



EXECUTIVE SUMMARY

HOME-SF PROJECT AUTHORIZATION

HEARING DATE: NOVEMBER 18, 2021

Record No.: 2019-022830AHB
Project Address: 3055 Clement Street
Zoning: NC-1 (Neighborhood Commercial, Cluster) Zoning District
40-X Height and Bulk District
Block/Lot: 1463/043
Project Sponsor: John Lau, Design Consultants Group
3900 Geary Blvd #201
San Francisco, CA 94118
Property Owner: May & John Lau
San Mateo, CA 94402
Staff Contact: Christopher May – (628) 652-7359
christopher.may@sfgov.org

Recommendation: Approval with Conditions

Project Description

The Project includes demolition of the existing one-story commercial building and the construction of a new six-story building containing seven dwelling units totaling 11,201 square feet above 614 square feet of ground floor commercial space. The Project proposes a dwelling unit mix consisting of four 2-bedroom units and three 4-bedroom units. The Project includes 336 square feet of qualifying common usable open space on a roof deck, and 288 square feet of private usable open space on a second-floor terrace in the rear yard. The Project includes a total of eight (8) Class 1 and four (4) Class 2 bicycle parking spaces. The Project does not include any off-street automobile parking and will remove an existing 8-foot curb cut on the 32nd Avenue frontage.

Required Commission Action

In order for the Project to proceed, the Commission must grant a HOME-SF Project Authorization, pursuant to Planning Code Sections 206.3, 328 and 710, with exceptions to the following Planning Code Sections: 1) rear yard (Section 134); 2) usable open space (Section 145); and 3) ground floor level active uses (Section 206.3).

Issues and Other Considerations

- **Public Comment & Outreach.**
 - **Support/Opposition:** The Department has received 1 letter in opposition to the Project.
 - The opposition to the Project is centered on the proposed building's height and massing, lack of off-street parking and dwelling unit density.
 - **Outreach:** The Sponsor has hosted one meeting within the community, on November 27, 2019.
- **Design Review Comments:** The project has changed in the following significant ways since the original submittal to the Department:
 - A second commercial space fronting 32nd Avenue was replaced with indoor residential amenity space;
 - A landscaped buffer surrounding the second-floor private roof terrace was added;
 - A cornice was added at the fifth floor and lighter cladding material applied to the sixth floor to minimize the visual impact of the building's height;
 - The elevator overrun was reduced in height by approximately 2 feet; and
 - Non-compliant bay window on the second and sixth floors projecting into the rear yard were removed.

Environmental Review

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

Basis for Recommendation

The Department finds that the Project is, on balance, consistent with the Objectives and Policies of the General Plan and meets all applicable Planning Code requirements. The Project will provide seven new dwelling units, (including two on-site affordable housing units) in a mixed-use area, which will assist in meeting the City's affordable housing goals. All units in the project will provide two- or 4-bedroom units which are suitable for families with children. The Project Sponsor has included an array of family-friendly amenities required by the HOME-SF program, such as ground floor stroller storage, an indoor recreation room and a common roof deck.

Attachments:

Draft Motion –HOME-SF Project Authorization with Conditions of Approval
Exhibit B – Plans and Renderings
Exhibit C – Environmental Determination
Exhibit D – Land Use Data
Exhibit E – Maps and Context Photos
Exhibit F – Inclusionary Affordable Housing Affidavit



PLANNING COMMISSION DRAFT MOTION

HEARING DATE: NOVEMBER 18, 2021

Record No.: 2019-022830AHB
Project Address: 3055 CLEMENT STREET
Zoning: NC-1 (Neighborhood Commercial, Cluster) Zoning District
40-X Height and Bulk District
Block/Lot: 1463/043
Project Sponsor: John Lau, Design Consultants Group
3900 Geary Blvd #201
San Francisco, CA 94118
Property Owner: May & John Lau
San Mateo, CA 94402
Staff Contact: Christopher May – (628) 652-7359
christopher.may@sfgov.org

ADOPTING FINDINGS RELATING TO A HOME-SF AUTHORIZATION PURSUANT TO PLANNING CODE SECTIONS 206.3, 328, AND 710 TO ALLOW EXCEPTIONS TO THE REAR YARD, OPEN SPACE AND GROUND FLOOR LEVEL ACTIVE USE REQUIREMENTS OF PLANNING CODE SECTIONS 134, 135 AND 206.3(c)(5), RESPECTIVELY, FOR A PROJECT PROPOSING THE DEMOLITION OF AN EXISTING ONE-STORY COMMERCIAL BUILDING AND THE CONSTRUCTION OF A NEW SIX-STORY BUILDING CONTAINING SEVEN DWELLING UNITS TOTALING 11,201 SQUARE FEET ABOVE 614 SQUARE FEET OF GROUND FLOOR COMMERCIAL SPACE, LOCATED AT 3055 CLEMENT STREET, LOT 043 IN ASSESSOR'S BLOCK 1463, WITHIN THE NC-1 (NEIGHBORHOOD COMMERCIAL, CLUSTER) ZONING DISTRICT AND A 40-X HEIGHT AND BULK DISTRICT, AND ADOPTING FINDINGS UNDER THE CALIFORNIA ENVIRONMENTAL QUALITY ACT.

PREAMBLE

On June 12, 2020, John Lau of Design Consultants Group (hereinafter "Project Sponsor") filed Application No. 2019-022830AHB (hereinafter "Application") with the Planning Department (hereinafter "Department") for a HOME-SF Project Authorization to construct a new six-story, 62-foot tall building containing seven dwelling units totaling 11,201 square feet above 614 square feet of ground floor commercial space (hereinafter "Project") at 3055 Clement Street, Block 1463 Lot 043 (hereinafter "Project Site").

On December 14, 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 this Project.

On November 18, 2021, the Commission conducted a duly noticed public hearing at a regularly scheduled meeting on HOME-SF Project Authorization Application No. 2019-022830AHB.

The Planning Department Commission Secretary is the Custodian of Records; the File for Record No. 2019-022830AHB 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 HOME-SF Project Authorization as requested in Application No. 2019-022830AHB, 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 the existing one-story commercial building and the construction of a new six-story building containing seven dwelling units totaling 11,201 square feet above 614 square feet of ground floor commercial space. The Project includes a total of eight (8) Class 1 and four (4) Class 2 bicycle parking spaces. The Project does not include any off-street automobile parking and will remove an existing 8-foot curb cut on 32nd Avenue. The Project includes a dwelling unit mix consisting of four 2-bedroom units and three 4-bedroom units. The Project includes 336 square feet of qualifying common usable open space on a roof deck, and 288 square feet of private usable open space on a second-floor terrace in the rear yard.
3. **Site Description and Present Use.** The Project is located on a corner lot measuring approximately 2,400 square feet with approximately 24 feet of frontage along Clement Street and 100 feet of frontage along 32nd Avenue. The Project Site is occupied by a one-story commercial building covering the entire lot with approximately 2,032 gross square feet with a 363 square-foot one-car garage. Currently, the existing building is occupied by China Dance School & Theatre.
4. **Surrounding Properties and Neighborhood.** The Project Site is located within the NC-1 Zoning District in the Outer Richmond neighborhood. The NC-1 Zoning District extends along Clement Street for two blocks and is characterized primarily by two to four-story buildings with residential units above ground floor commercial uses. Beyond the NC-1 Zoning District, the surrounding neighborhood is zoned RH-2, which is characterized primarily by two-to-three-story residential single-family dwellings and multi-unit residential buildings. Immediately adjacent to the subject property and to the east is a two-story, 2-unit residential building, and immediately adjacent to the subject property and to the south is a three-story, 2-unit residential building. Directly across Clement Street and to the north is a one-story automobile repair garage and a four-story residential building containing six apartment units. Directly across 32nd Avenue and to the west is a two-story building containing four residential units above ground floor commercial uses.
5. **Public Outreach and Comments.** According to the Project Sponsor, a pre-application meeting was held on November 27, 2019, prior to the submittal of the HOME-SF Project Authorization Application. The Department has received correspondence from one nearby resident who expressed concerns about the proposed building's height and massing, lack of off-street parking and dwelling unit density.
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 710 permits residential uses at a density of one dwelling unit per 800 square feet of lot area and principally permits retail uses on the ground floor.

The subject property is approximately 2,400 square feet; therefore a maximum of three (3) dwelling units are permitted. The project proposes seven (7) dwelling units. Planning Code Section 206.3 removes all dwelling unit density restrictions for HOME-SF projects in exchange for a higher provision of affordable housing than would otherwise be required pursuant to the Inclusionary Affordable Housing Program. The design review criteria and required findings for HOME-SF projects are listed below under Subsections 9 and 10, respectively. The Project also proposes 614 square feet of retail uses on the ground floor.

- B. Floor Area Ratio.** Planning Code Section 124 states that in the NC-1 Zoning District, the basic floor area ratio limit shall be 1.8 to 1.

The subject property is approximately 2,400 square feet in size. As such, the maximum permitted basic floor area ratio would allow for a total of 4,320 square feet of non-residential uses. The total proposed non-residential gross floor area approximately 614 square feet and therefore complies with this requirement.

- C. Rear Yard.** Planning Code Section 710 requires that the project provide a rear yard equal to 25 percent of the total lot depth, at grade level and at each succeeding level or story. HOME-SF Projects may receive a Zoning Modification which allows a reduction in the rear yard requirement to 20% of the lot depth, or 15 feet, whichever is greater.

The Project proposes a rear yard of approximately 20 feet at the second floor and above, which is equivalent to 20-percent of lot depth, and 0 feet at grade. As such, the Project is using a HOME-SF Zoning Exception pursuant to Planning Code Section 206.3(d)(4)(A). The additional required findings are listed below in Subsection 12.

- D. Open Space.** Planning Code Section 135 requires that the project provide a minimum of 100 square feet of private or 133 square feet of common usable open space per dwelling unit. HOME-SF Projects may receive a Zoning Modification to reduce by up to 10% of the required amount of common usable open space under Section 135.

The Project proposes approximately 288 square feet of private usable open space for one unit on the second floor. The remaining six units share common usable open space on a rooftop deck. While the proposed roof deck measures approximately 1,375 square feet (representing approximately 229 square feet per unit), only a portion of this area measuring approximately 336 square feet (representing approximately 56 square feet per unit) meets the minimum 15' by 15' horizontal dimensional requirements of Planning Code Section 135. As such the Project requires a HOME-SF Zoning Exception pursuant to Planning Code Section 206.3(d)(4)(A). The additional required findings are listed below in Subsection 12.

- E. Permitted Obstructions.** Planning Code Section 136 outlines the permitted obstruction requirements for bay windows over a street, which requires 1) the maximum length of each bay window shall be 15 feet at the line establishing the required open area, and shall be reduced in proportion to the distance from such line by means of 45 degree angles drawn inward from the ends of such 15-foot dimension, reaching a maximum of nine feet along a line parallel to and at a distance of three feet from the line establishing the required open area; 2) the minimum horizontal separation between bay windows

shall be two feet at the line establishing the required open area, and shall be increased in proportion to the distance from such line by means of 135-degree angles drawn outward from the ends of such two-foot dimension, reaching a minimum of eight feet along a line parallel to and at a distance of three feet from the line establishing the required open area; and 3) each bay window over a street shall also be horizontally separated from interior lot lines by not less than one foot at the line establishing the required open area, with such separation increased in proportion to the distance from such line by means of a 135-degree angle drawn outward from such one-foot dimension, reaching a minimum of four feet along a line parallel to and at a distance of three feet from the line establishing the required open area.

The proposed bay windows projecting over the Clement Street and 32nd Avenue frontages meet the requirements under Planning Code Section 136 as permitted obstructions.

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

Each of the seven proposed units face directly onto either Clement Street, 32nd Avenue or both, which complies with Planning Code Section 140.

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

The subject property has approximately 100 feet of frontage along 32nd Avenue and 24 feet of frontage along Clement Street. The Project includes approximately 614 square feet of retail uses, which are considered active uses, with 82 percent of the Clement Street frontage fenestrated with transparent windows and with a ground floor ceiling height of 14 feet. Sixty-two percent of the 32nd Avenue frontage is treated with transparent fenestration. Therefore, the Project meets this requirement of the Planning Code.

- H. **Bicycle Parking.** Planning Code Section 155.2 requires the provision of one Class 1 bicycle space per

unit and one Class 2 bicycle parking space per 20 dwelling units for residential uses; and One Class 1 space for every 7,500 square feet of Occupied Floor Area and minimum two Class two spaces for the majority of Retail Sales and Services Uses.

The Project would provide a total of eight (8) Class 1 bicycle parking spaces in a bicycle storage room on the ground floor and four (4) Class 2 bicycle parking spaces would be provided along the street frontage, which complies with Planning Code Section 155.2.

- I. **Dwelling Unit Mix.** HOME-SF projects shall provide a minimum dwelling unit mix of (A) at least 40% two and three-bedroom units, including at least 10% three-bedroom units, or (B) any unit mix which includes some three-bedroom or larger units such that 50% of all bedrooms within the HOME-SF Project are provided in units with more than one bedroom.

The Project proposes seven dwelling units including four 2-bedroom units, and three 4-bedroom units. The project provides 100% two- and four-bedroom units, including at least 10% three-bedroom units; therefore, the Project meets this requirement of the Planning Code.

- J. **Building Height.** Per Planning Code Section 260, the maximum height limit for the subject property is 40 feet. HOME-SF Projects shall receive up to two additional stories of height (each limited to 10 feet) above the height set forth in the Height Map of the Zoning Map, depending on the amount of affordable housing provided. In addition to the 20 feet granted in subsection (d)(2), HOME-SF Projects with active uses on the ground floor shall receive up to five additional feet in height above the height limit to provide a 14-foot floor-to-ceiling height for nonresidential uses on the ground floor.

The Project is a Tier 3 HOME-SF Project, which permits up to two additional stories of height, for a total of 20 feet additional height overall. The Project proposes a building height of 62 feet, which is compliant with the Development Bonuses provided in Section 206.3(d).

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

The subject property is located within 300 feet of Akiba Karaoke, which is considered an active Place of Entertainment. As such, the Entertainment Commission's standard conditions of approval have been included in Exhibit A.

- L. **Inclusionary Affordable Housing Program.** Planning Code Section 206.3 sets forth the requirements for the HOME-SF program, which automatically awards development bonuses such as form-based density and additional height, and allows a project sponsor to seek specified zoning modifications, in exchange for a higher rate of on-site affordable units.

Planning Code Section 206.3(f) sets forth provisions that create three separate HOME-SF Tiers. Each tier requires a set percentage of on-site affordable units that exceeds the amount required by the

Inclusionary Housing Ordinance, and provides the Project with either zero, one or two additional stories of height. The HOME-SF Tiers are as follows:

	Form-Based Density	Additional Height Awarded Above Existing Height Limit	On-Site Affordability Requirement
Tier 1: 3-24 units	Yes	5' for active ground floor uses, but no additional stories	20%
Tier 1: 25+ units	Yes	5' for active ground floor uses, but no additional stories	23%
Tier 2: All Project	Yes	5' for active ground floor uses, plus one additional story up to 10' in height	25%
Tier 3: All Projects	Yes	5' for active ground floor uses, plus two additional stories up to 20' in height	30%

Pursuant to Planning Code Section 206.3(c)(1), the affordable units in a HOME-SF project (HOME-SF units) are restricted for the life of the project, and are subject to the provisions of Planning Code Section 415 and the Procedures Manual, except that project sponsor must provide the specified percentage of the proposed dwelling units as affordable for that tier, with a set proportion of each tier as affordable to low-, middle- and moderate-income households as defined in Section 206.3.

The Project Sponsor has demonstrated that it is eligible for the HOME-SF program as a Tier 3 Project, and has submitted an 'Affidavit of Compliance with the Inclusionary Affordable Housing Program: Planning Code Section 415,' to satisfy the requirements of the HOME-SF by providing at least 30% affordable housing onsite, as ownership units with a minimum of 10% of the units affordable to low-income households, 10% of the units as affordable to moderate-income households, and the remaining 10% of the units affordable to middle-income households as defined by the Planning Code and Procedures Manual. Two units of the 7 total units provided will be affordable. The project sponsor will enter into a Regulatory Agreement with the City which records the number of required affordable units, the tenure of the units, and the term of restriction for the units.

- M. **Child Care Fee.** Planning Code Section 414A requires payment of a childcare impact fee for a project that results in one net new dwelling unit.

The Project proposes the construction of seven dwelling units and is therefore subject to the Child Care Fee. These fees must be paid prior to the issuance of the first construction document.

- 7. **HOME-SF Project Authorization Applicability.** Planning Code Section 206.3 lists eight eligibility requirements for HOME-SF Projects.

