



SAN FRANCISCO PLANNING DEPARTMENT

Executive Summary Conditional Use

HEARING DATE: JUNE 1, 2017

Date Prepared: May 22, 2017
Case No.: **2016-014040CUA**VAR
Project Address: **2301 Lombard Street**
Zoning: NC-3 (Neighborhood Commercial, Moderate Scale)
40-X Height and Bulk District
Block/Lot: 0512/031
Project Sponsor: Brett Leon
DM Development
448 Linden Street
San Francisco, CA 94102
Staff Contact: Laura Ajello – (415) 575-9142 or laura.ajello@sfgov.org
Recommendation: **Approval with Conditions**

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

Reception:
415.558.6378

Fax:
415.558.6409

Planning
Information:
415.558.6377

PROJECT DESCRIPTION

The applicant proposes to construct a four-story mixed-use building on a vacant corner lot that was last occupied by a gasoline station. The project is subject to a Conditional Use Authorization for the new construction of a building on a lot greater than 10,000 square feet (Planning Code Sections 121.1 and 303), and the project requires a rear yard modification (Planning Code Section 134(e)).

The proposed 40-foot tall building comprises three stories of residential units over ground floor commercial space and residential parking. Project features include: 22 dwelling units, a 2,600 square foot commercial space, 1,500 square feet of common usable open space on the roof deck, 1050 square feet of private usable open space for seven dwelling units, 33 residential parking spaces, 22 Class 1 bicycle parking spaces and four Class 2 bicycle parking spaces. The proposed unit mix includes five one-bedroom units ranging from 700 to 806 square feet, 16 two-bedroom units ranging from 1,057 to 1,584 square feet and one 1,710 square foot three-bedroom unit. The sponsor has elected to pay an in-lieu fee to comply with Planning Code Section 415, the Inclusionary Affordable Housing Fee.

SITE DESCRIPTION AND PRESENT USE

The project site is located at the southwest corner of Lombard (Highway 101) and Pierce Streets, Scott Street is located to the west, and Greenwich Street to the south. The Lombard Street corridor nearby predominantly consists of one-to-four story buildings with a mixture of residential, retail, professional, and hotel/motel uses. Nearby property uses include an IHOP restaurant across Pierce Street to the east, three and four-story mixed-use buildings to the north and west on Lombard Street, and three-story residential buildings adjacent to the south on Pierce and Greenwich Streets.

Recently completed and pending development in the project vicinity includes the construction of a four-story mixed-use building with 21 residential units over ground floor retail immediately adjacent to the west of the project site, expansion of a motel across the street, and San Francisco Municipal Transportation Agency (SFMTA) improvements on the Lombard Street corridor. The improvements include upgrading the crosswalks at the Lombard and Pierce intersection, relocating the transit stop in front of 2301 Lombard to the eastern side of the intersection in front of the IHOP, and establishing parking on Lombard Street in front of the project site, with the exception of the 20 feet closest to the intersection. Pierce Street frontages consist mainly of two- and three-story residential buildings.

SURROUNDING PROPERTIES AND NEIGHBORHOOD

The subject block is zoned NC-3 along Lombard Street and the remaining lots are zoned RH-2 and RM-2. The project site is a vacant corner lot that was last occupied by a Chevron gas station (demolished in 2005). One hotel and two recently constructed four-story, mixed-use buildings are also located on this block. The block-face across Lombard Street is characterized by a mix of one-, two- and three-story tall buildings, with a pattern of ground floor commercial uses.

The subject NC-3 zoning district is a linear commercial corridor along Lombard Street (US Highway 101) between Van Ness Avenue and Baker Street, which is a heavily trafficked thoroughfare and major connector to and from the Golden Gate Bridge. This NC District offers a wide variety of goods and services to a population greater than the immediate neighborhood, including motels, eating and drinking establishments, auto related uses and other retail stores. Housing development in new buildings is encouraged above the first story in the subject zoning district.

ENVIRONMENTAL REVIEW

On May 17, 2017 the Project was determined to be exempt from the California Environmental Quality Act ("CEQA") as a Class 32 Categorical Exemption under CEQA as described in the determination (see Exhibits).

HEARING NOTIFICATION

TYPE	REQUIRED PERIOD	REQUIRED NOTICE DATE	ACTUAL NOTICE DATE	ACTUAL PERIOD
Classified News Ad	20 days	May 12, 2017	May 10, 2017	22 days
Posted Notice	20 days	May 12, 2017	May 12, 2017	20 days
Mailed Notice	20 days	May 12, 2017	May 12, 2017	20 days

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

PUBLIC COMMENT/COMMUNITY OUTREACH

- The Department has received one letter in support of the project from Realty Equities, Inc., the developer and owner of VELA Apartments located next door at 2395 Lombard Street.

- The project sponsor has conducted outreach to the adjacent neighbors and interested community groups, including the Cow Hollow and Union Street Associations.

ISSUES AND OTHER CONSIDERATIONS

- The project proposes to utilize a vacant 13,263 square foot, which exceeds the lot size limit for the subject district and thus requires Conditional Use authorization.
- The project requires a Rear Yard Modification (Variance) as the rear yard situated at the southwest corner of the lot is less than 25% of the total lot area. An equivalent open area is provided on the roof. The Zoning Administrator will consider this request immediately following the Planning Commission decision.
- 33 stacked off-street parking spaces are proposed for residential use, 11 of which are permitted accessory parking spaces.
- A ground floor commercial space is proposed to be constructed. The commercial space will be approximately 2,600 square feet with no proposed tenant at this time.

REQUIRED COMMISSION ACTION

In order for the project to proceed, the Commission must grant Conditional Use Authorization to allow the establishment of a use with a lot size in excess of 10,000 square feet within the NC-3 Zoning District, pursuant to Planning Code Sections 121.1 and 303.

BASIS FOR RECOMMENDATION

- The project will add 22 new dwelling units to the City's housing stock, 17 of which are family-sized units.
- The new commercial space will provide additional economic stimulus and employment opportunity to the neighborhood.
- The project is designed to be compatible with the scale and massing of the subject Lombard Street NC-3 Zoning District.
- The project would not displace an existing retail tenant providing convenience goods and services to the neighborhood. The former gasoline service station was approved for removal in 2004 (Case No. 2003.0959V, Building Permit Application No. 2004.07.17.8730).
- The project is desirable for and compatible with the surrounding neighborhood.

RECOMMENDATION:	Approval with Conditions
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Attachments:

Draft Motion
Block Book Map
Sanborn Map
Aerial Photographs
Public Correspondence
Categorical Exemption

Project Sponsor Submittal, including:

- Inclusionary Affordable Housing Program: Affidavit for Compliance
- Anti-Discriminatory Housing Policy Form
- First Source Hiring Affidavit
- TD Management Plan
- Site Photographs
- Reduced Plans
- 3-D Renderings

Attachment Checklist

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

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

LMA_____

Planner's Initials

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SAN FRANCISCO PLANNING DEPARTMENT

Subject to: (Select only if applicable)

☒ Affordable Housing (Sec. 415)

☐ Jobs Housing Linkage Program (Sec. 413)

☐ Downtown Park Fee (Sec. 412)

☒ First Source Hiring (Admin. Code)

☒ Child Care Requirement (Sec. 414)

☐ Other

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

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Planning Commission Draft Motion

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ADOPTING FINDINGS RELATING TO THE APPROVAL OF CONDITIONAL USE AUTHORIZATION PURSUANT TO SECTIONS 121.1 AND 303 OF THE PLANNING CODE TO ALLOW CONSTRUCTION OF A FOUR-STORY MIXED-USE BUILDING CONTAINING 22 DWELLING UNITS, APPROXIMATELY 2,600 SQUARE FEET OF COMMERCIAL SPACE AND 33 RESIDENTIAL PARKING SPACES ON A LOT SIZE IN EXCESS OF 10,000 SQUARE FEET, WITHIN THE NC-3 (NEIGHBORHOOD COMMERCIAL, MODERATE SCALE) DISTRICT AND A 40-X HEIGHT AND BULK DISTRICT.

PREAMBLE

On October 16, 2016 DM Development (hereinafter “Project Sponsor”) filed an application with the Planning Department (hereinafter “Department”) for Conditional Use Authorization under Planning Code Sections 121.1 and 303 to utilize a vacant lot that was last occupied by a gasoline station, and construct a four-story mixed-use building within the NC-3 (Neighborhood Commercial, Moderate Scale) District and a 40-X Height and Bulk District.

On June 1, 2017, the San Francisco Planning Commission (hereinafter “Commission”) conducted a duly noticed public hearing at a regularly scheduled meeting on Conditional Use Application No. 2015-014040CUA.

On May 17, 2017 the Project was determined to be exempt from the Categorical Exemption, Class 32 (California Environmental Quality Act (CEQA) Guidelines Section 15332). General Rule Exclusion (CEQA Guidelines Section 15061(b)(3)).

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

MOVED, that the Commission hereby authorizes the Conditional Use requested in Application No. 2015-014040CUAVAR, subject to the conditions contained in "EXHIBIT A" of this motion, based on the following findings:

FINDINGS

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

1. The above recitals are accurate and constitute findings of this Commission.
2. **Site Description and Present Use.** The project site is located at the southwest corner of Lombard (Highway 101) and Pierce Streets, Scott Street is located to the west, and Greenwich Street to the south. The Lombard Street corridor nearby predominantly consists of one-to-four story buildings with a mixture of residential, retail, professional, and hotel/motel uses. Nearby property uses include an IHOP restaurant across Pierce Street to the east, three and four-story mixed-use buildings to the north and west on Lombard Street, and three-story residential buildings adjacent to the south on Pierce and Greenwich Streets.

Recently completed and pending development in the project vicinity includes the construction of a four-story mixed-use building with 21 residential units over ground floor retail immediately adjacent to the west of the project site, expansion of a motel across the street, and San Francisco Municipal Transportation Agency (SFMTA) improvements on the Lombard Street corridor. The improvements include upgrading the crosswalks at the Lombard and Pierce intersection, relocating the transit stop in front of 2301 Lombard to the eastern side of the intersection in front of the IHOP, and establishing parking on Lombard Street in front of the project site, with the exception of the 20 feet closest to the intersection. Pierce Street frontages consist mainly of two- and three-story residential buildings.

3. **Surrounding Properties and Neighborhood.** The subject block is zoned NC-3 along Lombard Street and the remaining lots are zoned RH-2 and RM-2. The project site is a vacant corner lot that was last occupied by a Chevron gas station (demolished in 2005). One hotel and two recently constructed four-story, mixed-use buildings are also located on this block. The block-face across Lombard Street is characterized by a mix of one-, two- and three-story tall buildings, with a pattern of ground floor commercial uses.

The subject NC-3 zoning district is a linear commercial corridor along Lombard Street (US Highway 101) between Van Ness Avenue and Baker Street, which is a heavily trafficked

thoroughfare and major connector to and from the Golden Gate Bridge. This NC District offers a wide variety of goods and services to a population greater than the immediate neighborhood, including motels, eating and drinking establishments, auto related uses and other retail stores. Housing development in new buildings is encouraged above the first story in the subject zoning district.

4. **Project Description.** The applicant proposes to construct a four-story mixed-use building on a vacant corner lot that was last occupied by a gasoline station. The project is subject to a Conditional Use Authorization for the new construction of a building on a lot greater than 10,000 square feet (Planning Code Sections 121.1 and 303), and the project requires a rear yard modification (Planning Code Section 134(e)).

The proposed 40-foot tall building comprises three stories of residential units over ground floor commercial space and residential parking. Project features include: 22 dwelling units, a 2,600 square foot commercial space, 1,500 square feet of common usable open space on the roof deck, 1050 square feet of private usable open space for seven dwelling units, 33 residential parking spaces, 22 Class 1 bicycle parking spaces and four Class 2 bicycle parking spaces. The proposed unit mix includes five one-bedroom units ranging from 700 to 806 square feet, 16 two-bedroom units ranging from 1,057 to 1,584 square feet and one 1,710 square foot three-bedroom unit. The sponsor has elected to pay an in-lieu fee to comply with Planning Code Section 415, the Inclusionary Affordable Housing Fee.

5. **Public Comment.** The Department has received one letter in support of the project from Realty Equities, Inc., the developer and owner of VELA Apartments located next door at 2395 Lombard Street.

The project sponsor has conducted outreach to the adjacent neighbors and interested community groups, including the Cow Hollow and Union Street Associations.

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. **Lot Size.** Planning Code Section 712.11 permits as-of-right a lot size of up to 9,999 square feet.

The lot measures approximately 13,263 square feet, which is in excess of the lot size limit and thus requires a Conditional Use authorization.

- B. **Residential Density.** Planning Code Section 712.91 permits a density ratio of 1 dwelling unit for each 600 square feet of lot area.

At approximately 13,263 square feet of lot area, 22 dwelling units are permitted on the proposed new lot. The proposed unit count complies with the prescribed density.

- C. **Rear Yard Requirement in the NC-3 District.** Planning Code Section 134 requires a rear yard measuring 25 percent of the total lot area at all residential levels. A modification of rear

yard requirements is permitted pursuant to Section 134(e), provided that the following criteria are met:

1. Residential uses are included in the new or expanding development and a comparable amount of usable open space is provided elsewhere on the lot or within the development where it is more accessible to the residents of the development; and
2. The proposed new or expanding structure will not significantly impede the access of light and air to and views from adjacent properties; and
3. The proposed new or expanding structure will not adversely affect the interior block open space formed by the rear yards of adjacent properties.

The project sponsor is seeking a modification of the rear yard requirement from the Zoning Administrator because the proposed rear yard is not equal to 25% of the lot area. The Project proposes an approximately 72-foot, 6 inch wide by 41-foot, 3 inch deep rear yard located at the residential floors at the interior corner of the lot that faces the mid-block open space. This area will be landscaped and remain open to the sky. Additional open space at the roof level is proposed provides a comparable amount of usable open space and is more easily accessible by tenants. Locating the rear yard to the interior corner of the lot allows for alignment with adjacent properties provides a better connection to the mid-block open space.

- D. **Exposure (Section 140).** At least one room within a dwelling unit that is at least 120 square feet must face directly onto a public street or alley at least 20 feet in width, an open area at least 25 feet in width which increases in five foot increments beyond the second floor, or a code-compliant rear yard.

The project proposes 22 total dwelling units, 14 of which face streets and alleys that are greater than 20 feet wide. The remaining eight dwelling units face an open area larger than 25 feet wide at the rear yard setback which meets exposure requirements.

- E. **Parking.** Planning Code Section 151 requires one parking space for each dwelling unit. Planning Code Section 204.5 permits up to 150 percent of the required number of spaces where three or more spaces are required.

The Project proposes 33 off-street parking spaces for residential use. Twenty-two parking spaces are required and eleven permitted accessory parking spaces are proposed. All of the parking spaces other than the accessible space will utilize a parking stacker/lift.

- F. **Bicycle Parking.** Planning Code Section 155 requires one Class 1 Bicycle Parking space for every dwelling unit and one Class 2 Bicycle Parking space for every 20 dwelling units. Class 1 Bicycle Parking Space is defined as spaces in secure, weather-protected facilities intended for use as long-term, overnight, and work-day bicycle storage by dwelling unit residents, non-residential occupants, and Employees. Class 2 Bicycle Parking Space is defined as bicycle racks located in a publicly-accessible, highly visible location intended for transient or short-term use by visitors, guests, and patrons to the building or use.

The project proposes to provide 22 Bicycle Parking Spaces located on the ground floor that will satisfy the bicycle parking requirements. Two inverted u-rack Class 2 Bicycle Parking racks will be installed in the public right of way; one on each street frontage.

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

The project proposes to construct a building of 40 feet in height. Stair, elevator and mechanical penthouses would extend above the roof height and are exempted from the height limit per Planning Code Section 260(b).

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

The Project proposes to provide more than 100 square feet of private usable open space for two second floor level dwelling units abutting the rear yard; the remaining rear yard area will be landscaped. Five private roof decks measuring over 100 square feet each are located on the roof of the building. Approximately 1,500 square feet of common usable open space will be provided for the remaining 15 dwelling units at the fourth-story roof deck, where 1,500 square feet is required.

- I. **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, the current percentage requirements apply to projects that consist of ten or more units. Pursuant to Planning Code Section 415.5, the Project must pay the Affordable Housing Fee ("Fee"). This Fee is made payable to the Department of Building Inspection ("DBI") for use by the Mayor's Office of Housing and Community Development for the purpose of increasing affordable housing citywide. The applicable percentage is dependent on the number of units in the project, the zoning of the property, and the date that the project submitted a complete Environmental Evaluation Application. A complete Environmental Evaluation Application was submitted on June 24, 2016; therefore, pursuant to Planning Code Section 415.3 the Inclusionary Affordable Housing Program requirement for the Affordable Housing Fee is at a rate equivalent to an off-site requirement of 20%. This requirement is subject to change under pending legislation to modify Planning Code Section 415 which is currently under review by the Board of Supervisors (Board File Nos.161351 and 170208). The proposed changes to Section 415, which include but are not limited to modifications to the amount of inclusionary housing required onsite or offsite, the methodology of fee calculation, and dwelling unit mix requirements, will become effective after approval by the Board of Supervisors.

The Project Sponsor has submitted an 'Affidavit of Compliance with the Inclusionary Affordable Housing Program: Planning Code Section 415,' to satisfy the requirements of the Inclusionary Affordable Housing Program through payment of the Fee, in an amount to be established by the Mayor's Office of Housing and Community Development. The applicable percentage is dependent on the total number of units in the project, the zoning of the property, and the date that the project submitted a complete Environmental Evaluation Application. A complete Environmental Evaluation

Application was submitted on June 24, 2016; therefore, pursuant to Planning Code Section 415.3 the Inclusionary Affordable Housing Program requirement for the Affordable Housing Fee is at a rate equivalent to an off-site requirement of 20%.

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

The project is compliant with Section 145.1. The subject commercial space has approximately 113.5 feet of frontage on Lombard Street and 105.5 feet frontage along Pierce Street. Both frontages include active uses for the first 25 feet of lot depth except for those areas required for maintenance and egress. The proposed ground floor ceiling height will be a minimum of 10 feet tall, windows are clear and unobstructed and a perforated garage door is proposed.

- K. **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 15 points.

The Project submitted a completed Environmental Evaluation Application prior to September 4, 2016. Therefore, the Project must only achieve 50% of the point target established in the TDM Program Standards, resulting in a required target of 8 points. As currently proposed, the Project will achieve its required 8 points through the following TDM measures:

- *Unbundled Parking*
- *Bicycle Parking (Option A)*
- *Bicycle Repair Station*
- *Delivery Supportive Amenities*
- *Multimodal Wayfinding Signage*

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

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

The use and size of the proposed project is compatible with the immediate neighborhood. The existing vacant 13,263 square foot lot will be developed with a new building that will provide 22 new dwelling units, the majority of which are family-sized units, parking, usable private and common open space and a 2,600 square foot commercial space. The new building is similar in height and scale to the surrounding mixed-use buildings and is consistent with the density requirements of the NC-3 District. This will complement the mix of goods and services currently available in the district and contribute to the economic vitality of the neighborhood by developing a vacant lot.

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

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

The height and bulk of the proposed structure are consistent with the surrounding development. The requested rear yard modification allows the project sponsor to maintain a streetwall along both street frontages and to provide a more prominent corner building.

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

The Planning Code requires one parking space per residential unit and allows up to 150% of the requirement. The applicant is seeking the maximum number of spaces, 33 will be provided, including one accessible space. The project site is located along a US Highway and is a major thorough-fare. It is not expected that 33 new parking spaces for residential use will significantly affect traffic conditions. The proposed 2,600 square foot commercial tenant space does not require parking or loading spaces.

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

The proposed project is primarily residential in nature with approximately 2,600 square feet of commercial space, with the tenant to be determined at a later date. The proposed residential density and commercial intensity are not anticipated to produce noxious or offensive emissions.

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

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

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

The Project requires a rear yard modification variance from Planning Code Section 134, to provide an equivalent amount of open space elsewhere on the site. A rear setback is proposed at residential floors at the interior portion of the lot but it is not equal to 25% of the lot area as required by the Code. The remainder of the project is consistent with objectives and policies of the General Plan as detailed below.

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

- E. *The proposed project is consistent with the stated purposes of NC-3 Districts in that a commercial use is located at the ground floor with residential use above and a rear yard located at the residential levels.*

8. For development on large lots, pursuant to Planning Code Section 121.1, in addition to the criteria of Section 303(c) of this Code, the Planning 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.

The project proposes a four-story mixed-use building up to the allowable height of 40 feet. The proposed mass and façade are consistent with the existing Lombard Street blockface and 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.

The architectural character of the district is mixed. However, there is a consistent development pattern of ground floor retail with dwelling units above. The contemporary design of the proposed facades will contribute to the positive visual quality of the neighborhood.

9. **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 1.10:

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

The proposed project would add 22 dwelling units to the City's housing stock and provide in-lieu fees for affordable housing. The project site is located along a heavily trafficked thoroughfare which also serves as a major transit route. , The site is in close proximity to local and regional transit lines, including Muni lines 22, 28, 28R, 30, and 43. The site is also located one block from bicycle routes located on Greenwich and Steiner Streets.

OBJECTIVE 2:

RETAIN EXISTING HOUSING UNITS, AND PROMOTE SAFETY AND MAINTENANCE STANDARDS, WITHOUT JEOPARDIZING AFFORDABILITY.

Policy 2.1:

Discourage the demolition of sound existing housing, unless the demolition results in a net increase in affordable housing.

No existing dwelling units will be demolished. The project lot is vacant and the former use was a gasoline service station.

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

Policy 11.5:

Ensure densities in established residential areas promote compatibility with prevailing neighborhood character.

The project proposes 22 dwelling units in a new building that is consistent with the surrounding character. The proposed massing is consistent with the surrounding context, as it is consistent with other four-story buildings on Lombard Street.

URBAN DESIGN

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.

The project proposes a development that will strengthen the streetwall by constructing an appropriately designed building along both street frontages. The proposed 40 foot tall mixed-use building will be consistent with the prevailing building heights and building uses in the neighborhood, and will bring an improved aesthetic to the neighborhood.

OBJECTIVE 2:

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

Policy 2.6:

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

The massing of the new building has been designed to be compatible with the prevailing streetwall height of the subject NC-3 District. The building has been designed to maintain a clear delineation of a commercial ground floor with residential uses above. The building façade is designed with a contemporary expression and is consistent with the immediate neighborhood character.

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

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

Existing neighborhood-serving retail uses would not be displaced or otherwise adversely affected by the proposal. The project site has been vacant since 2005. The proposed mixed-use development will add a 2,600 square foot commercial space. New commercial activity and employment opportunities will be created as a result of this development.

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

No existing housing would be affected. The existing neighborhood character will be conserved in that the proposed new building has been designed to be compatible with the surrounding mass and scale. The addition of new dwelling units and commercial space will increase the economic diversity of the neighborhood.

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

No housing is removed for this Project. The sponsor will contribute to the development of affordable housing through payment of an in-lieu fee, and the project will increase the number of dwelling units in the City's housing stock by 22.

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

The Project will not have a significant adverse effect on automobile traffic congestion or increase parking demand in the neighborhood. The replacement building will provide 33 residential off-street parking spaces for 22 dwelling units. Twenty-two Class 1 and four Class 2 bicycle parking spaces will also be provided.

- 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 proposal is to construct a new mixed-use building containing approximately 2,600 square feet of commercial space to be occupied by a use that will comply with the Planning Code. The commercial space will create an opportunity for resident employment and ownership in sectors permitted by the Planning Code.

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

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

- G. That landmarks and historic buildings be preserved.

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

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

The project will have no negative impact on existing parks and open spaces. The Project does not have an impact on open spaces. The project does not exceed the 40-foot height limit and is compatible with the established neighborhood development.

11. 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.
12. The Commission hereby finds that approval of the Conditional Use authorization would promote the health, safety and welfare of the City.

DECISION

That based upon the Record, the submissions by the Applicant, the staff of the Department and other interested parties, the oral testimony presented to this Commission at the public hearings, and all other written materials submitted by all parties, the Commission hereby **APPROVES Conditional Use Application No. 2015-014040CUA** subject to the following conditions attached hereto as "EXHIBIT A" in general conformance with plans on file, dated May 22, 2017, and stamped "EXHIBIT B", which is incorporated herein by reference as though fully set forth.

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

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

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

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

Jonas P. Ionin
Commission Secretary

AYES:

NAYS:

ABSENT:

ADOPTED: June 1, 2017

EXHIBIT A

AUTHORIZATION

This authorization is for a conditional use to allow d construction of a four-story mixed-use building containing 22 dwelling units, approximately 2,600 square feet of commercial space and 33 residential parking spaces. This project site is a lot size in excess of 10,000 square feet, located at 2301 Lombard Street, Block 0512, and Lot 031, pursuant to Planning Code Sections 121 and 303 within the NC-3 District and a 40-X Height and Bulk District; in general conformance with plans, dated May 22, 2017, and stamped "EXHIBIT B" included in the docket for Case No. 2015-014040CUA and subject to conditions of approval reviewed and approved by the Commission on **June 1, 2017**, under Motion No. **XXXXXX**. This authorization and the conditions contained herein run with the property and not with a particular Project Sponsor, business, or operator.

