vibration would not be anticipated to affect adjacent buildings. The proposed project would not generate sufficient vehicle trips to noticeably increase ambient noise levels, and the project's fixed noise sources, such as heating, ventilation, and air conditioning systems, would be subject to noise limits in Article 29 of the Police Code (section 2909, Noise Limits).

**Air Quality:** The proposed project's construction would be subject to the Dust Control Ordinance (Article 22B of the Health Code). The proposed land uses are below the Bay Area Air Quality Management District's construction and operational screening levels for requiring further quantitative criteria air pollutant analysis. The project site is not located within an air pollutant exposure zone. Thus, no significant construction or operational air quality impacts would occur.

**Water Quality:** The project's construction activities are required to comply with the Construction Site Runoff Ordinance (Public Works Code, article 2.4, section 146). The project sponsor would be required to implement best management practices to prevent construction site runoff discharges into the combined or separate sewer systems. Stormwater and wastewater discharged from the project site during operations would flow to the City's combined sewer system and be treated to the standards in the City's National Pollution Discharge Elimination System permit.

**Natural Habitat:** The project site, which currently contains a building, is located within a developed urban area. The project site has no significant riparian corridors, estuaries, marshes, wetlands, or any other potential wildlife habitat that might contain endangered, rare or threatened species. Thus, the project site has no value as habitat for rare, threatened, or endangered species.

**Public Notice:** A "Notification of Project Receiving Environmental Review" was mailed on November 5, 2020 to adjacent occupants and owners of buildings within 300 feet of the project site and to the Castro/Upper Market neighborhood group list.

Please see last page of this document for additional comments.



## STEP 7: MODIFICATION OF A CEQA EXEMPT PROJECT

### TO BE COMPLETED BY PROJECT PLANNER

In accordance with Chapter 31 of the San Francisco Administrative Code, when a California Environmental Quality Act (CEQA) exempt project changes after the Approval Action and requires a subsequent approval, the Environmental Review Officer (or his or her designee) must determine whether the proposed change constitutes a substantial modification of that project. This checklist shall be used to determine whether the proposed changes to the approved project would constitute a "substantial modification" and, therefore, be subject to additional environmental review pursuant to CEQA.

### MODIFIED PROJECT DESCRIPTION

Modified Project Description:

### DETERMINATION IF PROJECT CONSTITUTES SUBSTANTIAL MODIFICATION

Compared to the approved project, would the modified project:

- |                          |  |
|--------------------------|--|
| <input type="checkbox"/> | Result in expansion of the building envelope, as defined in the Planning Code;   |
| <input type="checkbox"/> | Result in the change of use that would require public notice under Planning Code Sections 311 or 312;  |
| <input type="checkbox"/> | Result in demolition as defined under Planning Code Section 317 or 19005(f)?   |
| <input type="checkbox"/> | Is any information being presented that was not known and could not have been known at the time of the original determination, that shows the originally approved project may no longer qualify for the exemption? |

**If at least one of the above boxes is checked, further environmental review is required.**

### DETERMINATION OF NO SUBSTANTIAL MODIFICATION

- |                          |   |
|--------------------------|---|
| <input type="checkbox"/> | The proposed modification would not result in any of the above changes. |
|--------------------------|---|

If this box is checked, the proposed modifications are exempt under CEQA, in accordance with prior project approval and no additional environmental review is required. This determination shall be posted on the Planning Department website and office and mailed to the applicant, City approving entities, and anyone requesting written notice. In accordance with Chapter 31, Sec 31.08j of the San Francisco Administrative Code, an appeal of this determination can be filed to the Environmental Review Officer within 10 days of posting of this determination.

**Planner Name:**

**Date:**



## PART I Historic Resource Evaluation Response

*Record No.:* **2020-001610ENV**  
*Project Address:* **3832 18<sup>th</sup> Street**  
*Zoning:* RM-1 - Residential- Mixed, Low Density Zoning District  
40-X Height and Bulk District  
*Block/Lot:* 3580/018  
*Staff Contact:* Charles Enchill – 628-652-7551  
Charles.enchill@sfgov.org

### PART I: Historic Resource Evaluation

#### PROJECT SPONSOR SUBMITTAL

To assist in the evaluation of the proposed project, the Project Sponsor has submitted a:

- ☐ Supplemental Information for Historic Resource Determination Form (HRD)  
☒ Consultant-prepared Historic Resource Evaluation (HRE)  
Prepared by: Page & Turnbull (P&T), Historic Resource Evaluation (June, 2020)

Staff consensus with Consultant's HRE report: ☒ Agree ☐ Disagree

#### BUILDINGS AND PROPERTY DESCRIPTION

**Neighborhood:** Castro/Upper Market  
**Date of Construction:** 1898  
**Construction Type:** Wood-Frame  
**Architect:** Benjamin R. Van Dusen  
**Builder:** Thomas B. Goodwin

**Stories:** 1-over-basement and garage  
**Roof Form:** Front gable  
**Cladding:** Asbestos siding; wood horizontal siding  
**Primary Façade:** 18<sup>th</sup> Street (South)  
**Visible Facades:** South elevation

**EXISTING PROPERTY PHOTOS / CURRENT CONDITIONS**

Sources: HRE 2020

**PRE-EXISTING HISTORIC RATING / SURVEY**

- ☐ Category A – Known Historic Resource, per: \_\_\_\_\_
- ☒ Category B – Age Eligible/Historic Status Unknown
- ☐ Category C – Not Age Eligible / No Historic Resource Present, per: \_\_\_\_\_

The subject property was previously included as part of the Revised Mission Dolores Neighborhood Survey in 2009, and was determined not to be a contributing property to the Mission Dolores Neighborhood 1906 Fire Survivors and Reconstruction Historic District, which is currently under review by the Department. However, the subject property was not individually evaluated. The survey area is roughly bound by Market Street and Central Freeway (north), Valencia Street (east), 20th Street (south), Sanchez and Church Streets (west).

Adjacent or Nearby Historic Resources: ☐ No ☒ Yes: \_\_\_\_\_

- 3827 18<sup>th</sup> Street – One-story over basement residence constructed in 1886 in the Stick-Eastlake architectural style and listed in Here Today Book.
- 3883-3885 18<sup>th</sup> Street – Three-story residence constructed in 1892 in the Stick-Eastlake architectural style and listed in Here Today Book.
- 3887 18<sup>th</sup> Street – Two-story over garage residence constructed in 1880 in the Italianate architectural style and listed in Here Today Book.

**CEQA HISTORICAL RESOURCE(S) EVALUATION****Step A: Significance**

Individual Significance	Historic District / Context Significance
Property is individually eligible for inclusion in a California Register under one or more of the following Criteria:	Property is eligible for inclusion in a California Register Historic District/Context under one or more of the following Criteria:
<b>Criterion 1</b> - Event: <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No <b>Criterion 2</b> - Persons: <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	<b>Criterion 1</b> - Event: <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No <b>Criterion 2</b> - Persons: <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No

<b>Criterion 3</b> - Architecture: <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No <b>Criterion 4</b> - Info. Potential: <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No  Period of Significance: N/A	<b>Criterion 3</b> - Architecture: <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No <b>Criterion 4</b> - Info. Potential: <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No  Period of Significance: _____ <input type="checkbox"/> Contributor <input type="checkbox"/> Non-Contributor <input checked="" type="checkbox"/> N/A
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**Analysis:**

According to the Historic Resource Evaluation (HRE) prepared by Page & Turnbull (dated June 2020), and information assessed from the Planning Department's files, the subject property does not appear historically or architecturally significant such that it would rise to a level of individual eligibility. The subject property was developed in 1898 (Spring Valley Water Tap Record) during a period of growth in the Mission Dolores neighborhood, a subarea of the Castro/Upper Market neighborhood. Despite its early construction for the subject block other residential buildings on the block predate its construction, including but not limited to the nearby historic resources highlighted above: 3887 18<sup>th</sup> Street (1880), 3883-3885 18<sup>th</sup> Street (1892), and 3887 18<sup>th</sup> Street (1880). Additionally, no historic events are known to be associated with the property that would have been significant to the neighborhood or generally such that the property would rise to individual eligibility (Criterion 1).

The subject property was commissioned by the original owner, Laurentz Entzminger. He owned the property with his wife Sophie A. Entzminger from completion in 1898 to 1947. However, the couple only resided at the property for approximately 3 years between ca. 1899 and ca. 1901 before residing in Trenton, California. Laurentz worked as a blacksmith in Trenton before becoming a prominent merchant. Sophie worked as the towns Postmistress during the early twentieth century. The HRE found that the various occupants between 1903-1949 had a range of professions including: house painter, ship builder, house keeper, salesman, chauffeur, and truck driver. Subsequent long term occupants and owners include the Connolly Family between 1949 and circa 2019. Richard V. Connolly and wife Mattie L. Connolly resided at the property between 1949 and circa 1982 along with their daughter Mary Connolly. Richard worked as a telephone operator and Mattie's occupation is unknown. Their daughter Mary is listed in city directories as a babysitter by 1975 and then a nurses aide a few years later. Mary retained ownership of the subject property from 1982-2006, and was made a trustee thereafter. None of the owners and occupants are known to be important to history such that the property would rise to individually eligibility (Criterion 2).

The residence was originally designed along with the east abutting property, 3826-3830 18<sup>th</sup> Street, by the same architect, Benjamin R. Van Dusen ca. (1863-1925). Therefore, the subject residence conceivably was originally constructed with similar details of the Queen Anne architectural style. The builder was Thomas B. Goodwin (1866-ca. 1935). The one-story over garage front-gable residence was covered with asbestos siding at the primary façade and portions of each side façade in 1962. Other visible exterior alterations included: demolition and reconstruction of front steps (1996), reroofing (2001), and replacement of original wood windows with aluminum sash windows at unknown date. The residence does not contain high artistic or architectural value nor is it associated with a master builder or architect, therefore, the property is ineligible under Criterion 3. The property is not associated with rarity of construction (Criterion 4). Archaeological assessment is outside the scope of this review.