- A. The Project contains three or more residential units, as defined in Section 102, not including any

Group Housing as defined in Section 102, efficiency dwelling units with reduced square footage defined in Section 318, and Density Bonus Units permitted through this Section 206.3, or any other density bonus;

The Project proposes seven dwelling units and does not contain any group housing units, nor does it include any efficiency dwelling units with reduced square footage.

- B. The Project is located in a zoning district that: (A) is not designated as an RH-1 or RH-2 Zoning District; and (B) establishes a maximum dwelling unit density through a ratio of number of units to lot area, including RH-3, RM, RC, C-2, Neighborhood Commercial, Named Neighborhood Commercial, and SoMa Mixed Use Districts; but only if the SoMa Mixed Use District has a density measured by a maximum number of dwelling units per square foot of lot area; (C) is not in the North of Market Residential Special Use District, Planning Code Section 249.5, until the Affordable Housing Incentive Study is completed at which time the Board will review whether the North of Market Residential Special Use District should continue to be excluded from this Program. The Study will explore opportunities to support and encourage the provision of housing at the low, moderate, and middle-income range in neighborhoods where density controls have been eliminated. The goal of this analysis is to incentivize increased affordable housing production levels at deeper and wider ranges of AMI and larger unit sizes in these areas through 100% affordable housing development as well as below market rate units within market rate developments; (D) is not located within the boundaries of the Northeastern Waterfront Area Plan south of the centerline of Broadway; and (E) is not located on property under the jurisdiction of the Port of San Francisco;

The Project site is located in the NC-1 (Neighborhood Commercial, Cluster) Zoning District, which establishes a maximum dwelling unit density through a ratio of number of units to lot area. The Project is not located within the RH-1 or RH-2 Districts, within the North of Market Residential Special Use District, within the boundaries of the Northeastern Waterfront Area Plan, or on property under the jurisdiction of the Port of San Francisco.

- C. The Project is not seeking and receiving a density or development bonus under the provisions of California Government Code Section 65915, Planning Code Section 207, Section 124(f), Section 202.2(f), 304, or any other State or local program that provides development bonuses;

The Project is not seeking and receiving a density or development bonus under the provisions of California Government Code Sections 65915 et seq., Planning Code Section 207, Section 124(f), Section 202.2(f), 304, or any other State or local program that provides development bonuses.

- D. The Project includes at least 135% of the Base Density as calculated under Planning Code Section 206.5;

The Project proposes seven dwelling units, equal to 233% of the Base Density, which in this instance would be a total of three dwelling units.

- E. The Project consists of new construction, and excluding any project that includes an addition to an existing structure;

The Project proposes the new construction of a six-story building. The Project does not include an addition to any existing structure.

- F. The Project complies with the on-site Inclusionary Affordable Housing option set forth in Planning Code Section 415.6; provided however, that the percentage of affordable units and the required affordable sales price or affordable rents set forth in Section 415.6(a) shall be as provided in this Section 206.3;

The Project proposes to provide at least 30% of the onsite dwelling units as permanently affordable, at the affordable prices set forth in Section 206.3.

- G. If any retail use is demolished or removed, does not include a Formula Retail use, as defined in Section 303.1, unless the retail use demolished or removed was also a Formula Retail Use, or was one of the following uses: Gas Stations, Private or Public Parking Lots, Financial Services, Fringe Financial Services, Self Storage, Motel, Automobile Sales or Rental, Automotive Wash, Mortuaries, Adult Business, Massage Establishment, Medical Cannabis Dispensary, and Tobacco Paraphernalia Establishment, as those uses are defined in Planning Code Section 102;

The Project proposes the demolition of an existing building occupied by a non-Formula Retail Arts and Activities use.

- H. If located north of the centerline of Post Street and east of the centerline of Van Ness Avenue, all otherwise eligible HOME-SF Projects shall only be permitted on:
 - (1) lots containing no existing buildings; or
 - (2) lots equal to or greater than 12,500 square feet where existing buildings are developed to less than 20% of the lot's principally permitted buildable gross floor area as determined by height limits, rear yard requirements, and required setbacks;

The Project site is located south of the centerline of Polk Street and west of the centerline of Van Ness Avenue. Therefore, this Finding does not apply.

- I. If the City enacts an ordinance directing the Planning Department to study the creation of a possible area plan wholly or partially located in Supervisorial District 9, HOME-SF Projects shall not be permitted in any area in Supervisorial District 9 listed in the ordinance until such time as the City enacts the area plan.

The Project site is located within Supervisorial District 1. Therefore, this Finding does not apply.

- 8. **HOME-SF Project Authorization Eligibility Requirements.** In order to receive the development bonuses granted under Planning Code Section 206.3, a Tier Three HOME-SF Project must meet the following requirements:

- A. Tier Three HOME-SF Projects shall provide 30% of units in the HOME-SF Project as HOME-SF Units. Ten percent of Tier Three HOME-SF Units that are Owned Units shall have an average affordable purchase price set at 80% of Area Median Income; Ten percent shall have an average affordable

purchase price set at 105% of Area Median Income; and Ten percent shall have an average affordable purchase price set at 130% of Area Median Income.

The Project proposes ownership housing units and will provide 30% (or 2 units) of the onsite dwelling units as HOME-SF Units. 15% (1 units) of the Ownership Units will have an average affordable income set at 80% of Area Median Income and 15% (1 unit) will have an average affordable income set at 130% of Area Median Income.

B. Demonstrate to the satisfaction of the Environmental Review Officer that the HOME-SF Project does not:

- (1) cause a substantial adverse change in the significance of a historic resource as defined by California Code of Regulations, Title 14, Section 15064.5;
- (2) create new shadow in a manner that substantially affects outdoor recreation facilities or other public areas; and
- (3) alter wind in a manner that substantially affects public areas;

The Project would not cause a substantial adverse change in the significance of a historic resource, would not create a new shadow in a manner that substantially affects outdoor recreation facilities or other public areas, and would not alter wind in a manner that substantially affects the public areas.

C. All HOME-SF Units (income-restricted units in HOME-SF projects meeting the requirements of Section 206.3) shall be no smaller than the minimum unit sizes set forth by the California Tax Credit Allocation Committee as of May 16, 2017. In addition, notwithstanding any other provision of this Code, HOMESF projects shall provide a minimum dwelling unit mix of (A) at least 40% two- and three-bedroom units, including at least 10% three bedroom units, or (B) any unit mix which includes some three bedroom or larger units such that 50% of all bedrooms within the HOME-SF Project are provided in units with more than one bedroom. Larger units should be distributed on all floors, and prioritized in spaces adjacent to open spaces or play yards. Units with two or three bedrooms are encouraged to incorporate family friendly amenities. Family friendly amenities shall include, but are not limited to, bathtubs, dedicated cargo bicycle parking, dedicated stroller storage, open space and yards designed for use by children. HOME-SF Projects are not eligible to modify this requirement under Planning Code Section 328 or any other provision of this Code.

The California Tax Credit Allocation Committee requires that 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 200 square feet pursuant to Planning Code Section 415.6. The Project proposes the affordable units that exceed the minimum unit sizes set forth by the California Tax Credit Allocation Committee. The Project provides a dwelling unit mix with at least 40% two- and three-bedroom units, including at least 10% three bedroom units.

D. Does not demolish, remove or convert any residential units.

The Project does not demolish, remove or convert any residential units.

E. Includes at the ground floor level active uses, as defined in Section 145.1, at the same square footages

as any neighborhood commercial uses demolished or removed, unless the Planning Commission has granted an exception under Section 328.

The Project proposes to demolish a neighborhood commercial use measuring approximately 2,032 square feet and proposes replacement ground floor level active uses measuring approximately 614 square feet; as such, a HOME-SF Exception pursuant to Planning Code Section 328 is required. The additional required findings are listed below in Subsection 12.

- 9. HOME-SF Project Authorization Design Review.** Pursuant to Planning Code Section 328, the Planning Commission shall review and evaluate all physical aspects of a HOME-SF Project at a public hearing. The Planning Commission recognizes that most qualifying projects will need to be larger in height and mass than surrounding buildings in order to achieve HOME-SF's affordable housing goals. However, the Planning Commission may, consistent with the Affordable Housing Bonus Program Design Guidelines, and any other applicable design guidelines, and upon recommendation from the Planning Director, make minor modifications to a project to reduce the impacts of such differences in scale. The Planning Commission may require these or other modifications or conditions, or disapprove a project, in order to achieve the objectives and policies of the Affordable Housing Bonus Programs or the purposes of this Code. This review shall be limited to design issues including the following:

- A. Whether the bulk and massing of the building is consistent with the Affordable Housing Bonus Design Guidelines.

The Project will provide a development that is compatible with the immediate neighborhood and embodies design principles that guide building massing and articulation. The proposed design includes a ground floor commercial façade that is distinct from the upper residential floors. The uppermost floor will be less prominent than the floors below, as it will be treated with a lighter façade material and will not feature projections beyond the main facade. The design features of both façades are consistent with adjacent buildings on Clement Street and 32nd Avenue and in the surrounding neighborhood.

- B. Whether building design elements including, but not limited to architectural treatments, facade design, and building materials, are consistent with the Affordable Housing Bonus Program Design Guidelines and any other applicable design guidelines.

The Project will construct a new residential building that incorporates fine-grained detailing with high quality and durable materials and utilizes various materials to pronounce building features that reduce the building's prominent height and bulk differential to adjacent residential buildings. The building is appropriately finished on all visible facades.

- C. Whether the design of lower floors, including building setback areas, commercial space, townhouses, entries, utilities, and parking and loading access is consistent with the Affordable Housing Bonus Program Design Guidelines, and any other applicable design guidelines.

The Project will design a ground floor that enhances the existing pedestrian environment of the immediate neighborhood. The Project proposes a commercial tenant space with large windows facing the sidewalk on both frontages, creating an inviting space for the public to enter. The residential entrance will be to the side of the commercial space and is recessed into the façade with a built-in

planter to denote the transition between the public and private realms.

- D. Whether the required streetscape and other public improvements such as tree planting, street furniture, and lighting are consistent with the Better Streets Plan, and any other applicable design guidelines.

The Project abuts sidewalks measuring approximately 15 feet wide. The project proposes one new street tree on the Clement Street frontage and five new street trees on the 32nd Avenue frontage. The project will add two bicycle racks and will eliminate the existing 8-foot curb cut on the 32nd Avenue frontage thereby enhancing the public realm.

- E. If the project involves the merging of two or more lots resulting in more than 125 feet in lot frontage on any one street, whether the project is consistent with the Affordable Housing Bonus Program Design Guidelines, and any other applicable design guidelines.

The Project does not involve the merging of two or more lots resulting in more than 125 feet in lot frontage on any one street.

10. HOME-SF Project Authorization Findings. Planning Code Section 328 establishes criteria for the Planning Commission to consider when reviewing applications for HOME-SF Project Authorization. On balance, the Project complies with said criteria in that:

- A. The use as proposed will comply with the applicable provisions of this Code and is consistent with the General Plan.

The Project complies with all applicable provisions of the Planning Code and is consistent with the objectives of the General Plan, as outlined below.

- B. The use as proposed will provide development that is in conformity with the stated purpose of the applicable Use District.

The Project proposes residential and commercial uses, which is consistent with the stated purpose of the NC-1 Zoning District.

- C. Whether the project would require the demolition of an existing building.

The Project proposes the demolition of an existing one-story commercial building.

- D. Whether the project would remove existing commercial or retail uses.

The Project proposes the removal of an existing Arts Activity use and proposes a new retail space in its place.

- E. If the project would remove existing commercial or retail uses, how recently the commercial or retail uses were occupied by a tenant or tenants.

There is an existing commercial use (dba China Dance School & Theatre), which is on a month-to-month

lease and has been notified by the project sponsor of the proposal to demolish the building.

- F. Whether the project includes commercial or retail uses.

The Project includes one new commercial tenant space fronting both Clement Street and 32nd Avenue.

- G. Whether there is an adverse impact on the public health, safety, and general welfare due to the loss of commercial or retail uses in the district where the project is located.

The Project is located in a Neighborhood Commercial Zoning District that encourages ground floor commercial spaces, which the Project includes. While the proposed new commercial tenant space will occupy a smaller space than the existing dance school, its more transparent design will better contribute to active street life and will enhance the existing retail corridor. The Project does not result in an adverse impact on public health, safety and general welfare.

- H. Whether any existing commercial or retail use has been designated, or is eligible to be designated, as a Legacy Business under Administrative Code Section 2A.242; or is a formula retail business.

The Project does not propose to remove any Legacy Business.

11. HOME-SF Project Authorization Development Bonuses and Zoning Modifications. Pursuant to Planning Code Section 206.3, certain development bonus and zoning modifications are permitted for HOME-SF Program projects.

- A. **Form-Based Density.** Notwithstanding any zoning designation to the contrary, the density of a Tier Three HOME-SF Project shall not be limited by lot area but rather by the applicable requirements including, are not limited to, height, including any additional height allowed by subsections (f)(2)(C)(ii) and (iii), Bulk, Setbacks, Required Open Space, Exposure, and unit mix as well as applicable design guidelines, elements, and area plans of the General Plan and design review, including consistency with the Affordable Housing Bonus Program Design Guidelines, referenced in Section 328, as determined by the Planning Department.

The NC-1 Zoning District would allow a dwelling unit density of one unit per 800 square feet of lot area, which amounts to three dwelling units based on the lot area. The Project will receive a development bonus to provide form-based density and is proposing a total of seven dwelling units.

- B. **Height.** Up to 20 additional feet above the prescribed height limit are authorized for Tier Three HOME-SF Projects. This additional height may only be used to provide up to two additional 10-foot stories to the project, or one additional story of no more than 10 feet in height. Projects with active uses on the ground floor may receive up to a maximum of five additional feet in height above the height limit, in addition to any additional height described in the adjacent section.

The Project site is located in the 40-X Height and Bulk District, which allows a maximum building height of 40 feet. The Project includes an additional 22 feet of building height in order to accommodate two additional stories beyond the 40-foot height limit and a ground floor commercial use with a ceiling height of 14 feet.

12. HOME-SF Project Authorization Exceptions. Pursuant to Planning Code Section 328, the Planning Commission may grant minor exceptions to the Planning Code in addition to the development bonuses granted to HOME-SF Projects in Section 206.3. Such exceptions, however, should only be granted to allow building mass to appropriately shift to respond to the surrounding context, and only when the Planning Commission finds that such modifications do not substantially reduce or increase the overall building envelope permitted by the HOME-SF Program under Section 206.3, and also are consistent with the Affordable Housing Bonus Design Guidelines.

A. Rear Yard. Planning Code Section 710 requires that the project provide a rear yard equal to 25 percent of the total lot depth, at grade level and at each succeeding level or story.

The Project proposes a rear yard of approximately 20 feet at the second floor and above, which is equivalent to 20-percent of lot depth, and 0 feet at grade. As such, the Project requires a HOME-SF Zoning Exception pursuant to Planning Code Section 206.3(d)(4)(A). This exception is necessary to allow building mass to appropriately shift to respond to surrounding context. By locating this one-story building mass into the rear yard, it allows the Project to maintain a modest street wall along the 32nd Avenue frontage, creates private usable open space for one of the units on the second floor above, and provides for an indoor shared amenity space for the future residents of the building. This additional massing is shorter than the portion of the existing building currently occupying the required rear yard by approximately 6 feet. The Commission finds that this modification does not substantially increase the overall building envelope permitted by the HOME-SF Program under Section 206.3, and is consistent with the Affordable Housing Bonus Design Guidelines.

B. Open Space. Planning Code Section 135 requires that the project provide a minimum of 100 square feet of private or 133 square feet of common usable open space per dwelling unit.

The Project proposes approximately 288 square feet of private usable open space for one unit on the second floor. The remaining six units share common usable open space on a rooftop deck. While the proposed roof deck measures approximately 1,375 square feet (representing approximately 229 square feet per unit), only a portion of this area measuring approximately 336 square feet (representing approximately 56 square feet per unit) meets the minimum 15' by 15' horizontal dimensional requirements of Planning Code Section 135. As such the Project requires a HOME-SF Zoning Exception pursuant to Planning Code Section 206.3(d)(4)(A). By granting this exception, it recognizes the unique site condition upon which the Project is located, namely the narrow 24-foot lot, which makes it difficult to achieve a minimum 15' by 15' area on the roof in order to provide adequate common usable open space. The Commission finds that this modification does not substantially increase the overall building envelope permitted by the HOME-SF Program under Section 206.3, and is consistent with the Affordable Housing Bonus Design Guidelines.

C. Ground Floor Level Active Uses. In order to receive the development bonuses granted under Planning Code Section 206.3, a Tier Three HOME-SF Project must include at the ground floor level active uses at the same square footages as any neighborhood commercial uses demolished or removed, unless the Planning Commission has granted an exception under Planning Code Section 328.

