



# SAN FRANCISCO PLANNING DEPARTMENT

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## Executive Summary Conditional Use/Residential Demolition

HEARING DATE: OCTOBER 8, 2015

*Date:* October 1, 2015  
*Case No.:* **2013.1022CE**  
*Project Address:* **1463 Lombard Street**  
*Zoning:* NC-3 (Moderate-Scale Neighborhood Commercial) District  
40-X Height and Bulk District  
*Block/Lots:* 0503/020, 021 and 095  
*Project Sponsor:* The Toboni Group  
c/o Michael Leavitt  
Leavitt Architecture  
1327 Mason Street  
San Francisco, Ca, 94133  
*Staff Contact:* Mary Woods – (415) 558-6315  
[mary.woods@sfgov.org](mailto:mary.woods@sfgov.org)  
*Recommendation:* Approve 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 Site consists of two vacant lots and a third lot containing a two-unit residential building. The Project includes the demolition of the existing two-story over-garage building, containing two rent-controlled dwelling units (one is vacant and one is occupied by a relative of the Property Owner). The proposed replacement building (occupying all three lots) is a four-story, 13-unit residential building (including two permanently affordable units) with ground floor commercial space (approximately 600 square feet) and a nine-car parking garage. 13 Class 1 bicycle parking spaces are located in the parking garage on the ground floor, and four Class 2 bicycle parking racks are provided on the sidewalk for the proposed commercial and residential uses, for a total of 17 bicycle parking spaces.

The proposal requires Conditional Use Authorization pursuant to Planning Code Sections 161(g), 303(c), 307(i), 317 and 712.37 to allow demolition of the three-story, two-unit building located in the NC-3 District and a 40-X Height and Bulk District.

Planning Code Section 317(d)(2) states that "If Conditional Use Authorization is required for approval of the permit for Residential Demolition by other sections of this Code, the Commission shall consider the replacement structure as part of its decision on the Conditional Use application. If Conditional Use Authorization is required for the replacement structure by other sections of this Code, the Commission shall consider the demolition as part of its decision on the Conditional Use application. In either case, Mandatory Discretionary Review is not required, although the Commission shall apply appropriate criteria adopted under this Section 317 in addition to the criteria in Section 303 of the Planning Code in its

consideration of Conditional Use Authorization.” This report includes findings for a Conditional Use Authorization as indicated in the Draft Motion in addition to Demolition Criteria established in Planning Code Section 317.

DEMOLITION APPLICATION		NEW BUILDING APPLICATION	
Demolition Case Number	2013.1022C	New Building Case Number	2013.1022C
Recommendation	Approve with Conditions	Recommendation	Approve with Conditions
Demolition Application Number	2015.09.28.8182	New Building Application Number	2014.04.22.3881
Number Of Existing Units	2	Number Of New Units	13
Existing Parking	2	New Parking	9
Number Of Existing Bedrooms	4	Number Of New Bedrooms	15
Existing Building Area	±3,000 Sq. Ft.	New Building Area	±16,000 Sq. Ft.

## **SITE DESCRIPTION AND PRESENT USE**

The Project Site is located on the south side of Lombard Street between Franklin Street and Van Ness Avenue in the NC-3 (Moderate-Scale Neighborhood Commercial) District, in a 40-X Height and Bulk District, Assessor’s Block 503, Lots 20, 21 and 95, an area of approximately 5,313 square feet (50 feet wide by 106 feet deep).

Prior to 2000, Lot 95 (50 feet wide by 28 feet deep) fronting on Lombard Street was used as an open space easement by Caltrans (Lombard Street is designated State Highway 101) until it was sold to the previous Property Owner in 2000. Lot 20 (25 feet wide by 78 feet deep) was and still is a vacant lot. Lot 21 (25 feet wide by 78 feet deep) is improved with a two-story over-garage, two-unit residential building, constructed circa 1924. Both Lots 20 and 21 are situated behind Lot 95.

## **SURROUNDING PROPERTIES AND NEIGHBORHOOD**

The Project Site is located in the Marina neighborhood. It is in a neighborhood of mixed commercial and residential uses. Both ends of the subject block are bounded by hotels - Days Inn to the east and Lombard Motor Inn to the west. Across the street, uses include a Travelodge Motel, a four-story apartment building, multi-story buildings with commercial uses on the ground floor, such as restaurants and cafes, and residential units on the upper floors. Residential zoning districts are adjacent to the Project Site.

Lombard Street is a major vehicular and pedestrian thoroughfare, the City’s primary link to the North Bay via the Golden Gate Bridge. Transit lines serving San Francisco and Marin County are nearby and are within walking distance of the Site. The Site is also well-served by public transit. Within two blocks,

there are five MUNI lines available: 30-Stockton, 30X-Stockton Express, 45-Union, 47-Van Ness, and 49-Van Ness/Mission.

The Chestnut Street NC-2 Zoning District is six blocks west of the Project Site while the Union Street Neighborhood Commercial District is three blocks south of the Project Site. On the west end of Lombard Street is the Golden Gate National Recreation Area, the Presidio, and the Golden Gate Bridge; to the northeast is Fisherman's Wharf and Pier 39, and to the east is Russian Hill and North Beach.

## **ENVIRONMENTAL REVIEW**

On September 21, 2015, 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 (Case No. 2013.1022CE; a copy of the determination is attached).

## **HEARING NOTIFICATION**

TYPE	REQUIRED PERIOD	REQUIRED NOTICE DATE	ACTUAL NOTICE DATE	ACTUAL PERIOD
Classified News Ad	20 days	September 16, 2015	September 16, 2015	22 days
Posted Notice	20 days	September 18, 2015	September 18, 2015	20 days
Mailed Notice	20 days	September 18, 2015	September 18, 2015	20 days

## **PUBLIC COMMENT**

The Department has not received any correspondence in support or in opposition to the Project.

## **ISSUES AND OTHER CONSIDERATIONS**

- While two rent-controlled units would be removed, neither unit is currently used as rental housing: one unit is vacant and one unit is occupied by a relative of the Project Sponsor.
- The Project proposes 13 new dwelling units, including two permanently affordable/Below-Market Rate units.
- If the existing units were to be maintained and rented at current market rate, the Project Sponsor could potentially charge monthly rents between \$8,000 to \$9,500 per unit before the units are subject to the Rent Stabilization and Arbitration Ordinance. However, upon completion of the Project, the two rent-controlled units will be replaced by two permanently affordable units.

## **URBAN DESIGN ADVISORY TEAM REVIEW**

The request for demolition and new construction was reviewed by the Department's Urban Design Advisory Team (UDAT). On balance, UDAT supports the Project's massing, architecture, and street frontage treatments.

## **REQUIRED COMMISSION ACTION**

In order for the Project to proceed, the Commission must grant Conditional Use Authorization as the Project proposes to demolish two dwelling units, and to reduce the off-street parking requirement, pursuant to Planning Code Sections 161(g), 303(c), 307(i), 317 and 712.37.

## **BASIS FOR RECOMMENDATION**

- The Project will result in a net gain of 11 dwelling units.
- The Project will create two permanently affordable/Below-Market Rate units.
- No tenants will be displaced as a result of this Project.
- The NC-3 Zoning District is intended to accommodate a greater density than what currently exists on this underutilized lot. The Project is therefore an appropriate in-fill development.
- Although the structure is more than 50 years old, a review of the Historic Resource Evaluation resulted in a determination that the existing building is not an historic resource or landmark.
- The Project promotes small-business ownership.
- The District is well-served by public transit.

<b>RECOMMENDATION:</b>	<b>Approve with Conditions.</b>
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### **Attachments:**

Draft Motion

Environmental Determination

Parcel/Zoning Map

Sanborn Map

Zoning Map

Aerial Photo

Project Sponsor Submittal, including:

- Reduced Plans (EXHIBIT B)
- Site Photographs
- Affidavit for Anti-Discriminatory Housing Policy
- Affidavit for Compliance with the Inclusionary Affordable Housing Program

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"/> Parcel/Zoning District Map  | Drawings: <u>Proposed Project</u>   |
| <input checked="" type="checkbox"/> Sanborn Map                 | <input checked="" type="checkbox"/> Check for legibility  |
| <input checked="" type="checkbox"/> Zoning Map                  | 3-D Renderings (new construction or significant addition)   |
| <input checked="" type="checkbox"/> Aerial Photo                | <input checked="" type="checkbox"/> Check for legibility  |
| <input type="checkbox"/>  | <input checked="" type="checkbox"/> Site Photographs  |
| <input type="checkbox"/>  | <input checked="" type="checkbox"/> Affidavit for Anti-Discriminatory Housing Policy                          |
| <input type="checkbox"/>  | <input checked="" type="checkbox"/> Affidavit for Compliance with the Inclusionary Affordable Housing Program |
|   | <input type="checkbox"/>  |

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

\_\_\_\_\_  
MW  
Planner's Initials



# SAN FRANCISCO PLANNING DEPARTMENT

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*Subject to: (Select only if applicable)*

- |   |  |
|---|--|
| <input checked="" 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"/> Other                             |

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

Reception:  
**415.558.6378**

Fax:  
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## Planning Commission Draft Motion

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[mary.woods@sfgov.org](mailto:mary.woods@sfgov.org)

ADOPTING FINDINGS RELATING TO THE APPROVAL OF A CONDITIONAL USE AUTHORIZATION PURSUANT TO SECTIONS 161(G), 303(C), 307(I), 317 AND 712.37 OF THE PLANNING CODE TO ALLOW FOR THE DEMOLITION OF A TWO-STORY-OVER-GARAGE, TWO-UNIT RESIDENTIAL BUILDING AND REPLACEMENT OF A FOUR-STORY, 13-UNIT RESIDENTIAL BUILDING (INCLUDING TWO BELOW-MARKET RATE UNITS) WITH GROUND-FLOOR COMMERCIAL SPACE AND PARKING GARAGE, AND TO REDUCE THE OFF-STREET PARKING REQUIREMENT WITHIN THE NC-3 (MODERATE-SCALE NEIGHBORHOOD COMMERCIAL) DISTRICT AND A 40-X HEIGHT AND BULK DISTRICT.

### PREAMBLE

On June 17, 2014, Joseph Toboni of the Toboni Group (hereinafter "Project Sponsor") filed an application with the Planning Department (hereinafter "Department") for a Conditional Use Authorization under Planning Code Sections 161(g), 303(c), 307(i), 317 and 712.37 to demolish a two-story over-garage, two-unit residential building and replace it with a four-story, 13-unit residential building (including two below-market rate units) with ground floor commercial space and a nine-car parking garage, and to reduce the off-street parking requirement within the NC-3 (Moderate-Scale neighborhood Commercial) District and a 40-X Height and Bulk District.

On October 8, 2015, the San Francisco Planning Commission (hereinafter "Commission") conducted a duly noticed public hearing at a regularly scheduled meeting on Conditional Use Application No. 2013.1022CE.

On September 21, 2015, 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 (Case No. 2013.1022CE).

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

**MOVED**, that the Commission hereby authorizes the Conditional Use requested in Application No. 2013.1022CE, subject to the conditions contained in "EXHIBIT A" of this motion, based on the following findings:

## FINDINGS

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

1. The above recitals are accurate and constitute findings of this Commission.
2. **Project Description.** The Project Site consists of two vacant lots and a third lot containing a two-unit residential building. The Project includes the demolition of the existing two-story over-garage building, containing two rent-controlled dwelling units (one is vacant and one is occupied by a relative of the Property Owner). The proposed replacement building (occupying all three lots) is a four-story, 13-unit residential building (including two permanently affordable units) with ground floor commercial space (approximately 600 square feet) and a nine-car parking garage. 13 Class 1 bicycle parking spaces are located in the parking garage on the ground floor, and four Class 2 bicycle parking racks are provided on the sidewalk for the proposed commercial and residential uses, for a total of 17 bicycle parking spaces.

The initial Project included only 9 market-rate units with ground floor commercial space and a nine-car parking garage. The Department encouraged the Project Sponsor to explore alternate schemes besides the demolition option, including (1) retention of the existing two rent-controlled units; (2) retention of the existing building and construction of a new multi-unit building on the vacant lots; (3) construction of additions (either horizontal and/or vertical additions) to the existing building and construction of a new building on the vacant lots; or (4) feasibility of building two new permanently affordable units, which would be allowed over the density limit per Section 207.1(f) of the Planning Code.

Since the Department's initial feedback to the Project Sponsor, Planning Code Section 207.1(f) has been superseded with the recent adoption of Ordinance No. 30-15 on dwelling unit density limits and the amendment of Section 207 in March 2015. Under Section 207, subsection (b)(6), the Project was able to increase the dwelling unit density from 9 to 13 units based on the density

limits of the nearest residential district. The nearest residential district to the Site is the RC-3 District, which allows one dwelling unit per 400 square feet of lot area, resulting in a total of 13 dwelling units allowed at the Site. With 13 units, the Project would be required to provide two affordable/Below-Market Rate units.

3. **Site Description.** The Project Site is located on the south side of Lombard Street between Franklin Street and Van Ness Avenue in the NC-3 (Moderate-Scale Neighborhood Commercial) District, in a 40-X Height and Bulk District, Assessor's Block 503, Lots 20, 21 and 95, an area of approximately 5,313 square feet (50 feet wide by 106 feet deep).

Prior to 2000, Lot 95 (50 feet wide by 28 feet deep) fronting on Lombard Street was used as an open space easement by Caltrans (Lombard Street is designated State Highway 101) until it was sold to the previous Property Owner in 2000. Lot 20 (25 feet wide by 78 feet deep) was and still is a vacant lot. Lot 21 (25 feet wide by 78 feet deep) is improved with a two-story over-garage, two-unit residential building, constructed circa 1924. Both Lots 20 and 21 are situated behind Lot 95.

4. **Surrounding Neighborhood.** The Project Site is located in the Marina neighborhood. It is in a neighborhood of mixed commercial and residential uses. Both ends of the subject block are bounded by hotels - Days Inn to the east and Lombard Motor Inn to the west. Across the street, uses include a Travelodge Motel, a four-story apartment building, multi-story buildings with commercial uses on the ground floor, such as restaurants and cafes, and residential units on the upper floors. Residential zoning districts are adjacent to the Project Site.

Lombard Street is a major vehicular and pedestrian thoroughfare, the City's primary link to the North Bay via the Golden Gate Bridge. Transit lines serving San Francisco and Marin County are nearby and are within walking distance of the Site. The Site is also well-served by public transit. Within two blocks, there are five MUNI lines available: 30-Stockton, 30X-Stockton Express, 45-Union, 47-Van Ness, and 49-Van Ness/Mission.

The Chestnut Street NC-2 Zoning District is six blocks west of the Project Site while the Union Street Neighborhood Commercial District is three blocks south of the Project Site. On the west end of Lombard Street is the Golden Gate National Recreation Area, the Presidio, and the Golden Gate Bridge; to the northeast is Fisherman's Wharf and Pier 39, and to the east is Russian Hill and North Beach.

5. **Public Comment.** The Department has not received any correspondence in support or in opposition to the Project.
6. **Planning Code Compliance:** The Commission finds that the Project is consistent with the relevant provisions of the Planning Code in the following manner:

- A. **Residential Demolition.** Pursuant to Planning Code Sections 317 and 712.37, Conditional Use Authorization is required for applications proposing to remove residential units, located at the second floor or above. Section 317 establishes a checklist of criteria that delineate the relevant General Plan policies and objectives.



*As the Project requires Conditional Use Authorization per the requirements of Section 317, the additional criteria specified under Section 317(d) have been incorporated as findings in this Motion (see Item 9 below).*

*Planning Code Section 317(d)(2) states that "If Conditional Use Authorization is required for approval of the permit for Residential Demolition by other sections of this Code, the Commission shall consider the replacement structure as part of its decision on the Conditional Use application. If Conditional Use Authorization is required for the replacement structure by other sections of this Code, the Commission shall consider the demolition as part of its decision on the Conditional Use application. In either case, Mandatory Discretionary Review is not required, although the Commission shall apply appropriate criteria adopted under this Section 317 in addition to the criteria in Section 303 of the Planning Code in its consideration of Conditional Use Authorization."*

- B. Residential Density.** The permitted ratio of dwelling units in the NC-3 District is one dwelling unit per 600 square feet of lot area, pursuant to Planning Code Section 712.91. Pursuant to Planning Code Section 207, dwelling unit density in NC Districts may be based on the proximity to the nearest residential district, which is RC-3 District. The permitted ratio of dwelling units in the RC-3 District is one dwelling unit per 400 square feet of lot area.

*The lot area is approximately 5,313 square feet, thus thirteen (13) dwelling units are permitted.*

- C. Non-Residential Use Size.** Planning Code Sections 121.2 and 712.21 state that a Conditional Use Authorization is required for development of a non-residential use size exceeding 5,999 square feet in Neighborhood Commercial Districts, as defined by Planning Code Section 790.130.

*The Project includes approximately 600 square feet of non-residential uses, which does not exceed the 5,999 square-foot threshold for use size.*

- D. Basic Floor Area Ratio.** Planning Code Sections 124 and 712.20 limit the building square footage to 3.6 square feet of building area for every 1 square feet of lot area, or approximately 19,127 square feet of building area for the subject Site. However, in NC Districts, the FAR limits do not apply to dwellings or to other residential uses per Section 124(b).

*The entire Project would total approximately 16,000 square feet, of which, approximately 9,800 square feet is related to residential uses. The resulting FAR is approximately 1.2:1.*

- E. Rear Yard.** Planning Code Section 134 requires that in NC-3 Districts rear yards must be provided at the lowest story containing a dwelling unit, and at each succeeding story of the building.

*The Project includes 27-foot rear yard setback at the second story, which is equal to 25 percent of the 106-foot lot depth.*

- F. Open Space.** Planning Code Section 135 requires 100 square feet of common usable open space or 80 square feet of private usable open space per dwelling unit.

*The Project includes both common and private usable open space. Approximately 1,200 square feet of common open space would be provided at the roof deck, and three private decks - each approximately 260 square feet - would be provided at the rear of the second floor level.*

- G. Dwelling Unit Exposure.** Planning Code Section 140 requires that all dwelling units face a public street or side yard at least 25 feet in width, a required rear yard, or an open area of 25 feet in width.

*All of the units in the Project meet this requirement.*

- H. Street Frontages in Neighborhood Commercial Districts.** Planning Code Section 145.1 requires the following:

1. **Active Uses Required.** 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;

*An active ground floor retail use is proposed within the first 25 feet of the building depth on the ground floor of the proposed building.*

2. **Ground Floor Ceiling Height.** Ground floor non-residential uses in NC Districts shall have a minimum floor-to-floor height of ten feet in a 40-foot height district.

*The proposed ground floor ceiling heights for the building would be a minimum of ten feet tall.*

3. **Street-Facing Ground-Level Spaces.** 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 those spaces.

*The floor of the proposed retail use and residential lobby is designed at grade and recessed five feet from the front property line.*

4. **Transparency and Fenestration.** Frontages with active uses that are not residential 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.

*The proposed retail use is designed entirely with a glazed façade. As designed, the storefront windows would be transparent and unobstructed, with the exception of the window casework and concrete bulkhead.*

5. **Gates, Railings, and Grillwork.** Any decorative railings or grillwork, other than wire mesh, which is placed in front of or behind floor windows, shall be at least 75 percent open to perpendicular view.

*No gates, railing, or grillwork are proposed.*

- I. **Parking, Retail.** Planning Code Section 151 requires one off-street parking space for each 200 square feet of occupied floor area where the occupied floor area exceeds 5,000 square feet for retail space.

*The proposed retail space, at approximately 650 square feet, would not require any off-street parking spaces.*

- J. **Parking, Residential.** Planning Code Section 151 requires one automobile parking space per dwelling unit. However, Planning Code Section 307(i) allows a reduction in the parking requirement in NC districts if certain criteria are met (see item 8 below).

*The Project could accommodate up to nine off-street parking spaces while a total of 13 spaces are required.*

- K. **Off-Street Parking Reduction.** Planning Code Sections 161(g) and 307(i) allows a reduction in the parking requirement in NC districts if certain criteria are met.

*The Project requires 13 off-street parking spaces for the residential use; however, the Project includes only nine off-street parking spaces. Section 161(g) of the Planning Code permits the Zoning Administrator to reduce the off-street parking requirements in NC Zoning Districts pursuant to the procedures and criteria of Sections 307(i) of this Code. The criteria set forth in Section 307(i) are addressed under item 8 below.*

- L. **Bicycle Parking.** Planning Code Section 155 requires one Class 1 Bicycle Parking space for every dwelling unit and a minimum of two Class 2 spaces for the commercial use. Section 155.4(f) requires that new commercial buildings must provide adequate signs or notices to advertise the availability of bicycle parking.

*The Project proposes 13 Class 1 bicycle parking spaces and four Class 2 bicycle parking spaces.*

- M. **Height.** Planning Code Section 260 requires that all structures be no taller than the height prescribed in the subject height and bulk district. The proposed Project is located in a 40-X Height and Bulk District, with a 40-foot height limit.

*The Project includes a mixed-use building of approximately 40 feet in height, with permitted exceptions such as parapets, stair and elevator penthouses above the height limit.*

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

Planning Code Section 415.3, these requirements 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 Sections 415.5 and 415.6, the Inclusionary Affordable Housing Program requirement for the On-Site Affordable Housing Alternative is to provide 12% of the proposed dwelling units as affordable.

