



# EXECUTIVE SUMMARY AMENDED CONDITIONAL USE

**HEARING DATE: APRIL 15, 2021**

**Record No.:** 2018-011249CUA-02  
**Project Address:** 1567 CALIFORNIA STREET  
**Zoning:** Polk Street Neighborhood Commercial (NCD) Zoning District  
65-A Height and Bulk District  
**Block/Lot:** 0645 / 014, 014A & 015  
**Project Sponsor:** Michael Lee  
Southern Land Global LLC  
2707 E. Valley Blvd. #305  
West Covina, CA 91792  
**Property Owner:** James Lu  
468 7<sup>th</sup> Avenue #7  
San Francisco, CA 94118  
**Staff Contact:** Andrew Perry – (628) 652-7430  
[andrew.perry@sfgov.org](mailto:andrew.perry@sfgov.org)

**Recommendation:** Approval with Conditions

## Project Description

On February 13, 2020, under Motion No. 20657, the Planning Commission granted a request for Conditional Use Authorization, as well as four waivers and an incentive pursuant to the Individually-Requested State Density Bonus Program to approve the proposed project at 1567 California Street under Record No. 2018-011249CUA. At the time of project approval, the Height and Bulk Map incorrectly identified approximately 22 parcels, including the project site at 1567 California Street, as having a height limit of 80 feet; however, the correct height limit for these 22 parcels is 65 feet. Due to this error, in addition to the other waivers previously granted under Motion No. 20657, the Project is now also requesting a height waiver from the development standards of Planning Code Section 260, pursuant to the Individually-Requested State Density Bonus Program. The design of the Project remains unchanged from the version previously approved by the Planning Commission and no other changes are proposed to the Project or its prior approvals.

The Project includes demolition of an existing two-story commercial building and associated surface parking lot, and construction of an eight-story over basement, approximately 80-foot tall, 106,733 gross square foot mixed-use building containing approximately 9,823 gross square feet of ground floor commercial space and 100 dwelling



units, 101 Class 1 bicycle parking spaces and 10 Class 2 spaces, with no proposed off-street vehicle parking at 1567 California Street. The Project would contain a dwelling unit mix consisting of 20 studio units, 29 one-bedroom units, 39 two-bedroom units, and 12 three-bedroom units. Of the 100 units provided, 9 would be provided as affordable (Below Market Rate), with the remainder of the inclusionary obligation paid through an affordable housing fee. The Project is using the Individually-Requested State Density Bonus Program to achieve a 7.5% density bonus.

## Required Commission Action

In order for the Project to proceed, the Commission must make findings related to the additionally requested waiver from development standards for height under Planning Code Section 260, as pursuant to the State Density Bonus Law.

## Issues and Other Considerations

**Public Comment & Outreach.** The Planning Department has not received any public comment for this hearing regarding the additional height waiver.

## Environmental Review

On January 17, 2020, 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 the project.

## Basis for Recommendation

The timing of the additional height waiver request is entirely due to an error on the Height and Bulk Map and otherwise would have been requested at the original hearing. No other changes are proposed to the project or design from the original project. The Department finds that the Project is, on balance, consistent with the Objectives and Policies of the General Plan. The Project will provide 100 new dwelling units, slightly over half of which will contain at least two bedrooms and would be suitable for larger households. The Project replaces the ground floor commercial space along Polk Street and adds to the commercial opportunities in the neighborhood by creating new spaces along California Street. The Project does not include any off-street vehicle parking, in support of the City’s transit first policies and thereby minimizing vehicular impacts of the Project. Lastly, the Project has been well designed, incorporating setbacks and modulations in the façade to reduce potential detrimental effects to adjacent properties and ensure that the project is contextual within the surrounding Polk and California Street contexts. 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 – Amended Conditional Use Authorization with Conditions of Approval  
Exhibit B – Plans and Renderings  
Exhibit C – Environmental Determination  
Exhibit D – Maps and Context Photos  
Exhibit E – Amended State Density Bonus Application  
Exhibit F – Original Approval Motion No. 20657





# PLANNING COMMISSION DRAFT MOTION

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ADOPTING FINDINGS TO APPROVE AN AMENDED CONDITIONAL USE AUTHORIZATION AND INDIVIDUALLY-REQUESTED STATE DENSITY BONUS PROJECT, SPECIFICALLY TO MAKE FINDINGS UNDER THE STATE DENSITY BONUS LAW (CALIFORNIA GOVERNMENT CODE SECTIONS 65915-65918) TO INVOKE AN ADDITIONAL WAIVER FROM THE DEVELOPMENT STANDARDS FOR HEIGHT (SECTION 260), IN ADDITION TO THE CONDITIONAL USE AUTHORIZATION AND STATE DENSITY BONUS WAIVERS AND INCENTIVE THAT WERE APPROVED FOR THE PROJECT UNDER MOTION NO. 20657. THE PROJECT PROPOSAL AND DESIGN REMAINS UNCHANGED FROM THAT APPROVED BY THE PLANNING COMMISSION UNDER MOTION NO. 20657.

## PREAMBLE

On August 15, 2018, Michael Lee of Southern Land Global LLC (hereinafter "Project Sponsor") filed Application No. 2018-011249PRJ (hereinafter "Application") with the Planning Department (hereinafter "Department") for a Conditional Use Authorization pursuant to Planning Code Sections 121.1, 121.7 and 303, to demolish an existing two-story commercial building and associated surface parking lot, and construct an eight-story over basement, approximately 80-foot tall, 106,733 gross square foot mixed-use building containing approximately 9,823 gross square feet of ground floor commercial space and 100 dwelling units, 101 Class 1 bicycle parking spaces and 10 Class 2 spaces, with no proposed off-street vehicle parking (hereinafter "Project") at 1567 California Street, Block



0645, Lots 014, 014A, and 015, within the Polk Street Neighborhood Commercial District and the 80-A Height and Bulk District (hereinafter “Project Site”).

The Project Sponsor seeks to proceed under the State Density Bonus Law, Government Code Section 65915 et seq (the “State Law”). Under the State Law, a housing development that includes affordable housing is entitled to additional density, concessions and incentives, and waivers from development standards that might otherwise preclude the construction of the project. In accordance with the Planning Department’s policies regarding projects seeking to proceed under the State Law, the Project Sponsor has provided the Department with a 93 unit “Base Project” that would include housing that is affordable to very-low-, low-, and moderate-income households. Because the Project Sponsor is providing 9 units of housing affordable to very-low-, low-, and moderate-income households, the Project is eligible for a density bonus of 20%, seeking four waivers from the following development standards: 1) Rear Yard (Section 134); 2) Usable Open Space (Section 135); 3) Dwelling Unit Exposure (Section 140); and 4) Bulk (Section 270); and one concession and incentive from Ground Floor Height (Section 145.1).

On January 17, 2020, 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 the project.

On February 13, 2020, the Commission conducted a duly noticed public hearing at a regularly scheduled meeting on Conditional Use Authorization Application No. 2018-011249CUA and approved the Conditional Use Authorization and requested waivers and incentive pursuant to the Individually-Requested State Density Bonus Program under Motion No. 20657.

On or around February 24, 2021, the Planning Department identified an error in the City’s Height and Bulk Map, incorrectly identifying approximately 22 parcels, including the Project Site, as having a height limit of 80 feet in the 80-A Height and Bulk District. The correct height limit for these 22 parcels, including the Project Site, is 65 feet, located within the 65-A Height and Bulk District.

On March 12, 2021, the Project Sponsor filed a revised Individually-Requested State Density Bonus application, indicating an additional request for a waiver from the development standards for height pursuant to Planning Code Section 260, in addition to those waivers and incentive that were already granted by the Planning Commission under Motion No. 20657. The design of the Project remains unchanged from the version previously approved by the Planning Commission and no other changes are proposed to the Project or its prior approvals.

On April 15, 2021, the Commission conducted a duly noticed public hearing at a regularly scheduled meeting on Conditional Use Authorization Application No. 2018-011249CUA-02.

The Planning Department Commission Secretary is the Custodian of Records; the File for Record No. 2018-011249CUA-02 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. 2018-011249CUA-02, subject to the conditions contained in “EXHIBIT A” of this motion, based on the following findings:

## **FINDINGS**

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

- 1. The above recitals are accurate and constitute findings of this Commission.**
- 2. Project Description.** The current proposal is to amend the findings of Motion No. 20657 by requesting an additional waiver under the Individually-Requested State Density Bonus Program from the development standards for height pursuant to Planning Code Section 260. The Project remains unchanged from the version previously approved by the Planning Commission.

The previously approved Project would demolish an existing two-story commercial building and associated surface parking lot, and construct an eight-story over basement, approximately 80-foot tall, 106,733 gross square foot mixed-use building containing approximately 9,823 gross square feet of ground floor commercial space and 100 dwelling units, 101 Class 1 bicycle parking spaces and 10 Class 2 spaces, with no proposed off-street vehicle parking (hereinafter “Project”) at 1567 California Street. The Project would contain a dwelling unit mix consisting of 20 studio units, 29 one-bedroom units, 39 two-bedroom units, and 12 three-bedroom units. Of the 100 units provided, 9 would be provided as affordable (Below Market Rate), with the remainder of the inclusionary obligation paid through an affordable housing fee. The Project is using the Individually-Requested State Density Bonus Program to achieve a 7.5% density bonus.

- 3. Site Description and Present Use.** The Project is located on three lots at the intersection of California and Polk Streets, Block 0645, Lots 014, 014A, and 015. The development site contains approximately 136 feet of frontage along the southern side of California Street and approximately 138 feet of frontage along the eastern side of Polk Street. The Project Site is located within the Polk Street Neighborhood Commercial District (NCD) and the 80-A Height and Bulk District. The site measures 18,625 square feet and is currently occupied by a two-story commercial building with four retail spaces and an associated surface parking lot. On February 25, 2016, the Planning Commission approved a Conditional Use Authorization under Motion No. 19576 for the Project Site, to construct an 80-foot tall mixed-use building with 63 dwelling units; however, that particular project is no longer being pursued.
- 4. Surrounding Properties and Neighborhood.** The Project Site is located at the intersection of Polk and California Streets, within the Polk Street NCD, and within half a block of the Van Ness Avenue Area Plan. The immediate vicinity is predominantly mixed-use in nature with residential uses situated above ground-floor commercial. Ground-floor commercial spaces are generally occupied by convenience and specialty uses, as well as numerous nighttime and entertainment uses, including bars and restaurants. Intersecting streets adjacent to the Polk Street corridor tend to be more residential in character, with commercial uses interspersed on certain blocks.

The existing development pattern in the area surrounding the Project Site is varied in scale and intensity.



Buildings along Polk Street and eastward on California are generally lower, ranging from single-story commercial buildings to mixed-use buildings up to four stories in height. West of the project site towards the Van Ness corridor, building heights can range from two to seven stories. Building heights on the subject block range from one to five stories. The property immediately south of the Project Site is developed with a 5-story building with residential units over two ground floor commercial spaces. The property immediately east of the Project Site is occupied by a single-story commercial building set back from California Street.

5. **Public Outreach and Comments.** The Planning Department has not received any public comment for this hearing regarding the additional height waiver.
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. 20657, except as amended below:

- A. **Height.** Planning Code Section 260, and Article 2.5 of the Planning Code generally, require that the height of buildings not exceed the limits specified in the Zoning Map and defines rules for the measurement of height. The subject property is located within a 65-A Height and Bulk District. Within this District, heights of buildings are limited to 65 feet. Section 260(b) allows elevator, stair and mechanical penthouses to exceed the maximum roof height by an additional 10 feet.

*The finished roof of the Project would reach a maximum height of approximately 78 feet, 7.5 inches, as measured from the midpoint of the property's California Street frontage. Rooftop penthouses would add an additional 9 feet, 6 inches of height in those areas, in total up to approximately 88 feet.*

*Strict compliance with the Code's 65-foot height limit would require a reduction of the building's massing, resulting in approximately six stories. This reduction would physically preclude the construction of the Project with the additional dwelling units as permitted under the Density Bonus Law. Per California Government Code Sections 65915-95918, the Project Sponsor has elected to use the State Density Bonus Law and proposes a waiver for the reduction of site development standards for height, which are defined in Planning Code Section 260.*

7. **Conditional Use Findings.** The Commission finds that the Project complies with the criteria of Planning Code Section 303, which must be considered when reviewing applications for Conditional Use Authorization, as well as the additional criteria of Sections 121.1(b) and 121.7(d), which must be considered in approving the development of large lots in NC Districts and in approving a lot merger that results in a lot with more than 25 feet of frontage in the Polk Street NCD, as originally described in Sections 7 and 8 of Planning Commission Motion No. 20657.
8. **State Density Bonus Program Findings.** Pursuant to Planning Code Section 206.6(e), the Planning Commission shall make the following findings as applicable for any application for a Density Bonus, Incentive, Concession or Waiver for any Individually Requested Density Bonus Project:

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

*As discussed in Motion No. 20657, the Project consists of five or more dwelling units on a site located*



*in the Polk Street Neighborhood Commercial Zoning District that is currently developed as a two-story structure containing only non-residential, retail sales and service uses and is, therefore, eligible for the Individually Requested Density Bonus Program.*

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

*As discussed in Motion No. 20657, the Project is requesting one concession or incentive under the Individually Requested Density Bonus Program, in order to waive ground floor ceiling height requirements for three of the commercial storefronts located along California Street. The Project Sponsor has sufficiently demonstrated that the requested concession reduces the overall cost of the project.*

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

*As discussed in Motion No. 20657, the Project includes the demolition of the existing two-story commercial building and construction of a new 8-story over basement residential building. The Project proposes a dwelling unit mix consisting of 20 studio units, 29 one-bedroom units, 39 two-bedroom units, and 12 three-bedroom units totaling 100 dwelling units, with 9 dwelling units provided as affordable.*

*In order to achieve the proposed residential density, the Project is requesting five waivers from development standards, including: 1) Rear Yard (Section 134); 2) Usable Open Space (Section 135); 3) Dwelling Unit Exposure (Section 140); 4) Bulk (Section 270); and 5) Height (Section 260). Without the waivers, the Project will be physically precluded from constructing the additional units as permitted under the Individually Requested Density Bonus Program, thus preventing the Project from achieving a 7.5% density bonus.*

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

*As discussed in Motion No. 20657, the Density Bonus for the Project is not based on any donation of land; and is therefore not applicable.*

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

*As discussed in Motion No. 20657, the requested Density Bonus for the Project is not based on the inclusion of a Child Care Facility; and is therefore not applicable.*

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



*As discussed in Motion No. 20657, the Project is seeking one concession or incentive under the Individually Requested Density Bonus Program and is a mixed-use project with ground floor commercial. The Project meets the requirements in Government Code Section 65915(k)(2) in that the proposed ground-floor commercial development is compatible with the housing project and existing zoning and helps to offset the cost of the housing development in the project.*

9. **General Plan Compliance.** The Project is, on balance, consistent with the Objectives and Policies of the General Plan as originally described in Section 10 of Planning Commission Motion No. 20657.
10. **Planning Code Section 101.1(b)** establishes eight priority-planning policies and requires review of permits for consistency with said policies. The Project, on balance, complies with said policies as originally described in Section 11 of Planning Commission Motion No. 20657.
11. **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.*

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



## DECISION

That based upon the Record, the submissions by the Applicant, the staff of the Department and other interested parties, the oral testimony presented to this Commission at the public hearings, and all other written materials submitted by all parties, the Commission hereby **APPROVES** an amended **Conditional Use Authorization Application No. 2018-011249CUA-02** subject to the original conditions authorized through Motion No. 20657 as “EXHIBIT A” of that motion, except for the following conditions attached hereto as “EXHIBIT A”, in general conformance with plans on file, dated January 3, 2020, 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 April 15, 2021.

Jonas P. Ionin  
Commission Secretary

AYES:

NAYS:

ABSENT:

RECUSE:

ADOPTED: April 15, 2021



## EXHIBIT A

### Authorization

This authorization is for an amended Conditional Use Authorization to invoke an additional waiver from the development standards for height under the State Density Bonus Law, and to allow demolition of an existing two-story commercial building and associated surface parking lot, and new construction of an eight-story over basement, approximately 80-foot tall, 106,733 gross square foot mixed-use building containing approximately 9,823 gross square feet of ground floor commercial space and 100 dwelling units, 101 Class 1 bicycle parking spaces and 10 Class 2 spaces, with no proposed off-street vehicle parking located at 1567 California Street, Block 0645, Lots 014, 014A, and 015, pursuant to Planning Code Section(s) 121.1, 121.7, and 303 within the Polk Street Neighborhood Commercial District and a 65-A Height and Bulk District; in general conformance with plans, dated January 3, 2020, and stamped "EXHIBIT B" included in the docket for Record No. 2018-011249CUA and subject to conditions of approval reviewed and approved by the Commission on April 15, 2021 under Motion No XXXXXX. This authorization and the conditions contained herein run with the property and not with a particular Project Sponsor, business, or operator.

### Recordation of Conditions Of Approval

Prior to the issuance of the building permit or commencement of use for the Project the Zoning Administrator shall approve and order the recordation of a Notice in the Official Records of the Recorder of the City and County of San Francisco for the subject property. This Notice shall state that the project is subject to the conditions of approval contained herein and reviewed and approved by the Planning Commission on April 15, 2021 under Motion No XXXXXX.

### Printing of Conditions of Approval on Plans

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

### Severability

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

### Changes and Modifications

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



# **Exhibit B**

## **Plans and Renderings**



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Project Team

Applicant/Owner

Southern Land Global LLC  
626 807 7880  
Att: Michael Lee

Architect

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Att: John Onken AIA

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Landscape Architects

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Att: Andrew Dunbar

Surveyor

KCA Engineers Inc.  
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415 546 7111  
Attn: Peter Bekey

DRAWING LIST

G00	Title Sheet
G01	Project Data
G03	Site Context Photos
G04	Concept Diagrams
G05	Base Build Project
G06	Base Build Project
G07	Building Height Measurement Diagram
G10	Aerial View
G12	California and Polk View
G13	Polk Street View
G14	ALTA Survey
A00	Site Development Plan
A01	Lower Ground Floor
A02	Upper Ground Floor
A03	Level 2 Floor Plan (showing typical unit plans)
A04	Level 3 Floor Plan
A05	Level 4 Floor Plan
A06	Level 5 Floor Plan
A07	Level 6 Floor Plan
A08	Level 7 Floor Plan
A09	Level 8 Floor Plan
A10	Roof Level Floor Plan
A11	EXTERIOR ELEVATION - POLK STREET
A12	EXTERIOR ELEVATION - CALIFORNIA STREET
A13	EXTERIOR ELEVATION - EAST
A14	EXTERIOR ELEVATION - SOUTH
A15	BUILDING SECTION - CALIFORNIA STREET
A16	BUILDING SECTION - POLK STREET
A17	BUILDING SECTION - POLK STREET 2
A18	BUILDING SECTION - POLK STREET
A19	BUILDING SECTION - CALIFORNIA STREET
A20	BUILDING SECTION - CALIFORNIA STREET
A21	UNIT PLANS



Project Description:

This project is a 18,625 square foot lot located at 1567 California Street (Assessor's Block 0645, Lot 14/14a/15), currently occupied by a 2 story commercial building. The site has a 80' foot height limit and is within the 80-A zoning district and the Polk Street Neighborhood Commercial district. The project proposes a demolition of the existing building and construction of an 8-story residential building with ground floor commercial space.



Location Plan



Planning Submission

- October 2018,
- Revised February 2019
  - Revised January 2020

1567  
California



David Baker Architects

dbarchitect.com  
461 Second St, Loft c127  
San Francisco, CA 94107  
415.896.6700

License Stamp

Issues	
Description	Date
Planning Submission	07/20/2018
Planning Redesign	10/24/2018
Planning Revisions	01/03/2020

Revisions		
Rev.	Description	Date

Set Title

Planning Submission

Drawing Title

Title Sheet

Sheet No.

G00

Date	01/03/20
Project No.	21726



SF Planning Code Compliance : 1567 California

Revised 1/3/20

Section	Required	As Proposed	Comply Y/N
260 Height per 80-A NCD	80' max measured from center of prop. on California	78'-7-1/2" to top of roof structure	Compliant
270 Bulk per 80-A NCD	110' max plan length and 125' dia max above 40'	No tower reductions above 40'	Non-Compliant / Waiver Required
207.4 Neighborhood Density	93 units allowed (1 per 200 sf lot area)	100 units (with 21.5% Density Bonus – Sec. 206.6)	No waiver Required- AHSDB
207.7 Unit Mix	Polk NCD requires 10% 3 bed and 25% 2 bed	12% 3 bed (12 total) and > 39% 2 bed provided (39 total)	Compliant
133 &134 Front and Side Setbacks	None required	None	N/A
134 Rear Yard Setback	25% lot depth or modified per ZA (4656 sf)	3,799 sf modified courtyard,	Non-Compliant / Waiver Required
135/723.93 Open Space Area	36SF required for private open space or 48SF for common open space in RC-4	As noted on G01	Compliant
135(g) Open Space Configuration	Required inner court exposure for building height on 3 sides	Proposed 2 sides of courtyard exceed allowed height.	Non-Compliant / Waiver Required
138.1 Street Trees	1 per 20' of frontage= 7 trees on both streets	14 trees required. 8 Existing street trees to remain/6 new proposed.	Compliant
140 Dwelling Exposure	All units face street or 25' min inner court, stepped back 5' at each floor as required.	All units face street or 25' min inner court, stepped back 5' at each floor as required. Inner corner units are partially obstructed.	Non-Compliant / Waiver Required
145.1 Active Ground Floor	Active use on first 25' depth of ground floor on street, with 14' ceiling heights at retail/Restaurant. 60% min ground floor transparency	Ground floor retail and 14' floor to floor heights provided min.; >60% ground floor is glazed	Compliant
151 Parking	None Required	0 parking spaces proposed	Compliant
155.2 Bike Parking (residential)	Class 1: 1 space per Dwelling Unit Class 2: 1 space per 20 Dwelling Units	Class 1 = 100 spaces Class 2 = 5 spaces on sidewalk	Compliant
155.2 Bike Parking (retail/restuarant)	Class 1: 1 space per 7,500 sf. Class 2: 1 space per 750 sf.	Class 1 = 1 space Class 2 = 11 spaces on sidewalk	Compliant
723.20 FAR Commercial	2.5:1 x 18625= 46,563 sf max	9,823 sf proposed	Compliant

PROJECT INFORMATION:

ADDRESS 1567 CALIFORNIA, 1436 POLK ST, SAN FRANCISCO CA, 94109  
BLOCK/LOT 0645/14/14A/15  
LOT AREA 18,625 SQFT  
ZONING DISTRICT NC-D POLK ST NEIGHBORHOOD COMMERICAL

UNIT	QUANTITY
LEVEL 2	
1BD	4
2BD	4
3BD	3
Studio	4
LEVEL 3	
1BD	4
2BD	4
3BD	3
Studio	4
LEVEL 4	
1BD	4
2BD	5
3BD	2
Studio	4
LEVEL 5	
1BD	4
2BD	6
3BD	1
Studio	4
LEVEL 6	
1BD	5
2BD	6
3BD	1
Studio	2
LEVEL 7	
1BD	4
2BD	7
3BD	1
Studio	1
LEVEL 8	
1BD	4
2BD	7
3BD	1
Studio	1
100	

RESIDENTIAL GSF	
Name	Area

RESIDENTIAL	
CIRCULATION	12,321 SF
COMMON	6,521 SF
RESIDENTIAL	78,068 SF
96,910 SF	

COMMERCIAL GSF	
Name	Area

COMMERCIAL	
CIRCULATION	931 SF
COMMERCIAL	8,158 SF
COMMON	173 SF
SERVICE	561 SF
9,823 SF	

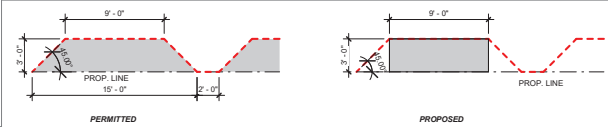
TOTAL BUILDING GSF	
Name	Area

COMMERCIAL	
CIRCULATION	931 SF
COMMERCIAL	8,158 SF
COMMON	173 SF
SERVICE	561 SF
RESIDENTIAL	
CIRCULATION	12,321 SF
COMMON	6,521 SF
RESIDENTIAL	78,068 SF
106,733 SF	

\*NOTE: SQUARE FOOTAGES ABOVE DO NOT INCLUDE THE FOLLOWING SPACES: RESIDENTIAL TRASH, BIKE ROOM, PAKAGE ROOM, RESIDENTIAL W.C., MECHANICAL, AND ELECTRICAL ROOMS ON THE LOWER AND UPPER GROUND FLOOR.

UNIT TYPE	QUANTITY	%
1BD	29	29%
2BD	39	39%
3BD	12	12%
Studio	20	20%
100		

OPEN SPACE REQUIRED: (RC-4) 36 SF PRIVATE AND 48 SF COMMON		
UNITS PROVIDED = 100		
39 UNITS HAVE A 6' x 6' (MIN.) BALCONIES (36 SF AREA OF BALCONY)		
61 UNITS REQUIRE 48 SF COMMON OPEN SPACE 61 x 48 SF = 2,928 SF		
TOTAL COMMON OPEN SPACE REQUIRED = 2,928 SF		
TOTAL OPEN SPACE PROVIDED:		
NAME	AREA	QUANTITY
COURTYARD	3,799 SF	1
PRIVATE BALCONY	2,803 SF	39
Open Space		2



BAY PROJECTIONS: WITHIN CODE REQUIREMENTS	
136(c)(2)(B) The permitted obstructions shall be as follows: Bay (projecting) windows, balconies (other than balconies used for primary access to two or more dwelling units or two or more bedrooms in group housing), and similar features that increase either the floor area of the building or the volume of space enclosed by the building above grade, when limited as specified herein. With respect to obstructions within yards and usable open space, the bay windows and balconies specified in Paragraph (c)(3) below shall be permitted as an alternative to those specified in this Paragraph (c)(2). Projection into the required open area shall be limited to three feet, provided that projection over streets and alleys shall be further limited to two feet where the sidewalk width is nine feet or less, and the projection shall in no case be closer than eight feet to the centerline of any alley.	
1/8" = 1'-0"	
Bay Diagram	1

1567  
California



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415.896.6700

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Issues	
Description	Date
Planning Submission	07/20/2018
Planning Redesign	10/24/2018
Planning Revisions	01/03/2020

Revisions	
Rev.	Date

Set Title  
Planning Submission

Drawing Title  
Project Data

Sheet No.