The Project proposes to demolish a neighborhood commercial use measuring approximately 2,032 square feet and proposes replacement ground floor level active uses measuring approximately 614 square feet; as such, a HOME-SF Exception pursuant to Planning Code Section 328 is required. The existing Arts Activity use (dba China Dance School & Theatre) occupies almost the entire footprint of the existing building. Granting an exception to its in-kind replacement provides for residential amenities for the future residents of the building including a bicycle storage room, stroller storage, garbage room, lobby and recreational space. The Commission finds that this modification does not substantially increase the overall building envelope permitted by the HOME-SF Program under Section 206.3, and is consistent with the Affordable Housing Bonus Design Guidelines.

13. 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 4.5

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

OBJECTIVE 11

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

Policy 11.1

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

Policy 11.2

Ensure implementation of accepted design standards in project approvals.

Policy 11.3

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

Policy 11.4

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

Policy 11.6

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

URBAN DESIGN ELEMENT

Objectives and Policies

OBJECTIVE 1

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

Policy 1.3

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

Policy 1.7

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

OBJECTIVE 3

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

Policy 3.1:

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

Policy 3.6:

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

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.

OBJECTIVE 11

ESTABLISH PUBLIC TRANSIT AS THE PRIMARY MODE OF TRANSPORTATION IN SAN FRANCISCO AND AS A MEANS THROUGH WHICH TO GUIDE FUTURE DEVELOPMENT AND IMPROVE REGIONAL MOBILITY AND AIR QUALITY.

Policy 11.3:

Encourage development that efficiently coordinates land use with transit service, requiring that developers address transit concerns as well as mitigate traffic problems.

OBJECTIVE 28

PROVIDE SECURE AND CONVENIENT PARKING FACILITIES FOR BICYCLES

Policy 28.1:

Provide secure bicycle parking in new governmental, commercial, and residential developments.

OBJECTIVE 34

RELATE THE AMOUNT OF PARKING IN RESIDENTIAL AREAS AND NEIGHBORHOOD COMMERCIAL DISTRICTS TO THE CAPACITY OF THE CITY'S STREET SYSTEM AND LAND USE PATTERNS.

Policy 34.1:

Regulate off-street parking in new housing so as to guarantee needed spaces without requiring excesses and to encourage low auto ownership in neighborhoods that are well served by transit and are convenient to neighborhood shopping.

Policy 34.3:

Permit minimal or reduced off-street parking supply for new buildings in residential and commercial areas adjacent to transit centers and along transit preferential streets.

Policy 34.5:

Minimize the construction of new curb cuts in areas where on-street parking is in short supply and locate them in a manner such that they retain or minimally diminish the number of existing on-street parking spaces.

The Project is a medium-density residential development, providing seven new dwelling units in a mixed-use area. The Project includes two on-site affordable housing units, which assist in meeting the City's affordable housing goals. The Project Site is an exemplary location for higher-intensity development. The project is located in an NC-1 (Neighborhood Commercial, Cluster) Zoning District, where existing and planned

infrastructure can support residential growth. This will allow future residents convenient access to jobs, destinations, and opportunities, in numerous other neighborhoods. In addition, the Project does not include any off-street automobile parking. Future residents of the proposed building will be able to rely on public transit, walking and bicycling for the majority of their daily trips. The proposed residential building would provide eight weather-protected bicycle parking spaces for its residents to encourage bicycling, and is located within walking distance to several public transit lines, including the 1-California, 18-46th Avenue, 1AX-California A Express, 38-Geary, 38AX-Geary A Express and 38R-Geary Rapid MUNI lines.

The project will provide four 2-bedroom units and three 4-bedroom units which would be suitable for families with children. The Project Sponsor has included an array of family-friendly amenities required by the HOME-SF program, such as ground floor stroller storage, an indoor recreation room and a common roof deck. The proposed project will provide 614 square feet of commercial space on the ground floor, which will contribute positively to the diversity of commercial uses and services found in the surrounding neighborhood.

The Project will provide a development that is compatible with the immediate neighborhood and embodies design principles that guide building massing and articulation. The proposed design includes a ground floor commercial façade that is distinct from the upper residential floors. The uppermost floor will be less prominent than the floors below, as it will be treated with a lighter façade material and will not feature projections beyond the main facade. The design features of both façades are consistent with adjacent buildings on Clement Street and 32nd Avenue and in the surrounding neighborhood. On balance, the Project is consistent with the Objectives and Policies of the General Plan.

14. 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 subject site is located within the NC-1 (Neighborhood Commercial, Cluster) Zoning District. The Project will introduce new residents who will visit and shop at the existing nearby neighborhood retail and commercial establishments and will provide a new retail tenant space along Clement Street to continue activating the commercial corridor.

- 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. The Project would provide seven new dwelling units, thus resulting in an overall increase in the neighborhood housing stock. In addition, the Project provides 30% affordable units all of which are family-sized which consist of units with at least two bedrooms. The Project is expressive in design and relates well to the scale and form of the surrounding neighborhood. For these reasons, the Project would protect and preserve the cultural and economic diversity of the neighborhood.

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

There is currently no housing on the subject property; therefore, no affordable housing is proposed to be

removed for this Project. Moreover, the Project would enhance the City's supply of affordable housing by providing two on-site affordable dwelling units, in compliance with the HOME-SF Program requirements of Planning Code Section 206.3.

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

The Project Site is served by nearby public transportation options. The Project is within walking distance of the 1-California, 18-46th Avenue, 1AX-California A Express, 38-Geary, 38AX-Geary A Express and 38R-Geary Rapid MUNI lines.

- 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 will not displace any service or industrial establishment. The Project will not affect the industrial or service sector uses or related employment opportunities.

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

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

- G. That landmarks and historic buildings be preserved.

Currently, the Project Site is not occupied by 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 would not cast shadows on any nearby public parks or open space.

- 15.** 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.
- 16.** The Commission hereby finds that approval of the HOME-SF Project 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 HOME-SF Project Authorization Application No. 2019-022830AHB** subject to the following conditions attached hereto as “EXHIBIT A” in general conformance with plans on file, dated June 11, 2021, and stamped “EXHIBIT B”, which is incorporated herein by reference as though fully set forth.

APPEAL AND EFFECTIVE DATE OF MOTION: Any aggrieved person may appeal this Section 328 HOME-SF Project Authorization to the Board of Appeals within fifteen (15) days after the date of this Motion. The effective date of this Motion shall be the date of adoption of this Motion if not appealed (after the 15-day period has expired) OR the date of the decision of the Board of Appeals if appealed to the Board of Appeals. For further information, please contact the Board of Appeals at (628) 652-1150, 49 South Van Ness Avenue, Suite 1475, San Francisco, CA 94103.

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

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

I hereby certify that the Planning Commission ADOPTED the foregoing Motion on November 18, 2021.

Jonas P. Ionin
Commission Secretary

AYES:

NAYS:

ABSENT:

RECUSE:

ADOPTED: November 18, 2021

EXHIBIT A

Authorization

This authorization is for a HOME-SF Project to allow a new six-story, 62-foot tall building containing seven dwelling units totaling 11,201 square feet above 614 square feet of ground floor commercial space located at 3055 Clement Street, Block 1463 and Lot 043 pursuant to Planning Code Sections 206.3, 328, and 710 within the NC-1 Zoning District and a 40-X Height and Bulk District; in general conformance with plans, dated June 11, 2021, and stamped “EXHIBIT B” included in the docket for Record No. 2019-022830AHB and subject to conditions of approval reviewed and approved by the Commission on November 18, 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 November 18, 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.

CONDITIONS OF APPROVAL, COMPLIANCE, MONITORING, AND REPORTING

Performance

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

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

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

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

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

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

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

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

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

For information about compliance, contact Code Enforcement, Planning Department at 628.652.7463,

www.sfplanning.org

Entertainment Commission – Noise Attenuation Conditions

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

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

Design – Compliance at Plan Stage

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

For information about compliance, contact the Case Planner, Planning Department at 628.652.7359,

www.sfplanning.org

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

For information about compliance, contact the Case Planner, Planning Department at 628.652.7359, www.sfplanning.org

Parking and Traffic

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

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

Provisions

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

For information about compliance, contact the Case Planner, Planning Department at 628.652.7359, www.sfplanning.org

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 shall comply with the requirements in place at the time of issuance of first construction document.

- 10. HOME-SF Regulatory Agreement.** Recipients of development bonuses under this Section 206.3 shall enter into a Regulatory Agreement with the City, as follows.
- A. The terms of the agreement shall be acceptable in form and content to the Planning Director, the Director of MOHCD, and the City Attorney. The Planning Director shall have the authority to execute such agreements.
 - B. Following execution of the agreement by all parties, the completed Regulatory Agreement, or memorandum thereof, shall be recorded and the conditions filed and recorded on the Housing Project.

- C. The approval and recordation of the Regulatory Agreement shall take place prior to the issuance of the First Construction Document. The Regulatory Agreement shall be binding to all future owners and successors in interest.
- D. The Regulatory Agreement shall be consistent with the guidelines of the City's Inclusionary Housing Program and shall include at a minimum the following:
 - i. The total number of dwelling units approved for the Housing Project, including the number of HOME-SF Units;
 - ii. A description of the household income group to be accommodated by the HOME-SF Units, and the standards for determining the corresponding Affordable Rent or Affordable Sales Price. If required by the Procedures Manual, the project sponsor must commit to completing a market survey of the area before marketing HOME-SF Units;
 - iii. The location, dwelling unit sizes (in square feet), and number of bedrooms of the HOME-SF Units;
 - iv. Term of use restrictions for the life of the project;¹
 - v. A schedule for completion and occupancy of HOME-SF Units ;
 - vi. A description of any Concession, Incentive, waiver, or modification, if any, being provided by the City;
 - vii. A description of remedies for breach of the agreement (the City may identify tenants or qualified purchasers as third-party beneficiaries under the agreement); and
 - viii. Other provisions to ensure implementation and compliance with Section 206.3.

For information about compliance, contact the Case Planner, Planning Department at 628.652.7359, www.sf-planning.org or the Mayor's Office of Housing and Community Development at (415) 701-5500, www.sfmohcd.org.

- 11. Number of Required Units.** Pursuant to Planning Code Section 415.6, the Project is required to provide 30% of the proposed dwelling units as affordable to qualifying households. The Project contains seven (7) units; therefore, two (2) affordable units are required. The Project Sponsor will fulfill this requirement by providing the two (2) affordable units on-site. If the number of market-rate units change, the number of required affordable units shall be modified accordingly with written approval from Planning Department staff in consultation with the Mayor's Office of Housing and Community Development ("MOHCD").

For information about compliance, contact the Case Planner, Planning Department at (628) 652-7359, www.sf-planning.org or the Mayor's Office of Housing and Community Development at (415) 701-5500, www.sfmohcd.org.

- 12. Unit Mix.** The Project contains four (4) two-bedroom, and three (3) four-bedroom units; therefore, the required affordable unit mix is one (1) two-bedroom, and one (1) four-bedroom units. If the market-rate unit mix changes, the affordable unit mix will be modified accordingly with written approval from Planning Department staff in consultation with MOHCD.

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

- 13. Income Levels for Affordable Units.** Pursuant to Planning Code Section 206.3 the Project is required to provide 30% of the proposed dwelling units as affordable to qualifying households. At least 10 percent of HOME-SF Units that are Owned Units shall have an average affordable purchase price set at 80% of Area Median Income; 10% shall have an average affordable purchase price set at 105% of Area Median Income; and 10% shall have an average affordable purchase price set at 130% of Area Median Income. Because the project requires only two units, the project will provide one unit at 80% AMI and one unit at 130% AMI in accordance with the designation procedures set forth in Zoning Administrator Bulletin 10. If the number of market-rate units change, the number of required affordable units shall be modified accordingly with written approval from Planning Department staff in consultation with the Mayor's Office of Housing and Community Development ("MOHCD").

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

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

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

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

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

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

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

- 17. 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.
- 18. 20% below market sales prices.** Pursuant to PC Section 415.6, the maximum affordable sales price shall be no higher than 20% below market sales prices for the neighborhood within which the project is located, which shall be defined in accordance with the American Community Survey Neighborhood Profile Boundaries Map. MOHCD shall adjust the allowable rents and sales prices, and the eligible households for such units, accordingly, and such potential readjustment shall be a condition of approval upon project entitlement. The City shall review the updated data on neighborhood sales prices on an annual basis.
- 19. Other Conditions.** The Project is subject to the requirements of the Inclusionary Affordable Housing Program under Section 415 et seq. of the Planning Code and City and County of San Francisco Inclusionary Affordable Housing Program Monitoring and Procedures Manual ("Procedures Manual"). The Procedures Manual, as amended from time to time, is incorporated herein by reference, as published and adopted by the Planning Commission, and as required by Planning Code Section 415. Terms used in these conditions of approval and not otherwise defined shall have the meanings set forth in the Procedures Manual. A copy of the Procedures Manual can be obtained at the MOHCD at 1 South Van Ness Avenue or on the Planning Department or MOHCD websites, including on the internet at: <http://sf-planning.org/Modules/ShowDocument.aspx?documentid=4451>. As provided in the Inclusionary Affordable Housing Program, the applicable Procedures Manual is the manual in effect at the time the subject units are made available for sale.

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

- a. The affordable unit(s) shall be designated on the building plans prior to the issuance of the first construction permit by the Department of Building Inspection ("DBI"). The affordable unit(s) shall (1) be constructed, completed, ready for occupancy and marketed no later than the market rate units, and (2) be evenly distributed throughout the building floor plates; and (3) be of comparable overall quality, construction and exterior appearance as the market rate units in the principal project. The interior features in affordable units should be generally the same as those of the market units in the principal project, but need not be the same make, model or type of such item as long they are of good and new quality and are consistent with then-current standards for new housing. Other specific standards for on-site units are outlined in the Planning Code and Procedures Manual.
- b. If the units in the building are offered for sale, the affordable unit(s) shall be sold to first time home buyer households, as defined in the Procedures Manual. The affordable unit shall be affordable to low-income households, as defined in the Planning Code and Procedures Manual. The initial sales price of such units shall be calculated according to the Procedures Manual. Limitations on (i) reselling; (ii) renting; (iii) recouping capital improvements; (iv) refinancing; and (v) procedures for inheritance apply and are set forth in the Inclusionary Affordable Housing Program and the Procedures Manual.

- c. The Project Sponsor is responsible for following the marketing, reporting, and monitoring requirements and procedures as set forth in the Procedures Manual. MOHCD shall be responsible for overseeing and monitoring the marketing of affordable units. The Project Sponsor must contact MOHCD at least six months prior to the beginning of marketing for any unit in the building.
- d. Required parking spaces shall be made available to initial buyers or renters of affordable units according to the Procedures Manual.
- e. Prior to the issuance of the first construction permit by DBI for the Project, the Project Sponsor shall record a Notice of Special Restriction on the property that contains these conditions of approval and a reduced set of plans that identify the affordable units satisfying the requirements of this approval. The Project Sponsor shall promptly provide a copy of the recorded Notice of Special Restriction to the Department and to MOHCD or its successor.
- f. The Project Sponsor has demonstrated that it is eligible for the On-site Affordable Housing Alternative under Planning Code Section 415.6 instead of payment of the Affordable Housing Fee, and has submitted the *Affidavit of Compliance with the Inclusionary Affordable Housing Program: Planning Code Section 415* to the Planning Department stating that any affordable units designated as on-site units shall be sold as ownership units and will remain as ownership units for the life of the Project.

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's failure to comply with the requirements of Planning Code Section 415 et seq. shall constitute cause for the City to record a lien against the development project and to pursue any and all available remedies at law, including penalties and interest, if applicable.

Monitoring - After Entitlement

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

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

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

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

Operation

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

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

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

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

DRAFT
[DATE]

FREE RECORDING REQUESTED PURSUANT TO
GOVERNMENT CODE SECTION 27383

Recording requested by and
when recorded mail to:

San Francisco Planning Department
1650 Mission Street, Room 400
San Francisco, California 94103
Attn: Director

APN#: Lot 043; Block 1463
Property Address: 3055 Clement Street

**REGULATORY AGREEMENT AND
DECLARATION OF RESTRICTIVE COVENANTS
(HOME-SF)**

by and between the

CITY AND COUNTY OF SAN FRANCISCO

and

JOHN W. LAU and MAY LAU

Dated as of November __, 2021

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**REGULATORY AGREEMENT AND DECLARATION OF
RESTRICTIVE COVENANTS**

This **REGULATORY AGREEMENT AND DECLARATION OF RESTRICTIVE COVENANTS** (this “**Agreement**”) is made and entered into as of **November 1, 2021**, by and between the **CITY AND COUNTY OF SAN FRANCISCO**, a municipal corporation and chartered city and county, duly organized and validly existing under its City Charter and the Constitution and laws of the State of California (together with any successor to its rights, duties and obligations, the “**City**”), and **John W. Lau and May Lau**, as husband and wife as joint tenants (the “**Owner**”), owner of a **fee** interest in the land described in Exhibit A attached hereto. The City and Owner are also sometimes referred to individually as a “**Party**” and together as the “**Parties.**”

RECITALS

A. WHEREAS, pursuant to the City’s Affordable Housing and Educator Housing Programs, Section 206 *et. seq.*, and the City’s Housing Requirements for Residential and Live/Work Development Projects, Section 415 *et. seq.*, each of the Planning Code of the City and County of San Francisco Municipal Code (collectively, the “**Act**”), the City is authorized to enter into this Agreement.