RECORDATION OF CONDITIONS OF APPROVAL

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

PRINTING OF CONDITIONS OF APPROVAL ON PLANS

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

SEVERABILITY

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

CHANGES AND MODIFICATIONS

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

Conditions of Approval, Compliance, Monitoring, and Reporting

PERFORMANCE

1. **Validity.** The authorization and right vested by virtue of this action is valid for three (3) years from the effective date of the Motion. The Department of Building Inspection shall have issued a Building Permit or Site Permit to construct the project and/or commence the approved use within this three-year period.
For information about compliance, contact Code Enforcement, Planning Department at 415-575-6863, www.sf-planning.org
2. **Expiration and Renewal.** Should a Building or Site Permit be sought after the three (3) year period has lapsed, the project sponsor must seek a renewal of this Authorization by filing an application for an amendment to the original Authorization or a new application for Authorization. Should the project sponsor decline to so file, and decline to withdraw the permit application, the Commission shall conduct a public hearing in order to consider the revocation of the Authorization. Should the Commission not revoke the Authorization following the closure of the public hearing, the Commission shall determine the extension of time for the continued validity of the Authorization.
For information about compliance, contact Code Enforcement, Planning Department at 415-575-6863, www.sf-planning.org
3. **Diligent pursuit.** Once a site or Building Permit has been issued, construction must commence within the timeframe required by the Department of Building Inspection and be continued diligently to completion. Failure to do so shall be grounds for the Commission to consider revoking the approval if more than three (3) years have passed since this Authorization was approved.
For information about compliance, contact Code Enforcement, Planning Department at 415-575-6863, www.sf-planning.org
4. **Extension.** All time limits in the preceding three paragraphs may be extended at the discretion of the Zoning Administrator where implementation of the project is delayed by a public agency, an appeal or a legal challenge and only by the length of time for which such public agency, appeal or challenge has caused delay.
For information about compliance, contact Code Enforcement, Planning Department at 415-575-6863, www.sf-planning.org
5. **Conformity with Current Law.** No application for Building Permit, Site Permit, or other entitlement shall be approved unless it complies with all applicable provisions of City Codes in effect at the time of such approval.
For information about compliance, contact Code Enforcement, Planning Department at 415-575-6863, www.sf-planning.org

DESIGN

6. **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 415-558-6378, www.sf-planning.org

PARKING AND TRAFFIC

7. **Parking.** All off-street parking spaces shall be made available to Project residents only as a separate “add-on” option for purchase or rent and shall not be bundled with any Project dwelling unit for the life of the dwelling units. The required parking spaces may be made available to residents within a quarter mile of the project. Each unit within the Project shall have the first right of refusal to rent or purchase a parking space until the number of residential parking spaces are no longer available. No conditions may be placed on the purchase or rental of dwelling units, nor may homeowner’s rules be established, which prevent or preclude the separation of parking spaces from dwelling units.

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

8. **Bicycle Parking.** Pursuant to Planning Code Sections 155, 155.1, and 155.2, the Project shall provide no fewer than **24** bicycle parking spaces (**22** Class 1 spaces for the residential portion of the Project and **2** Class 1 or 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 415-575-6863, www.sf-planning.org

9. **Parking Maximum.** Pursuant to Planning Code Section 151.1, the Project shall provide no more than **33** off-street parking spaces.

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

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

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

PROVISIONS

11. **Anti-Discriminatory Housing.** The Project shall adhere to the requirements of the Anti-Discriminatory Housing policy, pursuant to Administrative Code Section 1.61.
For information about compliance, contact the Case Planner, Planning Department at 415-558-6378, www.sf-planning.org
12. **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
13. **Child Care Fee - Residential.** The Project is subject to the Residential Child Care Fee, as applicable, pursuant to Planning Code Section 414A.
For information about compliance, contact the Case Planner, Planning Department at 415-558-6378, www.sf-planning.org
14. **Affordable Units.** The following Inclusionary Affordable Housing Requirements are those in effect at the time of Planning Commission action. In the event that the requirements change, the Project Sponsor shall comply with the requirements in place at the time of issuance of first construction document. This requirement is subject to change under pending legislation to modify Planning Code Section 415 which is currently under review by the Board of Supervisors (Board File Nos.161351 and 170208). The proposed changes to Section 415, which include but are not limited to modifications to the amount of inclusionary housing required onsite or offsite, the methodology of fee calculation, and dwelling unit mix requirements, will become effective after approval by the Board of Supervisors.
 1. **Requirement.** Pursuant to Planning Code Section 415.5, the Project Sponsor must pay an Affordable Housing Fee at a rate equivalent to the applicable percentage of the number of units in an off-site project needed to satisfy the Inclusionary Affordable Housing Program Requirement for the principal project. The applicable percentage for this project is twenty percent (20%). The Project Sponsor shall pay the applicable Affordable Housing Fee at the time such Fee is required to be paid.
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.
 2. **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 the terms of the 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 Mayor's Office of Housing and Community Development ("MOHCD") at 1 South Van Ness Avenue or on the Planning Department or Mayor's Office of Housing and Community Development'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. *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.*

- a. The Project Sponsor must pay the Fee in full sum to the Development Fee Collection Unit at the DBI for use by MOHCD prior to the issuance of the first construction document.
- b. Prior to the issuance of the first construction permit by the DBI for the Project, the Project Sponsor shall record a Notice of Special Restriction on the property that records a copy 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.
- c. If project applicant 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 Sections 415 et seq. shall constitute cause for the City to record a lien against the development project and to pursue any and all other remedies at law.

MONITORING - AFTER ENTITLEMENT

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

OPERATION

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

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

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

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

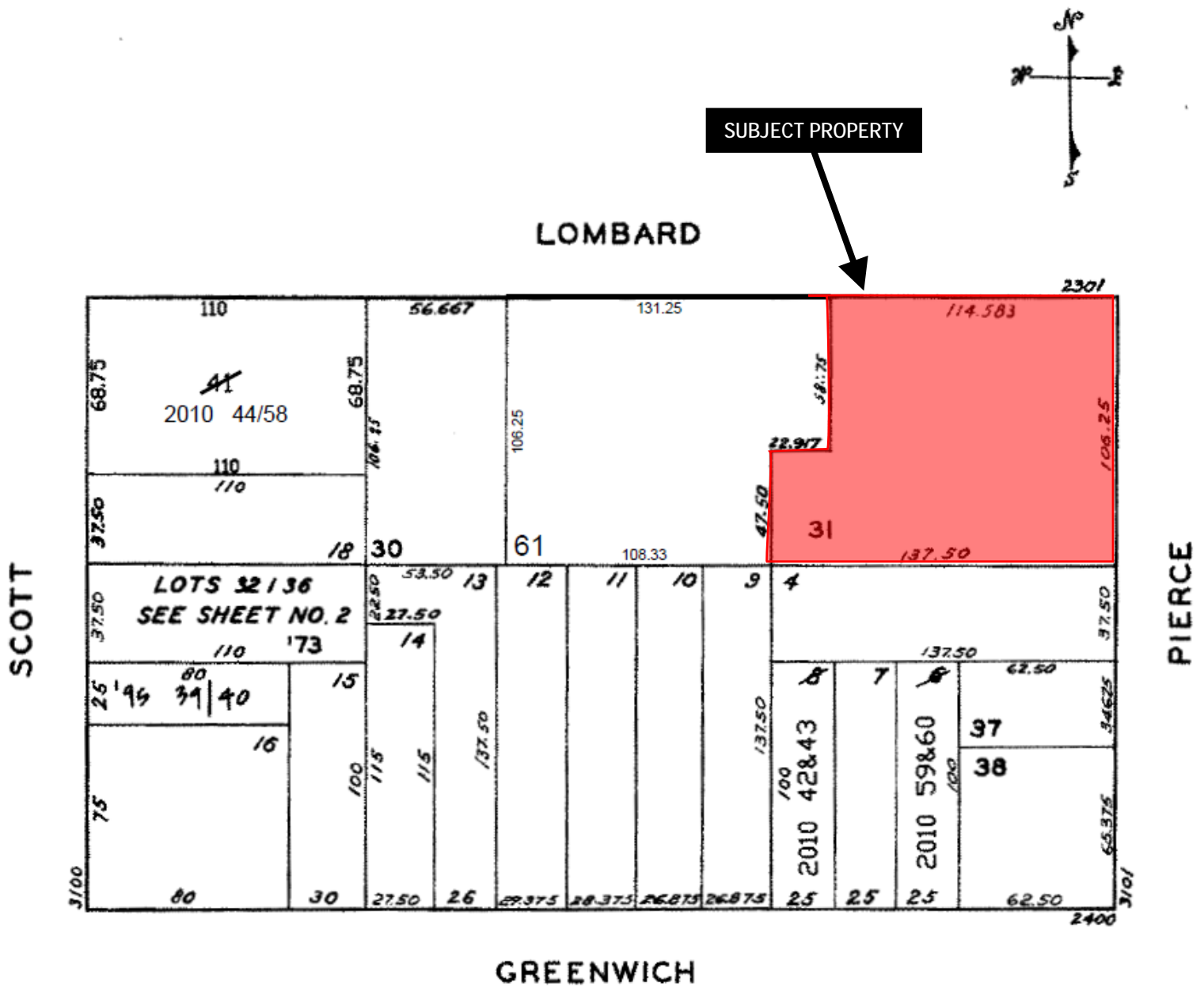
19. **Sidewalk Maintenance.** The Project Sponsor shall maintain the main entrance to the building and all sidewalks abutting the subject property in a clean and sanitary condition in compliance with the Department of Public Works Streets and Sidewalk Maintenance Standards.

For information about compliance, contact Bureau of Street Use and Mapping, Department of Public Works, 415-695-2017, <http://sfdpw.org/>

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

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

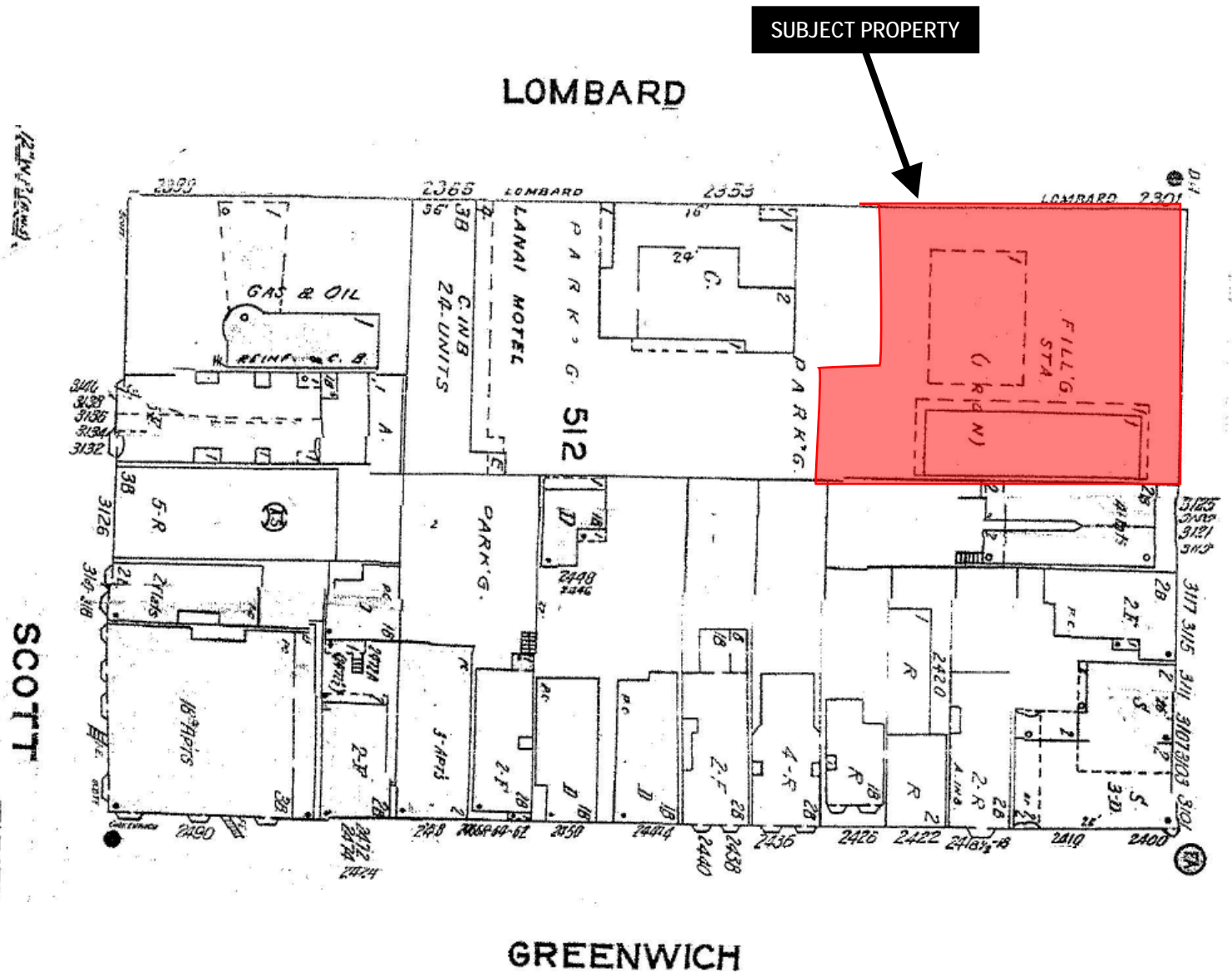
Parcel Map



Conditional Use Authorization &
Variance Hearing
Case Number 2015-014040CUA/VAR
2301 Lombard Street



Sanborn Map*



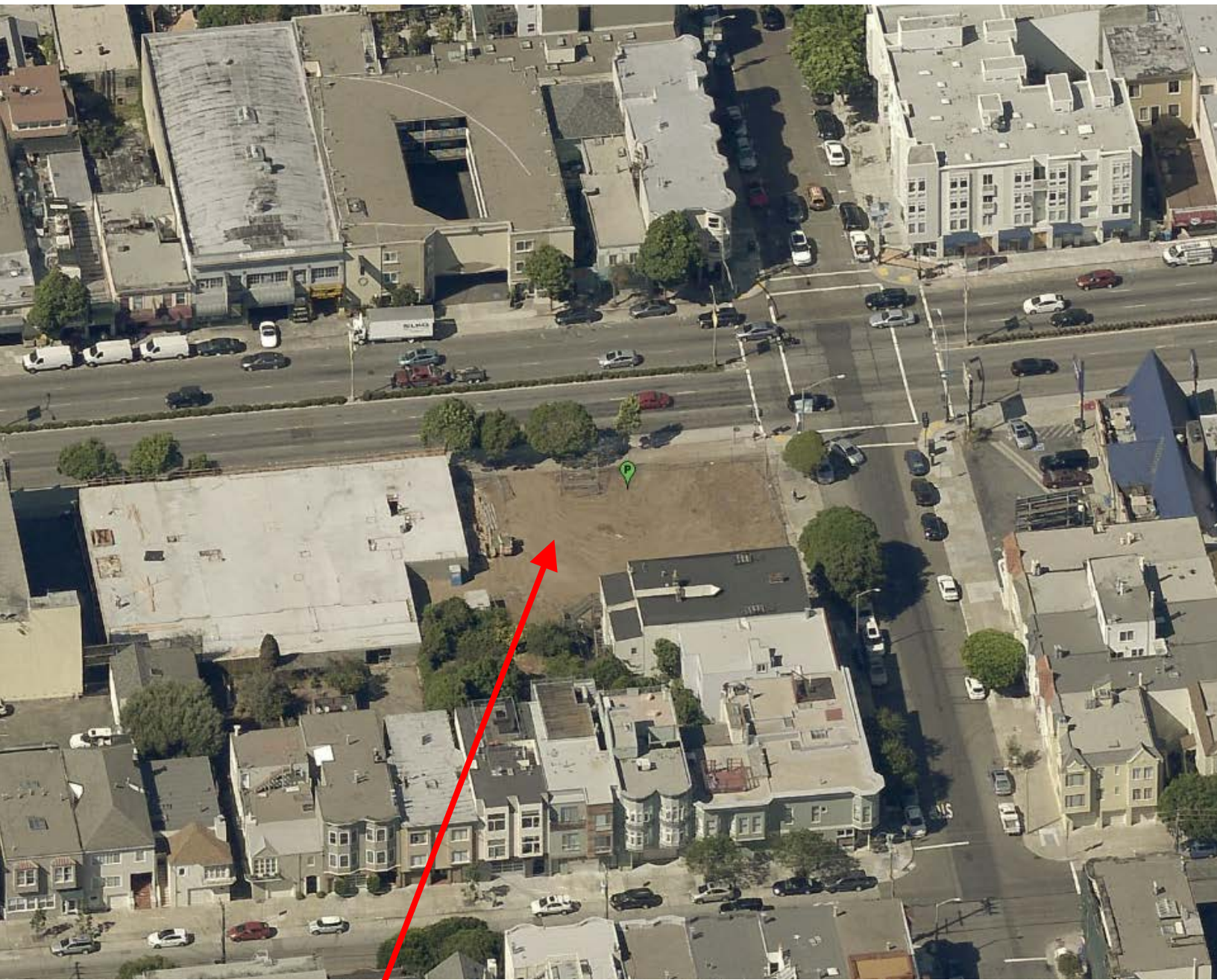
*The Sanborn Maps in San Francisco have not been updated since 1998, and this map may not accurately reflect existing conditions.



Conditional Use Authorization &
Variance Hearing
Case Number 2015-014040CUA/VAR
2301 Lombard Street

Aerial Photo 1

Looking North



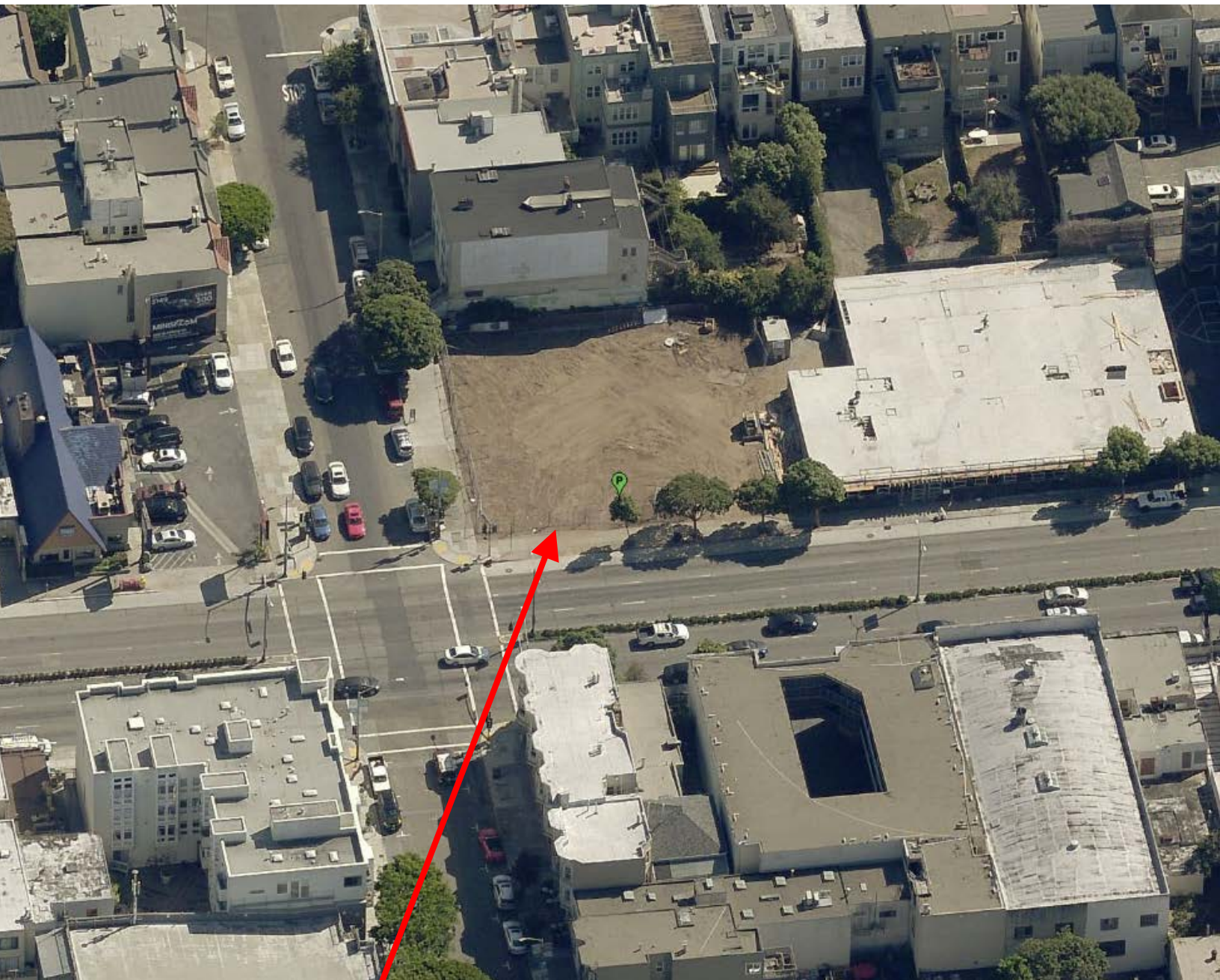
SUBJECT PROPERTY



Conditional Use Authorization &
Variance Hearing
Case Number 2015-014040CUA/VAR
2301 Lombard Street

Aerial Photo 2

Looking South

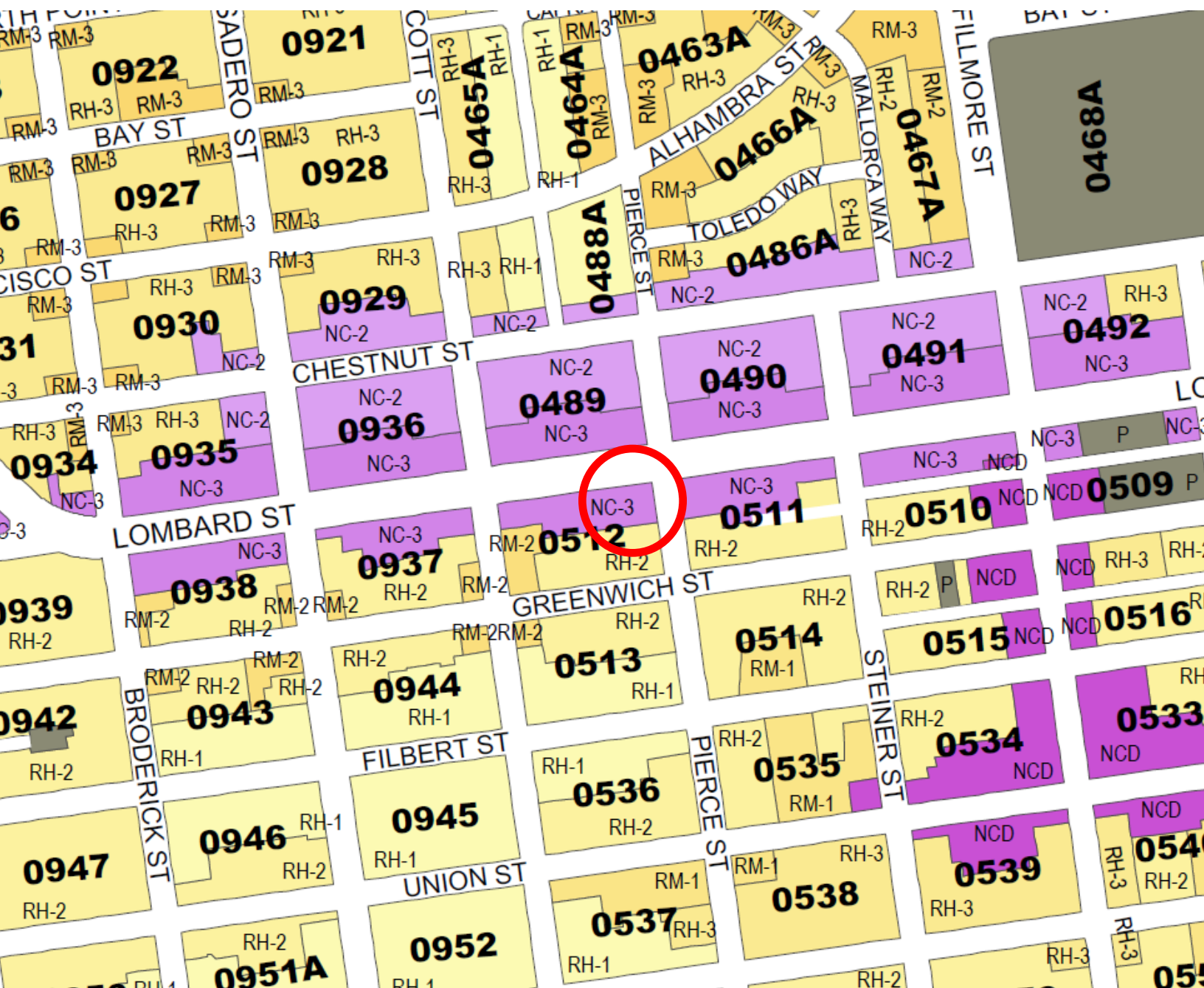


SUBJECT PROPERTY



Conditional Use Authorization &
Variance Hearing
Case Number 2015-014040CUA/VAR
2301 Lombard Street

Zoning Map



Conditional Use Authorization &
Variance Hearing
Case Number 2015-014040CUA/VAR
2301 Lombard Street

Site Photo

Lombard Street Frontage



Conditional Use Authorization &
Variance Hearing
Case Number 2015-014040CUA/VAR
2301 Lombard Street

Site Photo 2

Pierce Street Frontage



Conditional Use Authorization &
Variance Hearing
Case Number 2015-014040CUA/VAR
2301 Lombard Street



May 12, 2017

San Francisco Planning Commission
1650 Mission Street, Suite 400
San Francisco, CA 94103

Dear President Hillis and Commissioners,

On behalf of Realty Equities, Inc. and its subsidiaries, I am pleased to submit my support for the 2301 Lombard Street project. Realty Equities, Inc., through its subsidiary, is the developer and owner of the newly constructed VELA Apartments, located on Lombard Street, immediately west of the proposed DM Development project. Realty Equities also owns and developed 2395 Lombard Street, which is located on the same block as the proposed project.

DM Development's proposal replaces the empty lot at the southwest corner of Lombard and Pierce Streets with a stylish new mixed-use development, offering 22 new residential homes. In addition, over 2,600 square feet of ground floor retail space on Lombard will offer new, neighborhood-serving retail options for residents, shoppers and neighbors. New landscaping along the perimeter of the building will further assist with the revitalization of the Lombard corridor, creating a significantly enhanced pedestrian experience.

Realty Equities, Inc. is strongly in support of DM Development's proposal and encourages the Planning Commission to approve the 2301 Lombard Street Project.

Sincerely,

A handwritten signature in black ink, appearing to read 'P. Squires', with a long horizontal flourish extending to the right.

Peter Squires
Principal
Realty Equities Inc.



SAN FRANCISCO PLANNING DEPARTMENT

Certificate of Determination Exemption from Environmental Review

Date: May 16, 2017
Case No.: 2015-014040ENV
Project Address: 2301 Lombard Street
Zoning: NC-3 (Neighborhood Commercial, Moderate Scale) Use District
40-X Height and Bulk District
Block/Lot: 0512/031
Lot Size: 13,263 square feet
Staff Contact: Julie Moore – (415) 575-8733
Julie.Moore@sfgov.org

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

Reception:
415.558.6378

Fax:
415.558.6409

Planning
Information:
415.558.6377

PROJECT DESCRIPTION:

The approximately 13,263 square-foot project site is located on the southwest corner of the intersection of Lombard Street (Highway 101) and Pierce Street in the Marina neighborhood. The project site is currently vacant; a former gasoline service station and underground fuel storage tanks were removed in 2005. The proposed project would construct a new four-story, 40-foot-tall (excluding 10-foot-tall mechanical and stair penthouses and a 20-foot-tall elevator penthouse), 41,557-square-foot, mixed use building with 22 residential units over 2,585 square feet of ground-floor retail space. The residences would consist of four three-bedroom units, 13 two-bedroom units, and five one-bedroom units. The ground floor would also include lobby space and utility/mechanical areas and access to an at-and-below-grade parking garage that would accommodate 33 vehicles, 31 of which would use a parking stacker/lift system, and a bicycle storage room with 22 Class 1 bicycle spaces. The parking garage and residential building lobby would be accessible from Pierce Street. Two existing 24-foot-wide curb cuts would be removed adjacent to the project site, one on Lombard Street and one on Pierce Street. The proposed project would include a new approximately 9-foot-wide curb cut for the garage driveway on Pierce Street.