*The Project Sponsor has demonstrated that it is eligible for the On-Site Affordable Housing Alternative under Planning Code Sections 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 September 22, 2015. The EE application was submitted on December 9, 2013. Pursuant to Planning Code Sections 415.3 and 415.6, the On-Site requirement is 12%. Two units (two two-bedroom) of the 13 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.*

**O. Signage.** Any proposed signage will be subject to the review and approval of the Planning Department and must comply with Article 6 of the Planning Code.

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

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

*The Project Site is in a neighborhood of mixed commercial and residential uses. Both ends of the subject block are bounded by hotels - Days Inn to the east and Lombard Motor Inn to the west. Across the street, uses include a Travelodge Motel, a four-story apartment building, multi-story buildings with commercial uses on the ground floor, such as restaurants and cafes, and residential units on the upper floors. The Project includes ground floor retail space and upper story residences, which is consistent with the character and pattern of development in the area.*

*While the existing two rent-controlled dwelling units (one is vacant and the other is occupied by a relative of the Property Owner) would be demolished, the Project is necessary and desirable as it proposes to construct 13 new dwelling units, including two permanently affordable/Below-Market Rate units.*

*The Project originally proposed to demolish the existing two-unit building and construct 9 market-rate units with ground floor commercial space and an accessory nine-car parking garage. The Department encouraged the Project Sponsor to explore alternate schemes besides the demolition option. The alternate schemes included: (1) retention of the existing two rent-controlled units; (2) construction of a new multi-unit building on the vacant lots; (3) construction of additions (either horizontal and/or vertical additions) to the existing building and construction of a new building on the vacant lots; or (4) feasibility of building two new permanently affordable units as part of the new construction project.*

*Under Section 207, subsection (b)(6), the Project was able to be increased from a dwelling unit density of 9 to 13 units based on the density limits of the nearest residential district. The nearest residential district to the Site is the RC-3 District, which allows one dwelling unit per 400 square feet of lot area, resulting in a total of 13 dwelling units allowed at the Site. With 13 units, the Project would be required to provide two affordable/Below-Market Rate units.*

*Overall, the use and size of the Project is compatible with the immediate neighborhood. The replacement building is designed to be in-keeping with the existing development pattern and the neighborhood character, and the ground floor retail use is in-keeping with the pedestrian-oriented neighborhood commercial district. It will revitalize an underutilized Site as a vibrant retail and housing development.*

- 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 Project Site consists of three lots totaling approximately 5,300 square feet. Two of the lots are vacant and used as open space, while the remaining lot is developed with a two-story over garage, two-unit building that occupies less than one-half of the Site and is set back 28 feet from the sidewalk.*

*The Project will efficiently utilize the site by occupying the majority of the available space, except for the Code-required rear yard. The new four-story mixed-use building, containing 13 dwelling units on three floors with a ground floor retail space, is designed to be compatible with the surrounding neighborhood commercial district and adjacent residential buildings. The massing and scale of the new building is broken down with the use of varied materials, colors and architectural features, including floor-to-ceiling windows on the Lombard Street frontage and horizontal and vertical building articulations creates distinct building elements that are consistent, and in scale with the neighborhood's pattern of development.*

- 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 includes nine off-street parking spaces while 13 are required. However, in NC Districts, the Zoning Administrator may reduce that requirement pursuant to Sections 161(g) and 307(i) of the Planning Code. The Project will also provide 13 Class 1 bicycle parking spaces, located in the ground level garage, and four Class 2 bicycle racks that will be located on the sidewalk, for a total of 17 bicycle parking spaces. The Site is also well-served by public transit, thus offering transit opportunities for resident commuters and potential users of the commercial space. The Site is located on Lombard Street (also serves as State Highway 101). Lombard Street is a major vehicular and pedestrian thoroughfare, the City's primary link to the North Bay via the Golden Gate Bridge. Transit lines serving San Francisco and Marin County are nearby and are within walking distance of the Site. Within two blocks, there are five MUNI lines available: 30-Stockton, 30X-Stockton Express, 45-Union, 47-Van Ness, and 49-Van Ness/Mission.*

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

*As the Project is primarily residential, it is not considered to have the potential to produce noxious or offensive emissions. The retail tenant has not been determined at this time.*

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

*Although designed in a contemporary aesthetic, the façade treatment and materials of the replacement building have been appropriately selected to be harmonious with the surrounding neighborhood.*

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

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

- D. That the use as proposed would provide development that is in conformity with the purpose of the applicable NC-3 District.

*The Project is consistent with the stated purpose of the NC-3 (Moderate-Scale Neighborhood Commercial) District.*

- 8. **Planning Code Section 307(i)** establishes criteria for the Zoning Administrator or the Planning Commission to consider in approving a reduction of off-street parking requirements for residential units. On balance, the Project complies with said criteria in that:

- A. The reduction in the parking requirement is justified by the reasonably anticipated automobile usage by residents of and visitors to the Project; and

*The Project will provide nine off-street parking spaces in a ground level garage, and a total of 17 bicycle parking spaces. The Site is well-served by public transit, thus offering transit opportunities for resident commuters and potential users of the commercial space. The Site is located on Lombard Street (also serves as State Highway 101). Lombard Street is a major vehicular and pedestrian thoroughfare, the City's primary link to the North Bay via the Golden Gate Bridge. Transit lines serving San Francisco and Marin County are nearby and are within walking distance of the site. Within two blocks, there are five MUNI lines available: 30-Stockton, 30X-Stockton Express, 45-Union, 47-Van Ness, and 49-Van Ness/Mission. According to the Project Sponsor, a high level of use of cars by the Project's residents is not expected given the ease and availability of numerous transit options.*

- B. The reduction in the parking requirement will not be detrimental to the health, safety, convenience or general welfare of persons residing in or working in the vicinity; and

*Given the multiple transit options available in the immediate vicinity of the Project Site, the reduction of four off-street spaces from the required 13 off-street parking spaces would not be detrimental to the health, safety and welfare of persons living or working in the neighborhood. For those visitors, shoppers or workers who come to the Site for specific purposes, the Project is within 1,000 feet of approximately 200 metered on-street parking spaces. The availability of that many nearby off-street parking spaces and the numerous MUNI bus stops would minimize any adverse effect caused by the Project's off-street parking reduction.*

- C. The minimization of conflict of vehicular and pedestrian movements; and

*As part of the Project, the existing curb cut would be relocated such that only one curb cut would be used for the ingress and egress of the building. Reduction of the number of off-street parking spaces in the Project would minimize potential conflicts between cars coming in and out of the project garage's entry on Lombard Street. It will also minimize conflicts with pedestrians traveling on Lombard Street.*

- D. The availability of transportation modes other than the automobile; and

*The Project will provide nine off-street parking spaces in a ground level garage, and a total of 17 bicycle parking spaces. The Site is also well-served by public transit, thus offering transit opportunities for resident commuters and potential users of the commercial space. The Site is located on Lombard Street (also serves as State Highway 101). Lombard Street is a major vehicular and pedestrian thoroughfare, the City's primary link to the North Bay via the Golden Gate Bridge. Transit lines serving San Francisco and Marin County are nearby and are within walking distance of the Site. Within two blocks, there are five MUNI lines available: 30-Stockton, 30X-Stockton Express, 45-Union, 47-Van Ness, and 49-Van Ness/Mission.*

- E. The pattern of land use and character of development in the vicinity; and

*The land uses, surrounding the Project Site along the Lombard Street commercial corridor, consist of primarily ground floor retail shops and services, including hotels, motels and restaurants. Many of the surrounding buildings, like the Project, provide housing on the second floor and above. The Project Site is at the eastern edge of the NC-3 District along Lombard Street. Nearby residential districts include the RC-3 Zoning District, which permits higher density housing with no minimum parking required, and the RH-3 Zoning District to the north of the Project Site.*

*Based on the surrounding uses and zoning, the Project is consistent with the prevailing uses, intensity and character of the surrounding neighborhood.*

- F. Such other criteria as the Zoning Administrator or the Planning Commission deems appropriate in the circumstances of the particular case.

*The Planning Commission determined that no additional criteria are required for consideration in the circumstances of the particular case.*

9. **Planning Code Section 317(d)** establishes criteria for the Planning Commission to consider when reviewing applications to demolish or convert residential buildings. On balance, the Project complies with said criteria in that:

- i. Whether the Project Sponsor has demonstrated that the residential structure is unsound, where “soundness” is an economic measure of the feasibility of upgrading a residence that is deficient with respect to habitability and Housing Code requirements, due to its original construction. The “soundness factor” for a structure shall be the ratio of a construction upgrade cost to the replacement cost, expressed as a percent. A building is unsound if its soundness factor exceeds 50 percent. A residential building that is unsound may be approved for demolition.

***Project does not meet criterion.***

*A soundness report for the subject property was not submitted, as the existing residential building is in sound and habitable condition.*

- ii. Whether the property is free of a history of serious, continuing Code violations;

***Project meets criterion.***

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

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

***Project meets criterion.***

*The structure appears to be in decent, safe, and sanitary condition.*

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



***Project meets criterion.***

*Although the existing structure is more than 50 years old, a Historic Resource Evaluation Report prepared by Department staff, Case No. 2013.1022E, found that the subject building is not individually eligible for listing on the California Register of Historic Resources as an historic resource, nor is it located within an eligible historic district.*

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

***Criterion not applicable.***

*The structure is not an historical resource.*

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

***Project does not meet criterion.***

*The Project would remove two rent-controlled units from the City's housing stock although neither unit is currently used as rental housing: one unit is vacant and one unit is occupied by a relative of the Property Owner. Although the market-rate units in the Project will not be rent-controlled, the Project will include two Below-Market Rate Ownership Units.*

- vii. Whether the Project removes rental units subject to the Rent Stabilization and Arbitration Ordinance or affordable housing;

***Project does not meet criterion.***

*The existing building contains two dwelling units subject to the Rent Stabilization and Arbitration Ordinance. Both rent-controlled units will be removed - one of the units is currently occupied by a relative of the Project Sponsor, and the other unit has not been occupied by tenants since the current owner purchased the property in 2013. No "no-fault" evictions have been filed with the Rent Board for the property. If the existing units were to be maintained and rented at current market rate, the Project Sponsor could potentially charge monthly rents between \$8,000 to \$9,500 per unit before the units are subject to the Rent Stabilization and Arbitration Ordinance. However, upon completion of the Project, the two rent-controlled units will be replaced by two permanently affordable housing units.*

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

***Project meets criterion.***

*Although the Project proposes demolition of a two-unit building, the replacement structure will provide a net gain of 11 additional units at the Project Site, in addition to a retail space on the ground level.*

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

***Project meets criterion.***

*The replacement mixed-use building has been designed to integrate modern, high-quality elements while increasing the density of the Site. The façade and eastern wall of the new building will utilize terra cotta tiles that complement the character of the surrounding buildings and neighborhood.*

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

***Project meets criterion.***

*While the Project proposes demolition of the existing two-unit building, the replacement building will construct 13 new dwelling units, two of which would be permanently affordable/below-market rate units. The Project will provide a net increase of 11 dwelling units, in addition to the two affordable units.*

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

***Project meets criterion.***

*The Project is subject to the provisions of Planning Code Section 415, as the Project proposes 13 units, two of which would be permanently affordable units.*

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

***Project meets criterion.***

*The Project Site is located within a fully developed area of the city, in the Marina neighborhood, surrounded by urban uses. Surrounding uses near the Project Site include residential, tourist hotels, retail, and other commercial uses. The Project has been designed to be in-keeping with the scale and development pattern of the established neighborhood character.*

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

***Project meets criterion.***

*The Project proposes two, two-bedroom units for family-sized housing.*

- xiv. Whether the Project creates new supportive housing;

***Project does not meet criterion.***

*The Project does not create supportive housing.*

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

***Project meets criterion.***

*The replacement building has been designed to integrate modern, high-quality elements with the more traditional character of the neighborhood. The façade of the new building and the eastern wall will utilize terra cotta tiles that complement the character of the surrounding buildings and neighborhood.*

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

***Project meets criterion.***

*The Project increases the number of on-site dwelling units with a net gain of 11 new units.*

- xvii. Whether the Project increases the number of on-site bedrooms.

***Project meets criterion.***

*The Project will increase the on-site bedroom count from 4 to 15; 11 bedrooms more than that of the existing building.*

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

**HOUSING ELEMENT**

**OBJECTIVE 4:**

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

**Policy 4.1:**

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

*This Project will create 13 new dwelling units; two of which would be family-sized units.*

**OBJECTIVE 11:**

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

**Policy 11.1:**

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

*This new construction Project will conform to the scale and character of the district, respecting the neighborhood character in design and use.*

**Policy 11.4:**

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

*The Project conforms to the zoning and height districts for the NC-3 District.*

**Policy 11.6:**

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

*The Project's residential entry is defined with a transition between the public and private realms. A portion of the street frontage is dedicated to commercial use, with requirements for active use, and designed with transparent storefront system.*

**URBAN DESIGN**

**OBJECTIVE 1:**

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

**Policy 1.2:**

Recognize, protect and reinforce the existing street pattern, especially as it is related to topography.

**Policy 1.3:**

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

*The Project includes demolition of one existing building. The replacement building has been designed to integrate modern, high-quality elements with the more traditional character of the neighborhood. The façade and the eastern wall of the new building will utilize terra cotta tiles that complement the character of the surrounding buildings and neighborhood.*

**OBJECTIVE 2:**

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

**Policy 2.6:**

Respect the character of older development nearby in the design of new buildings.

*The massing of the replacement building's main front façades has been designed to reflect the height and proportions of the adjacent buildings. Although interpreted in a contemporary architectural style, the proposed building proportions and exterior materials have been selected to be compatible with the adjacent buildings and the immediate neighborhood character.*

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

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

*Existing neighborhood-serving retail uses would not be displaced or otherwise adversely affected by the Project, as the existing building does not contain any commercial uses/spaces. The Project will add approximately 600 square feet of retail space to the NC-3 District, which will enhance opportunities for resident employment. The 13 new residential units will also support existing neighborhood-serving retail uses.*

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

*While the existing two-unit building is proposed to be demolished, the new replacement building will bring additional life and vitality to the neighborhood, with a net gain of 11 new dwelling units. In keeping with the neighborhood's mixed-use character, the Project will provide retail on the ground floor and residential units in the upper floors. The Project respects the character of the neighborhood in terms of scale, massing, and proportions.*

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

*The existing building contains two dwelling units subject to the Rent Stabilization and Arbitration Ordinance. Both units will be removed - one unit is currently occupied by a relative of the Property Sponsor, and one unit has not been occupied by tenants since the current owner purchased the property in 2013. Upon completion of the Project, the two rent-controlled units will be replaced by two permanently affordable housing units. The Project will contain a mix of studio, one-bedroom, and two-bedroom family-sized housing. The Project will also increase the number of dwelling units on the lot from two to 13 units.*

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

*The Project will provide nine off-street parking spaces in a ground level garage, and a total of 17 bicycle parking spaces. The Site is also well-served by public transit, thus offering transit opportunities for resident commuters and potential users of the commercial space. The Site is located on Lombard Street (also serves as State Highway 101). Lombard Street is a major vehicular and pedestrian thoroughfare, the City's primary link to the North Bay via the Golden Gate Bridge. Transit lines serving San Francisco and Marin County are nearby and are within walking distance of the Site. Within two blocks, there are five MUNI lines available: 30-Stockton, 30X-Stockton Express, 45-Union, 47-Van Ness, and 49-Van Ness/Mission.*

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

*The Project is not a commercial office development. The Project includes an approximately 600 square-foot retail space at street level, creating opportunities for resident employment and business ownership without displacing existing industrial or service uses. Ownership of industrial or service sector businesses would not be affected by the Project.*

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

*The Project will be constructed to be in compliance with the City's current Building Code, Fire and life safety standards and to meet all earthquake safety requirements.*

- G. That landmarks and historic buildings be preserved.

*Landmark or historic buildings do not occupy the Project Site. The existing structure is not designated as a historic resource building.*

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

*The Project will not affect existing parks and open space.*

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. 2013.1022CE** subject to the following conditions attached hereto as "EXHIBIT A" in general conformance with plans on file, dated September 22, 2015, 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. \_\_\_\_\_. The effective date of this Motion shall be the date of this Motion if not appealed (After the 30-day period has expired) OR the date of the decision of the Board of Supervisors if appealed to the Board of Supervisors. For further information, please contact the Board of Supervisors at (415) 554-5184, City Hall, Room 244, 1 Dr. Carlton B. Goodlett Place, San Francisco, CA 94102.

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

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

I hereby certify that the Planning Commission ADOPTED the foregoing Motion on October 8, 2015.

Jonas Ionin  
Commission Secretary

AYES:

NAYS:

ABSENT:

ADOPTED:     October 8, 2015

## EXHIBIT A

### AUTHORIZATION

This authorization is for a Conditional Use to allow demolition of a three-story, two-unit dwelling and replacement of a 13-unit residential building (including two Below-Market Rate units) with ground-floor commercial space and parking garage, and to reduce the off-street parking requirement, located at 1463 Lombard Street, Block 0503, Lots 020, 021 and 095, pursuant to Planning Code Sections **161(g), 303(c), 307(i), 317 and 712.37** within the **NC-3 (Moderate-Scale Neighborhood Commercial) District** and a **40-X Height and Bulk District**; in general conformance with plans, dated **September 22, 2015**, and labeled "EXHIBIT B" included in the docket for Case No. **2013.1022CE** and subject to conditions of approval reviewed and approved by the Commission on **October 8, 2015** under Motion No. \_\_\_\_\_. 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 **October 8, 2015** under Motion No. \_\_\_\_\_.

### PRINTING OF CONDITIONS OF APPROVAL ON PLANS

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

### SEVERABILITY

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

### CHANGES AND MODIFICATIONS

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



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

### PERFORMANCE

1. **Validity and Expiration.** The authorization and right vested by virtue of this action is valid for three years from the effective date of the Motion. A building permit from the Department of Building Inspection to construct the Project and/or commence the approved use must be issued as this Conditional Use Authorization is only an approval of the proposed Project and conveys no independent right to construct the Project or to commence the approved use. The Planning Commission may, in a public hearing, consider the revocation of the approvals granted if a site or building permit has not been obtained within three (3) years of the date of the Motion approving the Project. Once a site or building permit has been issued, construction must commence within the timeframe required by the Department of Building Inspection and be continued diligently to completion. The Commission may also consider revoking the approvals if a permit for the Project has been issued but is allowed to expire and more than three (3) years have passed since the Motion was approved.
2. **Extension.** This authorization may be extended at the discretion of the Zoning Administrator only where failure to issue a permit by the Department of Building Inspection to perform said tenant improvements is caused by a delay by a local, State or Federal agency or by any appeal of the issuance of such permit(s).

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

### AFFORDABLE UNITS

3. **Number of Required Units.** Pursuant to Planning Code Section 415.6, the Project is required to provide 12% of the proposed dwelling units as affordable to qualifying households. The Project contains 13 units; therefore, two (2) affordable units are required. The Project Sponsor will fulfill this requirement by providing the two affordable units On-Site. If the number of market-rate units change, the number of required affordable units shall be modified accordingly with written approval from Planning Department staff in consultation with the Mayor's Office of Housing and Community Development ("MOHCD").

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

4. **Unit Mix.** The Project contains 11 one-bedroom, and two (2) two-bedroom units; therefore, the required affordable unit mix is two (2) one-bedroom units. If the market-rate unit mix changes, the affordable unit mix will be modified accordingly with written approval from Planning Department staff in consultation with MOHCD.

