



# EXECUTIVE SUMMARY CONDITIONAL USE

## AMENDMENT TO CONDITIONS OF APPROVAL OF MOTION NO. 20976

**HEARING DATE: NOVEMBER 4, 2021**

**Record No.:** 2016-013012CUA  
**Project Address:** 478-484 Haight Street  
**Zoning:** Lower Haight Street NCD (Neighborhood Commercial) Zoning District  
40-X Height and Bulk District  
**Block/Lot:** 0849/019  
**Project Sponsor:** Jeremy Schaub, Schaub Ly Architects  
1360 9<sup>th</sup> Ave  
San Francisco, CA 94122  
**Property Owner:** Haight Tower, LLC  
Burlingame, CA 94010  
**Staff Contact:** Christopher May – (628) 652-7359  
[christopher.may@sfgov.org](mailto:christopher.may@sfgov.org)

**Recommendation:** Approval with Conditions

## Project Description

The current proposal is to amend Condition of Approval Nos. 19-29 of Planning Commission Motion No. 20976 to modify the Project's compliance with Section 415 of the Planning Code to reflect a change in the implementation of its Inclusionary Affordable Housing Program obligations by paying an in-lieu fee rather than by providing on-site below market rate units. The revised project scope ("amended Project") is identical to that which was previously approved by the Planning Commission, which includes the demolition of an existing two-story building containing one dwelling unit above ground floor retail space and the construction of a new 4-story building containing 9 principally-permitted dwelling units and 9 accessory dwelling units above a Child Care Facility (Community Institutional Use) uses totaling approximately 9,942 square feet on the ground and second floors, 36 Class 1 bicycle parking spaces and two Class 2 bicycle parking spaces. The Project includes a dwelling unit mix consisting of 8 two-bedroom units and 10 one-bedroom units. 2,394 square feet of common open space is proposed on a roof deck, and 1,703 square feet of outdoor play space for the Child Care use is proposed in the rear yard on the second floor. No off-street vehicular parking is proposed, and the Project would also include the

removal of one 12-foot curb cut.

## Required Commission Action

In order for the Project to proceed, the Commission must approve amended Condition of Approval Nos. 19-29 of Planning Commission Motion No. 20976 to modify the Project's compliance with Section 415 of the Planning Code to reflect a change in the implementation of its Inclusionary Affordable Housing Program obligations by paying an in-lieu fee rather than by providing on-site below market rate units.

## Issues and Other Considerations

- **Public Comment & Outreach.**

- **Support/Opposition:** The Department has received one email, from a neighbor across the street, who expressed concerns regarding the demand for child care in the area and perceived conflicts with adjacent land uses.

- **Inclusionary Affordable Housing:** The Project Sponsor now proposes to satisfy their Inclusionary Affordable Housing Program obligations by paying an in-lieu fee rather than by providing on-site below market rate units, as originally proposed. As such, the following conditions of approval of Planning Commission Motion No. 20976 are proposed to be amended in accordance with Section 415 of the Planning Code:

- Condition No. 19 – The amended Project no longer includes on-site below market rate units, therefore the requirement for the Project to provide 12% of the proposed dwelling units as affordable to qualifying households is no longer required.
- Condition No. 20 - The amended Project no longer includes on-site below market rate units, therefore the requirement for the Project to provide an affordable unit mix of 1 one-bedroom unit and 1 two-bedroom unit is no longer required.
- Condition No. 21 - The amended Project no longer includes on-site below market rate units, therefore the requirement for the Project to provide 12% of the proposed dwelling units as affordable to qualifying households at a rental rate of 55% of Area Median Income is no longer required.
- Condition No. 22 - The amended Project no longer includes on-site below market rate units, therefore the requirement for the Project to provide on-site affordable units meeting the minimum unit sizes standards established by the California Tax Credit Allocation Committee (TCAC) is no longer required.
- Condition No. 23 - The amended Project no longer includes on-site below market rate units, therefore the requirement for the Project to provide affordable units at a minimum of 90% of the size as the market rate units is no longer required.
- Condition No. 24 - The amended Project no longer includes on-site below market rate units, therefore the requirement for the Project to either reimburse the City the proportional amount of the inclusionary affordable housing fee, or provide additional on-site or off-site affordable units in the event that one or more of the Rental Units are converted to Ownership units is no longer required.
- Condition No. 25 - The amended Project no longer includes on-site below market rate units, therefore the requirement for the Project to designate affordable units on a reduced set of plans recorded as a Notice of Special Restrictions is no longer required.

- Condition No. 26 - The amended Project no longer includes on-site below market rate units, therefore the requirement for all units constructed pursuant to Section 415.6 to remain affordable to qualifying households for the life of the project is no longer required.
  - Condition No. 27 - The amended Project no longer includes on-site below market rate units, therefore the requirement for the Project to be subject to the Inclusionary Affordable Housing Requirements in effect at the time of site or building permit issuance if the Project has not obtained a site or building permit within 30 months of Planning Commission Approval of Motion No. 20976 is no longer required.
  - Condition No. 28 - The amended Project no longer includes on-site below market rate units, therefore the requirement for a public notice for hearing and approval from the Planning Commission as a result of any changes by the project sponsor which result in the reduction of the number of on-site affordable units is no longer required.
  - Condition No. 29 - The amended Project no longer includes on-site below market rate units, therefore the requirement for the affordable units to be designated on the building plans prior to the issuance of the first construction document by the Department of Building Inspection is no longer required.
- **Transportation Demand Management (TDM) Plan:** The project must achieve a target of 10 points. The originally submitted TDM Plan proposed to exceed the target with 14 points. The Project Sponsor has updated their TDM Plan to reflect that LU-2b: On-site Affordable Housing is no longer a measure the project is eligible to use to satisfy their TDM obligations pursuant to Planning Code Section 169. As such, the project will exceed the target with 13 points through the following TDM measures:
    - *Parking Supply (Option K)*
    - *Bicycle Parking (Option B)*

## Environmental Review

The Project is exempt from the California Environmental Quality Act ("CEQA") as a Class 32 categorical exemption.

## Basis for Recommendation

The Department finds that the proposed changes to the Conditions of Approval do not affect the Project's consistency with the Objectives and Policies of the General Plan, and the Project is, on balance, consistent with the Objectives and Policies of the General Plan. The Department also finds the project to be necessary, desirable, and compatible with the surrounding neighborhood, and not to be detrimental to persons or adjacent properties in the vicinity.

## Attachments:

Draft Motion – Conditional Use Authorization with Amended Conditions of Approval  
Exhibit B - Amended Inclusionary Affordable Housing Affidavit  
Exhibit C – Amended TDM Plan  
Exhibit D – Original Approval Motion No. 20976 with Conditions of Approval and Original Approved Plans



# PLANNING COMMISSION DRAFT MOTION

**HEARING DATE: NOVEMBER 4, 2021**

**Record No.:** 2016-013012CUA  
**Project Address:** 478-484 HAIGHT STREET  
**Zoning:** Lower Haight Street NCD (Neighborhood Commercial) Zoning District  
40-X Height and Bulk District  
**Block/Lot:** 0849/019  
**Project Sponsor:** Jeremy Schaub, Schaub Ly Architects  
1360 9<sup>th</sup> Ave  
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ADOPTING FINDINGS TO APPROVE AN AMENDED CONDITIONAL USE AUTHORIZATION THAT WOULD MODIFY CONDITION OF APPROVAL NOS. 19-29 OF PLANNING COMMISSION MOTION NO. 20976 TO REFLECT COMPLIANCE OF THE AMENDED PROJECT WITH SECTION 415 OF THE PLANNING CODE.

## PREAMBLE

On October 3, 2017, Jeremy Schaub of Schaub Ly Architects (hereinafter "Project Sponsor") filed Application No. 2016-013012CUA (hereinafter "Application") with the Planning Department (hereinafter "Department") for a Conditional Use Authorization to permit the demolition of an existing two-story building containing one dwelling unit above ground floor retail space and the construction of a new 5-story building containing 12 dwelling units above ground floor of Retail uses totaling approximately 1,183 square feet at 478-484 Haight Street, Block 0849 Lot 019 (hereinafter "Project Site"). The project was subsequently revised to propose a new 4-story building containing 9 principally-permitted dwelling units and 9 accessory dwelling units above two floors of Child Care Facility (Community Institutional) uses totaling approximately 9,942 square feet (hereinafter "Project").

On June 17, 2021, the Project was determined to be exempt from the California Environmental Quality Act ("CEQA") as a Class 32 Categorical Exemption under CEQA as described in the determination contained in the Planning Department files for this Project;

On September 2, 2021, the Commission conducted a duly noticed public hearing at a regularly scheduled meeting and approved Conditional Use Authorization Application No. 2016-013012CUA in Planning Commission Motion No. 20976, subject to conditions of approval which included, among others, the provision of on-site below market rate dwelling units in accordance with Section 415 of the Planning Code.

On September 3, 2021, the Project Sponsor submitted a request to amend conditions of approval nos. 19-29 in Planning Commission Motion No. 20976, to reflect a change in the implementation of its Inclusionary Affordable Housing Program obligations by paying an in-lieu fee rather than by providing on-site below market rate units.

The Planning Department Commission Secretary is the Custodian of Records; the File for Record No. 2016-013012CUA is located at 49 South Van Ness Avenue, Suite 1400, San Francisco, California.

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

**MOVED**, that the Commission hereby authorizes the amended Conditional Use Authorization as requested in Application No. 2016-013012CUA, subject to the conditions contained in "EXHIBIT A" of this motion, based on the following findings:

## FINDINGS

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

1. The above recitals are accurate and constitute findings of this Commission.
2. **Project Description.** The current proposal is to amend Condition of Approval Nos. 19-29 of Planning Commission Motion No. 20976 to modify the Project's compliance with Section 415 of the Planning Code to reflect a change in the implementation of its Inclusionary Affordable Housing Program obligations by paying an in-lieu fee rather than by providing on-site below market rate units. The previously approved Project includes the demolition of an existing two-story building containing one dwelling unit above ground floor retail space and the construction of a new 4-story building containing 9 principally-permitted dwelling units and 9 accessory dwelling units above a Child Care Facility (Community Institutional Use) uses totaling approximately 9,942 square feet on the ground and second floors, 36 Class 1 bicycle parking spaces and two Class 2 bicycle parking spaces. The Project includes a dwelling unit mix consisting of 8 two-bedroom units and 10 one-bedroom units. 2,394 square feet of common open space is proposed on a roof deck, and 1,703 square feet of outdoor play space for the Child Care use is proposed in the rear yard on the second floor. No off-street vehicular parking is proposed, and the Project would also include the removal of one 12-foot curb cut.

A revised project scope ("amended Project") is identical to that which was previously approved by the Planning Commission, however the Project Sponsor now proposes to satisfy their Inclusionary Affordable Housing Program obligations by paying an in-lieu fee rather than by providing on-site below market rate units.

3. **Site Description and Present Use.** The Project is located on a flat lot measuring approximately 7,125 square feet with approximately 75 feet of frontage along Haight Street and a depth of approximately 95 feet. The Project Site is occupied by one two-story building, constructed circa 1903, with retail uses on the ground floor and one dwelling unit above. The existing building has off-street parking in the rear yard accessed via a 12-foot curb cut on Haight Street.
4. **Surrounding Properties and Neighborhood.** The Project Site is located within the Lower Haight Street NCD (Neighborhood Commercial) Zoning District which is characterized primarily by two- and three-story buildings containing residential dwellings above ground floor commercial uses. Immediately to the west of the subject property is a 4-story multi-unit residential building on the corner of Haight Street and Fillmore Street. Immediately adjacent to the subject property and to the east is a three-story building containing residential uses above a restaurant use (d.b.a. Nickie's). Directly across the street and to the south of the subject property are one-, two- and three-story buildings containing a mix of commercial and residential uses.
5. **Public Outreach and Comments.** The Department has received one email, from a neighbor across the street, who expressed concerns regarding the demand for child care in the area and perceived conflicts with adjacent land uses.
6. **Planning Code Compliance.** The Commission finds that the Project is consistent with the relevant

provisions of the Planning Code as originally described in Section 6 of Planning Commission Motion No. 20976, except as amended below:

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

*As currently proposed, the Project will exceed the target with 13 points through the following TDM measures:*

- *Parking Supply (Option K)*
- *Bicycle Parking (Option B)*

- B. **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 Project Application.

*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 Project Application. A complete Project Application was submitted on October 3, 2017; 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%.*

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

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

*The existing building is the only building containing a single dwelling unit on the subject block and is also the only two-story building. Most of the neighborhood is occupied by buildings with three or four stories, with multiple units per building. The proposed project would bring the lot to closer conformity with the prevailing height and density, while adding 24 bedrooms and 6,969 square feet of residential floor area.*

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

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

*The project site is a typical rectangular shape, 75 feet wide and 95 feet deep. The massing of the building will be fully Code-compliant, with a 25% rear yard provided from the second floor and above. The proposed on-site Child Care Facility will provide a much-needed neighborhood amenity.*

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

*The subject property has a small driveway and parking area behind the existing building. The existing 12-foot curb cut will be removed and replaced with a white loading zone across the frontage. A traffic mitigation plan will be developed for drop-off and pick-up of students so as to minimize disruptions along Haight Street.*

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

*The proposed residential uses and Child Care Facility are not anticipated to present any significant noxious or offensive emissions such as noise, glare, dust and odor. The proposed project would mechanically ventilate all exhaust to the roof, away from the adjacent neighbors.*

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

*The existing rear yard storage building and surface parking area will be replaced with a open-air outdoor play space for the Child Care Facility occupying the ground and second floors. The common open space on the rooftop will be landscaped and screened for privacy. No extraordinary signage or lighting features are proposed.*

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

*The Project complies with all relevant requirements and standards of the Planning Code and is consistent with objectives and policies of the General Plan as detailed in Subsection 10 below.*

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

*The proposed project is consistent with the stated purposed of NC Districts in that the proposed neighborhood-serving Community Institutional Use (Child Care Facility) is located at the ground and second floors, which will provide a compatible convenience service for the immediately surrounding*



*neighborhoods during daytime hours.*

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

- A. The intensity of activity in the district is not such that allowing the larger use will be likely to foreclose the location of other needed neighborhood-serving uses in the area.

*The existing vacant commercial space already exceeds the 4,000 square-foot threshold. The proposed Child Care Facility will not prevent other neighborhood-serving uses from operating.*

- B. The proposed use will serve the neighborhood, in whole or in significant part, and the nature of the use requires a larger size in order to function.

*The proposed Child Care Facility will primarily draw from the immediate neighborhood, with some students coming from farther away. The larger use size allows for efficiencies in staffing, scheduling, and programming for the students' needs.*

- C. The building in which the use is to be located is designed in discrete elements which respect the scale of development in the district.

*The existing building occupies the entire 75-foot commercial frontage along Haight Street. The proposed street frontage is articulated with discrete design elements and has been reviewed and is supported by the Planning Department's Design Review staff.*

- 9. Dwelling Unit Removal Findings.** Section 317 of the Planning Code establishes criteria for the Planning Commission to consider when reviewing applications to demolish or convert residential buildings. In addition to the criteria of Section 303(c) of this Code, the Commission shall consider the extent to which the following criteria are met:

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

*A review of the Department of Building Inspection and the Planning Department databases showed some code violations for the subject property including the subject property being abandoned, foundation issues and sewage backup.*

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

*The existing building appears to have been vacant since 2017 with several Code violations relating to the subject property being abandoned, foundation issues and sewage backup.*

- C. Whether the property is an "historical resource" under CEQA;

*Although the existing building is more than 50 years old, a review of supplemental information resulted in a determination that the property is not an historical resource.*

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

*The structure is not an historical resource and its removal will not have a substantial adverse impact.*

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

*The existing single-family dwelling is vacant. The Project Sponsor has indicated that all eighteen (18) new dwelling units will be rental units.*

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

*The Planning Department cannot definitively determine whether or not the single-family home is subject to the Rent Stabilization and Arbitration Ordinance; this being under the purview of the Rent Board. The Project Sponsor, however, has indicated that the existing single-family dwelling is vacant, and that there will be a net increase of seventeen (17) rental units as a result of the Project.*

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

*Although the Project proposes the demolition of an existing dwelling unit, the new construction project will result in seventeen (17) additional dwelling units containing more habitable square feet and bedrooms.*

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

*The Project conserves neighborhood character with appropriate scale, design, and materials, and improves cultural and economic diversity by constructing multi-unit residential uses above neighborhood-serving uses that are consistent with the provisions of the Lower Haight Street Neighborhood Commercial Zoning District.*

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

*The project removes an older dwelling unit, which is generally considered more affordable than more recently constructed units. However, the project also results in seventeen (17) additional units, greater habitable floor area, and more bedrooms that contribute positively to the City's housing stock.*

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

*The Project proposes to pay an in-lieu fee at a rate equivalent to an off-site requirement of 20%, consistent with its obligations under Planning Code Section 415.*

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

*The Project represents the redevelopment of an underutilized parcel within an established neighborhood at a dwelling unit density consistent with the requirements of the Lower Haight Street Neighborhood Commercial Zoning District.*

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

*The Project proposes enhanced opportunities for family-sized housing on-site by constructing eight (8) two-bedroom units whereas the property currently contains only one 5-bedroom dwelling unit.*

- M. Whether the Project creates new supportive housing;

*The Project does not create supportive housing.*

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

*On balance, the overall scale, design, and materials of the proposed buildings are consistent with the block face and compliment the neighborhood character with traditional building materials and a contemporary design.*

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

*The Project would add seventeen (17) additional dwelling units to the site.*

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

*The existing dwelling contains five bedrooms. The proposal includes eight (8) two-bedroom units and ten (10) one-bedroom units, representing a net increase of twenty-one (21) bedrooms.*

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

*The project will maximize the allowed density on-site by providing nine (9) principally permitted dwelling units and nine (9) accessory dwelling units.*

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

*The Planning Department cannot definitively determine whether the single-family home is subject to the Rent Stabilization and Arbitration Ordinance; this being under the purview of the Rent Board. The new project will replace the existing five-bedroom dwelling unit with eighteen (18) dwelling units containing more bedrooms.*

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

**HOUSING ELEMENT**

**Objectives and Policies**

**OBJECTIVE 1**

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

Policy 1.1

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

Policy 1.2

Focus housing growth and infrastructure necessary to support growth according to community plans. Complete planning underway in key opportunity areas such as Treasure Island, Candlestick Park and Hunter's Point Shipyard.

Policy 1.10

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

**OBJECTIVE 4**

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

Policy 4.1

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

Policy 4.4

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

Policy 4.5

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

**OBJECTIVE 11**

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

Policy 11.1

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

Policy 11.2

Ensure implementation of accepted design standards in project approvals.

Policy 11.3

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

Policy 11.4

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

Policy 11.6

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

Policy 11.8

Consider a neighborhood's character when integrating new uses, and minimize disruption caused by expansion of institutions into residential areas.