G01

Date 01/03/20  
Project No. 21726





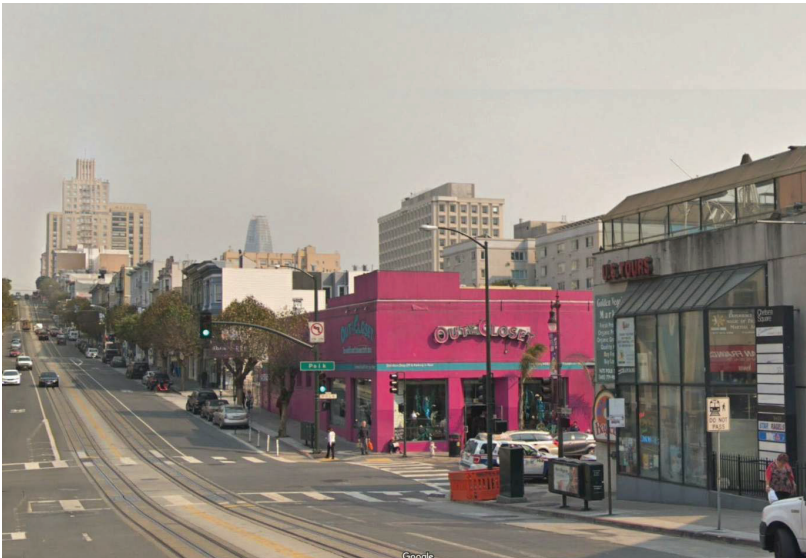
Along California Looking Southwest



East Boundary at 1561 California



Along Polk Street Looking South



Looking East from California to corner



Along Polk Street Looking East to South Boundary



Along Polk Street Looking North



Along Polk Street Looking North from Pine

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Rev.	Date

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Planning Submission

Drawing Title  
Site Context  
Photos

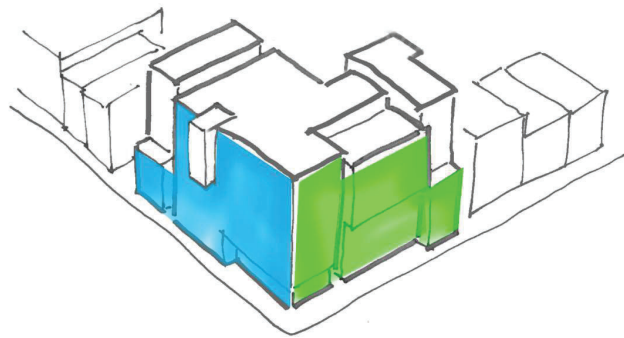
Sheet No.  
G03

Date 10/11/18  
Project No. 21726



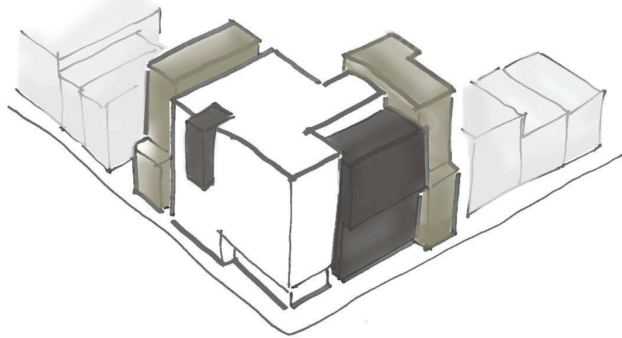


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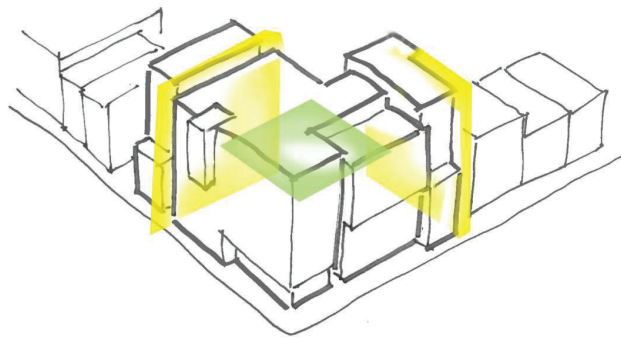
1. Step up massing at corner

The corner site is accentuated by letting the mass of this building visually step up at the corner. The site acts as a gateway into the heart of the City from the Van Ness corridor.



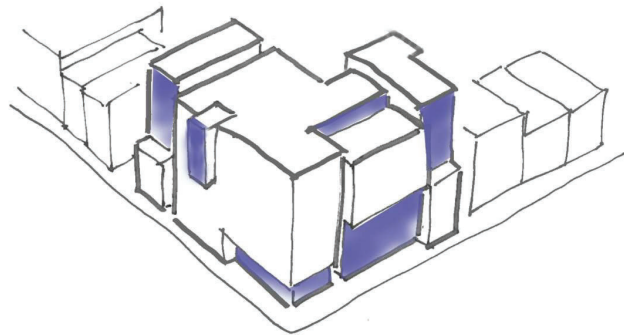
2. Break up the massing into 4 buildings

The scale of the Polk Street context is respected by maintaining segmented massing. Breaking the building down into smaller recognizable pieces creates a good fit into the neighborhood.



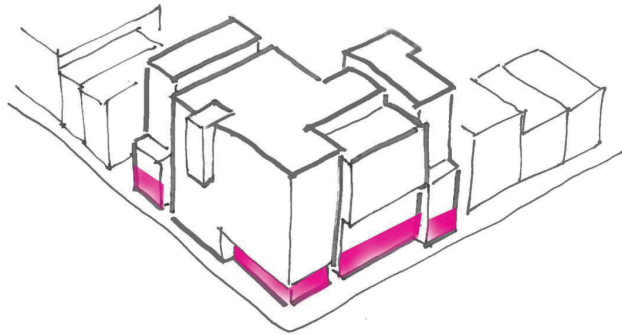
3. Garden is visible from the street

The building mass is laterally sliced twice to break up the mass as well as give glimpses into the rear courtyard from the street.



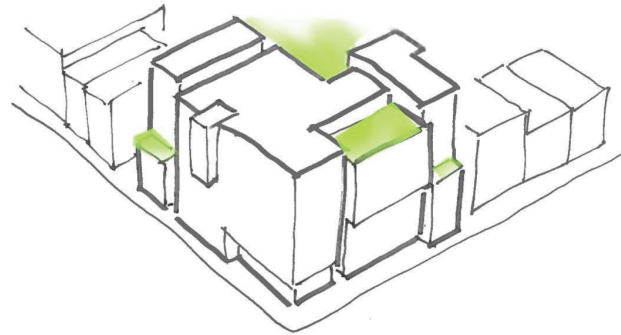
4. Carve and break up the mass

The facade of the building is pushed and pulled to reduce the appearance of height where next to smaller buildings. Pushing in at Ground level gives a wider sidewalk. Pushing in above also creates roof terraces.



5. Continuous ground level retail with varied set-backs

The ground level at the streetfront is fully dedicated to retail. The sloping elevation of the streets creates tall retail spaces up to 20' high



6. Green Spaces

The project includes a generous rear courtyard amenity space and private upper roof terraces. The roof is left for solar collectors.

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Rev.	Date

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Planning Submission

Drawing Title  
Concept Diagrams

Sheet No.

G04

Date	10/11/18
Project No.	21726





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Description	Date
Planning Submission	07/20/2018
Planning Redesign	10/24/2018
Base Scheme recalc.	5/3/2019

Revisions	
Rev.	Date

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Planning Submission

Drawing Title

Base Build Project

Sheet No.

G05

Date February 25, 2019  
Project No. 21726





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Issues

Description	Date
Planning Submission	07/20/2018
Planning Redesign	10/24/2018

Revisions

Rev.	Description	Date
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Set Title

Planning Submission

Drawing Title

Base Build Project

Sheet No.

G06

Date February 25, 2019  
Project No. 21726

## Base Building Project Data

UNIT COUNT BY LEVEL	
Name	Count

Not Placed	
1 Bed	2
Level 2	
1 Bed	11
2 Bed	3
3 Bed	2
Level 3	
1 Bed	11
2 Bed	3
3 Bed	2
Level 4	
1 Bed	11
2 Bed	3
3 Bed	2
Level 5	
1 Bed	6
2 Bed	4
3 Bed	1
Level 6	
1 Bed	6
2 Bed	4
3 Bed	1
Level 7	
1 Bed	8
2 Bed	3
3 Bed	1
Level 8	
1 Bed	4
2 Bed	4
3 Bed	1
93	

COMMERCIAL GSF	
Name	Area

COMMERCIAL	3872 SF
SERVICE	1379 SF
	5251 SF

RESIDENTIAL GSF	
Name	Area

CIRCULATION	8480 SF
COMMON	6607 SF
RESIDENTIAL	64400 SF
SERVICE	2194 SF
	81680 SF

TOTAL BUILDING GSF	
Name	Area

CIRCULATION	8480 SF
COMMERCIAL	3872 SF
COMMON	6607 SF
RESIDENTIAL	64400 SF
SERVICE	3572 SF
	86931 SF

UNIT TYPE TOTALS	
Name	Count

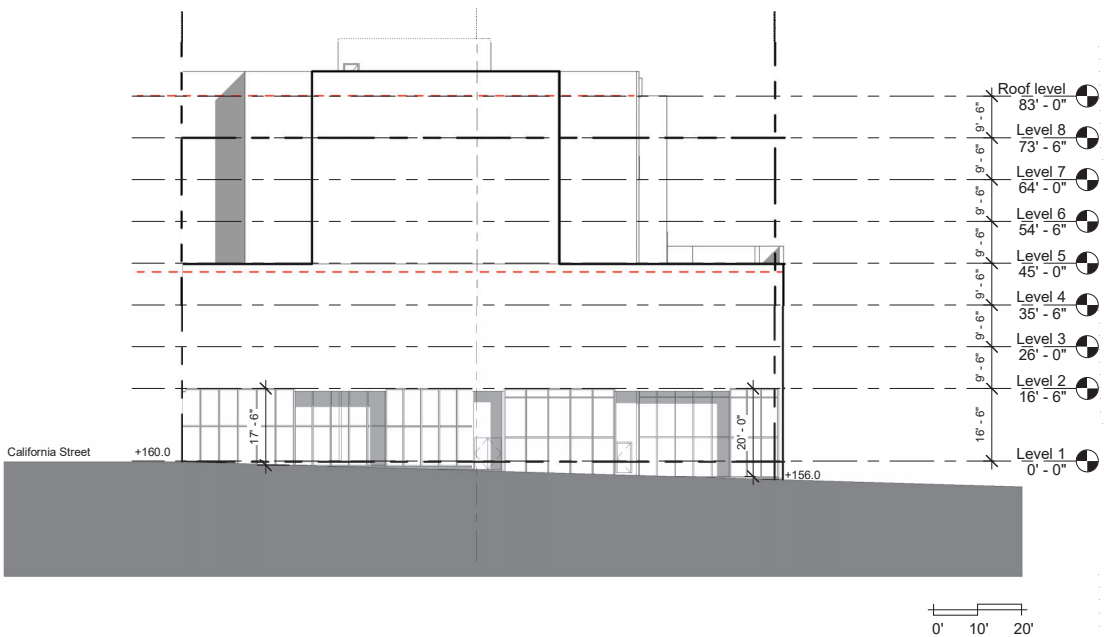
1 Bed	59
2 Bed	24
3 Bed	10
	93

OPEN SPACE	
Name	Area

Open Space	
Common Open Space	1936 SF
Common Open Space	5674 SF
Private Open Space	
Private Terrace	77 SF
Private Terrace	79 SF
Private Terrace	622 SF
	8389 SF

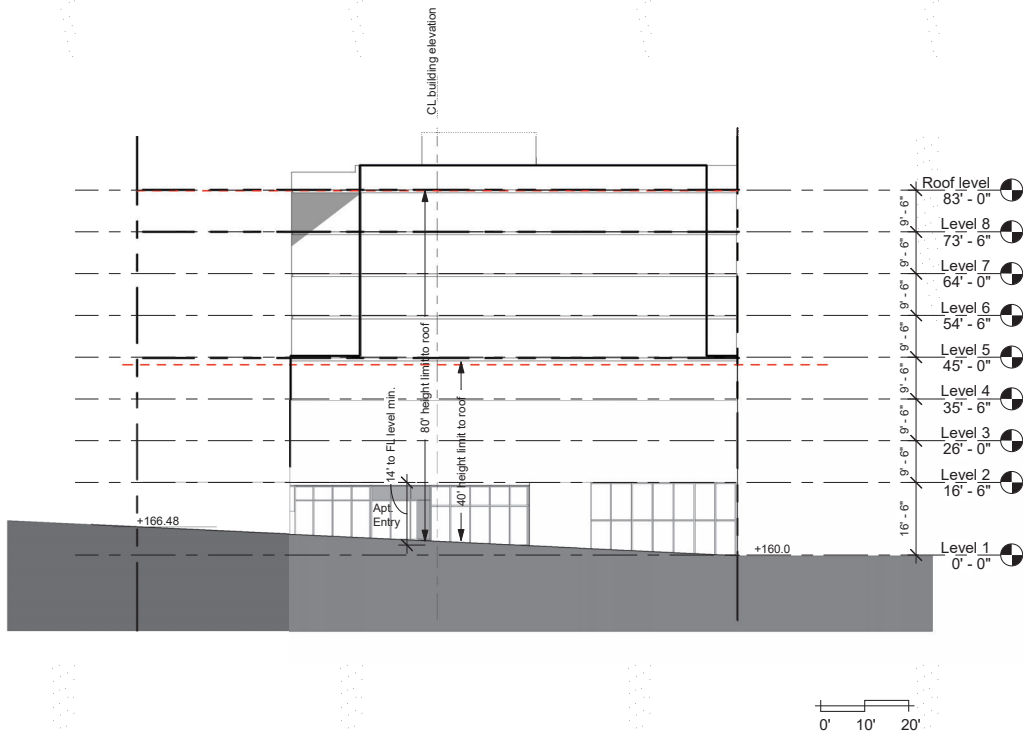
OPEN SPACE REQUIREMENTS: (RC-4) - 84 UNITS	REQUIRED	PROVIDED
36SF PER DWELLING UNIT (COMMON) 93 UNITS X 36SF =	3348 SF	7610 SF
48SF PER DWELLING UNIT (PRIVATE)		778 SF

BIKE PARKING REQUIREMENTS: Table 155.2	PROVIDED
<b>Residential Uses (93 units)</b>	
Class 1: One space for every Dwelling unit:	93
Class 2: One per 20 Dwelling units:	5
<b>Retail Uses (3872 SF)</b>	
Class 1: One space for every 7,500 SF: (MIN. 2)	2
Class 2: One per every 2,500 SF: (MIN. 2)	2



1" = 20'-0"

Elevation at Polk Street (South) 2



1" = 20'-0"

Elevation at California Street (West) 1





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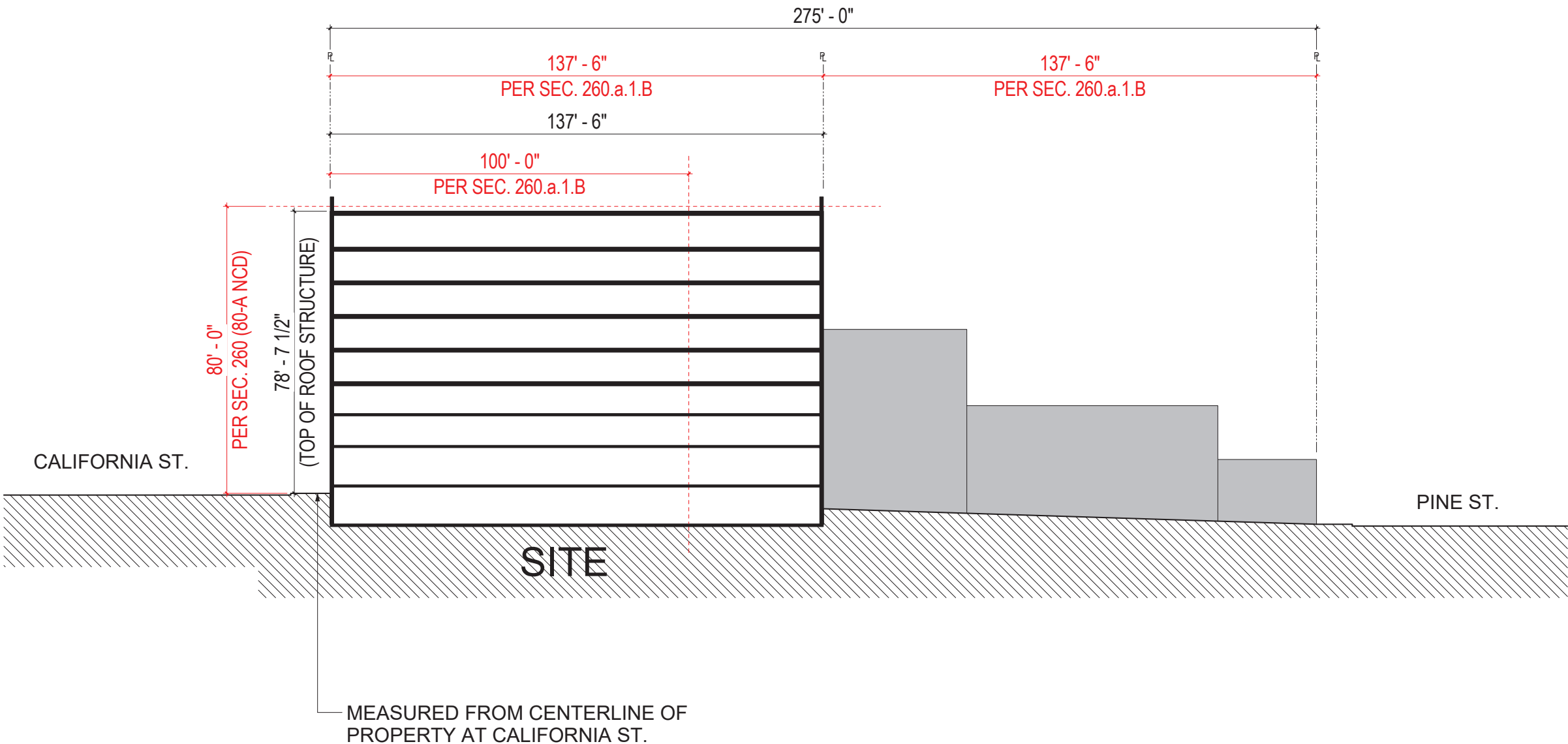
Drawing Title

Building Height  
Measurement  
Diagram

Sheet No.

G07

Date	01/03/20
Project No.	21726



1/16" = 1'-0"





Aerial View

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Rev.	Date

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Planning Submission

Drawing Title  
Aerial View

Sheet No.  
G10

Date	03/04/19
Project No.	21726





View along California Street from the East



Streetscape view along California at Entry



California and Polk Corner View

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Drawing Title  
California and Polk  
View

Sheet No.

G12

Date 03/04/19  
Project No. 21726





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View looking North on Polk Street



Streetscape view at Polk and California



Streetscape view at Polk Street Entry

Issues	
Description	Date
Planning Submission	07/20/2018
Planning Redesign	10/24/2018

Revisions	
Rev.	Date

Set Title  
Planning Submission

Drawing Title  
Polk Street View

Sheet No.

G13

Date 03/04/19  
Project No. 21726



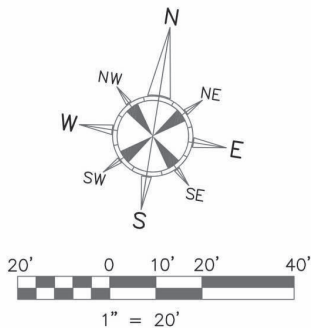
THE SURVEYOR WAS NOT PROVIDED WITH A ZONING REPORT  
Listed below are Setback, Height, and Floor Space Area Restrictions as  
disclosed by applicable Zoning or Building Codes unless "None" is stated  
below. The source of this information is <http://library.amlegal.com> the  
website for the City of San Francisco, CA, Contact No.: (415)  
558-6378

*Parking Requirements: No car parking required  
Handicap per ADA requirements*



No visible encroachments or observed evidence of encroachments onto or over subject property's boundary line as of date of survey.

11. Matters contained or referred to in an instrument, Entitled : Notice of Special Restrictions under the Planning Code Executed By: Li Hwa Lu, a married man as his sole and separate property, Li Min Lu, a married man as his sole and separate property, James Lu, a married man as his sole and separate property and Tina Lu, a married woman as her sole and separate property Recorded May 17, 2017 in Official Records under Recorder's Serial Number 2017-K451176. AFFECTS SUBJECT PROPERTY. NOT A PLOTTABLE ITEM.



A field survey was not conducted to determine the flood zone areas. Any flood zone lines distinguishing between flood areas are graphically plotted from FEMA Flood Insurance Rate Maps (FIRM). A flood elevation certificate may be needed to determine or verify the location of the flood areas. The subject property's community does participate in the program to determine the flood zone. The property resides in an area not mapped by FEMA and Special Flood Hazard Zone is undetermined. The Flood Insurance Rate Program was contacted on 3/5/2018 by telephone or email ([www.fema.gov](http://www.fema.gov)).

(N1) Property has direct access to California Street which is a public right-of-way.

(N2) The addresses of 1436 and 1498 Polk Street were observed by the surveyor posted on property as of date of survey.

(N3) The basis of bearings of this survey is based on the center line of California Street, shown as East, per plat.

(N4) The table below describes the type and number of parking stalls entirely within the property boundary. Stalls that are partially within the boundary are listed under the heading "partial". Partial stalls are not counted in the total.

PARKING				
REGULAR	HANDICAPPED	TRAILER	PARTIAL	TOTAL
16	0	0	0	16

- ## SYMBOL LEGEND
- |  |   |
|--|---|
| <p>○ — MONUMENT SET (AS DESCRIBED)    ● — MONUMENT FOUND (AS DESCRIBED)</p> <p>  — BUSH<br/>  — TREE<br/>  — CONCRETE         </p> <p>  — GAS METER<br/>  — ELEC. PEDestal<br/>  — ROAD SIGN         </p> <p>  — SIGNAL LIGHT<br/>  — FIRE HYDRANT<br/>  — POWER MANHOLE         </p> <p>  — PIPELINE MIRROR<br/>  — GROUND LIGHT<br/>  — WATER POLE         </p> <p>  — MAIL BOX<br/>  — PIPELINE VENT<br/>  — UTILITY POLE         </p> <p>  — TELE. PEDestal<br/>  — WATER VALVE<br/>  — WATER HYDRANT         </p> <p>  — S.S. SEW. M.H.<br/>  — S.W. SEW. M.H.<br/>  — TEL. U.G.         </p> <p>  — GUY WIRE<br/>  — PULL BOX<br/>  — TELE. MANHOLE         </p> <p>  — CURB INLET<br/>  — GUARD POST<br/>  — BARB WIRE FENCE         </p> <p>  — H.V. COVERED PIPE<br/>  — LIGHT POLE<br/>  — STOCK FENCE         </p> <p>  — T.V. PIPE<br/>  — MONITOR WELL<br/>  — CHAIN LINK FENCE         </p> <p>  — CLEAN OUT<br/>  — MONITOR WELL<br/>  — CHAIN LINK FENCE         </p> <p>  — PARKING METER<br/>  — TRASH CAN<br/>  — WATER METER         </p> <p>  — ELEC. TRANS.<br/>  — HANDICAP<br/>  — WATER METER         </p> <p>  — U.T.A.<br/>  — GAS VALVE<br/>  — TRAFFIC CONTROL BOX         </p> <p>  — A.S.<br/>  — AIR SPRINKLER<br/>  — FIRE RISER         </p> <p>  — STORM SEWER<br/>  — S.S.<br/>  — SEWER MANHOLE         </p> <p>  — F/O<br/>  — FIBER OPTIC         </p> <p>  — T<br/>  — OVERHEAD CROSSWALK         </p> <p>  — U.G.<br/>  — UNDERGROUND CROSSING         </p> | <h3 style="text-align: center;">LIST OF ABBREVIATIONS</h3> <p>             U/G — UNDERGROUND<br/>             H/C — HANDICAPPED<br/>             CONC — CONCRETE<br/>             RET. — RETAINING APPROX. — APPROXIMATE<br/>             SAN — SANITARY<br/>             ASPH. — ASPHALT<br/>             TR. — TYPICAL<br/>             BLDG. — BUILDING<br/>             PED. — PEDESTAL<br/>             PLTR. — PLANTER<br/>             R/G — GAS REGULATOR<br/>             TRANS. — TRANSFORMER<br/>             F.F. — FINISHED FLOOR<br/>             CEN. — CENTER LINE<br/>             R.O.W. — RIGHT-OF-WAY<br/>             FENCE — FENCE<br/>             B.V. — BOLLARD<br/>             BVL. — BOULEVARD<br/>             L/B. — BUILDING SETBACK<br/>             EASEM. — EASEMENT<br/>             W/TS — WITH<br/>             DIST. — DISTANCE<br/>             BRNG. — BEARING<br/>             WINGS — WINGS<br/>             U/G — UNDERGROUND<br/>             STAT. — STATUTORY<br/>             M. — MEASURED<br/>             DIM. — DIMENSION<br/>             PR. — PLAT DIMENSION<br/>             T. — TOTAL DIMENSION<br/>             PL. — FLOW LINE<br/>             RD. — ROAD<br/>             POM. — POINT OF MEASUREMENT         </p> |
|--|---|
- (GS.) = GROUND LEVEL SPOT ELEVATION  
(T.B.) = POINT OF BUILDING SPOT ELEVATION

**Survey Prepared By:**  
*Red Plains Surveying Company*  
 1917 S. Harvard Avenue  
 Oklahoma City, OK 73128  
 Phone: 405-603-7842 / Fax:  
 405-603-7852  
 Email: [Comments@rpsurveying.com](mailto:Comments@rpsurveying.com)



The Aboveground utilities shown have been located from field survey information only. The surveyor makes no guarantee that the utilities shown comprise all such utilities in the area, either in service or abandoned. The surveyor further certifies that they are located as accurately as possible from the field information obtained.