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

5. **Unit Location.** The affordable units shall be designated on a reduced set of plans recorded as a Notice of Special Restrictions on the property prior to the issuance of the first construction permit.  
*For information about compliance, contact the Case Planner, Planning Department at 415-558-6378, [www.sf-planning.org](http://www.sf-planning.org) or the Mayor's Office of Housing and Community Development at 415-701-5500, [www.sf-moh.org](http://www.sf-moh.org).*
6. **Phasing.** If any building permit is issued for partial phasing of the Project, the Project Sponsor shall have designated not less than twelve percent (12%) of the each phase's total number of dwelling units as On-Site affordable units.  
*For information about compliance, contact the Case Planner, Planning Department at 415-558-6378, [www.sf-planning.org](http://www.sf-planning.org) or the Mayor's Office of Housing and Community Development at 415-701-5500, [www.sf-moh.org](http://www.sf-moh.org).*
7. **Duration.** Under Planning Code Section 415.8, all units constructed pursuant to Section 415.6, must remain affordable to qualifying households for the life of the Project.  
*For information about compliance, contact the Case Planner, Planning Department at 415-558-6378, [www.sf-planning.org](http://www.sf-planning.org) or the Mayor's Office of Housing and Community Development at 415-701-5500, [www.sf-moh.org](http://www.sf-moh.org).*
8. **Other Conditions.** The Project is subject to the requirements of the Inclusionary Affordable Housing Program under Section 415 et seq. of the Planning Code and City and County of San Francisco Inclusionary Affordable Housing Program Monitoring and Procedures Manual ("Procedures Manual"). The Procedures Manual, as amended from time to time, is incorporated herein by reference, as published and adopted by the Planning Commission, and as required by Planning Code Section 415. Terms used in these conditions of approval and not otherwise defined shall have the meanings set forth in the Procedures Manual. A copy of the Procedures Manual can be obtained at the MOHCD at 1 South Van Ness Avenue or on the Planning Department or MOHCD websites, including on the internet at: <http://sf-planning.org/Modules/ShowDocument.aspx?documentid=4451>. As provided in the Inclusionary Affordable Housing Program, the applicable Procedures Manual is the manual in effect at the time the subject units are made available for sale.  
*For information about compliance, contact the Case Planner, Planning Department at 415-558-6378, [www.sf-planning.org](http://www.sf-planning.org) or the Mayor's Office of Housing and Community Development at 415-701-5500, [www.sf-moh.org](http://www.sf-moh.org).*
  - a. The affordable unit(s) shall be designated on the building plans prior to the issuance of the first construction permit by the Department of Building Inspection ("DBI"). The affordable unit(s) shall (1) reflect the unit size mix in number of bedrooms of the market rate units, (2) be constructed, completed, ready for occupancy and marketed no later than the market rate units, and (3) be evenly distributed throughout the building; and (4) be of comparable overall quality, construction and exterior appearance as the market rate units in the principal Project. The interior features in affordable units should be generally the same as those of the market units in the principal Project, but need not be the same make, model or type of such item as

- long they are of good and new quality and are consistent with then-current standards for new housing. Other specific standards for on-site units are outlined in the Procedures Manual.
- b. If the units in the building are offered for sale, the affordable unit(s) shall be sold to first time home buyer households, as defined in the Procedures Manual, whose gross annual income, adjusted for household size, does not exceed an average of ninety (90) percent of Area Median Income under the income table called "Maximum Income by Household Size derived from the Unadjusted Area Median Income for HUD Metro Fair Market Rent Area that contains San Francisco." The initial sales price of such units shall be calculated according to the Procedures Manual. Limitations on (i) reselling; (ii) renting; (iii) recouping capital improvements; (iv) refinancing; and (v) procedures for inheritance apply and are set forth in the Inclusionary Affordable Housing Program and the Procedures Manual.
  - c. The Project Sponsor is responsible for following the marketing, reporting, and monitoring requirements and procedures as set forth in the Procedures Manual. 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 Restrictions 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 or may seek a fee deferral as permitted under Ordinances 0107-10 and 0108-10. If the Project becomes ineligible after issuance of its first construction permit, the Project Sponsor shall notify the Department and MOHCD and pay interest on the Affordable Housing Fee and penalties, if applicable.

## DESIGN – COMPLIANCE AT PLAN STAGE

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

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

## SIGNAGE

10. **Signage.** Any signs on the property shall be made to comply with the requirements of Article 6 of the Planning Code.

## MONITORING

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

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

## OPERATION

12. **Sidewalk Maintenance.** The Project Sponsor shall maintain the main entrance to the tenant space 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/>*

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



# SAN FRANCISCO PLANNING DEPARTMENT

## Certificate of Determination Exemption from Environmental Review

Case No.: 2013.1022E  
Project Title: 1463-1465 Lombard Street  
Zoning: NC-3 (Moderate Scale Neighborhood Commercial) District  
40-X Height and Bulk District  
Block/Lot: 0503/020, 021, and 095  
Lot Size: 5,310 square feet  
Project Sponsor: Michael Levitt, Levitt Architecture Inc. – (415) 674-9100  
Staff Contact: Kansai Uchida – (415) 575-9048  
kansai.uchida@sfgov.org

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

Reception:  
415.558.6378

Fax:  
415.558.6409

Planning  
Information:  
415.558.6377

### PROJECT DESCRIPTION:

The project site is located in the Marina neighborhood, on the block bounded by Lombard Street to the north, Greenwich Street to the south, Van Ness Avenue to the east, and Franklin Street to the west. The site is comprised of three parcels, one of which contains an existing building. One parcel (Lot 095) was an easement formerly owned by Caltrans, though no roadway facilities were constructed on this parcel. The proposed project includes demolition of the existing 3,350-square-foot (sf), three-story, two-unit residential building constructed in 1924. The three parcels would be combined and a new 15,355-sf, four-story mixed-use building would be constructed. It would include 13 dwelling units (11 one-bedroom and 2 two-bedroom units), 9 enclosed parking spaces, a roof deck, and a rear yard. The ground level would include a 595-sf retail space fronting the south side of Lombard Street. The proposed building would be approximately 40 feet tall (up to 50 feet tall with the roof deck and circulation penthouses).

### EXEMPT STATUS:

Categorical Exemption, Class 32 (California Environmental Quality Act (CEQA) Guidelines Section 15332)

### REMARKS:

See next page.

### DETERMINATION:

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

Sarah B. Jones  
Environmental Review Officer

September 21, 2015  
Date

cc: Michael Levitt, Project Sponsor  
Mary Woods, Current Planner  
Allison Vanderslice, Preservation Planner

Supervisor Farrell, District 2 (via Clerk of the Board)  
Distribution List  
Virna Byrd, M.D.F.

**PROJECT DESCRIPTION (continued):**

Main access to the proposed dwelling units would be from a ground-floor lobby on Lombard Street. Entrance to the ground-floor commercial space would be from a separate entrance on Lombard Street. The property's existing curb cut on Lombard Street would be relocated toward the western edge of the project site's Lombard Street frontage to provide access to the proposed partially-subterranean garage. In addition to the nine proposed off-street vehicle parking spaces, the garage would contain 13 enclosed (Class I) bicycle parking spaces. Excavation for the garage would reach approximately eight feet below existing grade, and the proposed foundation system would require further soil disturbance to a total depth of approximately 30 feet below existing grade.<sup>1</sup> In total, approximately 650 cubic yards of excavation would be needed. Construction activities are anticipated to last approximately 48 weeks.

**Project Approvals**

The proposed project would require the following approvals:

- **Conditional Use Authorization.** The proposed project would require a Conditional Use Authorization from the Planning Commission for demolition of the two existing dwelling units per Sections 303 and 317 of the Planning Code.
- **Demolition and Building Permits.** The proposed project would require approval of Demolition and Building Permits from the Department of Building Inspection (DBI).

**Approval Action:** Approval of the Conditional Use Authorization by the Planning Commission under Sections 303 and 317 of the Planning Code would constitute the Approval Action for the proposed project. The Approval Action date establishes the start of the 30-day appeal period for this CEQA exemption determination pursuant to Section 31.04(h) of the San Francisco Administrative Code.

**REMARKS:**

California Environmental Quality Act (CEQA) State Guidelines Section 15332, or Class 32, provides an exemption from environmental review for in-fill development projects which meet the following conditions:

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

The *San Francisco General Plan* (General Plan), which provides general policies and objectives to guide land use decisions, contains some policies that relate to physical environmental issues. The General Plan contains 10 elements (Commerce and Industry, Recreation and Open Space, Housing, Community Facilities, Urban Design, Environmental Protection, Transportation, Air Quality, Community Safety, and Arts) that set forth goals, policies and objectives for the physical development of the City. Any conflict

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<sup>1</sup> Rollo & Ridley, Inc. *Geotechnical Investigation, 1463-1465 Lombard Street*, May 27, 2014. This document is available for review at the Planning Department, 1650 Mission Street, 4<sup>th</sup> Floor, as part of Case File No. 2013.1022E.

between the proposed project and policies that relate to physical environmental issues are discussed in sections b, c, d, and e below. The compatibility of the proposed project with General Plan policies that do not relate to physical environmental issues will be considered by decision-makers as part of their decision whether to approve or disapprove the proposed project.

The project site is located within an NC-3 Use District and a 40-X Height and Bulk District. The NC-3 zoning district permits residential units and ground-floor retail uses. The 40-X Height and Bulk District allows buildings up to 40 feet tall with no limitations on building dimensions. Height exceptions allow for additional features, such as a circulation penthouse, up to 10 feet above 40 feet. The proposed project would include demolition of an existing two-unit residential building, and construction of a new four-story, 40-foot tall (approximately 50-foot-tall with the roof deck and circulation penthouses) building consisting of 13 dwelling units and ground-floor retail space. Therefore, the proposed project is consistent with applicable zoning designations.

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

The area of the project site is approximately 0.12 acres (5,310 sf), which is the combined area of the three parcels that comprise the project site. The project site is located within a fully developed area of San Francisco. The surrounding uses near the project site include residential, tourist hotel, retail, and other commercial uses. Therefore, the proposed project would be properly characterized as in-fill development of less than five acres, completely surrounded by urban uses.

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

The project site is within a developed urban area, presently occupied by a two-unit residential building, a landscaped yard, and paved surfaces. Landscaping consists of ground cover, bushes, and trees typical of an urban residential yard. Thus, the project site has no value as habitat for endangered, rare, or threatened species.

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

**Traffic**

The number of trips generated by the proposed project was estimated based on the Planning Department's *Transportation Impact Analysis Guidelines for Environmental Review*, October 2002 (Transportation Guidelines). As noted in the Project Description section above, the proposed project would include demolition of an existing two-unit residential building and construction of a new 13-unit residential building with 595 sf of ground-floor retail space, resulting in a net gain of 11 residential units and 595 sf of retail space. Two of the dwelling units would be two-bedroom units, and 11 would be one-bedroom units. In an effort to reflect potential worst-case conditions, the trips associated with the two existing dwelling units were not subtracted from the total number of trips generated by the proposed project. As described in the Transportation Guidelines, the Planning Department analyzes traffic

conditions for the weekday PM peak period (between the hours of 4:00 PM and 6:00 PM), which typically represents the most congested conditions on the local transportation network. The proposed project's estimated daily and PM peak hour trips, categorized by mode of transportation, are shown in Table 1 below.

**Table 1: Proposed Project Trip Generation**

<b><u>Mode of Transportation</u></b>	<b><u>Daily Trips</u></b>	<b><u>PM Peak Hour Trips</u></b>
Auto	102 person trips / 67 vehicle trips	13 person trips / 9 vehicle trips
Transit	52 person trips	8 person trips
Walking	28 person trips	3 person trips
Other (bicycle, taxi, etc.)	11 person trips	2 person trips
<b>Total</b>	192 person trips / 67 vehicle trips	26 person trips / 9 vehicle trips

Source: Transportation Guidelines; "Transportation Calculations, 1463-1465 Lombard Street," August 5, 2015.

Note: Totals may vary slightly due to rounding.

As shown in the table, the proposed project is estimated to generate nine PM peak hour vehicle trips and 67 daily vehicle trips. These additional vehicle trips would not have the potential to noticeably affect traffic conditions or substantially change the level of service at intersections in the project vicinity. The proposed project would not substantially increase traffic relative to existing traffic volumes or the capacity of the local street system. The proposed project's traffic impacts, therefore, would be less than significant.

### Noise

Ambient noise levels in the vicinity of the project site are typical of noise levels along major streets in San Francisco, which are dominated by vehicular traffic, including Muni vehicles, trucks, cars, emergency vehicles, and land use activities, such as commercial businesses or street maintenance. Noises generated by residential uses are common and generally accepted in urban areas. An approximate doubling in traffic volumes in the area would be necessary to produce an increase in ambient noise levels barely perceptible to most people (3 decibel (dB) increase).<sup>2</sup> The proposed project at 1463-1465 Lombard Street would not double traffic volumes because the proposed project consists of 13 dwelling units, 595 sf of retail space, resulting in approximately 65 daily vehicle trips. Existing traffic volumes on roadways near the project site are sufficiently high that they would not be doubled by the addition of the proposed project's vehicle trips.

The proposed project could include new fixed noise sources, such as heating, ventilation, and air conditioning equipment, that would produce operational noise. Operation of this equipment would be

<sup>2</sup> A decibel is a unit of measurement describing the amplitude of sound, equal to 20 times the logarithm to the base 10 of the ratio of the pressure of the sound measured to the reference pressure, which is 20 micropascals.



subject to the City's Noise Ordinance (Article 29 of the San Francisco Police Code). Section 2909(a)(1) regulates noise from mechanical equipment and other similar sources on residential property. Mechanical equipment operating on residential property must not produce a noise level more than five dBA<sup>3</sup> above the ambient noise level at the property boundary. Section 2909(d) states that no fixed noise source may cause the noise level measured inside any sleeping or living room in a dwelling unit on residential property to exceed 45 dBA between 10:00 PM and 7:00 AM or 55 dBA between 7:00 AM and 10:00 PM with windows open, except where building ventilation is achieved through mechanical systems that allow windows to remain closed. The proposed project would be subject to and required to comply with the Noise Ordinance. For the above reasons, the proposed project would not result in a substantial permanent increase in ambient noise levels in the project vicinity.

Project construction would generate a temporary noise increase. Construction noise is also regulated by the Noise Ordinance, which requires that noise levels from individual pieces of construction equipment, other than impact tools, not exceed 80 dBA at 100 feet from the source. Impact tools must have both intake and exhaust muffled to the satisfaction of the Director of Public Works. Section 2908 of the Ordinance prohibits construction work between 8:00 PM and 7:00 AM if noise would exceed the ambient noise level by 5 dBA at the project property line, unless a special permit is authorized by the Director of Public Works. Although construction noise could be annoying at times, it would not be expected to exceed noise levels commonly experienced in this urban environment and would not be considered significant.

Residential uses are considered noise-sensitive uses because they may contain noise-sensitive receptors, including children and the elderly. Residential development in noisy environments could expose these sensitive receptors to noise levels in excess of established standards. The United States Department of Housing and Urban Development (HUD) has developed minimum national noise standards for land use compatibility. HUD considers noise levels below 65 dB as generally "acceptable," between 65 dB and 75 dB as "normally unacceptable," and in excess of 75 dB as "considered unacceptable" for residential land uses.<sup>4</sup> The California State Office of Planning and Research (OPR) has developed similar statewide guidelines.<sup>5</sup> OPR's guidelines have largely been incorporated into the Environmental Protection Element of the *General Plan*.<sup>6</sup> In addition, the California Building Code limits interior dwelling unit noise levels to 45 dBA L<sub>dn</sub> where exterior noise levels exceed 60 dBA.<sup>7</sup> In instances where exterior noise levels exceed 60 dBA L<sub>dn</sub>, an acoustical report is submitted with the building plans describing the noise control measures that have been incorporated into the design of the project to meet the noise requirements.

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<sup>3</sup> dBA refers to the sound level in decibels as measured on a sound level meter using the A-weighting filter network. The A-weighting filter de-emphasizes the very low and very high frequency components of the sound in a manner similar to the response of the human ear and gives good correlation with subjective reactions to noise.

<sup>4</sup> Code of Federal Regulations, Title 24, Part 51, Section 51.100 – 51.105.

<sup>5</sup> Office of Planning and Research, *State of California General Plan Guidelines*, October 2003.

<sup>6</sup> *San Francisco General Plan*, Environmental Protection Element, Policy 11.1.

<sup>7</sup> L<sub>dn</sub> refers to the day-night average level or the average equivalent A-weighted sound level during a 24-hour day, obtained after the addition of 10 decibels to sound levels in the night after 10 p.m. and before 7 a.m.

Ambient noise levels in San Francisco are largely influenced by traffic-related noise. Figure V.G-2 and Figure V.G-3 in the *San Francisco 2004 and 2009 Housing Element EIR*<sup>8</sup> identifies roadways within San Francisco with traffic noise levels exceeding 60 L<sub>dn</sub> and 75 L<sub>dn</sub>, respectively. Most of San Francisco's neighborhoods are currently affected by traffic noise levels exceeding 60 L<sub>dn</sub>. The 1463-1465 Lombard Street site is located along a street with modeled noise levels above 75 dBA L<sub>dn</sub> (Lombard Street). Therefore, a noise analysis was prepared for the residential portion of the proposed project and the results are summarized below.<sup>9</sup>

Noise level measurements were taken as part of the noise analysis. Long-term measurements (continuous measurements with 15-minute intervals) were made at an elevation 12 feet above grade along the project site's Lombard Street-facing property line. The noise level measurement location is near the proposed new building's façade for the residential units. The primary noise source at the project site was determined to be automobile traffic noise along Lombard Street, and the calculated noise level for the long-term measurements at the project site along Lombard Street was 78 dBA L<sub>dn</sub>.

Typical residential building construction would generally provide exterior-to-interior noise level reduction performance of no less than 25 dB when exterior windows and doors are closed. Given the calculated exterior noise level of 78 dBA L<sub>dn</sub> along the project site's Lombard Street frontage, the noise analysis for this project provided recommendations to achieve an interior noise level of 45 dBA L<sub>dn</sub>. The proposed project would be subject to the DBI permit review process, which would include confirmation that these recommendations are incorporated to ensure interior noise levels do not exceed 45 dBA L<sub>dn</sub>. Therefore, the proposed project would not expose persons to noise levels in excess of applicable noise standards, and the proposed project would not result in significant noise impacts.

### Air Quality

In accordance with the state and federal Clean Air Acts, air pollutant standards are identified for the following six criteria air pollutants: ozone, carbon monoxide (CO), particulate matter (PM), nitrogen dioxide (NO<sub>2</sub>), sulfur dioxide (SO<sub>2</sub>) and lead. These air pollutants are termed criteria air pollutants because they are regulated by developing specific public health- and welfare-based criteria as the basis for setting permissible levels. The Bay Area Air Quality Management District (BAAQMD) has established thresholds of significance to determine if projects would violate an air quality standard, contribute substantially to an air quality violation, or result in a cumulatively considerable net increase in criteria air pollutants within the San Francisco Bay Area Air Basin. To assist lead agencies, the BAAQMD, in their *CEQA Air Quality Guidelines* (May 2011), has developed screening criteria. If a proposed project meets the

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<sup>8</sup> These documents are available for review online at <http://www.sf-planning.org/index.aspx?page=1828> and at the Planning Department, 1650 Mission Street, 4<sup>th</sup> Floor, as part of Case File Nos. 2007.1275E and 2014.1327E.

<sup>9</sup> Charles M. Salter Associates Inc., 1463-1465 Lombard Street, San Francisco, *Environmental Noise Study, CSA Project Number: 14-0084*, April 22, 2014. This document is available for public review at the Planning Department, 1650 Mission Street, 4<sup>th</sup> Floor, as part of Case No. 2013.1022E. Note: This noise study was prepared based on an earlier proposed unit configuration (9 two-bedroom units). Though the unit configuration has changed, the conclusions of the noise study are still applicable because the street-facing unit windows and open space would be in approximately the same locations.

screening criteria, then the project would result in less-than-significant criteria air pollutant impacts. A project that exceeds the screening criteria may require a detailed air quality assessment to determine whether criteria air pollutant emissions would exceed significance thresholds. The proposed project would not exceed criteria air pollutant screening levels for operation or construction.<sup>10</sup>

In addition to criteria air pollutants, individual projects may emit toxic air contaminants (TACs). TACs collectively refer to a diverse group of air pollutants that are capable of causing chronic (i.e., of long-duration) and acute (i.e., severe but of short-term) adverse effects to human health, including carcinogenic effects. In an effort to identify areas of San Francisco most adversely affected by sources of TACs, San Francisco partnered with the BAAQMD to inventory and assess air pollution and exposures from mobile, stationary, and area sources within San Francisco. Areas with poor air quality, termed the "Air Pollutant Exposure Zone," were identified based on two health-protective criteria: (1) excess cancer risk from the contribution of emissions from all modeled sources greater than 100 per one million population, and/or (2) cumulative PM<sub>2.5</sub><sup>11</sup> concentrations greater than 10 micrograms per cubic meter. Land use projects within the Air Pollutant Exposure Zone require special consideration to determine whether the project's activities would expose sensitive receptors to substantial air pollutant concentrations.

The project site is not within an Air Pollutant Exposure Zone. Therefore, the proposed project would result in a less-than-significant impact with respect to exposing sensitive receptors to substantial levels of air pollution. The proposed project would require construction activities for the approximate 40-week construction period. However, construction emissions would be temporary and variable in nature and would not be expected to expose sensitive receptors to substantial air pollutants. Furthermore, the proposed project would be subject to, and comply with, California regulations limiting idling to no more than five minutes,<sup>12</sup> which would further reduce nearby sensitive receptors' exposure to temporary and variable TAC emissions. Construction-period TAC emissions would result in a less-than-significant impact with respect to exposing sensitive receptors to substantial levels of air pollution. The proposed project would, therefore, result in less-than-significant air quality impacts.

### Water Quality

The proposed project would not generate wastewater or result in discharges that would have the potential to degrade water quality or contaminate a public water supply. Project-related wastewater and storm water would flow to the City's combined sewer system and would be treated to standards contained in the City's National Pollutant Discharge Elimination System (NPDES) Permit for the Southeast Water Pollution Control Plant prior to discharge. Therefore, the proposed project would not result in significant water quality impacts.

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<sup>10</sup> Bay Area Air Quality Management District, *CEQA Air Quality Guidelines*, Updated May 2011. Table 3-1.

<sup>11</sup> PM<sub>2.5</sub> is fine particulate matter with an aerodynamic resistance diameter of 2.5 micrometers or less.

<sup>12</sup> California Code of Regulations, Title 13, Division 3, § 2485. This regulation applies to on-road heavy duty vehicles and not off-road equipment.

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

The project site is located in a dense urban area where all public services and facilities are available. The proposed project would not result in a substantial increase in intensity of use or demand for utilities or public services that would necessitate any expansion of public utilities or public service facilities.

## Other Environmental Concerns

### Historic Architectural Resources

The Planning Department's Historic Preservation staff evaluated the existing building on the project site to determine whether it is a historic resource as defined by CEQA. A Historic Resource Evaluation (HRE) was prepared by a consultant to support the preservation staff analysis, and staff subsequently prepared a Historic Resource Evaluation Response (HRER).<sup>13,14</sup> The project site contains a three-story (two residential stories over a ground-floor garage), wood-framed building. The street-facing façade has stucco cladding on the upper floors and brick cladding on the ground story. The overall building style is a local interpretation of the Mediterranean Revival style.

