



MEMO TO THE PLANNING COMMISSION

HEARING DATE: July 22, 2021

Continued from the May 6, 2021

Record No.: 2015-009955CUA
Project Address: 1525 Pine Street
Zoning: Polk Street Neighborhood Commercial District (NCD) Zoning District
65-A Height and Bulk District
Lower Polk Street Alcohol Restricted Use Special Use District
Block/Lot: 0667/020
Project Sponsor: Edward Morris
139 Noe Street
San Francisco, CA 94114
Staff Contact: Claudine Asbagh – (628) 652-7329
claudine.asbagh@sfgov.org

Recommendation: Approve with Conditions

Background

On March 18, 2021, at the request of the Sponsor and the Lower Polk Neighbors, the Planning Commission continued the project to allow additional community. On May 6th, the Planning Commission held a public hearing on the project and approved the Preliminary Negative Declaration. After lengthy deliberations, they continued the project to June 17th and directed the project sponsor to further investigate revisions that would reduce impacts to the adjacent dwelling units at 1545 Pine St. On June 17th, the Commission continued the item to July 22, 2021.

Current Proposal

On June 1, 2021, the Project Sponsor submitted an updated State Density Bonus Affidavit that requested an additional Incentive/Concession for Dwelling Unit Mix requirements. Other than this procedural change, there are no modifications that have been made to the project since the May 6th hearing. The sponsor has provided updated plans and light studies that are attached to this staff report.

The Project would demolish the existing 1,661 square foot one-story commercial restaurant (dba “Grubstake”) and construct a new 83-foot tall eight-story mixed-use building with a 2,856 square foot restaurant and 21 dwelling units. The Project relies on State Density Bonus Provisions for an additional six units over the base density of 15 units, for a total of 21 units.

Required Commission Action

Conditional Use Authorizations

In order for the Project to proceed, the Commission must grant **Conditional Use Authorizations**, pursuant to Planning Code Section 303 and other applicable Sections as follows:

- 1) **Large Lot Development** because the lot to be developed is greater than 2,500 square feet (Sections 723 and 121.1);
- 2) **Non-Residential Use Size** for the restaurant to exceed 2,000 square feet (Section 723 and 121.2); and
- 3) **Restaurant Operating Hours**. The principally permitted hours of operation in the Polk NCD are 6 a.m. – 2 a.m. The existing Grubstake Diner is open until 4 a.m., and the Project Sponsor is requesting a Conditional Use Authorization to **allow the new restaurant to operate 24 hours a day**.

State Density Bonus

The Commission must also make findings, pursuant to State Density Bonus Law, related to the requests for **two Incentives** that result in identifiable and actual cost reductions for the project as follows:

- 1) **Bay windows** that do not comply with Permitted Obstructions (Section 136). The sponsor has demonstrated that this incentive will allow additional floor area per unit for improved livability, increased net rentable area, and decrease construction costs; and
- 2) **Dwelling Unit Mix**. The project includes 15 studios, 3 two-bedroom units and 3 three-bedroom units (28% two- and three- bedroom). Based on the total number of units, a minimum of 35% must be two- and three-bedroom units and at least 10% must be three-bedroom units (Section 207.6). The Sponsor has demonstrated that compliance with the dwelling unit mix requirement would necessitate additional floor area that due to the narrow lot size would require additional height and incur increased construction costs. The incentive would result in identifiable cost reduction to the project.

The Commission must grant the **eight Waivers** from the following development standards that would preclude the development of the State Density Bonus Project:

- 1) Rear Yard (Section 134);
- 2) Common Useable Open Space (Section 135(g));
- 3) Dwelling Unit Exposure (Section 140);
- 4) Ground-Floor Ceiling Height (Section 145.1(c)(4));
- 5) Ground-Floor Transparency (Section 145.1(c)(6));
- 6) Setbacks on Narrow Streets (Section 261.1);
- 7) Maximum Height of 65' (Section 250); and
- 8) Bulk (Section 270).

Issues and Other Considerations

- **Polk Gulch LGBTQ Cultural District**. The Project Site is currently occupied by Grubstake Diner, a late-night eatery with historic cultural significance within the Polk Gulch LGBTQ Cultural District. The existing single- story structure is comprised of an old lunch wagon that was located at the site in 1917 and has been heavily altered over time. The Project design includes salvaging and reusing some of the interior and exterior features, including the existing signage, and the architectural design honors the old lunch wagon style. The Project Sponsor, who also owns Grubstake, has indicated they intended to reinstate Grubstake within the restaurant space after construction.

- **Inclusionary Housing.** The Project Sponsor proposes to comply with the Inclusionary Affordable Housing requirements by providing 13% of the total units for the base project, or two units, as on-site affordable. The Sponsor may use their on-site inclusionary units to qualify for a density bonus under the State Density Bonus Law. As such, both on-site affordable units will be studios and available to low-income households, lowered from the Inclusionary Tier of 55% AMI to 50% AMI to comply with State Density Bonus requirements.

Basis for Recommendation

The Department finds that the Project is, on balance, consistent with the Objectives and Policies of the General Plan.

- This is in an infill housing project that would provide 21 new dwelling units (including two on-site affordable units) a narrow through lot (25 feet by 120 feet) that constrains the building envelop and available floor area.
- The project is subject to the State Density Bonus Law and has demonstrated that it qualifies for the requested Incentives and subsequent waivers.
- Although the existing Grubstake Diner, a culturally significant business for its connections to San Francisco's LGBTQ history, would be demolished, the Project integrates salvaged materials from the structure, including signage, into the new design.
- Providing a late-night eatery would contribute to the vibrancy of the neighborhood and provide a 24-hour development with more eyes on the street.
- The Department also finds the project to be necessary, desirable, and compatible with the surrounding neighborhood, and not to be detrimental to persons or adjacent properties in the vicinity.

Recommendation: Approve with Conditions

Attachment:

Draft Motion – Conditional Use Authorization with Conditions of Approval
Exhibit B – Plans and Renderings dated June 2, 2021
Exhibit C – MMRP
Exhibit F – Project Sponsor Brief w/ Shadow and Light Studies



PLANNING COMMISSION DRAFT MOTION

HEARING DATE: July 22, 2021

Record No.: 2015-009955CUA
Project Address: 1525 Pine Street
Zoning: Polk Street Neighborhood Commercial District (NCD) Zoning District
65-A Height and Bulk District
Lower Polk Street Alcohol Restricted Use Special Use District
Block/Lot: 0667/020
Project Sponsor: Edward Morris
139 Noe Street
San Francisco, CA 94114
Property Owner: 1525 Pine Street Dev, LLC
1555 Pacific Avenue
San Francisco, CA 94109
Staff Contact: Claudine Asbagh – (628) 652-7329
claudine.asbagh@sfgov.org

ADOPTING FINDINGS TO APPROVE A CONDITIONAL USE AUTHORIZATION PURSUANT TO PLANNING CODE SECTION 303 AND OTHER APPLICABLE SECTIONS AS FOLLOWS FOR: DEVELOPMENT OF A LARGE LOT (121.1), NON-RESIDENTIAL USE SIZE (121.2), AND OPERATING HOURS (723) AND APPROVING REQUESTED INCETIVES AND WAIVERS FROM DEVELOPMENT STANDARDS PURSUANT TO STATE DENSITY BONUS LAW (CA GOVT. CODE SECTION 65915) AND PLANNING CODE SECTION 206. THE PROJECT WOULD PROJECT THAT WOULD DEMOLISH THE EXISTING 1,661 SQUARE FOOT ONE-STORY COMMERCIAL RESTAURANT (DBA “GRUBSTAKE”) AND CONSTRUCT A NEW 83-FOOT TALL EIGHT-STORY MIXED-USE BUILDING WITH A 2,856 SQUARE FOOT RESTAURANT AND 21 DWELLING UNITS WITHIN THE POLK NEIGHBORHOOD COMMERCIAL (NCD) ZONING DISTRICT, 65-A HEIGHT AND BULK DISTRICT, AND LOWER POLK STREET ALCOHOL RESTRICTED USE SPECIAL USE DISTRICT.

PREAMBLE

On April 16, 2016, Alexis Pelosi on behalf of 1525 Pine Street Holdings, LLC (“Project Sponsor”), filed an application (Case No. 2015-009955) for Environmental Review with the Planning Department (“Department”) to allow demolition of a 1,661 square foot, single-story commercial building and construct a new seven-story mixed-use building with 4,296 square feet of ground-floor commercial space and 15 dwelling units at 1525 Pine Street, Block 0667 Lot 020 (“Project Site”) within the Polk NCD Zoning District and the 65-A Height and Bulk District.

On February 21, 2018, the Project Sponsor filed an application with the department for a Variance from the Planning Code minimum requirements Rear Yard requirements (Section 134).

On October 25, 2019, the Project Sponsor submitted a revised applications to the Department that included: a **Conditional Use Authorization** (Case No. 2015-009955CUA) for Development of a Large Lot (121.1), Non-residential Use Size (121.2), Dwelling Unit Mix (207.6), and Operating Hours (723), and a supplemental State Density Bonus Application. These applications superseded the Variance and revised the Project to include demolition of a 1,661 square foot, single-story commercial building and construct a new eight-story mixed use building with 2,856 square feet of ground-floor commercial space and 21 dwelling units (“Project”) at the Project Site.

The Project Sponsor seeks to proceed under the State Density Bonus Law, Government Code Section 65915 et seq (the “State Law”). Under the State Law, a housing development that includes affordable housing is entitled to additional density, concessions and incentives, and waivers from development standards that might otherwise preclude the construction of the project. In accordance with the Planning Department’s policies regarding projects seeking to proceed under the State Law, the Project Sponsor has provided the Department with a 15-unit “Base Project” that would include housing that is affordable to low- income households. Because the Project Sponsor is providing 13% of the Base Project units as housing affordable to low-income households, the Project is eligible for a 38.75% density bonus, and seeks one Concession or Incentive from the development standards for Permitted Obstructions (section 136), and are seeking eight Waivers from the following development standards: 1) Rear Yard (Section 134), 2) Common Useable Open Space (Section 135(g)), 3) Dwelling Unit Exposure (Section 140), 4) Ground-Floor Ceiling Height (Section 145.1(c)(4)), 5) Transparency (Section 145.1(c)(6)), 6) Height (Section 250), 7) Setbacks on Narrow Streets (Section 261.1), and 8) Bulk (Section 270).

On January 27, 2021, the Preliminary Mitigated Negative Declaration (PMND) for the Project was prepared and published for public review; and

The PMND was available for public comment until February 16, 2021; and

On February 16, 2021, an appeal of the PMND was filed with the Department.

On May 6, 2021, the Commission conducted a duly noticed public hearing at a regularly scheduled meeting on the Appeal of the PMND, Case No. 2015-009955ENV.

On May 6, 2021, the Commission upheld the PMND and approved the issuance of the Final Mitigated Negative Declaration (FMND) as prepared by the Department in compliance with CEQA, the State CEQA Guidelines and Chapter 31.

On May 6, 2021, the Commission reviewed and considered the FMND and found that the contents of said report and the procedures through which the FMND was prepared, publicized, and reviewed complied with the California

Environmental Quality Act (California Public Resources Code Sections 21000 et seq.) (CEQA), Title 14 California Code of Regulations Sections 15000 et seq. (the “CEQA Guidelines”) and Chapter 31 of the San Francisco Administrative Code (“Chapter 31”); and

The Commission found the FMND was adequate, accurate and objective, reflected the independent analysis and judgment of the Department and the Commission, contained no significant revisions to the PMND, and approved the FMND for the Project in compliance with CEQA, the CEQA Guidelines and Chapter 31.

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

On May 6, 2021 the Commission conducted a duly noticed public hearing at a regularly scheduled meeting on Conditional Use Authorization Application No. 2015-009955CUA and continued the item to June 17, 2021.

On June 1, 2021 the Sponsor submitted an updated State Density Bonus Affidavit and requested an incentive from Dwelling Unit Mix (207.6) for a total of two requested incentives.

On June 17, 2021, the Commission continued the item to July 22, 2021.

The Commission Secretary is the custodian of records; the File for Record No. 2015-009955CUA is located at 49 South Van Ness Avenue, Suite 1400, San Francisco, California.

On July 22, 2021 the Commission conducted a duly noticed public hearing at a regularly scheduled meeting on Conditional Use Authorization Application No. 2015-009955CUA

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

MOVED, that the Commission hereby authorizes the Conditional Use Authorization as requested in Application No. 2015-009955CUA, 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 would demolish the existing 1,661 square foot one-story commercial restaurant (dba “Grubstake”) and construct a new 83-foot tall eight-story mixed-use building with a 2,856 square foot restaurant and 21 dwelling units. The Project relies on State Density Bonus Provisions for an additional six units over the base density of 15 units, for a total of 21 units.
- 3. Site Description and Present Use.** The subject lot is a narrow, 25-by-120-foot, 3,000 square foot through lot with frontage on Pine and Austin Streets. The Project Site is developed with a 1,661 square foot single-

story commercial building fronting Pine Street and a surface parking area along Austin Street. The existing structure is a lunch wagon circa 1916 that has been heavily modified into its current structure. While it has been in continuous operation as diner since then, it appears that Grubstake Diner, one of the longest running businesses in the Polk District catering to the LGBTQ community, has been operating at the site since 1968. As such it has been identified as a historic resource for its association with LGBTQ culture in San Francisco.

- 4. Surrounding Properties and Neighborhood.** The Project Site is located within the southwest portion of the Polk Street Neighborhood Commercial District (NCD). The immediate area is mixed in character, with residential, commercial, and mixed-use structures ranging between one to 12 stories, with a 25-story hotel on the corner of Pine Street and Van Ness Avenue. The adjacent property to the east, addressed at 1545 Pine Street (The Austin), was constructed in 2017 and is developed with two structures – one at 65 feet in height at the shared lot line and the other stepping up to 130 feet. Parking for this structure is accessed from Austin Street. To the west, 1515-1517 Pine Street, is a three-story mixed-use building built in 1924 with residential above ground-level commercial. Redding Elementary School is located two blocks away on Pine and Larkin Streets.

Other zoning districts in the vicinity of the Project Site include high-density Residential-Commercial 4 (RC-4) to the east and medium-density Residential-Commercial 3 (RC-3) to the west and Public (P). Other Height and Bulk Districts in the vicinity of the Project Site include are 80-A to the north, 130-E and 130-V to the east and west, respectively.

- 5. Public Outreach and Comments.** Between 2017 – 2019, the Sponsor hosted several community meetings including presentations to neighborhood organizations, the LGBTQ Historical Society, SF Heritage, and owners and residents of the Austin (located at 1545 Pine Street). The Department has received letters of opposition to the Project, as well as letters of support. Those in opposition cite the following concerns: proposed building height; light, shadow, air, and privacy impacts, including the impact on private terraces of units in the adjacent building; unit sizes and lack of one-bedroom units; density and an over-supply of housing in the neighborhood (existing and pending); construction impacts; historic preservation of Grubstake Diner; lack of parking and pedestrian safety on Austin Street. Those in support cited the following: creation of net new housing units; thoughtful design that is integrated into the neighborhood; reuse of Grubstake features and return of the restaurant; and alley activation on Austin.
- 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. Uses and Density.** In the Polk NCD, per Section 723, Residential Uses are principally permitted the allowable density is the greater of 1 unit per 400 square feet of lot area, or the density permitted in the nearest R District. The Project Site is located approximately 24 feet east of an RC-4 (Residential Commercial: High Density) Zoning District that allows a dwelling unit density of 1 unit per 200 square feet of lot area (Section 209.3), which is higher than the Polk NCD allowance. Under recently adopted Proposition H and Section 723, Restaurant Uses are now principally permitted on the first and second floor in the Polk NCD, and may serve beer, wine, and/or liquor sales for drinking on the premises with an ABC license type 02, 23, 41, 47, 49, 59, 75, or 87), provided that the restaurant operates as a Bona Fide Eating Place. Non-Residential Uses above 2,500 square feet require a Conditional Use.

The Project proposes a Restaurant on the ground floor facing Pine Street. The Restaurant will have a Type 41 ABC license to allow beer and wine sales for drinking on the premises and will operate as a bona

bona fide eating establishment. (See Condition 30).

The Project is subject to the density allowance of the RC-4 Zoning District, therefore, the permitted density for the 3,000 square foot lot is 15 dwelling units. Under the State Density Bonus Program, the Project is eligible for a 38.75% increase in density, for a total of 21 dwelling units.

The Project would demolish the structure and construct a new ground-floor restaurant with a small seating area on the second floor. The commercial levels would contain salvaged materials including signage, architectural detailing and façade treatments that acknowledge the previous structure, and a historical color pallet. The restaurant would have a Type 41 ABC liquor license to allow the sale of beer and wine for drinking on the premises and operate as a bona fide eating establishment. The Project Sponsor's intention is to have Grubstake return to the site as the restaurant tenant.

- B. Rear Yard.** Planning Code Section 134 requires a minimum Rear Yard equal to 25% of the lot depth, starting at the lowest floor that contains dwelling units. The Project Site is 120-feet deep, so the required Rear Yard is 30 feet.

The Project does not provide a Rear Yard but includes an equivalent amount of open area (approximately 750 square feet) as rooftop open space in addition to lightwells on each side of the structure. The Project Site is a small, narrow through lot with 25 feet of frontage on both Pine and Austin Streets, and the structures on either side are built to lot line on each street. The Project Sponsor has elected to use the State Density Bonus Law. Strict enforcement of this Code provision would physically preclude the construction of the Project with the additional dwelling units as permitted by California Government Code Sections 65915-65918, therefore the Sponsor proposes a Waiver from the minimum requirements for Rear Yard established in Section 134.

- C. Common Open Space.** Pursuant to Pursuant to Code Section 136(d), Useable Open Space in Neighborhood Commercial Districts is to be provided at the same rate as required in the nearest Residential District. RC-4 is the closest to the Project Site, therefore 36 square feet of private open space per unit or 48 square feet of common open space per unit is required. For 21 dwelling units, a total of 1,008 square feet is required.

Six of the 21 dwelling units have private balconies; however, they do not meet the minimum size requirements to qualify as private Open Space. A 749 square foot rooftop deck, accessible to all units, would also be provided as common Open Space. The Project Sponsor has elected to use the State Density Bonus Law. To provide Code-compliant Open Space the Project would result in the loss of units and bedrooms. The Project Sponsor has elected to use the State Density Bonus Law. Strict enforcement of this Code provision would physically preclude the construction of the Project with the additional dwelling units as permitted by California Government Code Sections 65915-65918, therefore the Sponsor proposes a Waiver from the minimum requirements for Common Useable Open Space, as established in Planning Code Section 135.

- D. Permitted Obstructions.** Planning Code Section 136(c) allows bay windows to project over streets and alleys subject to the following standards: the maximum length at the lot line is 15' with the projection narrowing by 45-degree angles on either side to a maximum of nine feet at the outer most point of projection, with a minimum of two feet separating bay windows that are side-by-side. Bays may project up to three feet, and on streets with sidewalks that are nine-feet wide or less they may project two feet.

Bay windows with small decks are proposed on the Pine Street façade that fit within the projection envelop permitted by the Planning Code. On Austin Street, where the sidewalk is less than 9-feet wide, angled bays like those on Pine Street are proposed but project three and half feet at their furthest point. This results in four square feet per bay window that projects beyond the permitted envelop. The structure is shaped like a dumbbell with a lightwell on each side. The eastern lightwell is five and half feet deep and 41 feet wide, and the western lightwell is six feet by 25 feet. The additional floor area of the projections recovers unit area that is lost to these lightwells. The angular bays provide additional rentable floor area and improve the livability of the units. The Project Sponsor has demonstrated that the additional floor area gained by the non-compliant bays would offset the cost of providing affordable housing. The costs of complying with this requirement may preclude the Project at the density permitted under the Density Bonus Law. Per California Government Code Sections 65915-65918, the Sponsor proposes an Incentive/Concession for the standards for Permitted Obstructions, as established in Planning Code Section 136.

- E. Dwelling Unit Exposure.** Per Planning Code Section 140, each dwelling unit must have at least one window from a room that is at least 120 square feet face directly onto a public street or alley, or an open area that is at least 25 feet wide in each direction.

All but one of the dwelling units meets the Dwelling Unit Exposure requirements. One of the studio units on the second floor is located behind the second-floor commercial space and faces onto a six-foot by 25-foot long lightwell, a portion of which also acts a private balcony for the unit. The Project Sponsor has elected to use the State Density Bonus Law. Strict enforcement of this Code provision would physically preclude the construction of the Project with the additional dwelling units as permitted by California Government Code Sections 65915-65918, therefore the Sponsor proposes a Waiver from the minimum requirements for Dwelling Unit Exposure established in Section 140.

- F. Street Frontage in Neighborhood Commercial Districts.** Section 145.1 of the Planning Code requires space for active uses within the first 25 feet of building depth on the ground floor and 15 feet on floors above from any facade facing a street at least 30 feet in width. Non-residential uses are required to provide a 14-foot ceiling height. Frontages with active uses that must be fenestrated with transparent windows and doorways for no less than 60 percent of the street frontage at the ground level and allow visibility to the inside of the building.

Active uses are provided on both streets – restaurant on Pine Street and the residential lobby on Austin Street. There is four- to six-foot grade difference between Pine and Austin Streets. The ground-floor height on Austin meets the 14-foot minimum, but on Pine Street a 10-foot ground-floor ceiling height is proposed for the restaurant. The second-floor dining area is similar in size to a mezzanine (no more than one-third of the commercial area below), though this level is on the same floor plate as the residential units located behind it. Due to the grade change across the lot, this reduced ground-floor ceiling height allows for a singular and continuous second level from the Austin Street frontage. Otherwise, the number of floors that could be put within the building envelop would be reduced and units lost. The proposed transparency on Austin Street is 28% of the ground-level façade. Due to the narrow nature of the lot, the required egress door and the shared solid waste access occupy more than 50% of the street frontage. The proposed transparency on Pine Street is 26%. On this façade, salvaged material from the existing Grubstake Diner that replicates some of the architectural stylings of the lunch wagon is being used, and contains a required egress for the residences above, therefore, the façade treatment is less flexible. The Project Sponsor has elected to use the State Density Bonus Law. Strict enforcement of this Code provision would physically preclude the construction of the Project with the additional dwelling units as permitted

by California Government Code Sections 65915-65918, therefore the Sponsor proposes a Waiver from the minimum requirements for Ground-Floor Ceiling Height and Transparency, as established in Section 145.1.

- G. **Off-Street Parking.** Off-street parking is not required for Restaurant Uses of any size or for Residential Uses in Neighborhood Commercial Districts, regardless of the number of the dwelling units.

No off-street parking is proposed as part of the Project.

- H. **Bike Parking.** Planning Code Section 155.2 requires one Class 1 space for Restaurant Uses less than 7,500 square feet, and a minimum of two Class 2 spaces or one space per 750 square feet of Occupied Floor Area (OFA). For Projects with less than 100 dwelling units, one Class 1 space per dwelling unit and one Class 2 space per dwelling unit is required.

The Project would provide a total of 32 bike spaces. The OFA of the Restaurant is approximately 1,700 square feet, and one Class 1 space and two Class 2 spaces are required. For the Residential Use, 21 Class 1 and two Class 2 spaces are required. The Project would provide a total of 28 Class 1 spaces in the basement (one for the Restaurant and 27 for the residents) and four Class 2 spaces (two each on Pine and Austin Streets). Additionally, a bike repair station will be provided for both employees and residents.

- I. **Dwelling Unit Mix.** In the Polk NCD, Planning Code Section 207.6 requires a minimum dwelling unit mix that includes that at least 35% of the units contain at least two bedrooms with at least 10% of the total number of units containing three bedrooms. The Dwelling Unit Mix requirements may be modified through a Conditional Use, subject to the additional findings in Section 207.6.

The Projects proposes 15 studios, and 3 two- and 3 three-bedroom units. A total of 28% of the total number of dwelling units would contain at least two bedrooms, and 14% would be three-bedroom units. While the Project does not meet the overall Dwelling Unit Mix, it provides one additional three-bedroom unit than the Code requires. The Project Sponsor has demonstrated that compliance with the dwelling unit mix requirement would necessitate additional floor area that due to the narrow lot size would require additional height and incur increased construction costs. The costs of complying with this requirement would preclude the Project at the density permitted under the Density Bonus Law. Per California Government Code Sections 65915-65918, the Sponsor proposes an Incentive for Dwelling Unit Mix, as established in Planning Code Section 207.6.

- J. **Height.** Planning Code Section 250, and Article 2.5 of the Planning Code generally, require that the height of buildings not exceed the limits specified in the Zoning Map and defines the rules for the measurement of height. The subject property is located within a 65-A Height and Bulk District. Within this District, heights of buildings are limited to 65 feet.

The finished roof of the proposed structure would measure 79 feet in height as measured from Pine Street and 83 feet in height as measured from Austin. One three-bedroom and one two-bedroom unit are provided on each of the additional two floors for a total of four units and allows the Project to achieve additional units. The Project Sponsor has elected to use the State Density Bonus Law. Strict enforcement of this Code provision would physically preclude the construction of the Project with the additional dwelling units as permitted by California Government Code Sections 65915-65918, therefore the Sponsor proposes a Waiver from Height, as established in Section 250.

- K. **Setbacks for Narrow Streets.** Planning Code Section 261.1 defines narrow streets as public rights of way less than or equal to 40 feet in width and establishes a minimum 1-foot setback at the property

line above a height equivalent to 1.25 times the width of the abutting Narrow Street. Austin Street is 35-feet wide and a 10-foot setback from the lot line is required above 43 feet, 9 inches in height.

No setback is provided along the Austin Street façade. The narrowness of the Project Site constrains the proposed structure and providing the 10-foot setback on levels four through eight would reduce the square footage of the structure and result in a loss of units. The Project Sponsor has elected to use the State Density Bonus Law. Strict enforcement of this Code provision would physically preclude the construction of the Project with the additional dwelling units as permitted by California Government Code Sections 65915-65918, therefore the Sponsor proposes a Waiver from the requirements for Setbacks on Narrow Streets established in Section 261.1.

- L. **Bulk.** Planning Code Section 270 establishes bulk controls by District. The Project Site is located within the “A” Bulk District, where controls apply above 40 feet in height. Above 40 feet in height, the maximum plan length is 110 feet and the maximum diagonal dimension is 125 feet.

The building exceeds the 125-foot maximum diagonal dimension on levels four through eight. The proposed diagonal dimension, which includes the bay window projections over Pike and Austin Streets, is 128 feet and 8 inches, an exceedance less than four feet. The articulated facade helps to reduce the apparent massing of the building and assist the project in appearing contextual within the surrounding neighborhood. The Project Sponsor has elected to use the State Density Bonus Law. Strict enforcement of this Code provision would physically preclude the construction of the Project with the additional dwelling units as permitted by California Government Code Sections 65915-65918, therefore the Sponsor proposes a Waiver from the Bulk requirements established in Section 270.

- M. **Inclusionary Affordable Housing.** Inclusionary Affordable Housing Program. Planning Code Section 415 sets forth the requirements and procedures for the Inclusionary Affordable Housing Program. Under Planning Code Section 415.3, these requirements apply to projects that consist of 10 or more units. The applicable percentage is dependent on the number of units in the project, the zoning of the property, and the date of the accepted Project Application. A Project Application was accepted on April 29, 2016; therefore, pursuant to Planning Code Section 415.3 the Inclusionary Affordable Housing Program requirement for the On-site Affordable Housing Alternative is to provide 12.5% of the proposed dwelling units as affordable or to pay the Affordable Housing Fee for an amount equivalent to 20% of the proposed dwelling units to be constructed.

On March 10, 2021, the Project Sponsor submitted an ‘Affidavit of Compliance with the Inclusionary Affordable Housing Program: Planning Code Section 415,’ stating the requirements will be satisfied by a combination of on-site units and payment of the Affordable Housing Fee, and that any affordable units designated as on-site units shall be rental units and will remain as such for the life of the project. The Project Sponsor has demonstrated that the Project is eligible for the On-Site Affordable Housing Alternative under Planning Code Section 415.5 and 415.6 and has elected to provide 13%, (two units), of the inclusionary housing requirement on-site. Both units will be studios and affordable to low-income households (lowered from the Inclusionary Tier of 55% AMI to 50% AMI to comply with State Density Bonus requirements). As this only satisfies approximately 67% of the required 13% On-Site Affordable Housing obligation, the remainder of the requirement shall be paid as the Inclusionary Affordable Housing Fee, at the applicable rate of 20%. The provisions of Planning Code Section 415 apply to the entirety of the Project, including the bonus square footage gained under the State Density Bonus. The inclusionary housing fee will apply to the square footage of the Project that is attributable to the bonus.

- N. **Hours of Operation.** Planning Code Section 723 states that a Conditional Use Authorization is required

for maintaining hours of operation from 2 a.m. to 6 a.m.

Prior to COVID restrictions in March 2020, Grubstake was open until 4 a.m. A Conditional Use is requested to allow a restaurant that is open 24-hours a day.

- O. **Transportation Demand Management (TDM) Plan.** Pursuant to Planning Code Section 169 and the TDM Program Standards, the Project shall finalize a TDM Plan prior Planning Department approval of the first Building Permit or Site Permit. As currently proposed, the Project must achieve a target of five (5) points for the Residential Use. *The Project submitted a completed Environmental Evaluation Application prior to September 4, 2016. Therefore, the Project must only achieve 50% of the point target established in the TDM Program Standards, resulting in a required target of 3 points. As currently proposed, the Project will achieve its required points through the following TDM measures:*

- i. Parking Supply
- ii. Bicycle Parking (Option B)
- iii. Bicycle Repair Station
- iv. Delivery Supportive Amenities

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

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

Restaurant and Residential Uses are principally permitted. The restaurant space is approximately 2,900 square feet – 900 square feet over the principally-permitted use size. This site has been occupied by a diner since 1916, and the current Grubstake Diner since 1968, and the enlargement will allow for a more-functional floor plan, half of which would be occupied by back-of house functions. Before COVID restrictions, customers often had to wait outside for seating, which the additional floor area will also help alleviate. Materials and signage from the existing diner will be salvaged and reused, and both the use and appearance of the non-residential space will continue to be compatible with the neighborhood and community. Prior to COVID, Grubstake was open to 4 a.m. and served patrons leaving bars at closing. By extending the hours of operation to 24-hours, the restaurant would activate the street and provide round-the-clock “eyes on the street” and continue to cater to late-night patrons in a larger space that can hold more guests. The existing Grubstake Diner is expected to reopen at this location, where it can continue to be part of the neighborhood fabric.

This portion of the Polk NCD has been designated for high-density residential uses, as it follows the density allowances for the nearest R District, which is RM-4 (Residential, Mixed: High Density). The Project Sponsor has elected to use the State Density Program to provide an additional six units over the 15-unit base allowance. The proposed unit mix responds to the narrow lot and need for long lightwells on each side, both of which limit the floor plates of the residential levels. The Project provides a mix of studio, two- and three-bedroom units and responds to the community needs for additional housing that includes family-sized units. The development retains a neighborhood restaurant and honors its historic contributions to the community. By extending the current operating hours to allow 24-hours of operation (currently Grubstake closes at 4 a.m.) would provide a needed late-night eatery, a dwindling resource within the City. The Project is desirable and compatible with the neighborhood and community.

- B. The proposed project will not be detrimental to the health, safety, convenience or general welfare of

persons residing or working in the vicinity. There are no features of the project that could be detrimental to the health, safety or convenience of those residing or working the area, in that:

- (1) Nature of proposed site, including its size and shape, and the proposed size, shape and arrangement of structures;
- (2) The accessibility and traffic patterns for persons and vehicles, the type and volume of such traffic, and the adequacy of proposed off-street parking and loading;
- (3) The safeguards afforded to prevent noxious or offensive emissions such as noise, glare, dust and odor;
- (4) Treatment given, as appropriate, to such aspects as landscaping, screening, open spaces, parking and loading areas, service areas, lighting and signs;

The existing lot is 25-feet wide by 120-feet deep and has a lot area of 3,000 square feet. The new building will provide adequate lightwells the align with the lightwells of the adjacent buildings. The Planning Code does not require off-street parking or loading for the Restaurant or Residential uses, and none is provided. A total of 32 bicycle parking spaces: Twenty-eight Class 1 spaces will be provided in a storage room in the basement and two Class 2 spaces will be provided on both the Pine Street or Austin Street sidewalks adjacent to the Project Site (total of four). The Project Site is adjacent to an established street network of north-south and east-west arterials. It is located within a ¼ mile of 18 MUNI lines, including four frequent and one rapid line and a historic cable car. The project will not impact the accessibility or traffic patterns in the surrounding roadways. For all these reasons, the project will not result in parking or traffic that would be detrimental to the health, safety, convenience or general welfare of persons residing or working in the vicinity, or injurious to property, improvements or potential development in the vicinity. The proposed restaurant is subject to the standard conditions of approval for full-service restaurants and outlined in Exhibit A and will operate as a bona fide eating establishment. Condition 29 obligates the project sponsor to mitigate odor and noise generated by the restaurant use. Materials from the existing Grubstake Diner will be salvaged and reused, including the signage.

- 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 Neighborhood Commercial District.

The proposed project is consistent with the stated purposed of the Polk NCD District in that Project is compatible with the surrounding neighborhood. A Rear Yard is not provided due to the nature of the site being a narrow through lot. In keeping with the mixed-use character of the District, the ground-floor contains a commercial use and the residential lobby is located on Austin Street. While the mix of two- and three-bedroom is slightly lower than the 35% prescribed in the Planning Code, the Project provides one more three-bedroom unit than would be required. By providing three two-bedroom and two three-bedroom units, the Project provides 28% of the units as family-sized

housing options.

8. Development on Large Lots in NC Districts Findings. In addition to the criteria of Section 303(c) of this Code, pursuant to Section 121.1(b) the Commission shall consider the extent to which the following criteria are met:

- A. The mass and facade of the proposed structure are compatible with the existing scale of the district.
- B. The facade of the proposed structure is compatible with design features of adjacent facades that contribute to the positive visual quality of the district.
- C. Where 5,000 or more gross square feet of Non-Residential space is proposed, that the project provides commercial spaces in a range of sizes, including one or more spaces of 1,000 gross square feet or smaller, to accommodate a diversity of neighborhood business types and business sizes.

The building massing is compatible with the existing scale of the district. The Project Site is located on a block with mixed-use structures ranging between one to 12 stories, with a 25-story hotel on the corner of Pine Street and Van Ness Avenue. The adjacent property to the east, addressed at 1545 Pine Street (The Austin), was constructed in 2017 and is developed with two structures – one at 65 feet in height at the shared lot line and the other stepping up to 130 feet. The lot is narrow – only 25 feet wide – and the facades provide fine-grain frontages at street-level. The façades are also modulated with angular bays and balconies that visually break up the massing and reflect the mix of historic and modern architecture of the area. At street-level on Pine Street, the restaurant façade has been designed to incorporate salvaged materials from the existing Grubstake Diner, a modified lunch wagon from 1916; will retain the iconic red and yellow colors of Grubstake; and reuse the existing signage.

9. Non-Residential Use Size in NC Districts Findings. In addition to the criteria of Section 303(c) of this Code, pursuant to Section 121.2(a) the Commission shall consider the extent to which the following criteria are met:

- A. The intensity of activity in the district is not such that allowing the larger use will be likely to foreclose the location of other needed neighborhood-serving uses in the area.
- B. The proposed use will serve the neighborhood, in whole or in significant part, and the nature of the use requires a larger size in order to function.
- C. The building in which the use is to be located is designed in discrete elements which respect the scale of development in the district.

The principally permitted Non-Residential Use Size in the Polk NCD is 2,000 square feet and approximately 2,900 square feet is proposed. Because the Project Site is narrow, the additional floor area allows for a more functional floor plan that includes an area for the kitchen and two small seating areas, with half of the non-residential floor area dedicated to back-of-house functions. The site has been a diner since 1916, when the original lunch wagon was located at the site. With the long-standing restaurant use on-site, rebuilding in a larger and more useable manner would not detract from other neighborhood-serving uses.

The building has been designed to fit within the scale of the development in the Polk Street Neighborhood Commercial District, particularly the two developments adjacent to the site. The building proposes two discrete elements: a lower element for the restaurant and an element above for the proposed residential. The redesigned Grubstake exterior maintains the visual recognition and feel of the existing building while making minor adjustments to improve the business so it can better serve the neighborhood. The residential element above is distinct from the base while responding contextually to influences from adjacent buildings. One of these is modern without projections, and the other is a more traditional Victorian style with bay windows.

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

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

The Project consists of five or more dwelling units on a site that is in the Polk Neighborhood Commercial District that is currently developed with a single-story 1,661 square foot commercial structure and is therefore eligible for the Individually Requested Density Bonus Program.

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

The Project is requesting two Incentives under the Individually Requested Density Bonus Program from the development standards for Permitted Obstructions and Dwelling Unit Mix in the Polk Street NCD. The Project Sponsor has sufficiently demonstrated that the requested incentive result in identifiable cost reductions to the Density Bonus Project.

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

The Project includes construction of a new eight-story mixed-use building with seven levels of residential use. The Project would contain 21 dwelling units with a mix of studios, two- and three-bedroom units, with two units provided as affordable.

In order to achieve the proposed residential density, the Project is requesting four waivers from the following development standards: 1) Rear Yard (Section 134), 2) Common Usable Open Space (Section 135(g)), 3) Dwelling Unit Exposure (Section 140), 4) Ground-Floor Ceiling Height (Section 145.1(c)(4)), 5) Transparency (Section 145.1(c)(6)), 6) Height (Section 250), 7) Setbacks on Narrow Streets (Section 261.1), and 8) Bulk (Section 270). Without the waivers, the Project will be physically precluded from constructing the additional 8 rooms as permitted under the Individually Requested Density Bonus Program, thus preventing the Project from achieving a 38.75% density bonus.

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

The Density Bonus for the Project is not based on any donation of land; and is therefore not applicable.

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

The requested Density Bonus for the Project is not based on the inclusion of a Child Care Facility; and is therefore not applicable.

- F. If the Concession or Incentive includes mixed-use development, a finding that all the requirements included in Government Code Section 65915(k)(2) have been met.

The Project is seeking one concession or incentive under the Individually Requested Density Bonus Program and is a mixed-use structure with ground- and second-floor commercial space. The Project meets the requirements of in Government Code Section 65915(k)(2) in that the proposed commercial development is compatible with the housing project and existing zoning and helps to offset the cost of the housing development in the Project.

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

HOUSING ELEMENT

Objectives and Policies

OBJECTIVE 1

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

Policy 1.1

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

Policy 1.10

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

This infill Project would redevelop an underutilized lot and provide 21 new housing units, including two on-site affordable units, in a vibrant neighborhood with easy access to transit. The project site is ideally situated along a major arterial roadway, Pine Street and has access to major transit routes. Its location within a block of Van Ness Avenue, a main City thoroughfare, and California Street which includes a cable car line that terminates a Bay Area Regional Transit station, promotes "smart" regional growth. The project locates new housing near jobs as well as near major transit corridors providing regional access to transit. The Project would provide additional bike parking beyond the Planning Code requirements for the residents, which encourages biking for daily trips and needs. The dwelling unit mix provides 15 studios, three two-bedroom, and three three-bedroom, so the Project can serve the housing needs of a variety of household types and sizes.

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.

Policy 4.4

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

Policy 4.5

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

The Project Site does not currently contain housing and will create 21 net new units of housing. The dwelling unit mix provides 15 studios, three two-bedroom, and three three-bedroom, so the Project can serve the housing needs of a variety of household types and sizes, including families with children. The units will be for-rent and include two on-site affordable 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.

Policy 11.2

Ensure implementation of accepted design standards in project approvals.

Policy 11.3

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

Policy 11.4

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

Policy 11.6

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

The Project integrates flexibility and innovative design, while respecting the existing neighborhood character and the transitional nature of the project site. The design of the new restaurant incorporates salvaged materials on the interior and exterior, includes architectural detailing similar to the existing lunch wagon, and will reuse the signage. The Project complies with the Polk / Pacific Design Guidelines, including reflecting the existing setback patterns; maintaining narrow building frontages; and harmonizing the scale, proportions, texture, and character of the District. With a traditional building on one side and a modern building on the other, the residential levels of the Project are designed to reflect the adjacent style when viewed from the adjacent angle. The additional 21 units of housing, including two on-site affordable units, adds to the residential nature of the neighborhood while the design of the restaurant restores features of the culturally significant business that currently occupies the site.

OBJECTIVE 12

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

Policy 12.1

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

The project site is ideally situated along a major arterial roadway, Pine Street and has access to major transit routes. Its location within a block of Van Ness Avenue, a main City thoroughfare, and California Street which includes a cable car line that terminates a Bay Area Regional Transit station, promotes “smart” regional growth. The project locates new housing near jobs as well as near major transit corridors providing regional access to transit. The Project would provide additional bike parking beyond the Planning Code requirements for the residents, which encourages biking for daily trips and needs.

COMMERCE AND INDUSTRY ELEMENT

Objectives and Policies

OBJECTIVE 6

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

Policy 6.3

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

Policy 6.9

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

The project proposes an active 24-hour restaurant use on the ground floor along Pine Street. The proposed use, Grubstake, is a potential future legacy business and will be neighborhood serving and compatible with the surrounding retail uses in the Polk Street NCD. The Grubstake will be a bona fide restaurant with a Type 41 liquor license identical to its current operations.

URBAN DESIGN ELEMENT

Objectives and Policies

OBJECTIVE 1

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

Policy 1.3

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

Policy 1.7

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

The Project Site is in the Polk Street NCD, near the RC-4 District and the Van Ness Special Use District and is in a transition area from lower intensity development along Polk Street to higher intensity development along Van Ness Avenue. The project will be 83 feet in height stepping up from Polk Street toward Van Ness and is compatible with the taller residential development to the west. The project recognizes the natural boundaries of the NCD and RC-4 district, promoting connections between the two in its uniform and high-quality design.

OBJECTIVE 3

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

Policy 3.1 Promote harmony in the visual relationships and transitions between new and older buildings.

Policy 3.5 Relate the height of buildings to important attributes of the City pattern and to the heights and character of existing development

The exterior façade of the building is articulated and designed to vary the rhythm and appearance of the development and to enhance the architectural design of the structure. On the Pine Street façade, for example, the alternating bays respond to the traditional structure to the east (1515/17 Pine) and give the building dimension as have many traditional San Francisco buildings; the streamlined glazing and contemporary non-reflective façade panels provide contextual integrity with the modern “Austin” apartment building to the west (1545 Pine).

OBJECTIVE 4

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

Policy 4.12

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

Policy 4.4

Design walkways and parking facilities to minimize danger to pedestrians.

Policy 4.13

Improve pedestrian areas by providing human scale and interest.

The Project does not include any parking and includes active uses along both Pine Street and Austin Alley. The primary entry to the residential uses along Austin Alley creates vibrancy and interest in the alley and complements improvements made to Austin Alley by the adjacent new residential development. Access to the Project off Pine Street (i.e., Grubstake) and Austin Alley (i.e., residential entry) enhances pedestrian circulation and encourages pedestrian movement along Pine Street and Austin Alley between Van Ness Avenue and Polk Street.

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

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

The Project Site is currently developed with a one-story restaurant, dba Grubstake Diner, which has historically served the LGBTQ community in the Polk Gulch LGBTQ Historic District. While the Project would demolish this building and develop a new eight-story, 83-foot-tall building containing 21 dwelling units, it would also rebuild the restaurant space in a more functional way and retain some of the interior and exterior finishes and elements. Grubstake is expected to re-occupy the Project Site in the new building. This new commercial space for the residents and adjacent residential neighborhoods. In addition, the restaurant employees and residential tenants will frequent the nearby, existing retail and neighborhood-serving uses.

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

The Project would add housing to the neighborhood, which is characterized by a mix of uses, including ground-floor commercial with residential units above. The Project embraces the character of the existing neighborhood in its design and quality of craftsmanship and will infill an existing underutilized lot that has frontage on two streets. It would also rebuild the restaurant space in a more functional way and retain some of the interior and exterior finishes and elements. Grubstake is expected to re-occupy the Project Site in the new building.

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

There is no housing located on the Project Site. The Project will comply with the City's Inclusionary Housing Program by providing two below-market rate dwelling units for rent. Therefore, the Project will increase the stock of affordable housing units in the City.

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

The Project Site is served by nearby public transportation options, including many Muni transit lines along Van Ness Avenue and Polk Street, as well as within walking distance on Sacramento, Clay, Hyde, Leavenworth, Sutter, and Post streets. In addition, the project site is one block away from the California Cable Car. Most residents and the users of the commercial space on the site would rely on public transport. Thirty-two bike spaces will also be provided on site. The project will not create significant commuter traffic that could over burden local streets or impact neighborhood parking.

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

The Project does not include commercial office development. Although the Project will demolish the existing restaurant, the restaurant will be replaced in the new building. Grubstake is expected to relocate during the approximate two-year construction period and then return to the new building. The project therefore will not result in the loss of current owner/user of the site, or the long-term displacement of any jobs.

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

The Project will be designed and will be constructed to conform to the structural and seismic safety requirements of the Building Code. This proposal will improve the site's ability to withstand an earthquake.

- G. That landmarks and historic buildings be preserved.

Currently, the Project Site does not contain any City Landmarks or historic buildings, however, Grubstake Diner is a historic cultural resource with the Polk Gulch LGBTQ Cultural District. The Project Sponsor has agreed to mitigation relating to its removal, including the salvage and reuse of interior and exterior features and elements in the new construction.

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

The Project does not cast shadow on any parks or public open space.

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

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

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

DECISION

That based upon the Record, the submissions by the Applicant, the staff of the Department and other interested parties, the oral testimony presented to this Commission at the public hearings, and all other written materials submitted by all parties, the Commission hereby **APPROVES Conditional Use Authorization Application No. 2015-009955CUA** subject to the following conditions attached hereto as “EXHIBIT A” in general conformance with plans on file, dated June 2, 2021 and stamped “EXHIBIT B”, which is incorporated herein by reference as though fully set forth.

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

The Planning Commission hereby adopts the MND and the MMRP attached hereto as “EXHIBIT C” and incorporated herein as part of this Motion by this reference thereto. All required mitigation measures identified in the MND and contained in the MMRP are included as conditions of approval.

APPEAL AND EFFECTIVE DATE OF MOTION: Any aggrieved person may appeal this Conditional Use Authorization to the Board of Supervisors within thirty (30) days after the date of this Motion. The effective date of this Motion shall be the date of this Motion if not appealed (after the 30-day period has expired) OR the date of the decision of the Board of Supervisors if appealed to the Board of Supervisors. For further information, please contact the Board of Supervisors at (415) 554-5184, City Hall, Room 244, 1 Dr. Carlton B. Goodlett Place, San Francisco, CA 94102.

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

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

I hereby certify that the Planning Commission ADOPTED the foregoing Motion on July 22, 2021.

Jonas P. Ionin
Commission Secretary

AYES:

NAYS:

ABSENT:

ADOPTED: July 22, 2021

EXHIBIT A

Authorization

This authorization is for a conditional use to allow the demolition the existing 1,661 square foot one-story commercial restaurant (dba “Grubstake”) and construct a new 83-foot tall eight-story mixed-use building with a 2,856 square foot restaurant and 21 dwelling units at 1525 Pine Street (0667/020) within the Polk Neighborhood Commercial (NCD) Zoning District, 65-A Height and Bulk District, and Lower Polk Street Alcohol Restricted Use Special Use District pursuant to Planning Code Sections 303 and 121.1, 121.2, 207.6, 608.14, and 723; in general conformance with plans, dated June 2, 2021, and stamped “EXHIBIT B” included in the docket for **Record No. 2015-009955CUA** and subject to conditions of approval reviewed and approved by the Commission on **July 22, 2021** 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 July 22, 2021 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.** The authorization and right vested by virtue of this action is valid for three (3) years from the effective date of the Motion. The Department of Building Inspection shall have issued a Building Permit or Site Permit to construct the project and/or commence the approved use within this three-year period. *For information about compliance, contact Code Enforcement, Planning Department at 628.652.7463, www.sfplanning.org*
- 2. Expiration and Renewal.** Should a Building or Site Permit be sought after the three (3) year period has lapsed, the project sponsor must seek a renewal of this Authorization by filing an application for an amendment to the original Authorization or a new application for Authorization. Should the project sponsor decline to so file, and decline to withdraw the permit application, the Commission shall conduct a public hearing in order to consider the revocation of the Authorization. Should the Commission not revoke the Authorization following the closure of the public hearing, the Commission shall determine the extension of time for the continued validity of the Authorization. *For information about compliance, contact Code Enforcement, Planning Department at 628.652.7463, www.sfplanning.org*
- 3. Diligent Pursuit.** Once a site or Building Permit has been issued, construction must commence within the timeframe required by the Department of Building Inspection and be continued diligently to completion. Failure to do so shall be grounds for the Commission to consider revoking the approval if more than three (3) years have passed since this Authorization was approved. *For information about compliance, contact Code Enforcement, Planning Department at 628.652.7463, www.sfplanning.org*
- 4. Extension.** All time limits in the preceding three paragraphs may be extended at the discretion of the Zoning Administrator where implementation of the project is delayed by a public agency, an appeal or a legal challenge and only by the length of time for which such public agency, appeal or challenge has caused delay. *For information about compliance, contact Code Enforcement, Planning Department at 628.652.7463, www.sfplanning.org*
- 5. Conformity with Current Law.** No application for Building Permit, Site Permit, or other entitlement shall be approved unless it complies with all applicable provisions of City Codes in effect at the time of such approval. *For information about compliance, contact Code Enforcement, Planning Department at 628.652.7463, www.sfplanning.org*
- 6. Mitigation Measures.** Mitigation measures described in the MMRP attached as Exhibit C are necessary to avoid potential significant effects of the proposed project and have been agreed to by the project sponsor. Their implementation is a condition of project approval. *For information about compliance, contact Code Enforcement, Planning Department at 628.652.7463, www.sfplanning.org*

Entertainment Commission – Noise Attenuation Conditions

7. Chapter 116 Residential Projects. The Project Sponsor shall comply with the “Recommended Noise Attenuation Conditions for Chapter 116 Residential Projects,” which were recommended by the Entertainment Commission on January 16, 2018. These conditions state:

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

Design – Compliance at Plan Stage

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

For information about compliance, contact the Case Planner, Planning Department at 628.652.7322, www.sfplanning.org

9. Signage. Reuse of the existing Grubstake signage, as required by the MMRP, shall be subject to the requirements of Section 607.1 and applicable sign permits.

For information about compliance, contact the Case Planner, Planning Department at 628.652.7322, www.sfplanning.org

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

For information about compliance, contact the Case Planner, Planning Department at 628.652.7322, www.sfplanning.org

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

For information about compliance, contact the Case Planner, Planning Department at 628.652.7322, www.sfplanning.org

- 12. Transformer Vault Location.** The location of individual project PG&E Transformer Vault installations has significant effects to San Francisco streetscapes when improperly located. However, they may not have any impact if they are installed in preferred locations. Therefore, the Planning Department in consultation with Public Works shall require the transformer vault for this project to be located under the sidewalk along the building frontage on Pine Street. The above requirement shall adhere to the Memorandum of Understanding regarding Electrical Transformer Locations for Private Development Projects between Public Works and the Planning Department dated January 2, 2019.

For information about compliance, contact Bureau of Street Use and Mapping, Department of Public Works at 628.271.2000, www.sfpbpublicworks.org

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

For information about compliance, contact San Francisco Municipal Railway (Muni), San Francisco Municipal Transit Agency (SFMTA), at 415.701.4500, www.sfmta.org

- 14. Noise, Ambient.** Interior occupiable spaces shall be insulated from ambient noise levels. Specifically, in areas identified by the Environmental Protection Element, Map1, "Background Noise Levels," of the General Plan that exceed the thresholds of Article 29 in the Police Code, new developments shall install and maintain glazing rated to a level that insulate interior occupiable areas from Background Noise and comply with Title 24.

For information about compliance, contact the Environmental Health Section, Department of Public Health at 415.252.3800, www.sfdph.org

- 15. Noise.** Plans submitted with the building permit application for the approved project shall incorporate acoustical insulation and other sound proofing measures to control noise.

For information about compliance, contact the Case Planner, Planning Department at 628.652.7322, www.sfplanning.org

- 16. Odor Control Unit.** In order to ensure any significant noxious or offensive odors are prevented from escaping the premises once the project is operational, the building permit application to implement the project shall

include air cleaning or odor control equipment details and manufacturer specifications on the plans. Odor control ducting shall not be applied to the primary façade of the building.

For information about compliance, contact the Case Planner, Planning Department at 628.652.7322, www.sfplanning.org

Parking and Traffic

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

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

For information about compliance, contact the TDM Performance Manager at tdm@sfgov.org or 628.652.7340, www.sfplanning.org

- 18. Bicycle Parking.** Pursuant to Planning Code Sections 155, 155.1, and 155.2, the Project shall provide no fewer than 26 bicycle parking spaces (21 Class 1 and two Class 2 spaces for the residential portion of the Project and one Class 1 and two Class 2 spaces for the commercial portion of the Project). SFMTA has final authority on the type, placement and number of Class 2 bicycle racks within the public ROW. Prior to issuance of first architectural addenda, the project sponsor shall contact the SFMTA Bike Parking Program at bikeparking@sfmta.com to coordinate the installation of on-street bicycle racks and ensure that the proposed bicycle racks meet the SFMTA's bicycle parking guidelines. Depending on local site conditions and anticipated demand, SFMTA may request the project sponsor pay an in-lieu fee for Class II bike racks required by the Planning Code.

For information about compliance, contact Code Enforcement, Planning Department at 628.652.7463, www.sfplanning.org

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

For information about compliance, contact Code Enforcement, Planning Department at 628.652.7463, www.sfplanning.org

Provisions

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

For information about compliance, contact the Case Planner, Planning Department at 628.652.7322, www.sfplanning.org

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

For information about compliance, contact the First Source Hiring Manager at 415.581.2335, www.onestopSF.org

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

For information about compliance, contact the Case Planner, Planning Department at 628.652.7322, www.sfplanning.org

23. Residential Child Care Impact Fee. The Project is subject to the Residential Child Care Fee, as applicable, pursuant to Planning Code Section 414A. *For information about compliance, contact the Case Planner, Planning Department at 628.652.7322, www.sfplanning.org*

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

- A. The terms of the agreement shall be acceptable in form and content to the Planning Director, the Director of MOHCD, and the City Attorney. The Planning Director shall have the authority to execute such agreements.
- B. Following execution of the agreement by all parties, the completed Regulatory Agreement, or memorandum thereof, shall be recorded and the conditions filed and recorded on the Housing Project.
- C. The approval and recordation of the Regulatory Agreement shall take place prior to the issuance of the First Construction Document. The Regulatory Agreement shall be binding to all future owners and successors in interest.
- D. The Regulatory Agreement shall be consistent with the guidelines of the City's Inclusionary Housing Program and shall include at a minimum the following:
 - i. The total number of dwelling units approved for the Housing Project, including the number of restricted affordable units;
 - ii. A description of the household income group to be accommodated by the HOME-SF Units, and the standards for determining the corresponding Affordable Rent or Affordable Sales Price. If required by the Procedures Manual, the project sponsor must commit to completing a market survey of the area before marketing restricted affordable units;
 - iii. The location, dwelling unit sizes (in square feet), and number of bedrooms of the restricted affordable units;

- iv. Term of use restrictions for the life of the project;
- v. A schedule for completion and occupancy of restricted affordable units;
- vi. A description of any Concession, Incentive, waiver, or modification, if any, being provided by the City;
- vii. A description of remedies for breach of the agreement (the City may identify tenants or qualified purchasers as third-party beneficiaries under the agreement); and
- viii. Other provisions to ensure implementation and compliance with Section 206.6.

For information about compliance, contact the Case Planner, Planning Department at 628.652.7322, www.sf-planning.org or the Mayor's Office of Housing and Community Development at 415.701-5500, www.sfmohcd.org.

25. Inclusionary Affordable Housing Program. Pursuant to Planning Code Section 415, the following apply:

- A. **Number of Required Units.** Pursuant to Planning Code Section 415.6, the Project is required to provide 12.5% of the proposed dwelling units as affordable to qualifying households. The Project contains 21 units; therefore, two affordable units are required. The Project 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 the Planning Department in consultation with the Mayor's Office of Housing and Community Development ("MOHCD").
- B. **Unit Mix.** The Project contains 15 studios, three two-bedroom, and three three-bedroom units; therefore, the required affordable unit mix is two studios. If the market-rate unit mix changes, the affordable unit mix will be modified accordingly with written approval from the Planning Department in consultation with MOHCD.
- C. **Income Levels for Affordable Units.** Pursuant to Planning Code Section 415.3, the Project is required to provide 12.5% of the proposed dwelling units as affordable to qualifying households at a rental rate of 50% of Area Median Income. 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").
- D. **Minimum Unit Sizes.** Pursuant to Planning Code Section 415.6(f)(2), the affordable units shall meet the minimum unit sizes standards established by the California Tax Credit Allocation Committee (TCAC) as of May 16, 2017. One-bedroom units must be at least 450 square feet, two-bedroom units must be at least 700 square feet, and three-bedroom units must be at least 900 square feet. Studio units must be at least 300 square feet pursuant to Planning Code Section 415.6(f)(2). The total residential floor area devoted to the affordable units shall not be less than the applicable percentage applied to the total residential floor area of the principal project, provided that a 10% variation in floor area is permitted.
- E. **Conversion of Rental Units:** In the event one or more of the Rental Units are converted to Ownership units, the project sponsor shall either (A) reimburse the City the proportional amount of the inclusionary affordable housing fee, which would be equivalent to the then-current inclusionary affordable fee requirement for Owned Units, or (B) provide additional on-site or off-site affordable units equivalent to the difference between the on-site rate for rental units approved at the time of entitlement and the then-current inclusionary requirements for Owned Units. The additional units shall be apportioned among the

required number of units at various income levels in compliance with the requirements in effect at the time of conversion.

- F. **Notice of Special Restrictions.** The affordable units shall be designated on a reduced set of plans recorded as a Notice of Special Restrictions on the property prior to the issuance of the architectural addenda.
- G. **Expiration of the Inclusionary Rate.** Pursuant to Planning Code Section 415.6(a)(10), if the Project has not obtained a site or building permit within 30 months of Planning Commission Approval of this Motion No. [_____], then it is subject to the Inclusionary Affordable Housing Requirements in effect at the time of site or building permit issuance.
- H. **Reduction of On-Site Units after Project Approval.** Pursuant to Planning Code Section 415.5(g)(3), any changes by the project sponsor which result in the reduction of the number of on-site affordable units shall require public notice for hearing and approval from the Planning Commission.
- I. **20% below market rents.** Pursuant to PC Section 415.6, the maximum affordable rents shall be no higher than 20% below market rents for the neighborhood within which the project is located, which shall be defined in accordance with the American Community Survey Neighborhood Profile Boundaries Map. MOHCD shall adjust the allowable rents, and the eligible households for such units, accordingly, and such potential readjustment shall be a condition of approval upon project entitlement. The City shall review the updated data on neighborhood rents and sales prices on an annual basis
- J. **Other Conditions.** The Project is subject to the requirements of the Inclusionary Affordable Housing Program under Planning Code Section 415 et seq. 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 which can be obtained at the MOHCD at 1 South Van Ness Avenue or at the Planning Department, online through the MOHCD and Planning websites, or here: <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.

- i. The affordable unit(s) shall be designated on the building plans prior to the issuance of the first construction document by the Department of Building Inspection ("DBI"). The affordable unit(s) shall (1) be constructed, completed, ready for occupancy and marketed no later than the market rate units, and (2) be evenly distributed throughout the building floor plates; and (3) be of comparable overall quality, construction and exterior appearance as the market rate units in the principal project. The interior features in affordable units should be generally the same as those of the market units in the principal project, but need not be the same make, model or type of such item as long they are of good and new quality and are consistent with then-current standards for new housing. Other specific standards for on-site units are outlined in the Procedures Manual.
- ii. If the units in the building are offered for rent, the affordable unit(s) shall be rented to low-

income households, as defined in the Planning Code and Procedures Manual. The initial and subsequent rent level of such units shall be calculated according to the Procedures Manual. Limitations on (i) occupancy; (ii) lease changes; and (iii) subleasing are set forth in the Inclusionary Affordable Housing Program and the Procedures Manual.

- iii. The affordable units that satisfy both the Density Bonus Law and the Inclusionary Affordable Housing Program shall be rented to very low-income households, as defined as households earning 50% of AMI in the California Health and Safety Code Section 50105 and/or California Government Code Sections 65915-65918, the State Density Bonus Law. The income table used to determine the rent and income levels for the Density Bonus units shall be the table required by the State Density Bonus Law. If the resultant rent or income levels at 50% of AMI under the table required by the State Density Bonus Law are higher than the rent and income levels at 55% of AMI under the Inclusionary Affordable Housing Program, the rent and incomes levels shall default to the maximum allowable rent and income levels for affordable units under the Inclusionary Affordable Housing Program. After such Density Bonus Law units have been rented for a term of 55 years, the subsequent rent and income levels of such units may be adjusted to (55) percent of Area Median Income under the Inclusionary Affordable Housing Program, using 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," and shall remain affordable for the remainder of the life of the Project. The initial and subsequent rent level of such units shall be calculated according to the Procedures Manual. The remaining units being offered for rent shall be rented to qualifying households, as defined in the Procedures Manual, whose gross annual income, adjusted for household size, does not exceed an average fifty-five (55) 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 and subsequent rent level of such units shall be calculated according to the Procedures Manual. Limitations on (i) occupancy; (ii) lease changes; and (iii) subleasing are set forth in the Inclusionary Affordable Housing Program and the Procedures Manual.
- iv. 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.
- v. Prior to the issuance of the first construction permit by DBI for the Project, the Project Sponsor shall record a Notice of Special Restriction on the property that contains these conditions of approval and a reduced set of plans that identify the affordable units satisfying the requirements of this approval. The Project Sponsor shall promptly provide a copy of the recorded Notice of Special Restriction to the Department and to MOHCD or its successor.
- vi. If the Project fails to comply with the Inclusionary Affordable Housing Program requirement, the Director of DBI shall deny any and all site or building permits or certificates of occupancy for the development project until the Planning Department notifies the Director of compliance. A Project's failure to comply with the requirements of Planning Code Section 415 et seq. shall constitute cause for the City to record a lien against the development project and

to pursue any and all available remedies at law, including penalties and interest, if applicable.

For information about compliance, contact the Case Planner, Planning Department at 628.652.7322, www.sfplanning.org or the Mayor's Office of Housing and Community Development at 415.701.5500, www.sfmohcd.org.

Monitoring - After Entitlement

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

For information about compliance, contact Code Enforcement, Planning Department at 628.652.7463, www.sfplanning.org

- 27. Monitoring.** The Project requires monitoring of the conditions of approval in this Motion. The Project Sponsor or the subsequent responsible parties for the Project shall pay fees as established under Planning Code Section 351(e) (1) and work with the Planning Department for information about compliance.

For information about compliance, contact Code Enforcement, Planning Department at 628.652.7463, www.sfplanning.org

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

For information about compliance, contact Code Enforcement, Planning Department at 628.652.7463, www.sfplanning.org

Operation

- 29. Eating and Drinking Uses.** As defined in Planning Code Section 202.2, Eating and Drinking Uses, as defined in [Section 102](#), shall be subject to the following conditions:

- A. The business operator shall maintain the main entrance to the building and all sidewalks abutting the subject property in a clean and sanitary condition in compliance with the Department of Public Works Street and Sidewalk Maintenance Standards. In addition, the operator shall be responsible for daily monitoring of the sidewalk within a one-block radius of the subject business to maintain the sidewalk free of paper or other litter associated with the business during business hours, in accordance with Article 1, [Section 34](#) of the San Francisco Police Code.

For information about compliance, contact the Bureau of Street Use and Mapping, Department of Public Works at 628.271.2000, www.sfpublishworks.org.

- B. When located within an enclosed space, the premises shall be adequately soundproofed or insulated for noise and operated so that incidental noise shall not be audible beyond the premises or in other sections of the building, and fixed-source equipment noise shall not exceed the decibel levels specified in the San Francisco Noise Control Ordinance.

For information about compliance of fixed mechanical objects such as rooftop air conditioning, restaurant ventilation systems, and motors and compressors with acceptable noise levels, contact the Environmental Health Section, Department of Public Health at 415.252.3800, www.sfdph.org.

For information about compliance with construction noise requirements, contact the Department of Building Inspection at 628.652.3200, www.sfdbi.org.

For information about compliance with the requirements for amplified sound, including music and television, contact the Police Department at 415.553.0123, www.sf-police.org

- C. While it is inevitable that some low level of odor may be detectable to nearby residents and passersby, appropriate odor control equipment shall be installed in conformance with the approved plans and maintained to prevent any significant noxious or offensive odors from escaping the premises.

For information about compliance with odor or other chemical air pollutants standards, contact the Bay Area Air Quality Management District, (BAAQMD), 1-800-334-ODOR (6367), www.baaqmd.gov and Code Enforcement, Planning Department at 628.652.7600, www.sfplanning.org

- D. Garbage, recycling, and compost containers shall be kept within the premises and hidden from public view and placed outside only when being serviced by the disposal company. Trash shall be contained and disposed of pursuant to garbage and recycling receptacles guidelines set forth by the Department of Public Works.

For information about compliance, contact the Bureau of Street Use and Mapping, Department of Public Works at 628.271.2000, www.sfpublishworks.org

30. Bona Fide Eating Place. The Restaurant shall operate as Bona Fide Eating Place, as defined in Section 102, regularly and in a bona fide manner used and kept open for the service of meals to guests for compensation and that has suitable kitchen facilities connected therewith, containing conveniences for cooking of an assortment of foods that may be required for ordinary meals.

31. Sidewalk Maintenance. The Project Sponsor shall maintain the main entrance to the building and all sidewalks abutting the subject property in a clean and sanitary condition in compliance with the Department of Public Works Streets and Sidewalk Maintenance Standards.

For information about compliance, contact Bureau of Street Use and Mapping, Department of Public Works, 628.271.2000, www.sfpublishworks.org

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

For information about compliance, contact Code Enforcement, Planning Department at 628.652.7463, www.sfplanning.org

1525 PINE

CONSTRUCTION OF MULTI-FAMILY HOUSING OVER RESTAURANT AND BASEMENT IMPLEMENTING THE INDIVIDUALLY REQUESTED STATE DENSITY BONUS

kerman
morris
architects LLP



DESCRIPTION OF WORK

THE PROJECT CONSISTS OF THE DEMOLITION OF THE EXISTING SINGLE STORY COMMERCIAL STRUCTURE (CURRENTLY HOUSING THE "GRUBSTAKE DINER") ON THE LOT UNDER SEPARATE PERMIT (BPA #2018-0208-0778) AND THE CONSTRUCTION OF A NEW MIXED-USE EIGHT (8) STORY OVER BASEMENT STRUCTURE (BPA #2018-0208-0768) CONSISTING OF: GROUND FLOOR COMMERCIAL (THE "GRUBSTAKE DINER" WILL RE-INHABIT THIS NEW SPACE) AND THE RESIDENTIAL ENTRY; SEVEN (7) STORIES OF RESIDENTIAL OCCUPANCY (21 DWELLING UNITS); ROOF TOP COMMON OPEN SPACE; AND BASEMENT LEVEL SPACES AUXILIARY TO THE COMMERCIAL AND RESIDENTIAL USES.

THE PROJECT EXERCISES THE INDIVIDUALLY REQUESTED STATE DENSITY BONUS PROGRAM (S. 206.6) TO ACHIEVE GREATER DENSITY, HEIGHT AND AFFORDABILITY THAN ALLOWED UNDER THE BASE ZONING. CONDITIONAL USE APPROVAL, AND REVIEW/APPROVAL OF FINDINGS REGARDING WAIVERS AND INCENTIVES UNDER THE STATE DENSITY BONUS PROGRAM ARE REQUIRED BY THE SF PLANNING COMMISSION.

ALL WORK TO COMPLY WITH CURRENT LOCAL AND STATE CODES INCLUDING BUT NOT LIMITED TO: THE 2016 EDITION OF THE CALIFORNIA BUILDING CODE, THE CALIFORNIA PLUMBING CODE, THE CALIFORNIA MECHANICAL CODE, THE CALIFORNIA ELECTRICAL CODE AND THE CALIFORNIA FIRE CODE; THE CURRENT EDITION OF THE SAN FRANCISCO BUILDING AND PLANNING CODES; TITLE-24 ENERGY STANDARDS; GYPSUM FIRE RESISTANCE DESIGN MANUAL (20TH EDITION); ETC...

APPROVALS BY SF PLANNING

(2015-009955-SDB):
This Individually Requested State Density Bonus (Mixed-use Project is proposed in the Polk Street NCD/65-A underlying zoning district.

SDB waivers/concessions requested are to the following:

- Height and Bulk (s. 260)
- Open Space (T. 135A)
- Rear Yard (s. 134)
- Dwelling Unit Exposure (s. 140)
- Street Frontage (s. 145.1)
- Narrow Street Setbacks (s. 261)
- Projections (s. 136)
- Unit Mix (s. 207.6)

CONDITIONAL USE APPROVAL IS ALSO SOUGHT FOR THE PROJECT

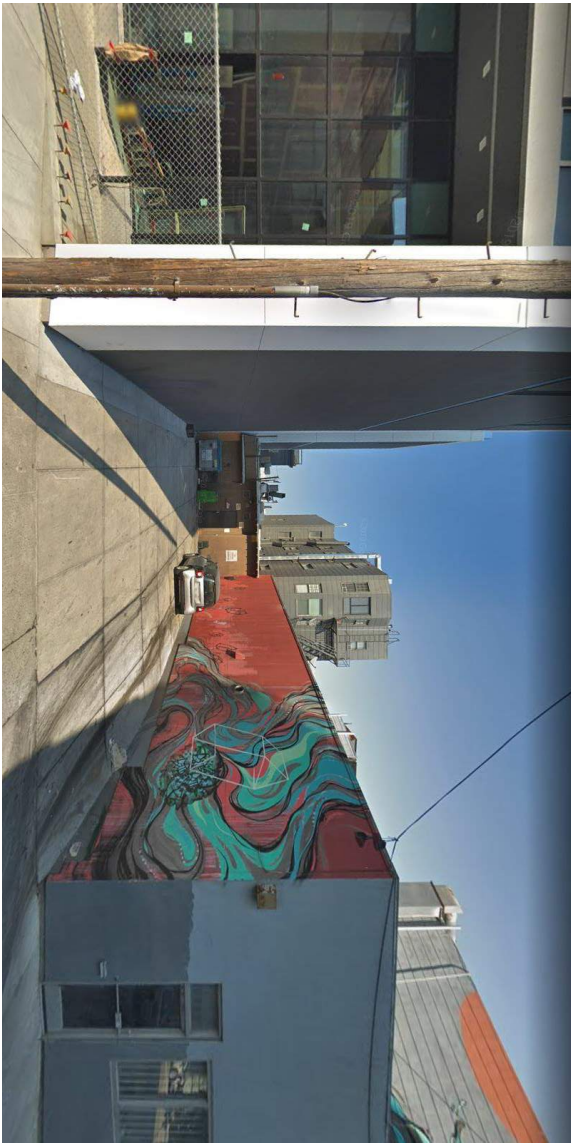
FOR 7/22/21 PLANNING COMMISSION HEARING

ISSUED JULY 14, 2021
1525 PINE STREET
BLOCK/LOT: 0667/020 PRJ: 2015-009955 BPA: 2018-02080768

ZONING INFORMATION AND SDB WAIVER REQUESTS			
ADDRESS : 1525 PINE STREET, SAN FRANCISCO, 94109			
BLOCK / LOT : 0667 / 020			
LOT SIZE: 25'X120' = 3,000 SF			
Topic	Code Section	Required / Allowed	
ZONEMAP	MAP 2N02	NCD - POLK STREET COMMERCIAL	
PERMITTED USE	SFPC 209	MIXED USE	COMMERCIAL AND RESIDENTIAL MIXED USE
DENSITY	SFPC 207	PERMITTED UP TO 1 DWELLING UNIT PER 200 SF OF LOT AREA. 3,000 SF / 200 = 15 DWELLING UNITS PER NEAREST RESIDENTIAL DISTRICT - RC-4 DENSITY OF 1 DWELLING UNIT PER 200 SF LOT AREA.	PROJECT PROPOSES 21 DWELLING UNITS FOR OWNERSHIP USING THE INDIVIDUALLY REQUESTED STATE DENSITY BONUS, AND SFPC SEC. 206.6
F.A.R	SFPC 124	2.5 TO 1 FOR NON-RESIDENTIAL USES	2.5 X 3,000 SF= 7,500 SF MAX. NON-RESIDENTIAL USES. PROJECT COMPLIES.
HEIGHT	SFPC 260	65-A (65' MAXIMUM HEIGHT)	83 PROPOSED WAIVER REQUIRED PER STATE DENSITY BONUS; SEE SHEET G1.50 FOR DIAGRAM
BULK LIMIT	SFPC TABLE 270	110' MAXIMUM IN LENGTH, 125' MAXIMUM IN DIAGONAL DIMENSION	WAIVER REQUIRED PER SDB; SEE SHEET G1.50 FOR DIAGRAM
FRONT YARD SETBACK	SFPC 132	NOT REQUIRED	N/A
REAR YARD SETBACK	SFPC 134(a)(2)	25% OF THE LOT DEPTH, BUT IN NO CASE LESS THAN 15'	WAIVER REQUIRED PER SDB (NO REAR YARD PROPOSED); SEE SHEET G1.50 FOR DIAGRAM
OPEN SPACE FOR DWELLING UNITS	SFPC TABLE 135(a)	36 sqft OF PRIVATE OR 48 sqft OF COMMON OPEN SPACE PER DWELLING UNIT IS REQUIRED. 21 UNITS X 48 sqft = 1008 SF MIN. COMMON OPEN SPACE REQUIRED.	749 SF COMMON OPEN SPACE PROPOSED. WAIVER REQUIRED PER SDB; SEE SHEET G1.50 FOR DIAGRAM
OBSTRUCTIONS	SFPC 136	PERMITTED. OVER NARROW STREET WITH NARROW SIDEWALK PROJECTIONS, 2' MAX PROJECTION ALLOWABLE.	AT PINE STREET FACADE PROJECT PROPOSES BAYS COMPLIANT WITH SEC. 136. AT AUSTIN ST WAIVER REQUIRED PER SDB; SEE SHEET G1.50 FOR DIAGRAM
DWELLING UNIT EXPOSURE	SFPC 140	EVERY UNIT TO FACE ONTO PUBLIC WAY OR COMPLYING REAR YARD	UNIT 202 DOES NOT COMPLY; WAIVER REQUIRED PER SDB; SEE SHEET G1.50 FOR DIAGRAM
HEIGHT / STREET FRONTAGE REVIEW	SFPC 145.1(c)(1)	OFF-STREET PARKING AT STREET GRADE MUST BE SET BACK AT LEAST 25'	N/A. NO PARKING PROPOSED
	SFPC 145.1(c)(2)	NO MORE THAN 1/3 OF THE WIDTH OR 20' GIVEN TO PARKING INGRESS OR EGRESS	N/A
	SFPC 145.1(c)(3)	ACTIVE USES REQUIRED	PROJECT COMPLIES
	SFPC 145.1(c)(4)	GROUND FLOOR CEILING HEIGHT HAS A MIN. 14' FLOOR TO FLOOR FOR NON-RESIDENTIAL USES.	AT AUSTIN ST PROJECT COMPLIES. AT PINE ST WAIVER REQUIRED PER SDB; SEE SHEET G1.50 FOR DIAGRAM
	SFPC 145.1(c)(5)	GROUND FLOOR SHALL BE AS CLOSE TO SIDEWALK ELEVATION AS POSSIBLE IN NC DISTRICT	PROJECT COMPLIES
	SFPC 145.1(c)(6)	FRONTAGE WITH ACTIVE USES MUST BE FENESTRATED WITH TRANSPARENT WINDOW AND DOORWAYS FOR NO LESS THAN 60%	WAIVER REQUIRED PER SDB; SEE SHEET G1.50 FOR DIAGRAM
BETTER ROOFS ALTERNATIVE	SFPC 149	PROVIDE A MIN. 15% OF ROOF AREA TO BE SOLAR PHOTOVOLTAIC OR 30% OF ROOF AREA TO BE GREEN OR REGITATED ROOF.	PROJECT COMPLIES
OFF-STREET PARKING	SFPC 151	NOT REQUIRED. MAX. PERMITTED PER SEC. 151. BIKE PARKING REQUIRED PER SEC. 155.2. CAR SHARE SPACES REQUIRED WHEN PROJECT HAS 25 OR MORE PARKING SPACES. PER SEC. 166.	NO VEHICLE PARKING PROPOSED. PROJECT COMPLIES.
BIKE PARK	SFPC 155.2	(1) CLASS 1 SPACE FOR EVERY DWELLING UNITS AND (1) CLASS 2 SPACE PER 20 UNITS.	A MIN. OF 21 CLASS 1 SPACES AND 2 CLASS 2 SPACES REQUIRED FOR 21 DWELLING UNITS. PROJECT COMPLIES.
		EATING AND DRINKING USES REQUIRE (1) CLASS 1 SPACE FOR EVERY 7,500 SF. (1) CLASS 2 SPACE FOR EVERY 750 SF. 2 SPACES MIN. REQUIRED.	A MIN. OF 2 CLASS 1 SPACES AND 2 CLASS 2 SPACES FOR 1,008 SF OF FRONT OF HOUSE RESTAURANT. PROJECT COMPLIES.
DWELLING UNIT MIX	SFPC 207.6	A MIN. OF 40% OF UNITS TO BE 2-BRS OR 30% TO BE 3-BRS.	(3) 2-BRS AND (3) 3-BRS PROVIDED. DOES NOT MEET MINIMUM.
HEIGHT LIMITS: MEASUREMENT	SFPC 260	BUILDING HEIGHT IS MEASURED FROM ONE POINT ON THE STREET FRONTAGE FROM CURB TO TOP OF FLAT ROOF OR THE MIDPOINT OF A SLOPED ROOF.	PROJECT EXCEEDS 65' HEIGHT LIMIT OF NCD / 65-A ZONING. WAIVER REQUIRED PER INDIVIDUALLY REQUESTED STATE DENSITY BONUS (SFPC 206.6)
	SFPC 260(b)	EXEMPTIONS: THE FOLLOWING FEATURES SHALL BE EXEMPT. PROVIDED THE LIMITATIONS INDICATED FOR EACH ARE OBSERVED. PROVIDED FURTHER THAT THE SUM OF THE HORIZONTAL AREAS OF ALL FEATURES LISTED IN THIS PARAGRAPH (B)(1) SHALL NOT EXCEED 20 PERCENT OF THE HORIZONTAL AREA OF THE ROOF ABOVE WHICH THEY ARE SITUATED. ANY SUCH SUM OF 20 PERCENT HERETOFORE DESCRIBED MAY BE INCREASED TO 30 PERCENT BY UNROOFED SCREENING DESIGNED EITHER TO OBSCURE THE FEATUERS LISTED UNDER (A) AND (B) BELOW OR TO PROVIDE A MORE BALANCED AND GRACEFUL SILHOUETTE FOR THE TOP FO THE BUILDING OR STRUCTURE. (A) MECHANICAL EQUIPMENT AND APPURTENANCES NECESSARY TO THE OPERATION OR MAINTENANCE OF THE BUILDING OR STRUCTURE ITSELF, INCLUDING CHIMNEYS, VENTILATORS, PLUMBING VENT STACKS, COOLING TOWER, WATER TANKS, AND PANELS OR DEVICES FOR THE COLLECION OF SOLAR OR WIND ENERGY. THIS EXEMPTION SHALL BE LIMITED TO THE TOP 10 FEET OF SUCH FEATURES WHERE THE HEIGHT LIMIT IS 65 FEET OR LESS.	
SETBACKS AT NARROW STREETS	SFPC 261.1	AUSTIN ST (35' WIDTH) FACADE SETBACK MINIMUM 10' ABOVE 1.25 * 35' = 43'-9"	PROJECT PROPOSES NO SETBACK OF STREET WALL. WAIVER REQUIRED PER SDB; SEE SHEET G1.50 FOR DIAGRAM

PROJECT SUMMARY

UNIT DISTRIBUTION					BUILDING INTERIOR AREA (NET)							EXTERIOR OPEN SPACE (NET)		
					RESIDENTIAL				OTHER					
LEVEL	STUDIO	2BR	3BR	TOTAL	DWELLING	COMMON	CIRCULATION	SUBTOTAL	STORAGE	UTILITY	COMMERCIAL	TOTAL	PRIVATE	COMMON
					UNIT									
BASEMENT -1	0	0	0	0	0 SF	0 SF	595 SF	595 SF	605 SF	129 SF	1096 SF	2426 SF	0 SF	0 SF
LEVEL 01 (AUSTIN)	0	0	0	0	0 SF	514 SF	322 SF	322 SF	0 SF	205 SF	0 SF	1041 SF	0 SF	0 SF
LEVEL 01 (PINE)	0	0	0	0	0 SF	0 SF	152 SF	152 SF	0 SF	0 SF	1110 SF	1261 SF	0 SF	0 SF
LEVEL 02	3	0	0	3	1289 SF	0 SF	477 SF	1766 SF	0 SF	0 SF	267 SF	2033 SF	0 SF	0 SF
LEVEL 03	4	0	0	4	1763 SF	0 SF	528 SF	2291 SF	0 SF	0 SF	0 SF	2291 SF	0 SF	0 SF
LEVEL 04	4	0	0	4	1763 SF	0 SF	528 SF	2291 SF	0 SF	0 SF	0 SF	2291 SF	0 SF	0 SF
LEVEL 05	4	0	0	4	1763 SF	0 SF	528 SF	2291 SF	0 SF	0 SF	0 SF	2291 SF	0 SF	0 SF
LEVEL 06	0	1	1	2	1878 SF	0 SF	481 SF	2360 SF	0 SF	0 SF	0 SF	2360 SF	0 SF	0 SF
LEVEL 07	0	1	1	2	1885 SF	0 SF	481 SF	2366 SF	0 SF	0 SF	0 SF	2366 SF	0 SF	0 SF
LEVEL 08	0	1	1	2	1878 SF	0 SF	481 SF	2360 SF	0 SF	0 SF	0 SF	2360 SF	0 SF	0 SF
ROOF	0	0	0	0	0 SF	0 SF	513 SF	513 SF	0 SF	0 SF	0 SF	513 SF	0 SF	720 SF
PERCENTAGE:	15	3	3	21	12220 SF	514 SF	5064 SF	17305 SF	605 SF	334 SF	2473 SF	21231 SF	0 SF	720 SF
	72%	14%	14%	100%										

