



SAN FRANCISCO PLANNING DEPARTMENT

Executive Summary Conditional Use

HEARING DATE: JUNE 1, 2017

Date: May 22, 2017
Case No.: **2015-009279CUA VAR-02**
Project Address: **1433 Bush Street**
Zoning: RC-4 (Residential-Commercial, High Density)
Van Ness Special Use District
Van Ness Automotive Special Use District
130-V Height and Bulk District
Block/Lot: 0670/024
Project Sponsor: Jon Heimdahl, JS Sullivan Development
2044 Fillmore St, 3rd Floor
San Francisco, CA 94115
Staff Contact: Christopher May – (415) 575-9087
christopher.may@sfgov.org
Recommendation: **Approval with Conditions**

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

Reception:
415.558.6378

Fax:
415.558.6409

Planning
Information:
415.558.6377

PROJECT DESCRIPTION

The project sponsor proposes to revise a previously-approved project (Case No. 2015-009279CUA, Planning Commission Motion No. 19720, approved August 4, 2016) to demolish the existing one-story commercial building containing an automotive rental use and construct an eight-story, 89-foot tall building with 40 dwelling units (12 studio units, 12 one-bedroom units, 2 two-bedroom units and 14 three-bedroom units) above two ground floor retail spaces. Sixteen (16) stacked at-grade vehicular parking spaces would be located between the two retail spaces and would be accessed via an existing curb cut on Fern Street. Two other existing curb cuts (one on Bush Street and one on Fern Street) would be removed. Forty (40) Class 1 bicycle parking spaces would be provided in a secure, weather protected area on the ground floor level. Four (4) Class 2 bicycle parking spaces would be provided outside along the Bush Street and Fern Street sidewalks. Two ground floor commercial spaces totaling approximately 1,687 square feet would be provided – one on each street frontage. Usable open space for the dwelling units would be provided by means of a 2,001 square-foot shared rooftop deck.

SITE DESCRIPTION AND PRESENT USE

The project is located on the south side of Bush Street, Block 0670, Lot 024, between Van Ness Avenue and Polk Street. The subject property is a through lot with frontage on Bush and Fern Streets. The property is located in the RC-4 (Residential-Commercial, High Density) Zoning District, the Van Ness Special Use District, the Van Ness Automotive Special Use District and the 130-V Height and Bulk District. The property is currently developed with a one-story-over-basement commercial building containing an automotive rental car use (d.b.a. City Rent-A-Car). The subject lot measures 55 feet wide by 120 feet deep with a lot area of 6,600 square feet.

SURROUNDING PROPERTIES AND NEIGHBORHOOD

The project site is located at the northern edge of the Downtown/Civic Center neighborhood. The immediate area is a mix of high-density apartment/condominium residential buildings with varied heights and uses. As the project is within the Van Ness Automotive Special Use District, automotive sales and service uses are also prevalent, particularly along Van Ness Avenue. The project is also located a half block from Polk Street, which is defined by a general development pattern of residential uses over commercial ground floors. Directly adjacent and west of the subject lot is a one-story automotive service building. Directly adjacent and east of the subject lot is a two-story mixed-use building with a restaurant on the ground floor and two residential units on the second floor.

ENVIRONMENTAL REVIEW

On April 18, 2017, the Project was determined to be exempt from the California Environmental Quality Act ("CEQA") as a Class 32 categorical exemption.

HEARING NOTIFICATION

TYPE	REQUIRED PERIOD	REQUIRED NOTICE DATE	ACTUAL NOTICE DATE	ACTUAL PERIOD
Classified News Ad	20 days	May 12, 2016	May 12, 2016	20 days
Posted Notice	20 days	May 12, 2016	May 12, 2016	20 days
Mailed Notice	20 days	May 12, 2016	May 12, 2016	20 days

BACKGROUND

On May 22, 2014, the Planning Commission approved a Conditional Use Authorization request (Case No. 2009.1074C, Planning Commission Motion No. 19159) to demolish the existing one-story commercial building containing an automotive rental use and construct a 115-foot tall, 10-story mixed-use building containing 32 dwelling units, 26 residential parking spaces and a 3,900 square-foot ground floor commercial space. Upon completion of the replacement building, City Rent-A-Car was to reestablish the automotive rental use on the commercial ground floor and would occupy 3 parking spaces within the building. Three existing curb cuts would have remained in order to provide access to the residential parking garage and to serve the automotive rental use.

On August 4, 2016, the Planning Commission approved a Conditional Use Authorization request to revise the previously-approved project. The revised project proposed the construction of a 117-foot tall, 11-story mixed-use building containing 47 dwelling units (9 studio units, 18 one-bedroom units, 18 two-bedroom units and 2 three-bedroom units), 8 below-grade vehicular parking spaces, 52 bicycle parking spaces and two ground floor commercial spaces totaling approximately 1,996 square feet. Plans for the previously-approved project have been attached as an Exhibit at the end of this Executive Summary.

Subsequent to the August 4, 2016, Planning Commission approval, the project sponsor undertook detailed design work and discovered that, at eleven stories, the project was considered a "high-rise" by Building Code standards and was subject to additional regulations that rendered the project infeasible.

The project sponsor now proposes to modify the recently-approved project by reducing the number of stories to eight (8) such that it is no longer considered a “high-rise” for purposes of applying the Building Code. In comparison to the previously-approved project, the revised project will be three (3) stories and 28 feet shorter, will provide seven (7) fewer dwelling units, eight (8) additional off-street parking spaces, eight (8) fewer bicycle parking spaces, and 309 fewer square feet of ground floor retail space. The current project modifies and replaces the recently-approved project.

PUBLIC COMMENT/COMMUNITY OUTREACH

The Department has not received any public comment as of May 22, 2017, in advance of the Planning Commission hearing on June 1, 2017 with regards to the revised project.

ISSUES AND OTHER CONSIDERATIONS

- Building Height in the RC Zoning District. The Project proposes a building height of 89 feet. Planning Code Section 253 states that Conditional Use Authorization is required to construct a structure greater than 40 feet in height on a lot with more than 50 feet of frontage in the RC Zoning District.
- Building Height in the Van Ness Special Use District. The Project proposes a building height of 89 feet. Planning Code Section 253.2 states that any new construction exceeding 50 feet in height in the Van Ness Special Use District shall be permitted only as a conditional use upon approval by the Planning Commission.
- Bulk. The Project proposes a building length of 120 feet and a diagonal dimension of 132 feet. Planning Code Section 270 states that in the V Bulk District, the maximum length of a building is 110 feet with a maximum diagonal dimension of 140 feet; therefore, a bulk exception is required.
- Rear Yard. The unique location of the lot, with its front and rear lot lines abutting two different streets, creates a situation where the literal application of the Planning Code would require that the project provide a 30-foot deep rear yard along the Fern Street frontage. As such, a modification to the rear yard requirements of the Planning Code is required in order to permit the construction of the proposed building, which would feature a 24-foot by 25-foot central courtyard on the east elevation as well as a smaller 24-foot by 9.5-foot central light court on the west elevation as an alternative to the required rear yard. In addition, the proposed 2,001 square-foot shared roof deck would also serve as a comparable amount of usable open space that would be more accessible to residents of the building. The Zoning Administrator will consider this modification request concurrent with the Planning Commission hearing for this Conditional Use authorization request.
- Inclusionary Affordable Housing. Pursuant to Planning Code Section 415.3 and 415.6, the project will provide six affordable dwelling units (2 studios, 2 one-bedrooms, and 2 three-bedrooms) of the 40 units proposed.

- Entertainment Commission. The subject property is located within 300 feet of Mayes Oyster House and the Regency Ballroom, both of which are considered active places of entertainment. As such, the Project Sponsor presented the project to the Entertainment Commission on June 7, 2016, hearing. In addition to the standard “Recommended Noise Attenuation Conditions for Chapter 116 Projects”, the Entertainment Commission has provided additional site-specific recommendations and asks that the Planning Commission adopt them along with the standard conditions.

REQUIRED COMMISSION ACTION

In order for the project to proceed, the Commission must grant Conditional Use Authorization pursuant to Planning Code Sections 253, 253.2, 271 and 303, to modify a previously-approved project (Case No. 2015.009279CUA, Planning Commission Motion No. 19720, approved August 4, 2016) to construct an 8-story building with 40 dwelling units above two ground floor retail spaces totaling 1,687 square feet within the RC-4 (Residential-Commercial, High Density) District, a 130-V Height and Bulk District, the Van Ness Special Use District and the Van Ness Automotive Special Use District.

BASIS FOR RECOMMENDATION

- The project will replace an underutilized site with forty (40) dwelling units, including six (6) affordable dwelling units, and forty-four (44) bicycle parking spaces.
- One curb cut on the Bush Street frontage and one of the two curb cuts on the Fern Street frontage would be removed, which will reduce potential pedestrian-vehicular conflicts along both streets.
- The project will introduce new residents who will support existing businesses in the nearby Polk Street Neighborhood Commercial District and the Van Ness Avenue corridor.
- Although the existing automotive rental use on the subject property will be eliminated, the project will provide approximately 1,687 square feet of ground floor commercial space for future retail use.
- The introduction of a retail space along the Fern Street frontage will help activate an otherwise lightly traveled alleyway.
- Other than those requirements for which a modification is being sought, the project meets all applicable requirements of the Planning Code and proposes land uses that are overall in greater conformity with the Planning Code.
- The project represents the sensitive redevelopment of an underutilized site and is desirable for, and compatible with the surrounding neighborhood.

RECOMMENDATION: Approval with Conditions
--

Attachments:

Block Book Map
Sanborn Map
Zoning Map
Aerial Photographs
Site Photographs
Planning Commission Motion No. 19720
Previously-Approved Plans

Project Sponsor Submittal, including:

- Neighborhood Outreach Summary
- Letters of Support
- Inclusionary Affordable Housing Program: Affidavit for Compliance
- Reduced Plans

Attachment Checklist

- | | |
|---|---|
| <input checked="" type="checkbox"/> Executive Summary | <input checked="" type="checkbox"/> Project sponsor submittal |
| <input checked="" type="checkbox"/> Draft Motion | Drawings: <u>Existing Conditions</u> |
| <input checked="" type="checkbox"/> Environmental Determination | <input checked="" type="checkbox"/> Check for legibility |
| <input checked="" type="checkbox"/> Zoning District Map | Drawings: <u>Proposed Project</u> |
| <input checked="" type="checkbox"/> Height & Bulk Map | <input checked="" type="checkbox"/> Check for legibility |
| <input checked="" type="checkbox"/> Block Map | 3-D Renderings (new construction or significant addition) |
| <input checked="" type="checkbox"/> Sanborn Map | <input checked="" type="checkbox"/> Check for legibility |
| <input checked="" type="checkbox"/> Aerial Photo | <input type="checkbox"/> Wireless Telecommunications Materials |
| <input checked="" type="checkbox"/> Site Photos | <input type="checkbox"/> Health Dept. review of RF levels |
| <input type="checkbox"/> Public Correspondence | <input type="checkbox"/> RF Report |
| <input checked="" type="checkbox"/> Previously-Approved Plans | <input type="checkbox"/> Community Meeting Notice |
| | <input checked="" type="checkbox"/> Housing Documents |
| | <input checked="" type="checkbox"/> Inclusionary Affordable Housing Program: Affidavit for Compliance |

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

_____ CM _____
Planner's Initials



SAN FRANCISCO PLANNING DEPARTMENT

Subject to: (Select only if applicable)

- | | |
|--|--|
| <input type="checkbox"/> Affordable Housing (Sec. 415) | <input type="checkbox"/> First Source Hiring (Admin. Code) |
| <input type="checkbox"/> Jobs Housing Linkage Program (Sec. 413) | <input type="checkbox"/> Child Care Requirement (Sec. 414) |
| <input type="checkbox"/> Downtown Park Fee (Sec. 412) | <input type="checkbox"/> Transportation Sustainability Fee (Sec. 411A) |

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

Reception:
415.558.6378

Fax:
415.558.6409

Planning
Information:
415.558.6377

Planning Commission Draft Motion

HEARING DATE: JUNE 1, 2017

Date: May 22, 2017
Case No.: **2015-009279CUAVAR-02**
Project Address: **1433 BUSH STREET**
Zoning: RC-4 (Residential-Commercial, High-Density)
Van Ness Special Use District
Van Ness Automotive Special Use District
130-V Height and Bulk District
Block/Lot: 0670/024
Project Sponsor: Jon Heimdahl, JS Sullivan Development
2044 Fillmore St, 3rd Floor
San Francisco, CA 94115
Staff Contact: Christopher May – (415) 575-9087
christopher.may@sfgov.org

ADOPTING FINDINGS RELATING TO THE APPROVAL OF CONDITIONAL USE AUTHORIZATION PURSUANT TO SECTIONS 253, 253.2, 271 AND 303, TO MODIFY A PREVIOUSLY-APPROVED PROJECT (CASE NO. 2015-009279CUA, PLANNING COMMISSION MOTION NO. 19720 APPROVED AUGUST 4, 2016) TO DEMOLISH THE EXISTING ONE-STORY COMMERCIAL BUILDING CONTAINING AN AUTOMOTIVE RENTAL USE AND CONSTRUCT AN EIGHT-STORY BUILDING WITH 40 DWELLING UNITS ABOVE TWO GROUND FLOOR RETAIL SPACES TOTALING 1,687 SQUARE FEET, WITH A SHARED ROOFTOP DECK, 16 STACKED VEHICULAR PARKING SPACES ACCESSED VIA FERN STREET, AND 44 BICYCLE PARKING SPACES WITHIN THE RC-4 (RESIDENTIAL-COMMERCIAL, HIGH-DENSITY) ZONING DISTRICT, A 130-V HEIGHT AND BULK DISTRICT, THE VAN NESS SPECIAL USE DISTRICT AND THE VAN NESS AUTOMOTIVE SPECIAL USE DISTRICT.

PREAMBLE

On February 8, 2017, Jon Heimdahl on behalf of JS Sullivan Development (hereinafter "Project Sponsor") filed an application with the Planning Department (hereinafter "Department") for Conditional Use Authorization, pursuant to Planning Code Sections 253, 253.2, 271 and 303, to modify a previously-approved project (Case No. 2015-009279CUA, Planning Commission Motion No. 19720, approved August

4, 2016) to demolish the existing one-story commercial building containing an automotive rental use and construct an eight-story building with 40 dwelling units above two ground floor retail spaces totaling 1,687 square feet, with a shared rooftop deck, 16 stacked vehicular parking spaces accessed via Fern Street, and 44 bicycle parking spaces within the RC-4 (Residential-Commercial, High-Density) Zoning District, a 130-V Height and Bulk District, the Van Ness Special Use District and the Van Ness Automotive Special Use District.

On June 1, 2017, the San Francisco Planning Commission (hereinafter "Commission") conducted a duly noticed public hearing at a regularly scheduled meeting on Conditional Use Application No. 2015-009279CUA-02.

On April 18, 2017, the Project was determined to be exempt from the California Environmental Quality Act ("CEQA") as a Class 32 Categorical Exemption under CEQA as described in the determination contained in the Planning Department files for this Project.

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

MOVED, that the Commission hereby authorizes the Conditional Use requested in Application No. 2015-009279CUA-02, subject to the conditions contained in "EXHIBIT A" of this motion, based on the following findings:

FINDINGS

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

1. The above recitals are accurate and constitute findings of this Commission.
2. **Site Description and Present Use.** The project is located on the south side of Bush Street, Block 0670, Lot 024, between Van Ness Avenue and Polk Street. The subject property is a through lot with frontage on Bush and Fern Streets. The property is located in the RC-4 (Residential-Commercial, High Density) Zoning District, the Van Ness Special Use District, the Van Ness Automotive Special Use District and the 130-V Height and Bulk District. The property is currently developed with a one-story-over-basement commercial building containing an automotive rental car use (d.b.a. City Rent-A-Car). The subject lot measures 55 feet wide by 120 feet deep with a lot area of 6,600 square feet.
3. **Surrounding Properties and Neighborhood.** The project site is located at the northern edge of the Downtown/Civic Center neighborhood. The immediate area is a mix of high-density apartment/condominium residential buildings with varied heights and uses. As the project is within the Van Ness Automotive Special Use District, automotive sales and service uses are also prevalent, particularly along Van Ness Avenue. The project is also located a half block from Polk Street, which is defined by a general development pattern of residential uses over commercial ground floors. Directly adjacent and west of the subject lot is a one-story automotive service

building. Directly adjacent and east of the subject lot is a two-story mixed-use building with a restaurant on the ground floor and two residential units on the second floor.

4. **Previously-Approved Project Description.** On August 4, 2016, the Planning Commission approved a Conditional Use Authorization request (Case No. 2015-009279CUA, Planning Commission Motion No. 19720) to demolish the existing one-story commercial building containing an automotive rental use and construct a 117-foot tall, 11-story mixed-use building containing 47 dwelling units (9 studio units, 18 one-bedroom units, 18 two-bedroom units and 2 three-bedroom units), 8 below-grade vehicular parking spaces, 52 bicycle parking spaces and two ground floor commercial spaces totaling approximately 1,996 square feet. This approval revised a previously-approved project (Case No. 2009.1074C, Planning Commission Motion No. 19159).
5. **Current Project Description.** The revised project proposes the demolition of the one-story commercial building containing an automotive rental use and the construction of an 89-foot tall, eight-story building with 40 dwelling units (12 studios, 12 one-bedrooms, 2 two-bedrooms and 14 three-bedrooms) above two ground floor retail spaces totaling 1,687 square feet, with a shared rooftop deck, 16 stacked vehicular parking spaces accessed via Fern Street, and 44 bicycle parking spaces. Usable open space for the dwelling units would be provided on a 2,001 square-foot shared rooftop deck.
6. **Public Comment.** The Department has not received any public comment as of May 22, 2017, in advance of the Planning Commission hearing on June 1, 2017.
7. **Planning Code Compliance:** The Commission finds that the Project is consistent with the relevant provisions of the Planning Code in the following manner:
 - A. **Building Height in the RC Zoning District.** Planning Code Section 253 states that Conditional Use Authorization is required to construct a structure greater than 40 feet in height on a lot with more than 50 feet of frontage in the RC Zoning District.

The Project proposes a building height of 89 feet within the RC-4 Zoning District and therefore requires Conditional Use Authorization. The additional required findings are listed below under Subsection 8.
 - B. **Building Height in the Van Ness Special Use District.** Planning Code Section 253.2 states that any new construction exceeding 50 feet in height in the Van Ness Special Use District shall be permitted only as a conditional use upon approval by the Planning Commission. The Planning Commission may require that the permitted bulk and required setbacks of a building be arranged to maintain appropriate scale on and maximize sunlight to narrow streets (rights-of-way 40 feet in width or narrower) and alleys.

The Project proposes a building height of 89 feet within the Van Ness Special Use District and therefore requires Conditional Use Authorization.

- C. **Building Height.** Per Planning Code Section 260, the maximum height limit for the subject property is 130 feet.

The Project proposes a building height of 89 feet and is therefore compliant with this requirement.

- D. **Bulk.** Planning Code Section 270 states that in the V Bulk District, the maximum length of a building is 110 feet with a maximum diagonal dimension of 140 feet above 50 feet.

The Project proposes a building length of 120 feet and a diagonal dimension of 132 feet. As the Project exceeds the maximum building length, a bulk exception is being sought. The additional required findings are listed below under Subsection 9.

- E. **Basic Floor Area Ratio.** Planning Code Section 243(c)(1) states that the basic floor area ratio limit shall be 7.0 to 1 in the 130-foot height district and, notwithstanding Section 124(b) of the Code, shall apply to dwellings, and includes floor space used for non-accessory off-street parking, driveways, and maneuvering areas. Section 125(b) of the Planning Code further states that for an interior lot which abuts along its rear lot line upon a street or alley, a floor area premium may be added by increasing the depth of the lot or portion along such street or alley, for purposes of floor area ratio computation, by one-half the width of such street or alley or 10 feet, whichever is the lesser.

The subject property is an interior lot which also abuts Fern Street along its rear lot line and therefore qualifies for a floor area ratio premium of 10 feet. As such, the maximum permitted basic floor area ratio would allow for a total of 50,050 square feet. The Project proposes a total of 48,109 square feet, and therefore complies with this requirement.

- F. **Rear Yard.** Planning Code Section 134 requires that the project provide a rear yard equal to 25 percent of the total lot depth at the lowest level containing a residential unit, and at each succeeding level or story of the building, but in no case less than 15 feet. Alternatively, the rear yard requirement in the Van Ness Special Use District may be modified or waived by the Zoning Administrator pursuant to the procedures which are applicable to variances, provided that the interior block open space formed by the rear yards of abutting properties will not be adversely affected, a comparable amount of usable open space is provided elsewhere on the lot or within the development where it is more accessible to residents, and the access of light and air to abutting properties will not be significantly impeded.

Literal enforcement of this Code requirement would result in a 30-foot deep rear yard along the Fern Street frontage. As an alternative, a rear yard modification is being sought for the project pursuant to Planning Code Sections 243(c)(6) and 307(g) to permit the provision of a large central courtyard on the east elevation and a smaller light court on the west elevation totaling approximately 828 square feet to serve as the required rear yard. In addition, the proposed 2,001 square-foot shared roof deck would also serve as a comparable amount of usable open space that would be more accessible to residents of the building. The Zoning Administrator will consider a modification to the rear yard concurrent with the Planning Commission hearing for this Conditional Use Authorization request.

- G. **Usable Open Space.** Planning Code Section 135 requires that the project provide a minimum of 36 square feet of open space per dwelling unit. Any space credited as private usable open space shall have a minimum horizontal dimension of six feet and a minimum area of 36 square feet if located on a deck, balcony, porch or roof. Alternatively, common useable open space, at a rate of 48 square feet per dwelling unit, may be provided to satisfy this requirement. Any space credited as common usable open space shall be at least 15 feet in every horizontal dimension and shall have a minimum area of 300 square feet.

The Project proposes a common rooftop deck totaling approximately 2,001 square feet, for an amount equal to 50 square feet per dwelling unit, and therefore complies with this requirement.

- H. **Dwelling Unit Density.** Planning Code Section 243(c)(2) states that in the Van Ness Special Use District, residential density limits shall not apply.

The project proposes 40 dwelling units.

- I. **Dwelling Unit Exposure.** Planning Code Section 140 states that in each dwelling unit, the windows of at least one room of 120-square-foot minimum dimensions shall face directly onto a public street, public alley at least 20 feet in width, side yard at least 25 feet in width, a Code-complying rear yard, or an open area which is unobstructed and is no less than 25 feet in every horizontal dimension for the floor at which the dwelling unit in question is located and the floor immediately above it, with an increase of five feet in every horizontal dimension at each subsequent floor.

The project complies with the dwelling unit exposure requirement as every unit would face onto either Bush Street or Fern Street.

- J. **Off-Street Parking and Loading.** Section 151.1 of the Planning Code permits a maximum of one (1) off-street parking space for every two (2) dwelling units and up to one (1) off-street parking space for each 200 square feet of occupied floor area for retail uses are permitted in a Residential-Commercial Zoning District. Planning Code Section 152 does not require any off-street loading spaces for non-residential uses with a gross floor area less than 10,000 square feet.

The project proposes sixteen (16) off-street parking spaces, including one handicap-accessible space, in the at-grade garage level accessed from Fern Street. The amount of off-street parking proposed is less than the maximum 34 off-street parking spaces permitted by the Planning Code, and does not require or propose any off-street loading spaces for the non-residential uses. The project therefore complies with these requirements.

- K. **Non-Residential Bicycle Parking.** Planning Code Section 155.2 requires the provision of at least one (1) Class 2 bicycle parking space for every 750 square feet of occupied floor area, but no less than two, for restaurant uses.

The Project would provide two (2) Class 2 bicycle parking spaces, which complies with the Planning Code requirements.

- L. **Residential Bicycle Parking.** Planning Code Section 155.2 requires the provision of at least one (1) Class 1 bicycle parking space per dwelling unit and one (1) Class 2 bicycle parking space per 20 dwelling units for residential uses.

The Project would provide a total of forty (40) Class 1 bicycle parking spaces in a bicycle storage area on the ground floor. Two (2) Class 2 bicycle parking spaces would be provided which complies with the Planning Code requirements.

- M. **Street Frontage in Residential-Commercial Districts.** Section 145.1 of the Planning Code requires that, with the exception of space allowed for parking and loading access, building egress, and access to mechanical systems, space for active uses shall be provided within the first 25 feet of building depth on the ground floor and 15 feet on floors above from any facade facing a street at least 30 feet in width. Building systems including mechanical, electrical, and plumbing features may be exempted from this requirement by the Zoning Administrator only in instances where those features are provided in such a fashion as to not negatively impact the quality of the ground floor space. Building lobbies are considered active uses, so long as they do not exceed 40 feet or 25 percent of building frontage, whichever is larger. The floors of street-fronting interior spaces housing non-residential active uses and lobbies shall be as close as possible to the level of the adjacent sidewalk at the principal entrance to these spaces. Frontages with active uses must be fenestrated with transparent windows and doorways for no less than 60 percent of the street frontage at the ground level and allow visibility to the inside of the building. The use of dark or mirrored glass shall not count towards the required transparent area. No more than one-third of the width or 20 feet, whichever is less, of any given street frontage shall be devoted to parking ingress or egress. Ground floor non-residential uses in all RC districts shall have a minimum floor-to-floor height of 14 feet.

The proposed building would front onto both Bush Street and Fern Street and active uses are required along both frontages. The Bush Street frontage is occupied by a proposed retail use approximately 25 feet deep and the entrance to the residential lobby, both of which are considered active uses. The floor-to-floor ground floor height for the commercial space fronting Bush Street is approximately 14 feet.

On the Fern Street side, approximately 10 feet of frontage is dedicated to parking ingress/egress, 5 feet is occupied by doors providing access to gas meters and 5 feet is occupied by the secondary building ingress/egress corridor, all of which are exempted from the provisions of Planning Code Section 145.1. The remaining 30 feet of the Fern Street frontage is occupied by a proposed commercial use, which has a floor-to-floor height of approximately 18 feet and is approximately 25 feet deep. The proposed uses and ground floor layout along the two street frontages complies with the requirements of Planning Code Section 145.1.

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

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

Based upon a shadow analysis, the Project does not cast any net new shadow upon property under the jurisdiction of the Recreation and Parks Commission.

- O. **Entertainment Commission Outreach.** Planning Code Section 314 requires that the Planning Department and Planning Commission consider the compatibility of uses when approving residential uses adjacent to or near existing permitted Places of Entertainment and shall take all reasonably available means through the City's design review and approval processes to ensure that the design of such new residential development project takes into account the needs and interests of both the Places of Entertainment and the future residents of the new development.

The subject property is located within 300 feet of Mayes Oyster House and the Regency Ballroom, both of which are considered active places of entertainment. As such, the Project Sponsor presented the project to the Entertainment Commission on June 7, 2016, hearing. In addition to the standard "Recommended Noise Attenuation Conditions for Chapter 116 Projects", the Entertainment Commission has provided additional site-specific recommendations and asks that the Planning Commission adopt them along with the standard conditions, all of which are included as recommended conditions of approval in Exhibit A.

- P. **Transportation Sustainability Fee.** Planning Code Section 411A is applicable to any development project that results in the construction of more than twenty (20) new dwelling units.

The Project proposes the construction of forty (40) new dwelling units and is therefore subject to the Transportation Sustainability Fee. These fees must be paid prior to the issuance of the first construction document.

- Q. **Transportation Demand Management (TDM) Plan.** Pursuant to Planning Code Section 169 and the TDM Program Standards, the Project shall finalize a TDM Plan prior to Planning Department approval of the first Building Permit or Site Permit. As currently proposed, the Project must achieve a target of 13 points.

The Project submitted a completed Environmental Evaluation Application prior to September 4, 2016. Therefore, the Project must only achieve 50% of the point target established in the TDM Program Standards, resulting in a required target of 6.5 points. As currently proposed, the Project will achieve 9 points through the following TDM measures:

- *Unbundled Parking*
- *Parking Supply*
- *Bicycle Parking (Option A)*
- *On-Site Affordable Housing*

- R. **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. The

applicable percentage is dependent on the number of units in the project, the zoning of the property, and the date that the project submitted a complete Environmental Evaluation Application. A complete Environmental Evaluation Application was submitted on October 20, 2015; therefore, pursuant to Planning Code Section 415.3 the Inclusionary Affordable Housing Program requirement for the On-site Affordable Housing Alternative is to provide 14.5% of the proposed dwelling units as affordable. This requirement is subject to change under pending legislation to modify Planning Code Section 415 which is currently under review by the Board of Supervisors (Board File Nos. 161351 and 170208). The proposed changes to Section 415, which include but are not limited to modifications to the amount of inclusionary housing required onsite or offsite, the methodology of fee calculation, and dwelling unit mix requirements, will become effective after approval by the Board of Supervisors.

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 April 3, 2017. The applicable percentage is dependent on the total number of units in the project, the zoning of the property, and the date that the project submitted a complete Environmental Evaluation Application. A complete Environmental Evaluation Application was submitted on October 20, 2015; therefore, pursuant to Planning Code Section 415.3 the Inclusionary Affordable Housing Program requirement for the On-site Affordable Housing Alternative is to provide 14.5% of the total proposed dwelling units as affordable. Six (6) units (2 studios, 2 one-bedroom, and 2 three-bedroom) of the total 40 units provided will be affordable units. If the Project becomes ineligible to meet its Inclusionary Affordable Housing Program obligation through the On-site Affordable Housing Alternative, it must pay the Affordable Housing Fee with interest, if applicable.

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

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

- B. **Child Care Fee.** Planning Code Section 414A requires payment of a child care impact fee for a project that results in one net new dwelling unit.

The Project proposes 40 new dwelling units and will be required to pay a fee of \$0.91 for each net new gross square foot of residential development.

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

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

The size of the proposed multi-use building is necessary and desirable as it will provide 40 dwelling units to the City's housing stock, which is the same amount the site was entitled for in 2016. The height and density of the building is compatible with the surrounding Downtown/Civic Center neighborhood, the RC-4 Zoning District and the Van Ness Special Use District, as the project is reflective of the uses and density found in the immediate neighborhood. The proposed project would also replace the currently entitled ground floor automotive rental use with pedestrian-oriented commercial uses.

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

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

The proposed size, shape and arrangement of the proposed building would not be detrimental to persons residing or working in the vicinity, as the building, in general, is consistent with the massing and height of other tall buildings found within the immediate vicinity, within the Van Ness Special Use District and the wider Downtown/Civic Center neighborhood. The proposed project represents the appropriate infill of a lot that is currently underdeveloped.

- ii. The accessibility and traffic patterns for persons and vehicles, the type and volume of such traffic, and the adequacy of proposed off-street parking and loading;

The project would provide sixteen (16) unbundled off-street parking spaces for the residential uses in an at-grade garage located behind the two ground floor commercial spaces. The Planning Code does not require parking or loading for the proposed 1,687 square feet of commercial uses. The project would eliminate two of the three existing curb cuts (one on Bush Street and one on Fern Street) currently providing access to the site, reducing the potential for pedestrian and vehicular

conflicts. Parking access would be located on Fern Street so as to not impede the busier thoroughfare along Bush Street.

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

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

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

The project locates residential parking on the ground floor behind the residential lobby and commercial spaces fronting onto both Bush and Fern Streets. The central courtyard on the east elevation would be landscaped and would be fully accessible from the residential corridor. The vehicular access for the parking garage is accessed via Fern Street, which is a less travelled street, thus minimizing potential pedestrian and vehicular conflicts. The project proposes approximately 2,001 square feet of common open space on the rooftop deck. The project sponsor has completed the required Tree Planting and Protection Checklist and has identified that six street trees are required by the project. The feasibility of planting the required number of street trees at the project will be determined by the Department of Public Works, Urban Forestry Division.

- 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. Where the project deviates from the standard provisions of the Planning Code, the project sponsor is requesting the necessary exceptions and variances as required by the Planning Code. The project is consistent with objectives and policies of the General Plan as detailed below.

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

The proposed project is consistent with the stated purposes of RC-4 District and the Van Ness Special Use District in that it proposes high-density housing with ground floor commercial uses that are compatible with other uses nearby.

- 9. **Bulk Exception Findings.** Pursuant to Planning Code Section 270, the "V" Bulk District shall have a maximum length of 110 feet and a maximum diagonal dimension of 140 feet for the portion of a building greater than 50 feet in height.

The proposed project measures 120 feet in plan length with a diagonal dimension of 132 feet, therefore the project requires a bulk exception to exceed the maximum plan length by 10 feet pursuant to Planning Code Section 271, an approval that was granted to the currently entitled project.

Planning Code Section 271 establishes criteria to allow exceptions to the Bulk limit with Conditional Use Approval. On balance, the project does comply with said criteria in that:

- a. The appearance of the bulk in the building, structure or development shall be reduced by means of at least one and preferably a combination of the following factors, so as to produce the impression of an aggregate of parts rather than a single building mass.

- i. Major variations in the planes of wall surfaces, in either depth or direction, that significantly alter the mass;

The bulk of the building is interrupted by a large central courtyard on the east elevation measuring approximately 600 square feet (24 feet by 25 feet) and by a smaller light court on the west elevation measuring approximately 228 square feet (24 feet by 9.5 feet), thus creating a break in the building mass and giving the appearance of two buildings.

- ii. Significant differences in the heights of various portions of the building, structure or development that divide the mass into distinct elements;

While the proposed building height does not vary from one portion of the building to another, the façade height on the Fern Street frontage is five feet greater (89 feet) due to differences in street elevations.

- iii. Differences in materials, colors or scales of the facades that produce separate major elements;

All facades are treated with exterior materials of various textures and colors to create a building scale and massing that is appropriate within the surrounding context. The ground floor is also differentiated by height, scale and materials.

- iv. Compensation for those portions of the building, structure or development that may exceed the bulk limits by corresponding reduction of other portions below the maximum bulk permitted; and

The large central courtyard along the east elevation and the smaller light court on the west elevation create the appearance of two buildings, each of which would meet the bulk limits if measured as separate elements.

- v. In cases where two or more buildings, structures or towers are contained within a single development, a wide separation between such buildings, structures or towers.

This criterion is not applicable as only one tower is proposed.

- b. In every case the building, structure or development shall be made compatible with the character and development of the surrounding area by means of all of the following factors:

- i. A silhouette harmonious with natural land-forms and building patterns, including the patterns produced by height limits;

The building height and silhouette is harmonious with the surrounding topography on Bush Street and the Van Ness Avenue corridor.

- ii. Either maintenance of an overall height similar to that of surrounding development or a sensitive transition, where appropriate, to development of a dissimilar character;

The height, setbacks and placement of architectural detailing references the building heights and scale in the surrounding neighborhood.

- iii. Use of materials, colors and scales either similar to or harmonizing with those of nearby development; and

The scale and selection of exterior materials reflect the residential uses in the immediate neighborhood. The scale of the ground floor is consistent with the pattern of tall commercial street frontages along Bush Street. The window proportions and use of Juliette balconies reflect the residential uses contained within the upper portion of the building.

- iv. Preservation or enhancement of the pedestrian environment by maintenance of pleasant scale and visual interest.

The pattern of continuous commercial ground floor uses is maintained along Bush Street and the removal of the one existing curb cut along the Bush Street frontage will enhance the pedestrian realm. The removal of one of the two curb cuts on Fern Street and the proposed retail space along that frontage will enhance pedestrian activity in the alleyway.

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

HOUSING

Objectives and Policies

OBJECTIVE 1:

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

Policy 1.2:

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

Policy 1.10:

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

The project is located in a Residential-Commercial, High Density (RC-4) District, which has been identified as an area where existing and planned infrastructure can support residential growth. Future

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

OBJECTIVE 4:

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

Policy 4.1:

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

The project will provide 2 two-bedroom units and 14 three-bedroom units which would be suitable for families with children.

OBJECTIVE 12:

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

Policy 12.1:

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

Policy 12.2:

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

Policy 12.3:

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

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

OBJECTIVE 13:

PRIORITIZE SUSTAINABLE DEVELOPMENT IN PLANNING FOR AND CONSTRUCTING NEW HOUSING.

Policy 13.3:

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

The proposed residential building would provide forty (40) weather-protected bicycle parking spaces for its residents to encourage bicycling, and is located within walking distance to several public transit lines, including the future Van Ness Avenue BRT line.

NEIGHBORHOOD COMMERCE

Objectives and Policies

OBJECTIVE 1:

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

Policy 1.1:

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

Policy 1.2:

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

Policy 1.3:

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

The proposed project will provide 1,687 square feet of commercial space on the ground floor, which will contribute positively to the diversity of commercial uses and services found in the surrounding neighborhood.

OBJECTIVE 2:

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

Policy 2.1:

Seek to retain existing commercial and industrial activity and to attract new such activity to the City.

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

OBJECTIVE 6:

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

Policy 6.1:

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

The project sponsor no longer seeks to continue the existing automobile rental use and instead is proposing two separate commercial spaces that would enable the district to achieve optimal diversity in the types of goods and services available in the neighborhood.

Policy 6.2:

Promote economically vital neighborhood commercial districts which foster small business enterprises and entrepreneurship and which are responsive to the economic and technological innovation in the marketplace and society.