While the subject property is near some historic resources on the block (3827, 3883-3885, and 3887 18<sup>th</sup> Street), the building stock on this portion of 18<sup>th</sup> Street was previously captured within the boundaries of the Revised Mission Dolores Neighborhood Survey area and determined to be a non-contributors to the Mission Dolores Neighborhood 1906 Fire Survivors and Reconstruction Historic District, which is currently under review by the Department. Therefore, the subject property is not eligible for listing in the California Register under any criteria individually or as part of a historic district.



### CEQA HISTORIC RESOURCE DETERMINATION

- ☐ Individually-eligible Historical Resource Present
- ☐ Contributor to an eligible Historical District / Contextual Resource Present
- ☐ Non-contributor to an eligible Historic District / Context / Cultural District
- ☒ No Historical Resource Present

### NEXT STEPS

- ☐ HRER Part II Review Required
- ☐ Historic Design Review Comments provided
- ☒ No further historic resource review, consult:
  - ☒ Current Planner
  - ☐ Environmental Planner

### PART I: Approval

Signature: Allison Vanderslice

Date: 5/7/2021

Allison Vanderslice, Principal Preservation Planner  
CEQA Cultural Resources Team Manager, Environmental Planning Division

**CC:** Jeff Horn, Senior Planner  
SW Team, Current Planning Division

## **Step 2: Additional Environmental Screening Comments**

**Aesthetics and Vehicular Parking:** The proposed development qualifies as a transit-oriented infill project. Therefore, in accordance with CEQA section 21099, aesthetics and vehicular parking shall not be considered to have the potential to result in significant environmental effects.

**Shadow:** Prevision Design conducted a shadow study (dated 3/29/2021) for the proposed project. The study determined that net new shadow due to the proposed project would occur only in the northwest corner of Dolores Park. The net new shadow would occur for a short duration (12 minutes on average, up to a maximum duration of approximately 22 minutes) and would cover a small area (largest single shadow would be 860 square feet, or approximately 0.1 percent of the total park area). The features within the area affected by net new project shadow include a paved park entry point, a trash storage area, a J-Church line Muni stop, bicycle racks, a small landscaped area, and portions of a utility/park maintenance area. The project would not create net new shadow in a manner that substantially affects outdoor recreational facilities or other public areas.

The proposed project would shade portions of nearby streets and sidewalks and private property at times within the project vicinity. Shadows on streets and sidewalks would not exceed levels commonly expected in urban areas. Although occupants of nearby property may regard the increase in shadow as undesirable, the limited increase in shading of private properties as a result of the proposed project would not be considered a significant impact under CEQA.



## LAND USE INFORMATION

PROJECT ADDRESS: 3832 18TH STREET

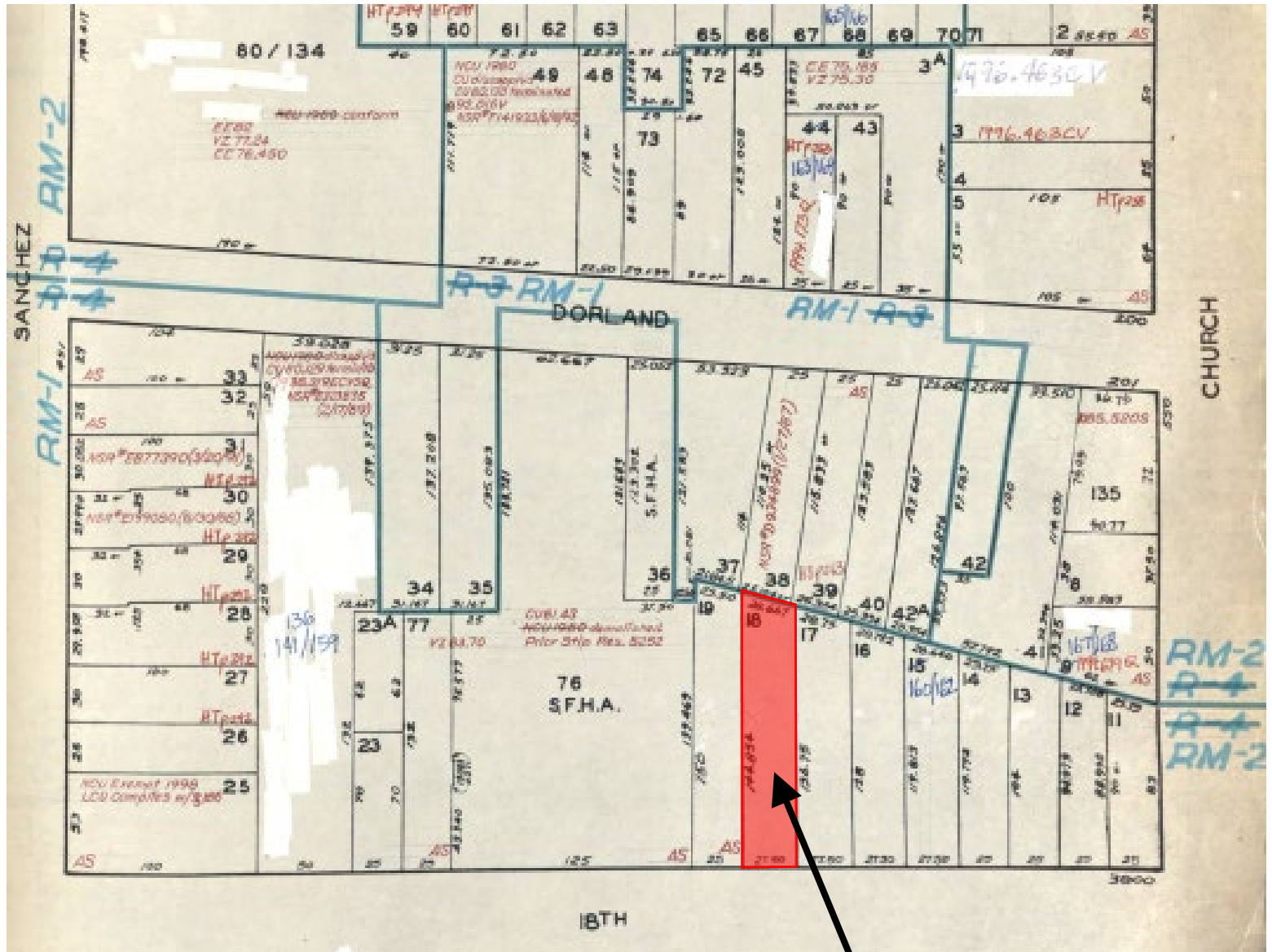
RECORD NO.: 2020-001610CUA

	EXISTING	PROPOSED	NET NEW
GROSS SQUARE FOOTAGE (GSF)			
Parking GSF			
Residential GSF	1,210	11,147	9,937
Retail/Commercial GSF			
Office GSF			
Industrial/PDR GSF <i>Production, Distribution, &amp; Repair</i>			
Medical GSF			
Visitor GSF			
CIE GSF			
Usable Open Space	Rear Yard > 100 SF Private	890 SF Common 314 SF Private	890 SF Common 214 SF Private
Public Open Space			
Other ( )			
TOTAL GSF	1,210	11,147	9,937
	EXISTING	NET NEW	TOTALS
PROJECT FEATURES (Units or Amounts)			
Dwelling Units - Affordable	0	3	3
Dwelling Units - Market Rate	1	15	16
Dwelling Units - Total	1	18	19
Hotel Rooms	0	0	0
Number of Buildings	1	0	1
Number of Stories	1-over-garage	5	6
Parking Spaces	1	-1	0
Loading Spaces			
Bicycle Spaces	0	19	19
Car Share Spaces			
Other ( )			

	EXISTING	PROPOSED	NET NEW
LAND USE - RESIDENTIAL			
Studio Units	0	0	0
One Bedroom Units	0	0	0
Two Bedroom Units	1	0	-1
Three Bedroom (or +) Units	0	0	0
Group Housing - Rooms	0	19	19
Group Housing - Beds	0	19	19
SRO Units	0	0	0
Micro Units	0	0	0
Accessory Dwelling Units	0	0	0



# Parcel Map



**SUBJECT PROPERTY**

Conditional Use Authorization and Shadow Findings  
 Case Number 2020-001610CUA  
 State Density Bonus/Group Housing  
 3832 18<sup>th</sup> Street