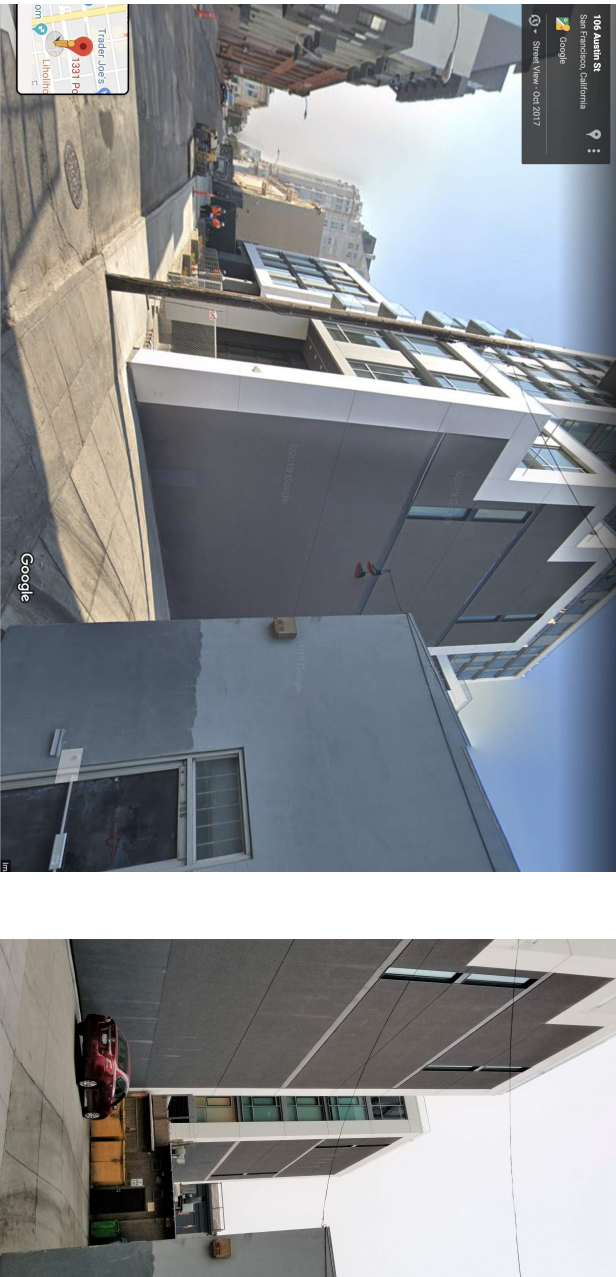


ADJACENT PROPERTY
1245 PINE ST

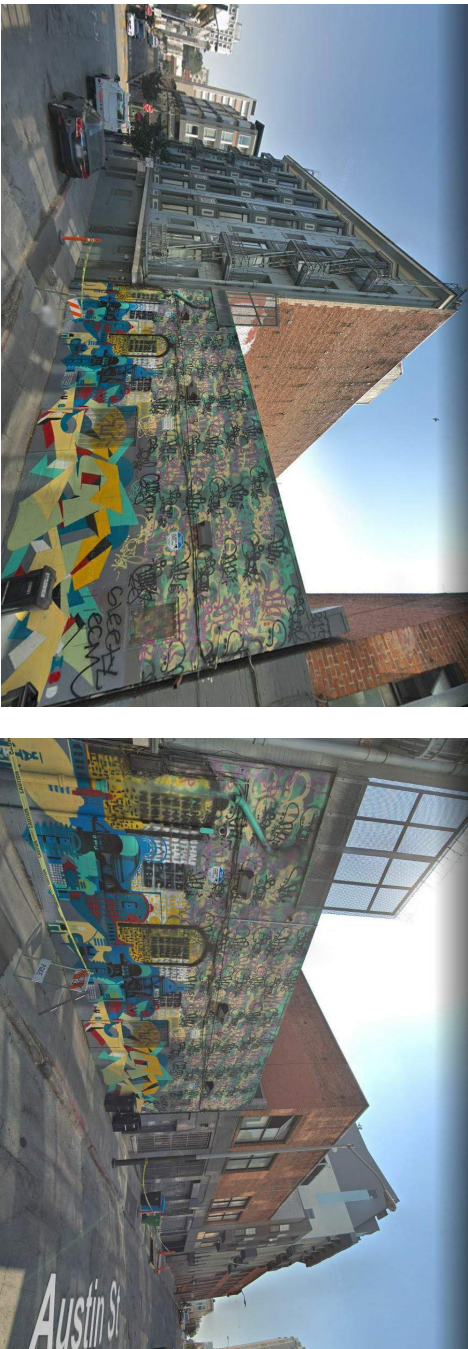
SUBJECT PROPERTY
1232 PINE ST

ADJACENT PROPERTY
106 AUSTIN ST

BUILDING ON THE SAME SIDE OF AUSTIN STREET



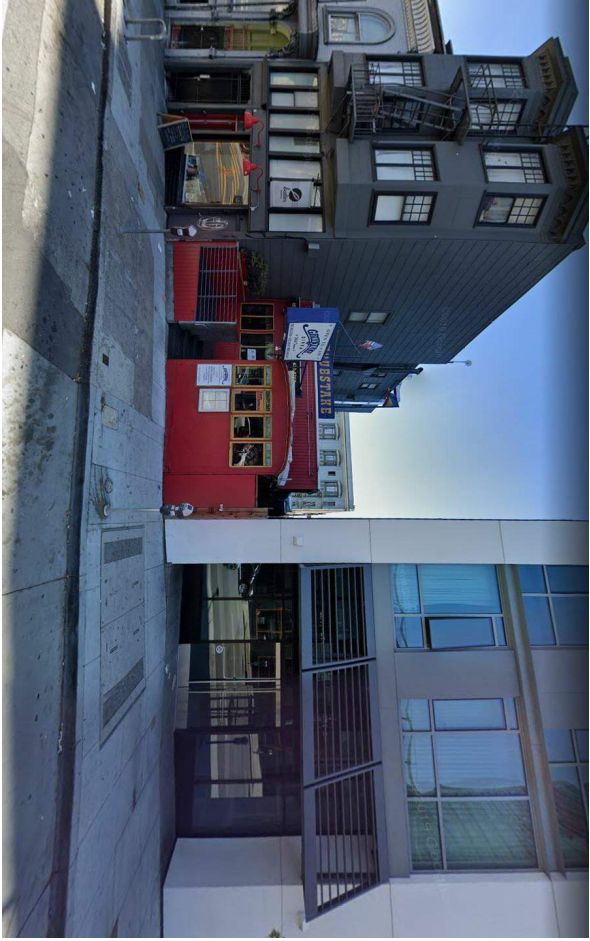
EXPANDED VIEW OF BUILDINGS ON THE SAME SIDE OF AUSTIN STREET



1245 & 1247 POLK ST

1244 & 1245 BUSH ST

BUILDING ON THE OPPOSITE SIDE OF AUSTIN STREET



ADJACENT PROPERTY
1315 PINE ST

SUBJECT PROPERTY
1520 PINE ST

ADJACENT PROPERTY
1540 PINE ST

BUILDING ON THE SAME SIDE OF PINE STREET



EXPANDED VIEW OF BUILDINGS ON THE SAME SIDE OF PINE STREET

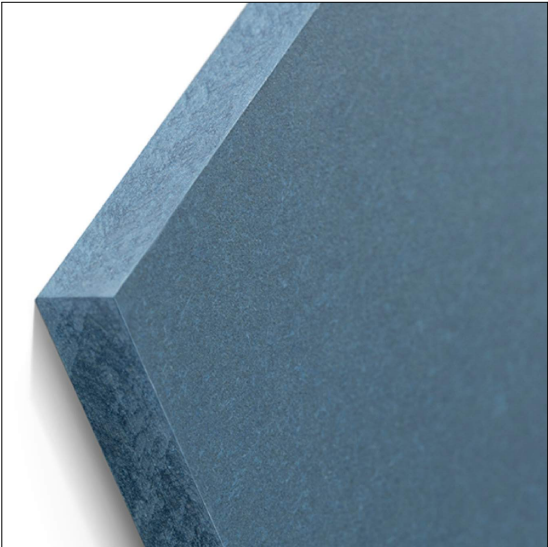


1500 VAN NESS AVE

1528 & 1540 PINE ST

1401 & 1409 POLK ST

BUILDING ON THE OPPOSITE SIDE OF PINE STREET



CEMENTITIOUS PANEL - COLOR A



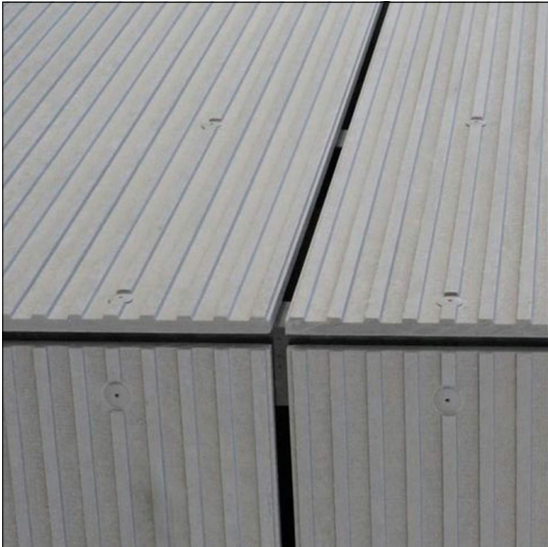
CEMENTITIOUS PANEL - COLOR B



CEMENT PLASTER/ GRUBSTAKE



GRUBSTAKE YELLOW DOOR - TO BE RECREATED



CEMENTITIOUS PANEL OR STUCCO WITH REVEALS - EAST AND WEST PROPERTY LINE WALLS



ALUMINUM OR VIN DOORS / WINDOWS



EXISTING GRUBSTAKE BLADE SIGN - TO BE REUSED



EXISTING GRUBSTAKE SIGN - TO BE REUSED



EXISTING GRUBSTAKE WINDOWS - TO BE REUSED



PERFORATED METAL PANEL / GUARDRAIL

FINISH MATERIALS



PINE STREET CONTEXT



AUSTIN STREET CONTEXT

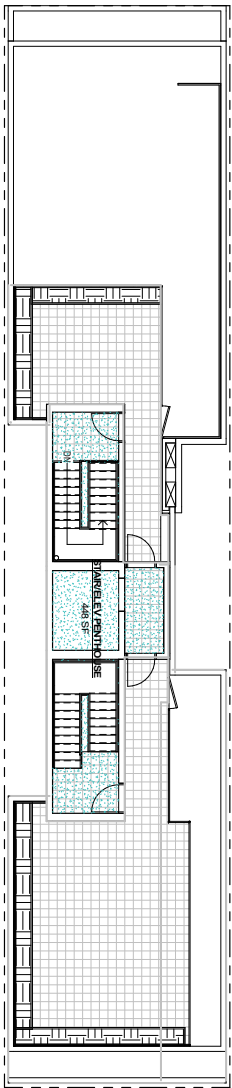


PINE STREET - GRUBSTAKE ENTRY

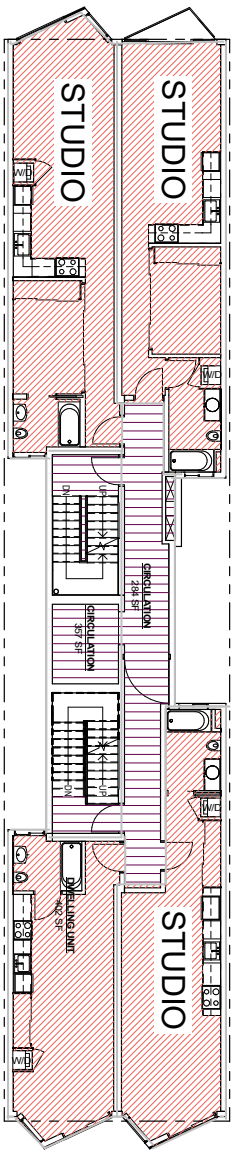
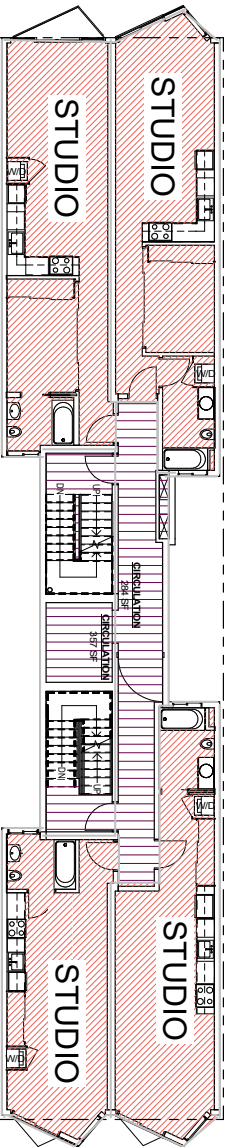
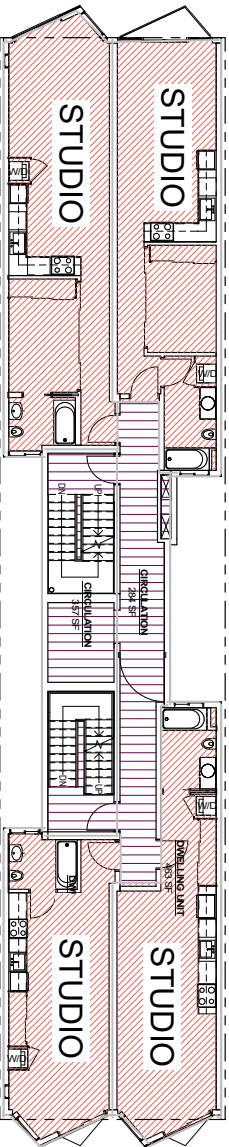
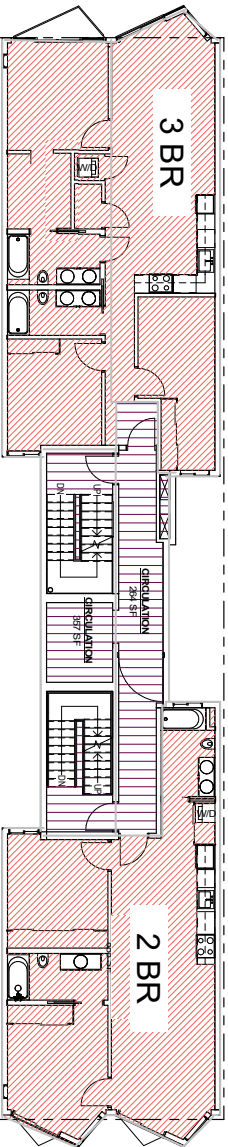
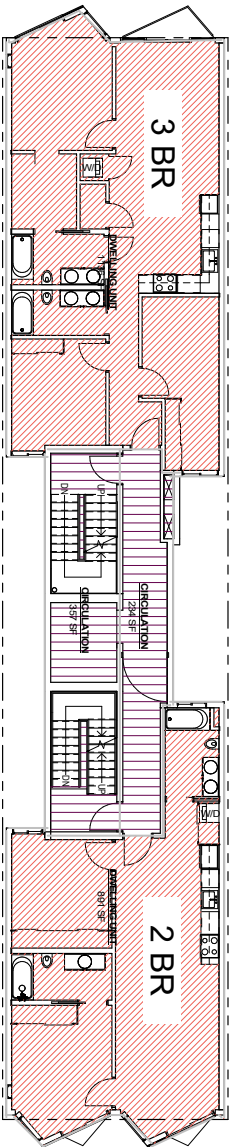
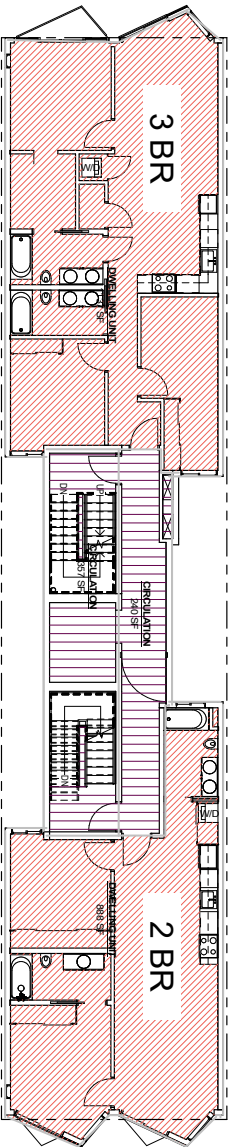


AUSTIN STREET - RESIDENTIAL ENTRY

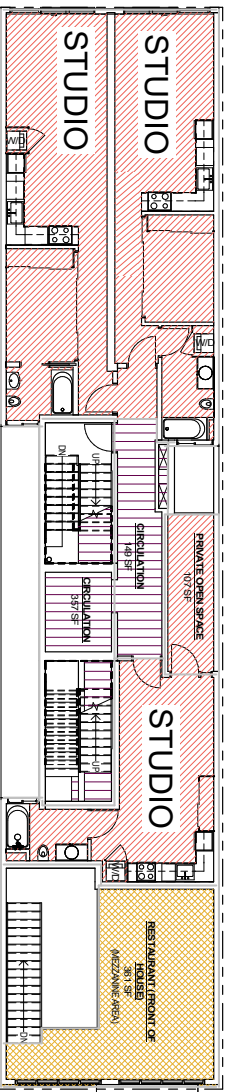
PEDESTRIAN ENTRY VIEWS



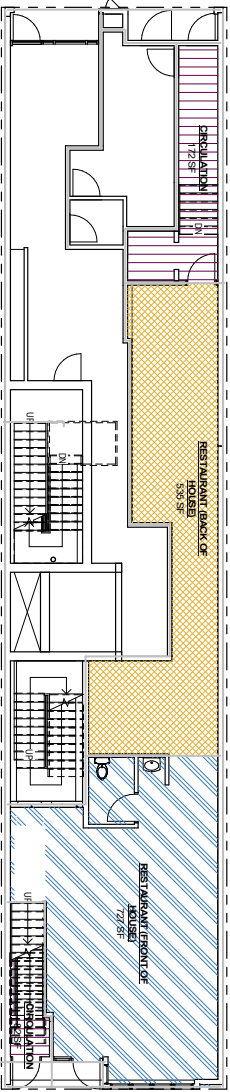
11 ROOF
1/8" = 1'-0"



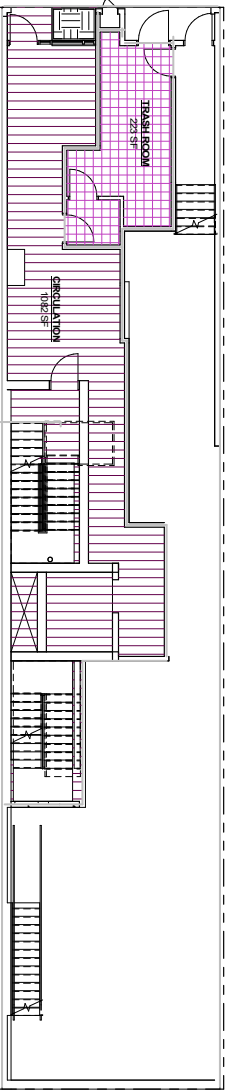
5 LEVEL 03
1/8" = 1'-0"



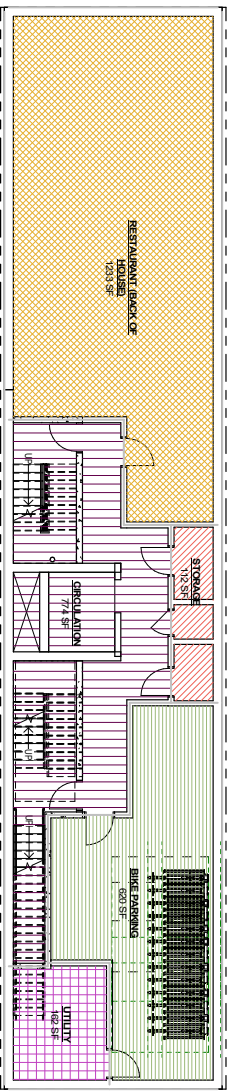
4 LEVEL 02
1/8" = 1'-0"



3 LEVEL 01 (PINE)
1/8" = 1'-0"



2 LEVEL 01 (AUSTIN)
1/8" = 1'-0"



1 BASEMENT -1
1/8" = 1'-0"

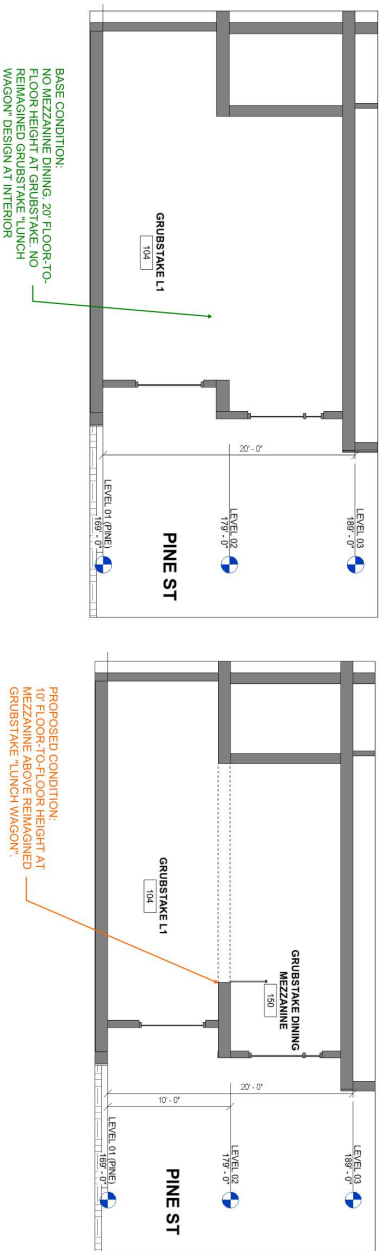
.UNIT TYPES				
LEVEL	UNIT	UNIT TYPE	BEDROOMS	BATHROOMS

LEVEL	UNIT	UNIT TYPE	BEDROOMS	BATHROOMS	UNIT AREA	BALCONY
LEVEL 02	201	A-1A	0	1	474 SF	No
LEVEL 02	202	A-1B	0	1	502 SF	No
LEVEL 02	203	P-1C	0	1	314 SF	Yes - 90SF
LEVEL 03	301	A-1A	0	1	479 SF	Yes - 19SF
LEVEL 03	302	A-1B	0	1	520 SF	No
LEVEL 03	303	P-1A	0	1	408 SF	No
LEVEL 03	304	P-1B	0	1	356 SF	No
LEVEL 04	401	A-1A	0	1	492 SF	No
LEVEL 04	402	A-1B	0	1	507 SF	Yes - 19SF
LEVEL 04	403	P-1A	0	1	408 SF	No
LEVEL 04	404	P-1B	0	1	356 SF	No
LEVEL 05	501	A-1A	0	1	479 SF	Yes - 19SF
LEVEL 05	502	A-1B	0	1	520 SF	No
LEVEL 05	503	P-1A	0	1	408 SF	No
LEVEL 05	504	P-1B	0	1	356 SF	No
LEVEL 06	601	A-3	3	2	1066 SF	Yes - 18SF
LEVEL 06	603	P-2	2	2	813 SF	No
LEVEL 07	701	A-3	3	2	1068 SF	Yes - 18SF
LEVEL 07	702	P-2	2	2	817 SF	No
LEVEL 08	801	A-3	3	2	1066 SF	Yes - 19SF
LEVEL 08	802	P-2	2	2	813 SF	No

NOTE: PRIVATE OPENSPACE DOES NOT MEET PLANNING CODE MINIMUMS. COMMON OPEN SPACE PROVIDED ON THE ROOF = 749 SQ. FT (1680 SQ. FT REQUIRED FOR 21 UNITS. (WAVYER REQUIRED))

PER CODE SECTION 145.1(c)(4): GROUND FLOOR CEILING HEIGHT HAS MIN. 1' FLOOR TO FLOOR HEIGHT FOR NON-RESIDENTIAL USES

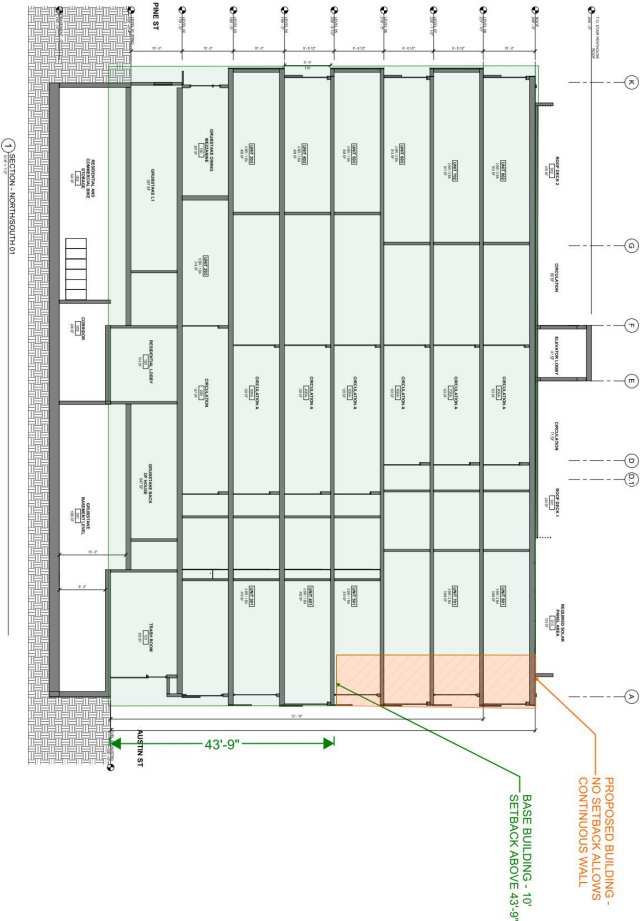
SDB REQUEST: 10' FLOOR TO FLOOR HEIGHT AT MEZZANINE ABOVE REMAINGED GRUBSTAKE LUNCH WAGON



1525 PINE STREET (2015-009955PRJ): NON-RESIDENTIAL GROUND FLOOR HEIGHT

PER CODE SECTION 281.1: AUSTIN ST (35' WIDTH) - FACADE SET BACK MIN 10' ABOVE: 1.23' - 35' = 43'-9"

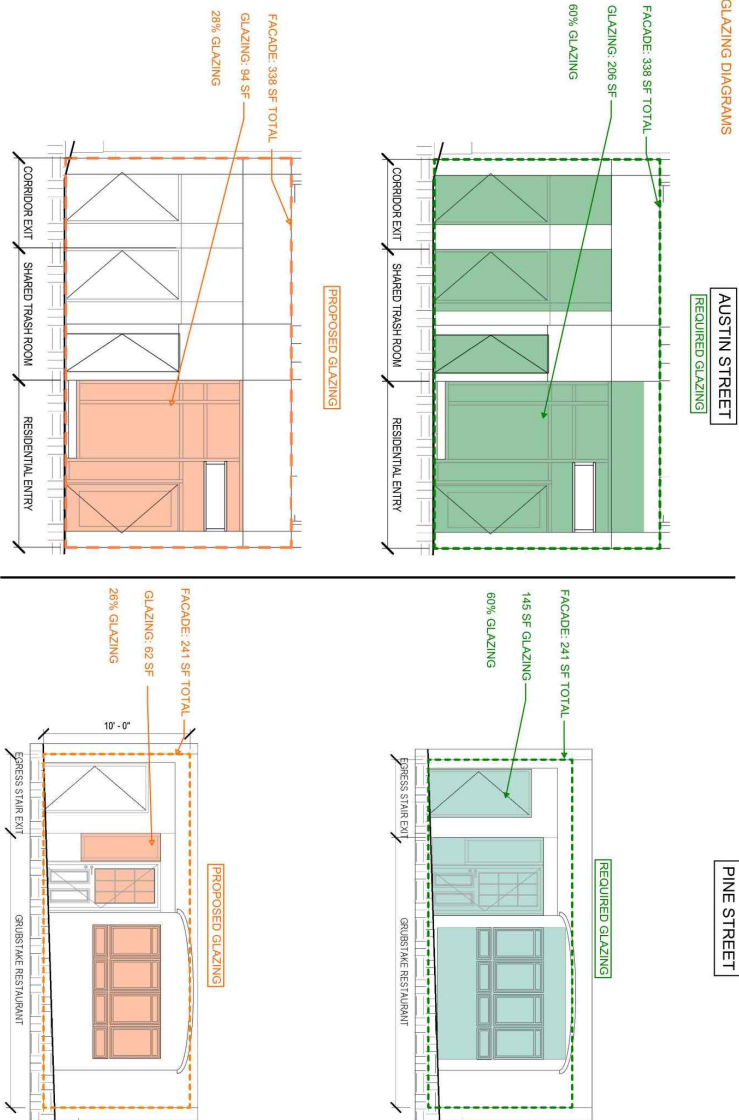
SDB REQUEST: NO SETBACK OF STREET WALL ABOVE 43'-9"



1525 PINE STREET (2015-009955PRJ): SETBACKS FOR NARROW STREETS

PER CODE SECTION 145.1(c)(6): FRONTAGES WITH ACTIVE USES THAT ARE NOT POR MUST BE FENESTRATED WITH TRANSPARENT WINDOWS AND DOORWAYS FOR NO LESS THAN 60% OF THE STREET FRONTAGE AT GROUND LEVEL.

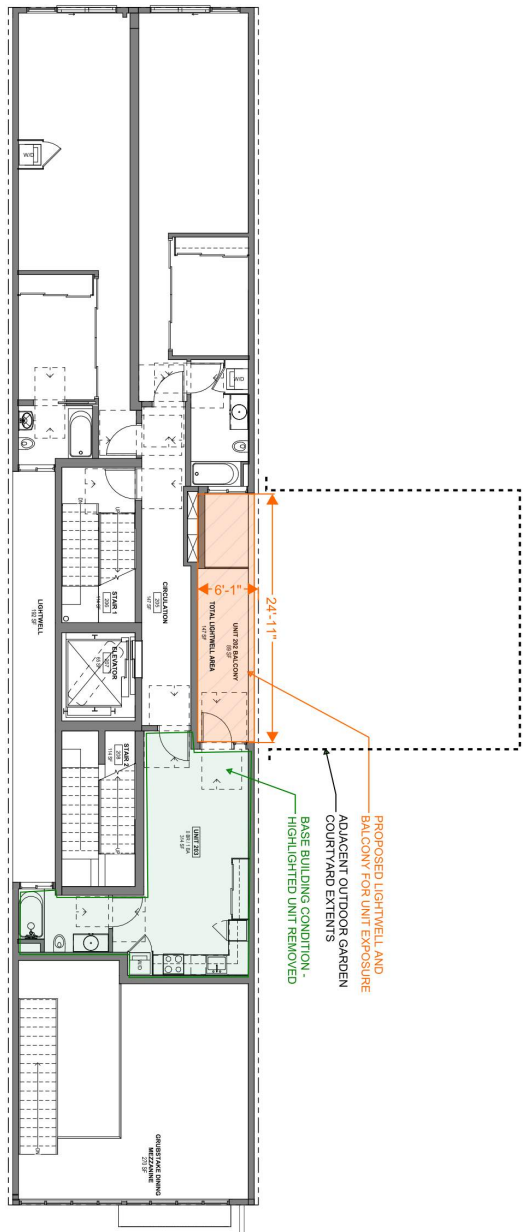
SDB REQUEST: SEE PROPOSED GLAZING DIAGRAMS



1525 PINE STREET (2015-009955PRJ): TRANSPARENCY MINIMUM

PER CODE SECTION 140: EVERY UNIT TO OPEN ONTO PUBLIC WAY, COMPLYING REAR YARD OR OPEN SPACE OF MIN. 25' IN ANY DIRECTION

SDB REQUEST: ALLOW STUDIO 202 EXPOSURE VIA LIGHTWELL AND BALCONY



1525 PINE STREET (2015-009955PRJ): DWELLING UNIT EXPOSURE

FOR 7/22/21 PLANNING COMMISSION HEARING

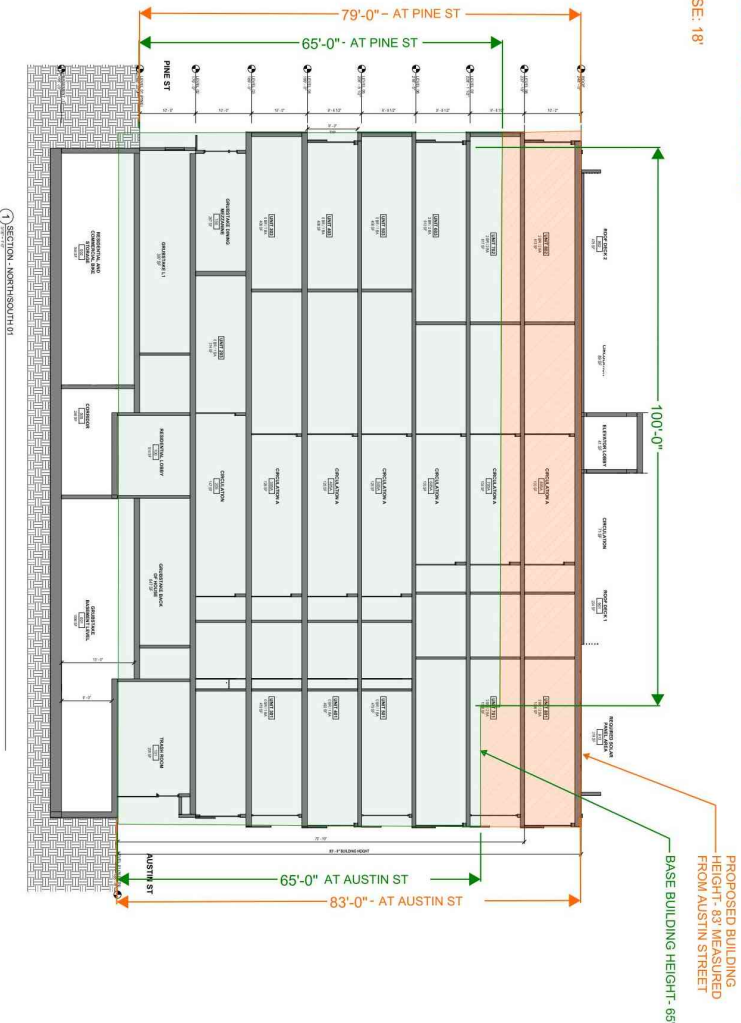
ISSUED JULY 14, 2021

1525 PINE STREET

BLOCK/LOT: 0667/020 PRJ: 2015-009955 BPA: 2018-02080768

PER CODE SECTION 280(a): MAX BUILDING HEIGHT 65'
MEASURED FROM CURB LEVEL (MEASUREMENT POINT TO BE
USED FOR MAXIMUM 100' DEPTH OF BUILDING)

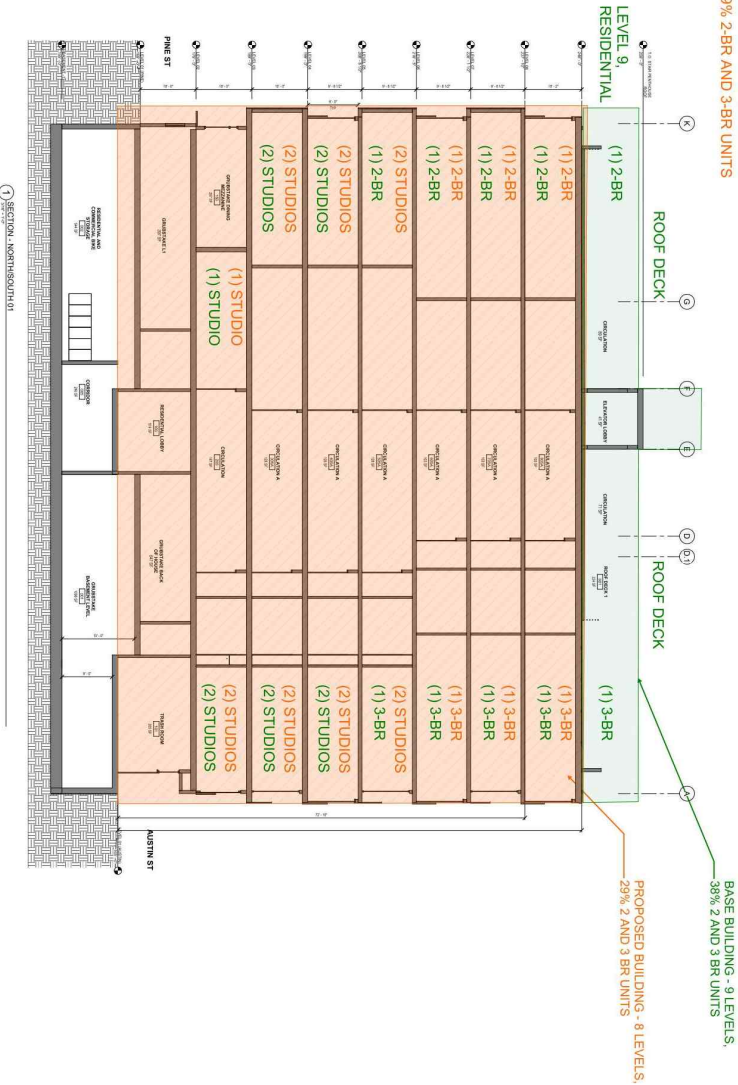
SDB REQUEST: BUILDING HEIGHT 83' FROM MEASURING
POINT ON AUSTIN ST
REQUESTED HEIGHT INCREASE: 18'



1525 PINE STREET (2015-009955PRJ): BUILDING HEIGHT

PER CODE SECTION 207.6: INCREASE HEIGHT BY 1
LEVEL USING SDB TO PROVIDE UNIT MIX OF 40%
2-BR UNITS OR 30% 3-BR UNITS
(4) 2-BR UNITS = 19%
(4) 3-BR UNITS = 19%
TOTAL = 38%

SDB REQUEST: PROVIDE 29% 2-BR AND 3-BR UNITS
(3) 2-BR UNITS = 14.3%
(3) 3-BR UNITS = 14.3%
TOTAL = 29%

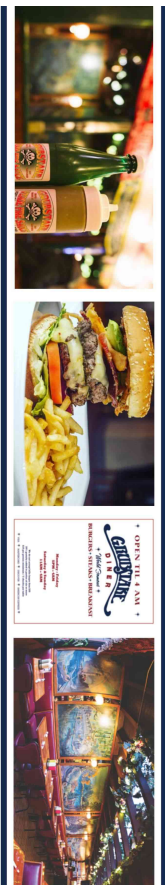


1525 PINE STREET (2015-009955PRJ): UNIT MIX

BASE BUILDING DIAGRAMS

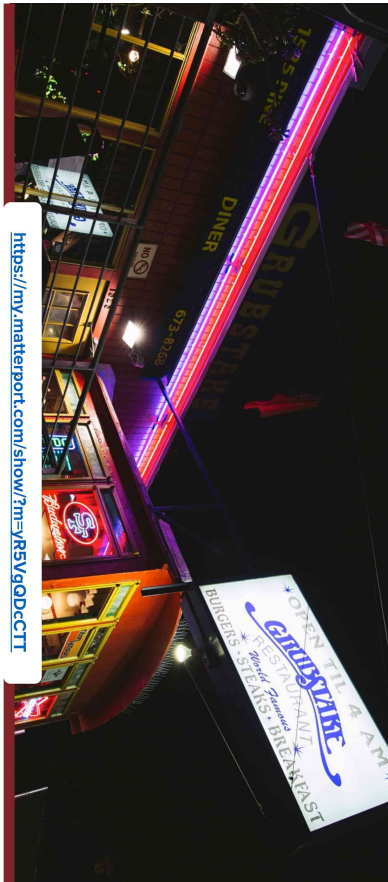
PRESERVATION MEASURES

(Non-physical)



- Grubstake will continue to serve local Polk Gulch residents and visitors
- Retain menu items & design, condiments and silverware with some enhancements
- Apply to operate late night hours in conditional use application
- Register for legacy business
- Open pop-up dining during construction
- Use good faith efforts to keep existing staff in new restaurant
- Document photos of the original Grubstake as well as interpretive materials and display them in the new space
- Exhibit virtual tour of the original Grubstake in the new space & on the internet

VIRTUAL MUSEUM



<https://my.matterport.com/show/?m=y8v6g0dcCT>

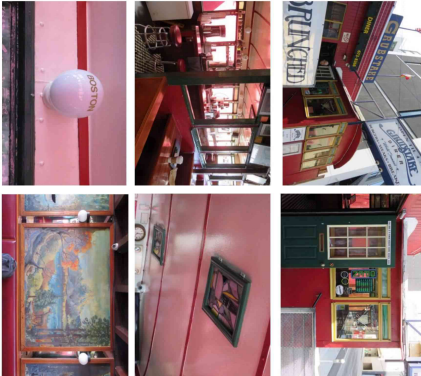
PRESERVATION SURVEY

Recommendations:

A Photographic Documentation

B Historic Resource Interpretation

- Permanent Display and/or
- Salvage/Replicate Architectural Features



PRESERVATION MEASURES

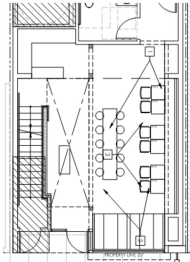
1 Match footprint/orientation of lunch wagon



The lunch wagon facade was relocated to the ground floor in the exact footprint of the existing. As lunch wagons were originally conceived as movable structures, locating the volume at ground level is important for interpretation.

PRESERVATION MEASURES

2 Match existing scale and proportion of lunch wagon



The scale and proportion of the lunch wagon matches existing and is defined on the interior with changes in finish and ceiling height.

PRESERVATION MEASURES

3 Replicate metal barrel vault ceiling

6 Reuse/replicate globe lights

7 Reuse/replicate tile, counters, and stools



The barrel vault ceiling, symmetrical globe lights, and replica footprint of the lunch wagon has a unique material palette and color scheme that contrasts with the adjacent restaurant space.

PRESERVATION MEASURES

4 Define interior/exterior relationship with windows

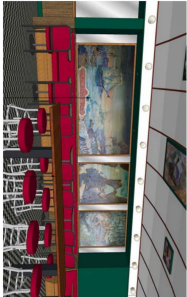
5 Reuse existing windows



Existing windows including green toplites are being salvaged for reinstallation in the lunch wagon facade

PRESERVATION MEASURES

8 Salvage and restore murals



Murals are salvaged for reinstallation in the lunch wagon. Murals are placed above banquette seating, similar to the existing condition.

GRUBSTAKE PRESERVATION MEASURES

Features on Existing Grubstake Restaurant Which Will be Incorporated into the New Grubstake Restaurant Space

The work to remove existing physical features listed below, and to reinstall, will be done by a team of historic preservation conservators and art movers. For example, as to the large mural to be preserved, historic preservation conservators will manage the art movers and coordinate with the demolition contractor prior to the removal. The team will remove, crate, and package the mural. After removal, the mural will be transported to a secure art storage facility where conservation work on the mural will occur.

Conservation work on the mural will be performed in accordance with the *Guidelines for Practice and Code of Ethics* of the American Institute for Conservation.

Photo Documentation – Prior to demolition, the subject property, materials, and surrounding context will be photographed in accordance with Historic American Building Survey (HABS) standards. Photograph views shall include: (a) contextual views, (b) views of each side of the building and interior views, where possible, (c) oblique views of the building, and (d) detail views of character-defining features.

Historic Resource Interpretation – Permanent display of interpretive materials concerning the history and significance of 1525 Pine Street will be provided. The historic interpretation shall be supervised by a preservation architect and architectural historian and conducted in consultation with an exhibit designer. The interpretive materials shall be placed in a prominent public setting in the new building or in another appropriate public setting.

Virtual Tour -- The Grubstake owners have used a virtual reality technology implemented by Materport Technology to create a lasting 3D tour of the space that will be made available on the restaurant's website, <https://materport.com/visitgrubstake/>. The owners have worked directly with Materport to conduct this state-of-the-art exhibit.

Features on Existing Grubstake Restaurant Which Will be Incorporated into the New Grubstake Restaurant Space

1. Salvage, restore and reinstall portions of the mural and wood framing which includes (under the direction of original artist Jason Phillips) the following:

- Cleaning surfaces
- Removal of graffiti
- Re-adhering and consolidating paint
- Filling cracks
- Color integration
- Applying protective clear coating

2. Replicate red vinyl booth seating
3. Replicate train car facade
4. Replicate vaulted, curved ceiling
5. Reuse light box signage and neon lights
6. Replicate wooden bar
7. Reuse or replicate decorative lights and side globe lights
8. Retain or replicate tile floor, chrome accents, linear counter and backless stools
9. Attempt to retain "windows" separating original space from newer space
10. Retain menu style
11. Condiments and silverware will remain the same with some enhancements
12. Retain most liked traditional dishes
13. Commit to applying for late night hours (potentially up to 4:00 a.m.) in the conditional use application and extended hours with the entertainment commission and will attempt to operate during those hours
14. Pop-up dining during construction
15. Will use good faith efforts to keep existing staff (who are in good standing with the restaurant ownership) employed in the new restaurant.



Pine 9 The Embarcadero, Suite 07
San Francisco, California 94111

argr.com

14869955.1

1

Architects,
Planners &
Conservators

14869955.1

2

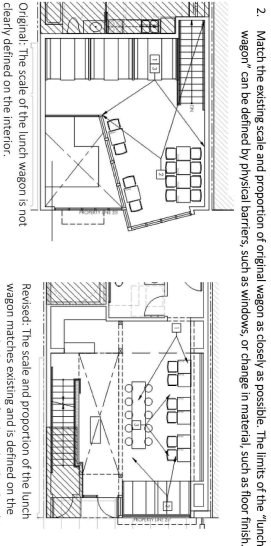


Original: The original design had the arched lunch wagon facade located on the second floor. The facade was at an angle to the property line and did not match the existing footprint.

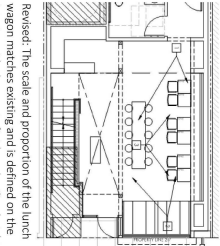


Revised: The lunch wagon facade was elevated to the ground floor in the exact footprint of the existing. As lunch wagons were originally conceived as movable structures, locating the volume at ground level is important for interpretation.

1. Incorporate the lunch wagon in a way that respects the original footprint, orientation, and relationship to the street.



2. Match the existing scale and proportion of original wagon as closely as possible. The limits of the "lunch wagon" can be defined by physical barriers, such as windows, or change in material, such as floor finish.



Revised: The scale and proportion of the lunch wagon matches existing and is defined on the interior with changes in finish and ceiling height.



Original: The barrel vault ceiling is not symmetrically defined. The globe lights are inconspicuously placed on the ground floor in the exact footprint of the existing. The lunch wagon is not defined by unique finishes or colors.



Revised: The barrel vault ceiling, symmetrical globe lights, and replica backless stools define the lunch wagon. The lunch wagon has a unique material palette and color scheme that contrasts with the adjacent restaurant space.

3. Replicate metal barrel vault ceiling to create a sense of enclosure.
4. Reuse or replicate side globe lights.
5. Retain or recreate characteristic diner features such as the tile floor, linear counter, and backless stools.
6. Define the interior/exterior relationship of the lunch wagon using windows.



Pine 9 The Embarcadero, Suite 07
San Francisco, California 94111

argr.com

Memorandum

To:

Nick Pigott
Managing Partner
Pine Street Development

Project:

Grubstake

AAG Project No:

May 24, 2018

Date:

Via:

Email

From:

Lisa Yergovich

Re:

1525 Pine Street, Grubstake Diner

Background

Architectural Resources Group (ARG) was retained by Pine Street Development to provide historic preservation consulting for Grubstake Diner, located at 1525 Pine Street in San Francisco. There are plans to demolish the existing building and develop the site as a seven-story mixed use building. The existing restaurant will be relocated in the new building on the ground floor and second floor mezzanine. ARG was asked to provide feedback regarding the feasibility of incorporating existing features of the restaurant into the new construction.

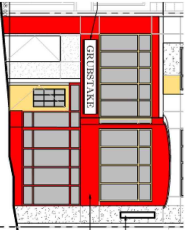
Assessment

ARG representatives visited the site on April 3 and again on April 17 to survey existing materials. The original lunch wagon structure at 1525 Pine Street has features commonly characteristic of the building type that are still intact:

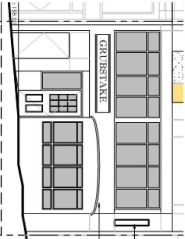
- Small rectilinear layout
- Simple linear single-story massing
- Curved roofline
- Prominent signage
- Metal sash perimeter windows
- Decorative glazing
- Interior layout defined by lunch counter with limited seating

Alterations to the original lunch wagon structure include:

- Replacement of original linear counter with angled wood counter
- Removal of glazing at eastern windows
- Replacement of fixed stools with freestanding stools



Original: New windows had a similar style to existing but did not match in size or location.



Revised: Existing windows including green toplines are being salvaged for reinstatement in the lunch wagon facade.

8. Salvage, restore, and reinstall murals.



Original: Murals were salvaged for reinstatement throughout the restaurant space.



Revised: Murals are salvaged for reinstatement in the lunch wagon. Murals are placed above banquette seating, similar to the existing condition.

Features of interest in the 1975 addition include the murals, which were painted by Jason Phillips in 1976. The murals cover the length of the east wall and are painted directly on 3/4" sheet rock over a layer of thick tuscany pink paint.

Recommendations

1. **Photo Documentation** – Prior to demolition, the subject property, materials, and surrounding context be shall include: (a) contextual views, (b) views of each side of the building and interior views, where possible, (c) oblique views of the building, and (d) detail views of character-defining features.

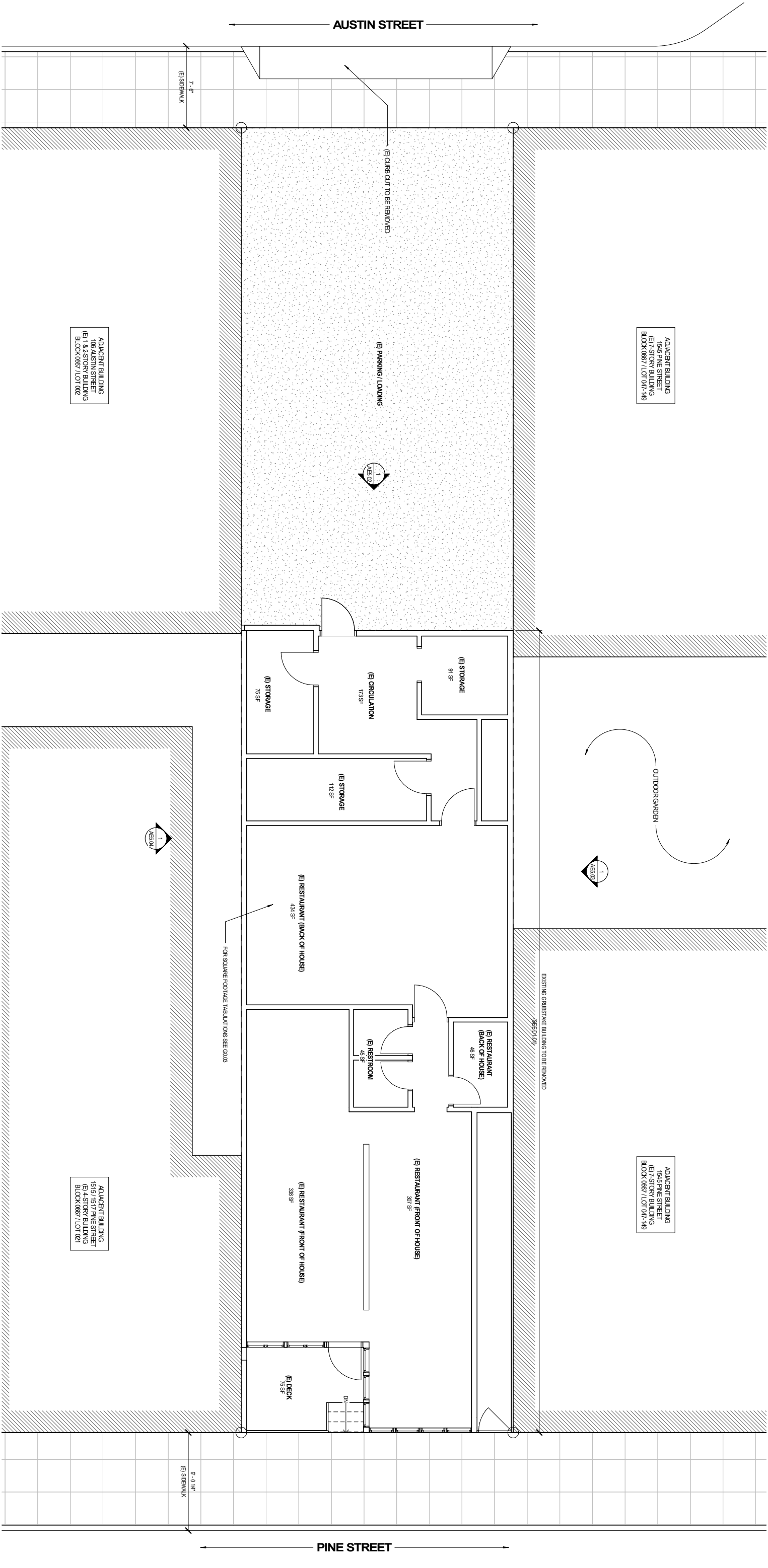
2. **Historic Resource Interpretation** – Provide a permanent display of interpretive materials concerning the history and significance of 1525 Pine Street. The historic interpretation shall be supervised by a preservation architect and architectural historian and conducted in consultation with an exhibit designer. The interpretive materials shall be placed in a prominent public setting in the new building or in another appropriate public setting like a community center.

One option for interpretation is salvaging select architectural features for reuse or replication in the new building. Design considerations include:

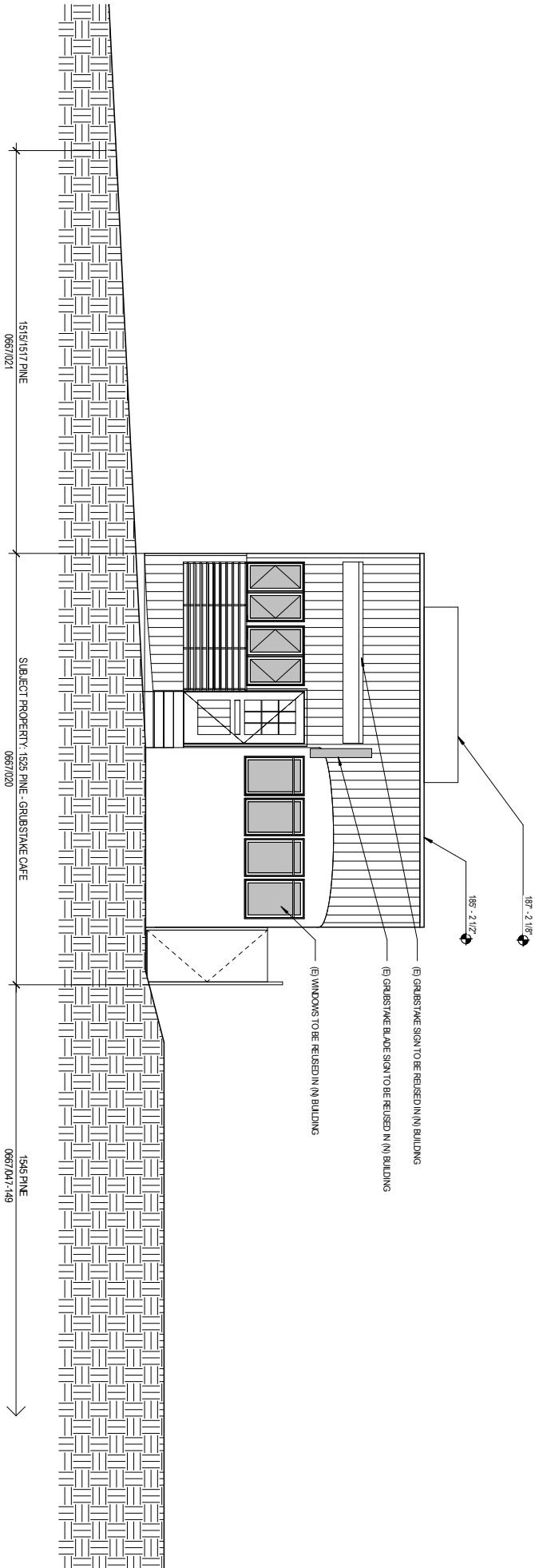
- Incorporate the lunch wagon in a way that respects the original footprint, orientation, and relationship to the street, locating the "lunch wagon" on the ground floor in the exact footprint of the existing. The lunch wagon is not defined by unique finishes or colors. The limits of the "lunch wagon" can be defined by physical barriers, such as windows, or change in material, such as floor finish.
- Replicate metal barrel vault ceiling to create a sense of enclosure.
- Define the interior/exterior relationship of the "lunch wagon" using windows.
- Reuse existing windows including green colored toplines where possible. The windows are in good to fair condition and can be restored.
- Reuse or replicate side globe lights.
- Retain or recreate characteristic diner features such as the tile floor, linear counter, and backless stools.
- Salvage, restore, and reinstall murals. Should all the panels not be needed, select murals, like the southernmost "San Francisco" mural, can be salvaged. Contact artist regarding permissions for relocation and potential restoration of murals. Removal would include protecting the murals before cutting out the sheet rock.

Architects,
Planners &
Conservators

1

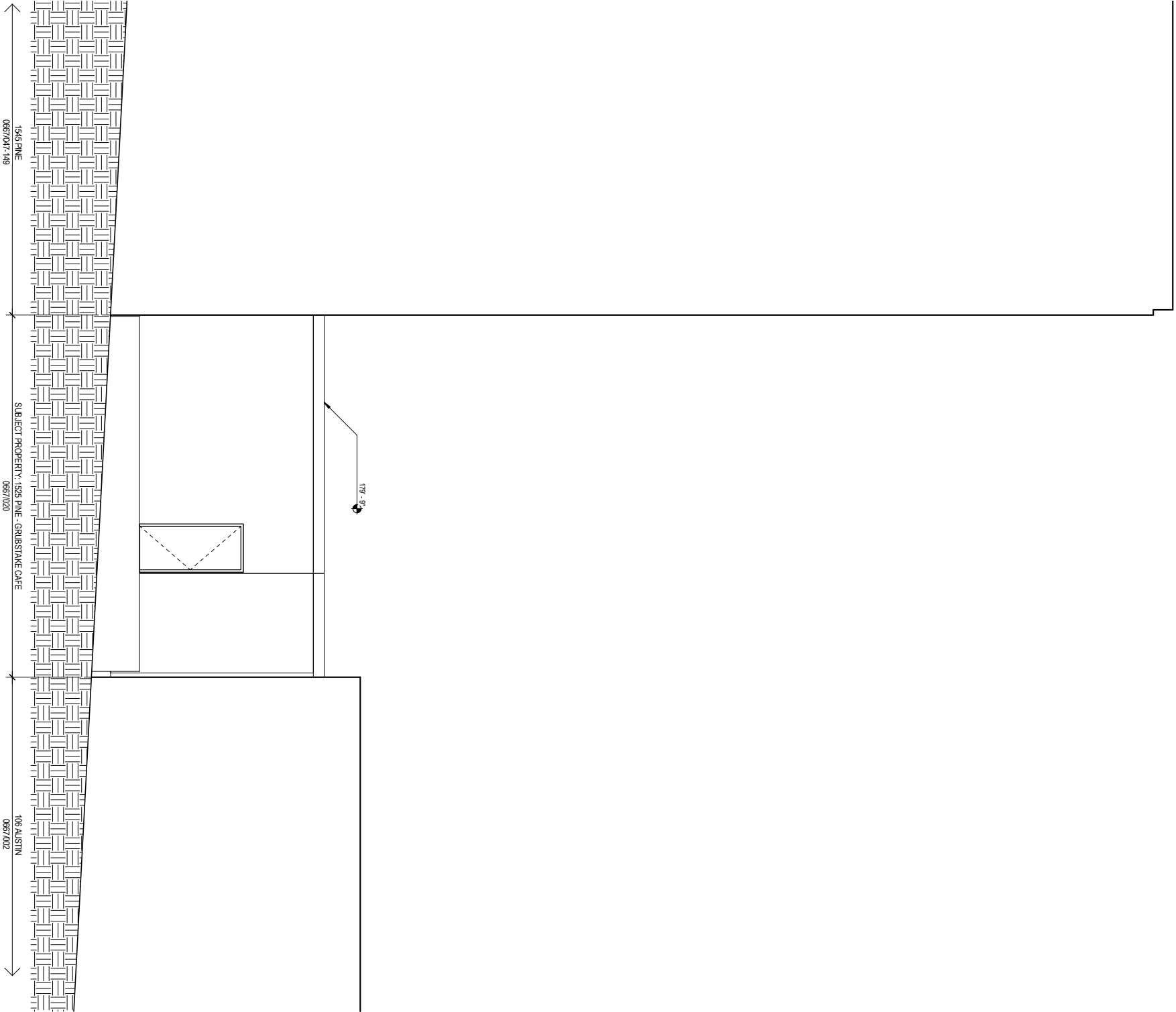


EXISTING FLOOR PLAN - REFERENCE ONLY

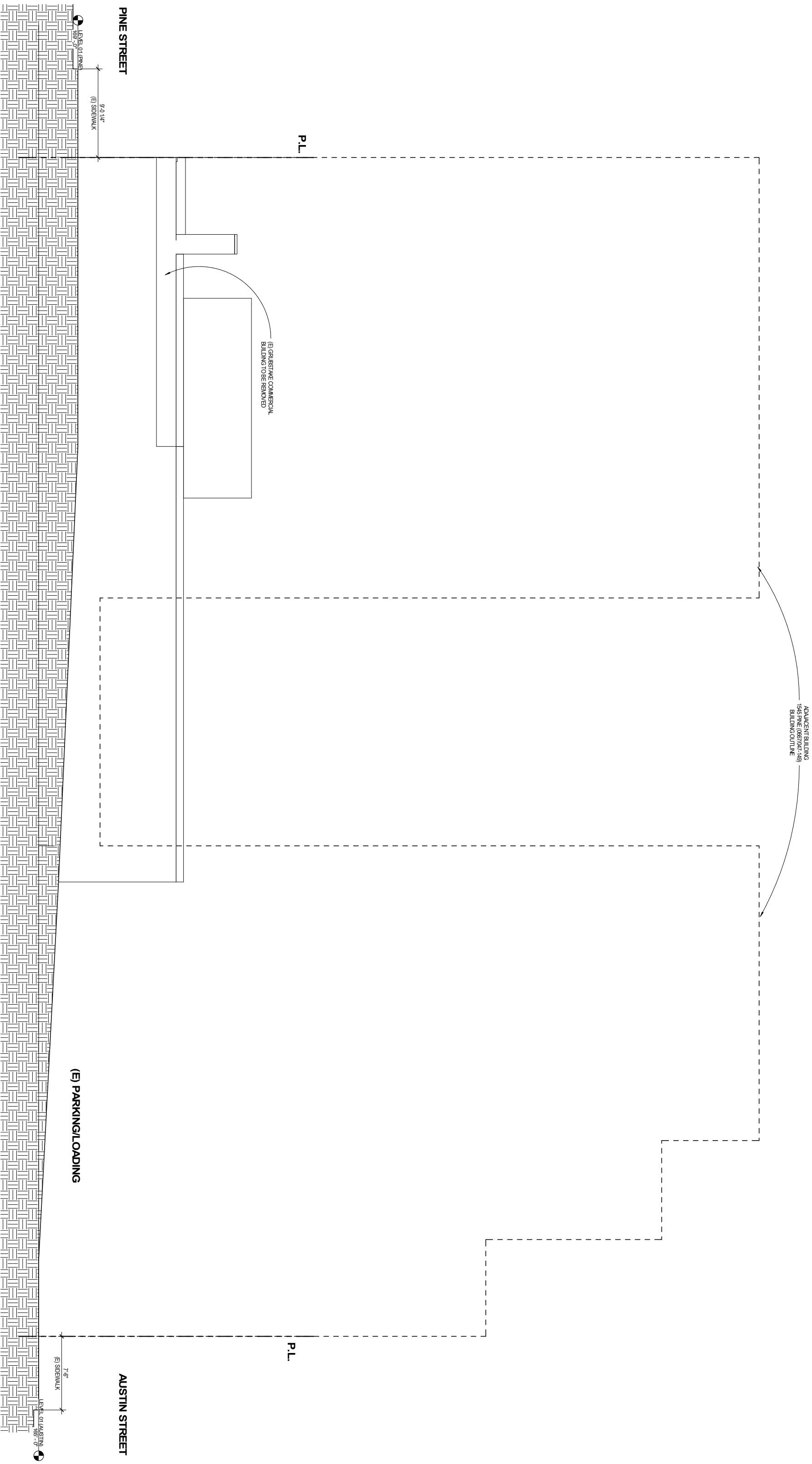


EXISTING NORTH ELEVATION (PINE ST) - REFERENCE ONLY

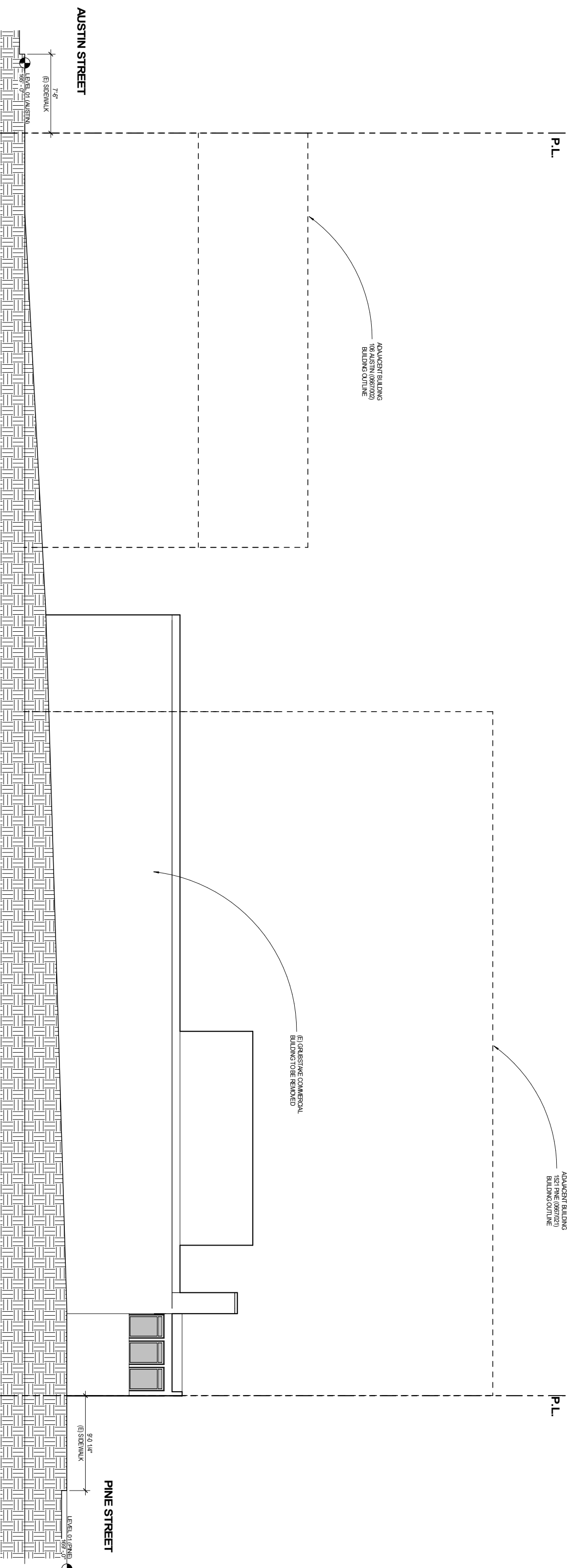




EXISTING SOUTH ELEVATION (ASUTIN ST) - REFERENCE ONLY



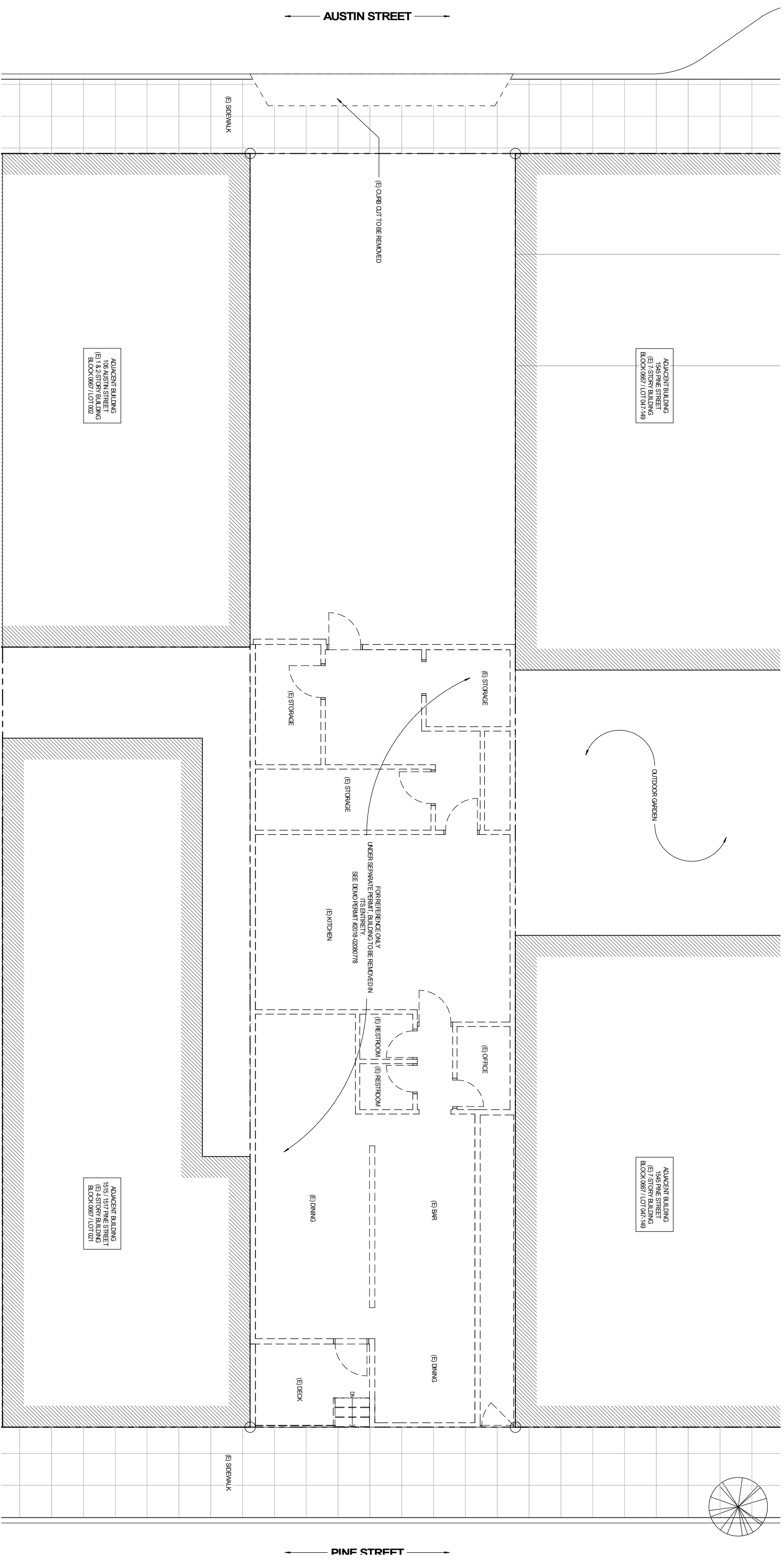
EXISTING WEST ELEVATION - REFERENCE ONLY



EXISTING EAST ELEVATION - REFERENCE ONLY

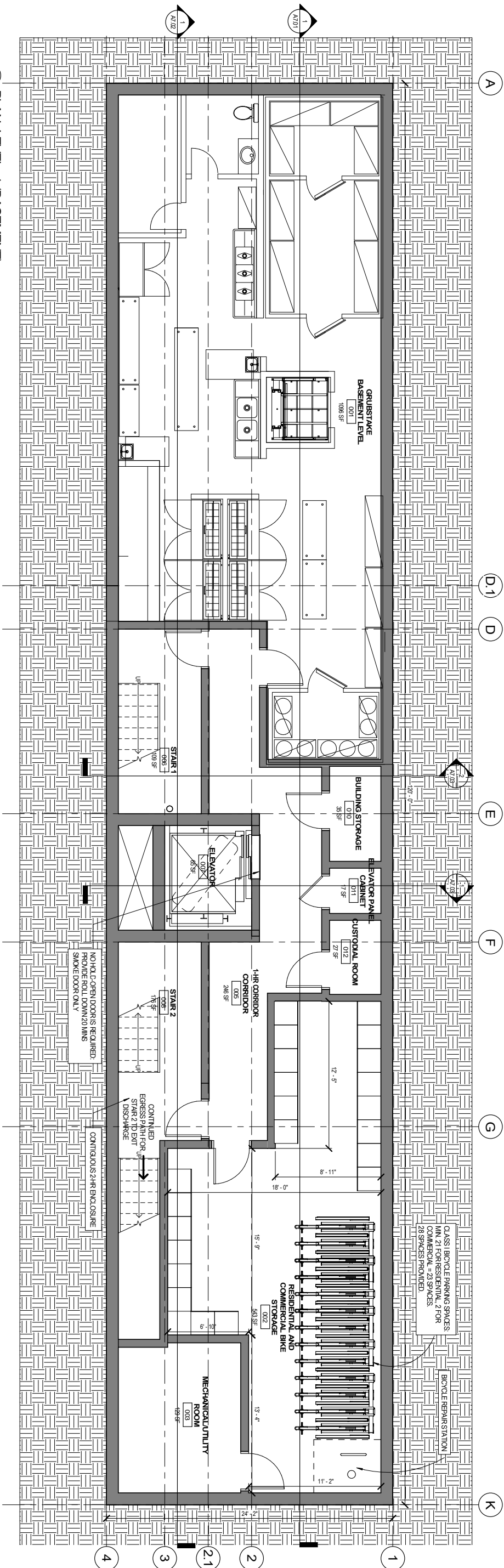
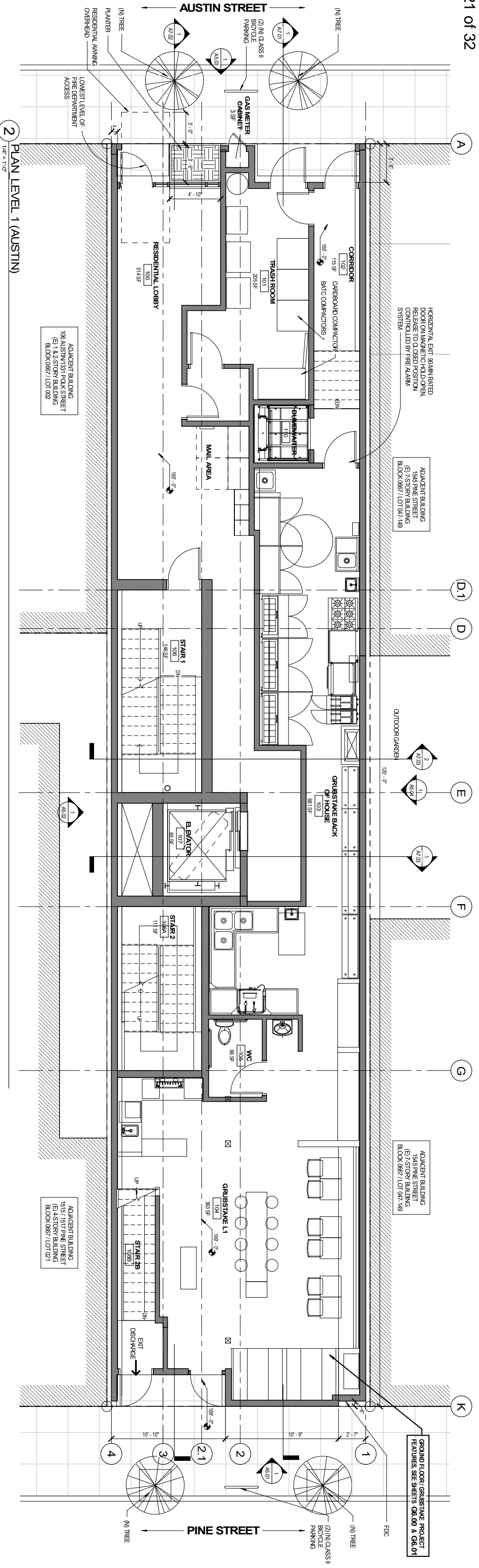


FOR 7/22/21 PLANNING COMMISSION HEARING
ISSUED JULY 14, 2021
1525 PINE STREET
BLOCK/LOT: 0667/020 PRJ: 2015-009955 BPA: 2018-02080768



DEMOLITION PLAN (REFERENCE ONLY)





PLAN LEVEL 2

ADJACENT BUILDING
1545 PINE STREET
(E) 7-STORY BUILDING
BLOCK 0867 / LOT 047-149

ADJACENT BUILDING
106 AUSTIN/131 POLK STREET
(E) 1 & 2-STORY BUILDING
BLOCK 0867 / LOT 002

ADJACENT BUILDING
1515/ 1517 PINE STREET
(E) 4-STORY BUILDING
BLOCK 0867 / LOT 021

UNIT 201
0 BR / 1 BA
474 SF

OFFICE
(NOT FOR SLEEPING PURPOSES)

BA

KITCHEN

LIVING AREA

BEDROOM

W/D

UNIT 202
0 BR / 1 BA
362 SF

OFFICE
(NOT FOR SLEEPING PURPOSES)

BA

KITCHEN

LIVING AREA

BEDROOM

W/D

UNIT 203
0 BR / 1 BA
374 SF

GRUBSTAKE DINING
MEZZA
267 SF

ELEVATOR

STAIR 1
208

STAIR 2
208

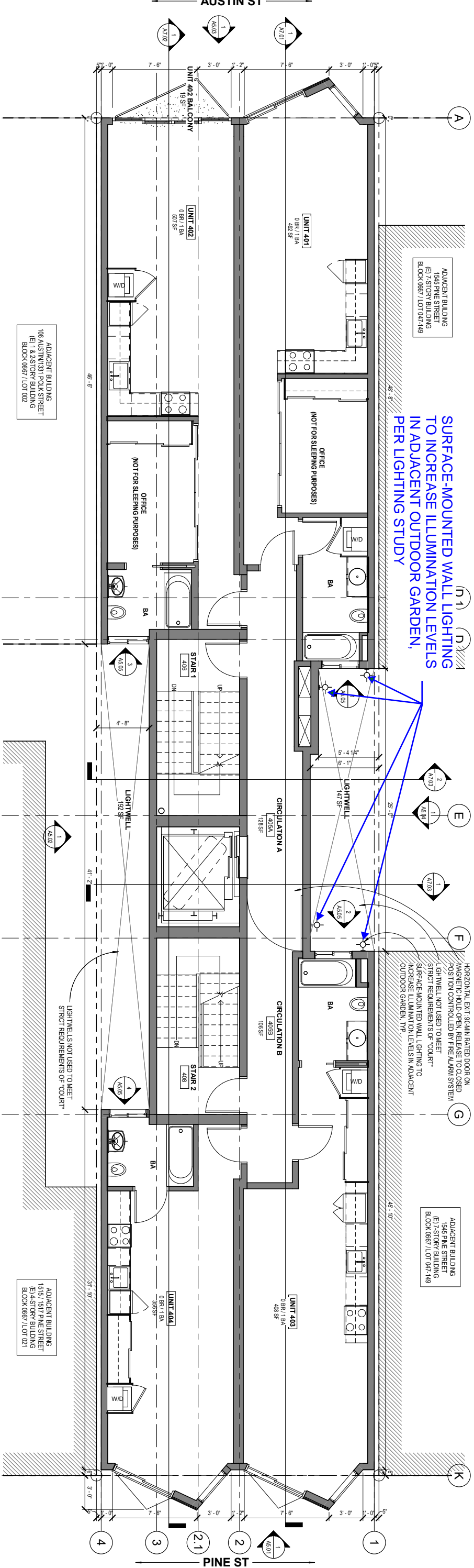
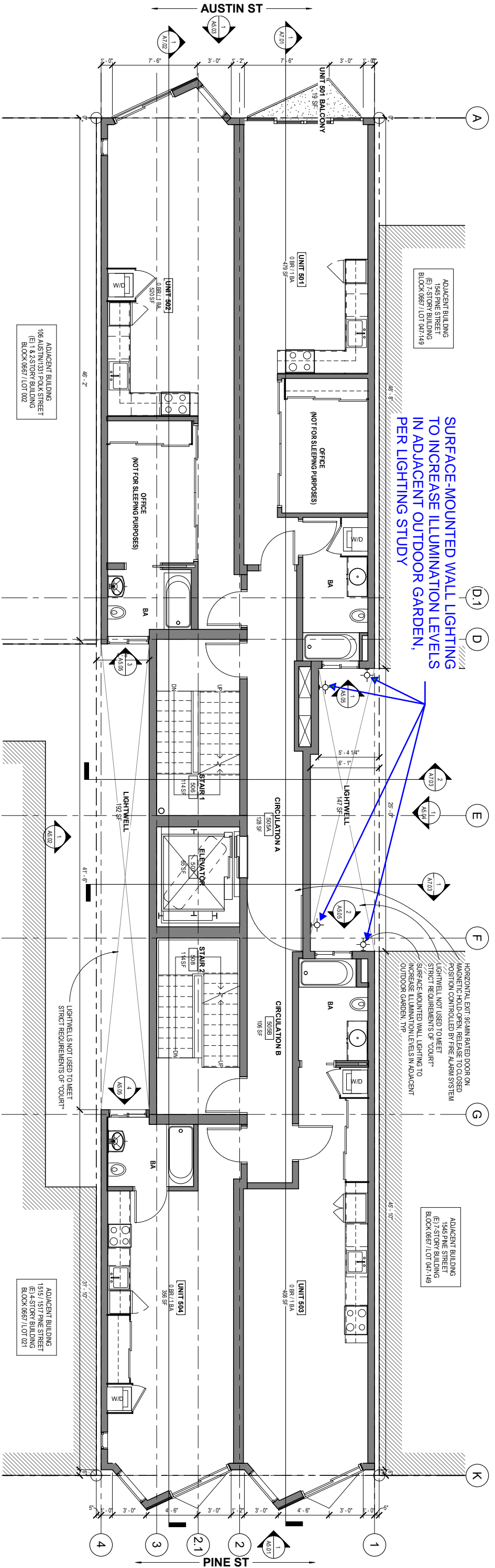
2-HR CORRIDOR CIRCULATION
206

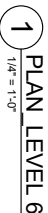
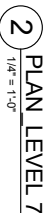
LIGHTWELL
(UNOCCUPIED)
192 SF

OPEN TO BELOW

PINE ST

FOR 7/12/21 PLANNING COMMISSION HEAR



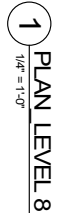
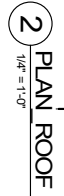


HORIZONTAL EXIT: 30-MIN RATED DOOR ON
MAGNETIC HOLD-OPEN RELEASE TO CLOSED
POSITION CONTROLLED BY FIRE ALARM SYSTEM
LIGHTWELL NOT USED TO MEET
STRICT REQUIREMENTS OF "COURT"
SURFACE-MOUNTED WALL LIGHTING TO
INCREASE ILLUMINATION LEVELS IN ADJACENT
OUTDOOR GARDEN, TYP.