An independent entrepreneur is sponsoring the proposal. The proposed use is a neighborhood serving use. No Formula Retail use is being proposed.

TRANSPORTATION ELEMENT

Objectives and Policies

OBJECTIVE 2:

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

Policy 2.1:

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

The project proposes to create high-density housing within walking distance of MUNI lines 1, 2, 3, 19, 38, 39R, 47, 49 and the California Street cable car line. In addition, the subject site is near the Van Ness Avenue transit corridor, which is proposed to be redesigned for a bus rapid transit (BRT) line in the near future. The project would provide only 16 off-street parking spaces, for a total of 0.4 spaces per dwelling unit, and will not provide any parking for the proposed commercial uses which will encourage transit usage amongst residents and patrons of the ground floor retail spaces.

OBJECTIVE 11:

ESTABLISH PUBLIC TRANSIT AS THE PRIMARY MODE OF TRANSPORTATION IN SAN FRANCISCO AND AS A MEANS THROUGH WHICH TO GUIDE FUTURE DEVELOPMENT AND IMPROVE REGIONAL MOBILITY AND AIR QUALITY.

Policy 11.3:

Encourage development that efficiently coordinates land use with transit service, requiring that developers address transit concerns as well as mitigate traffic problems.

The project is located within a neighborhood rich with public transportation and, with only 0.4 off-street parking spaces per dwelling unit, occupants of the proposed building are expected to rely heavily on public transit, cycling or walking for the majority of their daily trips. Within a few blocks of the subject site, there is an abundance of local and regional transit lines, including MUNI bus lines, the California Street cable car line, MUNI Metro rail lines and BART.

OBJECTIVE 28:

PROVIDE SECURE AND CONVENIENT PARKING FACILITIES FOR BICYCLES.

Policy 28.1:

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

Policy 28.3:

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

The project will provide forty (40) Class 1 bicycle parking spaces within a secure, weather protected area within the building as well as four (4) Class 2 bicycle parking spaces along the Bush and Fern Street frontages that will accommodate both employees and patrons of the building's commercial uses as well as guests of the residential units above.

OBJECTIVE 34:

RELATE THE AMOUNT OF PARKING IN RESIDENTIAL AREAS AND NEIGHBORHOOD COMMERCIAL DISTRICTS TO THE CAPACITY OF THE CITY'S STREET SYSTEM AND LAND USE PATTERNS.

Policy 34.1:

Regulate off-street parking in new housing so as to guarantee needed spaces without requiring excesses and to encourage low auto ownership in neighborhoods that are well served by transit and are convenient to neighborhood shopping.

Policy 34.3:

Permit minimal or reduced off-street parking supply for new buildings in residential and commercial areas adjacent to transit centers and along transit preferential streets.

Policy 34.5:

Minimize the construction of new curb cuts in areas where on-street parking is in short supply and locate them in a manner such that they retain or minimally diminish the number of existing on-street parking spaces.

A maximum of twenty (20) off-street parking spaces are permitted (one for every two dwelling units), however the project proposes only sixteen (16) off-street parking spaces. The proposed commercial uses do not require nor propose any off-street parking or loading. As such, the project is consistent with the objectives of the General Plan for parking reduction for new buildings in residential and commercial areas adjacent to transit centers.

URBAN DESIGN

Objectives and Policies

OBJECTIVE 3:

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

Policy 3.1:

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

Policy 3.6:

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

In order to respond to the surrounding context in terms of bulk and massing, the project proposes a large central courtyard along the east elevation and a smaller light court on the west elevation, thus creating a break in the building mass and giving the appearance of two buildings. The exposed side elevations will be treated with finished stucco and will feature reveal joints to create visual interest until such time that the adjacent properties redevelop. The proposed building would meet the requirements of the 130-foot Height District within which it is located, and would represent an appropriate scale of development.

VAN NESS AVENUE AREA PLAN

Objectives and Policies

OBJECTIVE 7:

PROVIDE SAFE AND ATTRACTIVE ENVIRONMENTS WITHIN EACH MIXED USE DEVELOPMENT.

Policy 7.1:

Ensure safety, security and privacy within new residential developments while encouraging efficient use of common open space areas.

Policy 7.3:

Generally maintain existing open space requirements for residential use. Allow common open space requirements to be met by a variety of recreation and open space features.

Policy 7.4:

Design mixed use developments to create a quiet residential environment with a variety of intimate, personal spaces well insulated from the intrusion of noises from street or commercial activities.

The proposed building provides a spacious, secure rooftop common outdoor space for building residents which will be set back from the building's façade in order to insulate it from street noise and commercial activity below.

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

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

The subject site is located adjacent to the Polk Street Neighborhood Commercial District, which is a vibrant and successful neighborhood retail and commercial area. The project will introduce new

residents who will visit and shop at the existing neighborhood retail and commercial establishments, thereby enhancing their businesses. Although the existing automotive rental use on the subject property will be eliminated, the project will provide approximately 1,687 square feet of ground floor commercial space for future retail use.

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

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

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

There is currently no housing on the subject property, therefore no affordable housing is proposed to be removed for this project. Moreover, the project would enhance the City's supply of affordable housing by providing six (6) on-site affordable dwelling units, in compliance with the Inclusionary Affordable Housing Program requirements of Planning Code Section 415.

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

The project is well-served by public transit, particularly along the Van Ness Avenue, Pine Street, Bush Street and California Street corridors. With only 16 off-street parking spaces for the proposed 40 dwelling units, the project is not expected to generate much commuter traffic that would overburden local streets or impact neighborhood parking.

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

The Project will not displace any service or industry establishment. The project will not affect industrial or service sector uses or related employment opportunities. Ownership of industrial or service sector businesses will not be affected by this project.

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

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

- G. That landmarks and historic buildings be preserved.

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

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

A shadow study was prepared and the project's shadow does not reach any parks or open spaces under the jurisdiction of the Department of Recreation and Parks. The project will have no negative impact on existing parks and open spaces.

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

DECISION

That based upon the Record, the submissions by the Applicant, the staff of the Department and other interested parties, the oral testimony presented to this Commission at the public hearings, and all other written materials submitted by all parties, the Commission hereby **APPROVES Conditional Use Application No. 2015-009279CUA-02** subject to the following conditions attached hereto as "EXHIBIT A" in general conformance with plans on file, dated May 8, 2017, and stamped "EXHIBIT B", which is incorporated herein by reference as though fully set forth.

APPEAL AND EFFECTIVE DATE OF MOTION: Any aggrieved person may appeal this Conditional Use Authorization to the Board of Supervisors within thirty (30) days after the date of this Motion No. XXXXX. The effective date of this Motion shall be the date of this Motion if not appealed (After the 30-day period has expired) OR the date of the decision of the Board of Supervisors if appealed to the Board of Supervisors. For further information, please contact the Board of Supervisors at (415) 554-5184, City Hall, Room 244, 1 Dr. Carlton B. Goodlett Place, San Francisco, CA 94102.

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

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

I hereby certify that the Planning Commission ADOPTED the foregoing Motion on June 1, 2017.

Jonas P. Ionin
Commission Secretary

AYES:

NAYS:

ABSENT:

ADOPTED: June 1, 2017

EXHIBIT A

AUTHORIZATION

This authorization is for a conditional use to allow the construction of an 8-story building with 40 dwelling units above two ground floor retail spaces totaling 1,546 square feet located at 1433 Bush Street, Block 0670, Lot 024, pursuant to Planning Code Sections 253, 253.2, 271 and 303 within the RC-4 District and a 130-V Height and Bulk District; in general conformance with plans, dated May 8, 2017, and stamped "EXHIBIT B" included in the docket for Case No. 2015-009279CUA-02 and subject to conditions of approval reviewed and approved by the Commission on June 1, 2017 under Motion No XXXXXX. This authorization and the conditions contained herein run with the property and not with a particular Project Sponsor, business, or operator.

RECORDATION OF CONDITIONS OF APPROVAL

Prior to the issuance of the building permit or commencement of use for the Project the Zoning Administrator shall approve and order the recordation of a Notice in the Official Records of the Recorder of the City and County of San Francisco for the subject property. This Notice shall state that the project is subject to the conditions of approval contained herein and reviewed and approved by the Planning Commission on June 1, 2017 under Motion No XXXXXX.

PRINTING OF CONDITIONS OF APPROVAL ON PLANS

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

SEVERABILITY

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

CHANGES AND MODIFICATIONS

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

Conditions of Approval, Compliance, Monitoring, and Reporting

PERFORMANCE

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

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

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

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

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

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

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

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

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

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

ENTERTAINMENT COMMISSION – NOISE ATTENUATION CONDITIONS

Chapter 116 Residential Projects. The Project Sponsor shall comply with the “Recommended Noise Attenuation Conditions for Chapter 116 Residential Projects,” which were recommended by the Entertainment Commission on August 25, 2015. These conditions state:

1. **Community Outreach.** Project Sponsor shall include in its community outreach process any businesses located within 300 feet of the proposed project that operate between the hours of 9PM-5AM. Notice shall be made in person, written or electronic form.
2. **Sound Study.** Project sponsor shall conduct an acoustical sound study, which shall include sound readings taken when performances are taking place at the proximate Places of Entertainment, as well as when patrons arrive and leave these locations at closing time. Readings should be taken at locations that most accurately capture sound from the Place of Entertainment to best of their ability. Any recommendation(s) in the sound study regarding window glaze ratings and soundproofing materials including but not limited to walls, doors, roofing, etc. shall be given highest consideration by the project sponsor when designing and building the project.
3. **Design Considerations.**
 - a. During design phase, project sponsor shall consider the entrance and egress location and paths of travel at the Place(s) of Entertainment in designing the location of (a) any entrance/egress for the residential building and (b) any parking garage in the building.
 - b. In designing doors, windows, and other openings for the residential building, project sponsor should consider the POE’s operations and noise during all hours of the day and night.
4. **Construction Impacts.** Project sponsor shall communicate with adjacent or nearby Place(s) of Entertainment as to the construction schedule, daytime and nighttime, and consider how this schedule and any storage of construction materials may impact the POE operations.
5. **Communication.** Project Sponsor shall make a cell phone number available to Place(s) of Entertainment management during all phases of development through construction. In addition, a line of communication should be created to ongoing building management throughout the occupation phase and beyond.

In addition to these standard recommendations, at a hearing held on June 7, 2016, the Entertainment Commission made a motion to recommend that the Planning Commission adopt these site-specific conditions into the development approval for this project:

6. **Sound Study.**
 - a. Project sponsor agrees to do additional sound study to include 24-hour averages including a weekend night and a performance night at the Regency Ballroom.
 - b. Project sponsor agrees to include both dBC and dBA measurements in the new sound study.
 - c. Project sponsor agrees to send the updated sound study to the Entertainment Commission when complete.

7. **Design Considerations.** Project sponsor will use all resources necessary to insure that the project foundation remains at least 6 inches away from the foundation of the building housing Mayes at 1233 Polk Street. This may include requiring a “special inspection” from Dept of Building Inspection at the time the foundation is constructed.

DESIGN – COMPLIANCE AT PLAN STAGE

1. **Transformer Vault.** The location of individual project PG&E Transformer Vault installations has significant effects to San Francisco streetscapes when improperly located. However, they may not have any impact if they are installed in preferred locations. Therefore, the Planning Department recommends the following preference schedule in locating new transformer vaults, in order of most to least desirable:
 - a. On-site, in a basement area accessed via a garage or other access point without use of separate doors on a ground floor façade facing a public right-of-way;
 - b. On-site, in a driveway, underground;
 - c. On-site, above ground, screened from view, other than a ground floor façade facing a public right-of-way;
 - d. Public right-of-way, underground, under sidewalks with a minimum width of 12 feet, avoiding effects on streetscape elements, such as street trees; and based on Better Streets Plan guidelines;
 - e. Public right-of-way, underground; and based on Better Streets Plan guidelines;
 - f. Public right-of-way, above ground, screened from view; and based on Better Streets Plan guidelines;
 - g. On-site, in a ground floor façade (the least desirable location).

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

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

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

For information about compliance, contact the Case Planner, Planning Department at 415-575-9087, www.sf-planning.org

PARKING AND TRAFFIC

1. **Parking for Affordable Units.** All off-street parking spaces shall be made available to Project residents only as a separate “add-on” option for purchase or rent and shall not be bundled with any Project dwelling unit for the life of the dwelling units. The required parking spaces may be made available to residents within a quarter mile of the project. All affordable dwelling units pursuant to Planning Code Section 415 shall have equal access to use of the parking as the market rate units, with parking spaces priced commensurate with the affordability of the dwelling unit. Each unit within the Project shall have the first right of refusal to rent or purchase a parking space until the number of residential parking spaces are no longer available. No conditions may be placed on the purchase or rental of dwelling units, nor may homeowner’s rules be established, which prevent or preclude the separation of parking spaces from dwelling units.
For information about compliance, contact Code Enforcement, Planning Department at 415-575-6863, www.sf-planning.org
2. **Bicycle Parking.** Pursuant to Planning Code Sections 155.1, 155.4, and 155.5, the Project shall provide no fewer than 44 bicycle parking spaces (40 Class 1 spaces and 2 Class 2 spaces for the residential portion of the Project and 2 Class 2 spaces for the commercial portion of the Project).
For information about compliance, contact Code Enforcement, Planning Department at 415-575-6863, www.sf-planning.org
3. **Parking Maximum.** The Project shall provide no more than sixteen (16) off-street parking spaces.
For information about compliance, contact Code Enforcement, Planning Department at 415-575-6863, www.sf-planning.org
4. **Managing Traffic During Construction.** The Project Sponsor and construction contractor(s) shall coordinate with the Traffic Engineering and Transit Divisions of the San Francisco Municipal Transportation Agency (SFMTA), the Police Department, the Fire Department, the Planning Department, and other construction contractor(s) for any concurrent nearby Projects to manage traffic congestion and pedestrian circulation effects during construction of the Project.
For information about compliance, contact Code Enforcement, Planning Department at 415-575-6863, www.sf-planning.org

PROVISIONS

1. **Anti-Discriminatory Housing.** The Project shall adhere to the requirements of the Anti-Discriminatory Housing policy, pursuant to Administrative Code Section 1.61.
For information about compliance, contact the Case Planner, Planning Department at 415-575-9087, www.sf-planning.org
2. **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
3. **Transportation Sustainability Fee.** The Project is subject to the Transportation Sustainability Fee (TSF), as applicable, pursuant to Planning Code Section 411A.
For information about compliance, contact the Case Planner, Planning Department at 415-575-9087, www.sf-planning.org
4. **Child Care Fee - Residential.** The Project is subject to the Residential Child Care Fee, as applicable, pursuant to Planning Code Section 414A.
For information about compliance, contact the Case Planner, Planning Department at 415-575-9087, www.sf-planning.org

MONITORING - AFTER ENTITLEMENT

1. **Enforcement.** Violation of any of the Planning Department conditions of approval contained in this Motion or of any other provisions of Planning Code applicable to this Project shall be subject to the enforcement procedures and administrative penalties set forth under Planning Code Section 176 or Section 176.1. The Planning Department may also refer the violation complaints to other city departments and agencies for appropriate enforcement action under their jurisdiction.
For information about compliance, contact Code Enforcement, Planning Department at 415-575-6863, www.sf-planning.org
2. **Monitoring.** The Project requires monitoring of the conditions of approval in this Motion. The Project Sponsor or the subsequent responsible parties for the Project shall pay fees as established under Planning Code Section 351(e) (1) and work with the Planning Department for information about compliance.
For information about compliance, contact Code Enforcement, Planning Department at 415-575-6863, www.sf-planning.org
3. **Revocation due to Violation of Conditions.** Should implementation of this Project result in complaints from interested property owners, residents, or commercial lessees which are not resolved by the Project Sponsor and found to be in violation of the Planning Code and/or the specific conditions of approval for the Project as set forth in Exhibit A of this Motion, the Zoning Administrator shall refer such complaints to the Commission, after which it may hold a public hearing on the matter to consider revocation of this authorization.
For information about compliance, contact Code Enforcement, Planning Department at 415-575-6863, www.sf-planning.org

OPERATION

1. **Garbage, Recycling, and Composting Receptacles.** Garbage, recycling, and compost containers shall be kept within the premises and hidden from public view, and placed outside only when being serviced by the disposal company. Trash shall be contained and disposed of pursuant to garbage and recycling receptacles guidelines set forth by the Department of Public Works.
For information about compliance, contact Bureau of Street Use and Mapping, Department of Public Works at 415-554-.5810, <http://sfdpw.org>
2. **Sidewalk Maintenance.** The Project Sponsor shall maintain the main entrance to the building and all sidewalks abutting the subject property in a clean and sanitary condition in compliance with the Department of Public Works Streets and Sidewalk Maintenance Standards.
For information about compliance, contact Bureau of Street Use and Mapping, Department of Public Works, 415-695-2017, <http://sfdpw.org>
3. **Noise Control.** The premises shall be adequately soundproofed or insulated for noise and operated so that incidental noise shall not be audible beyond the premises or in other sections of the building and fixed-source equipment noise shall not exceed the decibel levels specified in the San Francisco Noise Control Ordinance.
For information about compliance with the fixed mechanical objects such as rooftop air conditioning, restaurant ventilation systems, and motors and compressors with acceptable noise levels, contact the Environmental Health Section, Department of Public Health at (415) 252-3800, www.sfdph.org
For information about compliance with the construction noise, contact the Department of Building Inspection, 415-558-6570, www.sfdbi.org
For information about compliance with the amplified sound including music and television contact the Police Department at 415-553-0123, www.sf-police.org
4. **Odor Control.** While it is inevitable that some low level of odor may be detectable to nearby residents and passersby, appropriate odor control equipment shall be installed in conformance with the approved plans and maintained to prevent any significant noxious or offensive odors from escaping the premises.
For information about compliance with odor or other chemical air pollutants standards, contact the Bay Area Air Quality Management District, (BAAQMD), 1-800-334-ODOR (6367), www.baaqmd.gov and Code Enforcement, Planning Department at 415-575-6863, www.sf-planning.org
5. **Community Liaison.** Prior to issuance of a building permit to construct the project and implement the approved use, the Project Sponsor shall appoint a community liaison officer to deal with the issues of concern to owners and occupants of nearby properties. The Project Sponsor shall provide the Zoning Administrator with written notice of the name, business address, and telephone number of the community liaison. Should the contact information change, the Zoning Administrator shall be made aware of such change. The community liaison shall report to the Zoning Administrator what issues, if any, are of concern to the community and what issues have not been resolved by the Project Sponsor.
For information about compliance, contact Code Enforcement, Planning Department at 415-575-6863, www.sf-planning.org

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

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

TRANSPORTATION DEMAND MANAGEMENT

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

Prior to the issuance of the first Building Permit or Site Permit, the Zoning Administrator shall approve and order the recordation of a Notice in the Official Records of the Recorder of the City and County of San Francisco for the subject property to document compliance with the TDM Program. This Notice shall provide the finalized TDM Plan for the Project, including the relevant details associated with each TDM measure included in the Plan, as well as associated monitoring, reporting, and compliance requirements.

For information about compliance, contact the Case Planner, Planning Department at 415-575-9087, www.sf-planning.org

AFFORDABLE HOUSING

Affordable Units. The following Inclusionary Affordable Housing Requirements are those in effect at the time of Planning Commission action. In the event that the requirements change, the Project Sponsor shall comply with the requirements in place at the time of issuance of first construction document. This requirement is subject to change under pending legislation to modify Planning Code Section 415 which is currently under review by the Board of Supervisors (Board File Nos. 161351 and 170208). The proposed changes to Section 415, which include but are not limited to modifications to the amount of inclusionary housing required onsite or offsite, the methodology of fee calculation, and dwelling unit mix requirements, will become effective after approval by the Board of Supervisors.

1. **Number of Required Units.** Pursuant to Planning Code Section 415.3, the Project is required to provide 14.55% of the proposed dwelling units as affordable to qualifying households. The Project contains 40 units; therefore, 6 affordable units are currently required. The Project Sponsor will fulfill this requirement by providing the 6 affordable units on-site. If the number of market-rate units change, the number of required affordable units shall be modified accordingly with written approval from Planning Department staff in consultation with the Mayor's Office of Housing and Community Development ("MOHCD").

For information about compliance, contact the Case Planner, Planning Department at 415-575-9087, www.sf-planning.org or the Mayor's Office of Housing and Community Development at 415-701-5500, www.sf-moh.org.

2. **Unit Mix.** The Project contains 12 studios, 12 one-bedroom, 2 two-bedroom, and 14 three-bedroom units; therefore, the required affordable unit mix is 2 studios, 2 one-bedroom, and 2 three-bedroom units. If the market-rate unit mix changes, the affordable unit mix will be modified accordingly with written approval from Planning Department staff in consultation with MOHCD.

For information about compliance, contact the Case Planner, Planning Department at 415-575-9087, www.sf-planning.org or the Mayor's Office of Housing and Community Development at 415-701-5500, www.sf-moh.org.

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

For information about compliance, contact the Case Planner, Planning Department at 415-575-9087, www.sf-planning.org or the Mayor's Office of Housing and Community Development at 415-701-5500, www.sf-moh.org.

4. **Phasing.** If any building permit is issued for partial phasing of the Project, the Project Sponsor shall have designated not less than 14.5%, or the applicable percentage as discussed above, of the each phase's total number of dwelling units as on-site affordable units.

For information about compliance, contact the Case Planner, Planning Department at 415-575-9087, www.sf-planning.org or the Mayor's Office of Housing and Community Development at 415-701-5500, www.sf-moh.org.

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

For information about compliance, contact the Case Planner, Planning Department at 415-575-9087, www.sf-planning.org or the Mayor's Office of Housing and Community Development at 415-701-5500, www.sf-moh.org.

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

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

For information about compliance, contact the Case Planner, Planning Department at 415-575-9087, www.sf-planning.org or the Mayor's Office of Housing and Community Development at 415-701-5500, www.sf-moh.org.

- a. The affordable unit(s) shall be designated on the building plans prior to the issuance of the first construction permit by the Department of Building Inspection ("DBI"). The affordable unit(s) shall (1) reflect the unit size mix in number of bedrooms of the market rate units, (2) be constructed, completed, ready for occupancy and marketed no later than the market rate units, and (3) be evenly distributed throughout the building; and (4) be of comparable overall quality, construction and exterior appearance as the market rate units in the principal project. The interior features in affordable units should be generally the same as those of the market units in the principal project, but need not be the same make, model or type of such item as long they are of good and new quality and are consistent with then-current standards for new housing. Other specific standards for on-site units are outlined in the Procedures Manual.
- b. If the units in the building are offered for sale, the affordable unit(s) shall be sold to first time home buyer households. The affordable unit shall be affordable to low-income households, as defined in the Planning Code and Procedures Manual. The initial sales price of such units shall be calculated according to the Procedures Manual. Limitations on (i) reselling; (ii) renting; (iii) recouping capital improvements; (iv) refinancing; and (v) procedures for inheritance apply and are set forth in the Inclusionary Affordable Housing Program and the Procedures Manual.
- c. The Project Sponsor is responsible for following the marketing, reporting, and monitoring requirements and procedures as set forth in the Procedures Manual. MOHCD shall be responsible for overseeing and monitoring the marketing of affordable units. The Project

Sponsor must contact MOHCD at least six months prior to the beginning of marketing for any unit in the building.

- d. Required parking spaces shall be made available to initial buyers or renters of affordable units according to the Procedures Manual.
- e. Prior to the issuance of the first construction permit by DBI for the Project, the Project Sponsor shall record a Notice of Special Restriction on the property that contains these conditions of approval and a reduced set of plans that identify the affordable units satisfying the requirements of this approval. The Project Sponsor shall promptly provide a copy of the recorded Notice of Special Restriction to the Department and to MOHCD or its successor.
- f. The Project Sponsor has demonstrated that it is eligible for the On-site Affordable Housing Alternative under Planning Code Section 415.6 instead of payment of the Affordable Housing Fee, and has submitted the *Affidavit of Compliance with the Inclusionary Affordable Housing Program: Planning Code Section 415* to the Planning Department stating that any affordable units designated as on-site units shall be sold as ownership units and will remain as ownership units for the life of the Project.
- g. If the Project Sponsor fails to comply with the Inclusionary Affordable Housing Program requirement, the Director of DBI shall deny any and all site or building permits or certificates of occupancy for the development project until the Planning Department notifies the Director of compliance. A Project Sponsor's failure to comply with the requirements of Planning Code Section 415 et seq. shall constitute cause for the City to record a lien against the development project and to pursue any and all available remedies at law.
- h. If the Project becomes ineligible at any time for the On-site Affordable Housing Alternative, the Project Sponsor or its successor shall pay the Affordable Housing Fee prior to issuance of the first construction permit. If the Project becomes ineligible after issuance of its first construction permit, the Project Sponsor shall notify the Department and MOHCD and pay interest on the Affordable Housing Fee and penalties, if applicable.



SAN FRANCISCO PLANNING DEPARTMENT

CEQA Categorical Exemption Determination

PROPERTY INFORMATION/PROJECT DESCRIPTION

Project Address		Block/Lot(s)	
Case No.	Permit No.	Plans Dated	
<input type="checkbox"/> Addition/ Alteration	<input type="checkbox"/> Demolition (requires HRER if over 45 years old)	<input type="checkbox"/> New Construction	<input type="checkbox"/> Project Modification (GO TO STEP 7)
Project description for Planning Department approval.			

STEP 1: EXEMPTION CLASS TO BE COMPLETED BY PROJECT PLANNER

Note: If neither class applies, an <i>Environmental Evaluation Application</i> is required.	
<input type="checkbox"/>	Class 1 – Existing Facilities. Interior and exterior alterations; additions under 10,000 sq. ft.
<input type="checkbox"/>	Class 3 – New Construction/ Conversion of Small Structures. Up to three (3) new single-family residences or six (6) 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. Change of use under 10,000 sq. ft. if principally permitted or with a CU.
<input type="checkbox"/>	Class ___

STEP 2: CEQA IMPACTS TO BE COMPLETED BY PROJECT PLANNER

If any box is checked below, an <i>Environmental Evaluation Application</i> is required.	
<input type="checkbox"/>	Air Quality: 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., backup diesel generators, heavy industry, diesel trucks)? <i>Exceptions: do not check box if the applicant presents documentation of enrollment in the San Francisco Department of Public Health (DPH) Article 38 program and the project would not have the potential to emit substantial pollutant concentrations. (refer to EP_ArcMap > CEQA Catex Determination Layers > Air Pollutant Exposure Zone)</i>
<input type="checkbox"/>	Hazardous Materials: 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? If yes, this box must be checked and the project applicant must submit an Environmental Application with a Phase I Environmental Site Assessment. <i>Exceptions: do not check box if the applicant presents documentation of enrollment in the San Francisco Department of Public Health (DPH) Maher program, a DPH waiver from the</i>

	<i>Maher program, or other documentation from Environmental Planning staff that hazardous material effects would be less than significant (refer to EP_ArcMap > Maher layer).</i>
<input type="checkbox"/>	Transportation: Does the project create six (6) or more net new parking spaces or residential units? 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?
<input type="checkbox"/>	Archeological Resources: 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? (<i>refer to EP_ArcMap > CEQA Catex Determination Layers > Archeological Sensitive Area</i>)
<input type="checkbox"/>	Subdivision/Lot Line Adjustment: 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 EP_ArcMap > CEQA Catex Determination Layers > Topography</i>)
<input type="checkbox"/>	Slope = or > 20%: Does the project involve any of the following: (1) square footage expansion greater than 1,000 sq. ft. outside of the existing building footprint, (2) excavation of 50 cubic yards or more of soil, (3) new construction? (<i>refer to EP_ArcMap > CEQA Catex Determination Layers > Topography</i>) If box is checked, a geotechnical report is required.
<input type="checkbox"/>	Seismic: Landslide Zone: Does the project involve any of the following: (1) square footage expansion greater than 1,000 sq. ft. outside of the existing building footprint, (2) excavation of 50 cubic yards or more of soil, (3) new construction? (<i>refer to EP_ArcMap > CEQA Catex Determination Layers > Seismic Hazard Zones</i>) If box is checked, a geotechnical report is required.
<input type="checkbox"/>	Seismic: Liquefaction Zone: Does the project involve any of the following: (1) square footage expansion greater than 1,000 sq. ft. outside of the existing building footprint, (2) excavation of 50 cubic yards or more of soil, (3) new construction? (<i>refer to EP_ArcMap > CEQA Catex Determination Layers > Seismic Hazard Zones</i>) If box is checked, a geotechnical report will likely be required.
<u>If no boxes are checked above, GO TO STEP 3. If one or more boxes are checked above, an <i>Environmental Evaluation Application</i> is required, unless reviewed by an Environmental Planner.</u>	
<input type="checkbox"/>	Project can proceed with categorical exemption review. The project does not trigger any of the CEQA impacts listed above.
Comments and Planner Signature (optional):	

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

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

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

Check all that apply to the project.	
<input type="checkbox"/>	1. Change of use and new construction. Tenant improvements not included.
<input type="checkbox"/>	2. Regular maintenance or repair to correct or repair deterioration, decay, or damage to building.
<input type="checkbox"/>	3. Window replacement that meets the Department's <i>Window Replacement Standards</i> . Does not include storefront window alterations.
<input type="checkbox"/>	4. Garage work. 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. Deck, terrace construction, or fences not visible from any immediately adjacent public right-of-way.
<input type="checkbox"/>	6. Mechanical equipment installation that is not visible from any immediately adjacent public right-of-way.
<input type="checkbox"/>	7. Dormer installation that meets the requirements for exemption from public notification under <i>Zoning Administrator Bulletin No. 3: Dormer Windows</i> .
<input type="checkbox"/>	8. Addition(s) 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.
Note: Project Planner must check box below before proceeding.	
<input type="checkbox"/>	Project is not listed. GO TO STEP 5.
<input type="checkbox"/>	Project does not conform to the scopes of work. GO TO STEP 5.
<input type="checkbox"/>	Project involves four or more work descriptions. GO TO STEP 5.
<input type="checkbox"/>	Project involves less than four work descriptions. GO TO STEP 6.

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

Check all that apply to the project.	
<input type="checkbox"/>	1. Project involves a known historical resource (CEQA Category A) as determined by Step 3 and conforms entirely to proposed work checklist in Step 4.
<input type="checkbox"/>	2. Interior alterations to publicly accessible spaces.
<input type="checkbox"/>	3. Window replacement of original/historic windows that are not “in-kind” but are consistent with existing historic character.
<input type="checkbox"/>	4. Façade/storefront alterations that do not remove, alter, or obscure character-defining features.
<input type="checkbox"/>	5. Raising the building in a manner that does not remove, alter, or obscure character-defining features.
<input type="checkbox"/>	6. Restoration based upon documented evidence of a building’s historic condition, such as historic photographs, plans, physical evidence, or similar buildings.
<input type="checkbox"/>	7. Addition(s) , including mechanical equipment that are minimally visible from a public right-of-way and meet the <i>Secretary of the Interior’s Standards for Rehabilitation</i> .
<input type="checkbox"/>	8. Other work consistent with the <i>Secretary of the Interior Standards for the Treatment of Historic Properties</i> (specify or add comments):

<input type="checkbox"/>	<p>9. Other work that would not materially impair a historic district (specify or add comments):</p> <p style="text-align: right;"><i>(Requires approval by Senior Preservation Planner/Preservation Coordinator)</i> _____</p>
<input type="checkbox"/>	<p>10. Reclassification of property status. <i>(Requires approval by Senior Preservation Planner/Preservation Coordinator)</i></p> <p style="padding-left: 40px;"><input type="checkbox"/> Reclassify to Category A <input type="checkbox"/> Reclassify to Category C</p> <p>a. Per HRER dated: _____ <i>(attach HRER)</i></p> <p>b. Other <i>(specify)</i>: _____</p>
<p>Note: If ANY box in STEP 5 above is checked, a Preservation Planner MUST check one box below.</p>	
<input type="checkbox"/>	<p>Further environmental review required. Based on the information provided, the project requires an <i>Environmental Evaluation Application</i> to be submitted. GO TO STEP 6.</p>
<input type="checkbox"/>	<p>Project can proceed with categorical exemption review. The project has been reviewed by the Preservation Planner and can proceed with categorical exemption review. GO TO STEP 6.</p>
<p>Comments (optional):</p> 	
<p>Preservation Planner Signature:</p>	

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

<input type="checkbox"/>	<p>Further environmental review required. Proposed project does not meet scopes of work in either <i>(check all that apply)</i>:</p> <p style="padding-left: 40px;"><input type="checkbox"/> Step 2 – CEQA Impacts</p> <p style="padding-left: 40px;"><input type="checkbox"/> Step 5 – Advanced Historical Review</p> <p>STOP! Must file an <i>Environmental Evaluation Application</i>.</p>					
<input type="checkbox"/>	<p>No further environmental review is required. The project is categorically exempt under CEQA.</p> <table border="1" style="width: 100%; border-collapse: collapse;"> <tr> <td style="width: 50%; padding: 5px;"> <p>Planner Name:</p> </td> <td style="width: 50%; padding: 5px;"> <p>Signature:</p> </td> </tr> <tr> <td style="padding: 5px;"> <p>Project Approval Action:</p> </td> <td style="padding: 5px;"></td> </tr> </table> <p style="font-size: small; margin-top: 10px;">If Discretionary Review before the Planning Commission is requested, the Discretionary Review hearing is the Approval Action for the project.</p>		<p>Planner Name:</p>	<p>Signature:</p>	<p>Project Approval Action:</p>	
<p>Planner Name:</p>	<p>Signature:</p>					
<p>Project Approval Action:</p>						
<p>Once signed or stamped and dated, this document constitutes a categorical 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 can only be filed within 30 days of the project receiving the first approval action.</p>						

**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.

PROPERTY INFORMATION/PROJECT DESCRIPTION

Project Address (If different than front page)		Block/Lot(s) (If different than front page)
Case No.	Previous Building Permit No.	New Building Permit No.
Plans Dated	Previous Approval Action	New Approval Action
Modified Project Description:		

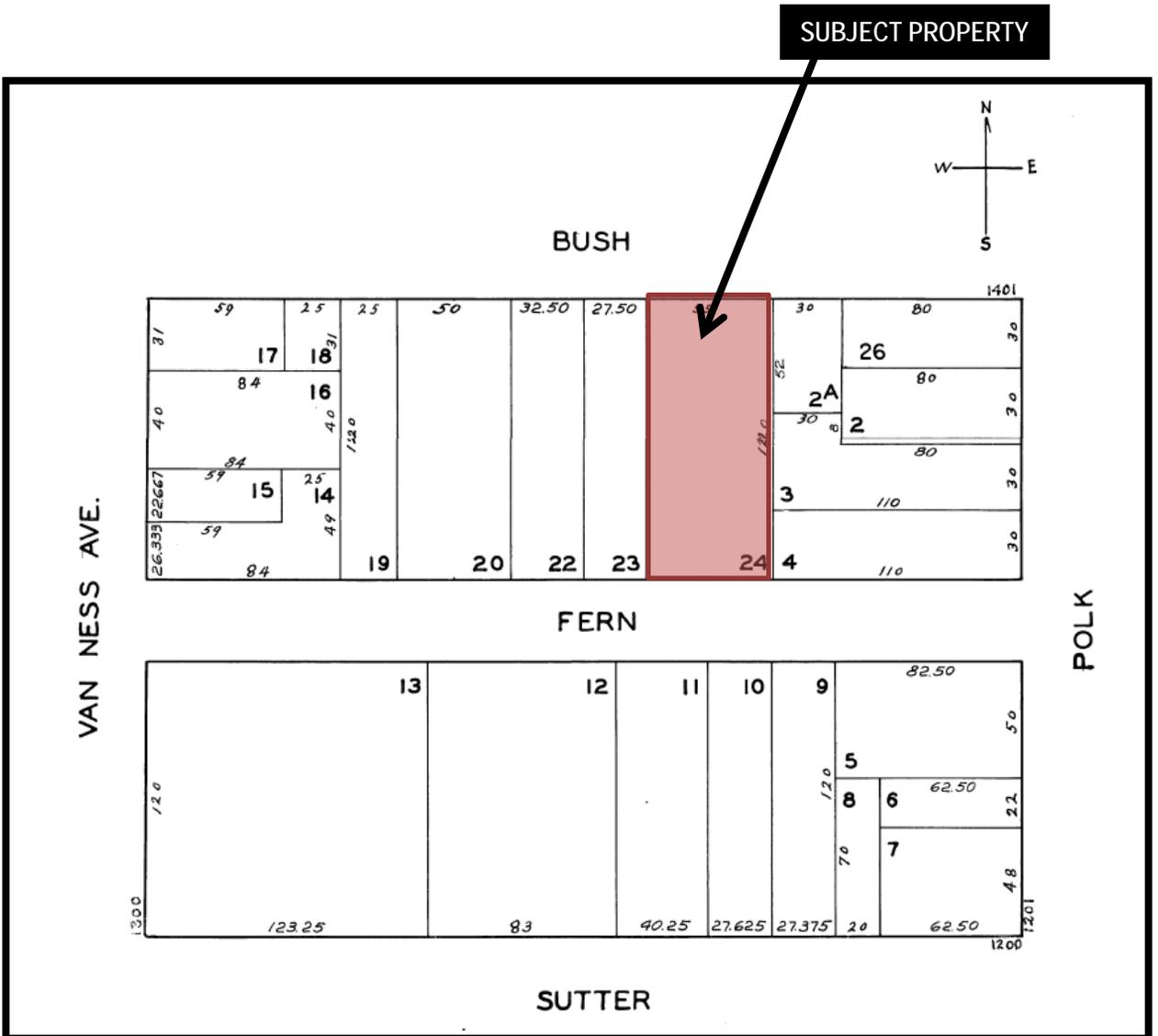
DETERMINATION IF PROJECT CONSTITUTES SUBSTANTIAL MODIFICATION

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.	