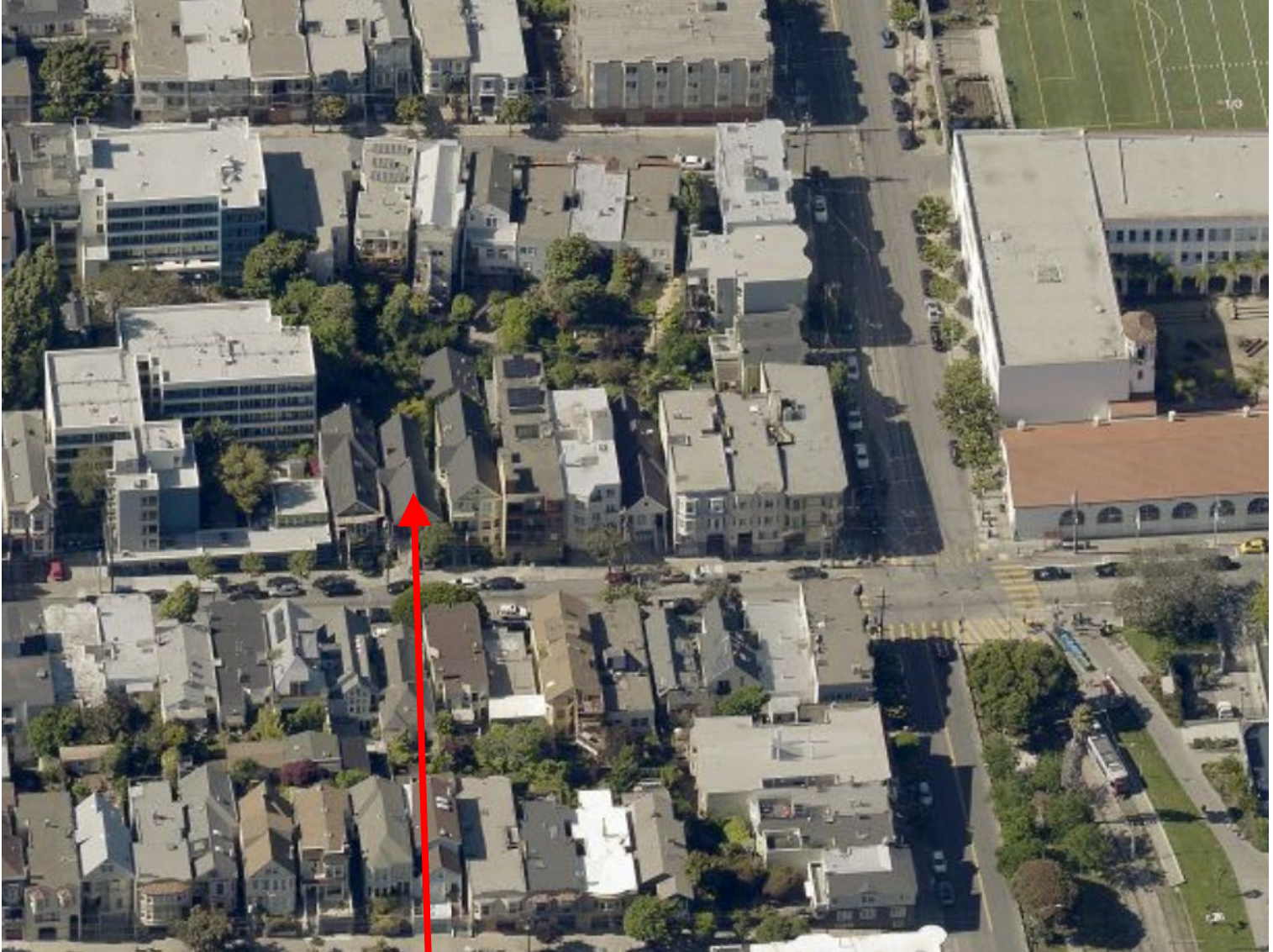


SAN FRANCISCO  
**PLANNING DEPARTMENT**



Conditional Use Authorization and Shadow Findings  
**Case Number 2020-001610CUA**  
 State Density Bonus/Group Housing  
 3832 18<sup>th</sup> Street

# Aerial Photo – View 1



**SUBJECT PROPERTY**





# Aerial Photo – View 2



**SUBJECT PROPERTY**





# Aerial Photo – View 3



SUBJECT PROPERTY





# Aerial Photo – View 4



**SUBJECT PROPERTY**



# Aerial Photo – View 3

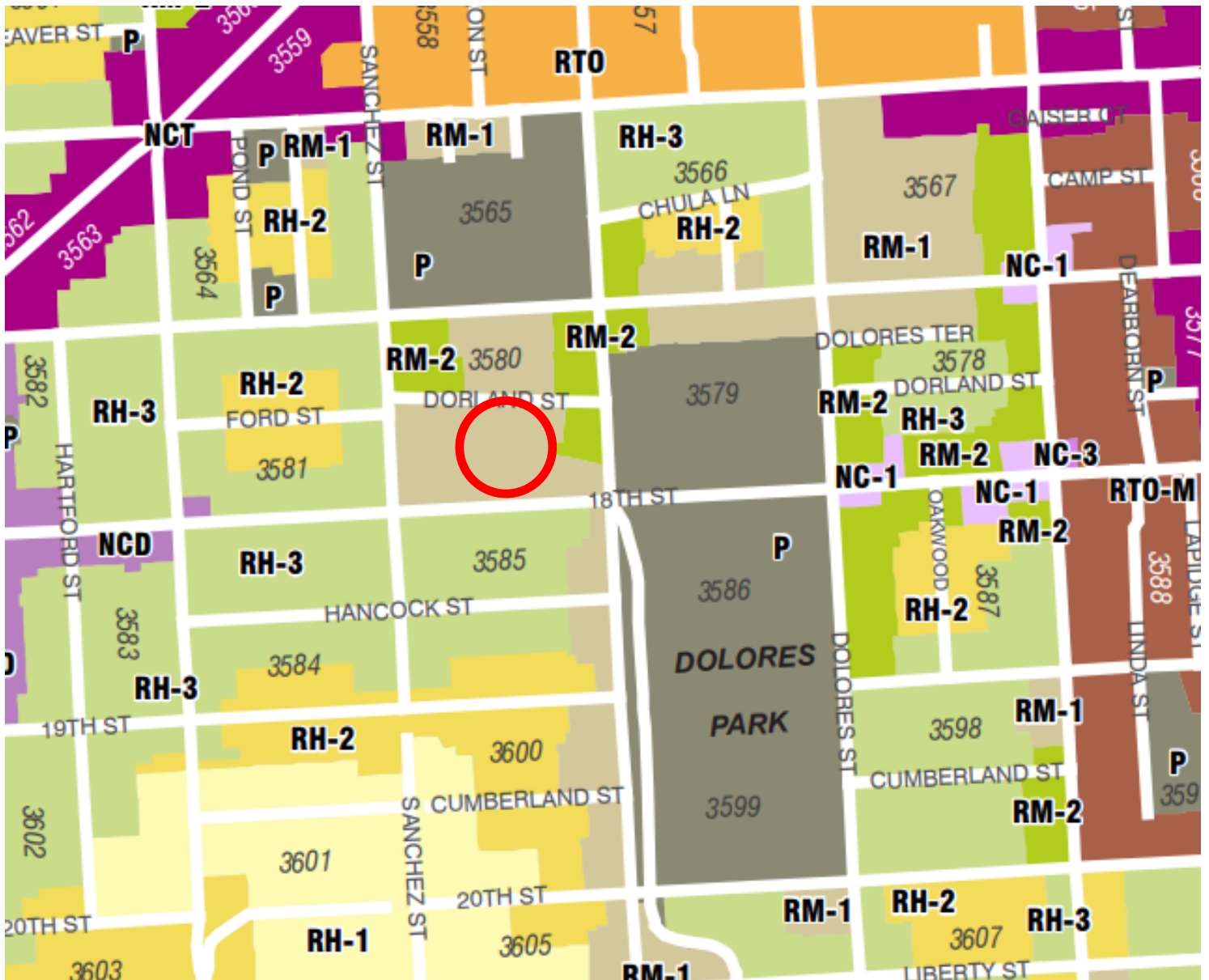


**SUBJECT PROPERTY**





# Zoning Map





# Site Photo





# Site Photo





# Site Photo



# REUBEN, JUNIUS & ROSE, LLP

Mark Loper  
mloper@reubenlaw.com

July 6, 2021

**Delivered Via Electronic Mail (Jeffrey.horn@sfgov.org)**

President Joel Koppel  
San Francisco Planning Commission  
49 South Van Ness Ave, Suite 1400,  
San Francisco, CA 94103

**Re: 3832 18th Street – Sponsor Hearing Brief  
Planning Department Files No. 2020-001610PRJ**

Dear President Koppel and Commissioners:

We represent M-J SF Investments LLC, the sponsor of a mixed-income residential ownership project (the “Project”) at 3832 18th Street (the “Property”). The Project will deliver 19 new housing units with on-site BMRs on an infill site, gently increasing residential density and meeting the overarching goals of the city to deliver more affordable housing units and provide for housing in transit-rich areas. The Project will create nearly 20 new affordable by design group housing condo units that will appeal to a broad range of San Franciscans. We look forward to presenting the Project to you on July 15.

## **A. Project Background and Benefits**

The Project was proposed just over a year ago in July 2020. It is located on 18th Street between Sanchez Street and Church Street and is one half-block to the west of Mission Dolores Park in the Castro/Upper Market Neighborhood. The Project is zoned as RM-1, Residential – Mixed, Low Density, and is situated in the vicinity of multiple neighborhood-serving retail establishments.

Approximately 11,000 square feet in size and six stories in height, the Project includes 19 group housing ownership units, ranging in size from 320 to 360 sq. ft., and offers 3 affordable BMR units. It also features a shared community room on the first floor, approximately 900 sq. ft. of common open space at the rear yard, and two private open space decks at the sixth floor. The Project uses state density bonus to provide five additional units, and in exchange will provide three below-market rate units to families at 80% Area Median Income (“AMI”).

San Francisco Office  
One Bush Street, Suite 600, San Francisco, CA 94104  
tel: 415-567-9000 | fax: 415-399-9480

Oakland Office  
456 8th Street, 2<sup>nd</sup> Floor, Oakland, CA 94607  
tel: 510-257-5589

[www.reubenlaw.com](http://www.reubenlaw.com)



Taking into account waivers for height, rear yard, and unit exposure in order to build the project with the increased density, the Project complies with all objective Planning Code standards and design guidelines. Notably, it provides code-compliant open space, unlike most other density bonus projects and consistent with this Commission's directives and recent policy goals.