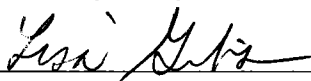
(Continued on next page)

EXEMPT STATUS:

Categorical Exemption, Class 32 (California Environmental Quality Act (CEQA) Guidelines Section 15332). General Rule Exclusion (CEQA Guidelines Section 15061(b)(3)).

DETERMINATION:

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



Lisa M. Gibson
Environmental Review Officer

5/17/17

Date

cc: Brett DeLeon, DM Development: Project Sponsor
Laura Ajello, Current Planner
Supervisor Mark Farrell, District 2

Class 32 Distribution List
Virna Byrd, M.D.F.

PROJECT DESCRIPTION (continued):

The proposed project would include approximately 3,300 square feet of rear yard space, 1,400 square feet of open space on a rooftop terrace, and eight private terraces or rooftop decks for the residential units. The proposed project would also include new streetscape features within the sidewalk areas along Lombard and Pierce Streets, consisting of four to five trees and four Class 2 bicycle parking.

Construction would last approximately 16 months and consist of approximately three months for excavation and shoring, four months for foundation installation, six months for the superstructure, and eight months for interior and exterior finishes (some of these phases would be overlapping). Project construction would require excavation of approximately 4,000 cubic yards of soil, up to 17 feet in depth at some locations, to accommodate building foundations, parking stacker pits, and sloping topography.

Project Setting. The project site is on the block bounded by Pierce Street to the east, Lombard Street (Highway 101) to the north, Scott Street to the west, and Greenwich street to the south. The Lombard Street corridor nearby predominantly consists of one-to-four story buildings with a mixture of residential, retail, professional, and hotel uses. This section of Lombard Street is 100 feet wide. Nearby property uses include an IHOP restaurant across Pierce Street to the east, three and four-story mixed use buildings to the north and west on Lombard Street, and three-story residential dwellings adjacent to the south.

Recently completed and pending development in the project vicinity includes the construction of a four-story mixed use building with 21 residential units over ground floor retail immediately adjacent to the west of the project site (2347-2353 Lombard Street), expansion of a motel across the street (2322 Lombard Street), and San Francisco Municipal Transportation Agency (SFMTA) changes on the Lombard Street corridor. The changes include upgrading the crosswalks at the Lombard and Pierce intersection, relocating the transit stop in front of 2301 Lombard to the eastern side of the intersection in front of the IHOP (2299 Lombard Street), and establishing parking on Lombard Street in front of the project site, with the exception of the 20 feet closest to the intersection.

Project Approvals

The proposed project would require the following approvals:

- **Conditional Use Authorization** (San Francisco Planning Commission)
- **Variance Authorization** (Zoning Administrator)
- **Building Permit** – new construction (Department of Building Inspection)
- **Site Mitigation Plan Approval** (Department of Public Health)

The proposed project is subject to a Conditional Use Authorization for the new construction of a building on a lot greater than 10,000 square feet (Planning Code Sections 121.1 and 303), and variances from dwelling unit exposure requirements (Planning Code Section 140) and rear yard modification (Planning Code Section 134).

Approval Action: The Conditional Use Authorization from the Planning Commission is the Approval Action for the proposed project. The Approval Action date establishes the start of the 30-day appeal

period for this CEQA exemption determination pursuant to Section 31.04(h) of the San Francisco Administrative Code.

EXEMPT STATUS (CONTINUED):

CEQA Guidelines Section 15332, or Class 32, provides an exemption from environmental review for infill development projects that meet the following conditions. CEQA State Guidelines Section 15061(b)(3) establishes the general rule that CEQA applies only to projects that have the potential to cause a significant effect on the environment. Where it can be seen with certainty that there is no possibility that the activity in question may have a significant effect on the environment, the activity is not subject to CEQA. As discussed below, the proposed project satisfies the terms of the Class 32 exemption and would not result in a significant impact on the environment.

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

The proposed project would be consistent with the San Francisco General Plan and with applicable zoning designations. The project's height and bulk are within the 40-X height and bulk limits, except for certain rooftop features such as stair and elevator penthouses as allowable by Planning Code section 260 (b). The project site is located within the Neighborhood Commercial, Moderate Scale (NC-3) zoning district where the proposed density of development and uses would be permitted. The NC-3 zoning district allows one dwelling unit per 600 square feet of lot area. The project site's lot area is 13,263 square feet; thus the project site allows for 22 dwelling units. The proposed project would include 22 dwelling units. The zoning district permits non-residential uses up to 5,999 square feet; thus, the proposed project's 2,585 square feet of non-residential space would be permitted. Usable open space for dwelling units in the NC-3 district requires 80 square feet of open space per unit if private, or 100 square feet if common. The proposed project would provide approximately 4,700 square feet of common open space for 14 units, and private terraces for 8 units, each over 200 sf. Up to 1.5 off-street parking spaces per residential unit are permitted, equivalent to the 33 parking spaces proposed for the 22 units. The project would not be required to provide an off-street loading space because the proposed retail use is under 10,000 square feet. The proposed project's rear yard and dwelling unit exposure modifications are conditionally permitted within the NC-3 District. As such, the proposed project would be consistent with the zoning and height and bulk district.

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

The approximately 0.3-acre (13,263 square foot) project site is located within a fully developed area of San Francisco. The surrounding properties consist of residential, mixed-use residential, retail and commercial uses. The proposed project, therefore, would be properly characterized as infill development of less than five acres, completely surrounded by urban uses.

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

The proposed building site is a graded, undeveloped lot formerly used as a gasoline service station. The site does not provide habitat for any endangered, rare, or threatened plant or animal species.

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

Transportation

On March 3, 2016, in anticipation of the future certification of revised CEQA Guidelines pursuant to Senate Bill 743, the San Francisco Planning Commission adopted the State Office of Planning and Research's (OPR) recommendation in the *Revised Proposal on Updates to the CEQA Guidelines on Evaluating Transportation Impacts in CEQA*¹ ("proposed transportation impact guidelines") to use the Vehicle Miles Traveled (VMT) metric instead of automobile delay to evaluate the transportation impacts of projects (Resolution No. 19579). (Note: the VMT metric does not apply to the analysis of impacts on non-automobile modes of travel such as riding transit, walking, and bicycling.) Accordingly, this categorical exemption does not contain a separate discussion of automobile delay (i.e., traffic) impacts. Instead, VMT and induced automobile travel impact analyses are provided.

VMT and Induced Vehicle Travel

A project would have a significant effect on the environment if it would cause substantial additional VMT. OPR's proposed transportation impact guidelines recommend screening criteria to identify types, characteristics, or locations of projects that would not result in significant impacts related to VMT. If a project meets one of the three screening criteria provided (Map-Based Screening, Small Projects, and Proximity to Transit Stations), then it is presumed that VMT impacts would be less than significant for the project and a detailed VMT analysis is not required. Map-Based-Screening is used to determine if a project site is located within an area transportation analysis zone (TAZ) that exhibits low levels of VMT;² Small Projects are projects that would generate fewer than 100 vehicle trips per day; and the Proximity to Transit Stations criterion includes projects that are within a half mile of an existing major transit stop, have a floor area ratio (FAR) of greater than or equal to 0.75, vehicle parking that is less than or equal to that required or allowed by the Planning Code without conditional use authorization, and are consistent with the applicable Sustainable Communities Strategy.

For residential development, the existing regional average daily VMT per capita is 17.2.³ For retail development, regional average daily retail VMT per employee is 14.9.⁴ Average daily VMT for these land

¹ This document is available online at: https://www.opr.ca.gov/s_sb743.php.

² A project would cause substantial additional VMT if it exceeds both the existing City household VMT per capita minus 15 percent and existing regional household VMT per capita minus 15 percent. In San Francisco, the City's average VMT per capita is lower (8.4) than the regional average (17.2). Therefore, the City average is irrelevant for the purposes of the analysis. For retail projects, the Planning Department uses a VMT efficiency metric approach, and a project would generate substantial additional VMT if it exceeds the regional VMT per retail employee minus 15 percent.

³ Includes the VMT generated by the households in the development and averaged across the household population to determine VMT per capita.

uses is projected to decrease in future 2040 cumulative conditions. Refer to Table 1: Daily Vehicle Miles Traveled, which includes the TAZ in which the project site is located, 815.

Table 1: Daily Vehicle Miles Traveled

Land Use	Existing			Cumulative 2040		
	Regional Average	15% below the Regional Average	VTM for TAZ 815	Regional Average	15% below the Regional Average	VTM for TAZ 815
Residential	17.2	14.6	7.2	16.1	13.7	6.8
Retail	14.9	12.6	7.2	14.6	12.4	6.5

As shown in **Table 1**, for the TAZ in which the project site is located (TAZ 815), existing and projected future daily household VMT per capita and VMT per retail employee are more than 15 percent below the existing and projected future regional averages. Therefore, the proposed project would not generate substantial additional VMT, and the impacts would be less than significant. The project site meets the Proximity to Transit Stations screening criterion, which also indicates the proposed project's residential and retail uses would not cause substantial additional VMT. In addition, because the project includes changes to curb cuts and on-street parking, the project qualifies as a minor transportation project which would not require a detailed VMT analysis under the Induced Automobile Travel Analysis criterion.⁵

Trip Generation

Trip generation of the proposed project was calculated using information in the 2002 Transportation Impacts Analysis Guidelines for Environmental Review (SF Guidelines) developed by the San Francisco Planning Department.⁶ The proposed project would generate about 595 person trips (inbound and outbound) on a weekday daily basis, of which 238 would be vehicle trips. During the p.m. peak hour, the proposed project would generate an estimated 30 vehicle trips (accounting for vehicle occupancy data for this Census Tract), 14 transit trips, 10 walk trips, and 3 trips by other modes (which includes bicycles).

Noise

Construction Noise

Construction noise is regulated by the San Francisco Noise Ordinance (Article 29 of the City Police Code). Section 2907 of the Police Code requires that noise levels from individual pieces of construction equipment, other than impact tools, not exceed 80 dBA at a distance of 100 feet from the source. Impact

⁴ Retail travel is not explicitly captured in SF-CHAMP, rather, there is a generic "Other" purpose which includes retail shopping, medical appointments, visiting friends or family, and all other non-work, non-school tours. The retail efficiency metric captures all of the "Other" purpose travel generated by Bay Area households. The denominator of employment (including retail; cultural, institutional, and educational; and medical employment; school enrollment, and number of households) represents the size, or attraction, of the zone for this type of "Other" purpose travel.

⁵ San Francisco Planning Department, *Eligibility Checklist for CEQA Section 21099: Modernization of Transportation Analysis*, 2301 Lombard Street, December 16, 2016. This document, and other cited documents, are available for review at the San Francisco Planning Department, 1650 Mission Street, Suite 400 as part of Case File No. 2015.014040ENV.

⁶ San Francisco Planning Department, *Transportation Calculations*, 2301 Lombard Street, October 18, 2016.

tools (such as jackhammers and impact wrenches) must have both intake and exhaust muffled to the satisfaction of the San Francisco Public Works. Section 2908 of the Police Code prohibits construction work between 8:00 p.m. and 7:00 a.m. if noise would exceed the ambient noise level by 5 dBA at the project property line, unless a special permit is authorized by San Francisco Public Works.

Construction of the proposed project would temporarily increase noise levels in the project vicinity. Construction phases would consist of approximately three months for excavation and shoring, four months for foundation installation, six months for the superstructure, and eight months for interior and exterior finishes (some of these phases would be overlapping). Daily construction would occur during the working hours of 7:00 a.m. to 6:00 p.m. Monday through Saturday. The main sources of construction noise on this project would be engines from construction equipment, typically diesel engines. The initial construction phases of excavation and shoring and foundation installation, approximately seven months in duration, would tend to be the noisiest with noise generated by bulldozers, loaders, graders and trucks. The large equipment movements would vary day to day until the foundation system is completed. The construction of the main building structure would include electric aerial lifts for floor access, forklifts, concrete mixer trucks, and pumps which would be more stationary and around the site perimeter. The daily variations in noise beyond the site would diminish as the building envelope is completed and construction would consist of interior and exterior finishes. Delivery trucks would be the main source of noise over the remaining phases of construction. Although some increase in noise levels would be associated with project construction, construction noise would be intermittent and limited to the duration of construction, which is estimated to last about 16 months. Compliance with the Noise Ordinance would minimize noise from construction activities. For these reasons, construction of the proposed project would not result in a significant impact with respect to noise.

Operational Noise

Residential uses are considered sensitive receptors for the purpose of noise impact analysis. As discussed in the Project Description above, there are residential uses on adjacent properties. The proposed project would include mechanical equipment, such as heating and ventilation systems, that could produce operational noise and potentially disturb nearby sensitive receptors. Also, project-related traffic would contribute to vehicular noise in the vicinity.

The San Francisco Noise Ordinance prohibits unwanted, excessive, and avoidable noise in order to protect public health from elevated community noise. Section 2909 of the Noise Ordinance establishes a noise limit from mechanical sources, such as the proposed project's building equipment, specified as a certain noise level in excess of the ambient noise level at the property line. For noise generated by residential uses, the source must not cause a noise level more than 5 dBA in excess of ambient noise levels; for noise generated by commercial and industrial uses, the limit is 8 dBA in excess of ambient noise levels; for noise on public property, including streets, the limit is 10 dBA in excess of ambient noise levels. In addition, the Noise Ordinance provides for a separate fixed-source noise limit at residential interiors of 45 dBA at night (from 10:00 p.m. until 7:00 a.m.) and 55 dBA during the day and evening hours (from 7:00 a.m. until 10:00 p.m.). The project would be required to meet these noise limits.

In the project vicinity, vehicular traffic on Lombard Street (Highway 101) is the primary source of noise. Noise from the proposed rooftop HVAC equipment would be unlikely to be noticeable above the background vehicular noise levels in the vicinity. Further, noise levels would attenuate between the on-site mechanical equipment and nearby residences, and the indoor noise levels would be reduced by at

least 25 dBA at (with windows closed) due to standard building construction materials which provide noise insulation.

With respect to project-generated traffic noise, the traffic volume at a given location would need to double in order to produce a 3-dB increase in ambient noise levels, which would be barely perceptible to most people.⁷ The proposed project would generate approximately 240 daily vehicle trips to the local street network. Existing traffic levels in the vicinity include more than 49,000 vehicles per day on Lombard Street.⁸ Therefore, vehicle trips attributable to the proposed project would not generate a doubling of the nearby traffic volume or result in a perceptible increase in ambient noise levels near the project site. Project-related noise is not likely to exceed the 45 dBA nighttime limit for interior noise levels at nearby residences and the proposed project would also be required to meet the Noise Ordinance criteria.

For these reasons, operation of the proposed project would not result in a significant impact with respect to noise.

Air Quality

In accordance with the state and federal Clean Air Acts, air pollutant standards are identified for the following six criteria air pollutants: ozone, carbon monoxide (CO), particulate matter (PM), nitrogen dioxide (NO₂), sulfur dioxide (SO₂), and lead. These air pollutants are termed criteria air pollutants because they are regulated by developing specific public health- and welfare-based criteria as the basis for setting permissible levels. The Bay Area Air Quality Management District (BAAQMD) in their *CEQA Air Quality Guidelines* (May 2011) has developed screening criteria for numerous land use types to determine if projects would violate an air quality standard, contribute substantially to an air quality violation, or result in a cumulatively considerable net increase in criteria air pollutants within the San Francisco Bay Area Air Basin. If a proposed project meets the screening criteria, then the project would result in less-than-significant criteria air pollutant impacts. A project that exceeds the screening criteria may require a detailed air quality assessment to determine whether criteria air pollutant emissions would exceed significance thresholds. The proposed project's 22 dwelling units would not exceed the criteria air pollutant screening criteria for operation or construction of a mid-rise apartment building of 494 and 240 dwelling units, respectively, due to the relatively limited scale of development.⁹ Further, project construction would not involve extensive material transport (e.g., greater than 10,000 cubic yards of soil export) requiring a considerable amount of truck activity, and therefore would not result in significant criteria air pollutant impacts.

In addition to criteria air pollutants, individual projects may emit toxic air contaminants (TACs). TACs collectively refer to a diverse group of air pollutants, including diesel particulate matter, that are capable

⁷ United States Department of Transportation, Federal Highway Administration, *Highway Traffic Noise: Analysis and Abatement Guidance*, December 2011, p. 9. Available online at: http://www.fhwa.dot.gov/environment/noise/regulations_and_guidance/analysis_and_abatement_guidance/revguidance.pdf.

⁸ San Francisco Municipal Transportation Agency, *SFMTA Traffic Count Data 1993-2013*, March 25, 2014. Traffic data collected at the Lombard Street/Pierce Street intersection in May 2011. Available online at: <https://www.sfmta.com/sites/default/files/adtcounets.accessible5.pdf>.

⁹ Bay Area Air Quality Management District, *CEQA Air Quality Guidelines*, Updated May 2011. Table 3-1.

of causing chronic (i.e., of long-duration) and acute (i.e., severe but short-term) adverse effects to human health, including carcinogenic effects. In response to growing concerns of TACs and their human health effects, the San Francisco Board of Supervisors approved a series of amendments to the San Francisco Building and Health Codes, generally referred to as the Enhanced Ventilation Required for Urban Infill Sensitive Use Developments or Health Code, Article 38 (Ordinance 224-14, effective December 8, 2014)(Article 38). The purpose of Article 38 is to protect the public health and welfare by establishing an Air Pollutant Exposure Zone and imposing an enhanced ventilation requirement for all urban infill sensitive use development within the Air Pollutant Exposure Zone. Projects within the Air Pollutant Exposure Zone require special consideration to determine whether the project's activities would expose sensitive receptors to substantial air pollutant emissions or add emissions to areas already adversely affected by poor air quality.

The proposed project is not within an Air Pollutant Exposure Zone. Therefore, the proposed project would not result in a significant impact with respect to siting new sensitive receptors in areas with substantial levels of air pollution. The proposed project would require construction activities for the approximate 16-month construction phase. However, construction emissions would be temporary and variable in nature and would not be expected to expose sensitive receptors to substantial air pollutants. Furthermore, the proposed project would be subject to, and comply with, California regulations limiting idling to no more than five minutes,¹⁰ which would further reduce nearby sensitive receptors' exposure to temporary and variable TAC emissions. Therefore, construction period TAC emissions would not result in a significant impact with respect to exposing sensitive receptors to substantial levels of air pollution.

In conclusion, the proposed project would not result in significant air quality impacts.

Water Quality

The project would not result in wastewater discharges that would have the potential to degrade water quality or contaminate public water supply. Project-related wastewater and stormwater would flow to the City's combined sewer system and would be treated to standards contained in the City's National Pollutant Discharge Elimination System (NPDES) Permit prior to discharge. Project construction activities must comply with the Construction Site Runoff Ordinance, which would reduce the discharge of pollution to the local storm drain system. In accordance with this requirement, the project sponsor or its construction contractor is required to prepare an Erosion and Sediment Control Plan (ESCP) that would be reviewed, approved, and enforced by the San Francisco Public Utilities Commission. The ESCP would specify construction best management practices and erosion and sedimentation control measures to prevent sediment from entering the City's combined stormwater/sewer system during project construction. For these reasons, the proposed project would not result in significant water quality impacts.

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

The project site is located in a dense urban area where public services and utilities are available. The proposed project would be connected with the City's water, electric, and wastewater services. Prior to

¹⁰ California Code of Regulations, Title 13, Division 3, § 2485 (on-road) and § 2449(d)(2) (off-road).

receiving a building permit, the project would be reviewed by the City to ensure compliance with City and State fire and building code regulations. Implementation of the proposed project would increase the population on the project site by approximately 50 residents,¹¹ resulting in a modest increase in the demand for fire protection, emergency medical, and police protection services. This increase in demand would not exceed the capacity of services provided in the area. Therefore, the proposed project would be adequately served by all required utilities and public services.

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

DISCUSSION OF ENVIRONMENTAL ISSUES:

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

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

CEQA Guidelines Section 15300.2, subdivision (e), provides that a categorical exemption shall not be used for a project located on a site which is included on any list compiled pursuant to Section 65962.5 of the Government Code. Although the project site is one of the sites included on such a list, for the reasons discussed below under “Hazardous Materials,” the proposed project would not have a significant effect on the environment.

Hazardous Materials

The project is located on a site which is included on list of hazardous materials sites compiled pursuant to Section 65962.5 of the Government Code. The project site is identified on the California State Water Resources Control Board (SWRCB) Leaking Underground Storage Tank (LUST) Cleanup Sites list as Chevron Station #9-1300; its cleanup status is described as “Completed – Case Closed.”¹² According to the case closure letter, the investigation and corrective action were carried out in accordance with Section 25296.10 of the California Health and Safety Code and no further action related to the petroleum release(s) at the site is required.¹³ Based on the past site remediation performed under regulatory agency

¹¹ Association of Bay Area Governments, *Projections 2013*, p. 74. The average household size for San Francisco in 2015 is 2.27 persons per unit.

¹² SWRCB GeoTracker database search. Available at <http://geotracker.waterboards.ca.gov>. November 4, 2016.

¹³ SFDPH, Environmental Health, Local Oversight Program, Remedial Action Completion Certification, UST Case, Former Chevron Service Station #9-1300, 2301 Lombard Street, San Francisco, June 7, 2013.

oversight, case closure, and the required regulatory review process prior to development, as described further below, the site's listing on the LUST Cleanup Sites list would not result in a significant project-related effect on the environment.

According to the 2009 Site Closure Request report,¹⁴ the site operated as a Standard Oil gasoline service station from approximately 1939 to 1977, and as a Chevron gasoline service station until 2003. All surface and subsurface facilities were removed in 2005, including the following: station building; four dispenser islands; three 10,000-gallon gasoline underground storage tanks (USTs), one 10,000-gallon diesel UST, and one 1,000-gallon used oil UST, as well as three undocumented USTs (one 1,000-gallon and two 5,000-gallon tanks of unknown contents discovered during the facility closure). Environmental investigations began in 1983. Since then, eleven monitoring wells and 17 soil borings have been completed to evaluate the extent of subsurface contamination. A soil vapor extraction system operated from October 1992 until at least March 1993. Five USTs were replaced in 1993. The primary constituents of concern in soil and groundwater are total petroleum hydrocarbons as diesel (TPH-diesel), TPH-gasoline, and benzene. Hydrocarbons in on-site soil are localized in the central eastern edge of the site at approximately 20 feet below ground surface. The highest concentrations in this area were 2,600 milligrams per kilogram (mg/kg) TPH-diesel, 3,000 mg/kg TPH gasoline, and 12 mg/kg benzene. Dissolved TPH-diesel and TPH-gasoline plumes in groundwater, also localized in the northern corner of the site, were defined with declining concentrations over time due to natural attenuation. TPH-diesel concentrations ranged from 910 micrograms per liter (ug/L) to 8,300 ug/L; TPH-gasoline concentrations ranged from 8,400 to 55,000 ug/L. Benzene concentrations were near or below detection limits. Residual concentrations of these constituents were considered to present no significant risk to human health or the environment.

The California Regional Water Quality Control Board (RWQCB) and the San Francisco Department of Public Health, Environmental Health (SFDPH) granted LUST case closure in 2012 and 2013, respectively.¹⁵ The case closure comments indicate that residual hydrocarbon-impacted soil is localized on site and defined laterally and vertically to 21 feet below ground surface. Groundwater beneath the site ranges from approximately 14 to 21 feet below ground surface. Dissolved petroleum hydrocarbons in groundwater are localized in the northern corner of the site and all concentrations volatile constituents are either below detection limits or RWQCB Environmental Screening Levels.¹⁶ Following case closure, groundwater monitoring wells were destroyed under permit.

Because of the former service station use and LUST at the site, the project is subject to Article 22A of the Health Code, also known as the Maher Ordinance, which is administered and overseen by the SFDPH. The Maher Ordinance requires the project sponsor to retain the services of a qualified professional to evaluate the potential presence of petroleum hydrocarbons and hazardous materials in soil and/or groundwater at the site. Accordingly in January 2016, a Phase II Subsurface Investigation consisting of eight exploratory soil borings to depths up to 15 feet below ground surface was conducted and soil samples were collected and analyzed for constituents of concern. Analytical results indicate the presence

¹⁴ Conestoga-Rovers & Associates, Site Closure Request, Former Chevron Service Station No. 9-1300, 2301 Lombard Street, San Francisco, California, SF LOP No. 10127. October 23, 2009.

¹⁵ San Francisco Department of Public Health, Environmental Health, Remedial Action Completion Certification, June 7, 2013.

¹⁶ ESLs are levels of commonly-found contaminants below which the presence of the chemical in soil, soil gas, or groundwater can be assumed not to pose a significant threat to human health, water resources, or the environment under most circumstances. Available at: www.waterboards.ca.gov/sanfranciscobay/water-issues/programs/esl.shtml.

of low concentrations of TPH-diesel (from 2.1 to 24 mg/kg) and TPH-gasoline (from 0.060 to 0.093 mg/kg). Volatile organic compounds were not detected in the on-site soil above laboratory reporting limits with the exception of acetone (at 0.0035 mg/kg).¹⁷

In accordance with Maher Program requirements, the project sponsor must also submit a Site Mitigation Plan to SFDPH for review and approval prior to project construction. The Site Mitigation Plan must include soil and groundwater handling procedures, designs for mitigating measures that control human exposure to remaining hazardous substances, an environmental contingency plan, health and safety plan and other information. The project sponsor must submit a certified final project report to SFDPH describing implementation of the mitigation plan. With compliance with Article 22A of the Health Code, the proposed project would not pose a significant impact to the environment related to hazardous materials.