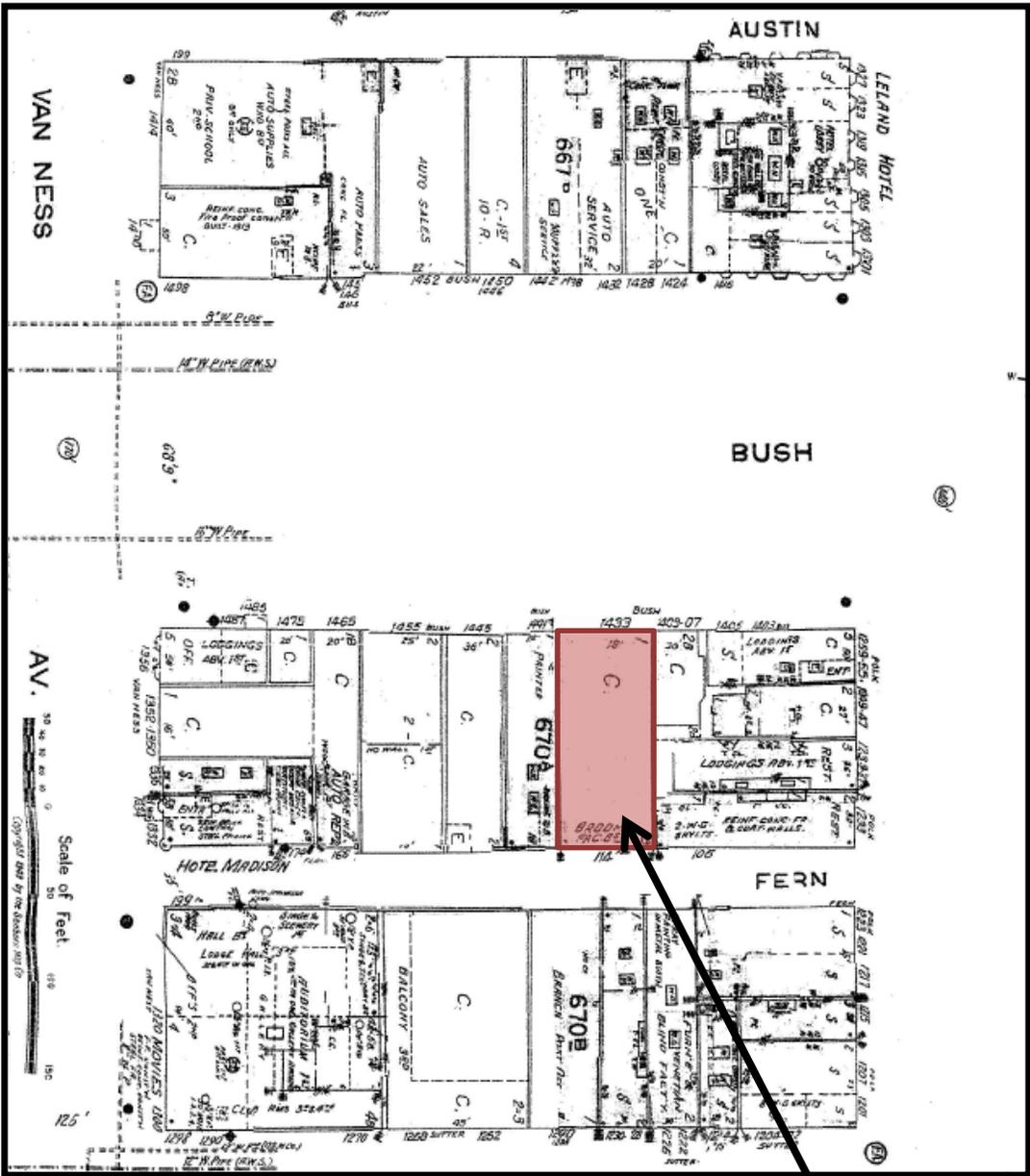
DETERMINATION OF NO SUBSTANTIAL MODIFICATION

<input type="checkbox"/>	The proposed modification would not result in any of the above changes.
If this box is checked, the proposed modifications are categorically 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.	
Planner Name:	Signature or Stamp:

Block Book Map



Sanborn Map*



SUBJECT PROPERTY

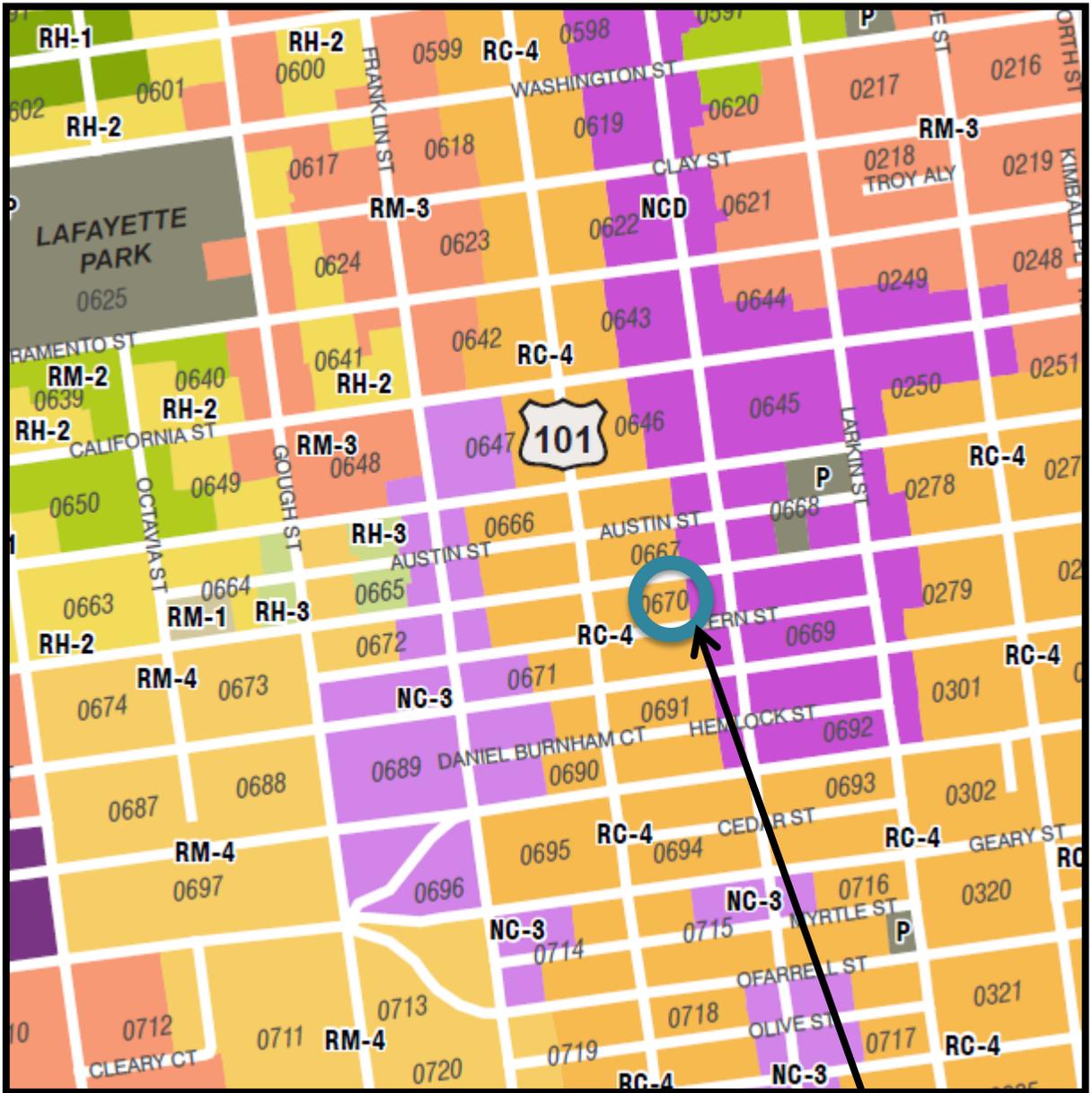
*The Sanborn Maps in San Francisco have not been updated since 1998, and this map may not accurately reflect existing conditions.

SAN FRANCISCO
PLANNING DEPARTMENT



Conditional Use Hearing
Case Number 2015-009279CUAVAR-02
1433 Bush Street
Block 0670 Lot 024

Zoning Map



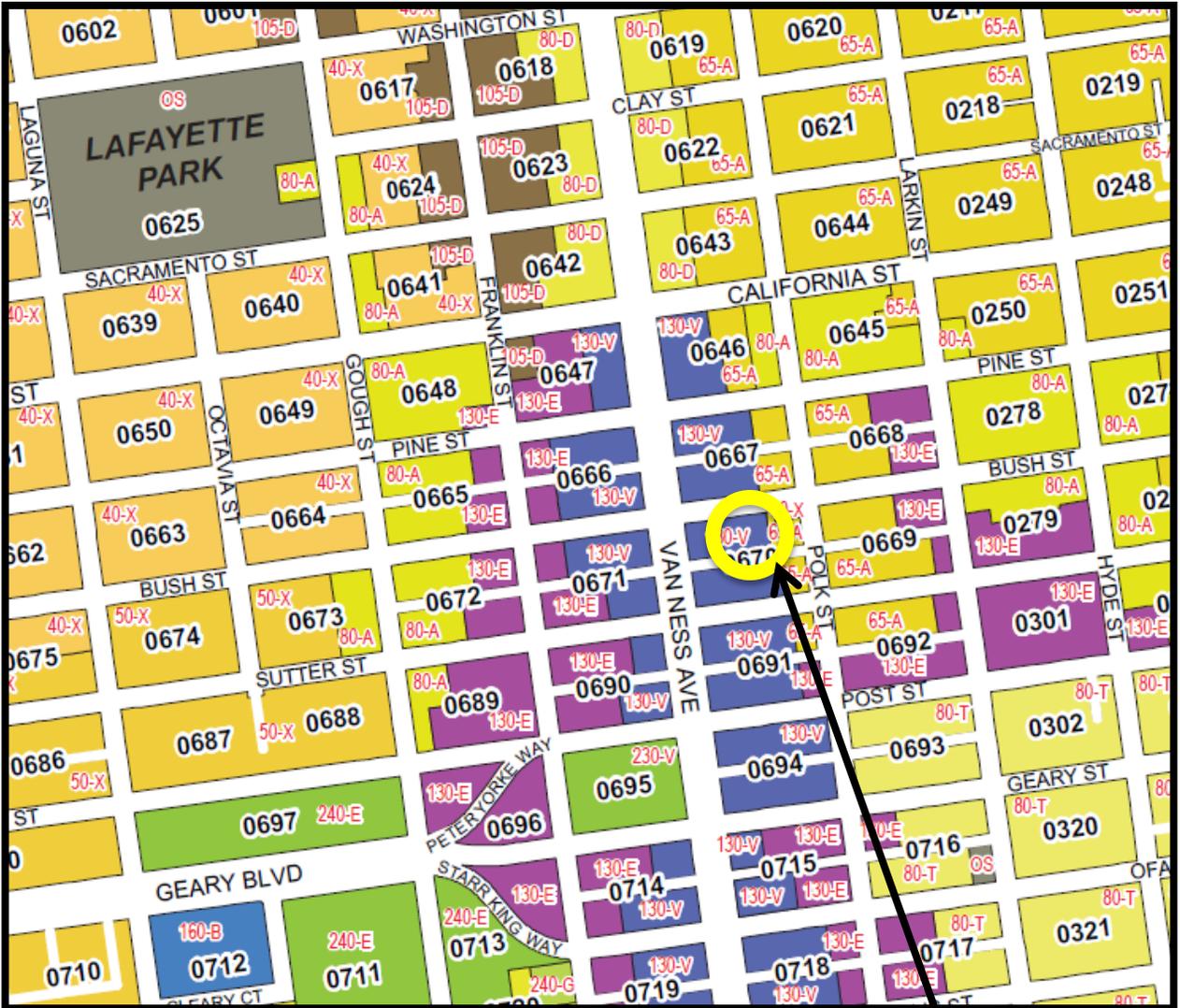
SUBJECT PROPERTY

SAN FRANCISCO
PLANNING DEPARTMENT



Conditional Use Hearing
Case Number 2015-009279CUAVAR-02
1433 Bush Street
Block 0670 Lot 024

Height & Bulk Map



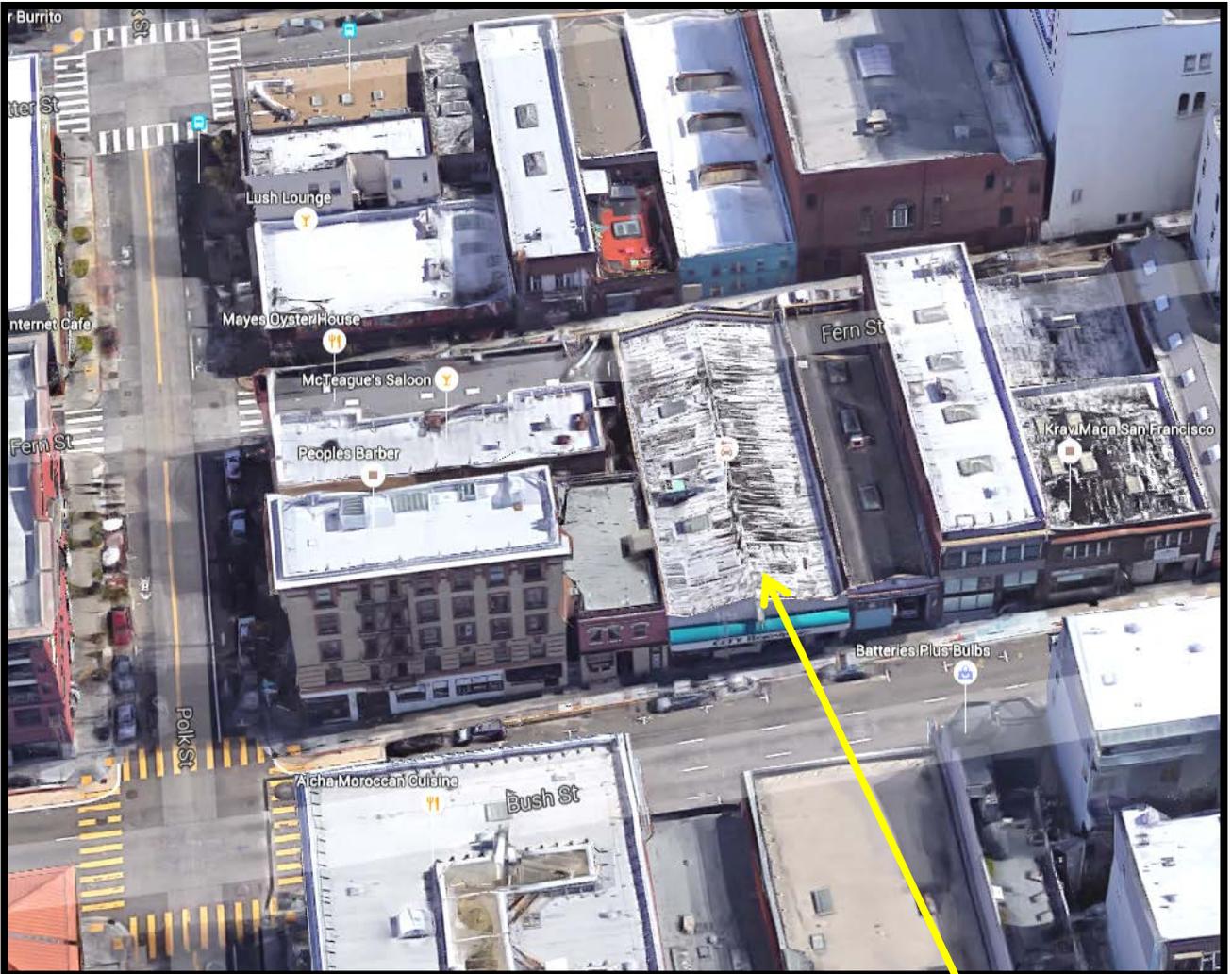
SUBJECT PROPERTY

SAN FRANCISCO
PLANNING DEPARTMENT



Conditional Use Hearing
Case Number 2015-009279CUAVAR-02
1433 Bush Street
Block 0670 Lot 024

Aerial Photo



SUBJECT PROPERTY

SAN FRANCISCO
PLANNING DEPARTMENT



Conditional Use Hearing
Case Number 2015-009279CUAVAR-02
1433 Bush Street
Block 0670 Lot 024

Site Photo



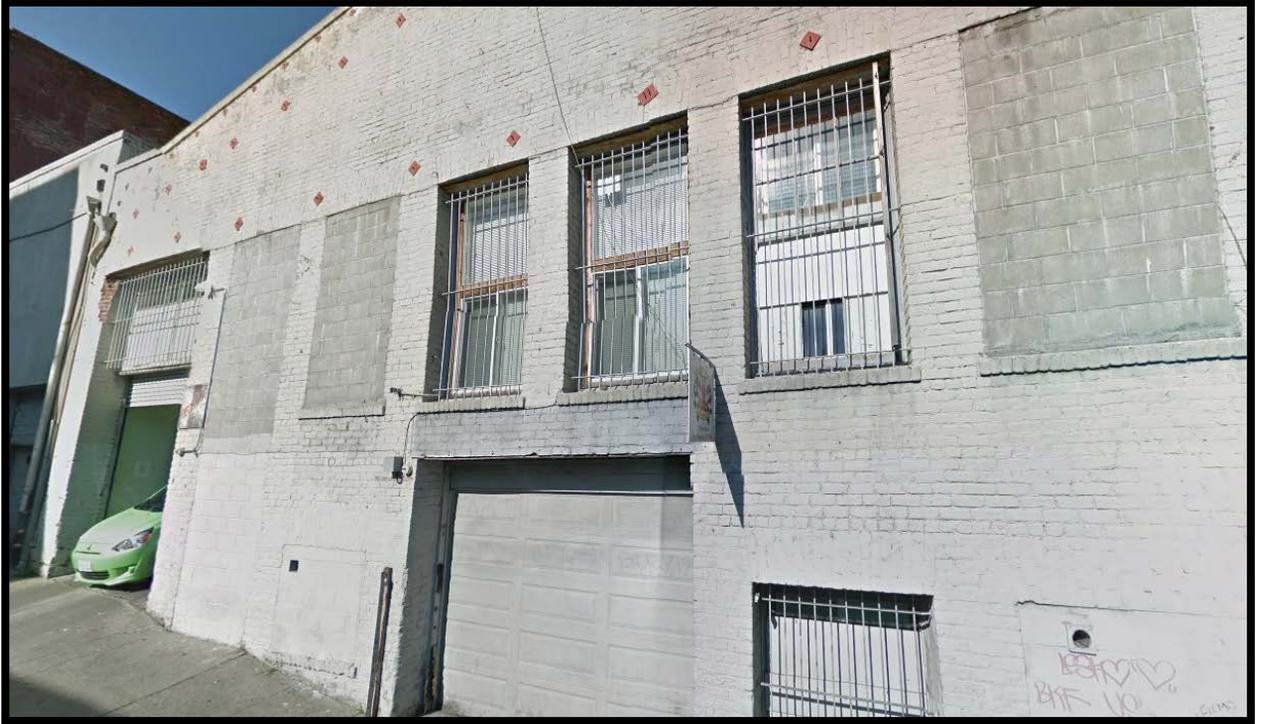
Bush Street frontage

SAN FRANCISCO
PLANNING DEPARTMENT



Conditional Use Hearing
Case Number 2015-009279CUAVAR-02
1433 Bush Street
Block 0670 Lot 024

Site Photo



Fern Street frontage





SAN FRANCISCO PLANNING DEPARTMENT

Subject to: (Select only if applicable)

- | | |
|---|---|
| <input checked="" type="checkbox"/> Affordable Housing (Sec. 415) | <input checked="" type="checkbox"/> First Source Hiring (Admin. Code) |
| <input type="checkbox"/> Jobs Housing Linkage Program (Sec. 413) | <input checked="" type="checkbox"/> Child Care Requirement (Sec. 414) |
| <input type="checkbox"/> Downtown Park Fee (Sec. 412) | <input checked="" type="checkbox"/> Transportation Sustainability Fee (Sec. 411A) |

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

Reception:
415.558.6378

Fax:
415.558.6409

Planning
Information:
415.558.6377

Planning Commission Motion No. 19720

HEARING DATE: AUGUST 4, 2016

Case No.: 2015-009279CUAVAR
Project Address: 1433 BUSH STREET
Zoning: RC-4 (Residential-Commercial, High Density)
Van Ness Special Use District
130-V Height and Bulk District
Block/Lot: 0670/024
Project Sponsor: Nick Cranmer, JS Sullivan Development
2044 Fillmore St, 3rd Floor
San Francisco, CA 94115
Staff Contact: Christopher May – (415) 575-9087
christopher.may@sfgov.org

ADOPTING FINDINGS RELATING TO THE APPROVAL OF CONDITIONAL USE AUTHORIZATION PURSUANT TO SECTIONS 253, 253.2, 271 AND 303 OF THE PLANNING CODE TO MODIFY A PREVIOUSLY-APPROVED PROJECT (CASE NO. 2009.1074C, PLANNING COMMISSION MOTION NO. 19159 APPROVED MAY 22, 2014) TO CONSTRUCT AN 11-STORY BUILDING WITH 47 DWELLING UNITS ABOVE TWO GROUND FLOOR RETAIL SPACES TOTALING 1,996 SQUARE FEET WITHIN THE RC-4 (RESIDENTIAL-COMMERCIAL, HIGH DENSITY) DISTRICT, A 130-V HEIGHT AND BULK DISTRICT AND THE VAN NESS SPECIAL USE DISTRICT.

PREAMBLE

On September 22, 2015, Nick Cranmer (hereinafter "Project Sponsor") filed an application with the Planning Department (hereinafter "Department") for Conditional Use Authorization, pursuant to Planning Code Sections 253, 253.2, 271 and 303, to modify a previously-approved project (Case No. 2009.1074C, Planning Commission Motion No. 19159, approved May 22, 2014) to construct an 11-story building with 47 dwelling units above two ground floor retail spaces totaling 1,996 square feet within the RC-4 (Residential-Commercial, High Density) District, a 130-V Height and Bulk District and the Van Ness Special Use District.

On June 9, 2016, the San Francisco Planning Commission (hereinafter "Commission") conducted a duly noticed public hearing at a regularly scheduled meeting on Conditional Use Application No. 2015-009279CUA. The Commission continued their consideration of the Project until the July 14, 2016, Planning Commission hearing. The Commission further continued their consideration of the Project from the July 14, 2016, hearing to August 4, 2016.

On August 4, 2016, the San Francisco Planning Commission (hereinafter "Commission") conducted a duly noticed public hearing at a regularly scheduled meeting on Conditional Use Application No. 2015-009279CUA.

On May 20, 2016, 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 25, 2016, a revised Class 32 Categorical Exemption under CEQA was issued as a result of modifications made to the Project.

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

MOVED, that the Commission hereby authorizes the Conditional Use requested in Application No. 2015-009279CUA, subject to the conditions contained in "EXHIBIT A" of this motion, based on the following findings:

FINDINGS

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

1. The above recitals are accurate and constitute findings of this Commission.
2. **Site Description and Present Use.** The project is located on the south side of Bush Street, Block 0670, Lot 024, between Van Ness Avenue and Polk Street. The subject property is a through lot with frontage on Bush and Fern Streets. The property is located in the RC-4 (Residential-Commercial, High Density) Zoning District, the Van Ness Special Use District, the Van Ness Automotive Special Use District and the 130-V Height and Bulk District. The property is currently developed with a one-story-over-basement commercial building containing an automotive rental car use (d.b.a. City Rent-A-Car). The subject lot measures 55 feet wide by 120 feet deep with a lot area of 6,600 square feet.
3. **Surrounding Properties and Neighborhood.** The project site is located at the northern edge of the Downtown/Civic Center neighborhood. The immediate area is a mix of high-density apartment/condominium residential buildings with varied heights and uses. As the project is within the Van Ness Automotive Special Use District, automotive sales and service uses are also prevalent, particularly along Van Ness Avenue. The project is also located a half block from Polk Street, which is defined by a general development pattern of residential uses over commercial ground floors. Directly adjacent and west of the subject lot is a one-story automotive service

building. Directly adjacent and east of the subject lot is a two-story mixed-use building with a restaurant on the ground floor and two residential units on the second floor.

4. **Previously-Approved Project Description.** On May 22, 2014, the Planning Commission approved a Conditional Use Authorization request (Case No. 2009.1074C, Planning Commission Motion No. 19159) to demolish the existing one-story commercial building containing an automotive rental use and construct a 115-foot tall, 10-story mixed-use building containing 32 dwelling units, 26 residential parking spaces and a 3,900 square-foot ground floor commercial space. Upon completion of the replacement building, City Rent-A-Car was to reestablish the automotive rental use on the commercial ground floor and would occupy 3 parking spaces within the building. Three existing curb cuts would have remained in order to provide access to the residential parking garage and to serve the automotive rental use.
5. **Current Project Description.** The revised project proposes the demolition of the one-story commercial building containing an automotive rental use and the construction of a 117-foot tall, 11-story mixed-use building containing 47 dwelling units (9 studio units, 18 one-bedroom units, 18 two-bedroom units and 2 three-bedroom units), 8 below-grade vehicular parking spaces, 52 bicycle parking spaces and two ground floor commercial spaces totaling approximately 1,996 square feet. Usable open space for the dwelling units would be provided on two private decks and a shared rooftop deck.
6. **Public Comment.** Prior to the originally scheduled Planning Commission hearing on June 9, 2016, the Department had received public comment from representatives of the Lower Polk Neighbors organization and the Middle Polk Neighborhood Association, which both expressed concerns with the amount of active uses along the Fern Street commercial frontage and other urban design related issues. Staff also received one email inquiry from a member of the public who asked whether the amount of parking spaces would be sufficient for the number of dwelling units, and where the City Rent-A-Car might relocate. The Department has not received any additional public comment as of July 25, 2016, in advance of the Planning Commission hearing on August 4, 2016.
7. **Planning Code Compliance:** The Commission finds that the Project is consistent with the relevant provisions of the Planning Code in the following manner:
 - A. **Building Height in the RC Zoning District.** Planning Code Section 253 states that Conditional Use Authorization is required to construct a structure greater than 50 feet in height in the RC Zoning District.

The Project proposes a building height of 117 feet within the RC-4 Zoning District and therefore requires Conditional Use Authorization. The additional required findings are listed below under Subsection 8.
 - B. **Building Height.** Per Planning Code Section 260, the maximum height limit for the subject property is 130 feet.

The Project proposes a building height of 117 feet and is therefore compliant with this requirement.

- C. **Bulk.** Planning Code Section 270 states that in the V Bulk District, the maximum length of a building is 110 feet with a maximum diagonal dimension of 140 feet.

The Project proposes a building length of 120 feet and a diagonal dimension of 132 feet. As the Project exceeds the maximum building length, a bulk exception is being sought. The additional required findings are listed below under Subsection 9.

- D. **Basic Floor Area Ratio.** Planning Code Section 243(c)(1) states that the basic floor area ratio limit shall be 7.0 to 1 in the 130-foot height district and, notwithstanding Section 124(b) of the Code, shall apply to dwellings, and includes floor space used for non-accessory off-street parking, driveways, and maneuvering areas. Section 125(b) of the Planning Code further states that for an interior lot which abuts along its rear lot line upon a street or alley, a floor area premium may be added by increasing the depth of the lot or portion along such street or alley, for purposes of floor area ratio computation, by one-half the width of such street or alley or 10 feet, whichever is the lesser.

The subject property is an interior lot which also abuts Fern Street along its rear lot line and therefore qualifies for a floor area ratio premium of 10 feet. As such, the maximum permitted basic floor area ratio would allow for a total of 50,050 square feet. The Project proposes a total of 50,050 square feet, and therefore complies with this requirement.

- E. **Rear Yard.** Planning Code Section 134 requires that the project provide a rear yard equal to 25 percent of the total lot depth at the lowest level containing a residential unit, and at each succeeding level or story of the building, but in no case less than 15 feet. Alternatively, the rear yard requirement in the Van Ness Special Use District may be modified or waived by the Zoning Administrator pursuant to the procedures which are applicable to variances, provided that the interior block open space formed by the rear yards of abutting properties will not be adversely affected, a comparable amount of usable open space is provided elsewhere on the lot or within the development where it is more accessible to residents, and the access of light and air to abutting properties will not be significantly impeded.

Literal enforcement of this Code requirement would result in a 30-foot deep rear yard along the Fern Street frontage. As an alternative, a rear yard modification is being sought for the project pursuant to Planning Code Sections 243(c)(6) and 307(g) to permit the provision of a central courtyard measuring approximately 1,557 square feet to serve as the required rear yard. The Zoning Administrator will consider a modification to the rear yard concurrent with the Planning Commission hearing for this Conditional Use Authorization request.

- F. **Usable Open Space.** Planning Code Section 135 requires that the project provide a minimum of 36 square feet of open space per dwelling unit. Any space credited as private usable open space shall have a minimum horizontal dimension of six feet and a minimum area of 36 square feet if located on a deck, balcony, porch or roof. Alternatively, common useable open space, at a rate of 48 square feet per dwelling unit, may be provided to satisfy this

requirement. Any space credited as common usable open space shall be at least 15 feet in every horizontal dimension and shall have a minimum area of 300 square feet.

While the dwelling units fronting onto Bush Street would have private Juliette balconies, none of the proposed balconies would have a minimum horizontal dimension of six feet and therefore would not count toward the private open space requirement. The two 3-bedroom units on the 11th floor would have private decks approximately 540 square feet and 382 square feet in size. For the remaining 45 dwelling units, the Project proposes a common rooftop deck totaling approximately 2,293 square feet, for an amount equal to 51 square feet per dwelling unit. The proposed private decks and common rooftop deck satisfy the Planning Code requirements for usable open space.

- G. Dwelling Unit Density.** Planning Code Section 243(c)(2) states that in the Van Ness Special Use District, residential density limits shall not apply.

The project proposes 47 dwelling units.

- H. Dwelling Unit Exposure.** Planning Code Section 140 states that in each dwelling unit, the windows of at least one room of 120-square-foot minimum dimensions shall face directly onto a public street, public alley at least 20 feet in width, side yard at least 25 feet in width, a Code-complying rear yard, or an open area which is unobstructed and is no less than 25 feet in every horizontal dimension for the floor at which the dwelling unit in question is located and the floor immediately above it, with an increase of five feet in every horizontal dimension at each subsequent floor.

The project complies with the dwelling unit exposure requirement as every unit would face onto either Bush Street or Fern Street.

- I. Off-Street Parking and Loading.** Section 151.1 of the Planning Code permits a maximum of one (1) off-street parking space for every two (2) dwelling units and up to one (1) off-street parking space for each 200 square feet of occupied floor area for retail uses are permitted in a Residential-Commercial Zoning District. Planning Code Section 152 does not require any off-street loading spaces for non-residential uses with a gross floor area less than 10,000 square feet.

The project proposes eight (8) off-street parking spaces, including one handicap-accessible space, in the below-grade garage level accessed from Fern Street. The amount of off-street parking proposed is less than the maximum 34 off-street parking spaces permitted by the Planning Code, and does not require or propose any off-street loading spaces for the non-residential uses. The project therefore complies with these requirements.

- J. Non-Residential Bicycle Parking.** Planning Code Section 155.2 requires the provision of at least one (1) Class 2 bicycle parking space for every 750 square feet of occupied floor area, but no less than two, for restaurant uses.

The Project would provide five (5) Class 2 bicycle parking spaces, which complies with the Planning Code requirements.

- K. **Residential Bicycle Parking.** Planning Code Section 155.2 requires the provision of at least one (1) Class 1 bicycle parking space per dwelling unit and one (1) Class 2 bicycle parking space per 20 dwelling units for residential uses.

The Project would provide a total of forty-seven (47) Class 1 bicycle parking spaces - ten (10) within the below-grade garage level, with ramp access to street level along the Fern Street frontage, and thirty-seven (37) in a bicycle storage area on the ground floor. Five (5) Class 2 bicycle parking spaces would be provided which complies with the Planning Code requirements.

- L. **Street Frontage in Residential-Commercial Districts.** Section 145.1 of the Planning Code requires that, with the exception of space allowed for parking and loading access, building egress, and access to mechanical systems, space for active uses shall be provided within the first 25 feet of building depth on the ground floor and 15 feet on floors above from any facade facing a street at least 30 feet in width. Building systems including mechanical, electrical, and plumbing features may be exempted from this requirement by the Zoning Administrator only in instances where those features are provided in such a fashion as to not negatively impact the quality of the ground floor space. Building lobbies are considered active uses, so long as they do not exceed 40 feet or 25 percent of building frontage, whichever is larger. The floors of street-fronting interior spaces housing non-residential active uses and lobbies shall be as close as possible to the level of the adjacent sidewalk at the principal entrance to these spaces. Frontages with active uses must be fenestrated with transparent windows and doorways for no less than 60 percent of the street frontage at the ground level and allow visibility to the inside of the building. The use of dark or mirrored glass shall not count towards the required transparent area. No more than one-third of the width or 20 feet, whichever is less, of any given street frontage shall be devoted to parking ingress or egress. Ground floor non-residential uses in all RC districts shall have a minimum floor-to-floor height of 14 feet.

The proposed building would front onto both Bush Street and Fern Street and active uses are required along both frontages. The entire Bush Street frontage is occupied by a proposed retail use approximately 25 feet deep and the entrance to the residential lobby, both of which are considered active uses. The floor-to-floor ground floor heights for spaces fronting onto Bush Street range from approximately 16 feet to 18 feet.

On the Fern Street side, approximately 11 feet of frontage is dedicated to parking ingress/egress and 5 feet is occupied by the secondary building ingress/egress corridor, both of which are exempted from the provisions of Planning Code Section 145.1. The remaining 37 feet of the Fern Street frontage is occupied by a proposed retail use, which has a floor-to-floor height of approximately 21 feet and is approximately 25 feet deep. The proposed uses and ground floor layout along the two street frontages complies with the requirements of Planning Code Section 145.1.

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

Recreation and Parks Department, in consultation with the Recreation and Park Commission, to have no adverse impact upon the property under the jurisdiction of the Recreation and Park Commission.

Based upon a shadow analysis, the Project does not cast any net new shadow upon property under the jurisdiction of the Recreation and Parks Commission.

- N. **Entertainment Commission Outreach.** Planning Code Section 314 requires that the Planning Department and Planning Commission consider the compatibility of uses when approving residential uses adjacent to or near existing permitted Places of Entertainment and shall take all reasonably available means through the City's design review and approval processes to ensure that the design of such new residential development project takes into account the needs and interests of both the Places of Entertainment and the future residents of the new development.

The subject property is located within 300 feet of Mayes Oyster House and the Regency Ballroom, both of which are considered active places of entertainment. As such, the Project Sponsor presented the project to the Entertainment Commission on June 7, 2016, hearing. In addition to the standard "Recommended Noise Attenuation Conditions for Chapter 116 Projects", the Entertainment Commission has provided additional site-specific recommendations and asks that the Planning Commission adopt them along with the standard conditions, all of which are included as recommended conditions of approval in Exhibit A.

- O. **Transportation Sustainability Fee.** Planning Code Section 411A is applicable to any development project that results in the construction of more than twenty (20) new dwelling units.

The Project proposes the construction of forty-seven (47) new dwelling units and is therefore subject to the Transportation Sustainability Fee. These fees must be paid prior to the issuance of the first construction document.

- P. **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 would apply to projects that consist of 10 or more units, where the first application (EE or BPA) was applied for on or after July 18, 2006. Pursuant to Planning Code Section 415.5 and 415.6, the current Inclusionary Affordable Housing Program requirement for the On-site Affordable Housing Alternative is to provide 12% of the proposed dwelling units as affordable. This requirement is subject to change under a proposed Charter amendment and pending legislation if the voters approve the Charter Amendment at the June 7, 2016 election. Recently adopted Ordinance No. 76-16 (File No. 160255) will become effective after the election is certified and includes grandfathering provisions for projects that were submitted to the Planning Department prior to January 12, 2016.