The Project's benefits include:

1. **Infill Housing project with on-site BMR units.** The project will transform a residential infill lot that is currently improved with a two-bedroom single-family home into a 19-unit residential ownership building that includes 3 affordable BMR units, as well as affordably designed ownership units. The repurposing of this infill site will provide more housing opportunities at a central location served by parks, transit, and neighborhood retail.
2. **Provides 3 BMR units, 1 more than required under SF's inclusionary program.** The Project provides 3 BMR units, 1 BMR unit more than the City's inclusionary program requires. It will also pay the Inclusionary Housing Fee for density bonus units. Each of these BMR condo units will be income-restricted at 80% AMI. Its location on 18<sup>th</sup> street is a desirable location for individuals of all income levels due to its proximity to parks, major transit stops, and bike transit routes.
3. **Affordable by design market rate ownership units.** In addition to providing on-site affordable units, the Project's market-rate units are affordable by design. At an average of 350 square feet, these units are more compact than typical new residential units, and will consequently be more affordable and provide homeownership opportunities to a wider range of San Francisco residents.
4. **Transit-oriented development.** The Project furthers San Francisco's transit goals in several different ways. It proposes zero off-street parking spaces, and includes 19 Class I bicycle spaces, one space for each unit and perfect for a project located blocks from three major bike routes. It is within walking distance of both the Church and Market MUNI stations, which are served by all MUNI rail lines and numerous buses, and of the 16<sup>th</sup> and Mission BART station. The front of the project is also located just steps away from the J-Church MUNI Stop at 18th and Church Streets, providing a convenient option for neighborhood travel.
5. **Impact fees.** The Project's impact fees will support childcare services and fund public schools both in the neighborhood and throughout the city.
6. **Shadow impact is minimal.** The 0.001% of net new shadow cast by the Project on the 14.2-acre Mission Dolores Park is well below the suggested 1% Prop. K quantitative threshold. It primarily shades a bus stop and maintenance area, is only present for a third of the year, and casts shadow in the late evening no earlier than 7 pm.
7. **Not an historic resource.** The existing single-family home is not an historic resource. After a series of major modifications, including the addition of asbestos siding, demolition

of the front steps, and reroofing, the existing structure has lost all potential historic integrity. A 2009 historic survey also determined that the Project was not a contributor to the Mission Dolores Neighborhood 1906 Fire Survivors Reconstruction Historic District.

## **B. Project Provides Comfortable and Livable Units and Respects Context**

The Project is a well-designed and contextual residential building that provides comfortable and livable units and moderates the sense of massing on a block that features a range of building types.

The Project is sensitively designed considering its guaranteed massing pursuant to the Density Bonus Law. Its 11.5-foot front setback is roughly equal to both neighbors. It proposes four lightwells starting at the second floor, two on each side of the building; all are three feet deep and range in length from 17 feet to 36 feet. These lightwells provide additional light and air to each neighboring property. The upper story incorporates an additional 16-foot front setback for a 27.5-foot setback from the front property line, and an additional 17-foot rear setback for a rear setback of between 48 and 56 feet. Materials selections also moderate the sense of scale, with the first four floors featuring more horizontal elements and the two floors above with scaled-down materiality.

The Project also creates a livable and comfortable home for future residents. Every unit contains a separate bathroom and a kitchenette with a washer-dryer, sink, stovetop, dishwasher, and refrigerator. It nearly provides a 25% rear yard and qualifies for a waiver from the portion of the Project that encroaches into the yard. It also provides code-compliant open space, which is a key component of the Project's livability.

This Commission has recently made an effort to push sponsors of density bonus projects to provide more open space; instead of asking for a waiver or concession, the Project complies through a combination of two private roof decks and the rear courtyard. Although the Project requires a waiver from unit exposure requirements, all units will either face 18<sup>th</sup> Street or a rear yard that is approximately 27.5 feet wide and 31-39 feet deep, ensuring adequate exposure. Finally, the rear ground floor of the project includes a community room tenant amenity space that will open directly into the rear yard common open space, enhancing the livability of the project.

The Project is also located along a block that is mixed in density and unit typology. While it does feature some single-family homes, it also includes multifamily apartment buildings, ground floor commercial at both street corners, and the Mission Terrace Senior housing development, an approximately 70,000 square-foot complex that includes 107 senior apartments, with a 5-story building located in the center of the mid-block space. Further west, four structures extend into the mid-block, including two multifamily apartment buildings. Finally, the site immediately adjacent to the east of the Property includes a mid-block cottage that reaches the rear property line.

## **C. The Project, Prop. K, and Mission Dolores Park**

Because the Project is over 40 feet in height and will cast shade on Mission Dolores Park, it is required to obtain a Section 295 Shadow Authorization from this Commission concluding that

the Project's shadow will not have an adverse impact on the use of the park. On June 17, the Recreation and Parks Commission passed a resolution recommending this Commission find that the Project's net new shadow will not have a significant adverse impact on the use of Mission Dolores Park. This recommendation is consistent with Planning Department staff's conclusions in the Project's CEQA Exemption Determination that the project's net new shadow will not substantially affect the environment. Several factors support this conclusion.

First, the Project is well within the quantitative standards suggested by Prop. K. Unlike some parks, Mission Dolores Park does not have an absolute cumulative shadow limit. On parks over two acres in size that are shadowed less than 20% of the time, the City's suggested quantitative threshold for acceptable net new shadow is 1%.<sup>i</sup> Mission Dolores Park is 14.20 acres in size, and is currently in shadow 3.997% of the time. The Project's 0.001% net new shadow is 1,000 times less than the City's quantitative significance threshold for Mission Dolores Park.

The Project's qualitative impact would be less than significant, with an average daily duration of 12 minutes, and with no single location in the park in continuous new shadow for longer than 22 minutes. The net new shadow is only cast on the park for about four months out of the year, and only ever in the late afternoon (after 4p.m.) The shadow primarily shades a MUNI stop, maintenance area, and walking path, which means that the 0.001% net new shadow essentially never touches the recreational area of the park. A photo of the shadow area:



#### **D. Neighbors' Design Requests Result in a Worse and More Expensive Project**

The Project Sponsor has an ongoing dialogue with neighbors, including to-date a meeting facilitated by Supervisor Mandelman's office, as well as a follow-up meeting and an ongoing email discussion. The neighbors' suggested design changes are not desirable and contrary to this Commission's stated desires on past residential projects. They will result in a worse and less code-compliant project, or increase construction costs without a corresponding benefit. We discuss each in turn:

- **Reducing floor-to-floor ceiling heights to 8 feet.** The Project's ceiling height is 8'-8". The neighbors suggested we reduce the height of all stories to 8'. This would significantly impact the livability of these units, considering their relatively small size.
- **Increasing the length of the building and adding interior-facing units.** The neighbors also suggested that some or all of the building be extended into the rear yard setback, and that a third bank of units be added to each floor. This would similarly have a significant negative effect on the livability of these units, as they would only have windows that faced onto a lightwell. The current design ensures light and air access for all units, which face either the street or a nearly 25% rear yard. It would also further reduce the rear yard setback, increasing the degree of non-conformity from the unit exposure requirement, the rear yard setback requirement, and potentially the open space requirement. The Project Sponsor's current design intentionally minimizes the need for Planning Code exceptions, as this Commission has consistently requested in the past. Finally, the neighbor's suggestion would require corridors that would further reduce the size of existing and proposed new units on these floors.
- **Adding a basement and relocating the common room and bike parking, among other features, into the basement.** The neighbors also asked that the Sponsor construct a habitable basement and relocate the building's common room, bike parking, and back of house space into a window-free basement. Currently, the common room faces directly onto the nearly 25% rear yard, a building feature that will significantly enhance the quality and livability of the building for occupants and guests. This feature is strongly supported by Planning staff and addresses this Commission's stated preference for livable and usable common spaces in group housing and density bonus projects. We cannot agree to relocate it to a windowless basement room, essentially turning a community space into a private movie room. There are also significant cost issues associated with relocating these spaces to a basement.

#### **E. Conclusion**

This thoughtfully designed infill project will provide for mixed-income housing in a centrally located and transit-rich neighborhood, while including both BMR and affordably-designed market rate units for ownership. The Project will deliver affordable homeownership opportunities in a comfortable and livable building that is sensitively designed to minimize impacts to neighbors.

Sincerely,

**REUBEN, JUNIUS & ROSE, LLP**



Mark Loper



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<sup>i</sup> Memorandum from the Planning and Recreation and Parks Departments to the Planning Commission and Recreation and Parks Commission, “Proposition K—The Sunlight Ordinance,” dated February 3, 1989.

Athanassios Diacakis  
3830 18th St  
San Francisco, CA 94114

July 7, 2021

Re: Conditional Use Authorization 3832 18th St

Dear Planning Commission President Koppel, Vice President Moore, and Commissioners,

The neighbors of 3832 18th Street are excited to see the current site redeveloped, at a much higher density, **but we have specific concerns regarding light and air impacts on the adjacent neighbors** that we would like to see addressed before this project is approved.

### Summary of Concerns

The developer is proposing a 6-story (plus 8-foot rooftop penthouse), 19-unit building on a small lot that contains a 2-story single family home.

The proposed project is so tall and so deep that it would cast shadows on the surrounding buildings, solar panels, and mid-block open space and yards, throughout the day, as well as on a small portion of Dolores Park. This includes the front courtyard open space for the affordable senior complex two lots away to the west (3850 18th St).

Given the typical San Francisco weather, these yard spaces depend on sunlight, so they would become unusable. Residents of the numerous surrounding apartments would also cease to get direct light as a result of the project.

The proposed building would be the tallest in the neighborhood, would tower above the adjacent buildings, and would block the prevailing westerly breeze from the downwind homes, especially at the lower levels.



## Neighbor Proposed Changes

The neighbors have proposed several options for modification of the project design to address these issues. These proposals would enable the developer to maintain all 19 of the proposed units. For example we proposed:

- Expansion of the building depth (instead of height) and moving the open space to a courtyard on top of the first or second story.
- Using a basement for auxiliary spaces including the, the trash and recycling storage, utilities and mail, bicycle parking, and community room.
- Alternate elevator technology to decrease the height of the elevator penthouse.
- Slight reduction to the unit sizes (area and/or height) to fit more per floor.

**The developer has rejected all of these proposals.** One of the reasons was that some of them would impact the light of some of the new units, which we found to be somewhat ironic. They also rejected some of the other proposals on the basis of cost. We believe those costs are relatively small, and thus see this as a profit maximization strategy, not an objection due to viability.

**The developer offered no proposals to address impacts on the neighbors.** After rejecting the neighbors' ideas, the developer was unwilling to offer any ideas of their own to reduce light and air impacts on the neighbors and simply stated that they were happy with their proposed design.