B. WHEREAS, the Act sets forth the HOME-SF Program (“**HOME-SF**”) which provides density bonuses and design exceptions to project sponsors of housing projects that set aside a total of up to 30% of residential units onsite at below market rate rent or sales price, thereby expanding the number of below market rate units produced in San Francisco and providing housing opportunities to a wider range of incomes than traditional affordable housing programs and provides an alternative method of complying with the on-site inclusionary option set forth in Section 415.6 of the Planning Code of the City and County of San Francisco Municipal Code.

C. WHEREAS, HOME-SF allows mixed income projects to contribute to the City’s shared Proposition K housing goals that 50% of new housing constructed or rehabilitated in the City be within the reach of working middle class San Franciscans, and at least 33% affordable for low and moderate income households.

D. WHEREAS, the property that is the subject of this Agreement consists of the real property in the City and County of San Francisco, California, at **3055 Clement Street**, Lot **043** in Assessor’s Block **1463**, as more particularly described in Exhibit A attached hereto (the “**Property**”).

E. WHEREAS, in order to ensure that the Project (as defined below) will be acquired, constructed, equipped, used and operated in accordance with the Act and HOME-SF, the City and the Owner have determined to enter into this Agreement in order to set forth certain terms and conditions relating to the number of Restricted Affordable Units (as such term is defined in the Act), their size, location, terms and conditions of affordability, and production schedule all as set forth in this Agreement.

F. WHEREAS, it is the intent of the Parties that all acts referred to in this Agreement shall be accomplished in such a way as to fully comply with the California Environmental Quality Act (Public Resources Code Section 21000 et seq., “CEQA”), Chapter 4.3 of the California Government Code, the Act, the San Francisco Planning Code, and all other applicable laws and regulations.

G. WHEREAS, pursuant to Section 15332 of the CEQA Guidelines, California Public Resources Sections 21083 and 20184, and Chapter 31 of the San Francisco Administrative Code, the Planning Department published **CEQA Categorical Exemption Determination No. 2019-022830ENV** for the Project on **December 14, 2020**. The Planning Commission subsequently reviewed and concurred with the information contained in the **[environmental clearance document]** at a noticed public hearing on **[commission approval date]** in which the Planning Commission granted the HOME-SF Authorization (Motion No. **XXXXX**).

H. WHEREAS, this Agreement is consistent with the objectives, policies, general land uses and programs specified in the General Plan and any applicable area or specific plan, and the Priority Policies enumerated in Planning Code Section 101.1, as set forth in the Planning Commission Motion No. **XXXXX**.

AGREEMENT

NOW, THEREFORE, in consideration of the mutual covenants and undertakings set forth herein, and for other good and valuable consideration, the receipt and sufficiency of which hereby are acknowledged, the City and the Owner agree as follows:

1. **Definitions and Interpretation.** Capitalized terms used herein and not otherwise defined have the meanings assigned to them in Section 206.1 of the Act and this **Section 1**, unless the context in which they are used clearly requires otherwise:

1.1 “**Act**” is defined in **Recital A** of this Agreement.

1.2 “**Area Median Income**” or “**AMI**” is the unadjusted median income level as calculated by MOHCD using data from the Department of Housing and Urban Development (“**HUD**”) on an annual basis for the San Francisco area, adjusted solely for household size, but not high housing cost area.

1.3 “**Authorized Owner Representative**” means any person who at the time and from time to time may be designated as such by Owner in writing.

1.4 “**BMR Owner**” means an individual or household that meets the income requirements for purchase of a HOME-SF Unit as determined by MOHCD.

1.5 “**Completion Certificate**” means the certificate of completion of the construction of the Project required to be executed by an Authorized Owner Representative and delivered to the

City and by the Owner pursuant to Section 2.2 of this Agreement, which shall be substantially in the form attached to this Agreement as Exhibit D.

1.6 “**Commercial Space**” means approximately **1009** square feet of combined ground floor retail and office space of the Project.

1.7 “**First-Time Homebuyer**” means someone who has not owned or gained interest in a housing unit in the past 3 years.

1.8 “**HOME-SF Units**” means on-site income restricted residential units provided within a HOME-SF Project that meet the requirements set forth in Section 206.3(c) of the Act.

1.9 “**Housing Act**” means 42 U.S.C. §1437, known as the United States Housing Act of 1937, as amended.

1.10 “**Life of the Project**” means the time during which the Project, authorized by the Planning Department or Commission, remains in existence in or upon the Property and thereby confers benefit upon the subject property, and in the event the Project is substantially damaged or destroyed by fire, the elements, an act of any public authority or other casualty, and is subsequently replaced by a multi-family residential project substantially similar to its current condition, the life of such replacement project will be deemed to be a continuation of the life of the Project.

1.11 “**Maximum Purchase Price**” means the highest allowable price for any given HOME-SF Unit. The Maximum Purchase Price (at initial sale and future resale) is explained in Section 5.2.

1.12 “**MOHCD**” means the Mayor’s Office of Housing and Community Development and any successor agency of the City and County of San Francisco.

1.13 “**Permitted Encumbrances**” means construction loan instrument secured by Deed of Trust in favor of lender Metropolitan Bank, recorded as instrument number 2019742968 with the San Francisco Office of the Assessor-Recorder.

1.14 “**Procedures Manual**” means the City and County of San Francisco Inclusionary Affordable Housing Program Monitoring Procedures Manual issued by the San Francisco Department of City Planning, as amended from time-to-time.

1.15 “**Program Administrator**” is defined in Section 6.3 of this Agreement.

1.16 “**Project**” means the multifamily buildings, structures and other improvements on the Property to be acquired, constructed, improved and equipped, and all fixtures and other property owned by the Owner and located on the Property, or used in connection with, such buildings, structures and other improvements.

1.17 “**Qualified Household**” means household that has been determined by MOHCD to meet the eligibility requirements for a particular BMR Unit.

Unless the context clearly requires otherwise, as used in this Agreement, words of the masculine, feminine or neuter gender used in this Agreement shall be construed to include each other gender when appropriate and words of the singular number shall be construed to include the plural number, and vice versa, when appropriate. This Agreement and all the terms and provisions hereof shall be construed to effectuate the purposes set forth herein and to sustain the validity hereof.

The defined terms used in the preamble and recitals of this Agreement have been included for convenience of reference only, and the meaning, construction and interpretation of all defined terms shall be determined by reference to this Section 1 notwithstanding any contrary definition in the preamble or recitals hereof. The titles and headings of the sections of this Agreement have been inserted for convenience of reference only, and are not to be considered a part hereof and shall not in any way modify or restrict any of the terms or provisions hereof or be considered or given any effect in construing this Agreement or any provisions hereof or in ascertaining intent, if any question of intent shall arise.

2. Acquisition and Construction of the Project. The Owner hereby represents, as of the date hereof, and covenants, warrants and agrees as follows:

2.1 The Owner will proceed to complete the construction of the Project in compliance with this Agreement and any other City requirements.

3. HOME-SF Eligibility. The Owner hereby acknowledges and agrees that the Project will be owned, managed and operated in accordance with the Act and HOME-SF. To that end, and for the term of this Agreement, the Owner hereby represents, as of the date hereof, and covenants, warrants and agrees as follows:

3.1 The Project contains three or more residential units, as defined in Section 102 of the Planning Code, not including any Group Housing as defined in Section 102 of the Planning Code, efficiency dwelling units with reduced square footage defined in Section 318 of the Planning Code, and Density Bonus Units permitted through Section 206.3, or any other density bonus;

3.2 The Project is located in a zoning district that: (A) is not designated as an RH-1 or RH-2 Zoning Districts;¹ and (B) establishes a maximum dwelling unit density through a ratio of number of units to lot area, including RH-3, RM, RC, C-2, Neighborhood Commercial, Named Neighborhood Commercial, and SoMa Mixed Use Districts; but only if the SoMa Mixed Use District has a density measured by a maximum number of dwelling units per square foot of lot area; (C) is not in the North of Market Residential Special Use District, Planning Code Section 249.5; (D) is not located within the boundaries of the Northeastern Waterfront Area Plan south of the centerline of Broadway; and (E) is not located on property under the jurisdiction of the Port of San Francisco;

3.3 The Project is not seeking and receiving a separate density or development bonus under the provisions of California Government Code Section 65915 *et. seq.*, Planning Code

Sections 207, 124(f), 202.2(f), and 304, or any other State or local program that provides development bonuses other than HOME-SF;

3.4 The Project includes at least 135% of the Base Density as calculated under Planning Code Section 206.5;

3.5 The Project consists of new construction only;

3.6 The Project complies with the on-site Inclusionary Affordable Housing option set forth in Planning Code Section 415.6; provided however, that the percentage of affordable units and the required affordable sales price or affordable rents set forth in said Section 415.6(a) shall be as provided in Planning Code Section 206.3;

3.7 If any retail use is demolished or removed, the Project does not include a Formula Retail use, as defined in Planning Code Section 303.1, unless the retail use demolished or removed was also a Formula Retail Use, or was one of the following uses: Gas Stations, Private or Public Parking Lots, Financial Services, Fringe Financial Services, Self Storage, Motel, Automobile Sales or Rental, Automotive Wash, Mortuaries, Adult Business, Massage Establishment, Medical Cannabis Dispensary, and Tobacco Paraphernalia Establishment, as those uses are defined in Planning Code Section 102;

3.8 The Project, if located north of the centerline of Post Street and east of the centerline of Van Ness Avenue, all otherwise eligible HOME-SF Projects shall only be permitted on:

3.8.1 lots containing no existing buildings; or

3.8.2 lots equal to or greater than 12,500 square feet where existing buildings are developed to less than 20% of the lot's principally permitted buildable gross floor area as determined by height limits, rear yard requirements and required setbacks; and

3.9 If the Project is located in San Francisco Supervisorial District 9, the City has not enacted an ordinance directing the Planning Department to study the creation of an area plan wholly or partially located in said district.

4. City's Development Bonus for the Project.

It is hereby acknowledged and agreed that any restrictions imposed on the operation of the Project herein and which are in addition to those imposed pursuant to the Act are at the request of the Owner, and that the Owner has voluntarily agreed to such additional restrictions in order to qualify under the Act.

The Owner has received the following development bonuses pursuant to Planning Code Sections 206.3(d):

4.1 Form Based Density. Except as limited in application by Planning code Section 206.3(f) and notwithstanding any zoning designation to the contrary, density of a HOME-SF Project shall not be limited by lot area but rather by the applicable requirements and limitations set forth elsewhere in this Code. Such requirements and limitations include, but are not limited to, height, including any additional height allowed by Planning Code Section 206.3(d)(2), Bulk, Setbacks, Required Open Space, Exposure and unit mix as well as applicable design guidelines, elements, and area plans of the General Plan and design review, including consistency with the Affordable Housing Bonus Program Design Guidelines, referenced in Section 328, as determined by the Planning Department.

4.2 Height. The Project received **20** additional feet above the height authorized under the Height Map of the Zoning Map.

4.3 Ground Floor Ceiling Height. The ground floor of the Project contains “active uses” as defined in Planning Code Section 145.1(b)(2) and received **five** feet in height above the height limit, in addition to the additional **20** feet referenced in Section 4.2 above.

4.4 Zoning Modifications. The Project is eligible for the Zoning Modifications set forth in Planning Code Section 206.3(d)(4). The Project received the following zoning modifications in addition to the Development Bonuses and Zoning Modifications set forth in Section 206.:

4.4.1 Parking: Planning Code Zoning Control Table 710 provides that parking spaces are not required in the applicable NC-1 Zoning District.

4.4.2 Loading: Off-street loading spaces per Planning Code Section 152 shall not be required.

4.5 – The Owner has received the following waiver pursuant to Planning Code Section 415:

4.5.1 Waiver of the Affordable Housing Fee. The City has agreed to waive the Affordable Housing Fee for the Project as to the HOME-SF Units only in return for the Owner’s commitments set forth in this Agreement. The Owner acknowledges that this waiver by the City is limited to the Affordable Housing Fee for the HOME-SF Units and does not estop the City from levying and collecting any other fee that may be imposed by the City in connection with the Project.

4.5.2 Rear yard: Pursuant to Planning Code Section 206.3, the required rear yard per Section 134 or any applicable special use district may be reduced to no less than 25% of the lot depth in NC Districts. The Project utilized the Zoning Modification provided in Section 206.3 for rear yard requirements, and the Planning Commission granted an exception from the rear yard requirement to reduce the required lot coverage to 20%. This exception is recorded in Motion No. _____, Planning Case No. _____.

4.5.3 Dwelling Unit Exposure: The dwelling unit exposure requirements of Planning Code Section 140(a)(2) calling for qualifying windows facing an unobstructed open

area to have no less than 25 feet in every horizontal dimension, will be modified to allow at least 20 feet in every horizontal dimension. The Planning Commission granted an exception from the dwelling unit exposure requirements, which is recorded in Motion No. _____, Planning Case No. _____.

4.5.4 Open Space: Planning Code Zoning Control Table 710 requires that 100 square feet of usable open space must be provided per unit, if private space, or 133 square feet of usable open space must be provided per unit if common space. The Project proposes to 356 square feet of common usable open space on a roof deck for unit numbers 1, 3, 4, 5, 6, and 7, and a 288 square feet of private usable open space for unit number 2 located on a second floor deck. The Planning Commission granted an exception from the open space requirements, which is recorded in Motion No. _____, Planning Case No. _____.

5. HOME-SF Project Requirements. The Owner hereby represents, as of the date hereof, and covenants, warrants and agrees as follows:

5.1 Not less than 30% of units in the Project shall be designated as HOME-SF Units. The HOME-SF Units shall be restricted for the Life of the Project and shall comply with all of the applicable requirements of the Procedures Manual authorized by the Act. In addition, ten percent of the HOME-SF Units shall have an affordable purchase price set at 80% of Area Median Income of Area Median Income, ten percent of the HOME-SF Units shall have an affordable purchase price set at 105%, and ten percent of the HOME-SF Units shall have an affordable purchase price set at 130% of Area Median Income. The unit sizes, numbers, locations and maximum income levels are included in Exhibit B.

Unit Size and Designation	No. of Units	Maximum Income Level and Affordable Unit Category
Studio	0	80% of AMI (Low)
One-Bedroom	0	
Two-Bedroom	1	
Studio	0	130% of AMI (Middle)
One-Bedroom	0	
Two-Bedroom	0	
Four-Bedroom	1	

5.2 The income table used for pricing HOME-SF units is the table published annually by the Mayor’s Office of Housing and Community Development. This table takes the middle income for all households in our local area (San Francisco, Marin and San Mateo Counties combined) according to the Housing and Urban Development Department (“HUD”) and adjusts the incomes by household size. The table is called the “Maximum Income by Household Size derived from the Unadjusted Area Median Income (AMI) for HUD Metro Fair Market Rent Area (HMFA) that contains San Francisco” and is posted on MOHCD’s website at the beginning of each calendar year.

MOHCD shall calculate the initial sales price of HOME-SF Units according to the following assumptions as specified in the Procedures Manual: (1) the income limits specified herein; (2) total payments of no more than thirty three (33) percent of gross monthly income including payments for mortgage principal, interest, taxes, insurance, homeowner or association’s fees, Community Facilities District Fees (if any), and related costs; (3) a 10% down-payment; and (4) whether or not Parking is included in the Maximum Purchase Price. MOHCD shall assume a one-person larger Household than the number of bedrooms in the HOME-SF Unit when establishing the income levels of all HOME-SF Units except for studio units, which assume a one person Household, and SRO Units, which shall be priced based on three-fourths (3/4ths) of the Maximum Purchase Price of a studio unit. HOME-SF Units priced at 130% AMI must be occupied by at least two people.

Subsequent price adjustments for BMR Owners or upon re-sale of the HOME-SF Unit shall follow the procedures set forth in the Procedures Manual.

The HOME-SF Units shall be sold to Qualified Households as defined in the Procedures Manual, including but not limited to a First-Time Homebuyer requirement. Limitations on (i) reselling; (ii) renting; (iii) recouping capital improvements; (iv) refinancing; and (v) procedures for inheritance apply and are set forth in the Procedures Manual.