The California Register of Historic Resources (CRHR) criteria for eligible individual resources and historic districts provide specific measures of evaluating individual properties for inclusion into the CRHR. Criterion 1 (Events) determines whether a property is associated with events that have made a significant contribution to the broad patterns of local or regional history, or the cultural heritage of California or the United States. Criterion 2 (Persons) examines whether a property is associated with the lives of persons important to the local, regional or national past. Criterion 3 (Architecture) analyzes whether a property embodies the distinctive characteristics of a type, period, region, or method of construction, or represents the work of a master, or possesses high artistic values. Criterion 4 (Information Potential) determines whether a property yields, or may be likely to yield, information important in prehistory or history (generally used for archeological resources rather than historic architectural ones). The property at 1463-1465 Lombard Street was evaluated for eligibility for inclusion in the CRHR, and is discussed further below.

The HRER found that the building was constructed in 1924, after the initial development of the Marina neighborhood, and does not appear to be associated with any significant events or trends in the local area or in San Francisco generally (not eligible under Criterion 1). The HRER also explains that no historically significant persons are associated with the property (not eligible under Criterion 2). Although the building was designed in the Mediterranean Revival style, which was popular in the Marina neighborhood during the 1920s, it is not a distinguished example of the style and does not appear to be

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<sup>13</sup> Richard Brandi. *Historic Resource Evaluation, 1463-1465 Lombard Street*, February 19, 2014. This document is available for review at the Planning Department, 1650 Mission Street, 4th Floor, as part of Case File No. 2013.1022E.

<sup>14</sup> Allison Vanderslice, San Francisco Planning Department. *Historic Resource Evaluation Response, 1463-1465 Lombard Street*, March 10, 2014. This document is available for review at the Planning Department, 1650 Mission Street, 4th Floor, as part of Case File No. 2013.1022E.

the work of a master architect (not eligible under Criterion 3). As such, the building does not qualify for listing on the CRHR, and is not a historic resource under CEQA.

The area surrounding the project site contains a wide variety of building types and styles dating from the 1920s to the 1980s, and has undergone substantial changes since the subject building was constructed. For example, a 12-story hotel, a four-story motel, and a three-story apartment building were all constructed on the subject block of Lombard Street in the late 1960's and early 1970's. As such, the HREER did not find the area around the project site to be a CRHR-eligible historic district.

For the above reasons, demolition of the proposed building would not adversely affect any historic resources, and the proposed project's impacts on historic resources would be less than significant.

#### Hazardous Materials

A Phase I Environmental Site Assessment<sup>15</sup> was prepared for the project site, which presently contains a two-unit residential building. Based on historic photographs and insurance maps, the site has been under continuous residential use since at least 1929, and previously undeveloped or used as a vegetable garden since at least 1893. No evidence of underground storage tanks or potential contaminants was identified during the site investigation performed as part of the Phase I analysis. The proposed project is not within a mapped Maher Ordinance<sup>16</sup> area, and has been under continuous residential use (or vacant) since the late 1800's or earlier. Therefore, there is no evidence to suggest that soil or groundwater contamination exists on the project site, and the proposed project would not result in significant impacts related to releasing or exposing persons to hazardous materials.

#### Geology and Soils

A portion of the project site contains a slope greater than 20 percent where construction of the proposed building would occur. Excavation for the proposed project would reach approximately eight feet below existing grade, and the proposed foundation system would require further soil disturbance to a total depth of approximately 30 feet below existing grade. In total, approximately 650 cubic yards of excavation would be needed. Test borings performed as part of the geotechnical investigation for the proposed project indicated that the site is underlain by loose sandy fill, which extends approximately 20 to 25 feet below existing grade<sup>17</sup>. Dune sand exists below the sandy fill, and extends to depths of approximately 28 feet below grade. At depths below 28 feet, the soil profile composition transitions to shale and sandstone bedrock. The geotechnical investigation also indicates that strong to very strong shaking would be anticipated on this site during an earthquake. Based on these findings, the report indicates that the proposed project can be constructed as planned, provided a deep foundation system is used. Such a foundation system would include either cast-in-place concrete piers or torque-down piles

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<sup>15</sup> Golden Gate Environmental, Inc. *Phase I Environmental Site Assessment, 1463-1465 Lombard Street*, March 21, 2014. This document is available for review at the Planning Department, 1650 Mission Street, 4th Floor, as part of Case File No. 2013.1022E.

<sup>16</sup> Article 22A of the San Francisco Health Code

<sup>17</sup> Rollo & Ridley, Inc. *Geotechnical Investigation, 1463-1465 Lombard Street*, May 27, 2014. This document is available for review at the Planning Department, 1650 Mission Street, 4th Floor, as part of Case File No. 2013.1022E.

extending 30 feet below grade. Driven piles are not proposed, and the noise and vibration effects typically associated with pile driving would not occur.

The proposed project would be required to conform to the San Francisco Building Code, which ensures the safety of all new construction in the City. Decisions about appropriate foundation and structural design are considered as part of the DBI permit review process. DBI would review background information including geotechnical and structural engineering reports to ensure that the security and stability of adjoining properties and the subject property is maintained during and following construction. Therefore, potential damage to structures from geologic hazards on the project site would be addressed through the DBI requirement for a geotechnical report and review of the building permit application pursuant to its implementation of the Building Code. As such, no significant geology or soils impacts would occur as a result of the proposed project.

In light of the above, the proposed project would not result in a significant effect related to seismic and geologic hazards.

#### Neighborhood Concerns

A "Notification of Project Receiving Environmental Review" was mailed on August 15, 2014 to community organizations, tenants of the affected property and properties adjacent to the project site, and persons who own property within 300 feet of the project site. Overall concerns and issues raised by the public in response to the notice were taken into consideration and incorporated into this Certificate of Determination as appropriate for CEQA analysis. A total of one comment letter was received. The letter, received via e-mail, expressed concerns that the proposed project would increase noise in the neighborhood, generate air pollution due to a substantial increase in automobile traffic, adversely impact water and sewer systems due to additional demand, and require the use of construction equipment that would generate carbon dioxide and air contaminants. These concerns are addressed in the Noise, Traffic, and Air Quality topics above, as well as subsection "e" (Utilities and Public Services) of the Remarks section. In summary:

- As noted under the Noise topic above, the proposed project could include new fixed noise sources, such as heating, ventilation, and air conditioning equipment, that would produce operational noise. Operation of this equipment would be subject to the City's Noise Ordinance (Article 29 of the San Francisco Police Code), which would preclude any substantial permanent increase in ambient noise levels in the project vicinity.
- As noted under the Traffic topic above, the proposed project would generate 67 new daily vehicle trips, of which 9 would occur during the PM peak hour. These additional vehicle trips are not anticipated to noticeably affect traffic conditions, and would not substantially increase traffic relative to existing traffic volumes or the capacity of the local street system.
- As noted in subsection "e" of the Remarks section above, the proposed project would not result in a substantial increase in intensity of use or demand for utilities or public services that would necessitate any expansion of public utilities or public service facilities.
- As noted under the Air Quality topic above, construction emissions would be temporary and variable in nature and would not be expected to expose sensitive receptors to substantial air pollutants. The proposed project would be subject to, and comply with, California regulations

limiting idling to no more than five minutes,<sup>18</sup> which would further reduce nearby sensitive receptors exposure to temporary and variable TAC emissions.

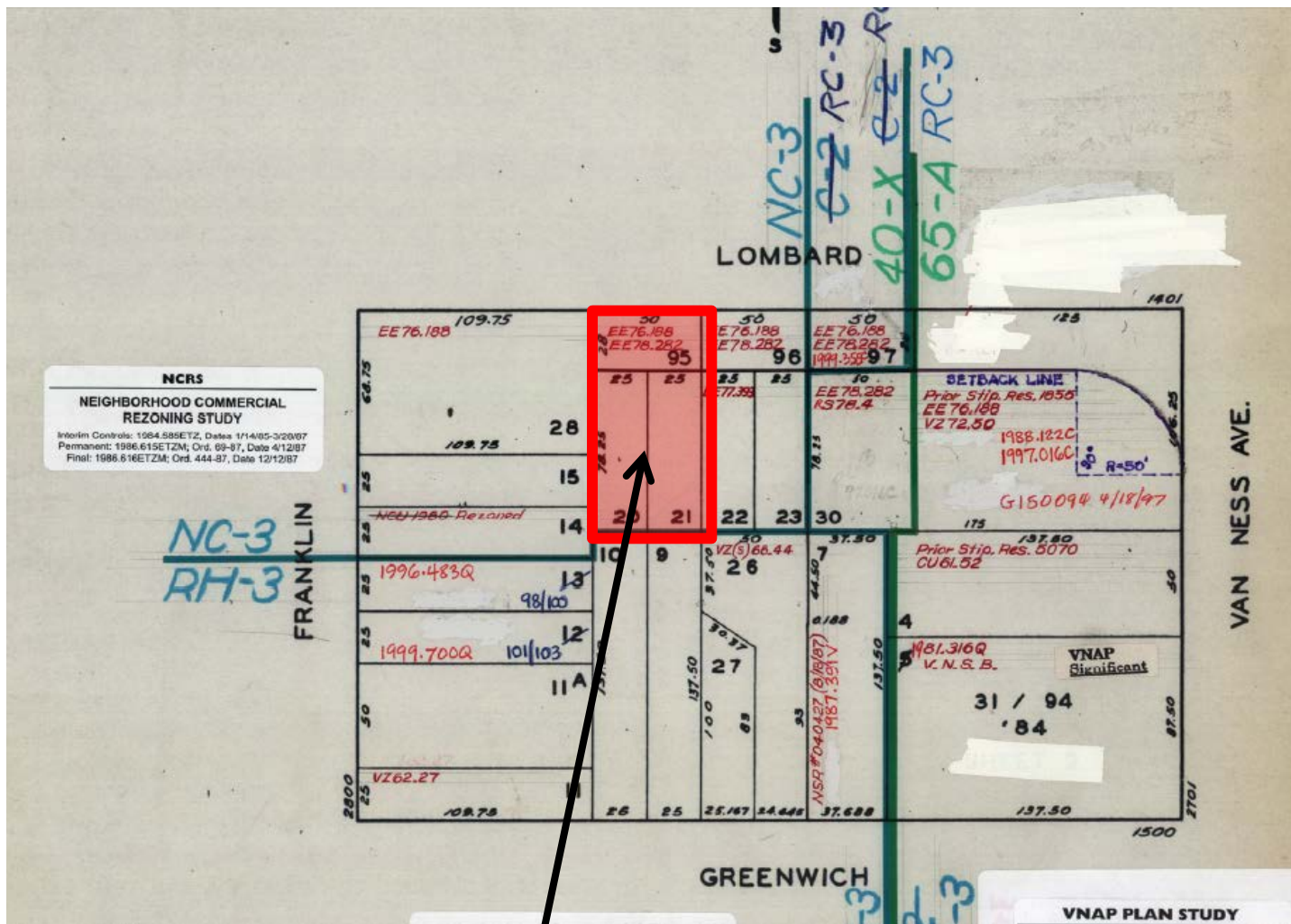
**CONCLUSION:**

CEQA State Guidelines Section 15300.2 states that a categorical exemption shall not be used for an activity where there is a reasonable possibility that the activity will have a significant effect on the environment due to unusual circumstances. There are no unusual circumstances surrounding the current proposal that would suggest a reasonable possibility of a significant effect. The proposed project would have no significant environmental effects. The project would be exempt under the above-cited classification. For the above reasons, the proposed project is appropriately exempt from environmental review.

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<sup>18</sup> California Code of Regulations, Title 13, Division 3, § 2485. This regulation applies to on-road heavy duty vehicles and not off-road equipment.

# Parcel/Zoning Map



SUBJECT PROPERTY

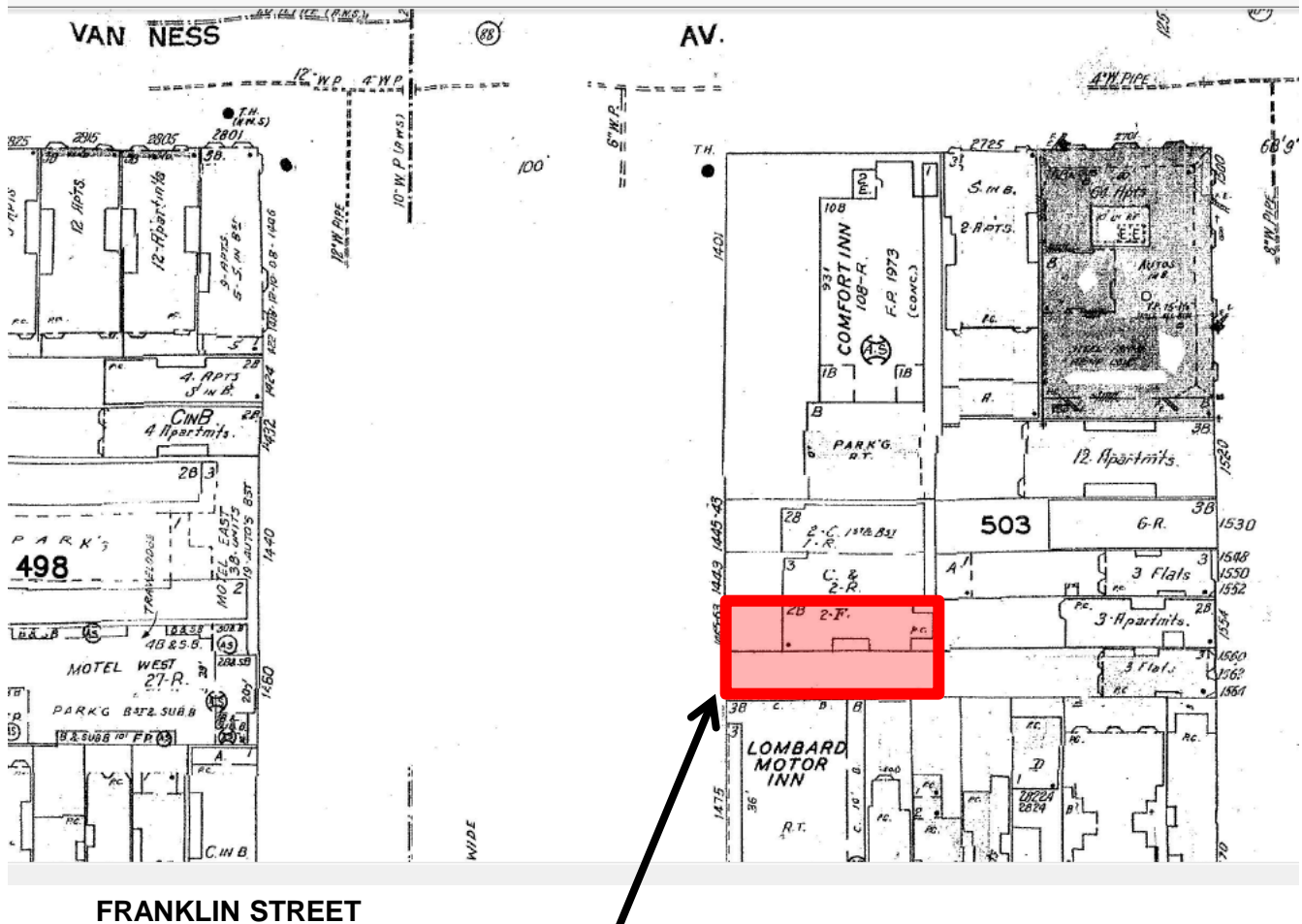


Conditional Use Hearing  
**Case Number 2013.1022CE**  
 1463 Lombard Street



# Sanborn Map\*

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

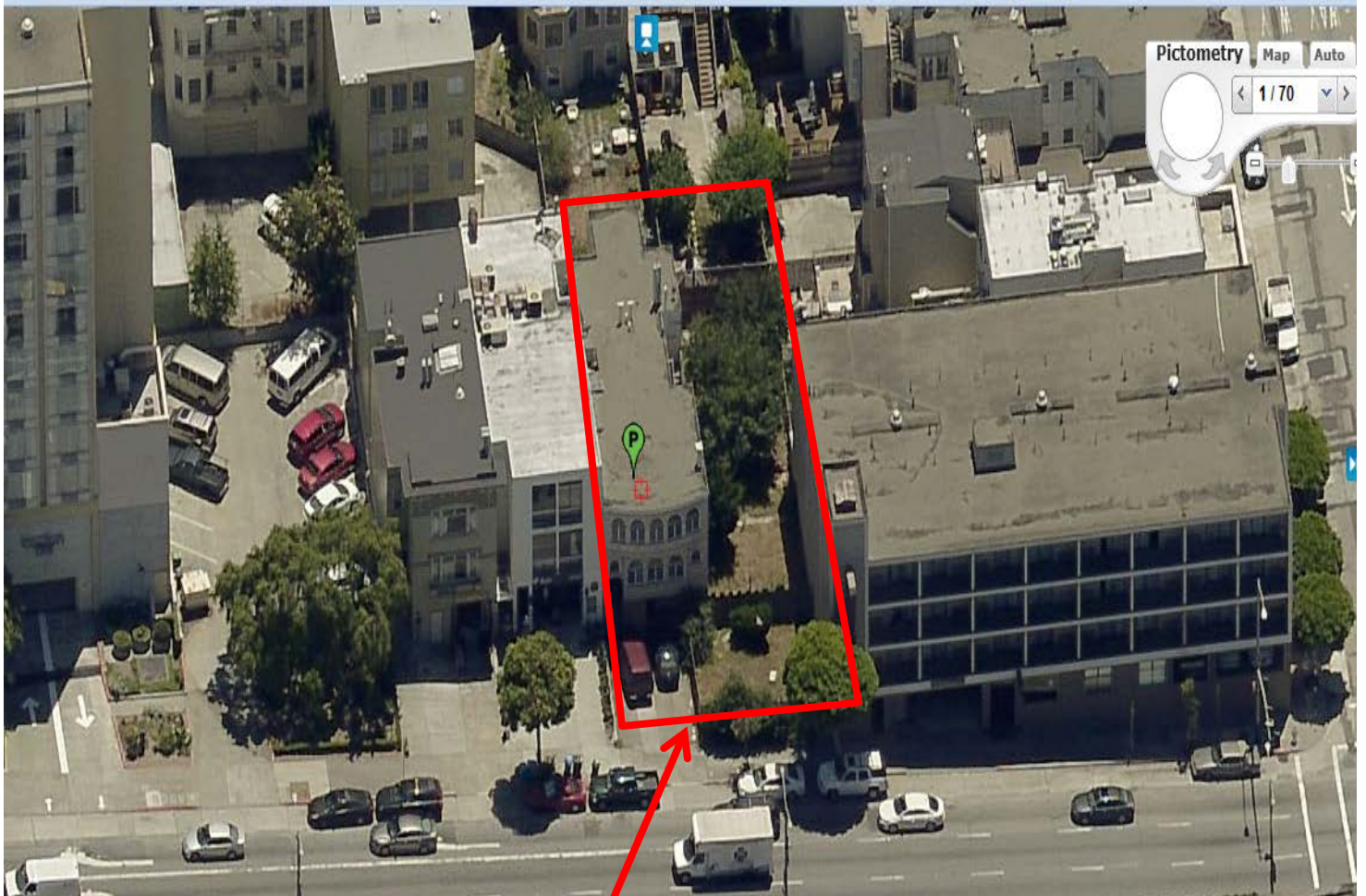


SUBJECT PROPERTY



Conditional Use Hearing  
Case Number 2013.1022CE  
1463 Lombard Street

# Aerial Photo

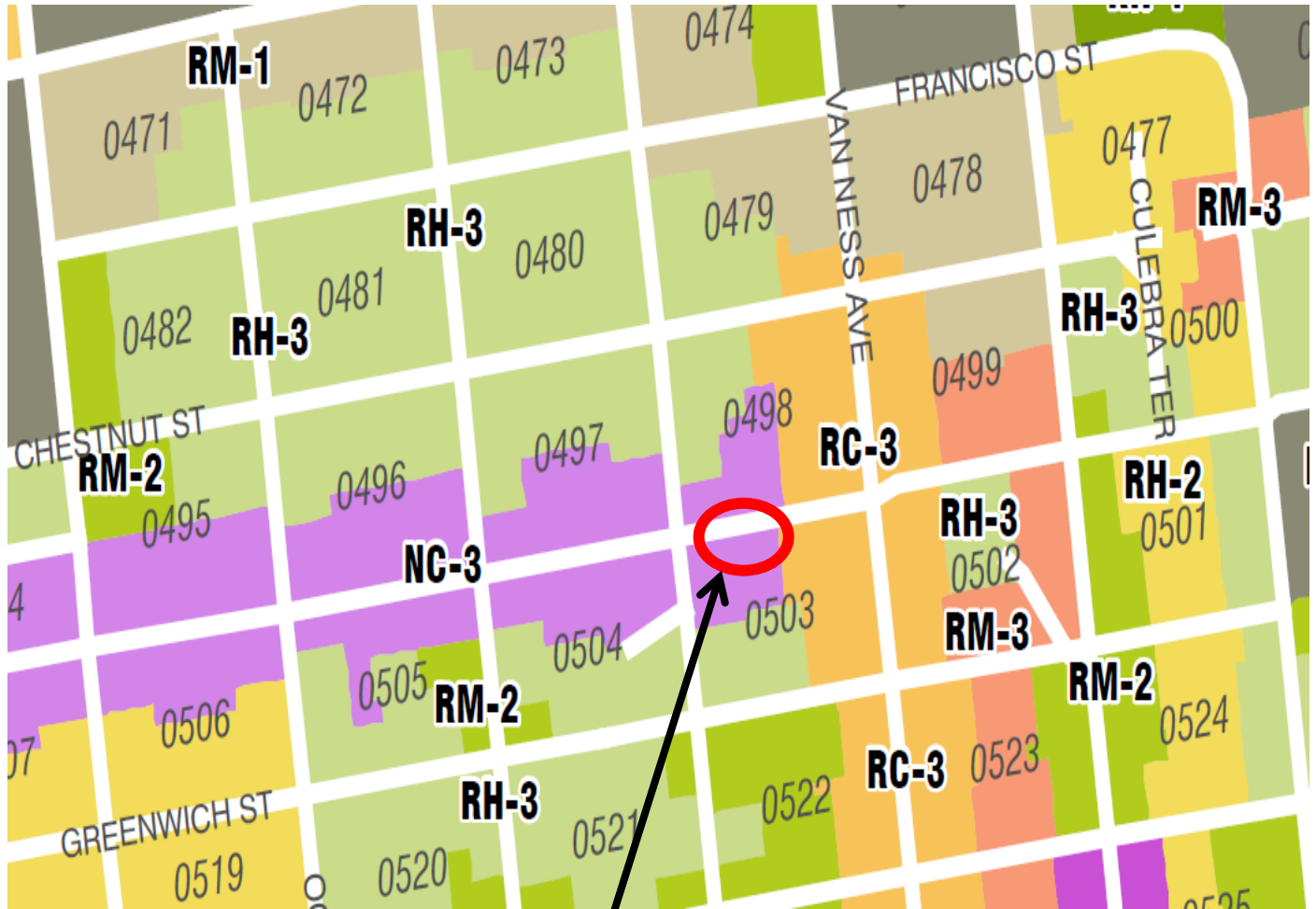


SUBJECT PROPERTY



Conditional Use Hearing  
Case Number 2013.1022CE  
1463 Lombard Street

# Zoning Map



PROJECT SITE



Conditional Use Hearing  
Case Number 2013.1022CE  
1463 Lombard Street





subject property

RECEIVED  
SEP 23 2015  
CITY & COUNTY OF S.F.  
PLANNING DEPARTMENT  
RECEPTION DESK

1463 LOMBARD STREET MIXED-USE

LEAVITT  
architecture

1327 mason st.  
san francisco  
california 94133  
t 415 674 9100  
f 415 674 9101