The underground utilities shown have been located from field survey information and existing drawings, if available. The surveyor makes no guarantee that the underground utilities shown comprise all such utilities in the area, either in service or abandoned. The surveyor further does not warrant that the underground utilities shown are in the exact location indicated although he does certify that they are located as accurately as possible from information available. The surveyor has not physically located the underground utilities.

PARCEL 1:

BEGINNING at the point of intersection of the southerly line of California Street and the Easterly line of Polk Street; running thence Easterly along the Southerly line of California Street 111 feet and 2 inches; thence at a right angle Southerly 137 feet and 6 inches; thence at a right angle Westerly 111 feet and 2 inches to the Easterly line of Polk Street; thence Northerly along the Easterly line of Polk Street 137 feet and 6 inches to the point of beginning.

BEING part of Western Addition Block No. 15.

APN: Lot 014 & 014A; Block 0645

**PARCEL II:**  
**BEGINNING** at a point on the Southerly line of California Street, distant thereon 111 feet and 2 inches Easterly from the easterly line of Polk Street; running thence Easterly along said line of California Street 24 feet and 4 inches; thence at a right angle Southerly 137 feet and 6 inches; thence at a right angle Westerly 24 feet and 4 inches; thence at a right angle Northerly 137 feet and 6 inches to the point of beginning.

BEING a portion of Western Addition Block No. 15.

APN: Lot 015; Block 0645

The above described parcel is the same land described in Old Republic Title Company's Preliminary Report Order No. 0224042170-AN, bearing an effective date of April 25, 2017, at 7.30AM

PARTNER PROJECT NUMBER 18-209710.1  
PROPERTY ADDRESS: 1436 and 1498 Polk Street and 1567 California  
Street, San Francisco, California 94109  
ALTA SURVEY BASED AND RELIED ON OLD REPUBLIC TITLE COMPANY  
RELIMINARY REPORT ORDER NO. 0224042170-AN, BEARING AN EFFECTIVE  
DATE OF APRIL 25, 2017, at 7:30 AM

To: Old Republic Title Company and Partner Engineering and Science, Inc.

*This is to certify that this map or plat and the survey on which it is based were made in accordance with the 2016 Minimum Standard Detail Requirements for ALTA/NSPS Land Title Surveys, jointly established and adopted by ALTA and NSPS, and includes Items 2, 3, 4, 7a, 7b1, 7c, 8, 9, 13, 14, 16, 17, and 20 of Table A thereof. The field work was completed on 3/19/2018.*

Date of Plat or Map:

James M. Powers PLS RPLS CFedS  
PLS No.: 8541  
IN THE STATE OF: CALIFORNIA  
DATE OF SURVEY: 3/19/2018  
DATE OF LAST REVISION:

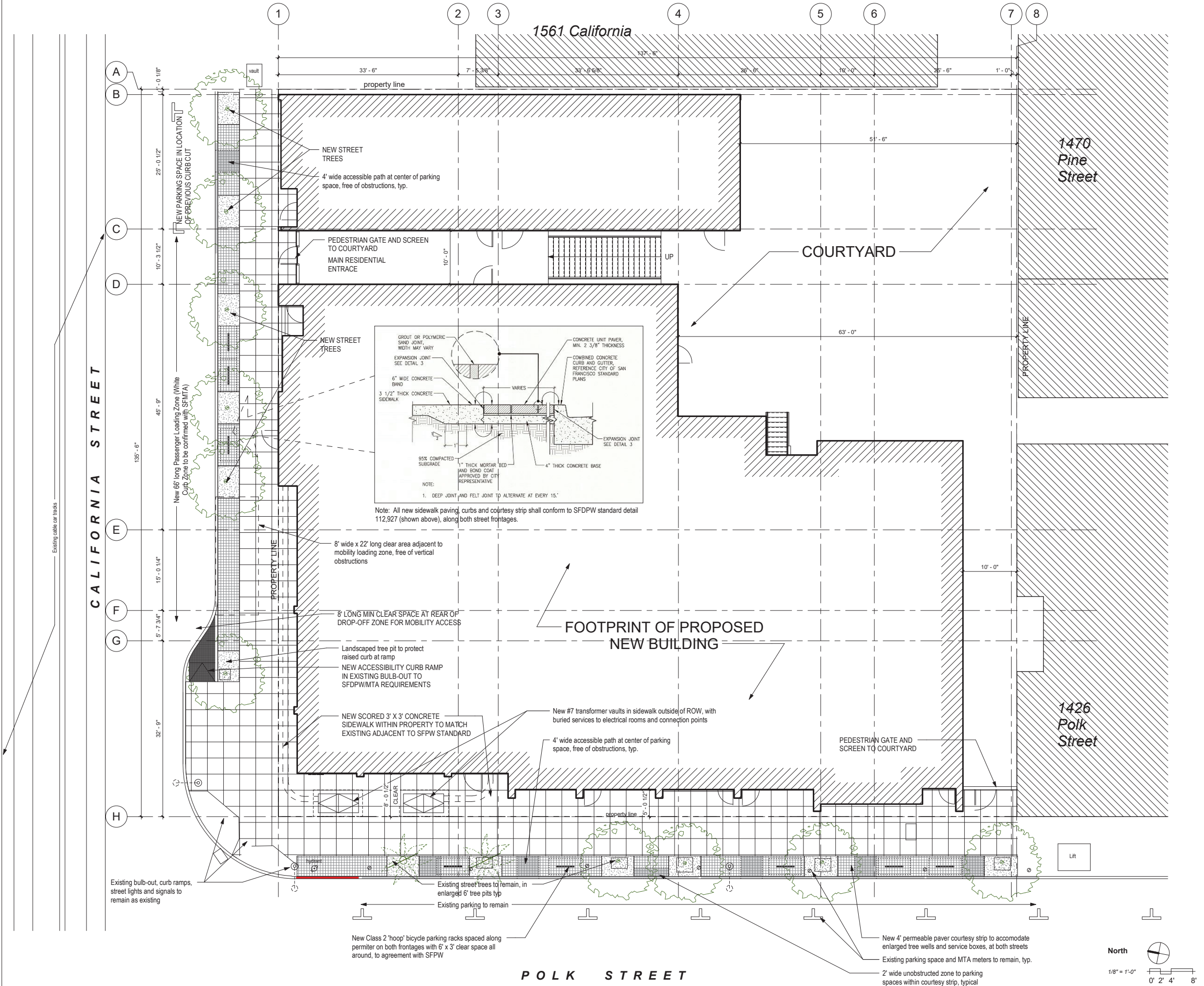
CAXTON BUILDING  
812 HURON RD. SUITE 690  
CLEVELAND, OHIO 44115  
T 440-987-1001  
jdavenport@partneresi.com

**PARTNER**  
Engineering and Science, Inc.

18-085-01AD

PAGE 1 OF 1





1567  
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License Stamp

Issues	
Description	Date
Planning Submission	07/20/2018
Planning Redesign	10/24/2018
Planning Revisions	01/03/2020

Revisions	
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Set Title  
Planning Submission

Drawing Title  
Site Development  
Plan

Sheet No.  
A00

Date  
Project No.

01/03/20  
21726





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Rev.	Date

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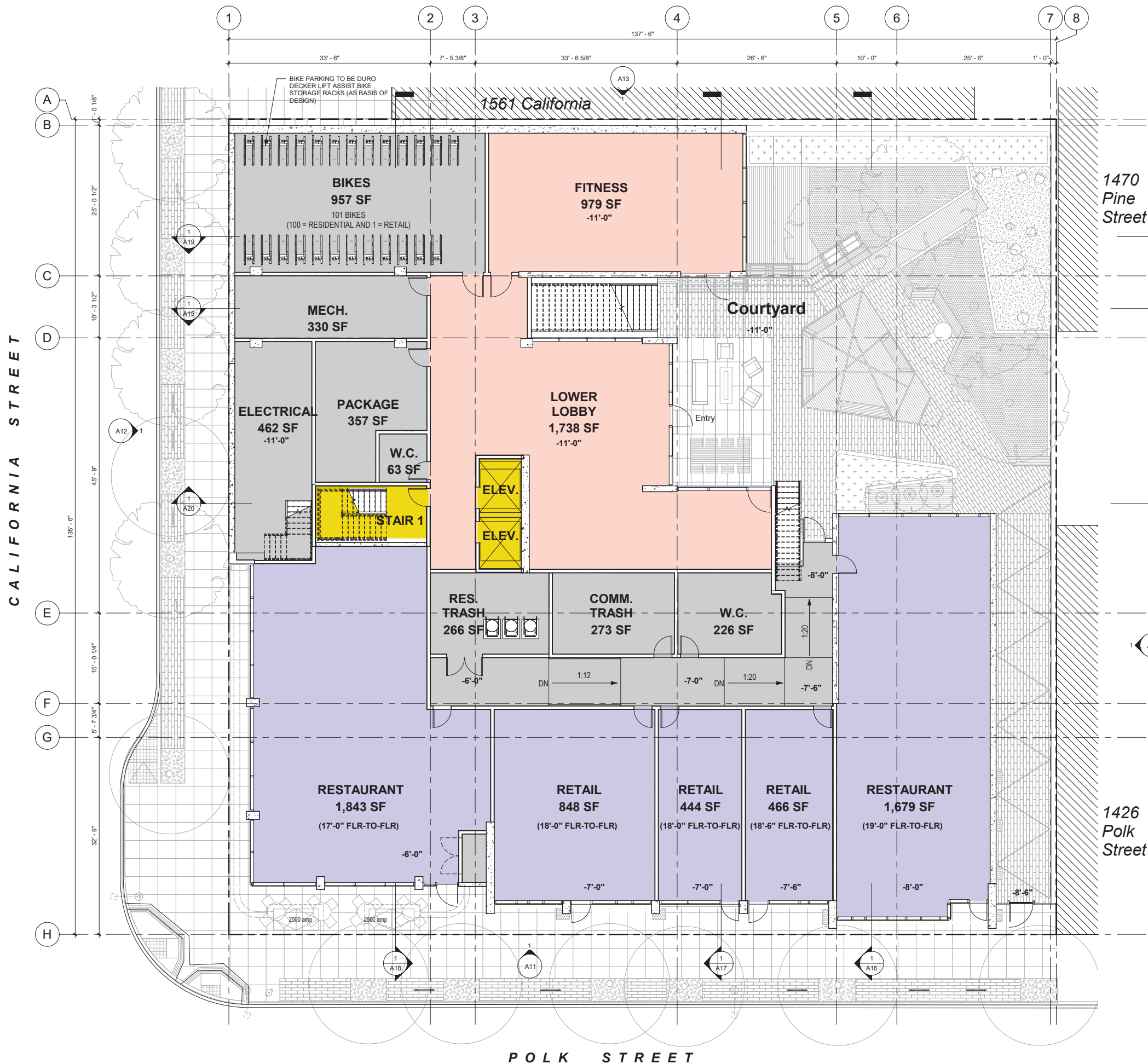
Drawing Title

Lower Ground  
Floor

Sheet No.

A01

Date 01/03/20  
Project No. 21726



**Section 145.1 Active Ground Floor:**  
Ground Floor Retail/Restaurant shall have a  
minimum floor-to-floor height of 14 feet.

Square Footage:

Total **Compliant** Retail sf = 5,280 sf  
Total **Non-Compliant** Retail sf = 2,338 sf

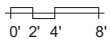
Average Height:

Total Average Retail Height = 15'-3"

North



1/8" = 1'-0"







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Revisions	
Rev.	Date

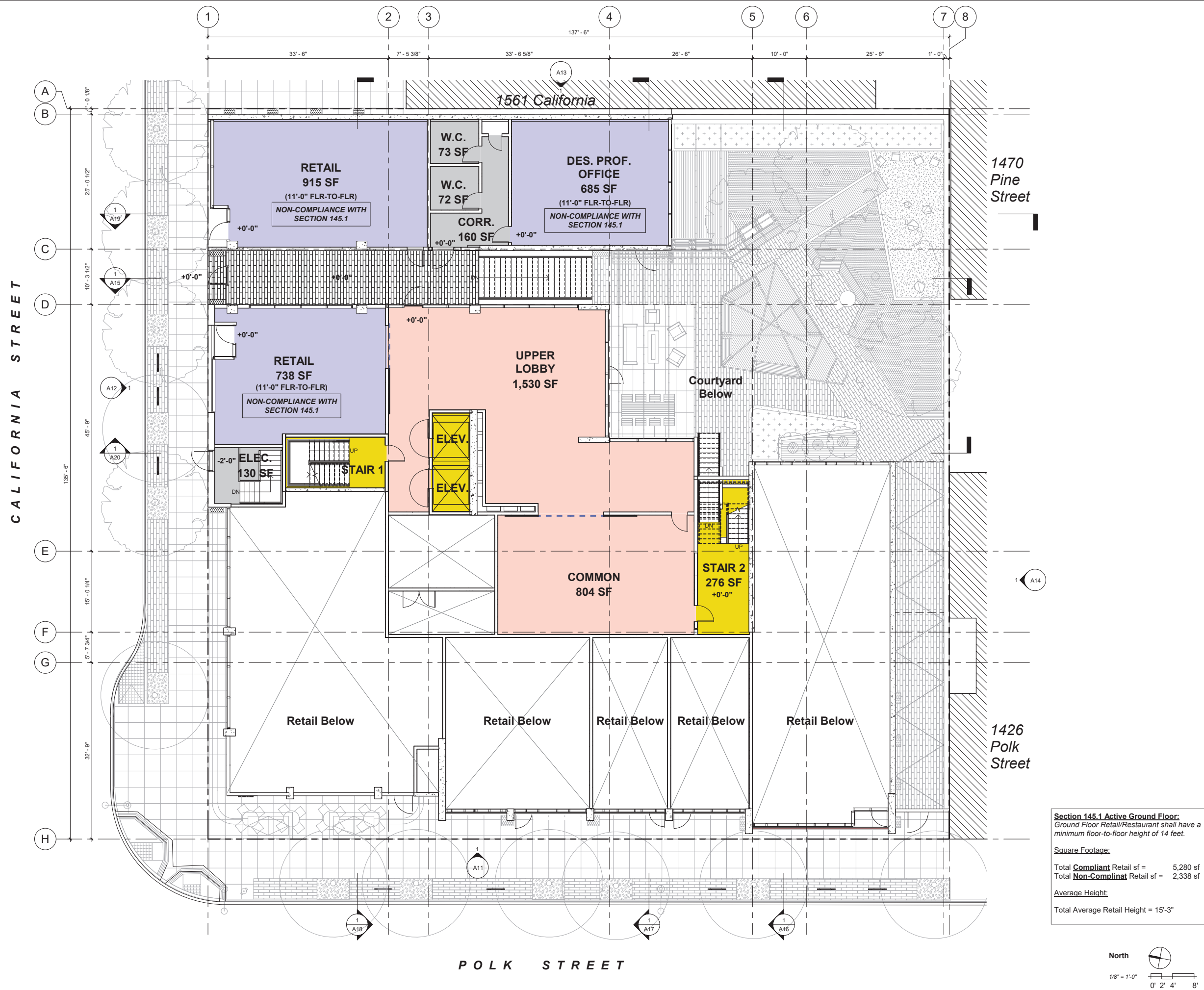
Set Title  
Planning Submission

Drawing Title  
Upper Ground Floor

Sheet No.

A02

Date 01/03/20  
Project No. 21726







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Rev.	Date

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Planning Submission

Drawing Title

Level 2 Floor Plan  
(showing typical  
unit plans)

Sheet No.

A03

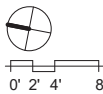
Date 01/03/20  
Project No. 21726

CALIFORNIA STREET

POLK STREET

North

1/8" = 1'-0"







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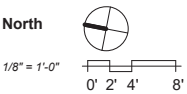
Drawing Title

Level 3 Floor Plan

Sheet No.

A04

Date 01/03/20  
Project No. 21726







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415.896.6700

License Stamp

Issues	
Description	Date
Planning Submission	07/20/2018
Planning Redesign	10/24/2018
Planning Revisions	01/03/2020

Revisions	
Rev.	Date

Set Title

Planning Submission

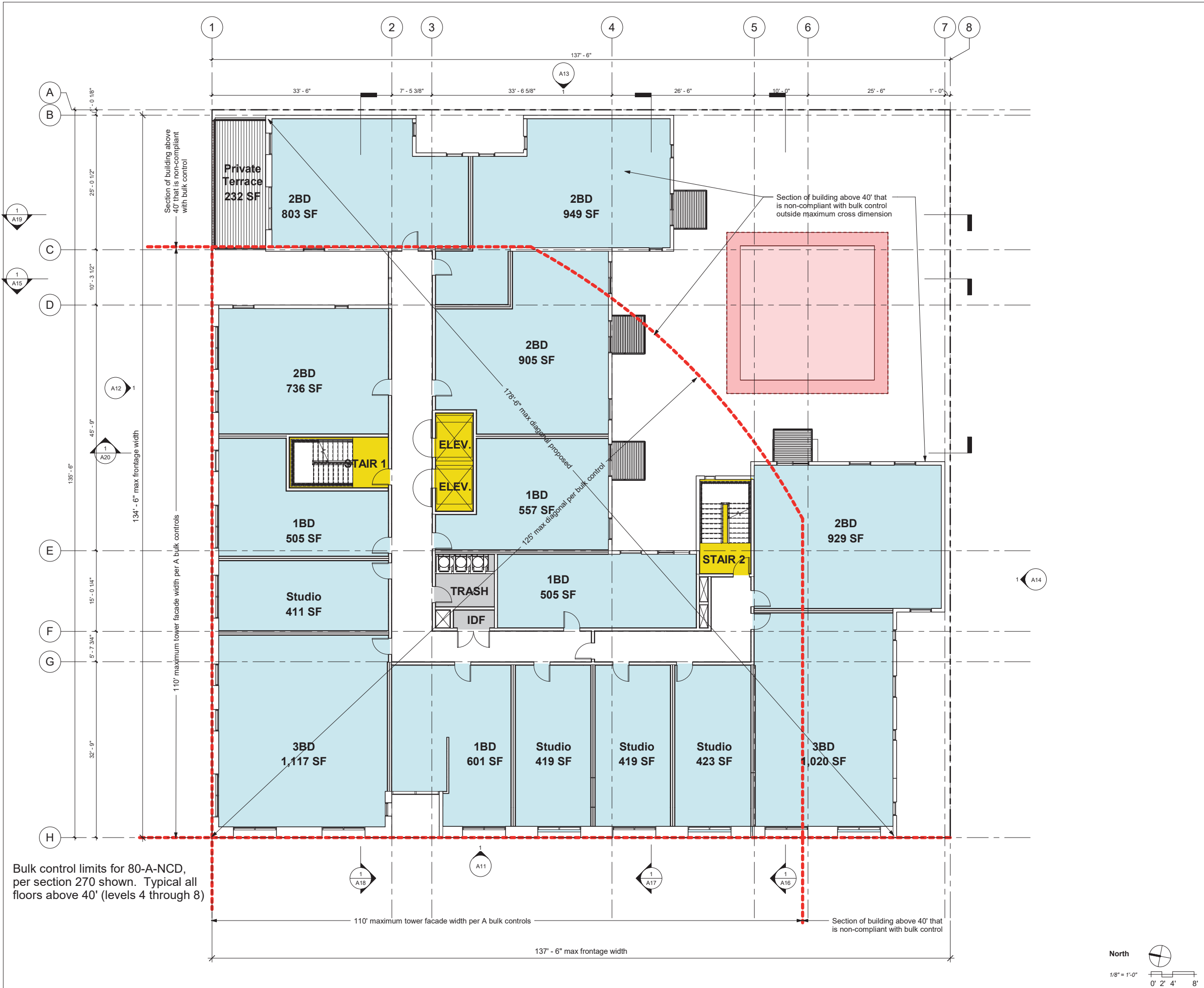
Drawing Title

Level 4 Floor Plan

Sheet No.

A05

Date 01/03/20  
Project No. 21726







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Planning Submission

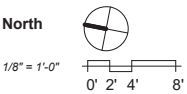
Drawing Title

Level 5 Floor Plan

Sheet No.

A06

Date 01/03/20  
Project No. 21726







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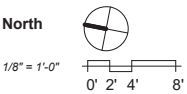
Drawing Title

Level 6 Floor Plan

Sheet No.

A07

Date 01/03/20  
Project No. 21726







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Planning Submission

Drawing Title

Level 7 Floor Plan

Sheet No.

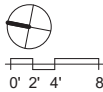
A08

Date 01/03/20  
Project No. 21726



North

1/8" = 1'-0"



0' 2' 4' 8'





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Rev.	Date

Set Title  
Planning Submission

Drawing Title  
Level 8 Floor Plan

Sheet No.  
A09

Date  
Project No.

01/03/20  
21726







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Revisions	
Rev.	Date

Set Title

Planning Submission

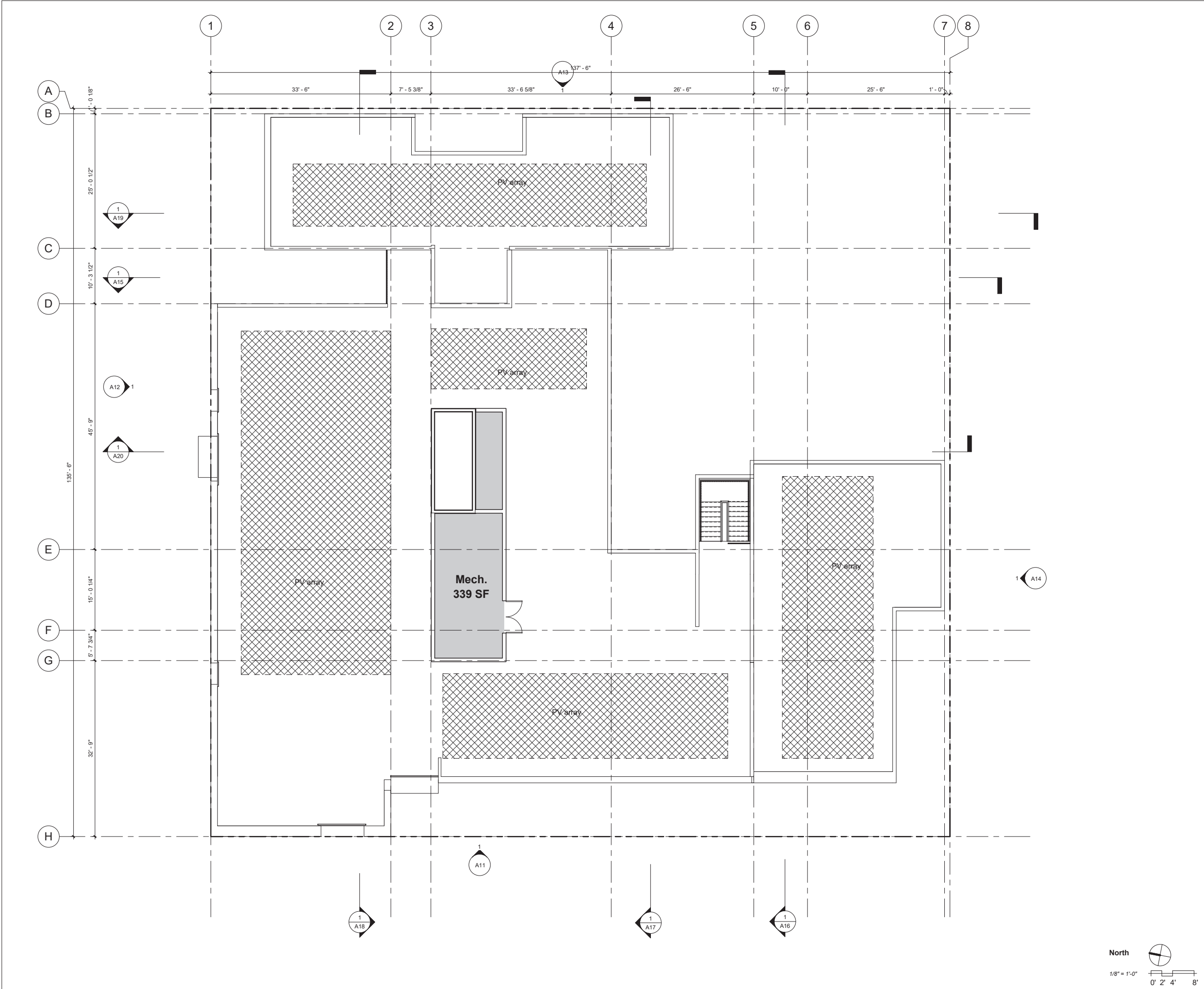
Drawing Title

Rooft Level Floor  
Plan

Sheet No.

A10

Date 01/03/20  
Project No. 21726







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Description	Date
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Planning Revisions	01/03/2020

Revisions	
Rev.	Date

Set Title

Planning Submission

Drawing Title

EXTERIOR  
ELEVATION -  
POLK STREET

Sheet No.

A11

Date	01/03/20
Project No.	21726



- A Board-textured concrete with creeping vine cover
- B Double glazed storefront glazing system
- C Vertical hardwood siding
- D External fiber cement board wall cladding
- E Clear glass panel guard screening with metal framing
- F Metal guard railings to external circulation
- G Exterior stucco finish
- H Double Glazed casement windows and sliding doors
- I Perforated metal sunshading
- J Horizontal Slats / Slat guardrail at balcony
- L Blind wall construction at property boundary
- M Clear glazing in retail shopfront w/ painted transom beams





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Issues	
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Planning Revisions	01/03/2020

Revisions	
Rev.	Date

Set Title

Planning Submission

Drawing Title

EXTERIOR  
ELEVATION -  
CALIFORNIA  
STREET

Sheet No.