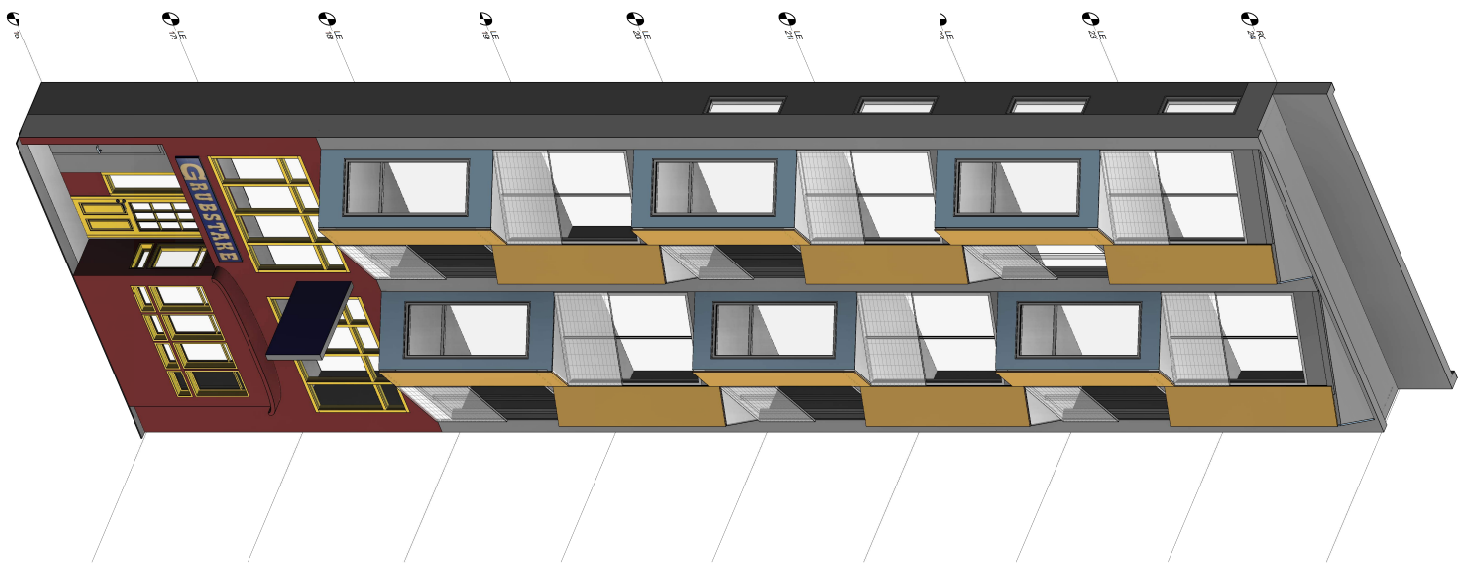
HORIZONTAL EXIT: 90-MIN RATED DOOR ON MAGNETIC HOLD-OPEN, RELEASE TO CLOSED POSITION CONTROLLED BY FIRE ALARM SYSTEM

ADJACENT BUILDING
1545 PINE STREET
(E) 7-STORY BUILDING
BLOCK 0667 / LOT 047-149

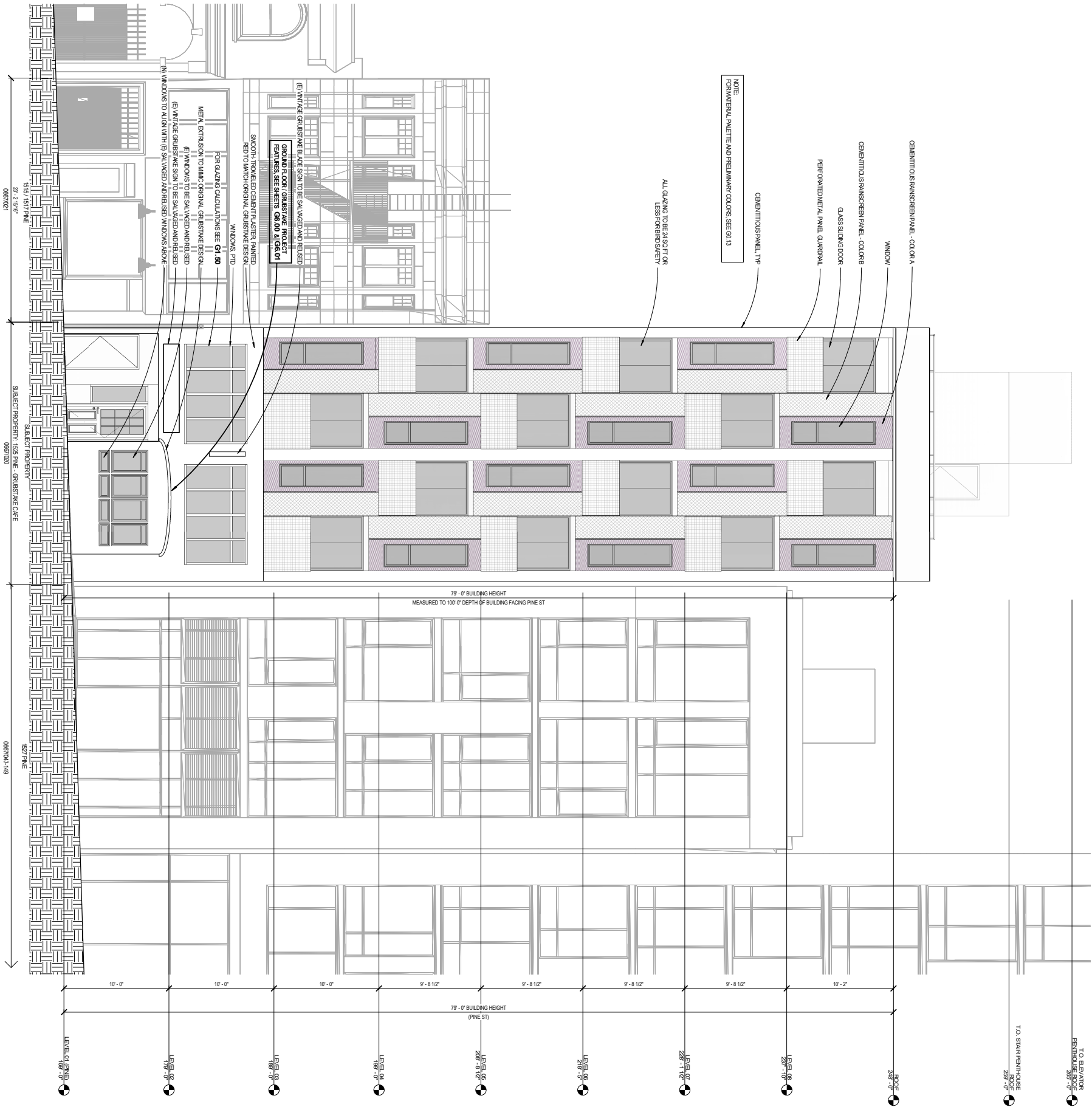
FOR 7/22/21 PLANNING COMMISSION HEARING
ISSUED JULY 14, 2021
1525 PINE STREET
BLOCK/LOT: 0667/020 PRJ: 2015-009955 BPA: 2018-020807688



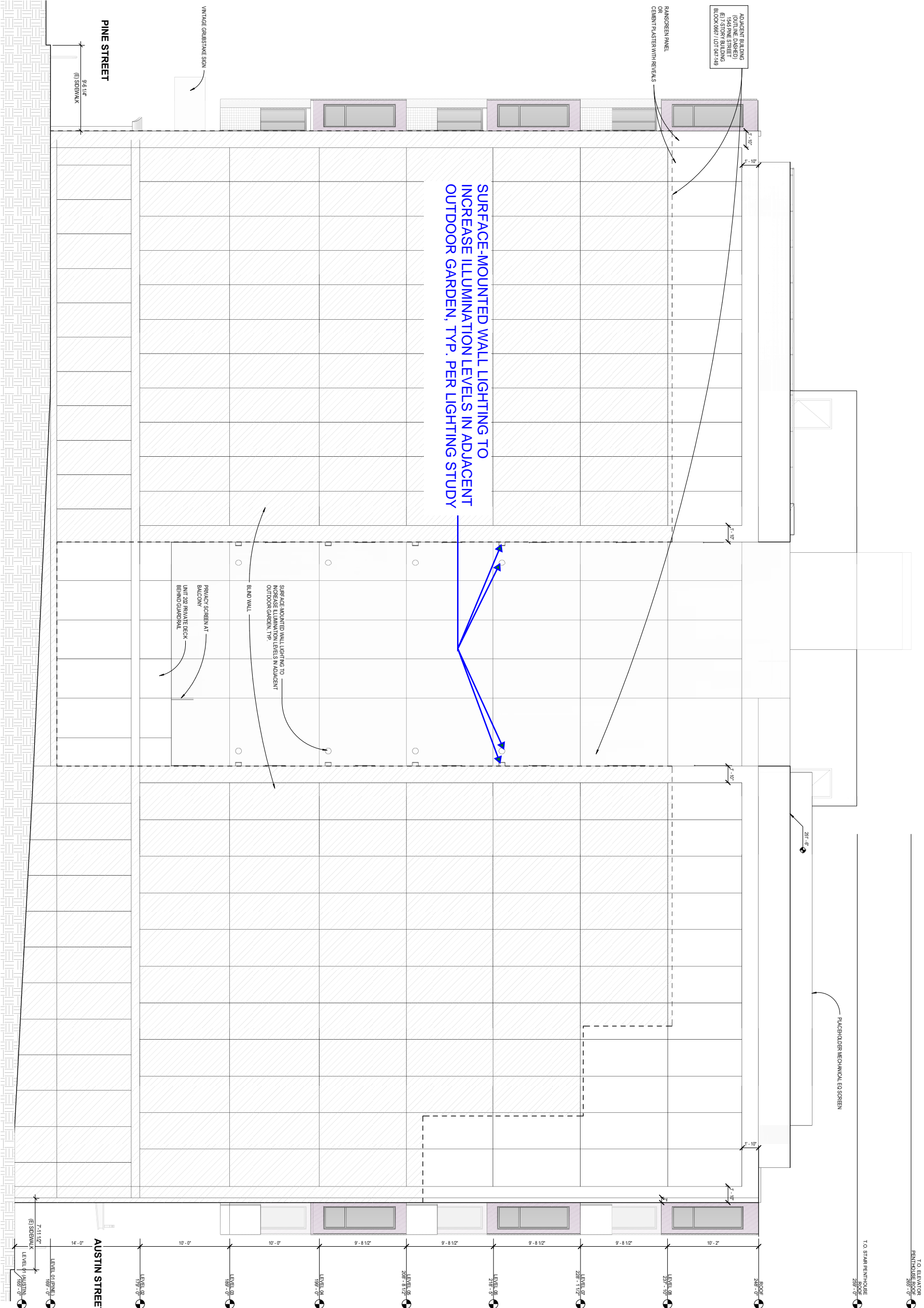
FOR 7/22/21 PLANNING COMMISSION HEARING



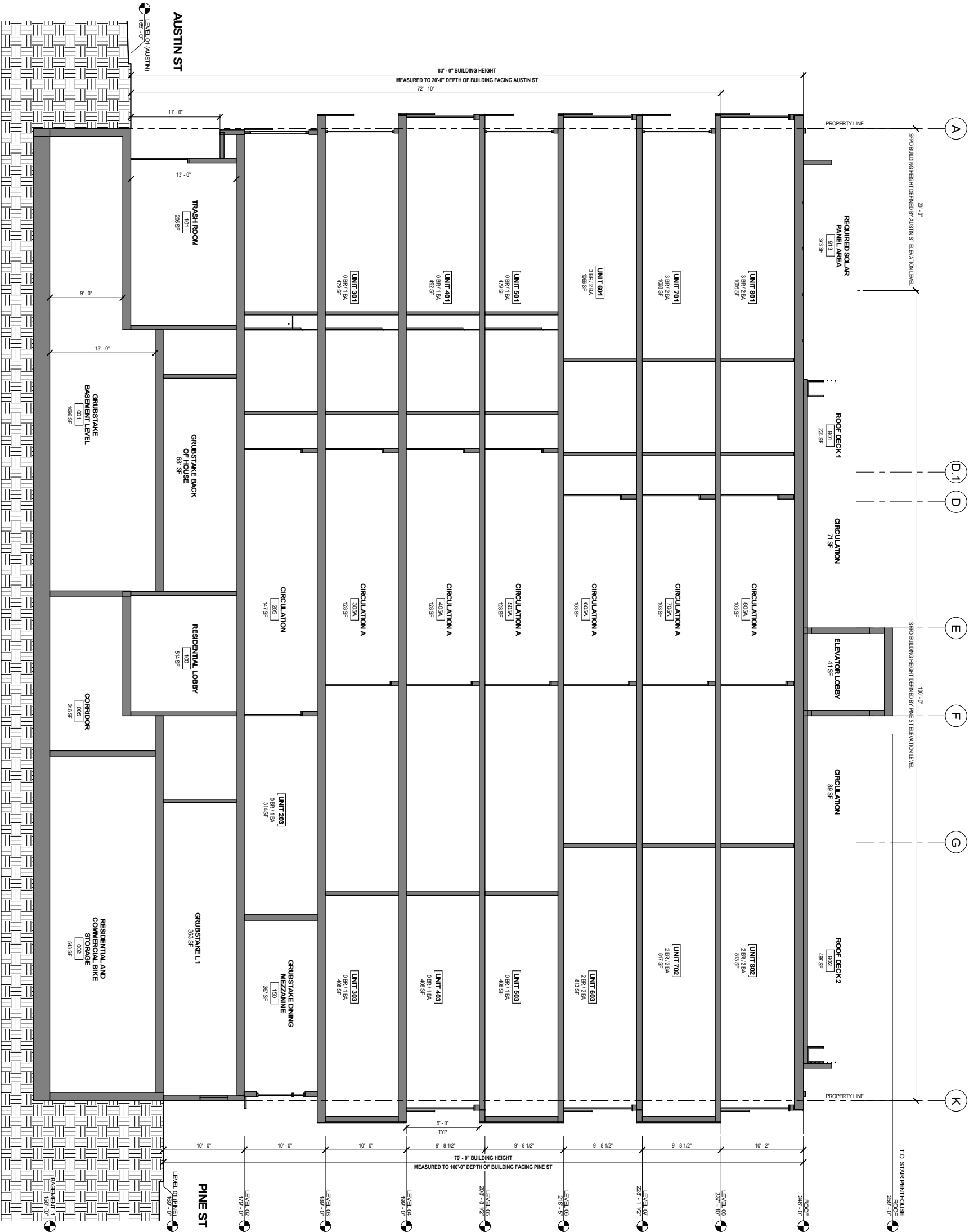
2 PINE ST FACADE PERSPECTIVE



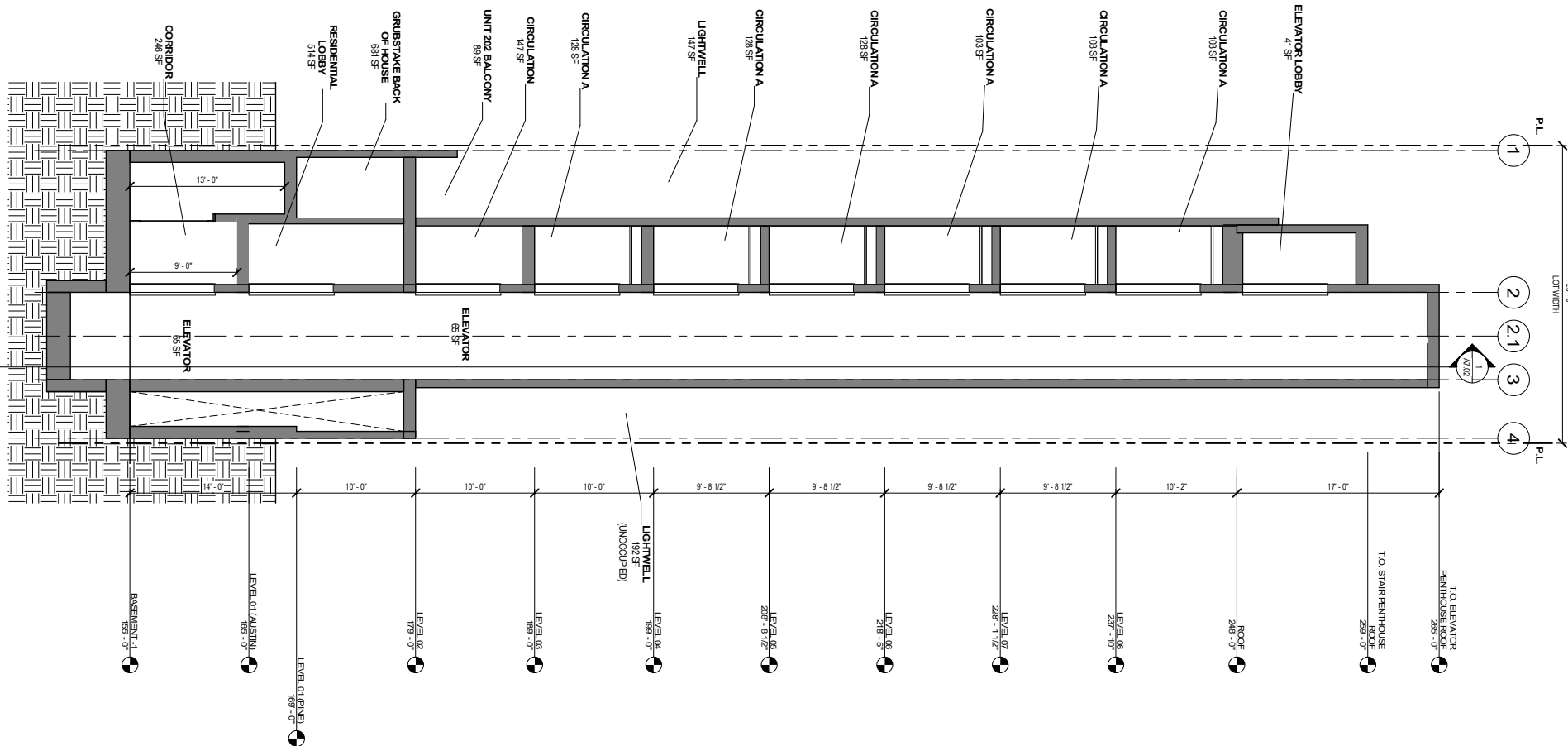
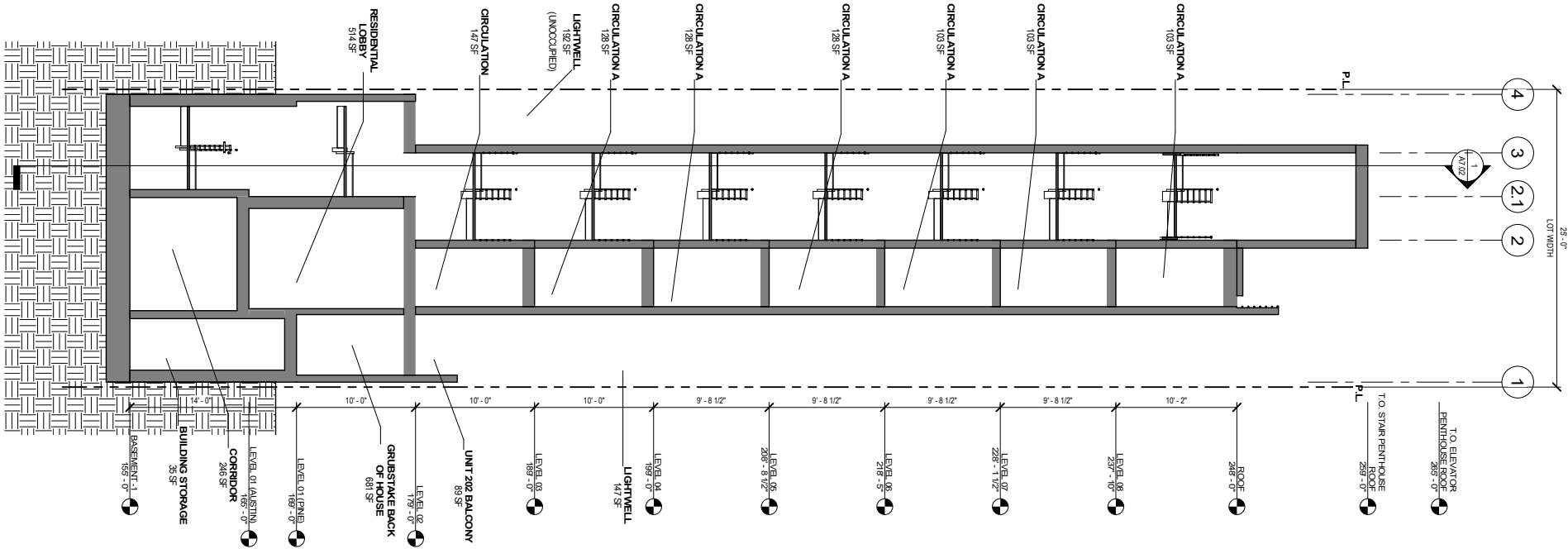
PROPOSED NORTH ELEVATION (PINE ST)



PROPOSED WEST ELEVATION







SECTIONS - EAST/WEST THROUGH CIRCULATION

AGREEMENT TO IMPLEMENT MITIGATION MONITORING AND REPORTING PROGRAM

Record No.:	2015-009955ENV	Block/Lot:	0667/020
Project Title:	1525 Pine Street	Lot Size:	3,000 square feet
BPA Nos:	201802080768	Project Sponsor:	1525 Pine Street Dev LLC – c/o Toby Morris, (415) 749-0302
Zoning:	Polk Street NCD	Lead Agency:	San Francisco Planning Department
	65-A Height and Bulk District	Staff Contact:	Michael Li, (628) 652-7538

The table below indicates when compliance with each mitigation measure must occur. Some mitigation measures span multiple phases. Substantive descriptions of each mitigation measure's requirements are provided on the following pages in the Mitigation Monitoring and Reporting Program.

Adopted Mitigation Measure	Period of Compliance				Compliance with MM completed?
	Prior to the start of Construction*	During Construction**	Post-Construction or Operational		
Mitigation Measure M-CR-2: Archeological Testing	X	X			
Mitigation Measure M-TC-1: Tribal Cultural Resources Archeological Resource Preservation Plan and/or Interpretive Program		X	X		
Mitigation Measure M-NO-2: Protection of Adjacent Buildings/Structures and Vibration Monitoring During Construction	X	X	X		
Mitigation Measure M-AQ-2: Construction Air Quality	X	X			
Mitigation Measure M-GE-6a: Worker Environmental Awareness Training	X	X			
Mitigation Measure M-GE-6b: Discovery of Unanticipated Paleontological Resources		X			

Adopted Improvement Measure		Prior to the start of Construction*	During Construction**	Post-Construction or Operational	Compliance with IM completed?
Improvement Measure I-CR-1a: Documentation		X			
Improvement Measure I-CR-1b: Interpretation		X		X	
Improvement Measure I-CR-1c: Salvage Architectural Materials from the Site for Public Information and Reuse		X	X	X	
Improvement Measure I-TR-1: Coordinated Construction Traffic Management Plan		X	X		

*Prior to any ground disturbing activities at the project site.

**Construction is broadly defined to include any physical activities associated with construction of a development project including, but not limited to: site preparation, clearing, demolition, excavation, shoring, foundation installation, and building construction.

NP I agree to implement the attached mitigation measure(s) as a condition of project approval.

Alvin Frost
Property Owner or Legal Agent Signature

01/25/2021
Date

Note to sponsor: Please contact CPC.EnvironmentalMonitoring@sfgov.org to begin the environmental monitoring process prior to the submittal of your building permits to the San Francisco Department Building Inspection.

MITIGATION MONITORING AND REPORTING PROGRAM

MONITORING AND REPORTING PROGRAM¹

Adopted Mitigation Measures	Monitoring Actions/ Schedule and Verification of Compliance		
	Implementation Responsibility	Mitigation Schedule	Monitoring/ Reporting Responsibility

MITIGATION MEASURES AGREED TO BY PROJECT SPONSOR

CULTURAL RESOURCES

Mitigation Measure M-CR-2: Archeological Testing

Based on a reasonable presumption that archeological resources may be present within the project site, the following measures shall be undertaken to avoid any potentially significant adverse effect from the proposed project on buried or submerged historical resources and on human remains and associated or unassociated funerary objects. The project sponsor shall retain the services of an archeological consultant from the rotational Qualified Archeological Consultants List (QACL) maintained by the Planning Department (Department) archeologist. After the first project approval action or as directed by the Environmental Review Officer (ERO), the project sponsor shall contact the Department archeologist to obtain the names and contact information for the next three archeological consultants on the QACL.

Project sponsor's qualified archeological consultant and contractor.	Prior to issuance of construction permits and throughout the construction period.	Considered complete after Final Archeological Resources Report is approved.
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The archeological consultant shall undertake an archeological testing program as specified herein. In addition, the consultant shall be available to conduct an archeological interpretation, monitoring, and/or data recovery program if required pursuant to this measure. The archeological consultant's work shall be conducted in accordance with this measure at the direction of the ERO. All plans and reports prepared by the consultant as specified herein shall be submitted first and directly to the ERO for review and comment and shall be considered draft reports subject to revision until final approval by the ERO. Archeological monitoring and/or data recovery programs required by this measure could suspend construction of the project for up to a maximum of four weeks. At the direction of the ERO, the suspension of construction can be extended beyond four weeks only if such a suspension is the only feasible means to

MONITORING AND REPORTING PROGRAM¹

Adopted Mitigation Measures	Monitoring Actions/ Schedule and Verification of Compliance		
	Implementation Responsibility	Mitigation Schedule	Monitoring/ Reporting Responsibility
reduce to a less-than-significant level potential effects on a significant archaeological resource as defined in CEQA Guidelines Sections 15064.5(a) and (c).			
<i>Archaeological Testing Program.</i> The archaeological consultant and the ERO shall meet and consult on the scope of the archaeological testing program reasonably prior to commencement of any project-related soils-disturbing activities. The archaeological consultant shall prepare and submit to the ERO for review and approval an archaeological testing plan (ATP). The archaeological testing program shall be conducted in accordance with the approved ATP. The ATP shall identify the property types of the expected archaeological resource(s) that potentially could be adversely affected by the proposed project, the testing method to be used, and the locations recommended for testing. The purpose of the archaeological testing program will be to determine to the extent possible the presence or absence of archaeological resources and to identify and to evaluate whether any archaeological resource encountered on the site constitutes an historical resource under CEQA.	Project sponsor's qualified archaeological consultant and contractor.	Prior to issuance of construction permits and throughout the construction period.	Planning Department Considered complete after approval of Archaeological Testing Report.
At the completion of the archaeological testing program, the archaeological consultant shall submit a written report of the findings to the ERO. If, based on the archaeological testing program, the archaeological consultant finds that significant archaeological resources may be present, the ERO, in consultation with the archaeological consultant, shall determine if additional measures are warranted. Additional measures that may be required include preservation in place, archaeological interpretation, monitoring, additional testing, and/or an archaeological data recovery program. No archaeological data recovery shall be undertaken without the prior approval of the ERO or the Department archaeologist.	Project sponsor / archaeological consultant at the direction of the ERO.	After completion of the Archaeological Testing Program.	Archaeological consultant shall submit report of the findings of the ATP to the ERO. Archaeological Testing Result report or memo on file with Environmental Planning, with email or other written documentation of concurrence on need to archaeological data recovery.

If the ERO determines that a significant archaeological resource is present and that the resource could be adversely affected by the proposed project, the ERO, in consultation with the project sponsor, shall determine whether preservation of the resource in place is feasible. If so, the proposed project shall be redesigned so as to avoid any adverse effect on the significant archaeological resource. If preservation in place is not feasible, a data recovery program shall be implemented, unless the ERO determines

MONITORING AND REPORTING PROGRAM¹

Adopted Mitigation Measures					Monitoring Actions/ Schedule and Verification of Compliance
that the archeological resource is of greater interpretive than research significance and that interpretive use of the resource is feasible.					
Consultation with Descendant Communities. On discovery of an archeological site ¹ associated with descendant Native Americans, the Overseas Chinese, or other potentially interested descendant group, an appropriate representative ² of the descendant group and the ERO shall be contacted. The representative of the descendant group shall be given the opportunity to monitor archeological field investigations of the site and to offer recommendations to the ERO regarding appropriate archeological treatment of the site, of recovered data from the site, and, if applicable, any interpretative treatment of the associated archeological site. A copy of the Final Archaeological Resources Report shall be provided to the representative of the descendant group.					
<p>The project sponsor and the ERO shall make all reasonable efforts to develop a Burial Agreement ("Agreement") with the MLD, as expeditiously as possible, for the treatment and disposition, with appropriate dignity, of the human remains and associated or unassociated funerary objects (as</p>	<p>Human Remains and Associated or Unassociated Funerary Objects. The treatment of human remains and of associated or unassociated funerary objects discovered during any soils-disturbing activity shall comply with all applicable state and federal laws. This shall include immediate notification of the Medical Examiner of the City and County of San Francisco and, in the event of the Medical Examiner's determination that the human remains are Native American remains, notification of the Native American Heritage Commission, which shall appoint a Most Likely Descendant (MLD). The MLD shall complete his or her inspection and make recommendations or preferences for treatment and disposition within 48 hours of being granted access to the site (Public Resources Code Section 5097.98). The ERO shall also be notified immediately upon discovery of human remains.</p>	<p>The archeological consultant, project sponsor, and project contractor at the direction of the ERO.</p>	<p>Monitoring of soils disturbing activities.</p>	<p>Consultation with ERO on identified descendant group.</p>	<p>Descendant group provides recommendations and is given a copy of the FARR.</p>
<p>The term "archeological site" is intended here to minimally include any archeological deposit, feature, burial, or evidence of burial.</p>	<p>An "appropriate representative" of the descendant group is here defined to mean, in the case of Native Americans, any individual listed in the current Native American Contact List for the City and County of San Francisco maintained by the California Native American Heritage Commission and, in the case of the Overseas Chinese, the Chinese Historical Society of America. An appropriate representative of other descendant groups should be determined in consultation with the Department archeologist.</p>	<p>Project sponsor / archeological consultant in consultation with the San Francisco Medical Examiner, NAHC, and MLD.</p>	<p>In the event that human remains are uncovered during the construction period.</p>	<p>Planning Department</p>	<p>Considered complete after approval of Final Archeological Results Report and disposition of human remains has occurred as specified in Agreement.</p>

MONITORING AND REPORTING PROGRAM¹

Adopted Mitigation Measures

detailed in CEQA Guidelines Section 15064.5(d)). The Agreement shall take into consideration the appropriate excavation, removal, recordation, scientific analysis, custodianship, curation, and final disposition of the human remains and associated or unassociated funerary objects.

Nothing in existing state regulations or in this mitigation measure compels the project sponsor and the ERO to accept recommendations of an MLD. However, if the ERO, project sponsor, and MLD are unable to reach an agreement on scientific treatment of the remains and associated or unassociated funerary objects, the ERO, in cooperation with the project sponsor, shall ensure that the remains and associated or unassociated funerary objects are stored securely and respectfully until they can be reinterred on the property, with appropriate dignity, in a location not subject to further or future subsurface disturbance (Public Resources Code Section 5097.98).

Treatment of historic-period human remains and of associated or unassociated funerary objects discovered during soils-disturbing activity additionally shall follow protocols laid out in the archeological testing program and any agreement established between the project sponsor, the Medical Examiner, and the ERO.

Archeological Monitoring Program. If the ERO, in consultation with the archeological consultant, determines that an archeological monitoring program shall be implemented, the archeological monitoring program shall minimally include the following provisions:

- The ERO, in consultation with the archeological consultant, shall determine what project activities shall be archeologically monitored. In most cases, any soils-disturbing activities, such as demolition, foundation removal, excavation, grading, utilities installation, foundation work, driving of piles (foundation, shoring, etc.), site remediation, etc., shall require archeological monitoring because of the risk these activities pose to potential archeological resources and to their depositional context;
- The archeological consultant shall undertake a worker training program for soils-disturbing workers that will include an overview of

Implementation Responsibility	Mitigation Schedule	Monitoring/ Reporting Responsibility	Monitoring Actions/ Schedule and Verification of Compliance

Project sponsor and archeological consultant at the direction of the ERO.	Prior to issuance of site permits.	Consultation with ERO on scope of AMP.	After consultation with and approval by ERO of AMP.
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MONITORING AND REPORTING PROGRAM¹

Adopted Mitigation Measures	Monitoring Actions/ Schedule and Verification of Compliance		
	Implementation Responsibility	Mitigation Schedule	Monitoring/ Reporting Responsibility
<ul style="list-style-type: none">• The archeological monitor(s) shall be present on the project site according to a schedule agreed upon by the archeological consultant and the ERO until the ERO has, in consultation with the project archeological consultant, determined that project construction activities could have no effects on significant archeological deposits;• The archeological monitor shall record and be authorized to collect soil samples and artifactual/ecofactual material as warranted for analysis;• If an intact archeological deposit is encountered, all soils-disturbing activities in the vicinity of the deposit shall cease. The archeological monitor shall be empowered to temporarily redirect demolition/excavation/pile driving/construction activities and equipment until the deposit is evaluated. If, in the case of pile driving or deep foundation activities (foundation, shoring, etc.), the archeological monitor has cause to believe that the pile driving or deep foundation activities may affect an archeological resource, the pile driving or deep foundation activities shall be terminated until an appropriate evaluation of the resource has been made in consultation with the ERO. The archeological consultant shall immediately notify the ERO of the encountered archeological deposit. The archeological consultant shall make a reasonable effort to assess the identity, integrity, and significance of the encountered archeological deposit, and present the findings of this assessment to the ERO for a determination as to whether the resources are significant and implementation of an archeological data recovery program therefore is necessary.			

Whether or not significant archeological resources are encountered, the archeological consultant shall submit a written report of the findings of the monitoring program to the ERO.

MONITORING AND REPORTING PROGRAM¹

Adopted Mitigation Measures	Implementation Responsibility	Mitigation Schedule	Monitoring/ Reporting Responsibility	Monitoring Actions/ Schedule and Verification of Compliance
<p><i>Archeological Data Recovery Program.</i> archeological data recovery program shall be conducted in accord with an archeological data recovery plan (ADRP). The archeological consultant, project sponsor, and ERO shall meet and consult on the scope of the ADRP prior to preparation of a draft ADRP. The archeological consultant shall submit a draft ADRP to the ERO. The ADRP shall identify how the proposed data recovery program will preserve the significant information the archeological resource is expected to contain. That is, the ADRP will identify what scientific/historical research questions are applicable to the expected resource, what data classes the resource is expected to possess, and how the expected data classes would address the applicable research questions. Data recovery, in general, should be limited to the portions of the historical property that could be adversely affected by the proposed project. Destructive data recovery methods shall not be applied to portions of the archeological resources if nondestructive methods are practical.</p> <p>The scope of the ADRP shall include the following elements:</p> <ul style="list-style-type: none"> • <i>Field Methods and Procedures.</i> Descriptions of proposed field strategies, procedures, and operations. • <i>Cataloguing and Laboratory Analysis.</i> Description of selected cataloguing system and artifact analysis procedures. • <i>Discard and Deaccession Policy.</i> Description of and rationale for field and post-field discard and deaccession policies. • <i>Interpretive Program.</i> Consideration of an on-site/off-site public interpretive program for significant finds. • <i>Security Measures.</i> Recommended security measures to protect the archeological resource from vandalism, looting, and non-intentionally damaging activities. • <i>Final Report.</i> Description of proposed report format and distribution of results. 	Project sponsor's qualified archeological consultant and contractor.	In the event that an archeological site is uncovered during the construction period.	Planning Department	Considered complete upon approval of Final Archeological Results Report.

MONITORING AND REPORTING PROGRAM¹

Adopted Mitigation Measures	Implementation Responsibility	Mitigation Schedule	Monitoring/ Reporting Responsibility	Monitoring Actions/ Schedule and Verification of Compliance
<ul style="list-style-type: none"> <i>Curation.</i> Description of the procedures and recommendations for the curation of any recovered data having potential research value, identification of appropriate curation facilities, and a summary of the accession policies of the curation facilities. 				
<p><i>Public Interpretation.</i> If project soils disturbance results in the discovery of a significant archaeological resource, the ERO may require that information provided by archaeological data recovery be made available to the public in the form of a non-technical, non-confidential archaeological report, archaeological signage and displays or another interpretive product. The project archaeological consultant shall prepare an Archeological Public Interpretation Plan that describes the interpretive product(s), locations, or distribution of interpretive materials or displays, the proposed content and materials, the producers or artists of the displays or installation, and a long-term maintenance program. The draft interpretive plan may be a stand-alone document or may be included as an appendix to the Final Archeological Resources Report, depending on timing of analyses. The draft interpretive plan shall be subject to the ERO for review and approval and shall be implemented prior to project occupancy.</p>	Archeological consultant at the direction of the ERO.	Following completion of cataloguing, analysis, and interpretation of recovered archaeological data.	Preparation of APIP.	APIP is complete on review and approval of ERO. Interpretive program is complete on certification to ERO that program has been implemented.
<p><i>Final Archeological Resources Report.</i> The archeological consultant shall submit a Draft Final Archeological Resources Report (FARR) to the ERO that evaluates the historical significance of any discovered archaeological resource and describes the archeological and historical research methods employed in the archeological testing/monitoring/data recovery program(s) undertaken. The Draft FARR shall include a curation and deaccession plan for all recovered cultural materials.</p>	Project sponsor's qualified archeological consultant.	At completion of archeological investigations.	Planning Department	Considered complete after Final Archeological Resources Report is approved.
<p>Copies of the Draft FARR shall be sent to the ERO for review and approval. Once approved by the ERO, the consultant shall also prepare a public distribution version of the FARR. Copies of the FARR shall be distributed as follows: the California Archaeological Site Survey Northwest Information Center (NWIC) shall receive one (1) copy and the ERO shall receive a copy of the transmittal of the FARR to the NWIC. The Environmental Planning Division of the Planning Department shall receive one bound and one unlocked, searchable PDF copy of the FARR on CD or other electronic medium, along with GIS shapefiles of the site and feature locations and copies of any formal site recordation forms (CA DPR 523 series) and/or</p>				

MONITORING AND REPORTING PROGRAM¹

Adopted Mitigation Measures				Monitoring Actions/ Schedule and Verification of Compliance
documentation for nomination to the National Register of Historic Places/California Register of Historical Resources.				
TRIBAL CULTURAL RESOURCES				
Mitigation Measure M-TC-1: Tribal Cultural Resources Archeological Resource Preservation Plan and/or Interpretive Program				
In the event of the discovery of an archeological resource of Native American origin, the Environmental Review Officer (ERO), the project sponsor, and the tribal representative shall consult to determine whether preservation in place would be feasible and effective. If it is determined that preservation-in-place of the TCR would be both feasible and effective, then the archeological consultant shall prepare an archeological resource preservation plan, which shall be implemented by the project sponsor during construction to ensure the permanent protection of the resource.	Project sponsor, archeological consultant, and ERO, in consultation with the affiliated Native American tribal representatives.	If a significant archeological resource is present, during implementation of the project.	Planning Department	Considered complete upon project redesign, completion of ARPP, or interpretive program of the TCR, if required.
If the ERO, in consultation with the project sponsor and the tribal representative, determines that preservation in place of the TCR is not a sufficient or feasible option, then the project archeologist shall prepare an interpretive program of the TCR in consultation with affiliated Native American tribal representatives and the project sponsor. The plan shall identify proposed locations for displays or installations, the proposed content and materials of those displays or installations, the producers or artists of the displays or installations, and a long-term maintenance program. The interpretive program may include artist installations, preferably by local Native American artists, oral histories with local Native Americans, artifacts displays and interpretation, and educational panels or other informational displays. Upon approval by the ERO and prior to project occupancy, the interpretive program shall be implemented by the project sponsor.				
NOISE				
Mitigation Measure M-NO-2: Protection of Adjacent Buildings/Structures and Vibration Monitoring During Construction				
Prior to issuance of any demolition or building permit, the property owner shall submit a project-specific Pre-construction Survey and Vibration Management and Monitoring Plan to the Planning Department (Lead Agency) for approval. The plan shall identify all feasible means to avoid				

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Monitoring Actions/ Schedule and Verification of Compliance			
Adopted Mitigation Measures	Implementation Responsibility	Mitigation Schedule	Monitoring/ Reporting Responsibility
damage to potentially affected buildings. The property owner shall ensure that the following requirements of the Vibration Management and Monitoring Plan are included in contract specifications.			
<i>Pre-construction Survey.</i> Prior to the start of any ground-disturbing activity, the property owner or their designees shall engage a consultant to undertake a Pre-construction Survey of potentially affected buildings. If potentially affected buildings and/or structures are not potentially historic, a structural engineer or other professional with similar qualifications shall document and photograph the existing conditions of the potentially affected buildings and/or structures. The project sponsor shall submit the survey to the Lead Agency for review and approval prior to the start of vibration-generating construction activity.	Project sponsor and structural engineer, historic architect, or qualified historic preservation professional.	Prior to any ground disturbing or vibration-generating construction activities.	Project sponsor and structural engineer, historic architect, or qualified historic preservation professional to submit a Pre-construction Survey to the Lead Agency.
If nearby affected buildings are potentially historic, the project sponsor shall engage a historic architect or qualified historic preservation professional and a structural engineer or other professional with similar qualifications to undertake a Pre-construction Survey of potentially affected historic buildings. The Pre-construction Survey shall include descriptions and photographs of both the exterior and interior of all identified historic buildings including all facades, roofs, and details of the character-defining features that could be damaged during construction, and shall document existing damage, such as cracks and loose or damaged features. The report shall also include pre-construction drawings that record the pre-construction condition of the buildings and identify cracks and other features to be monitored during construction. The historic architect or qualified historic preservation professional should be the lead author of the Pre-construction Survey if historic buildings and/or structures could be affected by the project. These reports shall be submitted to the Lead Agency for review and approval prior to the start of vibration-generating construction activity.			
<i>Vibration Management and Monitoring Plan.</i> The property owner or their designee shall undertake a monitoring plan to avoid or reduce project-related construction vibration damage to adjacent buildings and/or structures and to ensure that any such damage is documented and repaired. The Vibration Management and Monitoring Plan shall apply to all potentially affected buildings and/or structures. Prior to issuance of	Project sponsor / contractor(s).	Prior to issuance of any demolition or building permits.	Project sponsor to submit a Vibration Management and Monitoring Plan to the Lead Agency.
			Considered complete upon approval of the Vibration Management and Monitoring Plan by the Lead Agency.

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Adopted Mitigation Measures		Implementation Responsibility	Mitigation Schedule	Monitoring/ Reporting Responsibility	Monitoring Actions/ Schedule and Verification of Compliance
<p>any demolition or building permit, the project sponsor shall submit the Vibration Management and Monitoring Plan that lays out the monitoring program to the Lead Agency for approval. If historic buildings could be affected, the Vibration Management and Monitoring Plan shall also be submitted to the Lead Agency's preservation staff for review and approval, if applicable.</p> <p>The Vibration Management and Monitoring Plan shall include, at a minimum, the following components, as applicable:</p> <ul style="list-style-type: none"> <p><i>Maximum Vibration Level.</i> Based on the anticipated construction and condition of the affected buildings and/or structures on adjacent properties, a qualified acoustical/vibration consultant in coordination with a structural engineer (or professional with similar qualifications) and, in the case of potentially affected historic buildings/structures, a historic architect or qualified historic preservation professional, shall establish a maximum vibration level that shall not be exceeded at each building/structure on adjacent properties, based on existing conditions, character-defining features, soil conditions, and anticipated construction practices (common standards are a peak particle velocity [PPV] of 0.25 inch per second for historic and some old buildings, a PPV of 0.3 inch per second for older residential structures, and a PPV of 0.5 inch per second for new residential structures and modern industrial/commercial buildings).</p> <p><i>Vibration-generating Equipment.</i> The plan shall identify all vibration-generating equipment to be used during construction (including, but not limited to, site preparation, clearing, demolition, excavation, shoring, foundation installation, and building construction).</p> <p><i>Alternative Construction Equipment and Techniques.</i> The plan shall identify potential alternative equipment and techniques that could be implemented if construction vibration levels are observed in excess of the established standard (e.g., pre-drilled piles could be substituted for driven piles, if feasible, based on</p> 					

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	Monitoring Actions/ Schedule and Verification of Compliance			
	Implementation Responsibility	Mitigation Schedule	Monitoring/ Reporting Responsibility	
<p>soil conditions, or smaller, lighter equipment could be used in some cases).</p> <p>Adopted Mitigation Measures</p> <ul style="list-style-type: none"> <p><i>Pile Driving Requirements.</i> For projects that require pile driving, the project sponsor shall incorporate into construction specifications for the project a requirement that the construction contractor(s) use all feasible means to avoid or reduce damage to potentially affected buildings. Such methods may include one or more of the following:</p> <ul style="list-style-type: none"> ○ Incorporate "quiet" pile-driving technologies into project construction (such as predrilling piles, using sonic pile drivers, auger cast-in-place, or drilled-displacement), as feasible; and/or ○ Ensure appropriate excavation shoring methods to prevent the movement of adjacent structures <p><i>Buffer Distances.</i> The plan shall identify buffer distances to be maintained based on vibration levels and site constraints between the operation of vibration-generating construction equipment and the potentially affected building and/or structure to avoid damage to the extent possible.</p> <p><i>Vibration Monitoring.</i> The plan shall lay out the method and equipment for vibration monitoring. To ensure that construction vibration levels do not exceed the established standard, the acoustical consultant shall monitor vibration levels at each affected building and/or structure on adjacent properties and prohibit vibratory construction activities that generate vibration levels in excess of the standard.</p> <ul style="list-style-type: none"> ○ Should construction vibration levels be observed in excess of those established in the plan, the contractor(s) shall halt construction and put alternative construction techniques identified in the plan into practice, to the extent feasible. ○ The historic architect or qualified historic preservation professional (for effects on historic buildings and/or structures) and/or structural engineer (for effects on 				

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Adopted Mitigation Measures	Monitoring Actions/		
	Implementation Responsibility	Mitigation Schedule	Schedule and Verification of Compliance
<p>historic and non-historic buildings and/or structures) shall inspect each affected building and/or structure in the event the development project exceeds the established standards.</p> <ul style="list-style-type: none"> ▪ If vibration has damaged nearby buildings and/or structures that are not historic, the structural engineer shall immediately notify the Lead Agency and prepare a damage report documenting the features of the building and/or structure that has been damaged. ▪ If vibration has damaged nearby buildings and/or structures that are historic, the historic preservation consultant shall immediately notify the Lead Agency and prepare a damage report documenting the features of the building and/or structure that has been damaged. ▪ If no damage has occurred to nearby buildings and/or structures, then the historic preservation professional (if potentially affected buildings are historic) and/or structural engineer (for effects on historic and non-historic buildings) shall submit a monthly report to the Lead Agency for review. This report shall identify and summarize the vibration level exceedances and describe the actions taken to reduce vibration. <p>○ Following incorporation of the alternative construction techniques and/or Lead Agency review of the damage report, vibration monitoring shall recommence to ensure that vibration levels at each affected building and/or structure on adjacent properties are not exceeded.</p>			

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Adopted Mitigation Measures	Monitoring Actions/ Schedule and Verification of Compliance			
	Implementation Responsibility	Mitigation Schedule	Monitoring/ Reporting Responsibility	
<ul style="list-style-type: none"> <i>Periodic Inspections.</i> The plan shall lay out the intervals and parties responsible for periodic inspections. The historic architect or qualified historic preservation professional (for effects on historic buildings and/or structures) and/or structural engineer (for effects on historic and non-historic buildings and/or structures) shall conduct regular periodic inspections of each affected building and/or structure on adjacent properties during vibration-generating construction activity on the project site. The plan will specify how often inspections and reporting shall occur. <i>Repairing Damage.</i> The plan shall also identify provisions to be followed should damage to any building and/or structure occur due to construction-related vibration. The building(s) and/or structure(s) shall be remediated to their pre-construction condition at the conclusion of vibration-generating activity on the site. For historic resources, should damage occur to any building and/or structure, the building and/or structure shall be restored to its pre-construction condition in consultation with the historic architect or qualified historic preservation professional and Lead Agency. 	Project sponsor and structural engineer, historic architect, or qualified historic preservation professional.	Following end of construction activities.	Project sponsor and structural engineer, historic architect, or qualified historic preservation professional to submit a Vibration Monitoring Results Report to the Lead Agency.	Considered complete after approval of the Vibration Monitoring Results Report by the Lead Agency.
<p><i>Vibration Monitoring Results Report.</i> After construction is complete, the Lead Agency shall receive a final report from the historic architect or qualified historic preservation professional (for effects on historic buildings and/or structures) and/or structural engineer (for effects on historic and non-historic buildings and/or structures). The report shall include, at minimum, collected monitoring records, building and/or structure condition summaries, descriptions of all instances of vibration level exceedance, identification of damage incurred due to vibration, and corrective actions taken to restore damaged buildings and structures. The Lead Agency shall review and approve all Vibration Monitoring Results Reports.</p>				

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					Monitoring Actions/ Schedule and Verification of Compliance	
Adopted Mitigation Measures			Implementation Responsibility	Mitigation Schedule	Monitoring/ Reporting Responsibility	
AIR QUALITY						
Mitigation Measure M-AQ-2: Construction Air Quality						
The project sponsor or the project sponsor's Contractor shall comply with the following:			Project sponsor / contractor(s).	Prior to construction activities requiring the use of off-road equipment.	Project sponsor and contractor(s) to submit certification statement to the ERO.	Considered complete upon submittal of certification statement.
A. Engine Requirements.						
1. All off-road equipment greater than 25 hp and operating for more than 20 total hours over the entire duration of construction activities shall have engines that meet or exceed either U.S. Environmental Protection Agency (USEPA) or California Air Resources Board (ARB) Tier 2 off-road emission standards, and have been retrofitted with an ARB Level 3 Verified Diesel Emissions Control Strategy. Equipment with engines meeting Tier 4 Interim or Tier 4 Final off-road emission standards automatically meet this requirement.						
2. Where access to alternative sources of power are available, portable diesel engines shall be prohibited.						
3. Diesel engines, whether for off-road or on-road equipment, shall not be left idling for more than two minutes, at any location, except as provided in exceptions to the applicable state regulations regarding idling for off-road and on-road equipment (e.g., traffic conditions, safe operating conditions). The Contractor shall post legible and visible signs in English, Spanish, and Chinese, in designated queuing areas and at the construction site to remind operators of the two minute idling limit.						
4. The Contractor shall instruct construction workers and equipment operators on the maintenance and tuning of construction equipment, and require that such workers and operators properly maintain and tune equipment in accordance with manufacturer specifications.						
B. Waivers.						
1. The Planning Department's Environmental Review Officer or designee (ERO) may waive the alternative source of power requirement of Subsection (A)(2) if an alternative source of						

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power is limited or infeasible at the project site. If the ERO grants the waiver, the Contractor must submit documentation that the equipment used for onsite power generation meets the requirements of Subsection (A)(1).

2. The ERO may waive the equipment requirements of Subsection (A)(1) if: a particular piece of off-road equipment with an ARB Level 3 VDECS is technically not feasible; the equipment would not produce desired emissions reduction due to expected operating modes; installation of the equipment would create a safety hazard or impaired visibility for the operator; or, there is a compelling emergency need to use off-road equipment that is not retrofitted with an ARB Level 3 VDECS. If the ERO grants the waiver, the Contractor must use the next cleanest piece of off-road equipment, according to Table below.

Table – Off-Road Equipment Compliance Step-down Schedule

Compliance Alternative	Engine Emission Standard	Emissions Control
1	Tier 2	ARB Level 2 VDECS
2	Tier 2	ARB Level 1 VDECS
3	Tier 2	Alternative Fuel*

How to use the table: If the ERO determines that the equipment requirements cannot be met, then the project sponsor would need to meet Compliance Alternative 1. If the ERO determines that the Contractor cannot supply off-road equipment meeting Compliance Alternative 1, then the Contractor must meet Compliance Alternative 2. If the ERO determines that the Contractor cannot supply off-road equipment meeting Compliance Alternative 2, then the Contractor must meet Compliance Alternative 3. ** Alternative fuels are not a VDECS.

- C. *Construction Emissions Minimization Plan.* Before starting on-site construction activities, the Contractor shall submit a Construction Emissions Minimization Plan (Plan) to the ERO for review and approval. The Plan shall state, in reasonable detail, how the Contractor will meet the requirements of Section A.
 1. The Plan shall include estimates of the construction timeline by phase, with a description of each piece of off-road equipment required for every construction phase. The description may

Implementation Responsibility	Mitigation Schedule	Monitoring/ Reporting Responsibility	Monitoring Actions/ Schedule and Verification of Compliance
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Project sponsor / contractor(s).	Prior to issuance of a permit specified in Section 106A.3.2.6 of the San Francisco Building Code.	Project sponsor and contractor(s) to prepare and submit a Plan to the ERO.	Considered complete on findings by ERO that Plan is complete.
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Adopted Mitigation Measures	Monitoring Actions/ Schedule and Verification of Compliance		
	Implementation Responsibility	Mitigation Schedule	Monitoring/ Reporting Responsibility
include, but is not limited to: equipment type, equipment manufacturer, equipment identification number, engine model year, engine certification (Tier rating), horsepower, engine serial number, and expected fuel usage and hours of operation. For VDECS installed, the description may include: technology type, serial number, make, model, manufacturer, ARB verification number level, and installation date and hour meter reading on installation date. For off-road equipment using alternative fuels, the description shall also specify the type of alternative fuel being used.			
2. The project sponsor shall ensure that all applicable requirements of the Plan have been incorporated into the contract specifications. The Plan shall include a certification statement that the Contractor agrees to comply fully with the Plan.			
3. The Contractor shall make the Plan available to the public for review on-site during working hours. The Contractor shall post at the construction site a legible and visible sign summarizing the Plan. The sign shall also state that the public may ask to inspect the Plan for the project at any time during working hours and shall explain how to request to inspect the Plan. The Contractor shall post at least one copy of the sign in a visible location on each side of the construction site facing a public right-of-way.			
D. <i>Monitoring.</i> After start of Construction Activities, the Contractor shall submit quarterly reports to the ERO documenting compliance with the Plan. After completion of construction activities and prior to receiving a final certificate of occupancy, the project sponsor shall submit to the ERO a final report summarizing construction activities, including the start and end dates and duration of each construction phase, and the specific information required in the Plan.	Project sponsor / contractor(s).	Quarterly	Project sponsor and contractor(s) to submit quarterly reports to the ERO. Considered complete upon findings by the ERO that the Plan is being/has been implemented.

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	Implementation Responsibility	Mitigation Schedule	Monitoring/ Reporting Responsibility
GEOLOGY AND SOILS			
Mitigation Measure M-GE-6a: Worker Environmental Awareness Training			
Prior to commencing construction, the project sponsor shall ensure that all workers are trained on the contents of the Paleontological Resources Alert Sheet, as provided by the Planning Department. The Paleontological Resources Alert Sheet shall be prominently displayed at the construction site during ground disturbing activities to provide pre-construction worker environmental awareness training regarding potential paleontological resources.	Project sponsor / contractor(s).	Prior to and during ground disturbing activities	Project sponsor and contractor(s) to submit a confirmation letter to the Planning Department each time a training session is held. The letter shall be submitted within five (5) business days of conducting a training session.
In addition, the project sponsor (through a designated representative) shall inform construction personnel of the immediate stop work procedures and contact information to be followed if bones or other potential fossils are unearthed at the project site, and the laws and regulations protecting paleontological resources. As new workers arrive at the project site for ground disturbing activities, they would be trained by the construction supervisor.			
The project sponsor shall submit a letter confirming the timing of the worker training to the Planning Department. The letter shall confirm the project's location, the date of training, the location of the informational handout display, and the number of participants. The letter shall be transmitted to the Planning Department within five (5) business days of conducting the training.			
Mitigation Measure M-GE-6b: Discovery of Unanticipated Paleontological Resources			
In the event of the discovery of an unanticipated paleontological resource during construction, excavations within 25 feet of the find shall temporarily be halted until the discovery is examined by a qualified paleontologist (pursuant to Society of Vertebrate Paleontology standards (SVP 1995, 1996)). Work within the sensitive area shall resume only when deemed appropriate by the qualified paleontologist in consultation with the Planning Department.	Project sponsor, qualified paleontologist, and contractor.	During ground disturbing activities.	If necessary, the project sponsor and a qualified paleontologist shall submit a Paleontological Mitigation Program to the Planning Department.
			Considered complete upon end of ground disturbing activities or, if necessary, approval of a Paleontological Resources Report by the Planning Department.

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Adopted Mitigation Measures	Monitoring Actions/		
	Implementation Responsibility	Mitigation Schedule	Schedule and Verification of Compliance
<p>The qualified paleontologist shall determine if: (1) the discovery is scientifically significant; (2) the necessity for involving other agencies and stakeholders; (3) the significance of the resource; and (4) methods for resource recovery. If a paleontological resource assessment results in a determination that the resource is not scientifically important, this conclusion shall be documented in a Paleontological Evaluation Letter to demonstrate compliance with applicable statutory requirements. The Paleontological Evaluation Letter shall be submitted to the Planning Department for review within 30 business days of the discovery.</p> <p>If a paleontological resource is determined to be of scientific importance and there are no feasible avoidance measures, a Paleontological Mitigation Program (mitigation program) must be prepared by the qualified paleontologist engaged by the project sponsor. The mitigation program shall include measures to fully document and recover the resource. The mitigation program shall be approved by the Planning Department. Ground disturbing activities in the project area shall be monitored as determined by the qualified paleontologist for the duration of such activities in collaboration with the Planning Department, once work is resumed.</p> <p>The mitigation program shall include: (1) procedures for construction monitoring at the project site; (2) fossil preparation and identification procedures; (3) curation into an appropriate repository; and (4) preparation of a Paleontological Resources Report (report or paleontology report) at the conclusion of ground disturbing activities. The paleontology report shall include dates of field work, results of monitoring, fossil identifications to the lowest possible taxonomic level, analysis of the fossil collection, a discussion of the scientific significance of the fossil collection, conclusions, locality forms, an itemized list of specimens, and a repository receipt from the curation facility. The project sponsor shall be responsible for the preparation and implementation of the mitigation program, in addition to any costs necessary to prepare and identify collected fossils and for any curation fees charged by the paleontological repository. The mitigation program shall be submitted to the Planning Department for review within 10 business days of the discovery. The paleontology report shall be submitted to the Planning Department for review within 30</p>			

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business days from conclusion of ground disturbing activities or as negotiated following consultation with the Planning Department.

IMPROVEMENT MEASURES AGREED TO BY PROJECT SPONSOR

CULTURAL RESOURCES

Improvement Measure I-CR-1a: Documentation

A. Historic American Building/Historic American Landscape Survey

Prior to the issuance of demolition or site permits, the project sponsor should undertake Historic American Building/Historic American Landscape Survey-like (HABS/HALS-like) level documentation of the subject property, structures, objects, materials, and landscaping. The documentation should be funded by the project sponsor and undertaken by a qualified professional who meets the standards for history, architectural history, or architecture (as appropriate), as set forth by the Secretary of the Interior's Professional Qualification Standards (36 Code of Federal Regulation, Part 61) and will assist with the reuse and/or replication of character-defining features to be incorporated into the new construction and provide content to the interpretation program, both of which are part of the proposed project. The professional overseeing the documentation should meet with Planning Department staff for review and approval of a coordinated documentation plan before work on any one aspect may commence. The specific scope of the documentation should be reviewed and approved by the Planning Department. The documentation package created should consist of the items listed below.	Project sponsor and qualified professional who meets the standards for history, architectural history, or architecture.	Prior to the issuance of demolition, site, or building permits.	Project sponsor and qualified professional to submit HABS/HALS documentation to the Planning Department.	Considered complete upon approval of HABS/HALS documentation by the Planning Department.
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Measured Drawings: A set of measured drawings that depict the existing size, scale, and dimension of the subject property. Planning Department preservation staff will accept the original architectural drawings or an as-built set of architectural drawings (plan, section, elevation, etc.) with modification to meet HABS guidelines as determined by Planning Department preservation staff. Planning Department preservation staff will assist the consultant in determining the appropriate level of measured drawings.

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Adopted Mitigation Measures	Implementation Responsibility	Mitigation Schedule	Monitoring/ Reporting Responsibility	Monitoring Actions/ Schedule and Verification of Compliance
<p><i>Historic American Buildings/Historic American Landscape Survey Level Photographs:</i> Either Historic American Buildings/Historic American Landscape Survey (HABS/HALS) standard large-format or digital photography should be used. The scope of the digital photographs should be reviewed by Planning Department preservation staff for concurrence, and all digital photography should be conducted according to the latest National Park Service standards. The photography should be undertaken by a qualified professional with demonstrated experience in HABS/HALS photography. Photograph views for the data set should include contextual views; views of each side of the building and interior views, including any original interior features, where possible; oblique views of the building; and detail views of character-defining features, including landscape elements. All views should be referenced on a photographic key. This photographic key should be on a map of the property and should show the photograph number with an arrow to indicate the direction of the view. Historic photographs should also be collected, reproduced, and included in the data set.</p> <p>The professional(s) should prepare the documentation and the Planning Department should monitor its preparation. The HABS/HALS documentation scope will determine the requested documentation type for each facility, and the project sponsor will conduct outreach to identify other interested repositories.</p> <p>The professional(s) should submit the completed documentation for review and approval by Planning Department preservation staff before issuance of building permits. All documentation will be reviewed and approved by Planning Department preservation staff before any demolition or site permit is granted for the affected historical resource. The final approved documentation should be provided in both printed and electronic form to the Planning Department and offered to repositories including, but not limited to, the San Francisco Public Library, the Northwest Information Center, San Francisco Architectural Heritage, the California Historical Society, and the GLBT Historical Society. The Planning Department will make electronic versions of the documentation available to the public at no charge.</p>				

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B. Video Recordation

Prior to any demolition or substantial alteration of an individual historical resource or contributor to a historic district on the project site, the project sponsor should retain a qualified professional to undertake video documentation of the affected historical resource and its setting. This mitigation measure would supplement the traditional HABS/HALES documentation, and would enhance the collection of reference materials that would be available to the public and inform future research.

The documentation should be conducted by a professional videographer with experience recording architectural resources. The professional videographer should provide a storyboard of the proposed video recordation for review and approval by Planning Department preservation staff. The documentation should be narrated by a qualified professional who meets the standards for history, architectural history, or architecture (as appropriate), as set forth by the Secretary of the Interior's Professional Qualification Standards (36 Code of Federal Regulations, Part 61). The documentation should include as much information as possible—using visuals in combination with narration—about the materials, construction methods, current condition, historical use, and historic context of the historic resources.

The final video should be reviewed and approved by Planning Department preservation staff prior to issuance of a demolition permit or site permit or issuance of any building permits for the project.

Archival copies of the video documentation should be submitted to the Planning Department, and to repositories including: History Room at the San Francisco Public Library, Prelinger Archives, the California Historical Society, San Francisco Architectural Heritage, and the Northwest Information Center of the California Historical Information Resource System. This improvement measure would supplement the traditional HABS documentation, and would enhance the collection of reference materials that would be available to the public and inform future research.

Monitoring Actions/ Schedule and Verification of Compliance		Monitoring/ Reporting Responsibility	Mitigation Schedule	Implementation Responsibility
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Considered complete upon approval of video documentation by the Planning Department.	Project sponsor, qualified videographer, and qualified narrator to submit video documentation to the Planning Department.	Project sponsor, qualified professional videographer, and qualified narrator who meets the standards for history, architectural history, or architecture.	Prior to issuance of demolition, site, or building permits.	
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Adopted Mitigation Measures	Monitoring Actions/ Schedule and Verification of Compliance		
	Implementation Responsibility	Mitigation Schedule	Monitoring/ Reporting Responsibility
<p>Improvement Measure I-CR-1b: Interpretation</p> <p>The project sponsor should facilitate the development of an interpretive program focused on the history of the project site as outlined in the project description. The interpretive program should be developed and implemented by a qualified professional with demonstrated experience in displaying information and graphics to the public in a visually interesting manner, such as a museum or exhibit curator. The project sponsor should utilize the oral histories and subsequent transcripts prepared as part of the Historic Resource Evaluation review process. As feasible, coordination with local artists or community members should occur. The primary goal of the program is to educate visitors and future residents about the property's historical themes, associations, and lost contributing features within broader historical, social, and physical landscape contexts. These themes would include but not be limited to the subject property's historic significance as a contributor to the identified-eligible Polk Gulch LGBTQ Historic District and should include the oral histories previous undertaken for this project.</p> <p>This program should be initially outlined in a Historic Resources Public Interpretive Plan (HRPIP) subject to review and approval by Planning Department preservation staff. The HRPIP will lay out the various components of the interpretive program that should be developed in consultation with a qualified preservation professional. The HRPIP should describe the interpretive product(s), locations or distribution of interpretive materials or displays, the proposed content and materials, the producers or artists of the displays or installation, and a long-term maintenance program. The HRPIP should be approved by Planning Department staff prior to issuance of a site permit or demolition permit.</p> <p>The interpretive program should include the installation of permanent on-site interpretive displays but may also include development of digital/virtual interpretive products. For physical interpretation, the plan should include the proposed format and accessible location of the interpretive content, as well as high-quality graphics and written narratives. The permanent display should include the history of 1525 Pine Street and the historical context of the Polk Gulch LGBTQ Historic District. The display should be placed in a prominent, public setting within, on, or in the exterior of the new building. The interpretive material(s) should be</p>	<p>Project sponsor and qualified professional with demonstrated experience in displaying information and graphics to the public (e.g., museum or exhibit curator).</p>	<p>Prior to issuance of the architectural addendum to the site permit.</p>	<p>Project sponsor and qualified professional to submit a HRPIP to the Planning Department.</p> <p>Ongoing during project operation following approval of the HRPIP by the Planning Department.</p>

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Adopted Mitigation Measures	Monitoring Actions/ Schedule and Verification of Compliance		
	Implementation Responsibility	Mitigation Schedule	Monitoring/ Reporting Responsibility
<p>installed within the project site boundaries and made of durable all-weather materials. The interpretive material(s) should be of high quality and installed to allow for high public visibility. The interpretive plan should also explore contributing to digital platforms that are publicly accessible, such as the History Pin website or phone applications. Interpretive material could include elements such as virtual museums and content, such as oral history, brochures, and websites. All interpretive material should be publicly available.</p> <p>The HRRIP should be approved by Planning Department preservation staff prior to issuance of the architectural addendum to the site permit. The detailed content, media and other characteristics of such interpretive program should be approved by Planning Department preservation staff prior to issuance of a Temporary Certificate of Occupancy.</p> <p>Prior to finalizing the HRRIP, the sponsor and consultant should attempt to convene a community group consisting of local preservation organizations and other interested parties such as SF Heritage and the GLBT Historical Society to receive feedback on the interpretive plan.</p> <p>The interpretive program should be developed in coordination with the archaeological program if archaeological interpretation is required.</p> <p>The interpretive program should also coordinate with other interpretive programs currently proposed or installed in the vicinity or for similar resources in the city.</p> <p>Improvement Measure I-CR-1c: Salvage Architectural Materials from the Site for Public Information and Reuse</p> <p>As included in the project description, the project sponsor proposes to reuse many of the significant features associated with Grubstake in the proposed project. Prior to the removal of the character-defining features of the historic district contributor that are proposed to be incorporated into the proposed project, the project sponsor should provide Planning Department preservation staff with a salvage plan that outlines the details of how the features to be reused and incorporated into the proposed project would be removed, stored, reinstalled, and maintained. The salvage plan should be reviewed and approved by Planning Department</p>	<p>Project sponsor / contractor(s).</p>	<p>Prior to issuance of the architectural addendum to the site permit.</p>	<p>Project sponsor and contractor(s) to submit a salvage plan to the Planning Department.</p> <p>Considered complete upon approval of the salvage plan by the Planning Department and implementation of the salvage plan by the project sponsor and contractor(s).</p>

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				Monitoring Actions/ Schedule and Verification of Compliance
Adopted Mitigation Measures		Implementation Responsibility	Mitigation Schedule	Monitoring/ Reporting Responsibility
preservation staff prior to issuance of the architectural addendum to the site permit.				

TRANSPORTATION AND CIRCULATION

Improvement Measure I-TR-1: Coordinated Construction Traffic Management Plan

The project sponsor should participate in the preparation and implementation of a coordinated construction traffic management plan that includes measures to reduce hazards between construction-related traffic and pedestrians, bicyclists, and transit vehicles. The coordinated construction traffic management plan should be prepared in coordination with other public and private projects within a one-block radius that may have overlapping construction schedules and should be subject to review and approval by the City's interdepartmental Transportation Advisory Staff Committee (TASC). The plan should include, but not necessarily be limited to, the following measures:	Project sponsor / contractor(s).	Prior to and during construction activities.	Project sponsor and contractor(s) to prepare and submit a coordinated construction traffic management plan to the City's interdepartmental Transportation Advisory Staff Committee.	Considered complete upon end of construction activities.

Restricted Construction Access Hours: Limit truck movements and deliveries requiring lane closures to occur between 9:00 a.m. and 4:00 p.m., outside of peak morning and evening weekday commute hours.

Alternative Transportation for Construction Workers: Provide incentives to construction workers to carpool, use transit, bike, and walk to the project site as alternatives to driving alone to and from the project site. Such incentives may include, but not be limited to, providing secure bicycle parking spaces, participating in the free-to-employee-and-employer ride matching program from www.511.org, participating in the emergency ride home program through the City of San Francisco (www.sferh.org), and providing transit information to construction workers.

Construction Worker Parking Plan: The location of construction worker parking will be identified as well as the person(s) responsible for monitoring the implementation of the proposed parking plan. The use of on-street parking to accommodate construction worker parking will be discouraged.

MONITORING AND REPORTING PROGRAM¹

Adopted Mitigation Measures	Monitoring Actions/ Schedule and Verification of Compliance		
	Implementation Responsibility	Mitigation Schedule	Monitoring/ Reporting Responsibility
<p><i>Coordination of Temporary Sidewalk Closures:</i> The project sponsor should coordinate sidewalk closures with other projects requesting concurrent lane or sidewalk closures through the TASC and interdepartmental meetings to minimize the extent and duration of requested closures.</p> <p><i>Maintenance of Transit, Vehicle, Bicycle, and Pedestrian Access:</i> The project sponsor/construction contractor(s) should meet with Public Works, SFMTA, the Fire Department, Muni Operations, and other City agencies to coordinate feasible measures to include in the Coordinated Construction Management Plan to maintain access for transit, vehicles, bicycles, and pedestrians. This should include an assessment of the need for temporary transit stop relocations or other measures to reduce potential traffic, bicycle, and transit disruption and pedestrian circulation effects during construction of the project.</p> <p><i>Proposed Project Construction Updates for Adjacent Businesses and Residents:</i> Provide regularly updated information regarding project construction, including a construction contact person, construction activities, duration, peak construction activities (e.g., concrete pours), travel lane closures, and lane closures (bicycle and parking) to nearby residences and adjacent businesses through a website, social media, or other effective methods acceptable to the Environmental Review Officer.</p>			

¹ Definitions of MMRP Column Headings:

Adopted Mitigation Measures: Full text of the mitigation measure(s) copied verbatim from the final CEQA document.
Implementation Responsibility: Entity who is responsible for implementing the mitigation measure. In most cases this is the project sponsor and/or project's sponsor's contractor/consultant and at times under the direction of the planning department.

Mitigation Schedule: Identifies milestones for when the actions in the mitigation measure need to be implemented.

Monitoring/Reporting Responsibility: Identifies who is responsible for monitoring compliance with the mitigation measure and any reporting responsibilities. In most cases it is the Planning Department who is responsible for monitoring compliance with the mitigation measure. If a department or agency other than the planning department is identified as responsible for monitoring, there should be an expressed agreement between the planning department and that other department/agency. In most cases the project sponsor, their contractor, or consultant are responsible for any reporting requirements.

Monitoring Actions/Completion Criteria: Identifies the milestone at which the mitigation measure is considered complete. This may also identify requirements for verifying compliance.



July 1, 2021

Mr. Joel Koppel, President
San Francisco Planning Commission
49 South Van Ness, Ste 1400
San Francisco, CA 94103

**Re: 1525 Pine Street (Case No. 2015-009955CUA) – July 22, 2021 Hearing
and State Density Bonus.**

Dear President Koppel and Commissioners,

On May 6, 2021, the Planning Commission reviewed and heard testimony for the “Grubstake Project” located at 1525 Pine Street.¹ At the hearing, concern was raised by owners at the Austin, a newly constructed condominium development adjacent to the Grubstake, regarding light impacts on the interior courtyard and specifically, impacts to residents of the condominiums that front along that courtyard. Based on those concerns, the Planning Commission continued the Grubstake Project, asking that additional analysis be provided regarding light to those interior condominiums as well as options to increase or improve light conditions.

Following the Planning Commission hearing, the Project sponsor retained Adam Phillips from PreVision Design, a well-known and well-regarded shadow and light expert, to analyze the light conditions and provide recommendations to increase light to the interior facing condominiums. A copy of PreVision’s report and findings is included as **Attachment 1**. In sum, PreVision found that a 79-foot building with lighting increases the perceived brightness to residents by +0.24% on an annual basis over a 65-foot building, meaning the light impacts to owners of interior facing condominiums is virtually identical in a code compliant versus density bonus scenario.² This report has been shared with owners at the Austin and the Project sponsor has also hosted a video call with those owners fronting the interior courtyard where Adam from PreVision presented his findings and answered questions.³

At the May 6, 2021 hearing, the Planning Commission also asked questions about the 1545 Pine Street (the Austin) approvals. We have been able to locate documents related to that approval including the exposure variance granted for the interior courtyard and a recorded document and diagram indicating that one inclusionary unit⁴ fronts the interior light well. In granting the exposure variance for the Austin, the Zoning Administrator specifically found that “[n]umerous residential

¹ The Grubstake Project would redevelop the Grubstake site using the State Density Bonus Law to provide 21 dwelling units in a 79-foot-tall building with 2,473 square feet of commercial space for the Grubstake restaurant (“Project”).

² The PreVision report analyzes the difference in light from a 65-foot building and 79-foot building and a 79-foot building with lighting. As the project is utilizing the State Density Bonus Law and has the full protections of the Housing Accountability Act, discussion, and analysis of existing conditions (i.e., no project) was not prepared nor warranted.

³ This video call was held on June 25, 2021. A copy of the presentation from this video call is also included in **Attachment 1**.

⁴ The Austin includes 12 inclusionary units.



buildings in the Polk Street NCD and Van Ness SUD predate the Planning Code and provide dwelling unit exposure on light courts or other open areas that do not strictly comply with Section 140 [and] that the granting of this variance would allow for a design comparable to many other high rise buildings in San Francisco.” Thus, the condition created at the Austin is not unique. Copies of these documents as well as the caption notes from the October 2, 2014 hearing on the Austin are included as **Attachment 2**.

Finally, at the May 6, 2021 hearing, there was some Planning Commission discussion regarding requesting the Project reduce its height. As the Planning Commission is aware, the Project is utilizing the State Density Bonus Law (SDBL) by including 13% of the units for very low-income tenants. The Project fully complies with the SDBL which limits the Planning Commission’s discretion in its review. The Project also has the full protection of the Housing Accountability Act (HAA).⁵ Under these protections, the Planning Commission cannot disapprove the Project or lower its density unless it finds by a preponderance of the evidence that it would have a specific, adverse impact on public health or safety and there is no feasible way to mitigate or avoid the impact. Those findings require the Planning Commission to identify “objective, identified written public health or safety standards, policies, or conditions as they existed on the date the application was deemed complete”⁶ as well as affirmatively find that there are no feasible means of mitigating or avoiding such public health or safety impacts other than rejecting the Project or reducing its size.⁷ Not only can those findings not be made, but the report prepared by PreVision clearly establishes that the 79-foot tall building with lighting will not result in a public health or safety impact.

While we understand the frustration of the owners of the 10 condominiums fronting the interior courtyard, they, along with all other owners in the Austin received and signed a separate disclosure regarding the 1525 Pine Street project as part of purchasing their condominiums. That disclosure specifically stated that “[c]ompletion of the proposed 1525 Pine Street project may impact unit views, **light source** and privacy for certain units, ... particularly east facing Units.” (emphasis added). These owners may have been misled by sales staff as to the likelihood of something being built, but at the time they purchased, an application was on file for 1525 Pine Street and they were notified that something would be built and could built “with different specifications” than noted in the application. A copy of that disclosure is included as **Attachment 3**.

For these reasons, and for all the reasons outlined in our May 4, 2021 letter, which is included without attachments as **Attachment 4**, we respectfully ask the Planning Commission take action to approve the Project.

⁵ Following the May 6, 2021 hearing, the Project sponsor amended its SDBL application to include an incentive/concession for unit mix. As discussed below, this incentive is legally justified as it does not change the density allowed on the Project site and evidence has been submitted that shows the incentive/concession will result in tangible and quantifiable cost reductions that allow the Project to provide on-site affordable housing units.

⁶ Gov. Code Section 65589.5(j)(1)(A).

⁷ Gov. Code Section 65589.5(j)(1)(B).



I. Light in the Interior Courtyard at The Austin

The Grubstake Project has been in process for over six (6) years. During that time, the Project sponsors have met and worked extensively with the community, neighbors and interested parties preparing technical studies to listen, analyze and respond to comments and concerns raised. When the issue of light within the Austin's interior courtyard was raised by owners at the Austin, the Project sponsors committed to investigating and incorporating light enhancing features to address the concerns.

Over the past several months, the Project sponsors have reached out to light experts to evaluate various options to enhance light in the interior courtyard. This includes adding reflective facade panels, installing a feature on the roof of 1525 Pine Street to "scoop light" and direct it down into the interior courtyard, and create an exterior catwalk along a portion of the core to eliminate solid walls and allow light to flow through the building. None of these options, however, are feasible.

Reflective façade panels would have the unintended consequence of creating heat and reflective glare. An example of this is the "Walkie Talkie" building in London which was modified after it was discovered that the reflective panels created such a concentration of light and glare that it melted cars and could fry an egg on the sidewalk.⁸ "Scooping light" is not possible given the sun angle, width of the structure and depth of the interior courtyard. Exposing portion of the building's core via exterior catwalks is not feasible under the fire code and enclosing these areas with fire-rated glass or other transparent material is also not possible as the cost is estimated to be over \$3 million, rendering the Project financially infeasible.

As part of the effort to find a solution to concerns, and in response to questions raised by the Planning Commission, the Project Sponsors retained Adam Phillips from PreVision Designs to conduct an Exterior Lighting analysis focusing on light levels in the adjacent interior courtyard at 1545 Pine Street. As noted above, a copy of this report is included as **Attachment 1**. PreVision was tasked with analyzing the difference in light in the interior courtyard between a code compliant 65-foot structure versus the 79-foot structure proposed under the SDBL. Working with the Project architects, PreVision also consulted on a lighting scheme to increase light in the interior courtyard, then comparing the light under this scenario against both the 65-foot structure and the 79-foot structure. An analysis of existing conditions was not part of the scope because it is not realistic or reasonable to assume no development on the Project site given it is an underutilized parcel, in the urban core, adjacent to transit and the property owners have a legal right to develop.

As shown in the table below, the PreVision report found that while the interior courtyard brightness "varied significantly at different times of day and during different times of year" a 65-foot building would result in a "modest amount of additional brightness relative to the 79-ft project" but that "[w]ith the addition of indirect lighting...the in average annual brightness of the 79-ft project

⁸ See <https://www.nbcnews.com/news/world/it-hotter-anywhere-ive-ever-been-london-skyscraper-melts-cars-flna8c11066086>; <https://www.bbc.com/news/uk-england-london-27425560>



with lighting and the 65-ft project would be virtually identical.”⁹

Annualized quantitative light level comparisons				
<i>Building Height/Features</i>	65-ft	79-ft	79-ft + lighting	% Change (65-ft vs. 79-ft + Lighting)
Annual LuxHrs	859,824	664,978	875,276	+15,452
Average Annual Perceived Brightness	79.15%	75.40%	79.39%	+0.24%

When the Austin was approved, as evidenced in the approval documents included in Attachment 2, the exposure issues associated with its interior courtyard were known and it was noted that such a configuration is not new in the City or in the area. In fact, the Zoning Administrator under Finding III.B for the Variance granted found that the interior courtyard dwelling units will all “face onto an open area with a minimum dimension of 25 feet by 25 feet, **which is more than the amount available for many existing dwelling unit** in the area that were constructed prior to the exposure requirement of the Code.”¹⁰ Owners of condominiums at the Austin facing this interior courtyard had notice of this condition at the time they purchased their units through the disclosures they signed. Any assumption that the adjacent parcel would never be developed not only was unreasonable but counter to publicly accessible information and evidence specifically placed before them.

Concerns regarding the interior courtyard lighting have not been ignored by the Project sponsor. In fact, the Project sponsor has worked diligently on them, commissioning an independent analysis from PreVision and committing to incorporate lighting studied in the PreVision report into its building. The Project sponsor will also continue to work with the owners at the Austin on this issue and is willing to discuss other viable options consistent with the Project proposed to increase light and brightness.

II. State Density Bonus Law

Under the SDBL (Gov. Code Section 65915), a project sponsor may seek additional density for a proposed project depending on the amount of affordable housing included in the project and the project sponsor may also seek up to three development concessions and incentives and unlimited waivers to development standards that would physically preclude the development of the project. In exchange for providing 13% of the Project units as for very low-income tenants, the Project is seeking six (6) additional units, two (2) concessions/incentives and eight (8) waivers of development standards. As provided in more detail below, the concessions/incentives result in tangible and quantifiable cost reductions that allow the Project to provide the affordable housing units. Additionally, due to the narrow and long shape of the lot, without the eight (8) waivers the Project’s construction inclusive of the affordable housing units would be physically precluded.

⁹ Prevision Report pg. 8.

¹⁰ See Finding III.B, pg. 4 (emphasis added).



The Project's additional density request, the incentives/concessions it seeks, along with the eight (8) waivers needed to provide the affordable housing units, fall directly within the requirements of the SDBL. They will not have an adverse impact on health and safety and are not contrary to state or federal law and, therefore, must be approved by the Planning Commission. For reference, these requests are summarized below.

A. Concession/Incentive

The Project seeks two (2) concessions/incentives that result in actual identifiable cost reductions to the Project.

1. Bay Window Projections (Section 136)

Under the Planning Code, allowable projections may extend 2' and be 15' maximum in length along Austin Street. The Project includes bay windows that project into Austin Street that are outside of the allowable extent of the projection limits under the Planning Code. This projection, however, recovers floor area that is lost to Project lightwells. The Project sponsor provided abundant information and analysis to Planning staff to substantiate the conclusion that the Project's additional floor area and the cost saving from using one frame wall system would offset the cost of providing affordable housing on site and therefore a concession is entirely appropriate under the SDBL.

2. Dwelling Unit Mix (Section 207.6)¹¹

In the Polk Street NCD at least 35% of residential units must be two (2) and three (3) bedroom units and at least 10% must be three (3) bedroom units. The Project proposes 28% of the units as two (2) and three (3) bedrooms with 14% of the units as three (3)-bedroom units. To strictly meet the Planning Code requirements for unit mix, the construction of an entire additional floor would be required. As density in the Polk Street NCD is based on lot area, not building form, non-compliance with the unit mix requirement will not increase the overall density permitted on the site. The project site is very narrow, limiting floor plan layouts and constraining the number of two (2) or three (3) bedrooms units per floor. Adding another floor to the Project would not only increase overall construction costs but would also change the building classification. The building currently is 72' 10" tall. Adding another floor would increase the building height by a minimum of 9'-8.5" resulting in the highest level of residential occupancy above 75' resulting in it being classified as "high-rise construction." "High-rise construction" requires additional building systems, safety/egress systems and increases overall construction costs. As supported by the provided information, this increase in construction costs would render the Project financially infeasible and thus an incentive is warranted.

¹¹ The Project originally only requested a Conditional Use authorization (CUA) to deviate from the dwelling unit mix requirements. Given that the CUA does not increase the density permitted under the SDBL for the Project, the request also qualifies for an incentive under the SDBL, which is now being requested.



B. Waivers

The Project seeks eight (8) waivers from development standards that preclude the development of the Project.

1. Rear Yard (Section 134)

The Project is required to provide a rear yard equal to 25% of lot depth. The Project site is narrow and deep, and it is physically infeasible to build the Project with the required rear yard. The Project does include rooftop open space as well as two lightwells, but a strict enforcement of the Code requirement would preclude the development of the Project. The Project is relying on a waiver under the SDBL of this requirement.

2. Common Open Space (Section 135g)

The Planning Code requires 1,008 square feet of Common Open Space for the Project's 21 units. The Project seeks a waiver from the Planning Code for Common Useable Open Space. The Project provides 749 square feet of Common Open Space on a roof deck, which is 74% of the open space required. The Project also provides six (6) private balconies for units, but the dimensions of the balconies do not meet the minimum requirements to qualify as code compliant private open space. Providing code compliant balconies in the Project would physically preclude the development of the Project as it would require the complete loss of four (4) units and the significant reduction of square footage in other units, rendering the Project physically infeasible. The Project is relying on a waiver under the SDBL of this requirement.

3. Unit Exposure (Section 140)

The Project seeks a waiver for minor deviation from the Planning Code's Dwelling Unit Exposure requirements. Only one (1) of the Project units do not meet the strict requirements of the Planning Code as it provides less than the required 25 feet wide exposure in each direction. The unit instead faces onto a six (6) feet by 25-feet lightwell but also contains a private balcony. The Project requires a waiver as the strict adherence to the Planning Code would physically preclude the construction of the Project as proposed and the Project is relying on the SDBL for a waiver of this requirement.

4. Ground Floor Ceiling Height (Section 145.1(c)(4))

The Project seeks a waiver from the Planning Code Ground Floor Ceiling Height requirement of 14-feet. The Project is honoring the design elements of the existing Grubstake restaurant on the ground floor, including a barrel ceiling with a proposed ceiling height of 10-feet. Because the lot slopes down from west to east and is narrow, strict adherence to the Planning Code requirements for Ground Floor Ceiling Height is not viable and would result in a loss of units that would physically preclude the development of the proposed Project. The Project is relying on a waiver under the SDBL of this requirement.



5. Transparency (Section 145.1(c)(6))

The Project seeks a waiver from the Planning Code requirements for Transparency that 60 percent of the street frontage on the ground level allow visibility into the building. The Project proposes 28% transparency on the ground floor of the Austin Street side and 26% on the Pine Street side. On the Austin Street side strict compliance would not allow the Project to house the required rear egress and solid waste access areas. On the Pine Street side strict adherence, would preclude the required egress and the use of salvaged material from the Grubstake given the very narrow width of the lot. As a result, adherence would physically preclude the construction of the proposed Project and the Project is relying on a waiver under the SDBL of this requirement.

6. Height (Section 250)

The Project seeks a waiver from the 65-foot height limit. The Project would reach a height of 83-feet. The additional height facilitates the development of additional units in the Project. The adjacent project at 1545 Pine Street and the hotel across Pine Street both are taller structures upslope of the Project and without the additional height, the Project would be physically precluded from achieving the proposed density. The Project is relying on a waiver under the SDBL of this requirement.

7. Setback on Narrow Street (Section 261.1)

The Project seeks a waiver from the Planning Code requirements from the setback requirements along the Austin Street (rear) frontage. As a through lot, no setback is provided along the Austin Street frontage to maintain the street wall. Austin Street is not a heavily used street and relief from setback requirements would not result in a design that overwhelms the street. Strict adherence to the requirements would reduce the Project's square footage by pushing the building back from the street, resulting in a loss of units and physically precluding the development of the Project. The Project is relying on a waiver under the SDBL.