## Unresponsive Developer

**The developer has not conducted adequate community outreach.** Aside from the required Pre-Application Meeting, the developer has only had two meetings with the immediate neighbors, and only at our request in the last few weeks.

**The developer has been effectively unresponsive to the concerns of the neighbors** from the very beginning. To this date, they have barely acknowledged or addressed any number of other neighbor concerns brought up at the Pre-Application Meeting.

**The developer has made no meaningful changes to the plans since the Pre-application meeting.** The only substantive changes since the beginning of the project have been (1) a *reduction* in the number of affordable units from 5 to 3, and (2) a change in the tenure from rental to ownership units, thereby reducing the chances that this project will be affordable to the average San Francisco resident.

## **Perversion of State Density Bonus**

It is additionally unfortunate that this project is unlikely to achieve any of the goals of the State Density laws:

- 16 of the units will be for sale to the highest bidder for market prices that will still be out of reach for most but the top earners.
- The units barely have kitchens, so the occupants are likely to be well-off tenants that eat out.
- We have seen other places, such as 2100 Market being bought out by companies and used for corporate rentals.

## **Desired Changes**

We would like to see changes to rearrange the volume to preserve the natural light and air to the surroundings. We believe that this is achievable with the modifications that we have proposed. If the developer still feels that is not achievable, then they could slightly reduce the number of units. A 4-story 14-unit building would still be a fantastic addition to what is now a 1 unit building.

- The profit of the developer and the potential/unlikely affordable unit generation should not happen at the sole expense of the neighbors.
- We would all like to see additional density in San Francisco, but it does not all need to happen in a single small lot.

We kindly request that you deny the petition as is, and request the developer modify the project to address the above concerns. Please don't make the existing neighbors sacrifice their light and air just so that the developer can shoehorn in 16 market-rate units and with only 3 BMR units.

We ask you to adopt Conditions of Approval that will modify the project as we have requested, or that you require the developer to come back to you with a revised design at a future date that preserves our light and air so that we will be able to enthusiastically support.

Sincerely,

A handwritten signature in black ink, appearing to read 'A. Diacakis' followed by a long, sweeping horizontal line.

Athanassios Diacakis & Cyndi Wong  
3830 18th St

[Additional cosigners on the following pages]



Giacomo DiGrigoli & Emil Wilson  
3838 18th

Christopher Ruedy  
3824 18th St

Jen Wana & Kevin Chen  
3818 18th St

Kurt Geselbracht & Francisco Guevara  
3818 18th St #2

Amy Silverstein  
3833 18th St

Kay Koehneke & Louis Gwerder  
3827 18th St

Tobi Garelick  
201 Lansdale Ave

Deborah Bardwick  
35 Hartford Street

Risa Wechsler  
237 Dorland St

Luis Fernandez  
235 Dorland St.

Joanne Slaboch  
436 Sanchez Street

Robert C Hood  
75 Hartford Street

Lindsey Husband.  
52 Hartford St

Rev. M. Denis Lahey  
Hartford Street Zen Center  
57 Hartford St

Heidi Mueller  
125 Hancock Street.

David Ehrenfeld  
3882 17th Street

Jim McCarty  
3884 17th Street

Alan Pass & Robert Schaffer  
18 Ford St

Ken Edhammer, CMP  
16 Ford St

David Christopher Kerby  
33 Ford Street

Dave Rogers  
429 Noe St

Cedric Ng  
429 Noe St

Santosh Gupta  
29 Hartford St.

---

Cc: Jeff Horn, Senior Planner; Supervisor Rafael Mandelman; Jacob Bintliff, Legislative Aide;  
Jonas Ionin, Commission Affairs

Joel Koppel  
President  
[joel.koppel@sfgov.org](mailto:joel.koppel@sfgov.org)

Kathrin Moore  
Vice-President  
[kathrin.moore@sfgov.org](mailto:kathrin.moore@sfgov.org)

Deland Chan  
Commissioner  
deland.chan@sfgov.org

Sue Diamond  
Commissioner  
sue.diamond@sfgov.org

Planning Commission  
Frank S. Fung  
Commissioner  
frank.fung@sfgov.org

Theresa Imperial  
Commissioner  
theresa.imperial@sfgov.org

Rachael Tanner  
Commissioner  
Rachael.Tanner@sfgov.org

Jonas P. Ionin  
jonas.ionin@sfgov.org

Jeff Horn, Senior Planner  
jeffrey.horn@sfgov.org

## **List of 30 Neighbors Opposed to 3832 18<sup>th</sup> Street Project as of July 7, 2021**

Those in bold below are on the same block or across the street and are shown in the attached map. The other neighbors are within approximately two blocks of the project site.

***Athanassios Diacakis & Cyndi Wong 3830 18th St***

***Giacomo DiGrigoli & Emil Wilson 3838 18<sup>th</sup>***

***Christopher Ruedy 3824 18th St***

***Jen Wana & Kevin Chen 3818 18th St***

***Kurt Geselbracht & Francisco Guevara 3818 18th St #2***

***Amy Silverstein 3833 18th St***

***Kay Koehneke & Louis Gwerder 3827 18th St***

Tobi Garelick 201 Lansdale Ave

Deborah Bardwick 35 Hartford St.

***Risa Wechsler 237 Dorland St***

***Luis Fernandez 235 Dorland St.***

Joanne Slaboch 436 Sanchez St.

Robert C Hood 75 Hartford St.

Lindsey Husband. 52 Hartford St

Rev. M. Denis Lahey Hartford Street Zen Center 57 Hartford St

Heidi Mueller 125 Hancock St.

David Ehrenfeld 3882 17th St.

Jim McCarty 3884 17th St.

Alan Pass & Robert Schaffer 18 Ford St

Ken Edhammer, 16 Ford St

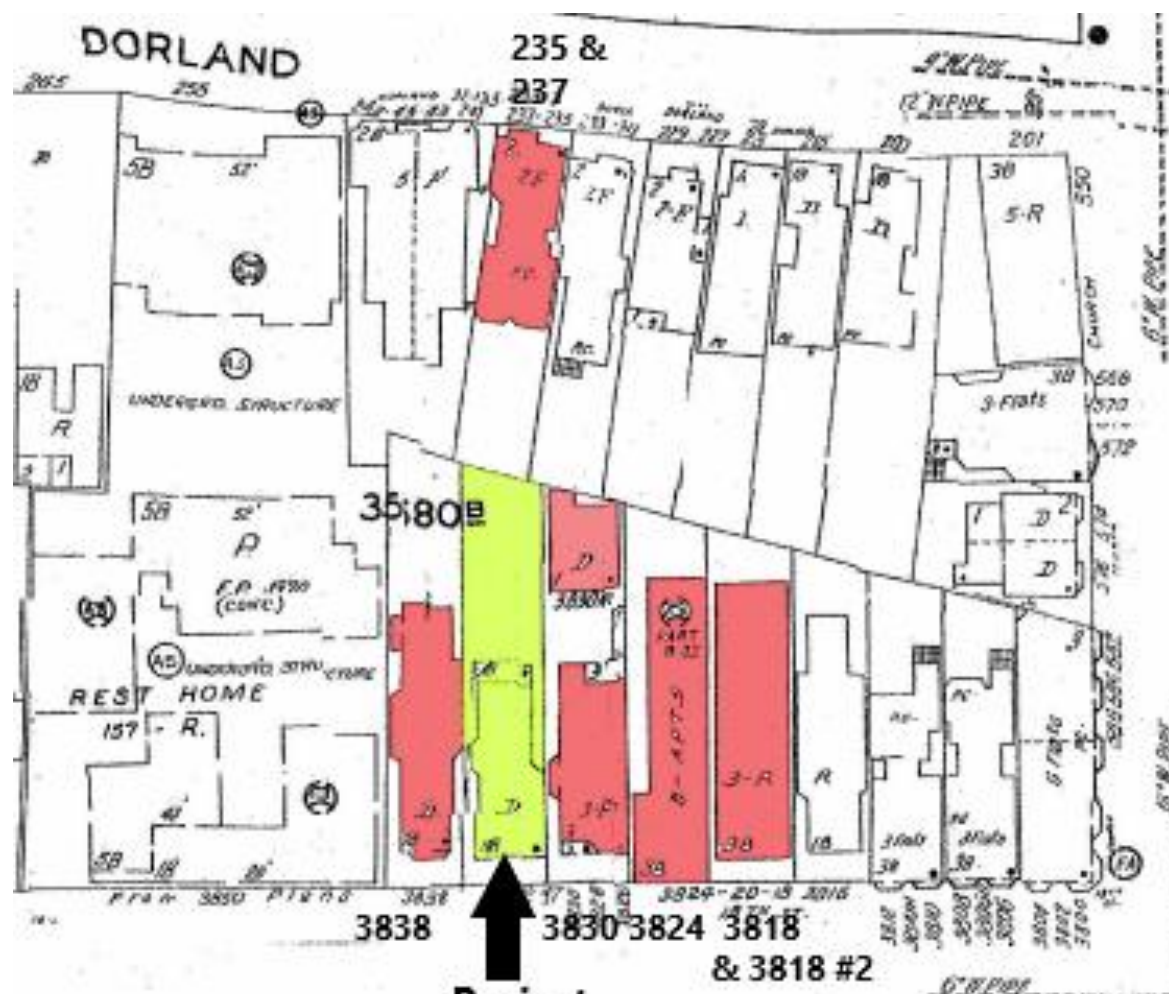
David Christopher Kerby 33 Ford St.

Dave Rogers 429 Noe St

Cedric Ng 429 Noe St

Santosh Gupta 29 Hartford St.







# INDIVIDUALLY REQUESTED STATE DENSITY BONUS PROGRAM

## INFORMATIONAL AND SUPPLEMENTAL APPLICATION PACKET

**ATTENTION: A Project Application must be completed and/or attached prior to submitting this Supplemental Application. See the [Project Application](#) for instructions.**

The Individually Requested State Density Bonus Program offers a path for developers requesting a density bonus pursuant to Section 65915 et. seq. of the California Government Code, or who do not qualify for bonuses under the HOME-SF or Analyzed State Density Bonus Programs. Please review Planning Director's Bulletin 6 for additional information on the Implementation of the State Density Bonus in San Francisco.