A12

Date 01/03/20  
Project No. 21726



- A Board-textured concrete with creeping vine cover
- B Double glazed storefront glazing system
- C Vertical hardwood siding
- D External fiber cement board wall cladding
- E Clear glass panel guard screening with metal framing
- F Metal guard railings to external circulation
- G Exterior stucco finish
- H Double Glazed casement windows and sliding doors
- I Perforated metal sunshading
- J Horizontal Slats / Slat guardrail at balcony
- L Blind wall construction at property boundary
- M Clear glazing in retail shopfront w/ painted transom beams

1/8" = 1'-0"  
0' 2' 4' 8'





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Set Title

Planning Submission

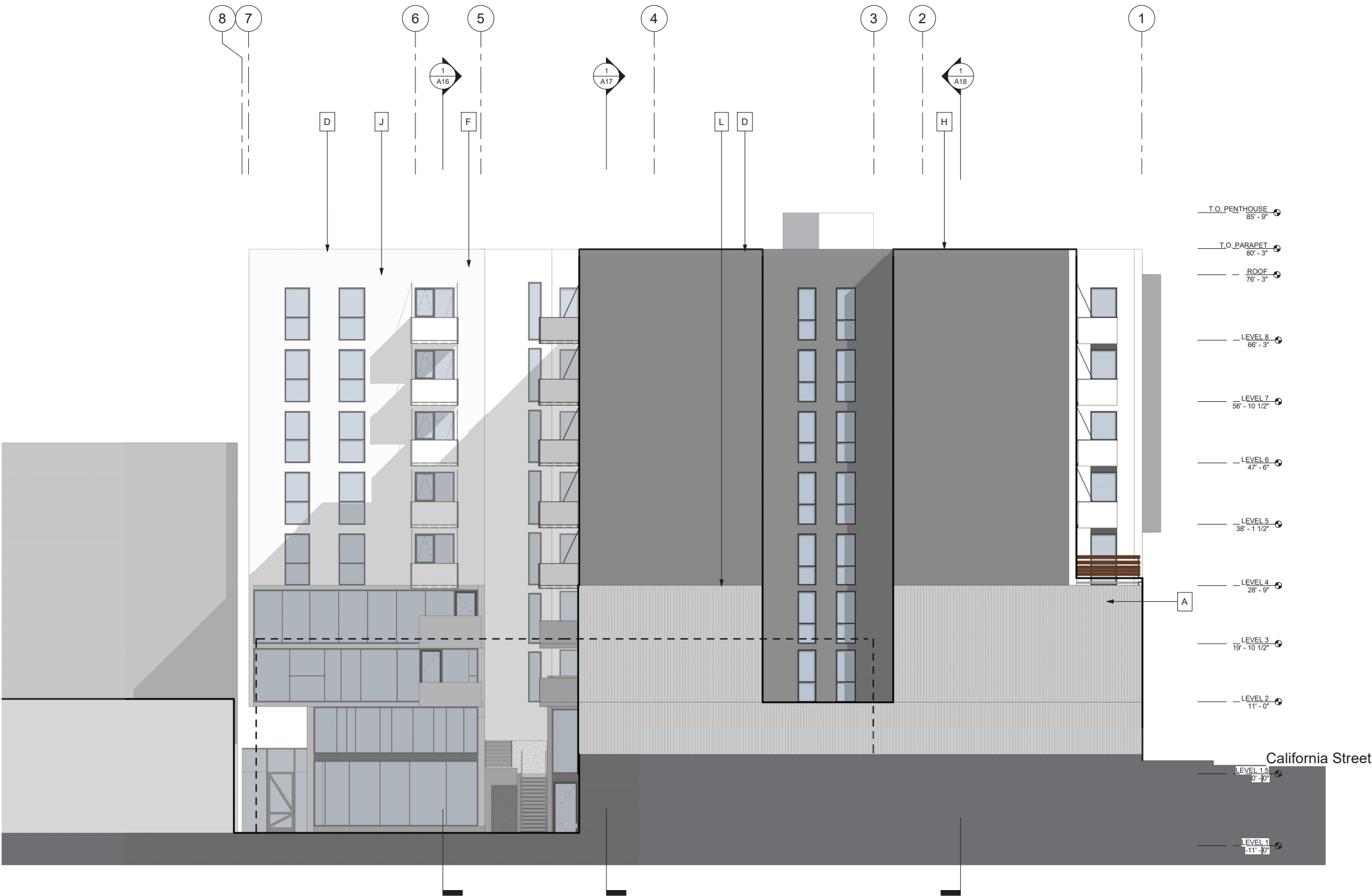
Drawing Title

EXTERIOR  
ELEVATION -  
EAST

Sheet No.

A13

Date 01/03/20  
Project No. 21726



- A Board-textured concrete with creeping vine cover
- B Double glazed storefront glazing system
- C Vertical hardwood siding
- D External fiber cement board wall cladding
- E Clear glass panel guard screening with metal framing
- F Metal guard railings to external circulation
- G Exterior stucco finish
- H Double Glazed casement windows and sliding doors
- I Perforated metal sunshading
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1/8" = 1'-0"  
0' 2' 4' 8'





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Revisions	
Rev.	Date

Set Title

Planning Submission

Drawing Title

EXTERIOR  
ELEVATION -  
SOUTH

Sheet No.

A14

Date 01/03/20  
Project No. 21726



- A Board-textured concrete with creeping vine cover
- B Double glazed storefront glazing system
- C Vertical hardwood siding
- D External fiber cement board wall cladding
- E Clear glass panel guard screening with metal framing
- F Metal guard railings to external circulation
- G Exterior stucco finish
- H Double Glazed casement windows and sliding doors
- I Perforated metal sunshading
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- L Blind wall construction at property boundary
- M Clear glazing in retail shopfront w/ painted transom beams

1/8" = 1'-0"  
0' 2' 4' 8'





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Planning Submission

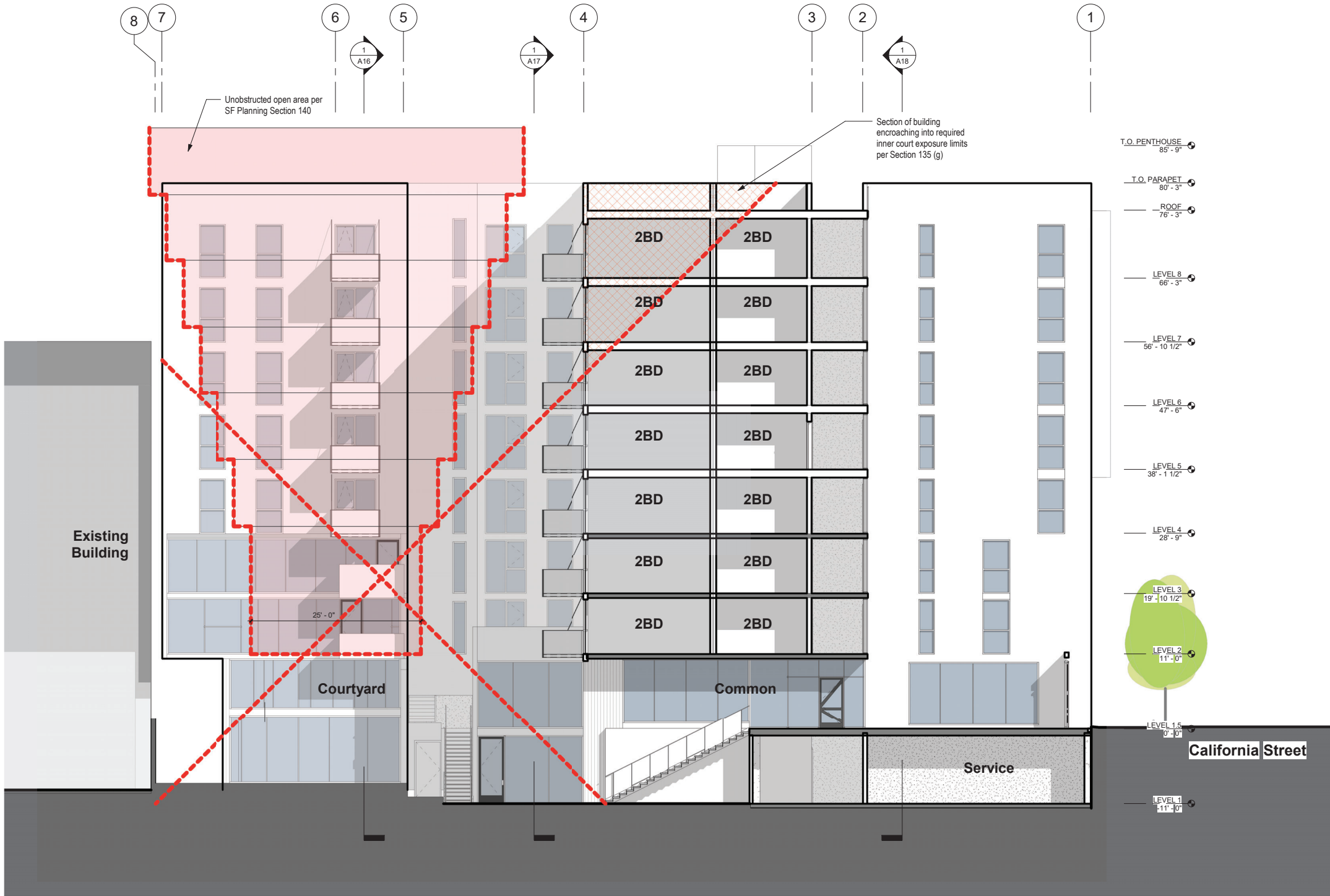
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BUILDING  
SECTION -  
CALIFORNIA  
STREET

Sheet No.

A15

Date 01/03/20  
Project No. 21726



1/8" = 1'-0"  
0' 2' 4' 8'





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Set Title

Planning Submission

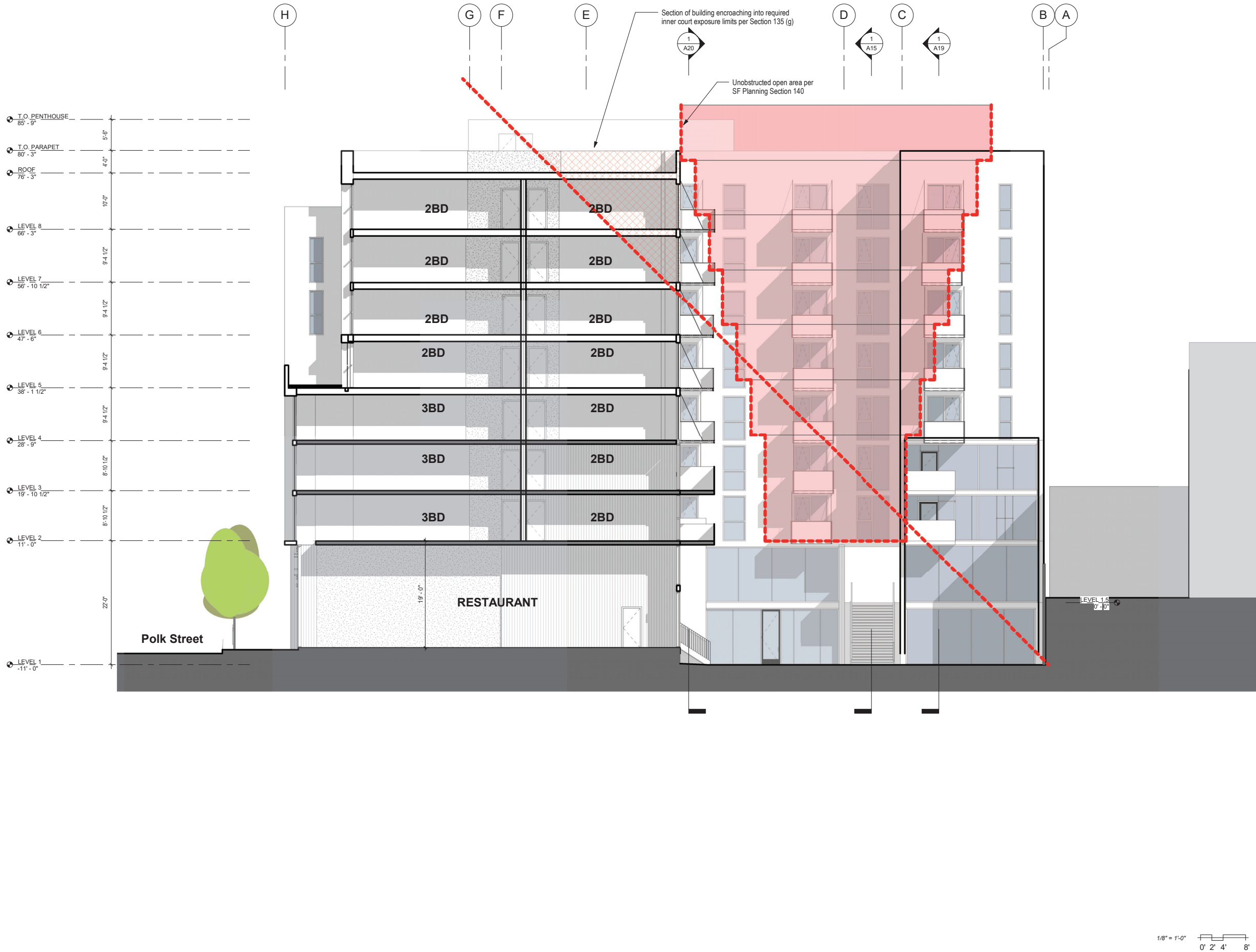
Drawing Title

BUILDING  
SECTION - POLK  
STREET

Sheet No.

A16

Date 01/03/20  
Project No. 21726







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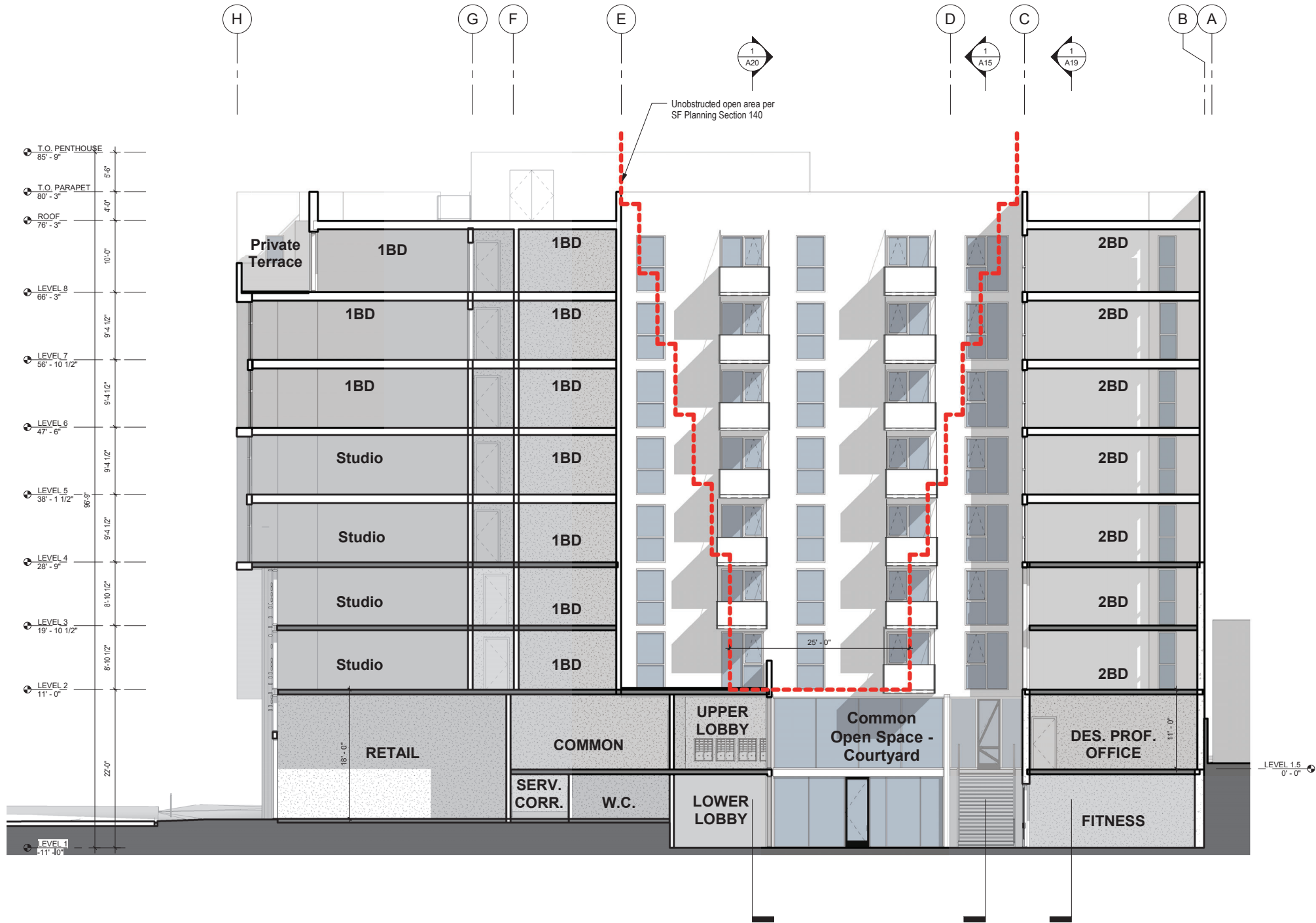
Drawing Title

BUILDING  
SECTION - POLK  
STREET 2

Sheet No.

A17

Date 01/03/20  
Project No. 21726







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Revisions	
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Planning Submission

Drawing Title

BUILDING  
SECTION - POLK  
STREET

Sheet No.

A18

Date 01/03/20  
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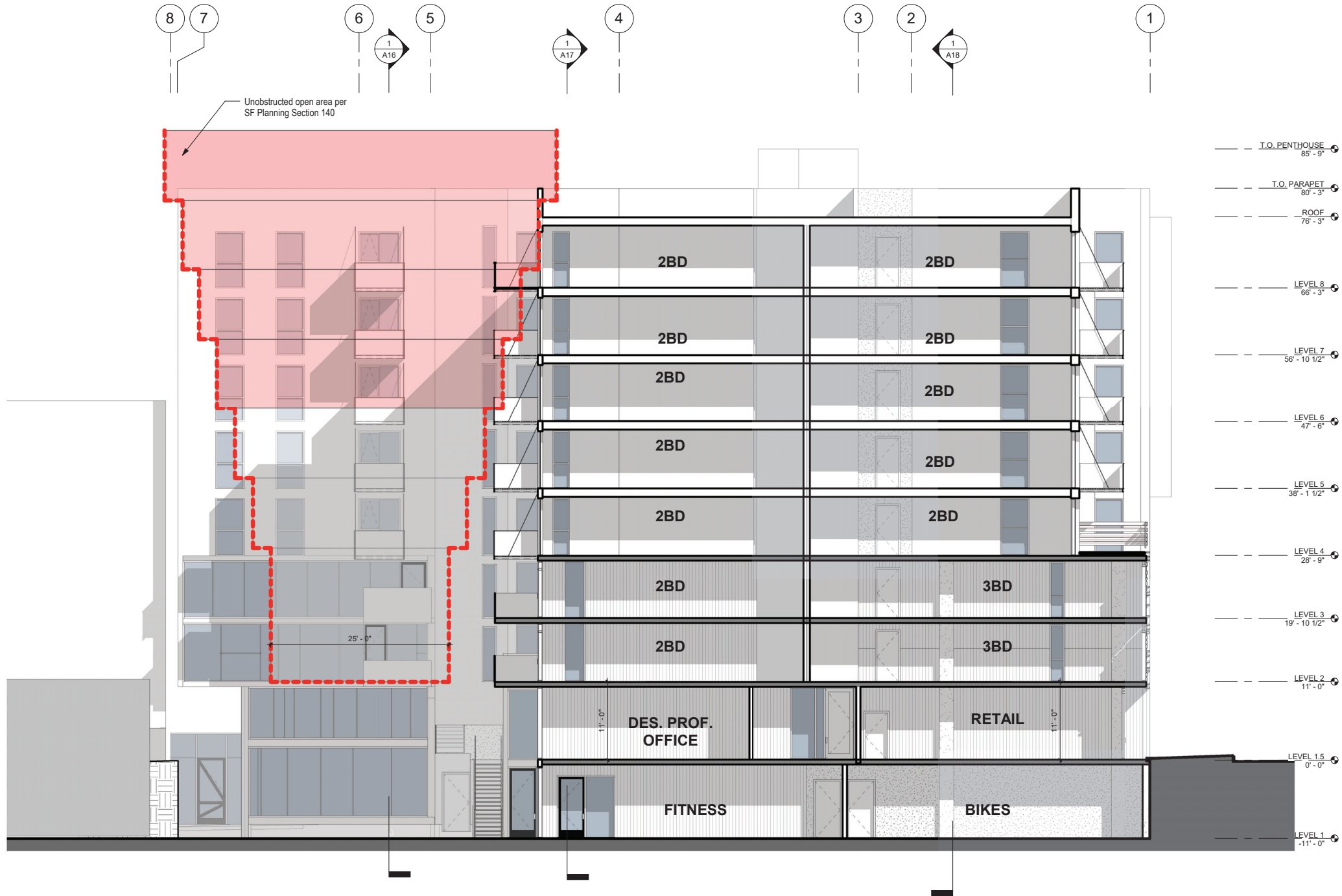
Drawing Title

BUILDING  
SECTION -  
CALIFORNIA  
STREET

Sheet No.

A19

Date 01/03/20  
Project No. 21726







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Revisions	
Rev.	Date

Set Title

Planning Submission

Drawing Title

BUILDING  
SECTION -  
CALIFORNIA  
STREET

Sheet No.

A20

Date 01/03/20  
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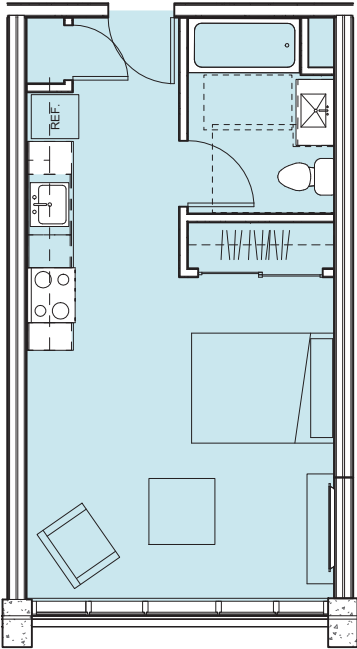
Drawing Title

UNIT PLANS

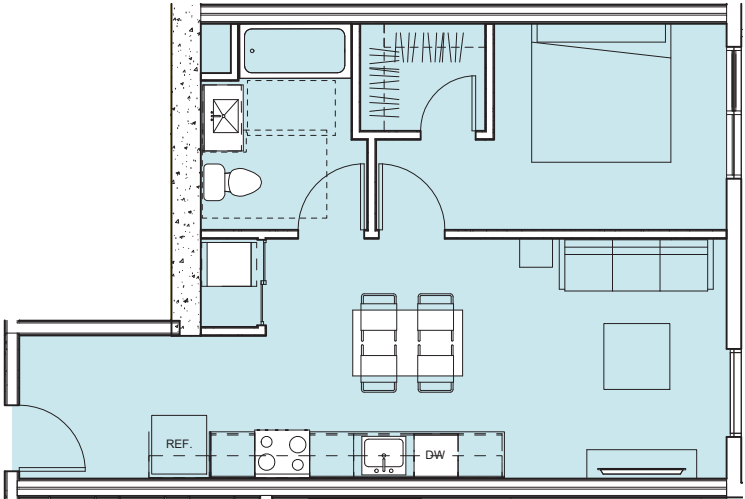
Sheet No.