**OBJECTIVE 12**

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

Policy 12.2

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

**URBAN DESIGN ELEMENT**

**Objectives and Policies**

**OBJECTIVE 1**

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

Policy 1.3

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

Policy 1.7

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

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

*The Project would provide additional density in a transit rich area of the City. The Project is located within ¼ mile of the 6 – Haight/Parnassus, 7 – Haight/Noriega, 7X – Noriega Express, 21 – Hayes and 22 – Fillmore MUNI bus routes and the J and N MUNI Metro lines. The Project also provides bicycle parking for residents and their guests.*

*The Lower Haight Street NCD is a linear, mixed-use corridor that consists of residential units above ground-story commercial uses. The Project conforms to the purposes of the Lower Haight Street NCD in that it would add multi-unit residential uses above active uses at grade along Haight Street. Housing development is specifically encouraged on upper stories within the District and the Project succeeds in providing both a dense number of dwelling units overall while also having almost half of the units in the Project containing at least two bedrooms. Overall, the project's design is complementary to the context of the district, while providing a neighborhood-serving Child Care Facility and new housing to the neighborhood. For all these reasons, the Project is on balance, consistent with the Objectives and Policies of the General Plan.*

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

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

*The project site does not possess any neighborhood-serving retail uses, as the ground floor commercial space is current vacant. The Project proposes a Child Care Facility to serve neighborhood residents and eighteen (18) new dwelling units, which will enhance the nearby retail uses by providing new residents, who may patron and/or own these businesses.*

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

*The subject property is occupied by one vacant dwelling unit. The Project would provide eighteen (18) new dwelling units, thus resulting in an overall increase in the neighborhood housing stock. In addition, the Project would add a Child Care Facility (a Community Institutional use), which will provide an active use along the Haight Street frontage. The Project is expressive in design and relates well to the scale and form of the surrounding neighborhood. For these reasons, the Project would protect and preserve the cultural and economic diversity of the neighborhood.*

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

*The Project does not currently possess any existing affordable housing. The Project will comply with the City's Inclusionary Housing Program by paying an in-lieu fee at a rate equivalent to an off-site requirement of 20%.*

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

*The subject property is well served by nearby public transportation options. The Project is located within ¼ mile of the 6 – Haight/Parnassus, 7 – Haight/Noriega, 7X – Noriega Express, 21 – Hayes and 22 – Fillmore MUNI bus routes and the J and N MUNI Metro lines. The Project also provides bicycle parking for residents and their guests.*

- E. That a diverse economic base be maintained by protecting our industrial and service sectors from

displacement due to commercial office development, and that future opportunities for resident employment and ownership in these sectors be enhanced.

*The Project does not include commercial office development. The Project proposes a new Community Institutional use, thus assisting in diversifying the neighborhood character.*

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

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

- G. That landmarks and historic buildings be preserved.

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

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

*Since the Project is not more than 40-ft tall, additional study of the shadow impacts was not required per Planning Code Section 295.*

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

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

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

## DECISION

That based upon the Record, the submissions by the Applicant, the staff of the Department and other interested parties, the oral testimony presented to this Commission at the public hearings, and all other written materials submitted by all parties, the Commission hereby **APPROVES an amended Conditional Use Authorization Application No. 2016-013012CUA** subject to the original conditions authorized through Planning Commission Motion No. 20976 as “Exhibit A” of that motion, with exception Condition Nos. 19-29 of Motion No. 20976, which is amended as described and attached to this Motion hereto as “EXHIBIT A”, in general conformance with plans on file, dated January 21, 2021, and stamped “EXHIBIT B”, which is incorporated herein by reference as though fully set forth.

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

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

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

I hereby certify that the Planning Commission ADOPTED the foregoing Motion on November 4, 2021.

Jonas P. Ionin  
Commission Secretary

AYES:

NAYS:

ABSENT:

RECUSE:

ADOPTED: November 4, 2021



## EXHIBIT A

### Authorization

This authorization is for amended Conditional Use Authorization to modify Condition of Approval Nos. 19-29 of Planning Commission Motion No. 20976 to allow to allow the demolition of an existing two-story building containing one dwelling unit above ground floor retail space and the construction of a new 4-story building containing 9 principally-permitted dwelling units and 9 accessory dwelling units above two floors of Child Care Facility (Community Institutional) uses totaling approximately 9,942 square feet at 478-484 Haight Street, Block 0849 Lot 019 pursuant to Planning Code Section(s) 121.2, 303 and 317 within the Lower Haight Street Neighborhood Commercial Zoning District and a 40-X Height and Bulk District; in general conformance with plans, dated January 21, 2021, and stamped “EXHIBIT B” included in the docket for Record No. 2016-013012CUA and subject to conditions of approval reviewed and approved by the Commission on November 4, 2021 under Motion No XXXXX. 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 November 4, 2021, under Motion No XXXXX.

### Printing of Conditions of Approval on Plans

The conditions of approval under the 'Exhibit A' of this Planning Commission Motion No. XXXXX 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

## Affordable Housing

**Affordable Units.** The following Inclusionary Affordable Housing Requirements are those in effect at the time of Planning Commission action. In the event that the requirements change, the Project Sponsor shall comply with the requirements in place at the time of issuance of first construction document.

- 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 (628) 652-73590, [www.sfplanning.org](http://www.sfplanning.org) or the Mayor's Office of Housing and Community Development at (415) 701-5500, [www.sfmohcd.org](http://www.sfmohcd.org).*

- 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 (628) 652-7359, [www.sfplanning.org](http://www.sfplanning.org) or the Mayor's Office of Housing and Community Development at (415) 701-5500, [www.sfmohcd.org](http://www.sfmohcd.org).*

- a. The 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, including interest and penalties, if applicable.

# **Exhibit B:**

## **Amended Inclusionary Affordable Housing Affidavit**

# 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: July 20, 2018

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

From: San Francisco Planning Department

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

All projects that include 10 or more dwelling units must participate in the *Inclusionary Affordable Housing Program* contained in Planning Code Sections 415 and 419. Every project subject to the requirements of Planning Code Section 415 or 419 is required to pay the Affordable Housing Fee. A project may be eligible for an Alternative to the Affordable Housing Fee. All projects that can demonstrate that they are eligible for an Alternative to the Affordable Housing Fee must provide necessary documentation to the Planning Department and Mayor's Office of Housing and Community Development.

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

The inclusionary requirement for a project is determined by the date that the Environmental Evaluation Application (EEA) was deemed complete by the Department ("EEA accepted date"). There are different inclusionary requirements for smaller projects (10-24 units) and larger projects (25+ units). Please use the attached charts to determine the applicable requirement. Charts 1-3 include two sections. The first section is devoted to projects that are subject to Planning Code Section 415. The second section covers projects that are located in the Urban Mixed Use (UMU) Zoning District and certain projects within the Mission Neighborhood Commercial Transit District that are subject to Planning Code Section 419. Please use the applicable form and contact Planning staff with any questions.

For projects with complete EEA's accepted on or after January 12, 2016, the Inclusionary Affordable Housing Program requires the provision of on-site and off-site affordable units at a mix of income levels. The number of units provided at each income level depends on the project tenure, EEA accepted date, and the applicable schedule of on-site rate increases. Income levels are defined as a percentage of the Area Median Income (AMI), for low-income, moderate-income, and middle-income units, as shown in Chart 5. Projects with a complete EEA accepted prior to January 12, 2016 must provide the all of the inclusionary units at the low income AMI. **Any project with a complete EEA accepted prior to January 12, 2016 must obtain a site or building permit by December 7, 2018, or will be subject to higher Inclusionary Housing rates and requirements. Rental projects with 25 units or more be subject to an 18% on-site rate and ownership projects with 25 units or more will be subject to a 20% on-site rate.**

**Summary of requirements.** Please determine what requirement is applicable for your project based on the size of the project, the zoning of the property, and the date that a complete Environmental Evaluation Application (EEA) was submitted deemed complete by Planning Staff. Chart 1-A applies to all projects throughout San Francisco with EEA's accepted prior to January 12, 2016, whereas Chart 1-B specifically addresses UMU (Urban Mixed Use District) Zoning Districts. Charts 2-A and 2-B apply to rental projects and Charts 3-A and 3-B apply to ownership projects with a complete EEA accepted on or after January 12, 2016. Charts 4-A and 4-B apply to three geographic areas with higher inclusionary requirements: the North of Market Residential SUD, SOMA NCT, and Mission Area Plan.

The applicable requirement for projects that received a first discretionary approval prior to January 12, 2016 are those listed in the "EEA accepted before 1/1/13" column on Chart 1-A.

## CHART 1-A: Inclusionary Requirements for all projects with Complete EEA accepted before 1/12/2016

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

\* 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, which are subject to the requirements of 25+ unit projects at or below 120 feet.

## CHART 1-B: Requirements for all projects in UMU Districts with Complete EEA accepted before 1/12/2016

Please note that certain projects in the SOMA Youth and Family SUD and Western SOMA SUD also rely upon UMU requirements.

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

Complete EEA Accepted BEFORE: →	1/1/18	1/1/19	1/1/20	1/1/21	1/1/22	1/1/23	1/12/24	1/1/25	1/1/26	1/1/27	1/1/28
Fee or Off-site											
10-24 unit projects	20.0%	20.0%	20.0%	20.0%	20.0%	20.0%	20.0%	20.0%	20.0%	20.0%	20.0%
25+ unit projects	30.0%	30.0%	30.0%	30.0%	30.0%	30.0%	30.0%	30.0%	30.0%	30.0%	30.0%
On-site											
10-24 unit projects	12.0%	12.5%	13.0%	13.5%	14.0%	14.5%	15.0%	15.0%	15.0%	15.0%	15.0%
25+ unit projects*	18.0%	19.0%	20.0%	20.5%	21.0%	21.5%	22.0%	22.5%	23.0%	23.5%	24.0%

Please note that certain projects in the SOMA Youth and Family SUD and Western SOMA SUD also rely upon UMU requirements.

[illegible]

**CHART 3-A: Inclusionary Requirements for Owner projects with Complete EEA accepted on or after 1/12/16**

Complete EEA Accepted BEFORE: →	1/1/18	1/1/19	1/1/20	1/1/21	1/1/22	1/1/23	1/12/24	1/1/25	1/1/26	1/1/27	1/1/28
Fee or Off-site											
10-24 unit projects	20.0%	20.0%	20.0%	20.0%	20.0%	20.0%	20.0%	20.0%	20.0%	20.0%	20.0%
25+ unit projects	33.0%	33.0%	33.0%	33.0%	33.0%	33.0%	33.0%	33.0%	33.0%	33.0%	33.0%
On-site											
10-24 unit projects	12.0%	12.5%	13.0%	13.5%	14.0%	14.5%	15.0%	15.0%	15.0%	15.0%	15.0%
25+ unit projects*	20.0%	21.0%	22.0%	22.5%	23.0%	23.5%	24.0%	24.5%	25.0%	25.5%	26.0%

**CHART 3-B: Requirements for Owner Projects UMU Districts with Complete EEA accepted on or after 1/12/16**

Please note that certain projects in the SOMA Youth and Family SUD and Western SOMA SUD also rely upon UMU requirements.

[illegible]



**CHART 4-A: Inclusionary Requirements for Rental projects with Complete EEA accepted on or after 1/12/16 located in the North of Market Residential Special Use District, the Mission Area Plan, or the SOMA Neighborhood Commercial Transit District.**

[illegible]

**CHART 4-B: Inclusionary Requirements for Owner projects with Complete EEA accepted on or after 1/12/16 located in the North of Market Residential Special Use District, the Mission Area Plan, or the SOMA Neighborhood Commercial Transit District.**

[illegible]

Projects with complete EEA Application on or after January 12, 2016 are subject to the Inclusionary rates identified in Charts 2 and 3. For projects that propose on-site or off-site Inclusionary units, the Inclusionary Affordable Housing Program requires that inclusionary units be provided at three income tiers, which are split into three tiers. Annual increases to the inclusionary rate will be allocated to specific tiers, as shown below. Projects in the UMU Zoning District are not subject to the affordability levels below. Rental projects with 10-24 units shall provide all of the required Inclusionary units with an affordable rent at 55% Area Median Income (AMI), and ownership projects with 10-24 units shall provide all of the required Inclusionary units at sales price set at 80% AMI.

[illegible]

**AFFIDAVIT**

# COMPLIANCE WITH THE INCLUSIONARY AFFORDABLE HOUSING PROGRAM

**PLANNING CODE SECTION 415, 417 & 419****San Francisco  
Planning**

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

\_\_\_\_\_  
Date

I, \_\_\_\_\_,  
do hereby declare as follows:

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

\_\_\_\_\_  
Address

\_\_\_\_\_  
Block / Lot

The subject property located within the following Zoning District:

\_\_\_\_\_  
Zoning District

\_\_\_\_\_  
Height and Bulk District

\_\_\_\_\_  
Special Use District, if applicable

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

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

\_\_\_\_\_  
Planning Case Number

\_\_\_\_\_  
Building Permit Number

This project requires the following approval:

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

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

\_\_\_\_\_  
Planner Name

A complete Environmental Evaluation Application was submitted on:

\_\_\_\_\_  
Date

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

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

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

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

☐ Yes \_\_\_\_\_ ☐ No

( If yes, please indicate Affordable Housing Tier)

Is this project a HOME-SF Project?

☐ Yes \_\_\_\_\_ ☐ No

( If yes, please indicate HOME-SF Tier)

Is this project a State Density Bonus Project?

☐ Yes ☐ No

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

The applicable inclusionary rate is:

---

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

**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.** All affordable housing units will be rental units and will remain rental units for the life of the project.

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

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

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

affidavit;

- (2) Record a new Notice of Special Restrictions; and
- (3) Pay the Affordable Housing Fee plus applicable interest (using the fee schedule in place at the time that the units are converted from ownership to rental units) and any applicable penalties by law.

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

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

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

**I** If a Project Sponsor elects to completely or partially satisfy their Inclusionary Housing requirement by paying the Affordable Housing Fee, the Sponsor must pay the fee in full sum to the Development Fee Collection Unit at the Department of Building Inspection for use by the Mayor's Office of Housing prior to the issuance of the first construction document.

## UNIT MIX TABLES

### Number of All Units in PRINCIPAL PROJECT:

TOTAL UNITS:	SRO / Group Housing:	Studios:	One-Bedroom Units:	Two-Bedroom Units:	Three (or more) Bedroom Units:
--------------	----------------------	----------	--------------------	--------------------	--------------------------------

If you selected the On-site, Off-Site, or Combination Alternative, please fill out the applicable section below. The On-Site Affordable Housing Alternative is required for HOME-SF Projects pursuant to Planning Code Section 206.3. State Density Bonus Projects that have submitted an Environmental Evaluation Application prior to January 12, 2016 must select the On-Site Affordable Housing Alternative. State Density Bonus Projects that have submitted an Environmental Evaluation Application on or after to January 12, 2016 must select the Combination Affordable Housing Alternative to record the required fee on the density bonus pursuant to Planning Code Section 415.3. If the Project includes the demolition, conversion, or removal of any qualifying affordable units, please complete the Affordable Unit Replacement Section.

☐ **On-site Affordable Housing Alternative** (Planning Code Section 415.6):  % 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:
--------------	----------------------	----------	--------------------	--------------------	--------------------------------

LOW-INCOME	Number of Affordable Units	% of Total Units	AMI Level
MODERATE-INCOME	Number of Affordable Units	% of Total Units	AMI Level
MIDDLE-INCOME	Number of Affordable Units	% of Total Units	AMI Level

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

AMI LEVELS:	Number of Affordable Units	% of Total Units	AMI Level
	Number of Affordable Units	% of Total Units	AMI Level
	Number of Affordable Units	% of Total Units	AMI Level

## UNIT MIX TABLES: CONTINUED

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

1. On-Site  % of affordable housing requirement.

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

### Number of Affordable Units to be Located ON-SITE:

TOTAL UNITS:	SRO / Group Housing:	Studios:	One-Bedroom Units:	Two-Bedroom Units:	Three (or more) Bedroom Units:

2. Off-Site  % of affordable housing requirement.

### Number of Affordable Units to be Located OFF-SITE:

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

### Income Levels for On-Site or Off-Site Units in Combination Projects:

AMI LEVELS:	Number of Affordable Units	% of Total Units	AMI Level

3. Fee  % of affordable housing requirement.

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

If yes, please indicate the bonus percentage, up to 35% \_\_\_\_\_, and the number of bonus units and the bonus amount of residential gross floor area, if applicable \_\_\_\_\_

I acknowledge that Planning Code Section 415.4 requires that the Inclusionary Fee be charged on the bonus units or the bonus residential floor area.

### Affordable Unit Replacement: Existing Number of Affordable Units to be Demolished, Converted, or Removed for the Project

TOTAL UNITS:	SRO / Group Housing:	Studios:	One-Bedroom Units:	Two-Bedroom Units:	Three (or more) Bedroom Units:

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

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



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

Company Name

Tommy Lee

Name (Print) of Contact Person

259 Broad Street

San Francisco, CA 94112

Address

City, State, Zip

415-218-6776

tleemerced@gmail.com

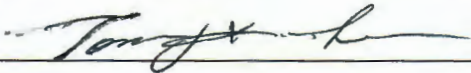
Phone / Fax

Email

I am a duly authorized agent or owner of the subject property. I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct. I hereby declare that the information herein is accurate to the best of my knowledge and that I intend to satisfy the requirements of Planning Code Section 415 as indicated above.

**Sign Here**

Signature:



Name (Print), Title:

TOMMY LEE / PARTNER.

Executed on this day in:

Location:

Date:

**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:

# **Exhibit C:**

## **Amended TDM Plan**





# TRANSPORTATION DEMAND MANAGEMENT (TDM) PROGRAM

## INFORMATIONAL AND SUPPLEMENTAL APPLICATION PACKET FOR A TDM PLAN

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

A Development Project that meets the applicability criteria of Planning Code Section 169 shall be subject to the TDM Program Standards and must submit a TDM Plan.

The 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 Plan application. If you are amending your TDM Plan, indicate so on the application.

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

**Español:** Si desea ayuda sobre cómo llenar esta solicitud en español, por favor llame al 628.652.7550. Tenga en cuenta que el Departamento de Planificación requerirá al menos un día hábil para responder.

**中文:** 如果您希望獲得使用中文填寫這份申請表的幫助, 請致電628.652.7550。請注意, 規劃部門需要至少一個工作日來回應。

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

## WHAT IS THE TRANSPORTATION DEMAND MANAGEMENT (TDM) PROGRAM?

The City and County of San Francisco is projected to grow substantially through 2040, and this growth will bring more cars. The Transportation Demand Management (TDM) Program creates a 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; or
- 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 not meeting either criterion above that submit their first Development Application on or after January 1, 2018 shall be subject to 100% of the target requirement.

## **HOW DOES THE PROCESS WORK?**

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 PPA application must indicate how the project may meet its TDM requirement.

The Project Sponsor must 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.

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 by 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 which is 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 fees. These steps will help the Department ensure that the project will continue to comply with its TDM Plan.

## Fees

Please refer to the [Planning Department Fee Schedule](http://www.sfplanning.org) available at [www.sfplanning.org](http://www.sfplanning.org). For questions related to the Fee Schedule, you can contact the Planning counter at 628.652.7300 or [pic@sfgov.org](mailto:pic@sfgov.org).

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 Pre-Occupancy Monitoring & Reporting phase of the overall process and the subsequent issuance of the First Certificate of Occupancy. 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 10 to 24 Dwelling Units are 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 Amendment 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 AMENDMENT:

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 Amendment 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 Amendment application, and will require a Letter of Authorization from the property owner and a written description of any programmatic TDM measures to be offered. For any alterations to the physical TDM measures as a part of the TDM Plan Amendment, a set of plans must be available for review showing the specifications of the physical TDM measure(s) as part of the filing of a new building permit.

On the application form, indicate whether or not the application is for a new TDM Plan or a TDM Plan Amendment for an existing TDM Plan.

## WHEN IS A TDM PLAN AMENDMENT NECESSARY?

Reasons that a property owner may request review of a TDM Plan by the Planning Department include the following:

- **Altering the TDM measures within the Project Development's TDM Plan.** TDM measures out of the TDM Program Standards may be updated or new measures may be added. If these updates have occurred, a property owner can select from and use the associated point values of these updated or new measures for their TDM Plan Amendment, so long as it would still allow them to achieve the required point target for their Development Project. A project owner may also wish to change their finalized TDM Plan to select different measures, so long as it would still allow them to achieve the required point target for their Development Project.
- **Altering the number of Accessory Parking spaces associated with the Development Project.** The TDM Program Standards require each Development Project subject to the TDM Program to meet a target, without exceptions. The target is based on the number of Accessory Parking spaces. If a property owner wishes to alter the number of Accessory Parking spaces associated with the Development Project, then following a change in target, the property owner can select different measures to achieve the required point target for their Development Project.