For questions, you can call the Planning counter at 628.652.7300 or email [pic@sfgov.org](mailto:pic@sfgov.org) where planners are able to assist you.

**Español:** Si desea ayuda sobre cómo llenar esta solicitud en español, por favor llame al 628.652.7550. 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628.652.7550。請注意, 規劃部門需要至少一個工作日來回應。

**Filipino:** Kung gusto mo ng tulong sa pagkumpleto ng application na ito sa Filipino, paki tawagan ang 628.652.7550. Paki tandaan na mangangailangan ang Planning Department ng hindi kukulangin sa isang araw na pantrabaho para makasagot.

## WHAT IS THE INDIVIDUALLY REQUESTED STATE DENSITY BONUS?

The Individually Requested Density Bonus program offers a path for developers requesting a density bonus pursuant to Section 65915 et seq. of the California Government Code, or for those that do not qualify for bonuses under the HOME-SF or Analyzed State Density Bonus Programs.

The Individually Requested State Density Bonus Program is available in all zoning districts that allow residential uses, except for RH-1 and RH-2 (unless located on a site or sites in those districts that permits the construction of 5 or more units). Please review [Planning Director Bulletin 6](#) for additional information on the implementation of the State Density Bonus in San Francisco.

## WHAT DOES THE INDIVIDUALLY REQUESTED STATE DENSITY BONUS PROGRAM OFFER?

- Up to 50% additional density, and
- Waivers, Concessions and Incentives as identified by the project sponsor.

**Waivers** are modifications of volumetric requirements that are regulated by the Planning Code. Project sponsors may seek any waivers necessary to physically accommodate increased density in the bonus project. Requested waivers may not exceed that which is necessary to accommodate the bonus.

**Concessions and Incentives** are reductions of site development standards or architectural design requirements which result in financially sufficient and actual cost reductions. Project sponsors may seek up to four concessions and incentives, depending on amount of affordable housing provided and the level of affordability of those units.

Waivers and concession incentives may not be used to waive applicable building code and life safety standards.

## **IS MY PROJECT ELIGIBLE FOR THE INDIVIDUALLY REQUESTED STATE DENSITY BONUS PROGRAM?**

- The project must consist of five or more dwelling units;
- The project replaces any existing rental unit that is subject to rent or price control, or is subject to a recorded covenant that restricts rent levels to affordable levels for very low or low income persons or families;
- The zoning district must permit at least five units on the site by right. project must not be located in the RH-1 or RH-2 Zoning District, unless the Planning Code permits the construction of five or more units on a site or sites.

## **HOW DO I DETERMINE MY BASE PROJECT AND BONUS PROJECT?**

### **1. Determine the Base Density.**

In order to determine how much of a density bonus State Law will allow, the density allowed by current controls (“base density”) must first be calculated. The “base density” is the maximum allowable gross residential density. Residential density regulations in San Francisco vary by zoning district. In some districts residential density is regulated by a ratio of units to lot area, such as one unit per 600 square feet. In these districts, base density is the maximum number of units allowed by the Zoning District. Other districts use form-based density, where residential density is regulated by the permitted volume—either the maximum floor area ratio (FAR) or a maximum building volume controlled by height, bulk, and setback controls (“form-based zoning”). In areas with form-based zoning, the base density will be represented as the maximum residential gross floor area, and the project sponsor will be required to submit a base density study with their Project Application. A base density study is a set of schematic plans that include a code-compliant building massing, building section, and floor plans for the ground floor and any floors below grade that include residential uses.

Residential Gross Floor Area means any floor area that would be counted as Gross Floor Area, as defined in Planning Code Section 102 that is dedicated to the residential uses on the property. For the purpose of calculating the base density, sub-grade residential floor area will not be counted. Additional information on calculating a base project may be found in Planning Director Bulletin 6.

### **2. Calculate Bonus Density.**

The amount of density bonus that a project may seek is set forth in the State Law. The maximum density bonus is an additional 50% above the base density. The table included at the end of this informational packet summarizes the amount of density bonus allowed based on the level of affordability. In areas where density is controlled as a ratio of units to lot area, the density bonus will be calculated as 150% of the base density represented as number of units allowed on the site. Any resulting remainder is rounded up to the next whole number. In areas with form-based density, the density bonus will be calculated as 150% of the residential gross floor area permitted in the “base” project. Note: density bonuses from more than one income category cannot be combined. The requirements of the Inclusionary Housing Ordinance, specifically the required income tiers, may not be modified or combined, except that a project sponsor may provide units at 50% AMI instead of at 55% AMI for rental projects. Projects may not reduce the affordability levels required in Planning Code Section 415.6, nor may they combine income tiers into one.

## HOW MANY CONCESSIONS OR INCENTIVES MAY BE OBTAINED FOR MY PROJECT?

Individually Requested State Density Bonus projects shall receive concessions or incentives in the amounts specified in the table below.

Target Group	Restricted Affordable Units			
Very Low Income	5%	10%	15%	N/A
Low Income	10%	17%	24%	100%*
Moderate Income	10%	20%	30%	N/A
Maximum Number of Incentives/Concessions	1	2	3	4

\*Up to 20% of units may be provided at 120% AMI.

As part of the Project Application submittal, an applicant must provide detailed information on the requested waivers, incentives and concessions. The Department may request additional documentation on the requested waivers, incentives and concessions.

## DENSITY BONUSES FOR SPECIFIC HOUSING TYPES

The State Law provides various options for projects that are constructing housing for specific populations. Some projects may be eligible to choose between the standard state density bonus described above and the programs below. For example, a 100% affordable project may seek up to 150% density by providing at least 15% of units at a very low income level, or alternatively, may seek the density bonus that is specific to 100% affordable projects.

### 100% Affordable Projects

100% affordable projects may be exempt from density limits, and eligible for up to three additional stories above the height limit and up to four concessions or incentives. This alternative requires that all units in the development, exclusive of a manager's unit, are affordable to households earning 80% AMI or below, except that 20% of the total units may be provided at a maximum of 120% AMI.

### Student Housing

Student Housing projects are eligible for a 35% density bonus if at least 20% of the beds in the development are affordable to lower income students. For the purposes of calculating a density bonus, the term "unit" means one rental bed and its pro rata share of associated common facilities. Units will be subject to a recorded affordability restriction for 55 years. "Lower-income students" means household income and asset level that does not exceed the Cal Grant A or Cal Grant B levels as set forth in subdivision (k) of Section 69432.7 of the Education Code, and the development must provide priority for lower income students experiencing homelessness. Rent for lower-income students shall be calculated at 30% of 65% AMI for a single-room occupancy unit. The student housing development must be used exclusively for undergraduate, graduate or professional students enrolled full time at an institution accredited by WASC or ACCJC. Student housing projects are eligible for one incentive/concession.



### **Senior Housing**

Senior housing projects are eligible for a 20% density bonus. A Senior Citizen Housing Development is further defined in Sections 51.2 and 51.12 of the Civil Code. Mobile home parks that limit residency based on age requirements for housing for older persons pursuant to Section 798.76 or 799.5 of the Civil Code are also eligible for a 20% density bonus.

### **Housing for Transitional Foster Youth, Disabled Veterans and Homeless Persons**

When 10% of the units in a project are devoted to Transitional Foster Youth as defined in Section 66025.9 of the Education Code, Disabled Veterans defined in Section 18541 of the Government Code, or Homeless Persons as defined in the federal McKinney-Vento Homeless Assistance Act (42 U.S.C. Sec. 11301 et seq.), then the project may qualify for a 20% density bonus. The units described shall be subject to a recorded affordability restriction of 55 years and shall be provided at the same affordability level as very low-income units.

### **FEES**

There is no separate application fee for the Individually Requested State Density Bonus Program. Projects approved under the Individually Requested State Density Bonus shall comply with the Fee Schedule for Planning Department review covered under other entitlements. For example, if a project requires Conditional Use Authorization, then the project would pay the fee required for the review of a Conditional Use Authorization. If a project does not require a separate entitlement, then the Individually Requested State Density Bonus Application must be submitted with a Building Permit Application, and any fees accompanying the Building Permit Application would apply. Please refer to the [Planning Department Fee Schedule](#) at [www.sfplanning.org](http://www.sfplanning.org). For questions related to the Fee Schedule, you can call the Planning counter at 628.652.7300 or email [pic@sfgov.org](mailto:pic@sfgov.org) where planners are able to assist you.

Fees will be determined based on the estimated construction costs. 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. Additional fees may also be collected for preparation and recordation of any documents with the San Francisco Assessor-Recorder's office and for monitoring compliance with any conditions of approval.

## DENSITY BONUS BASED ON AFFORDABILITY LEVEL

### Maximum Bonus for Lower Income Households (80% AMI)

This chart will generally be used for mixed-income ownership projects. Rental projects will use the chart below titled Maximum Bonus for Very Low Income Households.

Percentage Low-Income Units	Percentage Density Bonus
10	20
11	21.5
12	23
13	24.5
14	26
15	27.5
16	29
17	30.5
18	32
19	33.5
20	35
21	38.75
22	42.5
23	46.25
24	50

### Maximum Bonus for Very Low Income Households (50% AMI)

This chart will generally be used for rental projects. Ownership projects will use the chart above titled Maximum Bonus for Lower Income Households.