Required parking spaces shall be made available to initial buyers of HOME-SF Units according to the Procedures Manual.

All HOME-SF Units must be marketed at a price that is at least 20% less than the current market rate for that unit size and neighborhood, and MOHCD shall reduce the Area Median Income levels set forth herein in order to maintain such pricing.

5.3 All HOME-SF Units in the Project exceed the minimum unit sizes set forth by the California Tax Credit Allocation Committee as of May 16, 2017.

5.4 The Project at a minimum complies with the following dwelling unit mix of **at least 25% two and three bedroom units, including at least 10% three bedroom units.**

6. Restrictions. The Owner hereby represents, as of the date hereof, and warrants, covenants and agrees as follows:

6.1 Income and Price Restrictions. In addition to the requirements of Section 7, hereof, the Owner shall comply with the income and price restrictions of this Section 6.1, and any conflict or overlap between any two or more of such provisions shall be resolved in favor of the most restrictive of such provisions, that is, in favor of the lowest income and price restrictions.

6.1.1 The HOME-SF Units. **Thirty percent (30%)** of the units in the Project shall be sold to and continuously occupied for the Life of the Project by qualified BMR Owners. The HOME-SF Units shall be those described and depicted on Exhibit B to this Agreement. The Maximum Purchase Price for all the HOME-SF Units shall not exceed the prices established by Section 5.2 of this Agreement.

6.2 Annual Monitoring Requirement for HOME-SF Units. HOME-SF Units shall be monitored on an annual basis. Each BMR Owner shall submit an annual monitoring and enforcement report on a date and at a location determined by MOHCD on a form provided by MOHCD. The report shall provide information regarding occupancy status, any changes in title, insurance, and any other information MOHCD may reasonably require for monitoring compliance with this Agreement. At its discretion, MOHCD may require additional documentation after submittal of the initial documentation. MOHCD will not consider requests for subordination, capital improvements, title change or other requests if an Owner is non-compliant with any Program rule.

6.2.1 Allowable Price Increases upon Resale. The Maximum Resale Price, as defined in the Procedures Manual, will be calculated according to a formula designed to ensure that BMR Units remain affordable. The specific Resale Pricing Formula for determining the Maximum Resale Price for BMR Units where the most recent sale is after the effective date of this Manual will be contained in a Declaration of Restrictions and Option to

Purchase Agreement recorded against the specific BMR Unit. A BMR Owner is not guaranteed that a new buyer will purchase the Unit at the Maximum Resale Price. As in any real estate transaction, a BMR Owner may have to lower the price in order to attract a buyer. BMR Owners with deferred maintenance or excessive wear and tear should expect to negotiate a lower sales price. The Maximum Resale Price is simply the maximum amount that a BMR Owner may advertise for the Unit.

6.3 BMR Owner Subordination. All deeds of trust, mortgages, or other encumbrances securing loans by a BMR Owner shall be subordinate to this Agreement.

6.4 No Encumbrance, Demolition or Non-Rental Residential Use. The Owner shall not take any of the following actions:

6.4.1 except for the Permitted Encumbrances, encumber any portion of the Project or grant commercial leases of any part thereof (**except the Commercial Space**), except pursuant to the provisions of this Agreement and on a basis subordinate to the provisions of this Agreement, to the extent applicable;

6.4.2 demolish any part of the Project or substantially subtract from any real or personal property of the Project (other than in the ordinary course of business); or

6.4.3 knowingly permit the use of the dwelling accommodations of the Project for any purpose except residences (except the Commercial Space).

6.5 Compliance with Agreement. The Owner shall exercise reasonable diligence to comply with the requirements of this Agreement and shall notify the City within thirty (30) days and correct any noncompliance within sixty (60) days, after such noncompliance is first discovered by the Owner or would have been discovered by Owner with the exercise of reasonable diligence, unless such noncompliance is not reasonably susceptible to correction within sixty (60) days, in which event the Owner shall have such additional time as may be reasonably necessary to effect such correction, provided the Owner has commenced such correction after discovery and is diligently prosecuting such correction.

7. Additional Requirements of the City.

7.1 Appointment of Program Administrator. The Owner acknowledges that the City may appoint a “**Program Administrator**” (other than the City), at the sole cost and expense of the City, to administer this Agreement and to monitor performance by the Owner of the terms, provisions and requirements hereof. In such event, the Owner shall comply with any reasonable request by the City and the Program Administrator to deliver to any such Program Administrator, in addition to or instead of the City, any reports, notices or other documents required to be delivered pursuant hereto, and to make the Project and the books and records with respect thereto available for inspection during normal business hours with reasonable notice by the Program Administrator as an agent of the City. The City may change the Program Administrator at its sole and exclusive discretion. The Owner shall have the right to rely on any assurances, consent or direction given by the Program Administrator on the same basis as if given by the City.

7.2 Preference Programs. To the fullest extent permitted by law, the Owner shall comply with the City's Preferences pursuant to San Francisco Administrative Code Section 47, as well as MOHCD's Housing Preferences and Lottery Procedures Manual.

7.3 Amendment or Waiver by City; Conflicting Provisions. The requirements of Section 6.1 and of Section 7 hereof may be amended, modified or waived (but not increased or made more onerous), at the City's sole discretion, by written amendment signed by the City and the Owner, or expressly waived by the City in writing.

7.4 Marketing. The Owner 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 Owner must contact MOHCD at least six (6) months prior to the beginning of marketing for any unit in the building. The Owner will only market the HOME-SF Units in accordance with the Marketing Plan approved by the City.

7.5 The Project is proposed to have **seven** residential dwelling units. 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").

7.6 Restricted Income Units of Comparable Quality. In general, the HOME-SF Units shall be of comparable overall construction quality and offer a range of sizes and number of bedrooms comparable to those units which are available to other tenants and shall be evenly distributed throughout the building. For buildings over 120 feet in height, as measured under the requirements set forth in the Planning Code, the affordable units may be distributed throughout the lower 2/3 of the building, as measured by the number of floors. The interior features in HOME-SF Units should be generally the same as those of the Market Rate Units in the principal project, but need not be the same make, model or type of such item as long as they are of good and new quality and are consistent with then-current standards for new housing. The HOME-SF Units are not required to be the same size as the Market Rate Units. For buildings over 120 feet in height, as measured under the requirements set forth in the Planning Code, the average size of the unit type may be calculated for the lower 2/3 of the building, as measured by the number of floors. All HOME-SF Units shall be no smaller than the minimum unit sizes set forth by the California Tax Credit Allocation Committee as of May 16, 2017, and no smaller than 300 square feet for studios. The total residential floor area devoted to the HOME-SF 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.

The affordable unit(s) shall be designated on the building plans prior to the issuance of the first construction permit by the Department of Building Inspection ("DBI"). The affordable unit(s) shall (1) reflect the unit size mix in number of bedrooms of the market rate units, (2) be constructed, completed, ready for occupancy and marketed no later than the market rate units, and (3) be evenly distributed throughout the building; and (4) be of comparable overall quality, construction and exterior appearance as the market rate units in the principal project. The interior features in

affordable units should be generally the same as those of the market units in the principal project, but need not be the same make, model or type of such item as long they are of good and new quality and are consistent with then-current standards for new housing. Other specific standards for on-site units are outlined in the Procedures Manual.

7.8 None of the HOME-SF Units in the Project will at any time be used on a transient basis (e.g., subject to leases that are less than thirty (30) days in duration, including use as a corporate suite), or be used as a hotel, motel, dormitory, fraternity house, sorority house, rooming house, nursing home, hospital, sanitarium, rest home, retirement house or trailer court or park.

7.9 No HOME-SF Unit in the Project shall be occupied by the Owner.

7.10 No HOME-SF Unit shall be leased without the prior written approval from MOHCD.

7.11 Except for the individual residential units, the Owner agrees to cause the Project to be maintained by a homeowners association, during the term of this Agreement (i) in a reasonably safe condition and (ii) in good repair and in good operating condition, ordinary wear and tear excepted, making from time to time all necessary repairs thereto and renewals and replacements thereof such that the Project shall be in substantially the same condition at all times as the condition it is in at the time of the completion of the construction of the Project.

8. Additional Requirements of State Law. In addition to the requirements set forth herein, the Owner hereby agrees that it shall also comply with each of the following requirements, in each case, for the term of this Agreement:

8.1 Availability to BMR Owners. Upon initial sale and any re-sale, the HOME-SF Units shall remain available on a priority basis at all times for qualified BMR Owners.

8.2 Binding Covenants and Conditions. The covenants and conditions of this Agreement shall be binding upon successors in interest of the Owner.

8.3 Recordation of Agreement. This Agreement shall be recorded in the office of the county recorder of the City and County of San Francisco, California, and shall be recorded in the grantor-grantee index under the name of the Owner as grantor and to the name of the City as grantee.

9. Indemnification. The Owner hereby releases the City and its respective officers, members, directors, officials and employees from, and covenants and agrees to indemnify, hold harmless and defend the City and the officers, members, directors, officials, agents and employees of the City (collectively, the “**Indemnified Parties**,” and each an “**Indemnified Party**”) from and against any and all claims, losses, costs, damages, demands, expenses, taxes, suits, judgments, actions and liabilities of whatever nature, joint and several (including, without limitation, costs of investigation, reasonable attorneys’ fees, litigation and court costs, amounts paid in settlement, and amounts paid to discharge judgments), directly or indirectly: (a) by or on behalf of any person

arising from any cause whatsoever in connection with transactions contemplated hereby or otherwise in connection with the Project or the execution or amendment of any document relating thereto; (b) arising from any act or omission of the Owner or any of its agents, servants, employees or licensees, in connection with the Project; and (c) arising in connection with the operation of the Project, or the conditions, environmental or otherwise, occupancy, use, possession, conduct or management of work done in or about, or from the planning, design, acquisition, installation, or construction of, the Project or any part thereof; provided, however, that this provision shall not require the Owner to indemnify the City for any claims, costs, fees, expenses or liabilities arising solely from the active gross negligence or willful misconduct of the Indemnified Party. In the event that any action or proceeding is brought against any Indemnified Party with respect to which indemnity may be sought hereunder, the Owner, upon written notice from the Indemnified Party, shall assume the investigation and defense thereof, including the engagement of counsel approved by the Indemnified Party; and the Owner shall assume the payment of all reasonable fees and expenses related thereto (provided that if the Indemnified Party is the City, the selection of counsel rests in the sole discretion of the City Attorney and the Owner shall assume the payment of all attorneys' fees and expenses related thereto), with full power to litigate, compromise or settle the same in its discretion; provided that the Indemnified Party shall have the right to review and approve or disapprove any such compromise or settlement.

Additionally, the Owner also shall pay and discharge and shall indemnify and hold harmless the City from (i) any lien or charge upon payments by the Owner to the City hereunder and (ii) any taxes (including, without limitation, all ad valorem taxes and sales taxes), assessments, impositions and other charges in respect of any portion of the Project. If any such claim is asserted, or any such lien or charge upon payments, or any such taxes, assessments, impositions or other charges, are sought to be imposed, the City shall give prompt notice to the Owner, and the Owner shall have the sole right and duty to assume, and the Owner will assume, the defense thereof, including the engagement of counsel approved by the Indemnified Party in such party's reasonable discretion, provided that if the Indemnified Party is the City, the selection of counsel rests in the sole discretion of the City Attorney and the Owner shall assume the payment of all expenses related thereto, with full power to litigate, compromise or settle the same in its discretion; provided that the Indemnified Party shall have the right to review and approve or disapprove any such compromise or settlement. If a potential conflict exists between the Owner's defense and the interests of an Indemnified Party, then such Indemnified Party shall have the right to engage separate counsel in any such action or proceeding and participate in the investigation and defense thereof, and the Owner shall pay the fees and expenses of such separate counsel.

The provisions of this Section 9 shall survive the term of the Agreement, including the termination of this Agreement pursuant to Section 7.4 hereof.

The obligations of the Owner under this Section are independent of any other contractual obligation of the Owner to provide indemnity to the Indemnified Parties or otherwise, and the obligation of the Owner to provide indemnity hereunder shall not be interpreted, construed or limited in light of any other separate indemnification obligation of the Owner. The Indemnified Parties shall be entitled simultaneously to seek indemnity under this Section and any other provision under which they are entitled to indemnity.

In addition thereto, the Owner will pay upon demand all of the fees and expenses paid or incurred by the Indemnified Parties in enforcing the provisions hereof.

10. Tenure. The Parties each acknowledge that Owner has the right at its sole discretion to change the tenure of the Project—including the HOME-SF Units—to rental at any time prior to occupancy. In the event Owner elects to proceed with a rental Project, Owner and the City shall use commercially reasonable efforts to execute all documents necessary to permit a rental HOME-SF project, including but not limited to: a new Notice of Special Restrictions specific to rental HOME-SF units; a new HOME-SF Regulatory Agreement with terms relevant to a rental project; and any other documents.

11. Term. Subject to Section 9 and to any other provision expressly agreed to survive the termination of this Agreement, this Agreement and all of the terms hereof shall become effective upon its execution and delivery and shall remain in full force and effect for the Life of the Project.

12. Covenants to Run with the Land. The Owner hereby subjects the Project to the covenants, reservations and restrictions set forth in this Agreement. The City and the Owner hereby declare their express intent that the covenants, reservations and restrictions set forth herein shall be deemed covenants running with the land and shall pass to and be binding upon the Owner's successors in title to the Project; provided, however, that on the termination of this Agreement said covenants, reservations and restrictions shall expire. Each and every contract, deed or other instrument hereafter executed covering or conveying the Project or any portion thereof shall conclusively be held to have been executed, delivered and accepted subject to such covenants, reservations and restrictions, regardless of whether such covenants, reservations and restrictions are set forth in such contract, deed or other instruments.

13. Burden and Benefit. The City and the Owner hereby declare their understanding and intent that the burden of the covenants set forth herein touch and concern the land in that the Owner's legal interest in the Project is rendered less valuable thereby. The City and the Owner hereby further declare their understanding and intent that the benefit of such covenants touch and concern the land by enhancing and increasing the enjoyment and use of the Project by Qualified Households authorized to purchase the HOME-SF Units, the intended beneficiaries of such covenants, reservations and restrictions.

14. Uniformity; Common Plan. The covenants, reservations and restrictions hereof shall apply uniformly to the entire Project in order to establish and carry out a common plan for the use, development and improvement of the Site.

15. Enforcement.

15.1 Events of Default. Any material breach by the Owner of any covenant, agreement, provision or warranty contained in this Agreement that remains uncured upon the expiration of any applicable notice and cure periods will constitute an “**Event of Default,**” including the following:

15.1.1 Without the City’s prior written consent, any lien or other instrument is recorded against all or any part of the Property with priority over this Agreement, and the lien is not removed from title or otherwise remedied to the City’s satisfaction within thirty (30) days after the Owner’s receipt of written notice from the City to cure the default, or, if the default cannot be cured within a 30-day period, the Owner will have sixty (60) days to cure the default, or any longer period of time deemed necessary by the City, *provided that* the Owner commences to cure the default within the 30-day period and diligently pursues the cure to completion; or

15.1.2 The Owner fails to perform or observe any other term, covenant or agreement contained in any this Agreement, and the failure continues for thirty (30) days after the Owner’s receipt of written notice from the City to cure the default, or, if the default cannot be cured within a 30-day period, the Owner will have sixty (60) days to cure the default, or any longer period of time deemed necessary by the City, *provided that* the Owner commences to cure the default within the 30-day period if possible and diligently pursues the cure to completion; or

15.1.3 Any representation or warranty made by the Owner in this Agreement proves to have been incorrect in any material respect when made; or

15.1.4 The Owner is in default of its obligations with respect to any obligation relating to the Property or the Project, and the default remains uncured following the expiration of any applicable cure periods.

15.2 No Waiver. Failure or delay in giving notice of default shall not constitute a waiver of default, nor shall it change the time of default. Except as otherwise expressly provided in this Agreement, any failure or delay by a Party in asserting any of its rights or remedies as to any default shall not operate as a waiver of any default or of any such rights or remedies; nor shall it deprive any such Party of its right to institute and maintain any actions or proceedings that it may deem necessary to protect, assert, or enforce any such rights or remedies.

15.3 Remedies. During the pendency of an uncured event of default, the City may exercise any right or remedy available under this Agreement or at law or in equity. All of the City’s rights and remedies following an event of default are cumulative, including:

15.3.1 The City may perform any of the Owner’s obligations in any manner, in the City’s reasonable discretion, and seek reimbursement from the Owner.

15.3.2 The City, either directly or through an agent or court-appointed receiver, may take possession of the HOME-SF Units and enter into contracts and take any other action the City deems appropriate to satisfy the Owner’s obligations set forth in this Agreement.