## **WHEN CAN I FILE FOR A TDM PLAN AMENDMENT?**

At any time after the Planning Department approves a Development Project's building permit, even following the First Certificate of Occupancy, the property owner may propose an amendment to the finalized TDM Plan by submitting a TDM Plan Amendment Application.

## **HOW DOES THE PROCESS WORK?**

The process is generally the same as a new TDM Plan. Once the amended TDM Plan is finalized, it will be recorded as a Notice in the Official Records of the Recorder of the City, and take effect immediately. The project's TDM coordinator will also coordinate a site visit with Planning Department staff, and will continue to submit Ongoing Monitoring and Reporting Forms along with the associated monitoring fees. A Development Project's amended TDM Plan may be subsequently amended thereafter at any time.



# TRANSPORTATION DEMAND MANAGEMENT (TDM) PROGRAM

## SUPPLEMENTAL APPLICATION FOR A TDM PLAN

### Property Information

Project Address:

Block/Lot(s):

TDM Plan Amendment

### TDM Program 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. Refer to page 7 of the TDM Program Standards for a list of typical land uses that fall within each of the four land use categories, A - D. If you are amending any land use, parking, and/or target points, please indicate so within the table.

Land Use Category A (Retail)	
Gross Floor Area (GFA)	
<b>Occupied Floor Area (OFA)</b>	
Number of Accessory Parking Spaces	
Target Points	

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

Land Use Category C (Residential)	
Number of Dwelling Units	
Number of Bedrooms (Group Housing)	
Number of Accessory Parking Spaces	
Target Points	

Land Use Category D (Other)	
Gross Floor Area (GFA)	
<b>Occupied Floor Area (OFA)</b>	
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: <b>Option A</b> ; or	1	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="radio"/>
	Improve Walking Conditions: <b>Option B</b> ; or	1	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="radio"/>
	Improve Walking Conditions: <b>Option C</b> ; or	1	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="radio"/>
	Improve Walking Conditions: <b>Option D</b>	1	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="radio"/>
ACTIVE-2	Bicycle Parking: <b>Option A</b> ; or	1	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	Bicycle Parking: <b>Option B</b> ; or	2	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	Bicycle Parking: <b>Option C</b> ; or	3	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	Bicycle Parking: <b>Option D</b>	4	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="radio"/>
ACTIVE-3	Showers and Lockers	1	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="radio"/>	<input type="checkbox"/>
ACTIVE-4	Bike Share Membership: <b>Location A</b> ; or	1	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="radio"/>
	Bike Share Membership: <b>Location B</b>	2	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="radio"/>
ACTIVE-5A	Bicycle Repair Station	1	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="radio"/>
ACTIVE-5B	Bicycle Maintenance Services	1	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="radio"/>
ACTIVE-6	Fleet of Bicycles	1	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="radio"/>
ACTIVE-7	Bicycle Valet Parking	1	<input type="checkbox"/>	<input checked="" type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>
CSHARE-1	Car-share Parking and Membership: <b>Option A</b> ; or	1	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	Car-share Parking and Membership: <b>Option B</b> ; or	2	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	Car-share Parking and Membership: <b>Option C</b> ; or	3	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	Car-share Parking and Membership: <b>Option D</b> ; or	4	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="radio"/>
	Car-share Parking and Membership: <b>Option E</b>	5	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="radio"/>
DELIVERY-1	Delivery Supportive Amenities	1	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="radio"/>
DELIVERY-2	Provide Delivery Services	1	<input type="checkbox"/>	<input checked="" type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>
FAMILY-1	Family TDM Amenities: <b>Option A</b> ; and/or	1	<input checked="" type="radio"/>	<input checked="" type="radio"/>	<input type="checkbox"/>	<input checked="" type="radio"/>
	Family TDM Amenities: <b>Option B</b>	1	<input checked="" type="radio"/>	<input checked="" type="radio"/>	<input type="checkbox"/>	<input checked="" type="radio"/>
FAMILY-2	On-site Childcare	2	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="radio"/>
FAMILY-3	Family TDM Package	2	<input checked="" type="radio"/>	<input checked="" type="radio"/>	<input type="checkbox"/>	<input checked="" type="radio"/>
HOV-1	Contributions or Incentives for Sustainable Transportation: <b>Option A</b> ; or	2	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="radio"/>
	Contributions or Incentives for Sustainable Transportation: <b>Option B</b> ; or	4	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="radio"/>
	Contributions or Incentives for Sustainable Transportation: <b>Option C</b> ; or	6	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="radio"/>
	Contributions or Incentives for Sustainable Transportation: <b>Option D</b>	8	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="radio"/>
HOV-2	Shuttle Bus Service: <b>Option A</b> ; or	7	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="radio"/>
	Shuttle Bus Service: <b>Option B</b>	14	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="radio"/>

## NOTES:

- A project sponsor can only receive up to 14 points between HOV-2 and HOV-3.
- Please tally the points on the next page.

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

= 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.

#### Land Use Category Totals

	A Retail	B Office	C Residential	D Other
Point Subtotal from Page 1:				
Point Subtotal from Page 2:				
Totals:				

# TDM COORDINATOR AFFIDAVIT

Planning Code Section 169.5 requires every Development Project subject to the TDM Program to maintain a TDM coordinator. The TDM coordinator's responsibilities are defined further in the Glossary of Terms of the TDM Program Standards. Please visit <http://sf-planning.org/tdm-materials-and-resources> for more information.

Under penalty of perjury the following declarations are made:

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

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Name (Printed)

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

\_\_\_\_\_  
Phone

\_\_\_\_\_  
Email

\_\_\_\_\_  
Date

For Department Use Only

Application received by Planning Department:

By: \_\_\_\_\_

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



**Exhibit D:**

**Original Approval Motion No. 20976 with  
Conditions of Approval and Original  
Approved Plans**



# PLANNING COMMISSION MOTION NO. 20976

**HEARING DATE: SEPTEMBER 2, 2021**

**Record No.:** 2016-013012CUA  
**Project Address:** 478-484 HAIGHT STREET  
**Zoning:** Lower Haight Street NCD (Neighborhood Commercial) Zoning District  
40-X Height and Bulk District  
**Block/Lot:** 0849/019  
**Project Sponsor:** Jeremy Schaub, Schaub Ly Architects  
1360 9<sup>th</sup> Ave  
San Francisco, CA 94122  
**Property Owner:** Haight Tower, LLC  
Burlingame, CA 94010  
**Staff Contact:** Christopher May – (628) 652-7359  
[Christopher.may@sfgov.org](mailto:Christopher.may@sfgov.org)

ADOPTING FINDINGS RELATING TO A CONDITIONAL USE AUTHORIZATION PURSUANT TO PLANNING CODE SECTIONS 121.2, 303 AND 317 TO PERMIT THE DEMOLITION OF AN EXISTING TWO-STORY BUILDING CONTAINING ONE DWELLING UNIT ABOVE GROUND FLOOR RETAIL SPACE AND THE CONSTRUCTION OF A NEW 4-STORY BUILDING CONTAINING 9 PRINCIPALLY-PERMITTED DWELLING UNITS AND 9 ACCESSORY DWELLING UNITS ABOVE TWO FLOORS OF CHILD CARE FACILITY (COMMUNITY INSTITUTIONAL) USES TOTALING APPROXIMATELY 9,942 SQUARE FEET, LOCATED AT 478-484 HAIGHT STREET, LOT 019 IN ASSESSOR'S BLOCK 0849, WITHIN THE LOWER HAIGHT STREET NCD (NEIGHBORHOOD COMMERCIAL) ZONING DISTRICT AND A 40-X HEIGHT AND BULK DISTRICT, AND ADOPTING FINDINGS UNDER THE CALIFORNIA ENVIRONMENTAL QUALITY ACT.

## PREAMBLE

On October 3, 2017, Jeremy Schaub of Schaub Ly Architects (hereinafter "Project Sponsor") filed Application No. 2016-013012CUA (hereinafter "Application") with the Planning Department (hereinafter "Department") for a Conditional Use Authorization to permit the demolition of an existing two-story building containing one dwelling unit above ground floor retail space and the construction of a new 5-story building containing 12 dwelling units above ground floor of Retail uses totaling approximately 1,183 square feet at 478-484 Haight Street, Block 0849 Lot 019 (hereinafter "Project Site"). The project was subsequently revised to propose a new 4-story building containing 9 principally-permitted dwelling units and 9 accessory dwelling units above two floors of Child Care Facility (Community Institutional) uses totaling approximately 9,942 square feet (hereinafter "Project").

On June 17, 2021, the Project was determined to be exempt from the California Environmental Quality Act (“CEQA”) as a Class 32 Categorical Exemption under CEQA as described in the determination contained in the Planning Department files for this Project;

On September 2, 2021, the Commission conducted a duly noticed public hearing at a regularly scheduled meeting on Conditional Use Authorization Application No. 2016-013012CUA.

The Planning Department Commission Secretary is the Custodian of Records; the File for Record No. 2016-013012CUA is located at 49 South Van Ness Avenue, Suite 1400, San Francisco, California.

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

**MOVED**, that the Commission hereby authorizes the Conditional Use Authorization as requested in Application No. 2016-013012CUA, subject to the conditions contained in “EXHIBIT A” of this motion, based on the following findings:

## FINDINGS

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

1. The above recitals are accurate and constitute findings of this Commission.
2. **Project Description.** The Project includes the demolition of an existing two-story building containing one dwelling unit above ground floor retail space and the construction of a new 4-story building containing 9 principally-permitted dwelling units and 9 accessory dwelling units above a Child Care Facility (Community Institutional Use) uses totaling approximately 9,942 square feet on the ground and second floors, 36 Class 1 bicycle parking spaces and two Class 2 bicycle parking spaces. The Project includes a dwelling unit mix consisting of 8 two-bedroom units and 10 one-bedroom units. 2,394 square feet of common open space is proposed on a roof deck, and 1,703 square feet of outdoor play space for the Child Care use is proposed in the rear yard on the second floor. No off-street vehicular parking is proposed, and the Project would also include the removal of one 12-foot curb cut.
3. **Site Description and Present Use.** The Project is located on a flat lot measuring approximately 7,125 square feet with approximately 75 feet of frontage along Haight Street and a depth of approximately 95 feet. The Project Site is occupied by one two-story building, constructed circa 1903, with retail uses on the ground floor and one dwelling unit above. The existing building has off-street parking in the rear yard accessed via a 12-foot curb cut on Haight Street.
4. **Surrounding Properties and Neighborhood.** The Project Site is located within the Lower Haight Street NCD (Neighborhood Commercial) Zoning District which is characterized primarily by two- and three-story buildings containing residential dwellings above ground floor commercial uses. Immediately to the west of the subject property is a 4-story multi-unit residential building on the corner of Haight Street and

Fillmore Street. Immediately adjacent to the subject property and to the east is a three-story building containing residential uses above a restaurant use (d.b.a. Nickie's). Directly across the street and to the south of the subject property are one-, two- and three-story buildings containing a mix of commercial and residential uses.

5. **Public Outreach and Comments.** The Department has received three emails in response to the proposed project, including one from the Lower Haight Merchants and Neighbors Association (LoHaMNA) which is in support of the project. One email expressed concerns regarding the lack of parking proposed in the project, and another, from the owner of the adjacent restaurant and bar (dba Nickie's) inquired about potential soundproofing measures to ensure that future residents of the proposed building are not affected by any potential sounds from the restaurant and bar.
6. **Planning Code Compliance.** The Commission finds that the Project is consistent with the relevant provisions of the Planning Code in the following manner:

- A. **Use and Density.** Planning Code Section 743 permits residential uses at a density of one dwelling unit per 800 square feet of lot area and principally permits Child Care Facilities on all floors.

*The subject property is approximately 7,125 square feet; therefore a maximum of nine (9) dwelling units are permitted. The Project will maximize the permitted density with 9 principally dwelling units and also proposes nine (9) additional Accessory Dwelling Units (ADUs). The ADUs are permitted as an exception to the dwelling unit density limits pursuant to Planning Code Section 207(c)(4) in new construction projects. The Project also proposes the ground and second floors to be occupied by a Child Care Facility use.*

- B. **Non-Residential Use Size Limits.** Planning Code Section 743 permits non-residential uses up to 3,999 square feet. Non-residential uses of 4,000 square feet or greater may be permitted as Conditional Uses.

*The Project proposes a Child Care Facility on the first two floors which is principally permitted in the Lower Haight Street NCD, however the total proposed floor area of that use would occupy approximately 9,942 square feet; therefore, Conditional Use Authorization is required. The required findings can be found in Subsection 8 below.*

- C. **Basic Floor Area Ratio.** Planning Code Section 124 allows a Floor Area Ratio (FAR) of up to 2.5 to 1 within the Lower Haight Street NCD. The Project Site has an area of approximately 7,125 square feet; therefore, the allowable FAR would permit a building of up to 17,813 square feet of Gross Floor Area.

*Pursuant to Planning Code Section 124(b), FAR limits do not apply to residential uses. The Child Care Facility portion of the Project has an FAR of approximately 1.4 to 1, which is within the limit allowed by Code.*

- D. **Rear Yard.** Planning Code Section 134 requires that the project provide a rear yard equal to 25 percent of the total lot depth at the second story, and at each succeeding story of the building, and at the first story if it contains a dwelling unit. The subject property has a lot depth of 95 feet; therefore, a rear yard of 24 feet 9 inches is required at the second floor and above.

*The Project proposes a rear yard of 24 feet 9 inches at the second floor and above, which is the minimum depth required by Planning Code Section 134.*

- E. **Usable Open Space.** Planning Code Section 135 requires that the project provide a minimum of 133 square feet of common open space per dwelling unit. Any space credited as common usable open space shall be at least 15 feet in every horizontal dimension and shall have a minimum area of 300 square feet. The Project proposes a total of 18 dwelling units; therefore, a total of 2,394 square feet of common usable open space is required.

*The Project proposes approximately 2,394 square feet of common usable open space on a rooftop deck, which is the minimum required by Planning Code Section 135. While not required by the Planning Code, the second-floor terrace within the rear yard is proposed for use as an outdoor play area for the Child Care Facility.*

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

*Each of the 18 dwelling units have qualifying dwelling unit exposure by facing directly onto either Haight Street or the rear yard on the upper two floors.*

- G. **Street Frontage in Neighborhood Commercial Districts.** Section 145.1 of the Planning Code requires that, with the exception of space allowed for parking and loading access, building egress, and access to mechanical systems, space for active uses shall be provided within the first 25 feet of building depth on the ground floor and 15 feet on floors above from any facade facing a street at least 30 feet in width. Building systems including mechanical, electrical, and plumbing features may be exempted from this requirement by the Zoning Administrator only in instances where those features are provided in such a fashion as to not negatively impact the quality of the ground floor space. Building lobbies are considered active uses, so long as they do not exceed 40 feet or 25 percent of building frontage, whichever is larger. The floors of street-fronting interior spaces housing non-residential active uses and lobbies shall be as close as possible to the level of the adjacent sidewalk at the principal entrance to these spaces. Frontages with active uses must be fenestrated with transparent windows and doorways for no less than 60 percent of the street frontage at the ground level and allow visibility to the inside of the building. The use of dark or mirrored glass shall not count towards the required transparent area. No more than one-third of the width or 20 feet, whichever is less, of any given street frontage shall be devoted to parking ingress or egress. Ground floor non-residential uses in all NC districts within a 40-X Height and Bulk District shall have a minimum floor-to-floor height of 10 feet.

*The subject property has approximately 75 feet of frontage on Haight Street with approximately 53 feet devoted to the Child Care Facility, which occupies the entire 95-foot depth of the ground floor. Approximately 63% of the front façade is treated with transparent fenestration and all non-residential*

*portions of the ground floor will have a floor-to-floor height of at least 10 feet. The remaining portion of the frontage is occupied by the residential lobby, emergency egress and mechanical room access, which are exempted from the requirements of Planning Code Section 145.1.*

- H. **Off-Street Parking and Loading.** Section 151 of the Planning Code permits a maximum of 1.5 off-street parking spaces per dwelling unit and a maximum of 1.5 parking spaces for each 25 children to be accommodated at any one time, where the number of such children exceeds 24, for Child Care Facilities in a Neighborhood Commercial Zoning District. Planning Code Section 152 does not require any off-street loading spaces for non-residential uses with a gross floor area less than 10,000 square feet.

*The project does not require or propose any off-street parking or loading spaces for the residential and non-residential uses. The project therefore complies with these requirements.*

- I. **Bicycle Parking.** Planning Code Section 155.2 requires the provision of at least one (1) Class 1 bicycle parking space per dwelling unit for residential uses and one (1) Class 1 bicycle parking space per 20 children for Child Care Facilities. The Planning Code also requires the provision of at least one (1) Class 2 bicycle parking space for every 20 dwelling units for residential uses and one (1) Class 2 bicycle parking space for every 20 children for Child Care Facilities. The project is required to provide a minimum of thirty-two (32) Class 1 bicycle spaces and fifteen (15) Class 2 bicycle spaces.

*The project will provide a total of thirty-six (36) Class 1 bicycle parking spaces in a secure, weather-protected bicycle storage area on the ground floor, and two (2) Class 2 bicycle parking spaces will be provided. Due to the limited space on the sidewalk, the project is deficient by thirteen (13) Class 2 bicycle spaces. Therefore, the project sponsor will be required to pay an in-lieu fee.*

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

*As currently proposed, the Project will exceed the target with 14 points through the following TDM measures:*

- *Parking Supply (Option K)*
- *Bicycle Parking (Option B)*
- *On-Site Affordable Housing (Option B)*

- K. **Dwelling Unit Mix.** Pursuant to Planning Code Section 743, there is no dwelling unit mix requirement within the Lower Haight Street NCD.

*The project proposes 8 two-bedroom units and 10 one-bedroom units.*

- L. **Building Height.** Per Planning Code Section 260, the maximum height limit for the subject property is 40 feet.

*The Project proposes a building height of 40 feet and is therefore compliant with this requirement.*

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

*The subject property is located within 300 feet of Underground SF, which is considered an active Place of Entertainment. As such, the Entertainment Commission's standard conditions of approval have been included in Exhibit A. In addition to these standard recommendations, the Planning Commission finds that additional soundproofing on the east wall of the proposed new building would be necessary to provide an increased sound buffer between the adjacent restaurant and bar (dba Nickie's) and the proposed new residential uses. The Commission also finds that a written discloser is necessary, advising future residential owners/tenants that the building is adjacent to a Place of Entertainment and that elevated levels of noise or odor may be expected at certain times, and that said tenants acknowledge this in their written purchase/lease agreements.*

- N. Residential Demolition.** Pursuant to Planning Code Section 317, Conditional Use Authorization is required for applications proposing to demolish a residential unit in a Neighborhood Commercial Zoning District. This Code Section establishes criteria that Planning Commission shall consider in the review of applications for Residential Demolition.

*The project proposes the demolition of an existing single-family dwelling and therefore requires Conditional Use Authorization. The additional criteria specified under Section 317 have been incorporated as findings in Subsection 9 below.*

- O. Transportation Sustainability Fee.** Planning Code Section 411A is applicable to new development that results in new construction of a Non-Residential use in excess of 800 gross square feet.