Percentage Very Low Income	Percentage Density Bonus
5	20
6	22.5
7	25
8	27.5
9	30
10	32.5
11	35
12	38.75
13	42.5
14	46.25
15	50

**Maximum Bonus for Moderate Income Households (120% AMI)**

Percentage of Moderate-Income Units	Percentage Density Bonus
10	5
11	6
12	7
13	8
14	9
15	10
16	11
17	12
18	13
19	14
20	15
21	16
22	17
23	18
24	19
25	20
26	21
27	22
28	23
29	24
30	25
31	26
32	27
33	28
34	29
35	30
36	31
37	32
38	33
39	34
40	35
41	38.75
42	42.5
43	46.25
44	50

**Maximum Bonus for Specific Housing Types**

- Senior Housing: density bonus shall be 20% of the number of senior housing units.
- Student Housing: When 20% of a proposed student housing development is dedicated for lower income students, a project may receive a 35% bonus of the student housing units.
- Transitional Foster Youth: When 10% of the units in a project are devoted to transitional foster youth, disabled veterans, or homeless persons, a project may receive a 20% bonus.

2020-001610PRJ



# San Francisco Planning

## INDIVIDUALLY REQUESTED STATE DENSITY BONUS PROGRAM

### SUPPLEMENTAL APPLICATION

#### Property Information

Project Address: 3832 18th Street

Block/Lot(s): 3580/018

#### Project Details

#### Density Bonus

Zoning District: RM-1

Project Tenure: ☐ Rental ☒ Ownership☐ This project is a 100% Affordable Housing Project (if checked, leave Inclusionary rate blank)☐ This project is a Student Housing Project (if checked, leave Inclusionary rate blank)

On-site Inclusionary Rate: 13.5% %

Low Income: 13.5% % at 55% AMI (rental) or 80% AMI (ownership)

Moderate Income: % at 80% AMI (rental) or 105% AMI (ownership)

Middle Income: % at 110% AMI (rental) or 130% AMI (ownership)

Inclusionary Fee Rate: %

Maximum Allowable Residential Density (Base Density) 14 square feet / units (select one)

Bonus Project Total Area 11,147 gsf

Total Units in Bonus Project: 19

The project is seeking the following density bonus:

☐ This project is seeking a % density bonus by providing % of units at Very Low Income (50% AMI)☒ This project is seeking a 35 % density bonus by providing 3 % of units at Lower Income (80% AMI)☐ This project is seeking a % density bonus by providing % of units at Moderate Income (120% AMI)☐ This project is 100% affordable and seeking form-based density with three additional stories of height.☐ This project is seeking a 35% density bonus by providing 20% of units to Lower Income Students in a qualifying Student Housing Development.☐ This project is seeking a 20% density bonus by providing senior housing.☐ This project is seeking a 20% density bonus by providing 10% of units to transitional foster youth, disabled veterans, or homeless persons.



### Concessions and Incentives

Please list the concessions and incentives (up to three, see above) the project is seeking, and describe how each requested concession or incentive would result in cost reductions for the project. The Department may request additional documentation to verify that the requested concessions and incentives result in cost reduction for the project.

No concessions or incentives are requested. Sponsor reserves its right to request concessions and incentives.

### Waivers

Please list the waivers the project is seeking, and describe how each requested waiver would allow the proposed project to accommodate any additional permitted density.

See plan set for additional information. Project requires waivers from height (2 stories), rear yard (certain rear-facing units), and dwelling unit exposure (certain rear-facing units).

### Removal of rent-controlled units for the Individually Requested State Density Bonus Program

Does the project remove any residential units? ☒ Yes ☐ No

Have there been any residential uses removed from the property within the last five years? ☐ Yes ☒ No

Are any of the existing units on the property subject to the San Francisco Rent Stabilization and Arbitration Ordinance (Administrative Code Section 37)? ☐ Yes ☒ No

Are any of the existing units on the property occupied by households of low or very low income, consistent with the requirements of the California Government Code Section 65915(c)(3)? ☐ Yes ☐ No

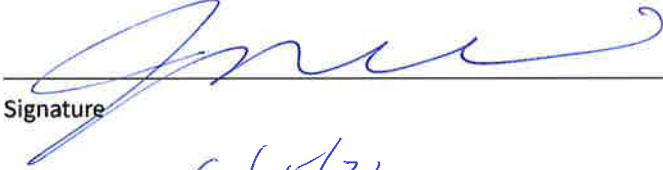
If you have responded yes to any of the questions above, please provide additional information on the type and size of the existing unit(s), as well as the incomes of persons or families occupying the unit(s).

One two-story single family home. Affidavits showing income levels of prior residents will be provided

# 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.
- d) I hereby authorize City and County of San Francisco Planning staff to conduct a site visit of this property as part of the City's review of this application, making all portions of the interior and exterior accessible through completion of construction and in response to the monitoring of any condition of approval.
- e) I attest that personally identifiable information (PII) - i.e. social security numbers, driver's license numbers, bank accounts - have not been provided as part of this application. Furthermore, where supplemental information is required by this application, PII has been redacted prior to submittal to the Planning Department. I understand that any information provided to the Planning Department becomes part of the public record and can be made available to the public for review and/or posted to Department websites.

  
Signature  
6/17/21

Date

JAMES NOVEMBER  
Name (Printed)

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

415-321-7007  
Phone

jne.vanguardsf.com  
Email

For Department Use Only

Application received by Planning Department:

By: Jeff Horn

Date: 6/17/2020

# COMPLIANCE WITH THE INCLUSIONARY AFFORDABLE HOUSING PROGRAM



Date: October 24, 2018

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. 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 and Community Development.

**At least 30 days 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 inclusionary requirement for a project is determined by the date that the Environmental Evaluation Application (EEA) or Project Application (PRJ) was deemed complete by the Department ("EEA/PRJ accepted date"). There are different inclusionary requirements for smaller projects (10-24 units) and larger projects (25+ units). Please use the attached charts to determine the applicable requirement. Charts 1-3 include two sections. The 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.

For projects with complete EEA's/PRJ's accepted on or after January 12, 2016, the Inclusionary Affordable Housing Program requires the provision of on-site and off-site affordable units at a mix of income levels. The number of units provided at each income level depends on the project tenure, EEA/PRJ accepted date, and the applicable schedule of on-site rate increases. Income levels are defined as a percentage of the Area Median Income (AMI), for low-income, moderate-income, and middle-income units, as shown in Chart 5. Projects with a complete EEA accepted prior to January 12, 2016 must provide the all of the inclusionary units at the low income AMI. **Any project with 25 units or more and with a complete EEA accepted between January 1, 2013 and January 12, 2016 must obtain a site or building permit by December 7, 2018, or will be subject to higher Inclusionary Housing rates and requirements. Generally, rental projects with 25 units or more be subject to an 18% on-site rate and ownership projects with 25 units or more will be subject to a 20% on-site rate.**

**Summary of requirements.** Please determine what requirement 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) or complete Project Application (PRJ) was submitted deemed complete by Planning Staff. Chart 1-A applies to all projects throughout San Francisco with EEA's accepted prior to January 12, 2016, whereas Chart 1-B specifically addresses UMU (Urban Mixed Use District) Zoning Districts. Charts 2-A and 2-B apply to rental projects and Charts 3-A and 3-B apply to ownership projects with a complete EEA/PRJ accepted on or after January 12, 2016. Charts 4-A and 4-B apply to three geographic areas with higher inclusionary requirements: the North of Market Residential SUD, SOMA NCT, and Mission Area Plan.

The applicable requirement for projects that received a first discretionary approval prior to January 12, 2016 are those listed in the "EEA accepted before 1/1/13" column on Chart 1-A.

# AFFIDAVIT



**San Francisco**  
**Planning**

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

## COMPLIANCE WITH THE INCLUSIONARY AFFORDABLE HOUSING PROGRAM

PLANNING CODE SECTION 415, 417 & 419

15 JUNE 2021

Date

I, JAMES NUNEMAKER  
do hereby declare as follows:

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

3832 18th Street

Address

3580/018

Block / Lot

The subject property is located within the following Zoning District:

RM-1

Zoning District

40-X

Height and Bulk District

Special Use District, if applicable

Is the subject property located in the SOMA NCT, North of Market Residential SUD, or Mission Area Plan?

☐ Yes ☒ No

**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:

2020-001610

Planning Case Number

Building Permit Number

This project requires the following approval:

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

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

Jeff Horn

Planner Name

A complete Environmental Evaluation Application or Project Application was accepted on:

Filed on 7/15/2020

Date

The project contains 19 total dwelling units and/or group housing rooms.

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

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

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

☐ Yes ☒ No

(If yes, please indicate Affordable Housing Tier)

Is this project a HOME-SF Project?

☐ Yes ☒ No

(If yes, please indicate HOME-SF Tier)

Is this project an Analyzed or Individually Requested State Density Bonus Project?

☒ Yes ☐ No



**C** Please indicate the tenure of the project.

☒ **Ownership.** If affordable housing units are provided on-site or off-site, all affordable units will be sold as ownership units and will remain as ownership units for the life of the project. The applicable fee rate is the ownership fee rate.

**Rental.** If affordable housing units are provided on-site or off-site, all affordable units will be rental units and will remain rental units for the life of the project. The applicable fee rate is the rental fee rate.

**D** 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)
- ☒ Combination of payment of the Affordable Housing Fee and the construction of on-site or off-site units (Planning Code Section 415.5 - required for Individually Requested State Density Bonus Projects)
- ☐ Eastern Neighborhoods Alternate Affordable Housing Fee (Planning Code Section 417)
- ☐ Land Dedication (Planning Code Section 419)

The applicable inclusionary rate is:

13.5%

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*On-site, off-site or fee rate as a percentage*

If the method of compliance is the payment of the Affordable Housing Fee pursuant to Planning Code Section 415.5, please indicate the total residential gross floor area in the project.

---

*Residential Gross Floor Area*

**E** The Project Sponsor acknowledges that any change which results in the reduction of the number of on-site affordable units following the project approval shall require public notice for a hearing and approval by the Planning Commission.

**F** The Project Sponsor acknowledges that failure to sell or rent the affordable units or to eliminate the on-site or off-site affordable units at any time will require the Project Sponsor to:

- (1) Inform the Planning Department and the Mayor's Office of Housing and Community Development 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.