8. Bulk (P.C. Section 270)

The Project seeks a waiver from the Planning Code requirements from the 125-foot maximum diagonal dimensions on both Pine and Austin Street. The Project, including the bay window projections, totals just over 128 feet and the Project has taken steps to articulate the façade to offset the impacts. The Project is compatible in design to the adjacent 1545 Pine Street and narrowly tucks into the infill lot. Strict adherence to the Bulk requirements would physically preclude the construction of the Project's additional dwelling units. The Project is relying on a waiver under the SDBL of this requirement.

C. Limited Discretion to Deny Density Bonus Projects

The SDBL provides no mechanism for a city to deny the award of a density bonus so long as the Project provides the requisite amount of affordable housing. As stated in *Wollmer v. City of Berkeley*



(2009) 179 Cal. App. 4th 933, “...when an applicant seeks a density bonus for a housing development that includes the required percentage of affordable housing, section 65915 *requires* that the city not only grant the density bonus but provide *additional* incentives or concessions where needed based on the percentage of low-income housing units.”(emphasis added) The SDBL expressly outlines the very limited discretion and circumstances when an incentive, concession and waiver may be denied. In an instance where a local government considers denial of an incentive or concession, it must bear the burden of proof with substantial evidence to deny the incentive, concession, or waiver request (see Gov. Code Section 65915(d)(1)). The grounds for the denial must be accompanied by detailed findings and to deny the concession, the city or county must find (1) that the incentive, concession or waiver does not result in actual cost reductions to the project’s provision of affordable housing, (2) would have an adverse impact on public health and safety or (3) would be contrary to state or federal law (Gov. Code Section 65915(d)(1). The grounds for denial of a wavier are essentially the same as for an incentive/concession (see Gov. Code Section 65915(e)(1)).

For example, in this instance for the Planning Commission to deny the Project’s request for a waiver from the Planning Code Height Requirement (P.C. Section 250) or from the incentive on Dwelling Unit Mix (P.C. Section 207.6), the Planning Commission would have to determine that the height waiver or the dwelling unit mix incentive do not result in a cost reduction to provide for the affordable housing or that the incentive or waiver would have an adverse impact on health and safety or is contrary to state or federal law. The Planning Commission would have to support that denial with substantial evidence. In sum, a city has no discretion to deny additional density if the specified level of affordable housing is met and limited discretion to deny an incentive, concession, or waiver unless substantial evidence supports one of the three required findings above.

The SDBL policy purpose to generate new affordable housing and place limits on the discretionary review of waivers if reinforced by the fact that if a developer does not even submit a request for a development standard waiver, the City is prohibited from applying a development standard that has the effect of precluding the construction of a development at the density permitted under the SDBL (Gov. Code Section 65915(e)(1)).

III. Housing Accountability Act Requires Approval

The HAA was created to strongly encourage approval of housing developments like the Project, and to narrowly define the authority of local agencies to deny or significantly condition the approval of such housing developments. Under the HAA, “[w]hen a proposed housing development project complies with applicable, objective general plan, zoning, and subdivision standards and criteria, including design review standards, in effect at the time that the housing development project’s application is determined to be complete...” a local agency cannot disapprove a project or lower its density unless it finds by a preponderance of the evidence that the project would have a specific, adverse impact on public health or safety, and there is no feasible way to mitigate or avoid the impact.¹² Pursuant to the HAA, the Project is to “...be deemed consistent, compliant, and in conformity with an applicable plan, program, policy, ordinance, standard, requirement, or other similar provision if

¹² Gov. Code Section 65589.5(j)(1).



there is substantial evidence that would allow a reasonable person to conclude that[the Project] is consistent, compliant, or in conformity.”¹³ Taking into consideration the concession/incentives and waivers for the Project, there is no question that the Project is consistent, compliant, and in conformity with the objective standards of applicable City land use plans, programs, policies, ordinances and regulations as the Project only requires Conditional Use Authorization (CUA) for development of a lot more than 2,500 square feet and for a non-residential use in excess of 2,000 square feet.

Under the HAA a city has severely limited discretion to deny a project and the HAA sets “...forth the only conditions under which an application may be disapproved.” *N. Pacifica, LLC v. City of Pacifica*, 234 F.Supp.2d 1053, 1059 (N.D. Cal. 2002), *aff’d sub nom. N. Pacifica LLC v. City of Pacifica*, 526 F.3d 478 (9th Cir. 2008). The Planning Commission may not reject the Project or reduce its density based on any subjective or discretionary criteria, such as “suitability” or “compatibility.” *Honchariv v. Cty. of Stanislaus*, 200 Cal.App.4th 1066, 1076, 1079 (2011). In short, the only grounds on which the Project could legally be rejected under the HAA are extremely narrow. For example, before the Planning Commission could legally reject the Project or reduce its density, it would be required to demonstrate, based on a preponderance of the evidence, that the Project would cause “a significant, quantifiable, direct, and unavoidable impact” on public health or safety “based on objective, identified written public health or safety standards, policies, or conditions as they existed on the date the application was deemed complete.”¹⁴ The Planning Commission would also be required to affirmatively find that there are no feasible means of mitigating or avoiding such public health or safety impacts other than rejecting the Project or reducing its size.¹⁵ Moreover, the Legislature emphasized its expectation that conditions that would have a specific, adverse impact on “public health or safety” would “arise infrequently.”¹⁶

In sum, as in the discussion of the SDBL above, the HAA restricts the Planning Commission’s discretion to deny the Project as there is no evidence that the Project would cause quantifiable significant unavoidable impact on public health and safety. Absent making such finding, the Planning Commission must approve the Project.

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The Project clearly meets the threshold requirements under the SDBL that the requested additional density is consistent with the amount of affordable housing included in the Project, the concession/incentives clearly reduce the cost to the Project’s provision of affordable housing, and the waivers sought ensure that the Project is not physically precluded from construction. The Planning Commission had very limited discretion under the SDBL to deny the additional density, the concession or the waivers sought as we do not believe that the Planning Commission can make the necessary findings supported by substantial evidence. Pursuant to the HAA, the Project is in conformity with objective zoning and planning standards and there is no evidence, let alone a

¹³ Gov. Code Section 65589.5(f)(4).

¹⁴ Gov. Code Section 65589.5(j)(1)(A).

¹⁵ Gov. Code Section 65589.5(j)(1)(B).

¹⁶ Gov. Code Section 65589.5(a)(3).



preponderance of evidence, that the Project will have an adverse impact on health and safety. As such, we respectfully request that the Planning Commission approve the Project to ensure the Project may provide much needed on-site affordable units.

If you have any questions or need any additional information, please feel free to contact me at 415-273-9670.

Very truly yours,

A handwritten signature in blue ink, appearing to read 'Alexis M. Pelosi'. The signature is fluid and cursive, with the first name 'Alexis' being more prominent.

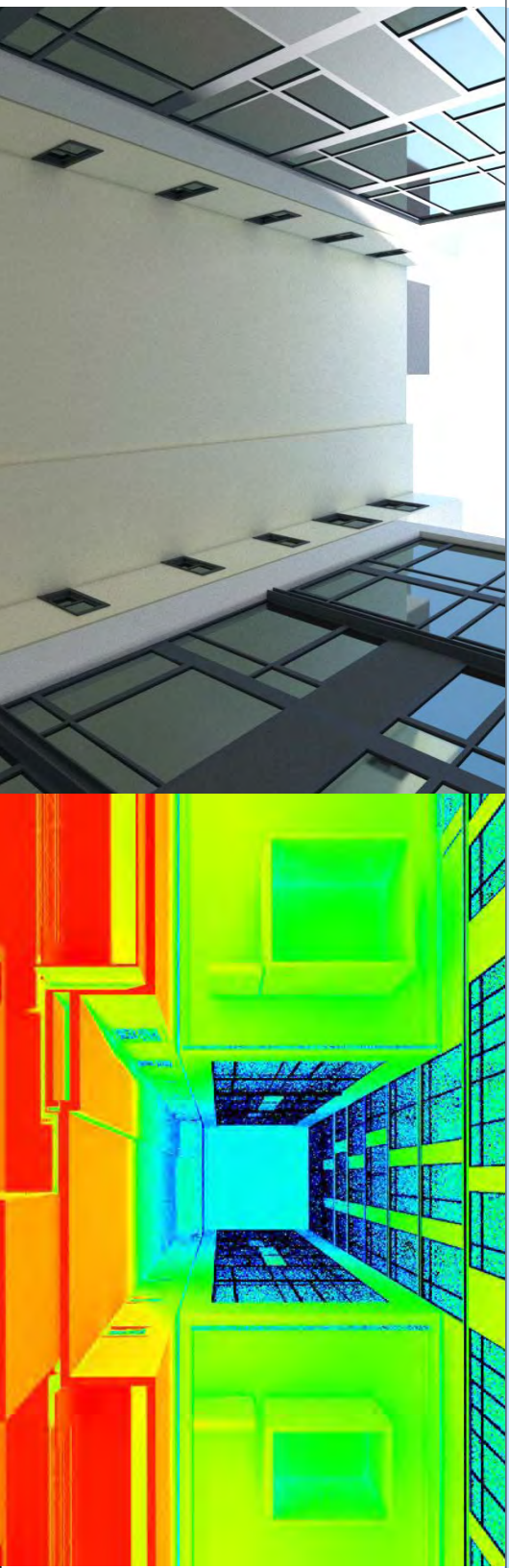
Alexis M. Pelosi

Attachments



JUNE 29, 2021
FINAL

EXTERIOR LIGHTING ANALYSIS FOR THE PROPOSED 1525 PINE STREET
FOCUSING ON LIGHT LEVELS IN THE ADJACENT COURTYARD AT
1545 PINE STREET, SAN FRANCISCO (THE AUSTIN)



FROM:

ADAM PHILLIPS
PRINCIPAL
PREVISION DESIGN

TO:

ALEXIS PELOSI PELOSI LAW GROUP
244 KEARNY STREET, 9TH FLOOR
SAN FRANCISCO, CA, 94108



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SCOPE AND METHODOLOGY

This report describes the results of an exterior daylighting analysis conducted by Prevision Design to identify the relative change in exterior light levels that would occur within the east-facing courtyard of 1545 Pine Street (the Austin) that abuts 1525 Pine Street the site of a proposed of 79-ft tall residential project. It is understood the proposed project is allowed additional height above the local zoning height limit of 65-ft under California state density bonus legislation for inclusion of additional affordable housing units.

As a method of comparison, this analysis produced both perceptual as well as photometric analyses of a theoretical 65-ft tall project (a code-compliant project without the application of the state density bonus), the 79-ft tall proposed project, and a version of the proposed project which approximates the effects of adding full-spectrum low-intensity¹ indirect lighting to increase ambient light levels within the courtyard.

The analysis was conducted using a 3D model of the neighborhood context, the adjoining Austin, a theoretical 65-ft (non-density bonus) project and the 79-ft proposed project (with and without lighting). Using advanced rendering software, exterior buildings finishes were mapped on the buildings, each with accurate diffuse, reflection, refraction and transparency properties² to simulate how sunlight and other added lighting (when present) would be absorbed and/or reflected by real-world materials within the exterior courtyard. No other existing interior building lighting in either building was assumed.

The analysis details both the perceptual light levels as seen looking eastward and upward from an east-facing 2nd floor vantage within the Austin's courtyard, as well as a birds-eye perspective photometric analysis showing the range in total exterior lumens per square meter (lux) that would be present along the three existing faces of the courtyard. As changes in lux values do not mirror the same perceived steps in brightness by the human eye (due to the mechanics of dilation and other effects), an approximation of the net perceived change in light to the human eye has been calculated and is presented.

¹ Artificial light levels were generated using a total of eight indirect lights, each with an output of 350 lumen.

² Material finish for 1525 Pine street courtyard walls was "CRT Oyster" (gloss value of 30, LRV of 72, and SRI of 82). Material finishes for the Austin were based on a review of permit drawings/finish specifications as well as review of field photography.

This report presents comparative analyses divided into two parts:

- Comparison of the lighting levels resulting from the construction of a 65-ft project vs the proposed 79-ft project, and
- Comparison of the lighting levels resulting from the construction of the 79-ft project with no additional lighting, and the same proposal with the addition of low-intensity indirect lighting.

All analyses include the perceptual and photometric results of these three scenarios at 9 am, 12 noon, 3pm³ on three separate dates: June 21 (summer solstice), March 21/September 21 (spring/fall equinoxes), and December 21 (winter solstice).

Using quantitative analytics, the total average courtyard light levels along the north, south and west building faces of the Austin courtyard were calculated and compared for all scenarios and results extrapolated to additional dates to approximate the annual net change in exterior courtyard light between the hours of 9am and 3pm. ■

ANALYSIS SETTING

The courtyard reviewed by this study is located on the eastern side of the Austin and under current conditions is physically enclosed on three sides by the Austin (south, west and north) and abuts the property line of 1525 Pine Street to the east. Due to the courtyard's east-facing orientation, morning solar angles are more closely aligned with the courtyard with midday and afternoon direct solar access partially or completely blocked during midday or afternoon hours by the massing of the Austin itself.



Figure 1: Courtyard at the Austin, viewed from the west

³ There are no set standards for the selection of analysis hours, however the times chosen for this study (9/12/3) reflect times commonly evaluated for daylight-centric studies as they fall within local daylight hours at all times of year.

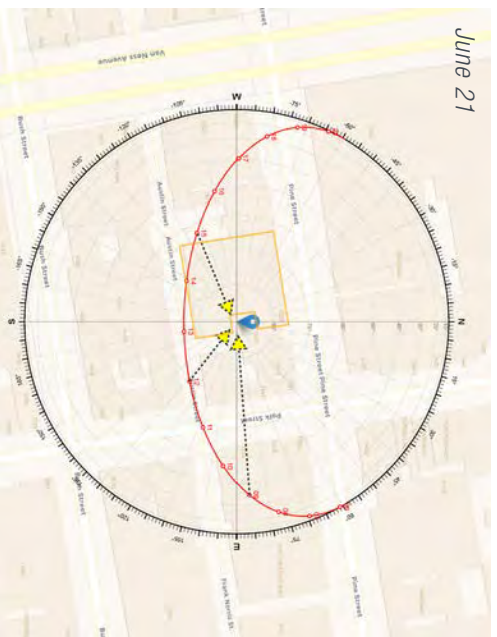


Figure 2: Solar orientations relative to the Austin

Figure 2 above shows the relative location of the sun vector relative to the Austin courtyard at 9, 12, and 3 on the three analysis dates. ■

ANALYSIS FINDINGS

Comparison between a 65-ft project and the proposed 79-ft project

As shown by Table 1 (next page), on eight of nine analysis points, the 65-ft building was found to result in brighter courtyard conditions as compared to the 79-ft project, with one analysis point showing increased relative brightness with the 79-ft proposed project. The amount of light differential varies between analysis points, but generally the greatest difference was seen during the morning analysis points and the least

Scenario	Date	Time	Average Lux	Perceived Brightness
65- ft Project	June 21	9:00 AM	2,375.54 lx	79.3%
Proposed Project	June 21	9:00 AM	840.27 lx	64.3%
Proposed Project + Lighting	June 21	9:00 AM	1,450.86 lx	72.1%
65- ft Project	June 21	12:00 PM	7,551.08 lx	95.9%
Proposed Project	June 21	12:00 PM	6,754.97 lx	94.3%
Proposed Project + Lighting	June 21	12:00 PM	7,273.19 lx	95.4%
65- ft Project	June 21	3:00 PM	597.02 lx	59.5%
Proposed Project	June 21	3:00 PM	711.39 lx	61.9%
Proposed Project + Lighting	June 21	3:00 PM	1,274.42 lx	70.2%
65- ft Project	Sept 21 / Mar 21	9:00 AM	1,329.56 lx	70.9%
Proposed Project	Sept 21 / Mar 21	9:00 AM	227.81 lx	46.0%
Proposed Project + Lighting	Sept 21 / Mar 21	9:00 AM	831.24 lx	64.1%
65- ft Project	Sept 21 / Mar 21	12:00 PM	4,483.49 lx	88.4%
Proposed Project	Sept 21 / Mar 21	12:00 PM	3,824.04 lx	86.1%
Proposed Project + Lighting	Sept 21 / Mar 21	12:00 PM	4,357.68 lx	88.0%
65- ft Project	Sept 21 / Mar 21	3:00 PM	264.54 lx	47.7%
Proposed Project	Sept 21 / Mar 21	3:00 PM	198.65 lx	44.1%
Proposed Project + Lighting	Sept 21 / Mar 21	3:00 PM	814.49 lx	63.8%
65- ft Project	December 21	9:00 AM	516.58 lx	57.5%
Proposed Project	December 21	9:00 AM	129.33 lx	38.2%
Proposed Project + Lighting	December 21	9:00 AM	722.13 lx	62.1%
65- ft Project	December 21	12:00 PM	867.74 lx	64.8%
Proposed Project	December 21	12:00 PM	803.02 lx	63.6%
Proposed Project + Lighting	December 21	12:00 PM	1,399.43 lx	71.6%
65- ft Project	December 21	3:00 PM	121.94 lx	37.1%
Proposed Project	December 21	3:00 PM	78.58 lx	31.8%
Proposed Project + Lighting	December 21	3:00 PM	668.00 lx	61.1%

Table 1 : Quantitative light levels at all analysis points

during midday points. Overall, the range in change to average brightness⁴ between the 65-ft building and the 79-ft proposed project ranged from a maximum reduced perceived brightness of -24.9% (Sep/Mar 21, 9am) to a maximum added perceived brightness of +2.4% (June 21, 3pm).

As shown by Table 2 (next page) an annual basis, the 65-ft project was found to result in greater amount of light relative to the 79-ft building with a change in average full year perceived brightness of -3.75% between the hours of 9am-3pm.

Exhibit A contains comparative perceptual + photometric output images for all the analysis points.

Comparison between the proposed 79-ft project and the 79-ft project + lighting

As shown by Table 1 (prior page), on all 9 analysis points the project with lighting increased the average courtyard brightness relative to the project without lighting. The amount of light differential varies between analysis points, but generally the greatest difference was seen during the fall/winter/spring morning and afternoon analysis points and the least during the summer and midday points. Overall, the range in change to average brightness between the 79-ft proposed project and the project with lighting ranged from a maximum added perceived brightness of +29.3% (December 21, 9am) to a minimum added perceived brightness +1.1% (June 21, 12pm).

On an annual basis (Table 2, next page), the project with lighting would also result in greater amount of light relative to the 79-ft building without lighting, with a change in average full year perceived brightness of +3.99% between the hours of 9am-3pm. The 79-ft project with lighting also would result in a greater annual average brightness compared to the 65-ft project, with a net variance in perceived brightness of +0.24% over the same time frame.

Exhibit B contains comparative perceptual + photometric output images for all the analysis points.

⁴ Perceived brightness percentages shown were calculated by comparing the calculated average lux value across courtyard vertical surfaces to a fixed daylight reference value of 10,000 lux. This value was then applied to a logarithmic scale to approximate the perceivable net change in light levels to the human eye.

65-ft Project		June 21	September 21	December 21	March 21
9:00 AM		2,376 lux	1,330 lux	517 lux	1,330 lux
12:00 PM		7,551 lux	4,483 lux	868 lux	4,483 lux
3:00 PM		597 lux	265 lux	122 lux	265 lux
Daily Average Lux/hr		4,085 lux/hr	2,377 lux/hr	554 lux/hr	2,377 lux/hr

Annual LuxHrs	859,824
Average Annual Perceived Brightness	79.15%

Proposed 79-ft Project		June 21	September 21	December 21	March 21
9:00 AM		840 lux	228 lux	129 lux	228 lux
12:00 PM		6,755 lux	3,824 lux	803 lux	3,824 lux
3:00 PM		711 lux	199 lux	79 lux	199 lux
Daily Average Lux/hr		3,338 lux/hr	1,761 lux/hr	404 lux/hr	1,761 lux/hr

Annual LuxHrs	664,978
Average Annual Perceived Brightness	75.40%

Proposed Project + Lighting		June 21	September 21	December 21	March 21
9:00 AM		1,451 lux	831 lux	722 lux	831 lux
12:00 PM		7,273 lux	4,358 lux	1,399 lux	4,358 lux
3:00 PM		1,274 lux	814 lux	668 lux	814 lux
Daily LX/SF/Hr		3,896 lux/hr	2,338 lux/hr	997 lux/hr	2,338 lux/hr

Annual LuxHrs	875,276
Average Annual Perceived Brightness	79.39%

Table 2: Annualized quantitative light level comparisons

General Conclusions

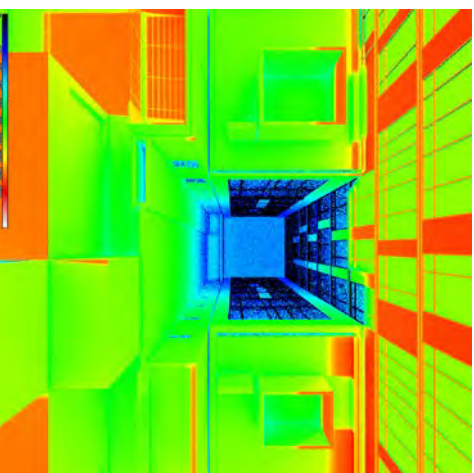
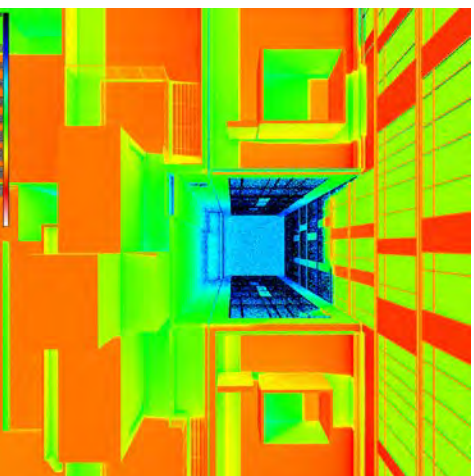
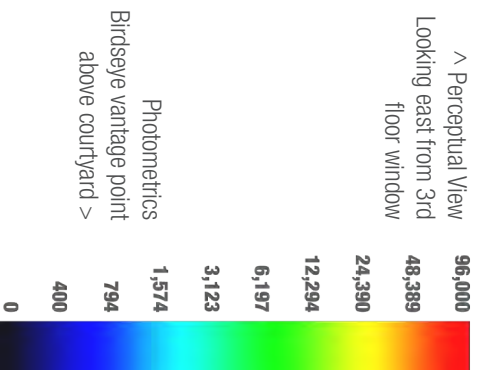
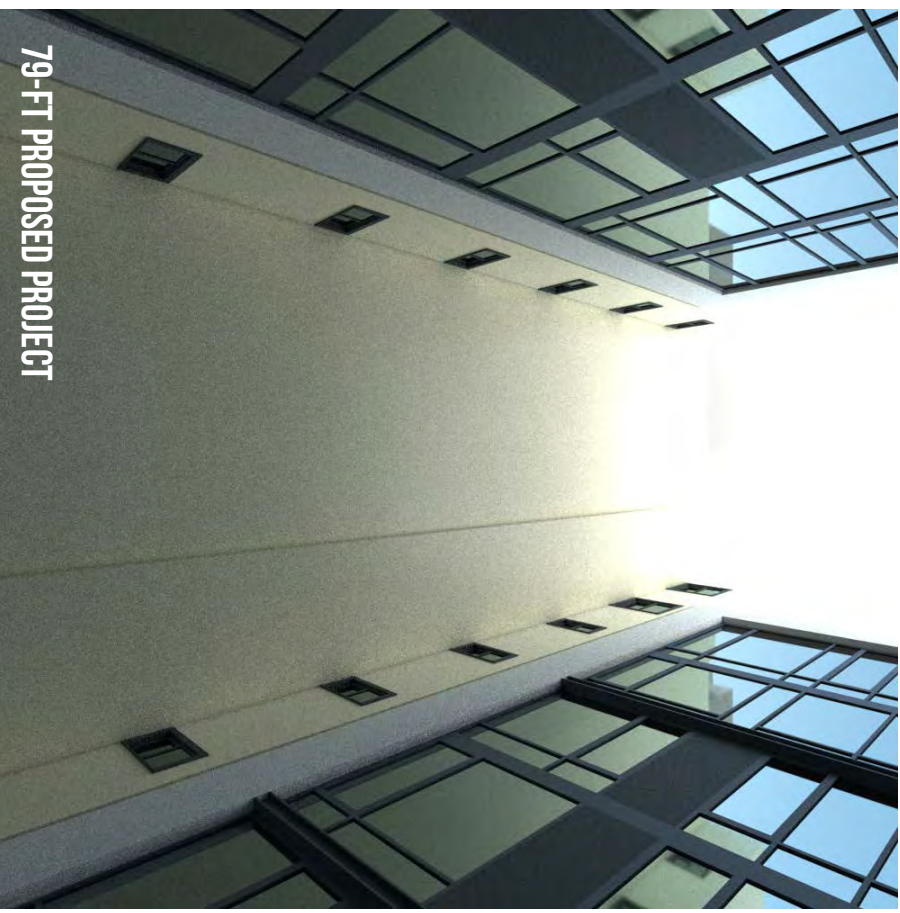
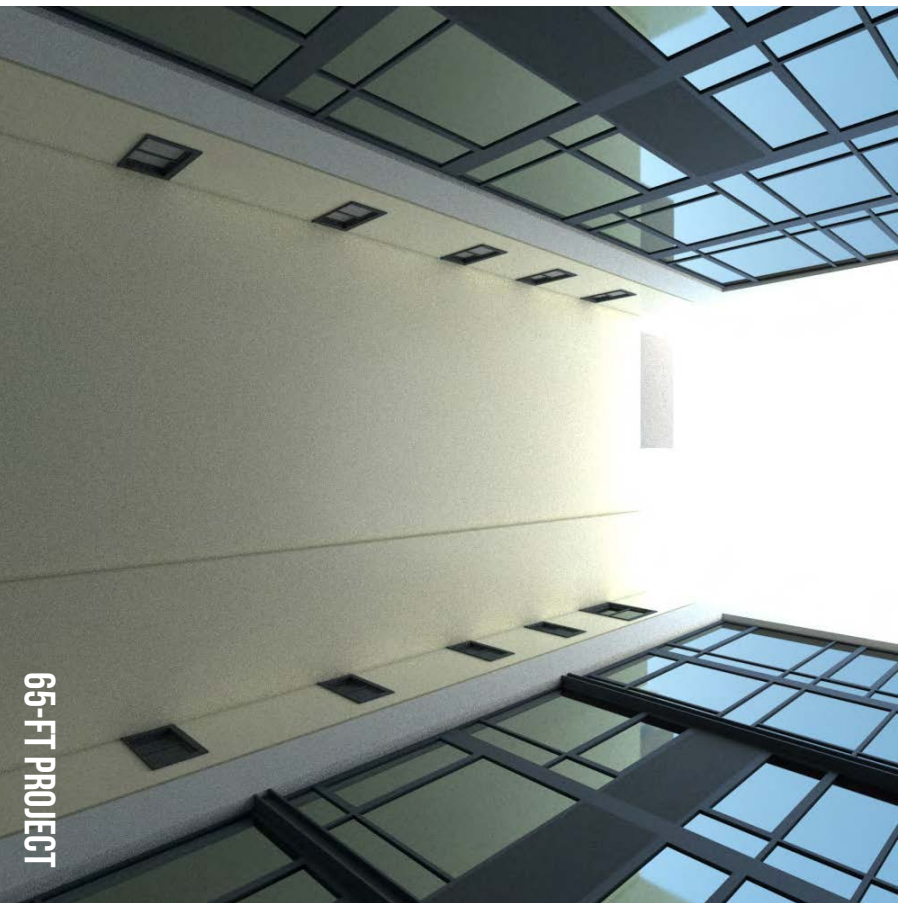
While the analysis revealed courtyard brightness varied significantly at different times of day and during different times of year, with respect to a net change in average annual courtyard brightness between 9am and 3pm, the 65-ft project would result in a modest amount of additional brightness relative to the 79-ft project.

With the addition of indirect lighting to the proposed project (similar to the configuration analyzed in this study), the in average annual brightness of the 79-ft project with lighting and the 65-ft project would be virtually identical. ■

EXHIBIT A: 65-FT VS 79-FT BUILDING EFFECT ON COURTYARD LIGHT CONDITIONS

Perceptual/Photometric Analyses incl. net change in perceived light

- June 21st (summer solstice) at 9am / 12 noon / 3pm (PDT)
- September/March 21st (equinoxes) at 9am / 12 noon / 3pm (PDT)
- December 21st (winter solstice) at 9am / 12 noon / 3pm (PST)



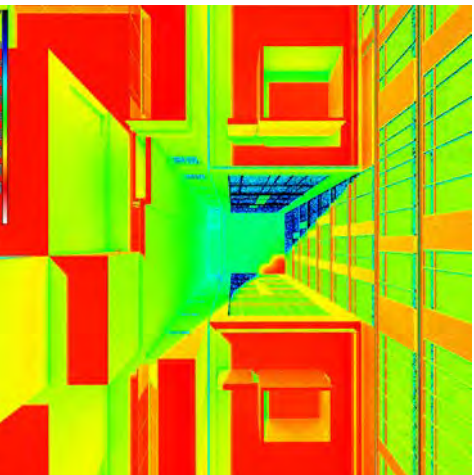
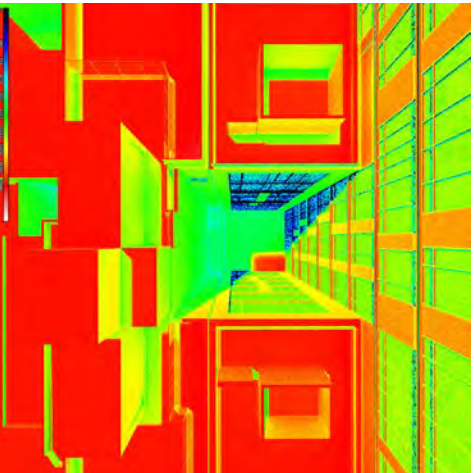
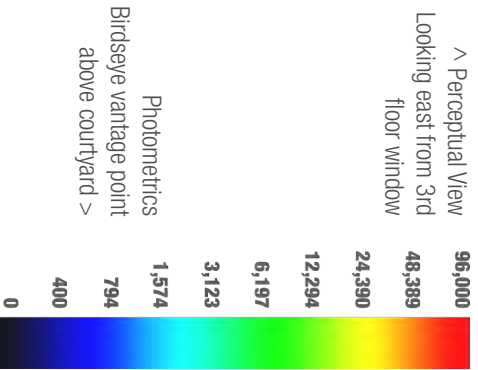
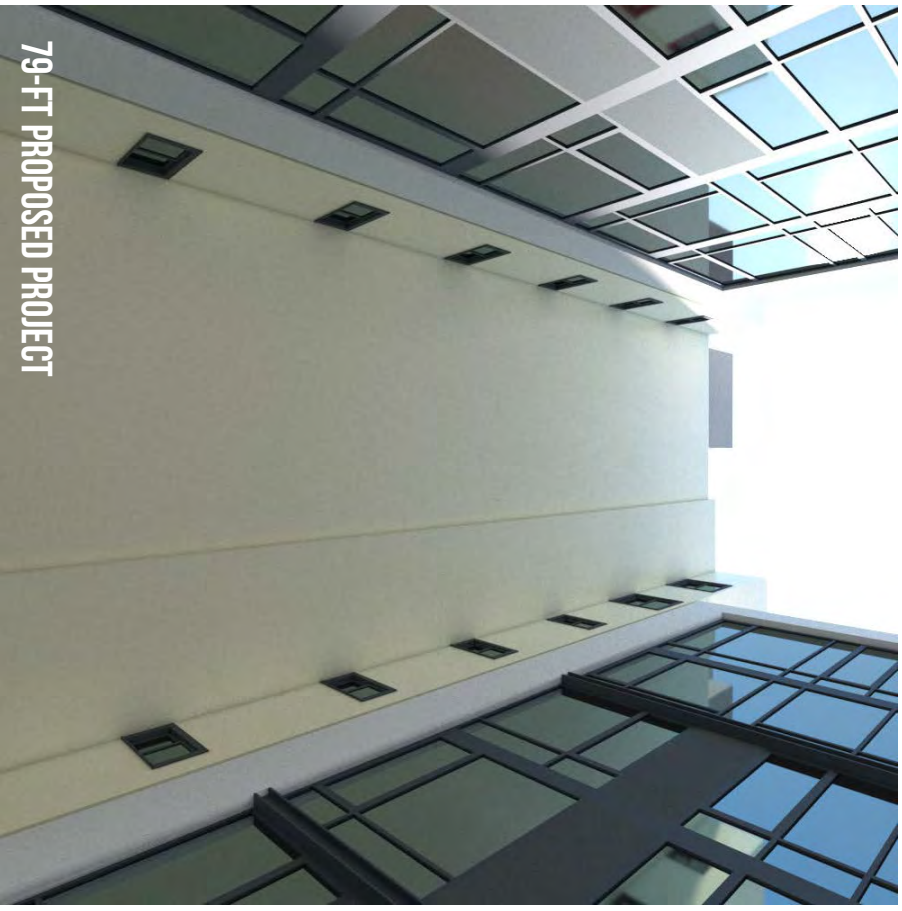
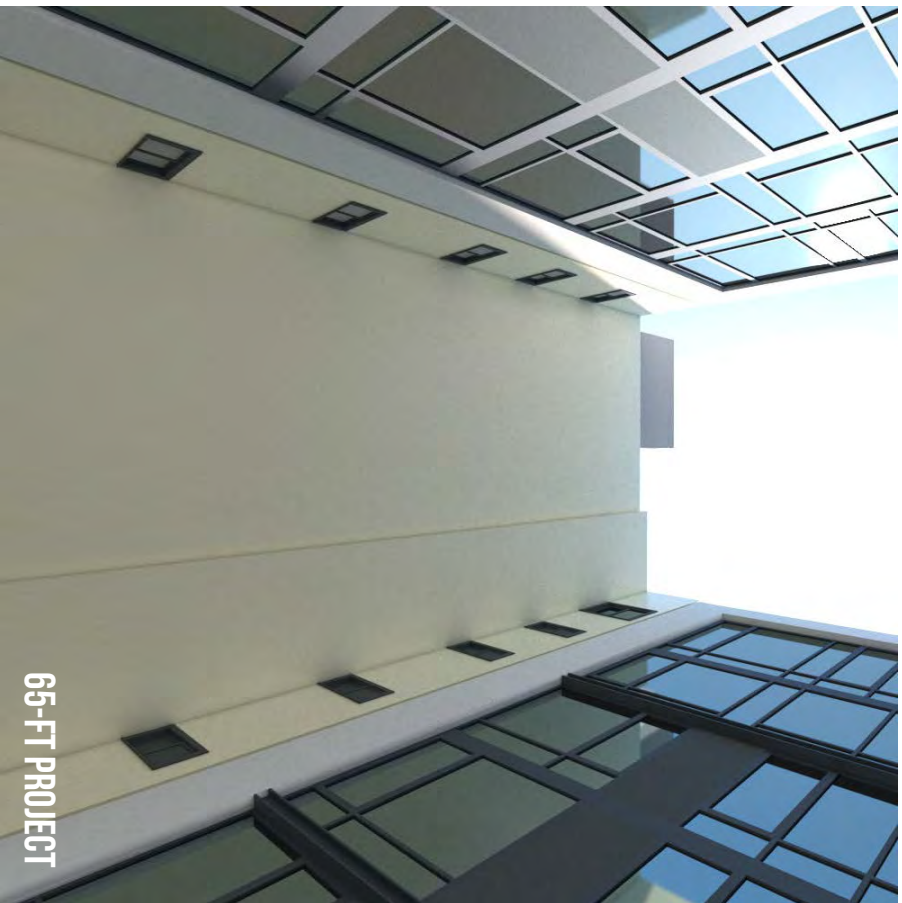
SUMMER SOLSTICE

JUNE 21

9:00 AM

PERCENTAGE CHANGE IN
PERCEIVED BRIGHTNESS
BETWEEN A 65-FT VS.
79-FT PROJECT

-15.0%



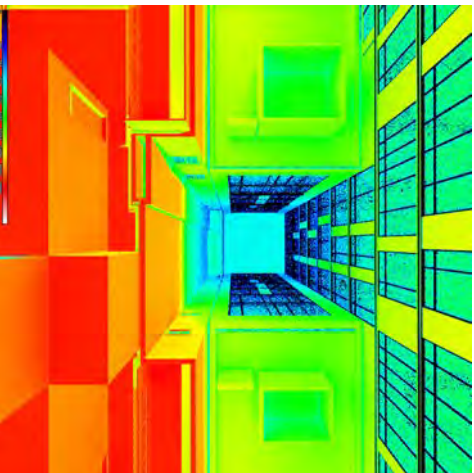
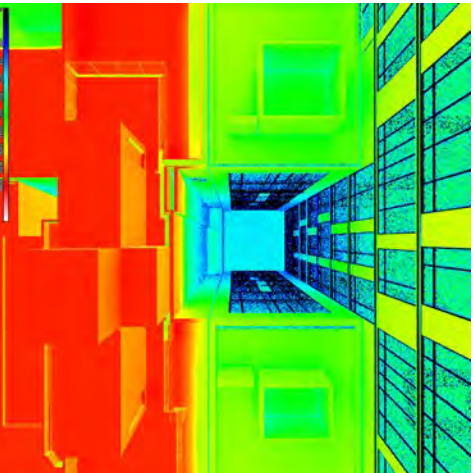
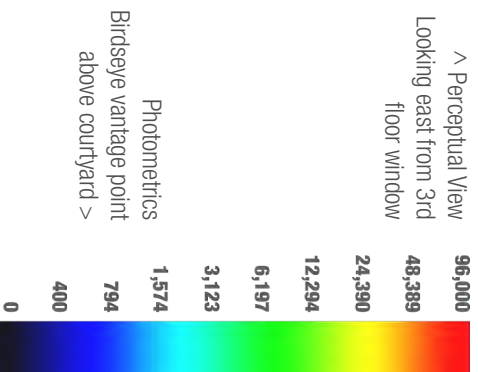
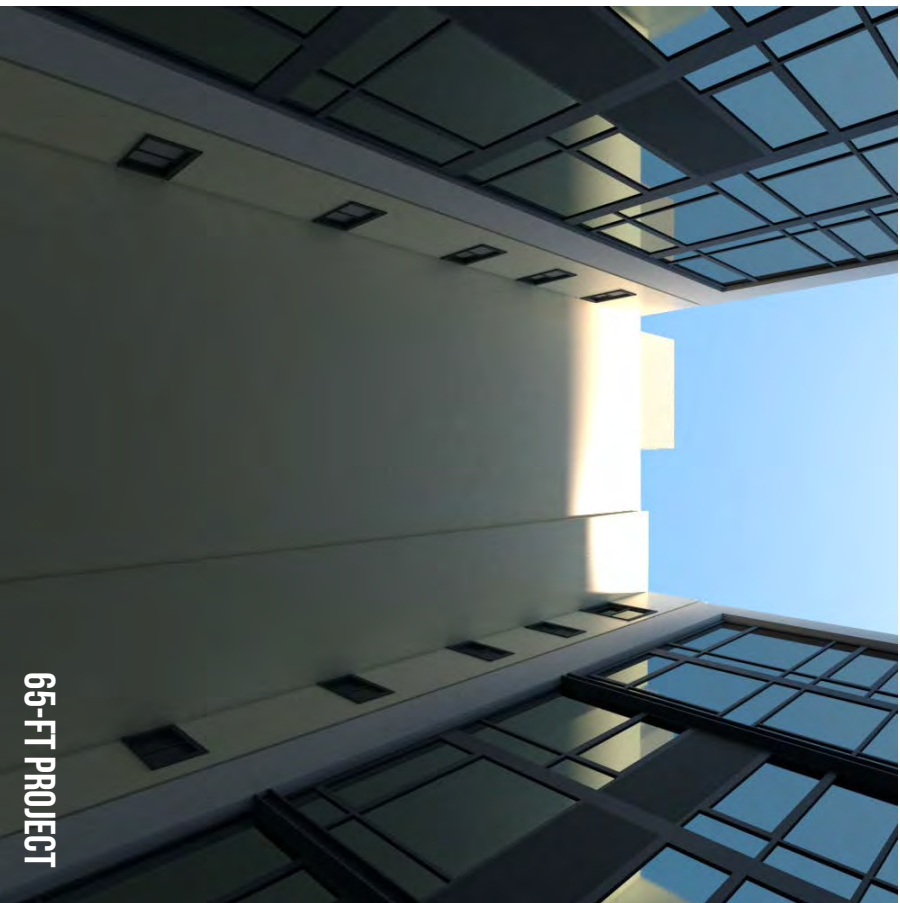
SUMMER SOLSTICE

JUNE 21

12:00 PM

PERCENTAGE CHANGE IN
PERCEIVED BRIGHTNESS
BETWEEN A 65-FT VS.
79-FT PROJECT

-1.6%



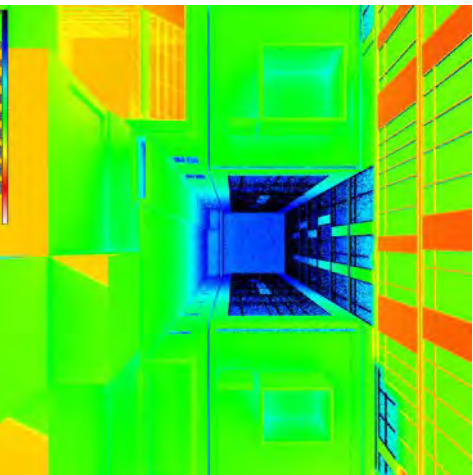
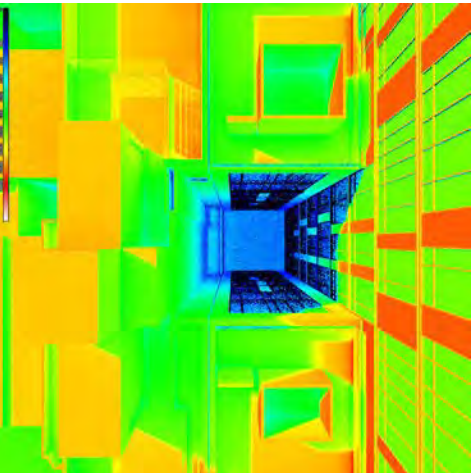
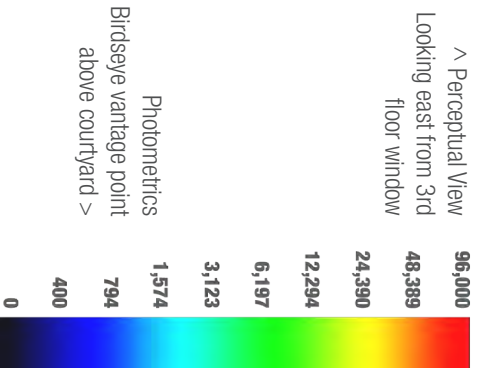
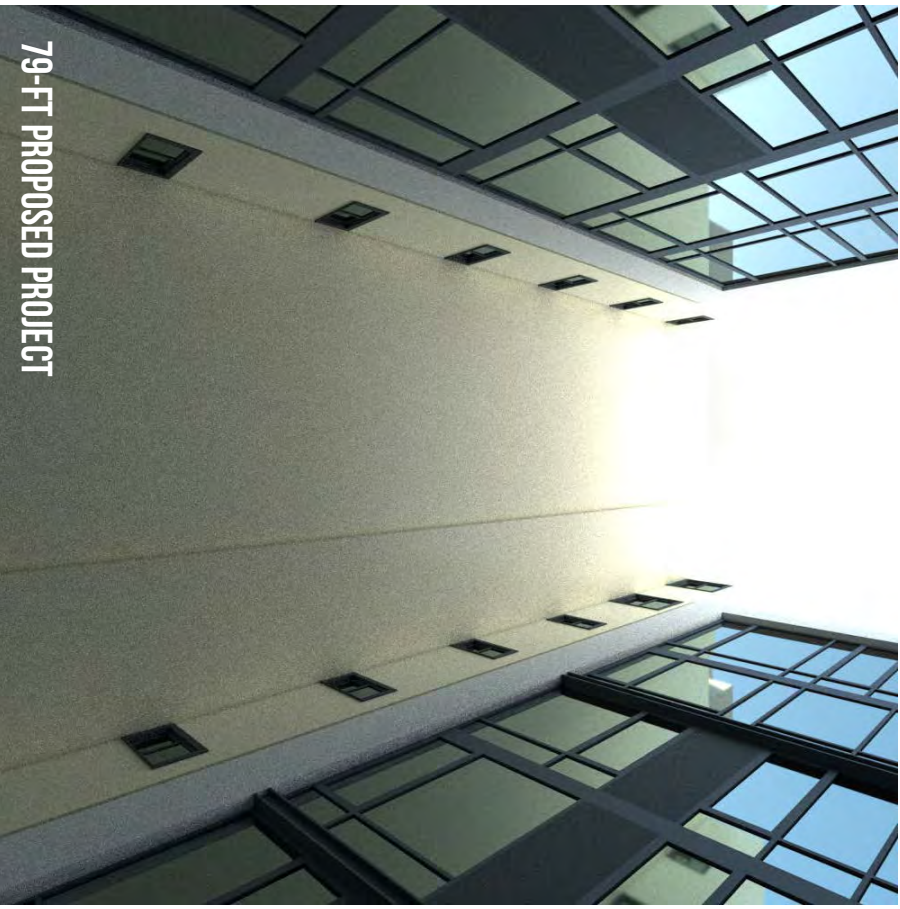
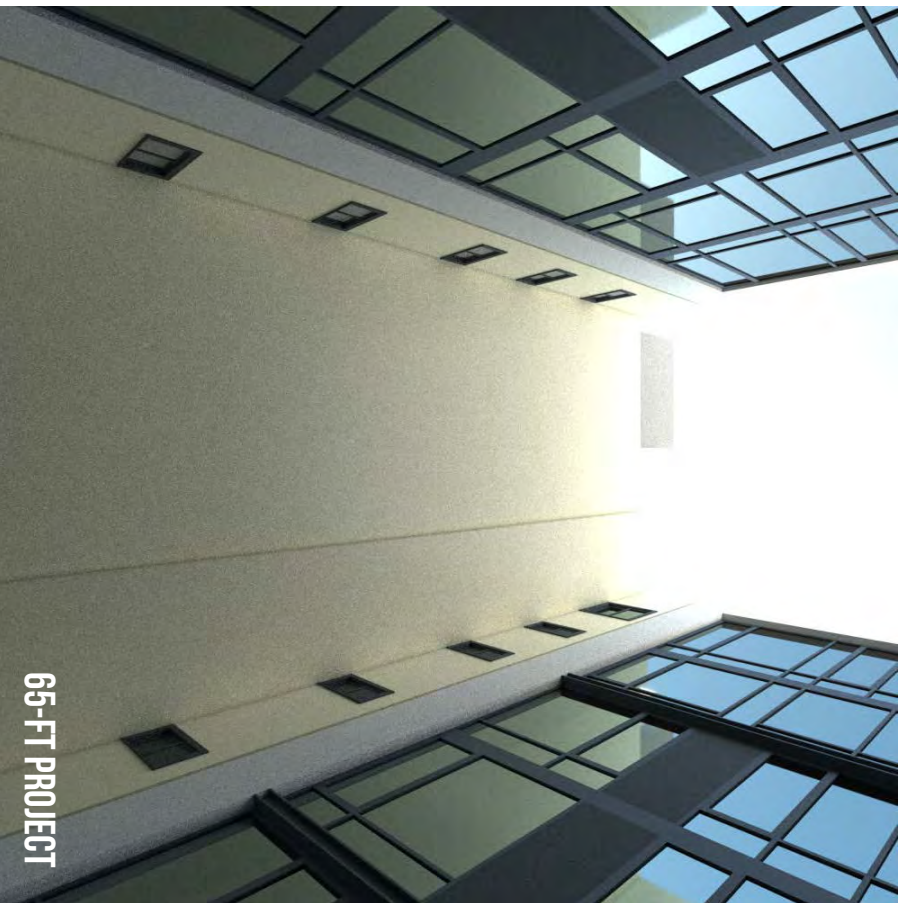
SUMMER SOLSTICE

JUNE 21

3:00 PM

PERCENTAGE CHANGE IN
PERCEIVED BRIGHTNESS
BETWEEN A 65-FT VS.
79-FT PROJECT

+2.4%



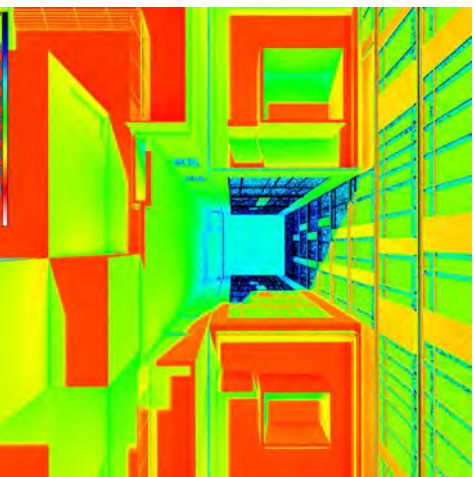
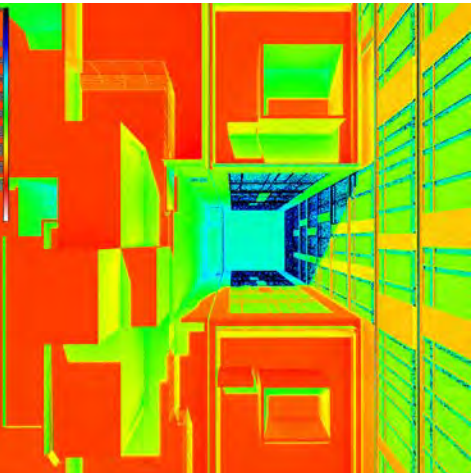
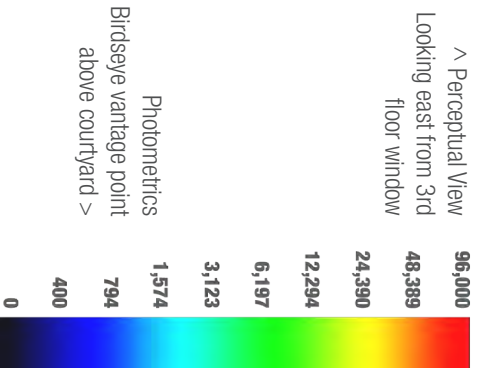
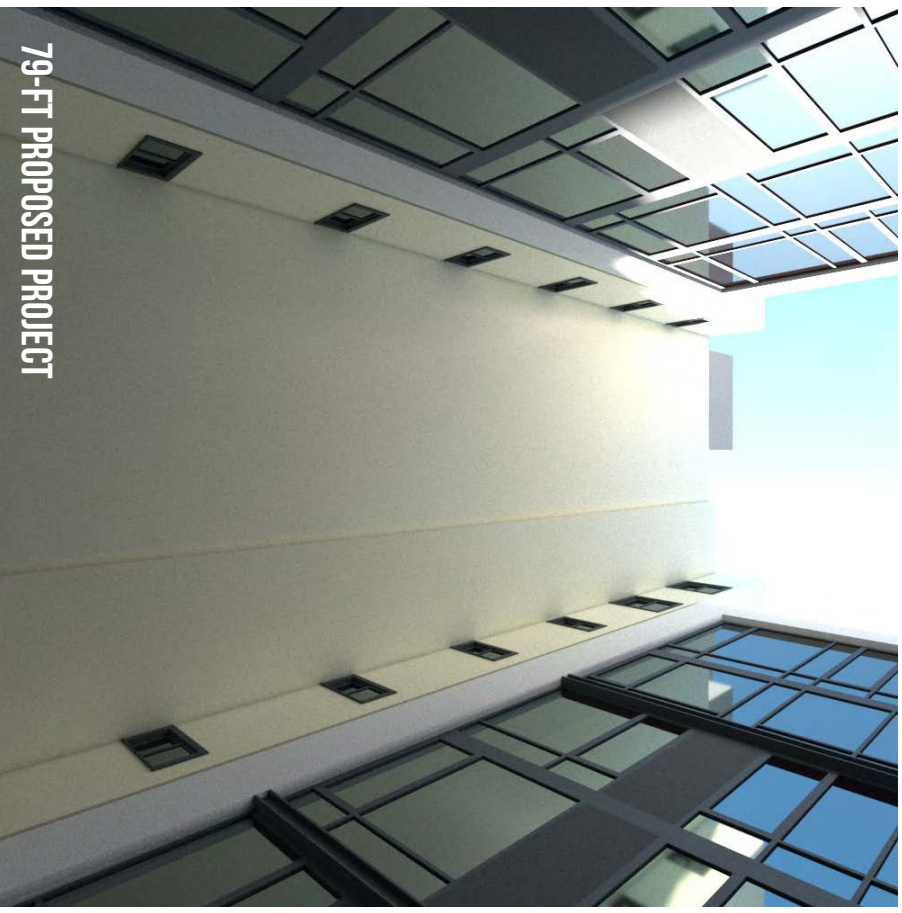
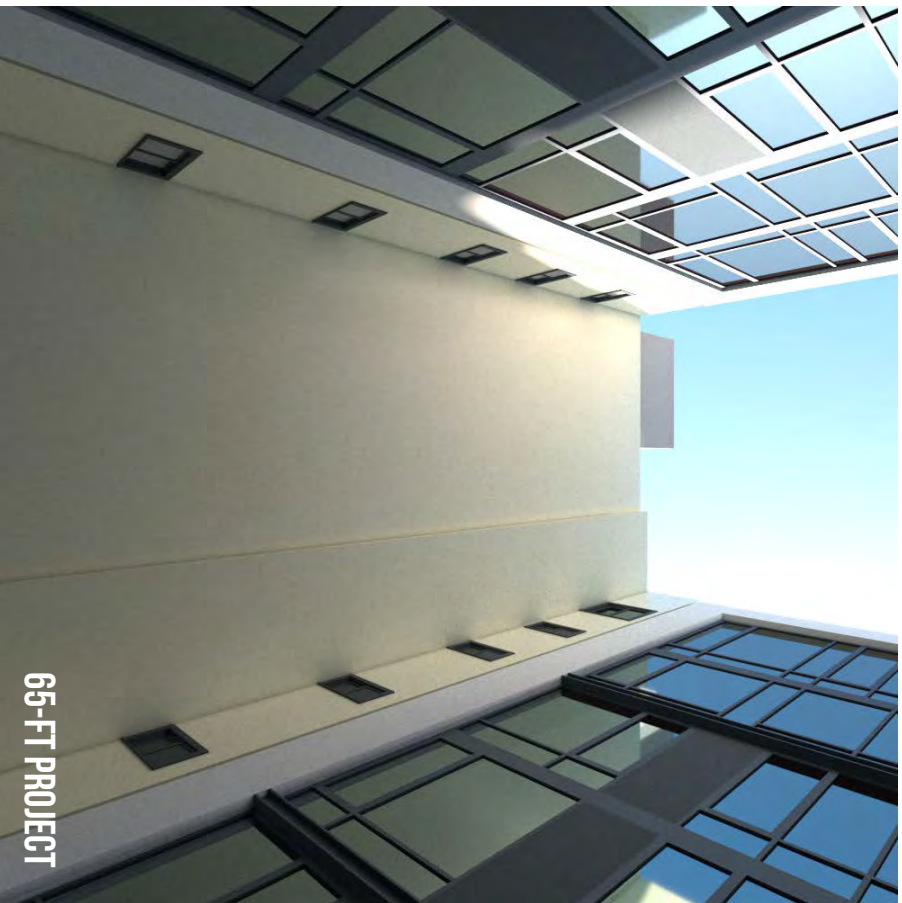
SPRING / FALL EQUINOXES

MARCH 21 /
SEPTEMBER 21

9:00 AM

PERCENTAGE CHANGE IN
PERCEIVED BRIGHTNESS
BETWEEN A 65-FT VS.
79-FT PROJECT

-24.9%



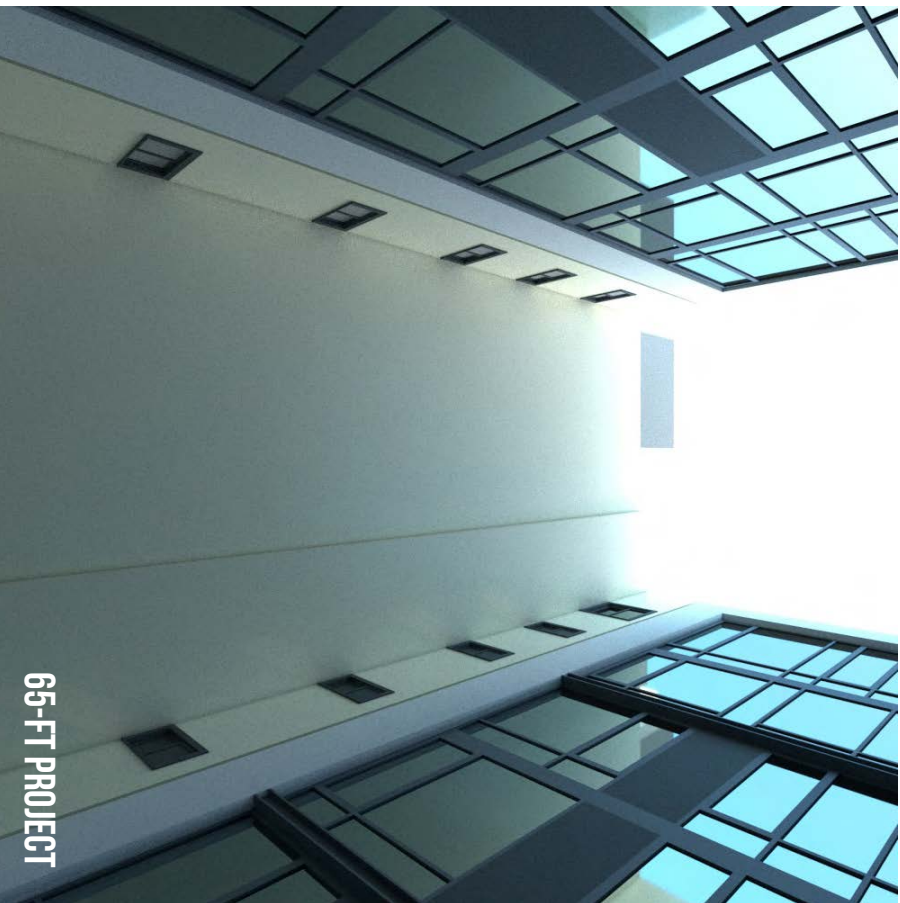
SPRING / FALL EQUINOXES

MARCH 21 /
SEPTEMBER 21

12:00 PM

PERCENTAGE CHANGE IN
PERCEIVED BRIGHTNESS
BETWEEN A 65-FT VS.
79-FT PROJECT

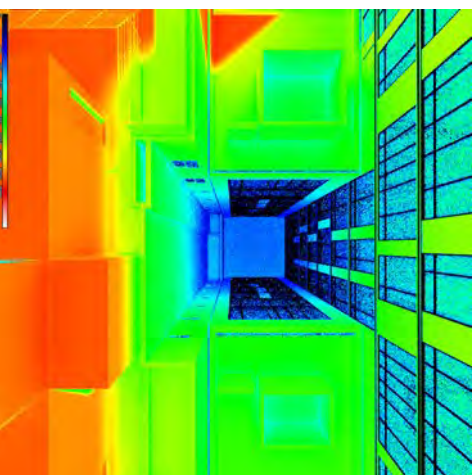
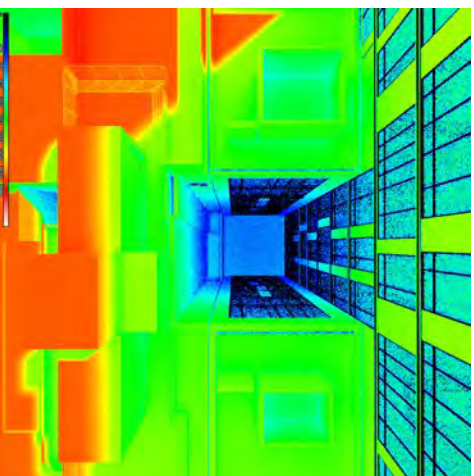
-2.3%



^ Perceptual View
Looking east from 3rd
floor window

Photometrics
Birdseye vantage point
above courtyard >

96,000
48,389
24,390
12,294
6,197
3,123
1,574
794
400
0



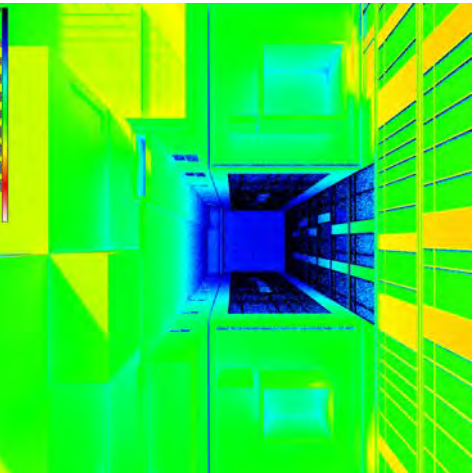
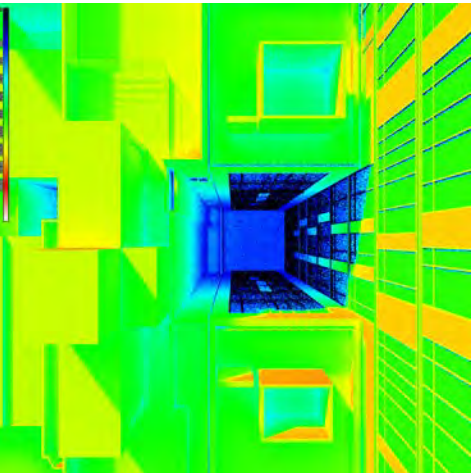
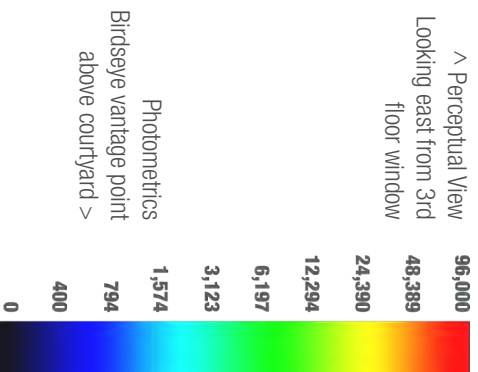
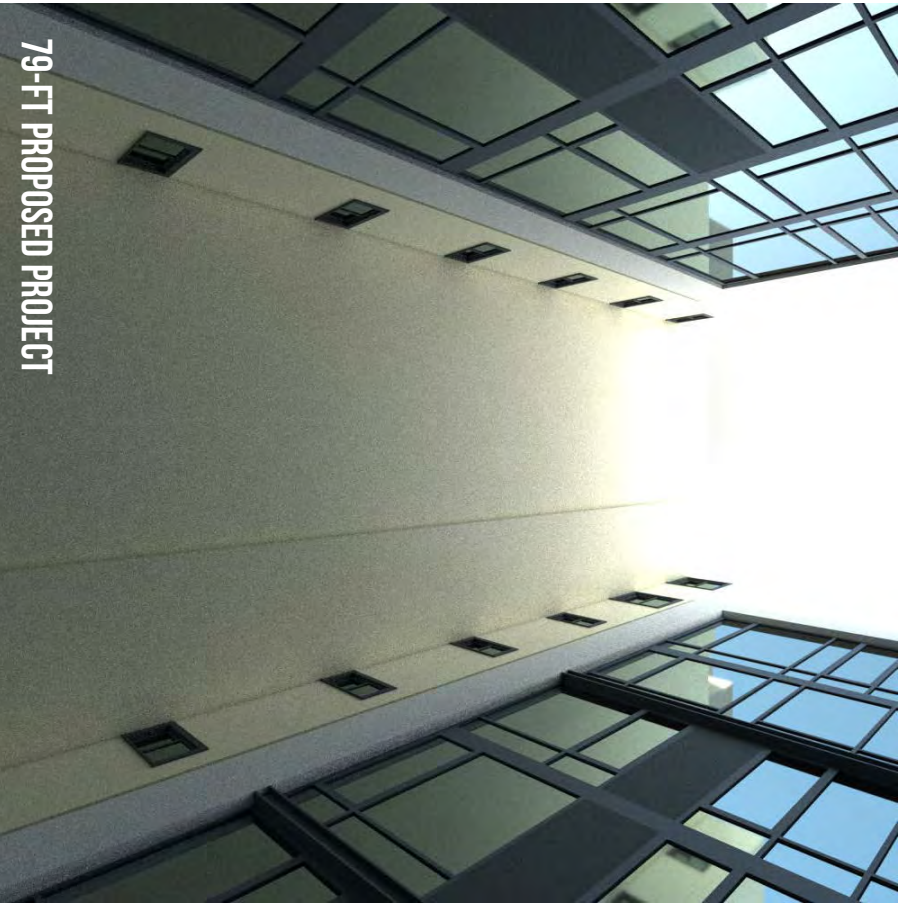
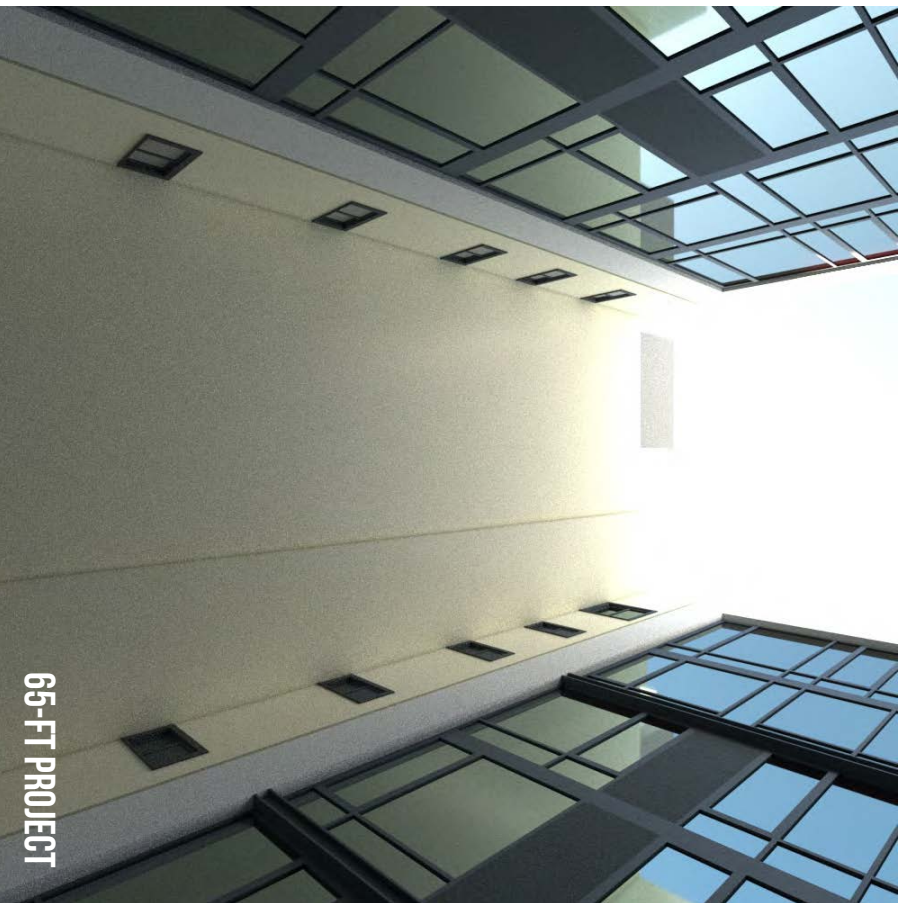
SPRING / FALL EQUINOXES

MARCH 21 /
SEPTEMBER 21

3:00 PM

PERCENTAGE CHANGE IN
PERCEIVED BRIGHTNESS
BETWEEN A 65-FT VS.
79-FT PROJECT

-3.6%



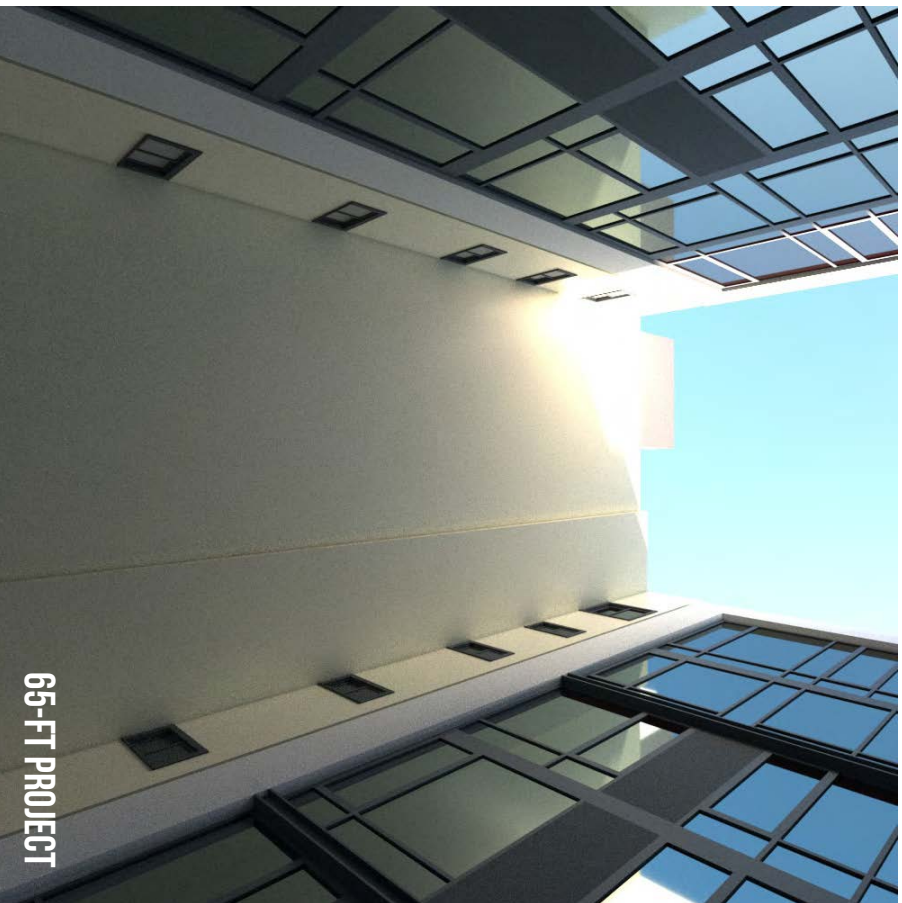
WINTER SOLSTICE

DECEMBER 21

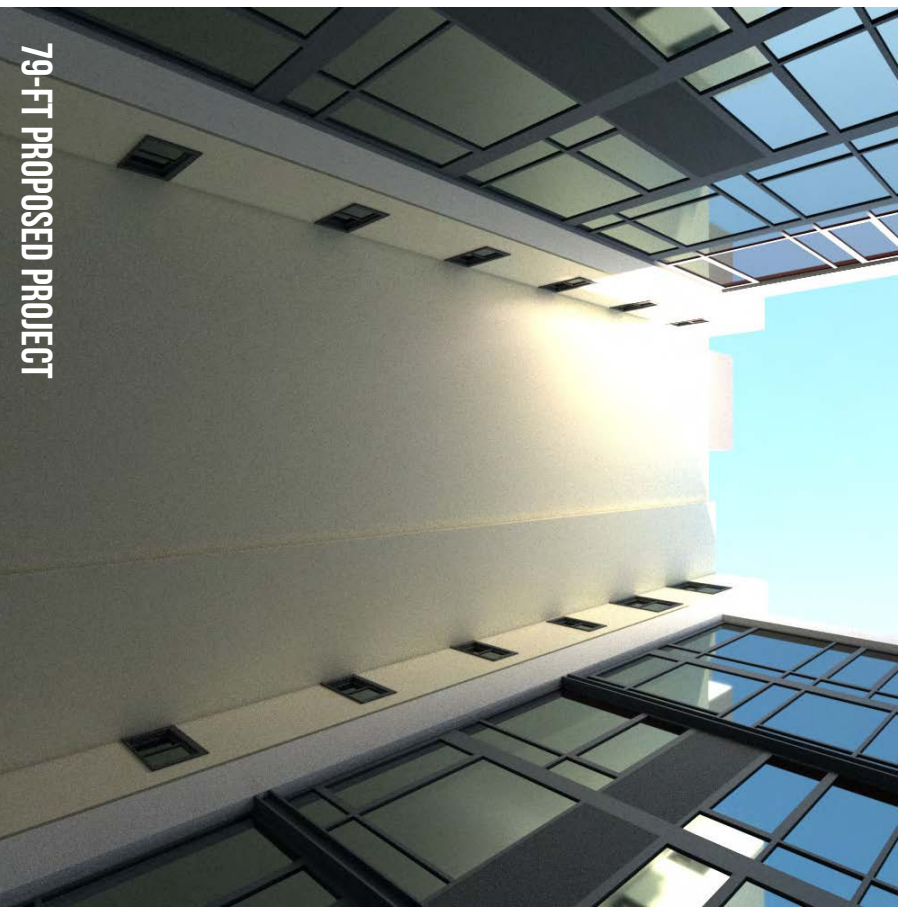
9:00 AM

PERCENTAGE CHANGE IN
PERCEIVED BRIGHTNESS
BETWEEN A 65-FT VS.
79-FT PROJECT

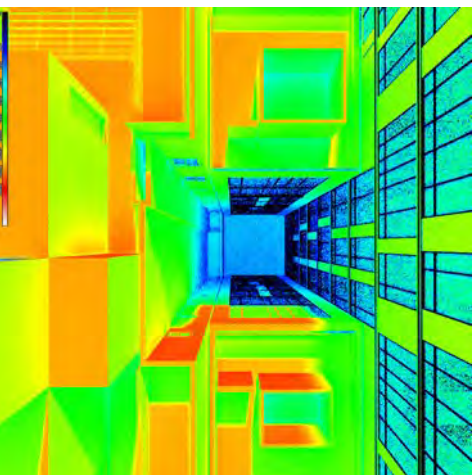
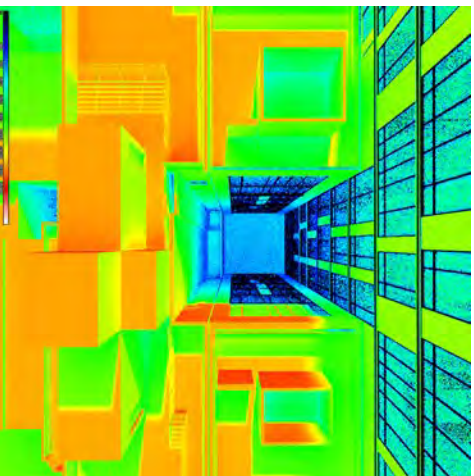
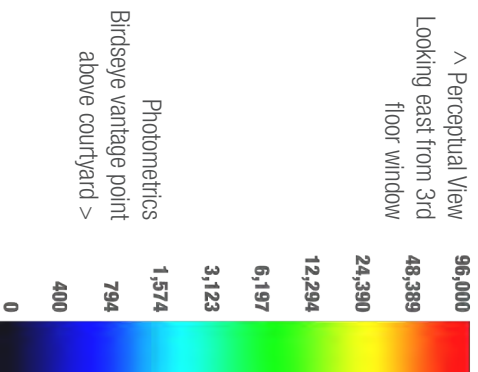
-19.3%



65-FT PROJECT



79-FT PROPOSED PROJECT



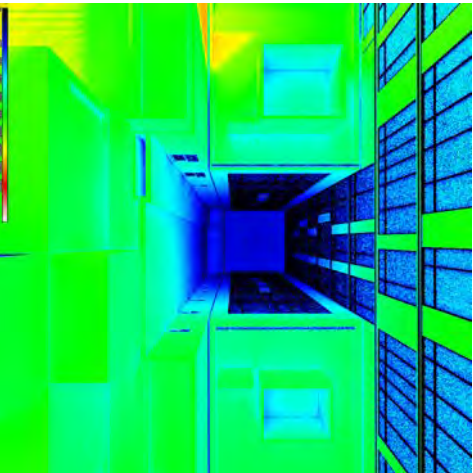
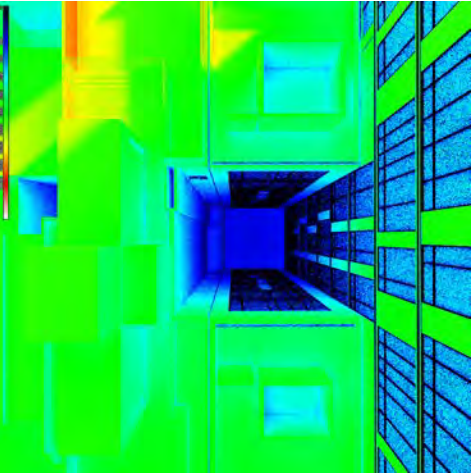
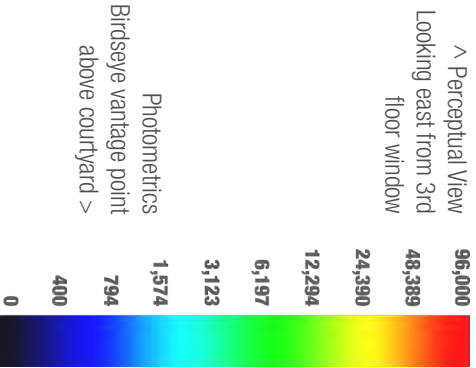
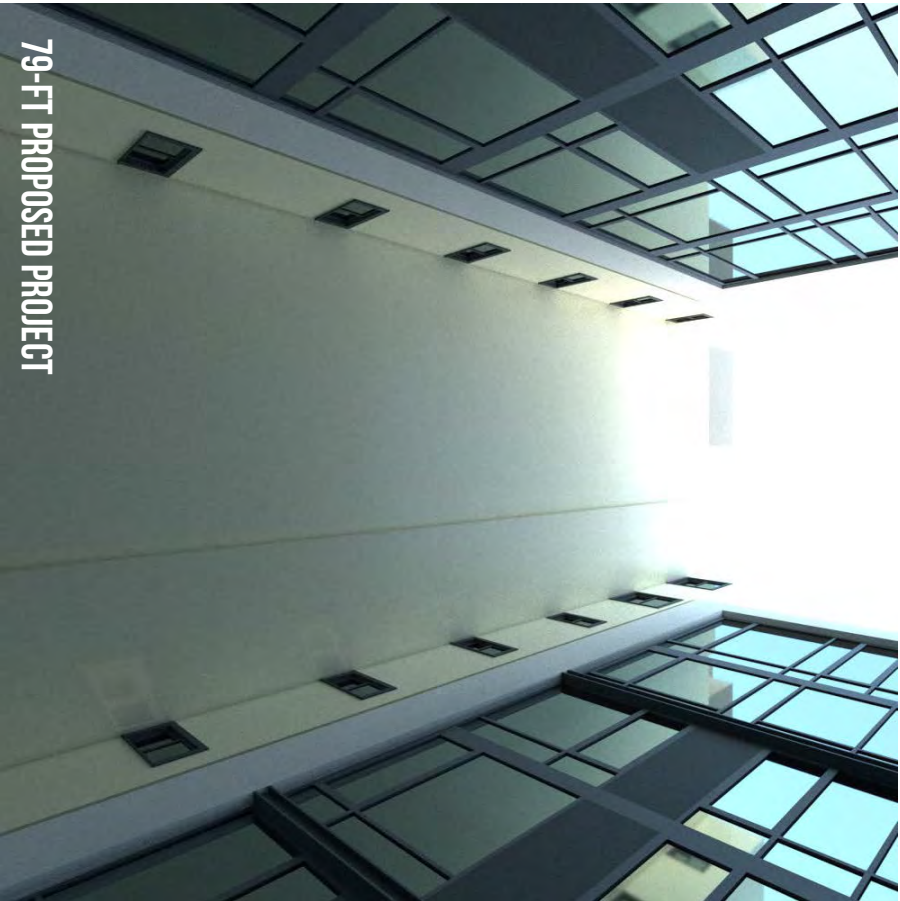
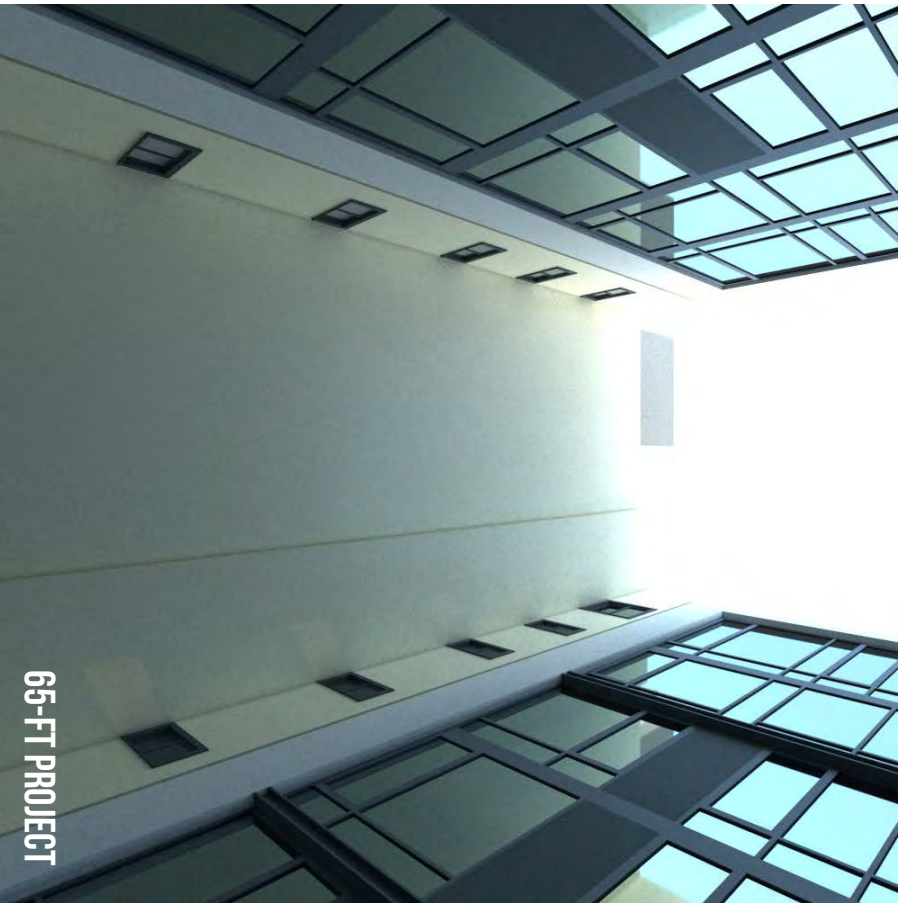
WINTER SOLSTICE