*The Project proposes 9,942 square feet of non-residential uses and will pay the appropriate Transportation Sustainability Fee prior to issuance of a building permit.*

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

*The Project includes approximately 10,728 gross square feet of new residential use associated with the new construction of 18 dwelling units. This square footage shall be subject to the Residential Child-Care Impact Fee, as outlined in Planning Code Section 414A.*

- Q. Inclusionary Affordable Housing Program.** Planning Code Section 415 sets forth the requirements and procedures for the Inclusionary Affordable Housing Program. Under Planning Code Section 415.3, these requirements apply to projects that consist of 10 or more units. Pursuant to Planning Code Section 415.5 and 415.6, the Inclusionary Affordable Housing Program requirement for the On-

site Affordable Housing Alternative is to provide 12% of the proposed dwelling units as affordable.

*The Project Sponsor has demonstrated that it is eligible for the On-Site Affordable Housing Alternative under Planning Code Section 415.5 and 415.6, and has submitted an "Affidavit of Compliance with the Inclusionary Affordable Housing Program: Planning Code Section 415" to satisfy the requirements of the Inclusionary Affordable Housing Program by providing the affordable housing on-site instead of through payment of the Affordable Housing Fee. In order for the Project to be eligible for the On-Site Affordable Housing Alternative, the Project must submit an "Affidavit of Compliance with the Inclusionary Affordable Housing Program: Planning Code Section 415" to the Planning Department stating that any affordable units designated as on-site units shall be rental units and will remain as rental units for the life of the project. The Project Sponsor submitted such Affidavit on May 25, 2021. The applicable percentage is dependent on the total number of units in the project, the zoning of the property, and the date of the accepted Project Application. A Project Application was accepted on October 4, 2017. Pursuant to Planning Code Section 415.3 and 415.6, the on-site requirement is 12%. Two (2) units (1 two-bedroom, and 1 one-bedroom) of the 18 total units provided will be affordable units. If the Project becomes ineligible to meet its Inclusionary Affordable Housing Program obligation through the On-site Affordable Housing Alternative, it must pay the Affordable Housing Fee with interest, if applicable.*

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

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

*The existing building is the only building containing a single dwelling unit on the subject block, and is also the only two-story building. The majority of the neighborhood is occupied by buildings with three or four stories, with multiple units per building. The proposed project would bring the lot to closer conformity with the prevailing height and density, while adding 24 bedrooms and 6,969 square feet of residential floor area.*

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

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

*The project site is a typical rectangular shape, 75 feet wide and 95 feet deep. The massing of the building will be fully Code-compliant, with a 25% rear yard provided from the second floor and above. The proposed on-site Child Care Facility will provide a much-needed neighborhood amenity.*



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

*The subject property has a small driveway and parking area behind the existing building. The existing 12-foot curb cut will be removed and replaced with a white loading zone across the frontage. A traffic mitigation plan will be developed for drop-off and pick-up of students so as to minimize disruptions along Haight Street.*

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

*The proposed residential uses and Child Care Facility are not anticipated to present any significant noxious or offensive emissions such as noise, glare, dust and odor. The proposed project would mechanically ventilate all exhaust to the roof, away from the adjacent neighbors.*

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

*The existing rear yard storage building and surface parking area will be replaced with a open-air outdoor play space for the Child Care Facility occupying the ground and second floors. The common open space on the rooftop will be landscaped and screened for privacy. No extraordinary signage or lighting features are proposed.*

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

*The Project complies with all relevant requirements and standards of the Planning Code and is consistent with objectives and policies of the General Plan as detailed in Subsection 10 below.*

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

*The proposed project is consistent with the stated purposes of NC Districts in that the proposed neighborhood-serving Community Institutional Use (Child Care Facility) is located at the ground and second floors, which will provide a compatible convenience service for the immediately surrounding neighborhoods during daytime hours.*

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

- A. The intensity of activity in the district is not such that allowing the larger use will be likely to foreclose the location of other needed neighborhood-serving uses in the area.

*The existing vacant commercial space already exceeds the 4,000 square-foot threshold. The proposed Child Care Facility will not prevent other neighborhood-serving uses from operating.*

- B. The proposed use will serve the neighborhood, in whole or in significant part, and the nature of the use requires a larger size in order to function.

*The proposed Child Care Facility will primarily draw from the immediate neighborhood, with some students coming from farther away. The larger use size allows for efficiencies in staffing, scheduling, and programming for the students' needs.*

- C. The building in which the use is to be located is designed in discrete elements which respect the scale of development in the district.

*The existing building occupies the entire 75-foot commercial frontage along Haight Street. The proposed street frontage is articulated with discrete design elements and has been reviewed and is supported by the Planning Department's Design Review staff.*

- 9. Dwelling Unit Removal Findings.** Section 317 of the Planning Code establishes criteria for the Planning Commission to consider when reviewing applications to demolish or convert residential buildings. In addition to the criteria of Section 303(c) of this Code, the Commission shall consider the extent to which the following criteria are met:

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

*A review of the Department of Building Inspection and the Planning Department databases showed some code violations for the subject property including the subject property being abandoned, foundation issues and sewage backup.*

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

*The existing building appears to have been vacant since 2017 with several Code violations relating to the subject property being abandoned, foundation issues and sewage backup.*

- C. Whether the property is an "historical resource" under CEQA;

*Although the existing building is more than 50 years old, a review of supplemental information resulted in a determination that the property is not an historical resource.*

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

*The structure is not an historical resource and its removal will not have a substantial adverse impact.*

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

*The existing single-family dwelling is vacant. The Project Sponsor has indicated that all eighteen (18) new dwelling units will be rental units.*

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

*The Planning Department cannot definitively determine whether or not the single-family home is subject*

*to the Rent Stabilization and Arbitration Ordinance; this being under the purview of the Rent Board. The Project Sponsor, however, has indicated that the existing single-family dwelling is vacant, and that there will be a net increase of seventeen (17) rental units as a result of the Project.*

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

*Although the Project proposes the demolition of an existing dwelling unit, the new construction project will result in seventeen (17) additional dwelling units containing more habitable square feet and bedrooms.*

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

*The Project conserves neighborhood character with appropriate scale, design, and materials, and improves cultural and economic diversity by constructing multi-unit residential uses above neighborhood-serving uses that are consistent with the provisions of the Lower Haight Street Neighborhood Commercial Zoning District.*

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

*The project removes an older dwelling unit, which is generally considered more affordable than more recently constructed units. However, the project also results in seventeen (17) additional units, greater habitable floor area, and more bedrooms that contribute positively to the City's housing stock.*

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

*The Project proposes to designate two (2) of the units (representing 12% of the total) as permanently affordable, consistent with its obligations under Planning Code Section 415.*

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

*The Project represents the redevelopment of an underutilized parcel within an established neighborhood at a dwelling unit density consistent with the requirements of the Lower Haight Street Neighborhood Commercial Zoning District.*

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

*The Project proposes enhanced opportunities for family-sized housing on-site by constructing eight (8) two-bedroom units whereas the property currently contains only one 5-bedroom dwelling unit.*

- M. Whether the Project creates new supportive housing;

*The Project does not create supportive housing.*

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

*On balance, the overall scale, design, and materials of the proposed buildings are consistent with the block face and compliment the neighborhood character with traditional building materials and a contemporary design.*

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

*The Project would add seventeen (17) additional dwelling units to the site.*

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

*The existing dwelling contains five bedrooms. The proposal includes eight (8) two-bedroom units and ten (10) one-bedroom units, representing a net increase of twenty-one (21) bedrooms.*

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

*The project will maximize the allowed density on-site by providing nine (9) principally permitted dwelling units and nine (9) accessory dwelling units.*

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

*The Planning Department cannot definitively determine whether the single-family home is subject to the Rent Stabilization and Arbitration Ordinance; this being under the purview of the Rent Board. The new project will replace the existing five-bedroom dwelling unit with eighteen (18) dwelling units containing more bedrooms.*

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

**HOUSING ELEMENT**

**Objectives and Policies**

**OBJECTIVE 1**

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

**Policy 1.1**

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

Policy 1.2

Focus housing growth and infrastructure necessary to support growth according to community plans. Complete planning underway in key opportunity areas such as Treasure Island, Candlestick Park and Hunter's Point Shipyard.

Policy 1.10

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

**OBJECTIVE 4**

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

Policy 4.1

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

Policy 4.4

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

Policy 4.5

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

**OBJECTIVE 11**

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

Policy 11.1

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

Policy 11.2

Ensure implementation of accepted design standards in project approvals.

Policy 11.3

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

Policy 11.4

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

Policy 11.6

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

Policy 11.8

Consider a neighborhood's character when integrating new uses, and minimize disruption caused by expansion of institutions into residential areas.

**OBJECTIVE 12**

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

Policy 12.2

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

**URBAN DESIGN ELEMENT**

**Objectives and Policies**

**OBJECTIVE 1**

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

Policy 1.3

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

Policy 1.7

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

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

*The Project would provide additional density in a transit rich area of the City. The Project is located within ¼ mile of the 6 – Haight/Parnassus, 7 – Haight/Noriega, 7X – Noriega Express, 21 – Hayes and 22 – Fillmore MUNI bus routes and the J and N MUNI Metro lines. The Project also provides bicycle parking for residents and their guests.*

*The Lower Haight Street NCD is a linear, mixed-use corridor that consists of residential units above ground-story commercial uses. The Project conforms to the purposes of the Lower Haight Street NCD in that it would add multi-unit residential uses above active uses at grade along Haight Street. Housing development is specifically encouraged on upper stories within the District and the Project succeeds in providing both a dense number of dwelling units overall while also having almost half of the units in the Project containing at least two bedrooms. Overall, the project's design is complementary to the context of the district, while*

*providing a neighborhood-serving Child Care Facility and new housing to the neighborhood. For all these reasons, the Project is on balance, consistent with the Objectives and Policies of the General Plan.*

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

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

*The project site does not possess any neighborhood-serving retail uses, as the ground floor commercial space is current vacant. The Project proposes a Child Care Facility to serve neighborhood residents and eighteen (18) new dwelling units, which will enhance the nearby retail uses by providing new residents, who may patron and/or own these businesses.*

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

*The subject property is occupied by one vacant dwelling unit. The Project would provide eighteen (18) new dwelling units, thus resulting in an overall increase in the neighborhood housing stock. In addition, the Project would add a Child Care Facility (a Community Institutional use), which will provide an active use along the Haight Street frontage. The Project is expressive in design and relates well to the scale and form of the surrounding neighborhood. For these reasons, the Project would protect and preserve the cultural and economic diversity of the neighborhood.*

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

*The Project does not currently possess any existing affordable housing. The Project will comply with the City's Inclusionary Housing Program by providing two (2) below-market rate dwelling units for rent. Therefore, the Project will increase the stock of affordable housing units in the City.*

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

*The subject property is well served by nearby public transportation options. The Project is located within ¼ mile of the 6 – Haight/Parnassus, 7 – Haight/Noriega, 7X – Noriega Express, 21 – Hayes and 22 – Fillmore MUNI bus routes and the J and N MUNI Metro lines. The Project also provides bicycle parking for residents and their guests.*

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

*The Project does not include commercial office development. The Project proposes a new Community Institutional use, thus assisting in diversifying the neighborhood character.*

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

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

- G. That landmarks and historic buildings be preserved.

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

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

*Since the Project is not more than 40-ft tall, additional study of the shadow impacts was not required per Planning Code Section 295.*

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

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

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



## DECISION

That based upon the Record, the submissions by the Applicant, the staff of the Department and other interested parties, the oral testimony presented to this Commission at the public hearings, and all other written materials submitted by all parties, the Commission hereby **APPROVES Conditional Use Authorization Application No. 2016-013012CUA** subject to the following conditions attached hereto as “EXHIBIT A” in general conformance with plans on file, dated January 21, 2021, and stamped “EXHIBIT B”, which is incorporated herein by reference as though fully set forth.

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

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

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

I hereby certify that the Planning Commission ADOPTED the foregoing Motion on September 2, 2021.

Jonas P. Ionin  
Commission Secretary

AYES: Tanner, Diamond, Fung, Imperial, Koppel

NAYS: Moore

ABSENT: Chan

ADOPTED: September 2, 2021

## EXHIBIT A

### Authorization

This authorization is for a conditional use to allow the demolition of an existing two-story building containing one dwelling unit above ground floor retail space and the construction of a new 4-story building containing 9 principally-permitted dwelling units and 9 accessory dwelling units above two floors of Child Care Facility (Community Institutional) uses totaling approximately 9,942 square feet at 478-484 Haight Street, Block 0849 Lot 019 pursuant to Planning Code Section(s) 121.2, 303 and 317 within the Lower Haight Street Neighborhood Commercial Zoning District and a 40-X Height and Bulk District; in general conformance with plans, dated January 21, 2021, and stamped "EXHIBIT B" included in the docket for Record No. 2016-013012CUA and subject to conditions of approval reviewed and approved by the Commission on September 2, 2021 under Motion No. 20976. 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 September 2, 2021 under Motion No. 20976.

### Printing of Conditions of Approval on Plans

The conditions of approval under the 'Exhibit A' of this Planning Commission Motion No. 20976 shall be reproduced on the Index Sheet of construction plans submitted with the site or building permit application for the Project. The Index Sheet of the construction plans shall reference to the Conditional Use authorization and any subsequent amendments or modifications.

### Severability

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

### Changes and Modifications

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

## CONDITIONS OF APPROVAL, COMPLIANCE, MONITORING, AND REPORTING

### Performance

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

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

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

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

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

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

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

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

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

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

6. **Additional Project Authorization.** The Project Sponsor must obtain administrative approval from the Zoning Administrator authorizing a waiver from density controls of the Lower Haight Street NCD Zoning District to allow for nine (9) Accessory Dwelling Units under Sections 207(c)(4) and 307(l).

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

## **Entertainment Commission – Noise Attenuation Conditions**

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

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

In addition to these standard recommendations, the Planning Commission adopts these site-specific conditions into the development approval for this project:

- F. **Design Considerations.** Project sponsor shall design for and use soundproofing materials along the east property wall abutting Nickie's restaurant and bar.
- G. **Communication.** Project Sponsor shall include the written discloser below advising future tenants that the building is adjacent to a Place of Entertainment and that elevated levels of noise or odor may be expected at certain times, and that said tenants acknowledge this in their written lease agreements.

"DISCLOSURE OF NEIGHBORING PLACE OF ENTERTAINMENT. You are purchasing or leasing property that is adjacent or nearby to Nickie's, at 466 Haight Street. This venue is an existing Place of Entertainment, as defined in Police Code Section 1060, which includes establishments such as live music venues, nightclubs and theaters. This establishment may subject you to inconveniences or discomfort arising from or associated with its operations, which may include, but are not limited to, nighttime noise, odors, and litter. One or more of the inconveniences or discomforts may occur even if the Place of Entertainment is operating in conformance with existing laws and regulations and locally accepted customs and standards for operations of such use. If you live near a Place of Entertainment, you should be prepared to accept such inconveniences or discomforts as a normal and necessary aspect of living in a neighborhood with mixed commercial and residential uses."

## Design – Compliance at Plan Stage

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

*For information about compliance, contact the Case Planner, Planning Department at 628.652.7359, [www.sfplanning.org](http://www.sfplanning.org)*

- 9. **Kitchens.** The Project Sponsor shall submit revised floor plans showing full kitchens, which shall be subject to Department staff review and approval. The architectural addenda shall be reviewed and approved by the Planning Department prior to issuance.

*For information about compliance, contact the Case Planner, Planning Department at 628.652.7359, [www.sfplanning.org](http://www.sfplanning.org)*

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

*For information about compliance, contact the Case Planner, Planning Department at 628.652.7359, [www.sfplanning.org](http://www.sfplanning.org)*

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

*For information about compliance, contact the Case Planner, Planning Department at 628.652.7359, [www.sfplanning.org](http://www.sfplanning.org)*

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

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

## Parking and Traffic

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

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

*For information about compliance, contact the TDM Performance Manager at [tdm@sfgov.org](mailto:tdm@sfgov.org) or 628.652.7340, [www.sfplanning.org](http://www.sfplanning.org)*

- 14. Bicycle Parking.** Pursuant to Planning Code Sections 155, 155.1, and 155.2, the Project shall provide no fewer than 47 bicycle parking spaces (18 Class 1 spaces and 1 Class 2 space for the residential portion of the Project and 14 Class 1 spaces and 14 Class 2 spaces for the commercial portion of the Project). SFMTA has final authority on the type, placement and number of Class 2 bicycle racks within the public ROW. Prior to issuance of first architectural addenda, the project sponsor shall contact the SFMTA Bike Parking Program at [bikeparking@sfmta.com](mailto:bikeparking@sfmta.com) to coordinate the installation of on-street bicycle racks and ensure that the proposed bicycle racks meet the SFMTA's bicycle parking guidelines. Depending on local site conditions and anticipated demand, SFMTA may request the project sponsor pay an in-lieu fee for Class II bike racks required by the Planning Code.

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

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

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

## Provisions

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

*For information about compliance, contact the Case Planner, Planning Department at 628.652.7359, [www.sfplanning.org](http://www.sfplanning.org)*

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

*For information about compliance, contact the First Source Hiring Manager at 415.581.2335, [www.onestopSF.org](http://www.onestopSF.org)*

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

*For information about compliance, contact the Case Planner, Planning Department at 628.652.7359, [www.sfplanning.org](http://www.sfplanning.org)*

- 19. Residential Child Care Impact Fee.** The Project is subject to the Residential Child Care Fee, as applicable, pursuant to Planning Code Section 414A.

*For information about compliance, contact the Case Planner, Planning Department at 628.652.7359, [www.sfplanning.org](http://www.sfplanning.org)*

## Affordable Housing

- 20. Number of Required Units.** Pursuant to Planning Code Section 415.6, the Project is required to provide 12% of the proposed dwelling units as affordable to qualifying households. The Project contains 18 units; therefore, 2 affordable units are required. The Project will fulfill this requirement by providing the 2 affordable units on-site. If the number of market-rate units change, the number of required affordable units shall be modified accordingly with written approval from the Planning Department in consultation with the Mayor's

Office of Housing and Community Development (“MOHCD”).

*For information about compliance, contact the Case Planner, Planning Department at (628) 652-7359, [www.sfplanning.org](http://www.sfplanning.org) or the Mayor’s Office of Housing and Community Development at (415) 701-5500, [www.sfmohcd.org](http://www.sfmohcd.org).*

- 21. Unit Mix.** The Project contains 8 one-bedroom and 10 two-bedroom units; therefore, the required affordable unit mix is 1 one-bedroom and 1 two-bedroom units. If the market-rate unit mix changes, the affordable unit mix will be modified accordingly with written approval from the Planning Department in consultation with MOHCD.

*For information about compliance, contact the Case Planner, Planning Department at (628) 652-7359, [www.sfplanning.org](http://www.sfplanning.org) or the Mayor’s Office of Housing and Community Development at (415) 701-5500, [www.sfmohcd.org](http://www.sfmohcd.org).*

- 22. Income Levels for Affordable Units.** Pursuant to Planning Code Section 415.3, the Project is required to provide 12% of the proposed dwelling units as affordable to qualifying households at a rental rate of 55% of Area Median Income. If the number of market-rate units change, the number of required affordable units shall be modified accordingly with written approval from Planning Department staff in consultation with the Mayor’s Office of Housing and Community Development (“MOHCD”).

*For information about compliance, contact the Case Planner, Planning Department at (628) 652-7359, [www.sfplanning.org](http://www.sfplanning.org) or the Mayor’s Office of Housing and Community Development at (415) 701-5500, [www.sfmohcd.org](http://www.sfmohcd.org).*

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

*For information about compliance, contact the Case Planner, Planning Department at (628) 652-7359, [www.sfplanning.org](http://www.sfplanning.org) or the Mayor’s Office of Housing and Community Development at (415) 701-5500, [www.sfmohcd.org](http://www.sfmohcd.org).*

- 24. Minimum Unit Sizes.** Affordable units are not required to be the same size as the market rate units and may be 90% of the average size of the specified unit type. For buildings over 120 feet in height, as measured under the requirements set forth in the Planning Code, the average size of the unit type may be calculated for the lower 2/3 of the building as measured by the number of floors.