EXHIBIT B



PLANNING CODE ANALYSIS TABLE

TOPIC / CODE SECTION	REQUIRED/ALLOWED	PROVIDED
ZONING (MAP ZN02)	NC3 - RESIDENTIAL / COMMERCIAL USE	RESIDENTIAL & COMMERCIAL USES
DENSITY (207.b.6)	PER NEAREST RESID. DISTRICT (RC-3)	13 UNITS (1 UNIT PER 400 S.F.)
HEIGHT (260.a.1.C)	40 - 40' ALLOWED AT MIDPOINT OF CURB	40' AT MIDPOINT OF CURB ON LOMBARD ST.
HEIGHT (260.b.1.B)	10' TO 16' EXEMPTION ALLOWED AT ROOF	MAX. 10'-6" HT. AT ELEVATOR
HEIGHT EXEMPTION AREA (260.b.1.B)	20% OF OVERALL ROOF AREA	10% FOR STAIRS/ ELEVATOR / MECH. ROOM
BULK	X - NO BULK SETBACK REQUIREMENT	NO MASS REDUCTION AT UPPER LEVELS
SETBACKS (712.12)	25% AT LOWEST RESIDENTIAL LEVEL	25% AT SECOND FLOOR LEVEL
PRIVATE USABLE OPEN SPACE (712.93)	80 S.F. PER UNIT	255-270 S.F. DECKS @ 3 2ND LEVEL UNITS
COMMON USABLE OPEN SPACE (712.93)	100 S.F. PER UNIT	1,190 S.F. ROOF DECK FOR 10 UNITS
VEHICULAR PARKING (712.94) / (307.h.2)	1 SPACE PER RESIDENTIAL UNIT	9 (0.7 SPACE PER UNIT W/ MODIFICATION)
BICYCLE PARKING - CLASS 1 (155.2.11)	1 SPACE PER RESIDENTIAL UNIT	13 (1 SPACE PER RESIDENTIAL UNIT)
BICYCLE PARKING - CLASS 2 (155.2.11)	1 SPACE FOR RESIDENTIAL OCCUPANCIES	1 SPACE PROVIDED AT SIDEWALK
BICYCLE PARKING - CLASS 2 (155.2.15)	2 SPACES FOR RETAIL OCCUPANCY	3 SPACES PROVIDED AT SIDEWALK
BELOW MARKET RATE UNITS (415)	12% OF UNIT TOTAL NUMBER OF UNITS	2 UNITS PROVIDED (15.4% OF TOTAL)
STREET TREES (138.1.c.1)	1 TREE PER 20 FT. OF 50 FT. FRONTAGE	3 TREES PROVIDED (1 EXIST. / 2 NEW)

BUILDING AREA CALCULATIONS

OCCUPANCY	NET AREA (S.F.)	GROSS AREA	USABLE PRIVATE OPEN SPACE	USABLE COMMON OPEN SPACE	UNIT TYPE
PARKING GARAGE	3,110	3,275			
COMMERCIAL- RETAIL	595	645			
RESIDENTIAL - LEVEL 2	2,895	3,055	780		(3) ONE BEDROOM (1) TWO BEDROOM
RESIDENTIAL - LEVEL 3	3,205	3,380			(3) ONE BEDROOM (1) TWO BEDROOM
RESIDENTIAL - LEVEL 4	3,190	3,380			(5) ONE BEDROOM
CIRCULATION	2,035	2,170			
ROOF DECK				1,190	
TOTAL	15,030	15,905	780	1,190	(11) ONE BEDROOM (2) TWO BEDROOM

PLANNING DEPARTMENT NOTES

**PROJECT LOCATION:**  
SOUTH SIDE OF LOMBARD STREET BETWEEN  
VAN NESS AVENUE AND FRANKLIN STREET

**ZONING DISTRICT:**  
NC-3

**LOT SIZE:**  
5,313 S.F.

**RESIDENTIAL DENSITY:**  
ONE RESIDENTIAL UNIT PER 400 S.F. OF LOT AREA.  
BASED ON PROXIMITY TO THE NEAREST RESIDENTIAL  
DISTRICT WHICH IS AN RC-3 DISTRICT.

5,313 S.F. (LOT AREA) / 400 S.F. = 13.3, THEREFORE  
13 UNITS ARE ALLOWABLE.

**BMR UNITS:**  
2 BMR UNITS ARE PROVIDED ON SITE WHICH REPRESENTS  
16% OF THE OVERALL NUMBER OF UNITS (12% REQUIRED).

**PROPOSED BUILDING USE:**  
13 RESIDENTIAL UNITS ON THREE LEVELS OVER GROUND  
FLOOR COMMERCIAL SPACE / PRIVATE PARKING GARAGE.

**BUILDING HEIGHT LIMIT:**  
40-X. PROPOSED BUILDING HEIGHT = 40'-0"

**SETBACKS:**  
25% (1,328 S.F.) REAR YARD REQUIRED AT FIRST LEVEL  
OF RESIDENTIAL OCCUPANCY PER CODE SECTION  
712.12. 1,417 S.F. PROVIDED AS 25% REAR YARD AT  
SECOND FLOOR PRIVATE DECK AND PLANTER AREAS.

**USABLE OPEN SPACE:**  
80 S.F. USABLE OPEN SPACE REQUIRED PER RESIDENTIAL  
UNIT PER SECTION 135. 3 PRIVATE REAR YARD DECKS  
PROVIDED (SEE SHEET A2.1).

REMAINING 10 UNITS REQUIRE 100 S.F. EACH OF  
SHARED USABLE OPEN SPACE, 10 X 100 = 1,000 S.F.  
REQUIRED. COMMON ROOF DECK PROVIDED @  
1,190 S.F. OF USABLE OPEN SPACE (SEE SHEET A2.4),  
THEREFORE BUILDING COMPLIES.

**VEHICULAR PARKING ALLOWANCE:**  
ONE SPACE PER RESIDENTIAL UNIT REQUIRED;  
9 SPACES PROVIDED FOR 13 RESIDENTIAL UNITS WITH  
REQUEST FOR REDUCTION IN REQUIRED PARKING  
SPACES PER PARKING MODIFICATION APPLICATION.

**BICYCLE PARKING REQUIRED:**  
ONE SPACE FOR EACH DWELLING UNIT REQUIRED PER  
SECTION 155.2.11, THEREFORE 13 CLASS 1 PARKING  
SPACES REQ'D, 13 CLASS 1 BICYCLE SPACES PROVIDED  
WITHIN PARKING GARAGE. 3 CLASS II BICYCLE SPACES  
REQ'D., 4 PROVIDED.

DRAWING INDEX

- A0.0 GENERAL NOTES - CODE DATA
- A0.1 SITE SURVEY
- A0.2 EXISTING SITE PLAN
- A0.3 EXISTING FLOOR PLANS
- A0.4 EXISTING NORTH / EAST ELEVATIONS
- A0.5 EXISTING SOUTH / WEST ELEVATIONS
- A1.0 PROPOSED SITE PLAN
- A2.0 PROPOSED GROUND FLOOR PLAN
- A2.1 PROPOSED SECOND FLOOR PLAN
- A2.2 PROPOSED THIRD FLOOR PLAN
- A2.3 PROPOSED FOURTH FLOOR PLAN
- A2.4 PROPOSED ROOF PLAN
- A3.0 PROPOSED LOMBARD ST. ELEVATION
- A3.1 PROPOSED REAR ELEVATION
- A3.2 PROPOSED WEST ELEVATION
- A3.3 PROPOSED EAST ELEVATION
- A4.0 PROPOSED BUILDING SECTION
- A5.0 RENDERING - LOMBARD WESTWARD
- A5.1 RENDERING - LOMBARD EASTWARD

SCOPE OF WORK

NEW CONSTRUCTION OF MIXED USE  
BUILDING CONTAINING A TOTAL OF  
13 RESIDENTIAL UNITS ON THREE  
LEVELS, OVER GROUND FLOOR  
COMMERCIAL SPACE AND PRIVATE  
PARKING GARAGE FOR 9 VEHICLES.

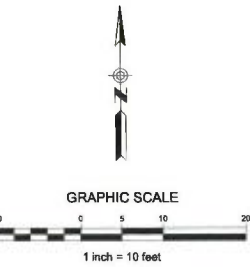
DEMOLITION OF EXISTING TWO UNIT  
RESIDENTIAL BUILDING CURRENTLY  
ON ONE OF THREE LOTS COMPOSING  
THE PROPOSED BUILDING SITE.

LOCATION MAP





FRANKLIN STREET (68.75' WIDE)



LOMBARD STREET (100.00' WIDE)

225.00' MEAS. TO VAN NESS AVENUE

VAN NESS AVENUE (125.00' WIDE)

- NOTE TO ANYONE HAVE ANY INTEREST IN THIS MAP, PLEASE BE ADVISED OF THE FOLLOWING:
- THAT ALL TITLE INFORMATION HEREON (INCLUDING EASEMENTS IF ANY) WAS PREPARED SOLELY FOR AND IN STRICT CONFORMANCE WITH OUR CLIENTS AND/OR HIS AGENTS REQUIREMENTS. THE FOLLOWING INFORMATION WAS SUPPLIED TO TRANSMERICAN ENGINEERS; (1) DEED (2) TITLE REPORT (3) A.P.N. (4) ADDRESS OF THE P.L.D.
  - FURTHERMORE, WE HEREBY DISCLAIM ANY AND ALL TITLE SEARCH RESPONSIBILITIES AS BEING BEYOND OUR CONTRACT AND COMMITMENT TO OUR CLIENT.
  - THAT THIS MAP WAS PREPARED AS A PROFESSIONAL INSTRUMENT OR SERVICE AND THAT IT REMAINS THE PROPERTY OF TRANSMERICAN ENGINEERS WHETHER THE PROJECT (IF ANY PROPOSED) ON THIS SITE IS CONSTRUCTED OR NOT.
  - THAT ANY INFORMATION ON THIS MAP AND ANY DOCUMENT(S) PREPARED BY TRANSMERICAN ENGINEERS IN RELATION HEREOF SHALL NOT BE USED FOR ANY OTHER PURPOSE THAN FOR BUILDING PERMITS.
  - FURTHERMORE, THE USE OF THIS MAP FOR ANY OTHER PURPOSES WHATSOEVER INCLUDING ENGINEERING DESIGNS OF OFFSITE OR ONSITE IMPROVEMENTS IS BEYOND THIS MAP'S PURPOSE, INTENT & CONTRACT. TRANSMERICAN ENGINEERS DISAVOW ANY AND ALL RESPONSIBILITIES, LIABILITIES WHICH SHALL REST UPON THE PARTY USING OUR INFORMATION BEYOND THE ESTABLISHED LIMITATION ABOVE.
  - THAT ANY IMPROVEMENT CHANGES WITHIN THIS SITE OR THE ADJACENT SITES THEREOF AS WELL AS TITLE TRANSFERS OF THE PROPERTY IN QUESTION (EXCEPT FOR ALTA MAPS) AND/OR THE LAPSE OF 3 OR MORE YEARS FROM THE DATE OF THIS MAP (WHICHEVER COMES FIRST) SHALL VOID ALL INFORMATION HEREON UNLESS A RE-SURVEY IS ORDERED TO RECTIFY, UPDATE OR RE-CERTIFY THIS MAP.
  - THAT THIS INFORMATION SHALL NOT BE USED FOR ANY IMPROVEMENT STAKING UNLESS STATED IN ITEM NO. 3 ABOVE.
  - THAT THE USE OF THIS MAP BY OTHER CONSULTANTS OR CONTRACTORS ON BEHALF OF OUR CLIENT SHALL PROMPT THE IMMEDIATE FULFILLMENT OF ALL CLIENTS OBLIGATIONS TO TRANSMERICAN ENGINEERS UNLESS OTHERWISE AGREED TO.
  - THAT UNDERGROUND UTILITIES (IF ANY) SHOWN HEREON WERE OBTAINED FROM INFORMATION PROVIDED TO TRANSMERICAN ENGINEERS BY UTILITIES COMPANIES. TRANSMERICAN ENGINEERS DOES NOT ASSUME ANY RESPONSIBILITY FOR THEIR EXISTENCE OR ACCURACY.
  - THAT SURFACE UTILITIES, MANHOLES, ETC. AS SHOWN HEREON WERE LOCATED BY FIELD SURVEY.
  - IT SHALL BE THE RESPONSIBILITY OF THE PROPERTY OWNERS INVOLVED TO RESOLVE ALL ISSUES REGARDING PROPERTY DISPUTES WHICH MAY ARISE OUT OF INFORMATION SHOWN HEREON.

**SPECIAL NOTES**

- ELEVATIONS SHOWN AS "ROOF ELEV." HEREON ARE IN FACT THE ELEVATIONS OF THE HIGHEST POINT OF SIDE WALLS. THESE ELEVATIONS MAY BE EITHER THE ROOF OR THE PARAPET ELEVATION OF SUCH ROOF. FLAT ROOF LEVELS WERE NOT VISIBLE FROM SURVEY POINT.
- "PARAPET ELEV." SHOWN HEREON ARE THE HIGHEST POINT OF SUCH PARAPET.
- "ROOF PEAK ELEV." AND "EAVES ELEV." (IF ANY SHOWN HEREON) ARE THE HIGHEST POINT OF ROOF PEAKS AND THE LOWEST POINTS OF ROOF EAVES RESPECTIVELY.
- DUO TO LIMITED ACCESS TO THE REAR OF THE ADJACENT AND/OR THE PARAPET SUBJECT BUILDING(S) AND/OR COVERED STRUCTURE(S) AT THE TIME OF THIS SURVEY, THE TOPOGRAPHIC DATA FOR THOSE BUILDING(S) AND/OR STRUCTURE(S) IS NOT SHOWN HEREON.
- IT SHALL BE THE RESPONSIBILITY OF OUR CLIENT TO CALL OUR OFFICE IN ORDER TO HAVE OUR SURVEYORS LOCATE ADDITIONAL INFORMATION AND/OR STRUCTURES ONCE THE SITE HAS BEEN CLEARED. WE REQUIRE AN ADVANCE NOTICE OF FOUR (4) DAYS MORE OR LESS.
- ALSO, NOTE THAT THERE WILL BE ADDITIONAL CHARGES FOR SUCH STAKING AS IT IS NOT A PART OF THE SCOPE OF THIS JOB'S CONTRACT.

LOT 12

LOT 10

LOT 9

LOT 26

LOT 7

ASSESSOR'S BLOCK 0503

**ABBREVIATIONS**

AB ASSESSOR'S BLOCK  
BW BACK OF SIDEWALK  
BLDG BUILDING  
CLR CLEAR  
CONC CONCRETE  
D/W DRIVEWAY  
ELEV ELEVATION  
FLG FLOW LINE GUTTER  
LS LAND SURVEYOR  
MEAS MEASURED  
OV OVER  
P/L PROPERTY LINE  
RTW RETAINING WALL  
SQ. FT. SQUARE FEET  
TC TOP OF CURB

**LEGEND**

PROPERTY LINE  
ADJACENT PARCEL LINES  
RIGHT OF WAY LINE  
BUILDING LINE  
FENCE LINE  
SEWER LINE  
CLEANOUT  
GAS VALVE  
WATER METER  
SEWER MANHOLE  
TELEPHONE BOX  
ELECTRIC BOX  
ELECTRIC VAULT  
CONCRETE  
ASPHALT PAVING

BENCH MARK  
LOMBARD & FRANKLIN STREETS (S.E. CORNER)  
CROW CUT OUTER RIM ESE SWI  
ELEV. = 60.088 (CITY DATUM)

Job No. 6341	
Sheet No. 1 OF 1	
Date JULY 2013	
Survey BP	07/16/13
Design N/A	
Drawn JT	07/23/13
Checked BP	07/25/13
Scale AS SHOWN	
TRANSAMERICAN ENGINEERS	
FOX PLAZA 1393 Market St., Suite 201 San Francisco, CA 94102 Phone No. (415) 553-4092 Fax No. (415) 553-4071	
ARCHITECTURAL TOPOGRAPHIC SURVEY ASSESSOR'S BLOCK No. 0503 LOTS 20, 21 & 95 1463 - 1465 LOMBARD STREET SAN FRANCISCO, CALIFORNIA	
Approved by Chief Engineer License No. Approved by Chief Surveyor License No. 6875 Expires 8/20/2013	Revisions By

Revisions By

LEAVITT  
architecture

1327 mason st.  
san francisco  
california 94133  
t 415 674 5100  
f 415 674 5101

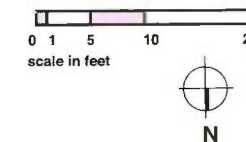
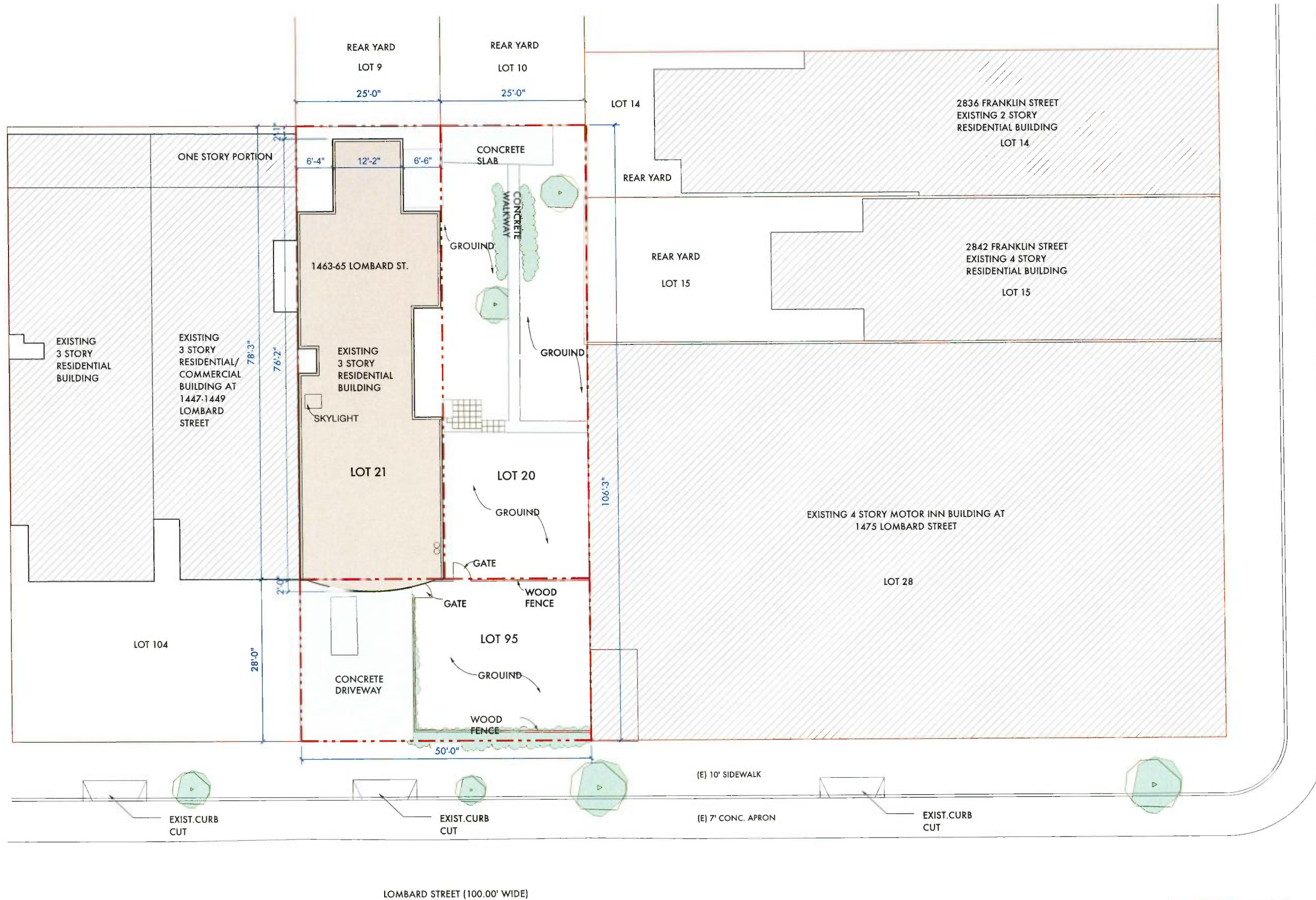
SITE SURVEY