A21

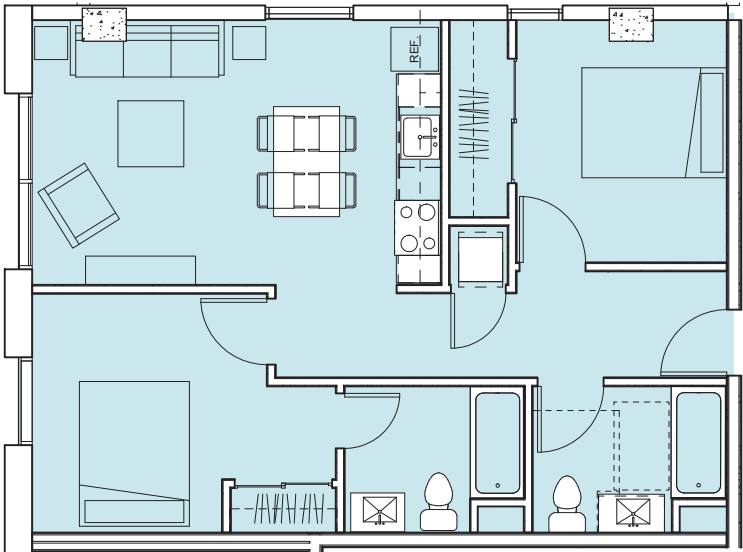
Date	01/03/20
Project No.	21726



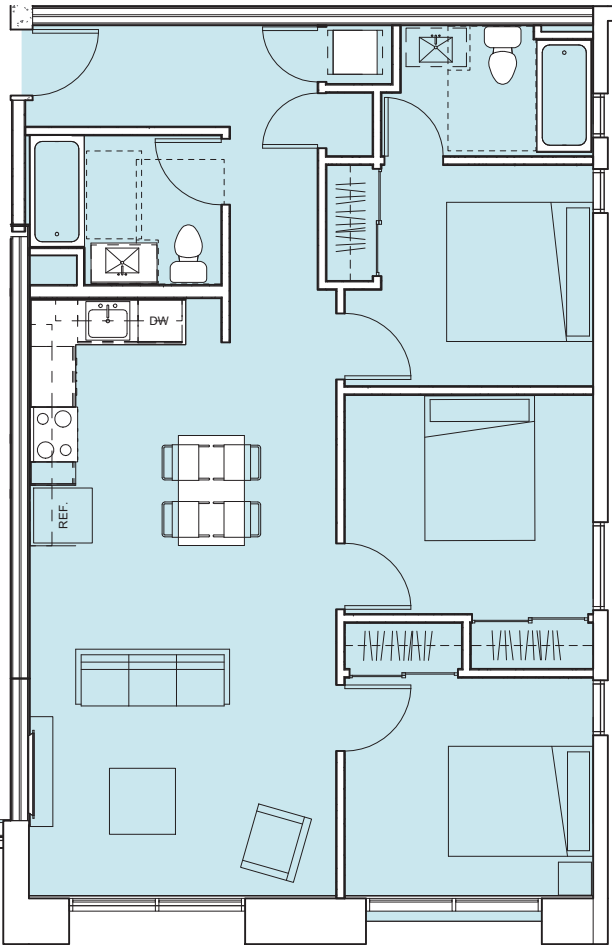
1 Studio  
1/4" = 1'-0"



2 1 Bedroom  
1/4" = 1'-0"



3 2 Bedroom  
1/4" = 1'-0"



4 3 Bedroom  
1/4" = 1'-0"



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# **Exhibit C**

## **Environmental Determination**



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# SAN FRANCISCO PLANNING DEPARTMENT

## CEQA Categorical Exemption Determination

### PROPERTY INFORMATION/PROJECT DESCRIPTION

<b>Project Address</b>		<b>Block/Lot(s)</b>
1567 CALIFORNIA ST		0645014, 0645014A, 0645015
<b>Case No.</b>		<b>Permit No.</b>
2018-011249ENV		201912099034
<input type="checkbox"/> <b>Addition/ Alteration</b>	<input checked="" type="checkbox"/> <b>Demolition (requires HRE for Category B Building)</b>	<input checked="" type="checkbox"/> <b>New Construction</b>
<b>Project description for Planning Department approval.</b> The project site is located on the northeast corner of California and Polk streets with frontage on both streets, on three parcels totaling 18,625 square feet in the Nob Hill neighborhood. The lot is occupied by a two-story 10,020-gross-square-foot, commercial building constructed in 1900, and a small surface parking lot with seven parking spaces. The site is adjacent to a mixed-use, four-story apartment building at 1424-1428 Polk Street that is an historic resource. The proposed project would demolish the existing commercial building constructed in 1900, and construct an eight-story over partial basement (lower ground level), approximately 80-foot-tall (88-foot with penthouse), 106,733 gross-square-foot mixed-use building including 9,823 gross square-feet of ground floor commercial and 100 dwelling units. The partial basement would contain 101 Class 1 and no vehicle parking. The proposed project would include 20 studio units, 29 one-bedroom units, 39 two-bedroom units and 12 three-bedroom units. The proposed project would include 10 class 2 bicycle spaces on the sidewalks along California Street and Polk Street. An existing curb cut at the eastern edge of the property along California Street would be converted to an on-street parking space. An existing on-street parking space on California street would be converted to a white FULL PROJECT DESCRIPTION ATTACHED		

### STEP 1: EXEMPTION CLASS

<b>The project has been determined to be categorically exempt under the California Environmental Quality Act (CEQA).</b>	
<input type="checkbox"/>	<b>Class 1 - Existing Facilities.</b> Interior and exterior alterations; additions under 10,000 sq. ft.
<input type="checkbox"/>	<b>Class 3 - New Construction.</b> Up to three new single-family residences or six dwelling units in one building; commercial/office structures; utility extensions; change of use under 10,000 sq. ft. if principally permitted or with a CU.
<input checked="" type="checkbox"/>	<b>Class 32 - In-Fill Development.</b> New Construction of seven or more units or additions greater than 10,000 sq. ft. and meets the conditions described below: (a) The project is consistent with the applicable general plan designation and all applicable general plan policies as well as with applicable zoning designation and regulations. (b) The proposed development occurs within city limits on a project site of no more than 5 acres substantially surrounded by urban uses. (c) The project site has no value as habitat for endangered rare or threatened species. (d) Approval of the project would not result in any significant effects relating to traffic, noise, air quality, or water quality. (e) The site can be adequately served by all required utilities and public services. <b>FOR ENVIRONMENTAL PLANNING USE ONLY</b>
<input type="checkbox"/>	<b>Class ____</b>



## STEP 2: CEQA IMPACTS

### TO BE COMPLETED BY PROJECT PLANNER

<input type="checkbox"/>	<b>Air Quality:</b> Would the project add new sensitive receptors (specifically, schools, day care facilities, hospitals, residential dwellings, and senior-care facilities within an Air Pollution Exposure Zone? Does the project have the potential to emit substantial pollutant concentrations (e.g., backup diesel generators, heavy industry, diesel trucks, etc.)? (refer to EP_ArcMap > CEQA Catex Determination Layers > Air Pollution Exposure Zone)
<input type="checkbox"/>	<b>Hazardous Materials:</b> If the project site is located on the Maher map or is suspected of containing hazardous materials (based on a previous use such as gas station, auto repair, dry cleaners, or heavy manufacturing, or a site with underground storage tanks): Would the project involve 50 cubic yards or more of soil disturbance - or a change of use from industrial to residential?  <i>if the applicant presents documentation of enrollment in the San Francisco Department of Public Health (DPH) Maher program, a DPH waiver from the Maher program, or other documentation from Environmental Planning staff that hazardous material effects would be less than significant (refer to EP_ArcMap &gt; Maher layer).</i>
<input type="checkbox"/>	<b>Transportation:</b> Does the project involve a child care facility or school with 30 or more students, or a location 1,500 sq. ft. or greater? Does the project have the potential to adversely affect transit, pedestrian and/or bicycle safety (hazards) or the adequacy of nearby transit, pedestrian and/or bicycle facilities?
<input type="checkbox"/>	<b>Archeological Resources:</b> Would the project result in soil disturbance/modification greater than two (2) feet below grade in an archeological sensitive area or eight (8) feet in a non -archeological sensitive area? If yes, archeo review is required (refer to EP_ArcMap > CEQA Catex Determination Layers > Archeological Sensitive Area)
<input type="checkbox"/>	<b>Subdivision/Lot Line Adjustment:</b> Does the project site involve a subdivision or lot line adjustment on a lot with a slope average of 20% or more? (refer to EP_ArcMap > CEQA Catex Determination Layers > Topography). If yes, Environmental Planning must issue the exemption.
<input type="checkbox"/>	<b>Slope = or &gt; 25%:</b> Does the project involve any of the following: (1) square footage expansion greater than 500 sq. ft. outside of the existing building footprint, (2) excavation of 50 cubic yards or more of soil, (3) new construction? (refer to EP_ArcMap > CEQA Catex Determination Layers > Topography) <b>If box is checked, a geotechnical report is required and Environmental Planning must issue the exemption.</b>
<input type="checkbox"/>	<b>Seismic: Landslide Zone:</b> Does the project involve any of the following: (1) square footage expansion greater than 500 sq. ft. outside of the existing building footprint, (2) excavation of 50 cubic yards or more of soil, (3) new construction? (refer to EP_ArcMap > CEQA Catex Determination Layers > Seismic Hazard Zones) <b>If box is checked, a geotechnical report is required and Environmental Planning must issue the exemption.</b>
<input type="checkbox"/>	<b>Seismic: Liquefaction Zone:</b> Does the project involve any of the following: (1) square footage expansion greater than 500 sq. ft. outside of the existing building footprint, (2) excavation of 50 cubic yards or more of soil, (3) new construction? (refer to EP_ArcMap > CEQA Catex Determination Layers > Seismic Hazard Zones) <b>If box is checked, a geotechnical report will likely be required and Environmental Planning must issue the exemption.</b>
<b>Comments and Planner Signature (optional):</b> Diane Livia PLEASE SEE ATTACHED	



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

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

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

<b>Check all that apply to the project.</b>	
<input type="checkbox"/>	1. <b>Change of use and new construction.</b> Tenant improvements not included.
<input type="checkbox"/>	2. <b>Regular maintenance or repair</b> to correct or repair deterioration, decay, or damage to building.
<input type="checkbox"/>	3. <b>Window replacement</b> that meets the Department's <i>Window Replacement Standards</i> . Does not include storefront window alterations.
<input type="checkbox"/>	4. <b>Garage work.</b> A new opening that meets the <i>Guidelines for Adding Garages and Curb Cuts</i> , and/or replacement of a garage door in an existing opening that meets the Residential Design Guidelines.
<input type="checkbox"/>	5. <b>Deck, terrace construction, or fences</b> not visible from any immediately adjacent public right-of-way.
<input type="checkbox"/>	6. <b>Mechanical equipment installation</b> that is not visible from any immediately adjacent public right-of-way.
<input type="checkbox"/>	7. <b>Dormer installation</b> that meets the requirements for exemption from public notification under <i>Zoning Administrator Bulletin No. 3: Dormer Windows</i> .
<input type="checkbox"/>	8. <b>Addition(s)</b> that are not visible from any immediately adjacent public right-of-way for 150 feet in each direction; does not extend vertically beyond the floor level of the top story of the structure or is only a single story in height; does not have a footprint that is more than 50% larger than that of the original building; and does not cause the removal of architectural significant roofing features.
<b>Note: Project Planner must check box below before proceeding.</b>	
<input type="checkbox"/>	Project is not listed. <b>GO TO STEP 5.</b>
<input type="checkbox"/>	Project <b>does not conform</b> to the scopes of work. <b>GO TO STEP 5.</b>
<input type="checkbox"/>	Project involves <b>four or more</b> work descriptions. <b>GO TO STEP 5.</b>
<input type="checkbox"/>	Project involves <b>less than four</b> work descriptions. <b>GO TO STEP 6.</b>

**STEP 5: CEQA IMPACTS - ADVANCED HISTORICAL REVIEW**  
TO BE COMPLETED BY PROJECT PLANNER

<b>Check all that apply to the project.</b>	
<input type="checkbox"/>	1. Project involves a <b>known historical resource (CEQA Category A)</b> as determined by Step 3 and conforms entirely to proposed work checklist in Step 4.
<input type="checkbox"/>	2. <b>Interior alterations to publicly accessible spaces.</b>
<input type="checkbox"/>	3. <b>Window replacement</b> of original/historic windows that are not "in-kind" but are consistent with existing historic character.
<input type="checkbox"/>	4. <b>Façade/storefront alterations</b> that do not remove, alter, or obscure character-defining features.
<input type="checkbox"/>	5. <b>Raising the building</b> in a manner that does not remove, alter, or obscure character-defining features.
<input type="checkbox"/>	6. <b>Restoration</b> based upon documented evidence of a building's historic condition, such as historic photographs, plans, physical evidence, or similar buildings.



<input type="checkbox"/>	7. <b>Addition(s)</b> , including mechanical equipment that are minimally visible from a public right-of-way and meet the <i>Secretary of the Interior's Standards for Rehabilitation</i> .
<input type="checkbox"/>	8. <b>Other work consistent</b> with the <i>Secretary of the Interior Standards for the Treatment of Historic Properties</i> (specify or add comments):
<input type="checkbox"/>	9. <b>Other work</b> that would not materially impair a historic district (specify or add comments):  (Requires approval by Senior Preservation Planner/Preservation Coordinator)
<input type="checkbox"/>	10. <b>Reclassification of property status.</b> (Requires approval by Senior Preservation Planner/Preservation <div style="display: flex; justify-content: space-between; margin-top: 10px;"> <div style="width: 45%;"> <input type="checkbox"/> Reclassify to Category A            a. Per HRER or PTR dated            b. Other (specify):         </div> <div style="width: 45%;"> <input type="checkbox"/> Reclassify to Category C            (attach HRER or PTR)         </div> </div>
<b>Note: If ANY box in STEP 5 above is checked, a Preservation Planner MUST sign below.</b>	
<input type="checkbox"/>	<b>Project can proceed with categorical exemption review.</b> The project has been reviewed by the Preservation Planner and can proceed with categorical exemption review. <b>GO TO STEP 6.</b>
<b>Comments (optional):</b>	
<b>Preservation Planner Signature:</b>	

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

<input checked="" type="checkbox"/>	<b>No further environmental review is required. The project is categorically exempt under CEQA.</b> <b>There are no unusual circumstances that would result in a reasonable possibility of a significant effect.</b>	
	<b>Project Approval Action:</b> Planning Commission Hearing	<b>Signature:</b> Diane Livia 02/24/2020
	Once signed or stamped and dated, this document constitutes a categorical exemption pursuant to CEQA Guidelines and Chapter 31 of the Administrative Code. In accordance with Chapter 31 of the San Francisco Administrative Code, an appeal of an exemption determination can only be filed within 30 days of the project receiving the approval action. Please note that other approval actions may be required for the project. Please contact the assigned planner for these approvals.	



## Full Project Description

The project site is located on the northeast corner of California and Polk streets with frontage on both streets, on three parcels totaling 18,625 square feet in the Nob Hill neighborhood. The lot is occupied by a two-story 10,020-gross-square-foot, commercial building constructed in 1900, and a small surface parking lot with seven parking spaces. The site is adjacent to a mixed-use, four-story apartment building at 1424-1428 Polk Street that is an historic resource.

The proposed project would demolish the existing commercial building constructed in 1900, and construct an eight-story over partial basement (lower ground level), approximately 80-foot-tall (88-foot with penthouse), 106,733 gross-square-foot mixed-use building including 9,823 gross square-feet of ground floor commercial and 100 dwelling units. The partial basement would contain 101 Class 1 and no vehicle parking. The proposed project would include 20 studio units, 29 one-bedroom units, 39 two-bedroom units and 12 three-bedroom units.

The proposed project would include 10 class 2 bicycle spaces on the sidewalks along California Street and Polk Street. An existing curb cut at the eastern edge of the property along California Street would be converted to an on-street parking space. An existing on-street parking space on California street would be converted to a white passenger loading zone. The proposed project would include a new 3-foot permeable paver strip along the southwest corner of the project site and new 3-feet by 3-feet scored concrete sidewalk within the northern and western sides of the project site. The existing bulb out and curb ramps at the corner of California and Polk streets would remain. The proposed project would include new landscaping consisting of five new street trees along California Street and one new street tree on Polk Street and 10 Class 2 bicycle parking spaces.

The project proposes to use the State Density Bonus Law to permit seven bonus units (93 units are principally permitted) and is requesting waivers from: 1) Rear Yard (Section 134), 2) Open Space (Section 135), 3) Exposure (Section 140), and 4) Bulk (Section 270); additionally the project sponsor requests one incentive or concession from Ground Floor Ceiling Height (Section 145.1). The project sponsor is seeking a Conditional Use Authorization pursuant to Planning Code Sections 121.1, 121.7, and 303.

Construction of the building would take place over a period two years. The proposed building would be supported on a mat foundation over drilled displacement piers for ground improvement, as recommend in the geotechnical report. Piers would be set back 10 feet from the adjacent Polk Street building.



## CEQA Impacts

**Geology and Soils:** A geotechnical report was prepared (Final Geotechnical Study Report, April 23, 2019, AGS). The project's structural drawings would be reviewed by the building department, where it would be determined if further geotechnical review and technical reports are required.

**Archeological Resources:** Department's staff archeologist conducted preliminary archeological review February 19, 2019 and determined no CEQA-significant archeological resources are expected within project-affected soils.

**Hazardous Materials:** Project is subject to Maher Ordinance (Article 22A Health Code) administered by the Department of Public Health. Project sponsor enrolled in the Maher Program on April 5, 2019.

**Traffic:** Department's transportation staff reviewed the proposed project on January 8, 2019 and determined additional transportation review is not required.

**Noise:** The project would use typical construction equipment that would be regulated by Article 29 Police Code (section 2907, Construction Equipment). No impact pile driving or nighttime construction is required. The Department required a vibration study to determine the potential construction vibration impacts of proposed project (Construction Vibration Study, December 16, 2019, Charles M. Salter Associates, Inc.). The vibration study determined the construction equipment needed to construct the proposed project, including equipment for drilling caissons, would generate a level of vibration at a distance that is not anticipated to affect adjacent buildings and would not cause a vibration impact. The proposed project would not generate sufficient vehicle trips to noticeably increase ambient noise levels. The project's fixed noise sources, such as heating, ventilation, and air conditioning systems, would be subject to noise limits in Article 29 of the Police Code (section 2909, Noise Limits).

**Air Quality:** The proposed project's construction would be subject to the Dust Control Ordinance (Article 22B Health Code). The proposed land uses are below the Bay Area Air Quality Management District's construction and operational screening levels for requiring further quantitative criteria air pollutant analysis. The project site is not located within an air pollutant exposure zone.

**Water Quality:** The project's construction activities are required to comply with the Construction Site Runoff Ordinance (Public Works Code, article 2.4, section 146). Since the project would disturb over 5,000 square feet, the project sponsor would be required to submit an Erosion Sediment Control Plan or a Stormwater Pollution Prevention Plan, and a Construction Site Runoff Control Project Application to SFPUC. Stormwater and wastewater discharged from the project site during operations would flow to the City's combined sewer system and be treated to the standards in the City's National Pollution Discharge Elimination System permit.

**Natural Habitat:** The project site is paved and within a developed urban area. The project site has no significant riparian corridors, estuaries, marshes, wetlands, or any other potential wildlife habitat that might contain endangered, rare or threatened species. Thus, the project site has no value as habitat for rare, threatened, or endangered species.

**Wind:** The proposed project would construct a building over 80 feet high. The Department required a wind analysis (Screening-Level Wind Analysis #1803851, June 14, 2019, RWDI) which showed that the building would generate new wind patterns that would not be expected to exceed the wind hazard criteria (Planning Code section 148).

**Public Notice:** Notification of Project Receiving Environmental Review was mailed June 17, 2019 to occupants and owners of buildings within 300 feet of the project site and to the Nob Hill neighborhood groups list.

None of the exceptions to categorical exemptions apply. The project would not contribute to significant cumulative effects.



## STEP 7: MODIFICATION OF A CEQA EXEMPT PROJECT

### TO BE COMPLETED BY PROJECT PLANNER

In accordance with Chapter 31 of the San Francisco Administrative Code, when a California Environmental Quality Act (CEQA) exempt project changes after the Approval Action and requires a subsequent approval, the Environmental Review Officer (or his or her designee) must determine whether the proposed change constitutes a substantial modification of that project. This checklist shall be used to determine whether the proposed changes to the approved project would constitute a "substantial modification" and, therefore, be subject to additional environmental review pursuant to CEQA.

### MODIFIED PROJECT DESCRIPTION

Modified Project Description:

### DETERMINATION IF PROJECT CONSTITUTES SUBSTANTIAL MODIFICATION

Compared to the approved project, would the modified project:

- |                          |  |
|--------------------------|--|
| <input type="checkbox"/> | Result in expansion of the building envelope, as defined in the Planning Code;   |
| <input type="checkbox"/> | Result in the change of use that would require public notice under Planning Code Sections 311 or 312;  |
| <input type="checkbox"/> | Result in demolition as defined under Planning Code Section 317 or 19005(f)?   |
| <input type="checkbox"/> | Is any information being presented that was not known and could not have been known at the time of the original determination, that shows the originally approved project may no longer qualify for the exemption? |

**If at least one of the above boxes is checked, further environmental review is required.**

### DETERMINATION OF NO SUBSTANTIAL MODIFICATION

- |                          |   |
|--------------------------|---|
| <input type="checkbox"/> | The proposed modification would not result in any of the above changes. |
|--------------------------|---|

If this box is checked, the proposed modifications are categorically exempt under CEQA, in accordance with prior project approval and no additional environmental review is required. This determination shall be posted on the Planning Department website and office and mailed to the applicant, City approving entities, and anyone requesting written notice. In accordance with Chapter 31, Sec 31.08j of the San Francisco Administrative Code, an appeal of this determination can be filed within 10 days of posting of this determination.

**Planner Name:**

**Date:**



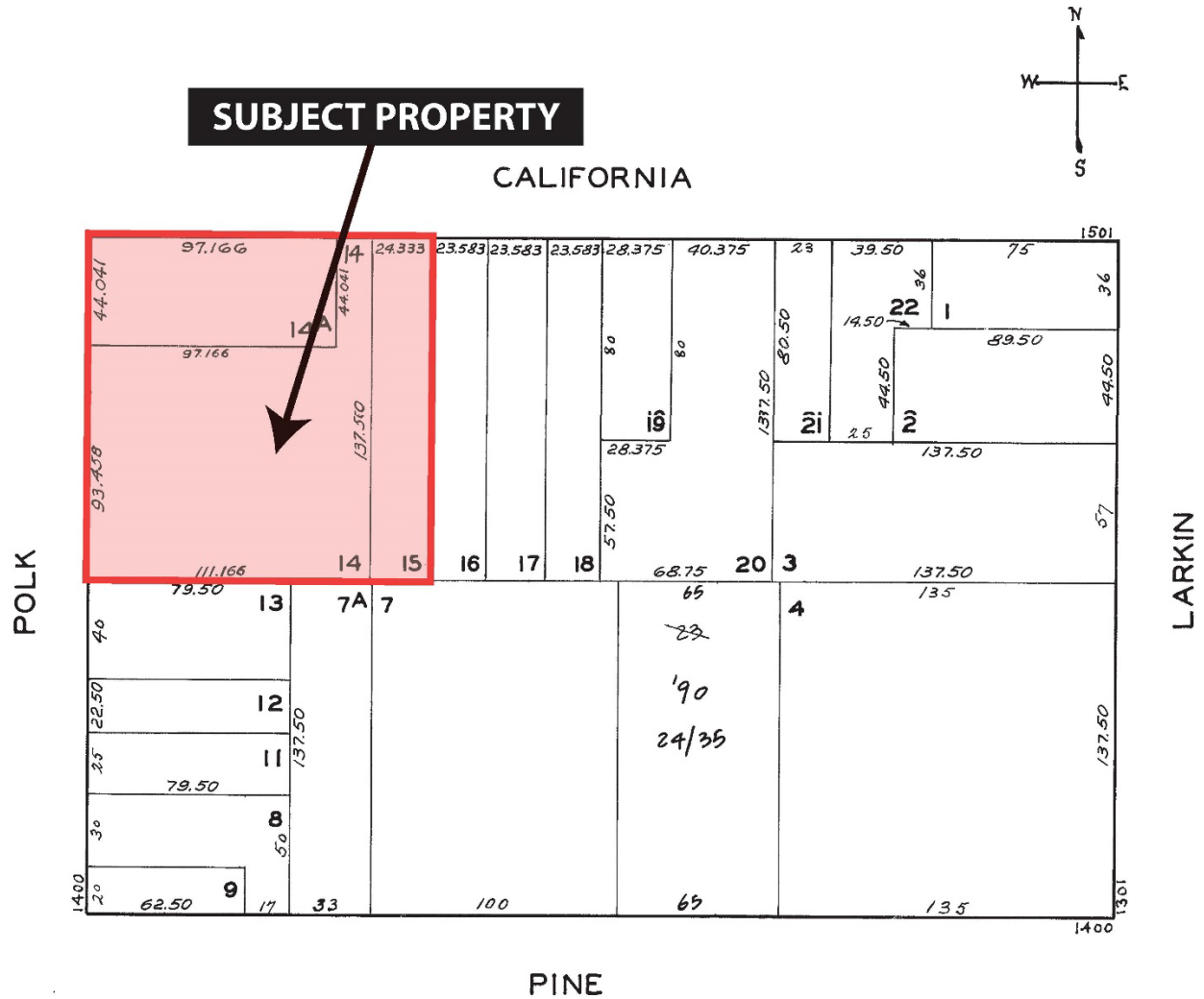
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# **Exhibit D – Maps and Context Photos**