Geology and Soils

The project site is located in a seismic hazard zone¹⁸ designated as having the potential for liquefaction; however, as discussed below, this would not result in a significant environmental impact. According to the geotechnical investigation report, the site is not within an Earthquake Fault Zone and no active or potentially active faults exist on the site. Strong shaking during an earthquake on one of the nearby faults would have a low potential to result in ground failure such as that associated with soil liquefaction, lateral spreading, and seismic densification. The site is underlain by native sand deposits, beneath several feet of sandy fill material. These sand layers encountered below the groundwater table are considered sufficiently dense to resist liquefaction and lateral spreading, and estimated settlements associated with seismic densification are estimated to be less than one quarter inch.¹⁹

Given these conditions, the principal geotechnical considerations for the project site evaluated in the report include the presence of non-engineered fill material in the former UST excavations, shoring and underpinning of adjacent structures, and building support. The report concludes that the site is suitable for construction of the proposed building, provided their recommendations are incorporated into the design and construction of the project. The report recommends that: (1) all fill within the UST excavations be removed and replaced with engineered fill or lean concrete; (2) the building be supported on spread footings bearings at least 18 inches below the lowest soil subgrade and in accordance with designated load criteria; (3) a moisture barrier and vapor retarder are installed beneath the slab foundation; (4) basement walls be designed to resist lateral pressures; (5) the shoring system for excavations should be designed by a licensed civil engineer with consideration of identified geotechnical design criteria; (6) the adjacent buildings should be underpinned using intermittent, hand-excavated, end-bearing piers; (7) using Site Class D for seismic design of the proposed development; (8) contractor should install survey points on the adjacent buildings and streets within 50 feet of the site prior to construction and monitor the movement of shoring and adjacent structures during construction. Additional recommendations and specifications for site preparation and grading, excavation activities, foundation and basement

¹⁷ PII Environmental, *Phase II Subsurface Investigation Report, 2301 Lombard Street, San Francisco*. February 3, 2016.

¹⁸ California Geologic Survey, *State of California Seismic Hazard Zones, City and County of San Francisco*. November 17, 2000.

¹⁹ Langan Treadwell Rollo, *Geotechnical Investigation, 2301 Lombard Street San Francisco*. March 18, 2016.

construction and installation, underpinning design and installation, and seismic design are included in the report.²⁰

The proposed project would be required to conform to the *Building Code*, which ensures the safety of all new construction in the City. Decisions about appropriate foundation and structural design are considered as part of the DBI permit review process. DBI would review background information including geotechnical and structural engineering reports to ensure that the security and stability of adjoining properties and the subject property is maintained during and following construction. Therefore, potential damage to structures from geologic hazards on the project site would be addressed through the DBI requirement for a geotechnical report and review of the building permit application pursuant to its implementation of the *Building Code*.

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

PUBLIC NOTICE AND COMMENT:

A “Notification of Project Receiving Environmental Review” was mailed on November 28, 2016 to community organizations, tenants of the affected property and properties adjacent to the project site, and those persons who own property within 300 feet of the project site. No comments on the project were received in response to the notice.

CONCLUSION:

The proposed project satisfies the criteria for exemption under the above-cited classification. Overall, there would be no project-specific environmental impacts or cumulatively considerable contribution to significant cumulative impacts. In addition, none of the CEQA Guidelines Section 15300.2 exceptions to the use of a categorical exemption applies to the proposed project. For the above reasons, the proposed project is appropriately exempt from environmental review.

CEQA State Guidelines Section 15061(b)(3) provides an exemption from environmental review where it can be seen with certainty that the proposed project would not have a significant effect on the environment. As noted above, there is no possibility that the proposed project would have significant environmental impacts. For this reason, the proposed project is also appropriately exempt from environmental review under the General Rule Exclusion (CEQA Guidelines 15061(b)(3)).

²⁰ Ibid.

COMPLIANCE WITH THE INCLUSIONARY AFFORDABLE HOUSING PROGRAM



**San Francisco
Planning**

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

Date: August 16, 2016

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

From: San Francisco Planning Department

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

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

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

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

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

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

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

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

The Project contains: 22 UNITS	The zoning of the property is: NC-3	Complete EEA was submitted on: December 15, 2015
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CHART A: Inclusionary Requirements for San Francisco, excluding UMU Zoning Districts.

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

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

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

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

AFFIDAVIT

COMPLIANCE WITH THE INCLUSIONARY AFFORDABLE HOUSING PROGRAM

PLANNING CODE SECTION 415 & 419

**San Francisco
Planning**

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

5.9.17

Date

I, Mark MacDonald,
do hereby declare as follows:

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

☐ Yes ☒ No

(If yes, please indicate Affordable Housing Tier)

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

2301 Lombard Street, San Francisco, CA

Address

0512/031

Block / Lot

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

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

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

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

2015.014040

Planning Case Number

N/A

Building Permit Number

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

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

This project requires the following approval:

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

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

Laura Ajello

Planner Name

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

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

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

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

F Affordability Levels:

No. of Affordable Units:	% Affordable Units:	AMI Level:
No. of Affordable Units:	% Affordable Units:	AMI Level:

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

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

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

Executed on this day in:

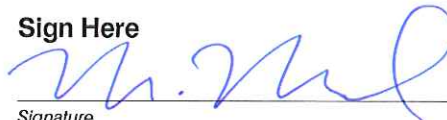
San Francisco, CA

Location

5.9.17

Date

Sign Here



Signature

Mark MacDonald, President

Name (Print), Title

925-998-6804

Contact Phone Number

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

¹ California Civil Code Section 1954.50 and following.

UNIT MIX TABLES

Number of All Units in PRINCIPAL PROJECT:					
TOTAL UNITS:	SRO / Group Housing:	Studios:	One-Bedroom Units:	Two-Bedroom Units:	Three (or more) Bedroom Units:
22	0	0	5	16	1

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

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

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

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

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

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

1. Fee % of affordable housing requirement.

2. On-Site % of affordable housing requirement.

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

3. Off-Site % of affordable housing requirement.

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

Contact Information and Declaration of Sponsor of PRINCIPAL PROJECT

DM 2301 Lombard, LLC

Company Name

Brett Leon

Name (Print) of Contact Person

448 Linden Street, San Francisco, CA

Address

San Francisco, CA, 94102

City, State, Zip

925-998-6804

Phone / Fax

brett.leon@dm-dev.com

Email

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

Sign Here

Signature:



Name (Print), Title:

Mark MacDonald, President

Contact Information and Declaration of Sponsor of OFF-SITE PROJECT (If Different)

Company Name

Name (Print) of Contact Person

Address

City, State, Zip

Phone / Fax

Email

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

Sign Here

Signature:

Name (Print), Title:

SUPPLEMENTAL INFORMATION FOR Anti-Discriminatory Housing Policy

1. Owner/Applicant Information

PROPERTY OWNER'S NAME: DM 2301 Lombard, LLC	
PROPERTY OWNER'S ADDRESS: 448 Linden Street, San Francisco, CA 94102	TELEPHONE: (925) 998-6804
	EMAIL: brett.leon@dm-dev.com

APPLICANT'S NAME: <div>Same as Above <input checked="" type="checkbox"/></div>	
APPLICANT'S ADDRESS:	TELEPHONE: ()
	EMAIL:

CONTACT FOR PROJECT INFORMATION: Brett Leon <div>Same as Above <input type="checkbox"/></div>	
ADDRESS: 448 Linden Street, San Francisco, CA 94102	TELEPHONE: (925) 998-6804
	EMAIL: brett.leon@dm-dev.com

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

2. Location and Project Description

STREET ADDRESS OF PROJECT: 2301 Lombard Street, San Francisco		ZIP CODE: 94123
CROSS STREETS: Pierce Street		
ASSESSORS BLOCK/LOT: 0512 / 031	ZONING DISTRICT: NC-3	HEIGHT/BULK DISTRICT: 40-X

PROJECT TYPE: (Please check all that apply) <input checked="" type="checkbox"/> New Construction <input type="checkbox"/> Demolition <input type="checkbox"/> Alteration <input type="checkbox"/> Other: _____	EXISTING DWELLING UNITS: 0	PROPOSED DWELLING UNITS: 22	NET INCREASE: 22
--	-------------------------------	--------------------------------	---------------------

Compliance with the Anti-Discriminatory Housing Policy

1. Does the applicant or sponsor, including the applicant or sponsor's parent company, subsidiary, or any other business or entity with an ownership share of at least 30% of the applicant's company, engage in the business of developing real estate, owning properties, or leasing or selling individual dwelling units in States or jurisdictions outside of California? ☐ YES ☒ NO

1a. If yes, in which States? _____

- 1b. If yes, does the applicant or sponsor, as defined above, have policies in individual States that prohibit discrimination based on sexual orientation and gender identity in the sale, lease, or financing of any dwelling units enforced on every property in the State or States where the applicant or sponsor has an ownership or financial interest? ☐ YES ☐ NO

- 1c. If yes, does the applicant or sponsor, as defined above, have a national policy that prohibits discrimination based on sexual orientation and gender identity in the sale, lease, or financing of any dwelling units enforced on every property in the United States where the applicant or sponsor has an ownership or financial interest in property? ☐ YES ☐ NO

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

Human Rights Commission contact information
hrc.info@sfgov.org or (415)252-2500

Applicant's Affidavit

Under penalty of perjury the following declarations are made:

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

Signature: _____



Date: 5.9.17

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

Mark MacDonald
Owner / Authorized Agent (circle one)

PLANNING DEPARTMENT USE ONLY

PLANNING DEPARTMENT VERIFICATION:

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

Notification of Incomplete Information made:

To: _____ Date: _____

BUILDING PERMIT NUMBER(S):

2016.12.28.5988

DATE FILED:

12/28/2016

RECORD NUMBER:

2015-014040CUA/VAR

DATE FILED:

10/12/2016

VERIFIED BY PLANNER:

Signature: LA

Date: 5-16-2017

Printed Name: LAURA AJELLO

Phone: (415) 575-9142

ROUTED TO HRC:

DATE:

☒ Emailed to: MATHEW OGILANDER @SF60V.ORG 5-16-2017

RECEIVED

MAY 12 2017

SAN FRANCISCO COUNTY OF S.F.
PLANNING DEPARTMENT
DEPARTMENT OF PLANNING

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AFFIDAVIT FOR FIRST SOURCE HIRING PROGRAM

Administrative Code

Chapter 83

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

Section 1: Project Information

PROJECT ADDRESS		BLOCK/LOT(S)	
2301 Lombard Street, San Francisco, CA		0512/031	
BUILDING PERMIT APPLICATION NO.	CASE NO. (IF APPLICABLE)	MOTION NO. (IF APPLICABLE)	
N/A	2015.014040		
PROJECT SPONSOR	MAIN CONTACT	PHONE	
DM 2301 Lombard, LLC	Brett Leon	925-998-6804	
ADDRESS			
448 Linden Street, San Francisco, CA 94102			
CITY, STATE, ZIP		EMAIL	
San Francisco, CA, 94102		brett.leon@dm-dev.com	
ESTIMATED RESIDENTIAL UNITS	ESTIMATED SQ FT COMMERCIAL SPACE	ESTIMATED HEIGHT/FLOORS	ESTIMATED CONSTRUCTION COST
22	2,600	40'4 floors	\$12,000,000
ANTICIPATED START DATE			
January 2018			

Section 2: First Source Hiring Program Verification

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

Continued...

Section 3: First Source Hiring Program – Workforce Projection

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

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

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

TRADE/CRAFT	ANTICIPATED JOURNEYMAN WAGE	# APPRENTICE POSITIONS	# TOTAL POSITIONS	TRADE/CRAFT	ANTICIPATED JOURNEYMAN WAGE	# APPRENTICE POSITIONS	# TOTAL POSITIONS
Abatement Laborer				Laborer	\$60/HR	3	15
Boilermaker				Operating Engineer	\$80/HR		4
Bricklayer				Painter	\$50/HR		10
Carpenter	\$80/HR	2	10	Pile Driver			
Cement Mason	\$65/HR	1	10	Plasterer	\$80/HR		5
Drywall/Latherer	\$80/HR	2	15	Plumber and Pipefitter	\$100/HR		8
Electrician	\$100/HR		8	Roofer/Water proofer	\$75/HR	2	10
Elevator Constructor	\$150/HR		4	Sheet Metal Worker	\$105/HR		5
Floor Coverer	\$80/HR		8	Sprinkler Fitter	\$95/HR		8
Glazier	\$77/HR	1	10	Taper	\$70/HR		8
Heat & Frost Insulator			5	Tile Layer/ Finisher	\$85/HR		6
Ironworker	\$75/HR	2	10	Other:			
		TOTAL:	80			TOTAL:	79

*The anticipated Journeyman Wages shown in the chart above are union rates. The project will likely have both union and non union labor.

- Will the anticipated employee compensation by trade be consistent with area Prevailing Wage?
Answer: The project will likely have both union and non-union labor
- Will the awarded contractor(s) participate in an apprenticeship program approved by the State of California's Department of Industrial Relations?
Answer: The project will likely have both union and non-union labor
- Will hiring and retention goals for apprentices be established?
- What is the estimated number of local residents to be hired?

YES	NO
<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
<input type="checkbox"/>	<input checked="" type="checkbox"/>
16	

Section 4: Declaration of Sponsor of Principal Project

PRINT NAME AND TITLE OF AUTHORIZED REPRESENTATIVE	EMAIL	PHONE NUMBER
Mark MacDonald	mark.macdonald@dm-dev.com	925-998-6804
I HEREBY DECLARE THAT THE INFORMATION PROVIDED HEREIN IS ACCURATE TO THE BEST OF MY KNOWLEDGE AND THAT I COORDINATED WITH OEWD'S CITYBUILD PROGRAM TO SATISFY THE REQUIREMENTS OF ADMINISTRATIVE CODE CHAPTER 83.		
(SIGNATURE OF AUTHORIZED REPRESENTATIVE)	(DATE)	
	5-10-17	

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

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



APPLICATION PACKET OF INFORMATION FOR **Transportation Demand Management Program**

WHAT IS THE TRANSPORTATION DEMAND MANAGEMENT (TDM) PROGRAM?

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

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

WHEN IS A TDM PLAN NECESSARY?

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

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

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

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

HOW DOES THE PROCESS WORK?

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

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

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

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

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

WHO MAY SUBMIT A TDM PLAN?

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

FEES:

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

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

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

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

TDM PLAN UPDATE:

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



TRANSPORTATION DEMAND MANAGEMENT (TDM) PROGRAM

APPLICATION SUBMITTAL REQUIREMENTS

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

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

WHAT TO SUBMIT:

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

Additionally, if you are not the property owner:

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

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

HOW TO SUBMIT:

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

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

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

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

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

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

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



TRANSPORTATION DEMAND MANAGEMENT (TDM) PLAN APPLICATION

Property Owner's Information

Name: DM 2301 Lombard, LLC

Address: 448 Linden Street, San Francisco, CA

Email Address: brett.leon@dm-dev.com

Telephone: 925.998.6804

Applicant Information (if applicable)

Name: Mark MacDonald (Name of Person Owner and Applicant)

Same as above ☐

Company/Organization: DM 2301 Lombard, LLC

Address: 448 Linden Street, San Francisco, CA

Email Address: brett.leon@dm-dev.com

Telephone: 925.998.6804

Please Select Billing Contact:

☐ Owner

☐ Applicant

☐ Other (see below for details)

Name: Brett Leon

Email: brett.leon@dm-dev.com

Phone: 925.998.6804

Please Select Primary Project/TDM Contact:

☐ Owner

☐ Applicant

☐ Billing

☐ Other (see below for details)

Name: Brett Leon

Email: brett.leon@dm-dev.com

Phone: 925.998.6804

Property Information

Project Address: 2301 Lombard Street

Block/Lot(s): 0512/031

Project Description:

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

The Site is currently a vacant corner lot that fronts on both Lombard and Pierce Streets. The Project would entail construction of a single 40-foot, four-story mixed-use building having 22 condominium residences, approximately 2,600 gross square feet of ground-floor retail space and 1,400 sf of common open space.

LAND USE TABLES

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

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

Land Use Category A (Retail)	
Gross Floor Area (GFA)	2,600
Occupied Floor Area (OFA)	2,600
Number of Accessory Parking Spaces	0
Target Points	0

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

Land Use Category C (Residential)	
Gross Floor Area (GFA)	33,440
Occupied Floor Area (OFA)	25,309
Number of Accessory Parking Spaces	33
Target Points	8 points

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

TDM PLAN WORKSHEET

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

= applicable to land use category.

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

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

= not applicable to land use category.

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

NOTE: Please tally the points on the next page.

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

Category	Measure	Points	Land Use Category			
			A Retail	B Office	C Residential	D Other
HOV-3	Vanpool Program: Option A; or	1	Ⓟ	Ⓟ	⊘	⓪
	Vanpool Program: Option B; or	2	Ⓟ	Ⓟ	⊘	⓪
	Vanpool Program: Option C; or	3	Ⓟ	Ⓟ	⊘	⓪
	Vanpool Program: Option D; or	4	Ⓟ	Ⓟ	⊘	⓪
	Vanpool Program: Option E; or	5	Ⓟ	Ⓟ	⊘	⓪
	Vanpool Program: Option F; or	6	Ⓟ	Ⓟ	⊘	⓪
	Vanpool Program: Option G	7	Ⓟ	Ⓟ	⊘	⓪
INFO-1	Multimodal Wayfinding Signage	1	Ⓟ	Ⓟ	Ⓟ	X
INFO-2	Real Time Transportation Information Displays	1	Ⓟ	Ⓟ	Ⓟ	Ⓟ
INFO-3	Tailored Transportation Marketing Services: Option A; or	1	Ⓟ	Ⓟ	Ⓟ	⓪
	Tailored Transportation Marketing Services: Option B; or	2	Ⓟ	Ⓟ	Ⓟ	⓪
	Tailored Transportation Marketing Services: Option C; or	3	Ⓟ	Ⓟ	Ⓟ	⓪
	Tailored Transportation Marketing Services: Option D	4	Ⓟ	Ⓟ	Ⓟ	⓪
LU-1	Healthy Food Retail in Underserved Area	2	Ⓟ	⊘	⊘	⊘
LU-2	On-site Affordable Housing: Option A; or	1	⊘	⊘	Ⓟ	⊘
	On-site Affordable Housing: Option B; or	2	⊘	⊘	Ⓟ	⊘
	On-site Affordable Housing: Option C; or	3	⊘	⊘	Ⓟ	⊘
	On-site Affordable Housing: Option D	4	⊘	⊘	Ⓟ	⊘
PKG-1	Unbundle Parking: Location A; or	1	ⓅⓅ	ⓅⓅ	ⓅⓅ	⓪
	Unbundle Parking: Location B; or	2	ⓅⓅ	ⓅⓅ	ⓅⓅ	⓪
	Unbundle Parking: Location C; or	3	ⓅⓅ	ⓅⓅ	ⓅⓅ	⓪
	Unbundle Parking: Location D; or	4	ⓅⓅ	ⓅⓅ	ⓅⓅ	⓪
	Unbundle Parking: Location E	5	ⓅⓅ	ⓅⓅ	ⓅⓅ	⓪
PKG-2	Parking Pricing	2	Ⓟ	Ⓟ	⊘	⓪
PKG-3	Parking Cash Out: Non-residential Tenants	2	Ⓟ	Ⓟ	⊘	⓪
PKG-4	Parking Supply: Option A; or	1	Ⓟ	Ⓟ	Ⓟ	Ⓟ
	Parking Supply: Option B; or	2	Ⓟ	Ⓟ	Ⓟ	Ⓟ
	Parking Supply: Option C; or	3	Ⓟ	Ⓟ	Ⓟ	Ⓟ
	Parking Supply: Option D; or	4	Ⓟ	Ⓟ	Ⓟ	⓪
	Parking Supply: Option E; or	5	Ⓟ	Ⓟ	Ⓟ	⓪
	Parking Supply: Option F; or	6	Ⓟ	Ⓟ	Ⓟ	⓪
	Parking Supply: Option G; or	7	Ⓟ	Ⓟ	Ⓟ	⓪
	Parking Supply: Option H; or	8	Ⓟ	Ⓟ	Ⓟ	⓪
	Parking Supply: Option I; or	9	Ⓟ	Ⓟ	Ⓟ	⓪
	Parking Supply: Option J; or	10	Ⓟ	Ⓟ	Ⓟ	⓪
	Parking Supply: Option K	11	Ⓟ	Ⓟ	Ⓟ	⓪

Ⓟ = applicable to land use category.

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

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

⊘ = not applicable to land use category.

⓪ = project sponsor can select these measures for land use category D, but will not receive points.

Land Use Category Totals

A	B	C	D
Retail	Office	Residential	Other

Point Subtotal from Page 1: _____

Point Subtotal from Page 2: _____

Totals: _____

APPLICANT'S AFFIDAVIT

Under penalty of perjury the following declarations are made:

- a) The undersigned is the owner or authorized agent of the owner of this property.
- b) The information presented is true and correct to the best of my knowledge.
- c) The TDM Program Standards included multiple options to meet the target, and of those options, the owner has selected the TDM measures included in the TDM Plan application.
- d) Other information or applications may be required.



Signature

Mark MacDonald

Name (Printed)

Owner

925.998.6804

brett.leon@dm-dev.com

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

Phone

Email

For Department Use Only

Application received by Planning Department:

By: _____

Date: _____



SAN FRANCISCO PLANNING DEPARTMENT

Transportation Demand Management (TDM) Checklist: Development Projects

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

Reception:
415.558.6378

Fax:
415.558.6409

Planning
Information:
415.558.6377

A. GENERAL PROJECT INFORMATION:

Date: 5/9/17

Project Name: 2301 Lombard Street Mixed-Use Residential Development Project

Case No: 2015.0014040

Project Address and Block and Lot: 2301 Lombard Street, San Francisco, CA 94123 0512/031

TDM Checklist Prepared By: CHS Consulting Group on Date: 5/9/17

Project Sponsor (name/phone/email): Brett Leon, DM Development, 925-998-6804 brett.leon@dm-dev.com

B. CHECKLIST TABLE:

CATEGORY	MEASURE	DESCRIPTION ¹	SELECTED
ACTIVE-1	Improve Walking Conditions: Options A - B	Provide streetscape improvements to encourage walking	<input type="checkbox"/> Option:
ACTIVE-2	Bicycle Parking: Options A - D	Provide secure bicycle parking, more spaces given more points	<input checked="" type="checkbox"/> Option: A
ACTIVE-3	Showers and Lockers	Provide on-site showers and lockers so commuters can travel by active modes	<input type="checkbox"/>
ACTIVE-4	Bike Share Membership: Location A - B	Provide Bike Share memberships for residents and employees (1 point) Additional point if the project site is within the Bike Share network	<input type="checkbox"/> Option:
ACTIVE-5A	Bicycle Repair Station	Provide on-site tools and space for bicycle repair	<input checked="" type="checkbox"/>
ACTIVE-5B	Bicycle Maintenance Services	Provide maintenance services through an on-call mechanic or vouchers to a local shop	<input type="checkbox"/>
ACTIVE-6	Fleet of Bicycles	Provide an onsite fleet of bicycles for residents, employees, and/or guests to use	<input type="checkbox"/>

¹ Please refer to Appendix A of the TDM Program Standards for TDM measure descriptions and specific applicability by land use category. Appendix A is available here: <http://sf-planning.org/shift-encourage-sustainable-travel>

CATEGORY	MEASURE	DESCRIPTION ¹	SELECTED
ACTIVE-7	Temporary Bicycle Valet Parking	For large events. Provide monitored bicycle parking for 20 percent of guests	<input type="checkbox"/>
CSHARE-1	Car Share Options A - E	Several options for providing car-share parking and memberships, more points given for higher levels of participation	<input type="checkbox"/> Option:
DELIVERY-1	Delivery Supportive Amenities	Facilitate deliveries with a staffed reception desk, lockers, or other accommodations	<input checked="" type="checkbox"/>
DELIVERY-2	Provide Delivery Services	Provide delivery of products (e.g., groceries) or services (e.g., dry cleaning)	<input type="checkbox"/>
FAMILY-1	Family TDM-Amenities Options A - B	Provide storage for car seats near car-share parking, cargo bikes and shopping carts	<input type="checkbox"/> Option:
FAMILY-2	On-site Childcare	Provide an on-site childcare services	<input type="checkbox"/>
FAMILY-3	Family TDM Package	Provide a combination of car-share parking and memberships and family amenities	<input type="checkbox"/>
HOV-1	Contributions or Incentives for Sustainable Transportation Options A - D	25, 50, 75, or 100 percent subsidies for sustainable transportation use (e.g., Muni fast pass), more points given for higher rate of subsidy	<input type="checkbox"/> Option:
HOV-2	Shuttle Bus Service Options A - B	Provide shuttle bus services, more points given for more frequent service	<input type="checkbox"/> Option:
HOV-3	Vanpool Program Options A - G	Provide vanpool services to employees, more points for serving larger projects	<input type="checkbox"/> Option:
INFO-1	Multimodal Wayfinding Signage	Provide directional signage for locating transportation services (shuttle stop) and amenities (bicycle parking)	<input checked="" type="checkbox"/>
INFO-2	Real Time Transportation Information Displays	Large screen or monitor that displays, at a minimum, transit arrival and departure information	<input type="checkbox"/>
INFO-3	Tailored	Provide residents and employees with information	<input type="checkbox"/>

CATEGORY	MEASURE	DESCRIPTION ¹	SELECTED
	Transportation Marketing Services Options A - D	about travel options, more points given for providing more marketing services	Option:
LU-1	Healthy Food Retail in Underserved Area	Providing healthy food options (e.g., restaurants, grocery stores) in an area identified as underserved	<input type="checkbox"/>
LU-2	On-Site Affordable Housing Options A - D	Providing on-site affordable housing as part of a residential project, more points given for a higher percentage of affordable units	<input type="checkbox"/> Option:
PKG-1	Unbundle Parking Locations A - E	Separating the cost of parking from the cost of rent, lease or ownership, more points given for projects located in areas where parking is more constrained	<input checked="" type="checkbox"/> Option: C
PKG-2	Short Term Daily Parking Provision	No parking rates discounted beyond a daily pass, no weekly, monthly, or annual passes allowed.	<input type="checkbox"/>
PKG-3	Parking Cash-Out: Non-residential Tenants	Employees who are provided free parking must also have the option to take the cash value of the space in lieu of the space, itself	<input type="checkbox"/>
PKG-4	Parking Supply Options A - K	Provide less accessory parking than the neighborhood parking rate, more points given for greater reductions	<input type="checkbox"/> Option:

Transportation Demand Management Program – Written Description of Services

The project sponsor would implement a Transportation Demand Management (TDM) program as part of the proposed project. The TDM program would encourage travel via sustainable modes of transportation (e.g., walking, bicycling, and transit). The proposed project would be subject to San Francisco's pending TDM Ordinance; the project sponsor or property owner may implement the following TDM measures in order to reduce single occupancy vehicle (SOV) trips to and from the project site.