15.3.3 The City may apply to any court of competent jurisdiction for specific performance, or an injunction against any violation, of this Agreement or for any other remedies or actions necessary or desirable to correct the Owner's noncompliance with this Agreement.

15.3.4 The Owner has determined that it may be extremely difficult and impractical to fix or determine the actual damages suffered by the City as a result of a Default by Owner for failure to comply with the provisions of this Agreement or Planning Code Section 415 as it applies to the HOME-SF Units; accordingly, equitable remedies and remedies at law such as specific performance may be particularly appropriate for enforcement of this Agreement; however both Parties acknowledge and agree that said remedies may not make City whole or fulfill the commitments and obligations made by the Owner under this Agreement. Consequently, the Owner agrees that the City shall have the right to recover liquidated damages for the Owner's failure to comply with the provisions of this Agreement and the Planning Code with respect to the restrictions placed on the HOME-SF Units. Said liquidated damages shall be calculated in an amount that captures the actual costs incurred by the City in providing a replacement unit for each unit the Owner fails to provide under this Agreement, or an amount equal to the Affordable Housing Fee set forth in San Francisco Planning Code Section 415.5 and in the Inclusionary Housing Program Fee Schedule prepared annually by the MOHCD for each unit the Owner fails to provide under this Agreement, whichever is greater. In addition, the City shall have the right to recover reasonable attorneys' fees and costs, administrative costs, and the right to administrative penalties, as well as any other remedies available under state, federal or local law.

In addition, the Owner acknowledges and agrees that the costs incurred by the City for monitoring the HOME-SF Units are high and said units that are subject to but not in compliance with this Agreement and the applicable provisions of the Planning Code drastically limit housing opportunities for eligible households and reduce the value of the development bonuses provided by the City by this Agreement. Accordingly, the Owner agrees to pay to the City for any HOME-SF Unit found by the City to not be in compliance with this Agreement or the Planning Code all amounts, monies or funds collected by the Owner in violation of the applicable affordability restrictions set forth in this Agreement.

15.3.5 The City shall have the right to withhold a final certificate of occupancy for the Project until all of the provisions of this Agreement and Section 415 of the Planning Code, including the Procedures Manual, are met by the Owner.

15.3.6 All remedies provided for in this Agreement may be exercised individually or in combination with any other remedy available hereunder or under applicable laws, rules and regulations. The exercise of any remedy shall not preclude or in any way be deemed to waive any other remedy. Nothing in this Agreement shall constitute a waiver or limitation of any rights that City may have under applicable law.

15.3.7 If any legal action is commenced to enforce any of the terms of this Agreement or rights arising from any party's actions in connection with this Agreement, the prevailing party will have the right to recover its reasonable attorneys' fees (including allocated fees of the City Attorney's Office) and costs of suit from the other party, whether incurred in a

judicial, arbitration, mediation or bankruptcy proceeding or on appeal. For the purposes of this Agreement, reasonable fees of attorneys in the City Attorney's office will be based on the fees regularly charged by private attorneys with the equivalent number of years of experience in the subject matter of law for which the City Attorney's services were rendered, who practice in the City of San Francisco in law firms with approximately the same number of attorneys as employed by the City Attorney's Office.

16. Recording and Filing. The Owner shall cause this Agreement and all amendments and supplements hereto and thereto, to be recorded and filed in the real property records of the City and County of San Francisco and in such other places as the City may reasonably request. The Owner shall pay all fees and charges incurred in connection with any such recording.

17. Governing Law. This Agreement shall be governed by the laws of the City and the State of California.

18. Amendments. This Agreement shall be amended only by a written instrument executed by the parties hereto or their successors in title, and duly recorded in the real property records of the City and County of San Francisco, California.

19. City Contracting Provisions.

19.1 MacBride Principles. The City urges companies doing business in Northern Ireland to move toward resolving employment inequities and encourages them to abide by the MacBride Principles as expressed in San Francisco Administrative Code Section 12F.1 et seq. The City also urges San Francisco companies to do business with corporations that abide by the MacBride Principles. Developer acknowledges that it has read and understands the above statement of the City concerning doing business in Northern Ireland.

19.2 Tropical Hardwood and Virgin Redwood. The City urges companies not to import, purchase, obtain or use for any purpose, any tropical hardwood, tropical hardwood wood product, virgin redwood, or virgin redwood wood product.

19.3 Sunshine. The Developer understands and agrees that under the City's Sunshine Ordinance (San Francisco Administrative Code, Chapter 67) and the State Public Records Law (Gov't Code Section 6250 et seq.), this Agreement and any and all records, information, and materials submitted to the City hereunder are public records subject to public disclosure.

21. Interpretation; Severability. The parties to this Agreement acknowledge that each party and their respective counsel have participated in the drafting of this Agreement. Accordingly, the parties agree that any rule of construction to the effect that ambiguities are to be resolved against the drafting party shall not apply in the interpretation of this Agreement or any supplement or exhibit hereto.

If any provision of this Agreement shall be invalid, illegal or unenforceable, the validity, legality and enforceability of the remaining portions hereof shall not in any way be affected or impaired thereby.

22. Multiple Counterparts. This Agreement may be executed in multiple counterparts, all of which shall constitute one and the same instrument, and each of which shall be deemed to be an original.

[Signatures appear on next page]

IN WITNESS WHEREOF, the City and the Owner have executed this Agreement by their duly authorized representatives, all as of the date first written hereinabove.

CITY AND COUNTY OF SAN FRANCISCO

By: _____
Rich Hillis, Director
Planning Department

Approved as to Form:

DENNIS J. HERRERA
City Attorney

By: _____
Deputy City Attorney

OWNER:

John W. Lau and May Lau

By: _____
Name: John W. Lau

By: _____
Name: May Lau

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

STATE OF CALIFORNIA)
) ss.
COUNTY OF _____)

On _____, before me, _____, Notary Public,
(Print Name of Notary Public)

personally appeared _____

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

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

WITNESS my hand and official seal.

Signature of Notary Public

OPTIONAL

Though the data below is not required by law, it may prove valuable to persons relying on the document and could prevent fraudulent reattachment of this form.

CAPACITY CLAIMED BY SIGNER

- Individual
 Corporate Officer

Title(s)

- Partner(s) Limited General
 Attorney-In-Fact
 Trustee(s)
 Guardian/Conservator
 Other: _____

Signer is representing:
Name Of Person(s) Or Entity(ies)

DESCRIPTION OF ATTACHED DOCUMENT

Title Or Type Of Document

Number Of Pages

Date Of Documents

Signer(s) Other Than Named Above

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

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) ss.
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On _____, before me, _____, Notary Public,
(Print Name of Notary Public)

personally appeared _____

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

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- Attorney-In-Fact
- Trustee(s)
- Guardian/Conservator
- Other: _____

Signer is representing:
Name Of Person(s) Or Entity(ies)

DESCRIPTION OF ATTACHED DOCUMENT

Title Or Type Of Document

Number Of Pages

Date Of Documents

Signer(s) Other Than Named Above

EXHIBIT A

LEGAL DESCRIPTION OF THE SITE

The land referred to is situated in the County of San Francisco, City of San Francisco, State of California, and is described as follows:

Beginning at the point formed by the intersection of the Southerly line of Clement Street with the Easterly line of Thirty-second Avenue, and running thence Easterly along said line of Clement Street 24 feet; thence at a right angle Southerly 100 feet; thence at a right angle Westerly 24 feet to the Easterly line of Thirty-second Avenue, and thence at a right angle Northerly along said line of Thirty-second Avenue 100 feet to the point of beginning.

Being a part of Outside Land Block Number 212.

APN: Block: 1463; Lot: 043

EXHIBIT B

PROJECT SCHEDULE, DESCRIPTION AND FLOOR PLANS OF HOME-SF UNITS

PROJECT SCHEDULE

Task Name	Start Date	End Date
Demolition & Site Preparation	1/2/2023	1/15/2023
Excavation & Earthwork	1/15/2023	1/20/2023
Sewage pipelines & underground utilities	1/20/2023	2/3/2023
Foundation	2/3/2023	3/1/2023
1 st & 2 nd floor Concrete Podiums	3/1/2023	5/25/2023
Rough Framing-Floor, Wall and roof	5/25/2023	7/15/2023
Window, Door & Water proofing - Exterior	7/15/2023	9/1/2023
Rough Plumbing, Electrical, Mechanical & Fire sprinklers	7/15/2023	9/1/2023
Exterior Finishing - Stucco/ Siding	9/1/2023	10/1/2023
Insulations & Drywall/ Interior	9/1/2023	10/20/2023
Painting -Exterior & Interior	10/20/2023	12/1/2023
Interior Finishing	10/20/2023	12/20/2023
Complete after Final inspection	1/5/2023	1/5/2023

PROJECT DESCRIPTION

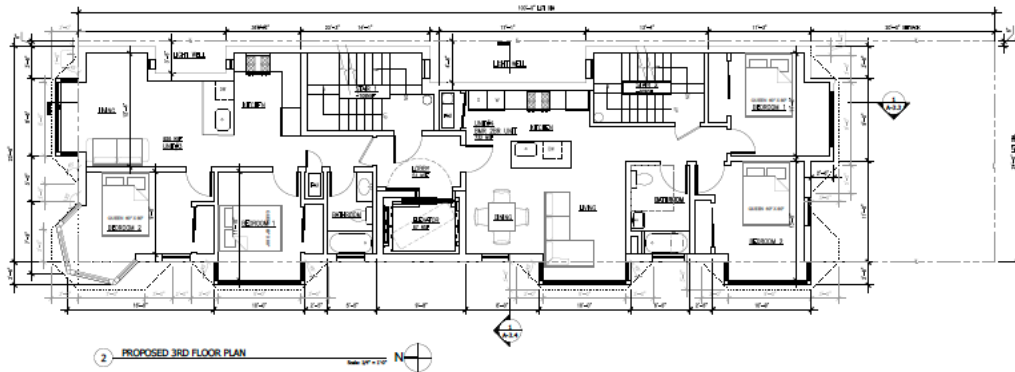
The Project proposes the construction of a six-story, 64-foot tall building with seven dwelling units, approximately 555 square feet of ground floor commercial space, and 454 square feet of ground floor homeowner's association office space. It includes four two-bedroom units, and three four-bedroom units. The Project includes approximately 356 square feet of common usable open space for building residents on a roof deck.

HOME-SF UNIT DESIGNATION

Planning Code Section 415 requires that the HOME-SF units be recorded on a reduced set of plans and attached to a Notice of Special Restrictions. The units below have been designated as the HOME-SF units in the project. In the event that there is conflict between the unit designation below and the unit designation in the Notice of Special Restrictions (NSR), then the NSR shall prevail.

Unit #	Unit Type	Unit Area	AMI Type
4	2BR	732 sq. ft.	80%
6	4BR	1405 sq. ft.	130%

HOME-SF UNIT DESIGNATION – FLOOR PLANS



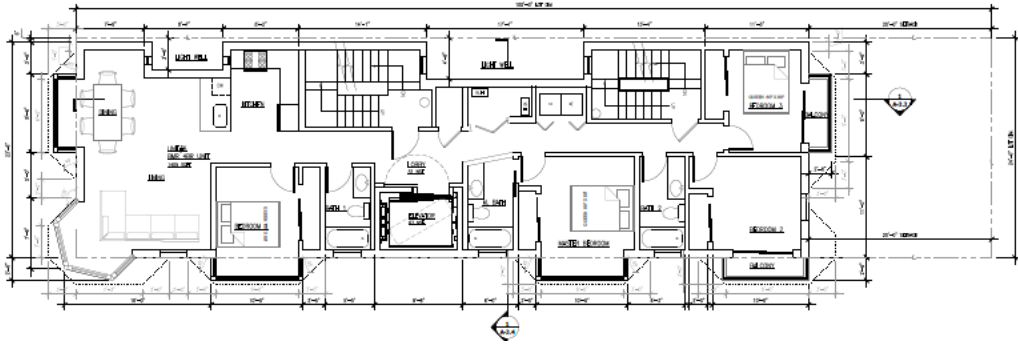


EXHIBIT C - RESERVED

Exhibit B:

Plans and Renderings

GENERAL NOTES

VERIFY ALL DIMENSIONS OF THE LOT, EASEMENT, AND SOIL CONDITIONS INCLUDING EXCAVATION, UNDERPINNING, DRAINAGE AND UTILITY LINES AT THIS PROPERTY, AS WELL AS, AT ADJACENT PROPERTIES. ALL CONSTRUCTION WORK SHALL CONFORM TO LOCAL BUILDING CODE.

THE DRAWINGS ARE INTENDED TO DESCRIBE AND PROVIDE FOR A FINISHED PIECE OF WORK. THE CONTRACTOR SHALL UNDERSTAND THAT THE WORK HEREIN DESCRIBED SHALL BE COMPLETED IN EVERY DETAIL ALTHOUGH EVERY NECESSARY ITEM INVOLVED IS NOT PARTICULARLY MENTIONED. THE CONTRACTOR WILL BE HELD RESPONSIBLE TO PROVIDE ALL THE MATERIALS AND LABOR NECESSARY FOR THE ENTIRE COMPLETION OF THE WORK INTENDED TO BE DESCRIBED AND SHALL NOT AVOID HIMSELF MANIFESTLY OF ANY UNINTENTIONAL ERROR OR OMISSION SHOULD SUCH EXIST.

SHOULD ANY ERROR OR INCONSISTENCY APPEARS OR OCCURS IN THE DRAWING, THE CONTRACTOR SHALL NOTIFY THE OWNER AND ARCHITECT/ENGINEER FOR PROPER ADJUSTMENT BEFORE PROCEEDING WITH THE WORK, AND IN NO CASE, SHALL PROCEED WITH THE WORK IN UNCERTAINTY. CONTRACTOR SHALL BE RESPONSIBLE FOR TEMP. SHORING TO (E) FRAMING DURING CONSTRUCTION WORK INCLUDED.

EXCEPT AS OTHERWISE SPECIFICALLY STATED, THE CONTRACTOR SHALL PROVIDE AND PAY ALL MATERIALS, LABOR, TOOLS, EQUIPMENT, AND BUILDING PERMITS INCLUDING ENCROACHMENT AND HAULING PERMITS.

ALTERATIONS: IF ALTERATIONS OF DESIGN OR PLAN ARE MADE WITHOUT THE WRITTEN CONSENT OF THE ARCHITECT/ENGINEER, THE ARCHITECT/ENGINEER SHALL NOT BE RESPONSIBLE FOR SUCH ALTERATIONS MADE BY OR AGREED UPON BETWEEN OWNER AND CONTRACTOR.

INFORMATION CONFIDENTIAL: ALL PLANS, DRAWINGS, SPECIFICATIONS AND/OR INFORMATION FURNISHED HERewith ARE AND SHALL REMAIN THE PROPERTY OF THE ARCHITECT/ENGINEER & BE HELD CONFIDENTIAL AND NOT BE USED FOR ANY PURPOSES OTHER THAN THOSE FOR WHICH THEY HAVE BEEN SUPPLIED AND PREPARED. THESE DRAWINGS ARE NOT TO BE COPIED OR DUPLICATED WITHOUT THE ARCHITECT/ENGINEER'S WRITTEN PERMISSION.