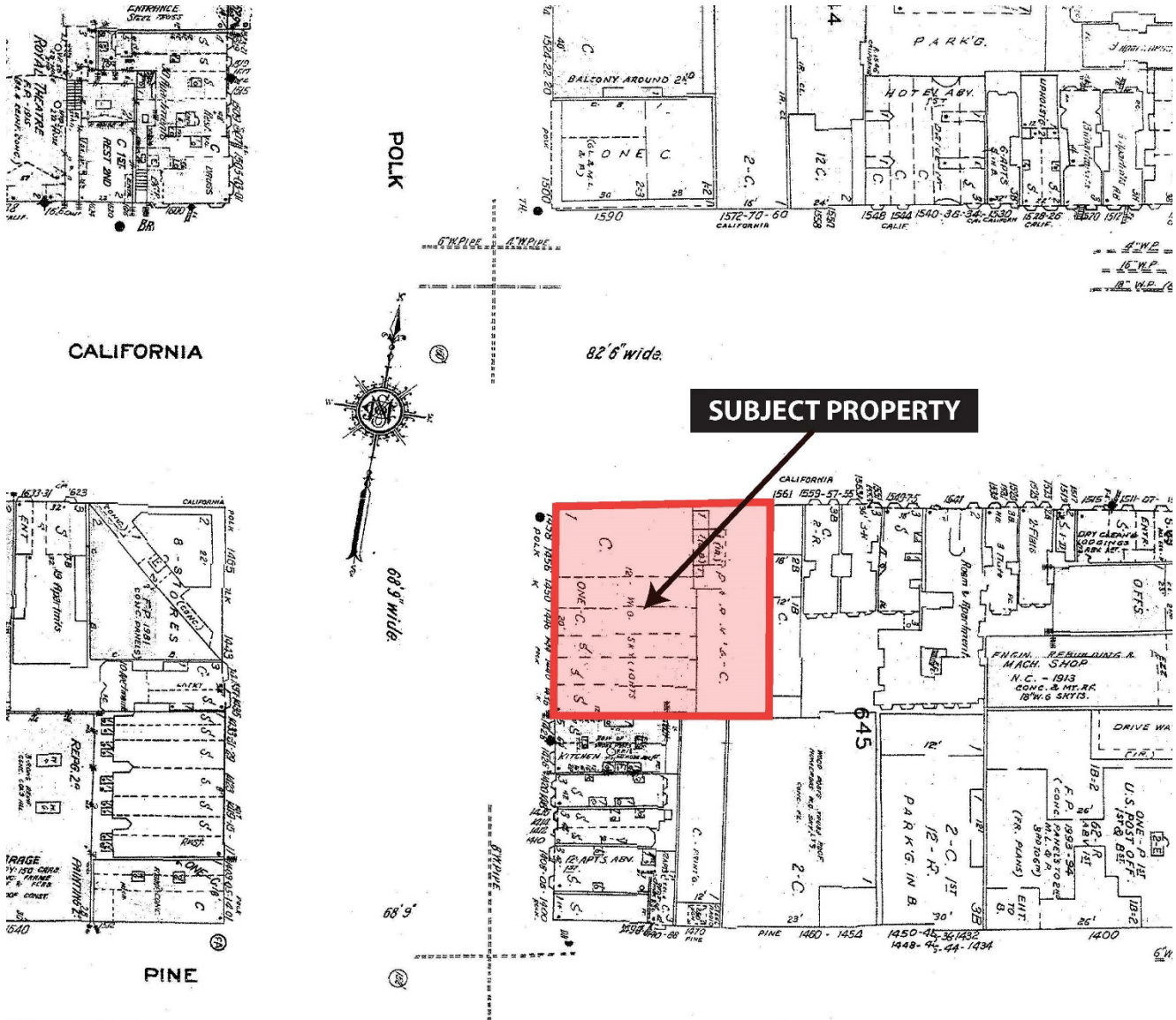


# Block Book Map





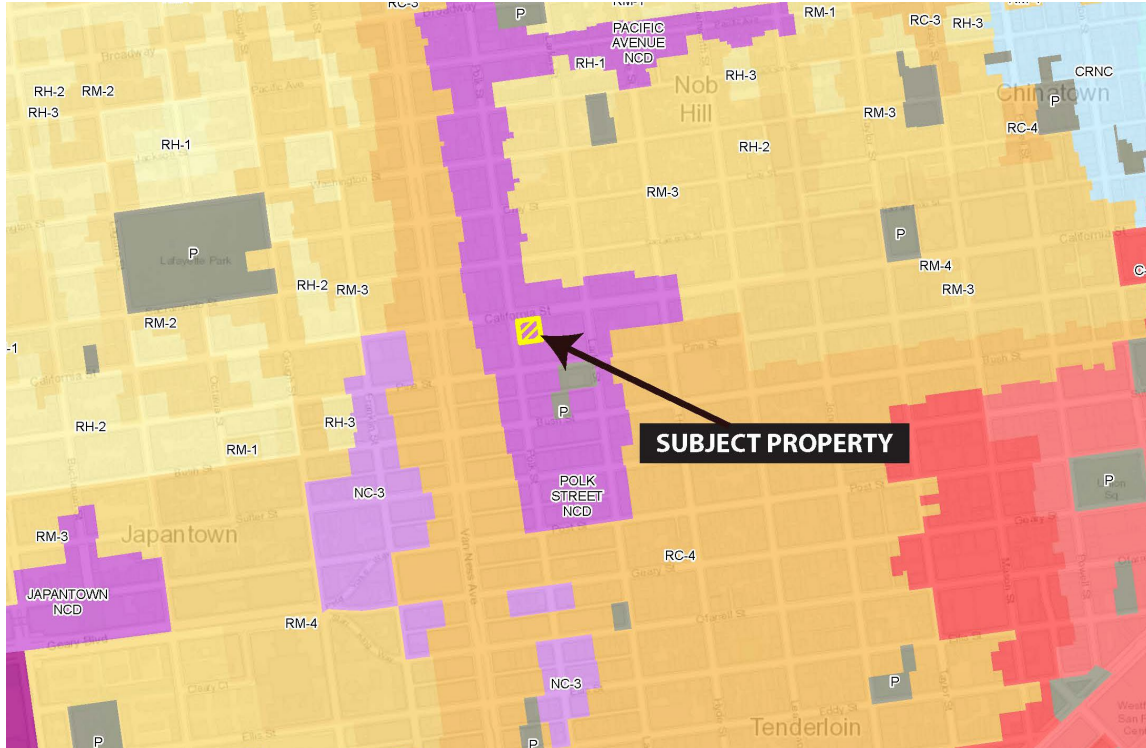
# Sanborn Map\*



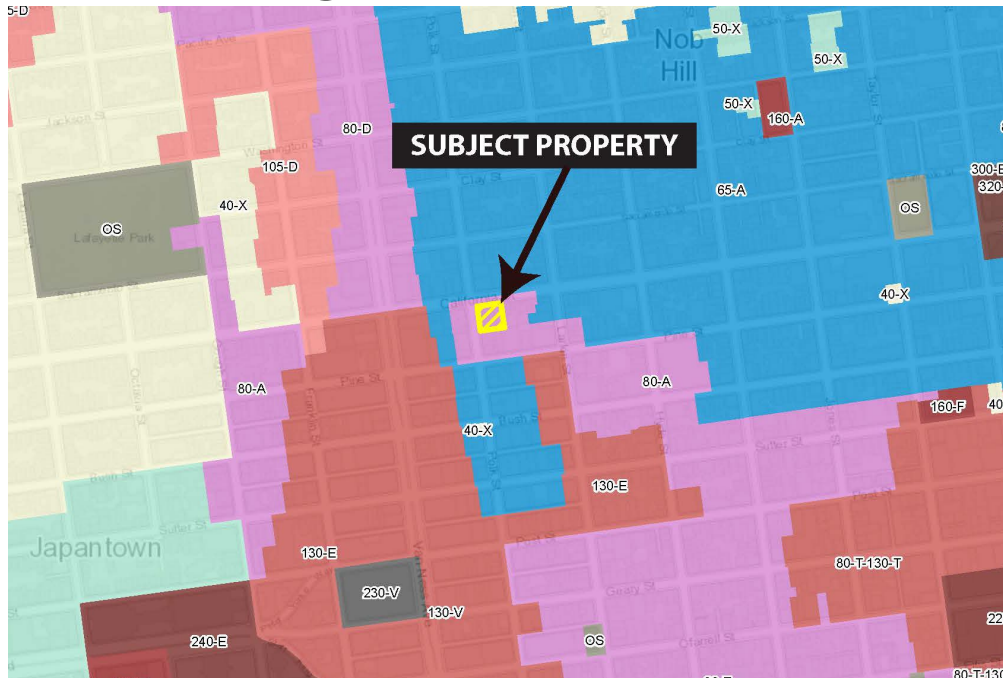
\* The Sanborn Maps in San Francisco have not been updated since 1998, and this map may not accurately reflect existing conditions.



# Zoning Map

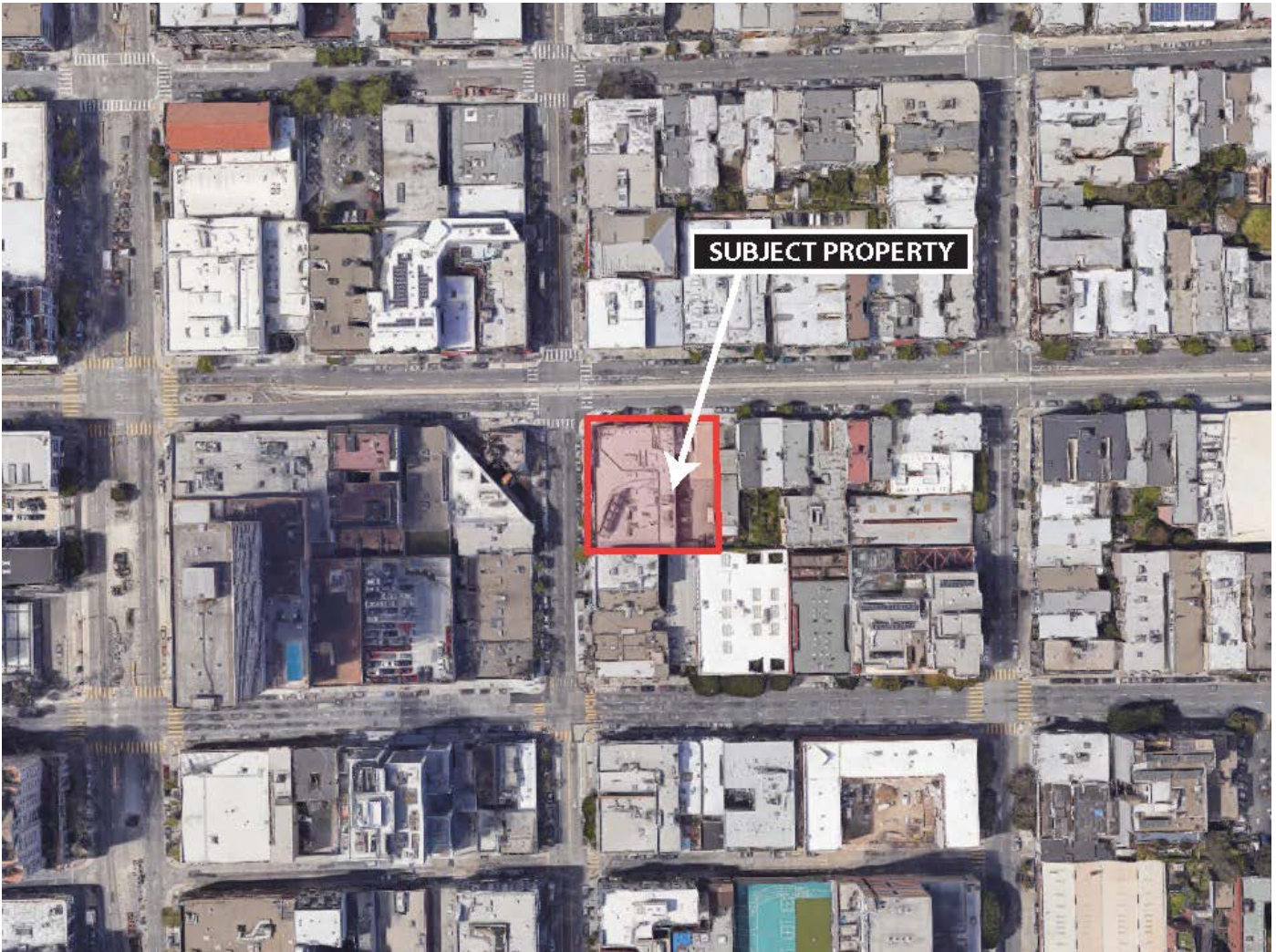


# Height and Bulk Map





# Aerial Photos (oriented north)

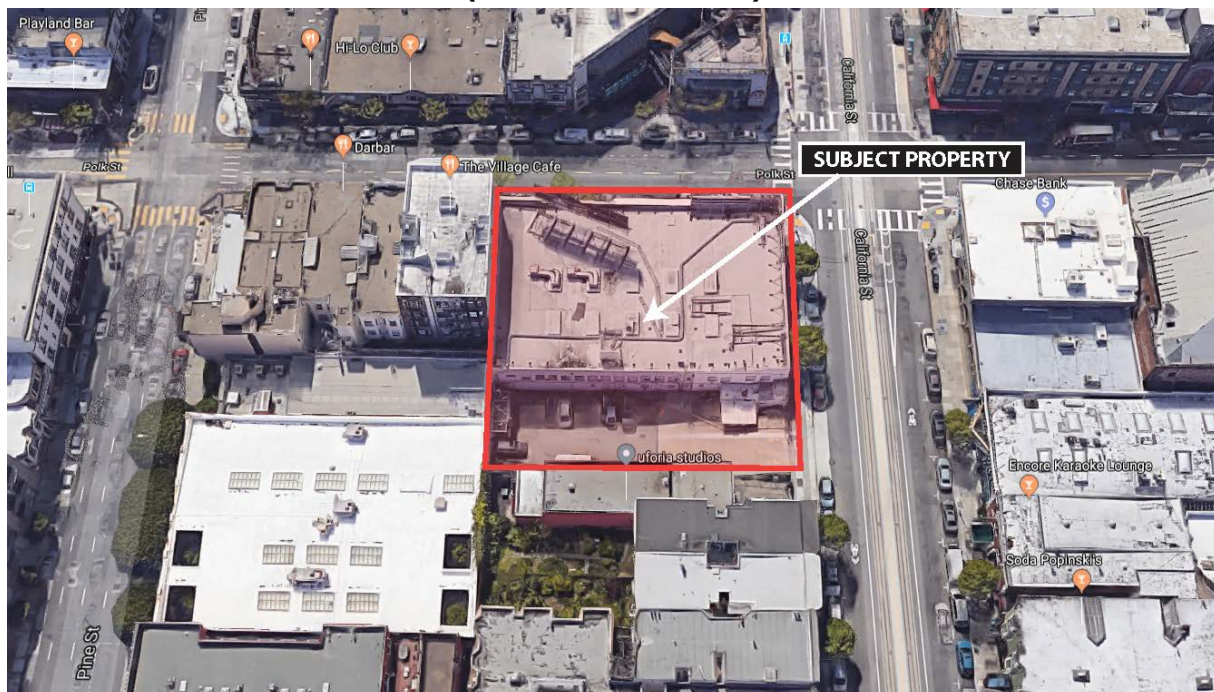




# Aerial Photos (oriented east)

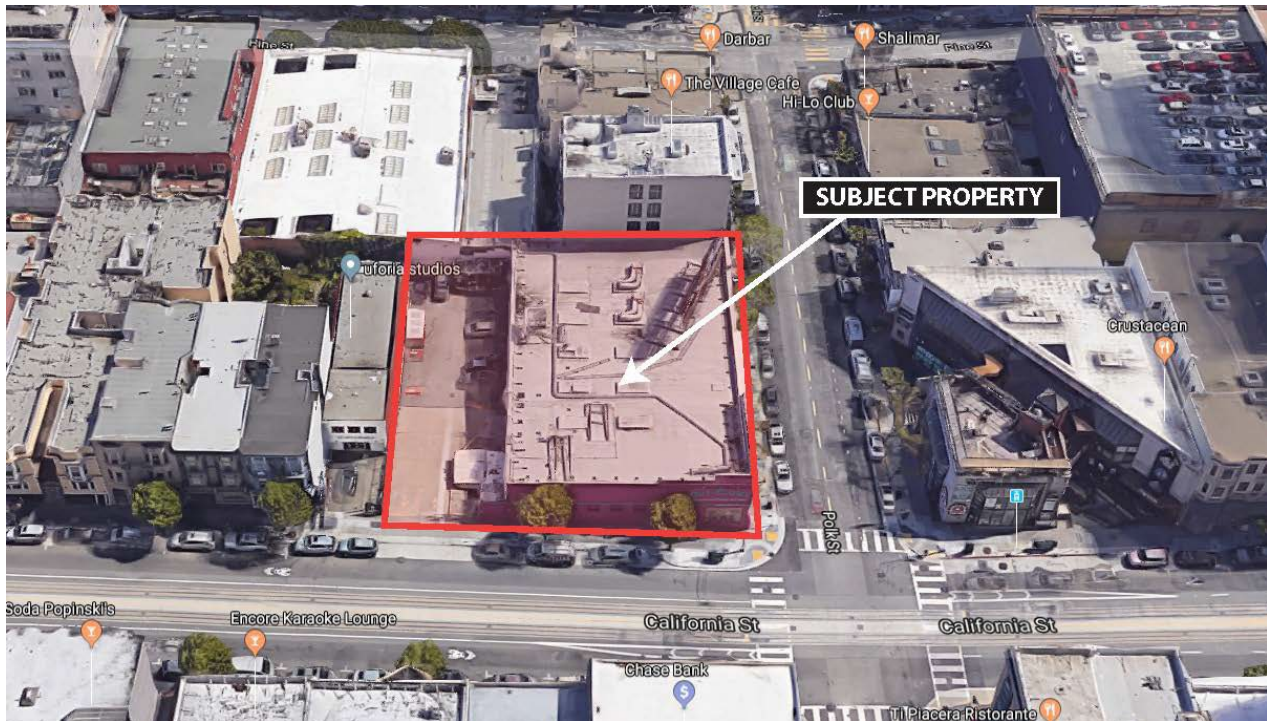


# (oriented west)





## Aerial Photos (oriented south)



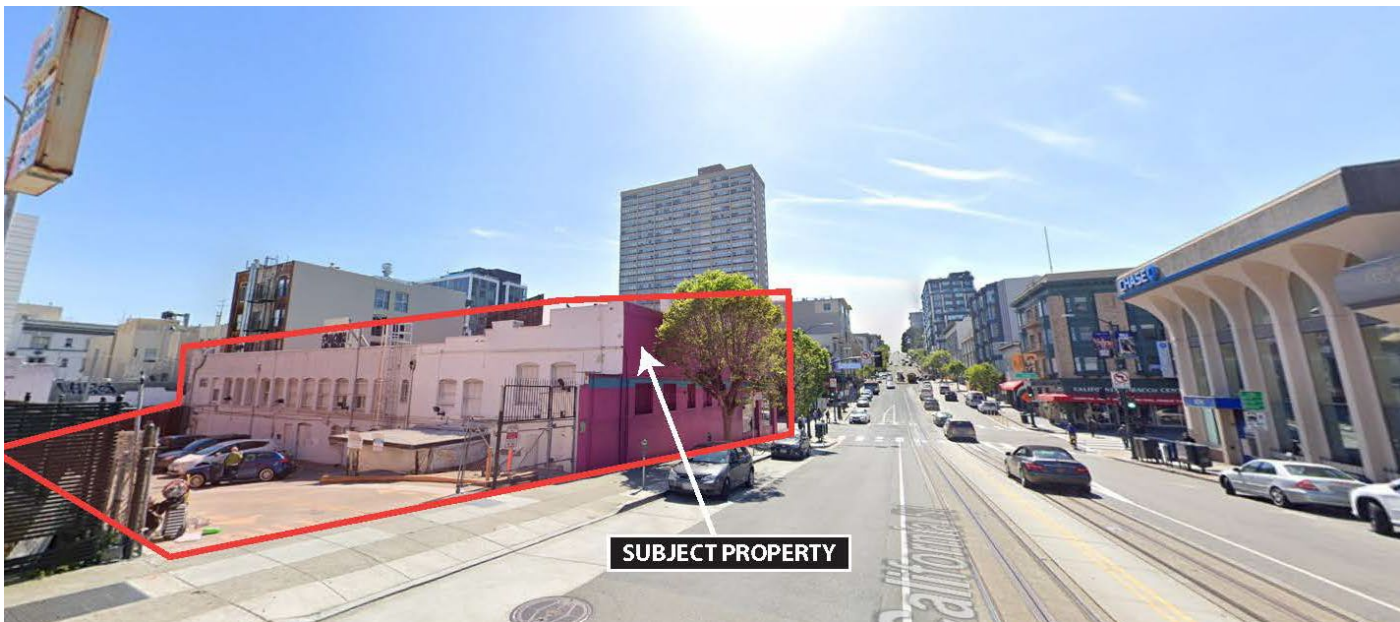
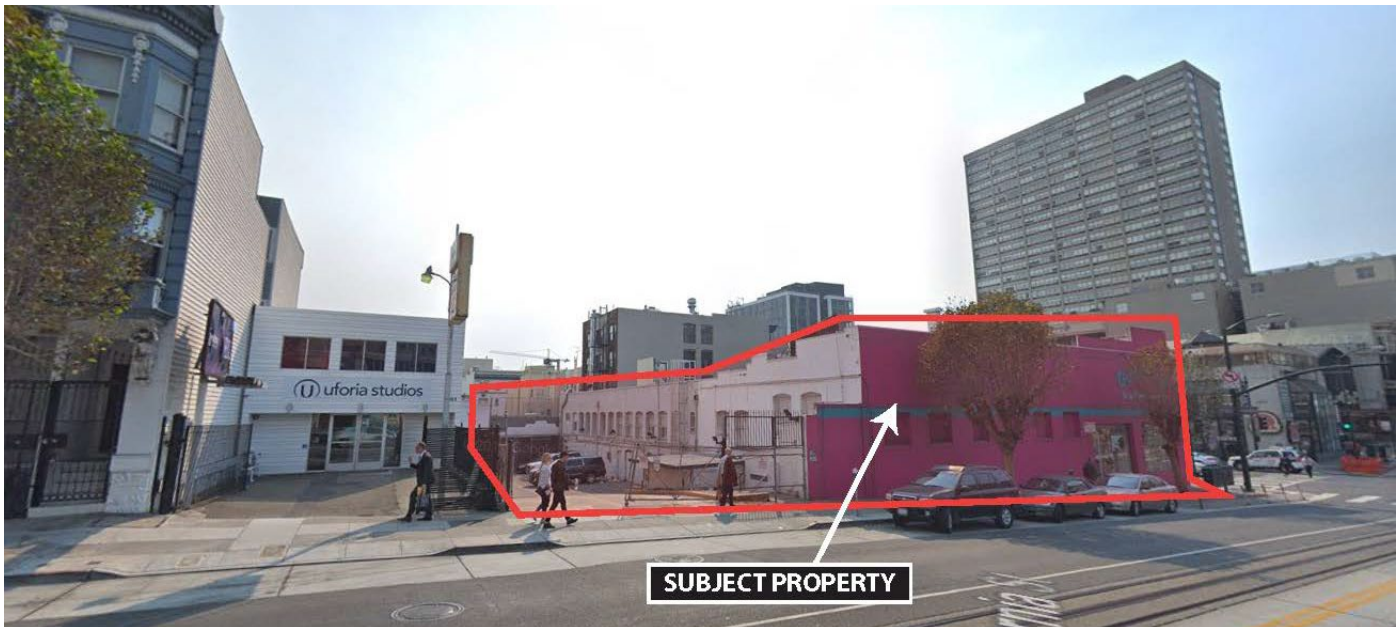
## Context Photos (Intersection of Polk and California Streets)





# Context Photos

(On California Street, looking west)



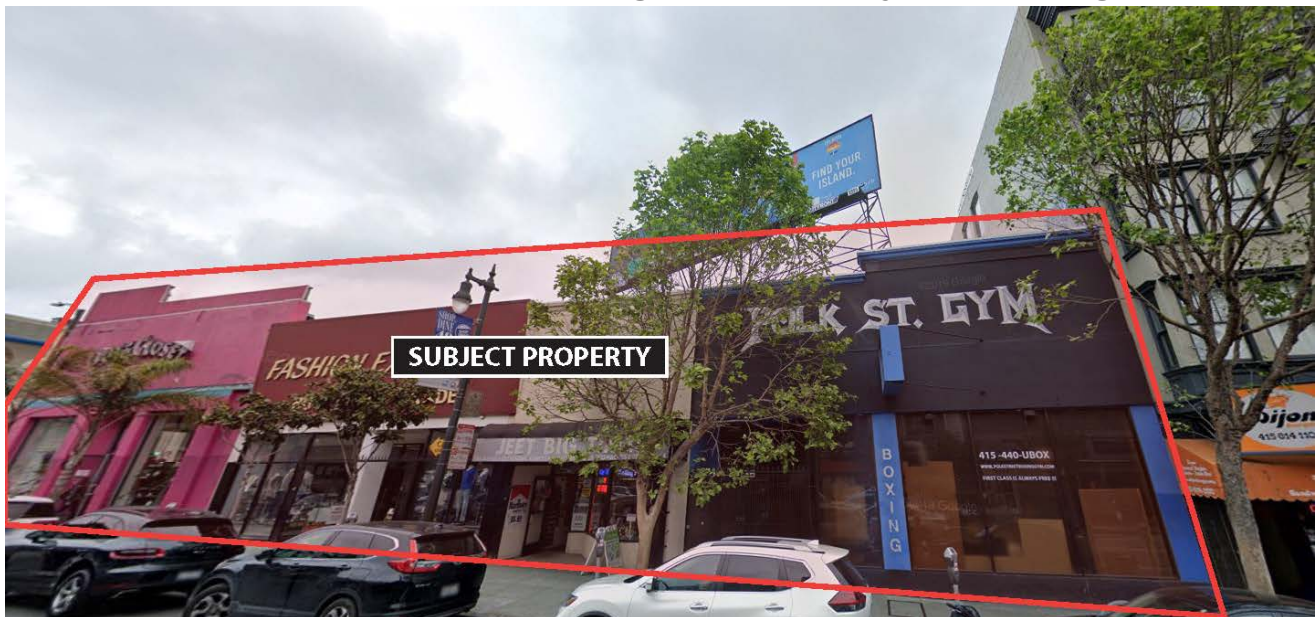


# Context Photos

(On Polk Street, looking south)



## (On Polk Street, looking east at Project frontage)





# Context Photos

(On Polk Street, looking north)





# **Exhibit E**

## **Amended State Density Bonus Application**



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# INDIVIDUALLY REQUESTED STATE DENSITY BONUS PROGRAM

## SUPPLEMENTAL APPLICATION

### Property Information

Project Address:

Block/Lot(s):

### Project Details

### Density Bonus

Zoning District:

Project Tenure:

Rental

Ownership

This project is a 100% Affordable Housing Project (if checked, leave Inclusionary rate blank)

This project is a Student Housing Project (if checked, leave Inclusionary rate blank)

On-site Inclusionary Rate:

%

Low Income:

% at 55% AMI (rental) or 80% AMI (ownership)

Moderate Income:

% at 80% AMI (rental) or 105% AMI (ownership)

Middle Income:

% at 110% AMI (rental) or 130% AMI (ownership)

Inclusionary Fee Rate:

%

Maximum Allowable Residential Density (Base Density)

square feet / units (select one)

Bonus Project Total Area

Total Units in Bonus Project:

The project is seeking the following density bonus:

This project is seeking a

% density bonus by providing

% of units at Very Low Income (50% AMI)

This project is seeking a

% density bonus by providing

% of units at Lower Income (80% AMI)

This project is seeking a

% density bonus by providing

% of units at Moderate Income (120% AMI)

This project is 100% affordable and seeking form-based density with three additional stories of height.

This project is seeking a 35% density bonus by providing 20% of units to Lower Income Students in a qualifying Student Housing Development.

This project is seeking a 20% density bonus by providing senior housing.

This project is seeking a 20% density bonus by providing 10% of units to transitional foster youth, disabled veterans, or homeless persons.



**Concessions and Incentives**

Please list the concessions and incentives (up to three, see above) the project is seeking, and describe how each requested concession or incentive would result in cost reductions for the project. The Department may request additional documentation to verify that the requested concessions and incentives result in cost reduction for the project.

**Waivers**

Please list the waivers the project is seeking, and describe how each requested waiver would allow the proposed project to accommodate any additional permitted density.