Parking Measures

- PKG -1 Unbundle Parking: All Accessory Parking spaces would be leased or sold separately from the rental or purchase fees for use for the Life of the Development Project, so that tenants have the option of renting or buying a parking space at an additional cost, and would, thus, experience a cost savings if they opt not to rent or purchase parking.

Active Transportation Measures

- ACTIVE-2: Bicycle Parking: The property owner may choose to provide more than or as many Class I and Class II bicycle parking spaces as required by San Francisco Planning Code Sections 155.1, 155.2, 155.3 and 430.
- ACTIVE-5a: Bicycle Repair Station: The Development Project would include a bicycle repair station consisting of a designated, secure area within the building, such as within a bicycle storage room or in the building garage, where bicycle maintenance tools and supplies are readily available on a permanent basis and offered in good condition to encourage bicycling. Tools and supplies should include, at a minimum, those necessary for fixing a flat tire, adjusting a chain, and performing other basic bicycle maintenance. Available tools should include, at a minimum, a bicycle pump, wrenches, a chain tool, lubricants, tire levers, hex keys/Allen wrenches, torx keys, screwdrivers, and spoke wrenches.

Delivery Measures

- DELIVERY-1: Delivery Supportive Amenities: The Development Project would facilitate delivery services by providing one of the following: (1) clothes lockers for delivery services, (2) temporary storage for package deliveries, laundry deliveries, and other deliveries, or (3) providing temporary refrigeration for grocery deliveries, and/or including other delivery supportive measures as proposed by the property owner that may reduce Vehicle Miles Traveled per household by reducing number of trips that may otherwise have been by single occupancy vehicle.

Communications and Information Measures

- INFO-1: The Development Project shall provide multimodal wayfinding signage in key locations to support access to transportation services and infrastructure, including one or more of the following:
 - transit
 - bike share
 - car-share parking
 - bicycle parking and amenities (including repair stations and fleets)
 - showers and lockers
 - taxi stands
 - shuttle/carpool/Vanpool pick-up/drop-off locations

2301 LOMBARD STREET

Conditional Use & Rearyard Variance/ Modification Application

Revised

Original: October 12th, 2016

Revised: May 8th, 2017

SAN FRANCISCO, CALIFORNIA

Project Site



Site Data

Parcel	Block 0512; Lot 031 13,263 SF
Zoning	NC-3
Height	40'
Bulk	40-X
Floor Area Ratio	3.6 (Exempted for Dwellings)
Residential Density	22 Units @ 1 Unit / 600SF (NC-3) 9 Units @ 1 Unit / 1,500SF (RH-2) No density limit with AHDB
Non-Residential Uses	
Rear Yards	25% of Lot Area with rearyard modification
Lot Coverage	-
Useable Open Space	80 SF if private or 100 SF of common usable open space may be substituted for private open space.
Exposure	1 bedroom in each dwelling unit must look onto street, code complying rear yard or open area
Parking	1 parking space per dwelling unit; max parking is 1.5 parking spaces per dwelling unit
Bicycle Parking	1:1 Class 1 bicycle parking; 1:20 Class 2 bicycle parking spaces plus 2 for ground floor retail uses
Ground Floor Height	15' min. (10' min. +5' ground floor per AHDB)
Ground Floor	Active ground floor uses required, per sec 145.
Curb Cuts	-

Project Data

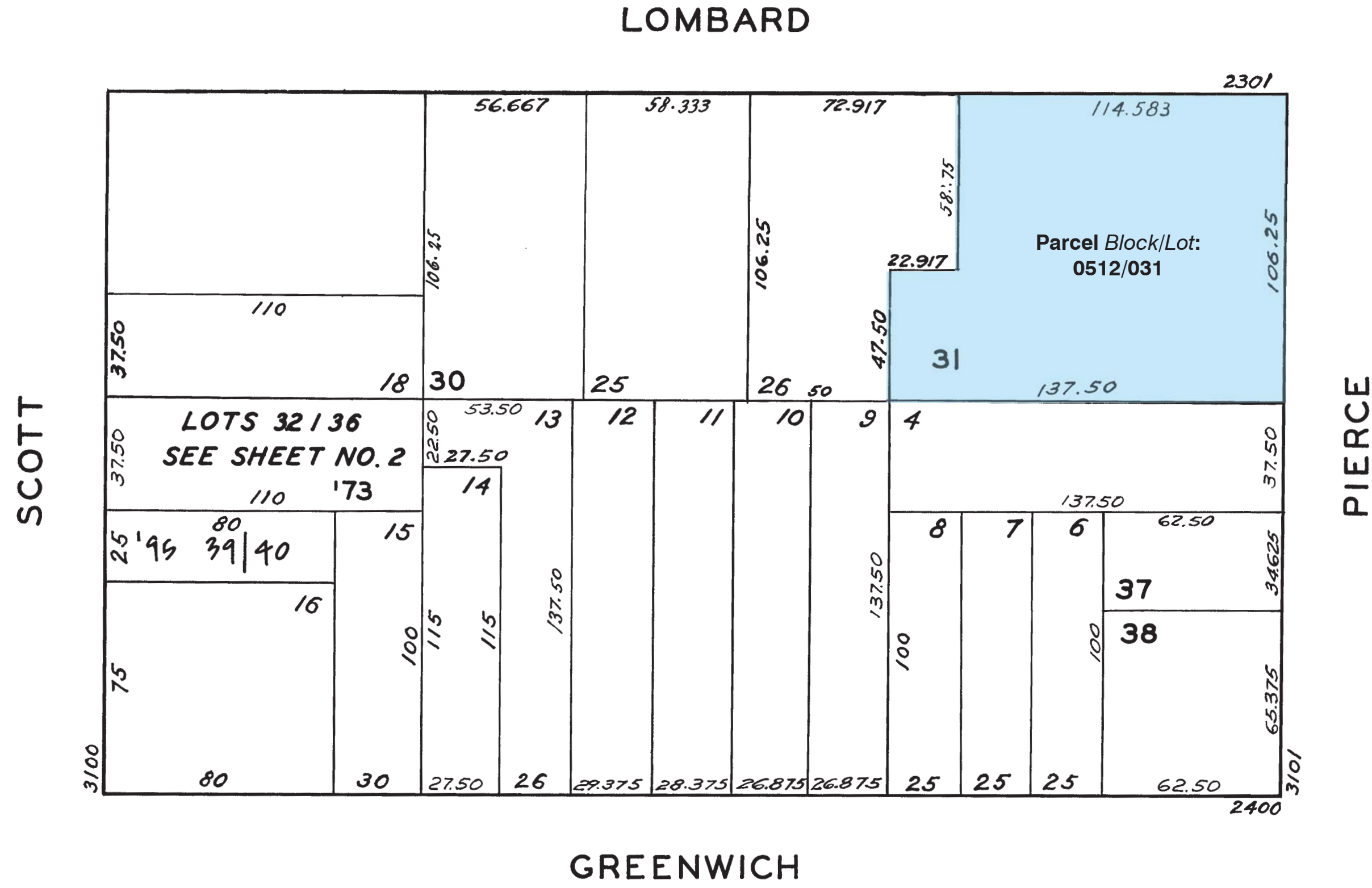
Area Tabulation

FLOOR	UNIT TYPES					GSF (PER SEC 102)				EXEMPTED GSF (PER SEC 102)			INTERIOR SF	PARKING		BIKE PARKING		OPEN SPACE	
	1 BR	2 BR	2+ BR	3 BR	Total Units	RESIDENTIAL		RETAIL	TOTAL	PARKING	MECH & UTILITY	TOTAL	TOTAL	PARKING	HC	CLASS 1	CLASS 2	COMMON	PRIVATE
						NET	LOBBY												
ROOF																		1,500	5
4	1	1	3	1	6	8,308			9,668				9,668						
3	2	6			8	8,215			9,668				9,668						
2	2	6			8	8,013			9,668				9,668						2
1					0	773	730	2,601	4,436	7,130	987	8,117	12,553	32	1	22	4		
Total	5	13	3	1	22	25,309	730	2,601	33,440	7,130	987	8,117	41,557	32	1	22	4	1,500	7

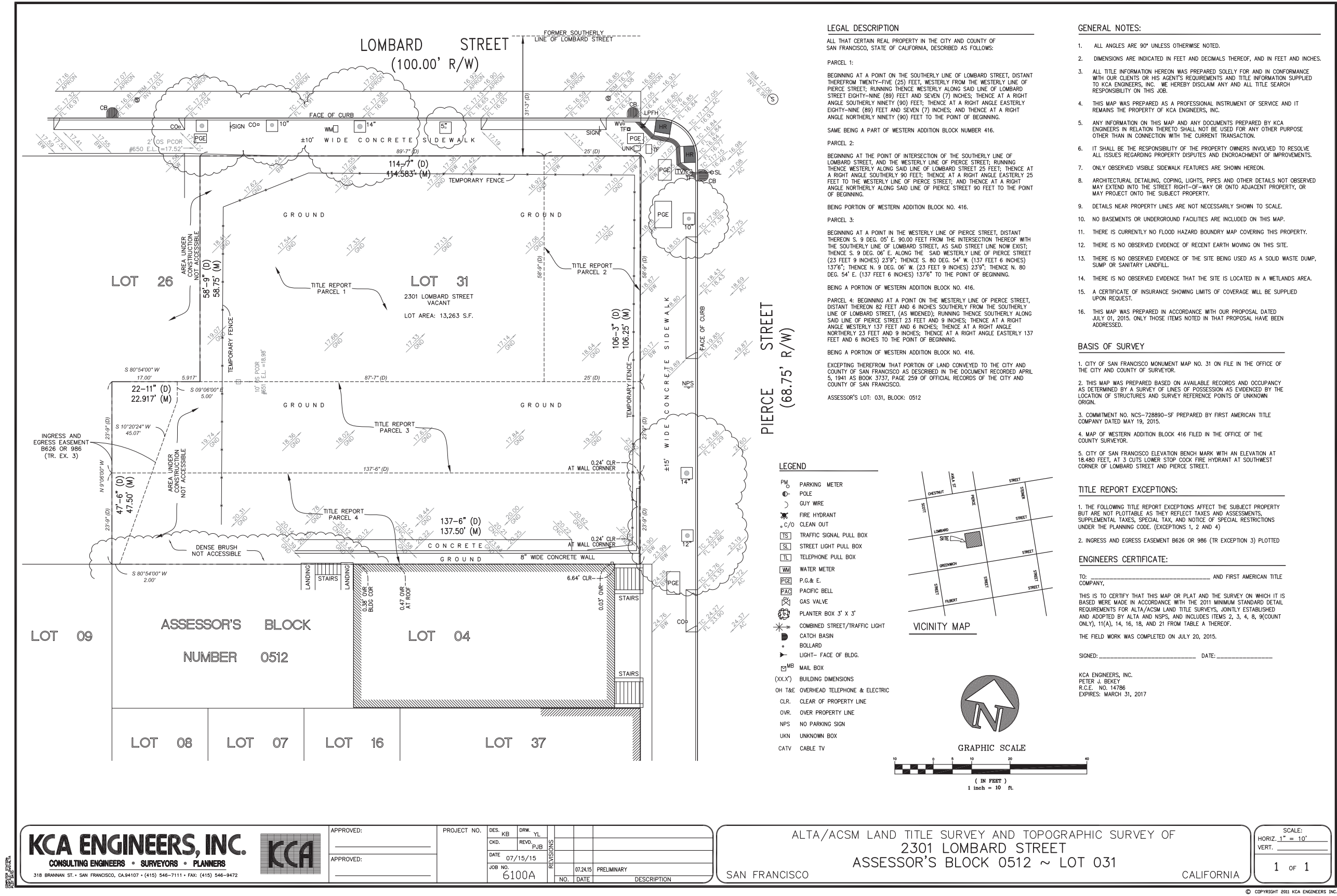
Proposed Project

Height	40'
Floor Area Ratio	n/a
Residential Density	600 sf of Site Area per Unit 13,263 sf / 200 sf = 22 Units
Lot Coverage	-
Useable Open Space	22 Total units minus 7 units with private open space + 15 units requiring open space. 15 units x 100SF/ unit = 1,500 SF. 1,500 SF common open space provided.
Parking	Max Parking = 1.5 spaces per Unit = 33 Spaces Proposed Parking: 32 Spaces; 1 HC Space; 0 Carshare
Bicycle Parking	Class 1: Min. 1 Space per Unit = 22 Spaces Class 2 - Resi: 1 Space per 20 Units = 1 Spaces, 2 Spaces Proposed Class 2 - Commercial: 2 Spaces Proposed Total: 26 Spaces