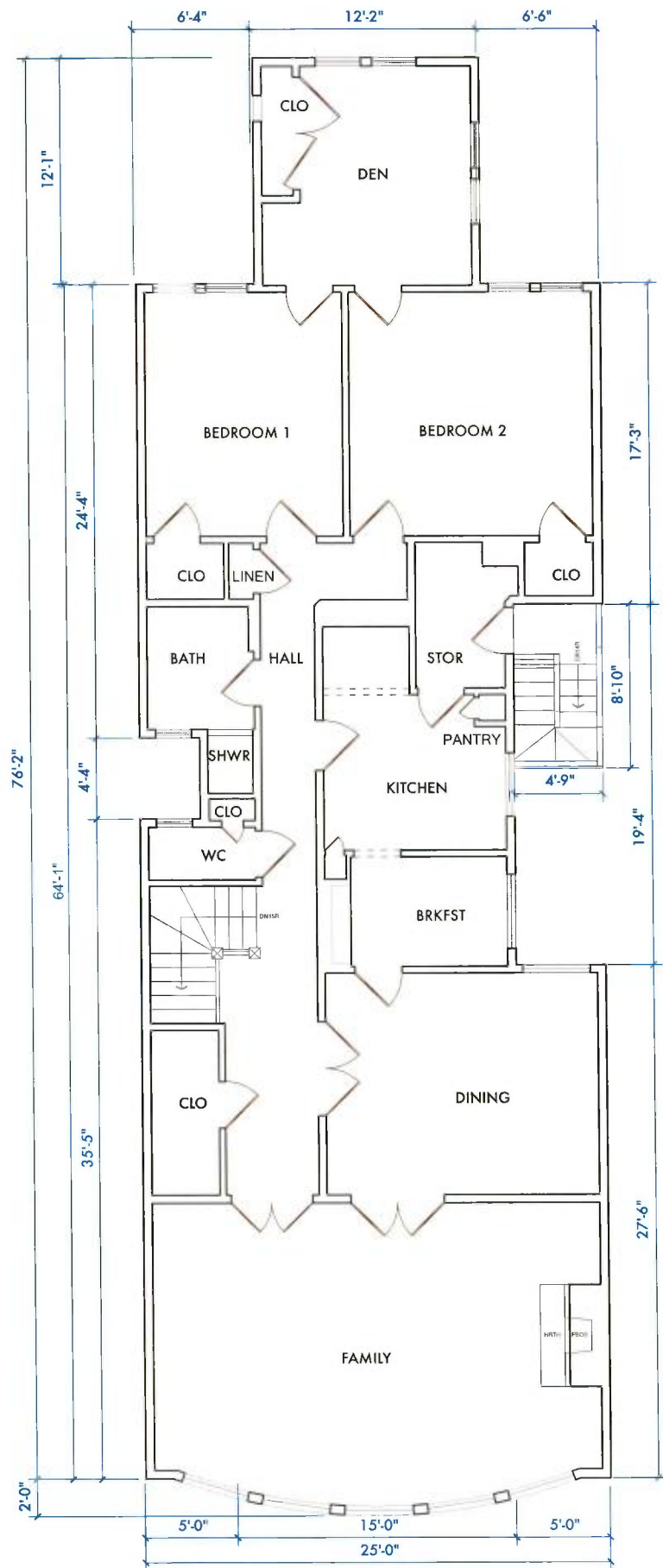
1463 LOMBARD STREET MIXED USE  
BLOCK 0503 LOTS 20, 21, 95  
SAN FRANCISCO, CA

DATE: 3 AUGUST 2015  
SCALE: 1/4"=1'-0"  
DRAWN: ML  
SHEET:

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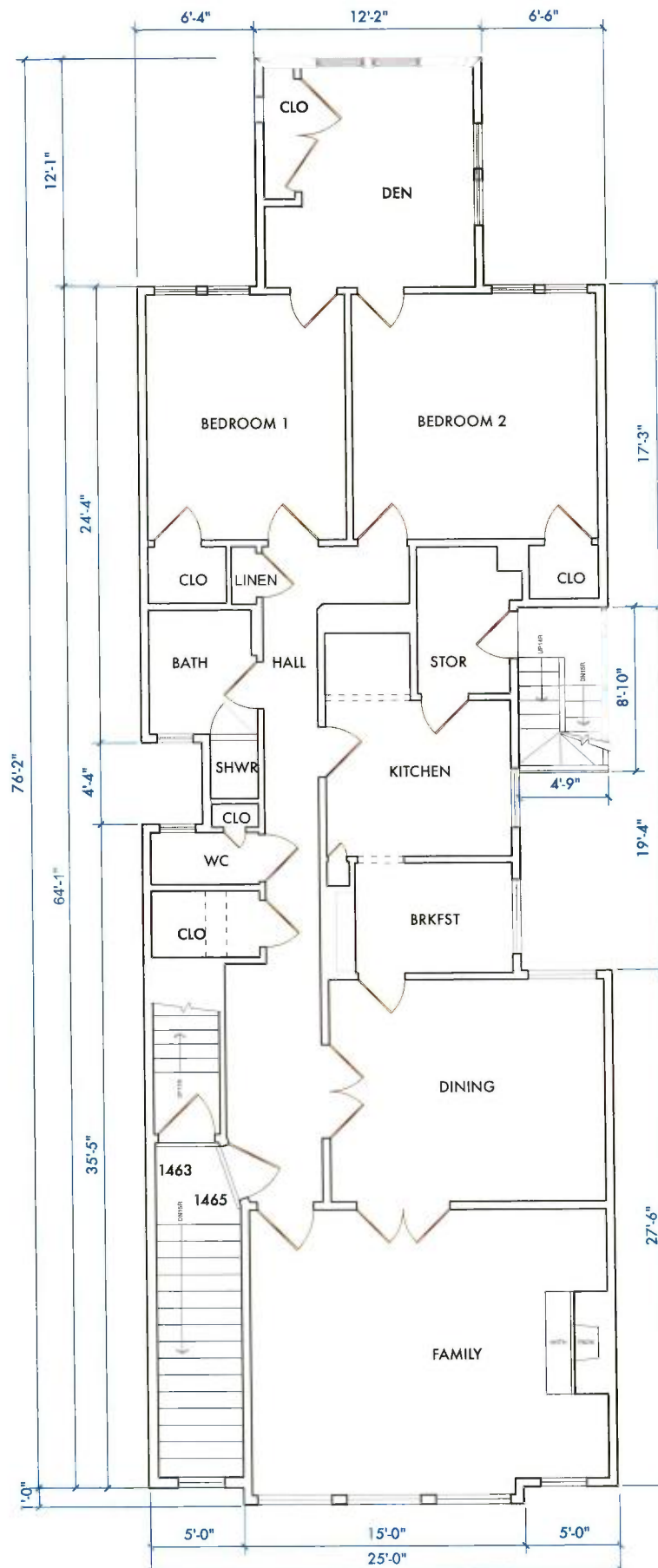






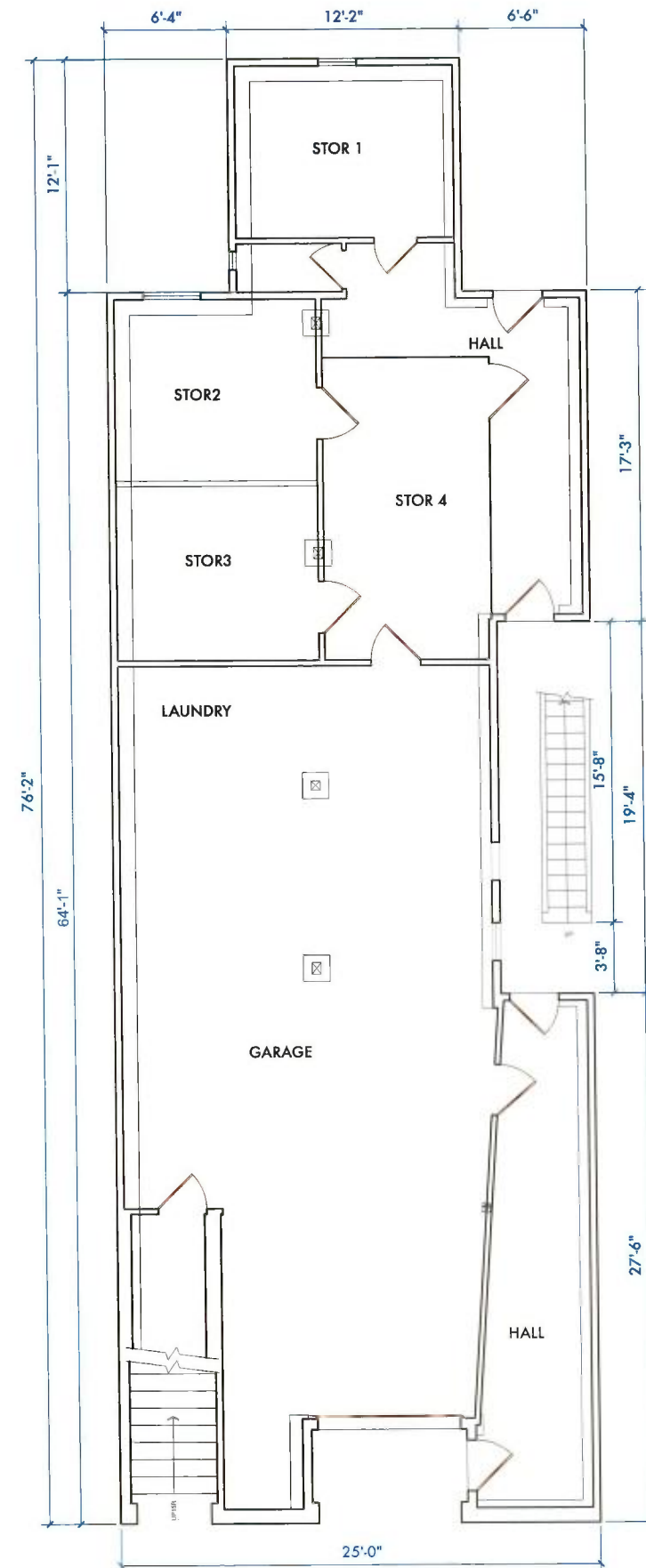
**EXISTING THIRD FLOOR PLAN**  
1,670 SQFT