APPLICABLE CODES:

CALIFORNIA BUILDING CODE, 2016 EDITION
 CALIFORNIA MECHANICAL CODE, 2016 EDITION
 CALIFORNIA PLUMBING CODE, 2016 EDITION
 CALIFORNIA ELECTRICAL CODE, 2016 EDITION
 CALIFORNIA ENERGY CODE, 2016 EDITION
 CURRENT SAN FRANCISCO AMENDMENTS FOR ALL CODES

SCOPE OF WORK:

DEMOLITION OF AN EXISTING, ONE STORY, COMMERCIAL BUILDING.
 ERECT A NEW SIX STORIES, MIXED USE BUILDING TO INCLUDE 7 RESIDENTIAL UNITS (WITH 2 AFFORDABLE UNITS) AND 1 GROUND FLOOR'S COMMERCIAL UNITS PER HOME-SF PROGRAM.
 HOME-SF ZONING MODIFICATIONS REQUESTED/ REQUIRED
 HOME-SF PROJECT AUTHORIZATION REQUIRED

DRAWING INDEX:

- A-1.0. GENERAL NOTE, VICINITY MAP, EXISTING & PROPOSED SITE PLANS.
- A-1.1. EXISTING GROUND FLOOR PLAN, EXISTING FRONT & REAR ELEVATIONS.
- A-1.2. EXISTING LEFT & RIGHT ELEVATIONS.
- A-1.3. GREEN BUILDING SITE PERMIT SUBMITTAL FORM
- A-1.4. SITE PHOTOS
- A-2.0. PROPOSED 1ST, 2ND, 3RD FLOOR PLANS.
- A-2.1. PROPOSED 2ND & 3RD FLOOR PLANS.
- A-2.2. PROPOSED 4TH & 5TH FLOOR PLANS & 6TH FLOOR PLAN.
- A-2.3. PROPOSED ROOF PLAN
- A-3.0. PROPOSED FRONT & REAR ELEVATIONS.
- A-3.1. PROPOSED RIGHT ELEVATION.
- A-3.2. PROPOSED LEFT ELEVATION.
- A-3.3. LONGITUDINAL SECTION
- A-3.4. TRANSVERSE SECTION
- A-3.5. PERSPECTIVE RENDERINGS

PROJECT DATA:

JOB ADDRESS: 3055 CLEMENT ST. SAN FRANCISCO, CA 94121
 BLOCK / LOT: 1463 / 043
 ZONING: NC-1
 TYPE OF CONSTRUCTION: EXISTING - VB
 PROPOSED - IA (FIRST AND SECOND LEVEL)
 - VA (THIRD TO SIXTH LEVEL)
 BUILDING CLASS: EXISTING - B (BUSINESS)
 PROPOSED - R2 (7 UNITS RESIDENTIAL) & 1 COMMERCIAL - B (OFFICE) OR (RETAIL) PENDING FUTURE TENANTS

PROJECT DETAIL:

	EXISTING	PROPOSED	NET CHANGE
No. OF BLDG:	1	1	0
BLDG STORIES:	1	6	+5
BLDG HT:	17'-7"	64'-8"	+47'-1" (MEASURED AT CLEMENT AVE) WITH 5 FEET BONUS
RESIDENTIAL:	0 GSF	11,201 GSF	+11,201 GSF
DWELLING UNITS:	0	7	+7 (FOUR 2-BEDROOM UNITS, THREE 4-BEDROOM UNITS)
PARKING:	(1)363 GSF	(0)0 GSF	(-1)-363 GSF
COMMERCIAL:	2,032 GSF	614 GSF	-1,418 GSF
USABLE OPEN SPACE:	0 GSF	644 GSF	+644 GSF

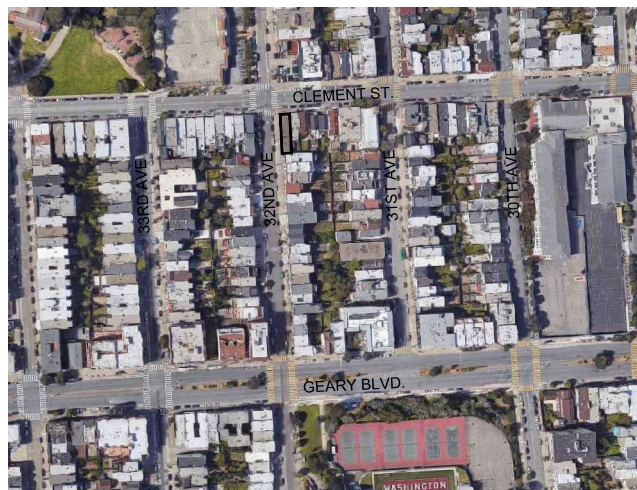
** GSF
 Per planning code definition for FLOOR AREA, GROSS-measured from the exterior face of exterior wall, stair, hallway and elevator shall be included

USEABLE OPEN SPACE

REQUIRED EACH UNIT: 100 PRIVATE/ 133 COMMON.
 PROVIDED: PRIVATE ROOF DECK @ 2ND FLOOR 288SF FOR UNIT#2
 COMMON ROOF DECK 356SF FOR UNIT#1-7

FLOOR AREA CALC. BY FLOOR, (NET)

FLOOR	AREA
1ST FLOOR:	
COMMERCIAL 1	= 555 SF
HOA OFFICE	= 454 SF
COMMON SPACE	= 1070 SF
2ND FLOOR:	
UNIT 1	= 651 SF
UNIT 2	= 710 SF
ROOF DECK	= 288 SF
ROOF GARDEN	= 140 SF
COMMON SPACE	= 316 SF
3RD FLOOR:	
UNIT 3	= 656 SF
UNIT 4 (BMR)	= 732 SF
COMMON SPACE	= 316 SF
4TH FLOOR:	
UNIT 5	= 1450 SF
COMMON SPACE	= 266 SF
5TH FLOOR:	
UNIT 6 (BMR)	= 1405 SF
COMMON SPACE	= 266 SF
6TH FLOOR:	
UNIT 7	= 1307 SF
COMMON SPACE	= 266 SF
ROOF FLOOR:	
ROOF DECK	= 863 SF
COMMON USABLE OPEN SPACE	= 356 SF
SOLAR READY	= 240 SF
COMMON STAIR	= 199 SF
TOTAL COMMERCIAL	= 555 SF
TOTAL RESIDENTIAL UNITS	= 6,911 SF
TOTAL COMMON AREA	= 3,254 SF
TOTAL ROOF DECK	= 1,151 SF
TOTAL COMMON USABLE OPEN SPACE ON ROOF	= 356 SF
MEASURING 15' IN ALL DIRECTION	= 356 SF
TOTAL BETTER ROOF	= 380 SF

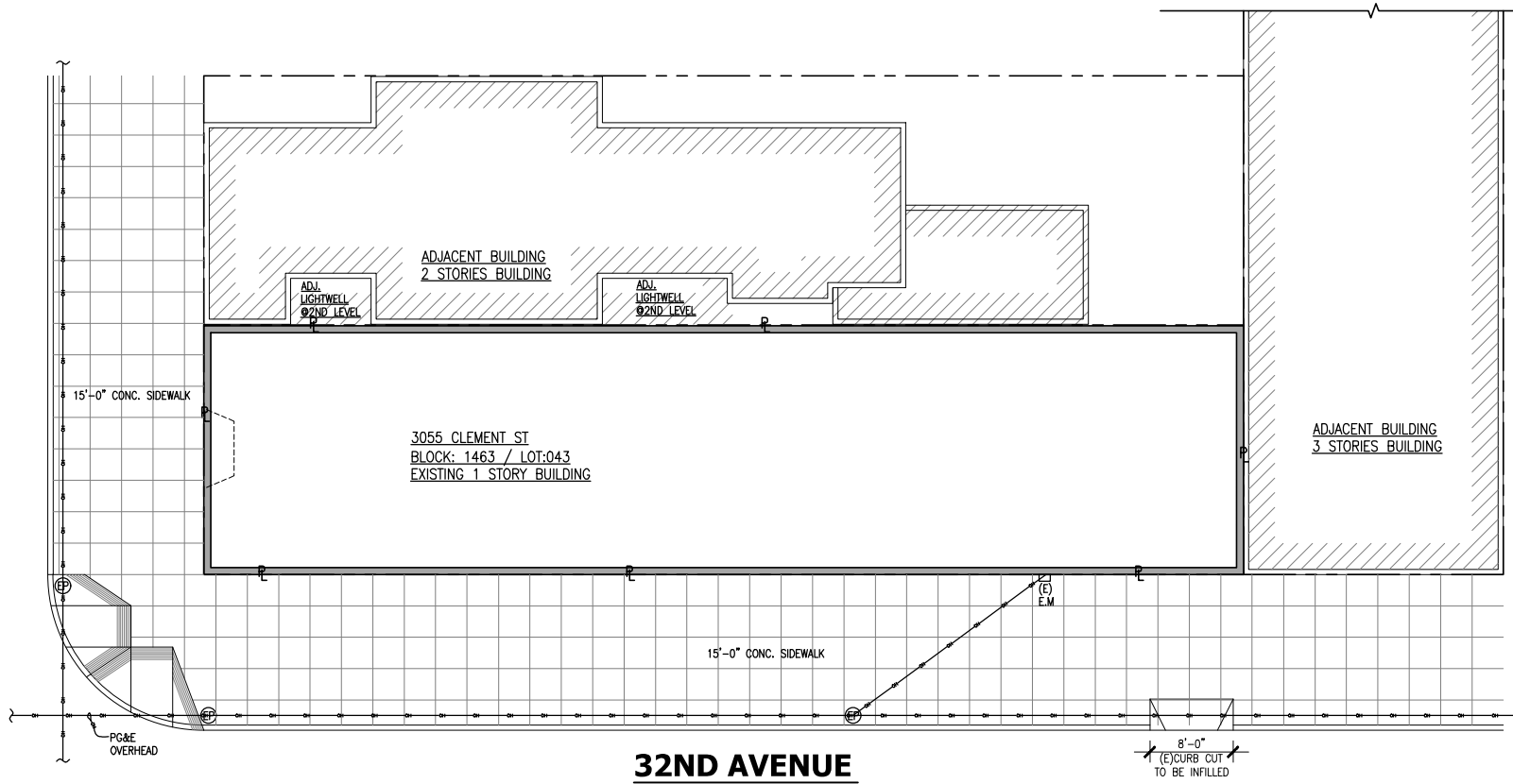


VICINITY MAP

LEGEND

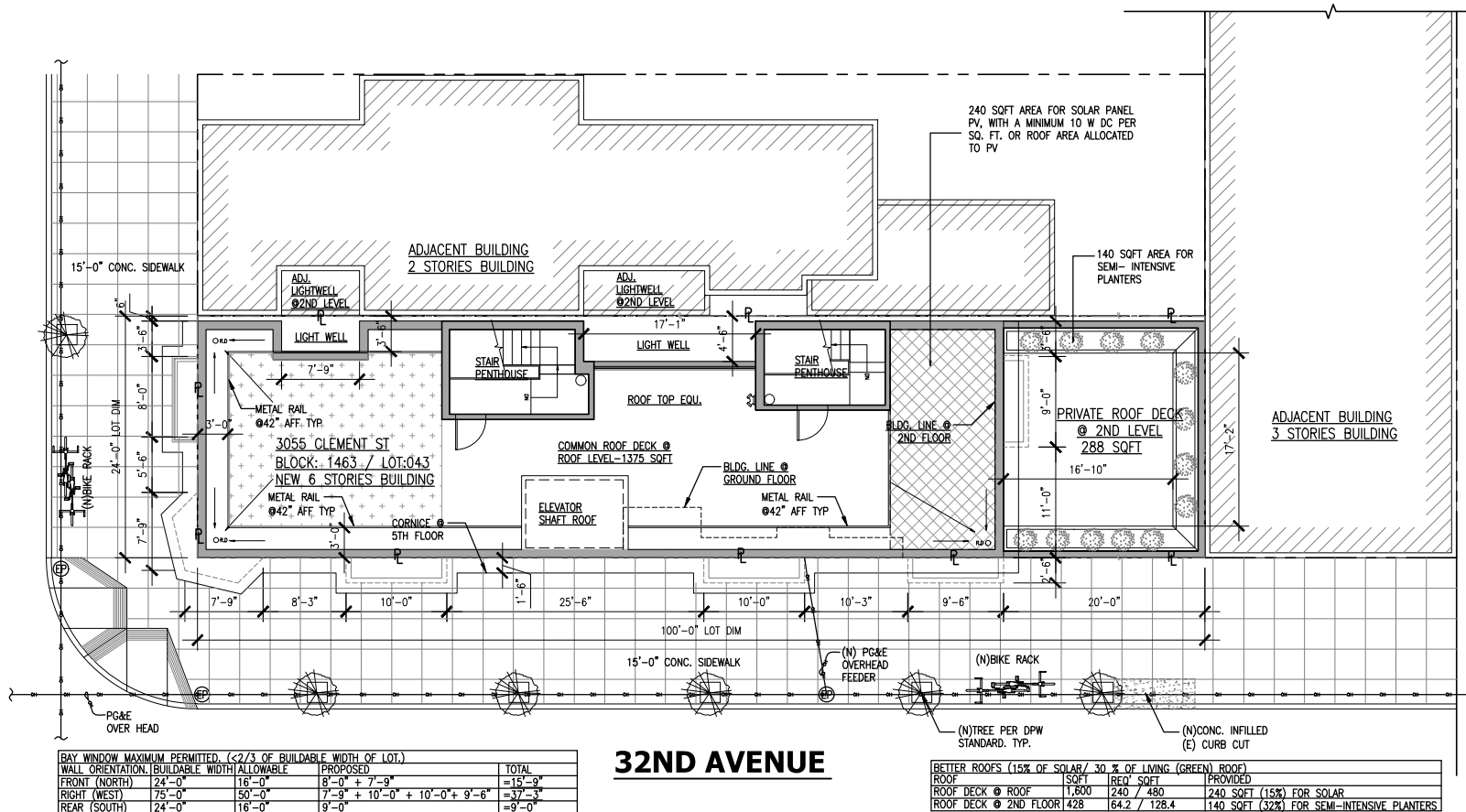
SYMBOL	DESCRIPTION
(A-1) SHEET NO.	SECTION NO.
(A-1) SHEET NO.	DETAIL
(CLOUD)	REVISION
(DASHED)	AREA OF WORK

CLEMENT STREET



1 EXISTING SITE/ ROOF PLAN

CLEMENT STREET



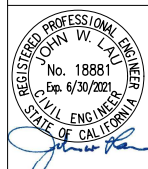
2 PROPOSED SITE/ ROOF PLAN

WALL ORIENTATION	BUILDABLE WIDTH ALLOWABLE	PROPOSED	TOTAL
FRONT (NORTH)	124'-0"	116'-0"	116'-0"
RIGHT (WEST)	75'-0"	50'-0"	50'-0"
REAR (SOUTH)	24'-0"	16'-0"	16'-0"

BETTER ROOFS (15% OF SOLAR / 30% OF LIVING (GREEN) ROOF)	REQ. SQFT	PROVIDED
ROOF DECK @ ROOF	1,800	240 / 480
ROOF DECK @ 2ND FLOOR	428	64.2 / 128.4
TOTAL	2,228	304.2 / 608.4

REVISIONS	BY
PLNG 9.03.2020	JH
PCL#2 03.03.21	JH
PCL#3 06.11.21	JH

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 3900 Geary Blvd, Suite 201
 San Francisco, Ca, 94118
 Phone: (415) 831-7180
 Fax: (415) 831-7181