DECEMBER 21

12:00 PM

PERCENTAGE CHANGE IN
PERCEIVED BRIGHTNESS
BETWEEN A 65-FT VS.
79-FT PROJECT

-1.2%



WINTER SOLSTICE

DECEMBER 21

3:00 PM

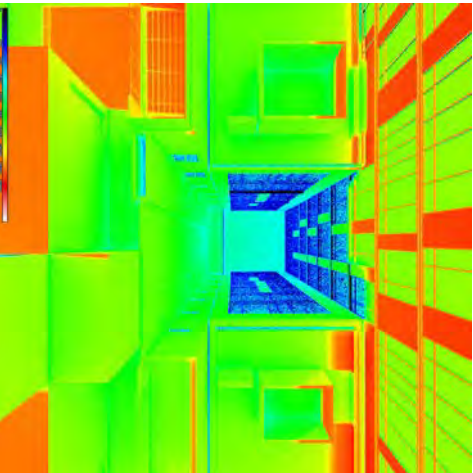
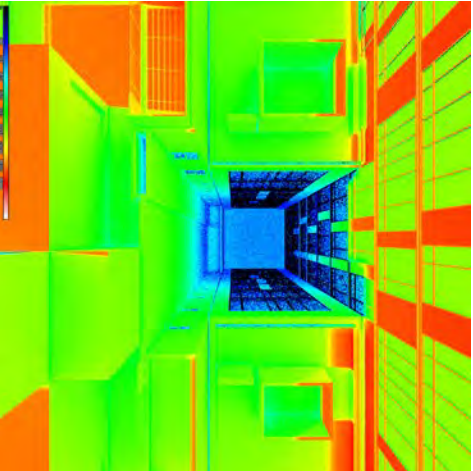
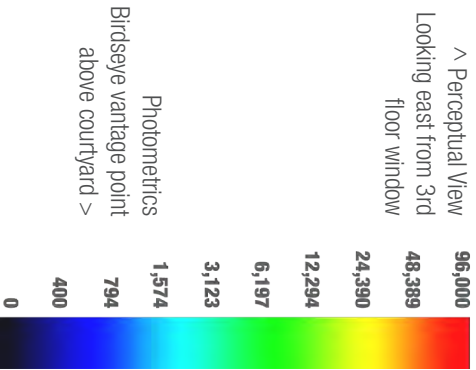
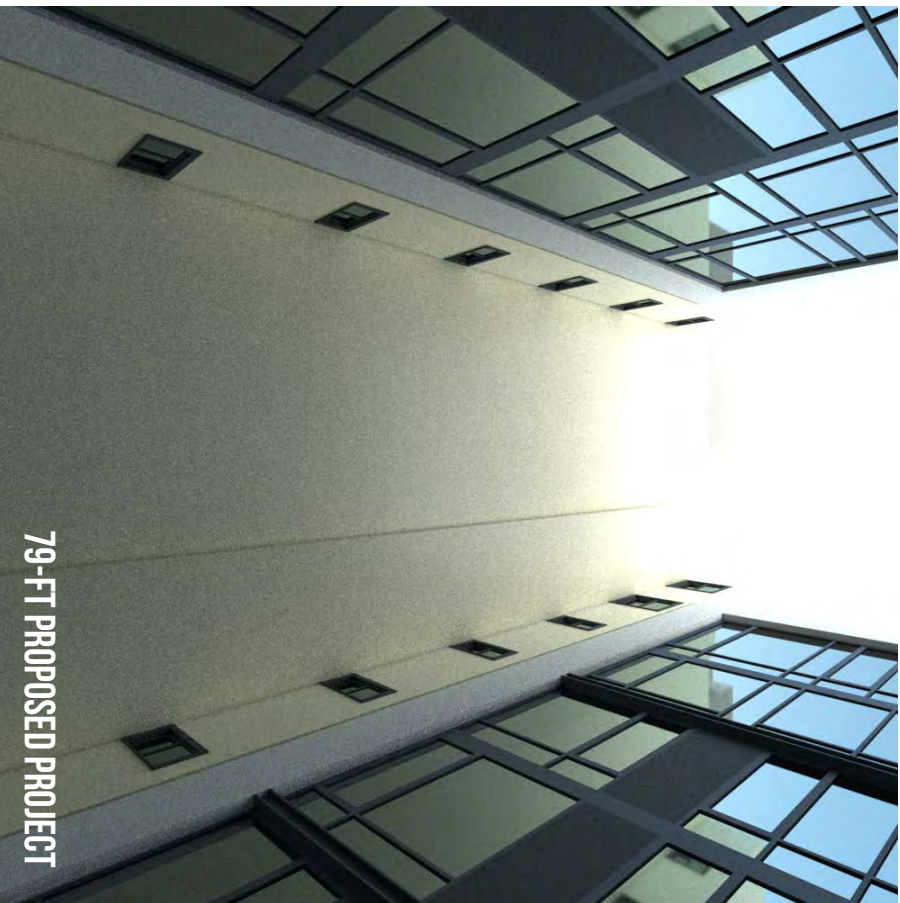
PERCENTAGE CHANGE IN
PERCEIVED BRIGHTNESS
BETWEEN A 65-FT VS.
79-FT PROJECT

-5.3%

EXHIBIT B: PROJECT VS PROJECT WITH LIGHTING: EFFECT ON COURTYARD LIGHT CONDITIONS

Perceptual/Photometric Analyses incl. net change in perceived light

- June 21st (summer solstice) at 9am / 12 noon / 3pm (PDT)
- September/March 21st (equinoxes) at 9am / 12 noon / 3pm (PDT)
- December 21st (winter solstice) at 9am / 12 noon / 3pm (PST)



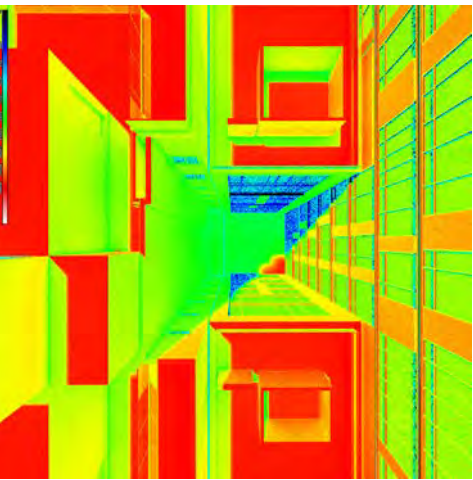
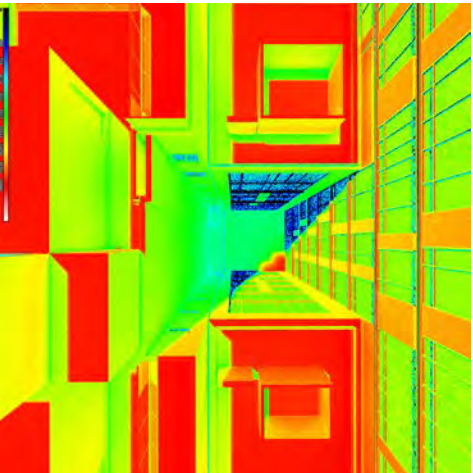
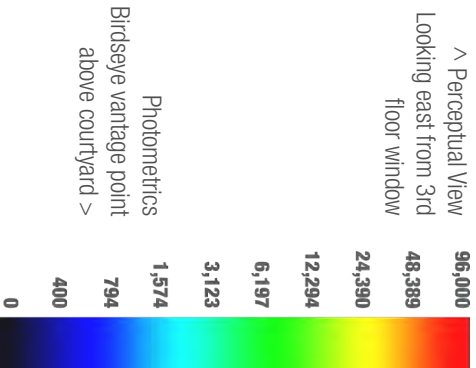
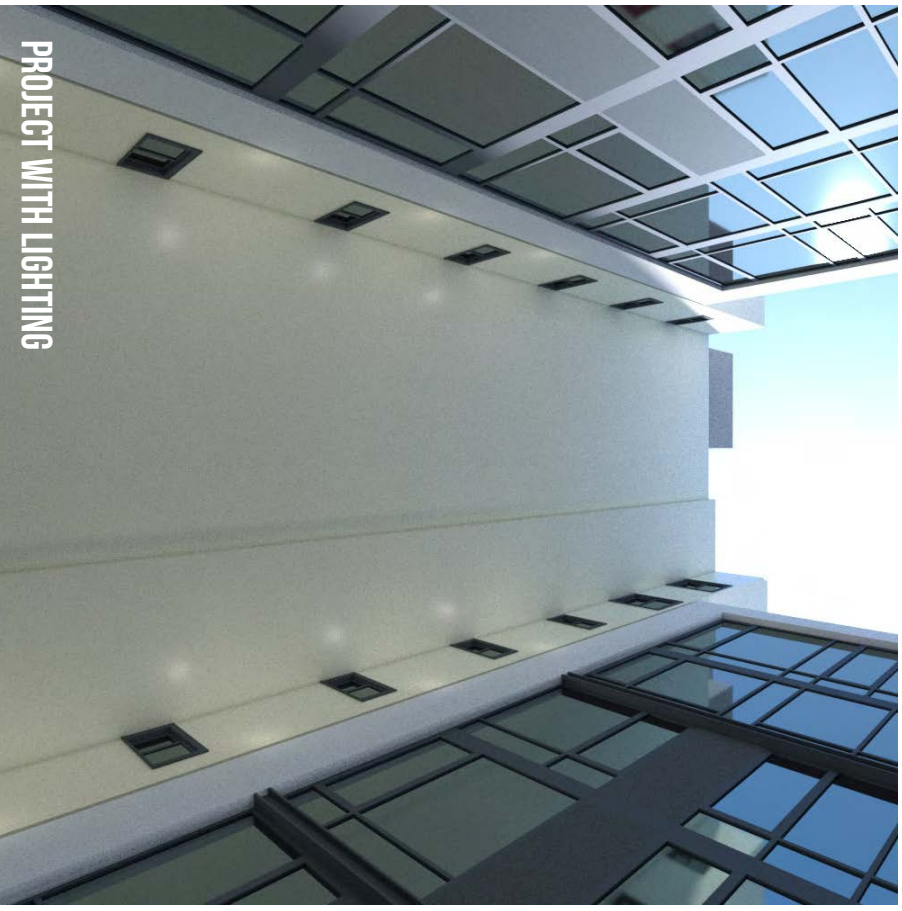
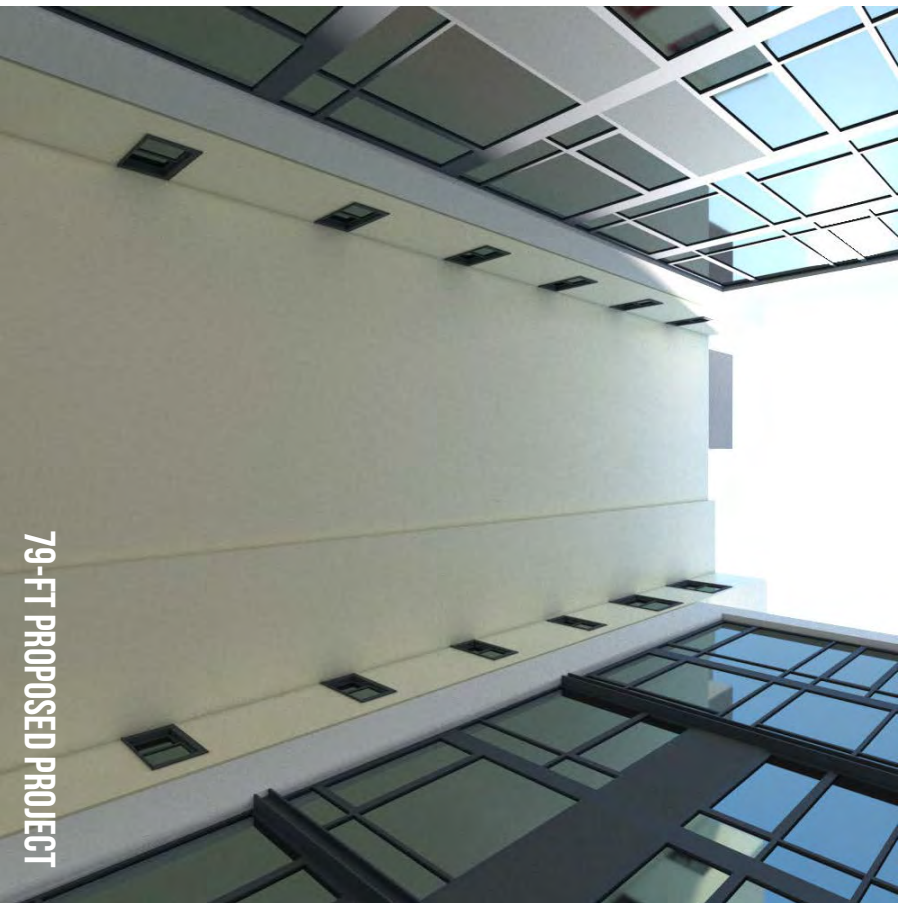
SUMMER SOLSTICE

JUNE 21

9:00 AM

PERCENTAGE CHANGE IN
PERCEIVED BRIGHTNESS
BETWEEN 79-FT
PROJECT AND VERSION
WITH LIGHTING

+7.8%



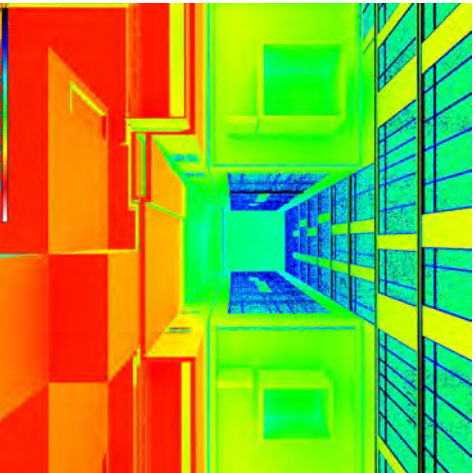
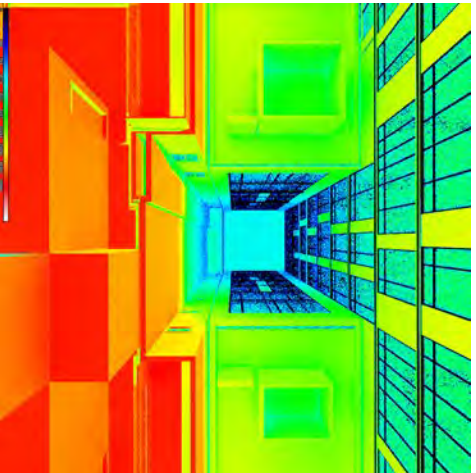
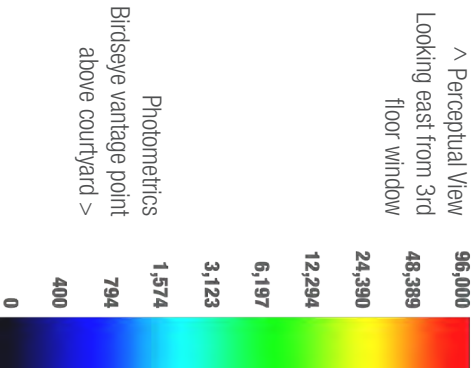
SUMMER SOLSTICE

JUNE 21

12:00 PM

PERCENTAGE CHANGE IN
PERCEIVED BRIGHTNESS
BETWEEN 79-FT
PROJECT AND VERSION
WITH LIGHTING

+1.1%



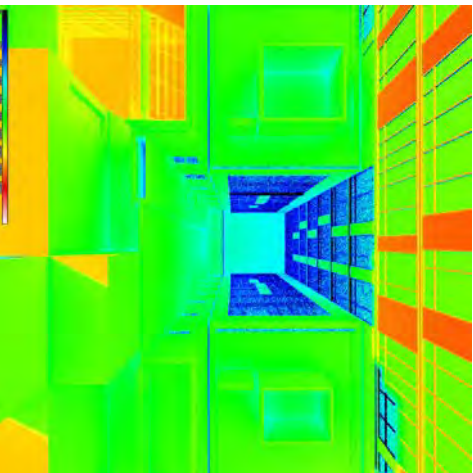
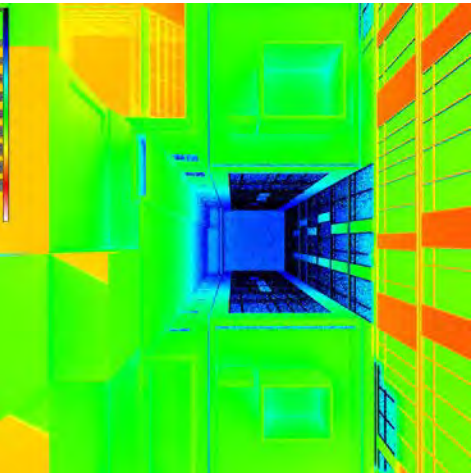
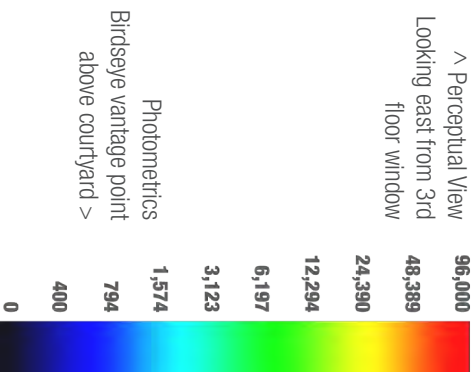
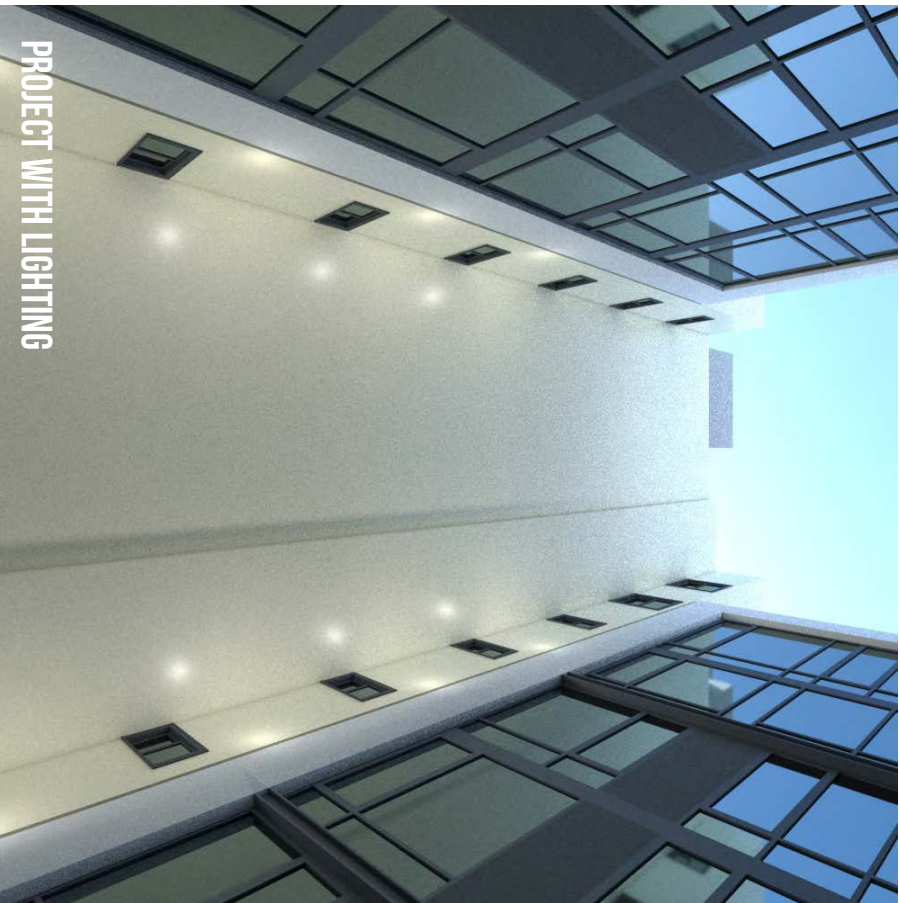
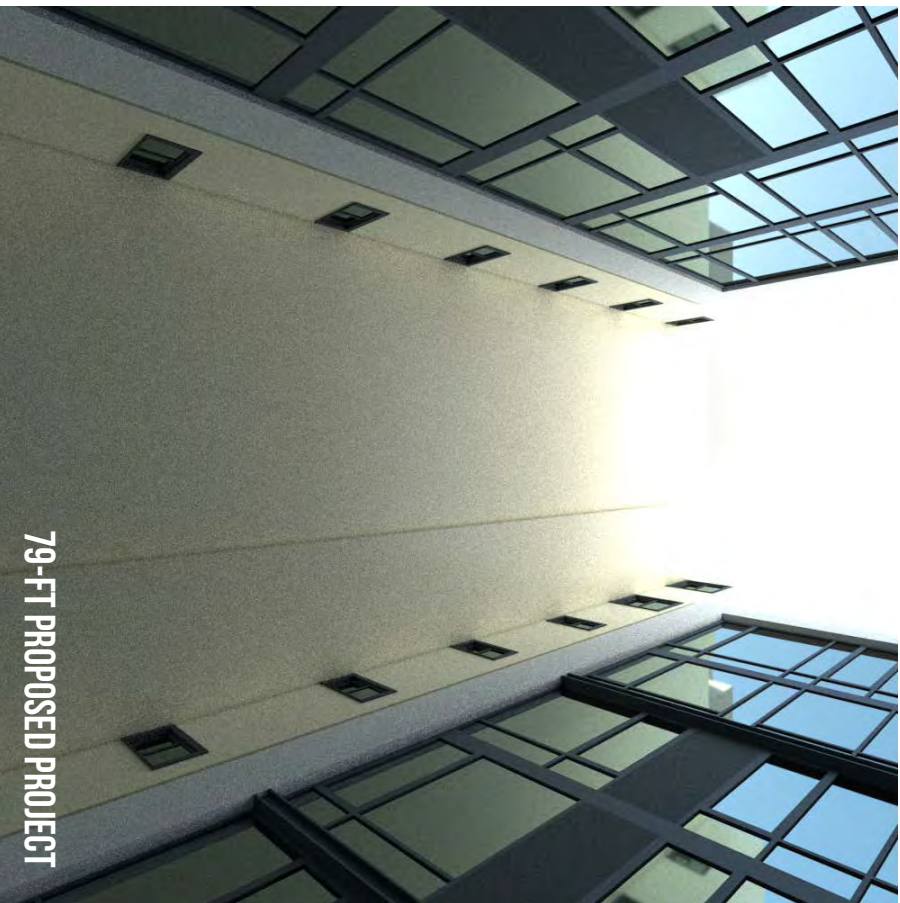
SUMMER SOLSTICE

JUNE 21

3:00 PM

PERCENTAGE CHANGE IN
PERCEIVED BRIGHTNESS
BETWEEN 79-FT
PROJECT AND VERSION
WITH LIGHTING

+8.3%



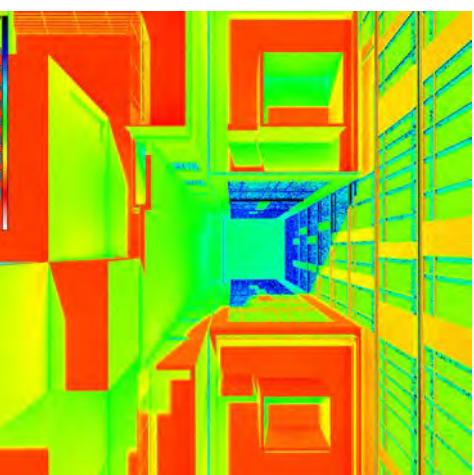
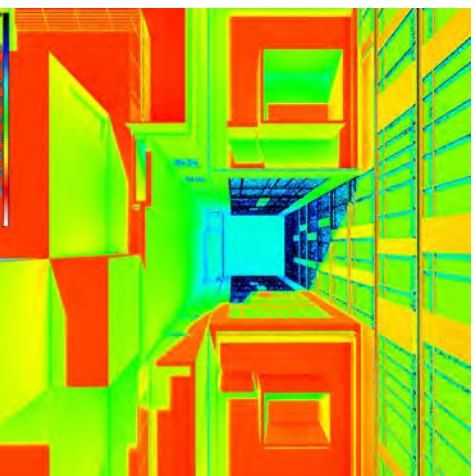
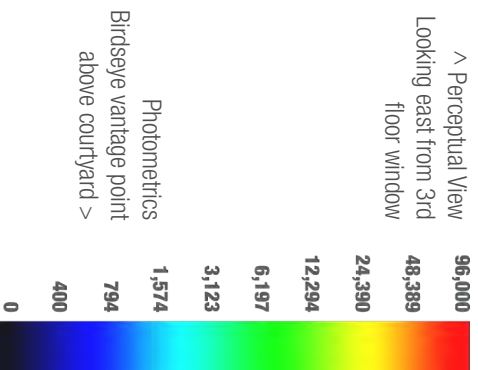
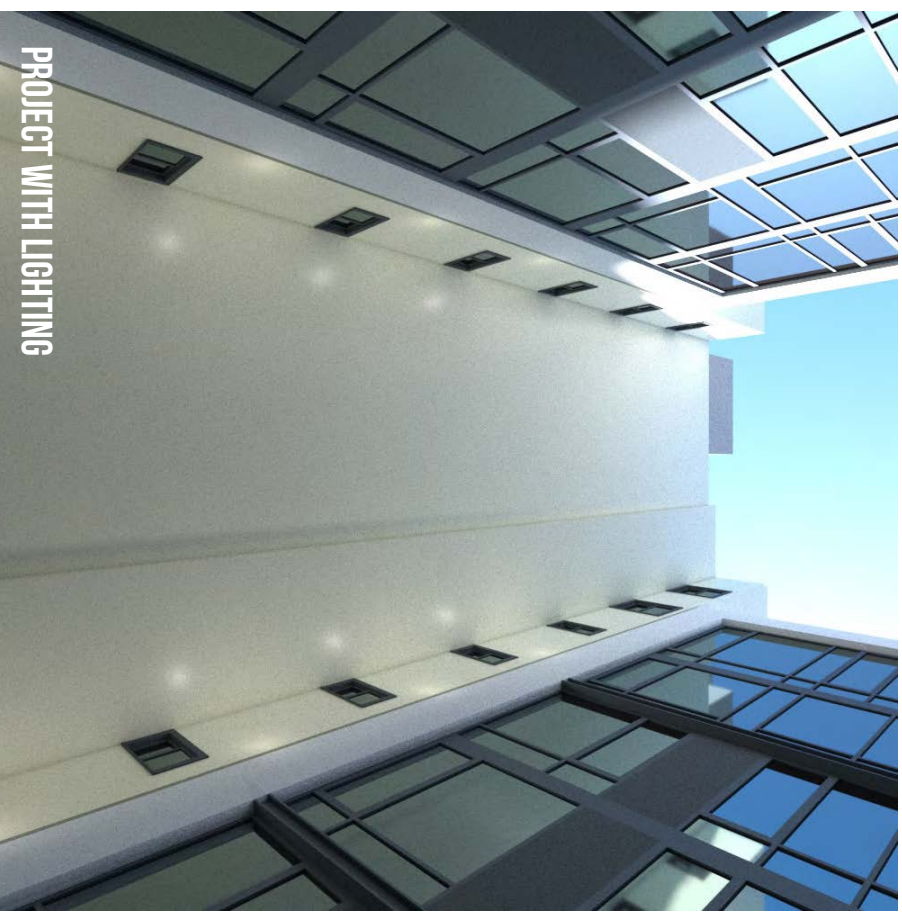
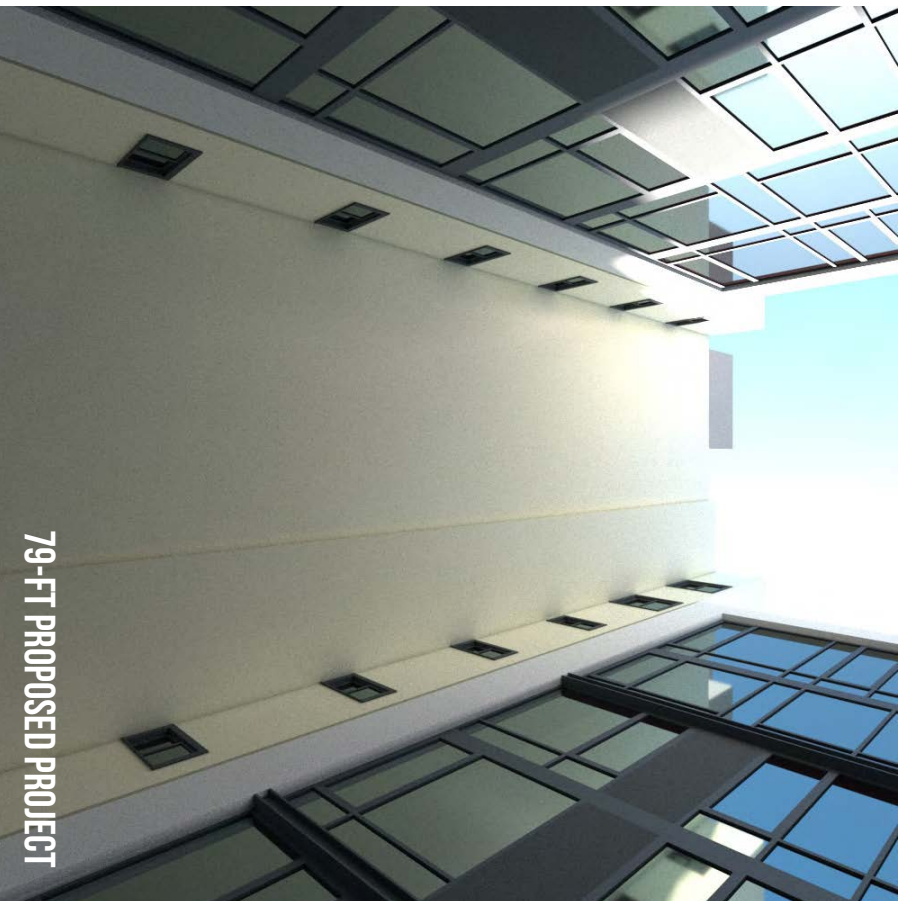
SPRING / FALL EQUINOXES

MARCH 21 /
SEPTEMBER 21

9:00 AM

PERCENTAGE CHANGE IN
PERCEIVED BRIGHTNESS
BETWEEN 79-FT
PROJECT AND VERSION
WITH LIGHTING

+18.1%



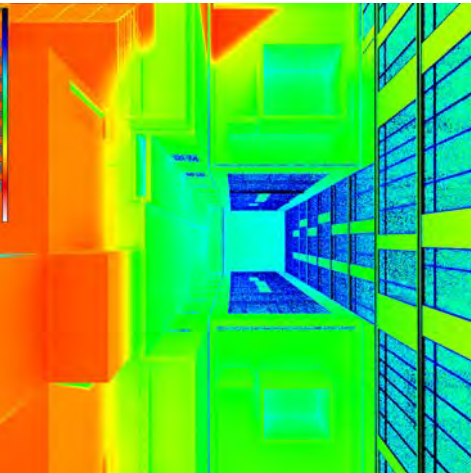
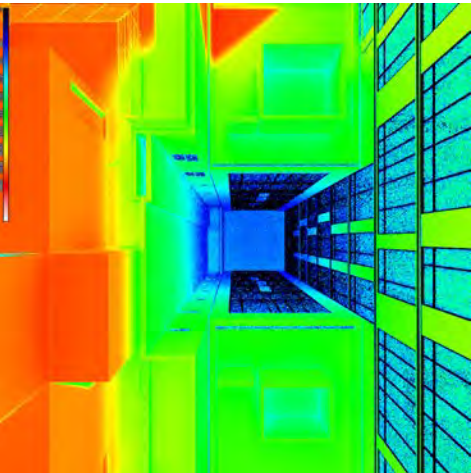
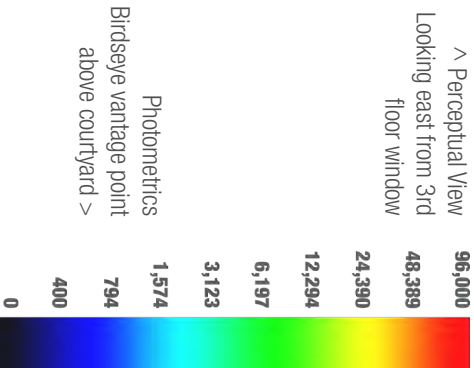
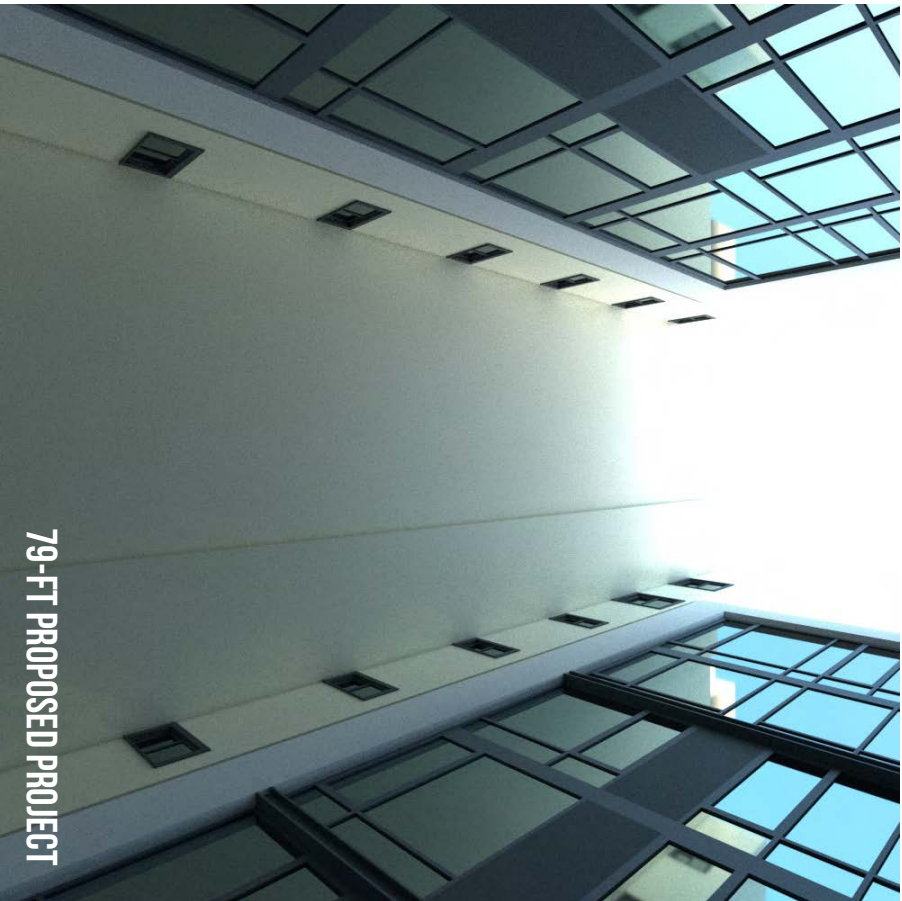
SPRING / FALL EQUINOXES

MARCH 21 /
SEPTEMBER 21

12:00 PM

PERCENTAGE CHANGE IN
PERCEIVED BRIGHTNESS
BETWEEN 79-FT
PROJECT AND VERSION
WITH LIGHTING

+1.9%



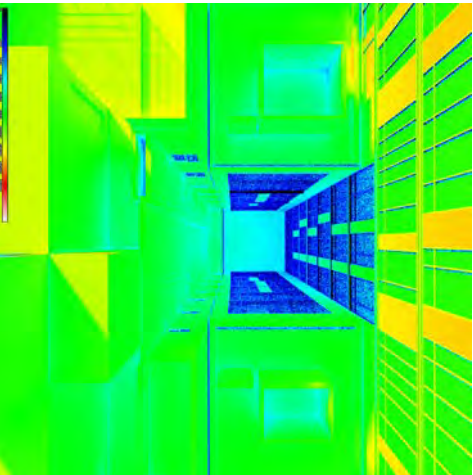
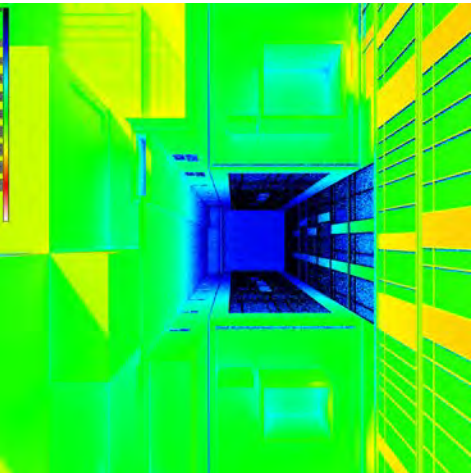
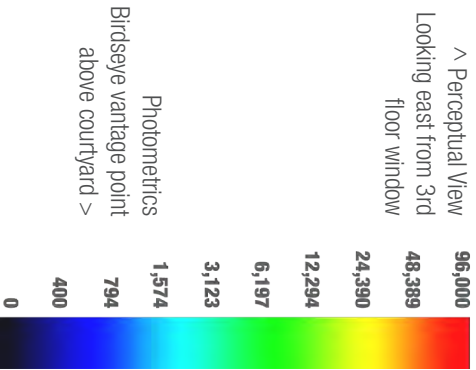
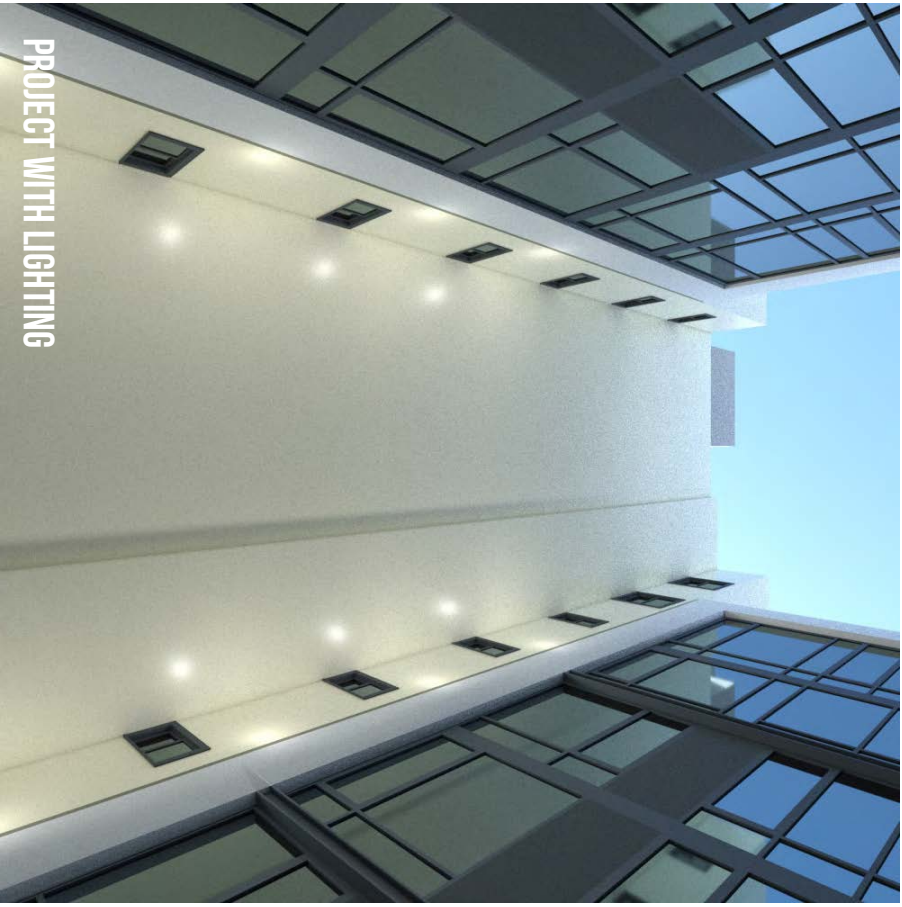
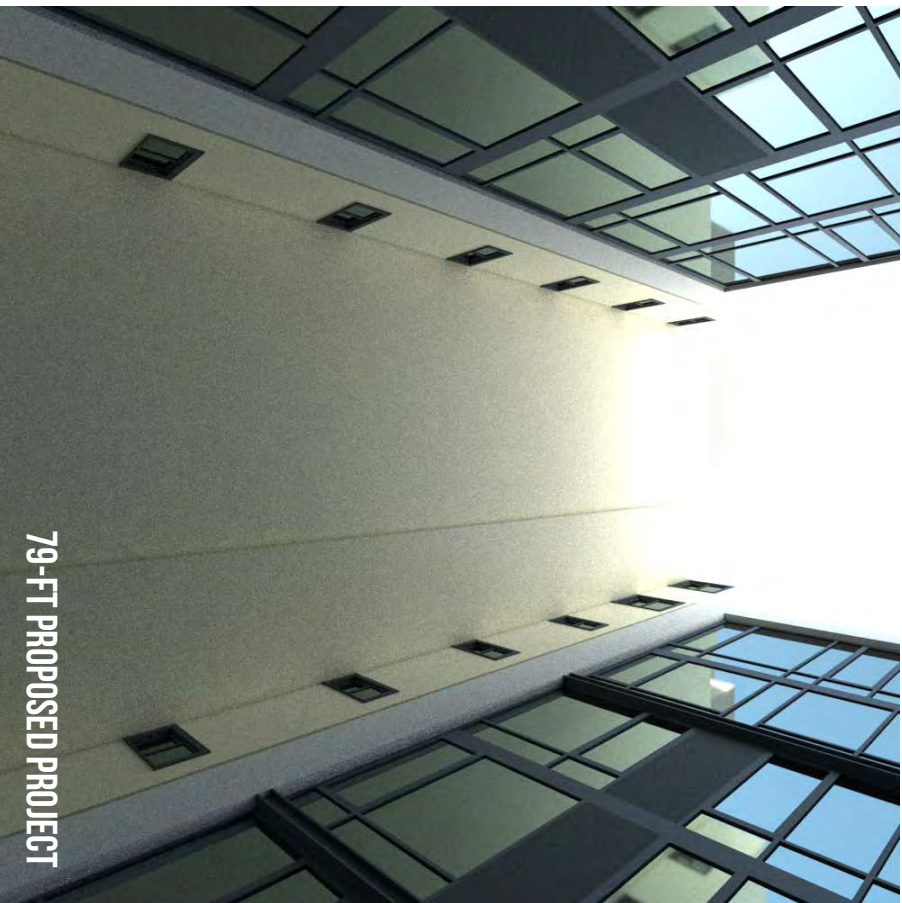
SPRING / FALL EQUINOXES

MARCH 21 /
SEPTEMBER 21

3:00 PM

PERCENTAGE CHANGE IN
PERCEIVED BRIGHTNESS
BETWEEN 79-FT
PROJECT AND VERSION
WITH LIGHTING

+19.7%



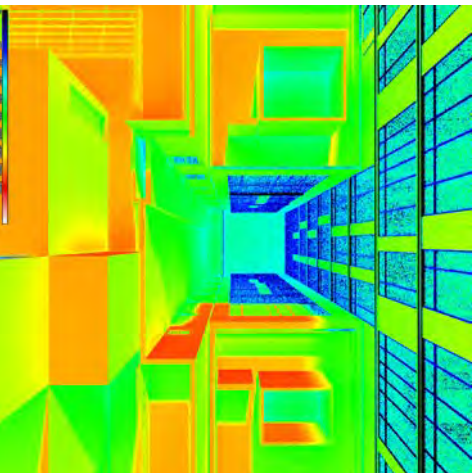
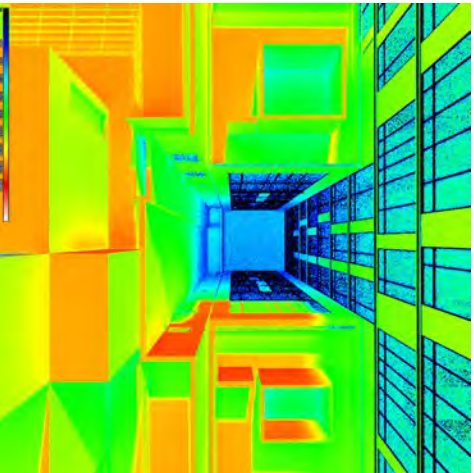
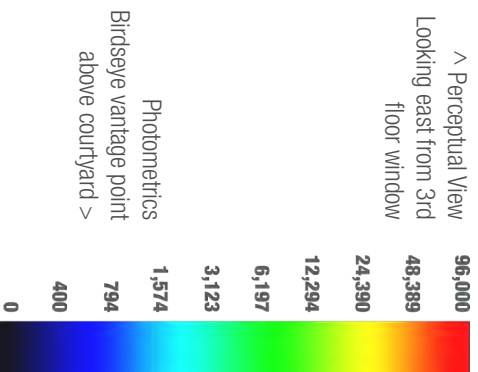
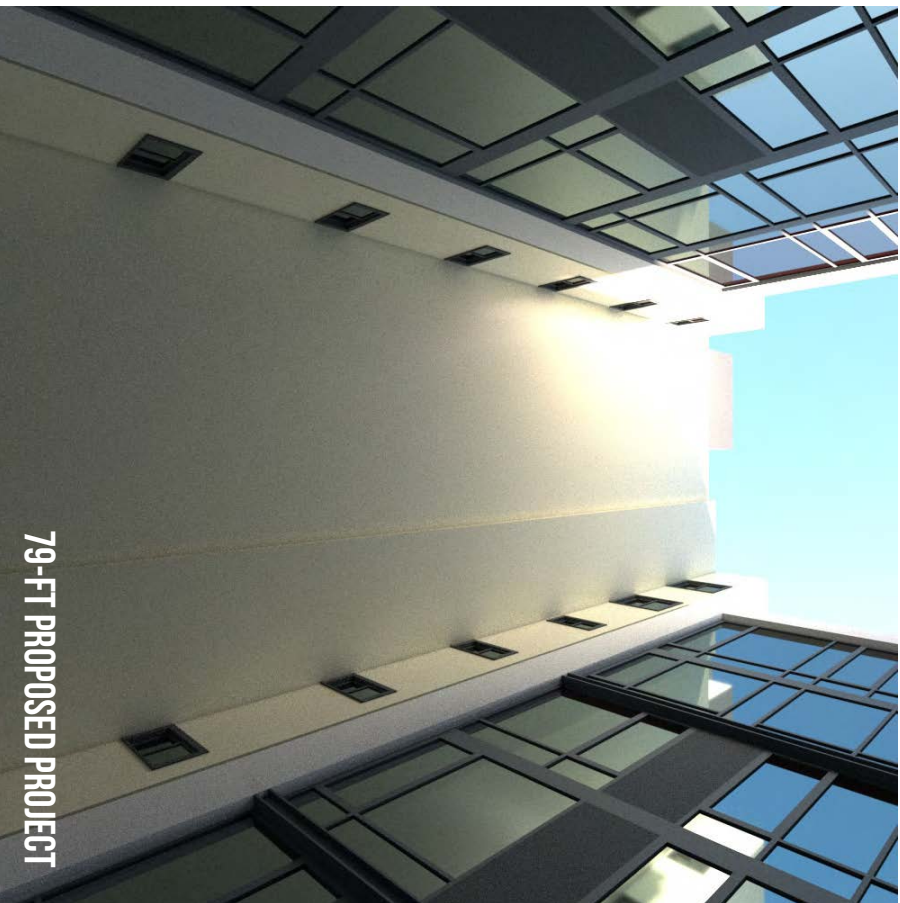
WINTER SOLSTICE

DECEMBER 21

9:00 AM

PERCENTAGE CHANGE IN
PERCEIVED BRIGHTNESS
BETWEEN 79-FT
PROJECT AND VERSION
WITH LIGHTING

+23.9%



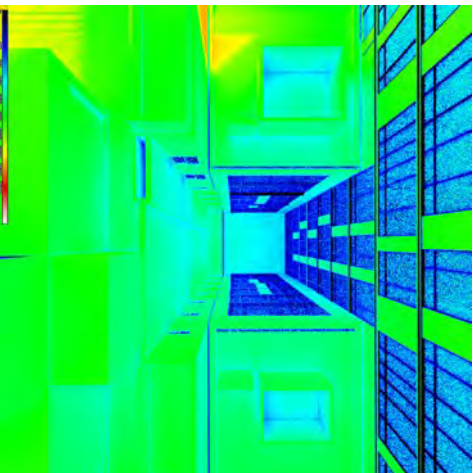
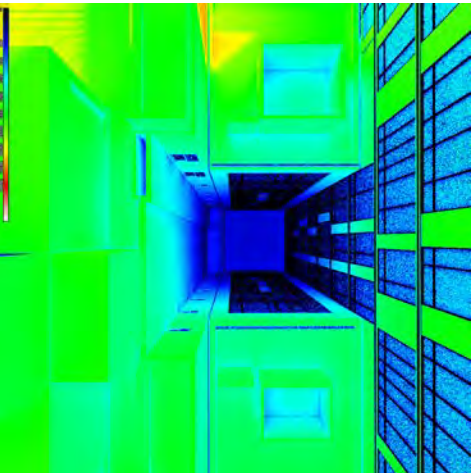
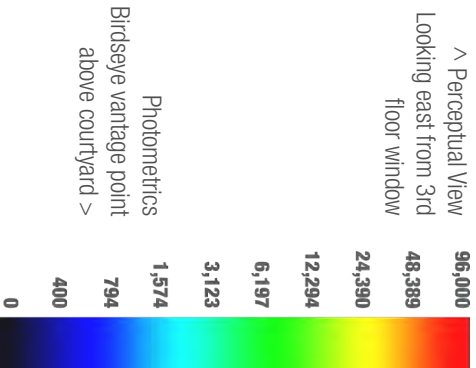
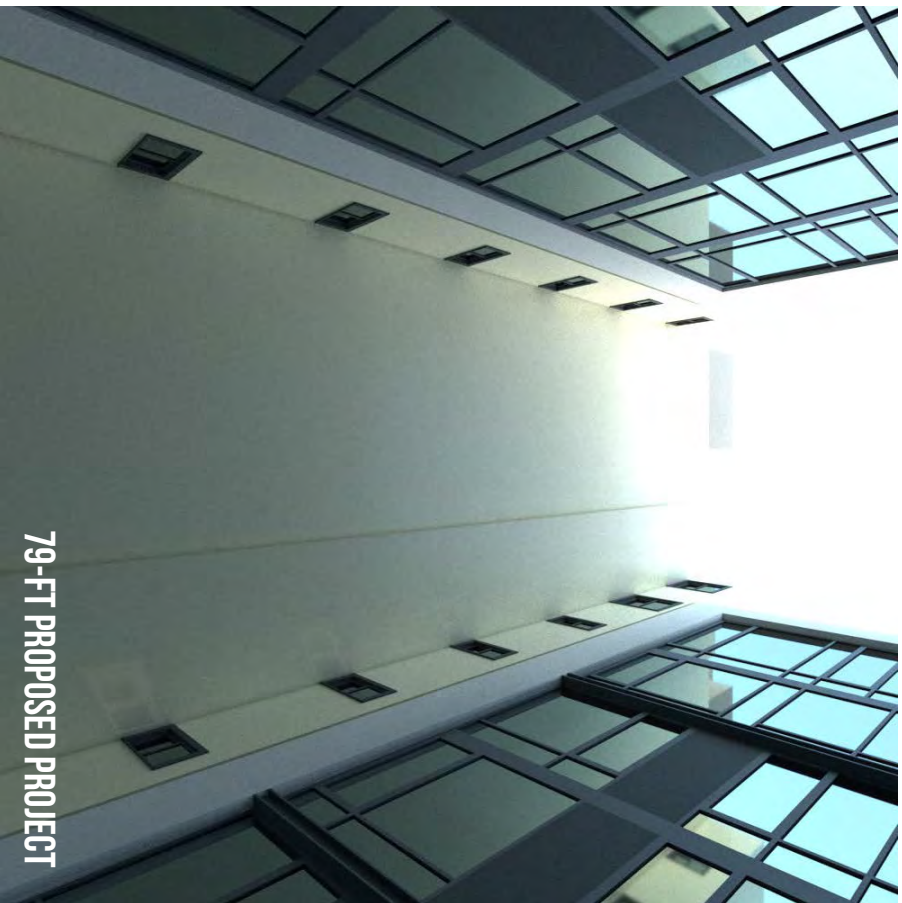
WINTER SOLSTICE

DECEMBER 21

12:00 PM

PERCENTAGE CHANGE IN
PERCEIVED BRIGHTNESS
BETWEEN 79-FT
PROJECT AND VERSION
WITH LIGHTING

+8.0%



WINTER SOLSTICE

DECEMBER 21

3:00 PM

PERCENTAGE CHANGE IN
PERCEIVED BRIGHTNESS
BETWEEN 79-FT
PROJECT AND VERSION
WITH LIGHTING

+29.3%



1806 Belles Street, Suite 6B
San Francisco, CA 94129
tel 415.498.0141
fax 415.493.0141

www.previsiondesign.com
info@previsiondesign.com



1525/1545 Pine Street Daylight Analysis

Comparative effects of different building
proposals on courtyard daylight levels



about prevision design

VISUAL SIMULATIONS | LIGHTING AND SHADOW ANALYSIS

- Founded in San Francisco in 2010
- Computer 3D modelling, rendering and analysis specialists
- Analysis work accepted by SF Planning and other regional authorities for project approvals
- Performed hundreds of shadow and lighting studies for projects in San Francisco and throughout the bay area





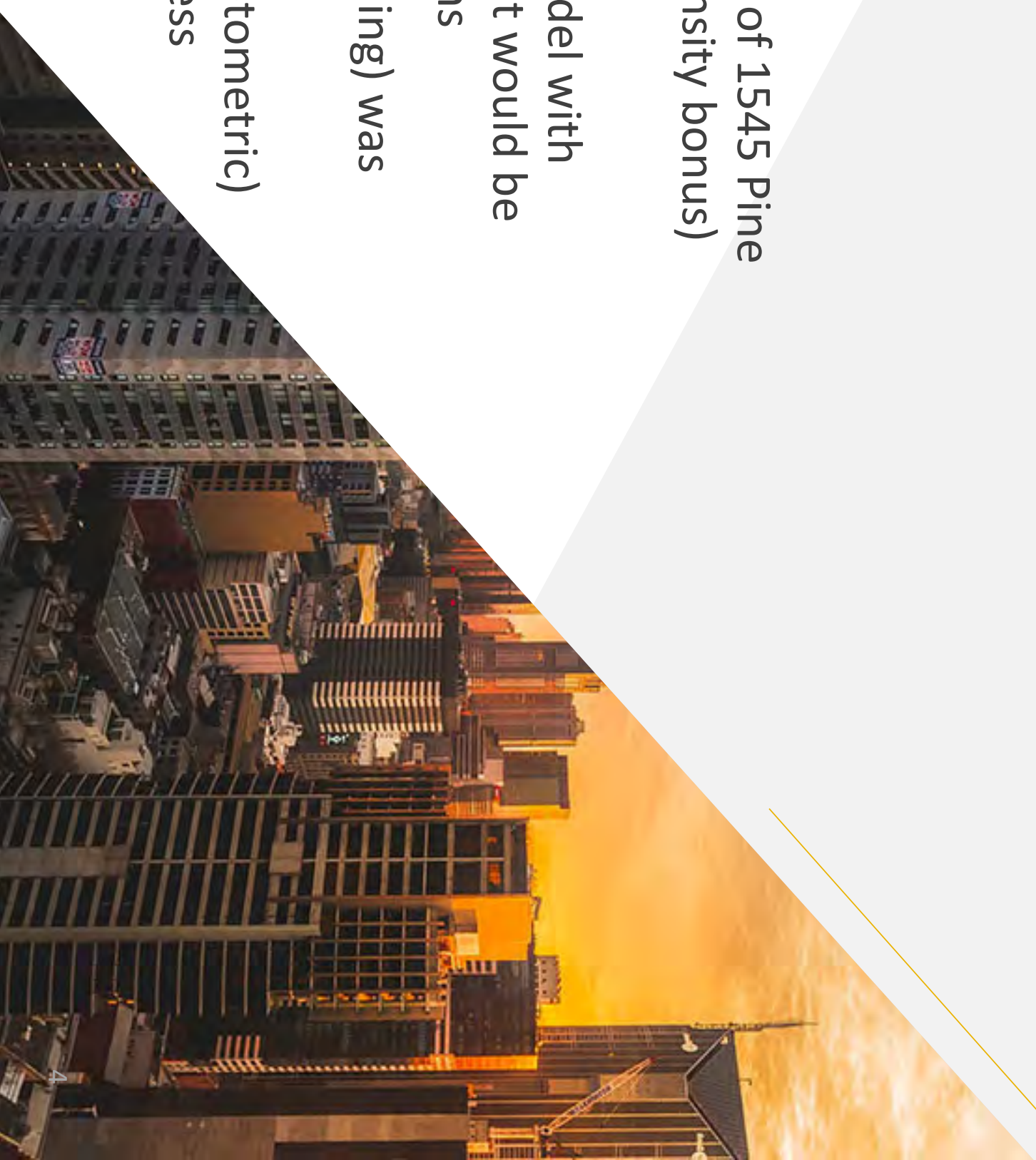
Study Introduction

Methodology and Background



Analysis Methodology

- Analysis was conducted using a 3D virtual model of 1545 Pine Street, the proposed project and a 65-ft (non-density bonus) project
- Buildings finishes were incorporated into the model with accurate properties in order to simulate how light would be absorbed or reflected under real-world conditions
- No interior lighting (shining out from either building) was assumed.
- Analysis evaluated both LUX measurements (photometric) as well as calculated perceptual exterior brightness





Lux vs Perceived Brightness

- Photometrics (measured in lux) is a mathematical form of light measurement which expresses how much light a material reflects in lumens per square meter.
- Perceived brightness behaves differently than photometrics due to the natural adjustment of the human eye to let in more or less of the available light as conditions change.
- Accordingly, the relationship between perceived brightness and lux values follow a logarithmic scale, with the perceived step in light per lux being far greater at lower light levels as compared to higher ones.



Values Lux vs Perceived

Lux value range	Reference Lighting Condition	Light Step
0-10	Pitch Black	1
10-50	Very Dark	2
50-200	Dark Indoors	3
200-400	Dim Indoors	4
400-1,000	Normal Indoors	5
1,000-5,000	Bright Indoors	6
5,000-10,000	Dim Outdoors	7
10,000-32,000	Cloudy Outdoors	8
32,000-100,000	Direct Sunlight	9



Scope/Focus of Analysis

- Evaluation of the net change in exterior courtyard wall light levels (along the three vertical sides) between the following:
 - A theoretical 65-ft tall project (allowed by current zoning)
 - The proposed 79-ft tall project (allowed under the state density bonus)
 - The proposed 79-ft tall project with exterior indirect lighting.
- Simulated average exterior light levels were taken 9am, 12 noon and 3pm on June 21, September 21, and December 21.
- Generated comparisons for all scenarios on these dates/times as well as extrapolated full-year comparative light levels between the hours of 9am – 3pm

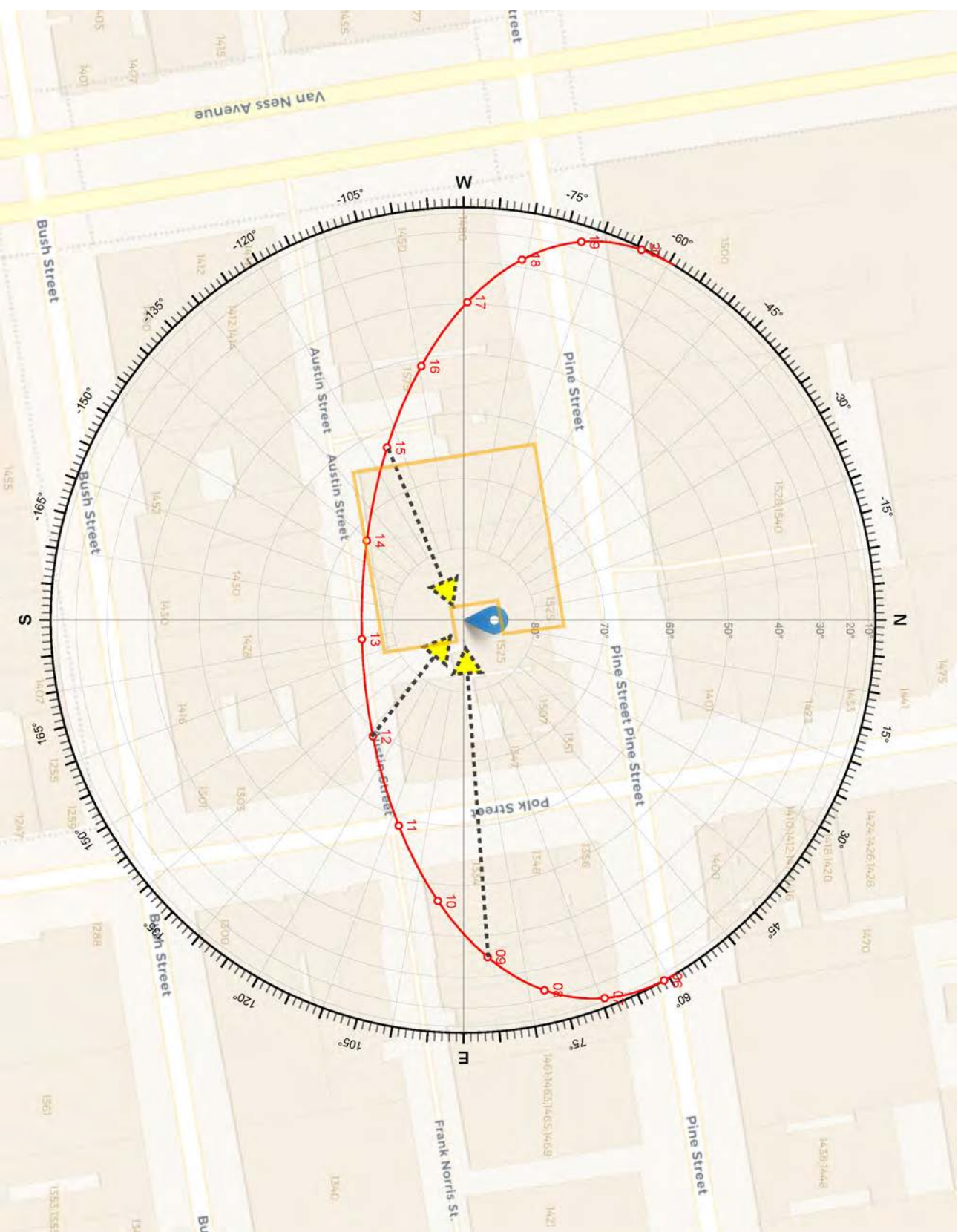




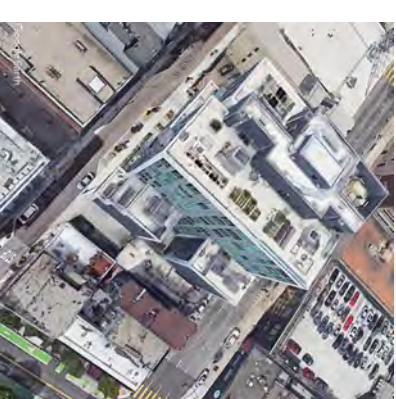
Solar Conditions

Location / Orientation of the project relative to the path of the sun

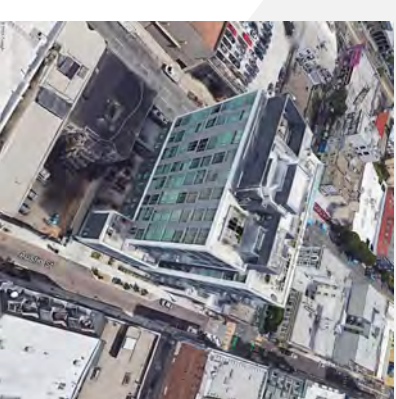
June 21 Summer Solstice



9am



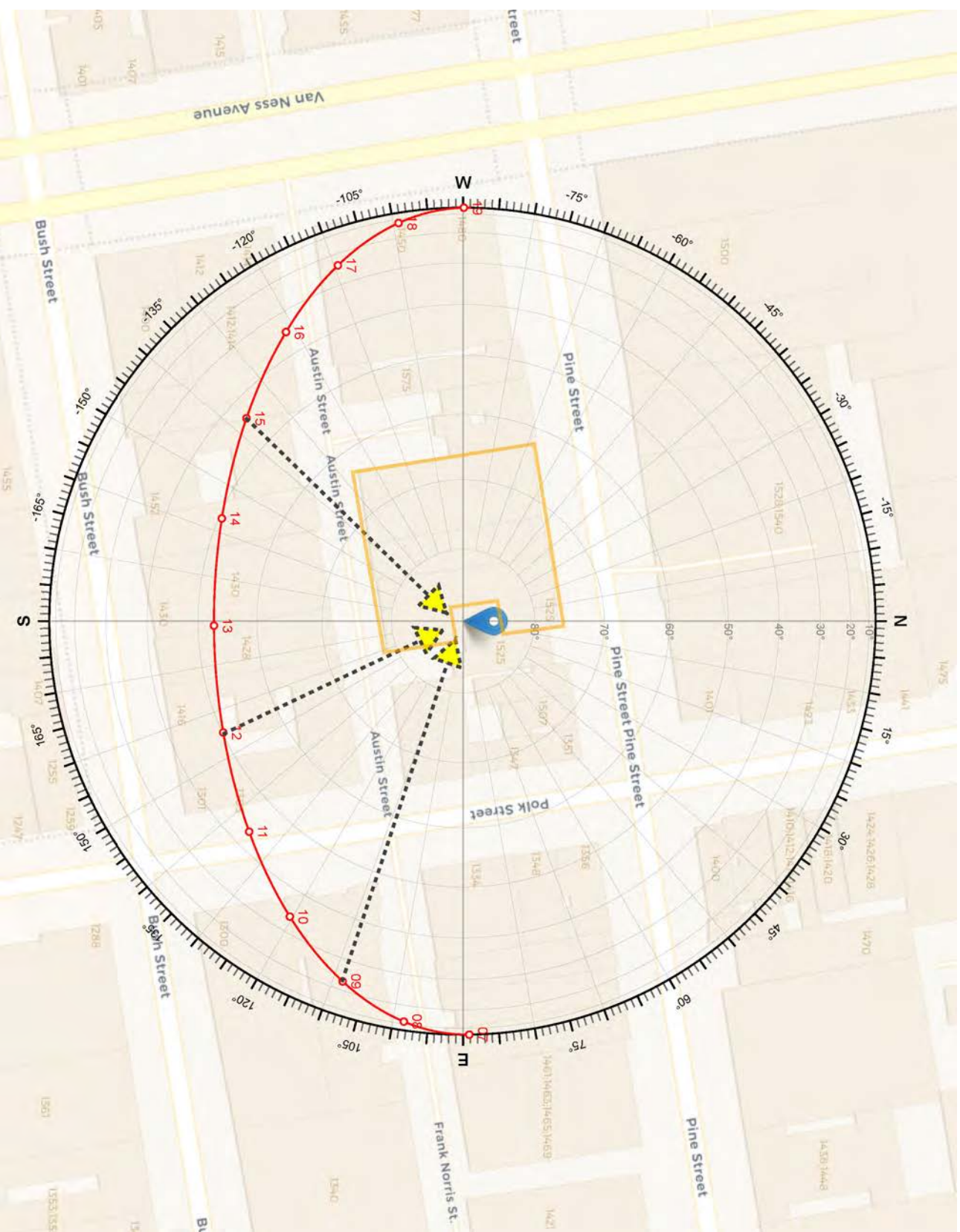
Noon



3pm

- Path of the sun highest in the sky, passes most directly overhead
- Most direct morning alignment with courtyard

September/March 21 Equinoxes



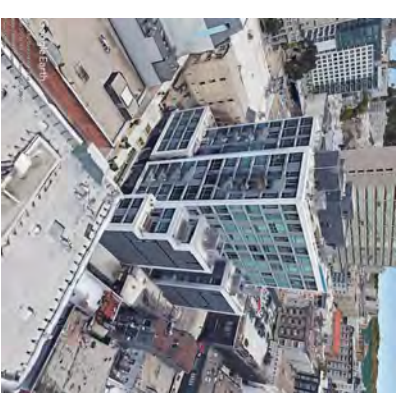
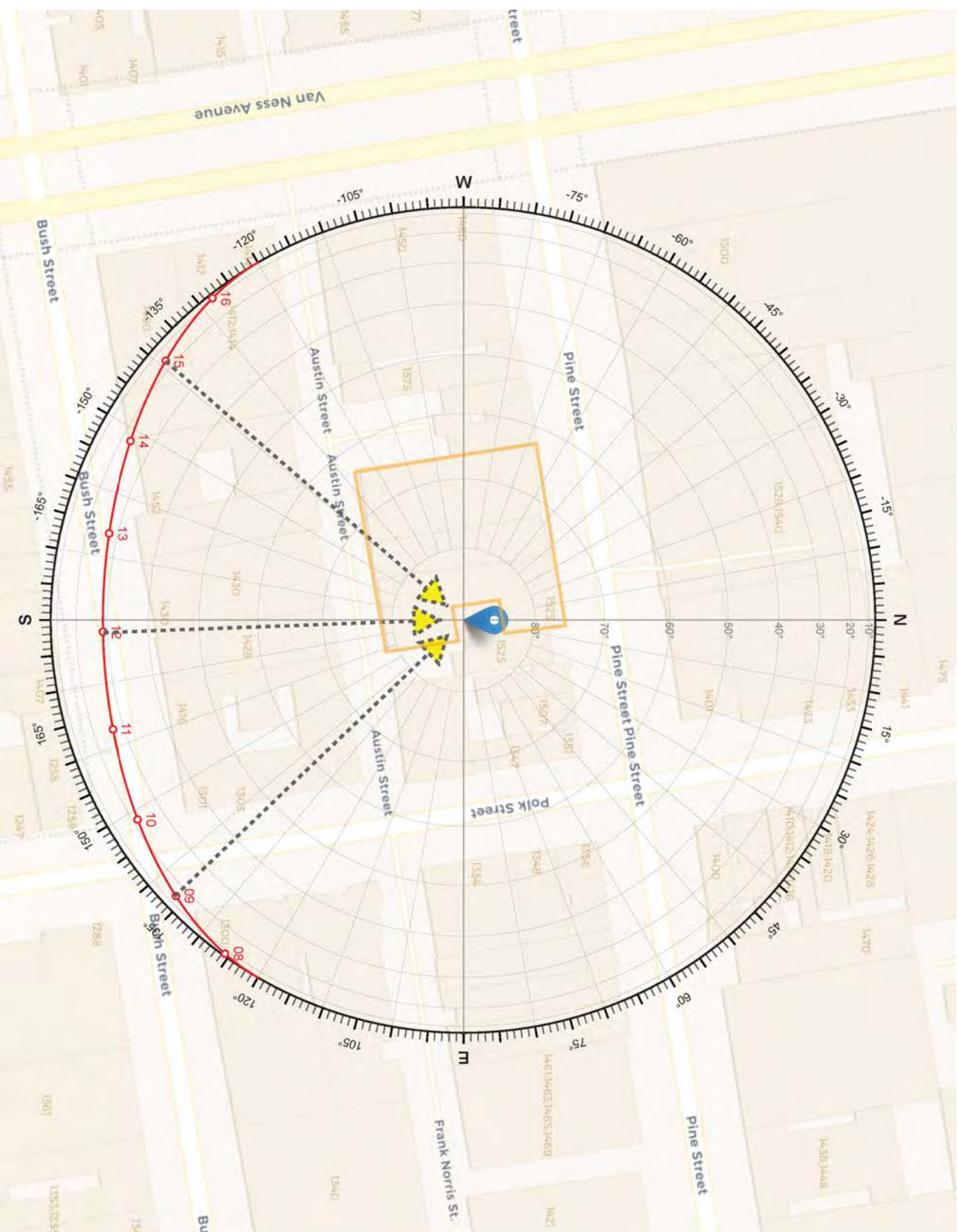
9am

Noon

3pm

- Path of the sun moves further to the south relative to the summer solstice
- The fall and spring equinoxes (9/21 & 3/21) are considered equivalent with respect to sun path and solar angles

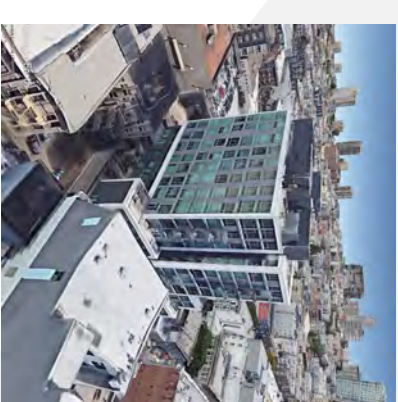
December 21 Winter Solstice



9am



Noon



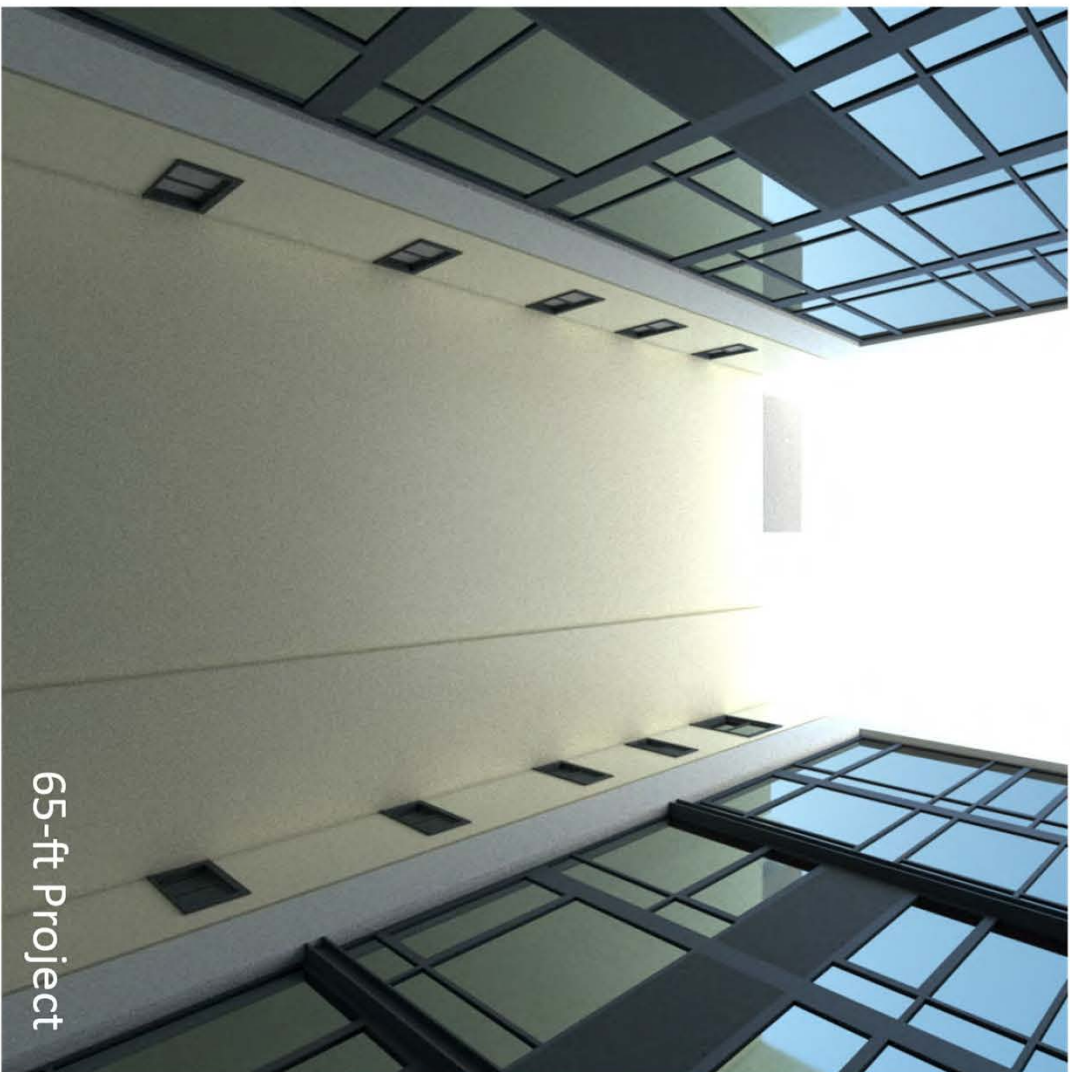
3pm

- Path of the sun lowest in the sky and furthest to the south of any time throughout the year



Analysis Part 1

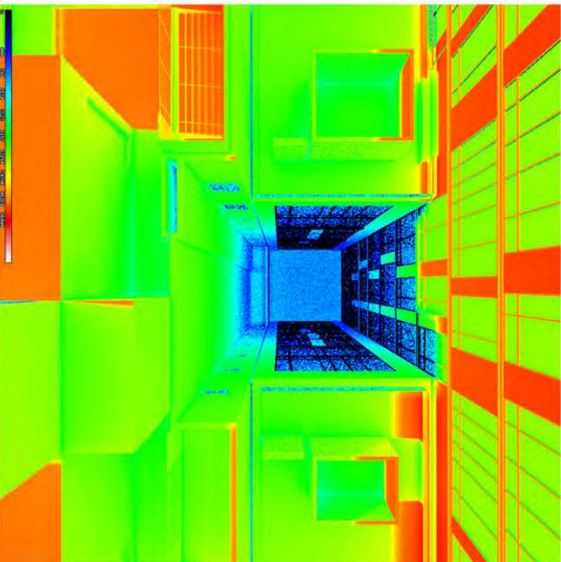
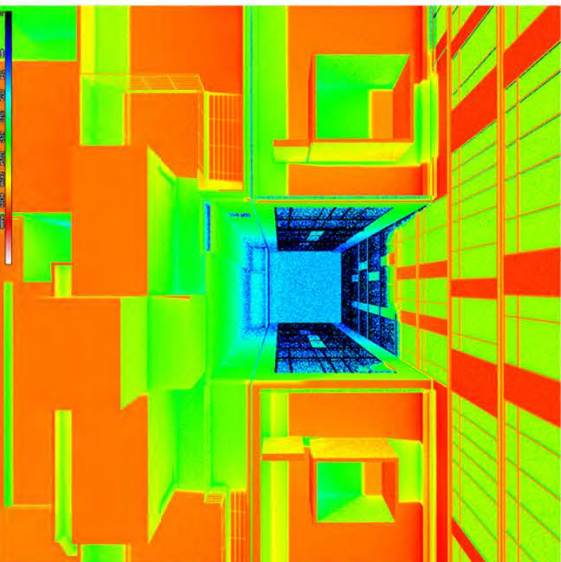
Perceptual + Photometric Comparison
of the theoretical 65-ft project vs 79-ft
proposed project



65-ft Project



79-ft Proposed Project

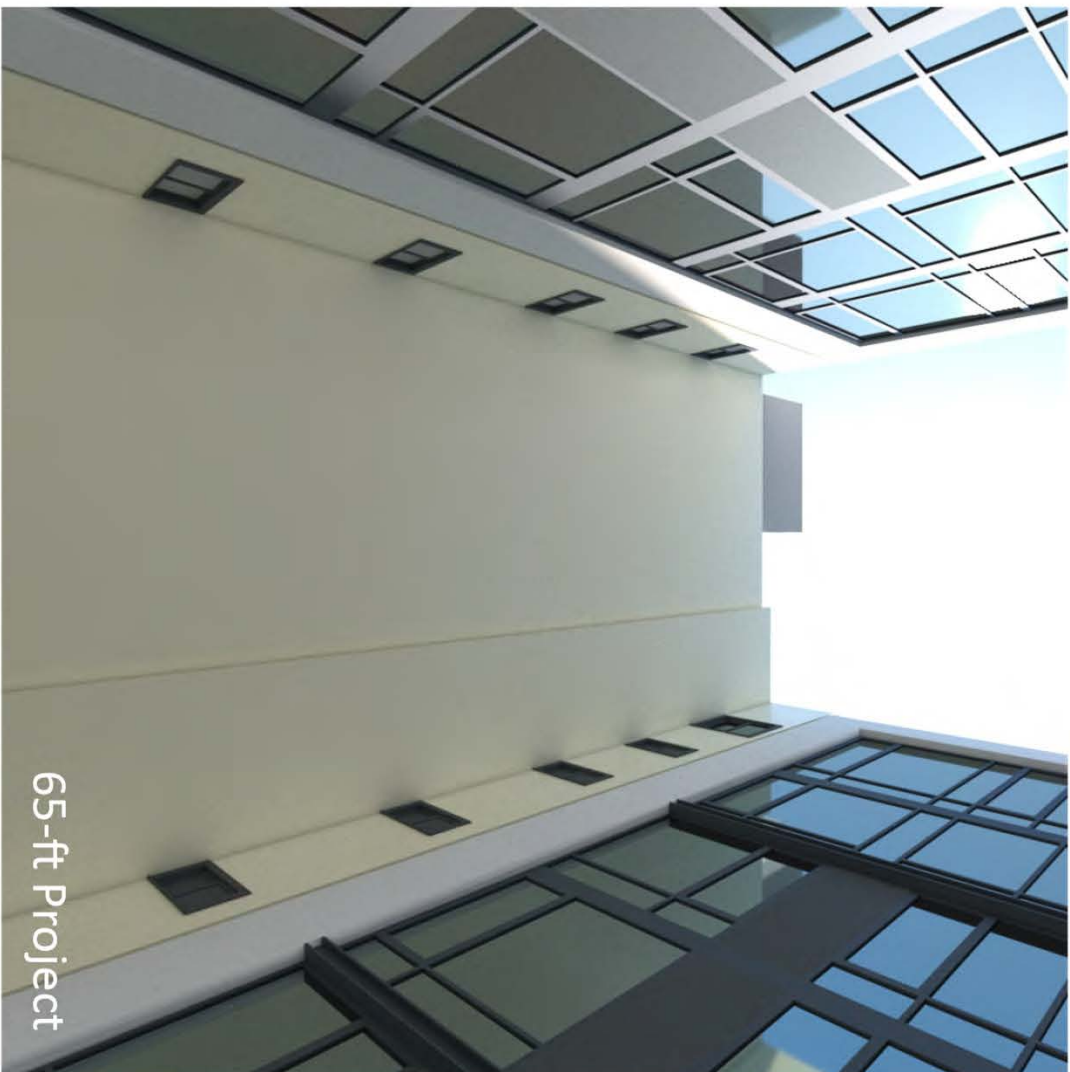


^ **Perceptual View**
Looking east from 3rd
floor window

< **Photometrics**
Birdseye vantage point
above courtyard

Summer Solstice
June 21
9:00 AM

PERCENTAGE CHANGE IN
PERCEIVED BRIGHTNESS
BETWEEN 65-FT AND
79-FT PROJECTS
-15.0%



65-ft Project

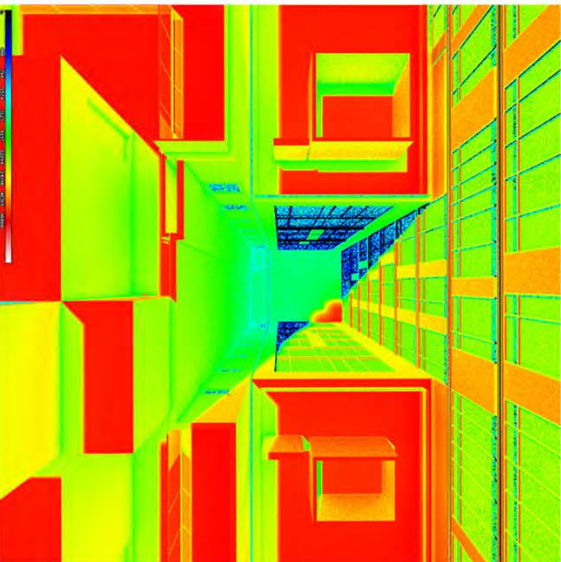
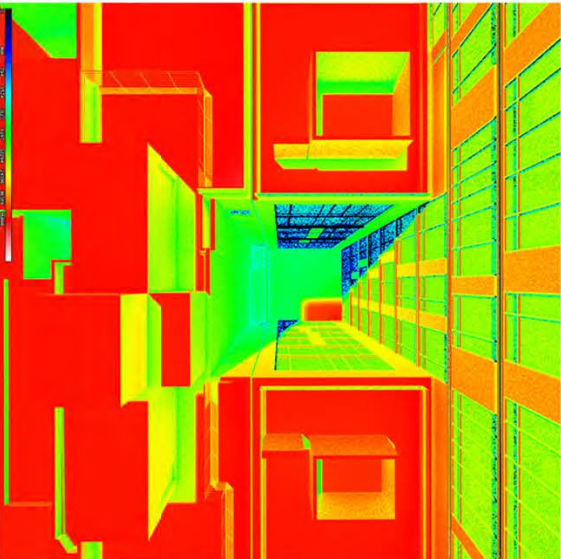