*For information about compliance, contact the Case Planner, Planning Department at (628) 652-7359, [www.sfplanning.org](http://www.sfplanning.org) or the Mayor’s Office of Housing and Community Development at (415) 701-5500, [www.sfmohcd.org](http://www.sfmohcd.org).*



- 25. Conversion of Rental Units.** In the event one or more of the Rental Units are converted to Ownership units, the project sponsor shall either (A) reimburse the City the proportional amount of the inclusionary affordable housing fee, which would be equivalent to the then-current inclusionary affordable fee requirement for Owned Units, or (B) provide additional on-site or off-site affordable units equivalent to the difference between the on-site rate for rental units approved at the time of entitlement and the then-current inclusionary requirements for Owned Units. The additional units shall be apportioned among the required number of units at various income levels in compliance with the requirements in effect at the time of conversion.

*For information about compliance, contact the Case Planner, Planning Department at (628) 652-7359, [www.sfplanning.org](http://www.sfplanning.org) or the Mayor's Office of Housing and Community Development at (415) 701-5500, [www.sfmohcd.org](http://www.sfmohcd.org).*

- 26. Notice of Special Restrictions.** The affordable units shall be designated on a reduced set of plans recorded as a Notice of Special Restrictions on the property prior to the issuance of the architectural addenda.

*For information about compliance, contact the Case Planner, Planning Department at (628) 652-7359, [www.sfplanning.org](http://www.sfplanning.org) or the Mayor's Office of Housing and Community Development at (415) 701-5500, [www.sfmohcd.org](http://www.sfmohcd.org).*

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

*For information about compliance, contact the Case Planner, Planning Department at (628) 652-7359, [www.sfplanning.org](http://www.sfplanning.org) or the Mayor's Office of Housing and Community Development at (415) 701-5500, [www.sfmohcd.org](http://www.sfmohcd.org).*

- 28. Expiration of the Inclusionary Rate.** Pursuant to Planning Code Section 415.6(a)(10), if the Project has not obtained a site or building permit within 30 months of Planning Commission Approval of this Motion No. 20976, then it is subject to the Inclusionary Affordable Housing Requirements in effect at the time of site or building permit issuance.

*For information about compliance, contact the Case Planner, Planning Department at (628) 652-7359, [www.sfplanning.org](http://www.sfplanning.org) or the Mayor's Office of Housing and Community Development at (415) 701-5500, [www.sfmohcd.org](http://www.sfmohcd.org).*

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

*For information about compliance, contact the Case Planner, Planning Department at (628) 652-7359, [www.sfplanning.org](http://www.sfplanning.org) or the Mayor's Office of Housing and Community Development at (415) 701-5500, [www.sfmohcd.org](http://www.sfmohcd.org).*

- 30. Other Affordable Housing Conditions.** The Project is subject to the requirements of the Inclusionary Affordable Housing Program under Section 415 et seq. of the Planning Code and City and County of San Francisco Inclusionary Affordable Housing Program Monitoring and Procedures Manual ("Procedures Manual"). The

Procedures Manual, as amended from time to time, is incorporated herein by reference, as published and adopted by the Planning Commission, and as required by Planning Code Section 415. Terms used in these conditions of approval and not otherwise defined shall have the meanings set forth in the Procedures Manual. A copy of the Procedures Manual can be obtained at the MOHCD at 1 South Van Ness Avenue or on the Planning Department or MOHCD websites, including on the internet at:

<http://sf-planning.org/Modules/ShowDocument.aspx?documentid=4451>.

As provided in the Inclusionary Affordable Housing Program, the applicable Procedures Manual is the manual in effect at the time the subject units are made available for sale.

*For information about compliance, contact the Case Planner, Planning Department at (628) 652-7359, [www.sfplanning.org](http://www.sfplanning.org) or the Mayor's Office of Housing and Community Development at (415) 701-5500, [www.sfmohcd.org](http://www.sfmohcd.org).*

- a. The affordable unit(s) shall be designated on the building plans prior to the issuance of the first construction document by the Department of Building Inspection ("DBI"). The affordable unit(s) shall (1) be constructed, completed, ready for occupancy and marketed no later than the market rate units, and (2) be evenly distributed throughout the building floor plates; and (3) be of comparable overall quality, construction and exterior appearance as the market rate units in the principal project. The interior features in affordable units should be generally the same as those of the market units in the principal project, but need not be the same make, model or type of such item as long they are of good and new quality and are consistent with then-current standards for new housing. Other specific standards for on-site units are outlined in the Procedures Manual.
- b. If the units in the building are offered for rent, the affordable unit(s) shall be rented to low-income households, as defined in the Planning Code and Procedures Manual. The initial and subsequent rent level of such units shall be calculated according to the Procedures Manual. Limitations on (i) occupancy; (ii) lease changes; (iii) subleasing, and; are set forth in the Inclusionary Affordable Housing Program and the Procedures Manual.
- c. The Project Sponsor is responsible for following the marketing, reporting, and monitoring requirements and procedures as set forth in the Procedures Manual. MOHCD shall be responsible for overseeing and monitoring the marketing of affordable units. The Project Sponsor must contact MOHCD at least six months prior to the beginning of marketing for any unit in the building.
- d. Required parking spaces shall be made available to initial buyers or renters of affordable units according to the Procedures Manual.
- e. Prior to the issuance of the first construction permit by DBI for the Project, the Project Sponsor shall record a Notice of Special Restriction on the property that contains these conditions of approval and a reduced set of plans that identify the affordable units satisfying the requirements of this approval. The Project Sponsor shall promptly provide a copy of the recorded Notice of Special Restriction to the Department and to MOHCD or its successor.
- f. If the Project fails to comply with the Inclusionary Affordable Housing Program requirement, the Director

of DBI shall deny any and all site or building permits or certificates of occupancy for the development project until the Planning Department notifies the Director of compliance. A Project's failure to comply with the requirements of Planning Code Section 415 et seq. shall constitute cause for the City to record a lien against the development project and to pursue any and all available remedies at law, including penalties and interest, if applicable.

## Monitoring - After Entitlement

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

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

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

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

## Operation

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

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

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

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

- 35. Rent Stabilization and Arbitration Ordinance.** As required by Planning Code Section 207(c)(4)(G), the property owner(s) shall enter into a Regulatory Agreement with the City under Planning Code Section 207 (c)(4)(H) subjecting the ADU(s) to the San Francisco Residential Rent Stabilization and Arbitration Ordinance (Chapter 37 of the Administrative Code) as a condition of approval of the ADU(s). For purposes of this requirement, Rental Units shall be as defined in Section 37.2(r) of the Administrative Code.

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

DESIGN NARRATIVE

THE SITE IS COMPRISED OF A SINGLE 7,125 S.F. PARCEL (BLOCK 0849 / LOT 019). THE SITE IS ZONED "NCD - LOWER HAIGHT NEIGHBORHOOD COMMERCIAL DISTRICT" AND IS LOCATED IN THE LOWER HAIGHT DISTRICT. IT CONTAINS AN EXISTING 2-STORY SINGLE FAMILY RESIDENTIAL OVER COMMERCIAL BUILDING WITH A HISTORIC SURVEY RATING OF "C" CONSTRUCTED IN 1903. THE PROPOSAL IS TO DEMOLISH THIS STRUCTURE AND REPLACE IT WITH (9) DWELLING UNITS, (9) ACCESSORY DWELLING UNITS AND A TWO LEVEL CHILDCARE SPACE. THE PROJECT IS PROPOSED AS NINE PRINCIPALLY PERMITTED DWELLING UNITS, AND NINE ACCESSORY DWELLING UNITS.

SITE INFORMATION

ADDRESS	478-484 HAIGHT
BLOCK / LOT	0849 / 019
LOT WIDTH x DEPTH	75' x 95'
LOT AREA	7,125 S.F.
# OF EXISTING RESIDENTIAL UNITS	1 (VACANT)
# OF EXISTING RETAIL SPACES	1 (VACANT)

ZONING INFORMATION

ZONING	NCD	\$711
HEIGHT LIMIT	40-X	\$250
RESIDENTIAL DENSITY	1 PER 800 S.F. = 9	\$711.91

PROPOSED PROJECT INFORMATION

# OF RESIDENTIAL UNITS	9	\$207
# ACCESSORY DWELLING UNITS	9	\$207(4)(C)(I)
# OF CHILDCARE SPACES	1	\$206.7
BUILDING HEIGHT	40'-0"	\$206.6
VEHICLE PARKING	0	\$151.1
BICYCLE PARKING	36	TABLE 155.2
CONDITIONAL USE AUTHORIZATIONS	DWELLING UNIT REMOVAL	\$317
	NON-RESIDENTIAL USE >4,000 S.F.	\$121.2

RESIDENTIAL OPEN SPACE REQUIREMENT PER §135(d):

	REQUIRED	PROVIDED
OPEN SPACE	COMMON (18 UNITS) x 133 S.F. =2,394 S.F.	2,394 S.F.

TRANSPORTATION DEMAND MANAGEMENT (ZONE 247)

CATEGORY	OFFICE (CHILDCARE)	RESIDENTIAL
AREA / DWELLING UNITS	9,764 S.F. (OCCUPIED FLOOR AREA)	18 UNITS
% OF DWELLINGS 2+ BEDROOMS		44.4
ACCESSORY PARKING		0
TARGET POINTS	N/A	10
MEASURES		PKG-4 & ACTIVE-2 (A)
CURRENT POINTS		12

AREA CALCULATION

FLOOR	CHILD CARE #478	RESIDENTIAL #480									SUB-TOTAL	STORAGE / UTILITY	COMMON	TOTAL GROSS
		1	2	3	4	5	6	7	8	9				
		1 BR/1BA	2 BR/2BA	1 BR/1BA	1 BR/1BA	1 BR/1BA	2 BR/2BA	1 BR/1BA	2 BR/2BA	2 BR/2BA				
4TH FLOOR		365	666	332	315	313	674	329	684	584	4,262		1,102	5,364
3RD FLOOR		365	666	332	315	313	674	329	684	584	4,262		1,102	5,364
2ND FLOOR	4,809										4,809		553	5,362
1ST FLOOR	4,955										4,955	491	1,520	6,966
TOTAL	9,764										8,524	491	4,277	23,056

TOTAL PROPOSED CHILDCARE AREA = 9,764 S.F.  
TOTAL PROPOSED RESIDENTIAL AREA = 8,524 S.F.  
TOTAL PROPOSED STORAGE/UTILITY AREA = 491 S.F.  
TOTAL PROPOSED COMMON AREA = 4,277 S.F.  
TOTAL GROSS AREA = 23,056 S.F.

NOTE:

AREA CALCULATION AS SHOWN IS INTENDED FOR PERMIT APPLICATION PURPOSES ONLY AND SHALL NOT BE USED FOR SELLING OR LEASING PURPOSES. FINAL SQUARE FOOTAGE AND FINISHED DIMENSIONS MAY VARY FROM THESE PLANS DUE TO CONSTRUCTION VARIABLES.

\* UNIT AREA INCLUDES NET AREA INSIDE OF UNIT ONLY

\*\* COMMON AREA INCLUDES ALL AREAS OUTSIDE OF UNIT (COMMON STAIR/HALLWAY, EXTERIOR WALLS, ETC.)

BEDROOMS PER UNIT			
	1 BR	2 BR	SUB-TOTAL
4TH FLOOR	5	4	9
3RD FLOOR	5	4	9
TOTAL	10	8	18

TOTAL UNIT COUNT = 18  
PERCENTAGE OF 1 BR = 10 55.6%  
PERCENTAGE OF 2 BR = 8 44.4%

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- 18SURVEY

VICINITY MAP







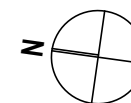
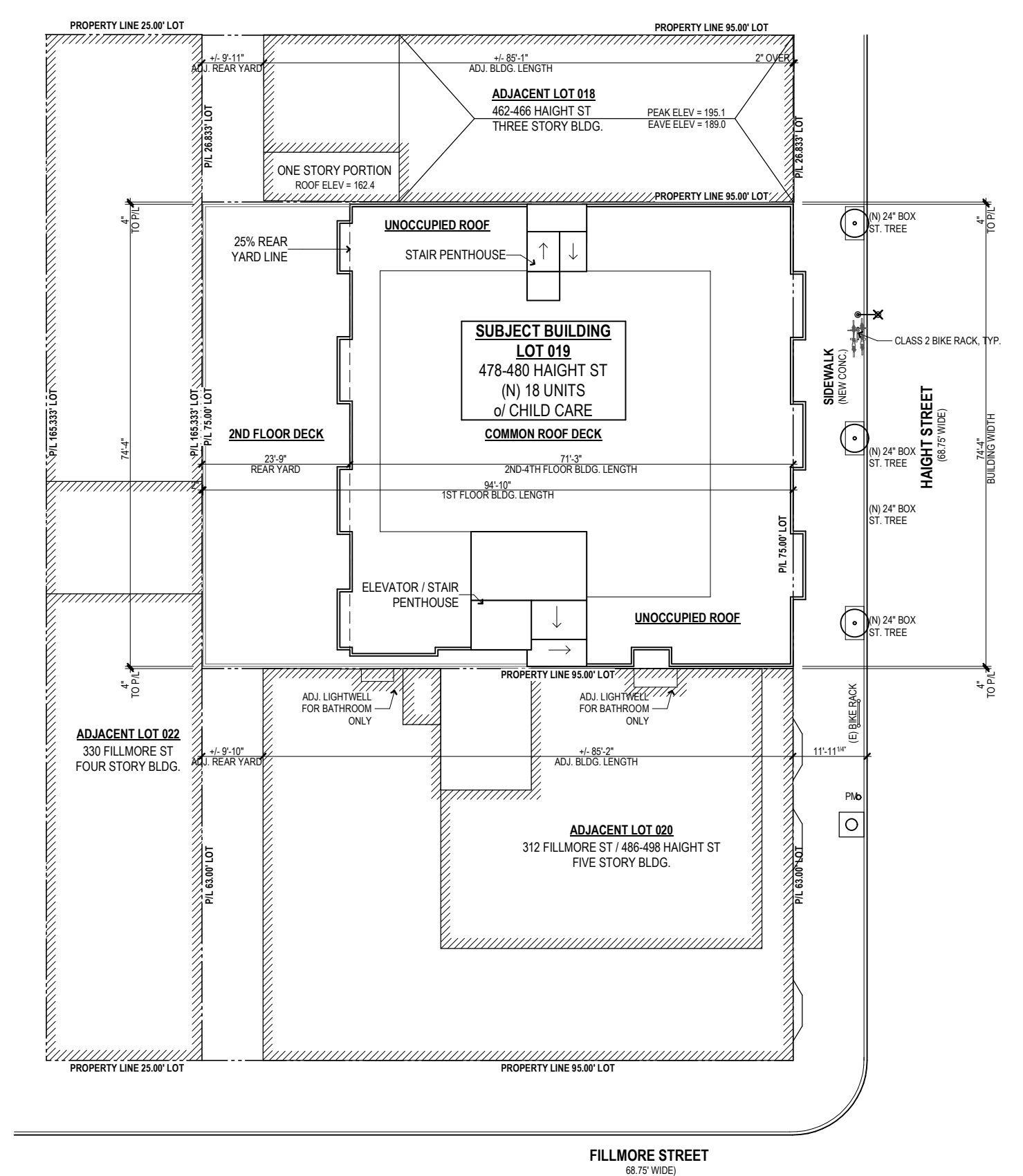
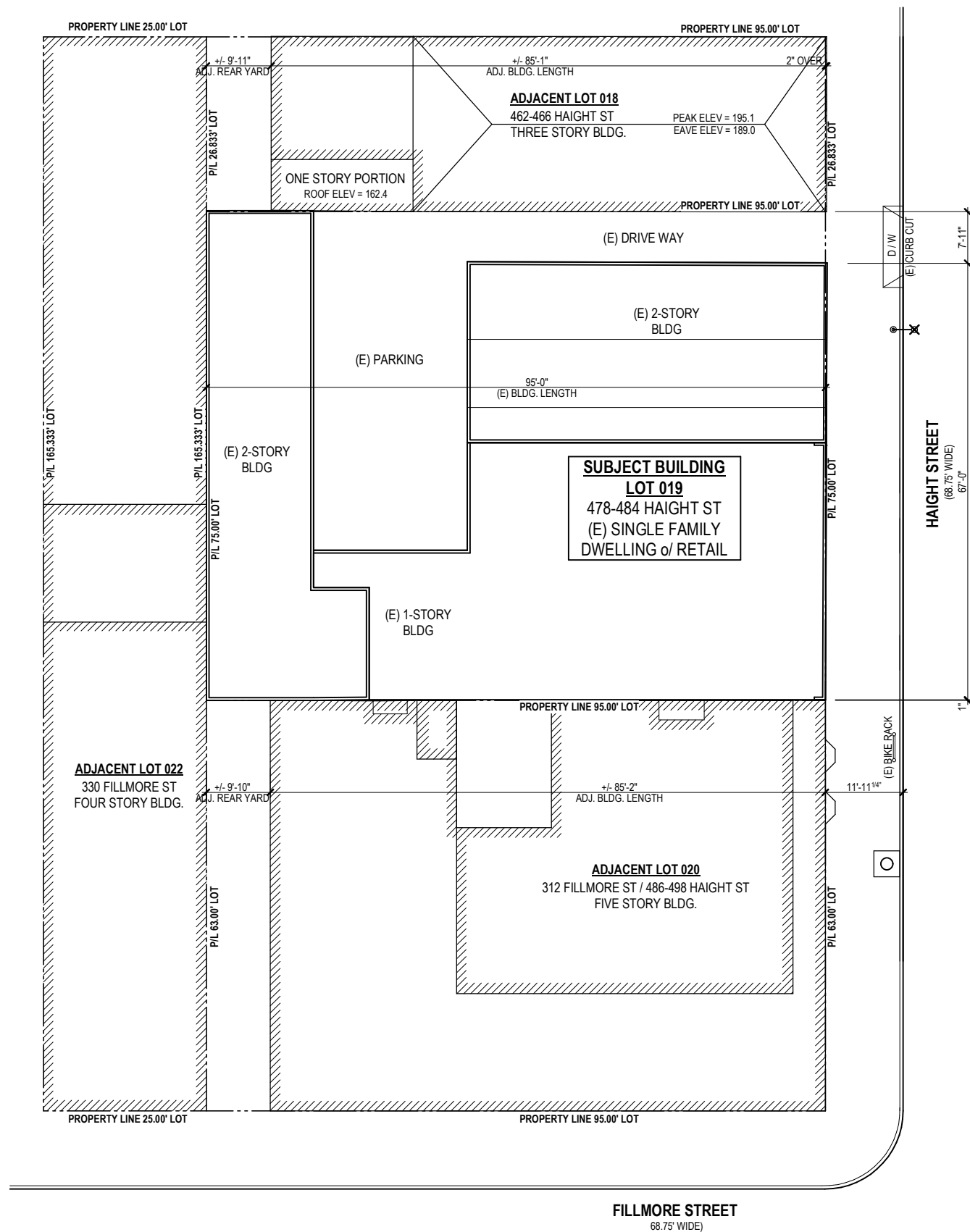
LOOKING NORTHEAST AT SUBJECT SITE ON HAIGHT ST.