**Removal of rent-controlled units for the Individually Requested State Density Bonus Program**

Does the project remove any residential units?	Yes	No
Have there been any residential uses removed from the property within the last five years?	Yes	No
Are any of the existing units on the property subject to the San Francisco Rent Stabilization and Arbitration Ordinance (Administrative Code Section 37)?	Yes	No
Are any of the existing units on the property occupied by households of low or very low income, consistent with the requirements of the California Government Code Section 65915(c)(3)?	Yes	No

If you have responded yes to any of the questions above, please provide additional information on the type and size of the existing unit(s), as well as the incomes of persons or families occupying the unit(s).



# APPLICANT'S AFFIDAVIT

Under penalty of perjury the following declarations are made:

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

Michael Lee

Name (Printed)

3/12/2021

Date

Sponsor

(626) 807-7880

michael.lee@southernlanddev.com

Relationship to Project

(i.e. Owner, Architect, etc.)

Phone

Email

For Department Use Only

Application received by Planning Department:

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

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



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# **Exhibit F**

## **Original Approval Motion No. 20657**



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# SAN FRANCISCO PLANNING DEPARTMENT

## Planning Commission Motion No. 20657

HEARING DATE: FEBRUARY 13, 2020

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

Reception:  
**415.558.6378**

Fax:  
**415.558.6409**

Planning  
Information:  
**415.558.6377**

*Record No.:* **2018-011249CUA**  
*Project Address:* **1567 CALIFORNIA STREET**  
*Zoning:* Polk Street Neighborhood Commercial (NCD) Zoning District  
80-A Height and Bulk District  
*Block/Lot:* 0645 / 014, 014A, & 015  
*Project Sponsor:* Michael Lee  
Southern Land Global LLC  
2707 E. Valley Blvd. #305  
West Covina, CA 91792  
*Property Owner:* James Lu  
468 7<sup>th</sup> Avenue, #7  
San Francisco, CA 94118  
*Staff Contact:* Andrew Perry – (415) 575-9017  
[andrew.perry@sfgov.org](mailto:andrew.perry@sfgov.org)

ADOPTING FINDINGS RELATING TO THE APPROVAL OF A CONDITIONAL USE AUTHORIZATION PURSUANT TO PLANNING CODE SECTIONS 121.1, 121.7 AND 303, AND AN INDIVIDUALLY-REQUESTED STATE DENSITY BONUS PROJECT PURSUANT TO PLANNING CODE SECTION 206.6 TO DEMOLISH AN EXISTING TWO-STORY COMMERCIAL BUILDING AND ASSOCIATED SURFACE PARKING LOT, AND CONSTRUCT AN EIGHT-STORY OVER BASEMENT, APPROXIMATELY 80-FOOT TALL, 106,733 GROSS SQUARE FOOT MIXED-USE BUILDING CONTAINING APPROXIMATELY 9,823 GROSS SQUARE FEET OF GROUND FLOOR COMMERCIAL SPACE AND 100 DWELLING UNITS, 101 CLASS 1 BICYCLE PARKING SPACES AND 10 CLASS 2 SPACES, WITH NO PROPOSED OFF-STREET VEHICLE PARKING, LOCATED AT 1567 CALIFORNIA STREET, LOTS 014, 014A, & 015 IN ASSESSOR'S BLOCK 0645, WITHIN THE POLK STREET NEIGHBORHOOD COMMERCIAL DISTRICT AND THE 80-A HEIGHT AND BULK DISTRICT, AND ADOPTING FINDINGS UNDER THE CALIFORNIA ENVIRONMENTAL QUALITY ACT. THE PROJECT WOULD USE THE STATE DENSITY BONUS LAW (CALIFORNIA GOVERNMENT CODE SECTIONS 65915-65918) TO INVOKE WAIVERS FROM THE DEVELOPMENT STANDARDS FOR REAR YARD (SECTION 134), USABLE OPEN SPACE (SECTION 135), EXPOSURE (SECTION 140), AND BULK (SECTION 270); AND TO INVOKE AN INCENTIVE FROM THE DEVELOPMENT STANDARD FOR GROUND FLOOR HEIGHT (SECTION 145.1).

### PREAMBLE

On August 15, 2018, Michael Lee of Southern Land Global LLC (hereinafter "Project Sponsor") filed Application No. 2018-011249PRJ (hereinafter "Application") with the Planning Department (hereinafter "Department") for a Conditional Use Authorization pursuant to Planning Code Sections 121.1, 121.7 and 303, to demolish an existing two-story commercial building and associated surface parking lot, and



construct an eight-story over basement, approximately 80-foot tall, 106,733 gross square foot mixed-use building containing approximately 9,823 gross square feet of ground floor commercial space and 100 dwelling units, 101 Class 1 bicycle parking spaces and 10 Class 2 spaces, with no proposed off-street vehicle parking (hereinafter "Project") at 1567 California Street, Block 0645, Lots 014, 014A, and 015, within the Polk Street Neighborhood Commercial District and the 80-A Height and Bulk District (hereinafter "Project Site").

The Project Sponsor seeks to proceed under the State Density Bonus Law, Government Code Section 65915 et seq (the "State Law"). Under the State Law, a housing development that includes affordable housing is entitled to additional density, concessions and incentives, and waivers from development standards that might otherwise preclude the construction of the project. In accordance with the Planning Department's policies regarding projects seeking to proceed under the State Law, the Project Sponsor has provided the Department with a 93 unit "Base Project" that would include housing that is affordable to very-low-, low-, and moderate-income households. Because the Project Sponsor is providing 9 units of housing affordable to very-low-, low-, and moderate-income households, the Project is eligible for a density bonus of 20%, seeking four waivers from the following development standards: 1) Rear Yard (Section 134); 2) Usable Open Space (Section 135); 3) Dwelling Unit Exposure (Section 140); and 4) Bulk (Section 270); and one concession and incentive from Ground Floor Height (Section 145.1).

On January 17, 2020, 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 the project.

On February 13, 2020, the Commission conducted a duly noticed public hearing at a regularly scheduled meeting on Conditional Use Authorization Application No. 2018-011249CUA.

The Planning Department Commission Secretary is the custodian of records; the File for Record No. 2018-011249CUA is located at 1650 Mission Street, Suite 400, 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. 2018-011249CUA, 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 demolition of an existing two-story commercial building and associated surface parking lot, and construction of an eight-story over basement, approximately 80-foot tall, 106,733 gross square foot mixed-use building containing approximately 9,823 gross square feet of ground floor commercial space and 100 dwelling units, 101 Class 1 bicycle parking spaces and 10 Class 2 spaces, with no proposed off-street vehicle parking (hereinafter "Project") at 1567 California Street. The Project would contain a dwelling unit mix consisting of 20 studio units, 29 one-bedroom units, 39 two-bedroom units, and 12 three-bedroom units. Of the 100 units provided, 9 would be provided as affordable (Below Market Rate), with the remainder of the inclusionary obligation paid through an affordable housing fee. The Project is using the Individually-Requested State Density Bonus Program to achieve a 7.5% density bonus.
3. **Site Description and Present Use.** The Project is located on three lots at the intersection of California and Polk Streets, Block 0645, Lots 014, 014A, and 015. The development site contains approximately 136 feet of frontage along the southern side of California Street and approximately 138 feet of frontage along the eastern side of Polk Street. The Project Site is located within the Polk Street Neighborhood Commercial District (NCD) and the 80-A Height and Bulk District. The site measures 18,625 square feet and is currently occupied by a two-story commercial building with four retail spaces and an associated surface parking lot. On February 25, 2016, the Planning Commission approved a Conditional Use Authorization under Motion No. 19576 for the Project Site, to construct an 80-foot tall mixed-use building with 63 dwelling units; however, that particular project is no longer being pursued.
4. **Surrounding Properties and Neighborhood.** The Project Site is located at the intersection of Polk and California Streets, within the Polk Street NCD, and within half a block of the Van Ness Avenue Area Plan. The immediate vicinity is predominantly mixed-use in nature with residential uses situated above ground-floor commercial. Ground-floor commercial spaces are generally occupied by convenience and specialty uses, as well as numerous nighttime and entertainment uses, including bars and restaurants. Intersecting streets adjacent to the Polk Street corridor tend to be more residential in character, with commercial uses interspersed on certain blocks.

The existing development pattern in the area surrounding the Project Site is varied in scale and intensity. Buildings along Polk Street and eastward on California are generally lower, ranging from single-story commercial buildings to mixed-use buildings up to four stories in height. West of the project site towards the Van Ness corridor, building heights can range from two to seven stories. Building heights on the subject block range from one to five stories. The property immediately south of the Project Site is developed with a 5-story building with residential units over two ground floor commercial spaces. The property immediately east of the Project Site is occupied by a single-story commercial building set back from California Street.

5. **Public Outreach and Comments.** The Project Sponsor has conducted at least 10 outreach meetings since April 2018 with neighborhood groups and nearby residents. Specifically, the



Project Sponsor has met with Middle Polk Neighborhood Association, Lower Polk Neighbors, the Lower Polk Business Collaborative, the residents of the adjacent 1424 Polk Street building as well as the Asset Manager representative for Veritas which owns the building, as well as nearby entertainment venues including Encore Karaoke and Playland Bar. The Department has received a letter of support for the Project from Lower Polk Neighbors, finding the Project Sponsor team to be responsive to concerns, and the Project itself to incorporate design modifications that are both considerate of adjacent buildings and responsive to the Polk area design guidelines and context.

The Department has, however, also received at least 3 comments in opposition to the project from residents of 1424 Polk Street. These neighbors are concerned about the project's overall scale and massing, particularly with concerns about the project's impacts to their adjacent north-facing lightwell and series of windows. Other concerns include the project's lack of parking for 100 proposed units, lack of parking for commercial businesses, and the impacts on the adjacent building due to construction noise and vibration. It is worth noting that the Project is providing a 10-foot wide lightwell setback along the interior property line shared with 1424 Polk, which extends for 42 feet from the front property line, behind the rearmost point of the adjacent lightwell. By comparison, the Project that was approved by the Commission in 2016 was proposed to be constructed immediately adjacent to the property line for the first approximately 42 feet of depth, which would have fully obstructed this adjacent lightwell and windows.

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 723 permits residential uses within the Polk Street Neighborhood Commercial District at a density of one dwelling unit per 400 square feet of lot area, or the density permitted in the nearest residential district. The nearest residential district is the RC-4 District, which per Planning Code Section 209.3, permits up to one dwelling unit per 200 square feet of lot area. Planning Code Section 723 principally permits general retail sales and service uses and design professional uses at the ground floor. Individual commercial use sizes are principally permitted up to 1,999 square feet.

*Pursuant to Planning Code Sections 723 and 209.3, the project may achieve a density up to one dwelling unit per 200 square feet of lot area, or 93 units for the subject property with 18,625 square feet of lot area. The Project proposes a total of 100 dwelling units; the additional density would be achieved through the State Density Bonus Program, an increase of 7.5% over the other otherwise permitted density. The Project proposes eight separate ground-floor commercial spaces, individually ranging in size from 475 square feet to 1,864 square feet as principally permitted. The uses include general retail sales and services, including two proposed Restaurants, and one design professional office.*

- B. **Development of Large Lots in NC Districts and Lot Merger Restrictions.** Planning Code Section 121.1 requires Conditional Use Authorization for the development of a lot larger than 2,500 square feet within the Polk Street NCD. Planning Code Section 121.7 states that within



the Polk Street NCD, lot mergers resulting in a lot with more than 25 feet of frontage require Conditional Use Authorization.

*The Project seeks Conditional Use Authorization for the development of the 18,625 square foot lot. The Project Site is currently comprised of three individual lots, though has functioned as a single commercial building with associated parking. Developing the Project will require formally merging the three sites resulting in a frontage greater than 25 feet. The restriction on lot mergers may be waived when the lots to be merged contain a pre-existing single building that spans over multiple lots comprising the Project Site, as is the case here. The Project meets the intent of Section 121.7 and allows for the development of this specific residential project that provides dense new residential housing including affordable housing.*

- C. **Basic Floor Area Ratio.** Planning Code Section 124 allows a Floor Area Ratio (FAR) of up to 2.5 to 1 within the Polk Street NCD. The Project Site has an area of 18,625 square feet; therefore, the allowable FAR would permit a building of up to 46,562 square feet of Gross Floor Area.

*Pursuant to Planning Code Section 124(b), FAR limits do not apply to residential uses. Considering only the commercial uses within the Project, the Project's FAR is approximately 0.5, within the limit allowed by Code.*

- D. **Rear Yard.** Planning Code Section 134 requires a rear yard equal to 25 percent of the lot depth, to be provided starting at the lowest floor level containing a dwelling unit. The Project Site has a lot depth of 135'-6"; therefore, a rear yard of 33'-11" is required.

*The Project does not propose a standard rear yard setback that would extend across the full length of an internal rear property line. Instead, the Project proposes a modified setback and courtyard, located at the interior southeast corner of the property. A Code-compliant rear yard would contain approximately 4,650 square feet; the proposed modified setback and rear court contains approximately 3,800 square feet.*

*Strict enforcement of the Code would physically preclude the construction of the Project with the additional dwelling units as permitted under the Density Bonus Law. Per California Government Code Sections 65915-65918, the Project Sponsor has elected to use the State Density Bonus Law and proposes a waiver for the reduction of site development standards for rear yard, which are defined in Planning Code 134.*

- E. **Usable Open Space.** Planning Code Section 135(d) allows residential projects within the Polk Street NCD to provide the amount of open space required in the nearest residential district. The nearest residential district to the Project Site is the RC-4 District, which requires 36 square feet of private open space per unit, or 48 square feet of common open space per unit. All such open spaces must meet minimum requirements for area, dimensions, and exposure to light and air in order to be considered usable open space.



*The Project includes private usable open space in the form of balconies or terraces for 39 units. For the remaining 61 units, common usable open space would be required in the amount of 2,928 square feet. The rear courtyard area provides a sufficient amount of open space; however, this area does not strictly meet the requirements for exposure to light and air in order to be credited as usable open space.*

*Strict enforcement of the Code would physically preclude the construction of the Project with the additional dwelling units as permitted under the Density Bonus Law. Per California Government Code Sections 65915-65918, the Project Sponsor has elected to use the State Density Bonus Law and proposes a waiver for the reduction of site development standards for common usable open space, which are defined in Planning Code 135(g).*

- F. Streetscape and Pedestrian Improvements.** Planning Code Section 138.1 requires projects with more than 150 feet of frontage and proposing new construction of 10 more dwelling units to provide streetscape improvements consistent with the Better Streets Plan.

*The Project shall comply with this requirement and will include improvements such as new street trees, permeable paving materials in certain areas, and Class 2 bicycle racks. The precise location, spacing and type of street trees and other streetscape improvements will be further refined throughout the building permit review process.*

- G. Dwelling Unit Exposure.** Planning Code Section 140 requires that at least one room of each dwelling unit must face onto a public street, a rear yard, or other open area that meets minimum requirements for area and horizontal dimensions.

*The Project Site is a corner lot with frontages along Polk and California Streets; all units facing directly onto these streets meet exposure requirements, accounting for 65 of the 100 total units. At the rear of the building, the Project is providing a large courtyard area that varies in width between approximately 52 feet and 63 feet and is approximately 65 feet deep. Units facing onto this courtyard above the 4<sup>th</sup> floor also meet Code exposure requirements, accounting for another 12 units. There are two units per floor (14 total) which do not face onto the courtyard in a direct manner and so do not meet exposure. Lastly, there are nine units at lower floors which face onto the courtyard but do not meet strict exposure requirements due to balconies located within the required open area at upper floors, and which are used as private usable open space.*

*Strict compliance with the Code's exposure requirements would require a substantial reduction of building massing adjacent to the courtyard space, a complete reconfiguration of the building around a Code-compliant rear yard, or an elimination of certain balconies, which are necessary to comply with other requirements of the Code. Any of these would reduce the habitable area of the Project and ultimately physically preclude the Project at the density permitted under the Density Bonus Law. Per California Government Code Sections 65915-65918, the Project Sponsor has elected to use the State Density Bonus Law and proposes a waiver for the reduction of site development standards for dwelling unit exposure, which are defined in Planning Code 140.*



- H. **Street Frontage in Neighborhood Commercial Districts.** Planning Code Section 145.1 requires that within Neighborhood Commercial Districts, space for “active uses” shall be provided within the first 25 feet of building depth on the ground floor. Spaces such as lobbies are considered active uses only if they do not exceed 25% of the building’s frontage at the ground level, or 40 feet, whichever is greater. Section 145.1(c)(2) of the Planning Code requires that no more than one-third of the width or 20 feet, whichever is less, of any given street frontage of a new or altered structure parallel to and facing a street shall be devoted to parking and loading ingress or egress. With the exception of space allowed for parking and loading access, building egress, and access to mechanical systems, space for active uses as defined in Subsection (b)(2) and permitted by the specific district in which it is located 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. Section 145.1(c)(4) of the Planning Code requires that ground floor non-residential uses in NC Districts shall have a minimum floor-to-floor height of 14 feet, as measured from grade. Section 145.1(c)(5) requires 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. Section 145.1(c)(6) of the Planning Code requires that within Downtown Commercial Districts, 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 Project includes approximately 9,823 gross square feet of ground floor retail sales and service uses located along both the Polk and California Street frontages of the site. While the depth of each retail space varies in depth, all spaces are at least 25 feet deep along their respective frontages. There are two 10-foot wide residential entry passages, though the actual lobby and common residential areas are oriented internally toward the courtyard. The project does not propose any off-street vehicle parking or loading. As such, the proposed ground floor meets the Code’s active use requirements. The various retail entries along Polk and California Streets have been designed to be approximately level with the adjacent sidewalk, such that each space has a slightly different floor-to-ceiling height due to the lateral sloping topography of the site along both frontages. As a result, the retail spaces along Polk are approximately double-height, in excess of the 14’ floor-to-floor requirement at ground level; the higher grade along California Street, however, causes the floor-to-floor height for those spaces to fall under the 14-foot requirement, with only 11 feet floor-to-floor. Along both frontages, the ground floor is fenestrated with transparent storefronts and entries for approximately 76% of the facades, therefore exceeding the 60% requirement.*

*To provide Code-compliant ground floor heights for all proposed retail spaces, the Project would need to raise the floor level overall at the second floor, likely resulting in the project being considered as a high-rise structure under the Building and Fire Codes, or the Project would require a split-level slab within the building. If required to pursue either option, the Project would incur additional costs either directly from the increased complexity and cost of constructing a split-level slab, or indirectly due to the additional requirements and costs of high-rise construction. Alternatively, this requirement may*



*cause the project to instead lose a floor of housing, so as to remain under the high-rise threshold, thus causing the project to lose possible revenue. Collectively, the costs of complying with this requirement may preclude the Project at the density permitted under the Density Bonus Law. Per California Government Code Sections 65915-65918, the Project Sponsor has elected to use the State Density Bonus Law and proposes an incentive or concession for the reduction of site development standards for ground floor ceiling height, which are defined in Planning Code 145.1(c)(4).*

- I. **Off-Street Parking.** Planning Code Section 151.1 establishes off-street parking requirements for uses within the Polk Street NCD. Pursuant to this Section, there is no required parking space to be provided for any use.

*The Project does not propose any off-street parking and therefore complies with Code.*

- J. **Off-Street Loading.** Planning Code Section 152 establishes a schedule of required off-street freight loading spaces for all uses in districts other than C-3 or South of Market. Residential uses with less than 100,000 square feet of occupied floor area and retail sales and service uses with less than 10,000 square feet of occupied floor area require no off-street freight loading spaces.

*The Project contains less than 100,000 square feet of residential use and less than 10,000 square feet of occupied retail floor area. No off-street freight loading spaces are required and none are proposed. A passenger loading zone will be provided along California Street and is subject to further refinement during the building permit review process.*

- K. **Bicycle Parking.** Planning Code Section 155.2 establishes bicycle parking requirements for new developments, based on uses. For buildings with up to 100 dwelling units, one Class 1 space is required per unit. Additionally, one Class 1 space is required for every 7,500 square feet of occupied retail floor area. Class 2 bicycle parking spaces are required at a rate of one space for every 20 dwelling units, and also one space for every 2,500 square feet of occupied retail floor area. a schedule of required off-street freight loading spaces for all uses in districts other than C-3 or South of Market. Residential uses with less than 100,000 square feet of occupied floor area and retail sales and service uses with less than 10,000 square feet of occupied floor area require no off-street freight loading spaces.

*The Project includes 100 dwelling units and approximately 8,700 square feet of occupied retail floor area; therefore 101 Class 1 spaces and 8 Class 2 spaces are required. The Project proposes to comply, providing a bicycle room at ground-floor level with capacity for 101 bicycles and installing at least 4 Class 2 bicycle racks on the adjacent sidewalks.*

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



*The Project submitted a completed Environmental Evaluation Application after January 1, 2018. Therefore, the Project must achieve 100% of the point target established in the TDM Program Standards, resulting in a required target of 10 points. As currently proposed, the Project will achieve 11 points through the following TDM measure:*

- Parking Supply (Option K)

- M. **Dwelling Unit Mix.** Planning Code Section 207.6 requires that for projects within the Polk Street NCD that propose new construction of 5 or more units, no less than 40% of the total number of proposed dwelling units shall contain at least two bedrooms, or that no less than 30% of the total number of proposed dwelling units shall contain at least three bedrooms, or that no less than 35% of the total number of proposed dwelling units shall contain at least two bedrooms and no less than 10% shall contain at least three bedrooms. Any fraction resulting from this calculation shall be rounded to the nearest whole number of dwelling units and units counted towards the three-bedroom requirement may also count towards the requirement for units with two or more bedrooms.

*The Project proposes a dwelling unit mix consisting of 20 studio units, 29 one-bedroom units, 39 two-bedroom units, and 12 three-bedroom units. The Project therefore complies with the dwelling unit mix requirement by providing 51% of the units with at least two bedrooms, exceeding the 35% requirement, and by providing 12% of the units with three bedrooms, exceeding the 10% requirement.*

- N. **Height.** Planning Code Section 260, and Article 2.5 of the Planning Code generally, require that the height of buildings not exceed the limits specified in the Zoning Map and defines rules for the measurement of height. The subject property is located within an 80-A Height and Bulk District. Within this District, heights of buildings are limited to 80 feet. Section 260(b) allows elevator, stair and mechanical penthouses to exceed the maximum roof height by an additional 10 feet.

*The finished roof of the Project would reach a maximum height of approximately 78 feet, 7.5 inches, as measured from the midpoint of the property's California Street frontage. Rooftop penthouses would add an additional 9 feet, 6 inches of height in those areas, in total up to approximately 88 feet; however, these features are exempt from height measurement per Planning Code Section 260(b). At the proposed height, the Project is compliant with the 80-foot height limit on the subject property.*

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

*Portions of the building above the fourth floor exceed 40 feet in height; therefore, the Project is subject to the controls of the "A" Bulk District at the fourth floor and above. The Project's design, including at the fourth floor and above, is intended to continue the streetwall given its prominent corner location*



*and large amount of frontage. Setbacks, building modulation and an articulated facade have been introduced to the design so as to reduce the apparent massing of the building and assist the project in appearing contextual within the surrounding neighborhood. However, both the proposed maximum project length and maximum project diagonals exceed the limits of the "A" Bulk District. The additional massing allows the project to achieve the additional density bonus permitted under the State Density Bonus Program.*

*Strict enforcement of the Code would physically preclude the construction of the Project with the additional dwelling units as permitted under the Density Bonus Law. Per California Government Code Sections 65915-65918, the Project Sponsor has elected to utilize the State Density Bonus Law and proposes a waiver for the reduction of site development standards for bulk, which are defined in Section 270.*

- P. **Inclusionary Affordable Housing Program.** Planning Code Section 415 sets forth the requirements and procedures for the Inclusionary Affordable Housing Program. Under Planning Code Section 415.3, these requirements apply to projects that consist of 10 or more units. The applicable percentage is dependent on the number of units in the project, the zoning of the property, and the date of the accepted Project Application. A Project Application was accepted on September 28, 2018; therefore, pursuant to Planning Code Section 415.3 the Inclusionary Affordable Housing Program requirement for the On-site Affordable Housing Alternative is to provide 19% 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 through a combination of on-site units and through payment of the Affordable Housing Fee. In order for the Project Sponsor to be eligible for the On-Site Affordable Housing Alternative, the Project Sponsor must submit an 'Affidavit of Compliance with the Inclusionary Affordable Housing Program: Planning Code Section 415,' to the Planning Department stating that any affordable units designated as on-site units shall be rental units and will remain as rental units for the life of the project. The Project Sponsor submitted such Affidavit on January 21, 2020. 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 September 28, 2018; therefore, pursuant to Planning Code Section 415.3 the Inclusionary Affordable Housing Program requirement for the On-site Affordable Housing Alternative is to provide 19% of the total proposed dwelling units as affordable, with a minimum of 11% of the units affordable to low-income households, 4% of the units affordable to moderate-income households, and the remaining 4% of the units affordable to middle-income households, as defined by the Planning Code and Procedures Manual. Nine (9) units (2 studios, 3 one-bedrooms, 3 two-bedrooms, and 1 three-bedroom) of the total 100 units provided will be affordable units. As this only satisfies approximately 47% of the required 19% On-Site Affordable Housing obligation, the remainder of the requirement shall be paid as the Inclusionary Affordable*



*Housing Fee, at the applicable rate of 30%. Based on current fee rates, it is estimated that the project will pay approximately \$3,243,067 as the balance of the Inclusionary Affordable Housing requirement, in addition to the 9 proposed on-site units.*

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 proposed Project is necessary and desirable in that it will provide 100 new dwelling units, including 51 that contain at least two bedrooms and are appropriate for larger households. The Project will add housing opportunities within the Polk Street NCD at a density suitable for an urban area well served by public transit and nearby retail opportunities. The commercial spaces proposed along both the Project's California and Polk Street frontages will contribute to the overall commercial activity of the district, particularly along California Street where new commercial space is being added to replace a current surface parking lot.*

*The existing development in the area surrounding the Project site is varied in scale and intensity. Buildings along Polk Street and eastward on California are generally lower ranging from single-story commercial buildings to mixed-use buildings up to four stories in height. West of the project site towards the Van Ness corridor, building heights range from two to seven stories. Building heights on the subject block range from one to five stories. While the Project is taller than some adjacent buildings, the design incorporates off-setting planes, varied facade treatments, and staggered rooflines, to divide the elevation into discrete sections that complement the surrounding built environment. The project would be compatible with the surrounding uses and buildings and be a positive contribution to the Polk Street neighborhood and community.*

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

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

*The Project site is adequately sized to accommodate the development. Existing development in the vicinity varies in size and intensity, and the Project is generally compatible with the eclectic character of the area.*



*The Project's massing has been sculpted to transition to the scale of adjacent properties, reducing the apparent bulk of the development and anchoring the corner intersection of the two streets. The project proposes an open courtyard at the southeast corner of the site that will help buffer the new building from adjacent properties and strengthen a pattern of mid-block open space that is currently not well defined on the subject block. Therefore, the Project will not be detrimental to persons or adjacent properties in the vicinity.*

- (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 Project does not include any off-street vehicle parking or loading, and none is required under the Planning Code as proposed. As such, the Project would not result in a significant net increase in vehicular traffic and would not negatively affect transit services or have significant adverse impacts on pedestrians or bicyclists. The Project site is well served by public transit, located within a quarter-mile of many MUNI lines including the 1, 1AX and 1BX, 2, 3, 19, 27, 31, 31AX and 31BX, 38, 38AX and 38BX, 47, 49, 76X, and the California Cable Car. The Project additionally provides a bicycle storage room for 100 bicycles, encouraging residents and employees to use alternative means of transportation, particularly given the location on the Polk Street bikeway.*

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

*The Project includes residential and retail uses that are typical of the surrounding context and will not introduce operational noises or odors that are detrimental, excessive, or atypical for the area. While some temporary increase in noise can be expected during construction, this noise is limited in duration and will be regulated by the San Francisco Noise Ordinance, which prohibits excessive noise levels from construction activity and limits the permitted hours of work. The Project Sponsor will be required to spray the site to suppress dust during demolition, excavation, and construction; therefore, these activities should not generate significant airborne dust. The building will not exhibit an excessive amount of glazing or other reflective materials; therefore, the Project is not expected to cause offensive amounts of glare.*

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

*The Project proposes open spaces in the form of private balconies and a common rear courtyard. Plans for the project show landscaping in the form of street trees and other plantings along California and Polk Streets, as well as trees and shrubs within the rear courtyard. As discussed, the Project does not propose any off-street parking that would require screening. Conditions of approval required that, as the Project proceeds through building permit review, the Project Sponsor will continue to work with Planning staff to refine details of lighting, signage, materials, and other aspects of the project.*



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

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

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

*The Polk Street NCD is a linear, dense mixed-use corridor that consists of residential units above ground-story commercial uses. The Project conforms to the purposes of the Polk Street NCD in that it would retain ground-level retail uses along Polk Street and add new retail along California Street that will enhance pedestrian and commercial activity in the area. 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 more than half of the units in the Project containing at least two bedrooms.*

8. **Development of Large Lots in NC Districts and Lot Merger Restriction 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 for the development of large lots in NC Districts, as per Planning Code Section 121.1(b):

- A. The mass and façade of the proposed structure are compatible with the existing scale of the district.