79-ft Proposed Project

Summer Solstice

June 21

12:00 PM

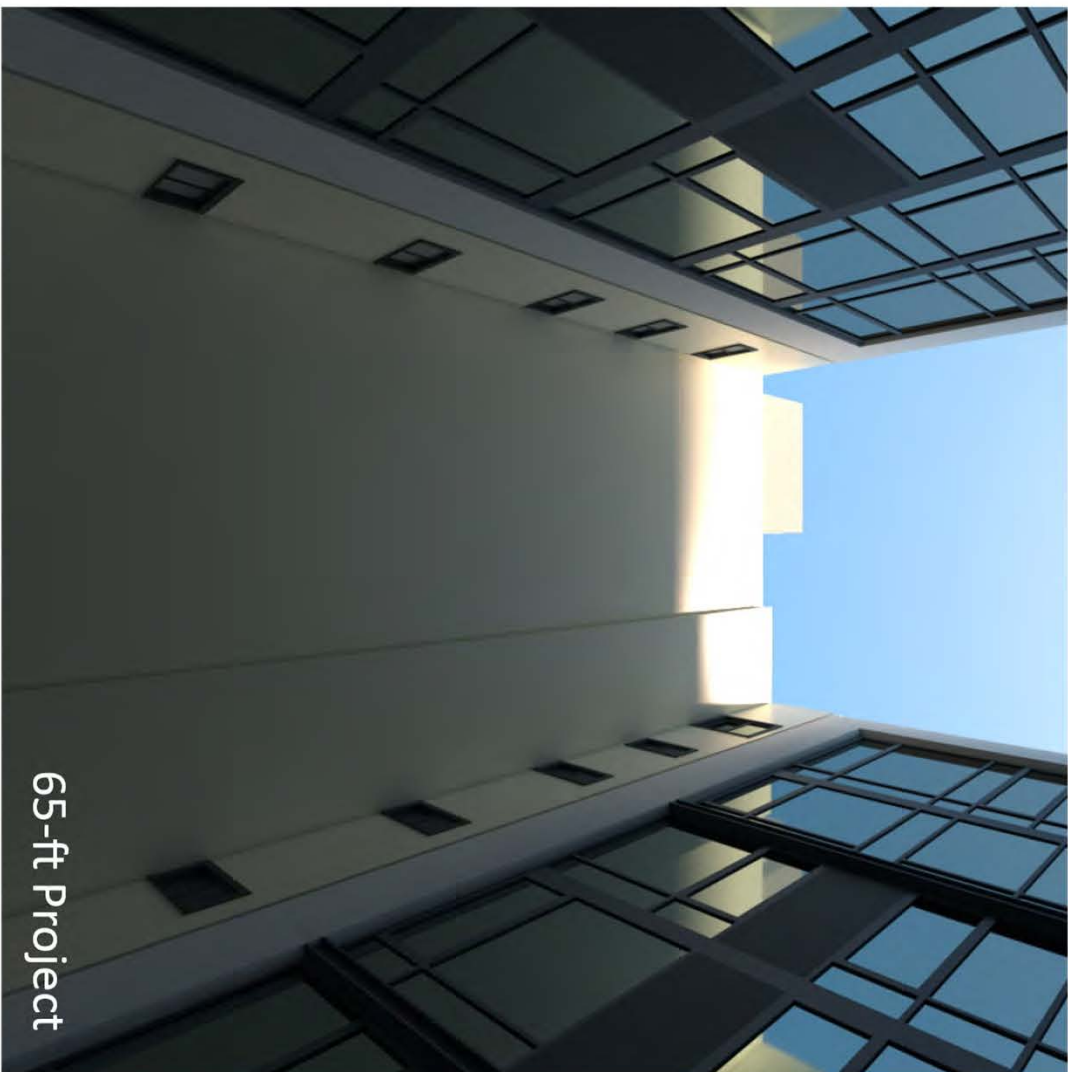


^ **Perceptual View**
Looking east from 3rd
floor window

< **Photometrics**
Birdseye vantage point
above courtyard

PERCENTAGE CHANGE IN
PERCEIVED BRIGHTNESS
BETWEEN 65-FT AND
79-FT PROJECTS

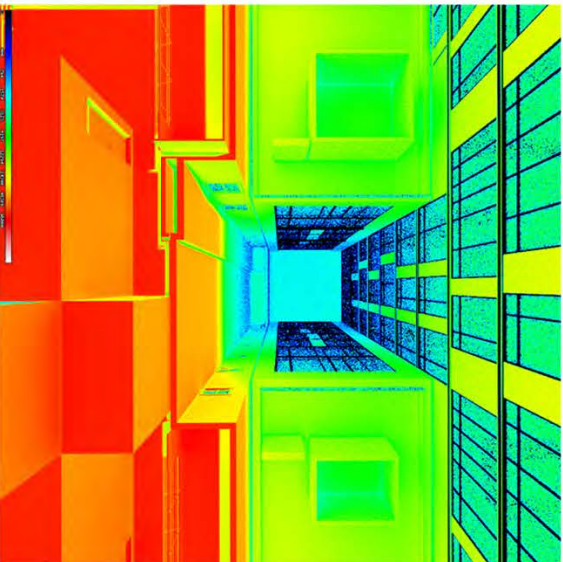
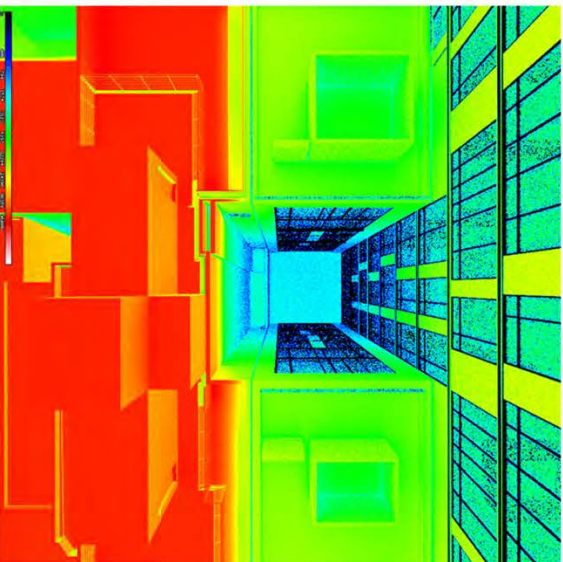
-1.6%



Summer Solstice

June 21

3:00 PM

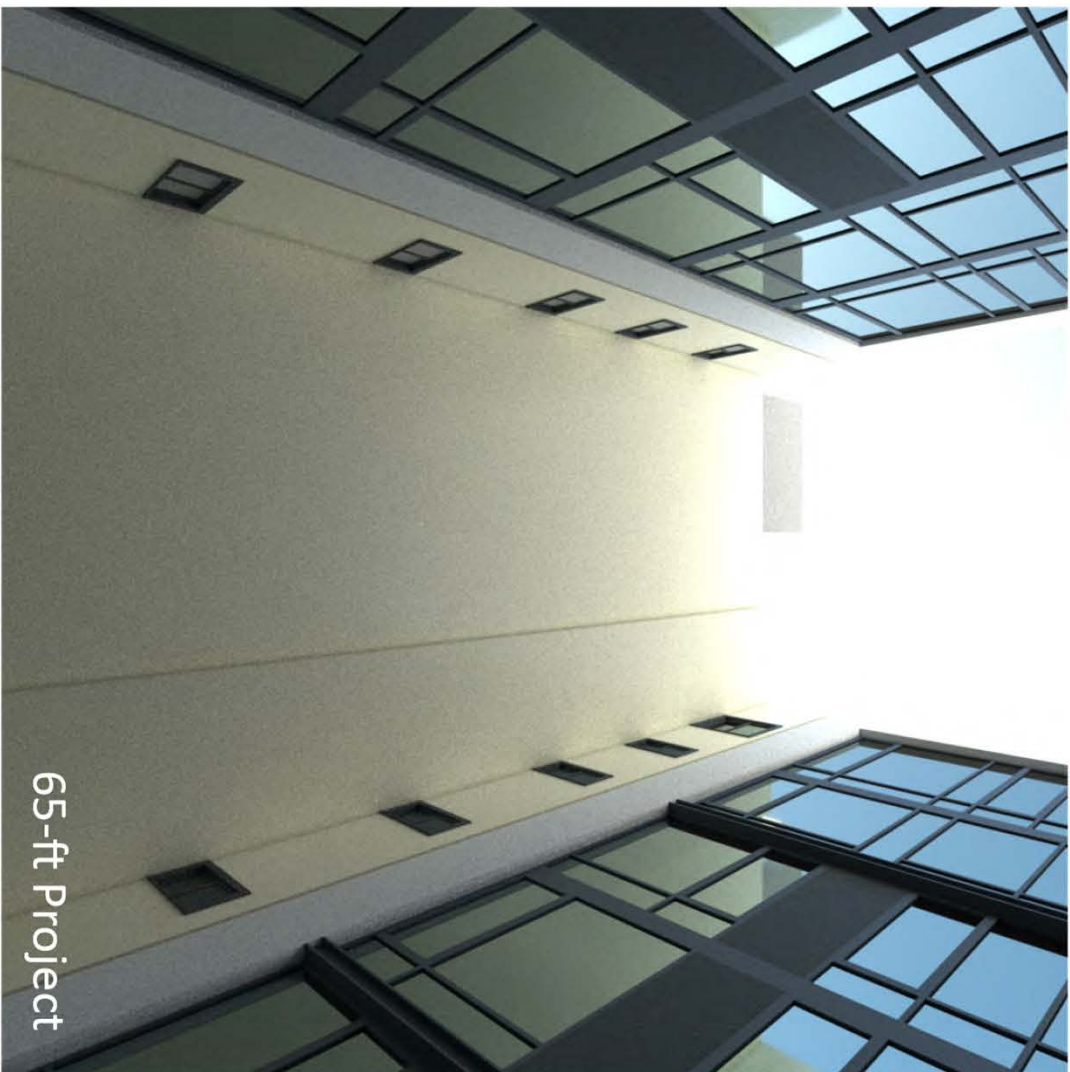


^ **Perceptual View**
Looking east from 3rd
floor window

< **Photometrics**
Birdseye vantage point
above courtyard

PERCENTAGE CHANGE IN
PERCEIVED BRIGHTNESS
BETWEEN 65-FT AND
79-FT PROJECTS

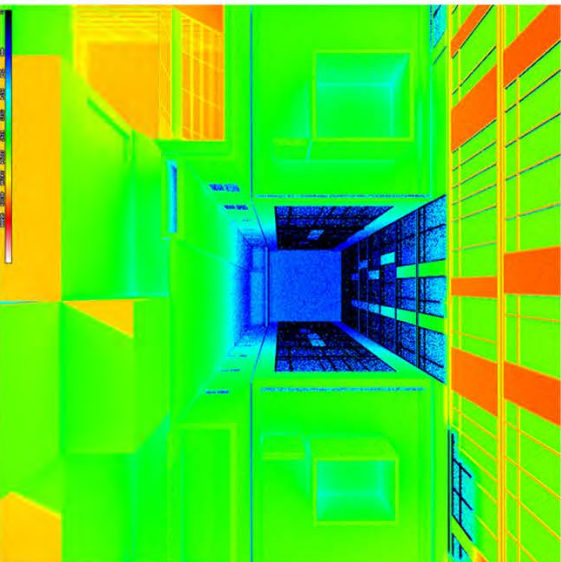
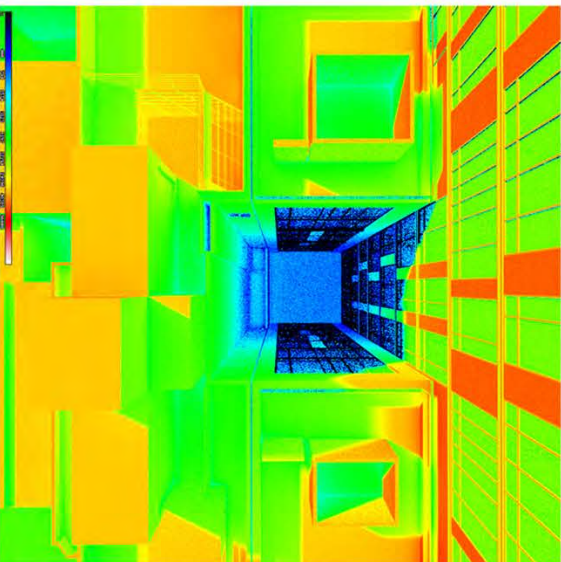
+2.4%



65-ft Project



79-ft Proposed Project

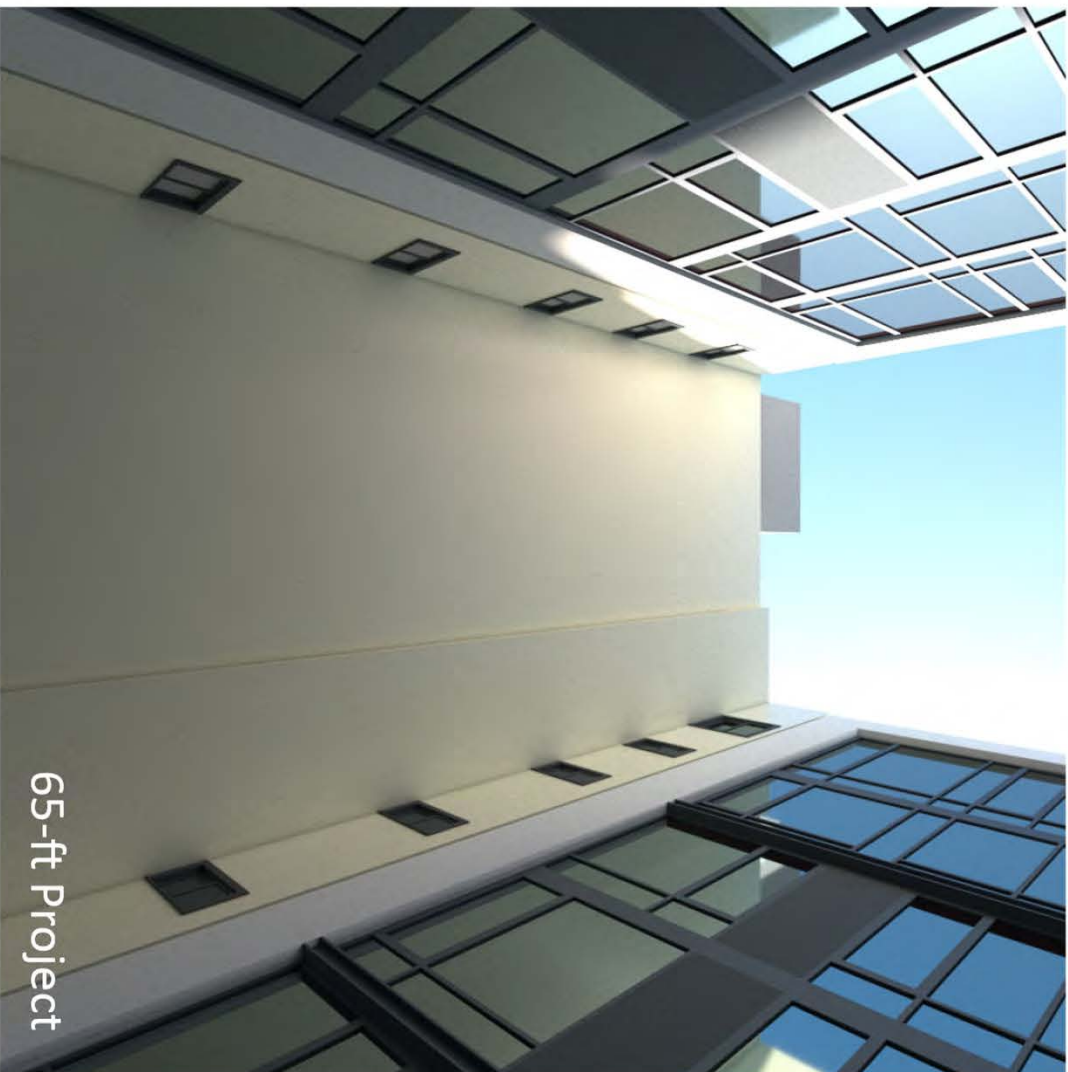


^ **Perceptual View**
Looking east from 3rd
floor window

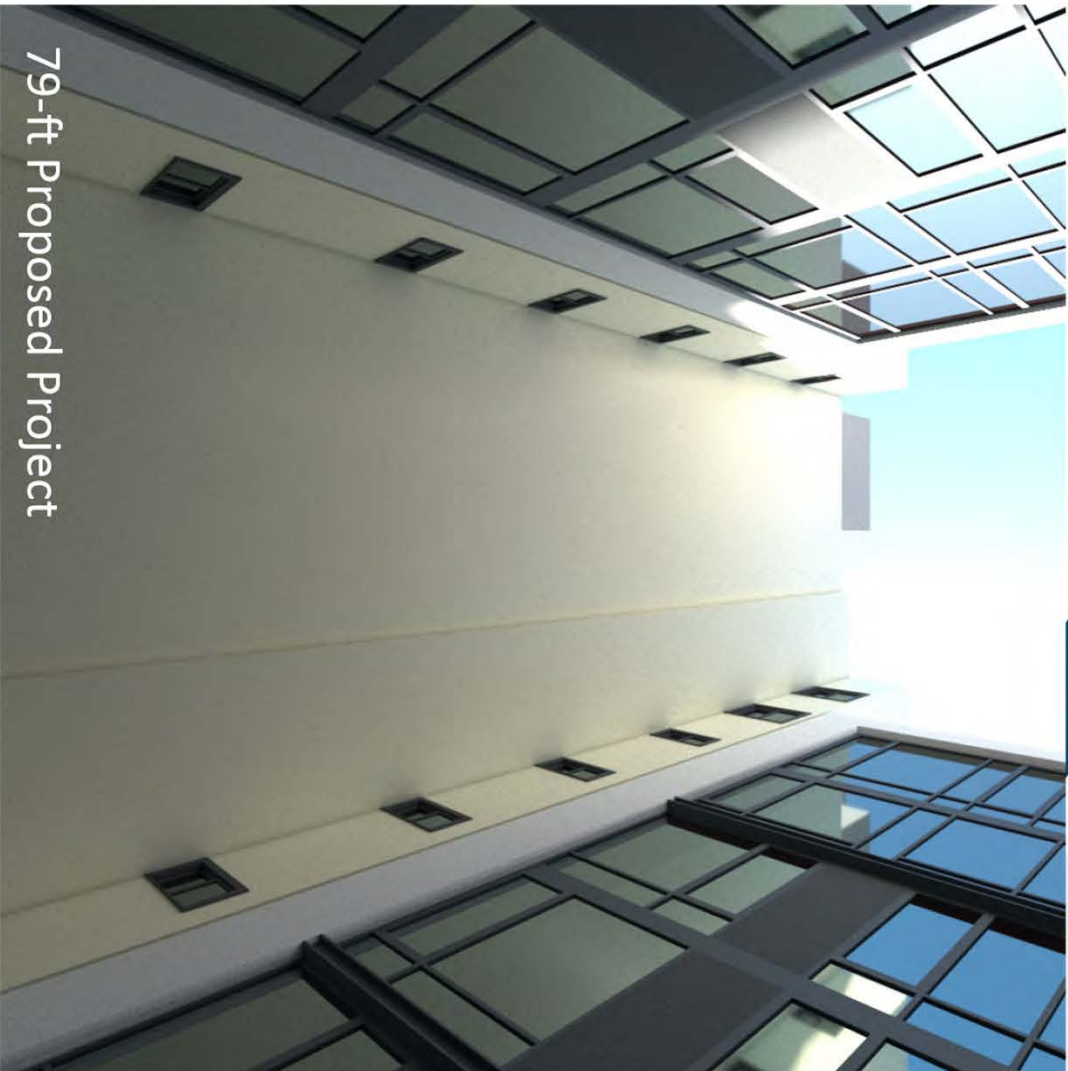
< **Photometrics**
Birdseye vantage point
above courtyard

Spring / Fall Equinoxes
March 21 /
September 21
9:00 AM

PERCENTAGE CHANGE IN
PERCEIVED BRIGHTNESS
BETWEEN 65-FT AND
79-FT PROJECTS
-24.9%



65-ft Project



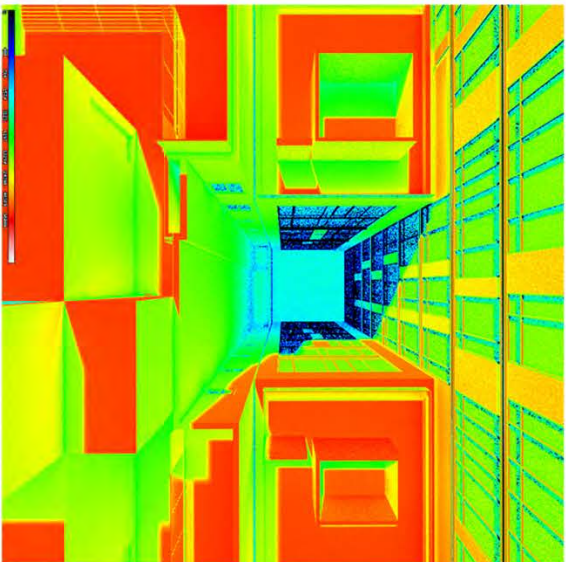
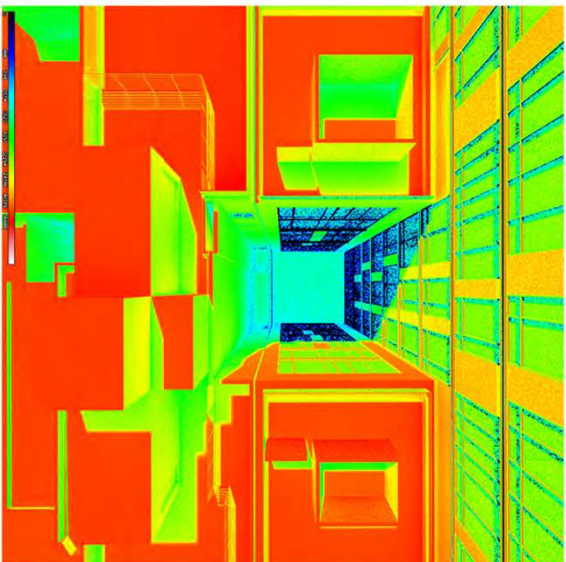
79-ft Proposed Project

Spring / Fall Equinoxes

March 21 /

September 21

12:00 PM



^ **Perceptual View**

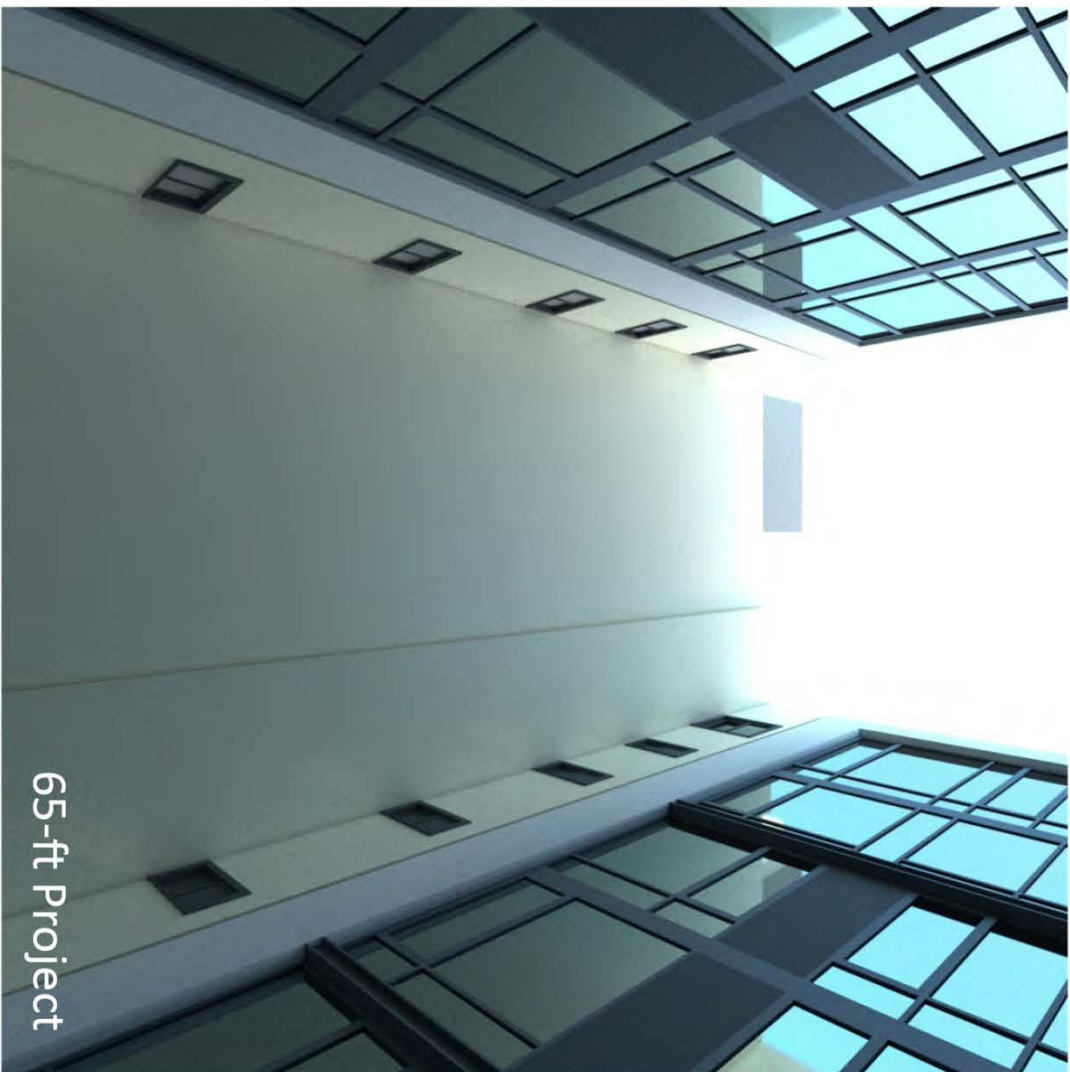
Looking east from 3rd floor window

< **Photometrics**

Birdseye vantage point above courtyard

PERCENTAGE CHANGE IN PERCEIVED BRIGHTNESS BETWEEN 65-FT AND 79-FT PROJECTS

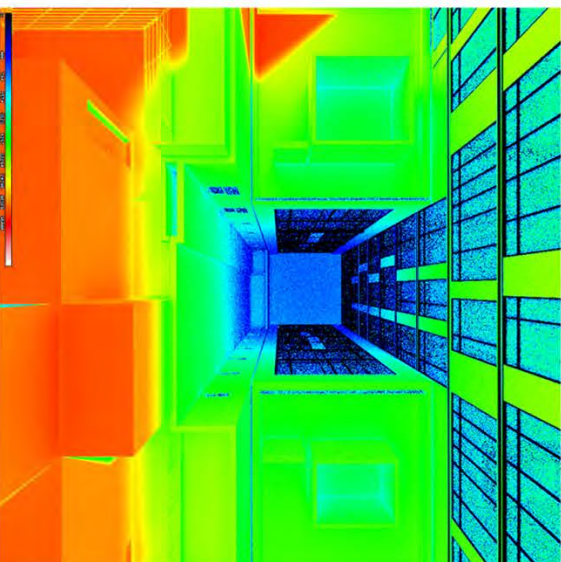
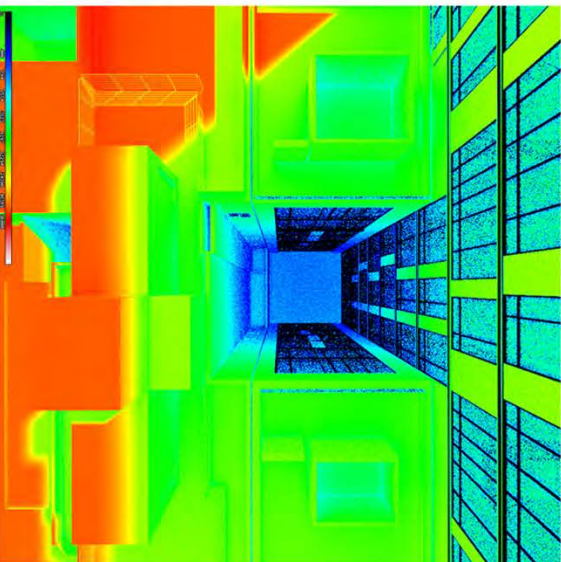
-2.3%



65-ft Project



79-ft Proposed Project



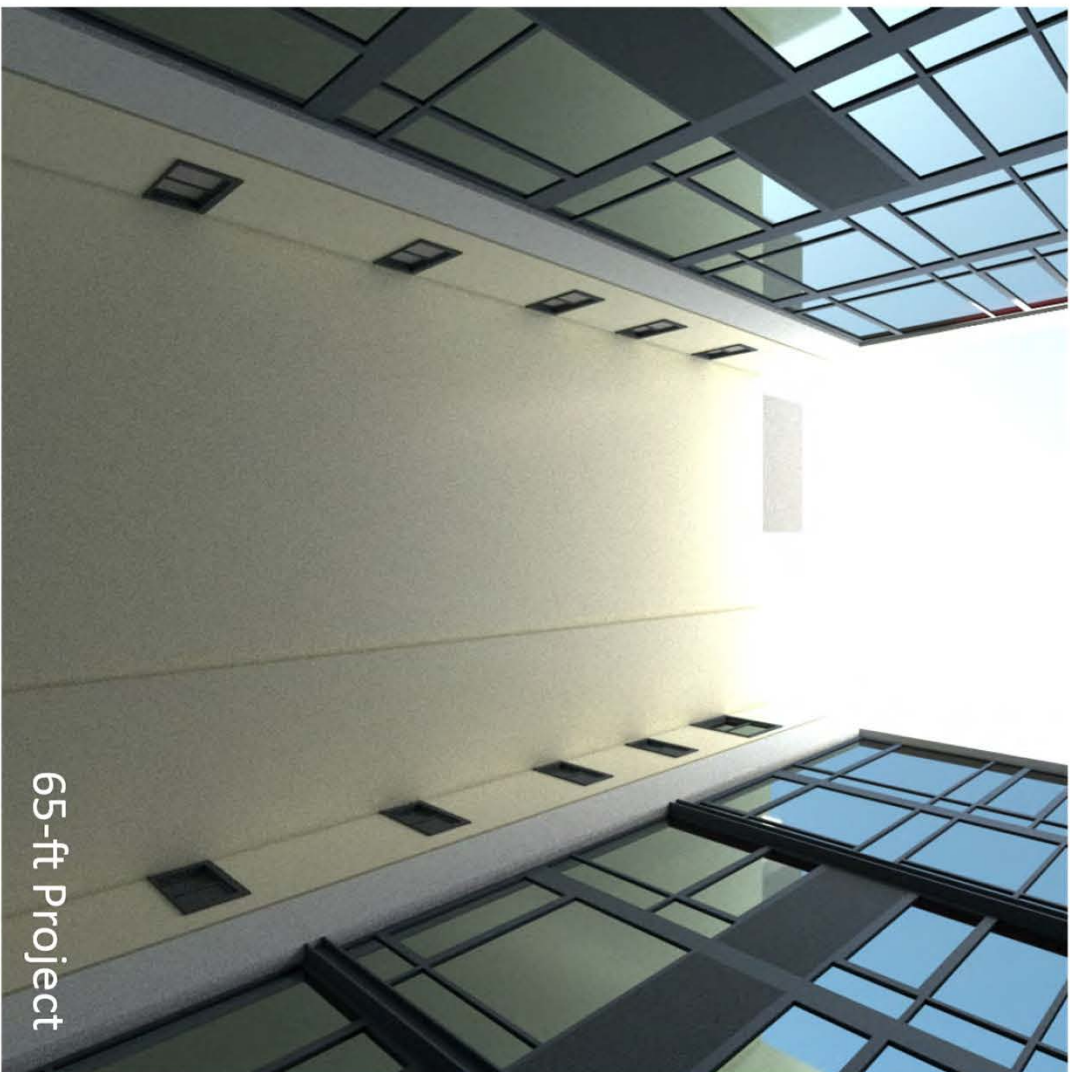
^ **Perceptual View**
Looking east from 3rd
floor window

< **Photometrics**
Birdseye vantage point
above courtyard

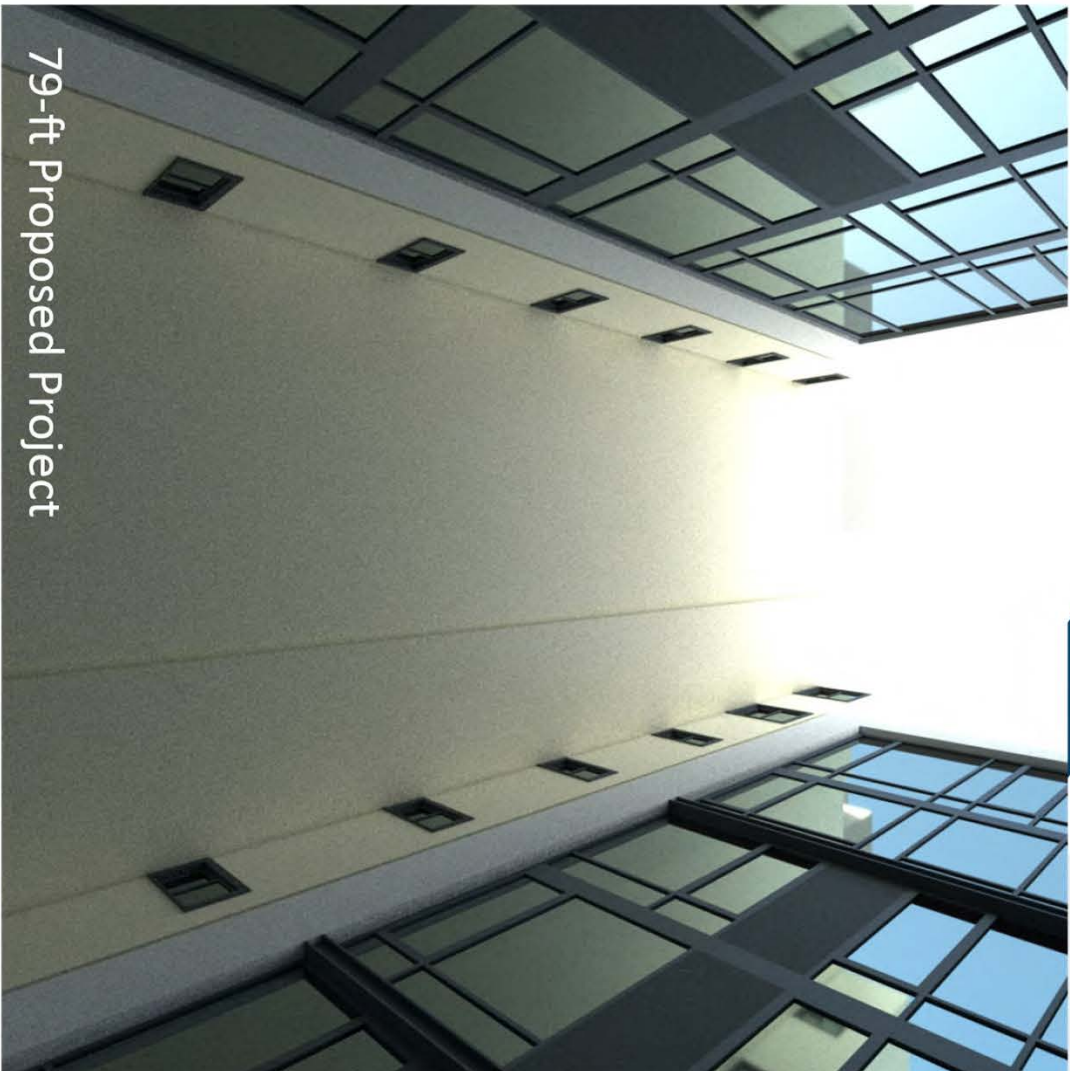
Spring / Fall Equinoxes
March 21 /
September 21
3:00 PM

PERCENTAGE CHANGE IN
PERCEIVED BRIGHTNESS
BETWEEN 65-FT AND
79-FT PROJECTS

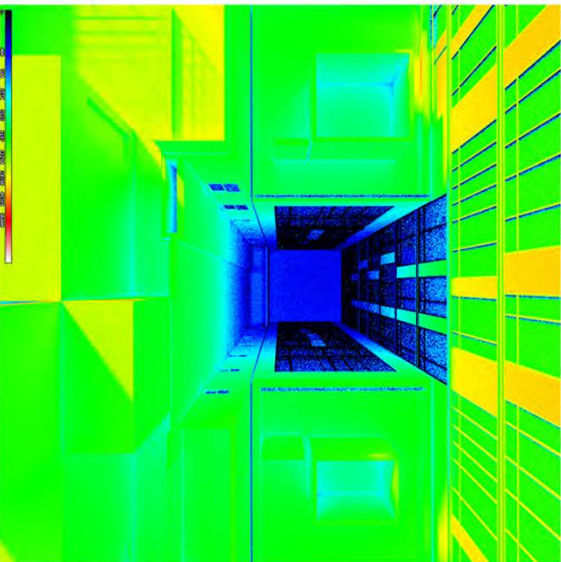
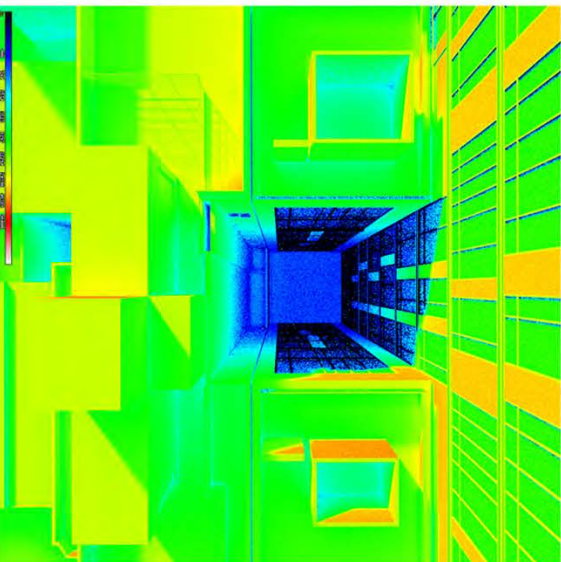
-3.6%



65-ft Project



79-ft Proposed Project



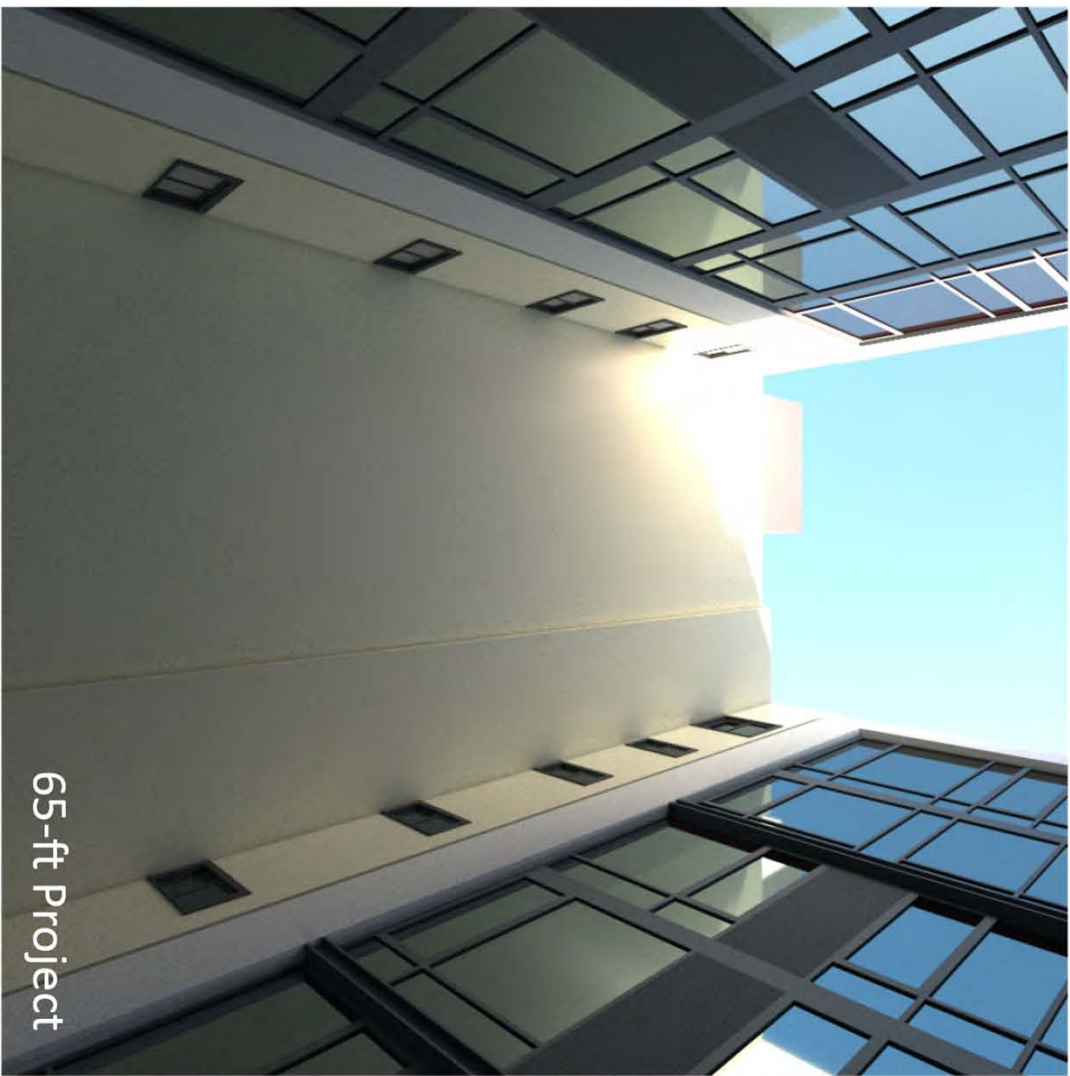
^ **Perceptual View**
Looking east from 3rd
floor window

< **Photometrics**
Birdseye vantage point
above courtyard

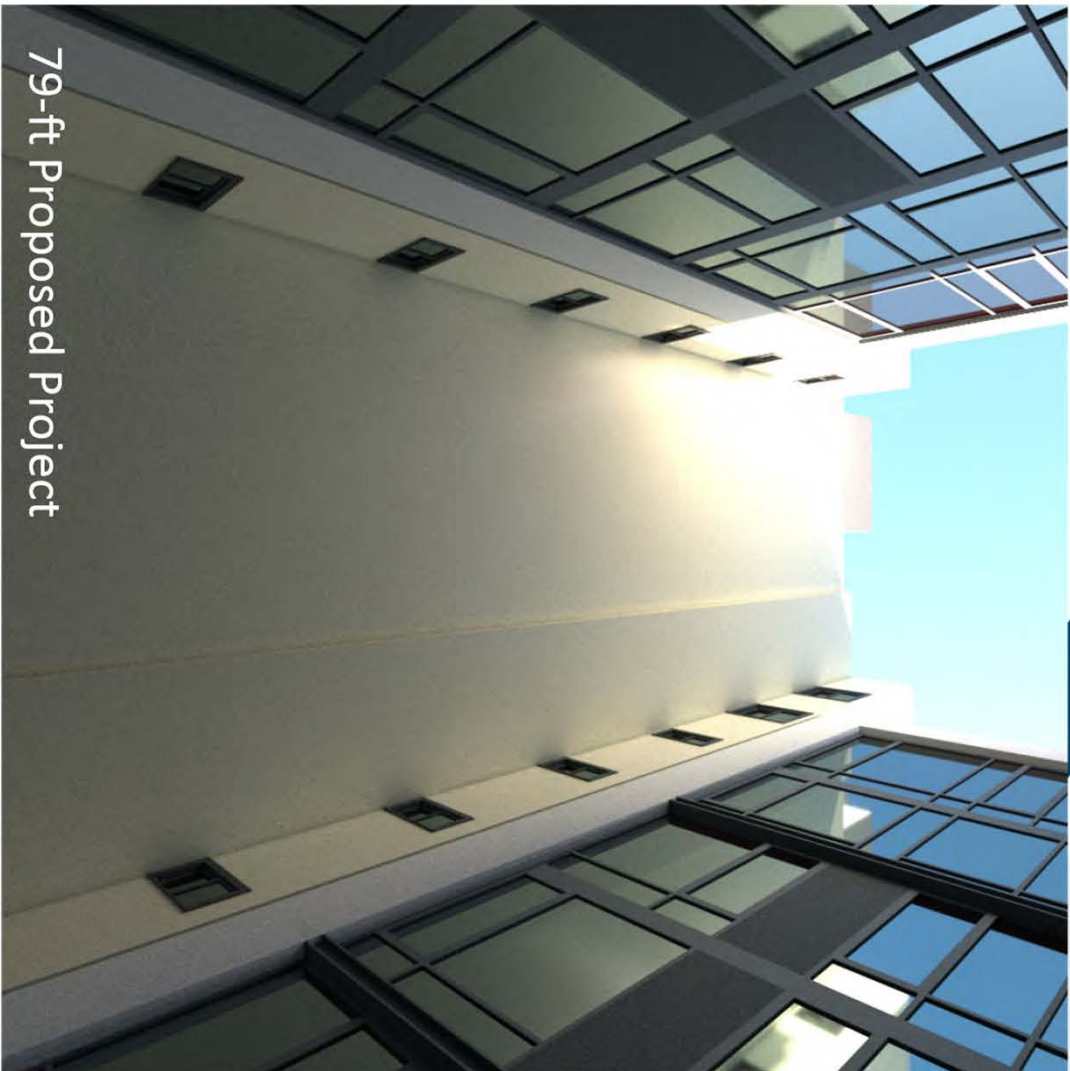
Winter Solstice
December 21
9:00 AM

PERCENTAGE CHANGE IN
PERCEIVED BRIGHTNESS
BETWEEN 65-FT AND
79-FT PROJECTS

-19.3%



65-ft Project

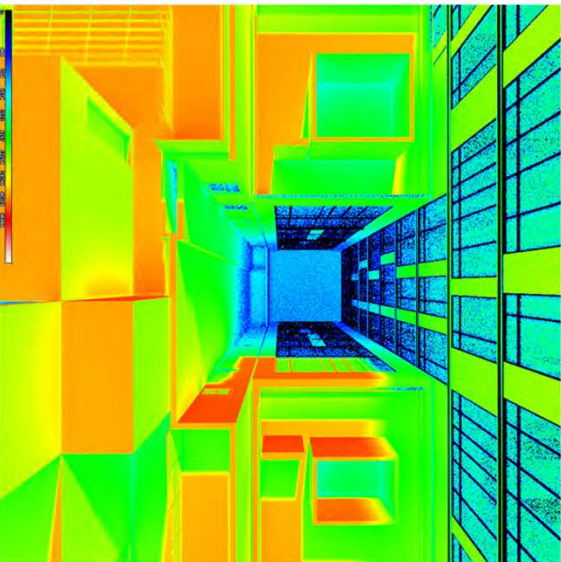
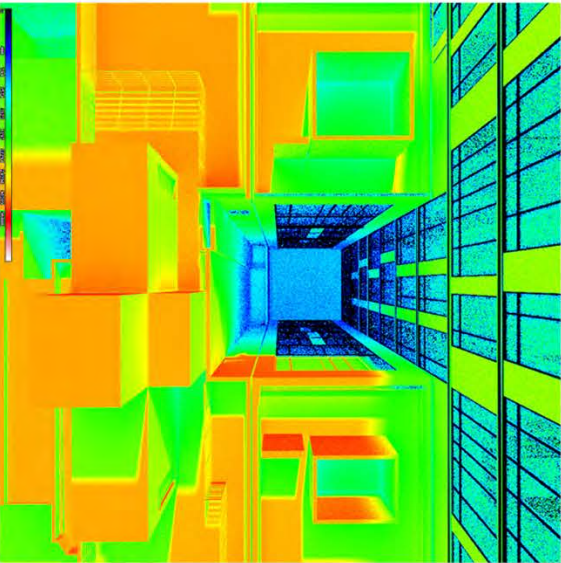
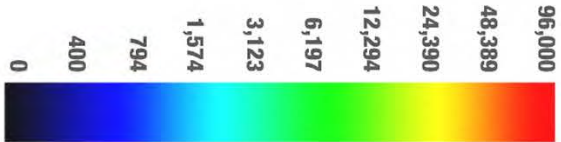


79-ft Proposed Project

Winter Solstice

December 21

12:00 PM

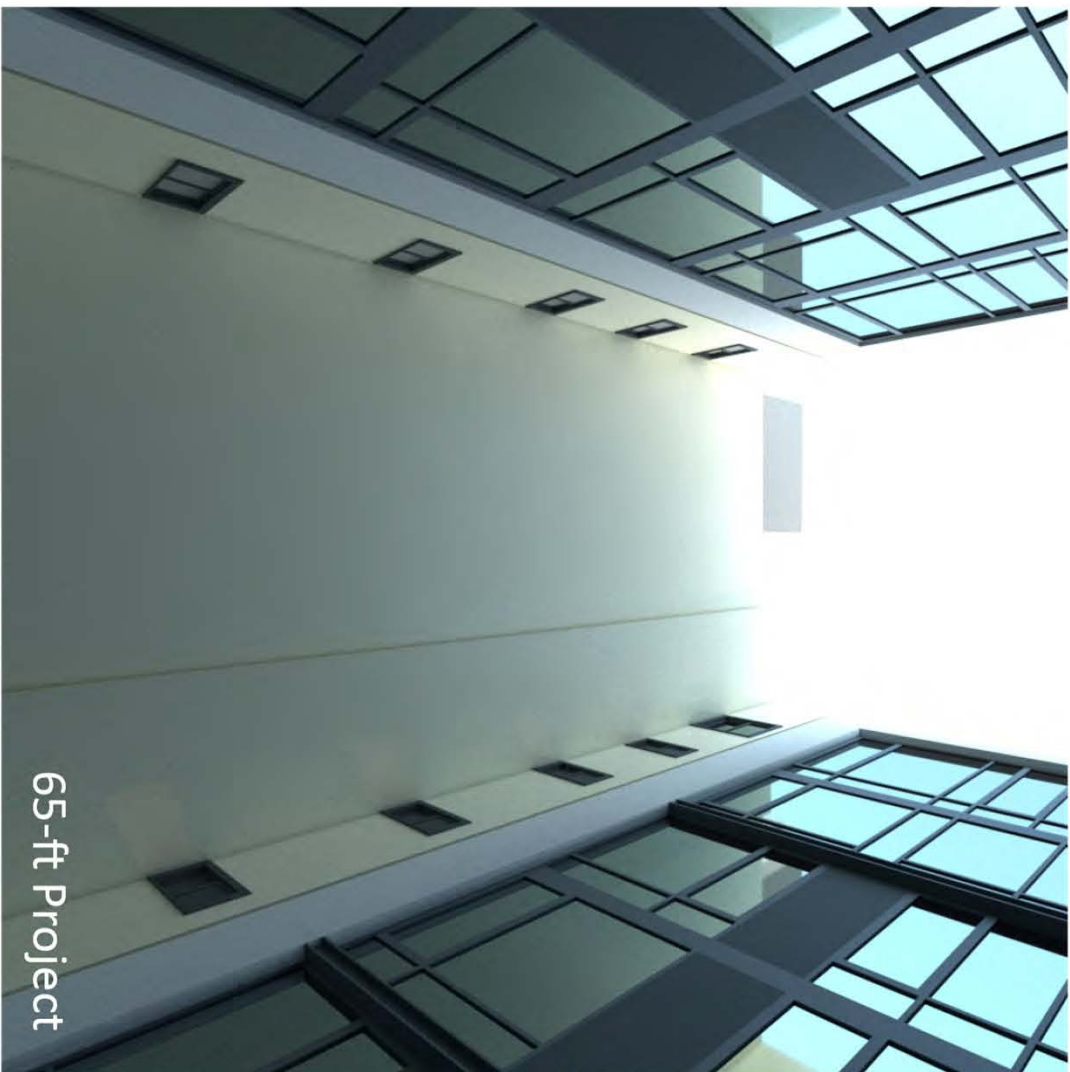


^ **Perceptual View**
Looking east from 3rd
floor window

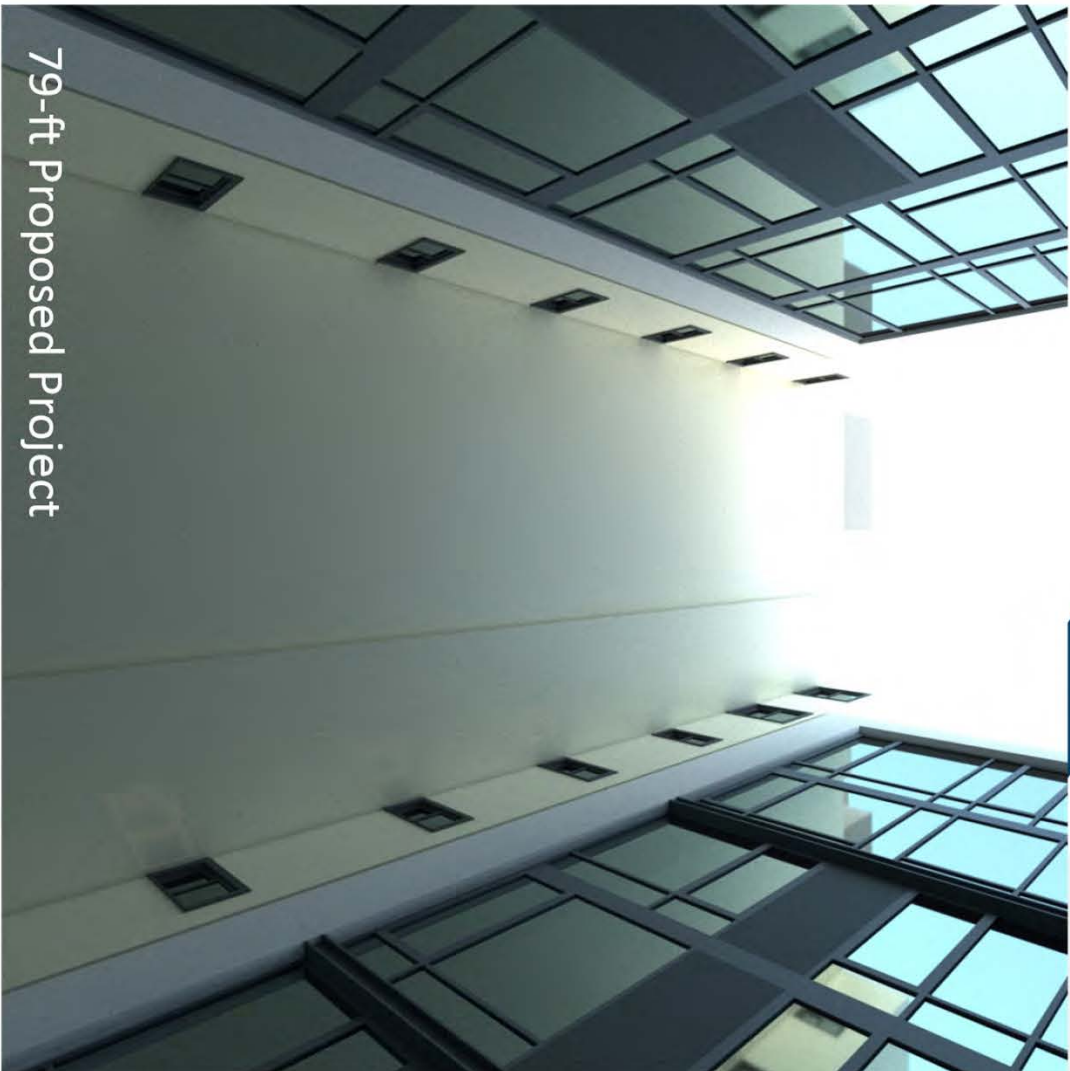
< **Photometrics**
Birdseye vantage point
above courtyard

PERCENTAGE CHANGE IN
PERCEIVED BRIGHTNESS
BETWEEN 65-FT AND
79-FT PROJECTS

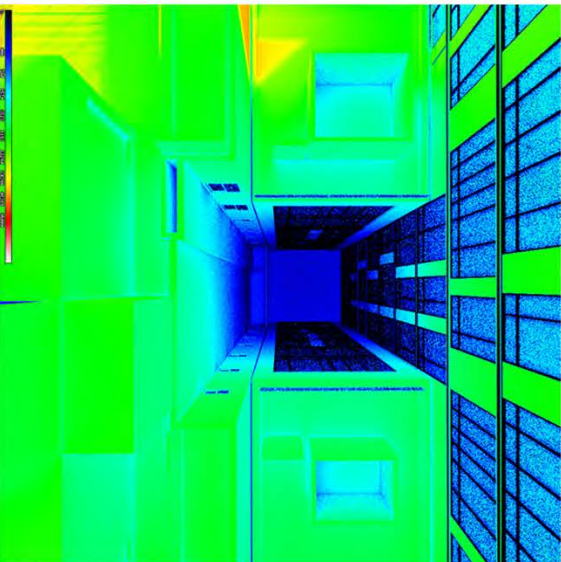
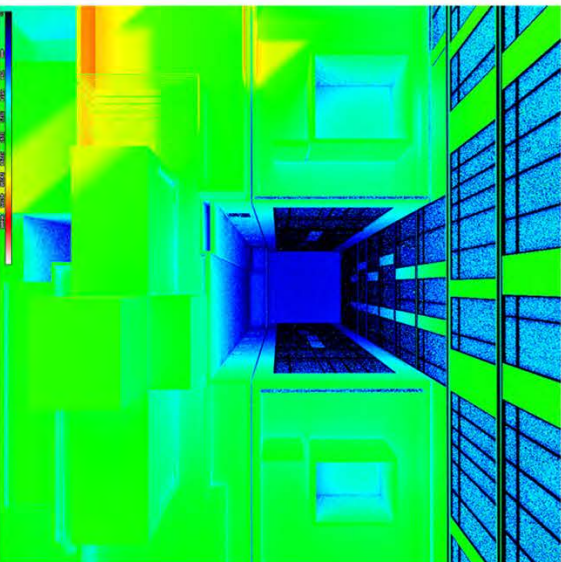
-1.2%



65-ft Project



79-ft Proposed Project



^ **Perceptual View**
Looking east from 3rd
floor window

< **Photometrics**
Birdseye vantage point
above courtyard

Winter Solstice
December 21
3:00 PM

PERCENTAGE CHANGE IN
PERCEIVED BRIGHTNESS
BETWEEN 65-FT AND
79-FT PROJECTS
-5.3%

Annual Comparison Chart

65-ft Project		June 21	September 21	December 21	March 21
9:00 AM		2,376 lux	1,330 lux	517 lux	1,330 lux
12:00 PM		7,551 lux	4,483 lux	868 lux	4,483 lux
3:00 PM		597 lux	265 lux	122 lux	265 lux
Daily Average Lux/hr		4,085 lux/hr	2,377 lux/hr	554 lux/hr	2,377 lux/hr

Annual LuxHrs	859,824
Average Annual Perceived Brightness	79.15%

Proposed 79-ft Project		June 21	September 21	December 21	March 21
9:00 AM		840 lux	228 lux	129 lux	228 lux
12:00 PM		6,755 lux	3,824 lux	803 lux	3,824 lux
3:00 PM		711 lux	199 lux	79 lux	199 lux
Daily Average Lux/hr		3,338 lux/hr	1,761 lux/hr	404 lux/hr	1,761 lux/hr

Annual LuxHrs	664,978
Average Annual Perceived Brightness	75.40%

Net change in perceived light levels	-3.74%
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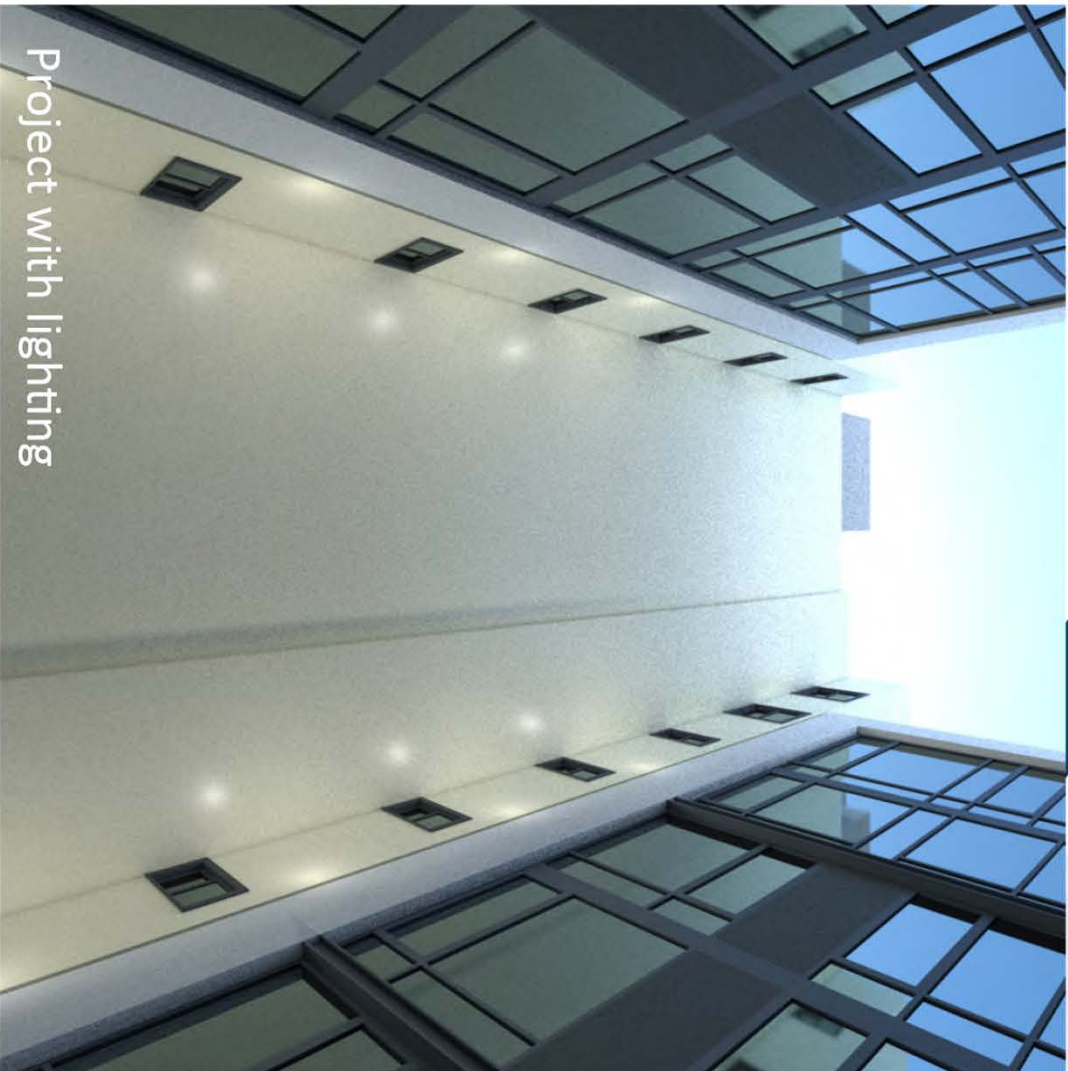


Analysis Part 2

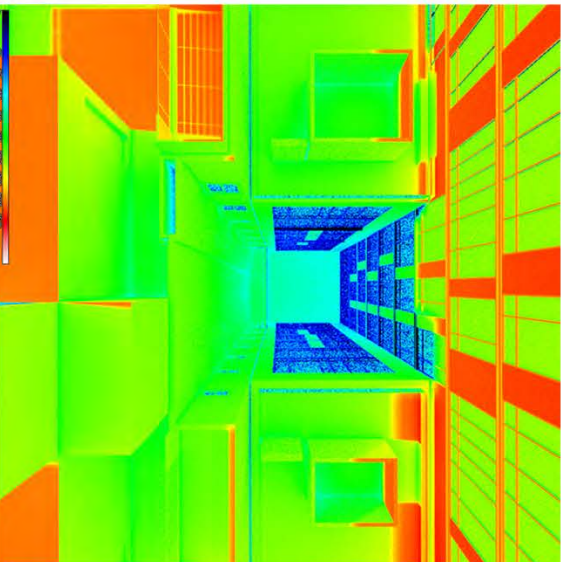
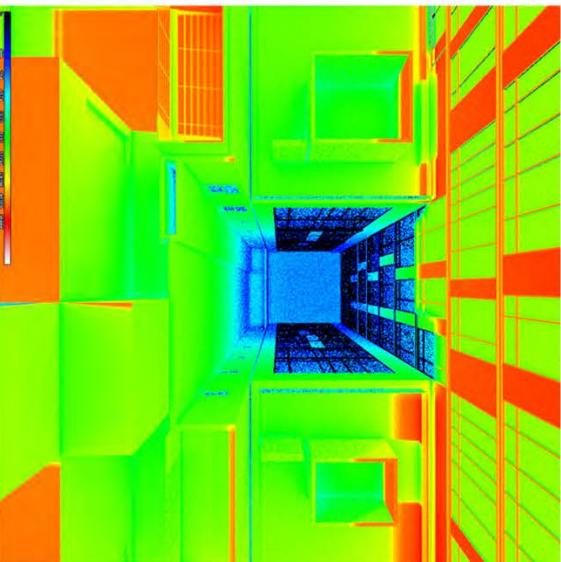
Perceptual + Photometric Comparison
of the 79-ft proposed project with and
without indirect lighting



79-ft Proposed Project



Project with lighting



^ **Perceptual View**
Looking east from 3rd
floor window

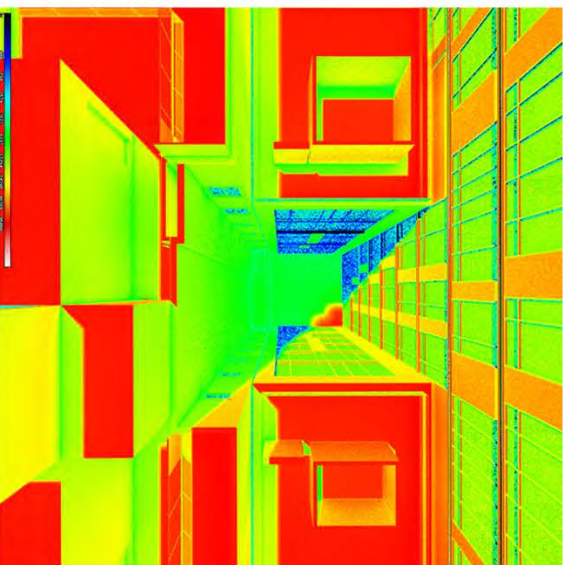
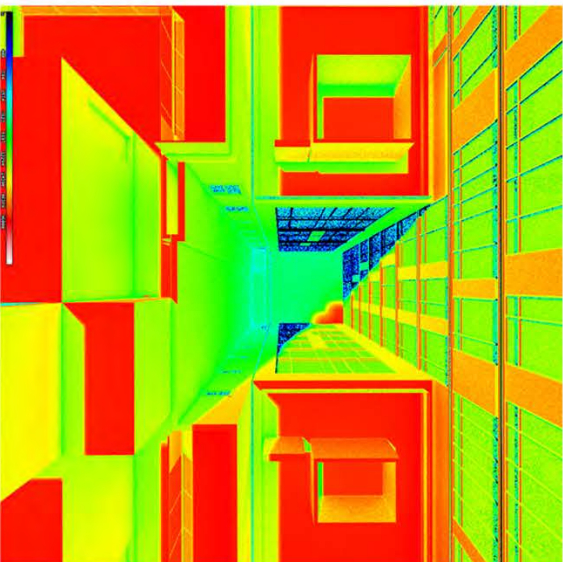
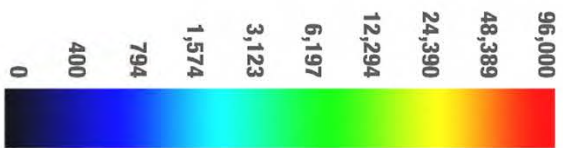
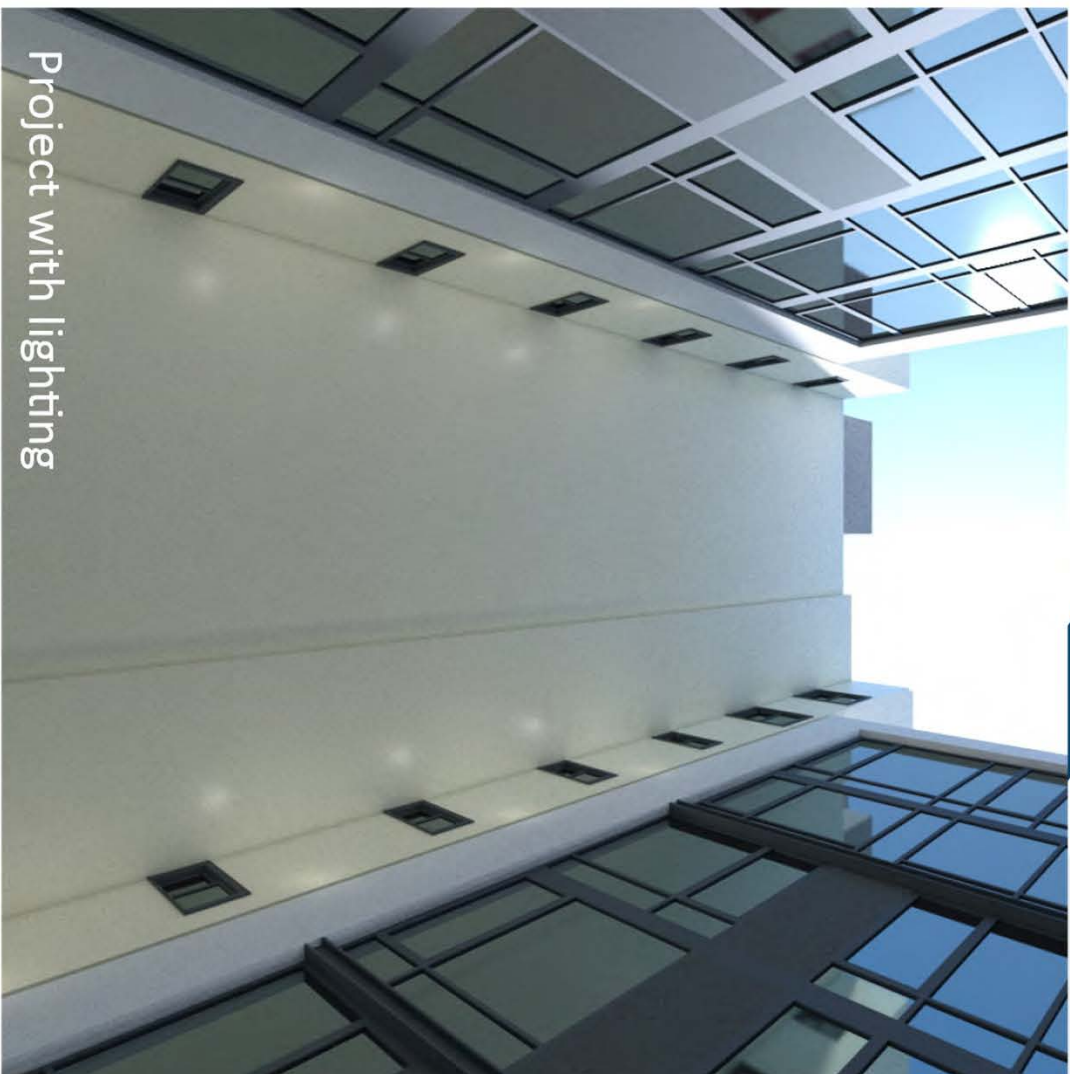
< **Photometrics**
Birdseye vantage point
above courtyard

PERCENTAGE CHANGE IN
PERCEIVED BRIGHTNESS
BETWEEN 79-FT PROJECT
AND VERSION WITH
LIGHTING

+7.8%

Summer Solstice
June 21

9:00 AM



^ **Perceptual View**
Looking east from 3rd
floor window

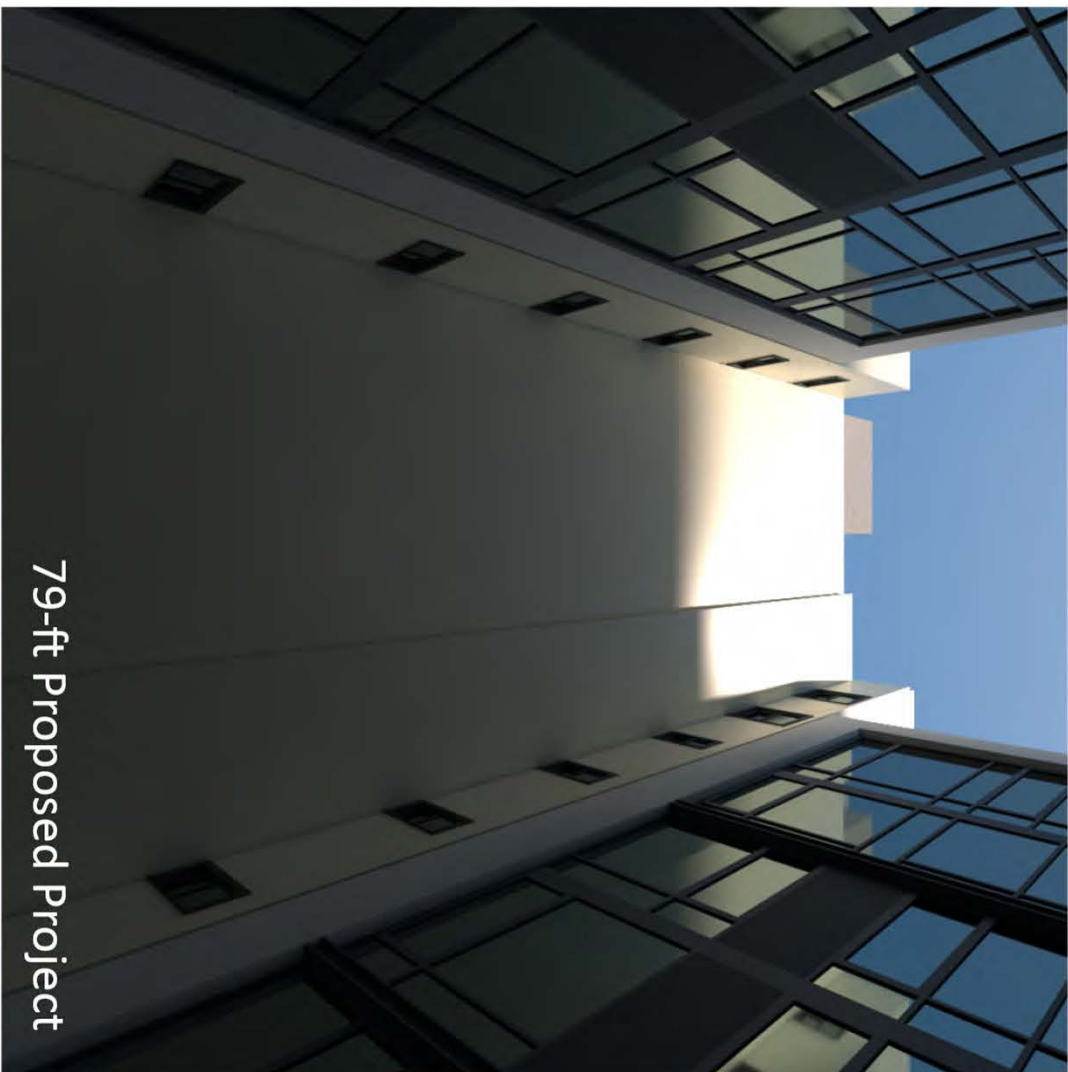
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Birdseye vantage point
above courtyard

PERCENTAGE CHANGE IN
PERCEIVED BRIGHTNESS
BETWEEN 79-FT PROJECT
AND VERSION WITH
LIGHTING

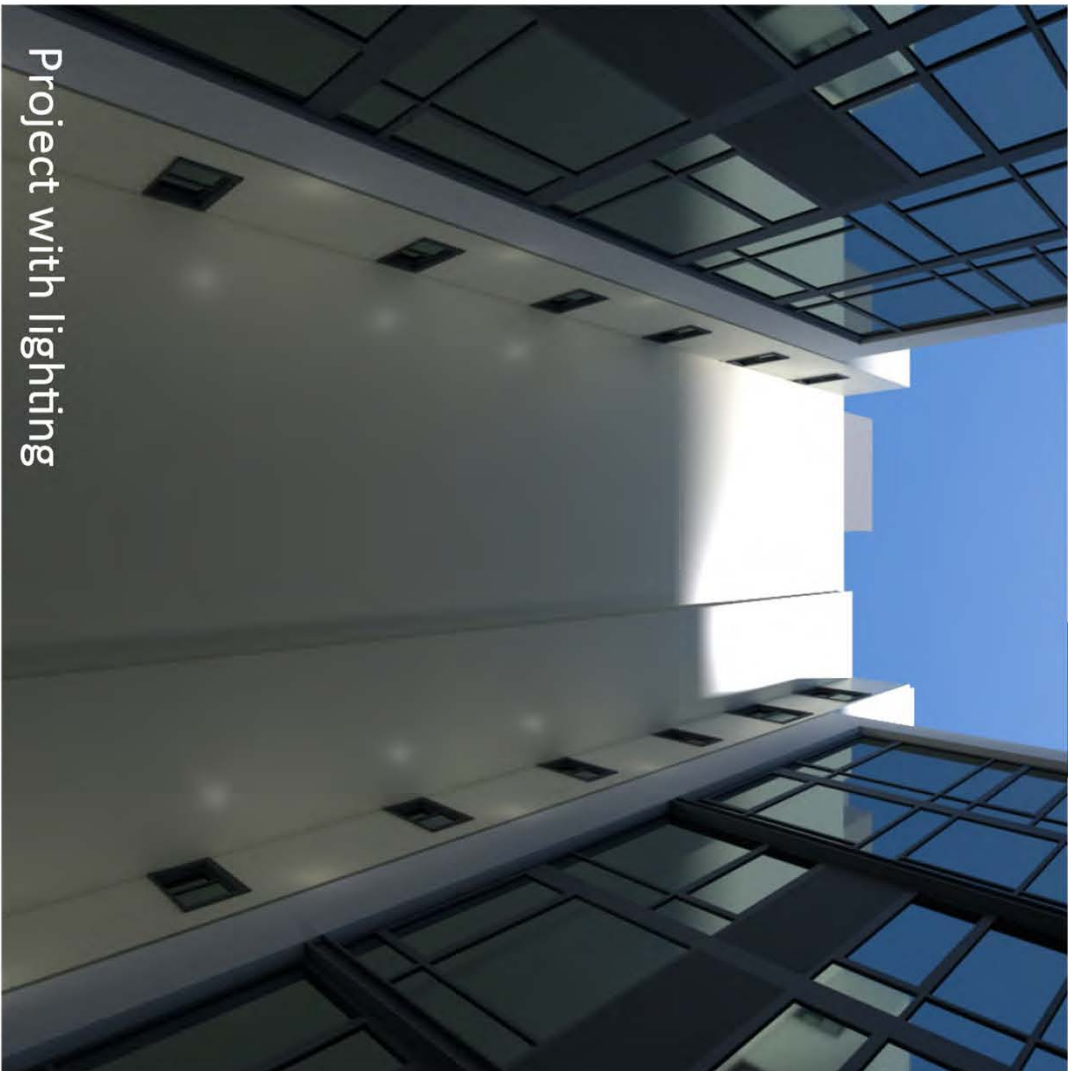
+1.1%

Summer Solstice
June 21

12:00 PM



79-ft Proposed Project

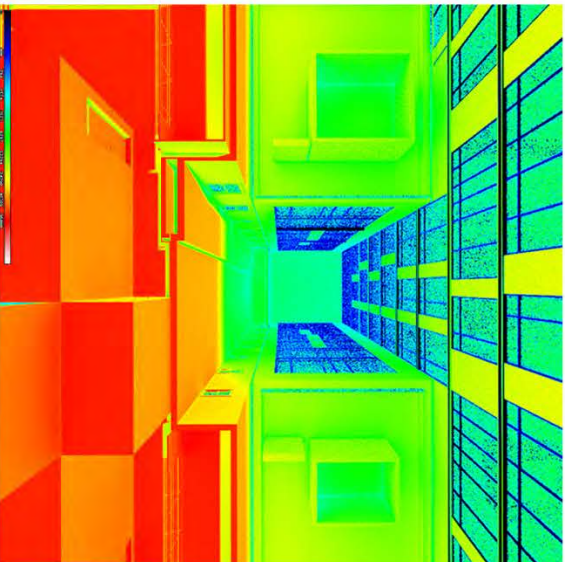
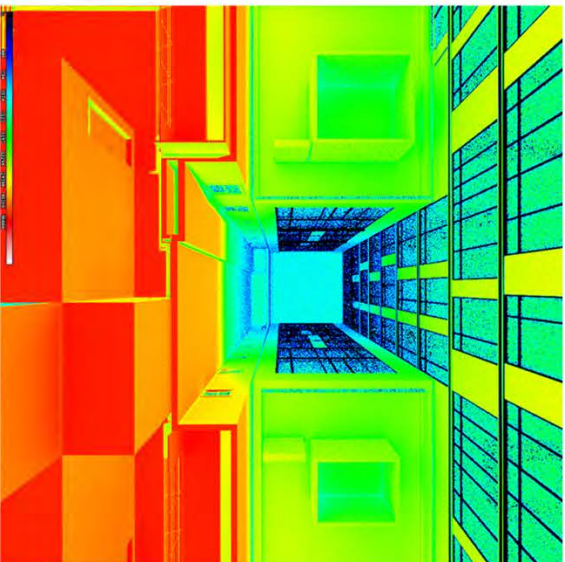