Plot Map



Site Survey



Aerial Images



Aerial Images



Site Context



PIERCE STREET
LOOKING SOUTH



LOMBARD STREET
LOOKING WEST



LOMBARD STREET
LOOKING SOUTH



LOMBARD STREET
LOOKING SOUTHEAST

Site Context



PIERCE STREET
LOOKING EAST



LOMBARD STREET
LOOKING NORTHEAST



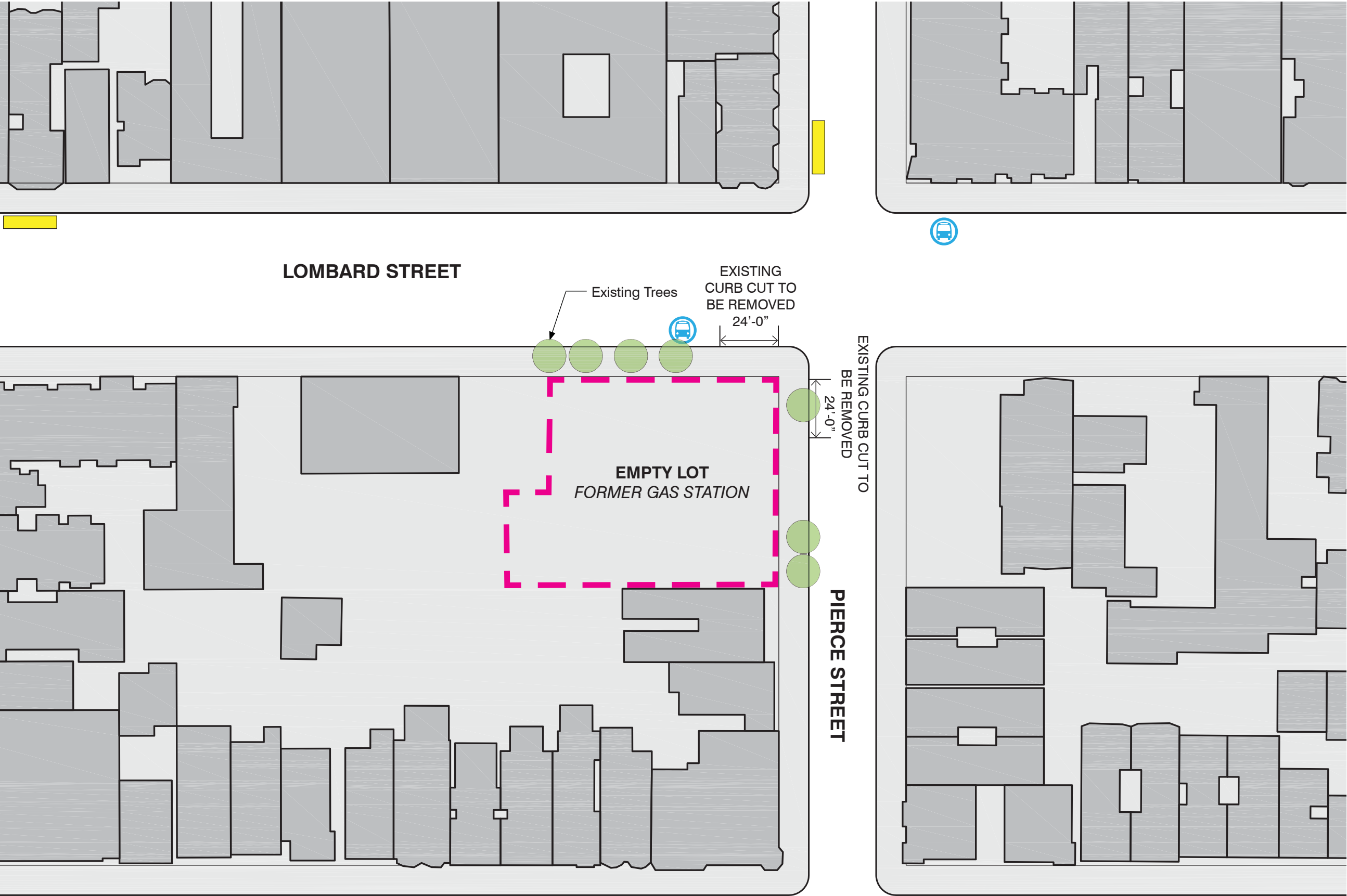
LOMBARD STREET
LOOKING NORTH



LOMBARD STREET
LOOKING NORTHEAST

Proposed Design

Existing Site Plan



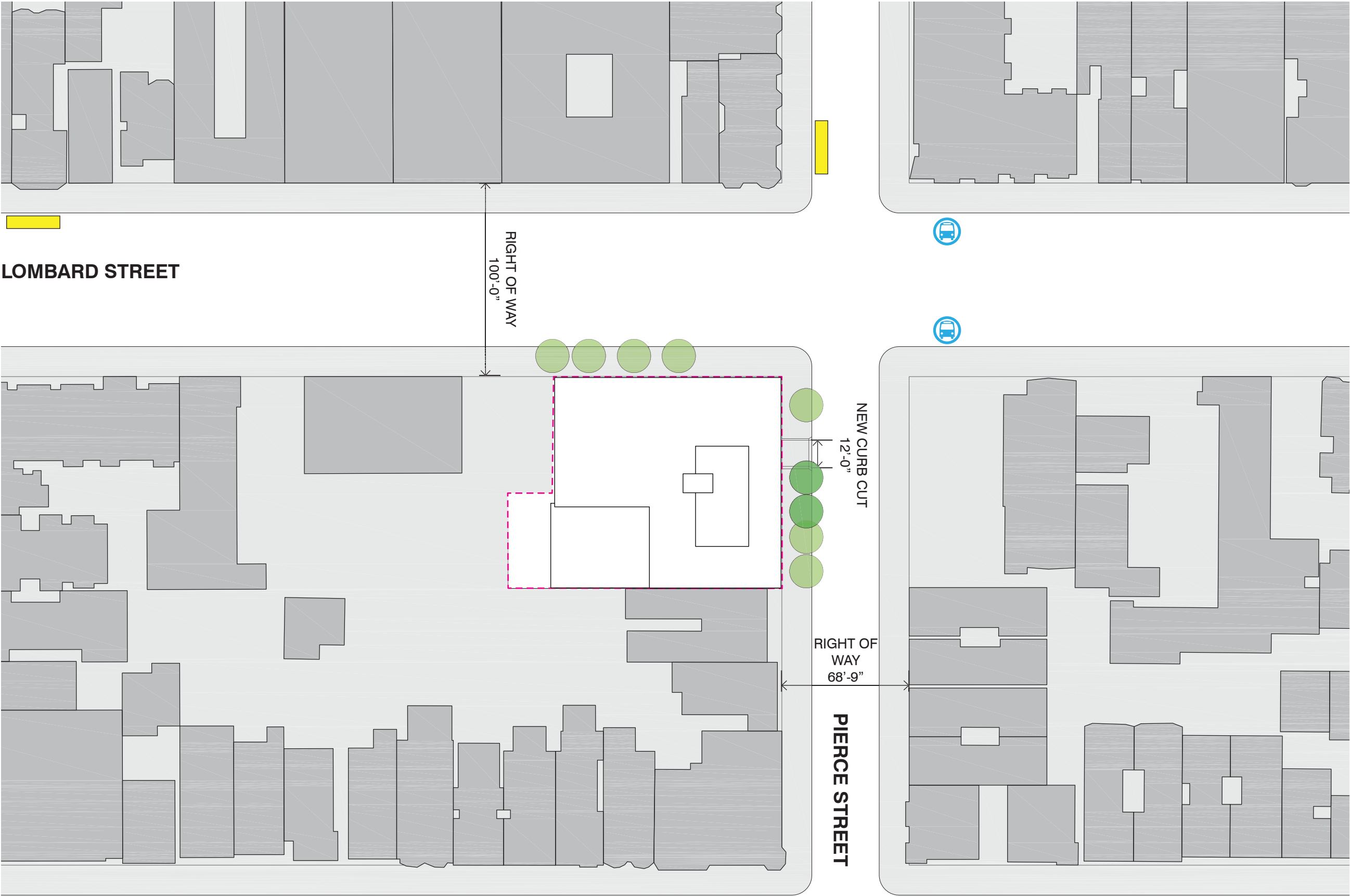
(E) BUS STOP

(E) CURB SIDE LOADING

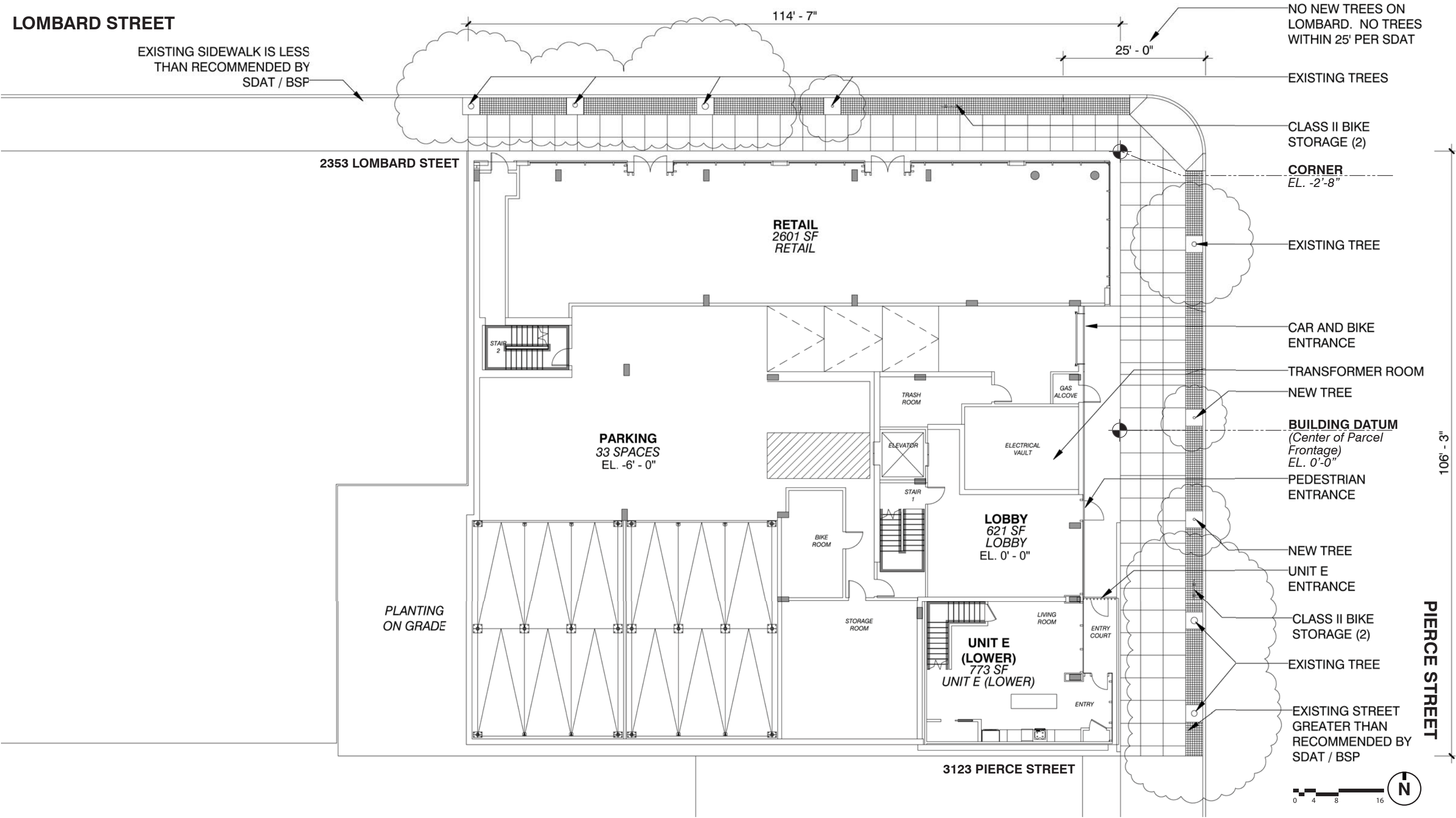
0 25 50

N

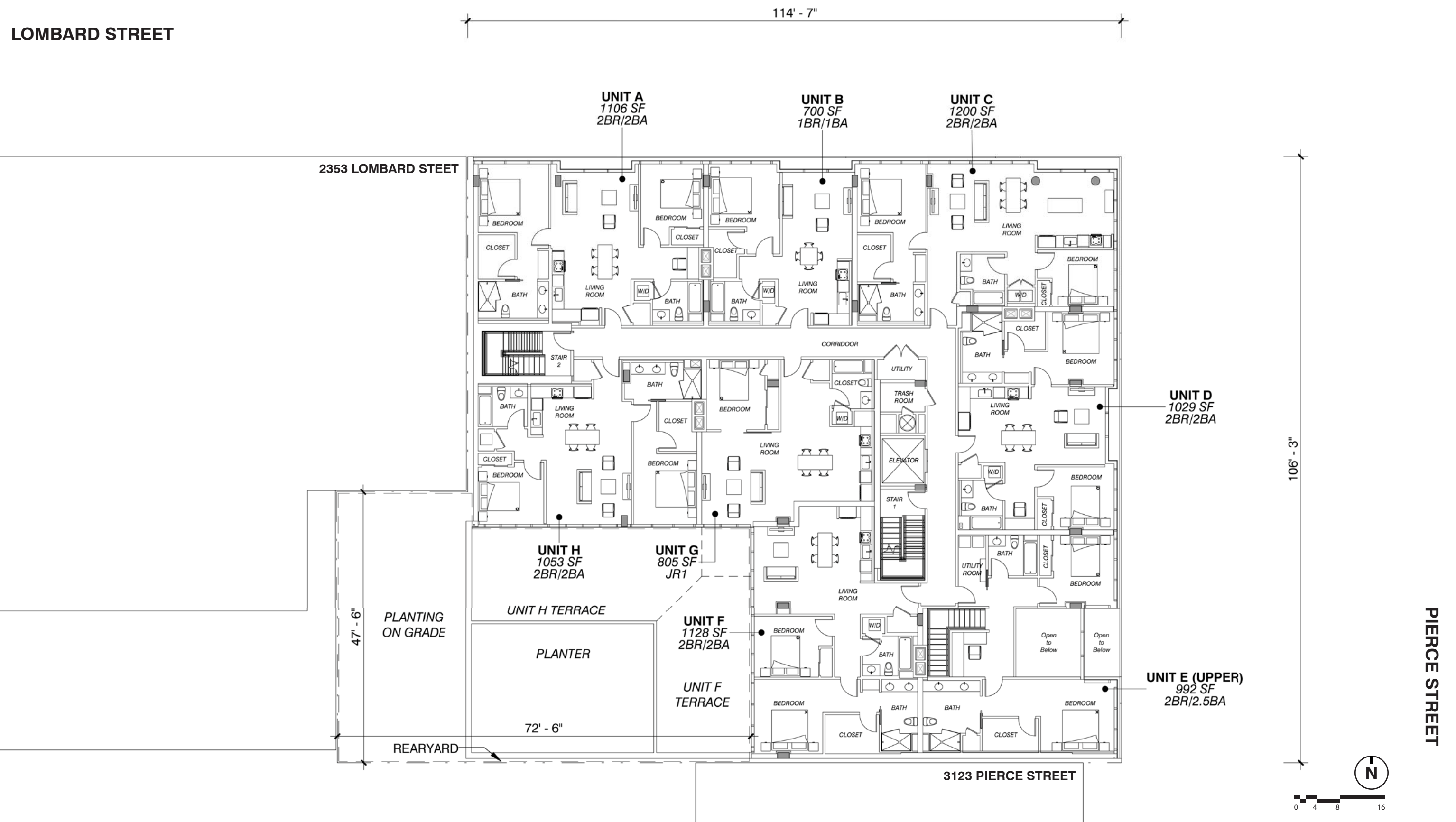
Proposed Site Plan



Ground Floor Plan

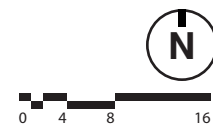
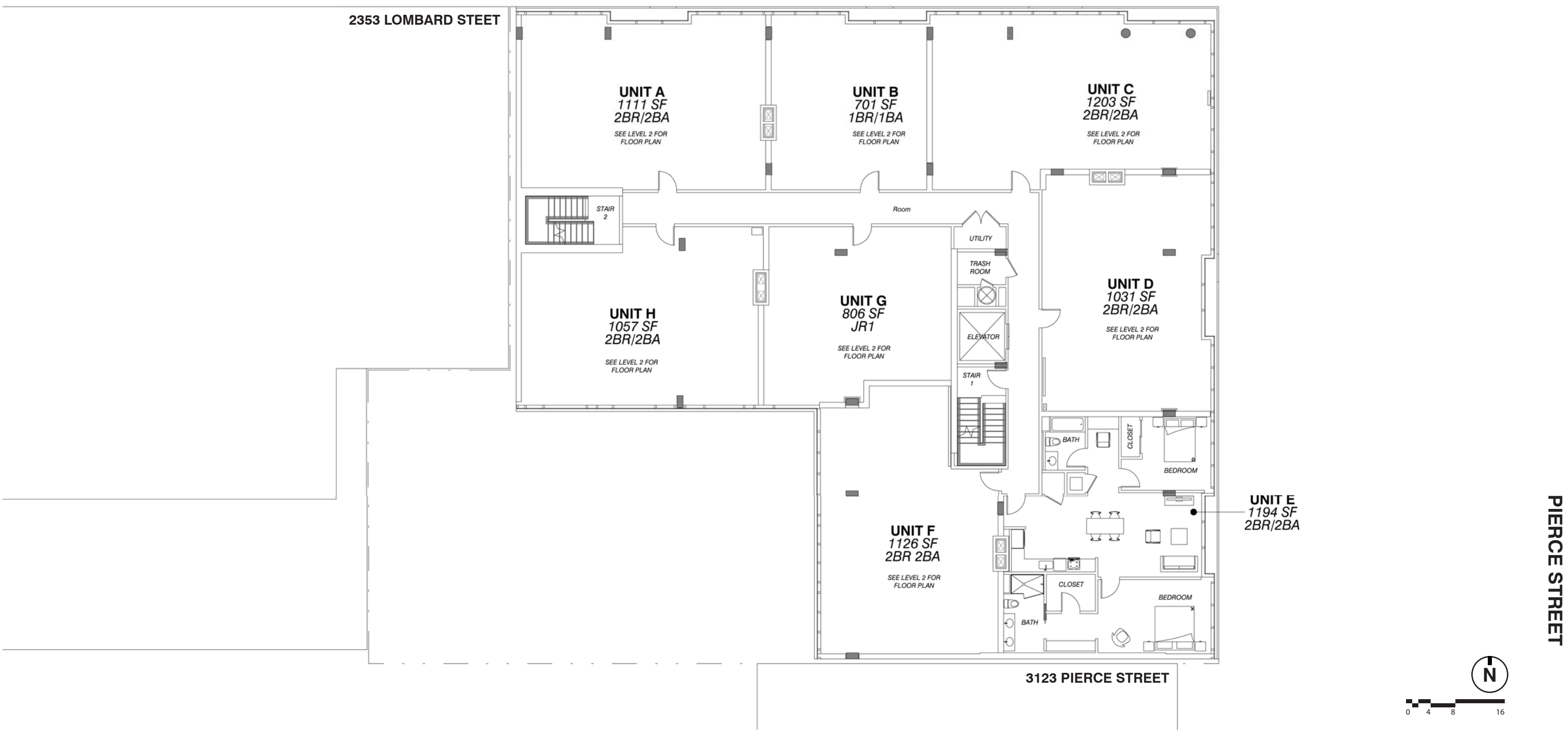