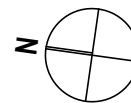
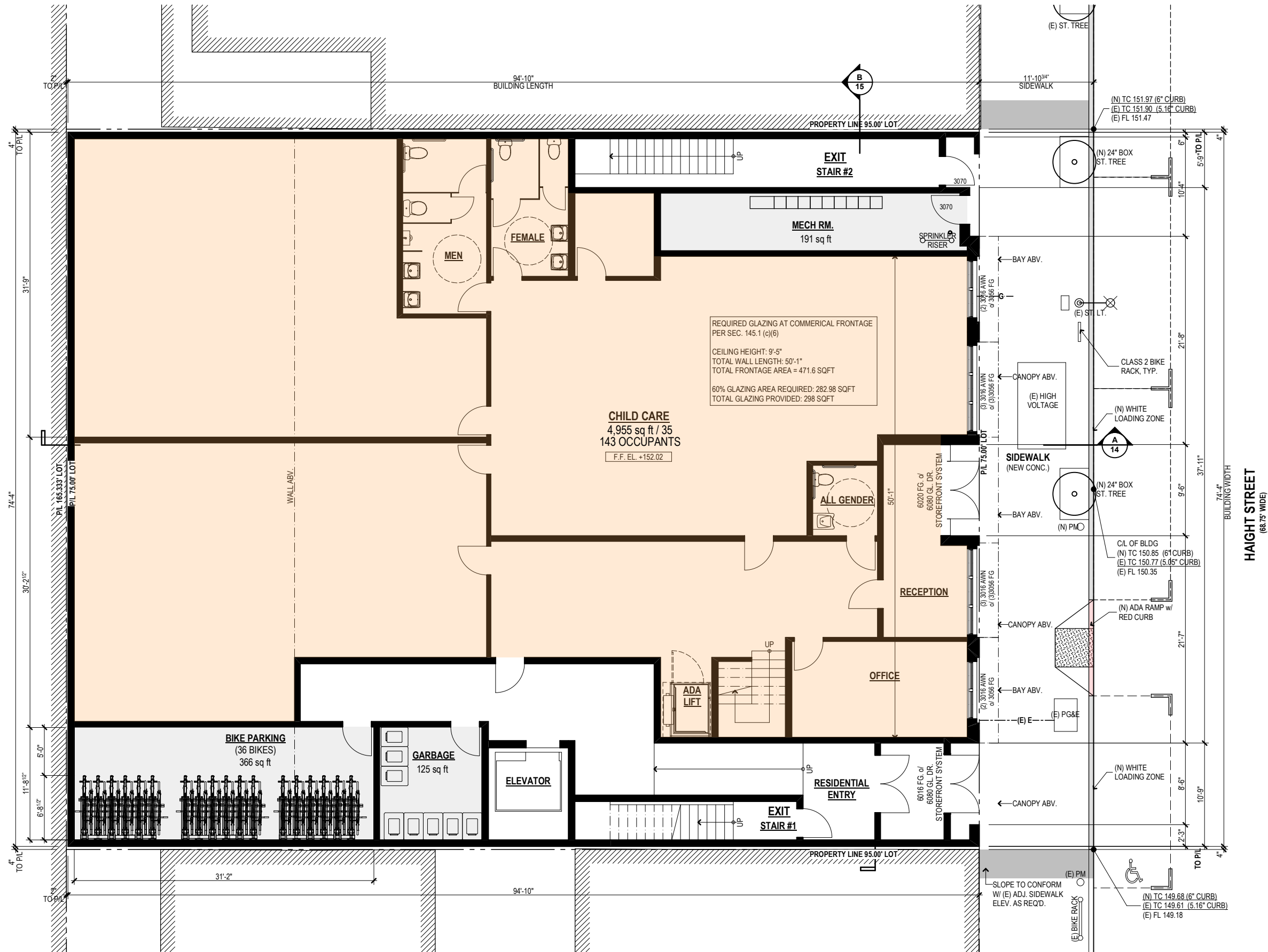


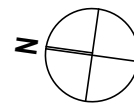
LOOKING NORTHWEST AT SUBJECT SITE ON HAIGHT ST.

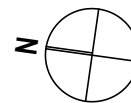
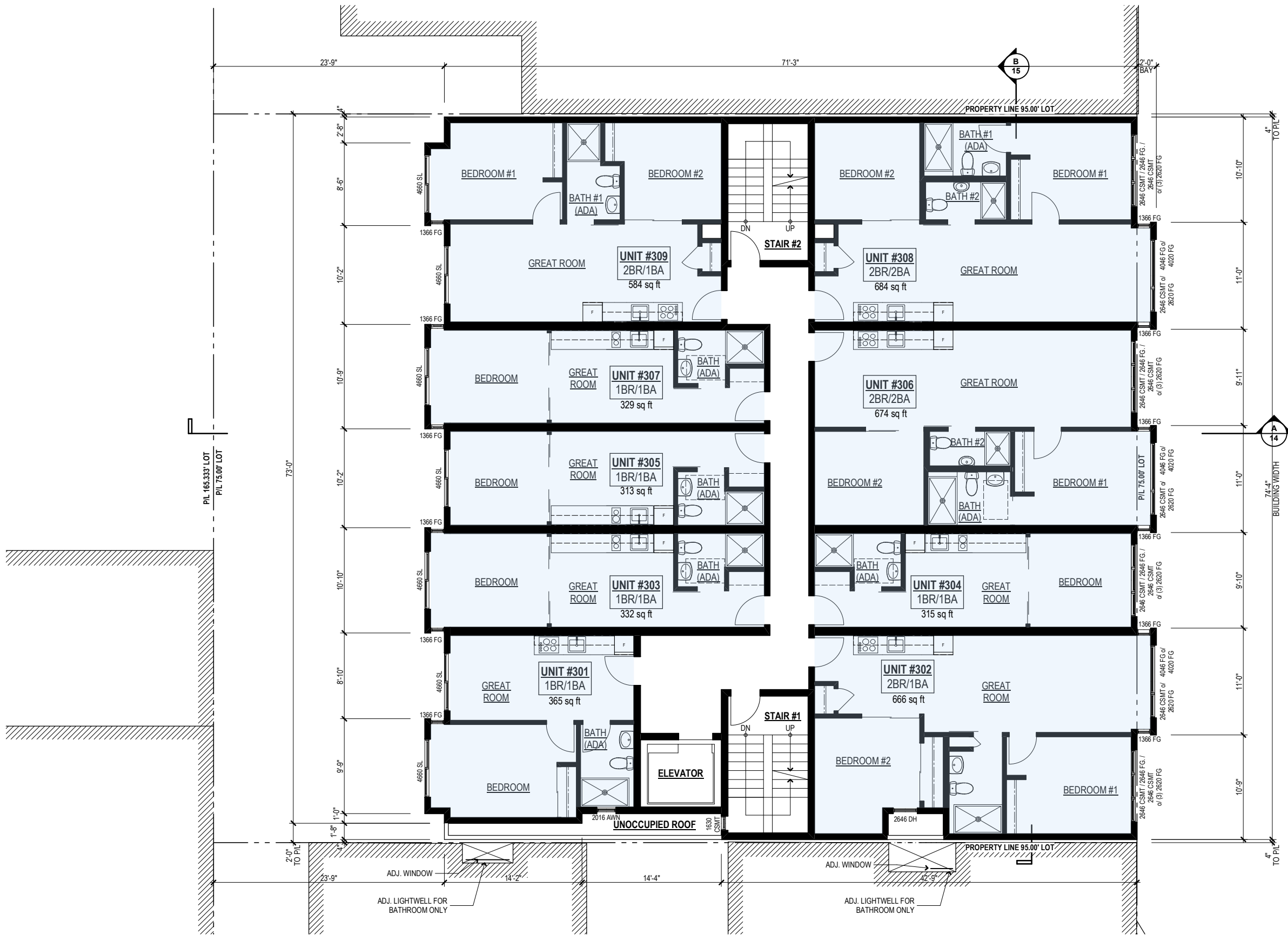




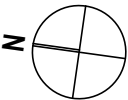
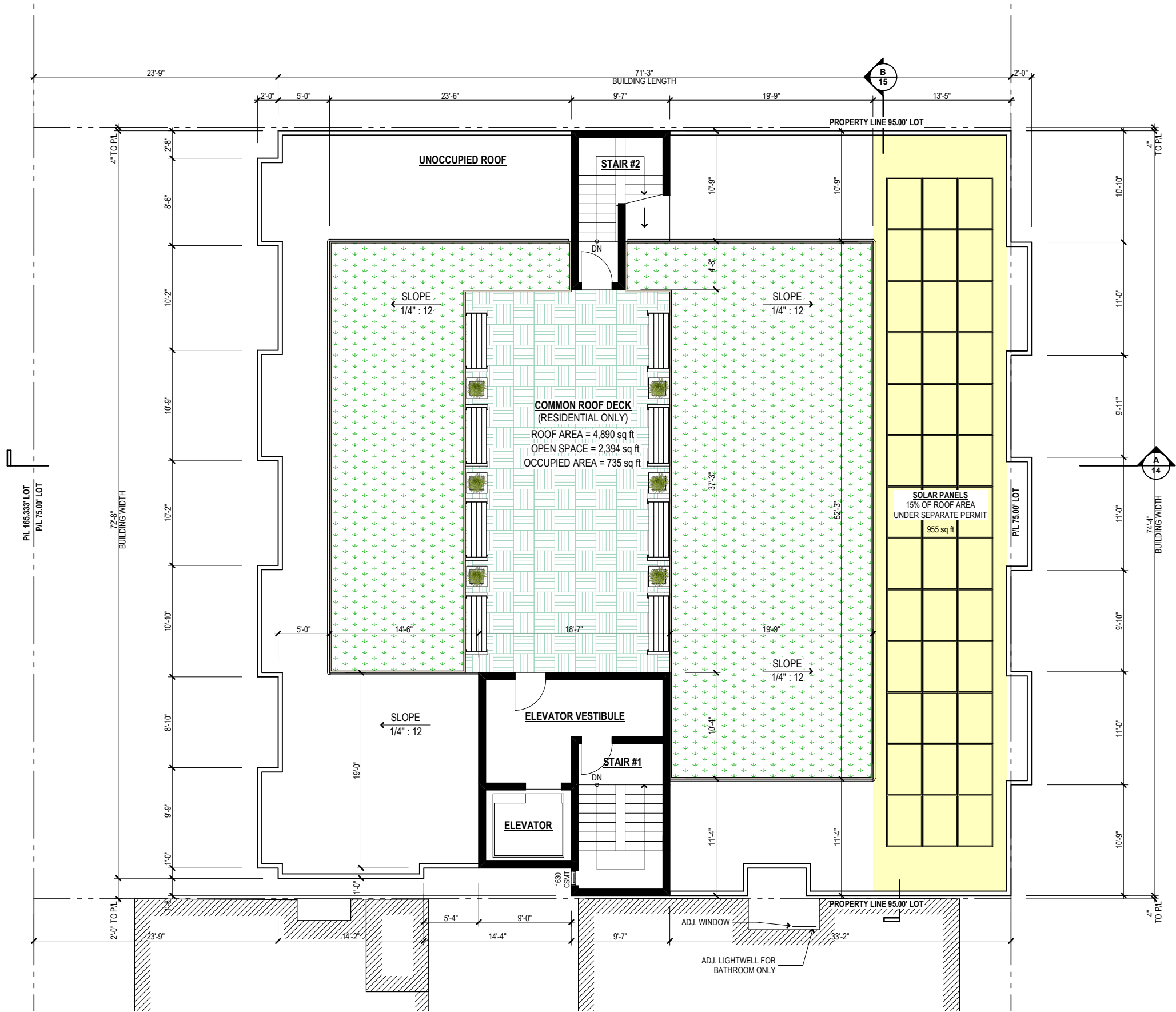