The Project Sponsor has demonstrated that it is eligible for the On-Site Affordable Housing Alternative under Planning Code Section 415.5 and 415.6, and has submitted a 'Affidavit of

Compliance with the Inclusionary Affordable Housing Program: Planning Code Section 415,' to satisfy the requirements of the Inclusionary Affordable Housing Program by providing the affordable housing on-site instead of through payment of the Affordable Housing Fee. In order for the Project Sponsor to be eligible for the On-Site Affordable Housing Alternative, the Project Sponsor must submit an 'Affidavit of Compliance with the Inclusionary Affordable Housing Program: Planning Code Section 415,' to the Planning Department stating that any affordable units designated as on-site units shall be sold as ownership units and will remain as ownership units for the life of the project. The Project Sponsor submitted such Affidavit on July 7, 2016. The EE application was submitted on October 20, 2015. Pursuant to Planning Code Section 415.3 and 415.6, the current on-site requirement is 12%. Six units (2 studios, 2 one-bedroom and 2 two-bedroom) of the 47 units provided will be affordable units. If the Project becomes ineligible to meet its Inclusionary Affordable Housing Program obligation through the On-site Affordable Housing Alternative, it must pay the Affordable Housing Fee with interest, if applicable.

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

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

- R. **Child Care Fee.** Planning Code Section 414A requires payment of a child care impact fee for a project that results in one net new dwelling unit.

The Project proposes 47 new dwelling units and will be required to pay a fee of \$0.91 for each net new gross square foot of residential development.

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

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

The size of the proposed multi-use building is necessary and desirable as it will provide 47 dwelling units to the City's housing stock, which would amount to fifteen units more than the site was entitled for in 2014. The height and density of the building is compatible with the surrounding Downtown/Civic Center neighborhood, the RC-4 Zoning District and the Van Ness Special Use

District, as the project is reflective of the uses and density found in the immediate neighborhood. The proposed project would also replace the currently entitled ground floor automotive rental use with pedestrian-oriented commercial uses.

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

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

The proposed size, shape and arrangement of the proposed building would not be detrimental to persons residing or working in the vicinity, as the building, in general, is consistent with the massing and height of other tall buildings found within the immediate vicinity, within the Van Ness Special Use District and the wider Downtown/Civic Center neighborhood. The proposed project represents the appropriate infill of a lot that is currently underdeveloped.

- ii. The accessibility and traffic patterns for persons and vehicles, the type and volume of such traffic, and the adequacy of proposed off-street parking and loading;

The project would provide eight (8) unbundled off-street parking spaces for the residential uses in an underground garage, representing 18 fewer spaces than is currently entitled. The Planning Code does not require parking or loading for the proposed 1,996 square feet of commercial uses. The project would eliminate two of the three existing curb cuts (one on Bush Street and one on Fern Street) currently providing access to the site, reducing the potential for pedestrian and vehicular conflicts. Parking access would be located on Fern Street so as to not impede the busier thoroughfare along Bush Street.

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

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

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

The project locates residential parking at the basement level, which allows for a generous residential lobby and commercial spaces fronting onto both Bush and Fern Streets. The central courtyard would be landscaped and would be fully visible from Bush Street through the residential lobby. The vehicular access for the basement parking level is accessed via Fern Street, which is a less travelled street, thus minimizing potential pedestrian and vehicular conflicts. The project proposes approximately 2,293 square feet of common open space on the rooftop deck. Two of the dwelling units would have approximately 540 square feet and 382 square feet of private open space by means of private roof decks. The project sponsor has completed the required Tree Planting and Protection Checklist and has identified that six street trees are required by the project. The

feasibility of planting the required number of street trees at the project will be determined by the Department of Public Works, Urban Forestry Division.

- 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. Where the project deviates from the standard provisions of the Planning Code, the project sponsor is requesting the necessary exceptions and variances as required by the Planning Code. The project is consistent with objectives and policies of the General Plan as detailed below.

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

The proposed project is consistent with the stated purposes of RC-4 District and the Van Ness Special Use District in that it proposes high-density housing with ground floor commercial uses that are compatible with other uses nearby.

9. **Bulk Exception Findings.** Pursuant to Planning Code Section 270, the "V" Bulk District shall have a maximum length of 110 feet and a maximum diagonal dimension of 140 feet for the portion of a building greater than 50 feet in height.

The proposed project measures 120 feet in plan length with a diagonal dimension of 132 feet, therefore the project requires a bulk exception to exceed the maximum plan length by 10 feet pursuant to Planning Code Section 271, an approval that was granted to the currently entitled project.

Planning Code Section 271 establishes criteria to allow exceptions to the Bulk limit with Conditional Use Approval. On balance, the project does comply with said criteria in that:

- a. The appearance of the bulk in the building, structure or development shall be reduced by means of at least one and preferably a combination of the following factors, so as to produce the impression of an aggregate of parts rather than a single building mass.
- i. Major variations in the planes of wall surfaces, in either depth or direction, that significantly alter the mass;

The bulk of the building is interrupted along the east elevation by a central courtyard measuring approximately 1,557 square feet (40 feet by 39 feet), thus creating a break in the building mass and giving the appearance of two towers.

- ii. Significant differences in the heights of various portions of the building, structure or development that divide the mass into distinct elements;

While the proposed building height is 117 feet on the Bush Street frontage, the façade height on the Fern Street frontage is five feet greater (122 feet) due to differences in street elevations. The Fern

Street façade and massing is further differentiated by a different window system, façade composition and its massing.

- iii. Differences in materials, colors or scales of the facades that produce separate major elements;

All facades are treated with exterior materials of various textures and colors to create a building scale and massing that is appropriate within the surrounding context. The ground floor is also differentiated by height, scale and materials.

- iv. Compensation for those portions of the building, structure or development that may exceed the bulk limits by corresponding reduction of other portions below the maximum bulk permitted; and

The central courtyard expressed along the east elevation creates the appearance of two towers, each of which would meet the bulk limits if measured as separate elements.

- v. In cases where two or more buildings, structures or towers are contained within a single development, a wide separation between such buildings, structures or towers.

This criterion is not applicable as only one tower is proposed.

- b. In every case the building, structure or development shall be made compatible with the character and development of the surrounding area by means of all of the following factors:

- i. A silhouette harmonious with natural land-forms and building patterns, including the patterns produced by height limits;

The building height and silhouette is harmonious with the surrounding topography on Bush Street and the Van Ness Avenue corridor.

- ii. Either maintenance of an overall height similar to that of surrounding development or a sensitive transition, where appropriate, to development of a dissimilar character;

The height, setbacks and placement of architectural detailing references the building heights and scale in the surrounding neighborhood.

- iii. Use of materials, colors and scales either similar to or harmonizing with those of nearby development; and

The scale and selection of exterior materials reflect the residential uses in the immediate neighborhood. The scale of the ground floor is consistent with the pattern of tall commercial street frontages along Bush Street. The window proportions and use of Juliette balconies reflect the residential uses contained within the upper portion of the building.

- iv. Preservation or enhancement of the pedestrian environment by maintenance of pleasant scale and visual interest.

The pattern of continuous commercial ground floor uses is maintained along Bush Street and the removal of the one existing curb cut along the Bush Street frontage will enhance the pedestrian realm. The removal of one of the two curb cuts on Fern Street and the proposed retail space along that frontage will enhance pedestrian activity in the alleyway.

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

HOUSING

Objectives and Policies

OBJECTIVE 1:

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

Policy 1.2:

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

Policy 1.10:

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

The project is located in a Residential-Commercial, High Density (RC-4) District, which has been identified as an area where existing and planned infrastructure can support residential growth. Future residents of the proposed building will be able to rely on public transit, walking and bicycling for the majority of their daily trips.

OBJECTIVE 4:

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

Policy 4.1:

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

The project will provide 18 two-bedroom units and 2 three-bedroom units which would be suitable for families with children.

OBJECTIVE 12:

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

Policy 12.1:

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

Policy 12.2:

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

Policy 12.3:

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

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

OBJECTIVE 13:

PRIORITIZE SUSTAINABLE DEVELOPMENT IN PLANNING FOR AND CONSTRUCTING NEW HOUSING.

Policy 13.3:

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

The proposed residential building would provide forty-seven (47) weather-protected bicycle parking spaces for its residents to encourage bicycling, and is located within walking distance to several public transit lines, including the future Van Ness Avenue BRT line.

NEIGHBORHOOD COMMERCE

Objectives and Policies

OBJECTIVE 1:

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

Policy 1.1:

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

Policy 1.2:

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

Policy 1.3:

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

The proposed project will provide 1,996 square feet of commercial space on the ground floor, which will contribute positively to the diversity of commercial uses and services found in the surrounding neighborhood.

OBJECTIVE 2:

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

Policy 2.1:

Seek to retain existing commercial and industrial activity and to attract new such activity to the City.

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

OBJECTIVE 6:

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

Policy 6.1:

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

While the currently entitled project would allow the existing automotive rental use to remain, the project sponsor no longer seeks to continue this use and instead is proposing two separate commercial spaces that would enable the district to achieve optimal diversity in the types of goods and services available in the neighborhood.

Policy 6.2:

Promote economically vital neighborhood commercial districts which foster small business enterprises and entrepreneurship and which are responsive to the economic and technological innovation in the marketplace and society.

An independent entrepreneur is sponsoring the proposal. The proposed use is a neighborhood serving use. No Formula Retail use is being proposed.

TRANSPORTATION ELEMENT

Objectives and Policies

OBJECTIVE 2:

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

Policy 2.1:

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

The project proposes to create high-density housing within walking distance of MUNI lines 1, 2, 3, 19, 38, 39R, 47, 49 and the California Street cable car line. In addition, the subject site is near the Van Ness Avenue transit corridor, which is proposed to be redesigned for a bus rapid transit (BRT) line in the near future. The project would provide only 0.17 off-street parking spaces per dwelling unit, for a total of 8 spaces, and will not provide any parking for the proposed commercial uses which will encourage transit usage amongst residents and patrons of the ground floor retail spaces.

OBJECTIVE 11:

ESTABLISH PUBLIC TRANSIT AS THE PRIMARY MODE OF TRANSPORTATION IN SAN FRANCISCO AND AS A MEANS THROUGH WHICH TO GUIDE FUTURE DEVELOPMENT AND IMPROVE REGIONAL MOBILITY AND AIR QUALITY.

Policy 11.3:

Encourage development that efficiently coordinates land use with transit service, requiring that developers address transit concerns as well as mitigate traffic problems.

The project is located within a neighborhood rich with public transportation and, with only 0.17 off-street parking spaces per dwelling unit, occupants of the proposed building are expected to rely heavily on public transit, cycling or walking for the majority of their daily trips. Within a few blocks of the subject site, there is an abundance of local and regional transit lines, including MUNI bus lines, the California Street cable car line, MUNI Metro rail lines and BART.

OBJECTIVE 28:

PROVIDE SECURE AND CONVENIENT PARKING FACILITIES FOR BICYCLES.

Policy 28.1:

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

Policy 28.3:

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

The project will provide forty-seven (47) Class 1 bicycle parking spaces within secure, weather protected areas within the building as well as five (5) Class 2 bicycle parking spaces along the Bush and Fern Street frontages that will accommodate both employees and patrons of the building's commercial uses as well as guests of the residential units above.

OBJECTIVE 34:

RELATE THE AMOUNT OF PARKING IN RESIDENTIAL AREAS AND NEIGHBORHOOD COMMERCIAL DISTRICTS TO THE CAPACITY OF THE CITY'S STREET SYSTEM AND LAND USE PATTERNS.

Policy 34.1:

Regulate off-street parking in new housing so as to guarantee needed spaces without requiring excesses and to encourage low auto ownership in neighborhoods that are well served by transit and are convenient to neighborhood shopping.

Policy 34.3:

Permit minimal or reduced off-street parking supply for new buildings in residential and commercial areas adjacent to transit centers and along transit preferential streets.

Policy 34.5:

Minimize the construction of new curb cuts in areas where on-street parking is in short supply and locate them in a manner such that they retain or minimally diminish the number of existing on-street parking spaces.

A maximum of twenty-four (24) off-street parking spaces are permitted (one for every two dwelling units), however the project proposes only eight off-street parking spaces. The proposed commercial uses do not require nor propose any off-street parking or loading. As such, the project is consistent with the objectives of the General Plan for parking reduction for new buildings in residential and commercial areas adjacent to transit centers.

URBAN DESIGN

Objectives and Policies

OBJECTIVE 3:

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

Policy 3.1:

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

Policy 3.6:

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

In order to respond to the surrounding context in terms of bulk and massing, the project proposes a central courtyard along the east elevation, thus creating a break in the building mass and giving the appearance of two towers. The exposed side elevations will be treated with finished stucco and will feature reveal joints to create visual interest until such time that the adjacent properties redevelop. The proposed building would meet the requirements of the 130-foot Height District within which it is located, and would represent an appropriate scale of development.

VAN NESS AVENUE AREA PLAN

Objectives and Policies

OBJECTIVE 7:

PROVIDE SAFE AND ATTRACTIVE ENVIRONMENTS WITHIN EACH MIXED USE DEVELOPMENT.

Policy 7.1:

Ensure safety, security and privacy within new residential developments while encouraging efficient use of common open space areas.

Policy 7.3:

Generally maintain existing open space requirements for residential use. Allow common open space requirements to be met by a variety of recreation and open space features.

Policy 7.4:

Design mixed use developments to create a quiet residential environment with a variety of intimate, personal spaces well insulated from the intrusion of noises from street or commercial activities.

The proposed building provides a spacious, secure rooftop common outdoor space for building residents which will be set back from the building's façade in order to insulate it from street noise and commercial activity below.

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

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

The subject site is located adjacent to the Polk Street Neighborhood Commercial District, which is a vibrant and successful neighborhood retail and commercial area. The project will introduce new residents who will visit and shop at the existing neighborhood retail and commercial establishments, thereby enhancing their businesses. Although the existing automotive rental use on the subject property will be eliminated, the project will provide approximately 1,996 square feet of ground floor commercial space for future retail use.

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

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

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

There is currently no housing on the subject property, therefore no affordable housing is proposed to be removed for this project. Moreover, the project would enhance the City's supply of affordable housing by providing six (6) on-site affordable dwelling units, in compliance with the Inclusionary Affordable Housing Program requirements of Planning Code Section 415.

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

The project is well-served by public transit, particularly along the Van Ness Avenue, Pine Street, Bush Street and California Street corridors. With only 8 off-street parking spaces for the proposed 47 dwelling units, the project is not expected to generate much commuter traffic that would overburden local streets or impact neighborhood parking.

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

The Project will not displace any service or industry establishment. The project will not affect industrial or service sector uses or related employment opportunities. Ownership of industrial or service sector businesses will not be affected by this project.

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

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

- G. That landmarks and historic buildings be preserved.

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

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

A shadow study was prepared and the project's shadow does not reach any parks or open spaces under the jurisdiction of the Department of Recreation and Parks. The project will have no negative impact on existing parks and open spaces.

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

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

DECISION

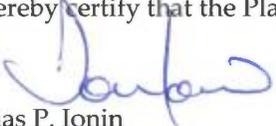
That based upon the Record, the submissions by the Applicant, the staff of the Department and other interested parties, the oral testimony presented to this Commission at the public hearings, and all other written materials submitted by all parties, the Commission hereby **APPROVES Conditional Use Application No. 2015-009279CUA** subject to the following conditions attached hereto as "EXHIBIT A" in general conformance with plans on file, dated August 4, 2016, and stamped "EXHIBIT B", which is incorporated herein by reference as though fully set forth.

APPEAL AND EFFECTIVE DATE OF MOTION: Any aggrieved person may appeal this Conditional Use Authorization to the Board of Supervisors within thirty (30) days after the date of this Motion No. 19720. The effective date of this Motion shall be the date of this Motion if not appealed (After the 30-day period has expired) OR the date of the decision of the Board of Supervisors if appealed to the Board of Supervisors. For further information, please contact the Board of Supervisors at (415) 554-5184, City Hall, Room 244, 1 Dr. Carlton B. Goodlett Place, San Francisco, CA 94102.

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

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

I hereby certify that the Planning Commission **ADOPTED** the foregoing Motion on August 4, 2016.


Jonas P. Ionin
Commission Secretary

AYES: Commissioners Wu, Antonini, Johnson, Moore and Richards

NAYS: None

ABSENT: Commissioners Fong and Hillis

ADOPTED: August 4, 2016

EXHIBIT A

AUTHORIZATION

This authorization is for a conditional use to allow the construction of an 11-story building with 47 dwelling units above two ground floor retail spaces totaling 1,996 square feet located at 1433 Bush Street, Block 0670, Lot 024, pursuant to Planning Code Sections 253, 253.2, 271 and 303 within the RC-4 District and a 130-V Height and Bulk District; in general conformance with plans, dated August 4, 2016, and stamped "EXHIBIT B" included in the docket for Case No. 2015-009279CUA and subject to conditions of approval reviewed and approved by the Commission on August 4, 2016 under Motion No 19720. This authorization and the conditions contained herein run with the property and not with a particular Project Sponsor, business, or operator.

RECORDATION OF CONDITIONS OF APPROVAL

Prior to the issuance of the building permit or commencement of use for the Project the Zoning Administrator shall approve and order the recordation of a Notice in the Official Records of the Recorder of the City and County of San Francisco for the subject property. This Notice shall state that the project is subject to the conditions of approval contained herein and reviewed and approved by the Planning Commission on August 4, 2016 under Motion No 19720.

PRINTING OF CONDITIONS OF APPROVAL ON PLANS

The conditions of approval under the 'Exhibit A' of this Planning Commission Motion No. 19720 shall be reproduced on the Index Sheet of construction plans submitted with the site or building permit application for the Project. The Index Sheet of the construction plans shall reference to the Conditional Use authorization and any subsequent amendments or modifications.

SEVERABILITY

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

CHANGES AND MODIFICATIONS

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

Conditions of Approval, Compliance, Monitoring, and Reporting PERFORMANCE

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

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

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

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

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

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

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

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

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

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

ENTERTAINMENT COMMISSION – NOISE ATTENUATION CONDITIONS

Chapter 116 Residential Projects. The Project Sponsor shall comply with the “Recommended Noise Attenuation Conditions for Chapter 116 Residential Projects,” which were recommended by the Entertainment Commission on August 25, 2015. These conditions state:

1. **Community Outreach.** Project Sponsor shall include in its community outreach process any businesses located within 300 feet of the proposed project that operate between the hours of 9PM-5AM. Notice shall be made in person, written or electronic form.
2. **Sound Study.** Project sponsor shall conduct an acoustical sound study, which shall include sound readings taken when performances are taking place at the proximate Places of Entertainment, as well as when patrons arrive and leave these locations at closing time. Readings should be taken at locations that most accurately capture sound from the Place of Entertainment to best of their ability. Any recommendation(s) in the sound study regarding window glaze ratings and soundproofing materials including but not limited to walls, doors, roofing, etc. shall be given highest consideration by the project sponsor when designing and building the project.
3. **Design Considerations.**
 - a. During design phase, project sponsor shall consider the entrance and egress location and paths of travel at the Place(s) of Entertainment in designing the location of (a) any entrance/egress for the residential building and (b) any parking garage in the building.
 - b. In designing doors, windows, and other openings for the residential building, project sponsor should consider the POE’s operations and noise during all hours of the day and night.
4. **Construction Impacts.** Project sponsor shall communicate with adjacent or nearby Place(s) of Entertainment as to the construction schedule, daytime and nighttime, and consider how this schedule and any storage of construction materials may impact the POE operations.
5. **Communication.** Project Sponsor shall make a cell phone number available to Place(s) of Entertainment management during all phases of development through construction. In addition, a line of communication should be created to ongoing building management throughout the occupation phase and beyond.

In addition to these standard recommendations, at a hearing held on June 7, 2016, the Entertainment Commission made a motion to recommend that the Planning Commission adopt these site-specific conditions into the development approval for this project:

6. **Sound Study.**
 - a. Project sponsor agrees to do additional sound study to include 24-hour averages including a weekend night and a performance night at the Regency Ballroom.
 - b. Project sponsor agrees to include both dBC and dBA measurements in the new sound study.
 - c. Project sponsor agrees to send the updated sound study to the Entertainment Commission when complete.

7. **Design Considerations.** Project sponsor will use all resources necessary to insure that the project foundation remains at least 6 inches away from the foundation of the building housing Mayes at 1233 Polk Street. This may include requiring a “special inspection” from Dept of Building Inspection at the time the foundation is constructed.

DESIGN – COMPLIANCE AT PLAN STAGE

1. **Transformer Vault.** The location of individual project PG&E Transformer Vault installations has significant effects to San Francisco streetscapes when improperly located. However, they may not have any impact if they are installed in preferred locations. Therefore, the Planning Department recommends the following preference schedule in locating new transformer vaults, in order of most to least desirable:
 - a. On-site, in a basement area accessed via a garage or other access point without use of separate doors on a ground floor façade facing a public right-of-way;
 - b. On-site, in a driveway, underground;
 - c. On-site, above ground, screened from view, other than a ground floor façade facing a public right-of-way;
 - d. Public right-of-way, underground, under sidewalks with a minimum width of 12 feet, avoiding effects on streetscape elements, such as street trees; and based on Better Streets Plan guidelines;
 - e. Public right-of-way, underground; and based on Better Streets Plan guidelines;
 - f. Public right-of-way, above ground, screened from view; and based on Better Streets Plan guidelines;
 - g. On-site, in a ground floor façade (the least desirable location).

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

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

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

For information about compliance, contact the Case Planner, Planning Department at 415-575-9087, www.sf-planning.org

PARKING AND TRAFFIC

1. **Parking for Affordable Units.** All off-street parking spaces shall be made available to Project residents only as a separate “add-on” option for purchase or rent and shall not be bundled with any Project dwelling unit for the life of the dwelling units. The required parking spaces may be made available to residents within a quarter mile of the project. All affordable dwelling units pursuant to Planning Code Section 415 shall have equal access to use of the parking as the market rate units, with parking spaces priced commensurate with the affordability of the dwelling unit. Each unit within the Project shall have the first right of refusal to rent or purchase a parking space until the number of residential parking spaces are no longer available. No conditions may be placed on the purchase or rental of dwelling units, nor may homeowner’s rules be established, which prevent or preclude the separation of parking spaces from dwelling units.
For information about compliance, contact Code Enforcement, Planning Department at 415-575-6863, www.sf-planning.org
2. **Bicycle Parking.** Pursuant to Planning Code Sections 155.1, 155.4, and 155.5, the Project shall provide no fewer than 53 bicycle parking spaces (47 Class 1 spaces and 2 Class 2 spaces for the residential portion of the Project and 3 Class 2 spaces for the commercial portion of the Project).
For information about compliance, contact Code Enforcement, Planning Department at 415-575-6863, www.sf-planning.org
3. **Parking Maximum.** The Project shall provide no more than eight (8) off-street parking spaces.
For information about compliance, contact Code Enforcement, Planning Department at 415-575-6863, www.sf-planning.org
4. **Managing Traffic During Construction.** The Project Sponsor and construction contractor(s) shall coordinate with the Traffic Engineering and Transit Divisions of the San Francisco Municipal Transportation Agency (SFMTA), the Police Department, the Fire Department, the Planning Department, and other construction contractor(s) for any concurrent nearby Projects to manage traffic congestion and pedestrian circulation effects during construction of the Project.
For information about compliance, contact Code Enforcement, Planning Department at 415-575-6863, www.sf-planning.org

PROVISIONS

1. **Anti-Discriminatory Housing.** The Project shall adhere to the requirements of the Anti-Discriminatory Housing policy, pursuant to Administrative Code Section 1.61.
For information about compliance, contact the Case Planner, Planning Department at 415-575-9087, www.sf-planning.org
2. **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
3. **Transportation Sustainability Fee.** The Project is subject to the Transportation Sustainability Fee (TSF), as applicable, pursuant to Planning Code Section 411A.
For information about compliance, contact the Case Planner, Planning Department at 415-575-9087, www.sf-planning.org
4. **Child Care Fee - Residential.** The Project is subject to the Residential Child Care Fee, as applicable, pursuant to Planning Code Section 414A.
For information about compliance, contact the Case Planner, Planning Department at 415-575-9087, www.sf-planning.org

MONITORING - AFTER ENTITLEMENT

1. **Enforcement.** Violation of any of the Planning Department conditions of approval contained in this Motion or of any other provisions of Planning Code applicable to this Project shall be subject to the enforcement procedures and administrative penalties set forth under Planning Code Section 176 or Section 176.1. The Planning Department may also refer the violation complaints to other city departments and agencies for appropriate enforcement action under their jurisdiction.
For information about compliance, contact Code Enforcement, Planning Department at 415-575-6863, www.sf-planning.org

2. **Monitoring.** The Project requires monitoring of the conditions of approval in this Motion. The Project Sponsor or the subsequent responsible parties for the Project shall pay fees as established under Planning Code Section 351(e) (1) and work with the Planning Department for information about compliance.
For information about compliance, contact Code Enforcement, Planning Department at 415-575-6863, www.sf-planning.org

3. **Revocation due to Violation of Conditions.** Should implementation of this Project result in complaints from interested property owners, residents, or commercial lessees which are not resolved by the Project Sponsor and found to be in violation of the Planning Code and/or the specific conditions of approval for the Project as set forth in Exhibit A of this Motion, the Zoning Administrator shall refer such complaints to the Commission, after which it may hold a public hearing on the matter to consider revocation of this authorization.
For information about compliance, contact Code Enforcement, Planning Department at 415-575-6863, www.sf-planning.org

OPERATION

1. **Garbage, Recycling, and Composting Receptacles.** Garbage, recycling, and compost containers shall be kept within the premises and hidden from public view, and placed outside only when being serviced by the disposal company. Trash shall be contained and disposed of pursuant to garbage and recycling receptacles guidelines set forth by the Department of Public Works.
For information about compliance, contact Bureau of Street Use and Mapping, Department of Public Works at 415-554-5810, <http://sfdpw.org>
2. **Sidewalk Maintenance.** The Project Sponsor shall maintain the main entrance to the building and all sidewalks abutting the subject property in a clean and sanitary condition in compliance with the Department of Public Works Streets and Sidewalk Maintenance Standards.
For information about compliance, contact Bureau of Street Use and Mapping, Department of Public Works, 415-695-2017, <http://sfdpw.org>
3. **Noise Control.** The premises shall be adequately soundproofed or insulated for noise and operated so that incidental noise shall not be audible beyond the premises or in other sections of the building and fixed-source equipment noise shall not exceed the decibel levels specified in the San Francisco Noise Control Ordinance.
*For information about compliance with the fixed mechanical objects such as rooftop air conditioning, restaurant ventilation systems, and motors and compressors with acceptable noise levels, contact the Environmental Health Section, Department of Public Health at (415) 252-3800, www.sfdph.org
For information about compliance with the construction noise, contact the Department of Building Inspection, 415-558-6570, www.sfdbi.org
For information about compliance with the amplified sound including music and television contact the Police Department at 415-553-0123, www.sf-police.org*
4. **Odor Control.** While it is inevitable that some low level of odor may be detectable to nearby residents and passersby, appropriate odor control equipment shall be installed in conformance with the approved plans and maintained to prevent any significant noxious or offensive odors from escaping the premises.
For information about compliance with odor or other chemical air pollutants standards, contact the Bay Area Air Quality Management District, (BAAQMD), 1-800-334-ODOR (6367), www.baaqmd.gov and Code Enforcement, Planning Department at 415-575-6863, www.sf-planning.org
5. **Community Liaison.** Prior to issuance of a building permit to construct the project and implement the approved use, the Project Sponsor shall appoint a community liaison officer to deal with the issues of concern to owners and occupants of nearby properties. The Project Sponsor shall provide the Zoning Administrator with written notice of the name, business address, and telephone number of the community liaison. Should the contact information change, the Zoning Administrator shall be made aware of such change. The community liaison shall report to the Zoning Administrator what issues, if any, are of concern to the community and what issues have not been resolved by the Project Sponsor.
For information about compliance, contact Code Enforcement, Planning Department at 415-575-6863, www.sf-planning.org

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

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

AFFORDABLE HOUSING

1. **Number of Required Units.** Pursuant to Planning Code Section 415.6, the Project is currently required to provide 12% of the proposed dwelling units as affordable to qualifying households, but is subject to change under a proposed Charter amendment and pending legislation if the voters approve the Charter Amendment at the June 7, 2016 election. The Project contains 47 units; therefore, 6 affordable units are currently required. The Project Sponsor will fulfill this requirement by providing the 6 affordable units on-site. If the Project is subject to a different requirement if the Charter Amendment is approved and new legislative requirements take effect, the Project will comply with the applicable requirements at the time of compliance. If the number of market-rate units change, the number of required affordable units shall be modified accordingly with written approval from Planning Department staff in consultation with the Mayor's Office of Housing and Community Development ("MOHCD").
For information about compliance, contact the Case Planner, Planning Department at 415-575-9087, www.sf-planning.org or the Mayor's Office of Housing and Community Development at 415-701-5500, www.sf-moh.org.
2. **Unit Mix.** The Project contains 9 studio, 18 one-bedroom, 18 two-bedroom, and 2 three-bedroom units; therefore, the required affordable unit mix is 2 studio, 2 one-bedroom and 2 two-bedroom units, or the unit mix that may be required if the inclusionary housing requirements change as discussed above. If the market-rate unit mix changes, the affordable unit mix will be modified accordingly with written approval from Planning Department staff in consultation with MOHCD.
For information about compliance, contact the Case Planner, Planning Department at 415-575-9087, www.sf-planning.org or the Mayor's Office of Housing and Community Development at 415-701-5500, www.sf-moh.org.
3. **Unit Location.** The affordable units shall be designated on a reduced set of plans recorded as a Notice of Special Restrictions on the property prior to the issuance of the first construction permit.
For information about compliance, contact the Case Planner, Planning Department at 415-575-9087, www.sf-planning.org or the Mayor's Office of Housing and Community Development at 415-701-5500, www.sf-moh.org.
4. **Phasing.** If any building permit is issued for partial phasing of the Project, the Project Sponsor shall have designated not less than twelve percent (12%), or the applicable percentage as discussed above, of the each phase's total number of dwelling units as on-site affordable units.
For information about compliance, contact the Case Planner, Planning Department at 415-575-9087, www.sf-planning.org or the Mayor's Office of Housing and Community Development at 415-701-5500, www.sf-moh.org.
5. **Duration.** Under Planning Code Section 415.8, all units constructed pursuant to Section 415.6, must remain affordable to qualifying households for the life of the project.

For information about compliance, contact the Case Planner, Planning Department at 415-575-9087, www.sf-planning.org or the Mayor's Office of Housing and Community Development at 415-701-5500, www.sf-moh.org.

6. **Other Conditions.** The Project is subject to the requirements of the Inclusionary Affordable Housing Program under Section 415 et seq. of the Planning Code and City and County of San Francisco Inclusionary Affordable Housing Program Monitoring and Procedures Manual ("Procedures Manual"). The Procedures Manual, as amended from time to time, is incorporated herein by reference, as published and adopted by the Planning Commission, and as required by Planning Code Section 415. Terms used in these conditions of approval and not otherwise defined shall have the meanings set forth in the Procedures Manual. A copy of the Procedures Manual can be obtained at the MOHCD at 1 South Van Ness Avenue or on the Planning Department or MOHCD websites, including on the internet at: <http://sf-planning.org/Modules/ShowDocument.aspx?documentid=4451>. As provided in the Inclusionary Affordable Housing Program, the applicable Procedures Manual is the manual in effect at the time the subject units are made available for sale.

For information about compliance, contact the Case Planner, Planning Department at 415-575-9087, www.sf-planning.org or the Mayor's Office of Housing and Community Development at 415-701-5500, www.sf-moh.org.

- a. The affordable unit(s) shall be designated on the building plans prior to the issuance of the first construction permit by the Department of Building Inspection ("DBI"). The affordable unit(s) shall (1) reflect the unit size mix in number of bedrooms of the market rate units, (2) be constructed, completed, ready for occupancy and marketed no later than the market rate units, and (3) be evenly distributed throughout the building; and (4) be of comparable overall quality, construction and exterior appearance as the market rate units in the principal project. The interior features in affordable units should be generally the same as those of the market units in the principal project, but need not be the same make, model or type of such item as long they are of good and new quality and are consistent with then-current standards for new housing. Other specific standards for on-site units are outlined in the Procedures Manual.
- b. If the units in the building are offered for sale, the affordable unit(s) shall be sold to first time home buyer households, as defined in the Procedures Manual, whose gross annual income, adjusted for household size, does not exceed an average of ninety (90) percent of Area Median Income under the income table called "Maximum Income by Household Size derived from the Unadjusted Area Median Income for HUD Metro Fair Market Rent Area that contains San Francisco " but these income levels are subject to change under a proposed Charter amendment and pending legislation if the voters approve the Charter Amendment at the June 7, 2016 election. If the Project is subject to a different income level requirement if the Charter Amendment is approved and new legislative requirements take effect, the Project will comply with the applicable requirements. The initial sales price of such units shall be calculated according to the Procedures Manual. Limitations on (i) reselling; (ii) renting; (iii) recouping capital improvements; (iv) refinancing; and (v) procedures for inheritance apply

and are set forth in the Inclusionary Affordable Housing Program and the Procedures Manual.

- c. The Project Sponsor is responsible for following the marketing, reporting, and monitoring requirements and procedures as set forth in the Procedures Manual. MOHCD shall be responsible for overseeing and monitoring the marketing of affordable units. The Project Sponsor must contact MOHCD at least six months prior to the beginning of marketing for any unit in the building.
- d. Required parking spaces shall be made available to initial buyers or renters of affordable units according to the Procedures Manual.
- e. Prior to the issuance of the first construction permit by DBI for the Project, the Project Sponsor shall record a Notice of Special Restriction on the property that contains these conditions of approval and a reduced set of plans that identify the affordable units satisfying the requirements of this approval. The Project Sponsor shall promptly provide a copy of the recorded Notice of Special Restriction to the Department and to MOHCD or its successor.
- f. The Project Sponsor has demonstrated that it is eligible for the On-site Affordable Housing Alternative under Planning Code Section 415.6 instead of payment of the Affordable Housing Fee, and has submitted the *Affidavit of Compliance with the Inclusionary Affordable Housing Program: Planning Code Section 415* to the Planning Department stating that any affordable units designated as on-site units shall be sold as ownership units and will remain as ownership units for the life of the Project.
- g. If the Project Sponsor fails to comply with the Inclusionary Affordable Housing Program requirement, the Director of DBI shall deny any and all site or building permits or certificates of occupancy for the development project until the Planning Department notifies the Director of compliance. A Project Sponsor's failure to comply with the requirements of Planning Code Section 415 et seq. shall constitute cause for the City to record a lien against the development project and to pursue any and all available remedies at law.
- h. If the Project becomes ineligible at any time for the On-site Affordable Housing Alternative, the Project Sponsor or its successor shall pay the Affordable Housing Fee prior to issuance of the first construction permit. If the Project becomes ineligible after issuance of its first construction permit, the Project Sponsor shall notify the Department and MOHCD and pay interest on the Affordable Housing Fee and penalties, if applicable.

REVISIONS		

MADE IN FILMO
 2044 FILLMORE ST. 2ND FLOOR
 SAN FRANCISCO, CA 94115
 415.286.1678
 INFO@INFILMO.COM
 WWW.INFILMO.COM

1433 BUSH ST.
 SAN FRANCISCO, CA

TITLE PAGE	
SITE PERMIT	
Date	08.04.16
Scale	AS NOTED
Drawn	AT, SL
Job	BUSH
File	BUSH
Sheet	A0.01
Of	Sheets

COPYRIGHT © MADE-IN-FILMO 2016 ALL RIGHTS RESERVED.

PROJECT SITE:	1433 BUSH STREET, SAN FRANCISCO. CA.
CROSS STREET:	POLK ST. AND VAN NESS AVE.
NEIGHBORHOOD:	DOWNTOWN/CIVIC CENTER
ASSESSOR'S PARCEL #:	BLOCK: 0670 / LOT: 024
LOT AREA:	6,600 SQ. FT. LOT AREA
ZONING:	RC-4: RESIDENTIAL, COMMERCIAL, HIGH-DENSITY VAN NESS SPECIAL USE DISTRICT
HEIGHT LIMIT:	130-V; PROPOSED HEIGHT 116'-10"
CONSTRUCTION TYPE:	TYPE-1 NON COMBUSTIBLE CONSTRUCTION: METAL FRAME (R-2) OVER TYPE-IA: CONCRETE PODIUM (S-2 & A2)
UNITS COUNT:	47 RESIDENTIAL UNITS + 2 COMMERCIAL UNITS
AFFORDABLE UNIT:	14.5% OF TOTAL RESIDENTIAL UNITS OF 47 = 7 BMR UNITS

PROJECT DATA	
SCOPE OF WORK:	NEW CONSTRUCTION OF A 11 STORY BUILDING CONTAINING 47 RESIDENTIAL UNITS OVER GROUND LEVEL BUSINESS OCCUPANCY.
	THE RESIDENTIAL CONDOMINIUM BUILDING IS A COVERED MULTI-FAMILY DWELLING WITH ONE ELEVATOR AND ALL ADAPTABLE UNITS.



NORTHEAST PERSPECTIVE OF PROPOSED SCHEME



REVISIONS	NO.	DESCRIPTION

MADE IN FILMO
 2004 FILLMORE ST. 2ND FLOOR
 SAN FRANCISCO, CA 94115
 T 415.286.1674
 E INFO@INFILMO.COM
 W WWW.INFILMO.COM

1433 BUSH ST.
 SAN FRANCISCO, CA

REVISION HISTORY	
SITE PERMIT	
Date	08.04.16
Scale	AS NOTED
Drawn	AT, SL
Job	BUSH
File	BUSH
Sheet	
Of	A0.2a
	2

COPYRIGHT © MADE-IN-FILMO 2016 ALL RIGHTS RESERVED.