Level 2 Floor Plan



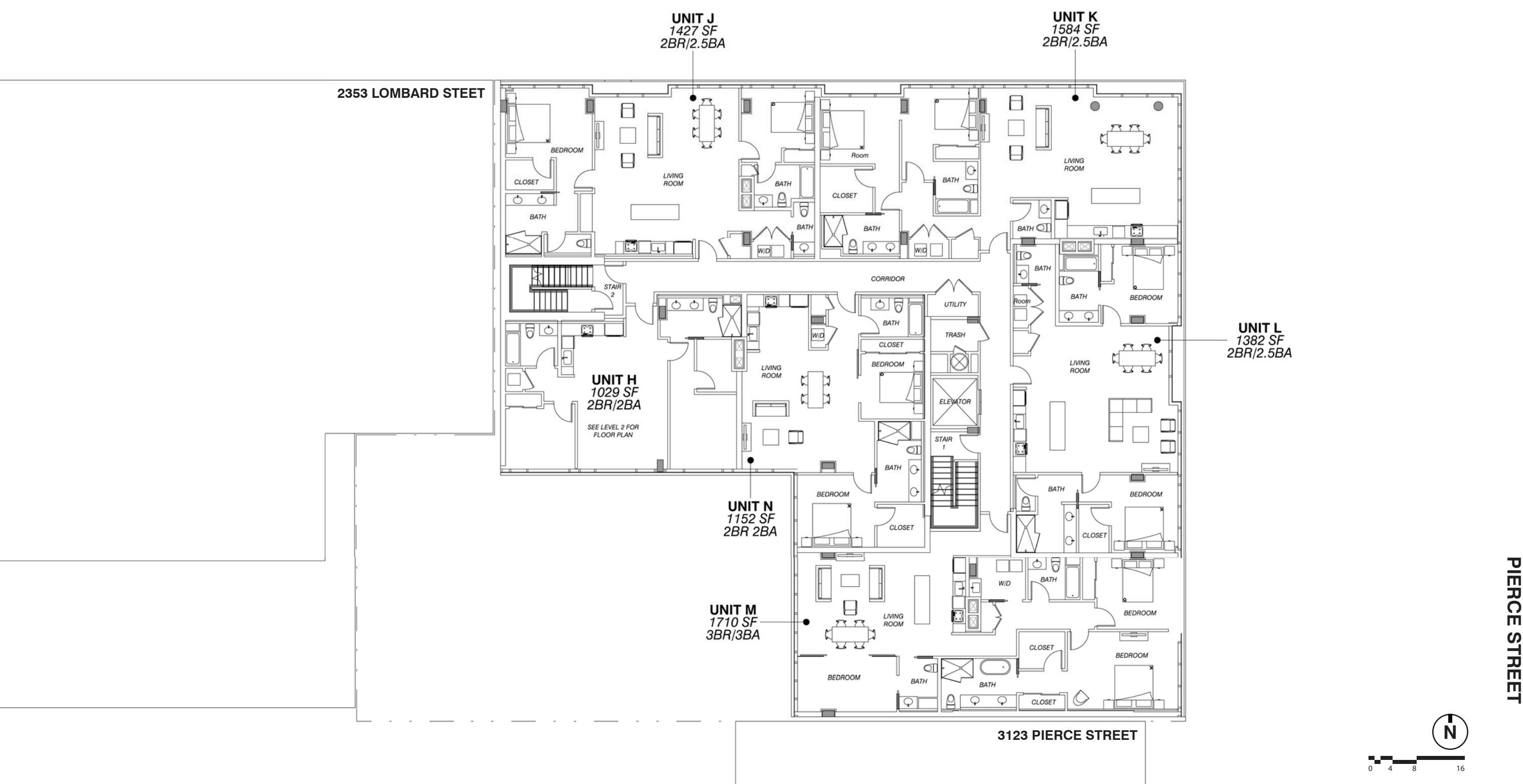
Level 3 Floor Plan

LOMBARD STREET



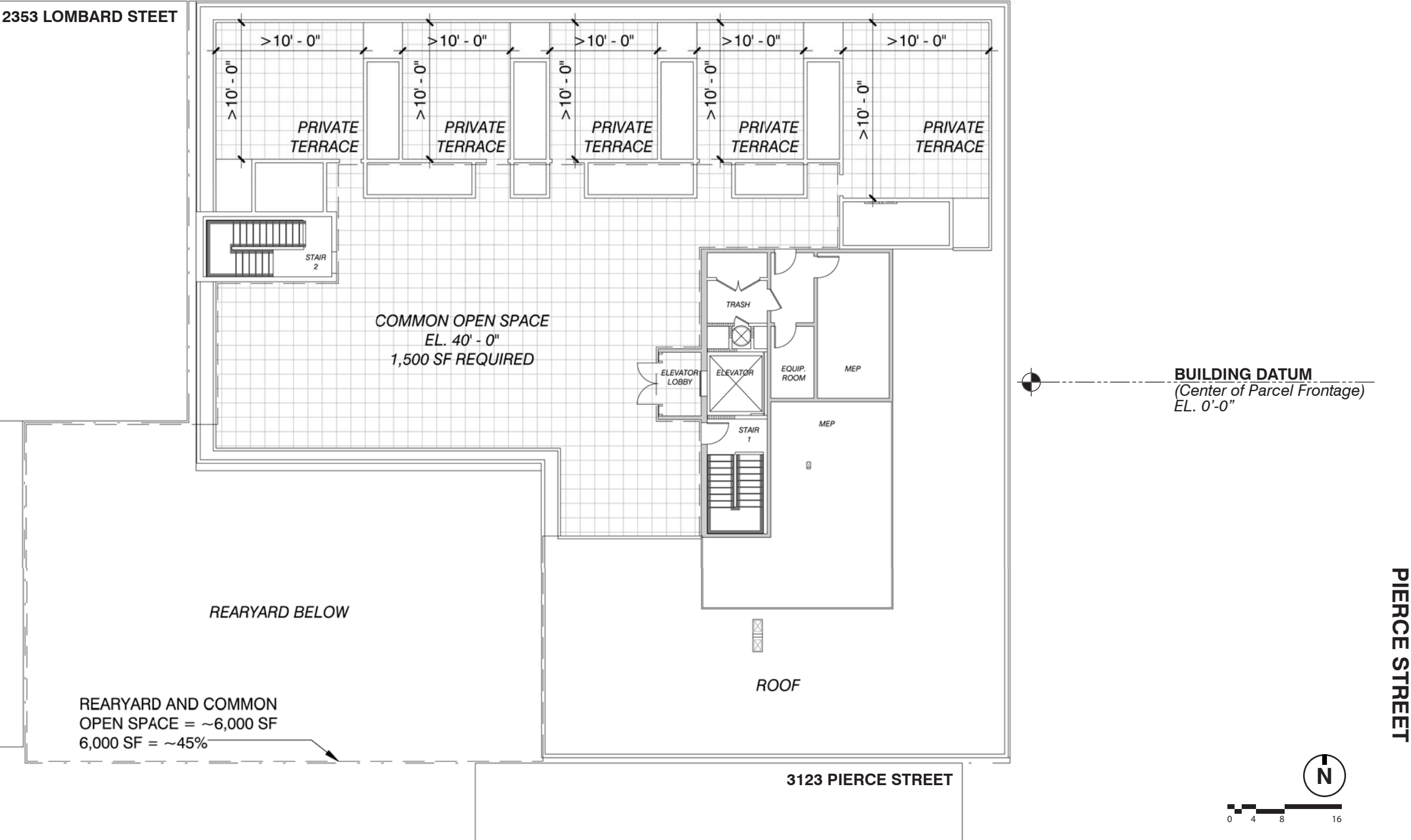
Level 4 Floor Plan

LOMBARD STREET



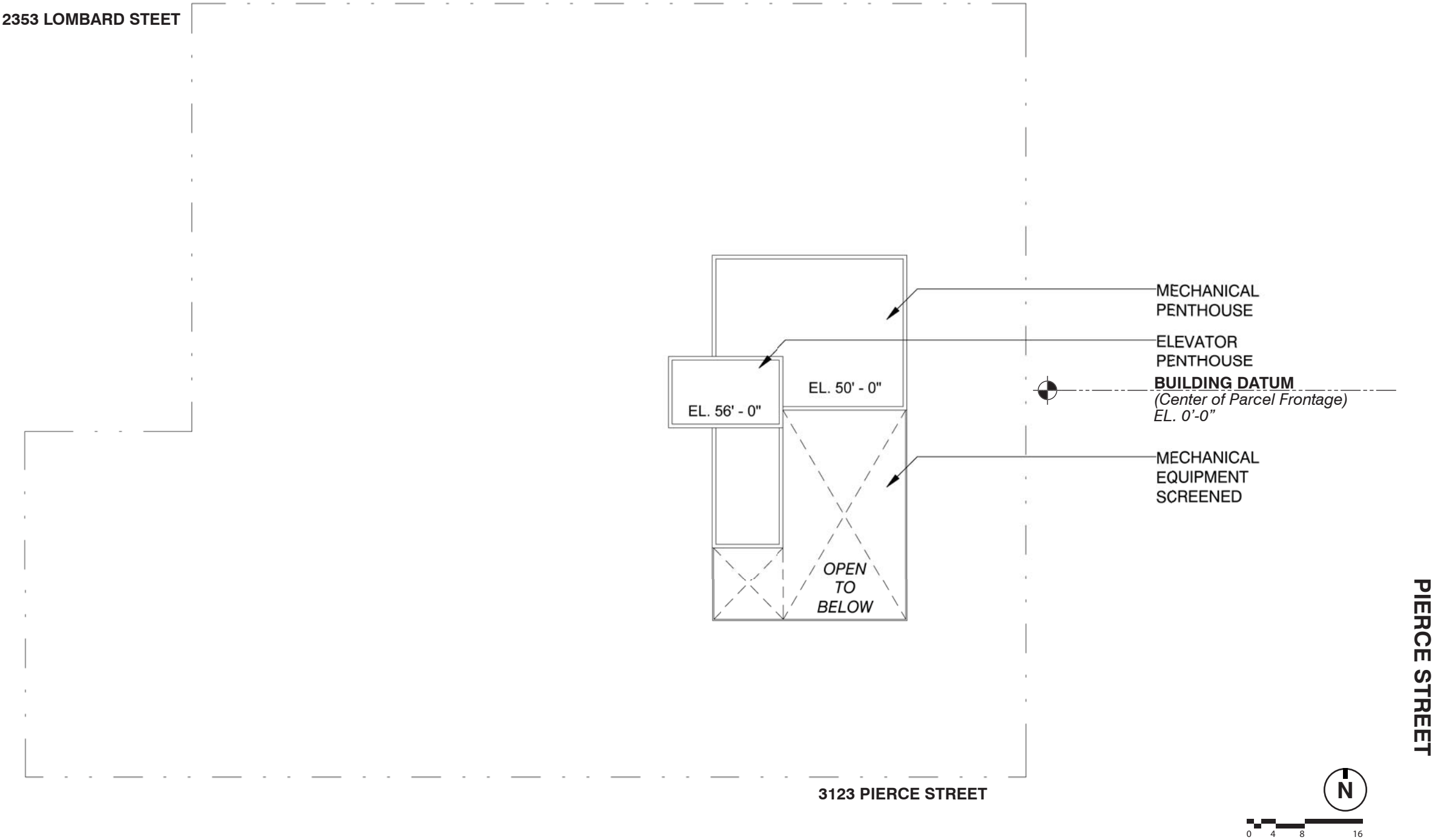
Roof Plan

LOMBARD STREET



High Roof Plan

LOMBARD STREET



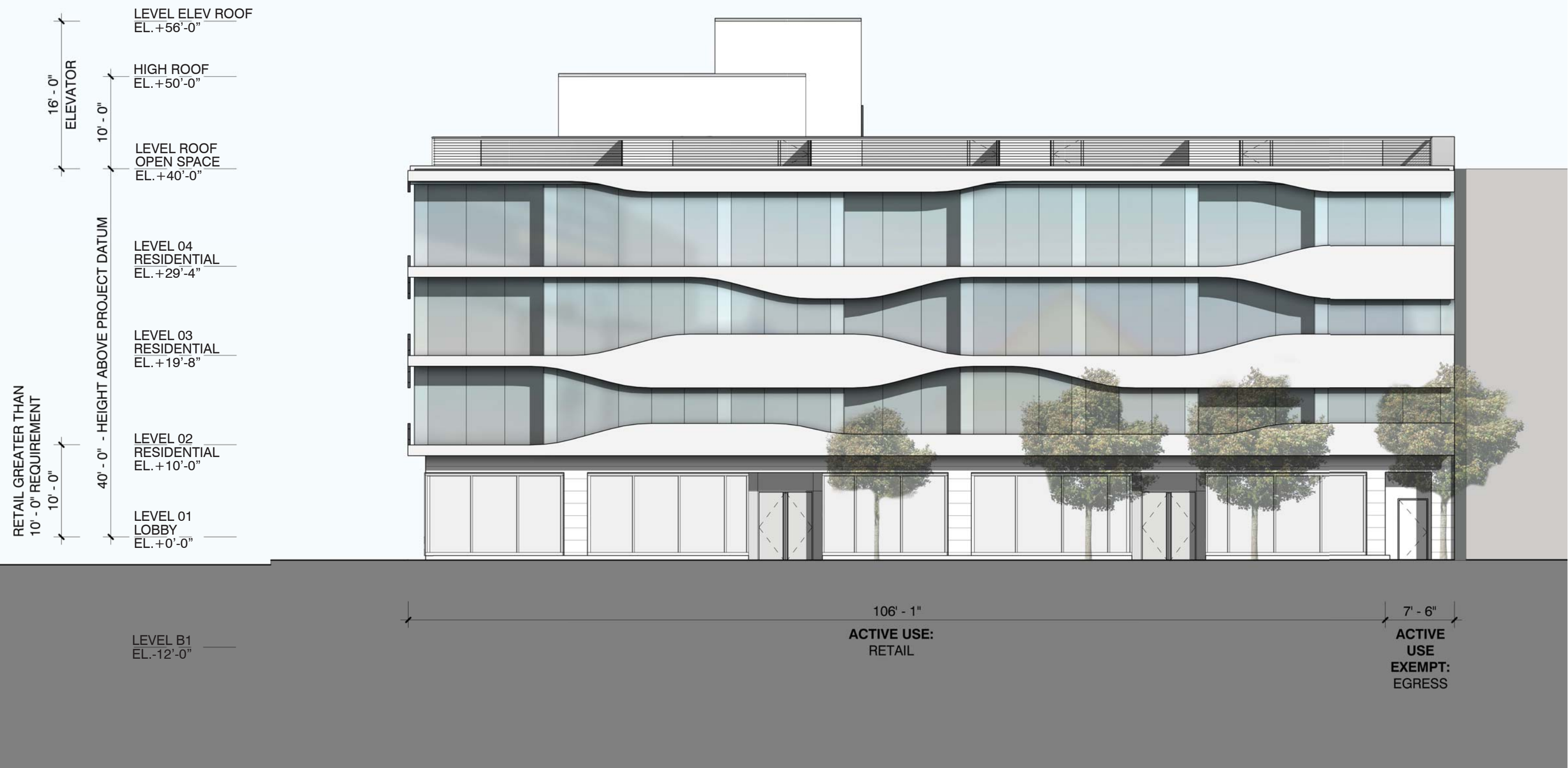
Building Elevation - Pierce Street

NOTE:
POINT OF MEASUREMENT
MID-POINT OF SITE ON PIERCE STREET



Building Elevation - Lombard Street

NOTE:
POINT OF MEASUREMENT
MID-POINT OF SITE ON PIERCE STREET

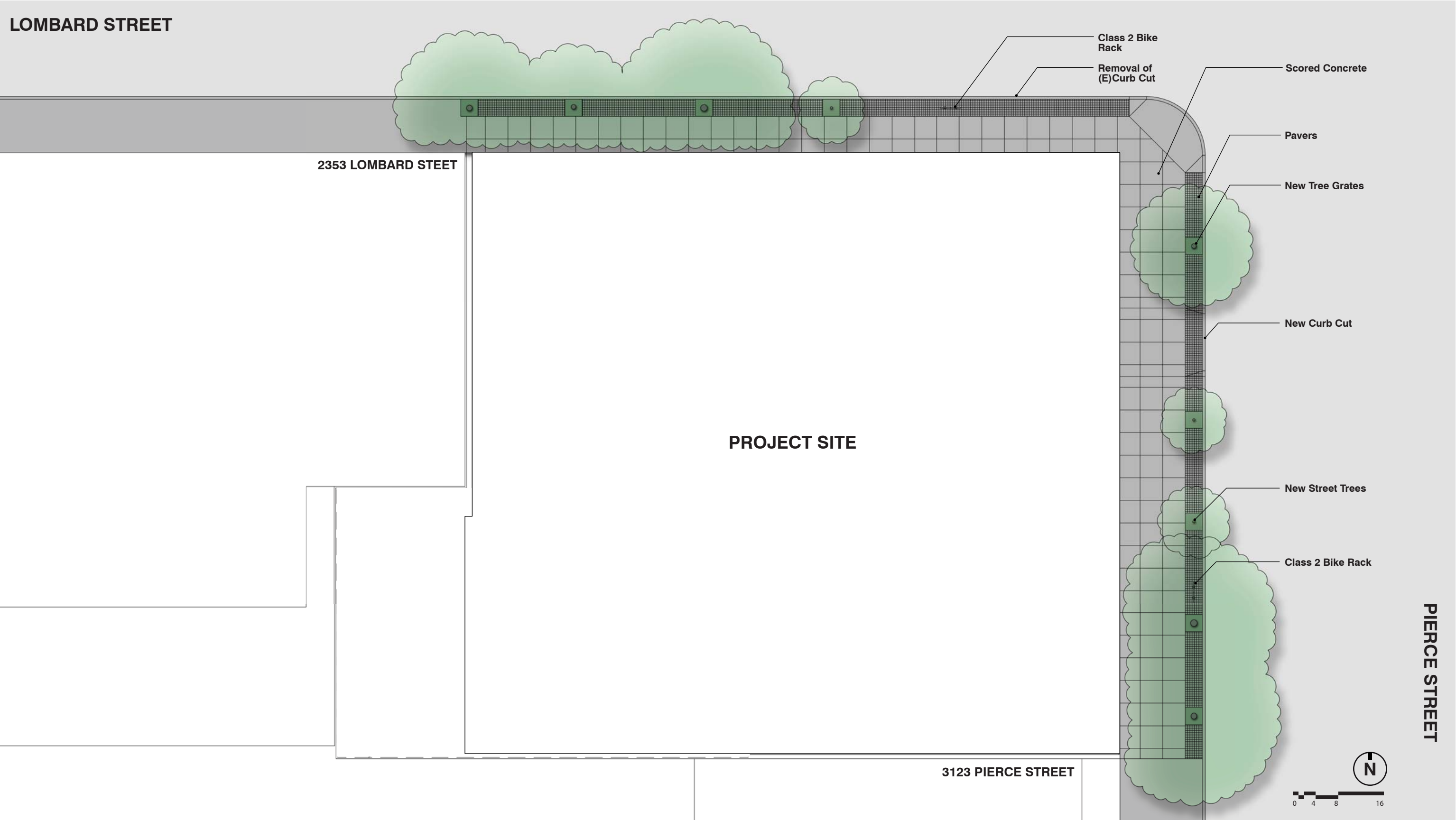


Rendering

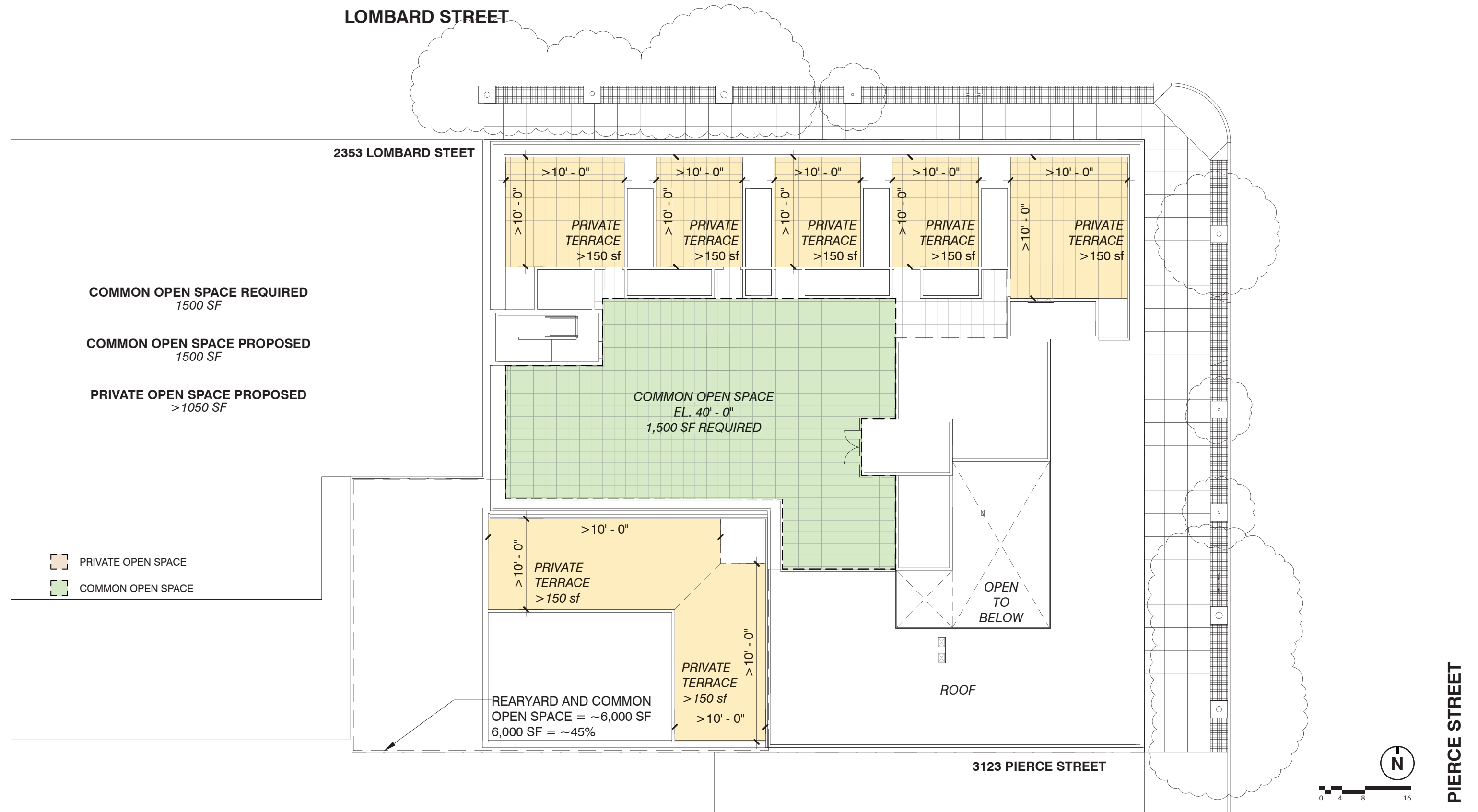


Diagrams

Landscape Plan

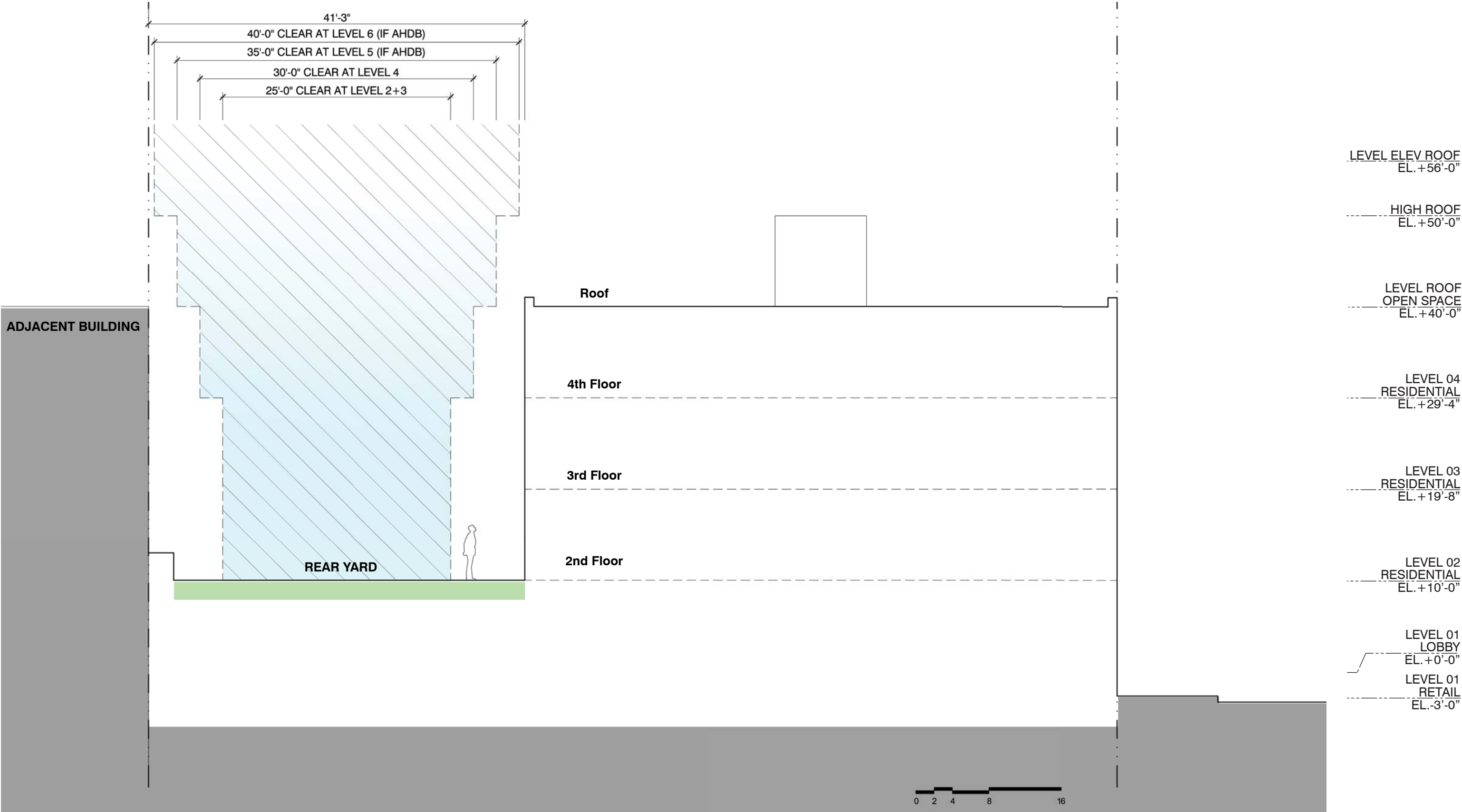


Open Space Diagram

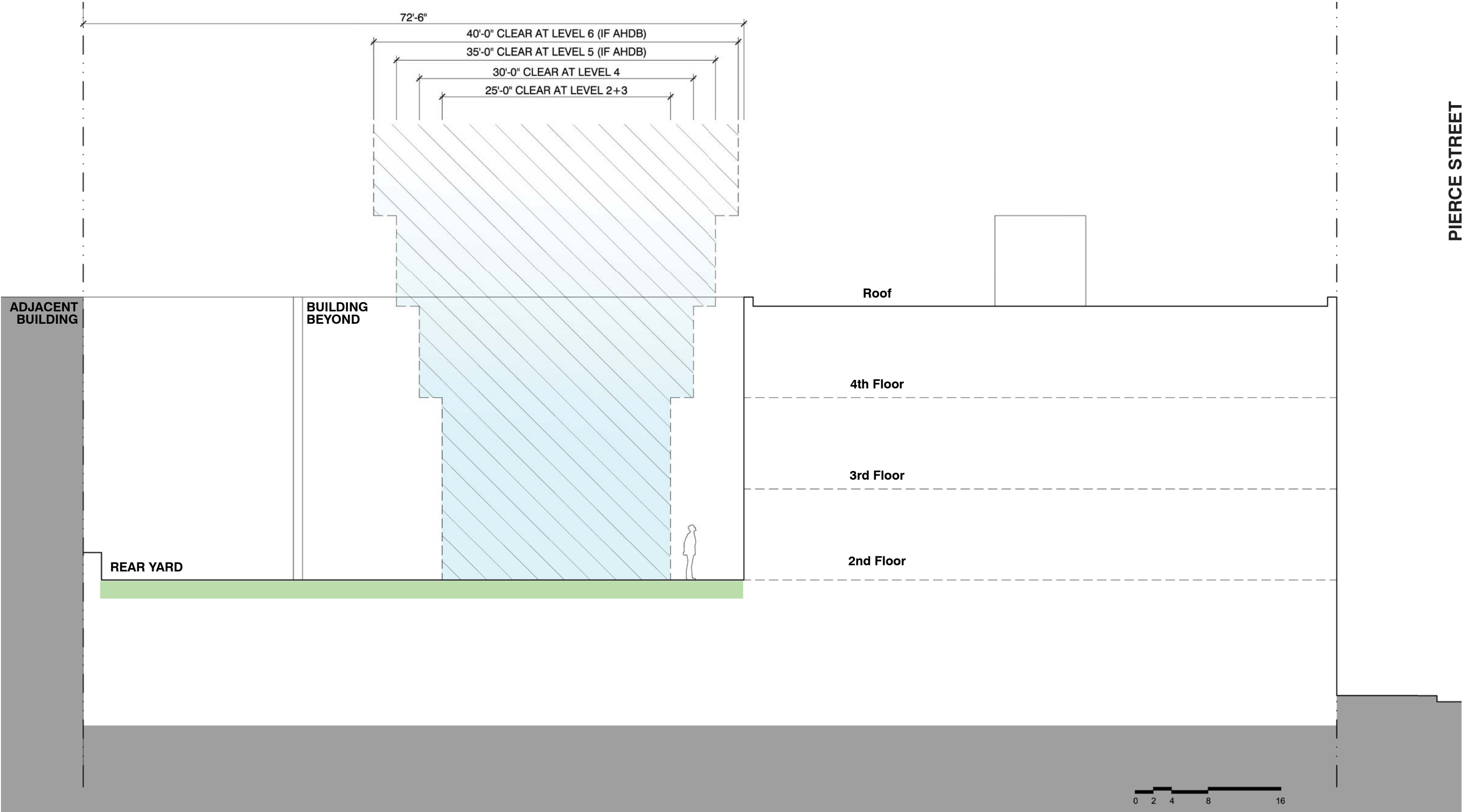


Section 140 North South Section

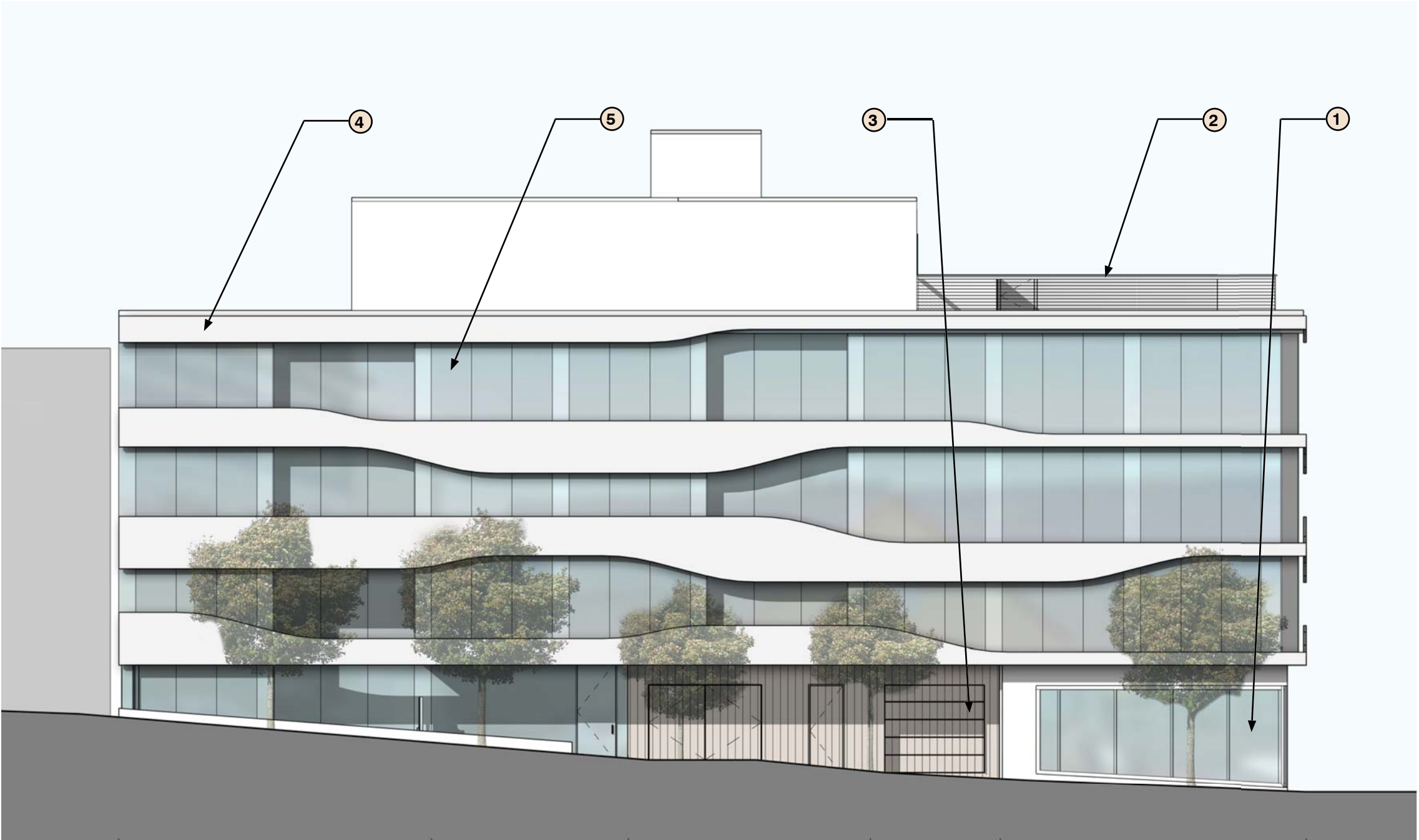
LOMBARD STREET



Section 140 East West Section



Building Materials



1. Storefront Windows



2. Wire Guardrail



3. Peforated Metal



4. White Metal Panel



5. Low-E Glass

UDAT Street Frontage Unit E Entry



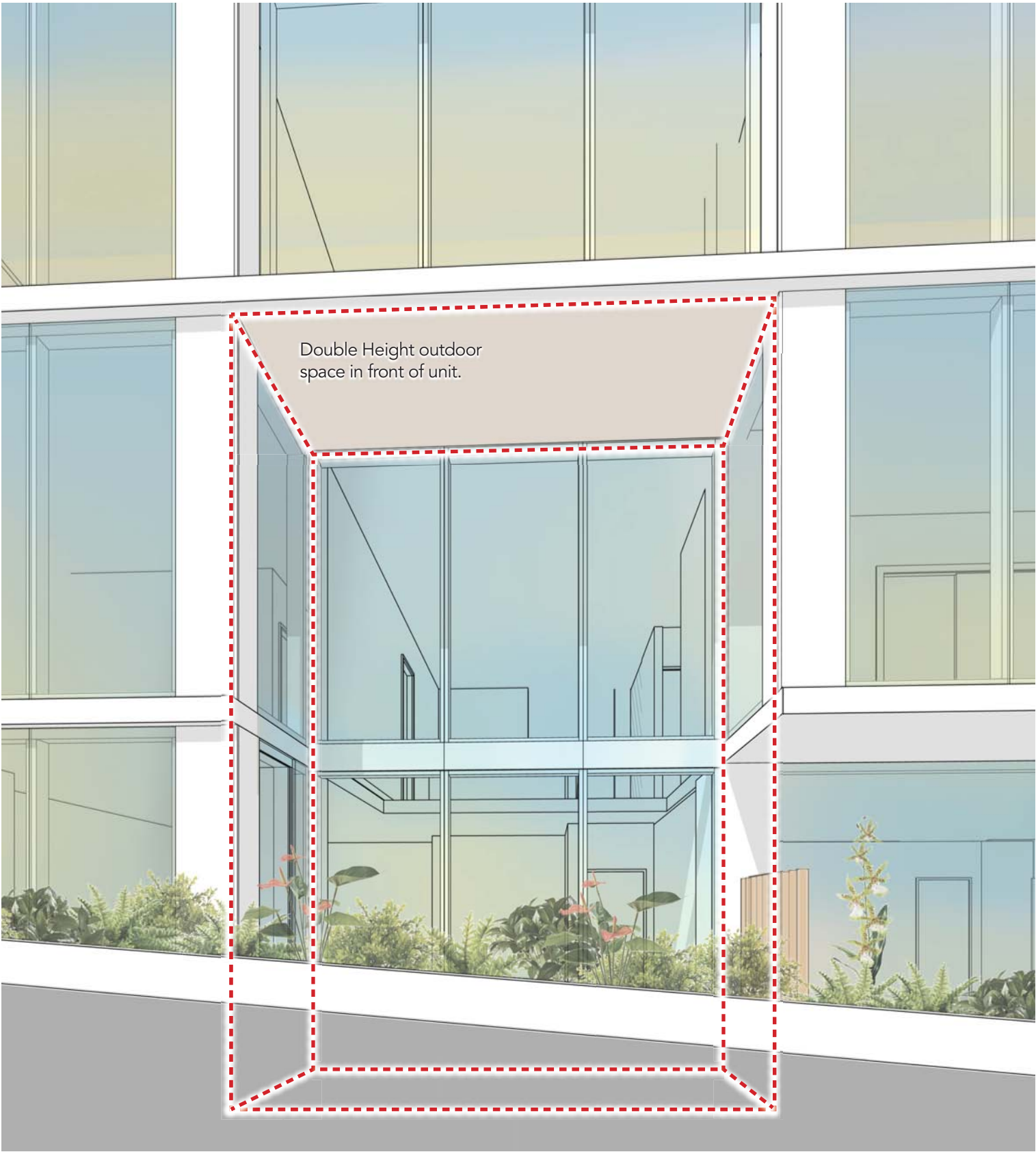
Unit E is a two story unit with a two story high outdoor area in from of the entry. Unit is set back from street

Planting strip along the sidewalk separating street from unit

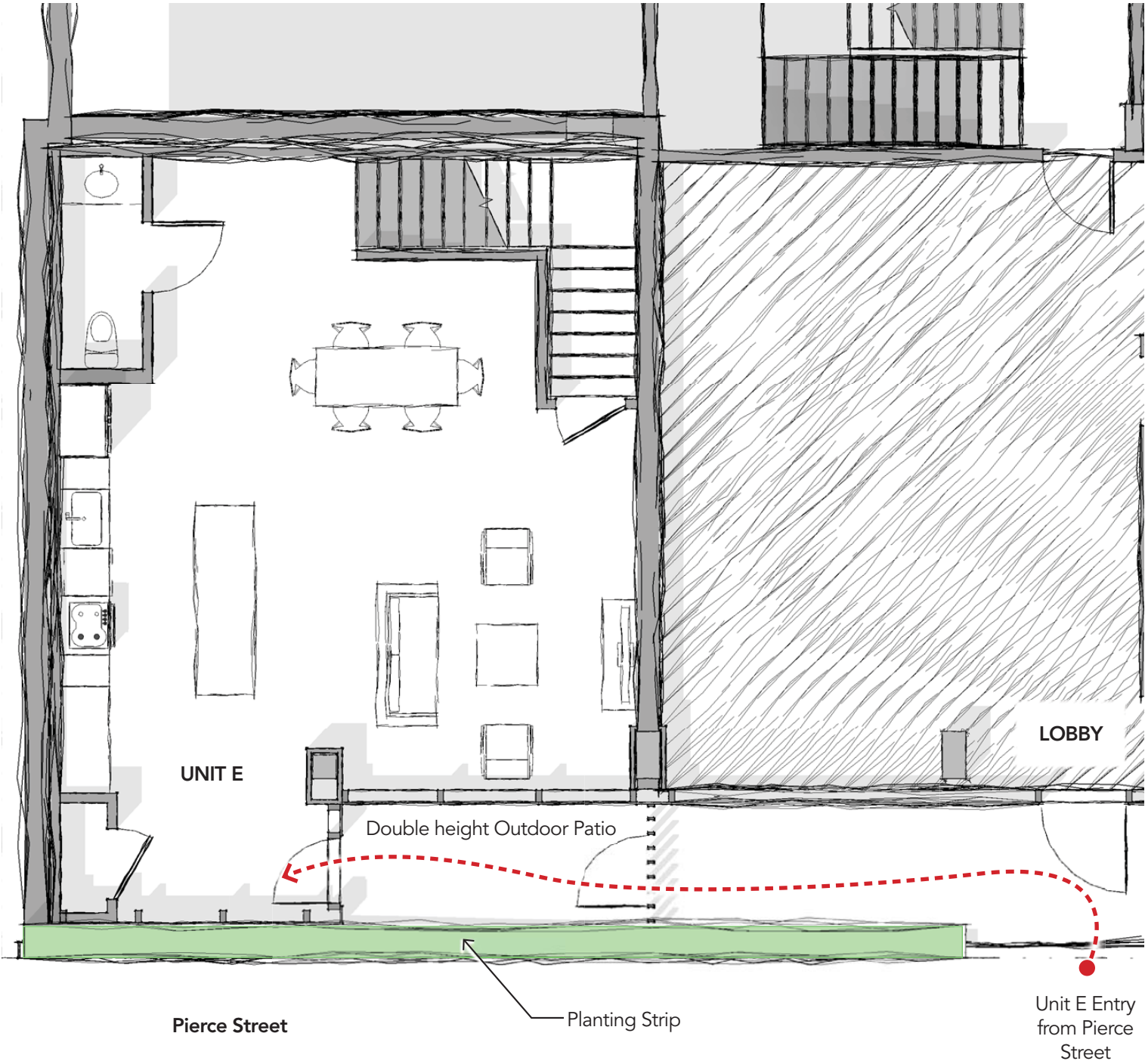
Entry to Unit E is from the street.

Sidewalk

UDAT Street Frontage Unit E Entry

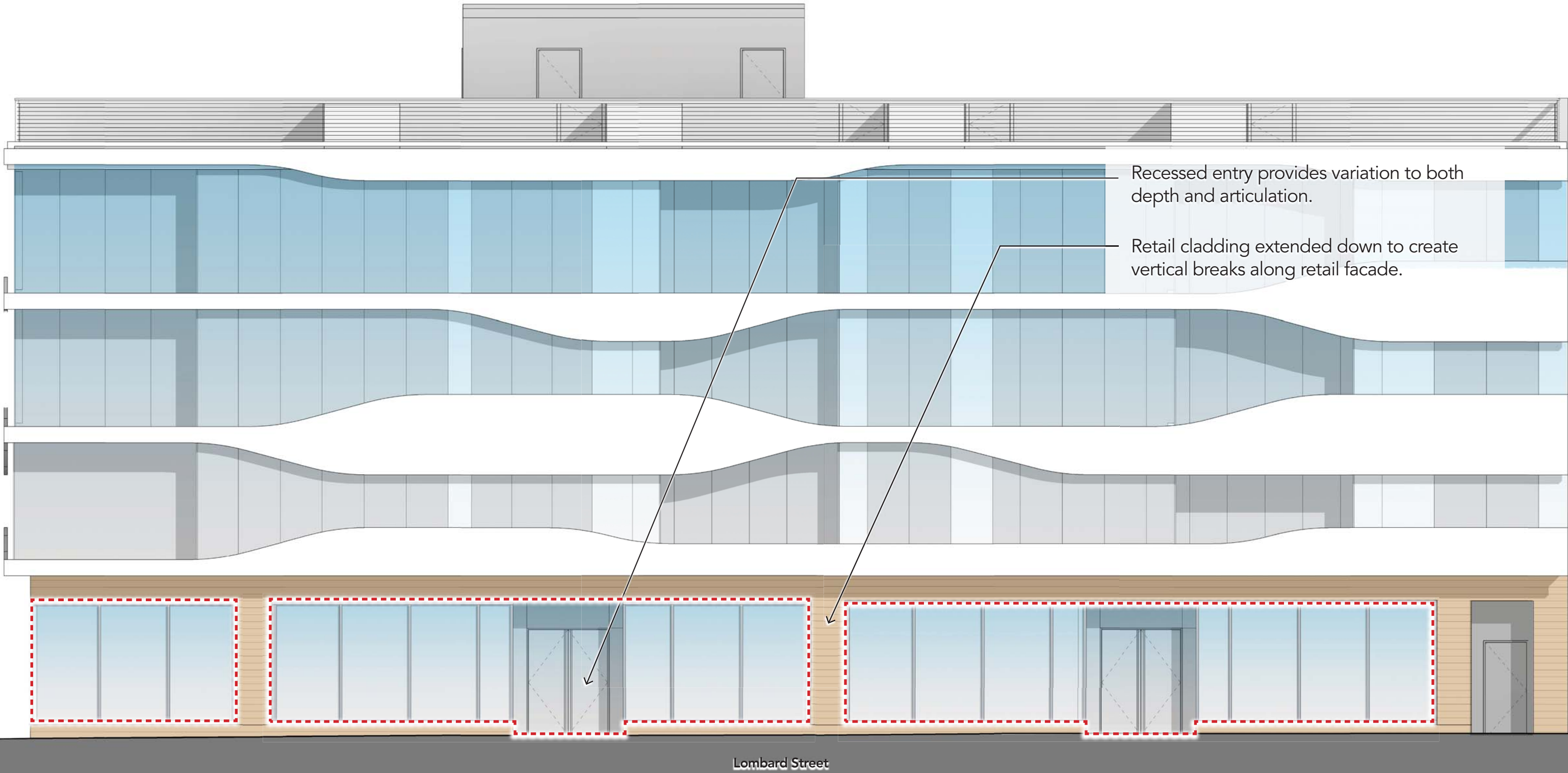


Street View With Metal Panel Removed for clarity



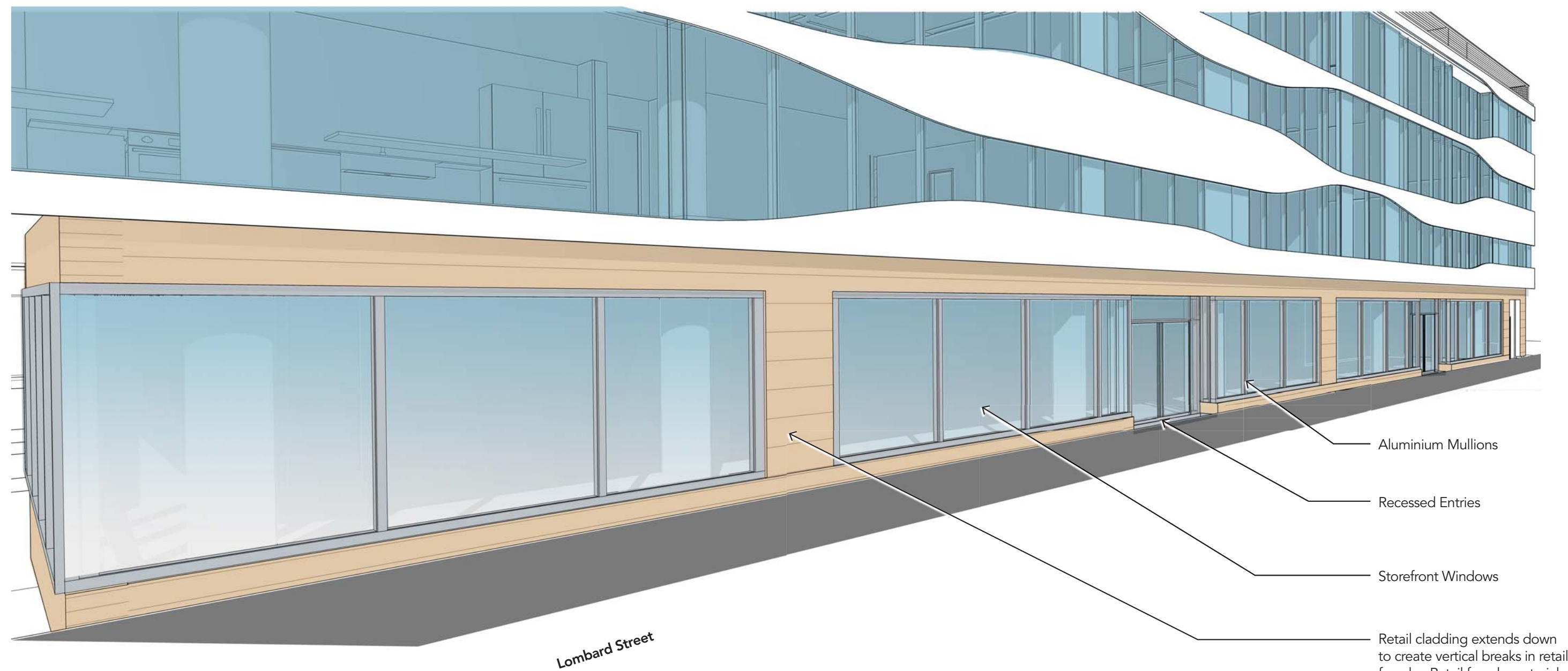
Entry Plan Set-Back Entry Area and Planting Strip