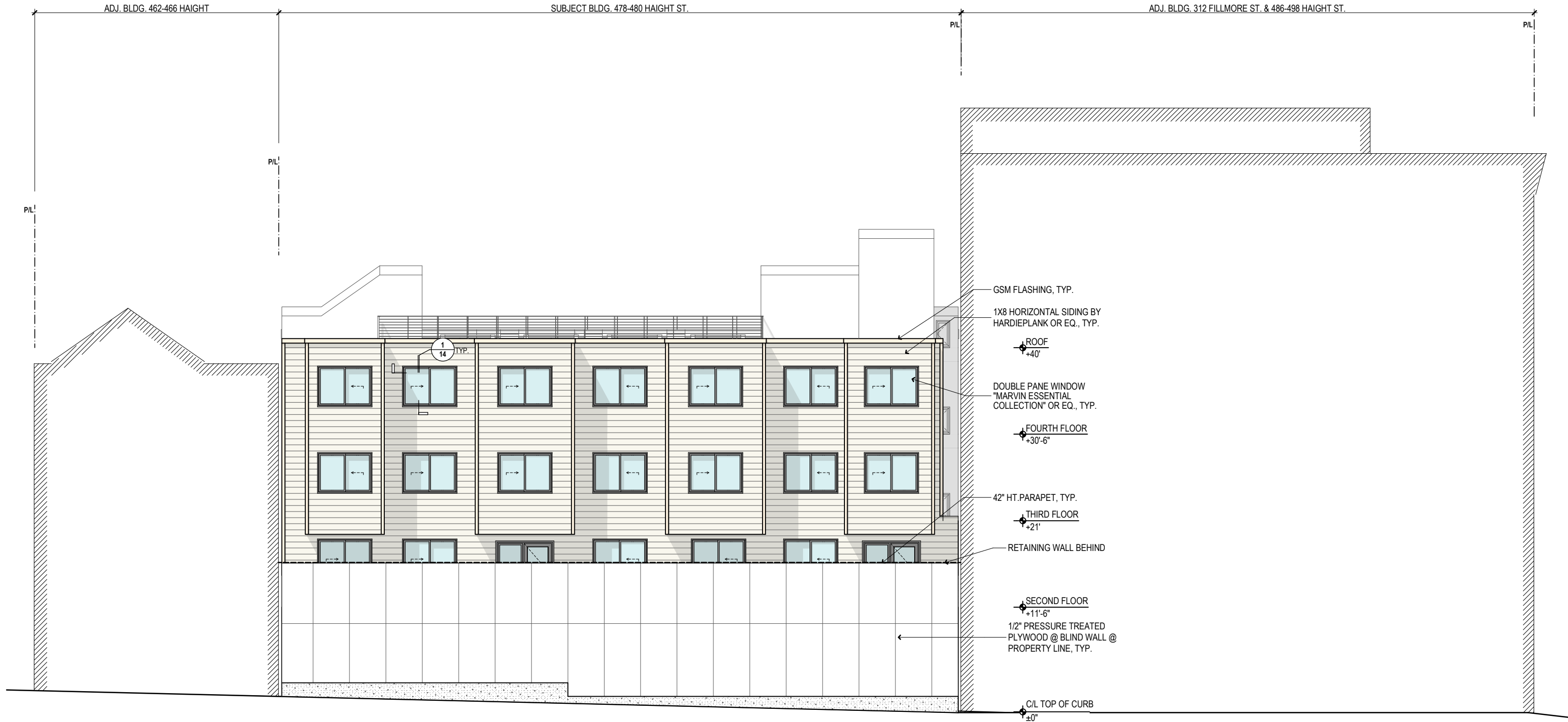




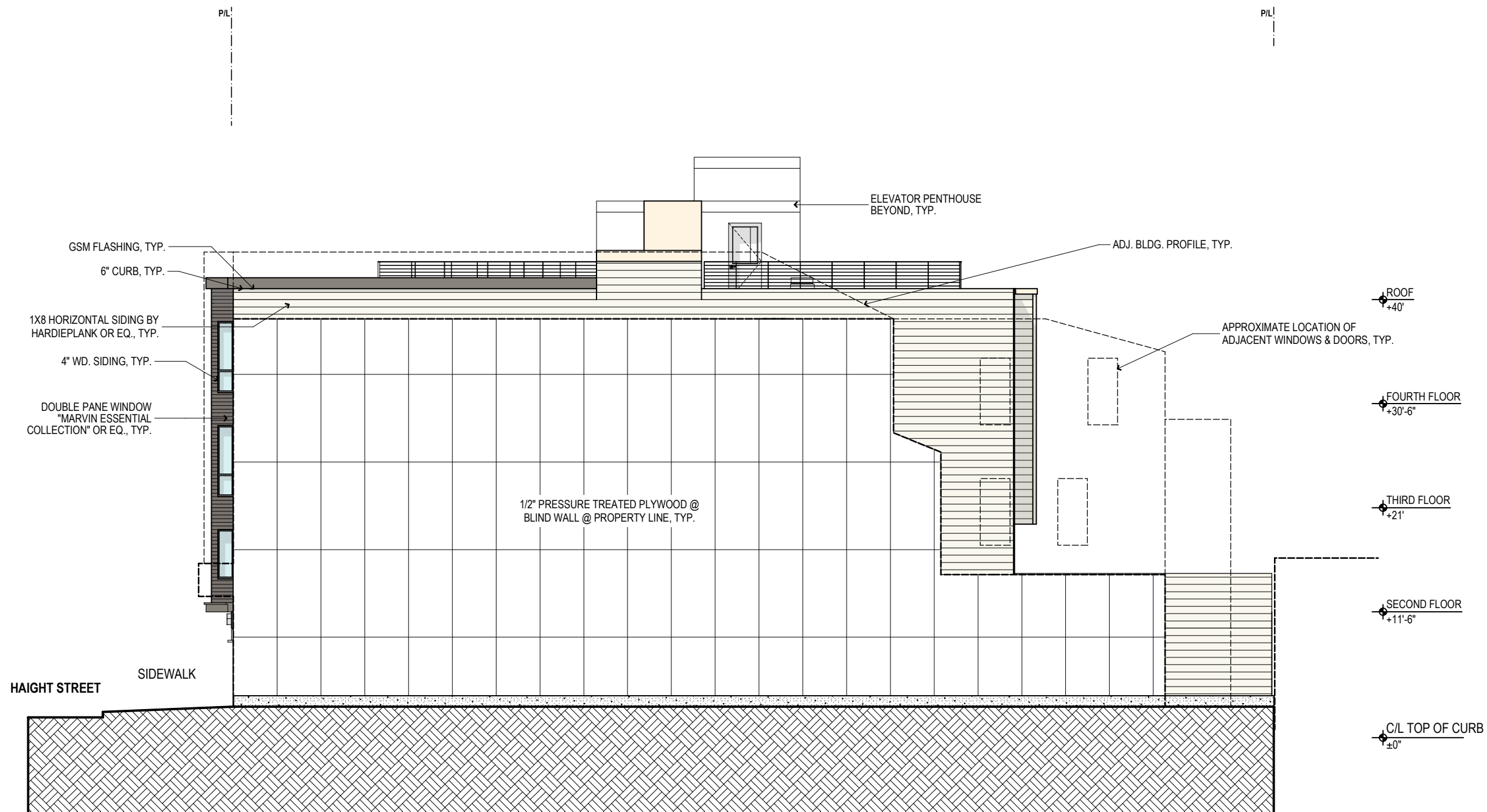




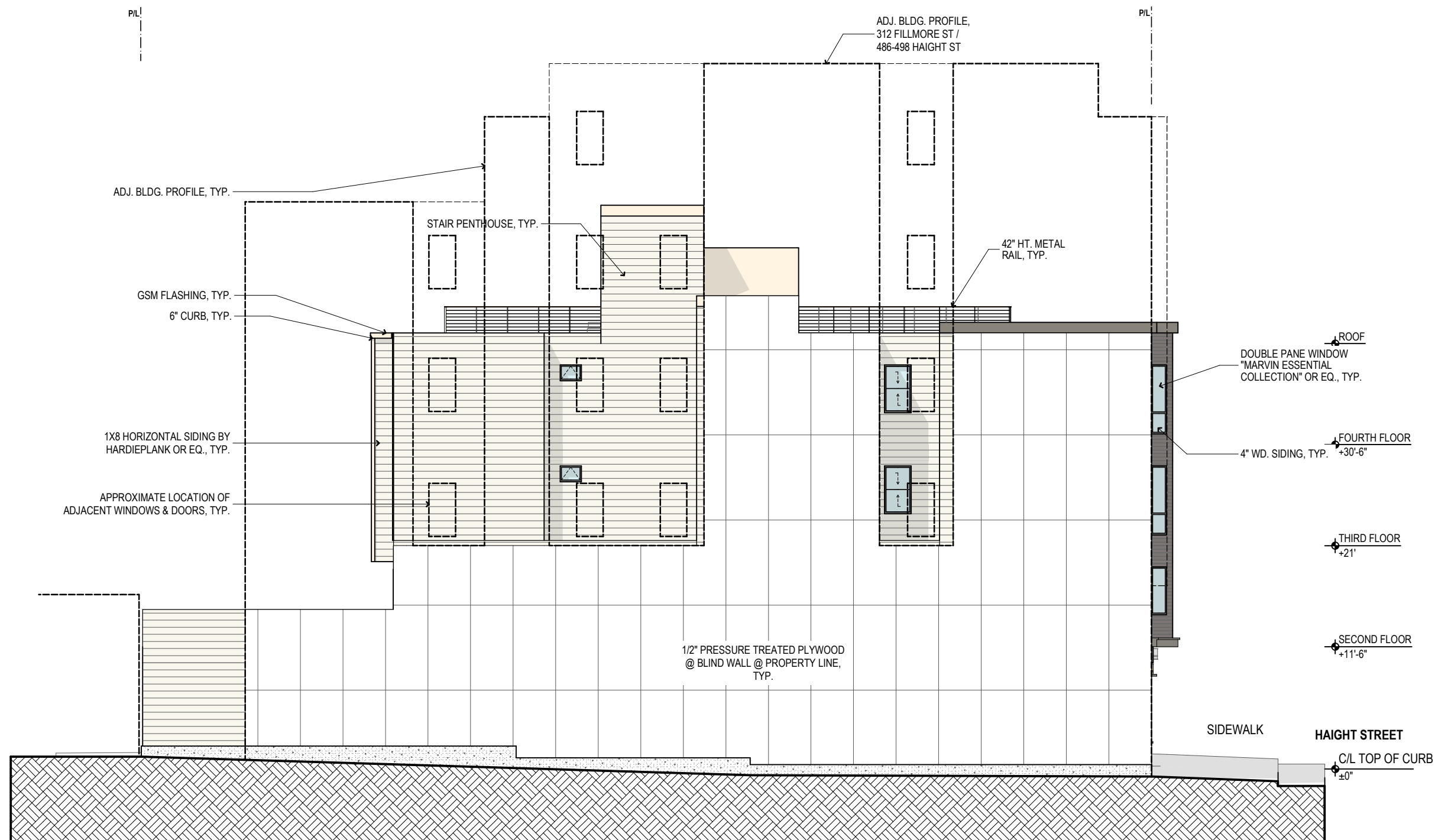


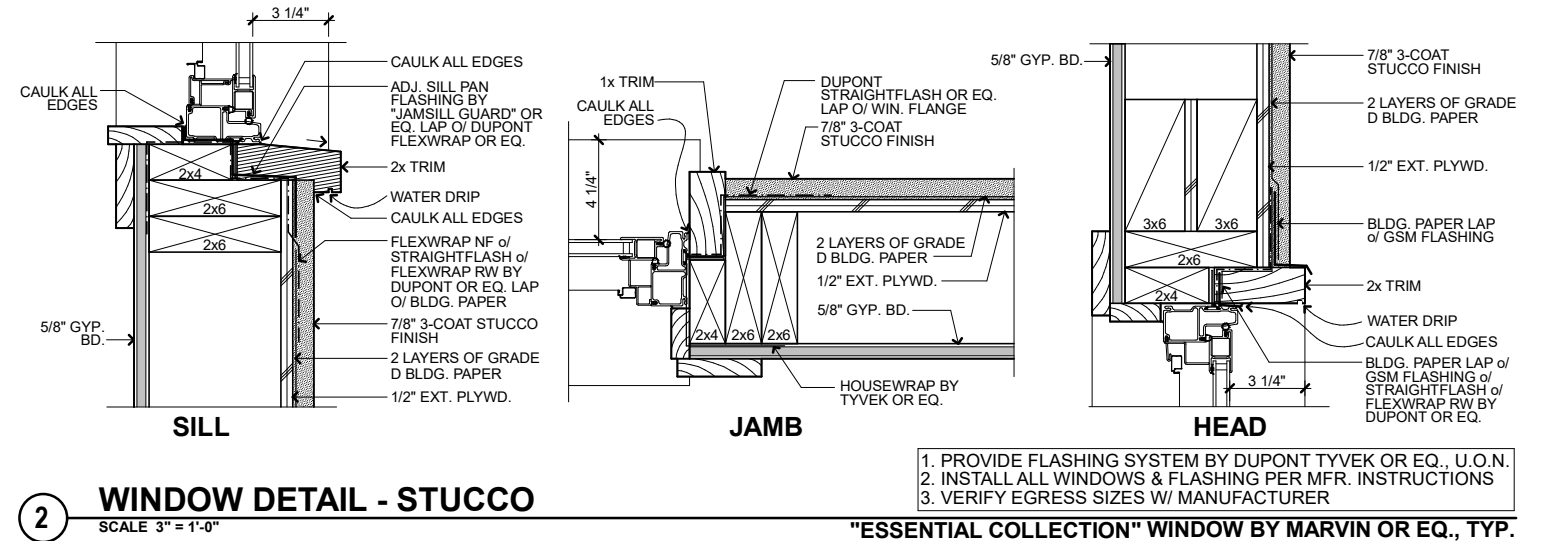
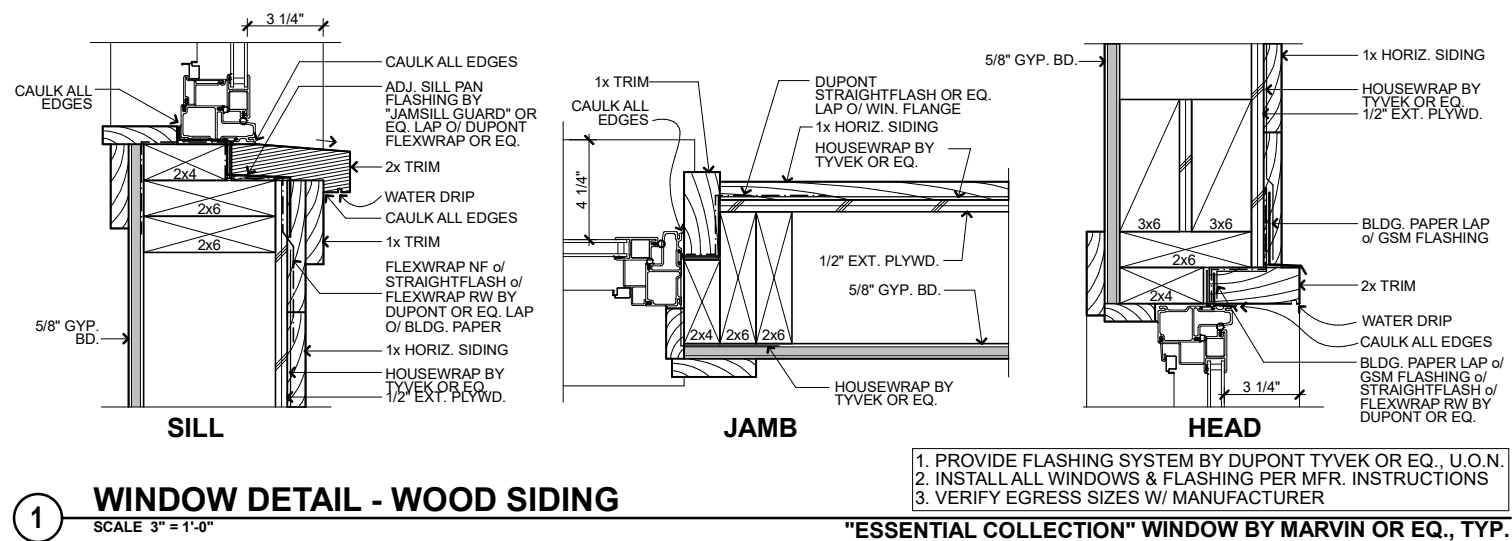