APPROVED PROJECT

3 AMENDED PROJECT

4

APPROVED PROJECT:

DWELLING UNITS:	32 UNITS
PARKING:	26 STALLS
HEIGHT:	115 FEET
FLOORS:	10 FLOORS
GROSS FLOOR AREA:	60,012 GSF

AMENDED PROJECT:

DWELLING UNITS:	47 UNITS
PARKING:	9 STALLS
HEIGHT:	116' - 10"
FLOORS:	11 FLOORS
GROSS FLOOR AREA:	58,801 GSF

APPROVED PROJECT

1 AMENDED PROJECT

2

BUILDING STANDARDS	CODE REF.	REQUIREMENT	PROPOSED	CU/VARIANCE	SHEET REF.
MASSING AND SETBACKS					
HEIGHT AND BULK LIMITS	SEC. 253 SEC. 253.2	130-V	116'-10"	CU AUTHORIZATION TO EXCEED 50 FT	A3.1
BULK	SEC. 270 SEC. 271	MAX LENGTH = 110 FT MAX DIAGONAL = 140 FT	LENGTH = 120'-0" DIAGONAL = 131'-6 1/2"	CU AUTHORIZATION FOR BULK EXCEPTION TO EXCEED MAX LENGTH	A1.0
REAR YARD SETBACK	SEC. 134 SEC. 243(c)(6)	REQUIRED AT FIRST RESIDENTIAL LEVEL AND ABOVE, 25% OF THE LOT DEPTH, BUT IN NO CASE LESS THAN 15 FT	1,555 SF (23%) PROVIDED IN ONE INTERIOR COURT	REAR YARD MODIFICATION PURSUANT TO SECTION 243(c)(6)	A1.0
STREET TREES	SEC. 138.1	ONE TREE PER 20 FT; SIX (6) STREET TREES ARE REQUIRED	THREE (3) NEW STREET TREES; SEEK WAIVER FOR REMAINING THREE (3) TREES DUE TO SITE CONFLICT		A0.16
STREET FRONTAGE REQ'S	SEC. 145.1	ACTIVE USES REQUIRED WITHIN FIRST 25 FT OF BUILDING DEPTH; 60% OF FRONTAGES MUST BE TRANSPARENT	ACTIVE USES PROVIDED ON BOTH BUSH AND FERN STREETS; GROUND FLOOR MODIFIED PER PROJECT REVIEW COMMENTS		A1.1
RESIDENTIAL STANDARDS AND USES					
USABLE OPEN SPACE	SEC. 135	36 SQ FT IF PRIVATE, 48 SQ FT PER DU IF COMMON REQ: 45x48 SF = 2,160 SF REQ: 2X36 SF = 72 SF	2,160 SF COMMON ROOF DECK 922 SF PRIVATE DECK		A1.5
EXPOSURE	SEC. 140	AT LEAST ONE ROOM MEASURING 120 SF MUST FACE AN OPEN AREA (STREET, REAR YARD OR LIGHT COURT)	ALL UNITS HAVE A 120 SF ROOM THAT FACES BUSH STREET OR FERN STREET		A1.2-1.4
PARKING REQUIREMENTS	SEC. 151.1	UP TO ONE SPACE FOR EVERY TWO UNITS PERMITTED, AND UP TO THREE SPACES FOR EVERY FOUR UNITS PERMITTED WITH CU PERMITTED: 50/2 = 25	9 PARKING STALLS TOTAL (INCLUDING 1 ADA COMPLIANT STALL)		A1.1
CAR SHARE	SEC. 166	NONE REQ'D FOR 49 OR LESS UNITS; ONE REQUIRED FOR 50-200 UNITS	NONE PROVIDED		A1.1
BICYCLE PARKING	SEC. 155.2.11	CLASS 1: 1 STALL PER DU; CLASS 2: 1 STALL PER DU 20 AND MINIMUM TWO FOR RETAIL CLASS 2: 1 PER 750 SF	CLASS 1: 47 STALLS (RESIDENTIAL) CLASS 2: 2 STALLS (RESIDENTIAL) CLASS 2: 3 STALLS (RETAIL)		A1.1
RESIDENTIAL DENSITY	SEC. 207	N/A; SEE FAR BELOW	47		x
INCLUSIONARY HOUSING REQ	SEC. 415	20% FEE; 12% ON-SITE; 20% OFF-SITE	14.5% ON-SITE (7 UNITS)		SEE AFFORDABLE HOUSING AFFIDAVIT
NON-RESIDENTIAL STANDARDS AND USES					
FLOOR AREA RATIO	SEC. 243(c)(1) SEC. 125	7.0 TO 1; APPLIES TO RESIDENTIAL	BASE: 7x6,600 = 46,200 GSF; PREMIUM: 7x550 (10x55) = 3,850 GSF; TOTAL FAR: 46,200 + 3,850 = 50,050 GSF		A0.3
OFF-STREET PARKING	SEC. 151.1	UP TO ONE SPACE FOR EVERY TWO UNITS PERMITTED, AND UP TO 3 SPACES FOR EVERY FOUR UNITS PERMITTED WITH CU	NONE		N/A
GROUND FLOOR CEILING HEIGHT	SEC. 145.1(c)(4)	MINIMUM FLOOR-TO-FLOOR HEIGHT OF 14 FT	16'-10"		A2.1-2.2

PLANNING CODE COMPLIANCE

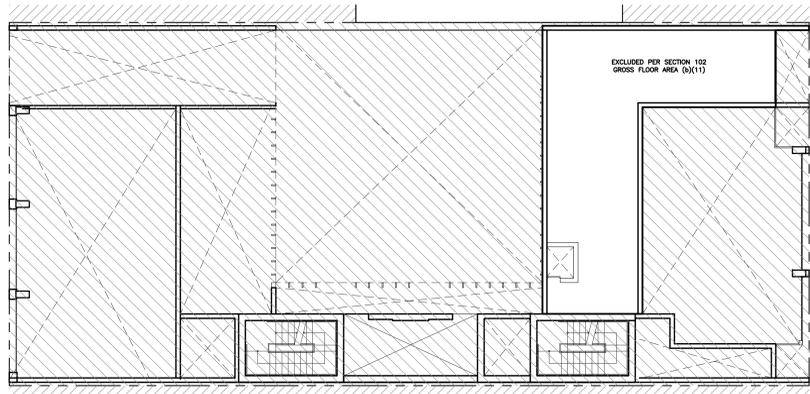
REVISIONS	



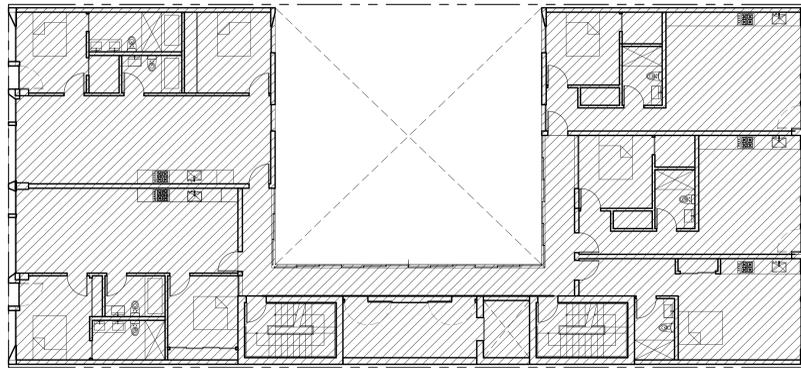
1433 BUSH ST.
 SAN FRANCISCO, CA

PLANNING DATA	
SITE PERMIT	
Date	08.04.16
Scale	AS NOTED
Drawn	AT, SL
Job	BUSH
File	BUSH
Sheet	A0.2
Of	1

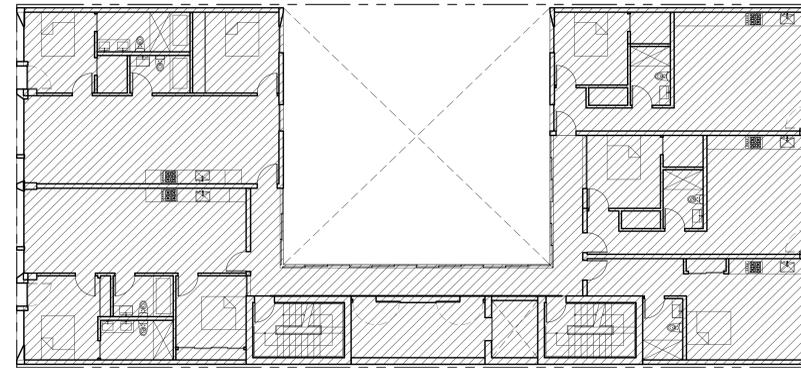
COPYRIGHT © MADE-IN-FILMO 2016 ALL RIGHTS RESERVED.



MECHANICAL MEZZANINE LEVEL
GROSS AREA: 900 SF
FAR GROSS: 0 SF



LEVEL 4
GROSS AREA: 4817 SF
FAR GROSS: 4817 SF

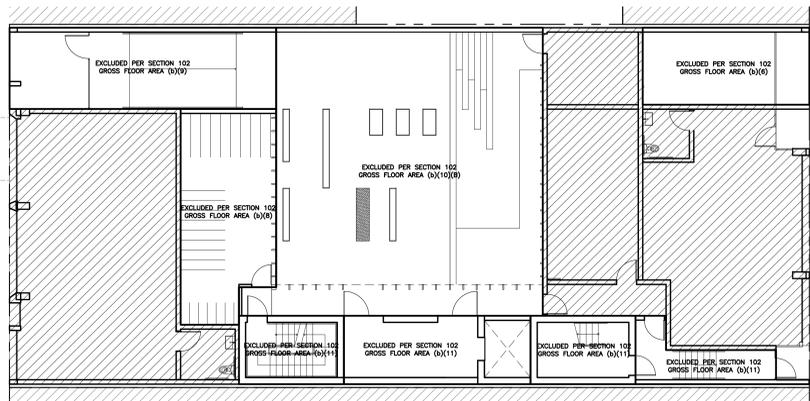


LEVEL 5
GROSS AREA: 4817 SF
FAR GROSS: 4817 SF

MECHANICAL MEZZANINE LEVEL

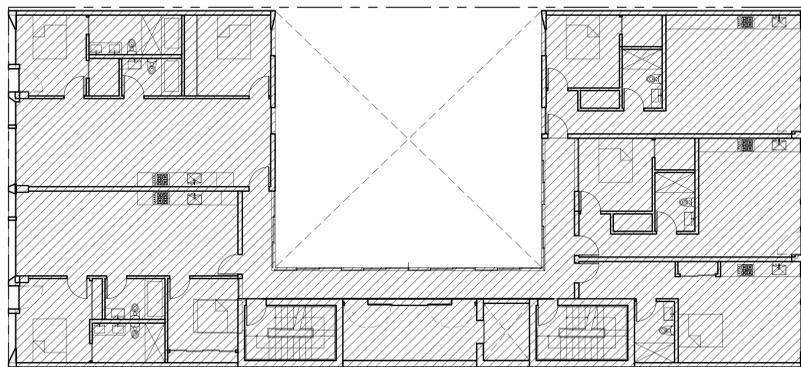
LEVEL 4

LEVEL 5



THE 150 FT. MINIMUM ELEVATOR LOBBY IS REQUIRED BY CBC 2013 FOR ALL HIGH RISE BUILDINGS

GROUND FLOOR
GROSS AREA: 4225 SF
FAR GROSS: 2726 SF



LEVEL 3
GROSS AREA: 4817 SF
FAR GROSS: 4817 SF

GROUND FLOOR

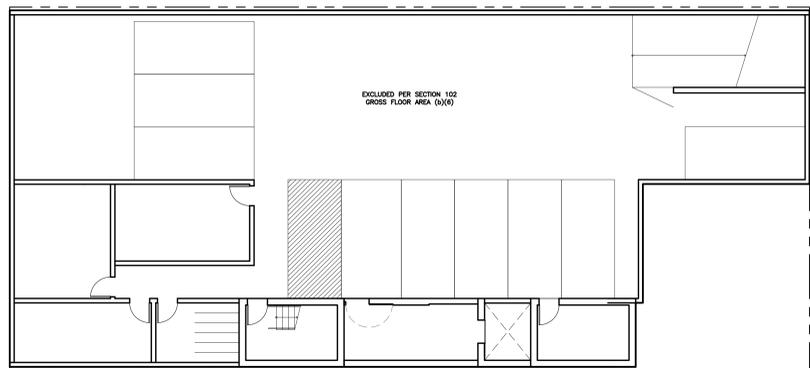
LEVEL 3

F.A.R. GENERAL INFORMATION

SITE AREA:	120'L x 55'W = 6,600 SF
ZONING DISTRICT:	RC-4
DENSITY:	1/200
F.A.R.:	7 : 1
APPLICATION TO RESIDENTIAL:	YES
F.A.R. PREMIUM	YES

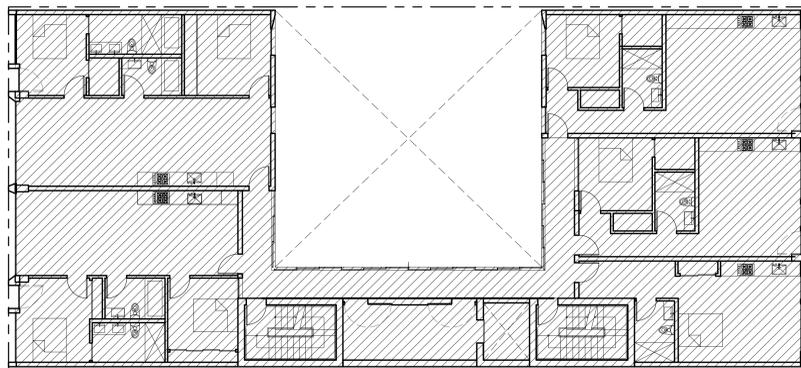
F.A.R. PERMITTED BY ZONING

MAXIMUM DENSITY:	
PERMITTED FLOOR AREA BY ZONING	46,200 GSF
F.A.R. PREMIUM/BONUS	3,850 GSF
TOTAL FLOOR AREA PERMITTED	50,050 GSF



BASEMENT
GROSS AREA: 5736 SF
FAR GROSS: 0 SF

BASEMENT LEVEL



LEVEL 2
GROSS AREA: 4817 SF
FAR GROSS: 4817 SF

LEVEL 2

SAN FRANCISCO PLANNING CODE 2013:
SEC. 102. - DEFINITION
-FLOOR AREA, GROSS

FLOOR	GROSS AREA (SQ. FT.)	F.A.R. GROSS (SQ. FT.)
ROOF	616	0
LEVEL 11	3,971	3,971
LEVEL 10	4,817	4,817
LEVEL 9	4,817	4,817
LEVEL 8	4,817	4,817
LEVEL 7	4,817	4,817
LEVEL 6	4,817	4,817
LEVEL 5	4,817	4,817
LEVEL 4	4,817	4,817
LEVEL 3	4,817	4,817
LEVEL 2	4,817	4,817
MECHANICAL MEZZANINE	900	0
GROUND	4,225	2,726
BASEMENT	5,736	0
TOTAL	58,801 GSF	50,050 SF

FAR CALCULATIONS

REVISIONS

MADE IN FILMO
2044 FILLMORE ST. 2ND FLOOR
SAN FRANCISCO, CA 94115

T 415.286.1678
E INFO@INFILMO.COM
W WWW.INFILMO.COM

1433 BUSH ST.
SAN FRANCISCO, CA

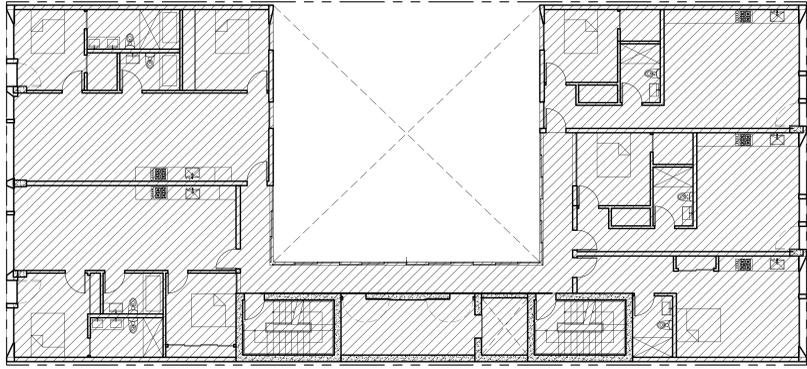
FAR DIAGRAMS
BASEMENT - FIFTH FLOOR

SITE PERMIT

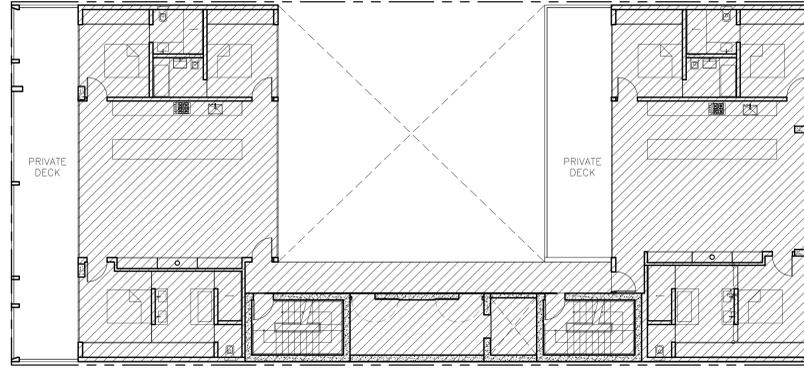
Date	08.04.16
Scale	AS NOTED
Drawn	AT, SL
Job	BUSH
File	BUSH

Sheet
A0.3a
Of
Sheets

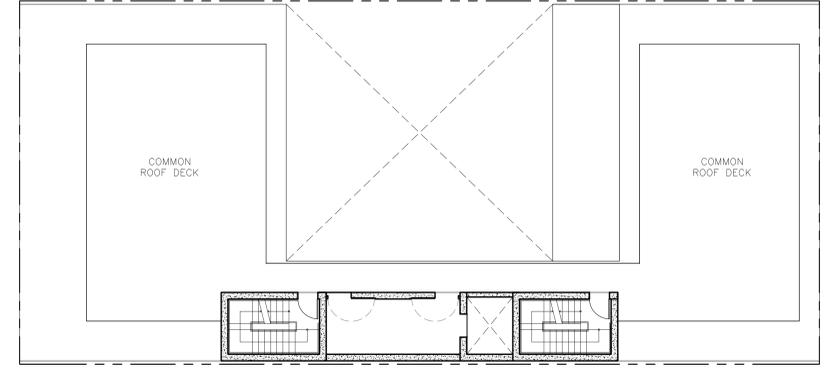
COPYRIGHT © MADE-IN-FILMO 2016 ALL RIGHTS RESERVED.



LEVEL 8
GROSS AREA: 4817 SF
FAR GROSS: 4817 SF



LEVEL 11
GROSS AREA: 3971 SF
FAR GROSS: 3971 SF



ROOF
GROSS AREA: 616 SF
FAR GROSS: 0 SF

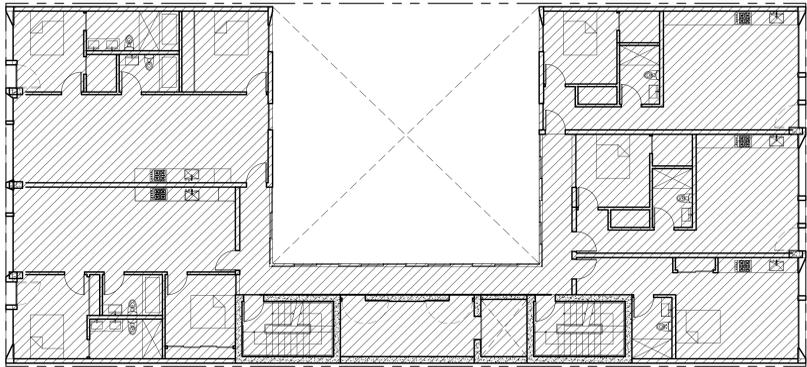
REVISIONS

MADE IN FILMO
2044 FILLMORE ST. 2ND FLOOR
SAN FRANCISCO, CA 94115
415.288.1678
INFO@MADEINFILMO.COM
WWW.MADEFILMO.COM

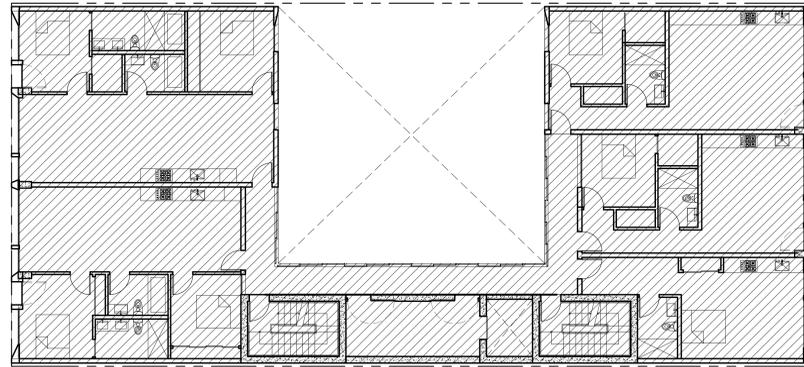
LEVEL 8

LEVEL 11

ROOF LEVEL



LEVEL 7
GROSS AREA: 4817 SF
FAR GROSS: 4817 SF



LEVEL 10
GROSS AREA: 4817 SF
FAR GROSS: 4817 SF

F.A.R. GENERAL INFORMATION

SITE AREA:	120'L x 55'W = 6,600 SF
ZONING DISTRICT:	RC-4
DENSITY:	1/200
F.A.R.:	7 : 1
APPLICATION TO RESIDENTIAL:	YES
F.A.R. PREMIUM	YES

F.A.R. PERMITTED BY ZONING

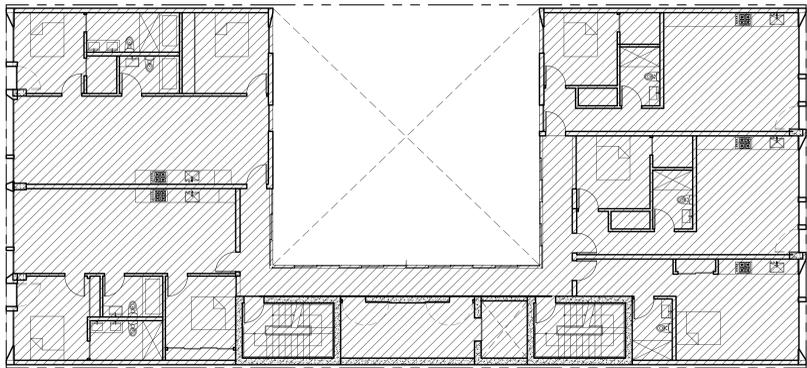
MAXIMUM DENSITY:	
PERMITTED FLOOR AREA BY ZONING	46,200 GSF
F.A.R. PREMIUM/BONUS	3,850 GSF
TOTAL FLOOR AREA PERMITTED	50,050 GSF

LEVEL 7

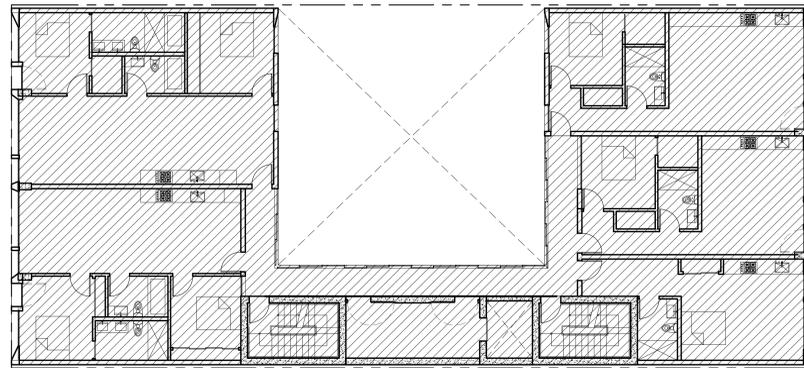
LEVEL 10

SAN FRANCISCO PLANNING CODE 2013:
SEC. 102. - DEFINITION
-FLOOR AREA, GROSS

FLOOR	GROSS AREA (SQ. FT.)	F.A.R. GROSS (SQ. FT.)
ROOF	616	0
LEVEL 11	3,971	3,971
LEVEL 10	4,817	4,817
LEVEL 9	4,817	4,817
LEVEL 8	4,817	4,817
LEVEL 7	4,817	4,817
LEVEL 6	4,817	4,817
LEVEL 5	4,817	4,817
LEVEL 4	4,817	4,817
LEVEL 3	4,817	4,817
LEVEL 2	4,817	4,817
MECHANICAL MEZZANINE	900	0
GROUND	4,225	2,726
BASEMENT	5,736	0
TOTAL	58,801 GSF	50,050 SF



FLOOR 6
GROSS AREA: 4817 SF
FAR GROSS: 4817 SF



LEVEL 9
GROSS AREA: 4817 SF
FAR GROSS: 4817 SF

LEVEL 6

LEVEL 9

FAR CALCULATIONS

1433 BUSH ST.
SAN FRANCISCO, CA

FAR DIAGRAMS: SIXTH FLOOR- ROOF

SITE PERMIT
Date 08.04.16
Scale AS NOTED
Drawn AT, SL
Job BUSH
File BUSH
Sheet
A0.3b
Of
Sheets

COPYRIGHT © MADE-IN-FILMO 2016 ALL RIGHTS RESERVED.

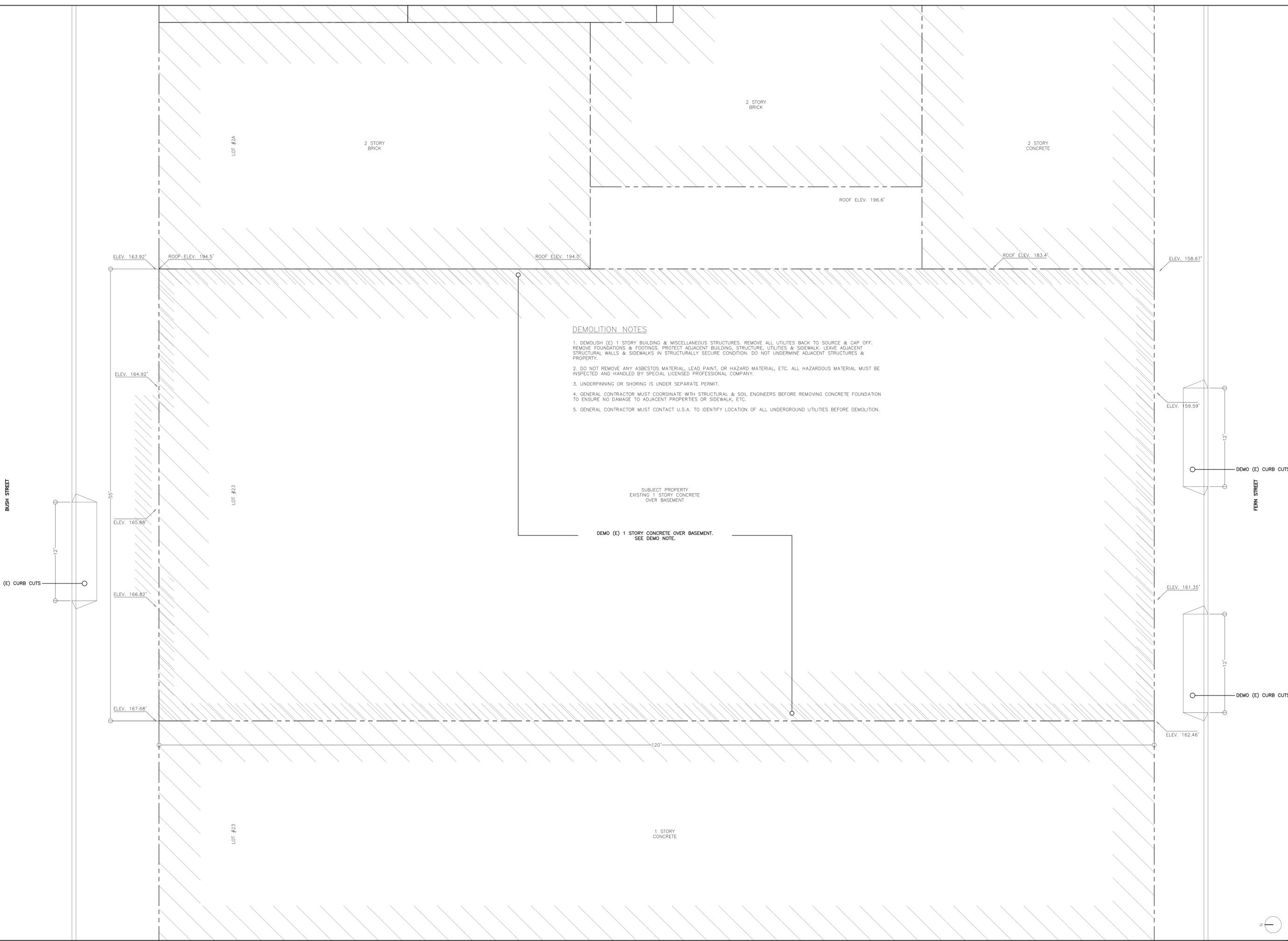
REVISIONS	

MADE IN FILM
 2044 FILLMORE ST. 2ND FLOOR
 SAN FRANCISCO, CA 94115
 T 415.286.1678
 E INFO@MADEINFILM.COM
 W WWW.MADEINFILM.COM

1433 BUSH ST.
 SAN FRANCISCO, CA

DEMOLITION PLAN	
SITE PERMIT	
Date	08.04.16
Scale	AS NOTED
Drawn	AT, SL
Job	BUSH
File	BUSH
Sheet	A0.4
Of	1

COPYRIGHT © MADE-IN-FILM 2016 ALL RIGHTS RESERVED.



DEMOLITION NOTES

1. DEMOLISH (E) 1 STORY BUILDING & MISCELLANEOUS STRUCTURES. REMOVE ALL UTILITIES BACK TO SOURCE & CAP OFF. REMOVE FOUNDATIONS & FOOTINGS. PROTECT ADJACENT BUILDING, STRUCTURE, UTILITIES & SIDEWALK. LEAVE ADJACENT STRUCTURAL WALLS & SIDEWALKS IN STRUCTURALLY SECURE CONDITION. DO NOT UNDERMINE ADJACENT STRUCTURES & PROPERTY.
2. DO NOT REMOVE ANY ASBESTOS MATERIAL, LEAD PAINT, OR HAZARD MATERIAL, ETC. ALL HAZARDOUS MATERIAL MUST BE INSPECTED AND HANDLED BY SPECIAL LICENSED PROFESSIONAL COMPANY.
3. UNDERPINNING OR SHORING IS UNDER SEPARATE PERMIT.
4. GENERAL CONTRACTOR MUST COORDINATE WITH STRUCTURAL & SOIL ENGINEERS BEFORE REMOVING CONCRETE FOUNDATION TO ENSURE NO DAMAGE TO ADJACENT PROPERTIES OR SIDEWALK, ETC.
5. GENERAL CONTRACTOR MUST CONTACT U.S.A. TO IDENTIFY LOCATION OF ALL UNDERGROUND UTILITIES BEFORE DEMOLITION.

DEMO (E) 1 STORY CONCRETE OVER BASEMENT.
 SEE DEMO NOTE.

REVISIONS		

MADE IN FILMO
 2044 FILLMORE ST. 2ND FLOOR
 SAN FRANCISCO, CA 94115
 415.286.1674
 INFO@MADEINFILMO.COM
 WWW.MADEFILMO.COM



BUSH STREET – NORTH ELEVATION

1

PROJECT SITE
 1433 BUSH ST.



BUSH STREET – SOUTH ELEVATION

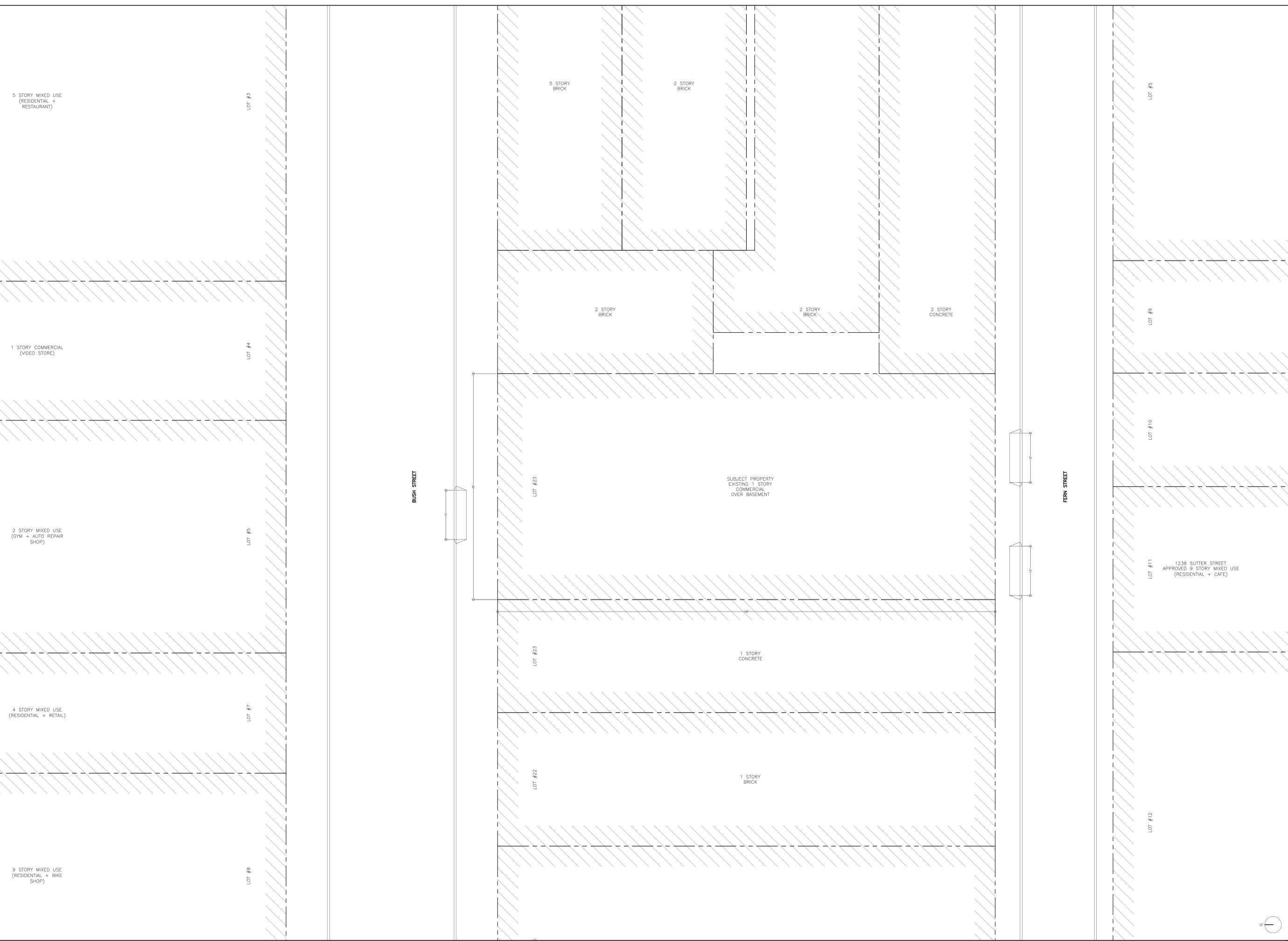
2

1433 BUSH ST.
 SAN FRANCISCO, CA

BUSH STREET
 EXISTING CONTEXT

SITE PERMIT	
Date	08.04.16
Scale	AS NOTED
Drawn	AT, SL
Job	BUSH
File	BUSH
Sheet	A0.5
Of	2

COPYRIGHT © MADE-IN-FILMO 2016 ALL RIGHTS RESERVED.