Project with lighting

Summer Solstice

June 21

3:00 PM

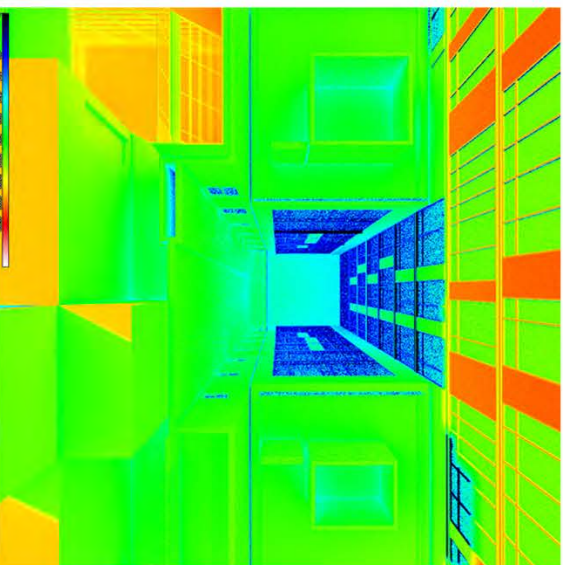
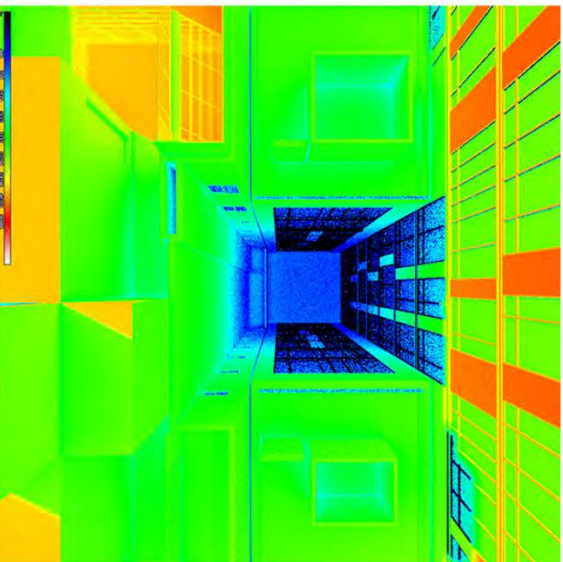
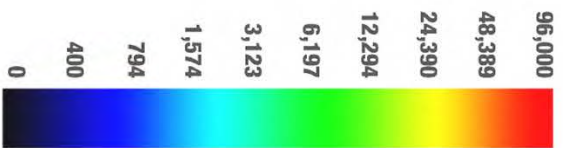
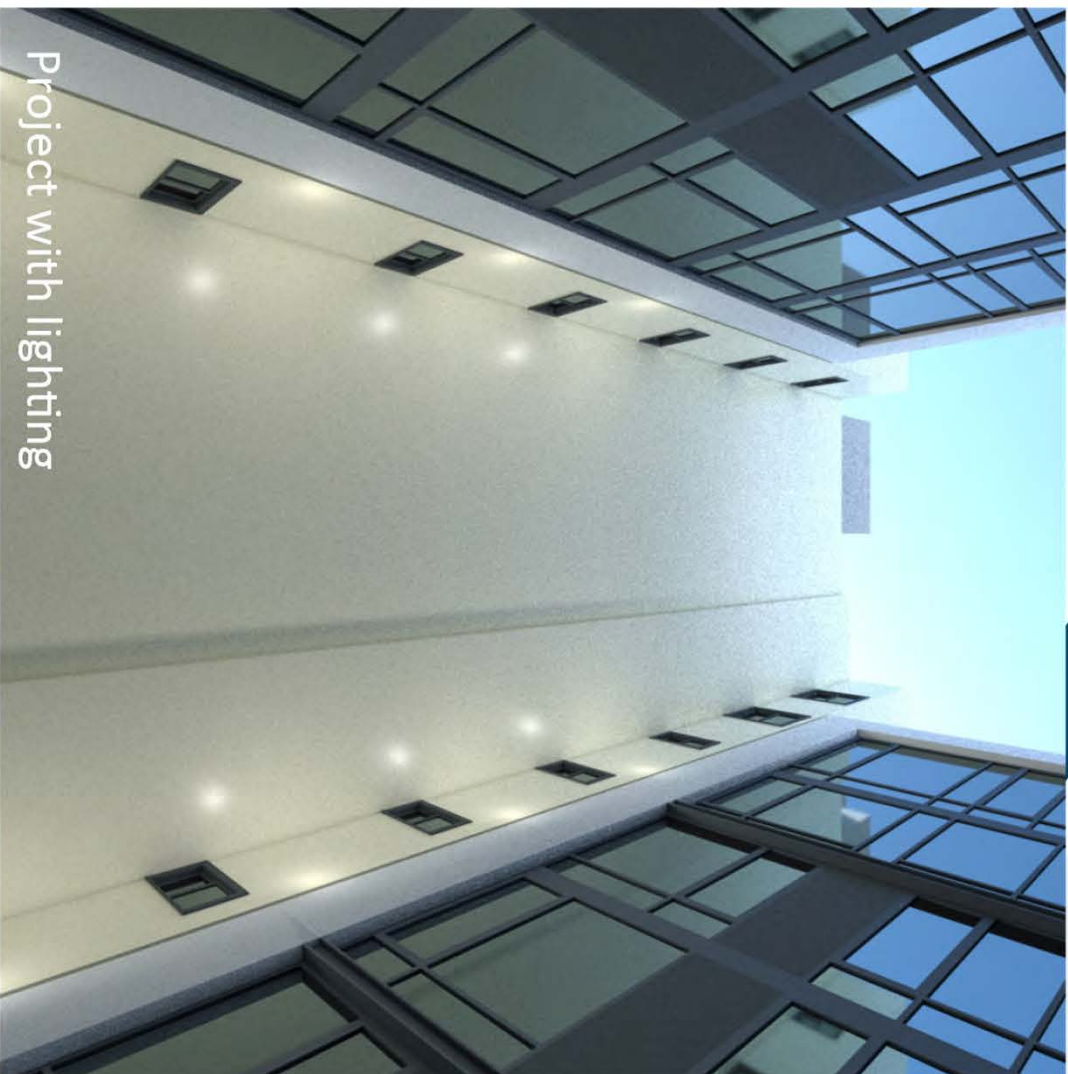
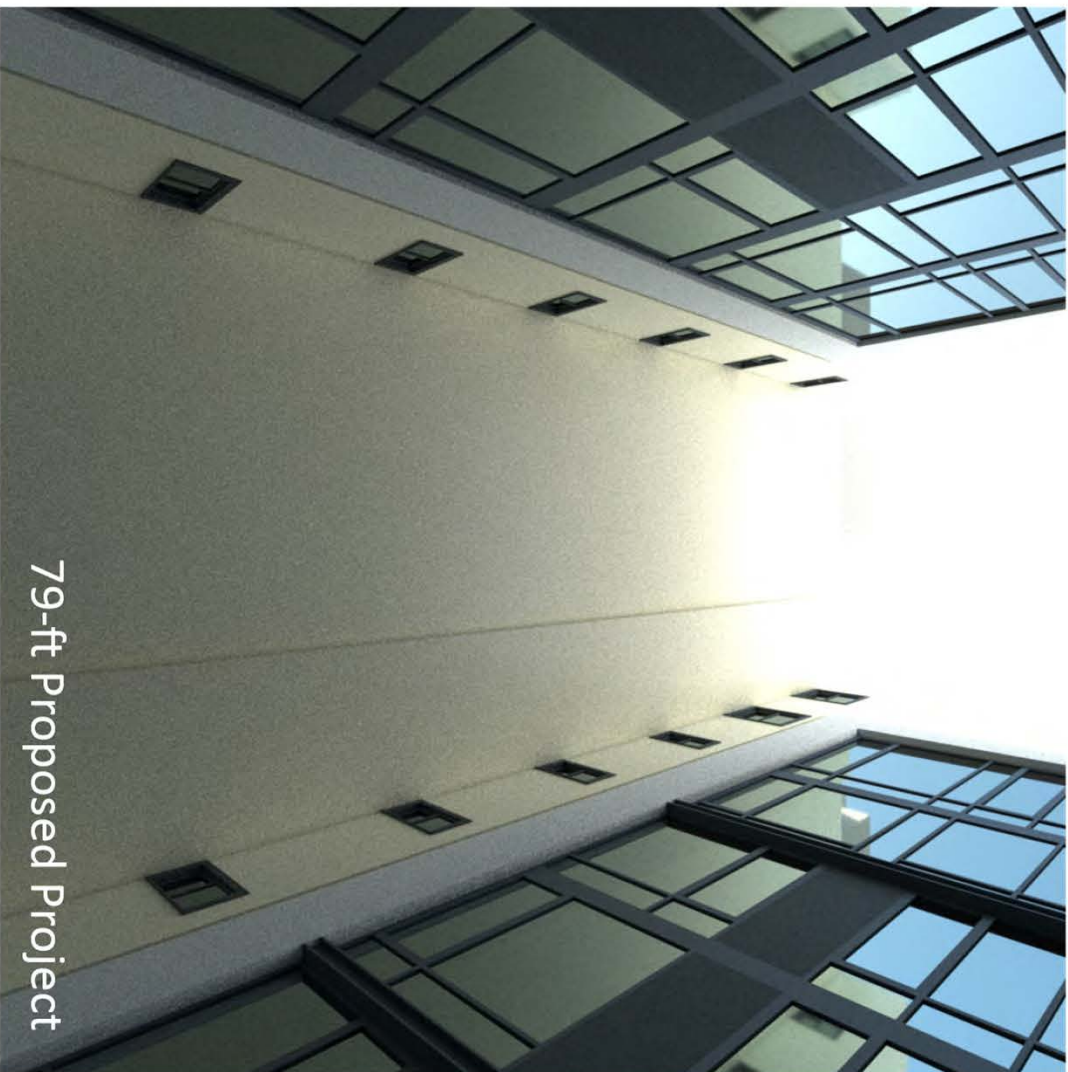


^ **Perceptual View**
Looking east from 3rd
floor window

< **Photometrics**
Birdseye vantage point
above courtyard

PERCENTAGE CHANGE IN
PERCEIVED BRIGHTNESS
BETWEEN 79-FT PROJECT
AND VERSION WITH
LIGHTING

+8.3%

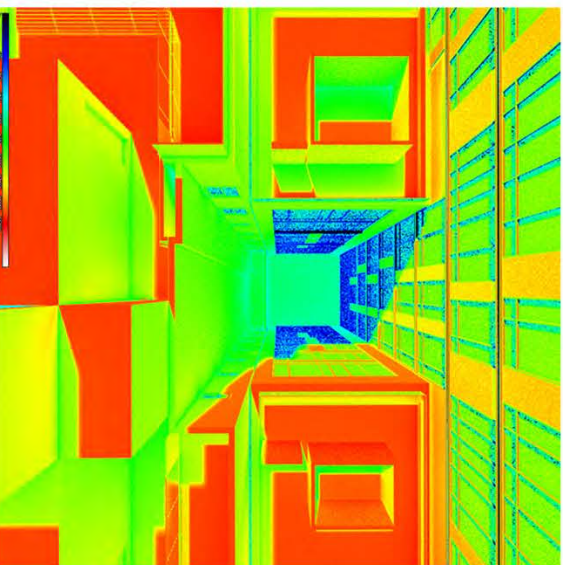
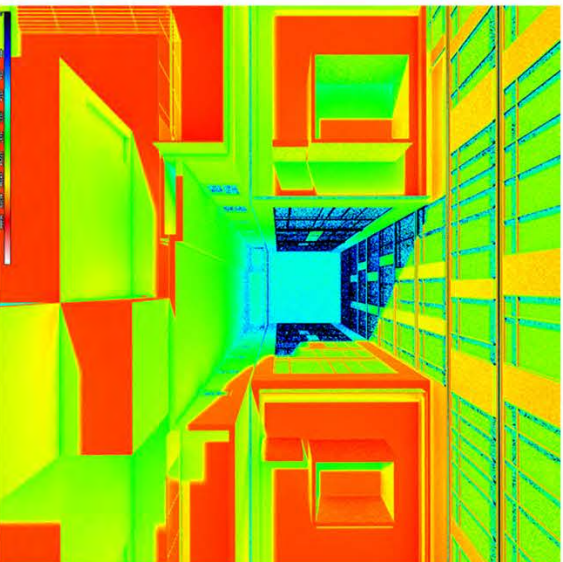
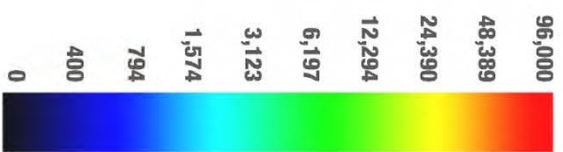
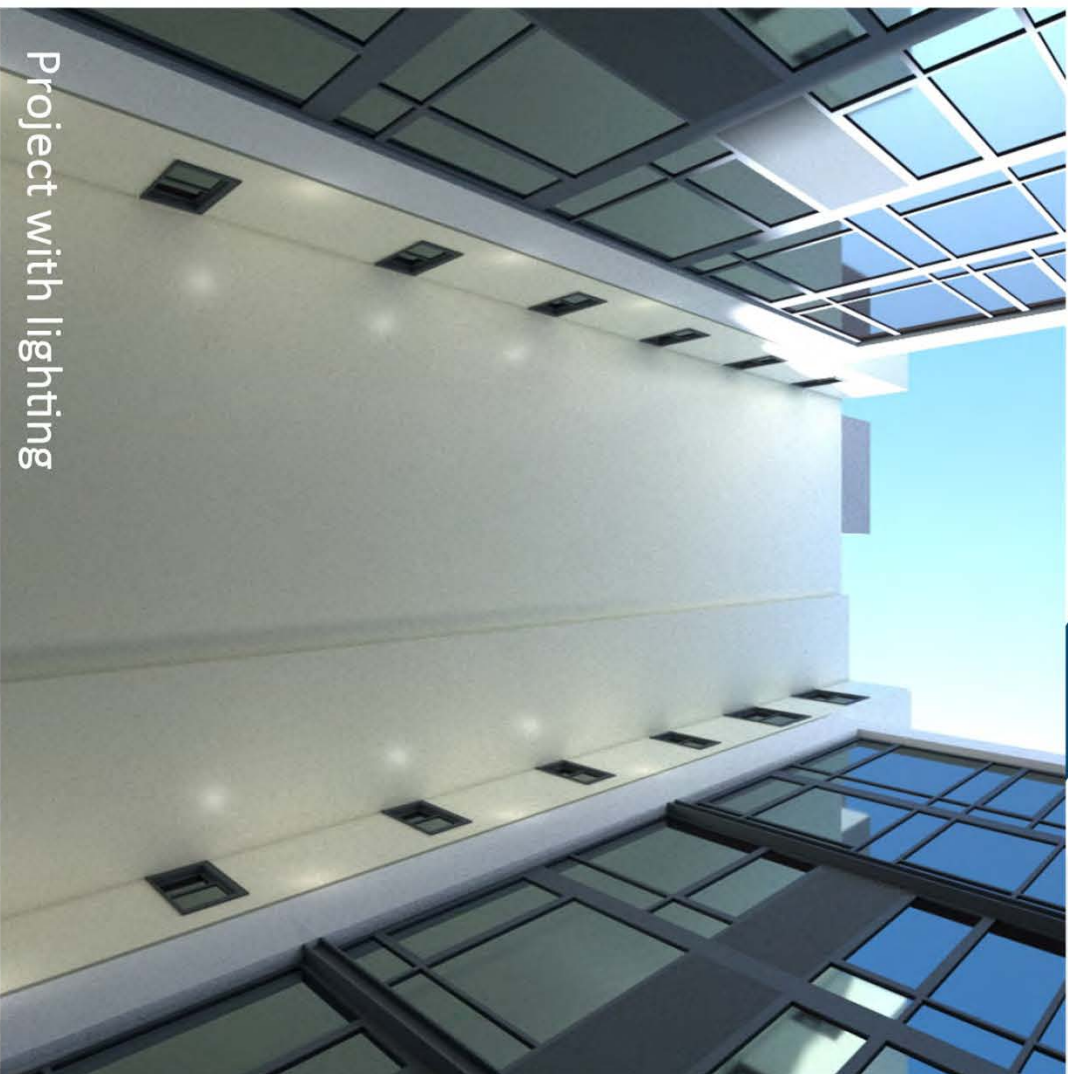
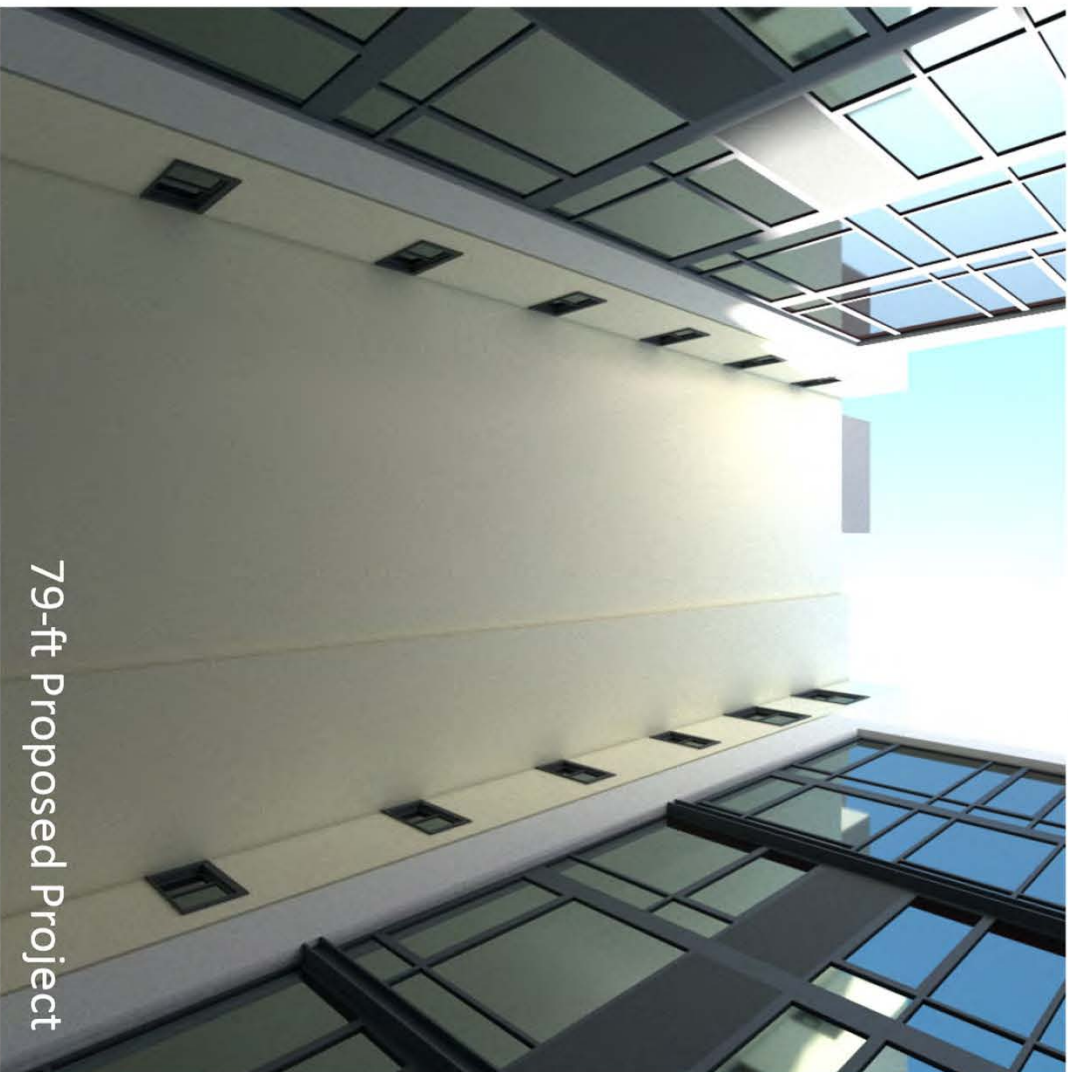


^ **Perceptual View**
Looking east from 3rd floor window

< **Photometrics**
Birdseye vantage point above courtyard

Spring / Fall Equinoxes
March 21 /
September 21
9:00 AM

PERCENTAGE CHANGE IN PERCEIVED BRIGHTNESS BETWEEN 79-FT PROJECT AND VERSION WITH LIGHTING
+18.1%



^ **Perceptual View**
Looking east from 3rd
floor window

< **Photometrics**
Birdseye vantage point
above courtyard

Spring / Fall Equinoxes
March 21 /
September 21
12:00 PM

PERCENTAGE CHANGE IN
PERCEIVED BRIGHTNESS
BETWEEN 79-FT PROJECT
AND VERSION WITH
LIGHTING
+1.9%

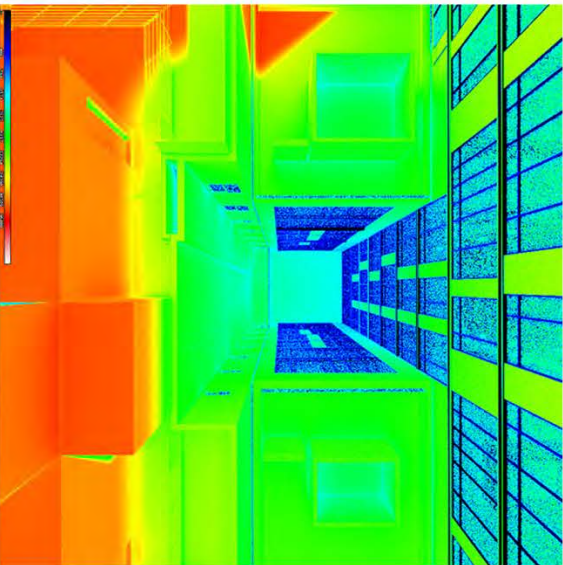
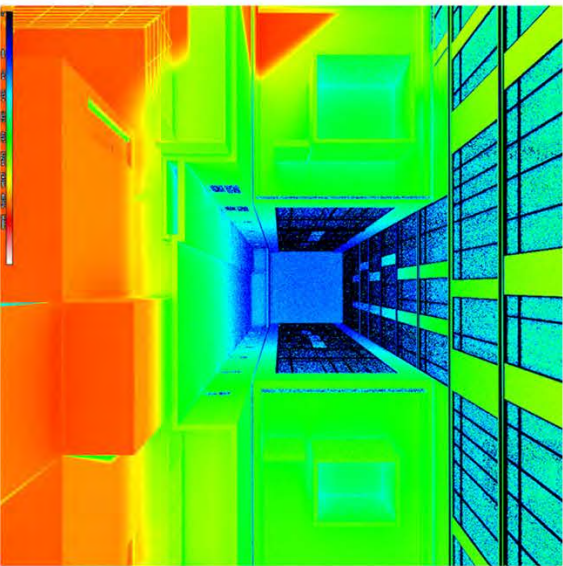


Spring / Fall Equinoxes

March 21 /

September 21

3:00 PM



^ **Perceptual View**
Looking east from 3rd
floor window

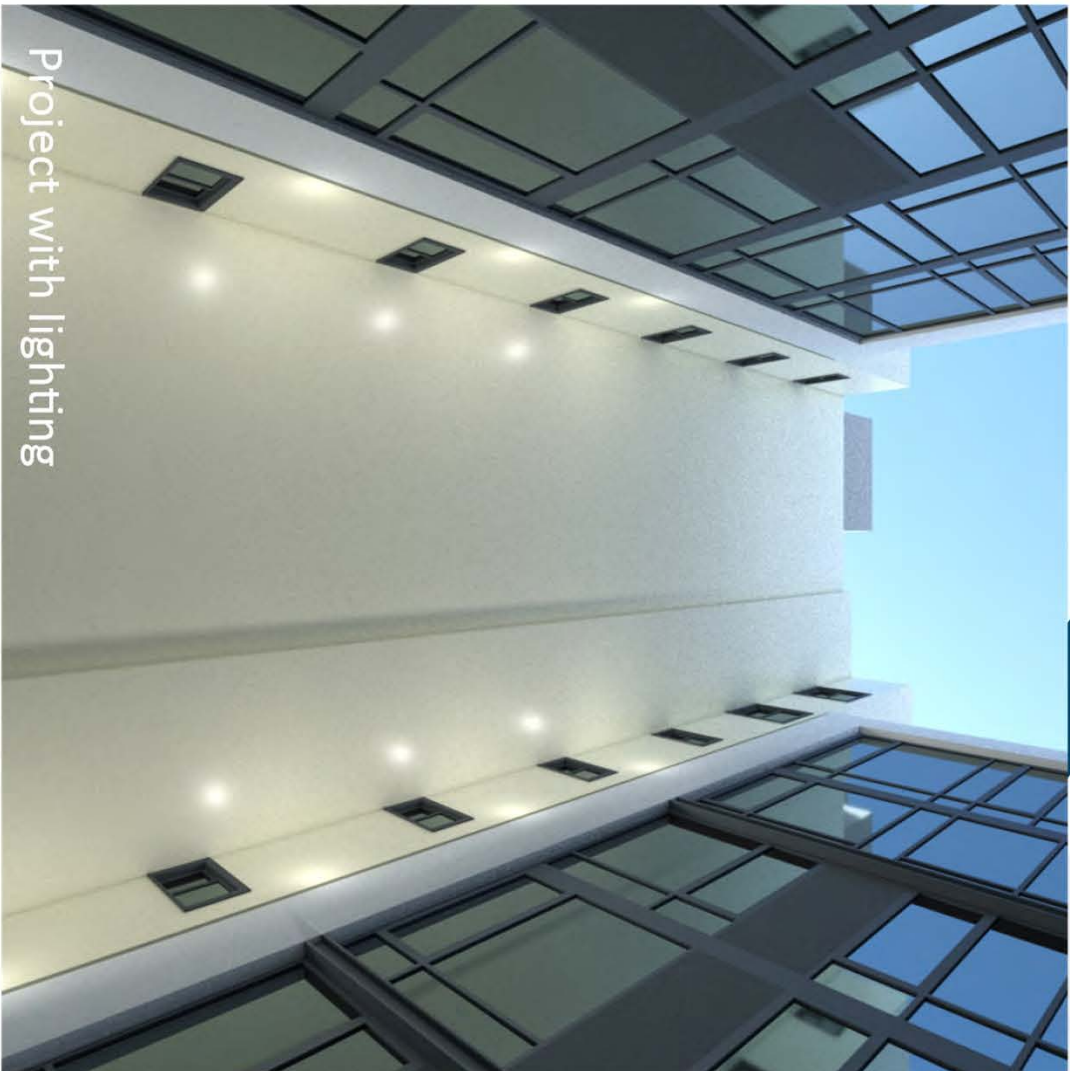
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Birdseye vantage point
above courtyard

PERCENTAGE CHANGE IN
PERCEIVED BRIGHTNESS
BETWEEN 79-FT PROJECT
AND VERSION WITH
LIGHTING

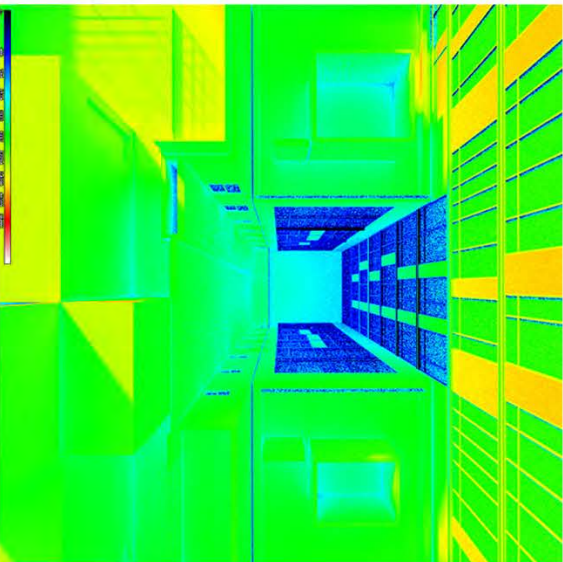
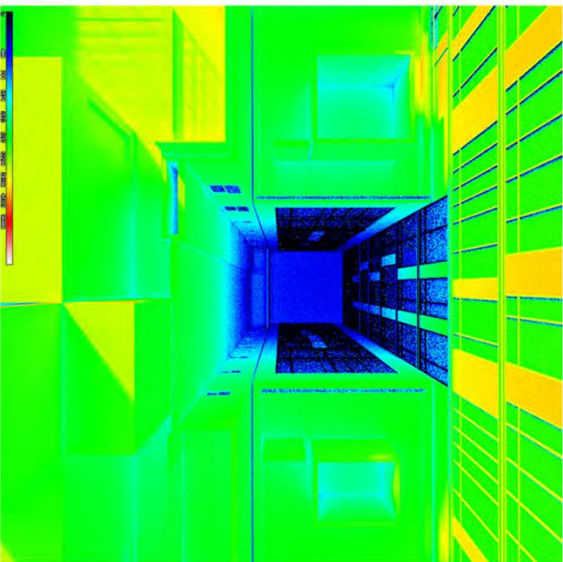
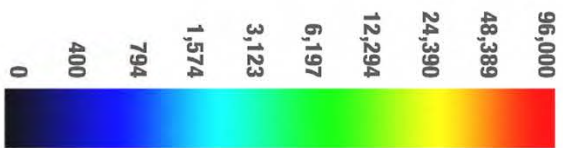
+19.7%



79-ft Proposed Project



Project with lighting



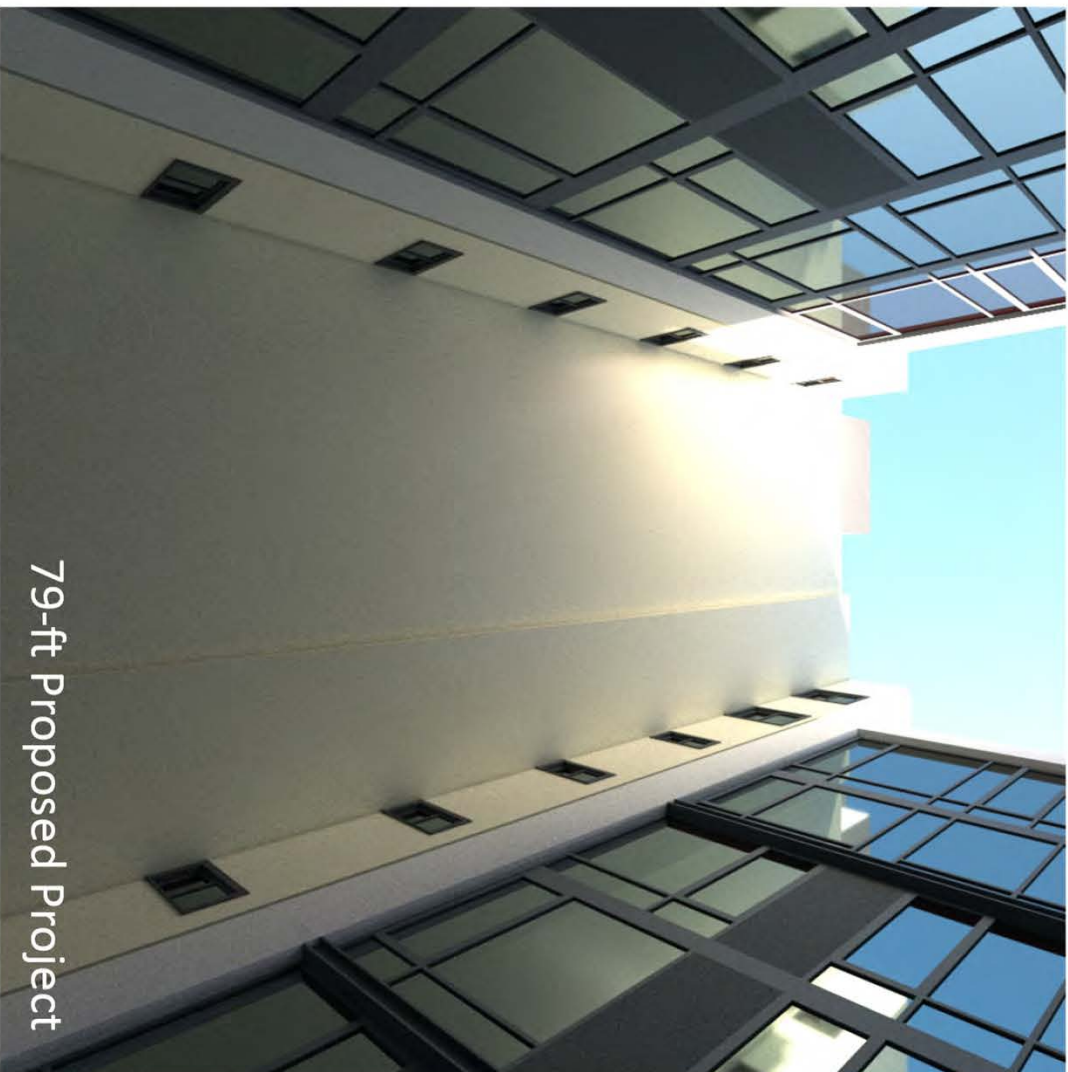
^ **Perceptual View**
Looking east from 3rd
floor window

< **Photometrics**
Birdseye vantage point
above courtyard

Winter Solstice
December 21
9:00 AM

PERCENTAGE CHANGE IN
PERCEIVED BRIGHTNESS
BETWEEN 79-FT PROJECT
AND VERSION WITH
LIGHTING

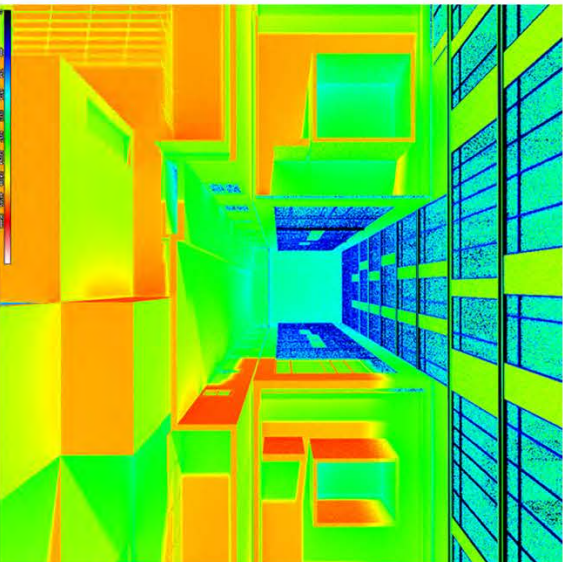
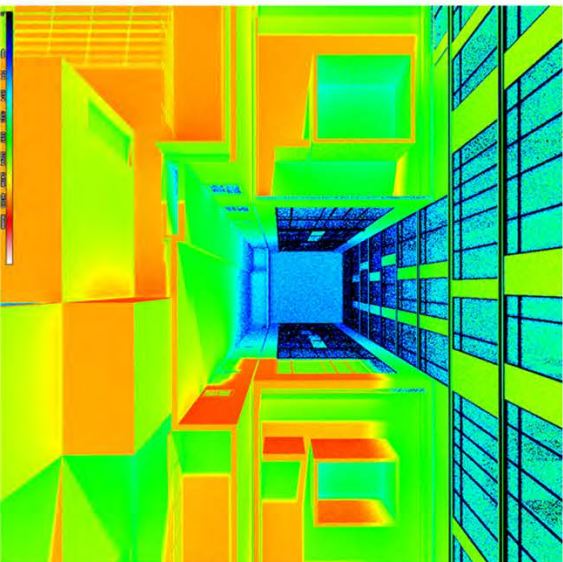
+23.9%



79-ft Proposed Project



Project with lighting



^ **Perceptual View**
Looking east from 3rd
floor window

< **Photometrics**
Birdseye vantage point
above courtyard

Winter Solstice
December 21
12:00 PM

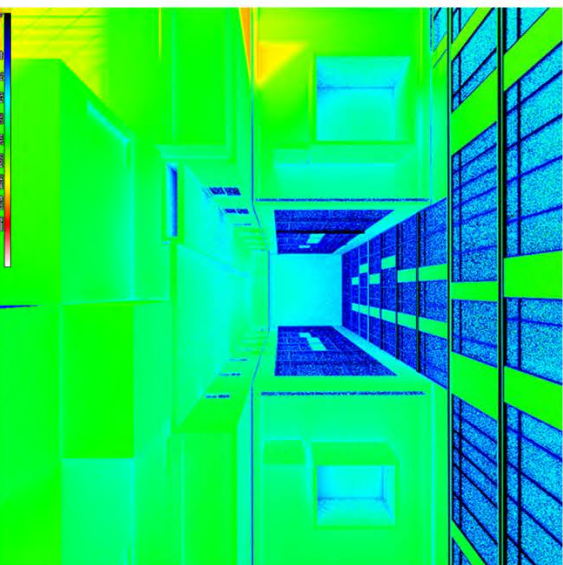
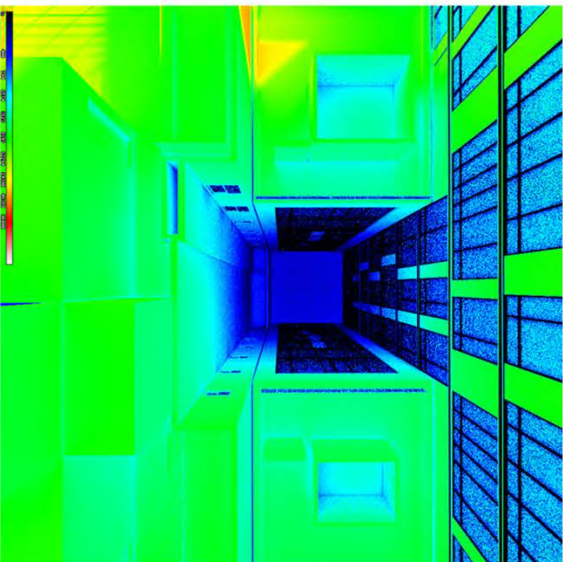
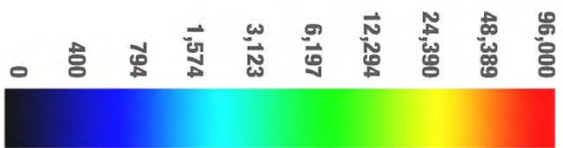
PERCENTAGE CHANGE IN
PERCEIVED BRIGHTNESS
BETWEEN 79-FT PROJECT
AND VERSION WITH
LIGHTING
+8.0%



Winter Solstice

December 21

3:00 PM



^ **Perceptual View**
Looking east from 3rd
floor window

< **Photometrics**
Birdseye vantage point
above courtyard

PERCENTAGE CHANGE IN
PERCEIVED BRIGHTNESS
BETWEEN 79-FT PROJECT
AND VERSION WITH
LIGHTING

+29.3%

Annual Comparison Chart

Proposed 79-ft Project		June 21	September 21	December 21	March 21
Proposed Project + Lighting	9:00 AM	840 lux	228 lux	129 lux	228 lux
	12:00 PM	6,755 lux	3,824 lux	803 lux	3,824 lux
	3:00 PM	711 lux	199 lux	79 lux	199 lux
	Daily Average Lux/hr	3,338 lux/hr	1,761 lux/hr	404 lux/hr	1,761 lux/hr
Annual LuxHrs		664,978			
Average Annual Perceived Brightness		75.40%			
Net change in perceived light levels		-3.74%			
Proposed Project + Lighting		June 21	September 21	December 21	March 21
Proposed Project + Lighting	9:00 AM	1,451 lux	831 lux	722 lux	831 lux
	12:00 PM	7,273 lux	4,358 lux	1,399 lux	4,358 lux
	3:00 PM	1,274 lux	814 lux	668 lux	814 lux
	Daily Lx/SF/Hr	3,896 lux/hr	2,338 lux/hr	997 lux/hr	2,338 lux/hr
Annual LuxHrs		875,276			
Average Annual Perceived Brightness		79.39%			
Net change in perceived light levels		3.98%			
Net change in preceived light levels from 65-ft building		0.24%			



Annual Change Recap

Comparisons between the average light levels between all building types on an annualized basis

Annual Comparison Chart

65-ft Project		June 21	September 21	December 21	March 21
9:00 AM		2,376 lux	1,330 lux	517 lux	1,330 lux
12:00 PM		7,551 lux	4,483 lux	868 lux	4,483 lux
3:00 PM		597 lux	265 lux	122 lux	265 lux
Daily Average Lux/hr		4,085 lux/hr	2,377 lux/hr	554 lux/hr	2,377 lux/hr

Annual LuxHrs	859,824
Average Annual Perceived Brightness	79.15%

Proposed 79-ft Project		June 21	September 21	December 21	March 21
9:00 AM		840 lux	228 lux	129 lux	228 lux
12:00 PM		6,755 lux	3,824 lux	803 lux	3,824 lux
3:00 PM		711 lux	199 lux	79 lux	199 lux
Daily Average Lux/hr		3,338 lux/hr	1,761 lux/hr	404 lux/hr	1,761 lux/hr

Annual LuxHrs	664,978
Average Annual Perceived Brightness	75.40%

Proposed Project + Lighting		June 21	September 21	December 21	March 21
9:00 AM		1,451 lux	831 lux	722 lux	831 lux
12:00 PM		7,273 lux	4,358 lux	1,399 lux	4,358 lux
3:00 PM		1,274 lux	814 lux	668 lux	814 lux
Daily Lx/SF/Hr		3,896 lux/hr	2,338 lux/hr	997 lux/hr	2,338 lux/hr

Annual LuxHrs	875,276
Average Annual Perceived Brightness	79.39%



Thank You
Questions?



SAN FRANCISCO PLANNING DEPARTMENT

ATTACHMENT 2

Variance Decision

Date: December 18, 2014
Case No.: **2006.0383CEKV**
Project Address: **1527-1545 Pine Street**
Zoning: RC-4 (Residential Commercial, High Density) and Polk Street NCD
(Neighborhood Commercial District)
Partially w/in the Van Ness Special Use District
and Van Ness Automotive Special Use District
65-A and 130-V Height and Bulk District
Block/Lot: 0667/016, 017, 018, 018A and 019
Project Sponsor: Jessie Stuart
Trumark Urban
90 New Montgomery, Suite 750
San Francisco, CA 94105
Staff Contact: Sharon Lai – (415) 575-9087
sharon.w.lai@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

DESCRIPTION OF VARIANCES – REAR YARD, EXPOSURE, STREET FRONTAGE, AND OFF STREET LOADING VARIANCES SOUGHT:

The Project proposes to demolish five existing structures with frontages on Pine and Austin Streets and construct a 12-story mixed-use development with 103 residential units and ground floor commercial spaces on parcels that span two different zoning and height and bulk districts. Two levels of below grade parking would contain 84 off-street parking spaces. Twelve (12) of the 103 residential units are proposed to be on-site affordable units. Open space is provided through a mix of private and public usable open spaces on balconies, terraces, roof decks and a courtyard. The Project was subject to a Conditional Use Authorization (Case No. 2006.0383C) for structures above 40 feet in height in the Van Ness Special Use District.

Section 134 of the Planning Code requires a rear yard equal to a 25-percent rear yard is required at all levels in the RC-4 District and a 25-percent rear yard is required at all residential levels in the Polk Street NCD. The Project does not provide a rear yard where a 30-foot rear yard would be required. The Project requires a rear yard modification from Planning Code Section 134 for the Polk Street NCD portion of the site and a rear yard modification or waiver for the RC-4 portion of the site pursuant to Planning Code Sections 243(c)(7) and 307(g).

Section 140 of the Planning Code requires that dwelling units have exposure on either a street; a code compliant rear yard; or an open area which is unobstructed and is no less than 25-feet in every horizontal dimension for the floor at which the dwelling units are located and the floor immediately above it, with an increase of 5-feet in every horizontal dimension at each subsequent floor. The Project includes 11 units that do not comply with the minimum exposure requirements and therefore, the Project requires a variance from Planning Code Section 140.

Section 145.1 of the Planning Code requires new buildings to preserve, enhance and promote attractive, clearly defined street frontages that are pedestrian-oriented, fine-grained, and appropriate and compatible with the buildings within the district. Active uses and at least 60 percent transparency are required along the ground floor. Approximately 24 feet of the Pine Street frontage and approximately 64 feet of the Austin Street frontage do not comply with the active use requirement, and approximately 44 percent ground floor transparency is provided along Austin Street. Therefore, the Project requires a variance from the street frontage requirements of Planning Code Sections 145.1(c)(3) and (6).

Section 152 of the Planning Code requires one off-street loading space for new residential developments between 100,001 and 200,000 square feet. The Project is approximately 129,600 square feet and no off-street loading space is provided. Therefore, the Project requires a variance from the off-street loading requirements of Planning Code section 152.

PROCEDURAL BACKGROUND:

1. On October 2, 2014, the Planning Commission certified compliance of the Final Environmental Impact Report (FEIR) with the California Environmental Quality Act (Public Resources Code section 21000 *et seq.*) ("CEQA"), the CEQA Guidelines (14 Cal. Code Reg. section 15000 *et seq.*), and Chapter 31 of the San Francisco Administrative Code, under Case No. 2006.0383CEKV (Motion No. 19247).
2. On October 2, 2014, the Planning Commission approved CEQA findings, including adoption of a Mitigation Monitoring and Reporting Program (the MMRP), under Case No. 2006.0383CEKV, (Motion No. 19248).
3. On October 2, 2014, the Planning Commission approved the Conditional Use Authorization associated with the subject project, under Case No. 2006.0383CEKV (Motion No. 19249).
4. The Zoning Administrator held a joint public hearing on **Variance Application No. 2006.0383CEKV** with the Planning Commission on **October 2, 2014**.
5. Planning Code Section 312 Notification was performed under the 20 day Conditional Use authorization notice for Case No. 2006.0383C, mailed on September 12, 2014.

DECISION:

GRANTED, in general conformity with the plans on file with this application, shown as EXHIBIT A, to allow a new, 12-story, 130-foot tall, approximately 129,600 gross square foot mixed-use building, containing 103 residential units, 2,700 square feet of commercial and institutional uses on the ground floor, and two levels of below-grade parking for 84 vehicles, as designed, subject to the following conditions:

1. Any future physical expansion, even in the buildable area, shall be reviewed by the Zoning Administrator to determine if the expansion is compatible with existing neighborhood character and scale. If the Zoning Administrator determines that there would be a significant or

extraordinary impact, the Zoning Administrator shall require either notice to adjacent and/or affected property owners or a new Variance application be sought and justified.

2. The proposed project must meet these conditions and all applicable City Codes. In case of conflict, the more restrictive controls apply.
3. Minor modifications as determined by the Zoning Administrator may be permitted.
4. The owner of the subject property shall record on the land records of the City and County of San Francisco the conditions attached to this Variance decision as a Notice of Special Restrictions in a form approved by the Zoning Administrator.
5. This Variance Decision and the recorded Notice of Special Restrictions shall be reproduced on the Index Sheet of the construction plans submitted with the Site or Building Permit Application for the Project. This Index Sheet of the construction plans shall reference the Variance Case Number.

FINDINGS:

Section 305(c) of the Planning Code states that in order to grant a variance, the Zoning Administrator must determine that the facts of the case are sufficient to establish the following five findings:

FINDING 1.

That there are exceptional or extraordinary circumstances applying to the property involved or to the intended use of the property that do not apply generally to other properties or uses in the same class of district.

Requirement Met.

- A. The subject development is comprised of five-parcels (totaling 15,000 square feet) containing five one- and two-story buildings (currently vacant). The subject site contains frontages on Pine Street and Austin Street, which is a narrow street. The site is located within the RC-4 Zoning District and Polk Street NCD, 65-X and 103-V Height and Bulk Districts, and partially within the Van Ness and Van Ness Automotive Special Use Districts. The split zoning and the existing wind exceedances of the site results in additional constraints for sculpting the massing of the project, which limits the development potential of the site. The granting of the rear yard, street frontage, exposure and loading space variances would allow the construction of a well-designed, mixed-use in-fill project to replace a currently underutilized site.

FINDING 2.

That owing to such exceptional and extraordinary circumstances the literal enforcement of specified provisions of this Code would result in a practical difficulty or unnecessary hardship not created by or attributed to the applicant or the owner of the property.

Requirement Met.

- A. Due to the existing wind conditions of the area and additional controls for the Van Ness SUD, the proposed building has been designed to limit and, in some test points, improve the wind conditions. The exposure to dwelling units provided by the side setback and interior courtyard was designed to address the wind conditions of the area. Literal enforcement of the exposure requirement would result in significant massing changes to the building that may negatively affect wind impacts on the Van Ness corridor and significantly limit the number of dwelling units developed on the site.
- B. The subject site contains street frontages along the front and rear property lines, and is required to meet street frontage requirements on two sides of the site, which is unusual for mid-block lots. A number of mechanical and operational features must be located at the ground level for the proposed development. Literal enforcement of the rear yard and street frontage requirements would dramatically limit the development potential of the site and result in practical difficulty. Strict application of the rear yard requirement would result in an approximately 30 foot set back of the rear building wall, which would be inconsistent with the development context and urban design principles of the City. Additionally, the Polk Street NCD portion of the site complies with the setback requirements for narrow streets and alleys, which appropriately sculpts the massing along Austin Street.
- C. Due to the existing varying topography, compliance with the off-street loading space would likely result in significant additional excavation and loss of required off-street parking in order to accommodate the height and approach radius required for a loading space. Locating the off-street loading space at grade level would conflict with the active use requirements of the Code.

FINDING 3.

That such variance is necessary for preservation and enjoyment of a substantial property right of the subject property, possessed by other property in the same class of district.

Requirement Met.

- A. Granting of the rear yard modification will allow the property to be developed where the building wall is consistently held at all frontages, which is similar to other developments and a substantial property right exercised by other properties in the same class of district.
- B. All dwelling units will face onto an open area with a minimum dimension of 25 feet by 25 feet, which is more than the amount available for many existing dwelling units in the area that were constructed prior to the exposure requirement of the Code.
- C. The Austin Street frontage does not currently contain active uses or a high level of façade transparency, as it has historically been dedicated to back-of-house uses. The through lot condition of the site results in limited opportunity for non-active uses to be accommodated. The granting of the street frontage variance would allow the property to be developed with the supportive features such as trash access and bicycle storage that are necessary to the residents of the property.

- D. Many other properties utilize on-street loading spaces. The granting of the loading space variance would allow the property to be utilized in a manner similar to other properties in the area.

FINDING 4.

That the granting of such variance will not be materially detrimental to the public welfare or materially injurious to the property or improvements in the vicinity.

Requirement Met.

- A. Granting of the rear yard, exposure, street frontage and off-street loading variances would improve the development opportunity of the site, and as a result allow for more on-site affordable housing, which is a significant public benefit. The granting of the variances would not be materially detrimental to the public welfare or materially injurious to neighboring properties as the project has been designed to respond to its neighborhood context and wind conditions.
- B. The Planning Department is not aware of any opposition to the proposed project.

FINDING 5.

The granting of such variance will be in harmony with the general purpose and intent of this Code and will not adversely affect the General Plan.

Requirement Met.

- A. This development is consistent with the generally stated intent and purpose of the Planning Code to promote orderly and beneficial development. Planning Code Section 101.1 establishes eight priority-planning policies and requires review of variance applications for consistency with said policies. The project meets all relevant policies, including conserving neighborhood character, and maintaining housing stock.
1. Vacant buildings currently occupy the Project site; therefore, existing neighborhood retail uses will not be adversely affected by the proposed project. The Project includes approximately 2,700 square feet of new retail/institutional uses including approximately 1,974 square feet of commercial space along Pine Street, which will promote opportunities for employment and ownership of businesses.
 2. The proposed project will be in keeping with the existing housing and neighborhood character.
 3. The existing site does not contain any dwelling units. The proposed project will have a positive effect on the City's supply of affordable housing by incorporating 12 on-site BMR units.

4. The proposed project contains 84 off-street parking spaces and 112 Class 1 bicycle parking spaces, and is not anticipated to adversely affect the neighborhood parking or public transit.
5. The project will have no effect on the City's industrial and service sectors.
6. The proposed project will have no effect on the City's preparedness to protect against injury and loss of life in an earthquake.
7. The project will remove the historic building at 1545 Pine Street. However, on October 2, 2014, the Planning Commission, per Motion No. 19247, adopted a Statement of Overriding Consideration under CEQA, finding the benefits of the Project outweighed the environmental impacts associated with the loss of the historic resource.
8. The project would not affect any existing or planned public parks or open spaces.

The effective date of this decision shall be either the date of this decision letter if not appealed or the date of the Notice of Decision and Order if appealed to the Board of Appeals.

Once any portion of the granted variance is utilized, all specifications and conditions of the variance authorization became immediately operative.

The authorization and rights vested by virtue of this decision letter shall be deemed void and cancelled if (1) a Building Permit has not been issued within three years from the effective date of this decision; or (2) a Tentative Map has not been approved within three years from the effective date of this decision for Subdivision cases; or (3) neither a Building Permit or Tentative Map is involved but another required City action has not been approved within three years from the effective date of this decision. However, this authorization may be extended by the Zoning Administrator when the issuance of a necessary Building Permit or approval of a Tentative Map or other City action is delayed by a City agency or by appeal of the issuance of such a permit or map or other City action.

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.

Variance Decision
December 18, 2014

CASE NO. 2006.0383V
1527-1545 Pine Street

APPEAL: Any aggrieved person may appeal this variance decision to the Board of Appeals within ten (10) days after the date of the issuance of this Variance Decision. For further information, please contact the Board of Appeals in person at 1650 Mission Street, 3rd Floor (Room 304) or call 575-6880.

Very truly yours,



Scott F. Sanchez
Zoning Administrator

THIS IS NOT A PERMIT TO COMMENCE ANY WORK OR CHANGE OCCUPANCY. PERMITS FROM APPROPRIATE DEPARTMENTS MUST BE SECURED BEFORE WORK IS STARTED OR OCCUPANCY IS CHANGED.

SL: G:\DOCUMENTS\VARIANCES\1527-1545 Pine St\1527-1545 Pine St - Variance Decision Letter.doc



City and County of San Francisco

THURSDAY, OCTOBER 02, 2014

thank you good morning, everyone. To the san francisco planning commission regular hearing for October 2, 2014,

I'd like to remind members of

the members 0 that the commission does not permit

outbursts of any kind and when speaking before the commission, if you care to, do

state your name for the record. I'd like to take we'll.

>> commissioner fong arrest

commissioner antonini

commissioner hillis

commissioner moore commissioner hillis and commissioner johnson commissioner President Wu. >> thank you, commissioners due

to the late start we'll be

moving things around on the calendar weaning we'll be moving

tatters c and d to the end of

the calendar and item 12 for 490

van ness will be outside of

order following abc of pine street

so commissioners terrors is the

items proposed for continuance

item one at 53 state street a

announced discretionary reviews

no other items proposed for continues and I have no speaker cards

any public comment on the items proposed phone number for continuance seeing none, public

comment is closed.

Commissioners? Commissioner moore >> move to continue. >> second.

>> on that motion to continue

item one until November win arrest commissioner hillis commissioner johnson commissioner moore

commissioner richards commissioner fong and commissioner President Wu so moved, commissioners, that

motion passes unanimously 7 to zero and places you under your

that but we think this is a better option. >> thank you

one other quick question 6

antennas is the smallest type of sited.

>> we have I think those are

pretty few and far between I

know in our network I don't even

know we proposed one for 17

hundred union and went to 18

union this was a little bit of a

situation we can't I think we'd

rather not build a 3 panel sites site then yeah. >> thank you thank you please call the question.

>> commissioners there is a we have a motion and a second to

approve this matter with conditions and modified finding of the original motion that was

provided to you conditioning

that the equipment move and that the equipment be painted to

match the existing building that

the with regard antenna or full

wraps be at staffs discretionary discretion and the antennas will

be moved away from the buildings

edge and a caesarean on that motion. >> commissioner antonini. >> commissioner hillis no arrest commissioner johnson commissioner moore
no commissioner richards

no arrest commissioner fong and

commissioner President Wu so moved, commissioners, that

motion passes 4 to 3 with commissioner johnck

commissioner moore and other

commissioner against that is the

pine street mixed use for the

final environmental impact

report the draft public comment

is closed the draft eir end on June 30th, 2014, and public

comment will be received when

this item is called, however,

the comments May not be put in the final eir.

>> good afternoon, everyone. With the planning staff that is a financial environmental impact

report or eir for the proposed

1527 to pine project case

which entails domination of 5

existing buildings on the south side even if pine between van

ness on the west and austin to

the south and a construction of

one hundred and 37 square feet at all story building with retailer space soon the ground

floor and one hundred 37 housing

in the upper levels a copy of

the eir draft is in front of the

commission and published on

May 14th and the public hearing

was held and the public comment

closed comments and responds

were published on September 27th

no public comments on the draft

eir nor did any member of the public speak before the commission in June

the elevation contained in the eir found that the implementation of the proposed project will result in

significant unavoidable impacts

that can't be mitigated below a significant level the demolition

of the pine street building for

the purposes of environmental

review and it was identified as

one of the temporary constructions after the 1906 san

francisco earthquake fire

in the sequa's mandate it was

the american building

certification and interpretation

the artifacts the alternates to

the impact due to the unavailable significant impact

on the resources the commission

will need to adapt this over

oppositions to approve this project

at this point the motion to

adapt it it certifies the eir as

accurate and adequate and the

procedures to which it complies

with sequa the sequa's guidelines in chapter three 1 that concludes my presentation.

On this matter unless the commissioners members have questions for me.

>> thank you. >> thank you.

>> so, sir we open for public comment. >> for the certification of the eir yes.

>> any public comment on the

certification of the eir? Seeing none, public comment is

closed. Commissioners commissioner antonini

>> I think the eir is adequate

and accurate and I would move to certify. >> second commissioner moore.

>> just so far completeness

questions raised by the

commissioner were answered and

inaccurately addressed I'm in support. >> thank you

commissioners there is a we have a motion and a second to certify the final eir. >> commissioner antonini commissioner hillis commissioner johnson commissioner moore sxhifksz commissioner johns and commissioner President Wu so moved, commissioners, that

motion passes unanimously which

e 7 to zero and places you on

abc and for the e, c and v for

1527 through 45 pine street

sequa and for conditional use authorization and the consideration for variances.

>> good afternoon sharpening

with the planning staff abc

constitute the demolition for

the projects on 1527 through 45

pine street the project is on 3

lots with a combined site area

of 15 thousand square feet

within the van ness and van ness

afghan special use district

within the polk street district

to demolish all commercial

structures mudding over two

levels of subterranean parking

the eastern part of the

discriminate is limited to 6

facilities which also provide a

transition from the higher van

ness to the moderate polk street

a tip to on page 4 where the

proposal is incorrect seeps so a

5 foot story it is approximately

96 square feet of residential of

ex-1112 an affordable housing 27 hundred square feet ever number one residential use for

commercial spaces on pine street and a commercial constitutional

use on austin street the two who

levels of parking constitute

will contain 84 parking spaces

that are dedicated car spaces

and bicycle spaces will be
provided secure rooms with access from identifying
street and a total of 8 bicycle parking spaces to date the
department has not received
option and the sponsor submitted
18 additional levels of support
I believe copies were just
handed out and in addition the staff want to say acknowledge
they forward right a letter on
September 17th outside of the
draft eir encouraging the
approval that contains the pine
street proposal this letter was
included part of the packet
the lower polk neighborhood
confirms the support question before I includes conditional use authorization for the development of new
buildings over 50 needed in
height and an acceptance of ground floor requirement as well
as a parking reduction on van
ness
project requires a rear endorse
variance from the street frontage for the deems and
active use and the blow space
from theator the department has reviewed the
expectations being sought and
buildings the request to be warned
the project will allow the mixed
use under a current
underutilized site foreman it

has been sculpted at the ground

floor and been reconciled

between the two zoning district

and the bulk and height rirmsdz

it is okay. And will include

the housing stock concluding the

permanently affordable onsite

and with the polk street

corridor as such the city finds the proposal it be acceptable and lastly the commission

worries about to approve the project the adaptation of the sequa finding included as part

of our report first prior to the action on the conditional use authorization thank you.

>> thank you project sponsor.

>> good afternoon commissioners

my name is kim diamond an

opportunity to speak today as

always we're happy to be here

and appreciate the hard work for

the mixed use development at 1545 pine street I'd like to spend a few minutes describing our outreach to the public and I'm going to turn it

over to bernard 0 with the architect to subscribe our designs.

For the past 3 years we've been working with the local residents

and merchant in the area with a

clear goal of booufg and

strengthening the community

early on their desires our

proposed in particular lp m ask

to pay attention to the alley to

hey of help improve the safety

the thoughtful design on and on

of retail space on you austin the project will tremendous

improve the site as questioned

we've presented our project numerous times and have received unanimously support as a matter of the steering committee we're part of the successful lower polk it will provide a number of services to help improve the quality of life and creating a safe and secure community in an effort to support n this true mark will donate long term ground floor space at the proposed project at the cb d headquarters it will provide a space for police artists to decide place and sell their artwork and provide now gallery space for the alley in addition to our involvement that lp in we've been walking the streets and talking to our merchants and neighbors to lemon them know and have had numerous one-on-one meetings resulting in overwhelming support including 37 letters of support and 80 signatures in support our proposed plan to provide one hundred and 3 new for sale homes including 12 inclusionary units on site and provides construction jobs over a 9 months period of time and to one of the participants in the program ems this is a partnership with the unit playgrounds to help what the

education and employment opportunities in the
construction industry we've been
telegraph hill involved with a
community and with the services true mark staff has attended ceremonies and have been
involved with their friends at
the larkin group that raise
fundraising to provide a safe
haven for at risks I want to
say that's been a great pleasure
to work with after all you and we look forward to more
partnership with the staff
I'd like to introduce bernard
who will present.
>> good afternoon
in stein this project we had the
challenge that the site is
straddling two different zoning
territories in one case the
building is lower and has
certain density and the other
portion of the project the
building is allowed to be taller
so the density is over the two zones
this fact of the site led to a
profiling in the building that
created a lower and higher building
and that gives an opportunity to
actually a candidate a massing
of components that case can't
take down from the sky and

slowly went symbol a smaller scale of the volumes as they
reached the street it is a
composition of two buildings
coming together as one
I mentioned that the descent to
the ground because what is unique about what we're
providing here in this design is
that the ground floor is trying
to set some positive preens for
the neighborhood as a whole there's a series of valleys that
have an opportunity to be more
active instead of a rear surface
street even though the street
has a primary front front we've
given equal importance to the
backside and decided to have two footages
it is this is defines this project
along the street there's a lower
portion of the building which
then there's other one point
recesses retreats but on the
alley side I call an alley and
hopefully soon will be a street
we actually set back further in
order to widen a sense of the
space along the street it's our
hope that there is a cat lyric
for changes of use along that
new street we're proposing

you can see in the images what
we're doing with the ground
floor of the building on arrival
and I think there are other
images that show you proposed
communit
on the new street that we are
attempting to create frontage
there are a series the existing
buildings being replaced with a
new series of gateways into what
is new retail that will happen
along the footage but following the scale of the components that
existed open the sites you'll
see the garage building on the
right side side and within that
happens on the ground floor that
designs the same scale at the because of the building we've
worked with staff to deal with
some of the issues of set backs
and massing of the building
also notice there is sunset
building that relates to the
height that allows for light and
air to the neighbors as a gesture noted required we
decided to do that and discussed
it and cooperated that with the neighbors
here's a view of what will be
the alley and the proposed community space that you've
heard being explained earlier in

this presentation where you see
what's called the art spot we've
got that happening along the
ground floor of the secondary
frontage this is what makes it
different and special and I think from the urban design
point of view hopefully it is a
contribution that the people see
benefit and will also
reciprocate this there are 4
alleys of this kind in this
neighbor could be safer
and friendlier places if this
happens along the side of those proposals as well you see here what happens today
and hoping to create in the
location the same exact location thank you very much
thank you.

>> thank you we'll open this up for public comment if I call our

name, please line up on the

screen side of the room public

comment is two minutes

(Calling my name is andrew chandler

I'm the Chairman The department

at the college

true mark urban gave us an

inaccurate overview it was not

normal interaction it was very involved

and very cooperative it was exemplar from my point of view

there are a couple of things to note about the project number

one no resident was displaced

this isng we've encouraged in the development of

the neighborhood and two the bmr

units are on site and in part of

their full engagement of the neighborhood they were fully

engaged as well as lp n was

assisting the formation of the

lower polk benefits district it

was not peripheral involvements

that was indirect it was

impactful and tricked to the

formations of that district

probably the most significant component of the project which

we're very, very supportive of

and excited about is how they

dealt with the basic urban fabric element of our

neighborhood the alley and the fact you've heard the architect

speak to that the fact they've

taken the risk and listened to

us we're committed to changing the nature of the additionally

this is the first project of the

neighborhood that has taken this

on as a challenge we're obviously just designing something we'll follow-up and

work with the city as the city

looked at redesigning what we

bring to the city.

>> thank you. >> thank you very much.

>> good afternoon, commissioners I'm a long term

resident that lives nearby the

proposed development I'm a

supporter of the cvs I'm personally excited about what true mark is doing with a
amending and look forward to the
artworks they'll be helping to
sponsor and I encourage you to
support this project.

>> thank you.

>> good afternoon commissioners I'm allen allison park the
director of operations for the
market on polk
opening in the spring of next
year polk and clay as a member of the business
member of neighborhood I
appreciate how true mark has reached out about the
development and housing in san
francisco is much need but must
work for the community and true
mark with their design has
achieved that I strongly urge
you to vote 2, 3, 4 approval of this project.

>> thank you.

>> commissioners

I got a lot respect for you guys
and having a job and being
patient I'm all shock up I know
that I've been standing here I'm
rudy corpus born and raised in
san francisco I'm the ed of the
obama's preservation program
that helps kids I'm here to

support true mark they've been a
great asset to our community
they've build real relationships
and help us out in ways they
continue to support over a come
up of years and been consistent
and very strong in helping us
out I think or want to say the
project I support it and I
apprecia comments and
keep up the good patient work.

>> thank you. I'm call more
names

Calling names: .

>> good afternoon commissioners
I'm joel with the electrical
workers local 6 to voice our
members strong support of the project
if it were up to us true mark
will be next year's housing hero
awards winner they've helped to
link U.S.S. U up with the united
friendship program their complimented to using the low
and behold workforce and people
are paid really well,
we're investing in our community
the two sites are vacant so I
couldn't think a of a better
uncle we're strongly in support
of the project on pine thank you. >> thank you.

>> good afternoon, commissioners

danny wi sheet metal

workers thank God I didn't have

to go after rudy we're here as

well to support the project it's

a fine project as a is project

sponsor said there's additions

to the housing stock including

12 below market rate in this

city is facing an, an affordable

housing countries and but most importantly the development is

going to insure the creation of

local and direct and indirect

construction jobs, jobs that pay

good middle-class wages so

people can afford and stay I-

and live in the city

sheet metal workers we're here

in support thank you.

>> thank you.

>> good afternoon. I'm r j

local 38 pipe builders an

opportunity on behalf of my

brothers and sisters I'll

strongly support on

pine str done

their w business and have reached out everything we've

asked they've done they get it

we get to know them individually

and like them I've stood here a

few times and thank you to true

mark they get it I'm happy to

see the developments in the city

we support this on pine street

and urge you to support the in

order to create local jobs thank you very much.

>> thank you

>> good afternoon mime rob with the san francisco's housing

coalition I'm speaking on behalf

of the one hundred and 40

members an opportunity true mark

presented their proposal on pine

street to our committee and we

were in unanimous support this

is making active use in iowa is

an underutilized site we love

the bmr's on site the 12 permanently affordable housing

and we like the bike parks and

car parks onsite and making

improvements to austin alley

that will attract not only the

folks fr they've

taken the feedback and you have

a great project in front of you

hope you approve it await delay thank you. >> thank you.

>> good afternoon commissioner President Wu and commissioners my name is adrian with the

carpenters local 22 it's nice to

be back up here just to let you

know the carpets 22 supports

this project as well as other try mark because they have

support local 22 they make a commitments on all their projects

and what that means to us and

what it means to the city of is

young folks learning a trade

getting an apprehending and continuing their work and education because it's an

education an apprenticeship is

an education a pathway to a

career that is they could end up

sitting up there where you're at

we appreciate that and hope

you'll support this project like

carpets 22 does. >> thank you. Is there any

additional public comment.

>> yes. Good afternoon commissioners

I'm david grass the profit of

doom in this case, I was not

supportive I'm seeing tim redman

the other day did an article of the over development of san

francisco and the massive amount

of vacancies it is he pointed

out there are probably 40

percent of those new high-rise subway they're being bought as

second and third and fourth

homes as belittle mars and have

airbnb is seeing to that the

development is not occupied by

local residents by instead being

used as airbnb sites

so where it's a a

bait-and-switch we're being told that residents and affordable

housing would be developed but

the reality is no one is living in those places we're over developing san francisco

so where I don't have a specific

animus towards the developers in

this case I'm definitely opposed

until we get this roefldz about airbnb and multiple condos

sitting empty and 40 percent of those high-rise are empty we're

going to have a boom in this thank you.

>> is there any additional

public comment okay seeing none,

public comment is closed commissioner richards and I metabolites developer and was

impressed with the standards of

the community and really strong

I believe will positively impact

so I think they engage the

unions we've heard the awesome

footage I could see this is a

positive change and the

community space you'll be giving

the cv did you will say an

improvement I like the sent you

didn't have to do that on the

east but I think it's a great

design nobody lives at that site

and one hundred and 2 units

whether their occupied I

allocated accident preservation

hifks preservation they've

presented President Hasz and

keeping the facade is pretty

much demolishing the resource

works for the design so I

support the demolition. >> commissioner moore.

>> markedly your honor, I agree

with that I'm happy to see that building we've seen frequently talked about and challenged

because the alley guidelines as

they're being next to go it

didn't at this moment we've

frequently talked among our

selves the alley is becoming our

next generation of streets

that's where we stand rather

than having fast corridors like

pine carry the traffic by the

energy will be in the alley it

takes 5 parcels and it is failed

the building in a manner that is

significantly sensitive and

meets the clear definition in

how it talks about the zoning district without asking for more

I appreciate that it makes the

building interesting staff the historic preservation they're talking about the building it was actually a temporary

building and while it is aphasia

a scale remedy innocent of the

scale it is a place that was historical I believe the simulation of the

scale as the building as the

architect is doing it is remnant

of the building the forms so I
believe that we have a enough of
the recall in vertical and I'm in support of the proximately
and going to be a great neighbor
to those in the corridor. >> commissioner antonini and I
also really support this project
and really to the one speaker
who spoke against it there is a
shortage of condominiums that's
why the appraising prices are
high we need more construction
in condominiums this is going going in the right direction it
is having available on site and
the garage off the alley not on pine which is appropriate and no
one is being displaced the fact
there was an interesting article
in today's examiner a young
woman basically, had been
displaced from voluntarily from
san francisco because she
couldn't afford to buy anything
here she formed an organization
her grips the city has not built
enough housing over the last
thirty years and it didn't make
sense not to build on vacant
lots and talks about common
sense where a younger woman
tailbones I want to hear more
about the project I like what we

are doing on austin making the alley and pitting latin-american

on pine and worked well with the heights their allowed I

cigarette butt from the

adjacent building and lots of

support they've also had less parking than they could have and

seek a variance but that is fine

and other exemptions as well the

endorse is a technicality look

at the 20 to 25 open space and we've heard about the community

benefits so I think this is one

of many projects we're seeing

that is extremely well done and

very glad to see this I will move to approve. >> second. >> commissioner johnson. >> thank you very much definitely also supportive of

the project just a note it's

been brought up by the commissioners for their policy

issue I think the city needs for

housing and then whether or not

who lives there and how some of

the definition brought in public

comment but we city need more

units so I have a quick question

on the dwelling x important I

want to hear it again.

>> so basically one the method

to meet the "x" power

requirement to provide a 25 foot

and 25 foot open space area that

subsection requires that every

level increases that dimension

by 5 feet that particular area

does not technically meet the requirement. >> okay. Thank you. >> thank you. I wanted to ask

staff a clarification on the

motion you mentioned the sequa

motion needing to be first. >> the adaptation of the sequa

motion needs to be acted on first.

>> commissioners you've in the

past also called those together

if you choose to take them up

separately but you can make a

motion for all for both the sequa finding and the quality of

life at the same time and okay. Thank you.

>> my motion includes both.

>> thank you.

>> second >> in that case commissioners, if there's nothing further to adapt the

sequa finding and paragraph the conditional use and commissioner hillis or commissioner johnson

arrest commissioner richards

commissioner fong and tuptd

smoechldz unanimously 7 to zero

and zoning administrator what say you.

>> close the public comment and grant the variances.

>> thank you commissioners as

noted earlier you'll be taking

item 12 out of order on van ness

avenue request for large project authorization. >> good afternoon commissioners rick with the department staff

the project is a large


authorization for the promoted

project on van ness under the

seeking of the modification for

the rear yard permitted

NOTICE OF SPECIAL RESTRICTIONS UNDER THE PLANNING CODE

RECORDING REQUESTED BY:) 
) San Francisco Assessor-Recorder
And When Recorded Mail To:) Carmen Chu, Assessor-Recorder
) **DOC- 2017-K425283-00**
Name: Lindsey Fisher) Thursday, MAR 23, 2017 10:33:50
) Ttl Pd \$96.00 Rcpt # 0005572906
Address: 353 Sacramento St, Suite 1788) oar / AB / 1 - 28
)
City: San Francisco)
)
State: California 94111) Space Above this Line For Recorder's Use 28 03

I (We) Pacific Pine LLC, the owner(s) of that certain real property situated in the City and County of San Francisco, State of California more particularly described as follows:

(PLEASE ATTACH THE LEGAL DESCRIPTION AS ON DEED)

BEING ASSESSOR'S BLOCK: 0667; LOT: 016, 017, 018, 018A, & 019

COMMONLY KNOWN AS: 1527-1545 PINE STREET

hereby give notice that there are special restrictions on the use of said property under Part II, Chapter II of the San Francisco Municipal Code (Planning Code).

Said Restrictions consist of conditions attached to approval of **Building Permit Application No. 2013.12.03.3256** pursuant to Motion No. 19249 (Case No. 2006.0383C) by the Planning Department and are conditions that had to be so attached in order that said application should be approved under the Planning Code.

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

1. **Number of Required Units.** Pursuant to Planning Code Section 415.6, the Project is required to provide 12% of the proposed dwelling units as affordable to qualifying households. The Project contains 100 units; therefore, 12 affordable units are required. The Project Sponsor will fulfill this requirement by providing the 12 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 or the Mayor's Office of Housing at 415-701-5500, www.sf-moh.org

NOTICE OF SPECIAL RESTRICTIONS UNDER THE PLANNING CODE

2. **Unit Mix.** The Project contains 100 dwelling units, 19 studios, 46 one-bedroom units and 35 two-bedroom units; therefore, the required affordable unit mix is 2 studios, 6 one-bedroom units, and 4 two-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 or the Mayor's Office of Housing and Community Development at 415-701-5500, www.sf-moh.org
3. **Unit Location.** The affordable units shall be designated on a reduced set of plans recorded as a Notice of Special Restrictions on the property prior to the issuance of the first construction permit. See attached "Exhibit B" for reduced set of plans with designated affordable units.
For information about compliance, contact the Case Planner, Planning Department at 415-558-6378, www.sf-planning.org or the Mayor's Office of Housing and Community Development at 415-701-5500, www.sf-moh.org
4. **Phasing** If any building permit is issued for partial phasing of the Project, the Project Sponsor shall have designated not less than 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 or the Mayor's Office of Housing and Community Development at 415-701-5500, www.sf-moh.org
5. **Duration.** Under Planning Code Section 415.8, all units constructed pursuant to Section 415.6, must remain affordable to qualifying households for the life of the project.
For information about compliance, contact the Case Planner, Planning Department at 415-558-6378, www.sf-planning.org or the Mayor's Office of Housing and Community Development at 415-701-5500, www.sf-moh.org
6. **Other Conditions.** The Project is subject to the requirements of the Inclusionary Affordable Housing Program under Section 415 et seq. of the Planning Code and City and County of San Francisco Inclusionary Affordable Housing Program Monitoring and Procedures Manual ("Procedures Manual"). The Procedures Manual, as amended from time to time, is incorporated herein by reference, as published and adopted by the Planning Commission, and as required by Planning Code Section 415. Terms used in these conditions of approval and not otherwise defined shall have the meanings set forth in the Procedures Manual. A copy of the Procedures Manual can be obtained at the MOHCD at 1 South Van Ness Avenue or on the Planning Department or Mayor's Office of Housing's websites, including on the internet at:
<http://sf-planning.org/Modules/ShowDocument.aspx?documentid=4451>.
As provided in the Inclusionary Affordable Housing Program, the applicable Procedures Manual is the manual in effect at the time the subject units are made available for sale or rent.

NOTICE OF SPECIAL RESTRICTIONS UNDER THE PLANNING CODE

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

- a. The affordable unit(s) shall be designated on the building plans prior to the issuance of the first construction permit by the Department of Building Inspection ("DBI"). The affordable unit(s) shall (1) reflect the unit size mix in number of bedrooms of the market rate units, (2) be constructed, completed, ready for occupancy and marketed no later than the market rate units, and (3) be evenly distributed throughout the building; and (4) be of comparable overall quality, construction and exterior appearance as the market rate units in the principal project. The interior features in affordable units should be generally the same as those of the market units in the principal project, but need not be the same make, model or type of such item as long they are of good and new quality and are consistent with then-current standards for new housing. Other specific standards for on-site units are outlined in the Procedures Manual.
- b. If the units in the building are offered for sale, the affordable unit(s) shall be sold to first time home buyer households, as defined in the Procedures Manual, whose gross annual income, adjusted for household size, does not exceed an average of one hundred (100) percent of the median income for the City and County of San Francisco as defined in the Inclusionary Affordable Housing Program, an amount that translates to 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 Restriction to the Department and to the MOHCD or its successor.

NOTICE OF SPECIAL RESTRICTIONS UNDER THE PLANNING CODE

- 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, any affordable units designated as on-site units shall be sold as ownership units and will remain 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 pursue any and all available remedies at law.
- h. If the Project becomes ineligible at any time for the On-site Affordable Housing Alternative, the Project Sponsor or its successor shall pay the Affordable Housing Fee prior to issuance of the first construction permit. If the Project becomes ineligible after issuance of its first construction permit, the Project Sponsor shall notify the Department and MOHCD and pay interest on the Affordable Housing Fee and penalties, if applicable.

NOTICE OF SPECIAL RESTRICTIONS UNDER THE PLANNING CODE

The use of said property contrary to these special restrictions shall constitute a violation of the Planning Code, and no release, modification or elimination of these restrictions shall be valid unless notice thereof is recorded on the Land Records by the Zoning Administrator of the City and County of San Francisco; except that in the event that the zoning standards above are modified so as to be less restrictive and the uses therein restricted are thereby permitted and in conformity with the provisions of the Planning Code, this document would no longer be in effect and would be null and void.

[Signature] Loyce Yonce
(Signature) (Printed Name) *Authorized Agent*
Pacific Dine LLC
Dated: March 21, 2017 at Walnut Creek, California.
(Month, Day) (City)

(Signature) (Printed Name)
Dated: _____, 20____ at _____, California.
(Month, Day) (City)

(Signature) (Printed Name)
Dated: _____, 20____ at _____, California.
(Month, Day) (City)

Each signature must be acknowledged by a notary public before recordation; add Notary Public Certification(s) and Official Notarial Seal(s).

CALIFORNIA ALL-PURPOSE ACKNOWLEDGMENT**CIVIL CODE § 1189**

A notary public or other officer completing this certificate verifies only the identity of the individual who signed the document to which this certificate is attached, and not the truthfulness, accuracy, or validity of that document.

State of California)

County of Contra Costa)On March 24, 2017 before me, Mihaela Muntean, Notary Public
Date Here Insert Name and Title of the Officerpersonally appeared Joyce Yonce
Name(s) of Signer(s)

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

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

WITNESS my hand and official seal.

Signature [Signature]
Signature of Notary Public

Place Notary Seal Above

OPTIONAL

Though this section is optional, completing this information can deter alteration of the document or fraudulent reattachment of this form to an unintended document.

Description of Attached Document

Title or Type of Document _____ Document Date: _____

Number of Pages _____ Signer(s) Other Than Named Above: _____

Capacity(ies) Claimed by Signer(s)

Signer's Name: _____

- ☐ Corporate Officer — Title(s): _____
☐ Partner — ☐ Limited ☐ General
☐ Individual ☐ Attorney in Fact
☐ Trustee ☐ Guardian or Conservator
☐ Other: _____

Signer Is Representing: _____

Signer's Name: _____

- ☐ Corporate Officer — Title(s): _____
☐ Partner — ☐ Limited ☐ General
☐ Individual ☐ Attorney in Fact
☐ Trustee ☐ Guardian or Conservator
☐ Other: _____

Signer Is Representing: _____

NOTICE OF SPECIAL RESTRICTIONS UNDER THE PLANNING CODE

EXHIBIT A

The property referred to in this Notice of Special Restrictions is situated in the State of California, City and County of San Francisco, and is described more particularly as follows:

(INSERT LEGAL DESCRIPTION ON THIS PAGE)

SCHEDULE 1

LEGAL DESCRIPTION OF PROPERTY

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

PARCEL A.

BEGINNING AT A POINT ON THE SOUTHERLY LINE OF PINE STREET, DISTANT THEREON 168 FEET 4 INCHES EASTERLY FROM THE EASTERLY LINE OF VAN NESS AVENUE, RUNNING THENCE EASTERLY AND ALONG SAID LINE OF PINE STREET 50 FEET 3 INCHES, THENCE AT A RIGHT ANGLE SOUTHERLY 120 FEET TO THE NORTHERLY LINE OF AUSTIN STREET; THENCE AT A RIGHT ANGLE WESTERLY AND ALONG SAID LINE OF AUSTIN STREET 50 FEET 3 INCHES; THENCE AT A RIGHT ANGLE NORTHERLY 120 FEET TO THE POINT OF BEGINNING.

PARCEL B.

BEGINNING AT A POINT ON THE SOUTHERLY LINE OF PINE STREET, DISTANT THEREON 140 FEET 5 INCHES WESTERLY FROM THE WESTERLY LINE OF POLK STREET; AND RUNNING THENCE WESTERLY ALONG SAID LINE OF PINE STREET 25 FEET, THENCE AT A RIGHT ANGLE SOUTHERLY 120 FEET TO THE NORTHERLY LINE OF AUSTIN STREET (FORMERLY AUSTIN AVENUE); THENCE AT A RIGHT ANGLE EASTERLY ALONG SAID LINE OF AUSTIN STREET 25 FEET; THENCE AT A RIGHT ANGLE NORTHERLY 120 FEET TO THE POINT OF BEGINNING.

BEING A PORTION OF WESTERN ADDITION BLOCK NO 56

PARCEL C.

BEGINNING AT A POINT ON THE NORTHERLY LINE OF AUSTIN STREET, DISTANT THEREON 115 FEET 5 INCHES WESTERLY FROM THE WESTERLY LINE OF POLK STREET, AND RUNNING THENCE WESTERLY AND ALONG SAID LINE OF AUSTIN STREET 25 FEET, THENCE AT A RIGHT ANGLE NORTHERLY 50 FEET; THENCE AT A RIGHT ANGLE EASTERLY 25 FEET, THENCE AT A RIGHT ANGLE SOUTHERLY 50 FEET TO THE NORTHERLY LINE OF AUSTIN STREET AND THE POINT OF COMMENCEMENT.

BEING A PORTION OF WESTERN ADDITION BLOCK NO 56

PARCEL D.

COMMENCING AT A POINT ON THE SOUTHERLY LINE OF PINE STREET, DISTANT THEREON 115 FEET 5 INCHES WESTERLY FROM THE WESTERLY LINE OF POLK STREET, RUNNING THENCE WESTERLY ALONG THE SOUTHERLY LINE OF PINE STREET 25 FEET; THENCE AT A RIGHT ANGLE SOUTHERLY 70 FEET; THENCE AT A RIGHT ANGLE EASTERLY 25 FEET, AND THENCE AT A RIGHT ANGLE NORTHERLY 70 FEET TO THE SOUTHERLY LINE OF PINE STREET AND THE POINT OF COMMENCEMENT.

BEING A PORTION OF WESTERN ADDITION BLOCK NO. 56.

PARCEL E

COMMENCING AT A POINT ON THE SOUTHERLY LINE OF PINE STREET, DISTANT THEREON 90 FEET 5 INCHES WESTERLY FROM THE WESTERLY LINE OF POLK STREET, RUNNING THENCE WESTERLY ALONG THE SOUTHERLY LINE OF PINE STREET 25 FEET; THENCE AT A RIGHT ANGLE SOUTHERLY 120 FEET TO THE NORTHERLY LINE OF AUSTIN AVENUE; THENCE AT A RIGHT ANGLE EASTERLY ALONG SAID LINE OF AUSTIN AVENUE 25 FEET, THENCE AT A RIGHT ANGLE NORTHERLY 120 FEET TO THE SOUTHERLY LINE OF PINE STREET AND THE POINT OF COMMENCEMENT.

BEING A PORTION OF WESTERN ADDITION BLOCK NO. 56.