LOMBARD STREET



**EXISTING SECOND FLOOR PLAN**  
1,655 SQFT I

LOMBARD STREET

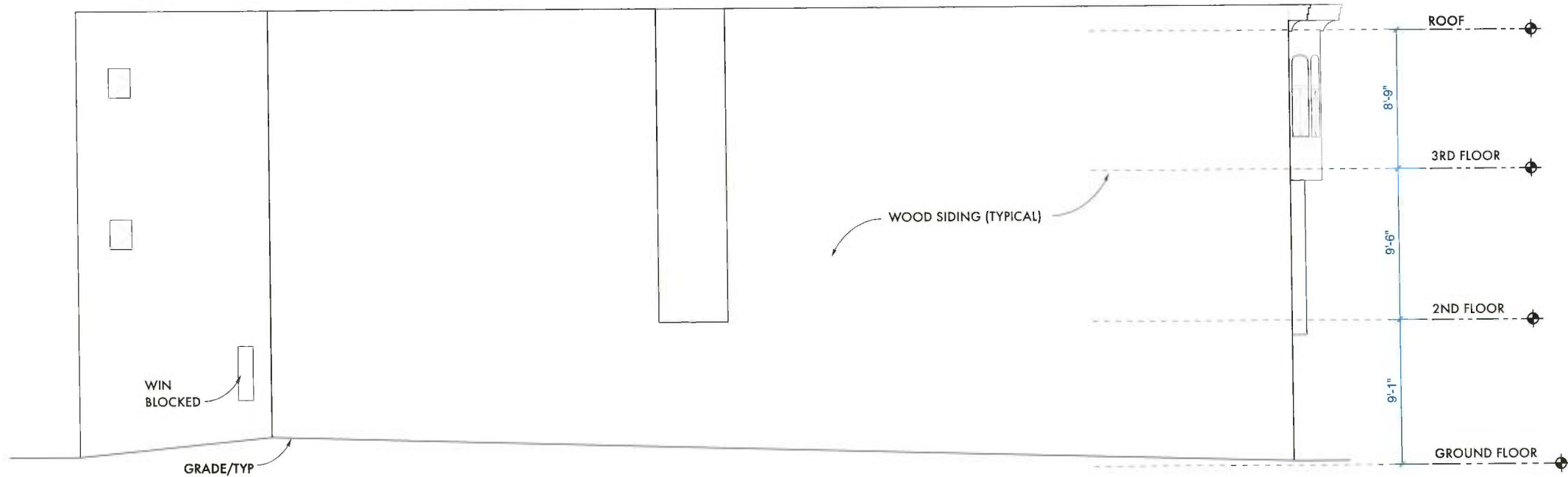


**EXISTING GROUND LEVEL FLOOR PLAN**  
1,616 SQFT

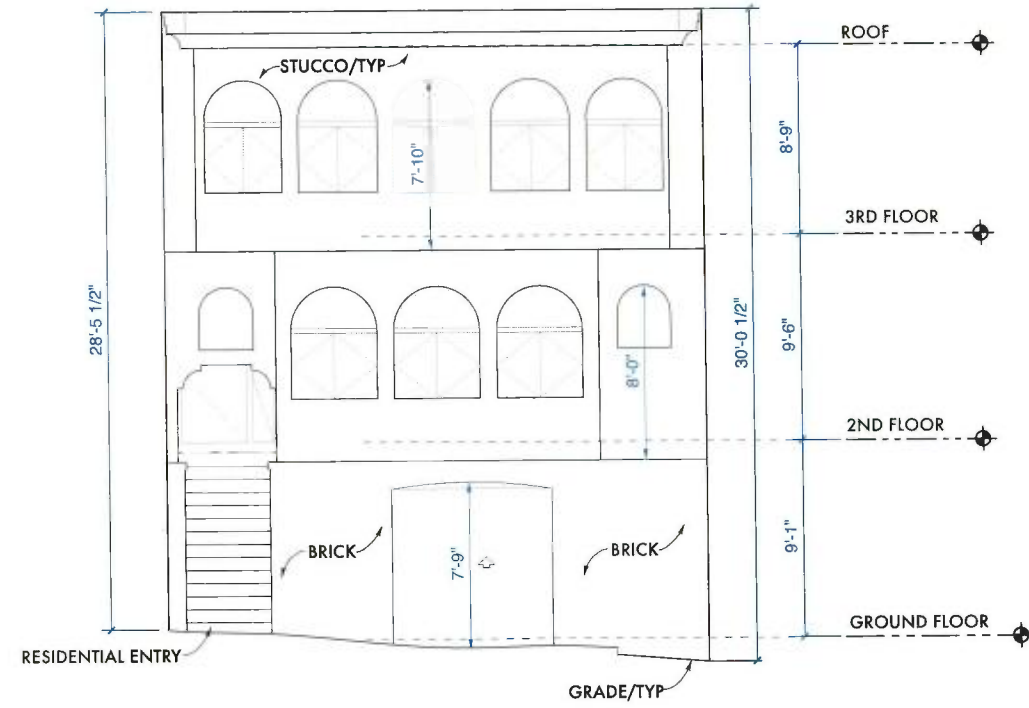
LOMBARD STREET



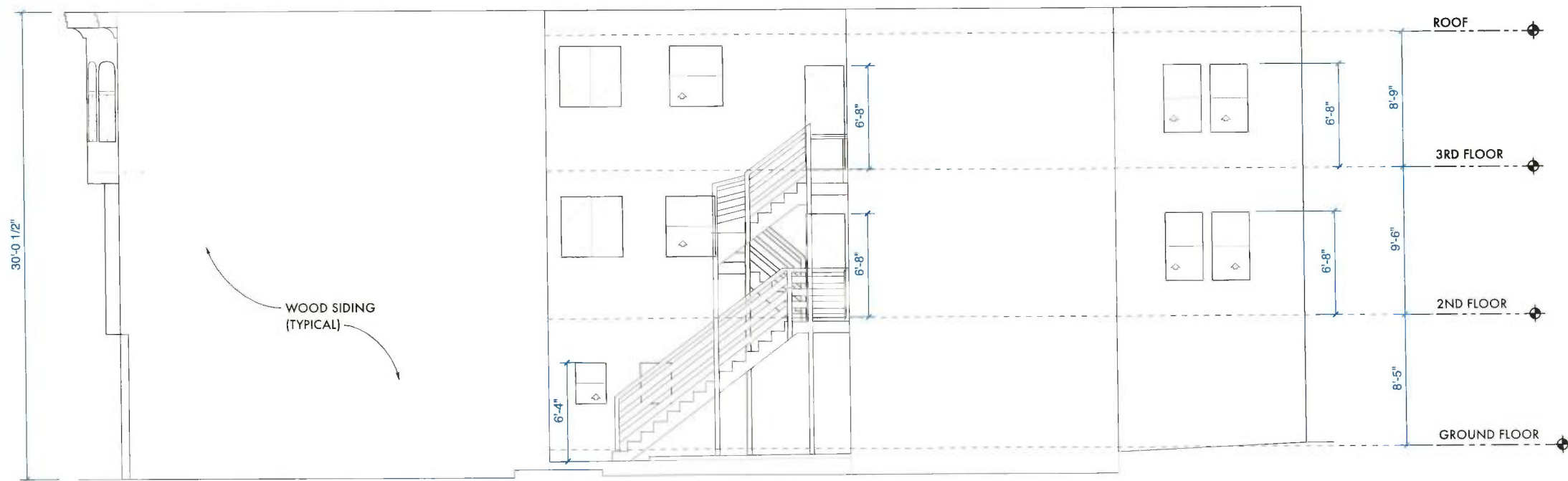




EXISTING EAST ELEVATION



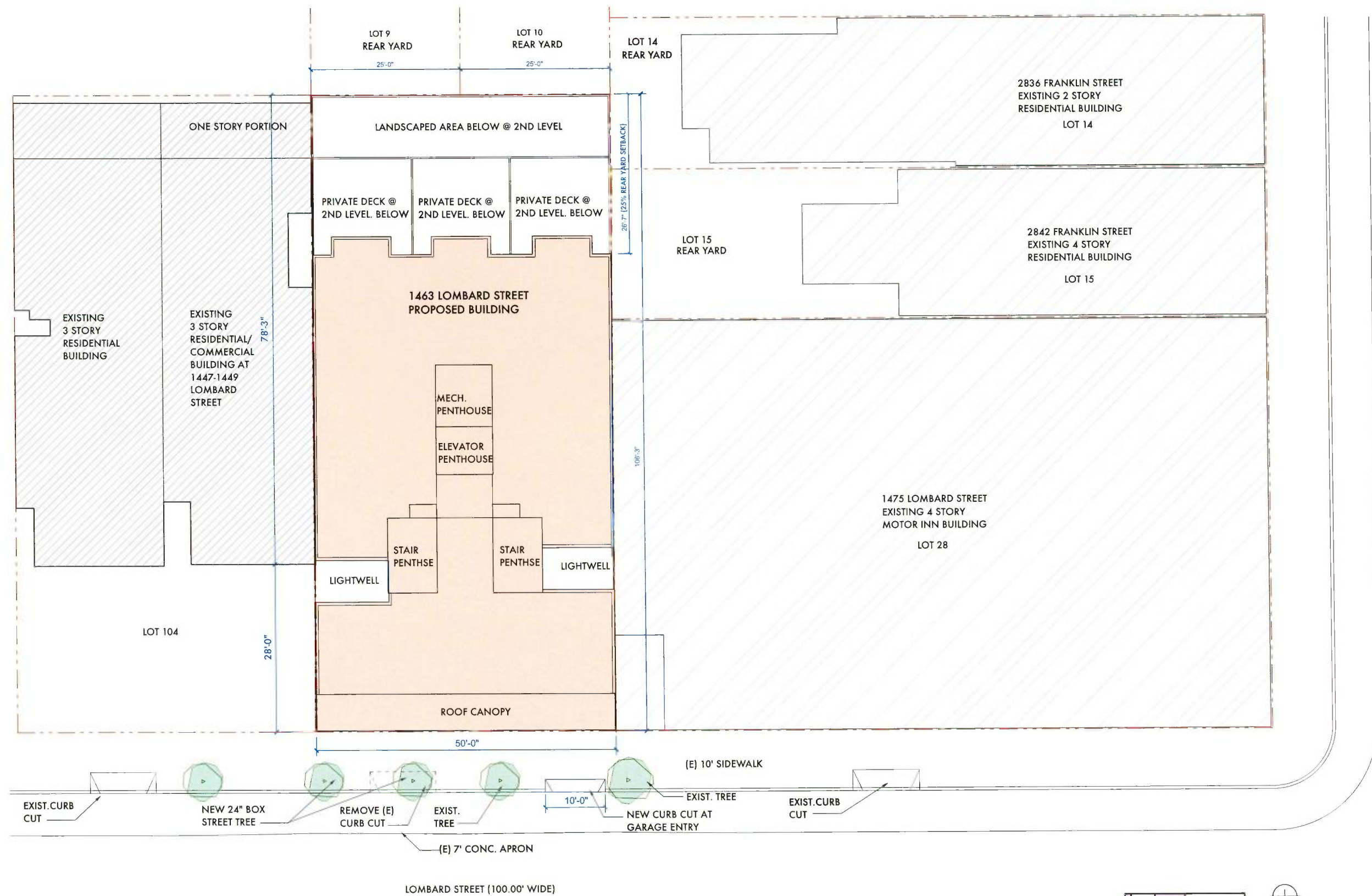
EXISTING NORTH (FRONT) ELEVATION



EXISTING WEST ELEVATION

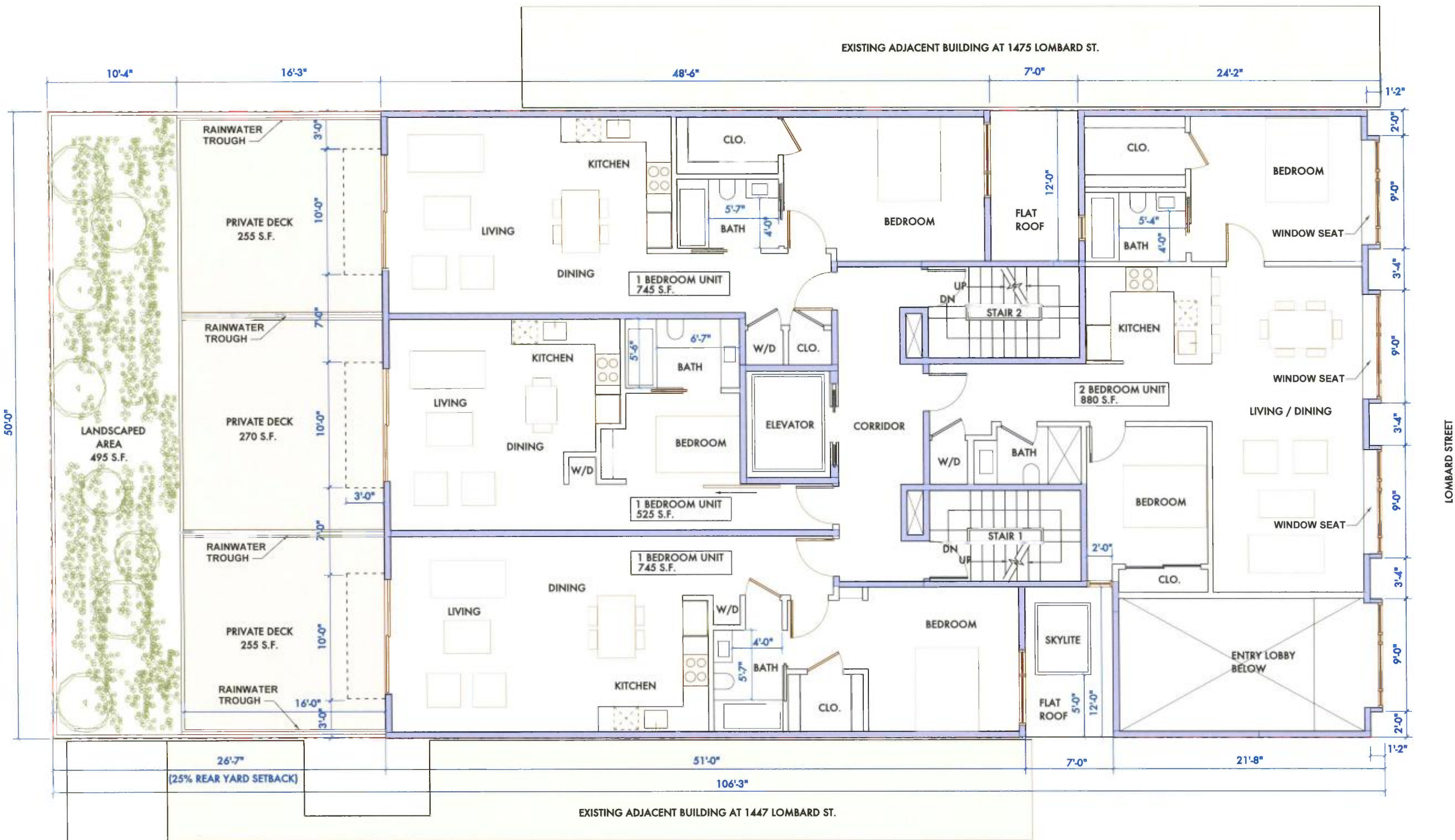


EXISTING SOUTH (REAR) ELEVATION







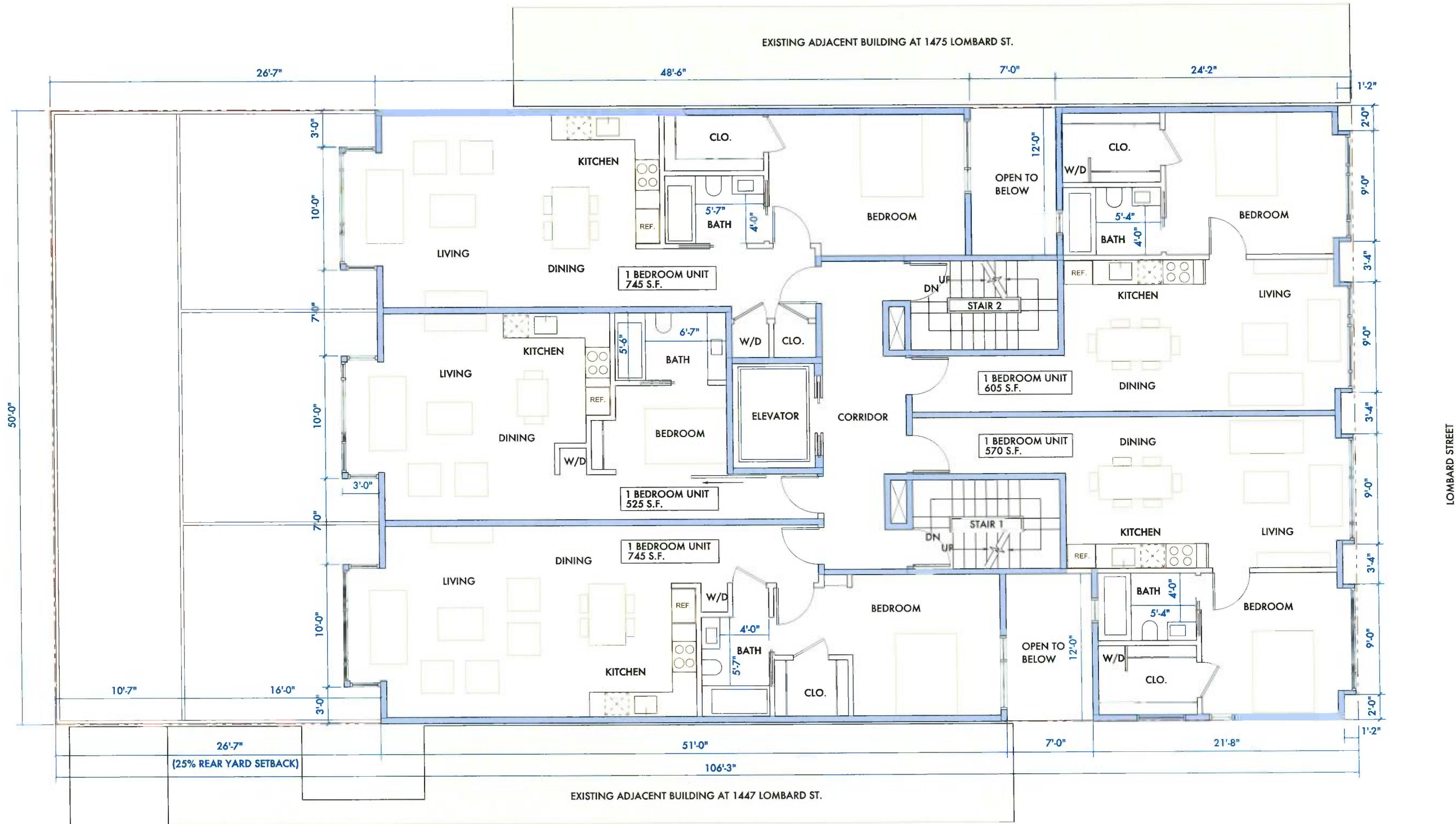


SECOND FLOOR PLAN 

**NET FLOOR AREA:**  
 RESIDENTIAL: 2,895 S.F.  
 CIRCULATION: 395 S.F.  
 UNIT TYPES: (3) ONE BEDROOM / (1) TWO BEDROOM







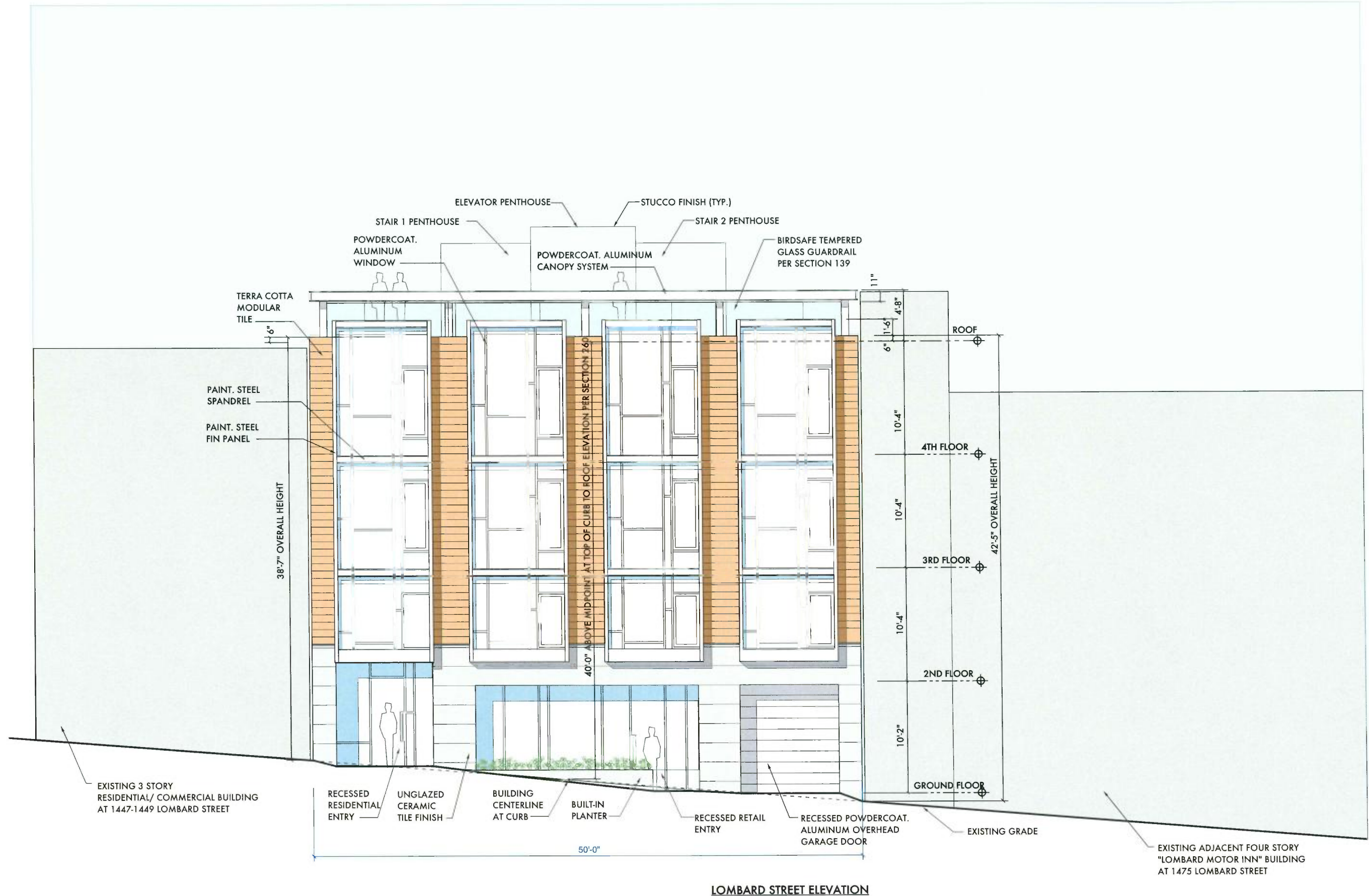
FOURTH FLOOR PLAN

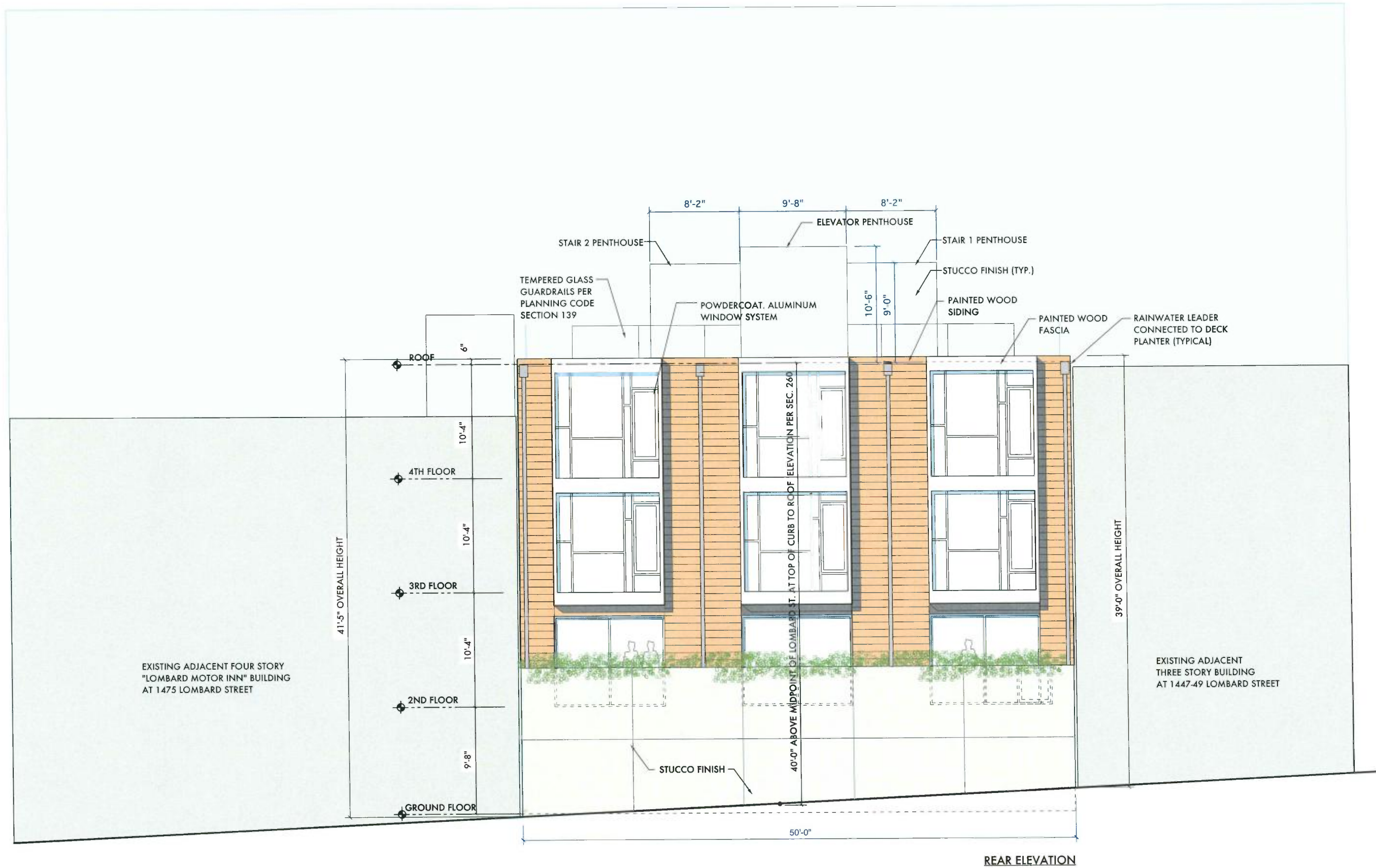
NET FLOOR AREA:
RESIDENTIAL: 3,205 S.F.
CIRCULATION: 395 S.F.
UNIT TYPE: (5) ONE BEDROOM