EXISTING SITE PLAN 1/8" = 1'-0" 1

REVISIONS	

MADE IN FILMO
 2044 FILLMORE ST. 2ND FLOOR
 SAN FRANCISCO, CA 94115
 415.286.1678
 INFO@INFILMO.COM
 WWW.INFILMO.COM

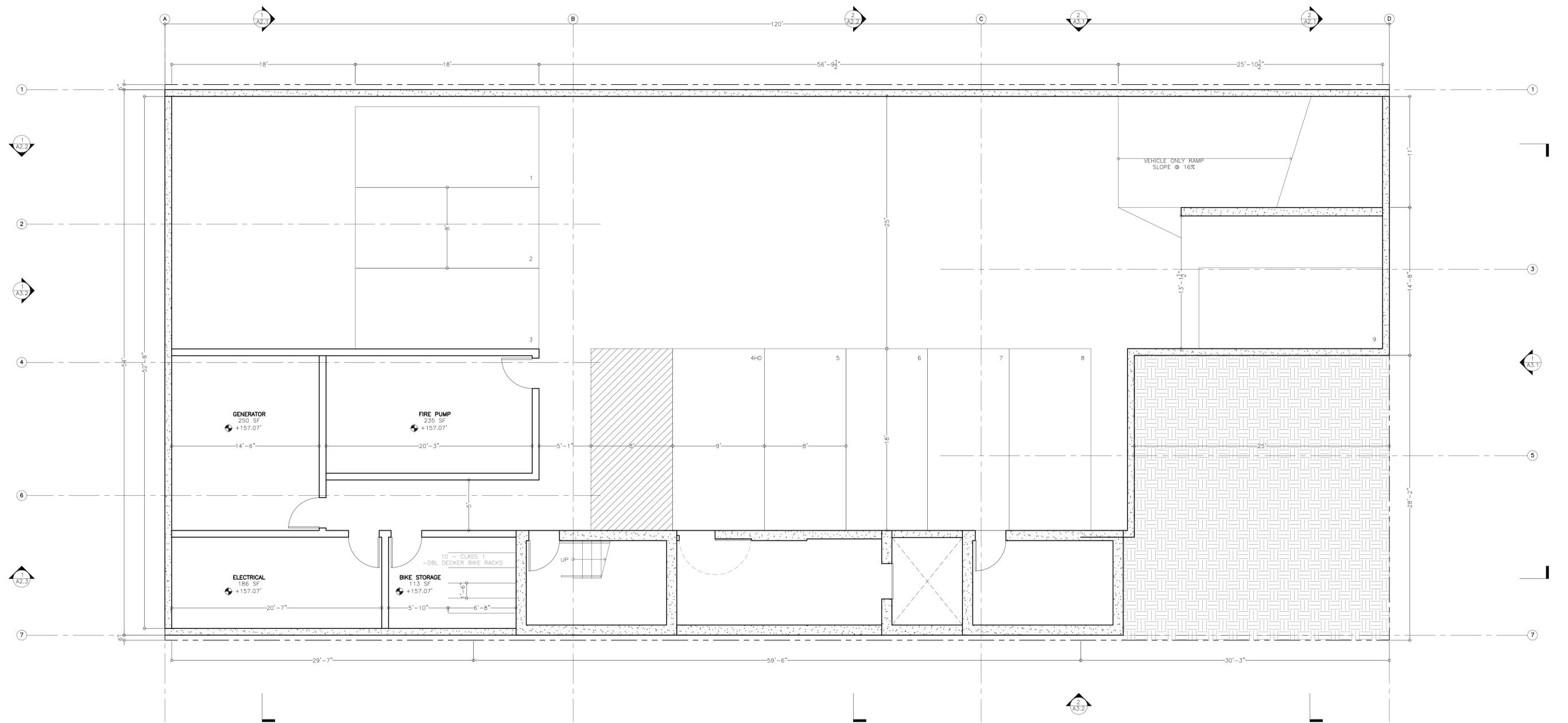
1433 BUSH ST.
 SAN FRANCISCO, CA

EXISTING SITE PLAN	
SITE PERMIT	
Date	08.04.16
Scale	AS NOTED
Drawn	AT, SL
Job	BUSH
File	BUSH
Sheet	A0.15
Of	Sheets

COPYRIGHT © MADE-IN-FILMO 2016 ALL RIGHTS RESERVED.

NO.	REVISIONS

MADE IN FILMO
 2044 FILLMORE ST. 2ND FLOOR
 SAN FRANCISCO, CA 94115
 T 415.286.1674
 E INFO@INFILMO.COM
 W WWW.INFILMO.COM



FLOOR AREA	
TOTAL GROSS	5,736 SF

1433 BUSH ST.
 SAN FRANCISCO, CA

PROPOSED BASEMENT PLAN	
SITE PERMIT	
Date	08.04.16
Scale	AS NOTED
Drawn	AT, SL
Job	BUSH
File	BUSH
Sheet	A1.0

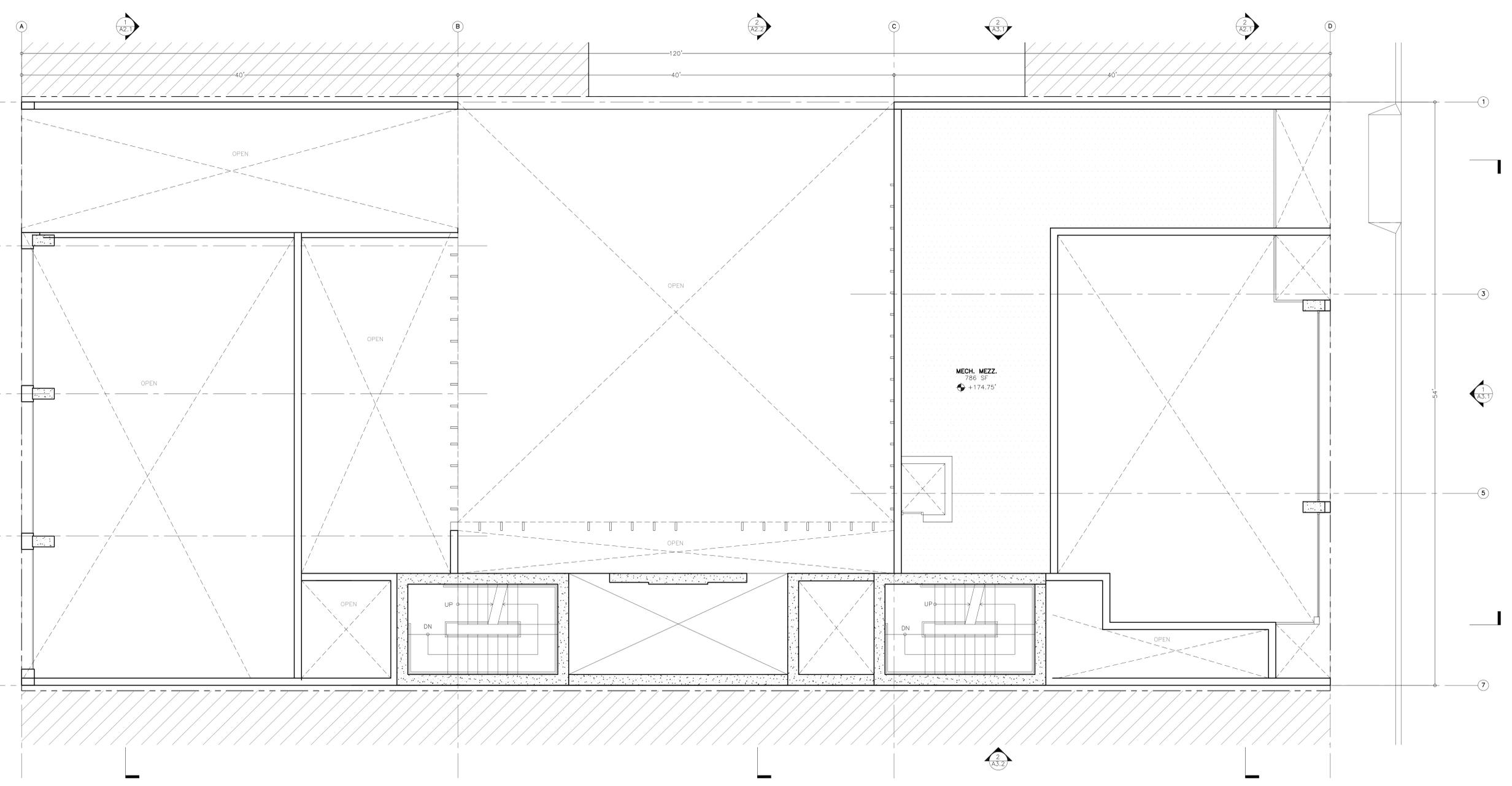
COPYRIGHT © MADE-IN-FILMO 2016 ALL RIGHTS RESERVED.

REVISIONS	

MADE IN FILMO
 2044 FILLMORE ST. 2ND FLOOR
 SAN FRANCISCO, CA 94115
 415.286.1674
 INFO@INFILMO.COM
 WWW.INFILMO.COM

1433 BUSH ST.
 SAN FRANCISCO, CA

PROPOSED
 MEZZANINE LEVEL
 FLOOR PLAN
 SITE PERMIT
 Date 08.04.16
 Scale AS NOTED
 Drawn AT, SL
 Job BUSH
 File BUSH
 Sheet A1.1a
 Of 1
 1/4" = 1'-0"

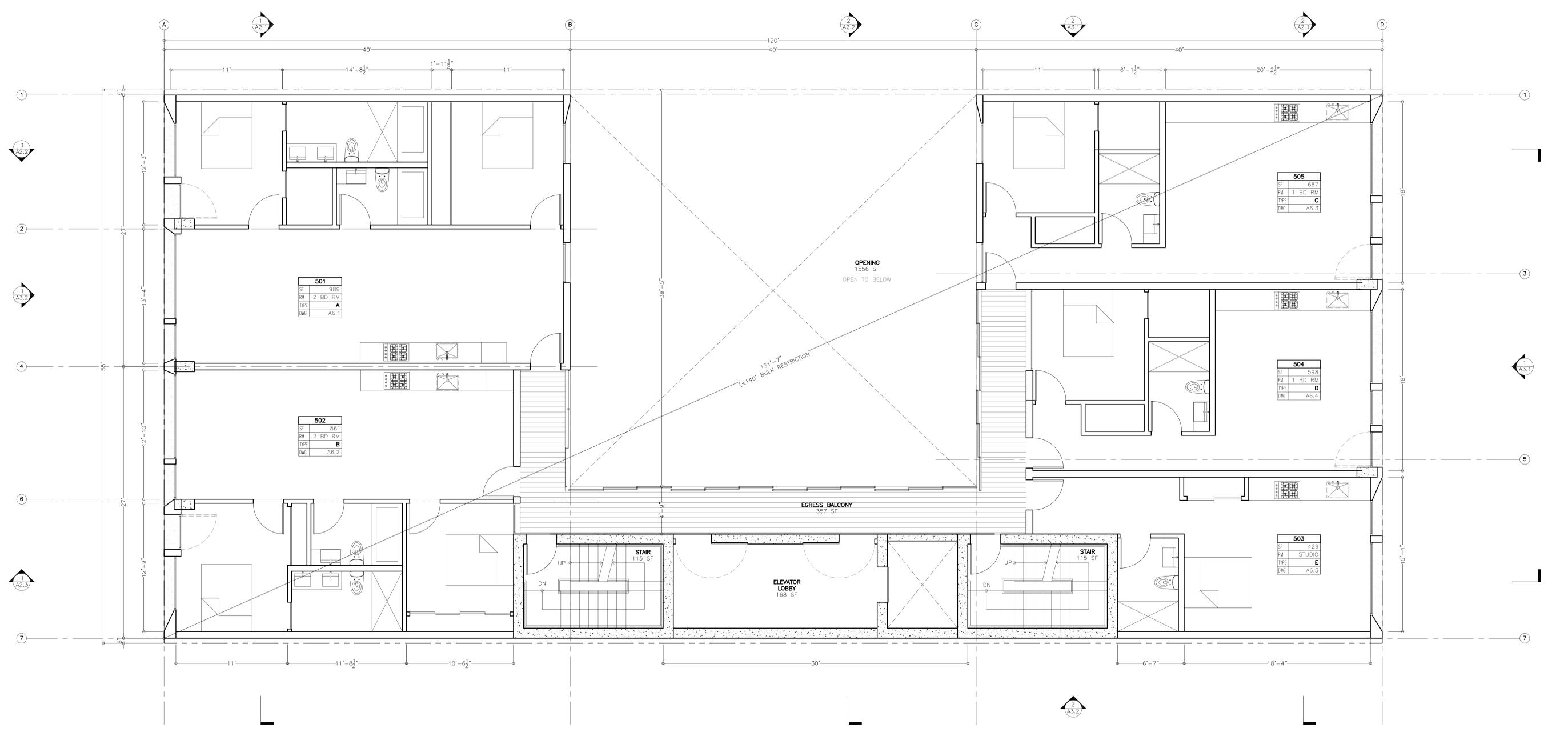


FLOOR AREA	
TOTAL GROSS	900 SF

NO.	DATE	DESCRIPTION

MADE-IN-FILMO
 2044 FILLMORE ST. 2ND FLOOR
 SAN FRANCISCO, CA 94115
 T 415.286.1674
 E INFO@INFILMO.COM
 W WWW.INFILMO.COM

1433 BUSH ST.
 SAN FRANCISCO, CA



RESIDENTIAL LEVEL 5

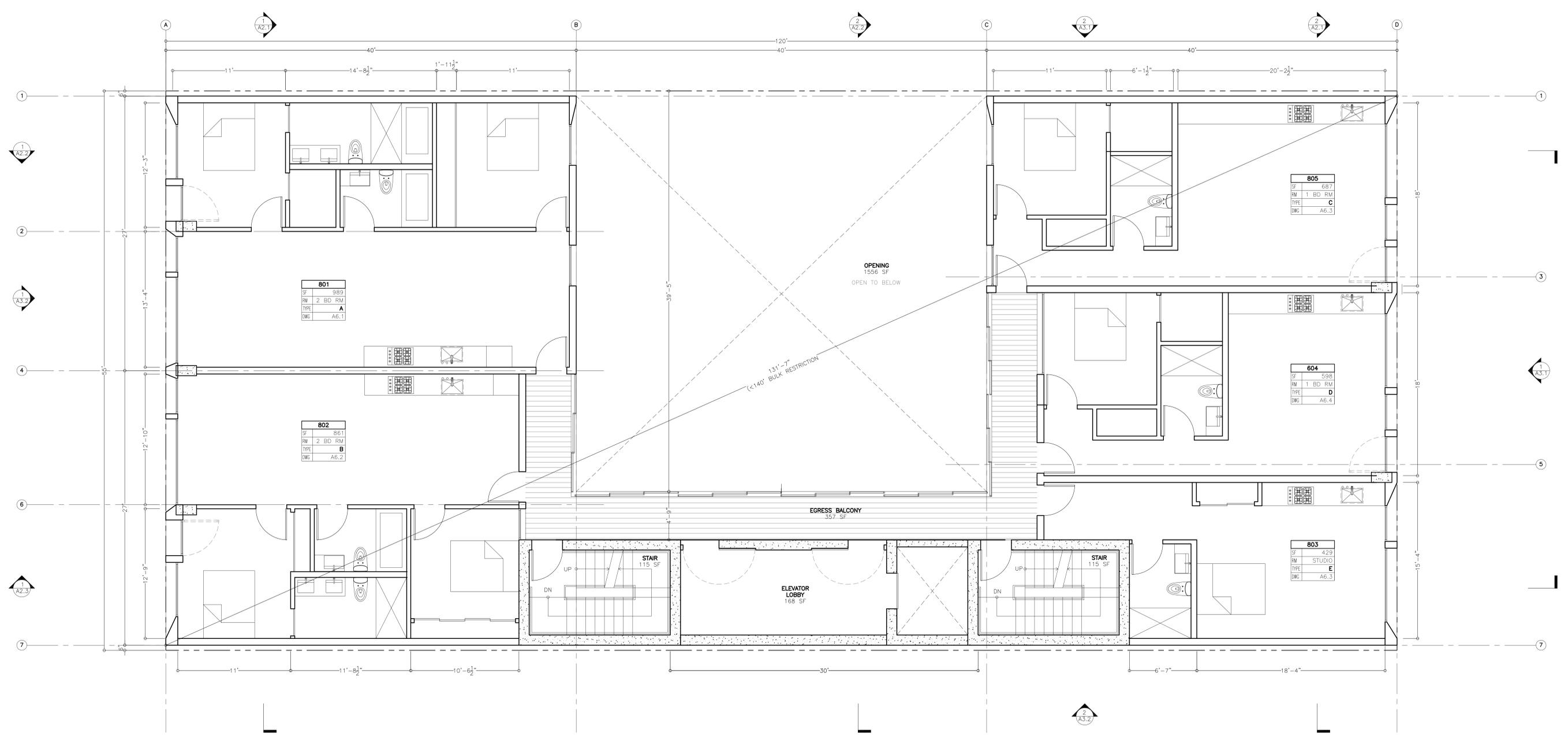
	UNIT COUNT
STUDIO	1
1 BED	2
2 BED	2
TOTAL	5

	FLOOR AREA
RESIDENTIAL NET	3,564 SF
TOTAL GROSS	4,817 SF

NO.	DESCRIPTION	DATE

MADE-IN-FILMO
 2044 FILLMORE ST. 2ND FLOOR
 SAN FRANCISCO, CA 94115
 T 415.286.1674
 E INFO@INFILMO.COM
 W WWW.INFILMO.COM

1433 BUSH ST.
 SAN FRANCISCO, CA



RESIDENTIAL LEVEL 8

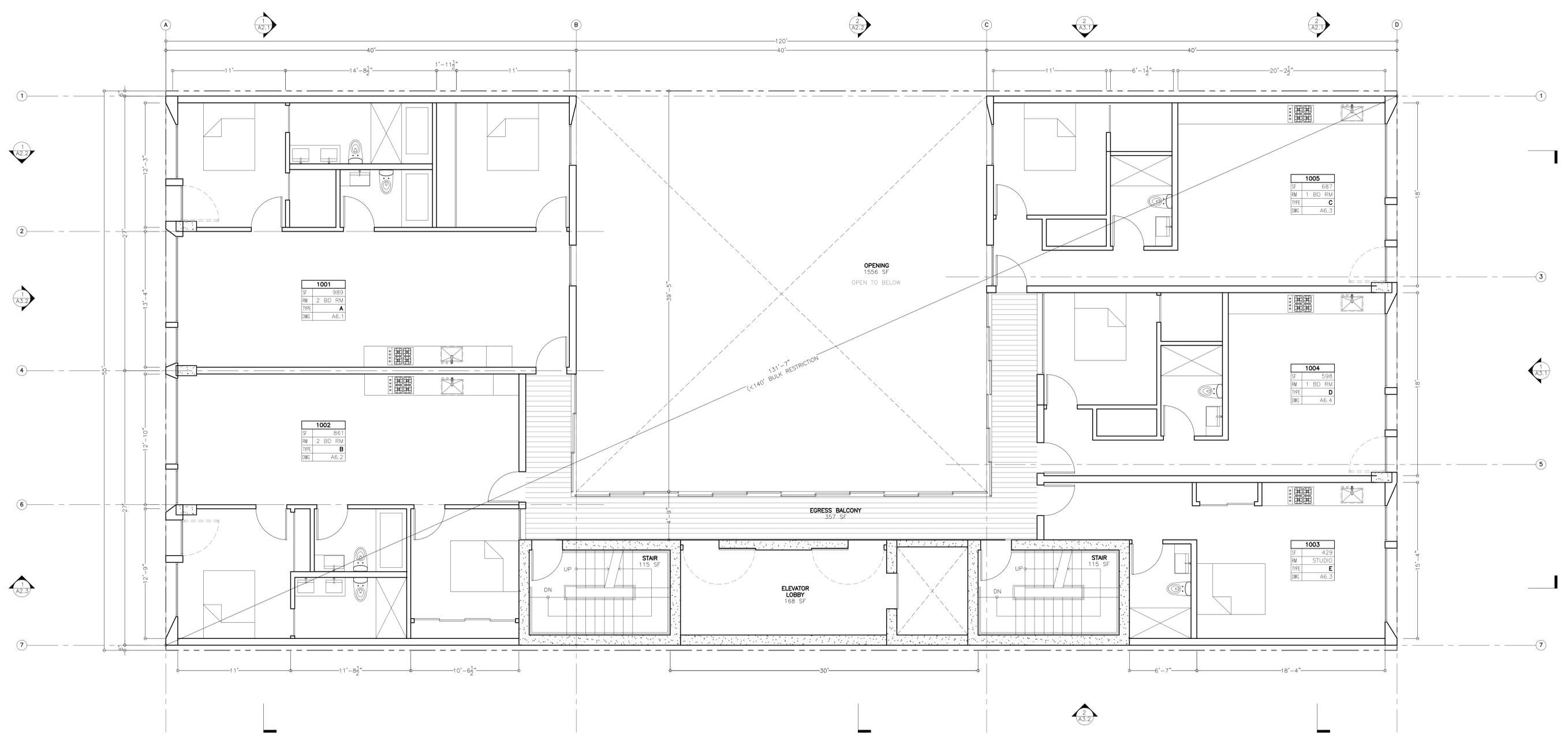
	UNIT COUNT
STUDIO	1
1 BED	2
2 BED	2
TOTAL	5

	FLOOR AREA
RESIDENTIAL NET	3,564 SF
TOTAL GROSS	4,817 SF

NO.	DESCRIPTION	DATE

MADE IN FILMO
 2044 FILLMORE ST. 2ND FLOOR
 SAN FRANCISCO, CA 94115
 T 415.286.1674
 E INFO@INFILMO.COM
 W WWW.INFILMO.COM

1433 BUSH ST.
 SAN FRANCISCO, CA



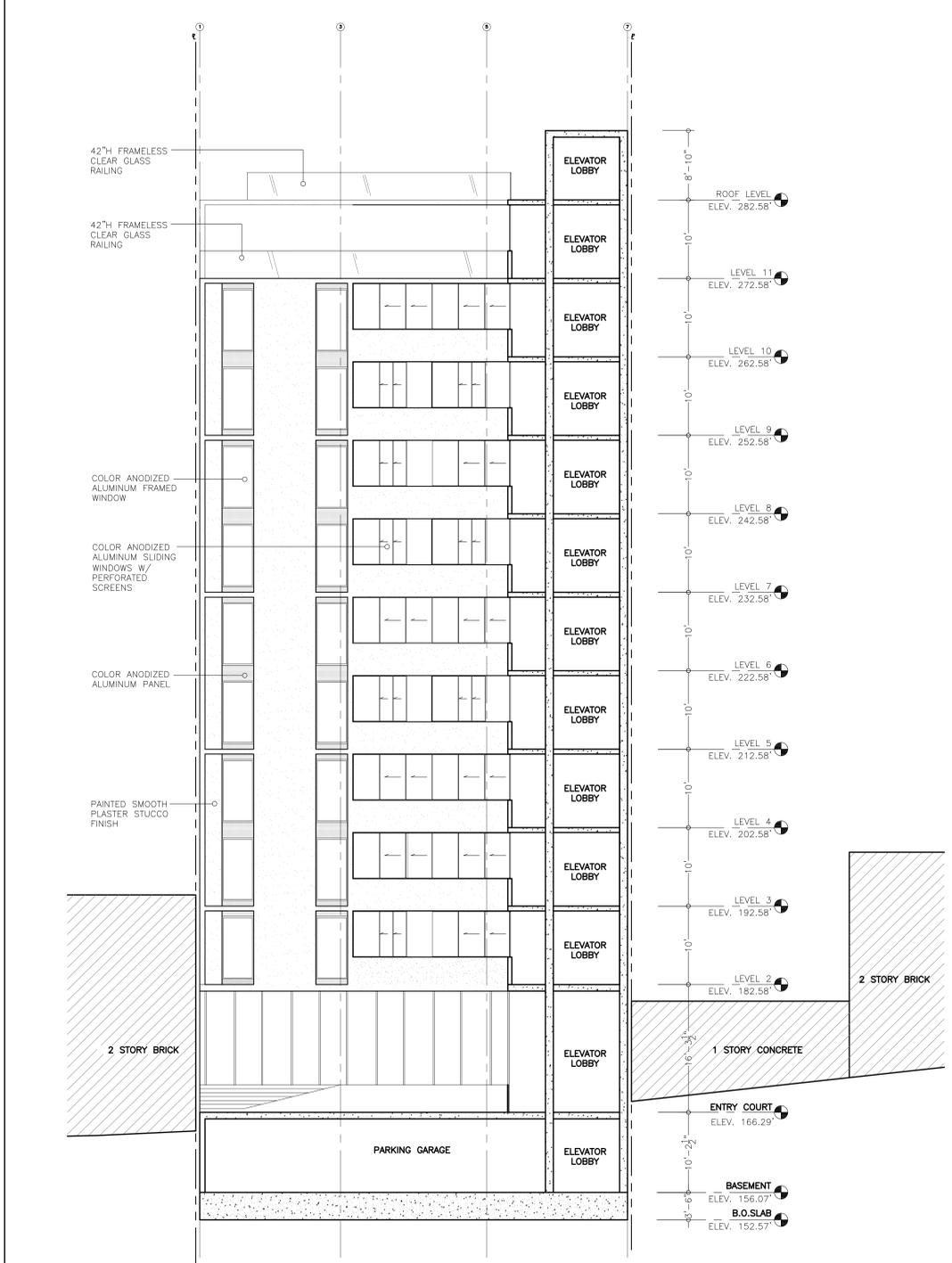
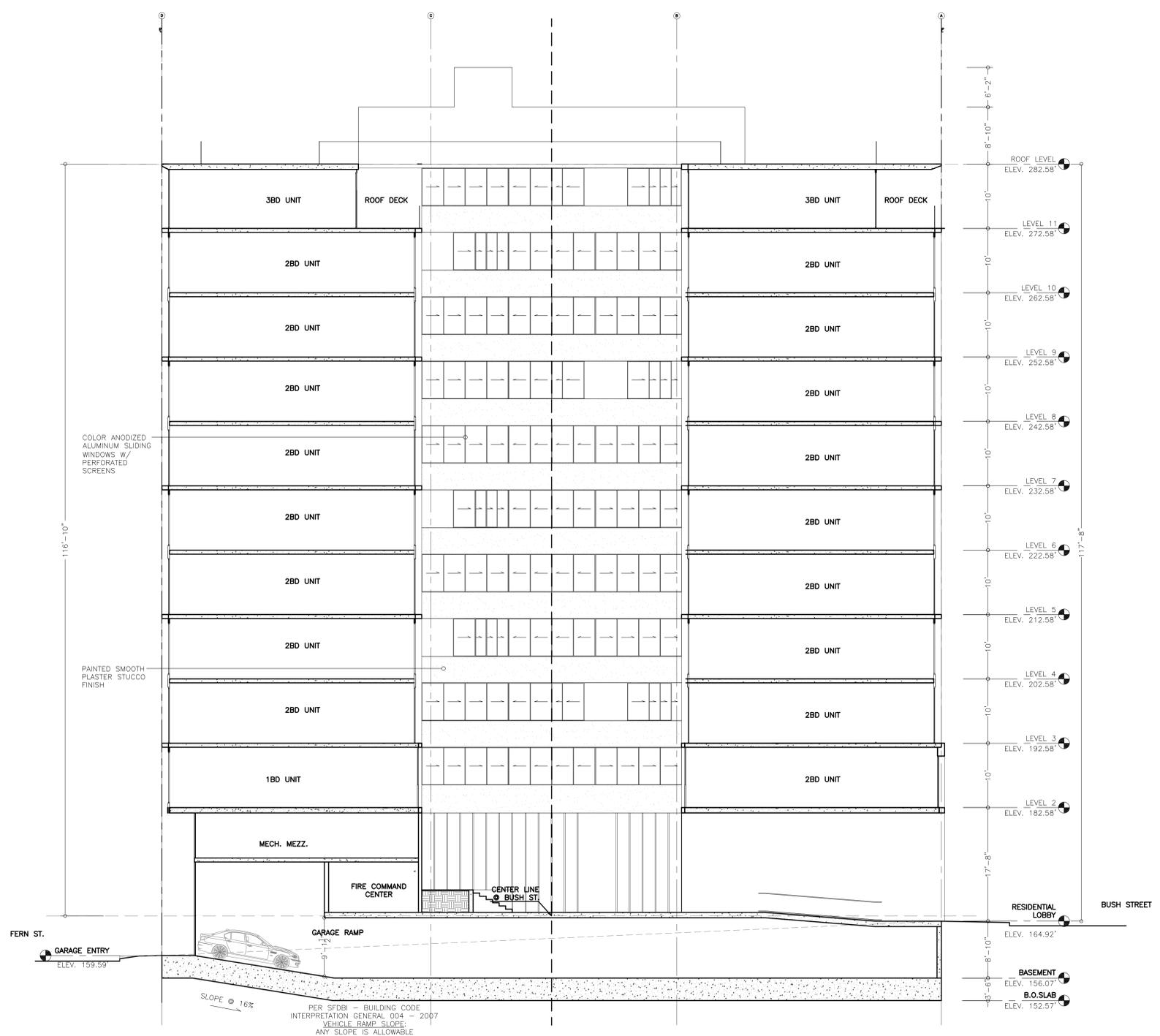
RESIDENTIAL LEVEL 10

	UNIT COUNT
STUDIO	1
1 BED	2
2 BED	2
TOTAL	5

	FLOOR AREA
RESIDENTIAL NET	3,564 SF
TOTAL GROSS	4,817 SF

NO.	DESCRIPTION	DATE

MADE IN FILMO
 2044 FILLMORE ST. 2ND FLOOR
 SAN FRANCISCO, CA 94115
 415.286.1678
 INFO@INFILMO.COM
 WWW.INFILMO.COM



1433 BUSH ST.
 SAN FRANCISCO, CA

PROPOSED LONGITUDINAL SECTION

PROPOSED SECTION @ STAIRWAY

PROPOSED SECTIONS	
SITE PERMIT	
Date	08.04.16
Scale	AS NOTED
Drawn	AT, SL
Job	BUSH
File	BUSH
Sheet	A2.2
Of	Sheets

COPYRIGHT © MADE-IN-FILMO 2016 ALL RIGHTS RESERVED.

REVISIONS		

MADE IN FILMO
 2044 FILLMORE ST. 2ND FLOOR
 SAN FRANCISCO, CA 94115
 T 415.286.1674
 E INFO@MIFILMO.COM
 W WWW.MIFILMO.COM

1433 BUSH ST.
 SAN FRANCISCO, CA

PROPOSED RENDERINGS	
SITE PERMIT	
Date	08.04.16
Scale	AS NOTED
Drawn	AT, SL
Job	BUSH
File	BUSH
Sheet	A4.1
Of	2

COPYRIGHT © MADE-IN-FILMO 2016 ALL RIGHTS RESERVED.



EXTERIOR DAY VIEW — FROM POLK ST.



EXTERIOR DAY VIEW — ELEVATION PERSPECTIVE

1433 Bush Street - Neighborhood Outreach and Support

The Project Sponsor has conducted extensive outreach to the community, and has received substantial support for the proposed project. Highlights of the neighborhood outreach and responses received from neighborhood organizations are set forth below:

- Original Entitlement:** The current owner—Joe Blandino—conducted outreach as part of the original entitlement approved in May 2014, including three meetings with the Lower Polk Neighbors and businesses within 1,000 SF of the project site.
- Pre-Application Meeting:** JS Sullivan held a pre-application community meeting on March 1, 2016 at the Planning Department. JS Sullivan mailed invitations to 54 nearby residents and property owners and 28 neighborhood organizations. City Planner Christopher May attended, in addition to the project architect and sponsor. (See Attachment A).
- SF Housing Action Coalition:** JS Sullivan presented the project to the San Francisco Housing Action Coalition on April 13, 2016. SFHAC has endorsed the project and provided a letter of support. (See Attachment B).
- Middle Polk Neighbors:** JS Sullivan first met with the Middle Polk Neighbors on June 21, 2016. Subsequent meetings were held on July 11, 2016 and January 24, 2017. They are very supportive of the project and will be providing a letter of support. They were also concerned with the activation of both Bush and Fern street frontages. They appreciated the inclusion of 14 3-bd room family sized units. (See Attachment C)
- Lower Polk Neighbors (LPN):** JS Sullivan first met with the LPN board on May 27, 2016. Subsequent meetings with the board were held on July 22, 2016 and February 8, 2017. The Board is very supportive of the project and will be providing a letter of support. Of primary concern to LPN was activation of the alley with a commercial space and the addition of a UCD in place of the transformer room.
- LPN Community Meeting:** JS Sullivan presented at a community meeting on June 8, 2016 held at the Metropolitan Community Church of San Francisco in the Lower Polk neighborhood. Approximately 10 to 15 Lower Polk residents attended, in addition to two members from the Middle Polk Neighbors Neighborhood group. The project was redesigned as a result of comments provided by community members at this meeting, including the creation of studio units.



Places of Entertainment Outreach

JS Sullivan presented before the Entertainment Commission on June 7, 2016. The Entertainment Commission requested an additional acoustical sound study to be taken on a night with a performance at the Regency Ballroom. The study was conducted over the July 15th and was provided to the Entertainment Commission

Regency Ballroom: JS Sullivan met with Doug Elkins on June 14, 2016, a representative from the Regency Ballroom. He was generally supportive of the project. He believes the project will go a long way in helping activate the alley, making it a cleaner safer place for their concertgoers that queue up down Fern Street.

Mayes Oyster House: JS Sullivan met with the owners of Mayes Oyster House on May 13, 2016. The owners expressed general support for the project. One concern raised related to noise generated when local bars close and how that might impact new residents.

Other POEs: Attempts to contact other Places of Entertainment located in the vicinity were not returned, including the Lava Lounge and McTeagues.



Attachment A: Pre-Application Community Meeting



February 15, 2016

Dear Neighbor:

You are invited to a neighborhood Pre-Application meeting to review and discuss the development proposal at 1433 Bush Street, cross street Polk Street (Block/Lot#: 0670/024; Zoning: RC-4/130-V), in accordance with the San Francisco Planning Department's Pre-Application procedures. The Pre-Application meeting is intended as a way for the Project Sponsor to discuss the project and review the proposed plans with adjacent neighbors and neighborhood organizations before the submittal of an application to the City. This provides neighbors an opportunity to raise questions and discuss any concerns about the impacts of the project before it is submitted for the Planning Department's review. Once a Building Permit has been submitted to the City, you may track its status at www.sfgov.org/dbi.

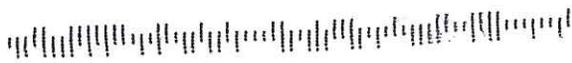
The Pre-Application meeting is required because this project includes New Construction. The development proposal includes removal of the existing car rental facility and construction of an 11-story, 117-foot-tall, 57,830 gross-square foot mixed-use residential-commercial building. The new building would include a total of 50 dwelling units (36 1-bedroom, 14 2-bedroom), approximately 2,000 SF of ground floor commercial space, and a parking garage for 14 cars.

Project Summary

	Existing	Proposed	Permitted
Dwelling Units	0	50	N/A
Building Square Footage (SF)	13,200	57,830	N/A
Stories	1	11	13
Building Height (ft)	20	117	130
Building Depth (ft)	120	120	120

Meeting Information

Property Owner Name: 1433 Bush Street LLC
Project Sponsor: JS Sullivan Development LLC
Contact Information: Nick Cranmer; n.cranmer@js-sullivan.com; 415-501-0931
Meeting Address: San Francisco Planning Department,
1650 Mission Street, Suite 400
Date of meeting: Tuesday, March 1, 2016
Time of meeting: 2:00pm



0010 27823344

0001/004
JS SULLIVAN DEVELOPMENT
2044 FILLMORE ST 3RD FL
SAN FRANCISCO CA 94115



JS SULLIVAN
DEVELOPMENT
2044 Fillmore Street 3rd Floor
San Francisco, CA 94115



Faint text at the bottom of the page, possibly a return address or additional information.