UDAT Street Frontage Retail



North Elevation

UDAT Street Frontage Retail



Street View

UDAT Architecture Vertical Rhythm



Previous Scheme

UDAT Architecture Vertical Rhythm



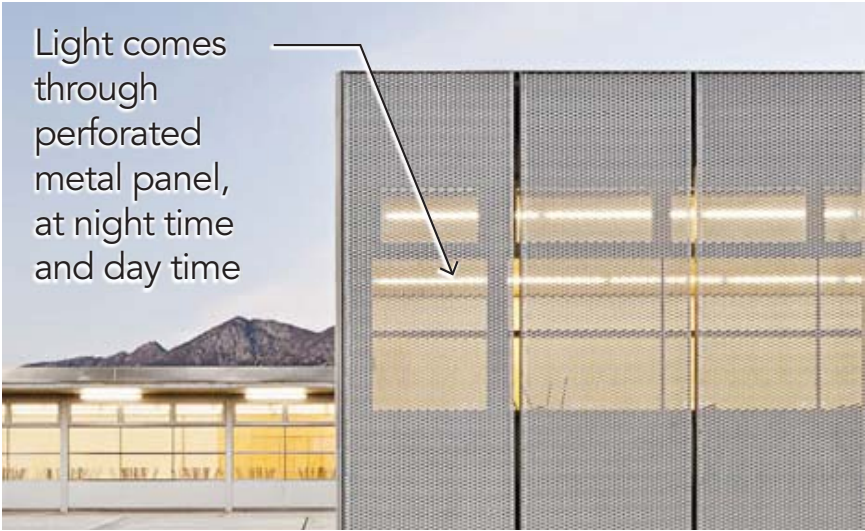
Revised Scheme

UDAT Architecture “Thickened Bands” Logic

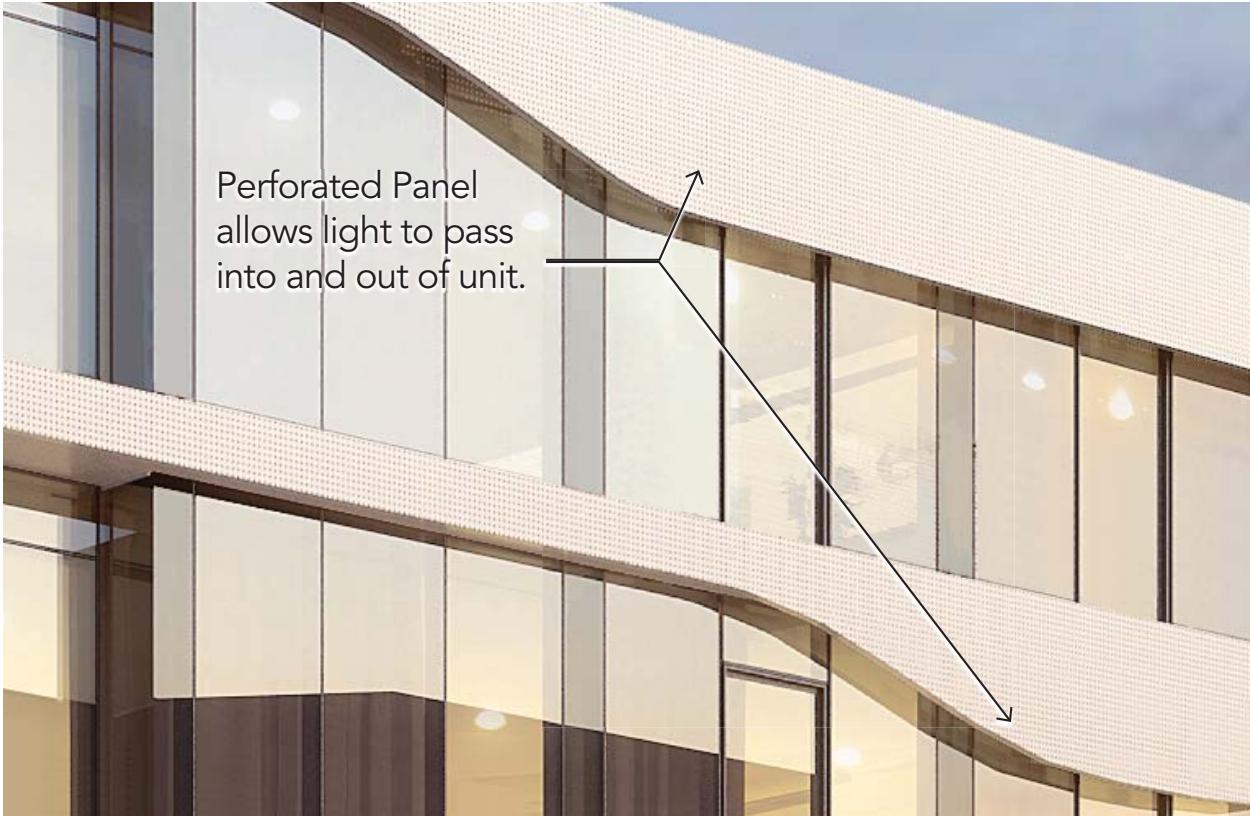


Revised Scheme

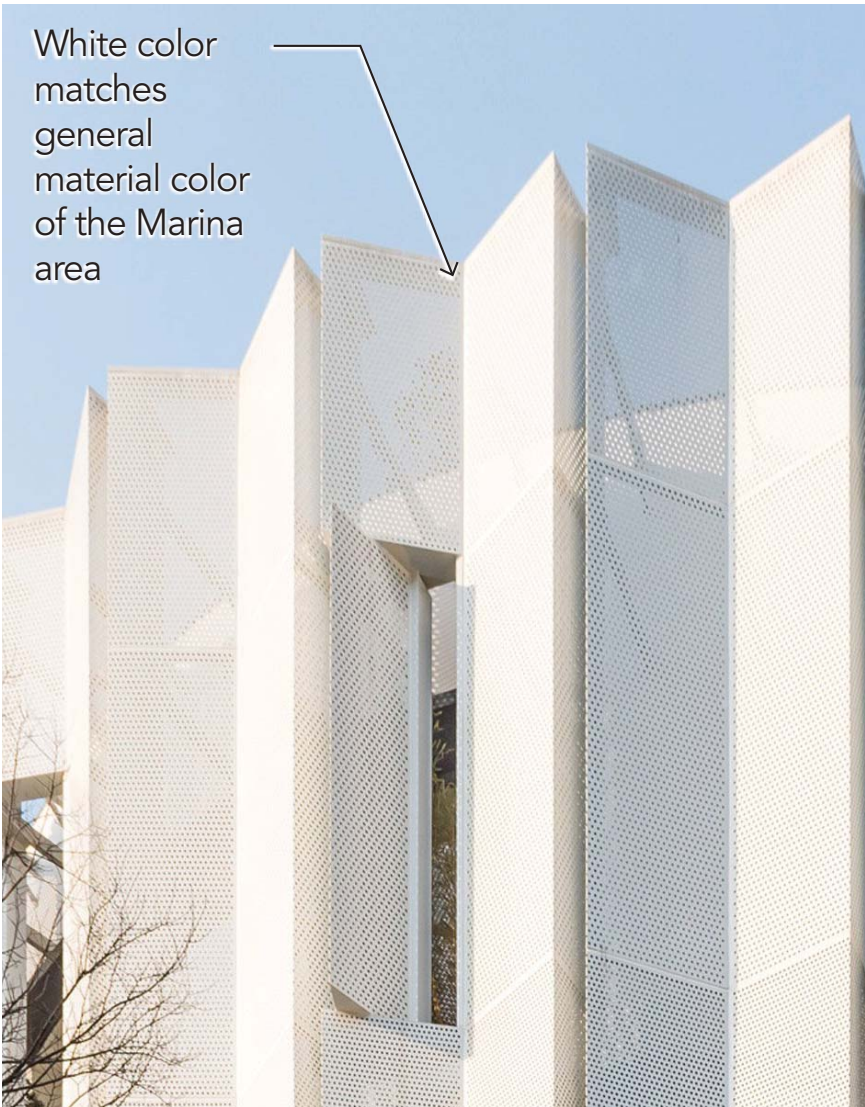
UDAT Architecture “Thickened Bands” Materials



Light comes through perforated metal panel, at night time and day time



Perforated Panel allows light to pass into and out of unit.

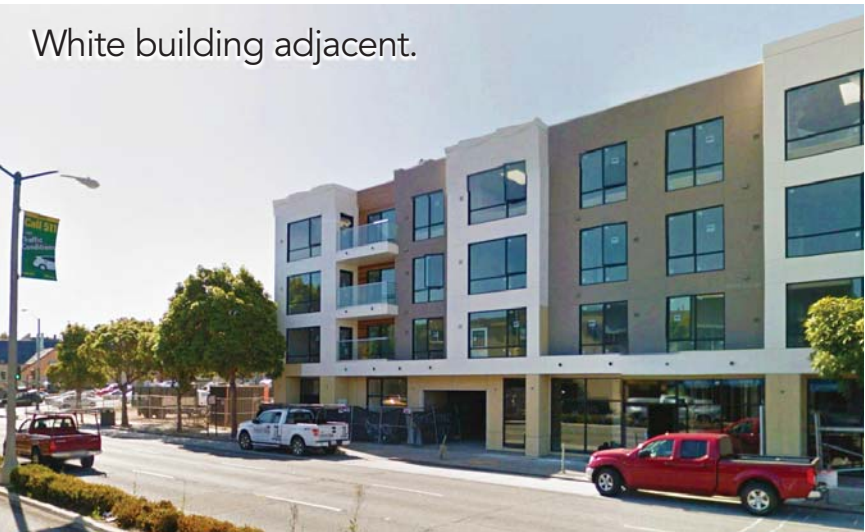


White color matches general material color of the Marina area

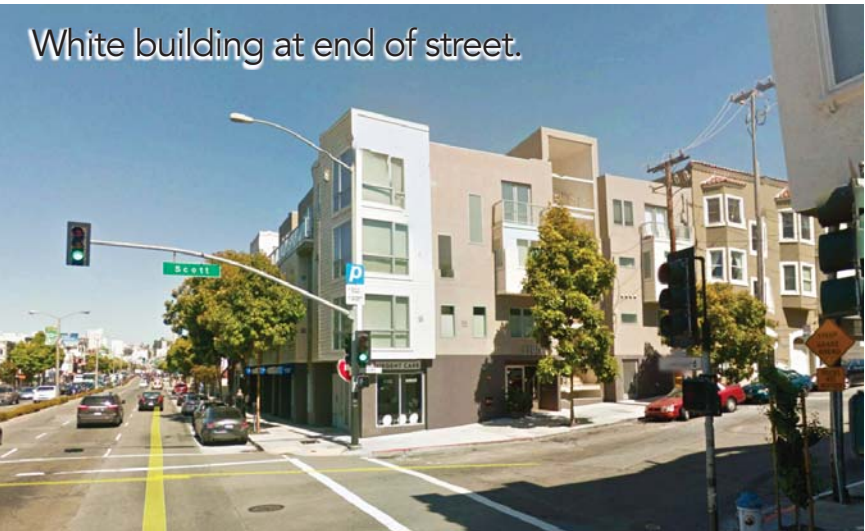
Material 2301 Lombard



White building across the street.



White building adjacent.



White building at end of street.

Metal Examples

Context Nearby Buildings

Aerial View From Southwest



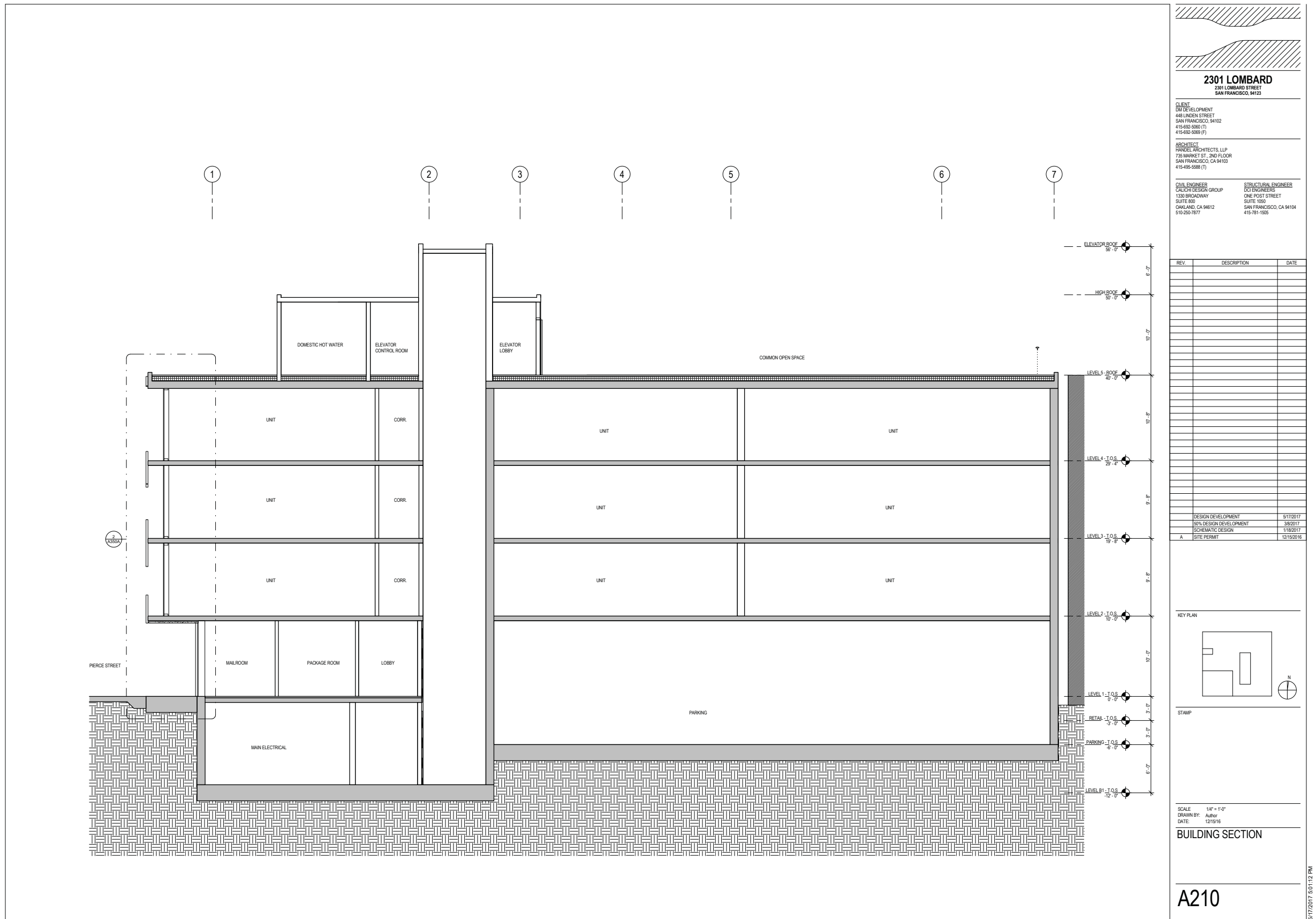
Aerial View From Northwest



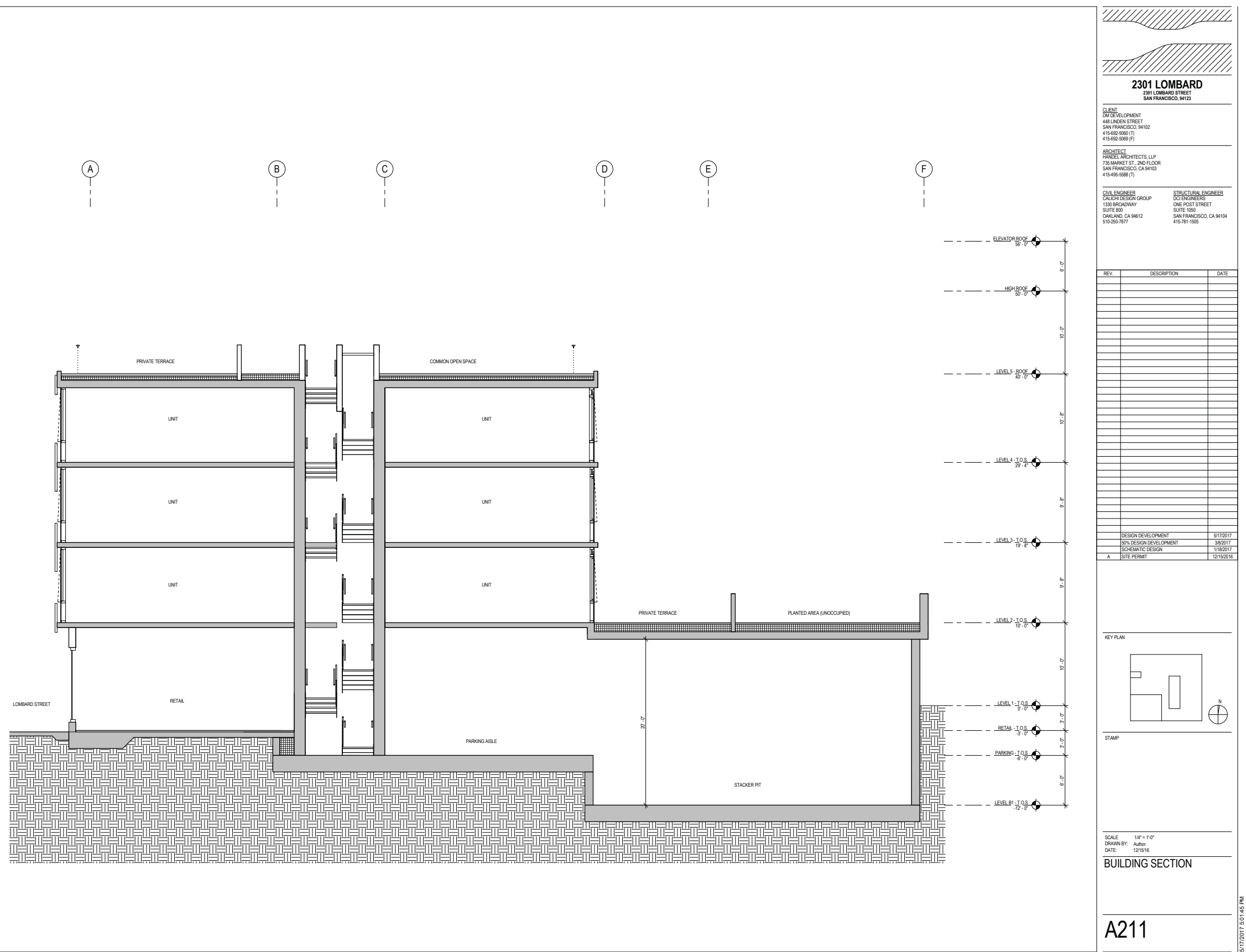
Aerial View From Northeast



Section A210 East West



Section A211 North South



DM DEVELOPMENT

May 16, 2017

President Richard Hillis and Commissioners
San Francisco Planning commission
1650 Mission Street, 4th floor
San Francisco, CA 94107

RE: 2301 Lombard Street
Planning Case No.: 2015.0014040
Hearing Date: June 1, 2017

Dear President Hillis and Commissioners:

On June 1, 2017 you will consider approval of DM Development's new residential with ground-floor retail Project to be constructed on the vacant lot at the corner of Lombard and Pierce Streets. The Project includes 22 residential units in a four story building with 2,600 square feet of ground floor retail space, 1,540 square feet of common rooftop open space, 33 residential parking spaces, and 26 bicycle parking spaces. The Project will fill a long vacant large corner lot in this thriving neighborhood with needed residential units and active ground floor retail space. The contemporary elegant Project design will enhance the neighborhood and beautify the local streetscape. This letter summarizes the primary considerations demonstrating the Project's value to the local neighborhood and the City.

Project Benefits

1. New Residential Units and Housing for Families: The Project includes 16 two-bedroom units, one three-bedroom unit, and five one-bedroom units. With this mix of units, the Project will serve a variety of households. Consisting primarily of two and three bedroom units, the Project will provide opportunities for families.
2. Affordable Housing Fee: Through the City's affordable housing requirements, the Project will contribute an in-lieu fee payment equivalent to 20% of the total unit mix (according to the City's fee schedule) to the City's affordable housing fund, which is currently more than \$1.4 million.
3. Ground Floor Commercial: The Project includes ground floor retail space along the Lombard Street frontage. The Project design features large glass windows and warm-colored material that differentiates the retail 'band' from the above residential space along Lombard creating an inviting and active retail frontage. This space will provide an opportunity for

commercial uses that will serve existing neighborhood residents, future Project residents, and visitors to the area. Creating new ground floor commercial space on Lombard will enhance the vitality, attractiveness, and safety of this commercial corridor.

4. Development of A Vacant Corner Lot: In its current blighted condition, the site detracts from the surrounding residential and commercial uses and creates safety concerns. The quality and vibrancy of the immediately surrounding area will benefit from the Project. The Project's innovative and high quality architectural design, streetscape improvements, new residents, and new commercial uses will transform this vacant lot into a vital addition to the local community and be a welcome anchor at the highly visible corner of Lombard and Pierce streets.

5. Availability of Nearby Transit and Neighborhood Services: The Project location offers a variety of attractive features for new residents. The Project area is well-served by transit along Lombard Street. The surrounding neighborhoods offer a large variety of retail, restaurant and other commercial uses and the Project residents will be able to conveniently walk or bike to these uses. The Project is also located close to recreational areas such as the Marina Green, Crissy Field, and the Presidio.

Community Outreach and Support

We have been engaging with the local community and community groups for over two years. We have met with the Lombard Street Merchant Association whose goal is to transform the Lombard corridor into a vibrant neighborhood commercial district with a diverse mix of retail uses neighborhood businesses, reducing vacancies and thereby minimizing blight and crime. The Project fulfills these goal and the Association has endorsed the Project. We have also discussed the Project with other community groups including the Golden Gate Valley Neighborhood Association, Cow Hollow Neighborhood Association, the Marina Community Association, the Marina/Cow Hollow Neighbors and Merchants Association, the Marina Civic Improvement & Property Owners, Marina Merchants Association, Realty Equities Inc., Invest in Neighborhoods-Lombard Street Improvement Project and the Van Ness Neighborhoods Council. We held a community Pre-Application meeting in September 2016 and invited, not only abutting properties but also nearby neighbors, business owners, and local neighborhood groups all within 300' of the Project.

Approvals

The Project requires approval of a Conditional Use because the site is over 10,000 square feet. The Project meets the requirements for a Conditional Use for numerous reasons including: (1) the outstanding design quality compatible with the surrounding area in terms of massing and height; (2) mix of residential and retail uses that will activate this area of Lombard and Pierce; (3) development of an unattractive vacant lot on a prominent corner along a major City corridor; (4) provision of adequate parking which will reduce the demand for the existing limited parking in the area; (5) improved streetscape with trees; (6) rear yard and rooftop landscaping; (7) enhanced safety of the area by adding residents and project

lighting; and (8) compliance with Code requirements for uses, height, density, open space, parking, bike parking, and street trees.

The Project also requires a rear yard variance/modification to allow the rear yard to be located in the southwest corner of the site rather than parallel to Lombard or Pierce Streets. This location allows the rear yard to align with adjacent yards consistent with the existing rear yard pattern on this block and better protect light and air to adjacent properties. The rear yard will provide a 3,140 square foot landscaped area. The rear yard combined with other open space on the site, including the rooftop deck, will provide approximately 6,000 square feet (45% of the lot area) in open space.

Project Design

The Project's one-of-a-kind design by Handel Architects is contemporary in nature and draws inspiration from the surrounding area's flowing patterns of movement realized in both landscapes and the bustling activity of Lombard Street. The façade has a series of setbacks that provide the building with vertical articulation and rhythm. The street-facing façades include undulating lines that move up and down between floor slabs creating the appearance of wave-like horizontal "ribbon" windows wrapping the building's façade. The ribbons, white in color, also reference the surrounding hills covered in white buildings. The ground floor retail space is transparent and wraps around the corner providing retail on both Lombard and Pierce Streets.

Conclusion

We believe this Project will be an extraordinary addition to the neighborhood. We look forward to presenting the Project to the Planning Commissioners on June 1st.

Sincerely,

A handwritten signature in blue ink, appearing to read "M. MacDonald", with a stylized flourish at the end.

Mark MacDonald
President

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