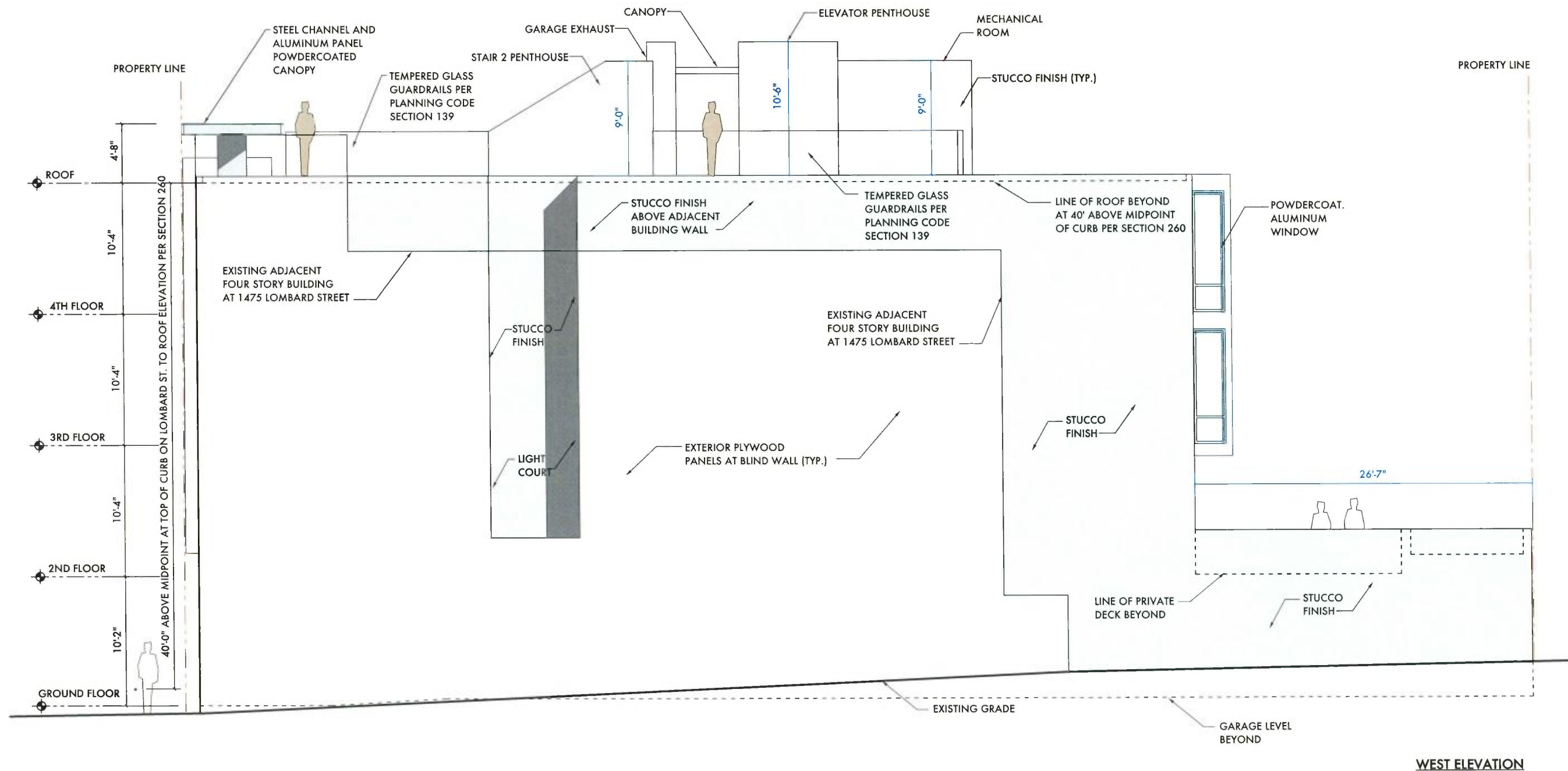


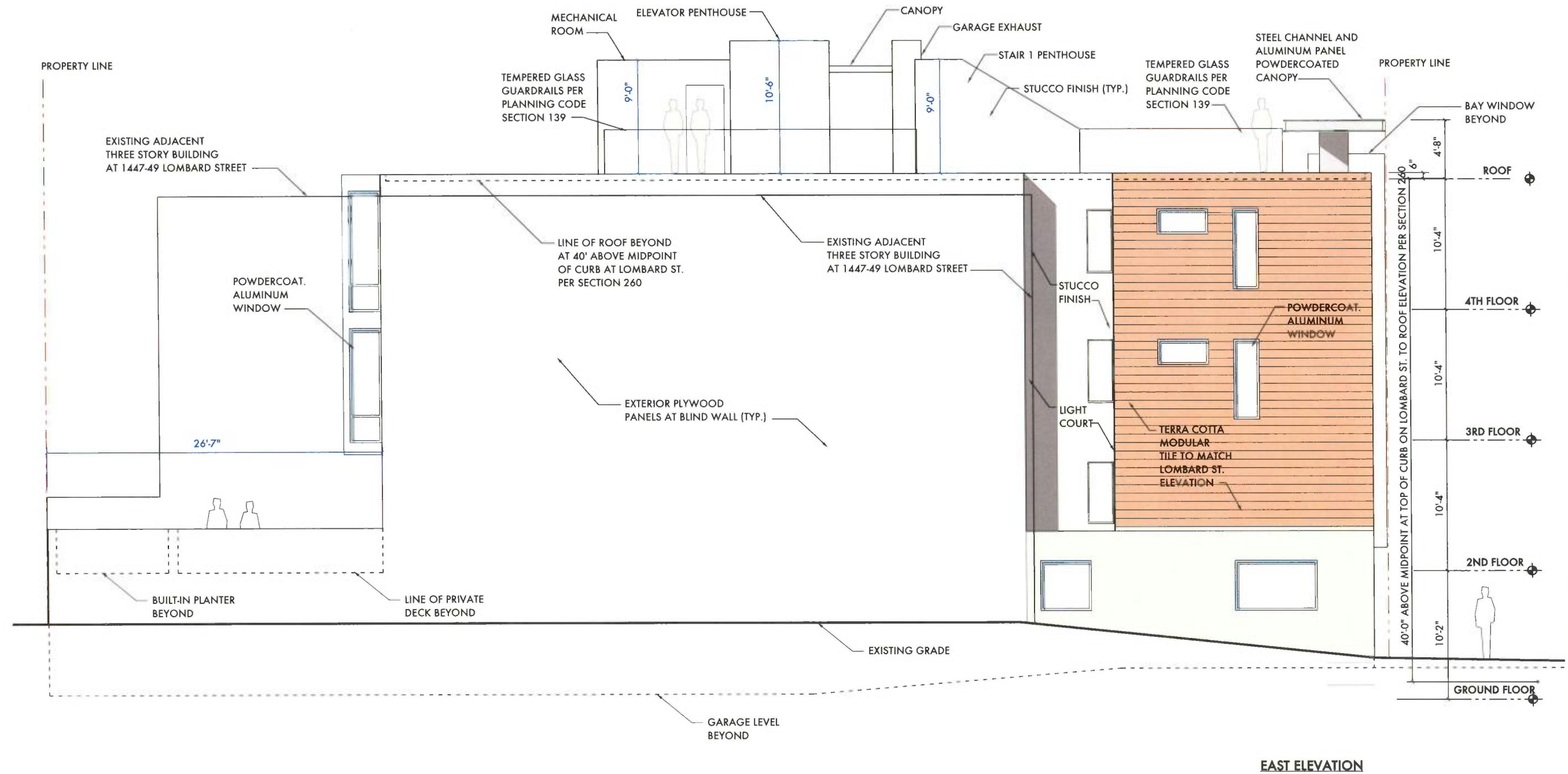


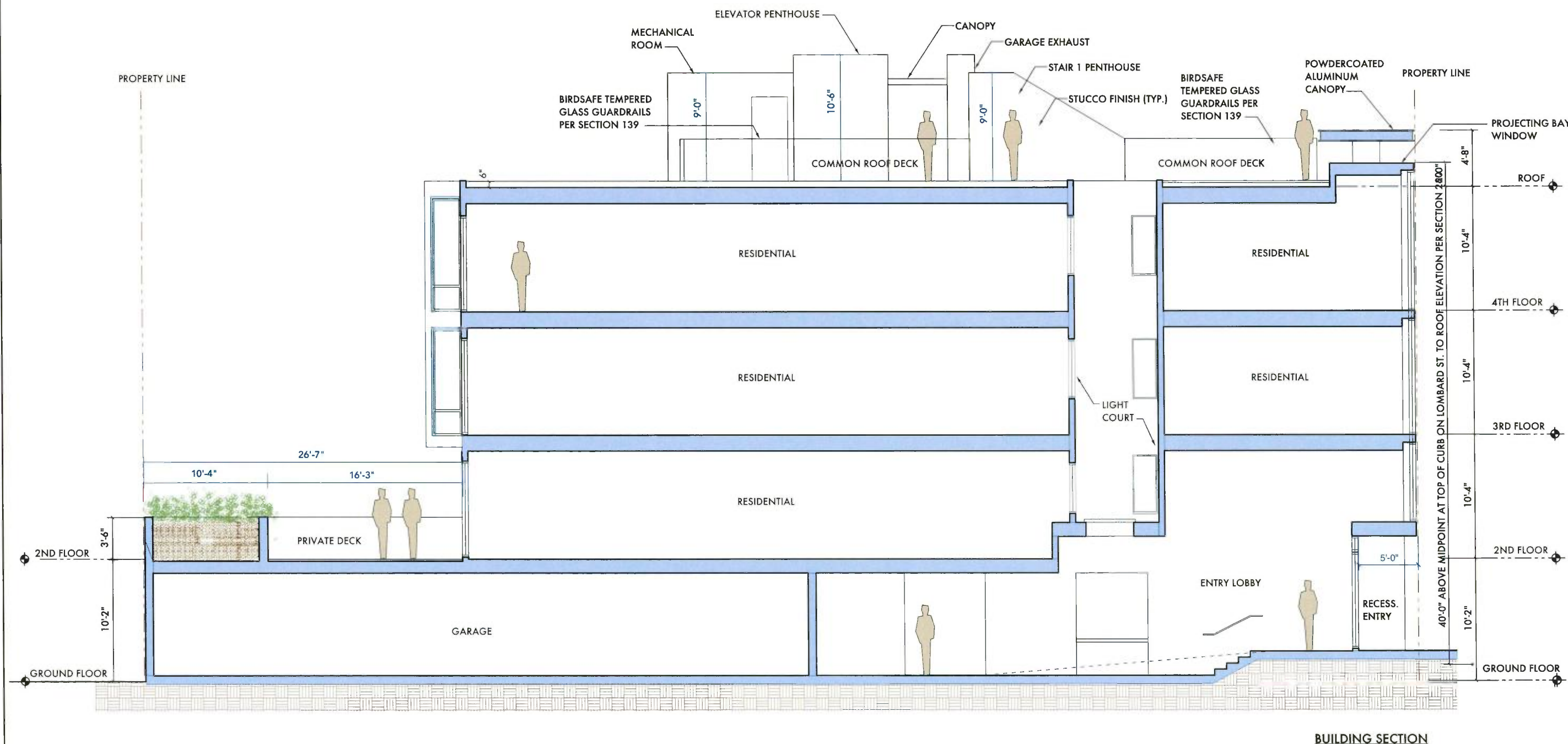
























BLOCKFACE PHOTO OF SITE LOOKING SOUTH BETWEEN FRANKLIN ST. AND VAN NESS AVE. (PROJECT SITE SIDE OF STREET)



BLOCKFACE PHOTO OPPOSITE SITE LOOKING NORTH BETWEEN FRANKLIN ST. AND VAN NESS AVE. (OPPOSITE SIDE OF STREET)

Revisions By

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architecture

1327 mason st.  
san francisco  
california 94133  
t 415 674 9100  
f 415 674 9101

BLOCKFACE PHOTOS AT  
LOMBARD STREET

1463 LOMBARD STREET MIXED USE  
BLOCK 0503 LOTS 20,21,95  
SAN FRANCISCO, CA

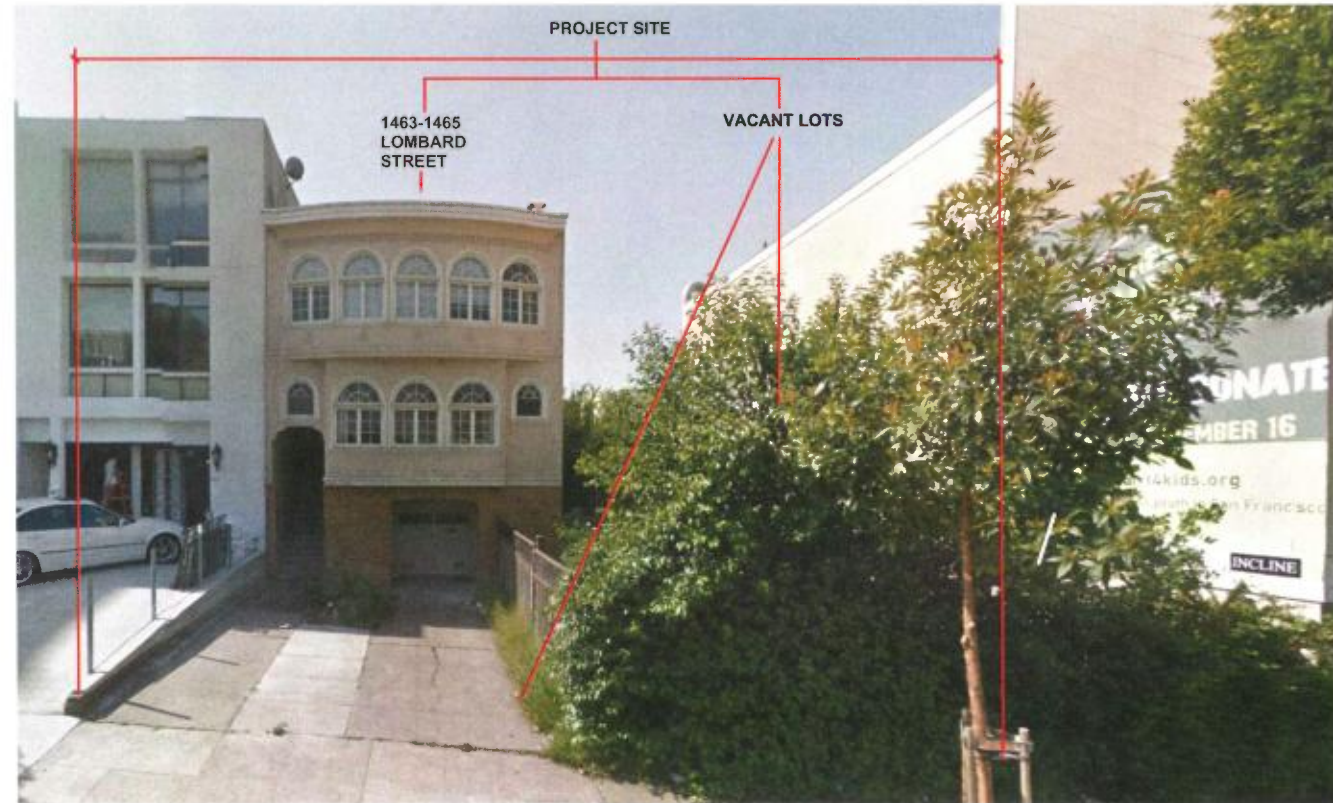
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SCALE: 1/4"=1'-0"  
DRAWN: ML  
SHEET:

A0.2





VIEW OF SITE LOOKING SOUTHWEST



FRONT VIEW OF SITE LOOKING SOUTH



AERIAL REAR VIEW OF SITE FROM THE SOUTH

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architecture

1327 mason st.  
san francisco  
california 94133  
t 415 674 9100  
f 415 674 9101

SUBJECT SITE PHOTOS

**1463 LOMBARD STREET MIXED USE**  
BLOCK 0503 LOTS 20,21,95  
SAN FRANCISCO, CA

DATE: 3 AUG. 2015  
SCALE: 1/4"=1'-0"  
DRAWN: ML  
SHEET:

**A0.3**



# SUPPLEMENTAL INFORMATION FOR Anti-Discriminatory Housing Policy

PROPERTY OWNER'S NAME:

1463-65 Lombard St. LLC

PROPERTY OWNER'S ADDRESS:

3364 Sacramento St.  
S.F., CA 94118

TELEPHONE:

415.359.9842

EMAIL:

jtoboni@tobonigroup.com

APPLICANT'S NAME:

Same as above

APPLICANT'S ADDRESS:

Same as Above ☒

TELEPHONE:

( )

EMAIL:

CONTACT FOR PROJECT INFORMATION:

Michael Leavitt - Leavitt Architecture

Same as Above ☐

ADDRESS:

1327 Mason St.  
S.F., CA 94133

TELEPHONE:

415 674-9100

EMAIL:

michael@leavittarchitecture.com

COMMUNITY LIAISON FOR PROJECT (PLEASE REPORT CHANGES TO THE ZONING ADMINISTRATOR):

JOEY TOBONI

Same as Above ☐

ADDRESS:

3364 SACRAMENTO ST  
SF CA 94118

TELEPHONE:

415 317 2433

EMAIL:

JOEY@TOBONIGROUP.COM

STREET ADDRESS OF PROJECT:

1463-65 Lombard St.

ZIP CODE:

94123

CROSS STREETS:

Van Ness Ave. & Franklin St.

ASSESSORS BLOCKLOT:

0503 20,21,95 NC-3

ZONING DISTRICT:

HEIGHT/BULK DISTRICT:

40-X

PROJECT TYPE: (Please check all that apply)

EXISTING DWELLING UNITS:

PROPOSED DWELLING UNITS:

NET INCREASE:

☒ New Construction

2

13

11

☒ Demolition

☐ Alteration

☐ Other: \_\_\_\_\_

## Compliance with the Anti-Discriminatory Housing Policy

1. Does the applicant or sponsor, including the applicant or sponsor's parent company, subsidiary, or any other business or entity with an ownership share of at least 30% of the applicant's company, engage in the business of developing real estate, owning properties, or leasing or selling individual dwelling units in States or jurisdictions outside of California?

☐ YES ☒ NO

1a. If yes, in which States? \_\_\_\_\_

- 1b. If yes, does the applicant or sponsor, as defined above, have policies in individual States that prohibit discrimination based on sexual orientation and gender identity in the sale, lease, or financing of any dwelling units enforced on every property in the State or States where the applicant or sponsor has an ownership or financial interest?

☐ YES ☐ NO

- 1c. If yes, does the applicant or sponsor, as defined above, have a national policy that prohibits discrimination based on sexual orientation and gender identity in the sale, lease, or financing of any dwelling units enforced on every property in the United States where the applicant or sponsor has an ownership or financial interest in property?

☐ YES ☐ NO

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

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

## Applicant's Affidavit

Under penalty of perjury the following declarations are made:

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

Signature: \_\_\_\_\_

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

9/24/15

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

Joseph P. TORONI

Owner / Authorized Agent (circle one)

## PLANNING DEPARTMENT USE ONLY

### PLANNING DEPARTMENT VERIFICATION:

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

Notification of Incomplete Information made:

To: \_\_\_\_\_ Date: \_\_\_\_\_

BUILDING PERMIT NUMBER(S):

2014.04.22.3881

DATE FILED:

4/22/14

RECORD NUMBER:

2013.1022C

DATE FILED:

6/17/14

VERIFIED BY PLANNER:

Signature: Mary Wink

Date: 9/22/15

Printed Name: MARY WOODS

Phone: (415)558-6315

ROUTED TO HRC: Mullane Ahern

DATE:

☒ Emailed to: mullane.ahern@sfgov.org

9/22/15

Affidavit for Compliance with the Inclusionary Affordable  
Housing Program: Planning Code Section 415

9/21/2015

Date

I, Joseph P. Toboni, do hereby declare as follows:

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

1463-65 Lombard St.

Address

0502/20,21,95

Block / Lot

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

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

2013-1022CE

Planning Case Number

Building Permit Number

This project requires the following approval:

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

☐ This project is principally permitted.

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

Mary Woods

Planner Name

Is this project within the Eastern Neighborhoods Plan Area?

☐ Yes (if yes, please indicate Tier) \_\_\_\_\_

☒ No

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

☐ This project is 100% affordable.

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

☐ Payment of the Affordable Housing Fee prior to the first site or building permit issuance (Planning Code Section 415.5).

☒ On-site or Off-site Affordable Housing Alternative (Planning Code Sections 415.6 and 416.7).

- 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 and the accompanying unit mix tables on page 4.

☒ **Ownership.** All affordable housing units will be sold as ownership units and will remain as ownership units for the life of the project.

☐ **Rental.** Exemption from Costa Hawkins Rental Housing Act.<sup>2</sup> The Project Sponsor has demonstrated to the Department that the affordable units are not subject to the Costa Hawkins Rental Housing Act, under the exception provided in Civil Code Sections 1954.50 through one of the following:

☐ Direct financial contribution from a public entity.

☐ Development or density bonus or other public form of assistance.

☐ Development Agreement with the City. The Project Sponsor has entered into or has applied to enter into a Development Agreement with the City and County of San Francisco pursuant to Chapter 56 of the San Francisco Administrative Code and, as part of that Agreement, is receiving a direct financial contribution, development or density bonus, or other form of public assistance.

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

(1) Inform the Planning Department and the Mayor's Office of Housing and, if applicable, fill out a new affidavit;

(2) Record a new Notice of Special Restrictions; and

(3) Pay the Affordable Housing Fee plus applicable interest (using the fee schedule in place at the time that the units are converted from ownership to rental units) and any applicable penalties by law.

- f. 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, with an option for the Project Sponsor to defer a portion of the payment to prior to issuance of the first certificate of occupancy upon agreeing to pay a deferral surcharge that would be deposited into the Citywide Affordable Housing Fund in accordance with Section 107A.13.3 of the San Francisco Building Code.

- g. I am a duly authorized officer or owner of the subject property.

*Joseph P. TOBONI, Property Owner*

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.  
Executed on this day in:

*SAN FRANCISCO CA*

Location

*9/22/15*

Date

*[Signature]*

Signature

*Joseph P. Toboni*

Name (Print, Title)

cc: Mayor's Office of Housing  
Planning Department Case Docket  
Historic File, if applicable  
Assessor's Office, if applicable

*415 8280717*

Contact Phone Number

*415 359 7842*

## Unit Mix Tables

NUMBER OF ALL UNITS IN PRINCIPAL PROJECT					
Total Number of Units	SRO	Studios	One-Bedroom Units	Two-Bedroom Units	Three-Bedroom Units
13			11	2	

If you selected an On-site or Off-Site Alternative, please fill out the applicable section below:

- ☒ On-site Affordable Housing Alternative (Charter Section 16.110 (g) and Planning Code Section 415.6): calculated at 12% of the unit total.

NUMBER OF AFFORDABLE UNITS TO BE LOCATED ON-SITE					
Total Affordable Units	SRO	Studios	One-Bedroom Units	Two-Bedroom Units	Three-Bedroom Units
2			2		

- ☐ Off-site Affordable Housing Alternative (Planning Code Section 415.7): calculated at 20% of the unit total.

NUMBER OF AFFORDABLE UNITS TO BE LOCATED OFF-SITE					
Total Affordable Units	SRO	Studios	One-Bedroom Units	Two-Bedroom Units	Three-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)		Molten No. (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 would be implemented (from 0% to 99%) and the number of on-site and/or off-site below market rate units for rent eligible for sale.

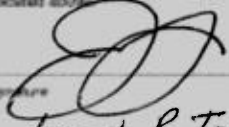
1. Fee \_\_\_\_\_ % of affordable housing requirement.

2. On-Site \_\_\_\_\_ % of affordable housing requirement.

NUMBER OF AFFORDABLE UNITS TO BE LOCATED ON-SITE					
Total Affordable Units	SRO	Studios	One-Bedroom Units	Two-Bedroom Units	Three-Bedroom Units

3. Off-Site \_\_\_\_\_ % of affordable housing requirement.

NUMBER OF AFFORDABLE UNITS TO BE LOCATED OFF-SITE					
Total Affordable Units	SRO	Studios	One-Bedroom Units	Two-Bedroom Units	Three-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)		Molten No. (if applicable)		Number of Market-Rate Units in the Off-site Project	

CONTACT INFORMATION AND DECLARATION OF SPONSOR OF PRINCIPAL PROJECT	CONTACT INFORMATION AND DECLARATION OF SPONSOR OF OFF-SITE PROJECT OR INTERFERENT
Company Name <b>1463-65 Lombard St. LLC</b>	Company Name
Print Name of Contact Person <b>Joe. Toboni</b>	Print Name of Contact Person
Address <b>3364 Sacramento St.</b>	Address
City, State, Zip <b>San Francisco, CA 94118</b>	City, State, Zip
Phone, Fax <b>415.359.9842 (t)</b>	Phone, Fax
Email <b>jtoboni@tobonigroup.com</b>	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.	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.
Signature 	Signature
Name (Print), Title <b>Joseph P. Toboni, Owner President, Toboni Group</b>	Name (Print), Title