BLOCK	LOT	OWNER	OADDR	CITY	STATE	ZIP
0001	001	RADIUS SERVICES NO. 0670024T	1433 BUSH ST	JSSULLIVAN	16	0107
0001	002	.....	.....	.....	.....	.....
0001	003	RADIUS SERVICES	1221 HARRISON ST #18	SAN FRANCISCO	CA	94103
0001	004	JS SULLIVAN DEVELOPMENT	2044 FILLMORE ST 3RD FL	SAN FRANCISCO	CA	94115
0001	005	.....	.....	.....	.....	.....
0667	004	WAN HING TRS	2910 26TH AV	SAN FRANCISCO	CA	94132-1544
0667	004	OCCUPANT	1428 BUSH ST	SAN FRANCISCO	CA	94109
0667	005	A & M CANEPA	100 SANTA YNEZ AV	SAN FRANCISCO	CA	94112-2543
0667	005	OCCUPANT	1430 BUSH ST	SAN FRANCISCO	CA	94109-5521
0667	005	OCCUPANT	1440 BUSH ST	SAN FRANCISCO	CA	94109-5521
0667	005	OCCUPANT	1440C BUSH ST	SAN FRANCISCO	CA	94109-5521
0667	005	OCCUPANT	1440D BUSH ST	SAN FRANCISCO	CA	94109-5521
0667	005	OCCUPANT	1444 BUSH ST	SAN FRANCISCO	CA	94109-5521
0667	007	PHILLIP BOERSMA TRS	655 MONTGOMERY ST #1705	SAN FRANCISCO	CA	94111-2687
0667	007	OCCUPANT	1448 BUSH ST #2A	SAN FRANCISCO	CA	94109-5525
0667	007	OCCUPANT	1448 BUSH ST #2B	SAN FRANCISCO	CA	94109-5525
0667	007	OCCUPANT	1448 BUSH ST #2C	SAN FRANCISCO	CA	94109-5525
0667	007	OCCUPANT	1448 BUSH ST #3A	SAN FRANCISCO	CA	94109-5525
0667	007	OCCUPANT	1448 BUSH ST #3B	SAN FRANCISCO	CA	94109-5525
0667	007	OCCUPANT	1448 BUSH ST #3C	SAN FRANCISCO	CA	94109-5525
0667	007	OCCUPANT	1448 BUSH ST #4A	SAN FRANCISCO	CA	94109-5525
0667	007	OCCUPANT	1448 BUSH ST #4B	SAN FRANCISCO	CA	94109-5525
0667	007	OCCUPANT	1448 BUSH ST #4C	SAN FRANCISCO	CA	94109-5525
0667	007	OCCUPANT	1448 BUSH ST #4D	SAN FRANCISCO	CA	94109-5525
0667	007	OCCUPANT	1450A BUSH ST	SAN FRANCISCO	CA	94109-5525
0667	007	OCCUPANT	1450 BUSH ST	SAN FRANCISCO	CA	94109-5525
0670	002A	JULIO SHINZATO	1407 BUSH ST	SAN FRANCISCO	CA	94109-5520
0670	002A	OCCUPANT	1405 BUSH ST	SAN FRANCISCO	CA	94109-5520
0670	002A	OCCUPANT	1409 BUSH ST	SAN FRANCISCO	CA	94109-5520
0670	003	JIMMY CHANG TRS	1282 24TH AV	SAN FRANCISCO	CA	94122-1615
0670	003	OCCUPANT	1237 POLK ST	SAN FRANCISCO	CA	94109-5543
0670	003	OCCUPANT	1239 POLK ST #1	SAN FRANCISCO	CA	94109-5543
0670	003	OCCUPANT	1239 POLK ST #2	SAN FRANCISCO	CA	94109-5543
0670	003	OCCUPANT	1239 POLK ST #3	SAN FRANCISCO	CA	94109-5543
0670	003	OCCUPANT	1239 POLK ST #4	SAN FRANCISCO	CA	94109-5543
0670	003	OCCUPANT	1239 POLK ST #5	SAN FRANCISCO	CA	94109-5543
0670	003	OCCUPANT	1239 POLK ST #6	SAN FRANCISCO	CA	94109-5543
0670	003	OCCUPANT	1239 POLK ST #7	SAN FRANCISCO	CA	94109-5543
0670	003	OCCUPANT	1239 POLK ST #8	SAN FRANCISCO	CA	94109-5543
0670	003	OCCUPANT	1239 POLK ST #9	SAN FRANCISCO	CA	94109-5543
0670	003	OCCUPANT	1239 POLK ST #10	SAN FRANCISCO	CA	94109-5543
0670	003	OCCUPANT	1239 POLK ST #11	SAN FRANCISCO	CA	94109-5543
0670	003	OCCUPANT	1239 POLK ST #12	SAN FRANCISCO	CA	94109-5543
0670	003	OCCUPANT	1239 POLK ST #13	SAN FRANCISCO	CA	94109-5543
0670	003	OCCUPANT	1239 POLK ST #14	SAN FRANCISCO	CA	94109-5543
0670	004	SUNJIN & POLK INC	926 PLEASANT HILL RD	REDWOOD CITY	CA	94061-1131
0670	004	OCCUPANT	1233 POLK ST	SAN FRANCISCO	CA	94109-5543
0670	009	1238 SUTTER ST LLC	1310 LAKEVIEW DR	HILLSBOROUGH	CA	94010-7327
0670	009	OCCUPANT	1222 SUTTER ST	SAN FRANCISCO	CA	94109-5517
0670	009	OCCUPANT	1224 SUTTER ST	SAN FRANCISCO	CA	94109-5517
0670	010	ROBERT LESCOE TRS	1232 SUTTER ST	SAN FRANCISCO	CA	94109-5517
0670	010	OCCUPANT	1228 SUTTER ST	SAN FRANCISCO	CA	94109-5517
0670	011	CELTIC DVLPMT LLC	1911 MISSION ST	SAN FRANCISCO	CA	94103-3404
0670	011	OCCUPANT	1238 SUTTER ST	SAN FRANCISCO	CA	94109-5517
0670	023	L & F FREGOSI	1445 BUSH ST	SAN FRANCISCO	CA	94109-5520
0670	023	OCCUPANT	1441 BUSH ST	SAN FRANCISCO	CA	94109
0670	024	1433 BUSH ST LLC	1433 BUSH ST	SAN FRANCISCO	CA	94109-5520
0670	024	OCCUPANT	1425 BUSH ST	SAN FRANCISCO	CA	94109-5520
9999	999	.....	.....	.....	.....	.....

54

DOWNTOWN CIVIC CENTER

Adrew Chandler
Lower Polk Neighbors
PO BOX 1642428
San Francisco, CA 94164-2428

Alexandra Goldman
Tenderloin Neighborhood Development
Corporation
215 Taylor St Street
San Francisco, CA 94102

Donald Savoie
Civic Center Community Benefit District
234 Van Ness Avenue
San Francisco, CA 94102

Eric Lopez
SoMaBend Neighbourhood
P.O.Box 410805
San Francisco, CA 94141

Ian Lewis
HERE Local 2
209 Golden Gate Avenue
San Francisco, CA 94102

James Haas
Civic Center Stakeholder Group
163 Prospect Avenue
San Francisco, CA 94110

Jane Kim
Board of Supervisors
1 Dr. Carlton B Goodlett Place, Room #244
San Francisco, CA 94102-4689

Jason Henderson
Market/Octavia Community Advisory
Comm.
300 Buchanan Street, Apt. 503
San Francisco, CA 94102

London Breed
Board of Supervisors
1 Dr. Carlton B Goodlett Place, Room #244
San Francisco, CA 94102-4689

Marlayne Morgan
Cathedral Hill Neighbors Association
1450 Sutter Street
San Francisco, CA 94109

Marvis Phillips
Alliance for a Better District 6
230 Eddy Street #1206
San Francisco, CA 94102-6526

Randy Shaw
Tenderloin Housing Clinic
126 Hyde Street
San Francisco, CA 94102

Ted Olsson
Market/Octavia Community Advisory
Comm.
30 Sharon Street
San Francisco, CA 94114-1709

Tiffany Bohee
Office of Community Investment and
Infrastructure, City and County of San
Francisco
1 South Van Ness Avenue, 5th Floor
San Francisco, CA 94103

William Bulkley
Hayes Valley Neighborhood Association
1800 Market St., PMB #104
San Francisco, CA 94102

Claude Imbault
Union Square Business Improvement
District
323 Geary Street, Suite 203

16

NOB HILL

Carolynn Abst
Lower Polk Neighbors
1033 Polk Street
San Francisco, CA 94109

Aaron Peskin
Board of Supervisors
1 Dr. Carlton B Goodlett Place, Room #244
San Francisco, CA 94102-4689

David Villa-Lobos
Lower Polk Business Collaborative
P.O. Box 642201
San Francisco, CA 94164

Dawn Trennert
Middle Polk Neighborhood Association
1561 Sacramento Street
San Francisco, CA 94109-3809

Ian Lewis
HERE Local 2
209 Golden Gate Avenue
San Francisco, CA 94102

Jaime Whitaker
SOMA Leadership Council
201 Harrison Street Apt. 229
San Francisco, CA 94105

Kathleen Courtney
Russian Hill Community Association
1158 Green Street
San Francisco, CA 94109

Marlayne Morgan
Cathedral Hill Neighbors Association
1450 Sutter Street
San Francisco, CA 94109

Robyn Tucker
Pacific Avenue Neighborhood Association
(PANA)
7 McCormick
San Francisco, CA 94109



Attachment B: SFHAC Letter of Support

Project Address: 1433 Bush Street

Project Sponsor: JS Sullivan Development

Date of SFHAC Review: April 13, 2016

Grading Scale

1= Fails to meet project review guideline criteria

2= Meets some project review guideline criteria

3= Meets basic project review guideline criteria

4 = Exceeds basic project review guideline criteria

5 = Goes far beyond what is required

Criteria for SFHAC Endorsement

1. The development must have been presented to the SFHAC Project Review Committee
2. The Project must score a minimum of 3/5 on any given guideline

Guideline	Comments	Grade
Land Use	The site is currently underutilized. Housing is a significantly better use, considering it's proximity to jobs, housing and transit.	5
Affordability	The project sponsor has elected to provide the below-market-rate (BMR) units on-site. Six of the units, or 12 percent, will be permanently affordable. We encourage the project team to explore using the Inclusionary "dial", which would allow more BMRs at a greater range of incomes, should that option be available.	3
Density	Our members are pleased the current plans have increased the density and unit count of the project. The development that was first entitled in 2014 had only 32 units. This proposal includes 47 one- and two-bedroom units.	5
Community Input	Our members believe the project sponsor has done an adequate job of community outreach. However, we encourage further engagement with residents in the neighborhood, as this may result in a better project.	3
Urban Design	The current plan is an improvement from the original version. Moving the core of the building to the center will result in a better design. Our members are also pleased that the the existing curb cuts will be removed. We encourage the project team to confirm their building code assumptions, as this is a small site. The quality of the finishes and building's careful detailing, as well as the efforts to activate both Bush and Fern Streets, are to be commended.	5

Parking & Alternative Transportation	The site is well-served by transit as it's located between the Van Ness corridor and the Polk Street bike lane. The project will provide a low car parking ratio, with only eight total spaces. The current plans are for one bicycle parking space per unit. We strongly encourage that ratio be increased to one space per bedroom. Although the project sponsor is not required to provide car share, we would encourage at least one devoted space.	4
Environmental Features	The project will be Green Point Rated. SFHAC would encourage stronger environmental features that further green the building, especially increasing water conservation.	3
Preservation	There are no structures of significant cultural or historic merit on or near the site that would be impacted by the proposed project.	N/A
Additional Comments	There are no comments to add.	N/A
Final Comments	The SFHAC endorses the proposed project at 1433 Bush Street without reservation.	4/5



Attachment C: MPNA Letter of Support



Middle Polk Neighborhood Association

Planning Commission
City and County of San Francisco

RE: Commission Hearing, June 1st, 2017
Project: 1433 Bush St
Project Sponsor: JS Sullivan

Dear Commissioners:

The Middle Polk Neighborhood Association supports the above item related to the development of a new 8-story mixed-use building at 1433 Bush St.

At the last Planning Commission hearing for the above item on August 4, 2016, MPNA supported the previous iteration of the project. Since then we've met with the project team from JS Sullivan who informed us of some design changes including a significant increase in the number of family (3-bedroom) units. We are very pleased that the revised scheme has increased the number of 3-bedroom units from 2 to 14. Adding residential units that can comfortably accommodate families is something MPNA will continue to strongly support throughout the neighborhood.

We are also happy with the general increase in quality of the design of all the residential units in the building and that the required number of BMR units will be provided on site. There are no longer any nested bedrooms in any of the units and all units have access to daylight and fresh air on two sides.

Like the previous scheme, we are delighted that this building will be transit, cyclist, and pedestrian first with ample bike parking. We continue to request that the project sponsor work with SFMTA to secure a white zone along the Bush Street frontage on the building to ensure pedestrian safety and reduce potential traffic congestion due to double parking of TNC's (e.g. Ubers), taxi's, and various delivery services.

We ask that the Commission approve this project and look forward to seeing this new addition to the Lower Polk neighborhood.

Regards,
Middle Polk Neighborhood Association

PO Box 640918
San Francisco, CA 94164-0918
<http://www.middlepolk.org>

COMPLIANCE WITH THE INCLUSIONARY AFFORDABLE HOUSING PROGRAM



**San Francisco
Planning**

SAN FRANCISCO PLANNING DEPARTMENT

1650 MISSION STREET, SUITE 400

SAN FRANCISCO, CA 94103-2479

MAIN: (415) 558-6378 SFPLANNING.ORG

Date: August 16, 2016

To: Applicants subject to Planning Code Section 415 and 419: *Inclusionary Affordable Housing Program*

From: San Francisco Planning Department

Re: **Compliance with the Inclusionary Affordable Housing Program**

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

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

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

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

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

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

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

The Project contains: 40 UNITS	The zoning of the property is: RC-4: Residential, Commercial, High-Density, Van Ness SUD	Complete EEA was submitted on: 10/20/2015
---------------------------------------	--	--

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

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

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

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

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

AFFIDAVIT

COMPLIANCE WITH THE INCLUSIONARY AFFORDABLE HOUSING PROGRAM

PLANNING CODE SECTION 415 & 419



San Francisco Planning

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

3/24/17

Date

I, Jon Heimdahl,
do hereby declare as follows:

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

1433 Bush Street

Address

0670 / 024

Block / Lot

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

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

2015-009279CUAVAR-02

Planning Case Number

2016-05-31-8777

Building Permit Number

This project requires the following approval:

Planning Commission approval (e.g. Conditional Use Authorization, Large Project Authorization)

This project is principally permitted.

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

Christopher May

Planner Name

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

Yes No

(If yes, please indicate Affordable Housing Tier)

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

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

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

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

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

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

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

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

F Affordability Levels:

No. of Affordable Units: 6	% Affordable Units: 14.5%	AMI Level: 80%
No. of Affordable Units:	% Affordable Units:	AMI Level:

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

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

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

Executed on this day in:

San Francisco

Location

04.03.2017

Date

Sign Here



Signature

Jon Heimdahl

Name (Print), Title

(415) 530-2307

Contact Phone Number

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

¹ California Civil Code Section 1954.50 and following.

UNIT MIX TABLES

Number of All Units in PRINCIPAL PROJECT:					
TOTAL UNITS:	SRO / Group Housing:	Studios:	One-Bedroom Units:	Two-Bedroom Units:	Three (or more) Bedroom Units:
40		12	12	2	14

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

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

Number of Affordable Units to be Located ON-SITE:					
TOTAL UNITS:	SRO / Group Housing:	Studios:	One-Bedroom Units:	Two-Bedroom Units:	Three (or more) Bedroom Units:
6		2	2		2

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

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

Combination of payment of a fee, on-site affordable units, or off-site affordable units with the following distribution:
Indicate what percent of each option will be implemented (from 0% to 99%) and the number of on-site and/or off-site below market rate units for rent and/or for sale.

1. Fee % of affordable housing requirement.

2. On-Site % of affordable housing requirement.

Number of Affordable Units to be Located ON-SITE:					
TOTAL UNITS:	SRO / Group Housing:	Studios:	One-Bedroom Units:	Two-Bedroom Units:	Three (or more) Bedroom Units:

3. Off-Site % of affordable housing requirement.

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

Contact Information and Declaration of Sponsor of PRINCIPAL PROJECT

Bush Street SF, LLC

Company Name

Jon Heimdahl

Name (Print) of Contact Person

2044 Fillmore St., Third Floor

Address

(415) 530-2307

Phone / Fax

San Francisco, CA, 94109

City, State, Zip

j.heimdahl@js-sullivan.com

Email

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

Sign Here

Signature:



Name (Print), Title:

Jon Heimdahl, Project Manager

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:

1433 Bush Street, San Francisco
40 New Residential Units

1433 Bush Street, San Francisco

Index

0	1433 Bush Street
1	Index
2	Project Information
3	Site Context
4	Rendering- Bush St.
5	Rendering- Bush St.
6	Rendering- Fern St.
7	Site Plan
8	Ground Level Plan
9	Ground Level Plan
10	2nd Story Plan
11	3rd Story Plan
12	4th Story Plan
13	5th Story Plan
14	6th Story Plan
15	7th Story Plan
16	8th Story Plan
17	Roof Plan
18	Elevations
19	Elevations
20	Sections
21	Sections

PROJECT INFORMATION

- UNITS
 - RESIDENTIAL
 - COMMERCIAL40 UNITS: 12 STUDIOS, 12 1-BEDROOMS, 2 2-BEDROOMS, 14 3-BEDROOMS
2 RETAIL/COMMERCIAL
(683 SF & 1,004 SF)
- LOT AREA
6,600 SF
- HEIGHT
8 STORIES, 89'-4" TALL (130'-0" HEIGHT LIMIT)
- PARKING
 - AUTOMOBILE
 - BICYCLE16 PARKING
40 CLASS 1, 4 CLASS 2
- REAR YARD EQUIVALENT
25'-0" X 24'-0" = 600 SF
24'-0" X 11'-2" = 268 SF
- OPEN SPACE
 - COMMON2,001 SF (ON ROOF DECK)
- ACCESSIBILITY
FULLY ADAPTABLE
- AFFORDABILITY
14.5% ∴ 6 UNITS ON-SITE
- CONSTRUCTION TYPE
IB CONCRETE



VAN NESS AVENUE

POLK STREET

BUSH STREET - NORTH ELEVATION



POLK STREET

VAN NESS AVENUE

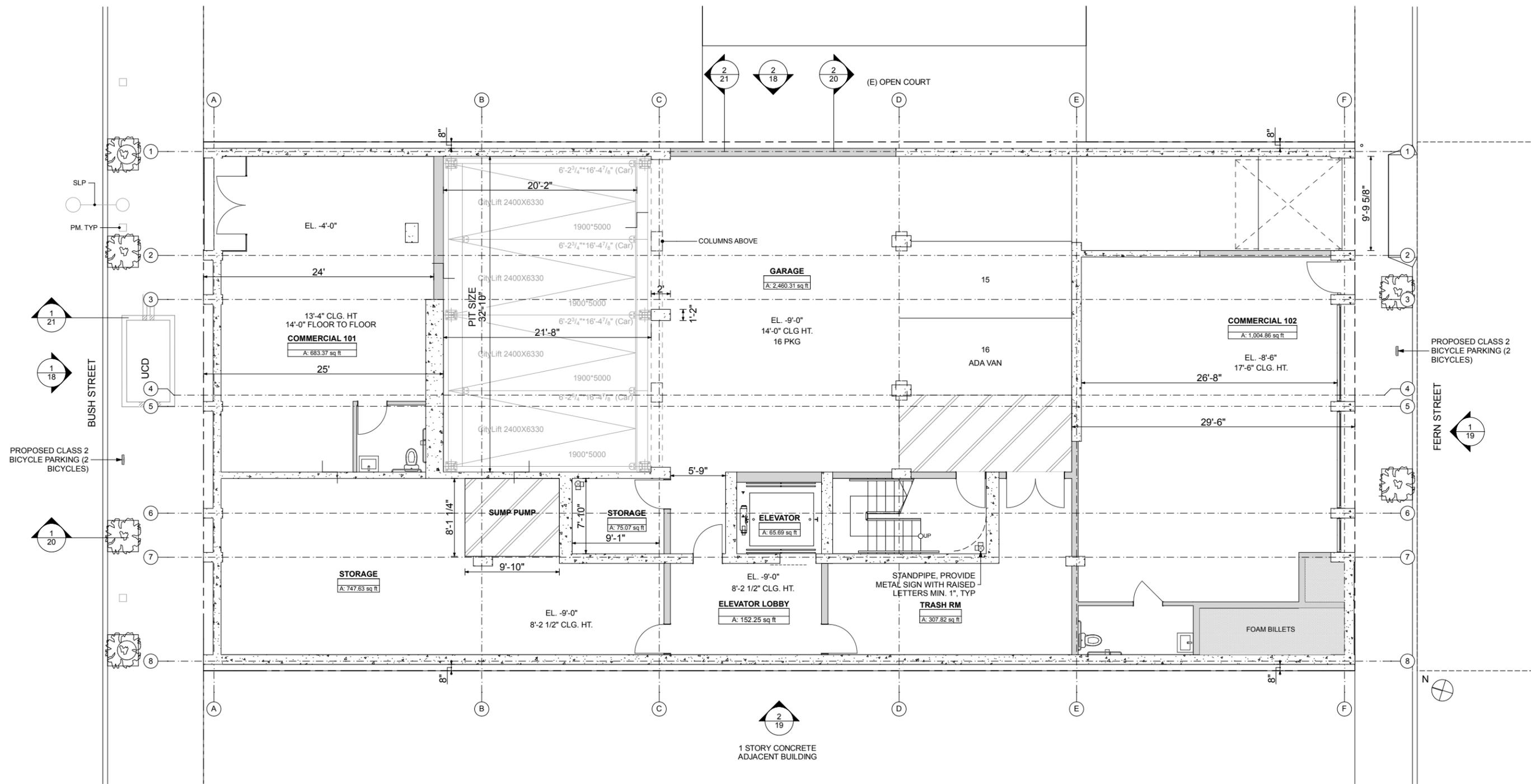
PROJECT SITE
1433 BUSH STREET

BUSH STREET - SOUTH ELEVATION







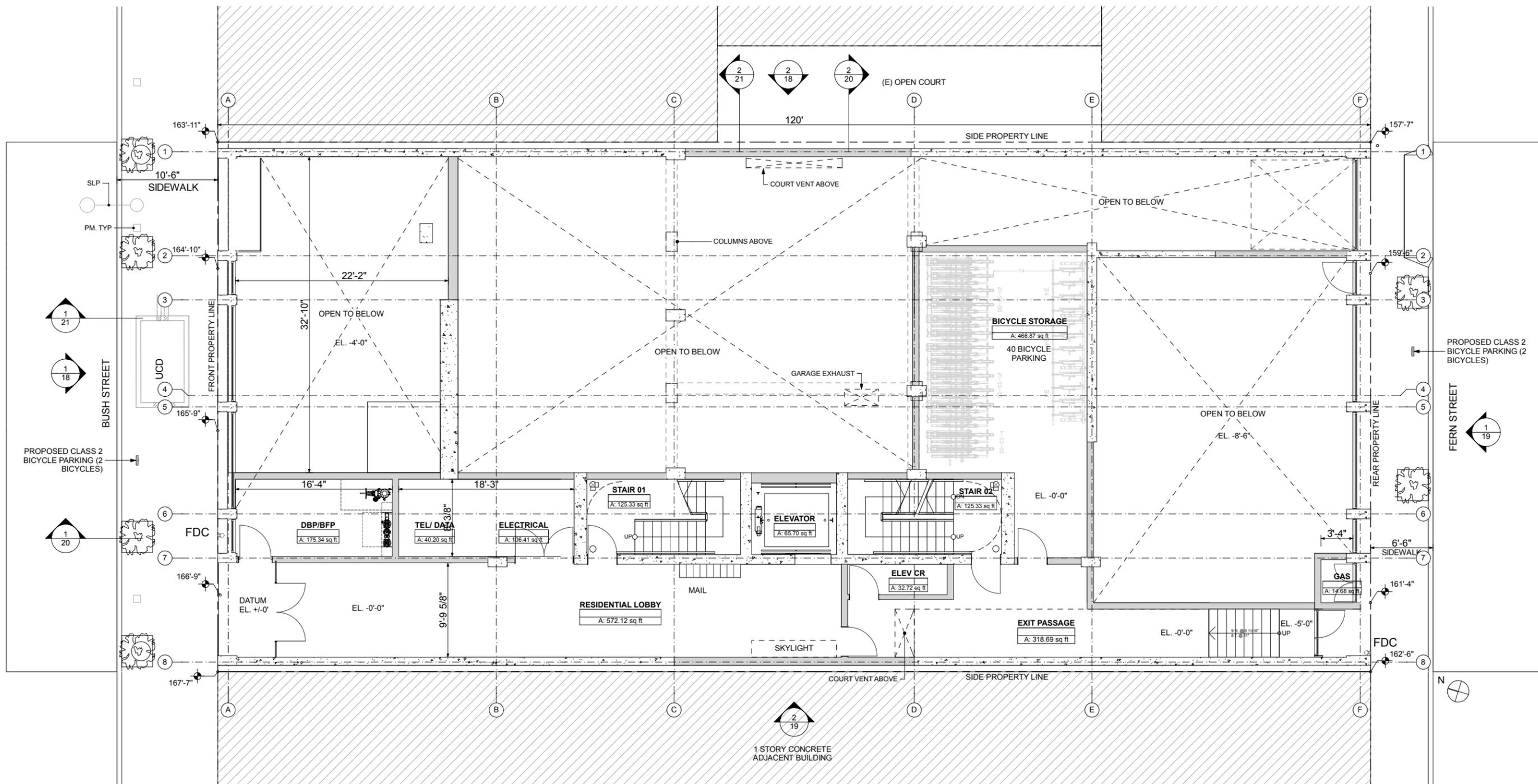


GROUND LEVEL PLAN

1



3/32" = 1'-0"

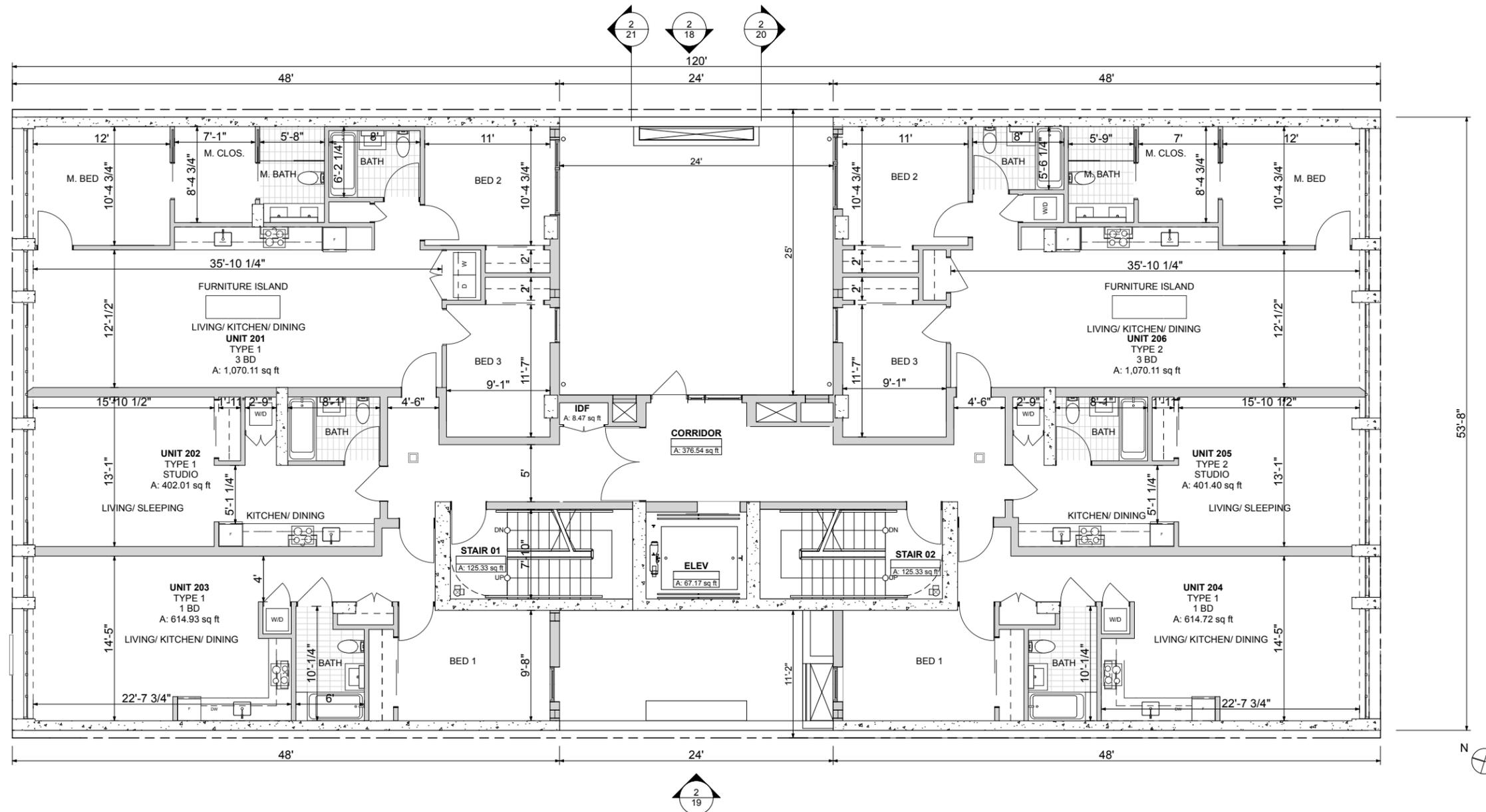


GROUND LEVEL PLAN

1



3/32" = 1'-0"

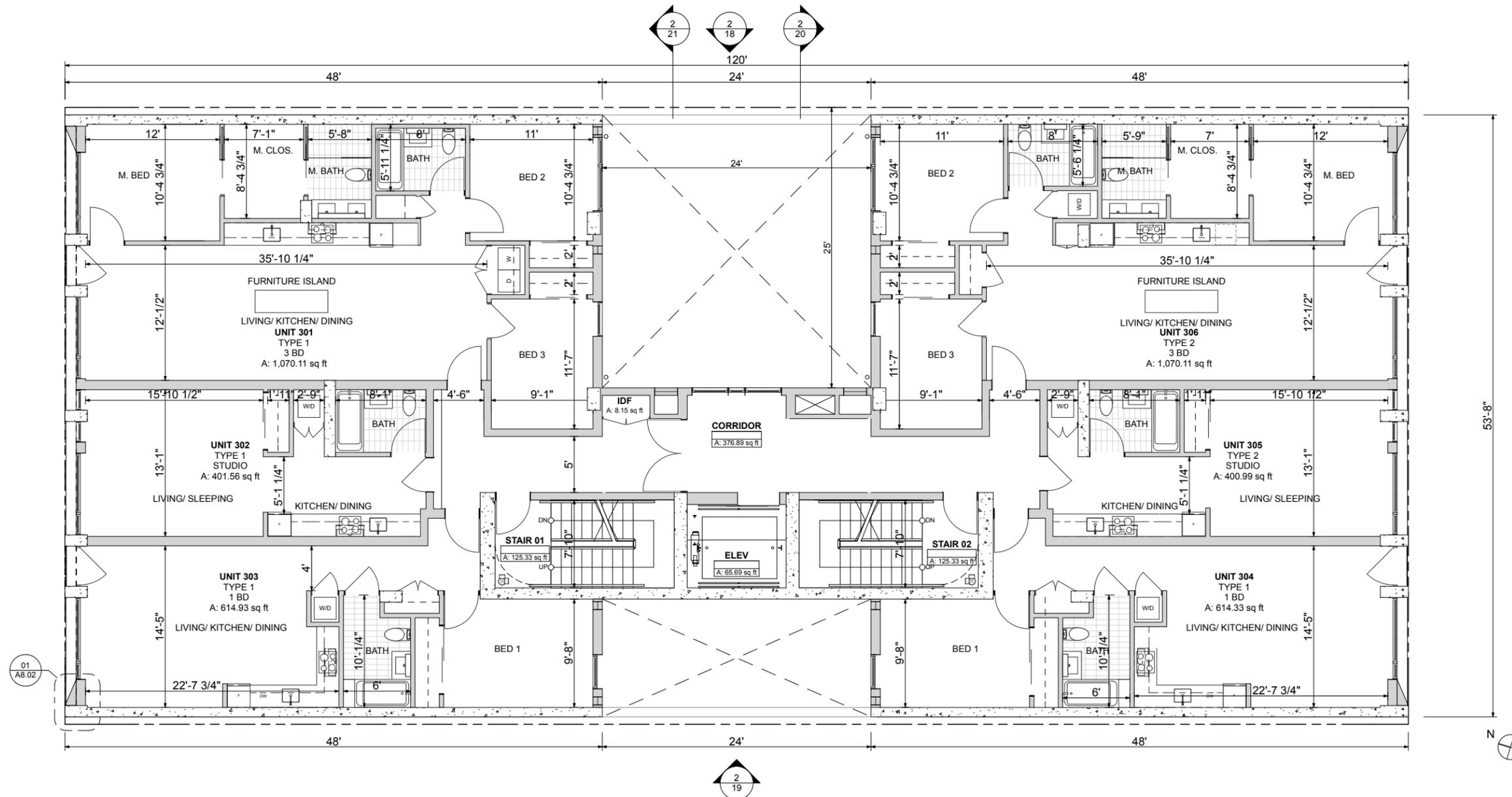


2ND STORY PLAN

3/32" = 1'-0"

1



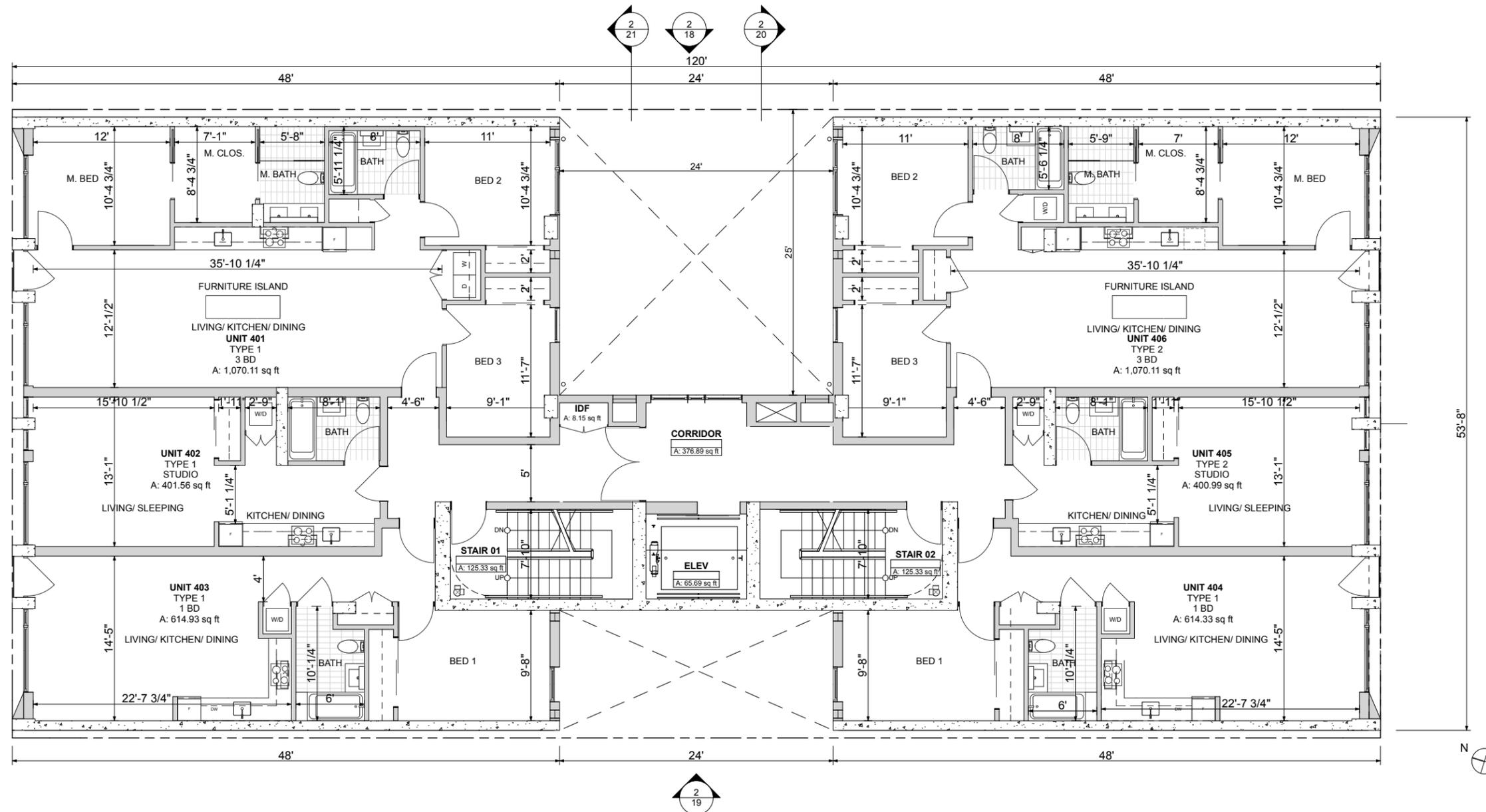


3RD STORY PLAN

1



3/32" = 1'-0"