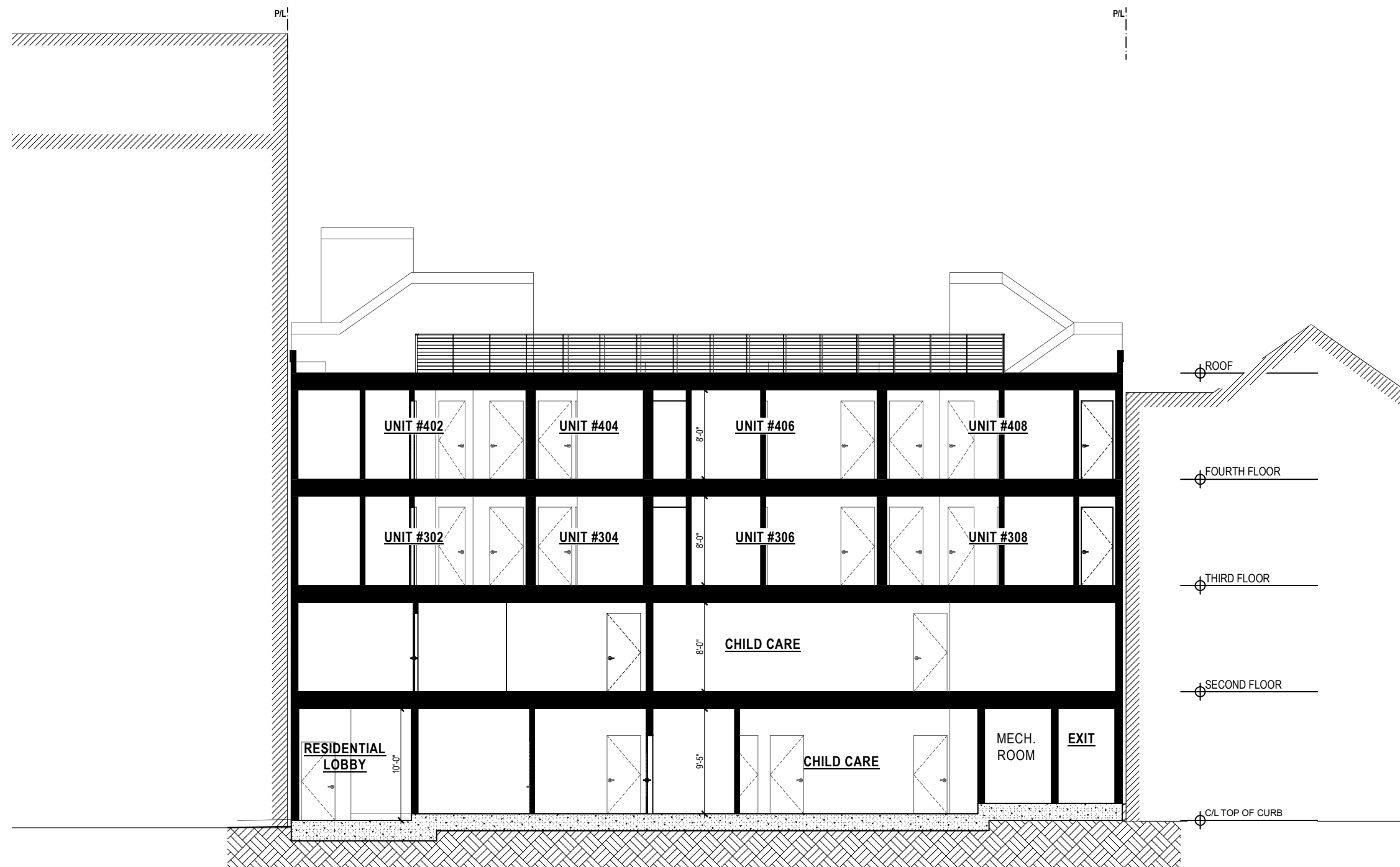


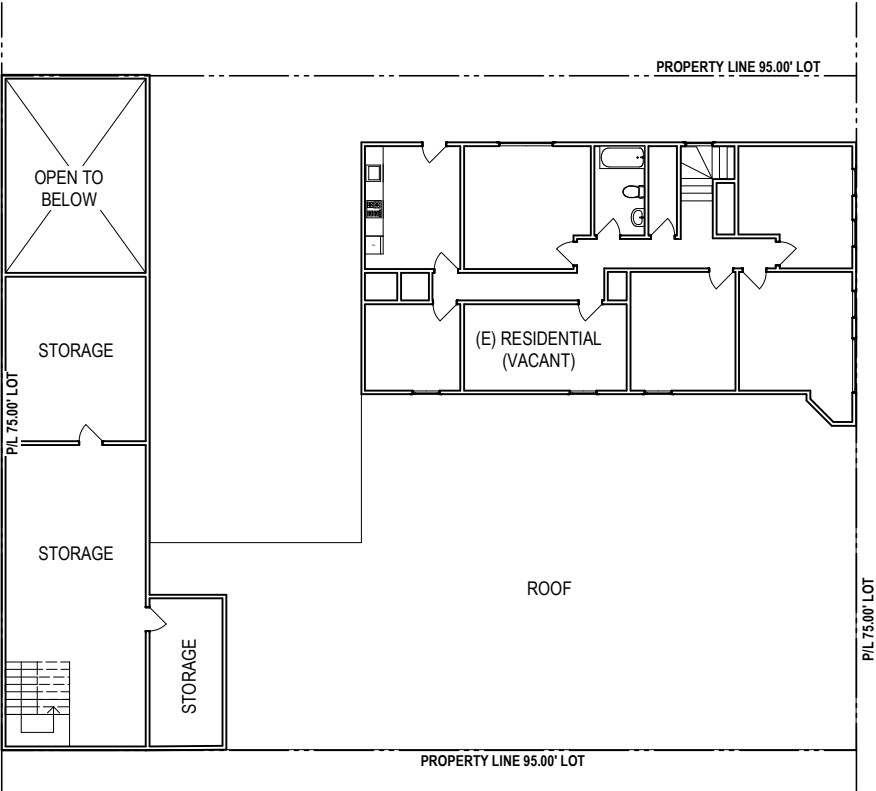




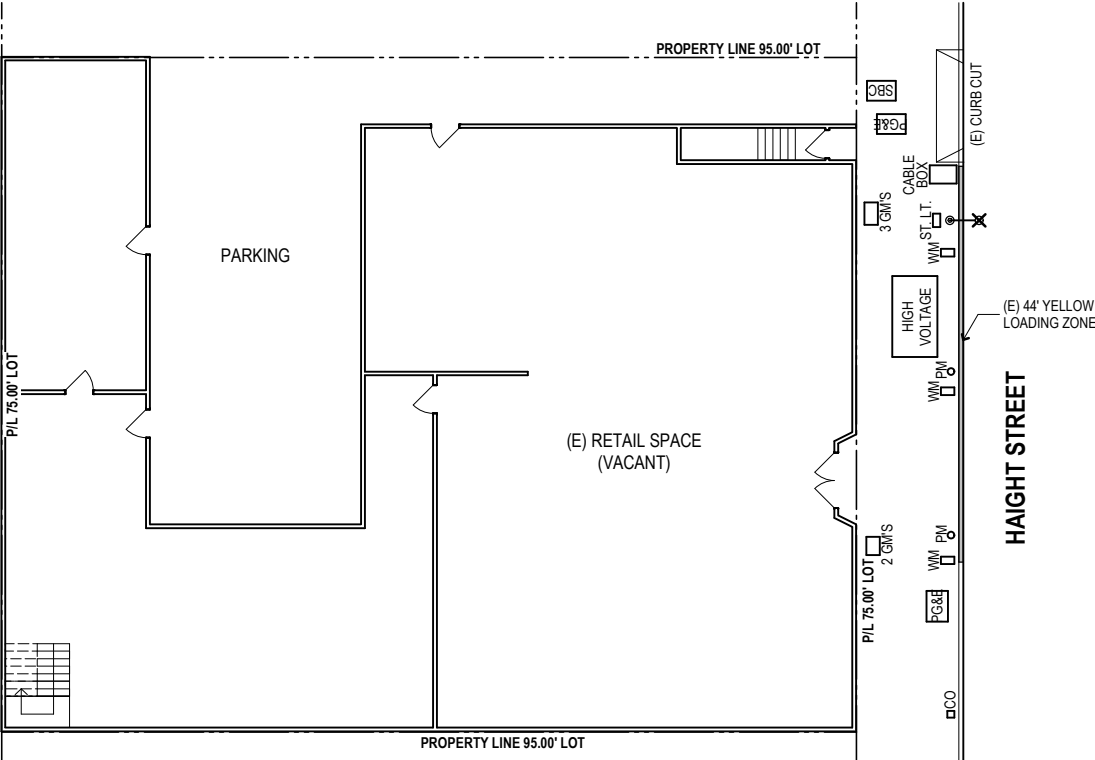








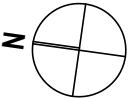
EXISTING SECOND FLOOR

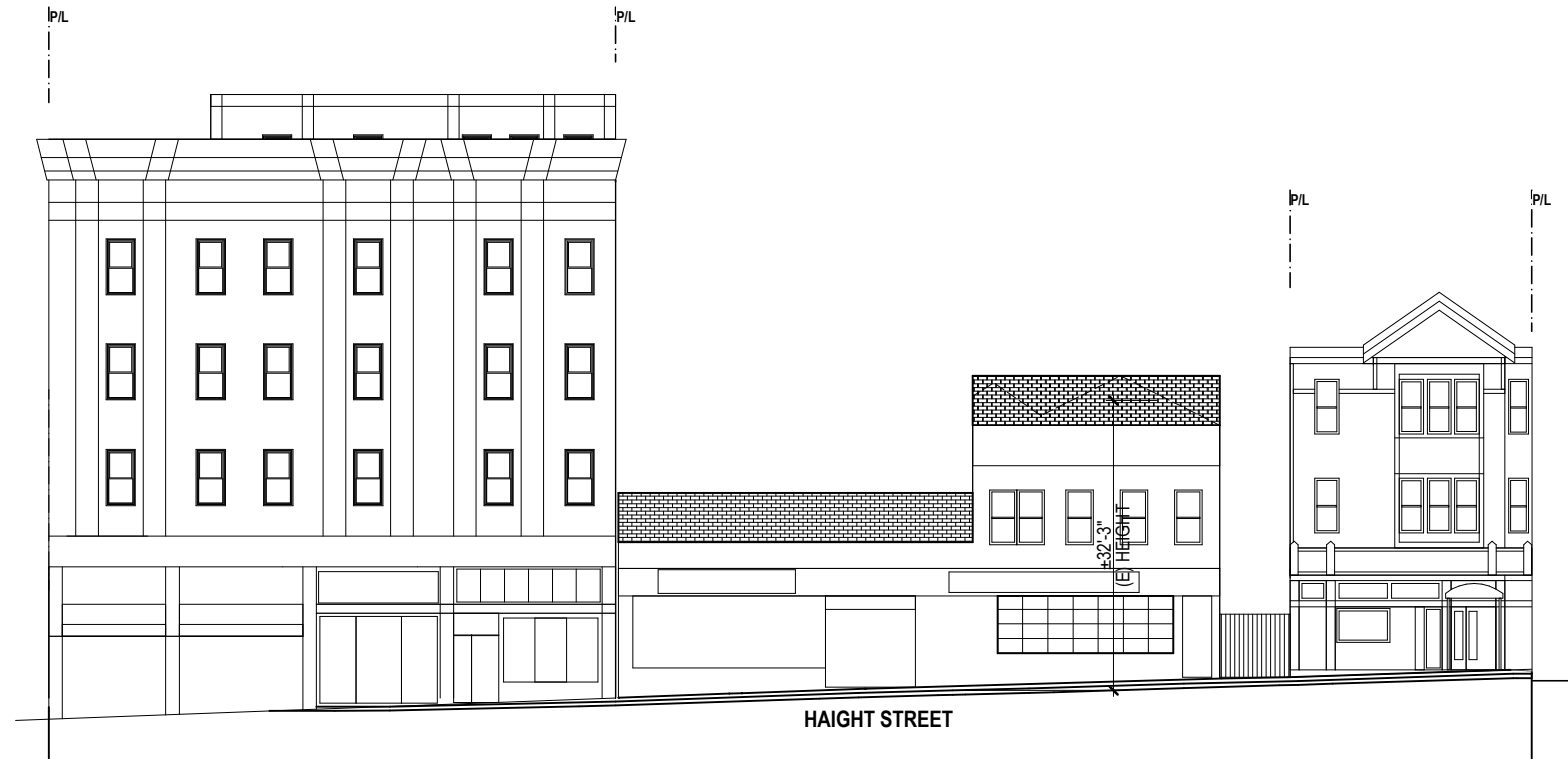


EXISTING GROUND FLOOR

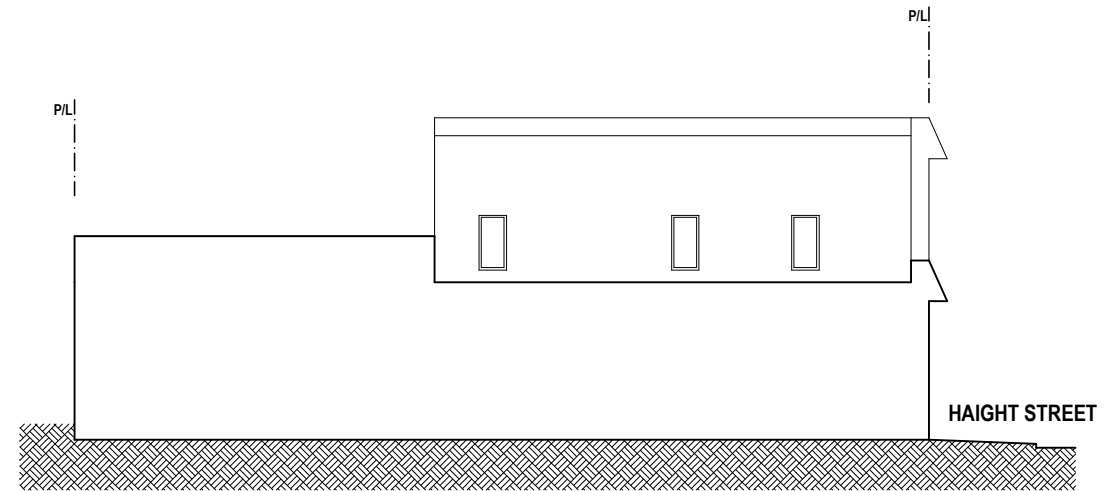
EXISTING PROPERTY INFORMATION	
ADDRESS	478-484 HAIGHT
BLOCK / LOT	0849 / 019
LOT WIDTH x AVG. DEPTH	75' x 95'
LOT AREA	7,125 S.F.
# OF RESIDENTIAL UNITS	1 (VACANT)
GROUND FLOOR OCCUPANCY	RETAIL (VACANT)

EXISTING GROSS SQUARE FOOTAGE CALCULATION:	
2ND FLOOR (RESIDENTIAL)	1,555
GROUND FLOOR (RETAIL)	5,491
TOTAL	7,046

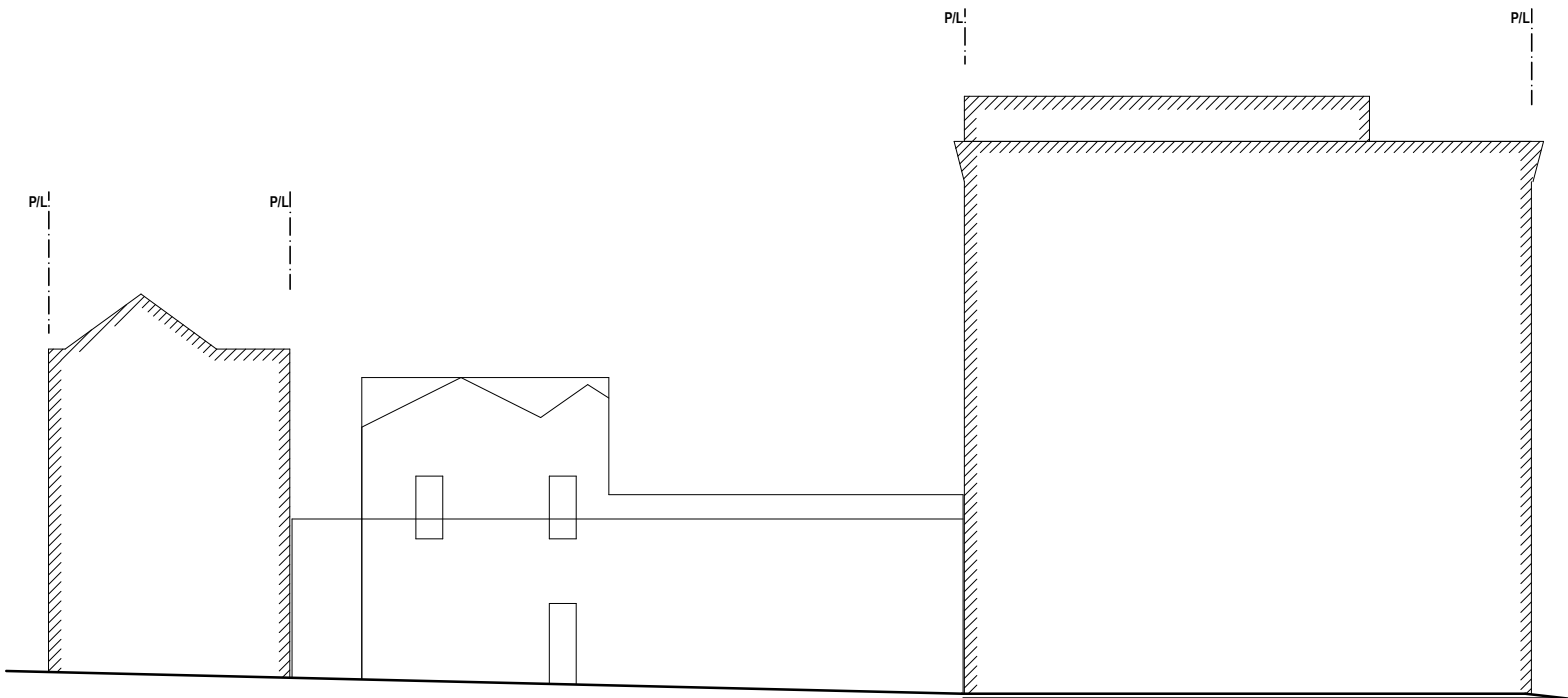




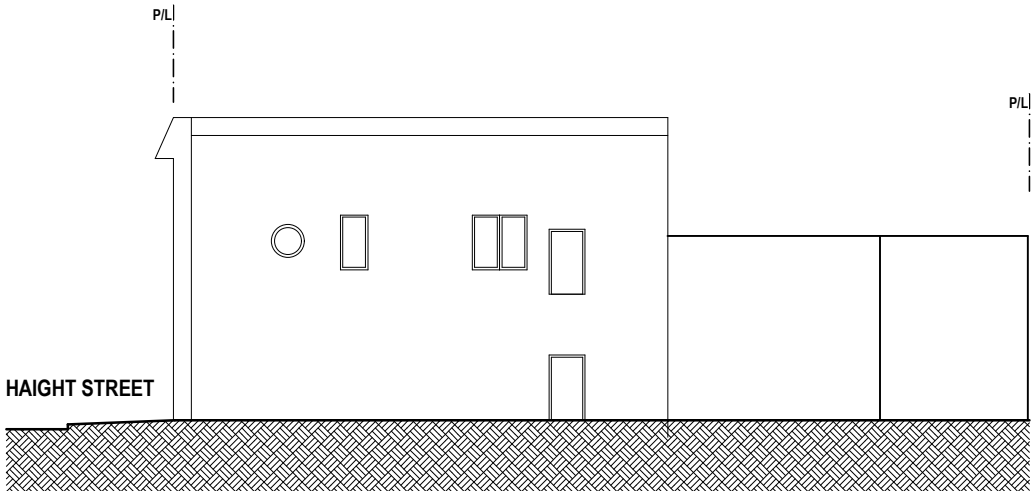
EXISTING FRONT ELEVATION



EXISTING LEFT ELEVATION FACING WEST

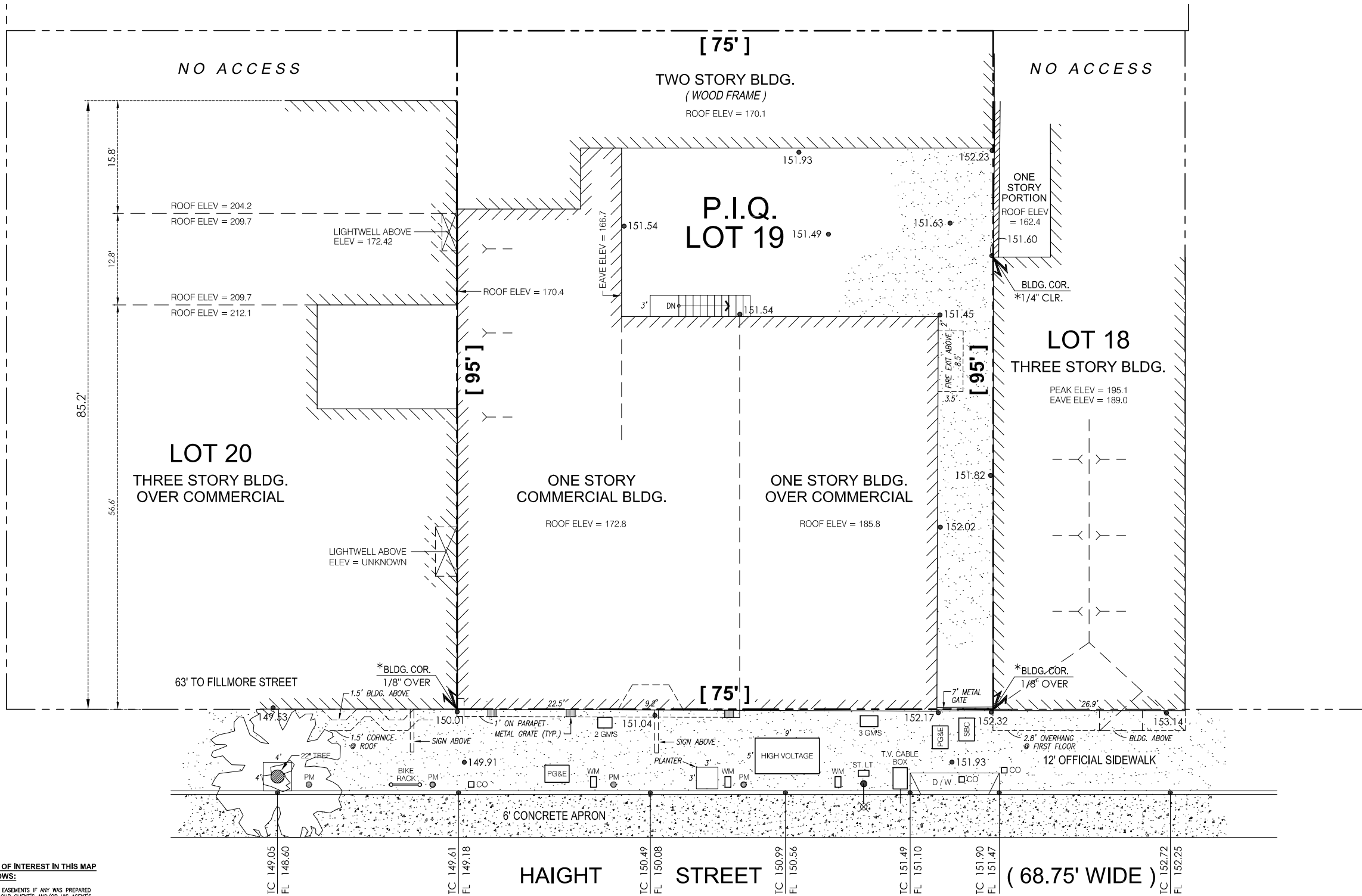


EXISTING REAR ELEVATION



EXISTING RIGHT ELEVATION FACING EAST

FILLMORE STREET ( 68.75' WIDE )



NOTES: TO ANYONE HAVING ANY TYPE OF INTEREST IN THIS MAP  
PLEASE BE ADVISED AS FOLLOWS:

- THAT ALL TITLE INFORMATION HEREON INCLUDING EASEMENTS IF ANY WAS PREPARED SOLELY FOR AND IN STRICT CONFORMANCE WITH OUR CLIENT'S AND/OR HIS AGENT'S REQUIREMENTS AND TITLE INFORMATION SUPPLIED TO TRANSMERICAN ENGINEERS. FOR THIS PROJECT WE WERE ONLY PROVIDED WITH THE FOLLOWING INFORMATION: DEED [ ] TITLE REPORT [ ] A.P.N. [ ] ADDRESS OF P.I.Q. [ ]  
FURTHERMORE, WE HEREBY DISCLAIM ANY AND ALL TITLE SEARCH RESPONSIBILITY HEREON AS BEING BEYOND OUR CONTRACT AND ANY OTHER COMMITMENT TO OUR CLIENT.
- THAT THIS MAP WAS PREPARED AS A PROFESSIONAL INSTRUMENT OF SERVICE AND THAT IT REMAINS THE PROPERTY OF TRANSMERICAN ENGINEERS WHETHER THE PROJECT (IF ANY PROPOSED) ON THIS SITE IS CONSTRUCTED OR NOT.
- THAT ANY INFORMATION ON THIS MAP AND ANY DOCUMENT(S) PREPARED BY TRANSMERICAN ENGINEERS IN RELATION HEREOF SHALL NOT BE USED FOR ANY OTHER PURPOSE THAN FOR BUILDING PERMIT.  
FURTHERMORE, THE USE OF THIS MAP FOR ANY OTHER PURPOSES WHATSOEVER INCLUDING ENGINEERING DESIGNS OF OFFSITE OR ONSITE IMPROVEMENTS IS BEYOND THIS MAP PURPOSES INTENT & CONTRACT. FOR WHICH TRANSMERICAN ENGINEERS DISCLAIMS ANY AND ALL RESPONSIBILITIES, LIABILITIES WHICH SHALL REST UPON THE PARTY USING OUR INFORMATION BEYOND ESTABLISHED LIMITATION ABOVE.
- THAT ANY IMPROVEMENT CHANGES WITHIN THIS SITE OR THE ADJACENT SITE THEREOF AS WELL AS TITLE TRANSFERS OF THE PROPERTY IN QUESTION (EXCEPT FOR ALTA MAPS) AND / OR THE LAPSE OF 3 OR MORE YEARS FROM THE DATE OF THE MAP (WHICHEVER COMES FIRST) SHALL VOID ALL INFORMATION, HEREON UNLESS A RE-SURVEY IS ORDERED TO RECTIFY, UPDATE OR RE-CERTIFY THIS MAP.

- THAT THIS INFORMATION SHALL NOT BE USED FOR ANY IMPROVEMENT STAKING UNLESS STATED IN ITEM NO. 3 ABOVE.
- THAT THE USE OF THIS MAP BY OTHER CONSULTANTS OR CONTRACTORS ON BEHALF OF OUR CLIENT SHALL PROMPT THE IMMEDIATE FULFILLMENTS OF ALL CLIENT'S OBLIGATIONS TO TRANSMERICAN ENGINEERS UNLESS OTHERWISE AGREED TO.
- THAT UNDERGROUND UTILITIES SHOWN HEREON (IF ANY) WERE OBTAINED FROM INFORMATION PROVIDED TO TRANSMERICAN ENGINEERS BY UTILITIES COMPANIES.  
TRANSMERICAN ENGINEERS DOES NOT ASSUME ANY RESPONSIBILITY FOR THE EXISTENCE OR THEIR ACCURACY AS SHOWN.
- THAT THE UTILITY BOXES, MANHOLES, HANDHOLES, ETC. EXISTENCE ON THE SURFACE AS SHOWN HEREON HAVE BEEN LOCATED BY FIELD SURVEY.
- IT SHALL BE THE RESPONSIBILITY OF THE PROPERTY OWNERS INVOLVED TO RESOLVE ALL ISSUES REGARDING PROPERTY DISPUTES WHICH MAY ARISE OUT OF INFORMATION SHOWN HEREON.

#### SPECIAL NOTES

- ELEVATIONS SHOWN AS "ROOF ELEV.:" HEREON ARE IN FACT THE ELEVATIONS OF THE HIGHEST POINT OF SIDE WALLS. THESE ELEVATIONS MAY BE EITHER THE ROOF OR THE PARAPET ELEVATION OF SUCH ROOF. FLAT ROOF LEVELS WERE NOT VISIBLE FROM SURVEY POINT.
- "PARAPET ELEV.:" SHOWN HEREON ARE THE HIGHEST POINT OF SUCH PARAPET.
- "ROOF PEAK ELEV.:" AND "EAVES ELEV.:" (IF ANY SHOWN HEREON) ARE THE HIGHEST POINT OF ROOF PEAKS AND THE LOWEST POINTS OF ROOF EAVES RESPECTIVELY.

#### ACCESS NOTE

DUE TO LIMITED ACCESS TO THE REAR OR THE ADJACENT AND/OR SUBJECT BUILDING(S) AND/OR COVERED STRUCTURE(S) AT THE TIME OF THIS SURVEY, THE TOPOGRAPHIC DATA FOR THOSE BUILDING(S) AND/OR STRUCTURE(S) IS NOT SHOWN HEREON.

IT SHALL BE THE RESPONSIBILITY OF OUR CLIENT TO CALL OUR OFFICE IN ORDER TO HAVE OUR SURVEYORS LOCATE ADDITIONAL INFORMATION AND/OR STRUCTURE(S) ONCE THE SITE HAS BEEN CLEARED. WE REQUIRE AN ADVANCE NOTICE OF FOUR (4) DAYS MORE OR LESS.

ALSO, NOTE THAT THERE WILL BE ADDITIONAL CHARGES FOR SUCH STAKING AS IT IS NOT A PART OF THE SCOPE OF THIS JOB'S CONTRACT.

#### ABBREVIATION

[ ]	ASSESSOR'S PLAT INFORMATION
AC	ASPHALT CONCRETE
BLDG.	BUILDING
CLR.	CLEAR
CO	CLEANOUT
CONC	CONCRETE
COR.	CORNER
C.B.	CATCH BASIN
D/W	DRIVEWAY
D.C.	DROP CURB AT DRIVEWAY
ELEV.	ELEVATION
(E)	EXISTING
FL	FLOW LINE GUTTER
FND	FOUND
GV	GAS VALVE
G	GUTTER
HC	HANDICAP RAMP
(N)	NEW
OV	OVER
P.I.Q.	PROPERTY IN QUESTION
P/L	PROPERTY LINE
PROJ.	PROJECTED
TC	TOP OF CURB
W.M.	WATER METER
P.M.	PARKING METER

#### BENCH MARK:

HAIGHT & FILLMORE STREETS (S.W. CORNER)  
\*+\* CUT ASW NEAR BLDG  
ELEV. = 148.126 (CITY DATUM)