**G** The Project Sponsor acknowledges that in the event that one or more rental units in the principal project become ownership units, the Project Sponsor shall notify the Planning Department of the conversion, and shall either reimburse the City the proportional amount of the Inclusionary Affordable Housing Fee equivalent to the then-current requirement for ownership units, or provide additional on-site or off-site affordable units equivalent to the then-current requirements for ownership units.

**I** For projects with over 25 units and with EEA's accepted between January 1, 2013 and January 12 2016, in the event that the Project Sponsor does not procure a building or site permit for construction of the principal project before December 7, 2018, rental projects will be subject to the on-site rate in effect for the Zoning District in 2017, generally 18% or 20%.

**J** For projects with EEA's/PRJ's accepted on or after January 12 2016, in the event that the Project Sponsor does not procure a building or site permit for construction of the principal project within 30 months of the Project's approval, the Project shall comply with the Inclusionary Affordable Housing Requirements applicable thereafter at the time the Sponsor is issued a site or building permit.

**K** If a Project Sponsor elects to completely or partially satisfy their Inclusionary Housing requirement by paying the Affordable Housing Fee, the Sponsor must pay the 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.

## UNIT MIX TABLES

### Number of All Units in PRINCIPAL PROJECT:

<b>TOTAL UNITS:</b>	SRO / Group Housing:	Studios:	One-Bedroom Units:	Two-Bedroom Units:	Three (or more) Bedroom Units:
19	19				

If you selected the On-site, Off-Site, or Combination Alternative, please fill out the applicable section below. The On-Site Affordable Housing Alternative is required for HOME-SF Projects pursuant to Planning Code Section 206.4. State Density Bonus Projects that have submitted an Environmental Evaluation Application prior to January 12, 2016 must select the On-Site Affordable Housing Alternative. State Density Bonus Projects that have submitted an Environmental Evaluation Application on or after to January 12, 2016 must select the Combination Affordable Housing Alternative to record the required fee on the density bonus pursuant to Planning Code Section 415.3. If the Project includes the demolition, conversion, or removal of any qualifying affordable units, please complete the Affordable Unit Replacement Section.

☐ **On-site Affordable Housing Alternative** (Planning Code Section 415.6, 419.3, or 206.4):  % of the unit total.

### Number of Affordable Units to be Located ON-SITE:

<b>TOTAL UNITS:</b>	SRO / Group Housing:	Studios:	One-Bedroom Units:	Two-Bedroom Units:	Three (or more) Bedroom Units:
<b>LOW-INCOME</b>	Number of Affordable Units	% of Total Units		AMI Level	
<b>MODERATE-INCOME</b>	Number of Affordable Units	% of Total Units		AMI Level	
<b>MIDDLE-INCOME</b>	Number of Affordable Units	% of Total Units		AMI Level	

☐ **Off-site Affordable Housing Alternative** (Planning Code Section 415.7 or 419.3):  % 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:	

<b>AMI LEVELS:</b>	Number of Affordable Units	% of Total Units		AMI Level
	Number of Affordable Units	% of Total Units		AMI Level
	Number of Affordable Units	% of Total Units		AMI Level

## UNIT MIX TABLES: CONTINUED

☒ **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. On-Site  % of affordable housing requirement.

If the project is a State Density Bonus Project, please enter "100%" for the on-site requirement field and complete the Density Bonus section below.

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	3				

2. 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:	

Income Levels for On-Site or Off-Site Units in Combination Projects:			
AMI LEVELS:	Number of Affordable Units	% of Total Units	AMI Level
80%	3		

3. Fee  % of affordable housing requirement.

**Is this Project a State Density Bonus Project?** ☒ Yes ☐ No

If yes, please indicate the bonus percentage, up to 35% 35%, and the number of bonus units and the bonus amount of residential gross floor area (if applicable) 5 units

I acknowledge that Planning Code Section 415.4 requires that the Inclusionary Fee be charged on the bonus units or the bonus residential floor area. Sponsor reserves all rights relating to the legality of this fee.

Affordable Unit Replacement: Existing Number of Affordable Units to be Demolished, Converted, or Removed for the Project					
TOTAL UNITS:	SRO / Group Housing:	Studios:	One-Bedroom Units:	Two-Bedroom Units:	Three (or more) Bedroom Units:
0					

This project will replace the affordable units to be demolished, converted, or removed using the following method:

- ☐ On-site Affordable Housing Alternative
- ☐ Payment of the Affordable Housing Fee prior to the first construction document issuance
- ☐ Off-site Affordable Housing Alternative (Section 415.7)
- ☐ Combination of payment of the Affordable Housing Fee and the construction of on-site or off-site units (Section 415.5)

**Contact Information and Declaration of Sponsor of PRINCIPAL PROJECT**

Company Name

JAMES NUNEMACHER

Name (Print) of Contact Person

2501 MISSION ST, SF CA 94110

Address

415-321-7003

City, State, Zip

jnc@VANHCARDSF.COM

Phone / Fax

Email

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. 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. **Subject to the reservation of rights relating to the inclusionary housing fee.**

**Sign Here**

Signature:



Name (Print), Title:

JAMES NUNEMACHER manager

Executed on this day in:

Location:

SF.

Date:

6/15/21

**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 FOR

# Anti-Discriminatory

# Housing Policy

## 1. Owner/Applicant Information

PROPERTY OWNER'S NAME:	
MJ Mission Dolores, LLC	
PROPERTY OWNER'S ADDRESS:	TELEPHONE:
2501 Mission Street, San Francisco	(415 )519-7772
	EMAIL:

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

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:		ZIP CODE:
3832 18th Street		94114
CROSS STREETS:		
Church St		
ASSESSORS BLOCK/LOT:	ZONING DISTRICT:	HEIGHT/BULK DISTRICT:
3580 / 018	RM-1	40-x

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: _____	1	19	18

## 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**

## 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:  1C8DD623100D44C... Date: 11/25/2020

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

**Managing member**

Owner / Authorized Agent (circle one)

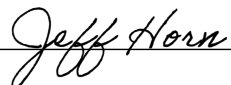
## PLANNING DEPARTMENT USE ONLY

### 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:
20200 312	/31/2020
20200 312 2	/31/2020
RECORD NUMBER:	DATE FILED:
2020 001610	7/30/2020
VERIFIED BY PLANNER:	
Signature: _____ 	Date: <u>7/ /2021</u>
Printed Name: _____	Phone: <u>62 6 2 7366</u>
ROUTED TO HRC:	DATE:
<input checked="" type="checkbox"/> Emailed to: <u>mullane.ahern@sfgov.org</u>	



# AFFIDAVIT FOR FIRST SOURCE HIRING PROGRAM - ADMINISTRATIVE CODE CHAPTER 83

## APPLICATION

### Project Sponsor's Information

Name: MJ Mission Dolores, LLC

Address: 2501 Mission St, San Francisco

Email Address:

Telephone: 415-519-7772

### Property Information and Related Applications

Project Address: 3832 18th St

Block/Lot(s): 3580-018

Building Permit Application No(s): 202008312955

Estimated Residential Units: 19

Estimated SQ FT Commercial Space: n/a

Estimated Height/Floors: 6 stories

Estimated Construction Cost: \$4,000,000

Anticipated Start Date:

### FIRST SOURCE HIRING PROGRAM VERIFICATION

CHECK ALL BOXES APPLICABLE TO THIS PROJECT	YES
Project is wholly residential	✓
Project is wholly commercial	
Project is mixed use	
A: The project consists of ten (10) or more residential units.	✓
B: The project consists of 25,000 square feet or more of gross commercial floor area/	
C: Neither A nor B apply	

#### Notes:

- If you checked C, this project is NOT subject to the First Source Hiring Program. Sign Section 4: Declaration of Sponsor of Project and submit to the Planning Department.
- If you checked A or B, your project IS 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.
- For questions, please contact OEWD's CityBuild program at [CityBuild@sfgov.org](mailto:CityBuild@sfgov.org) or 415.701.4848. For more information about the First Source Hiring Program visit [www.workforcedevelopmentsf.org](http://www.workforcedevelopmentsf.org)
- 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.



## 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.

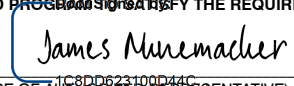
Provide the estimated number of employees from each construction trade to be used on the project, indicating how many are entry and/or apprentice level as well as the anticipated wage for these positions.

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				Laborer			
Boilermaker				Operating Engineer			
Bricklayer				Painter			
Carpenter				Pile Driver			
Cement Mason				Plasterer			
Drywall/Latherer				Plumber and Pipefitter			
Electrician				Roofer/Water proofer			
Elevator Constructor				Sheet Metal Worker			
Floor Coverer				Sprinkler Fitter			
Glazier				Taper			
Heat & Frost Insulator				Tile Layer/Finisher			
Ironworker				Other:			
		<b>TOTAL:</b>				<b>TOTAL:</b>	

- |  |                          |                          |
|--|--------------------------|--------------------------|
|  | YES                      | NO                       |
| 1. Will the anticipated employee compensation by trade be consistent with area Prevailing Wage?  | <input type="checkbox"/> | <input type="checkbox"/> |
| 2. Will the awarded contractor(s) participate in an apprenticeship program approved by the State of California's Department of Industrial Relations? | <input type="checkbox"/> | <input type="checkbox"/> |
| 3. Will hiring and retention goals for apprentices be established?   | <input type="checkbox"/> | <input type="checkbox"/> |
| 4. What is the estimated number of local residents to be hired?  | <hr/>                    |                          |

## DECLARATION OF SPONSOR OF PRINCIPAL PROJECT

PRINT NAME AND TITLE OF AUTHORIZED REPRESENTATIVE	EMAIL	PHONE NUMBER
James Nunemacher, Manager		415-519-7772
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)		11/25/2020 (DATE)

**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](mailto: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.workforcedevelopmentsf.org](http://www.workforcedevelopmentsf.org) Email: [CityBuild@sfgov.org](mailto:CityBuild@sfgov.org)