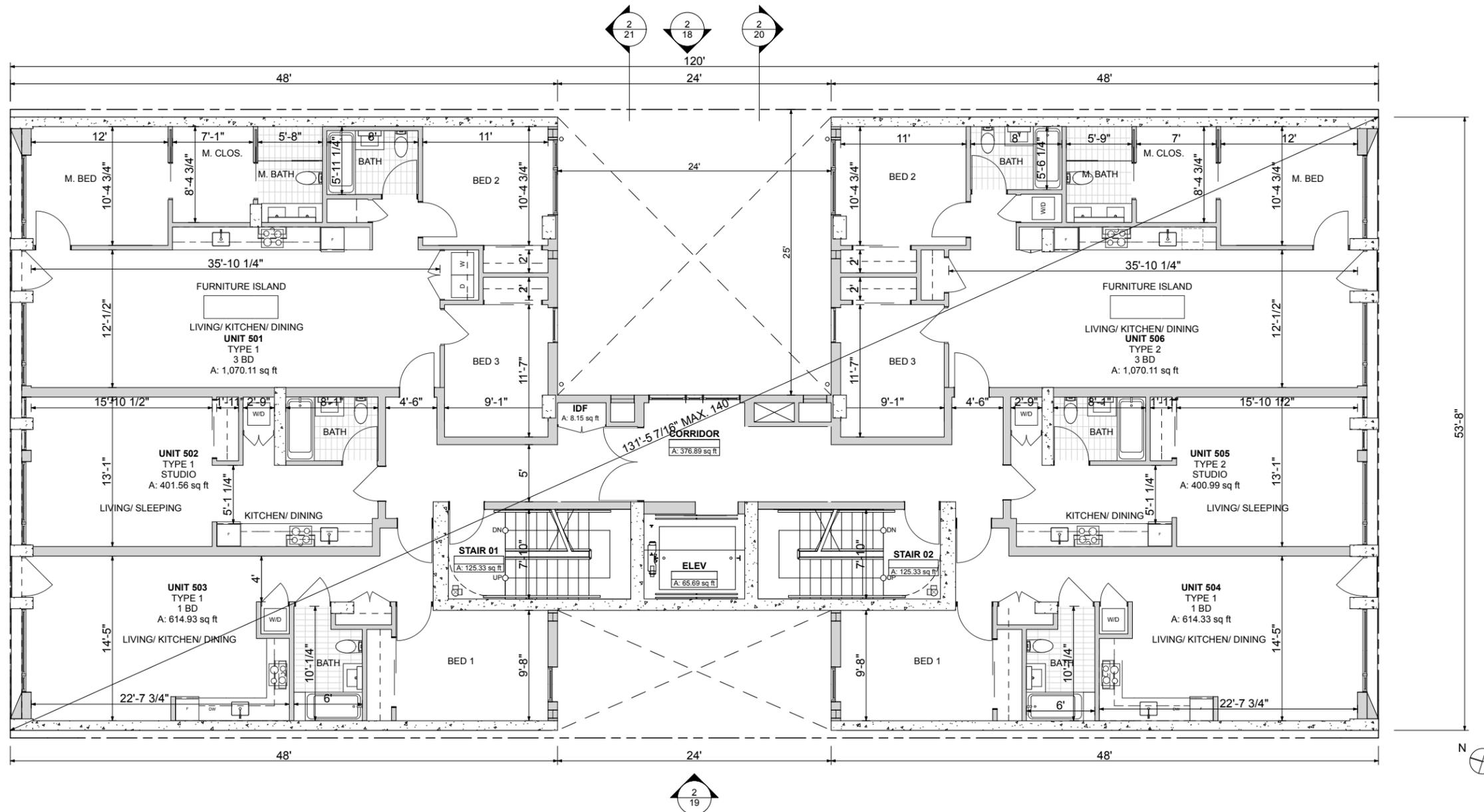


4TH STORY PLAN

1



3/32" = 1'-0"

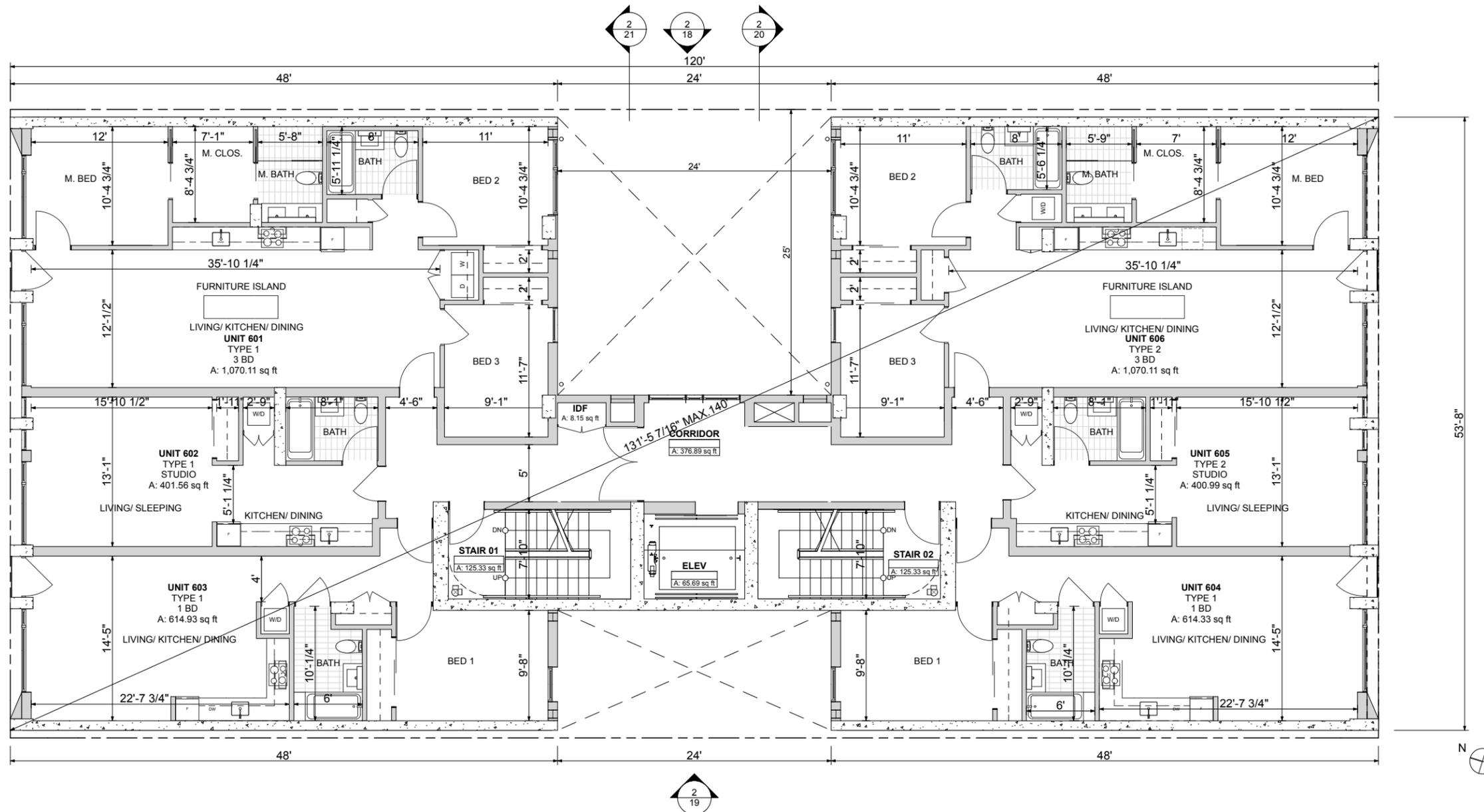


5TH STORY PLAN

1



3/32" = 1'-0"

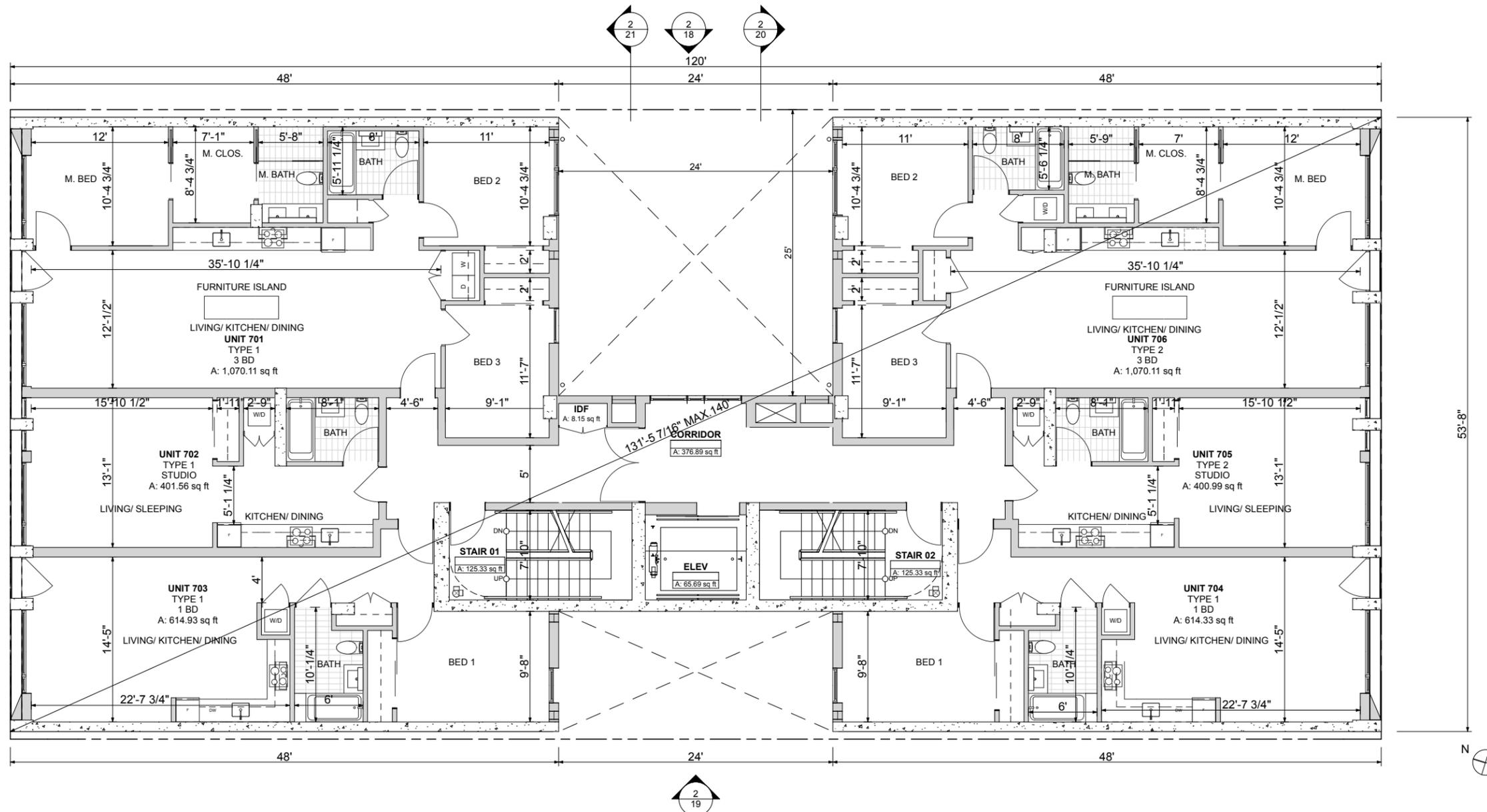


6TH STORY PLAN

1



3/32" = 1'-0"

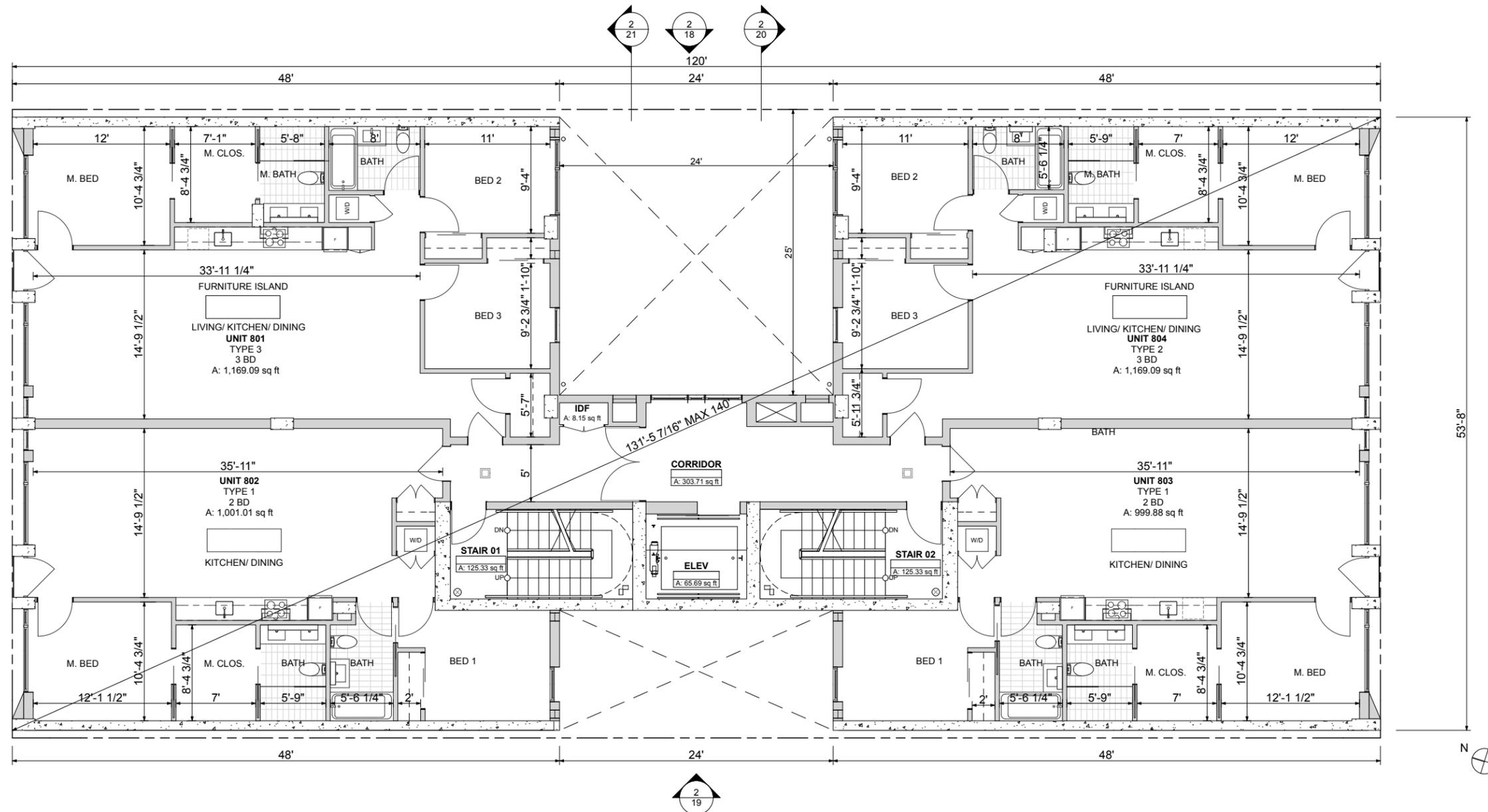


7TH STORY PLAN

1



3/32" = 1'-0"

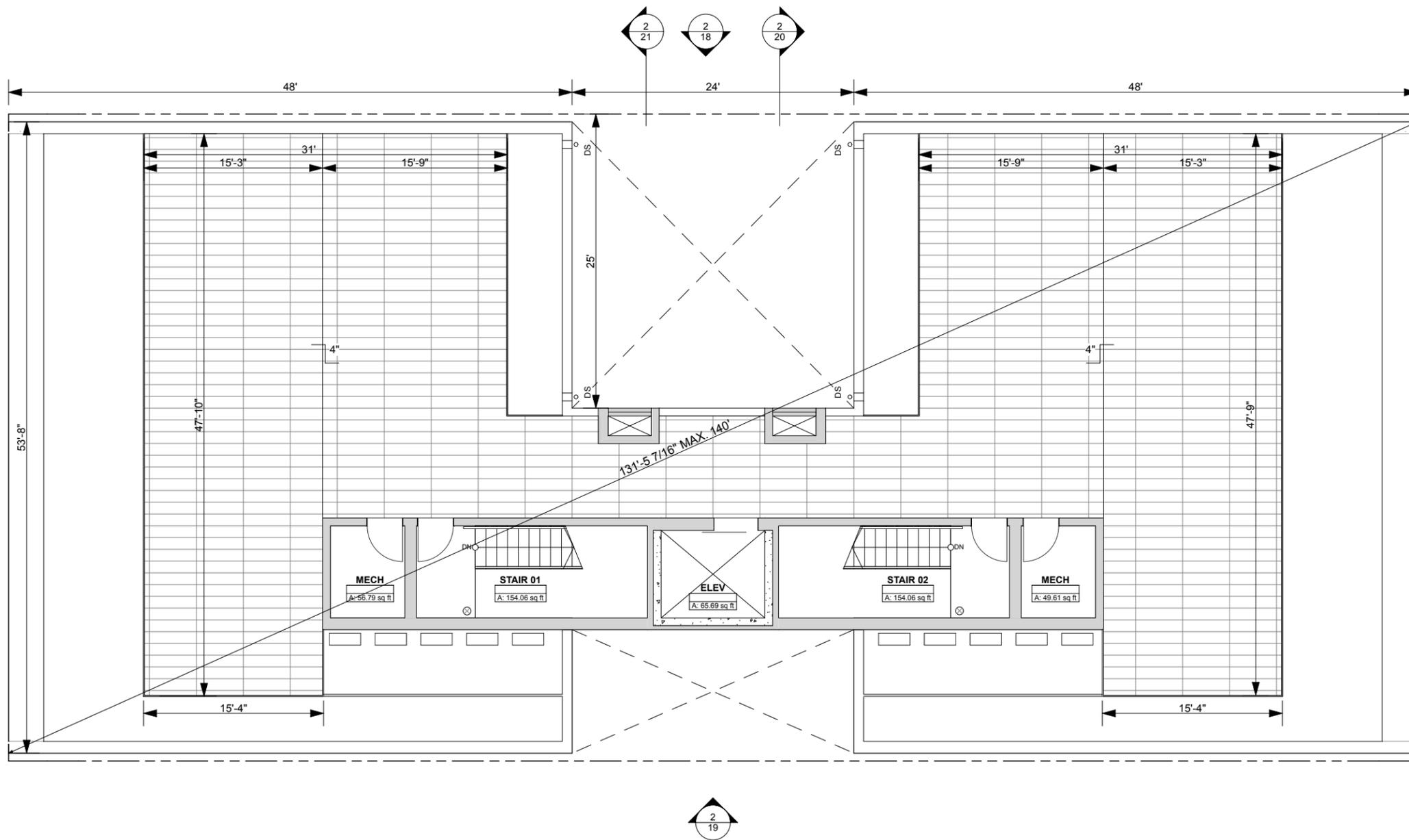


8TH STORY PLAN

1



3/32" = 1'-0"

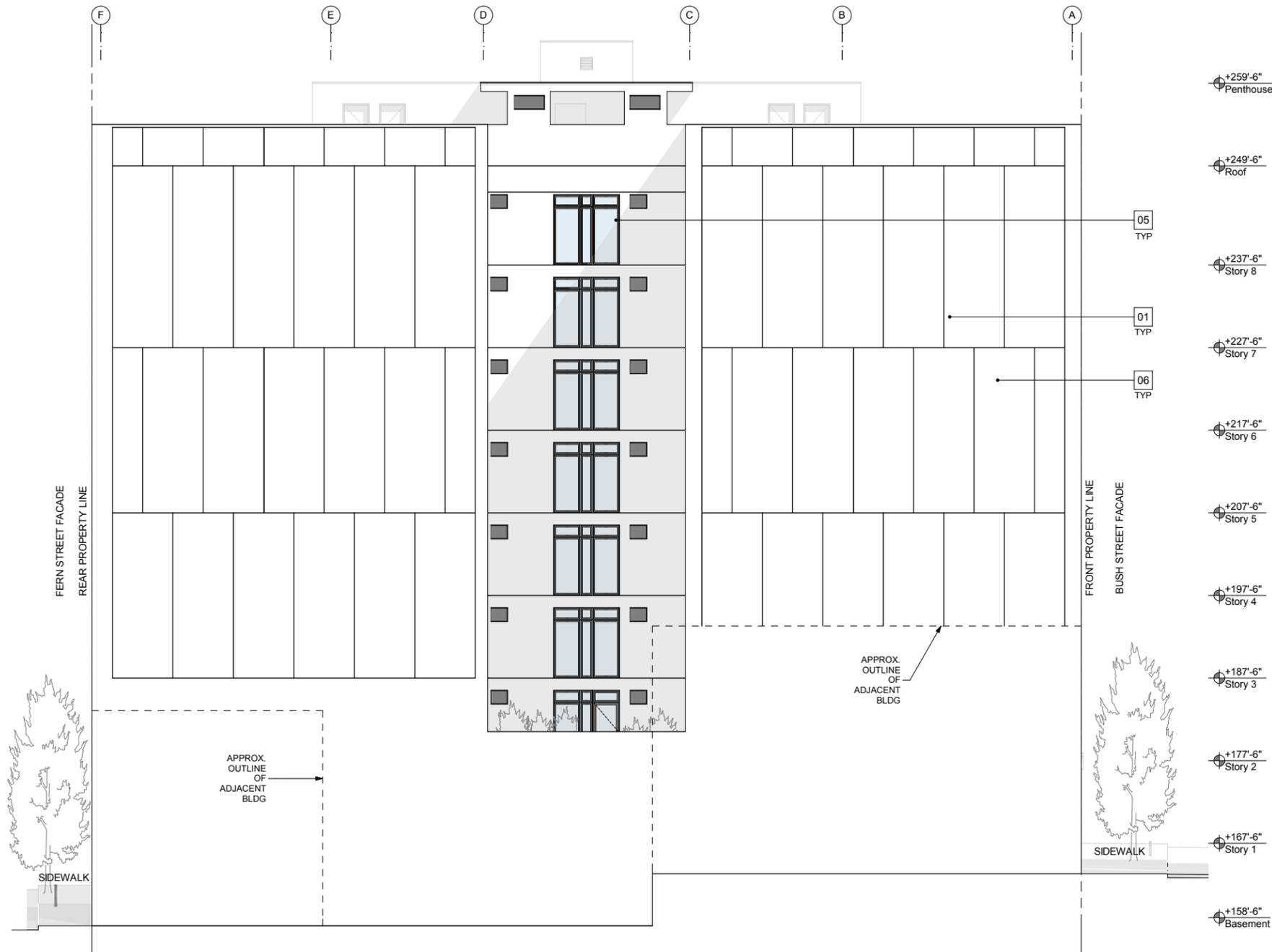


ROOF PLAN
3/32" = 1'-0"

1

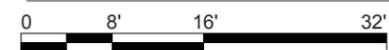
SHEET NOTES

ID	DESCRIPTION
01	WHITE CEMENT PLASTER
02	DARK CEMENT PLASTER
03	GLASS GUARDRAIL
04	PERFORATED METAL FABRIC
05	ANODIZED ALUMINUM FRAME WINDOWS & DOORS
06	MTL. CONTROL JOINT, PTD.



EAST ELEVATION

2



1/16" = 1'-0"



NORTH - BUSH STREET ELEVATION

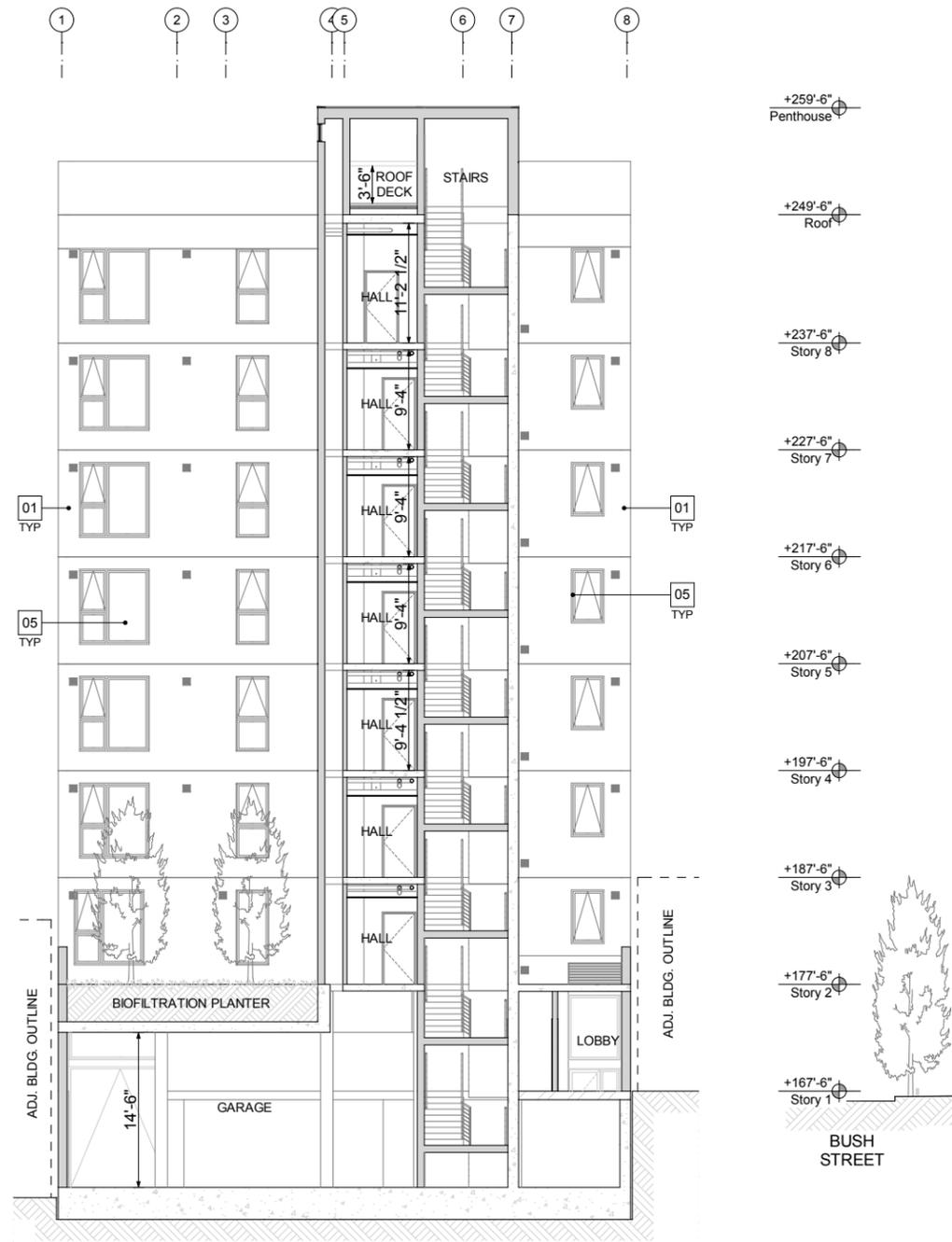
1



1/16" = 1'-0"

SHEET NOTES

ID	DESCRIPTION
01	WHITE CEMENT PLASTER
02	DARK CEMENT PLASTER
03	GLASS GUARDRAIL
04	PERFORATED METAL FABRIC
05	ANODIZED ALUMINUM FRAME WINDOWS & DOORS
06	MTL. CONTROL JOINT, PTD.

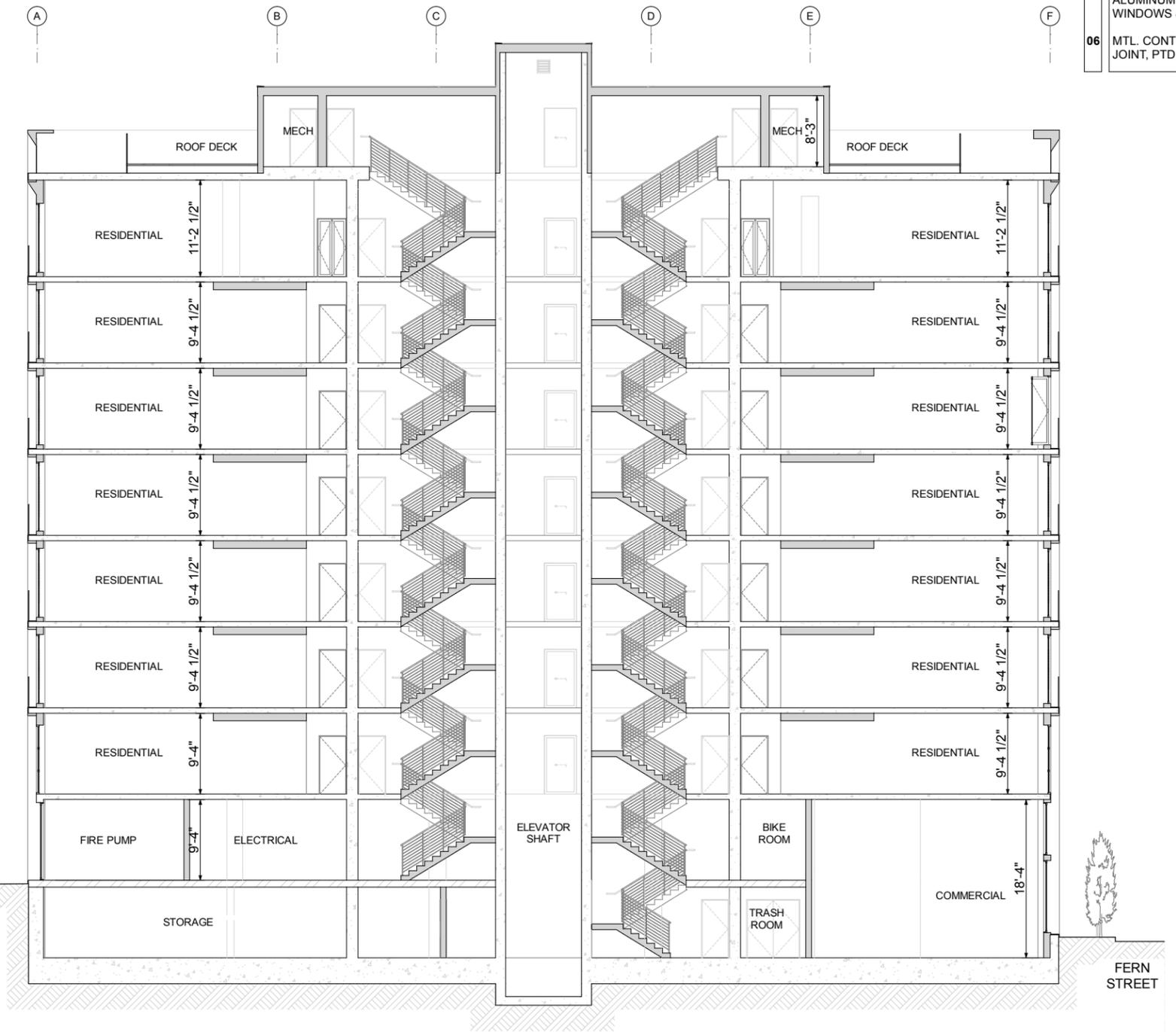


LATERAL SECTION @ COURTYARD

2



1/16" = 1'-0"



LONGITUDINAL SECTION

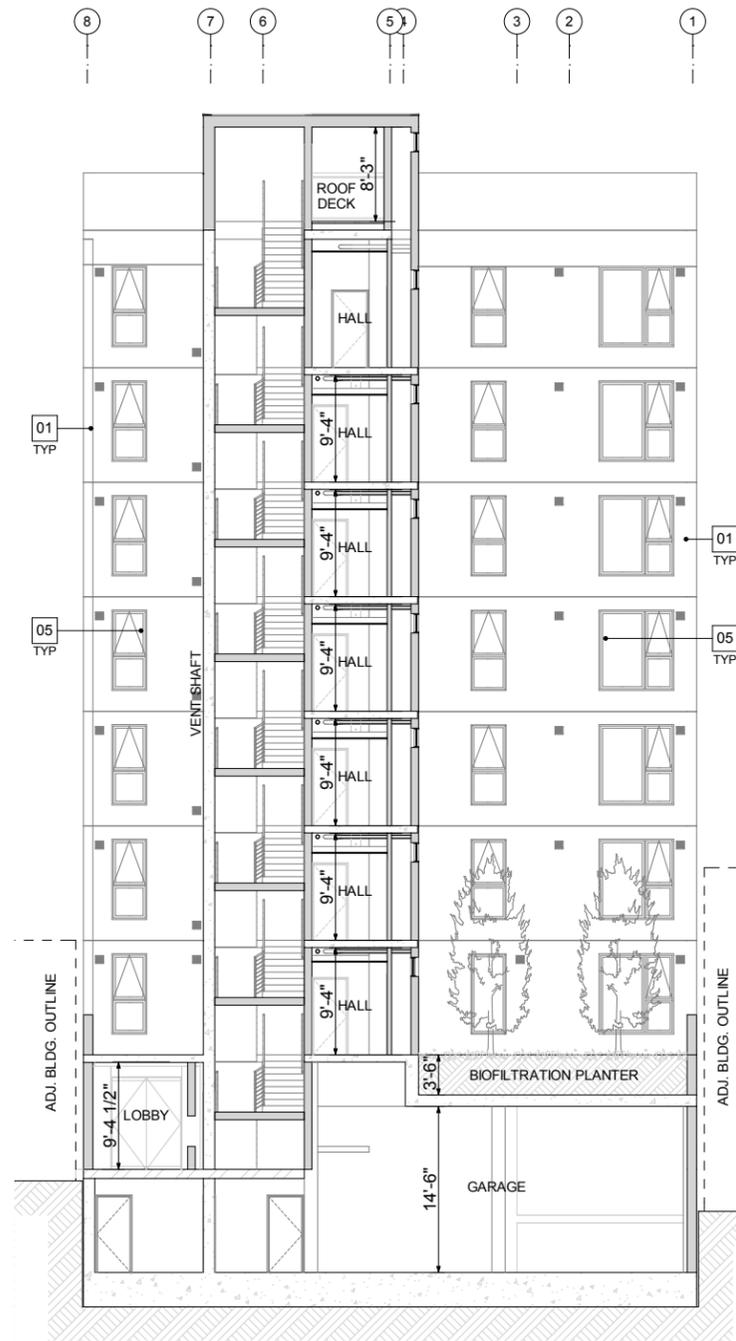
1



1/16" = 1'-0"

SHEET NOTES

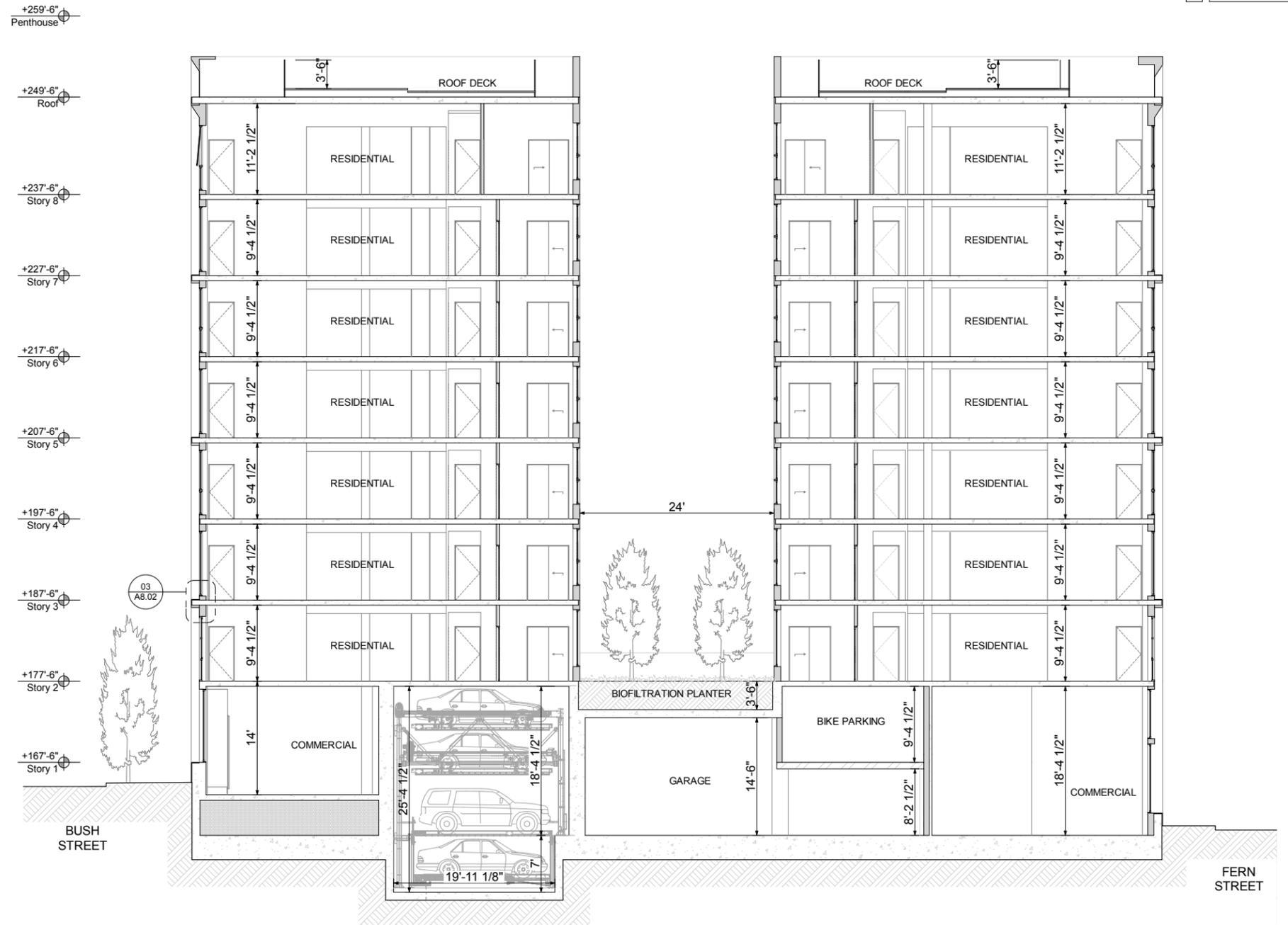
ID	DESCRIPTION
01	WHITE CEMENT PLASTER
02	DARK CEMENT PLASTER
03	GLASS GUARDRAIL
04	PERFORATED METAL FABRIC
05	ANODIZED ALUMINUM FRAME WINDOWS & DOORS
06	MTL. CONTROL JOINT, PTD.



LATERAL SECTION @ COURTYARD

1/16" = 1'-0"

2



LONGITUDINAL SECTION

1/16" = 1'-0"

1