*The existing development in the area surrounding the Project site is varied in scale and intensity. Residential and mixed-use buildings within the Van Ness corridor to the west are generally situated on large lots and are of a higher intensity than surrounding development, with several buildings to the southwest of the project site in excess of seven stories. Building heights on the subject block range from one to five stories in height. Buildings along Polk Street and along California to the east are generally lower, ranging from single-story commercial buildings to mixed-use buildings up to four stories in height.*

*The Project will merge three lots to create one square parcel with frontages on both California and Polk Streets. The building has been situated on the site so that the majority of its mass falls at the northwest corner adjacent to the street intersection. The building steps down as it progresses away from the intersection along California and Polk Streets. The use of varied planes and exterior materials assists in minimizing the appearance of bulk. The Project will complement and be harmonious with the surrounding neighborhood character. At the streetscape, the facade incorporates features that anchor the building and define a pedestrian scale, such as detailing that frames the retail spaces.*

- B. The façade of the proposed structure is compatible with the design features of the adjacent facades that contribute to the positive visual qualities of the district.



*Existing buildings in the area exhibit an eclectic architectural character, with no prevailing style establishing a dominant visual pattern for the neighborhood. One-story retail commercial buildings are interspersed with multi-story, mixed-use structures.*

*Both the California and Polk Street facades express a high ratio of wall to glazing, similar to older residential and mixed-use buildings in the area. The building incorporates forms and detailing that are familiar to the older buildings in the area while harmonizing with newer contemporary structures. Additionally, the massing of the ground floor retail is divided into multiple tenant spaces that will help reinforce the neighborhood commercial scale of the building.*

Additionally, the Commission must affirmatively make one or more of the following findings when approving a lot merger that results in a lot with more than 25 feet of frontage in the Polk Street NCD, as per Planning Code Section 121.7(d):

- C. The lot merger will enable a specific residential project that provides housing on-site at affordability levels significantly exceeding the requirements of Section 415;
- D. The lot merger will facilitate development of an underutilized site historically used as a single use and the new project is comprised of multiple individual buildings; or
- E. The lot merger serves a unique public interest that cannot be met by building a project on a smaller lot.

*The Project Site is comprised of three lots, on which currently exists a single commercial building and associated surface parking. Although the existing commercial building has been divided into multiple storefronts, the site has been occupied by a single land use type and physically within the same building. The lot merger enables a specific mixed-use project that achieves a higher density through the State Density Bonus program and provides for on-site affordable units in addition to payment into the City's affordable housing fund. While the proposed Project is not comprised of multiple buildings, the proposed facades modulate both horizontally and vertically to achieve an architectural rhythm compatible with the surrounding neighborhood and to give the impression of distinct architectural sections. The ground floor retail spaces have been divided into multiple storefronts similar to what exists on the site currently.*

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

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



*The Project consists of five or more dwelling units on a site located in the Polk Street Neighborhood Commercial Zoning District that is currently developed as a two-story structure containing only non-residential, retail sales and service uses and is, therefore, eligible for the Individually Requested Density Bonus Program.*

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

*The Project is requesting one concession or incentive under the Individually Requested Density Bonus Program, in order to waive ground floor ceiling height requirements for three of the commercial storefronts located along California Street. The Project Sponsor has sufficiently demonstrated that the requested concession reduces the overall cost of the project.*

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

*The Project includes the demolition of the existing two-story commercial building and construction of a new 8-story over basement residential building. The Project proposes a dwelling unit mix consisting of 20 studio units, 29 one-bedroom units, 39 two-bedroom units, and 12 three-bedroom units totaling 100 dwelling units, with 9 dwelling units provided as affordable.*

*In order to achieve the proposed residential density, the Project is requesting four waivers from development standards, including: 1) Rear Yard (Section 134); 2) Usable Open Space (Section 135); 3) Dwelling Unit Exposure (Section 140); and 4) Bulk (Section 270). Without the waivers, the Project will be physically precluded from constructing the additional units as permitted under the Individually Requested Density Bonus Program, thus preventing the Project from achieving a 7.5% density bonus.*

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

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

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

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

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



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

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 1.10**

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.

#### **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.

**COMMERCE AND INDUSTRY ELEMENT**

**Objectives and Policies**

**OBJECTIVE 1:**

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

**Policy 1.1**

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

**OBJECTIVE 6:**

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

**Policy 6.1**

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

**Policy 6.3**

Preserve and promote the mixed commercial-residential character in neighborhood commercial districts. Strike a balance between the preservation of existing affordable housing and needed expansion of commercial activity.

**TRANSPORTATION ELEMENT**

**Objectives and Policies**

**OBJECTIVE 2:**



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

**Policy 2.1**

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

**Policy 2.2**

Reduce pollution, noise and energy consumption.

**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.

**OBJECTIVE 3:**

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

**Policy 3.6**

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

*The Project is a high-density residential development, providing 100 new dwelling units in a mixed-use area. The Project proposes a mix of dwelling unit types, with just over half of the units containing at least two bedrooms. The Project proposes to meet the requirements of the Inclusionary Affordable Housing Program through a combination of nine (9) on-site Below Market Rate (BMR) units and payment of approximately \$3,243,067 as the balance of the Inclusionary Affordable Housing Fee. The Project Site is located in proximity to a variety of public transportation options, including numerous MUNI lines within a quarter-mile, as well as being located along a primary north-south bikeway on Polk Street. The Project does not propose any parking, supporting the City's transit first priorities and helping to minimize conflicts between vehicles and pedestrians, cyclists and transit. The Project Site is located within a developed urban context with much existing access to neighborhood-serving retail, services, amenities and entertainment opportunities. The Project will replace the ground floor commercial spaces along Polk Street and will create new ground floor commercial activity along California Street. The subject property is*



*appropriate for infill development and will complement and contribute to the vitality, activity and walkable urban character of the area.*

*The Project is consistent with the mixed-use character of Polk Street with high-density residential housing located over ground floor commercial spaces. Although the Project will use the State Density Bonus Program to achieve additional density, the Project's height will be consistent with the existing zoning height limit of 80 feet. The Project Site is a large lot at the intersection of Polk and California Streets and the building has been designed to hold the streetwall; as a result, the Project requires a waiver from Bulk under the State Density Bonus Program. However, the building has also been designed in such a way so as to avoid a dominating or overbearing appearance in terms of mass and scale. The building has been stepped down and away from the corner to transition the project to the lower heights and scales of the adjacent buildings. Along the southern interior property line, the Project is providing a 10' by approximately 42' open court and setback so as to minimize impacts to the north-facing lightwell and windows of the adjacent residential building. At the ground floor level, storefronts at the corner have been recessed from the property line so as to provide a more gracious public realm and allow for greater visibility toward the intersection. In addition to the variation in façade planes, the Project utilizes a variety of materials to differentiate portions of the building, increase the overall solid-to-void ratio of the façade, and introduce an architectural rhythm and pattern that is complementary to the context of the district, while still being contemporary in its design. 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 would require the removal of the existing retail businesses; however, new commercial spaces will be included in the new building that will provide local business ownership and employment opportunities. In addition, the new residents in the Project will patronize area businesses, bolstering the viability of surrounding commercial districts.*

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

*The Project Site does not contain any existing housing that would be removed for the Project. The Project will add dwelling units in a manner that is compatible with the surrounding neighborhood context and that will enhance the vitality of the surrounding commercial corridor.*

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



*The Project does not remove any housing and will add 100 dwelling units to the City's stock. The Project will comply with the City's Affordable Housing Program through a combination of on-site affordable units and the payment of an Affordable Housing Fee.*

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

*The Project Site is located within the Polk Street NCD where a wide variety of goods and services are available within walking distance of the subject property. The Project Site is located in an area well served by public transit and is located on a primary north-south bikeway. The Project does not propose any off-street parking, which would further add vehicles to the surrounding streets and could lead to conflicts with transit, bicyclists or pedestrians.*

- 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 propose any commercial office development. The Project will include commercial establishments that will provide employment and/or business ownership opportunities for area residents.*

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

*The Project is designed and will be constructed to conform to the structural and seismic safety requirements of the Building Code.*

- G. That landmarks and historic buildings be preserved.

*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.

*The Project will not cast shadows or impede views for parks and open spaces in the area, nor have any negative effect on existing public parks and open spaces.*

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. 2015-000123CUA** subject to the following conditions attached hereto as "EXHIBIT A" in general conformance with plans on file, dated January 3, 2020, 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 February 13, 2020.

  
Jonas P. Ionin  
Commission Secretary

AYES: Koppel, Moore, Diamond, Fung, Imperial, Johnson  
NAYS: None  
ABSENT: Richards  
ADOPTED: February 13, 2020



## EXHIBIT A

### AUTHORIZATION

This authorization is for a conditional use to allow demolition of an existing two-story commercial building and associated surface parking lot, and new construction of an eight-story over basement, approximately 80-foot tall, 106,733 gross square foot mixed-use building containing approximately 9,823 gross square feet of ground floor commercial space and 100 dwelling units, 101 Class 1 bicycle parking spaces and 10 Class 2 spaces, with no proposed off-street vehicle parking located at 1567 California Street, Block 0645, Lots 014, 014A, and 015, pursuant to Planning Code Section(s) 121.1, 121.7, and 303 within the Polk Street Neighborhood Commercial District and a 80-A Height and Bulk District; in general conformance with plans, dated January 3, 2020, and stamped "EXHIBIT B" included in the docket for Record No. 2018-011249CUA and subject to conditions of approval reviewed and approved by the Commission on February 13, 2020 under Motion No. 20657. 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 February 13, 2020 under Motion No. 20657.

### PRINTING OF CONDITIONS OF APPROVAL ON PLANS

The conditions of approval under the 'Exhibit A' of this Planning Commission Motion No. 20657 shall be reproduced on the Index Sheet of construction plans submitted with the site or building permit application for the Project. The Index Sheet of the construction plans shall reference to the Conditional Use authorization and any subsequent amendments or modifications.

### SEVERABILITY

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

### CHANGES AND MODIFICATIONS

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



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

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

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

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

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

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

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

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

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

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

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



## ENTERTAINMENT COMMISSION – NOISE ATTENUATION CONDITIONS

6. **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 May 7, 2019. These conditions state:
- A. **Community Outreach.** Project Sponsor shall include in its community outreach process any businesses located within 300 feet of the proposed project that operate between the hours of 9PM-5AM. Notice shall be made in person, written or electronic form.
  - B. **Sound Study.** Project sponsor shall conduct an acoustical sound study, which shall include sound readings taken when performances are taking place at the proximate Places of Entertainment, as well as when patrons arrive and leave these locations at closing time. Readings should be taken at locations that most accurately capture sound from the Place of Entertainment to best of their ability. Any recommendation(s) in the sound study regarding window glaze ratings and soundproofing materials including but not limited to walls, doors, roofing, etc. shall be given highest consideration by the project sponsor when designing and building the project.
  - C. **Design Considerations.**
    - i. During design phase, project sponsor shall consider the entrance and egress location and paths of travel at the Place(s) of Entertainment in designing the location of (a) any entrance/egress for the residential building and (b) any parking garage in the building.
    - ii. In designing doors, windows, and other openings for the residential building, project sponsor should consider the POE's operations and noise during all hours of the day and night.
  - D. **Construction Impacts.** Project sponsor shall communicate with adjacent or nearby Place(s) of Entertainment as to the construction schedule, daytime and nighttime, and consider how this schedule and any storage of construction materials may impact the POE operations.
  - E. **Communication.** Project Sponsor shall make a cell phone number available to Place(s) of Entertainment management during all phases of development through construction. In addition, a line of communication should be created to ongoing building management throughout the occupation phase and beyond.

## DESIGN – COMPLIANCE AT PLAN STAGE

7. **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 415-558-6378, [www.sf-planning.org](http://www.sf-planning.org)*

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

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

9. **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 415-558-6378, [www.sf-planning.org](http://www.sf-planning.org)*

10. **Lighting Plan.** The Project Sponsor shall submit an exterior lighting plan to the Planning Department prior to Planning Department approval of the building / site permit application.

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

11. **Streetscape Plan.** Pursuant to Planning Code Section 138.1, the Project Sponsor shall continue to work with Planning Department staff, in consultation with other City agencies, to refine the design and programming of the Streetscape Plan so that the plan generally meets the standards of the Better Streets Plan and all applicable City standards. The Project Sponsor shall complete final design of all required street improvements, including procurement of relevant City permits, prior to issuance of first architectural addenda, and shall complete construction of all required street improvements prior to issuance of first temporary certificate of occupancy.

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

12. **Signage.** The Project Sponsor shall develop a signage program for the Project which shall be subject to review and approval by Planning Department staff before submitting any building permits for construction of the Project. All subsequent sign permits shall conform to the approved signage program. Once approved by the Department, the signage program/plan information shall be submitted and approved as part of the site permit for the Project. All exterior signage shall be designed to compliment, not compete with, the existing architectural character and architectural features of the building.



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

13. **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: within the private site area of the Project Site. 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 415-554-5810, <http://sfdpw.org>*

14. **Odor Control Unit.** In order to ensure any significant noxious or offensive odors are prevented from escaping the premises once the project is operational, the building permit application to implement the project shall include air cleaning or odor control equipment details and manufacturer specifications on the plans. Odor control ducting shall not be applied to the primary façade of the building.

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

## PARKING AND TRAFFIC

15. **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 415-558-6377, [www.sf-planning.org](http://www.sf-planning.org).*

16. **Bicycle Parking.** Pursuant to Planning Code Sections 155, 155.1, and 155.2, the Project shall provide no fewer than 109 bicycle parking spaces (100 Class 1 spaces for the residential portion of the Project, 1 Class 1 space for the commercial portion of the project and 8 Class 2 spaces for the



residential and 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 415-575-6863, [www.sf-planning.org](http://www.sf-planning.org)*

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

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

## PROVISIONS

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

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

19. **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)*

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

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

21. **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 415-558-6378, [www.sf-planning.org](http://www.sf-planning.org)*



22. **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.

A. **Number of Required Units.** Pursuant to Planning Code Section 415.3, the Project is required to provide 19% of the proposed dwelling units as affordable to qualifying households. The Project contains 100 units; therefore, 19 affordable units are currently required. The Project Sponsor will fulfill this requirement by providing 9 affordable units on-site and payment of the Affordable Housing Fee for the remaining 53% balance of the requirement. If the number of market-rate units change, the number of required affordable units shall be modified accordingly with written approval from Planning Department staff in consultation with the Mayor's Office of Housing and Community Development ("MOHCD").

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

B. **Unit Mix.** The Project contains 20 studios, 29 one-bedroom, 39 two-bedroom, and 12 three-bedroom units; therefore, the required affordable unit mix is 4 studios, 6 one-bedroom, 7 two-bedroom, and 2 three-bedroom units. The Project Sponsor has elected to provide 47% of their Inclusionary requirement by providing on-site units, consistent with the "Combination" alternative included in Section 415.5(g)(1)(D). Therefore, the Project is providing 2 studios, 3 one-bedroom, 3 two-bedroom, and 1 three-bedroom units on-site. If the market-rate unit mix changes, the affordable unit mix will be modified accordingly with written approval from Planning Department staff in consultation with MOHCD.

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

C. **Unit Location.** Prior to the issuance of the first construction permit by DBI for the Project, the Project Sponsor shall record a Notice of Special Restrictions on the property that contains these conditions of approval and a reduced set of plans that identify the affordable units satisfying the requirements of this approval. The Project Sponsor shall promptly provide a copy of the recorded Notice of Special Restrictions to the Department and to MOHCD or its successor.

D. **Mixed Income Levels for Affordable Units.** Pursuant to Planning Code Section 415.3, the Project is required to provide 19% of the proposed dwelling units as affordable to qualifying households. At least 11% must be affordable to low-income households, at least 4% must be affordable to moderate income households, and at least 4% must be affordable to middle income households. Rental Units for low-income households shall have an affordable rent set at 55% of Area Median Income or less, with households



earning up to 65% of Area Median Income eligible to apply for low-income units. The rents for Rental Units with a required affordable rent at 55% Area Median Income may be reduced to 50% AMI to qualify for a density bonus at the very low-income level and satisfy the Inclusionary Affordable Housing Program. Rental Units for moderate-income households shall have an affordable rent set at 80% of Area Median Income or less, with households earning from 65% to 90% of Area Median Income eligible to apply for moderate-income units. Rental Units for middle-income households shall have an affordable rent set at 110% of Area Median Income or less, with households earning from 90% to 130% of Area Median Income eligible to apply for middle-income units. For any affordable units with rental rates set at 110% of Area Median Income, the units shall have a minimum occupancy of two persons. The Project Sponsor has elected to provide 47% of their Inclusionary requirement by providing on-site units, consistent with the "Combination" alternative included in Section 415.5(g)(1)(D). Therefore, the Project is providing 5 units to very low-income households at an affordable rent set at 50% Area Median Income, 2 units to moderate-income households at an affordable rent set at 80% Area Median Income, and 2 units to middle-income households at an affordable rent set at 110% 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 415-558-6378, [www.sf-planning.org](http://www.sf-planning.org) or the Mayor's Office of Housing and Community Development at 415-701-5500, [www.sf-moh.org](http://www.sf-moh.org).*

- E. **Minimum Unit Sizes.** 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 415-558-6378, [www.sf-planning.org](http://www.sf-planning.org) or the Mayor's Office of Housing and Community Development at 415-701-5500, [www.sf-moh.org](http://www.sf-moh.org).*

- F. **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 415-558-6378, [www.sf-planning.org](http://www.sf-planning.org) or the Mayor's Office of Housing and Community Development at 415-701-5500, [www.sf-moh.org](http://www.sf-moh.org).*

- G. **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 architectural addenda. The designation shall comply with the designation standards published by the Planning Department and updated periodically.

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

- H. **Regulatory Agreement.** Prior to the issuance of the first construction document, recipients of density bonuses pursuant to CA Govt. Code Section 65915 shall enter into a regulatory agreement with the City in conformance with the provisions set forth in Planning Code Section 206.6(f).

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

- I. **Phasing.** If any building permit is issued for partial phasing of the Project, the Project Sponsor shall have designated not less than nineteen percent (19%), or the applicable percentage as discussed above, of the each phase's total number of dwelling units as on-site affordable units.

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

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

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

- K. **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. 20657, 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 415-558-6378, [www.sf-planning.org](http://www.sf-planning.org) or the Mayor's Office of Housing and Community Development at 415-701-5500, [www.sf-moh.org](http://www.sf-moh.org).*

- L. **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 415-558-6378, [www.sf-planning.org](http://www.sf-planning.org) or the Mayor's Office of Housing and Community Development at 415-701-5500, [www.sf-moh.org](http://www.sf-moh.org).*

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

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

- i. The affordable unit(s) shall be designated on the building plans prior to the issuance of the first construction permit by the Department of Building Inspection ("DBI"). The affordable unit(s) shall (1) be constructed, completed, ready for occupancy and marketed no later than the market rate units, and (2) be evenly distributed throughout the building; and (3) be of comparable overall quality, construction and exterior appearance as the market rate units in the principal project. The interior features in affordable units should be generally the same as those of the market units in the principal project, but need not be the same make, model or type of such item as long they are of good and new quality and are consistent with then-current standards for new housing. Other specific standards for on-site units are outlined in the Procedures Manual.
- ii. If the units in the building are offered for rent, the five (5) affordable units that satisfy both the State Density Bonus Law and the Inclusionary Affordable Housing Program shall be rented to very low-income households, defined as



households earning 50% of AMI in the California Health and Safety Code Section 50105 and/or California Government Code Section 65915-65918 (the State Density Bonus Law). The income table used to determine the rent and income levels for the Density Bonus units shall be the table required by the State Density Bonus Law. If the resultant rent or income levels at 50% of AMI under the table required by the State Density Bonus Law are higher than the rent and income levels at 55% of AMI under the Inclusionary Affordable Housing Program, the rent and incomes levels shall be adjusted so they do not at any time exceed the maximum allowance rent and income levels for affordable units under the Inclusionary Affordable Housing Program. After such Density Bonus Law units have been rented for a term of 55 years, the subsequent rent and income levels of such units may be adjusted to (55) percent of Area Median Income under the Inclusionary Affordable Housing Program, using income table called "Maximum Income by Household Size derived from the Unadjusted Area Median Income for HUD Metro Fair Market Rent Area that contains San Francisco," and shall remain affordable for the remainder of the life of the project. The initial and subsequent rent level of such units shall be calculated according to the Procedures Manual. The remaining affordable unit(s) shall be rented to qualifying households, with a minimum of two units to moderate-income households, and the remaining two units affordable to middle-income households such 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.

- iii. 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.
- iv. Required parking spaces shall be made available to initial buyers or renters of affordable units according to the Procedures Manual.
- v. Prior to the issuance of the first construction permit by DBI for the Project, the Project Sponsor shall record a Notice of Special Restriction on the property that contains these conditions of approval and a reduced set of plans that identify the affordable units satisfying the requirements of this approval. The Project Sponsor shall promptly provide a copy of the recorded Notice of Special Restriction to the Department and to MOHCD or its successor.
- vi. If the Project Sponsor fails to comply with the Inclusionary Affordable Housing Program requirement, the Director of DBI shall deny any and all site or building permits or certificates of occupancy for the development project until the Planning Department notifies the Director of compliance. A Project Sponsor's failure to comply with the requirements of Planning Code Section 415 et seq.



shall constitute cause for the City to record a lien against the development project and to pursue any and all available remedies at law, including penalties and interest, if applicable.

- N. **Fee 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 thirty percent (30%) because it is a rental project. The Project Sponsor shall pay the applicable Affordable Housing Fee at the issuance of the first construction document. The Project Sponsor has elected to provide 47% of their Inclusionary requirement by providing on-site units, consistent with the "Combination" alternative included in Section 415.5(g)(1)(D). Therefore, the Project Sponsor is required to satisfy the remaining 53% of the Inclusionary requirement through payment of the Inclusionary Affordable Housing Fee.

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

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

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

- i. 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.
- ii. 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.

- iii. 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.

## MONITORING - AFTER ENTITLEMENT

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

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

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

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

## OPERATION

25. **Eating and Drinking Uses.** As defined in Planning Code Section 202.2, Eating and Drinking Uses, as defined in Section 102, shall be subject to the following conditions:

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

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



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

*For information about compliance of fixed mechanical objects such as rooftop air conditioning, restaurant ventilation systems, and motors and compressors with acceptable noise levels, contact the Environmental Health Section, Department of Public Health at (415) 252-3800, [www.sfdph.org](http://www.sfdph.org).*

*For information about compliance with construction noise requirements, contact the Department of Building Inspection at 415-558-6570, [www.sfdbi.org](http://www.sfdbi.org).*

*For information about compliance with the requirements for amplified sound, including music and television, contact the Police Department at 415-553-0123, [www.sf-police.org](http://www.sf-police.org).*

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

*For information about compliance with odor or other chemical air pollutants standards, contact the Bay Area Air Quality Management District, (BAAQMD), 1-800-334-ODOR (6367), [www.baaqmd.gov](http://www.baaqmd.gov) and Code Enforcement, Planning Department at 415-575-6863, [www.sf-planning.org](http://www.sf-planning.org)*

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

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

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

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

27. **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 415-575-6863, [www.sf-planning.org](http://www.sf-planning.org)*

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

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