APN. Lot 016; Block 0667 (Affects Parcel A), Lot 017, Block 0667 (Affects Parcel B), Lot 018, Block 0667 (Affects Parcel C), Lot 018A; Block 0667 (Affects Parcel D) and Lot 019, Block 0667 (Affects Parcel E)

NOTICE OF SPECIAL RESTRICTIONS UNDER THE PLANNING CODE

EXHIBIT B

PLANS OF PROJECT INDICATING LOCATION OF AFFORDABLE UNITS

CONSTRUCTION TYPE
FLOORING

UNIT TOTALS											Unit Value		Unit Price							
											500	500%	5.00%	5.00%						
UNIT PRICE LEVELS											500	500%	5.00%	5.00%						
Gross Production/Other income, etc., 1 Unit has none											0.277	0.296	0.305	0.308	0.302	0.296	0.296	0.292	0.292	0.292
Gross Commodity											0.277	0.296	0.305	0.308	0.302	0.296	0.296	0.292	0.292	0.292
Round 1											0.277	0.296	0.305	0.308	0.302	0.296	0.296	0.292	0.292	0.292
Round 2											0.277	0.296	0.305	0.308	0.302	0.296	0.296	0.292	0.292	0.292
Art Gallery											0.277	0.296	0.305	0.308	0.302	0.296	0.296	0.292	0.292	0.292
Art Gallery (see page 10)											0.277	0.296	0.305	0.308	0.302	0.296	0.296	0.292	0.292	0.292
Total Gross											0.277	0.296	0.305	0.308	0.302	0.296	0.296	0.292	0.292	0.292

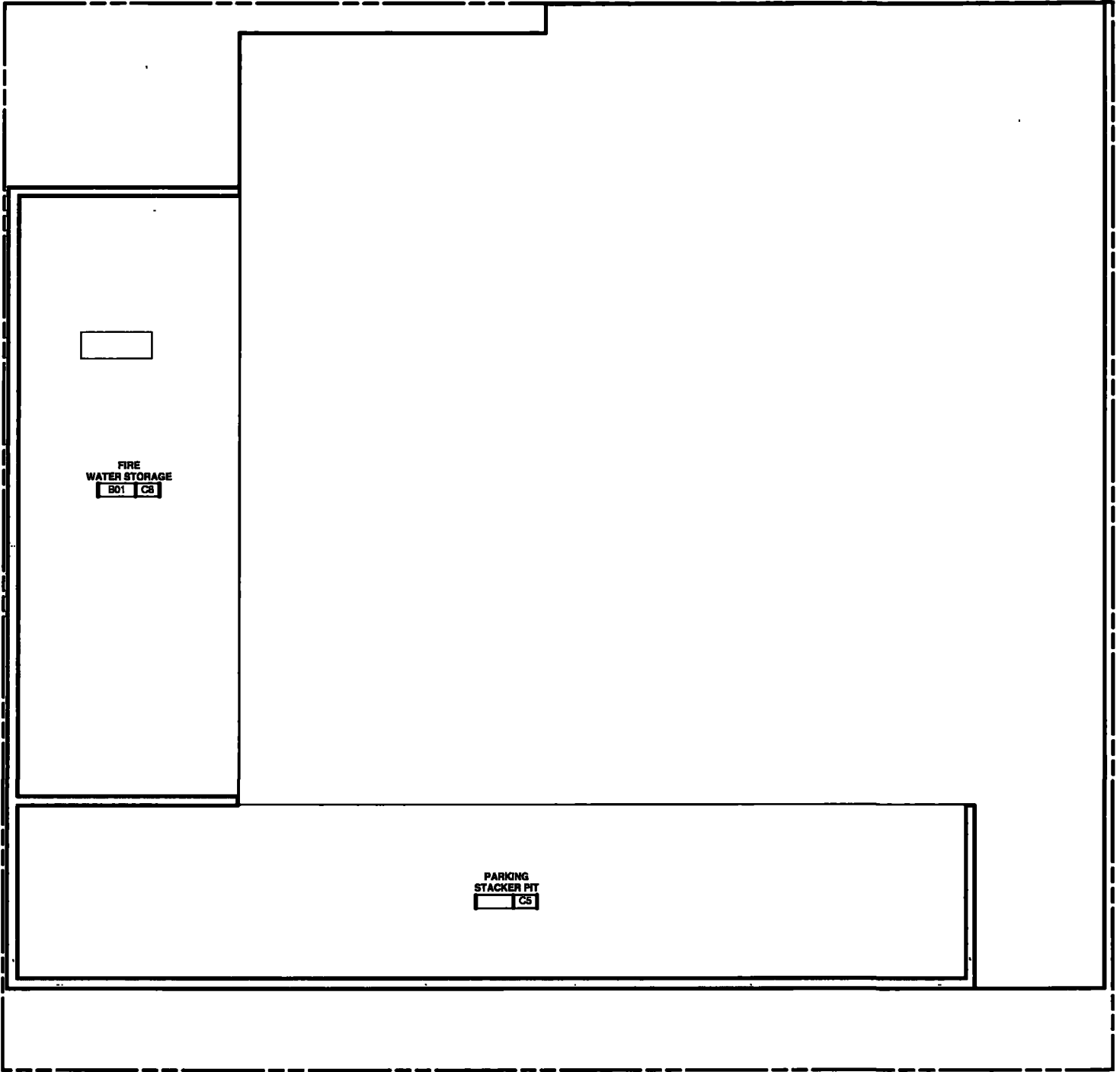
Draw-Completed

Page 2

Art Gallery
James C. Thompson Art Museum (1890-1910)

Total Counts

1.2% Cr-88g = 72



1545 PINE STREET

SAN FRANCISCO, CA



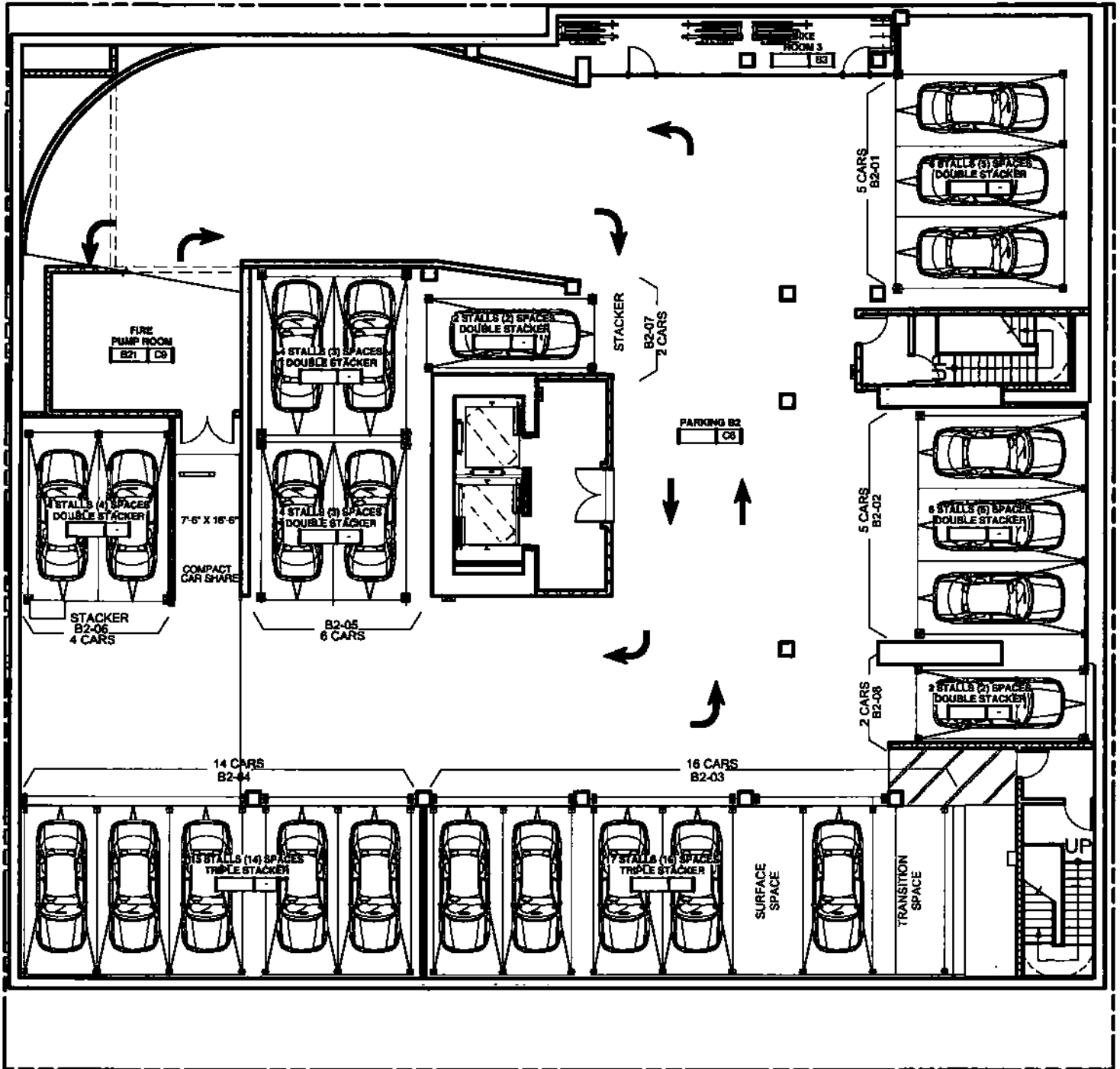
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BY	GL
PROJ #	1426

TITLE

SHEET

FLOOR B3
BUILDING LAYOUT

AA.B3



1545 PINE STREET

SAN FRANCISCO, CA

BDE
ARCHITECTURE

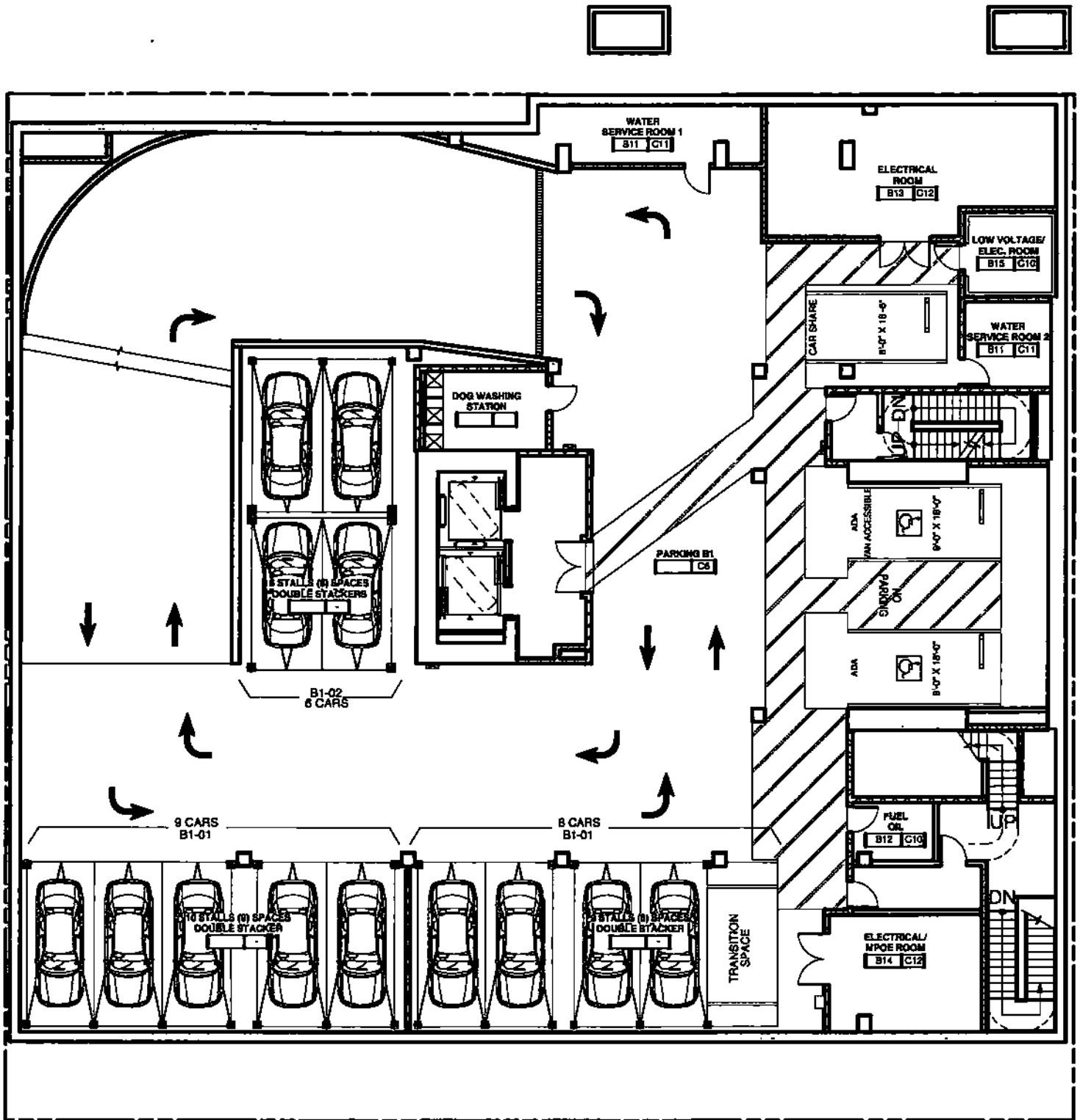
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BY	GL
PROJ #	1426

TITLE

FLOOR B2
BUILDING LAYOUT

SHEET

AA.B2



1545 PINE STREET

SAN FRANCISCO, CA

BDE
ARCHITECTURE

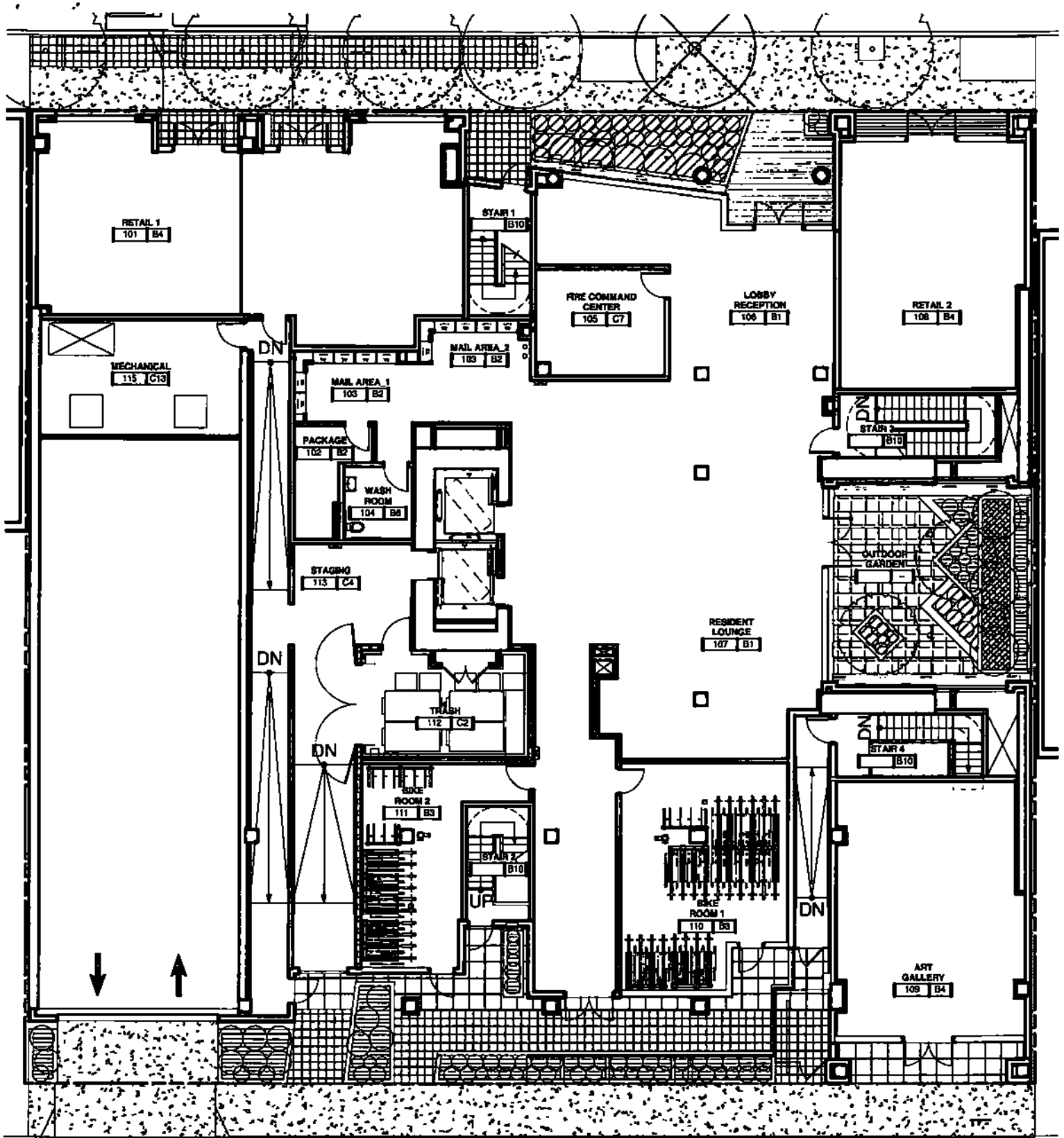
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BY	GL
PROJ #	1426

TITLE

FLOOR B1
BUILDING LAYOUT

SHEET

AA.B1



1545 PINE STREET

SAN FRANCISCO, CA

BDE
ARCHITECTURE

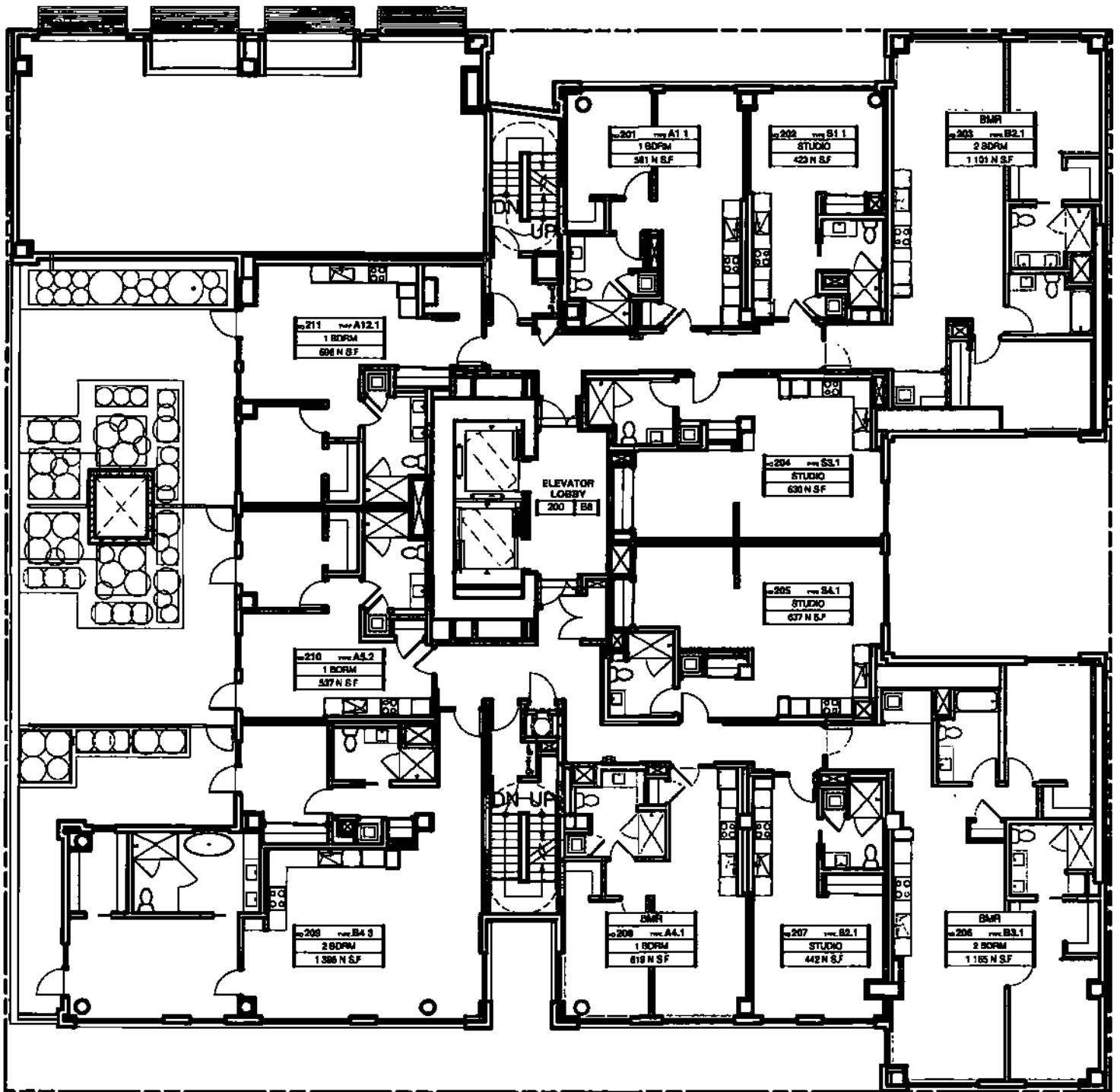
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BY	GL
PROJ #	1426

TITLE

FLOOR 1
BUILDING LAYOUT

SHEET

AA.1



1545 PINE STREET

SAN FRANCISCO, CA

BDE
ARCHITECTURE

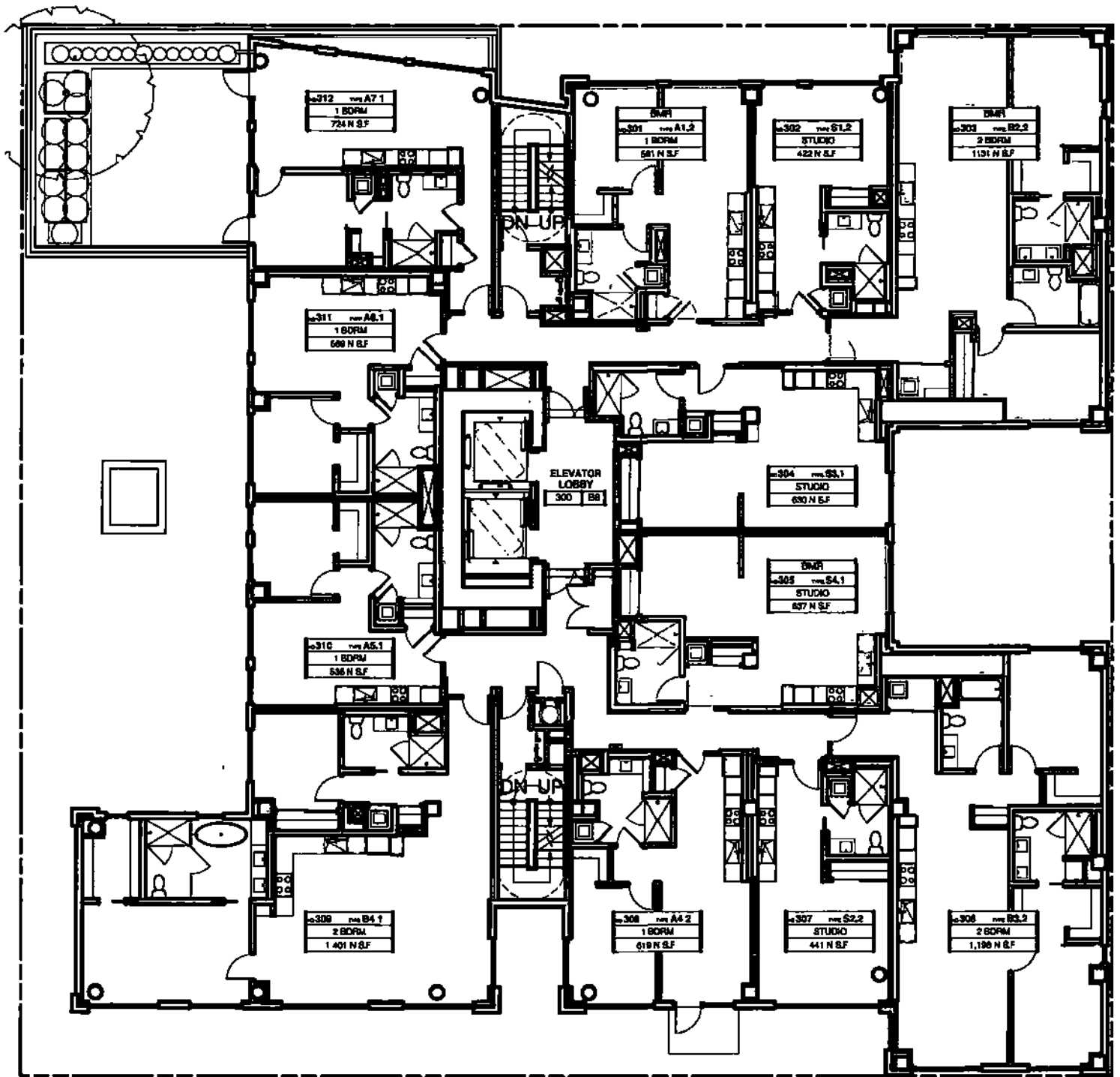
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BY GL
PROJ # 1426

TITLE

FLOOR 2
BUILDING LAYOUT

SHEET

AA.2



1545 PINE STREET

SAN FRANCISCO, CA



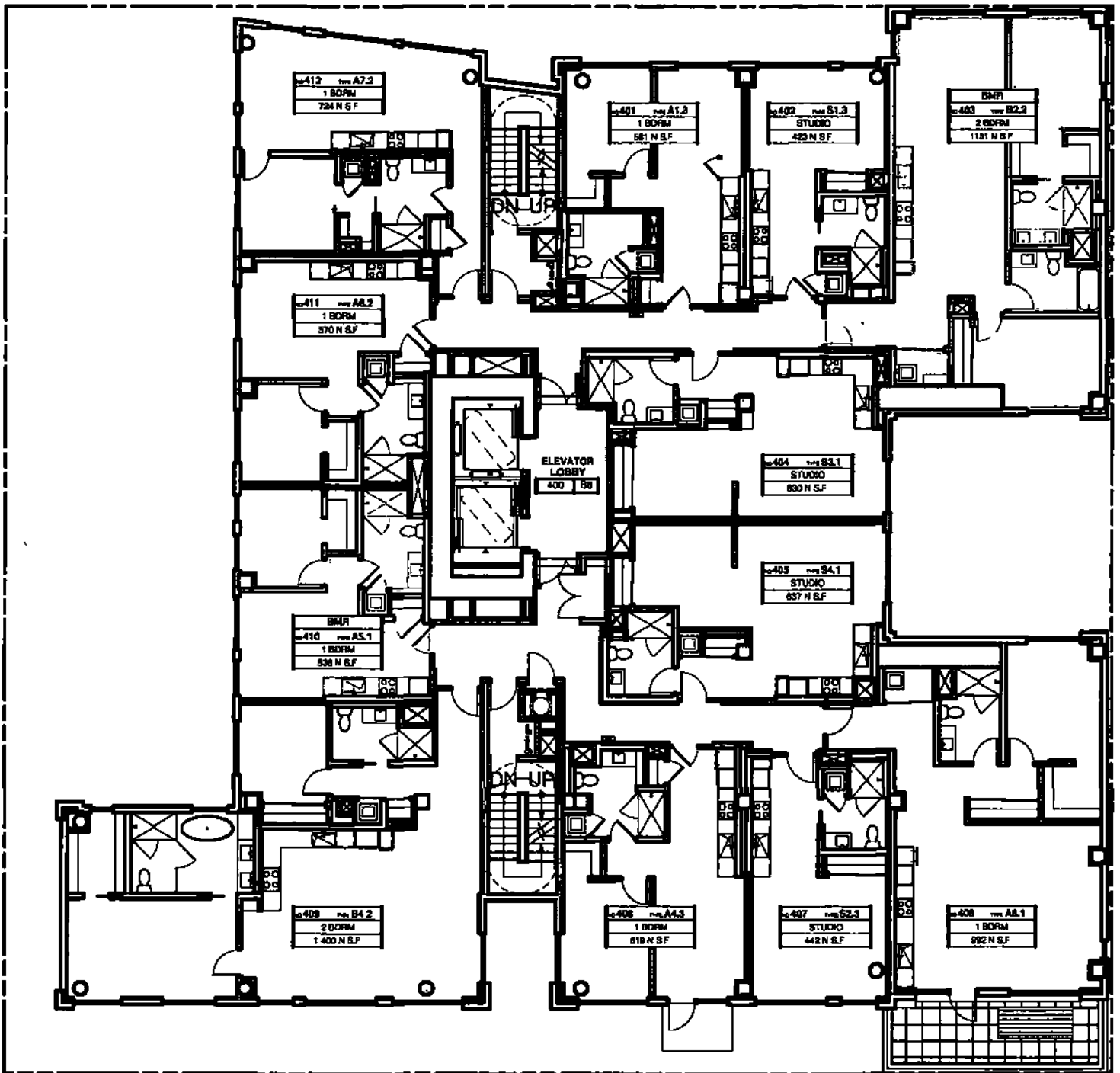
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BY	GL
PROJ #	1426

TITLE

FLOOR 3
BUILDING LAYOUT

SHEET

AA.3



1545 PINE STREET

SAN FRANCISCO, CA

BDE
ARCHITECTURE

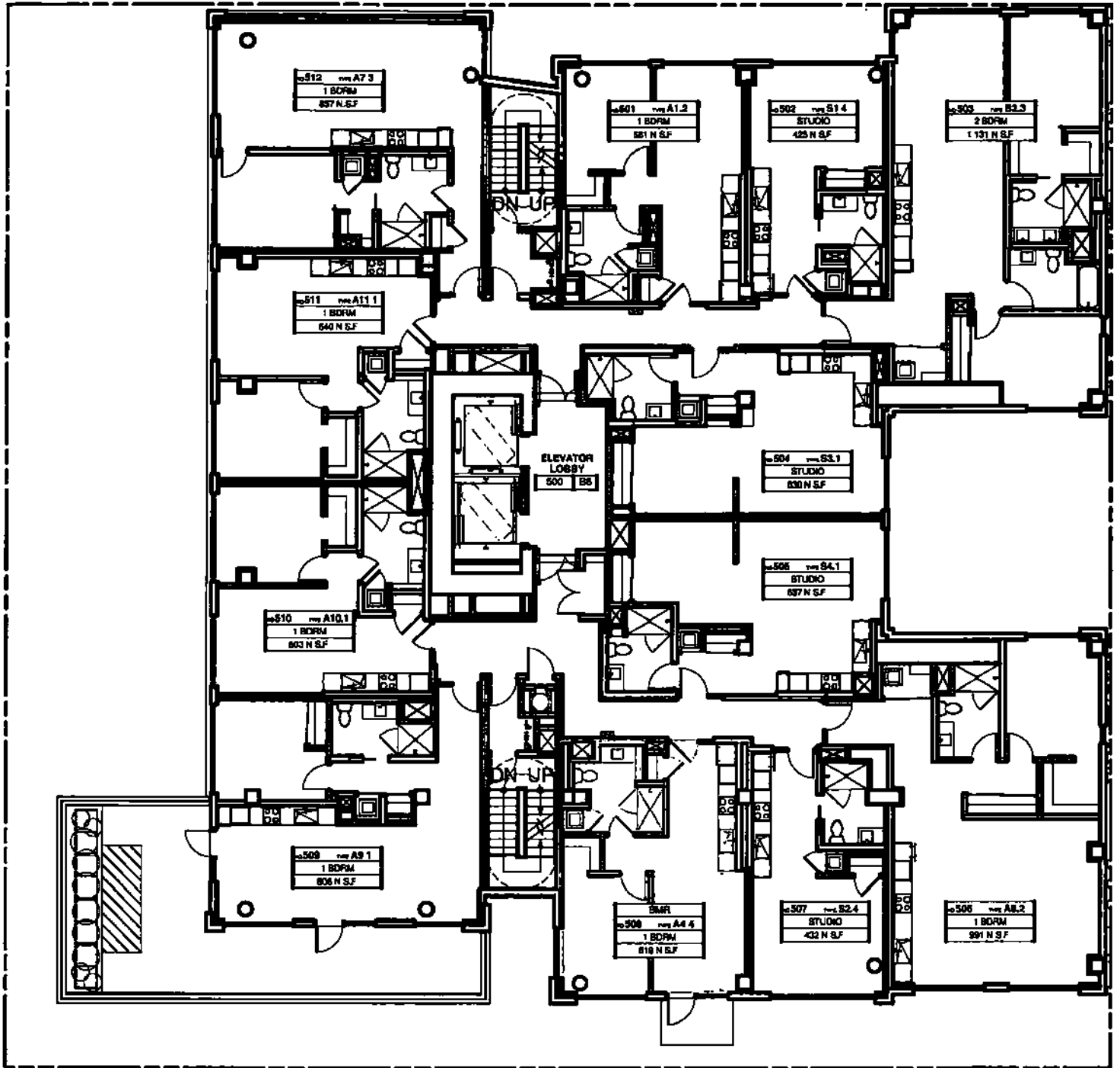
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BY	GL
PROJ #	1426

TITLE

FLOOR 4
BUILDING LAYOUT

SHEET

AA.4



1545 PINE STREET

SAN FRANCISCO, CA



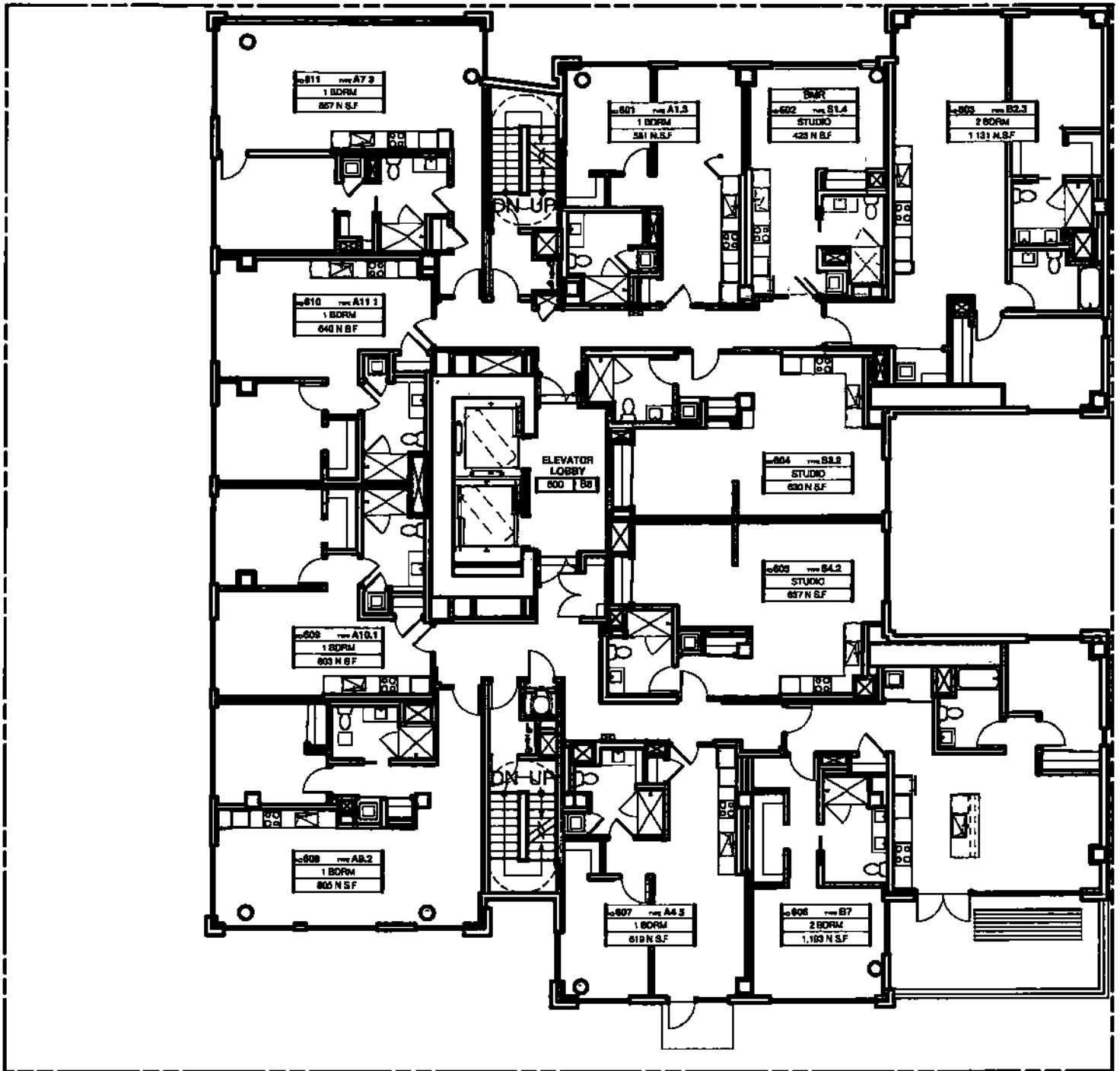
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BY	GL
PROJ #	1426

TITLE

FLOOR 5
BUILDING LAYOUT

SHEET

AA.5



1545 PINE STREET

SAN FRANCISCO, CA

BDE
ARCHITECTURE

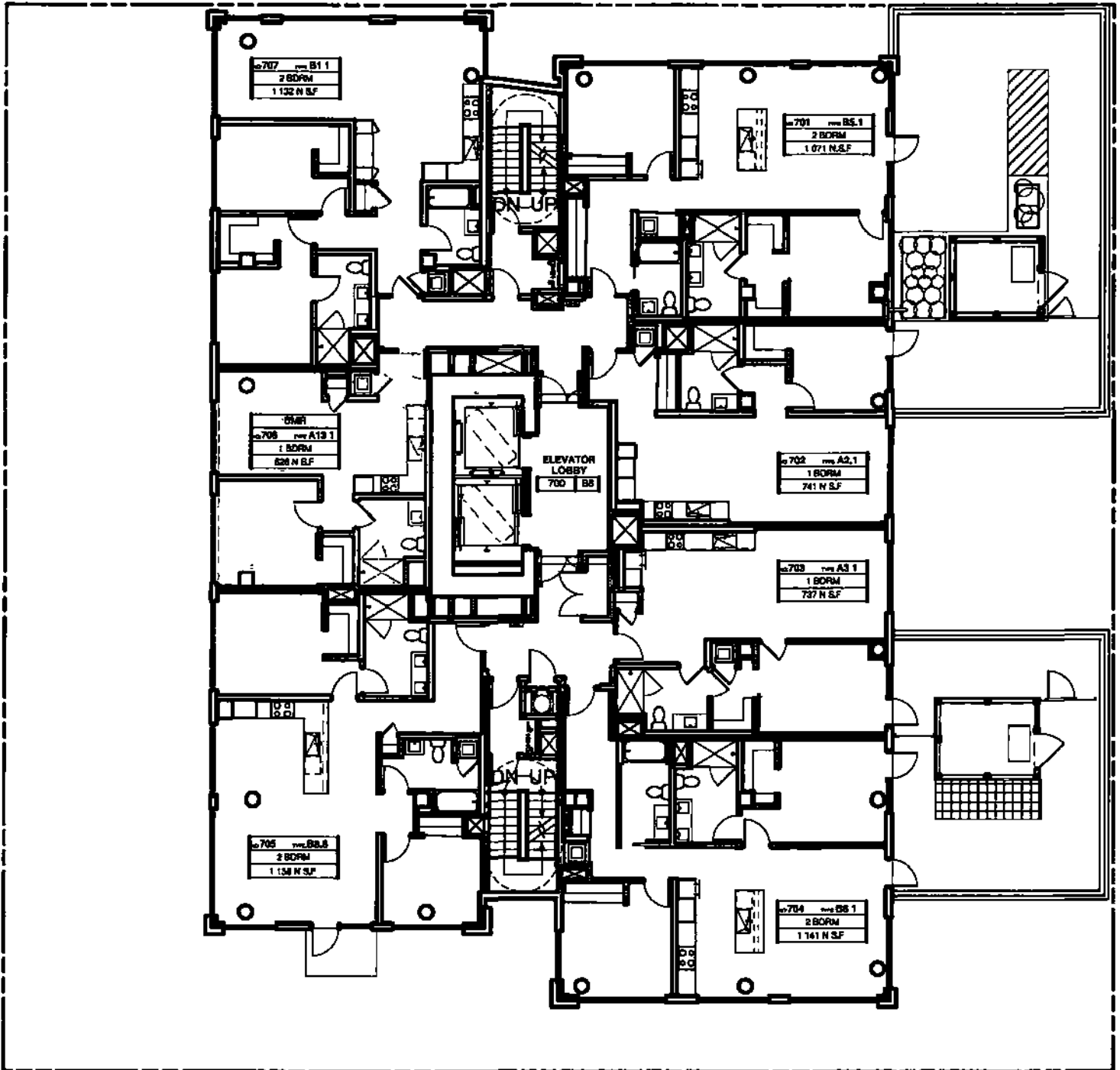
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BY GL
PROJ # 1426

TITLE

FLOOR 6
BUILDING LAYOUT

SHEET

AA.6



1545 PINE STREET

SAN FRANCISCO, CA

BDE
ARCHITECTURE

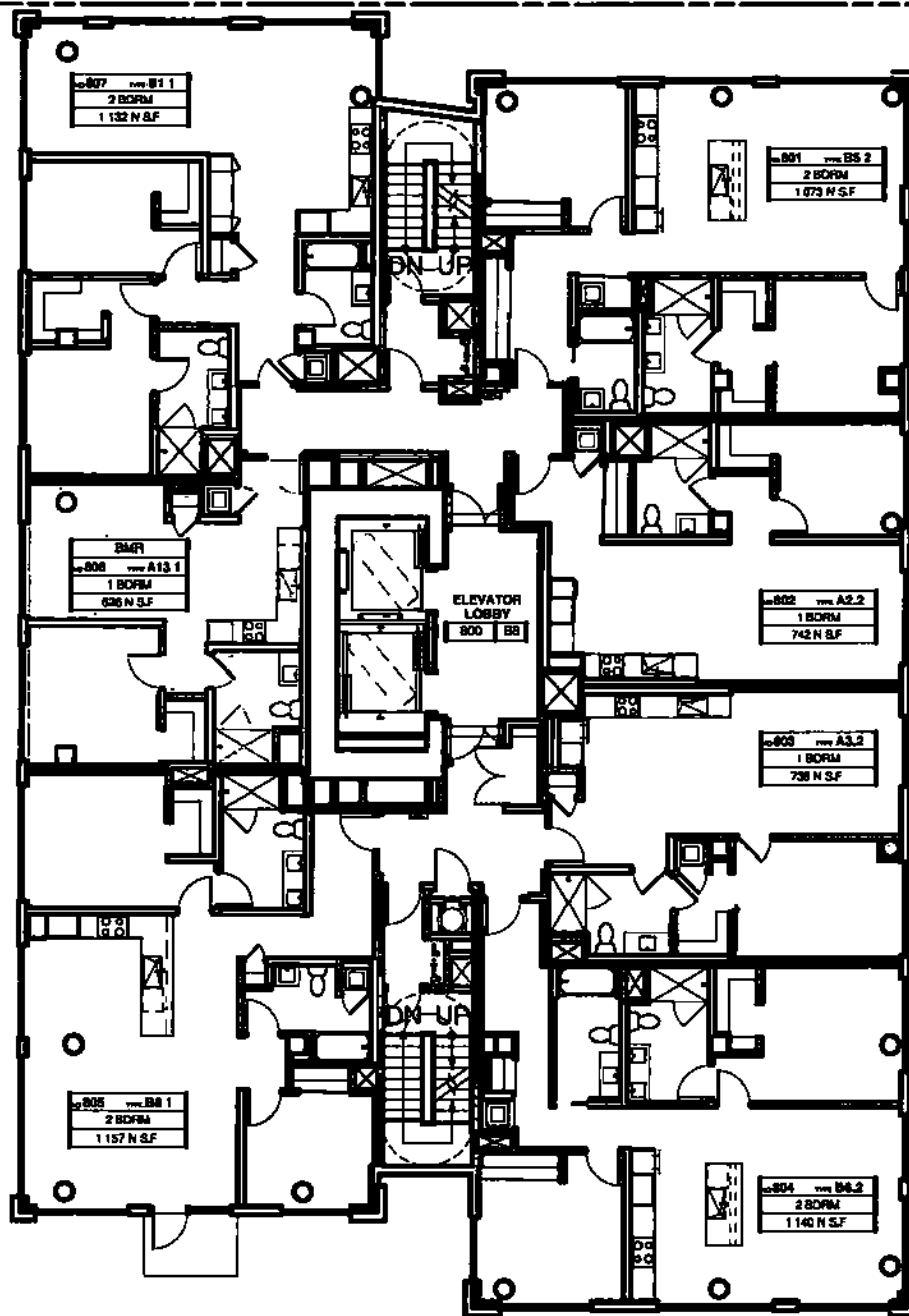
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SCALE	1/16"=1'-0"
BY	GL
PROJ #	1426

TITLE

FLOOR 7
BUILDING LAYOUT

SHEET

AA.7



1545 PINE STREET

SAN FRANCISCO, CA



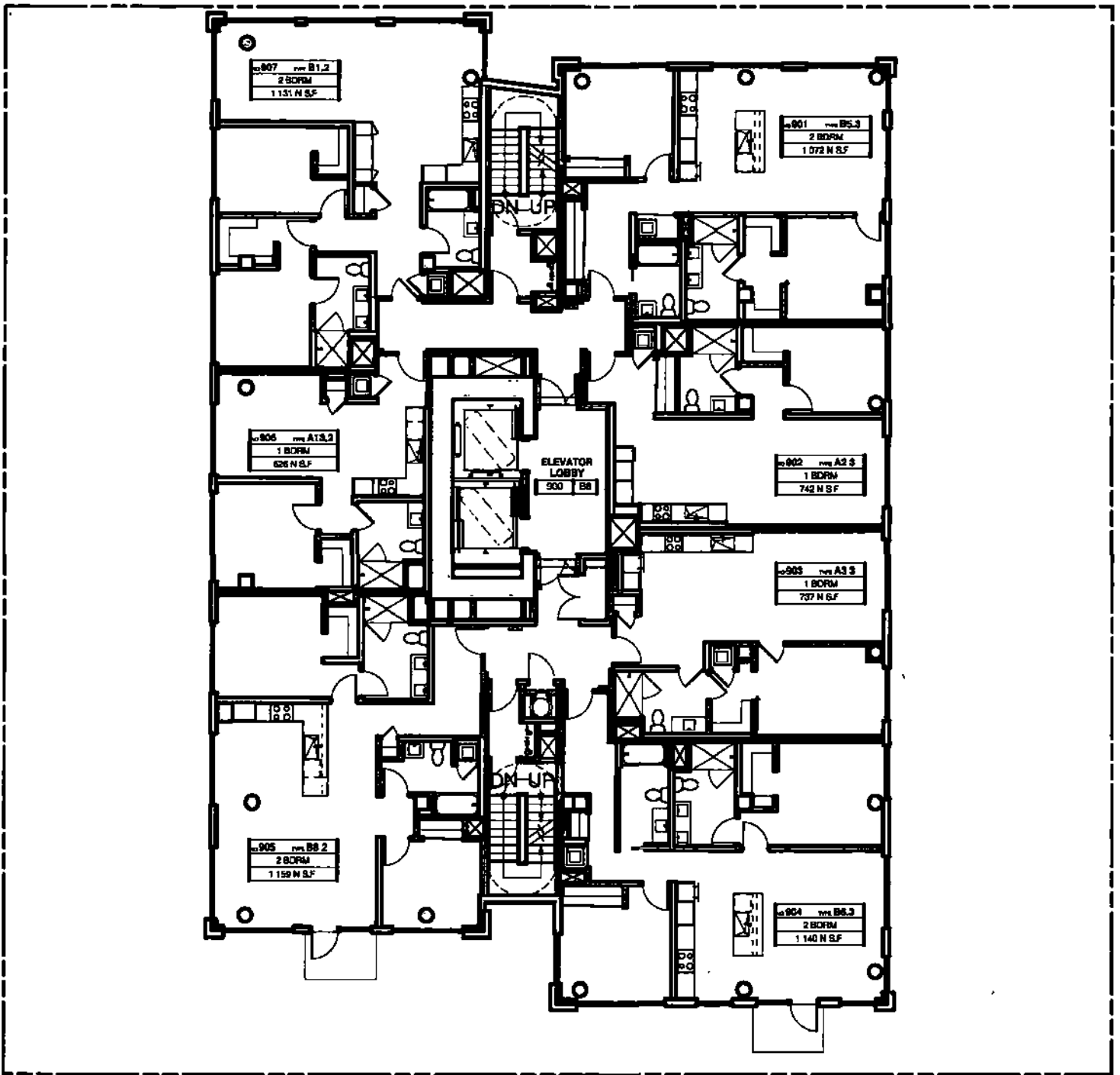
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BY	GL
PROJ #	1426

TITLE

FLOOR 8
BUILDING LAYOUT

SHEET

AA.8



1545 PINE STREET

SAN FRANCISCO, CA

BDE
ARCHITECTURE

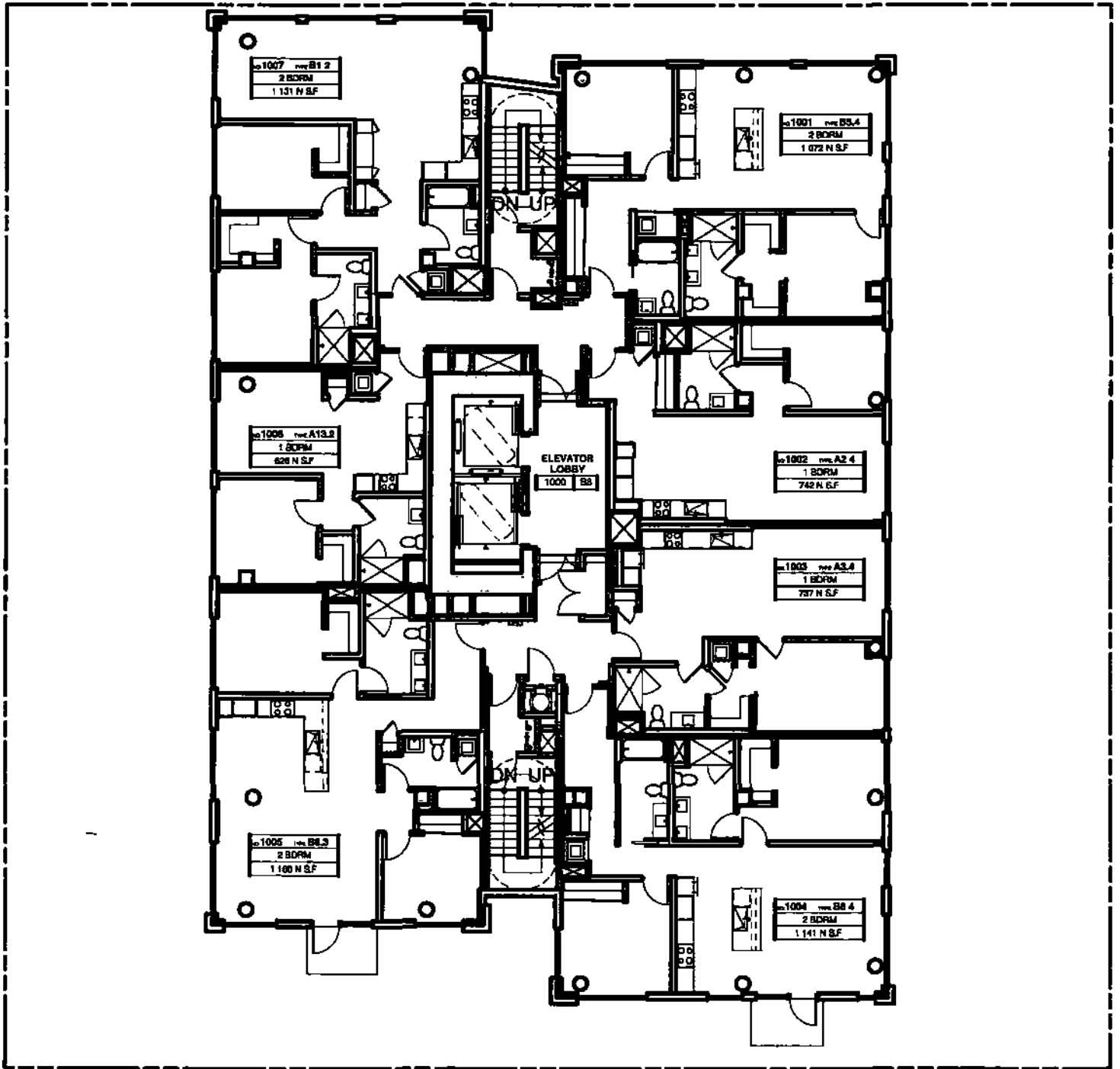
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SCALE	1/16"=1'-0"
BY	GL
PROJ #	1426

TITLE

FLOOR 9
BUILDING LAYOUT

SHEET

AA.9



1545 PINE STREET

SAN FRANCISCO, CA

BDE
ARCHITECTURE

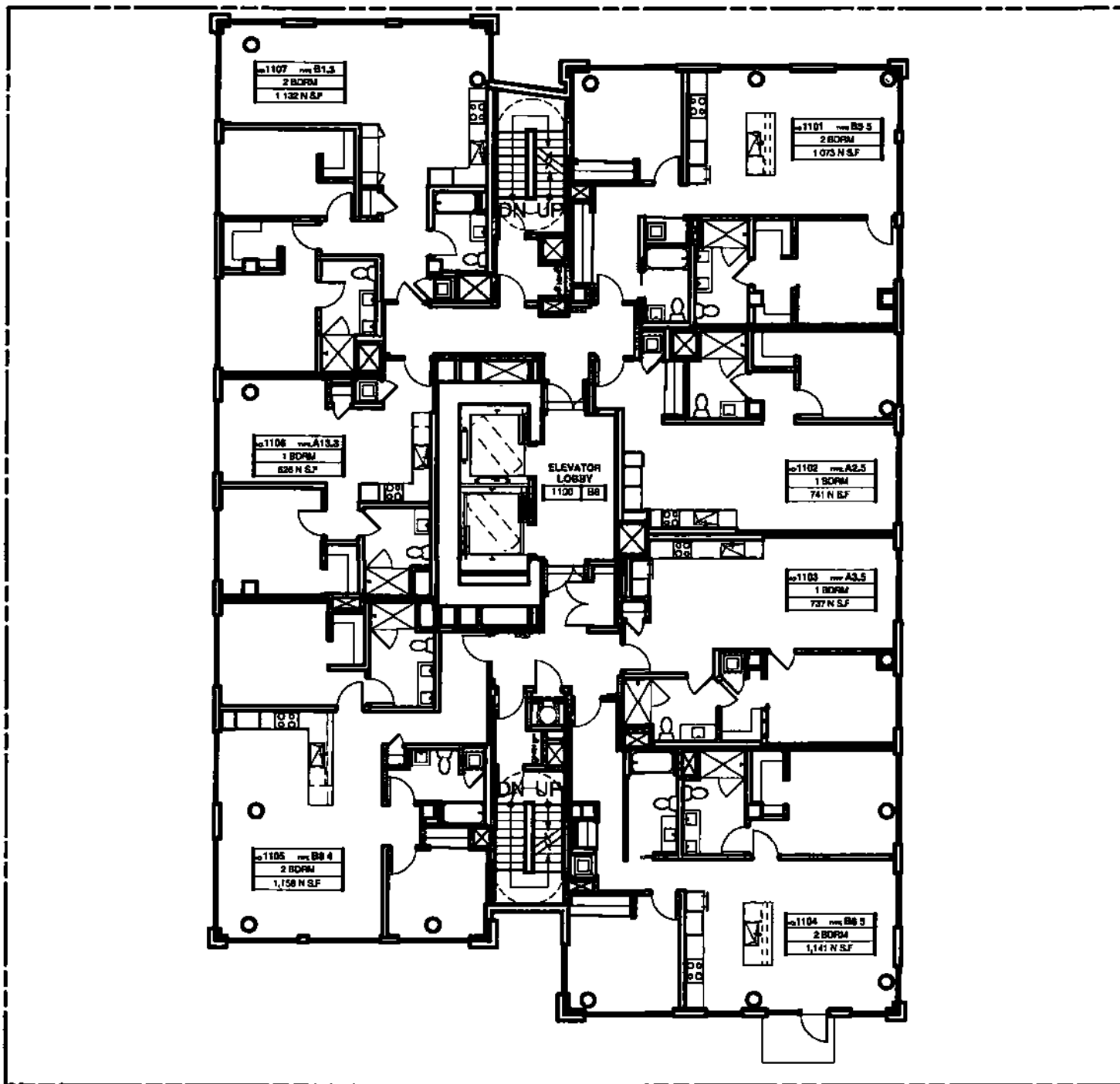
DATE	2 8 17
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BY	GL
PROJ #	1426

TITLE

FLOOR 10
BUILDING LAYOUT

SHEET,

AA.10



1545 PINE STREET

SAN FRANCISCO, CA



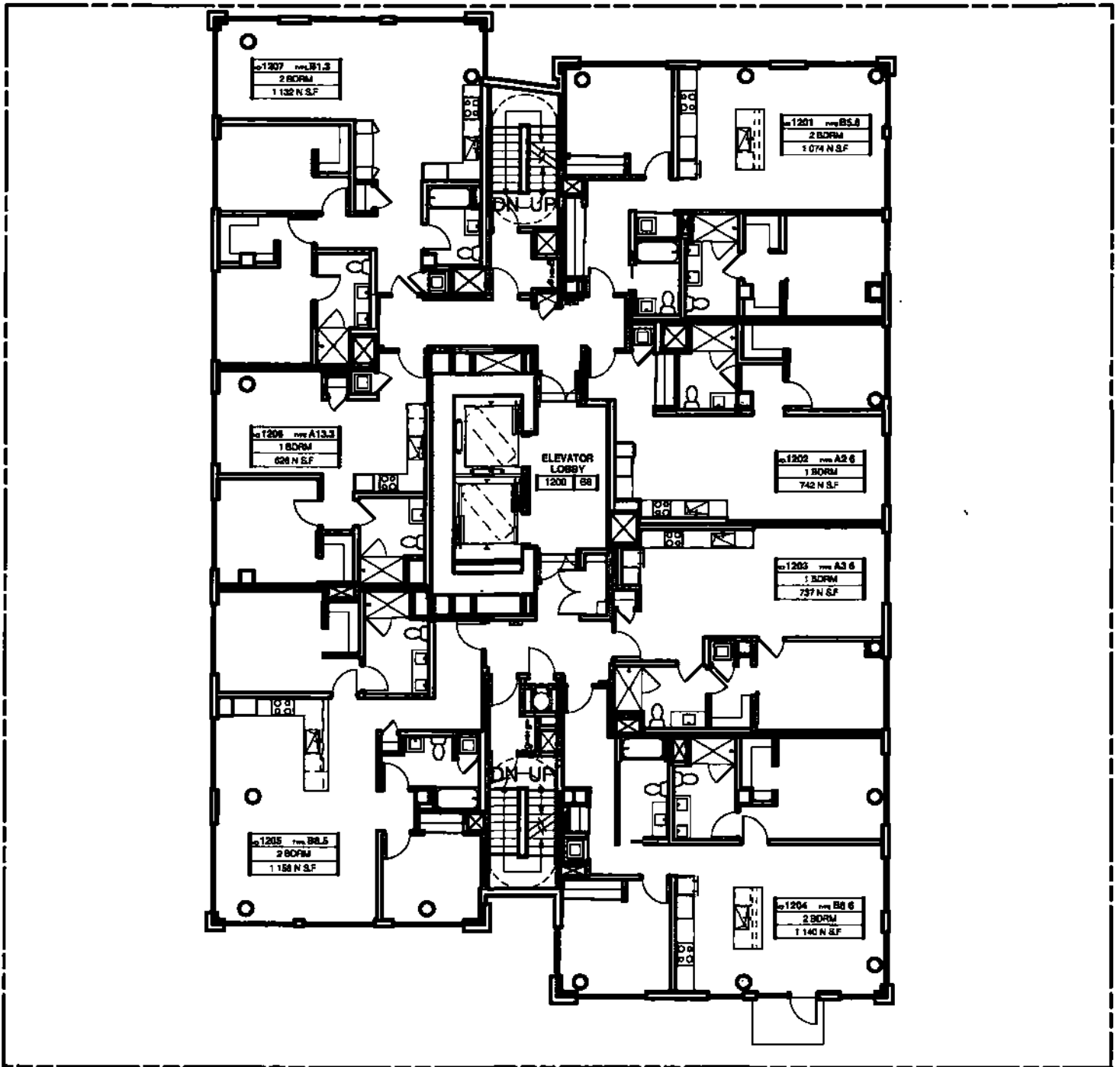
DATE	2 8 17
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BY	GL
PROJ #	1426

TITLE

FLOOR 11
BUILDING LAYOUT

SHEET

AA.11



1545 PINE STREET

SAN FRANCISCO, CA

BDE
ARCHITECTURE

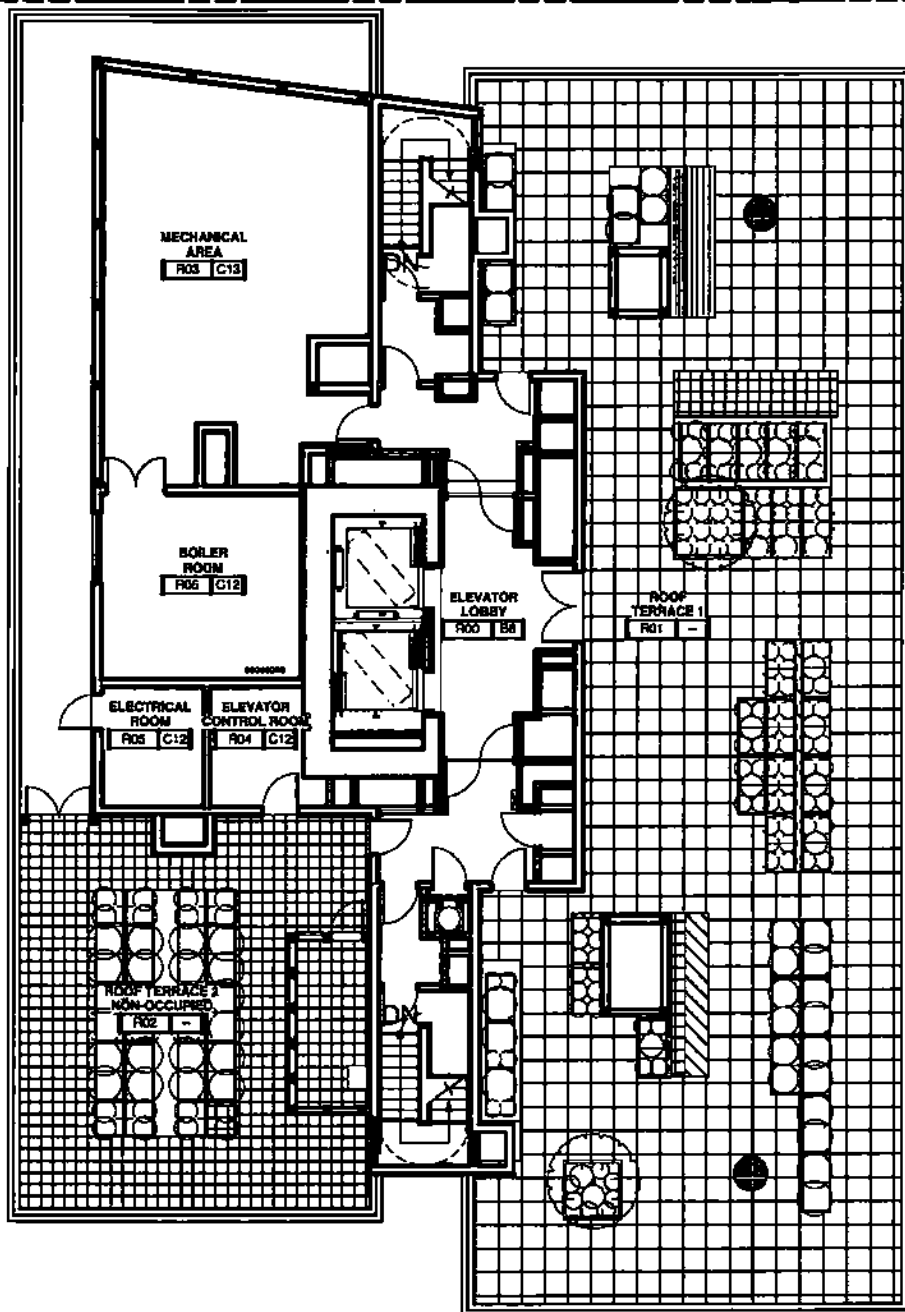
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BY	GL
PROJ #	1426

TITLE

FLOOR 12
BUILDING LAYOUT

SHEET

AA.12



1545 PINE STREET

SAN FRANCISCO, CA

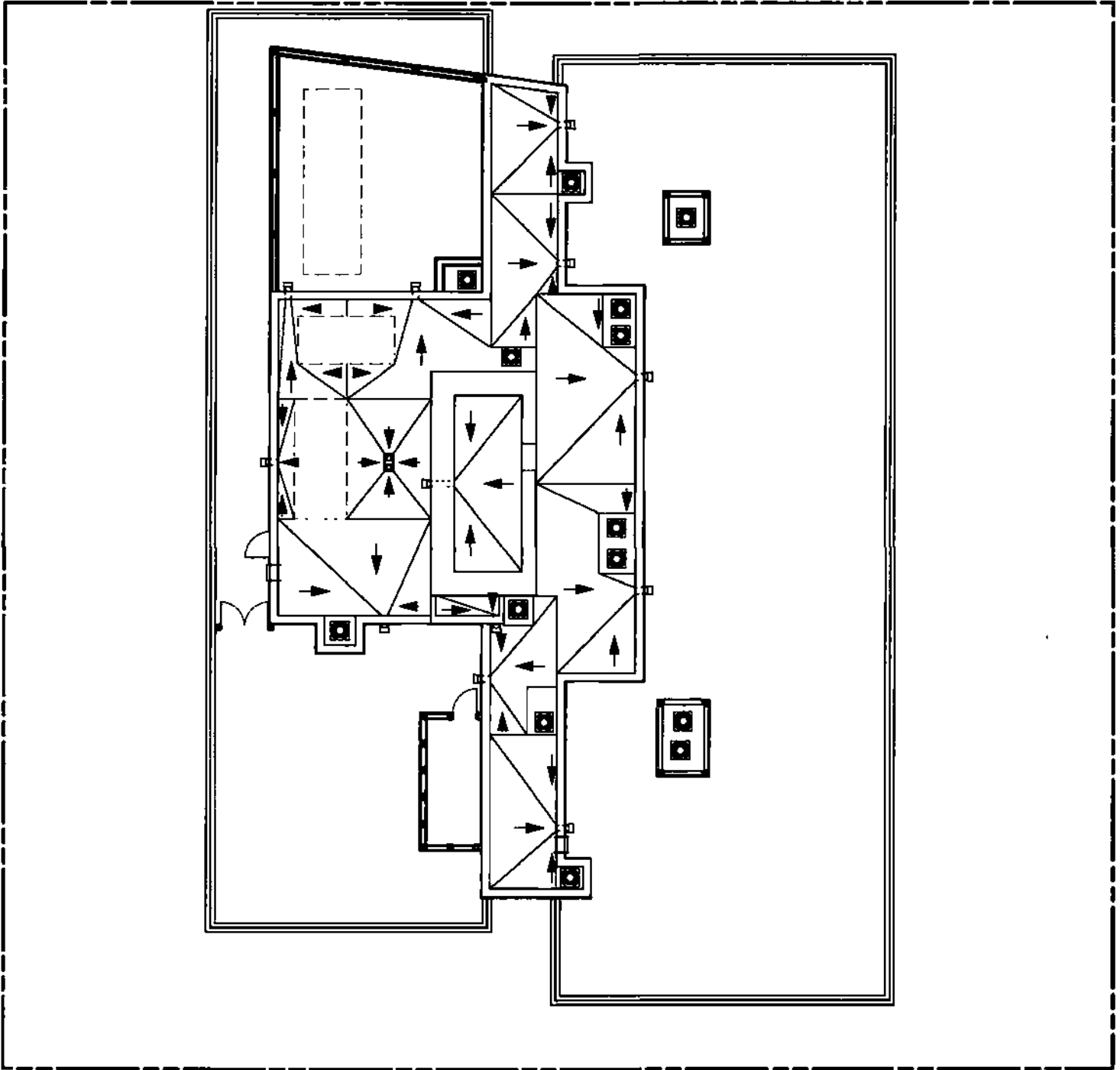
BDE
ARCHITECTURE

DATE	2817	TITLE
SCALE	1/16"=1'-0"	
BY	GL	
PROJ #	1426	

FLOOR R1
BUILDING LAYOUT

SHEET

AA.R1



1545 PINE STREET

SAN FRANCISCO, CA



DATE	2 8 17
SCALE	1/16"=1'-0"
BY	GL
PROJ #	1426

TITLE

FLOOR R2
BUILDING LAYOUT

SHEET

AA.R2

THE AUSTIN, SAN FRANCISCO, CALIFORNIA
SELLER’S ADDITIONAL DISCLOSURE TO PURCHASERS

PACIFIC PINE LLC, A DELAWARE LIMITED LIABILITY COMPANY, THE ENTITY THAT OWNS THE PROJECT AND IS SELLING THE UNITS, HEREBY PROVIDES THE FOLLOWING ADDITIONAL DISCLOSURE TO BUYERS OF CONDOMINIUM UNITS AT THE AUSTIN.

The Seller of The Austin understands that entitlement applications have been submitted to City agencies for a proposed new 7-story mixed-use commercial and residential development at the adjacent property to the east at 1525 Pine Street. Complete details for the potential development and proposed construction timeline are not available at this time. The proposed project has not been approved and building permits have not been issued by City agencies at this time. The future of the proposed project is uncertain at this time. It is unknown whether the proposed project will be approved and built. If the project is built, it may be constructed with different specifications. Until such time as the proposed project is approved, permits are issued and the project is constructed, it is subject to change.

If the proposed project at 1525 Pine Street is approved and construction proceeds, then throughout the demolition and construction processes at 1525 Pine Street, construction personnel may have temporary access to the Project and a construction crane may have a temporary right to traverse the Project’s airspace. Completion of the proposed 1525 Pine Street project may impact unit views, light source and privacy for certain Units and areas of the Project, particularly those of east facing Units in the Project. The roof of the proposed 1525 Pine Street project may contain venting and mechanical equipment that may be visible from your Unit and the Project, and may contain roof deck(s). The proposed redevelopment of 1525 Pine Street currently includes retaining Grubstake restaurant, as discussed in the Seller’s Supplemental Disclosures to Purchasers (the “Disclosure Statement”), as the ground floor tenant. You should contact the San Francisco Planning Department for further detail.

All capitalized terms used but not defined herein shall have the same meaning given to such term in the Disclosure Statement.

ACKNOWLEDGEMENT

Buyer has fully read and understands this Additional Disclosure and has asked any questions Buyer deems appropriate to clarify any issue(s) described herein.

Signature _____

Printed Name _____ Date _____

Signature _____

Printed Name _____ Date _____

Seller’s Representative

Unit Number _____

May 4, 2021

Mr. Joel Koppel, President
San Francisco Planning Commission
1650 Mission Street, Ste. 400
San Francisco, CA 94103

**Re: 1525 Pine Street (Case No. 2015-009955CUA) - May 6, 2021 Hearing
for Conditional Use Authorization**

Dear President Koppel and Commissioners,

On May 6, 2021 the Planning Commission will consider a Conditional Use Authorization (CUA) for a proposed eight-story, 83-foot-tall mixed used development consisting of 21 dwelling units and approximately 2,473 square feet of commercial space located at 1525 Pine Street (Project). The Project is located on a narrow through lot between Pine Street and Austin Street that currently is the location of the Grubstake restaurant. The Grubstake will return to the ground floor of the Project after construction is completed and elements of the Grubstake will be incorporated into the Project through the retention, replication and reuse of aspects of the current Grubstake. The Project will include 13% of the units for very low-income tenants in a transit-rich area of the City and utilize the State Density Bonus to provide 21 units of much needed housing.

The Project was originally scheduled to be heard on March 18, 2021. At the request of the Lower Polk Neighbors (LPN), the Project sponsor requested a continuance to allow the Project to be presented again to the LPN.¹ On April 14th, the Project sponsors presented the Project to the LPN at their regularly scheduled meeting. At that meeting, the Project sponsors shared shadow diagrams prepared by PreVision Design evaluating the Project's shadow on Austin Alley, comparing it to a code compliant project. The diagrams show that the increase in height of the building does not meaningfully change the shadow cast along Austin Alley. Copies of those diagrams are attached as **Attachment A**.

On April 28th, a second meeting was held by the LPN to discuss the Project, as is standard practice for projects being considered by the LPN.² At both meetings, there was strong support for the Project and its addition of much needed housing as well as some concern expressed by adjacent condo owners at The Austin. The Project sponsors appreciate the LPN making time and space on its agenda(s) to hear the Project.

¹ The Project had previously been presented to the LPN. At the time, the Project was not utilizing the State Density Bonus Law. While the Project sponsor had notified the LPN of the changes to the Project and invited them to community meetings to review the Project changes, a formal presentation to the LPN did not occur and at the time was not requested. When the LPN requested a formal presentation, the Project sponsor requested a continuance.

² The LPN's standard practice is to hear a project at one meeting and discuss it at a subsequent meeting with decisions on whether to support or oppose a project made by the Board following the two meetings. Here, a special meeting was called to discuss the Project given the May 6, 2021, Planning Commission hearing date.



At the second meeting, the Project agreed to further the Project's commitment to improving Austin Alley and will be contributing an additional \$15,000 on top of \$10,000 previously committed to help fund Austin Alley improvements such as replacing lights and sponsoring the Cultural Heritage Medallion Program. In response to concerns raised by The Austin residents, the Project sponsors will investigate light enhancement measures to direct light from the Project to the lightwell/interior courtyard of The Austin and will work with key stakeholders on finding a viable solution to the concern raised. The Project sponsors are committed to working with the LPN and we understand they will be supporting the Project and the additional housing that it will provide. The Project has also received 39 letters of support. Those letters are from neighbors, including owners at The Austin, community members, businesses and local organizations including Betty Sullivan (SF Bay Times), Dr. Bill Lipsky (LGBTQ Historian and Published Author), and Linda and Fernando Santos (former owners of the Grubstake). Copies of these letters are included as **Attachment B**.

Finally, the Project under consideration has been in process for almost six (6) years. The initial application was filed on July 31, 2015, and since that time the Project has navigated Planning Code changes, evaluated not only whether the Grubstake is a historic resource but prepare documentation and analysis on the Polk Gulch LGBTQ Cultural District and respond to and address comments from the community and design feedback from the Planning Department. Almost six (6) years for a Project of this size shows the Project sponsor's commitment to not only addressing concerns raised but a focus on proposing a development that respects the history of the Grubstake while also providing much needed housing. Regarding the Grubstake, the Project is required to return the restaurant to the site. The Project itself, as it is defined, includes preserving and replicating various elements of the Grubstake.

For these reasons and as discussed in more detail below, **we respectfully request that the Planning Commission approve the CUA for a Large Lot Development (Section 121.1); Non-Residential Use Size (Section 121.2); Dwelling Unit Mix (Section 207.6); and Restaurant Operating Hours (Section 723).**

1. Project Description

The Project is located on a through lot with frontage on Pine Street and Austin Street. The Project site is occupied by the one-story Grubstake restaurant, which would be demolished and replaced with an eight-story, 83-foot-tall building containing 21 dwelling units and approximately 2,473 square feet of commercial space to be occupied by the Grubstake. The Project will include 13% of the dwelling units for low-income residents.

The Grubstake is a known late-night eatery with cultural significance within the Polk Gulch LGBTQ Cultural District. The existing Grubstake is comprised of an old lunch wagon that was located at the site in 1917 and has been heavily altered over time. Although the Grubstake is not a landmark or historic building, the restaurant is culturally significant and the Project design includes salvaging and reusing some of the interior and exterior features of the Grubstake, including the existing signage, and the Project's design honors the old lunch wagon style. In April 2018, the Project sponsor retained Architectural Resources Group (ARG) to evaluate the Grubstake and make recommendations



regarding architectural features that could be salvaged for reuse or replicated in the new development. Subsequently, the Project sponsor retained ARG to provide design consultation on the Project. ARG's recommendations have been incorporated into the Project and copy of them is included as **Attachment C**. Finally, the Project sponsor, who also owns Grubstake, intends to reinstate Grubstake within the restaurant space after construction, including the late-night dining hours.

2. Project Approvals

The Project requires a CUA for a Large Lot Development (Section 121.1); Non-Residential Use Size (Section 121.2); Dwelling Unit Mix (Section 207.6); and Restaurant Operating Hours (Section 723).

A. Large Lot Development

The Planning Code requires a CUA for any development on a lot more than 2,500 square feet in the Polk Street-NCD. The Project's lot is approximately 3,000 square feet and is 25 feet in width.³ The Project mass and façade are entirely compatible with the surrounding properties including the adjacent new residential tower to the west at 1545 Pine Street and the 25-story hotel just across Pine Street. The return of the Grubstake into the Project's lower levels ensures an active commercial ground floor uses and street scene. Granting the CUA will allow the development of much needed housing in a transit rich urban environment and ensure an active commercial use along the ground floor that includes the preservation and return of a coveted neighborhood restaurant.

B. Non-Residential Use in Excess of 2,000 square feet

The Planning Code requires a CUA for any non-residential use more than 2,000 square feet in the Polk Street-NCD. The Grubstake is currently approximately 1,661 square feet and the proposed new Grubstake space is approximately 2,473 square feet with some of the additional square footage contained in a mezzanine area created by the replication of the existing barrel ceiling. The additional square footage will allow the return of the Grubstake to the Project's ground floor to serve the neighborhood in the same way it has for many years as one of the only late-night dining options in the City. Granting the CUA will ensure a viable restaurant with sufficient kitchen and seating areas.

C. Dwelling Unit Mix

The Planning Code requires a CUA for projects in the Polk Street-NCD that do not comply with the requirements that 35% of a project's residential units have a mix of two (2)- and three (3)-bedroom units with at least 10% as three (3) bedrooms. The Project proposes that 28% of the units are two (2) and three (3) bedrooms with 14% of the units as three (3)-bedroom units. While the Project will provide a lower percentage of overall two (2) and three (3)-bedroom units it will provide more three (3)-bedroom units than is required under the Code and will construct two (2) studio units in lieu of the needed two (2)-bedroom units, providing more affordable-by-design units in the Project.

³ The Project filed its initial application in 2015 and at that time a CUA was not required for development on lots more than 2,500 square feet. The CUA requirement was implemented through Planning Code changes approved in 2017.



The narrow lot and needed lightwells along both sides of the Project creates a significant constraint to the site's floor plan, unit layout and results in the only ability to meet the required unit mix being further increasing the building height, a change that not only significantly impacts the cost of the Project by changing the construction type proposed but also is not desirable in terms of the adjacent structures or urban design patterns. Granting the CUA will allow the Project to provide more dwelling units within a structure that increases building height by only one story.

D. Restaurant Operating Hours

The Planning Code requires a CUA for projects in the Polk Street-NCD that are open between 2:00 am and 6:00 am. The Grubstake has historically been known as an after-hours late-night dining location and it is those late-night hours that made it unique in the neighborhood during the historic context statement period. Few of these late-night dining options remain, even before the COVID-19 pandemic. The Grubstake historically has had 24-hour operations. Recently, it has stayed open until 4:00 a.m. and granting the CUA will allow the Grubstake to return to its full glory including after-hours dining.

3. Density Bonus Concessions and Waivers

The Project is relying on the State Density Bonus to achieve the proposed density. Strict adherence to the Planning Code would yield a 15-unit “base project.” As noted, the Project site is a tight infill lot that is both narrow and deep, and fronts two streets. Added to those constraints is the commitment to incorporate the Grubstake into the Project, including replicating its interior and exterior. As the Project sponsor has elected to include two (2) inclusionary housing units on site, the Project is eligible for additional density as well as concessions, incentives and waivers to facilitate the development and provide flexibility to develop the Project site within the context of the constraints described above.

The Project seeks one concession to reduce the actual cost of development for Permitted Obstructions (Section 136) and eight (8) waivers from development standards that otherwise would physically preclude the Project. The eight (8) waivers include relief from strict compliance with the Planning Code for (1) Rear Yard (Section 134), (2) Common Useable Open Space (Section 135(g)), (3) Dwelling Unit Exposure (Section 140), (4) Ground-Floor Ceiling Height (Section 145.1(c)(4)), (5) Transparency (Section 145.1(c)(6)), (6) Height (Section 250), (7) Setbacks on Narrow Streets (Section 261.1), and (8) Bulk (Section 270).

A. Permitted Obstructions

The Project seeks a concession from the Planning Code for Permitted Obstructions for bay windows on the Austin Street (rear) side of the Project. The Planning Code limits bay windows from extending beyond two (2) feet and the Project proposes bay windows that extend three (3) and ½ feet. These bay windows match the bay windows along Pine Street creating cost efficiencies. The proposed bay windows also provide additional rentable floor area and improve the livability of the units facing Austin Street. An analysis has been provided to the City that demonstrates that the cost saving from



using one frame wall system as well as the additional floor area gained by the non-compliant windows offset the cost of providing affordable housing on site and therefore seek a concession under the Density Bonus Law.

B. Common Useable Open Space

The Project seeks a waiver from the Planning Code for Common Useable Open Space. The Planning Code requires 1,008 square feet of Common Open Space for the Project's 21 units. The Project provides 749 square feet of Common Open Space on a roof deck, which is 74% of the open space required. The Project also provides six (6) private balconies for units, but the dimensions of the balconies do not meet the minimum requirements to qualify as code compliant private open space. There are also Juliet balconies included for every unit that does not have a private open balcony, and two (2) and three (3) bedroom units along Austin include both a Juliet balcony and a private balcony.

Providing code compliant balconies in the Project would result in significant Project changes. Specifically, it would result in the complete loss of one (1) unit on Level 2 and would reduce two (2) other units to 385 square feet. It would result in the loss of three (3) units on Levels 3-5 and reduce the square footage of two (2) more units. On Level 6-7, the three (3) bedroom units would become two (2) bedroom units and the two (2) bedroom units would become one (1) bedroom units. This change in unit size and mix would render the Project infeasible. The Project has also explored providing additional Open Space on the roof deck to address the open space shortfall. Unfortunately, this is also not an option as the Open Space provided is the maximum amount available due to square footage limitations of Assembly occupancy for proposed construction type, as well as limited physical space due to mechanical and solar systems on the roof.

As noted, the Project site is severely constrained by its width and its commitment to specific design criteria for the ground floor commercial space. As a result, the Project is very sensitive to minor changes in design. Adherence to Open Space requirements would physically preclude the development of the Project with the additional units sought and the Project seeks a waiver from the requirements.

C. Dwelling Unit Exposure

The Project seeks a waiver for minor deviation from the Planning Code's Dwelling Unit Exposure requirements. Only one (1) of the Project units do not meet the strict requirements of the Planning Code as it provides less than the required 25 feet wide exposure in each direction. The unit instead faces onto a six (6) feet by 25-feet lightwell but also contains a private balcony. The Project requires a waiver as the strict adherence to the Planning Code would physically preclude the construction of the Project as proposed.



D. Ground Floor Ceiling Height

The Project seeks a waiver from the Planning Code Ground Floor Ceiling Height requirement of 14-feet. The Project is honoring the design elements of the existing Grubstake restaurant on the ground floor, including a barrel ceiling with a proposed ceiling height of 10-feet. Because the lot slopes down from west to east and is narrow, strict adherence to the Planning Code requirements for Ground Floor Ceiling Height is not viable and would result in a loss of units that would physically preclude the development of the proposed Project.

E. Transparency

The Project seeks a waiver from the Planning Code requirements for Transparency requirement that 60 percent of the street frontage on the ground level allow visibility into the building. The Project proposes 28% transparency on the ground floor of the Austin Street side of and 26% on the Pine Street side. On the Austin Street side strict compliance would not allow the Project to house the required rear egress and solid waste access areas. On the Pine Street side strict adherence, would preclude the required egress and the use of salvaged material from the Grubstake given the very narrow width of the lot. As a result, adherence would physically preclude the construction of the proposed Project.

F. Height

The Project seeks a waiver from the 65-foot height limit. The Project would reach a height of 83-feet. The additional height facilitates the development of additional units in the Project. The adjacent project at 1545 Pine Street and the hotel across Pine Street both are taller structures upslope of the Project and without the additional height, the Project would be physically precluded from achieving the proposed density.

G. Setbacks

The Project seeks a waiver from the Planning Code requirements from the setback requirements along the Austin Street (rear) frontage. As a through lot, no setback is provided along the Austin Street frontage to maintain the street wall. Austin Street is not a heavily used street and relief from setback requirements would not result in a design that overwhelms the street. Shadow studies provided in **Attachment A** show the shadow along Austin Street. Relief from the setback requirements makes the Project viable as strict adherence would reduce the Project's square footage by pushing the building back from the street, resulting in a loss of units and physically precluding the development of the Project.

H. Bulk

The Project seeks a waiver from the Planning Code requirements from the 125-foot maximum diagonal dimensions on both Pine and Austin Street. The Project, including the bay window projections, totals just over 128 feet and the Project has taken steps to articulate the façade to offset



the impacts. The Project is compatible in design to the adjacent 1545 Pine Street and narrowly tucks into the infill lot. Strict adherence to the Bulk requirements would physically preclude the construction of the Project's additional dwelling units.

5. Community Outreach and Engagement

A Preliminary Project Application was filed for the Project on July 31, 2015. Over the almost six (6) years since the initial application, the Project sponsor has engaged with the community, listened to concerns and incorporated design changes in response to this outreach. Most recently, the Project sponsors have listened to the concerns raised by the LPN and its members regarding the Project construction on Austin Alley and has made the following additional commitments. The Project sponsor will contribute \$15,000 in addition to \$10,000 previously donated to the improvement of Austin Alley. These improvements may include items such as replacing lights across the alley's intersection, installing plantings or artwork and/or sponsoring the Cultural Heritage Medallion Program. The Project sponsors are themselves the owner and operators of the Grubstake and over the years have made significant commitments to the Lower Polk neighborhood and Austin Alley and are proud to work to continue to improve their neighborhood.

Some examples of additional community outreach include:

2017

- On April 19, 2017, the Project hosted its first community pre-application meeting for the Variance application that at that time was required.
- In June of 2017, the Project also presented to its Lower Polk Neighbors.

2018

- On January 16, 2018, the Project presented in front of the Entertainment Commission for review.
- In September 2018, the Project was presented to the LGBTQ Historical Society. At that meeting with the LGBTQ Historical Society, Page & Turnbull undertook an Oral History Project to supplement the historic analysis being prepared for the Grubstake.

2019

- On April 30, 2019, a formal presentation and discussion was undertaken with SF Heritage that focused on design and other considerations for The Grubstake.
- On December 9, 2019 in association with Conditional Use authorization and State Density Bonus applications, a second community pre-application meeting was hosted. Prior to the larger community meeting, on December 5th, the project was presented to owners and residents of adjacent The Austin.

2021

- On April 16, 2021, the Project was presented to the Lower Polk Neighbors.



Throughout the process, the Project sponsors have worked closely with key stakeholders to address their concerns and have 39 letters of support. While certain owners in the adjacent residential building The Austin have expressed concern, **all owners in The Austin received notice of the Project as part of their disclosure packets prior to purchasing their units.** As noted above, the Project began its entitlement journey in July 2015, before construction on The Austin began. All current and future owners were made aware of the redevelopment of the Project site via a separate disclosure required to be signed that was specific to the 1525 Pine Street project. That disclosure clearly stated that while an application was on file for the Project that “**until such time as the proposed project is approved, permits are issued and the project is constructed, it is subject to change**” and that “[c]ompletion of the proposed 1525 Pine Street project may impact unit views, light source and privacy for certain Units and areas of the [Austin], particularly those of east facing Units in the [Austin].” A copy of that disclosure is included as **Attachment D**. The Project sponsors, however, understand the concern of The Austin residents regarding shadow on the interior lightwell/courtyard and have committed to work with key stakeholders to identify feasible measures to direct light from its building to this area.

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In sum, we respectfully request that the Planning Commission approve a Conditional Use Authorization as the Project will ensure the return of the Grubstake restaurant to 1525 Pine Street, provides much needed transit-oriented housing, including on-site affordable units, and infills a narrow-underutilized lot. The Project sponsor has conducted community outreach and taken steps to design a development that is compatible with its setting.

If you have any questions or need any additional information, please feel free to contact me at 415-273-9670.

Very truly yours,

A handwritten signature in blue ink, appearing to read "Alexis M. Pelosi".

Alexis M. Pelosi

Attachments