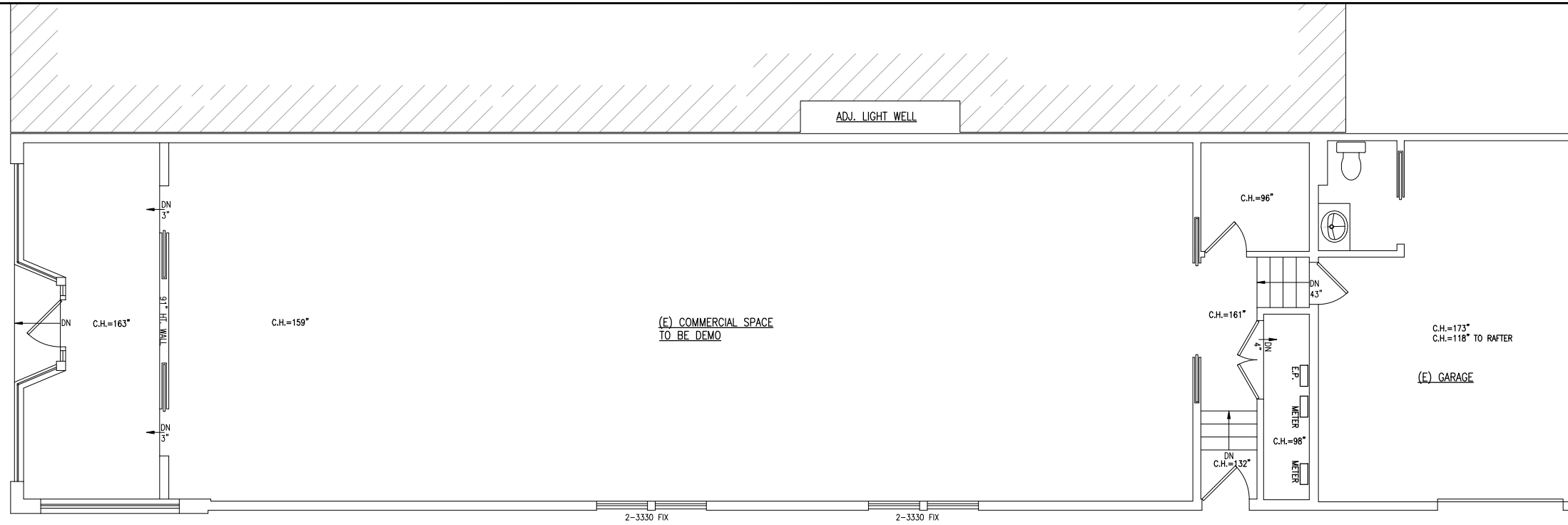



GENERAL NOTES, VICINITY MAP, EXISTING & PROPOSED SITE/ ROOF PLAN

CLEMENT & 32ND AVE
 3055 CLEMENT ST.
 SAN FRANCISCO, CA 94121
 BLOCK: 1463; LOT: 043

DATE 11.27.2019
 SCALE AS SHOWN
 DRAWN JH
 JOB

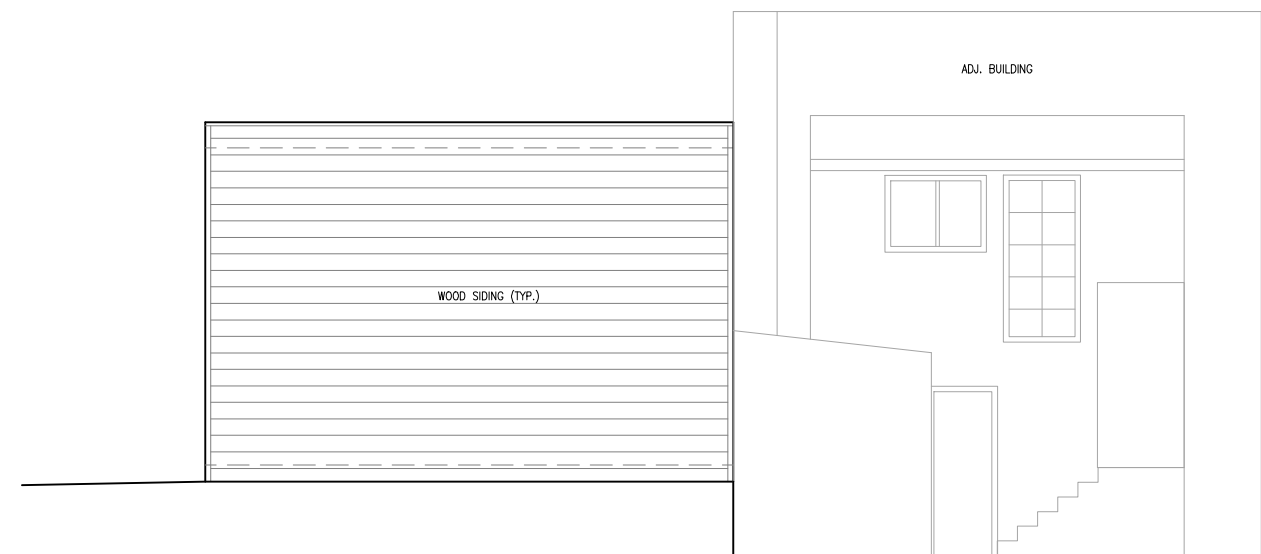
A1.0
 OF SHEETS



1 EXISTING GROUND FLOOR PLAN (TO BE DEMO) Scale: 1/4" = 1'-0" 



2 EXISTING FRONT ELEVATION (TO BE DEMO) Scale: 1/4" = 1'-0"



3 EXISTING REAR ELEVATION (TO BE DEMO) Scale: 1/4" = 1'-0"

REVISIONS	BY
PLNG 9.03.2020	JH
PCL#2 03.03.21	JH
PCL#3 06.11.21	JH

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**EXISTING GROUND FLOOR PLAN
 EXISTING FRONT & REAR ELEVATIONS**

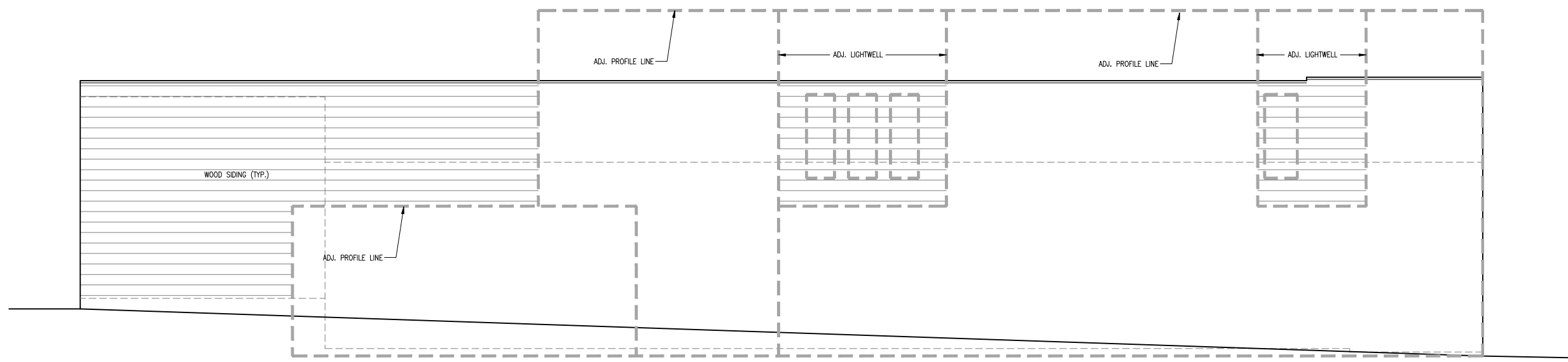
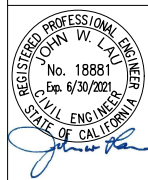
CLEMENT & 32ND AVE
 3055 CLEMENT ST.
 SAN FRANCISCO, CA 94121
 BLOCK: 1463; LOT: 043

DATE	11.27.2019
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DRAWN	JH
JOB	

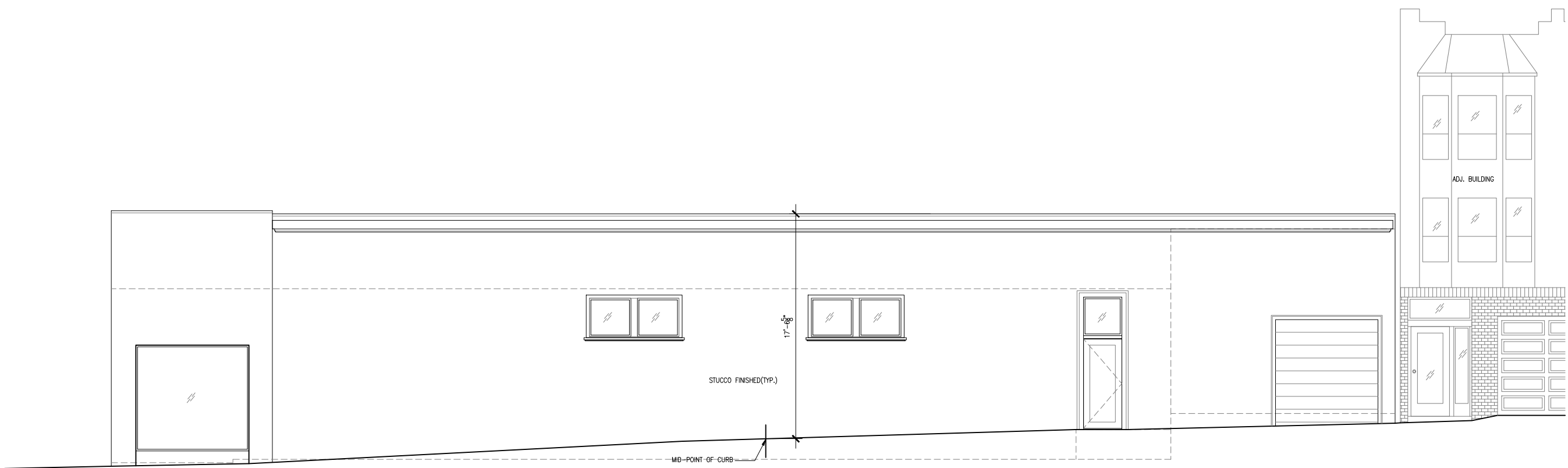
A1.1
 OF SHEETS

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PLNG 9.03.2020	JH
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PCL#3 06.11.21	JH

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1 EXISTING LEFT ELEVATION (TO BE DEMO) Scale: 1/4" = 1'-0"



2 EXISTING RIGHT ELEVATION (TO BE DEMO) Scale: 1/4" = 1'-0"

EXISTING LEFT & RIGHT ELEVATIONS

CLEMENT & 32ND AVE
 3055 CLEMENT ST.
 SAN FRANCISCO, CA 94121
 BLOCK: 1463; LOT: 043

DATE	11.27.2019
SCALE	AS SHOWN
DRAWN	JH
JOB	

GS1: San Francisco Green Building Site Permit Submittal Form

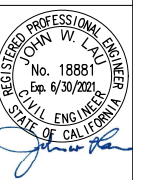
Form version: February 1, 2018 (For permit applications January 2017 - December 2019)

INSTRUCTIONS:				NEW CONSTRUCTION				ALTERATIONS + ADDITIONS					PROJECT INFO				
1. Select one (1) column to identify requirements for the project. For addition and alteration projects, applicability of specific requirements may depend upon project scope. 2. Provide the Project Information in the box at the right. 3. A LEED or GreenPoint Rated Scorecard is not required with the site permit application, but using such tools as early as possible is recommended. 4. To ensure legibility of DBI archives, submittal must be a minimum of 24" x 36". Attachment GS2, GS3, GS4, GS5 or GS6 will be due with the applicable addendum. A separate "FINAL COMPLIANCE VERIFICATION" form will be required prior to Certificate of Completion. For details, see Administrative Bulletin 93. For Municipal projects, additional Environment Code Chapter 7 requirements may apply; see GS6.				CHECK THE ONE COLUMN THAT BEST DESCRIBES YOUR PROJECT →				<input type="checkbox"/> LOW-RISE RESIDENTIAL <small>R 1-3 Floors</small>	<input checked="" type="checkbox"/> HIGH-RISE RESIDENTIAL <small>R 4+ Floors</small>	<input type="checkbox"/> LARGE NON-RESIDENTIAL <small>A,B,E,I,M 25,000 sq.ft. or greater</small>	<input type="checkbox"/> OTHER NON-RESIDENTIAL <small>F,H,L,S,U or A,B,E,I,M less than 25,000 sq.ft.</small>	<input type="checkbox"/> RESIDENTIAL MAJOR ALTERATIONS + ADDITIONS <small>R 25,000 sq.ft. or greater</small>	<input type="checkbox"/> OTHER RESIDENTIAL ALTERATIONS + ADDITIONS <small>R adds any amount of conditioned area</small>	<input type="checkbox"/> NON-RESIDENTIAL MAJOR ALTERATIONS + ADDITIONS <small>B,M 25,000 sq.ft. or greater</small>	<input type="checkbox"/> FIRST-TIME NON-RESIDENTIAL INTERIORS <small>A,B,I,M 25,000 sq.ft. or greater</small>	<input type="checkbox"/> OTHER NON-RESIDENTIAL INTERIORS, ALTERATIONS + ADDITIONS <small>A,B,E,F,H,L,I,M,S,U more than 1,000 sq.ft. or \$200,000</small>	CLEMENT & 32ND PROJECT NAME
TITLE SOURCE OF REQUIREMENT DESCRIPTION OF REQUIREMENT													1463/043 BLOCK/LOT				
LEED/GPR	Required LEED or GPR Certification Level	SFGBC 4.103.1.1, 4.103.2.1, 4.103.3.1, 5.103.1.1, 5.103.3.1 & 5.103.4.1	Project is required to achieve sustainability certification listed at right.	LEED SILVER (50+) or GPR (75+) CERTIFIED	LEED SILVER (50+) or GPR (75+) CERTIFIED	LEED GOLD (60+) CERTIFIED	n/r	LEED GOLD (60+) or GPR (75+) CERTIFIED	n/r	LEED GOLD (60+) CERTIFIED	LEED GOLD (60+) CERTIFIED	n/r	n/r	n/r	3055 CLEMENT ST ADDRESS		
	LEED/GPR Point Adjustment for Retention/Demolition of Historic Features/Building	SFGBC 4.104, 4.105, 5.104 & 5.105	Enter any applicable point adjustments in box at right.												B/R2 PRIMARY OCCUPANCY		
MATERIALS	LOW-EMITTING MATERIALS	CALGreen 4.504.2.1-5 & 5.504.4.1-6, SFGBC 4.103.3.2, 5.103.1.9, 5.103.3.2 & 5.103.4.2	Use products that comply with the emission limit requirements of 4.504.2.1-5, 5.504.4.1-6 for adhesives, sealants, paints, coatings, carpet systems including cushions and adhesives, resilient flooring (80% of area), and composite wood products. Major alterations to existing residential buildings must use low-emitting coatings, adhesives and sealants, and carpet systems that meet the requirements for GPR measures K2, K3 and L2 or LEED EQc2, as applicable. New large non-residential interiors and major alterations to existing residential and non-residential buildings must also use interior paints, coatings, sealants, and adhesives when applied on-site, flooring and composite wood that meet the requirements of LEED credit Low-Emitting Materials (EQc2).	4.504.2.1-5	4.504.2.1-5	LEED EQc2	5.504.4.1-6	LEED EQc2 or GPR K2, K3 & L2	4.504.2.1-5	LEED EQc2	LEED EQc2	LEED EQc2	5.504.4.1-6	12,438 SF GROSS BUILDING AREA			
	INDOOR WATER USE REDUCTION	CALGreen 4.303.1 & 5.303.3, SFGBC 5.103.1.2, SF Housing Code sec. 12A10, SF Building Code ch.13A	Meet flush/flow requirements for: toilets (1.28gpf); urinals (0.125gpf wall, 0.5gpf floor); showerheads (2.0gpm); lavatories (1.2gpm private, 0.5gpm public/common); kitchen faucets (1.8gpm); wash fountains (1.8gpm); metering faucets (0.2gpc); food waste disposers (1gpm/8gpm). Residential projects must upgrade all non-compliant fixtures per SF Housing Code sec.12A10. Large non-residential interiors, alterations & additions must upgrade all non-compliant fixtures per SF Building Code ch.13A. New large non-residential buildings must also achieve minimum 30% indoor potable water use reduction as calculated to meet LEED credit Indoor Water Use Reduction (WEc2).			LEED WEc2 (2 pts)								DESIGN PROFESSIONAL or PERMIT APPLICANT (sign & date)			
WATER	NON-POTABLE WATER REUSE	Health Code art.12C	New buildings ≥ 40,000 sq.ft. must calculate a water budget. New buildings ≥250,000 sq.ft. must treat and use available rainwater, graywater, and foundation drainage and use in toilet and urinal flushing and irrigation. See www.sfwater.org for details.	n/r			n/r	n/r	n/r	n/r	n/r	n/r	n/r				
	WATER EFFICIENT IRRIGATION	Administrative Code ch.63	New construction projects with aggregated landscape area ≥500 sq.ft., or existing projects with modified landscape area ≥1,000 sq.ft. shall use low water use plants or climate appropriate plants, restrict turf areas and comply with Model Water Efficient Landscape Ordinance restrictions by calculated ETAF (.55 for residential, .45 for non-residential or less) or by prescriptive compliance for projects with ≤2,500 sq.ft. of landscape area. See www.sfwater.org for details.														
	WATER METERING	CALGreen 5.303.1	Provide submeters for spaces projected to consume >1,000gal/day (or >100gal/day in buildings >50,000 sq.ft.).	n/r	n/r			n/r	n/r								
	ENERGY EFFICIENCY	CA Energy Code	Comply with all provisions of the CA Title 24 Part 6 Energy Standards.														
ENERGY	BETTER ROOFS	SFGBC 4.201.1 & 5.201.1.2	New non-residential buildings >2,000 sq.ft. and ≤10 occupied floors, and new residential buildings of any size and ≤10 occupied floors, must designate 15% of roof Solar Ready, per Title 24 rules. Install photovoltaics or solar hot water systems in this area. With Planning Department approval, projects subject to SFPUC Stormwater Requirements may substitute living roof for solar energy systems.		≤10 floors			n/r	n/r	n/r	n/r	n/r	n/r				
	RENEWABLE ENERGY	SFGBC 5.201.1.3	Non-residential buildings with ≥11 floors must acquire at least 1% of energy from on-site renewable sources, purchase green energy credits, or achieve 5 points under LEED credit Optimize Energy Performance (EAc2).	n/r	n/r			n/r	n/r	n/r	n/r	n/r	n/r				
	COMMISSIONING (Cx)	CALGreen 5.410.2 - 5.410.4.5.1	For projects ≥10,000 sq.ft. include OPR, BOD, and commissioning plan in design & construction. Commission to comply. Alterations & additions with new HVAC equipment must test and adjust all equipment.	n/r	n/r	LEED EAc1 opt. 1		n/r	n/r								
	BICYCLE PARKING	CALGreen 5.106.4, Planning Code 155.1-2	Provide short- and long-term bike parking equal to 5% of motorized vehicle parking, or meet SF Planning Code sec.155.1-2, whichever is greater.	SF Planning Code sec.155.1-2	SF Planning Code sec.155.1-2			if applicable SF Planning Code sec.155.1-2	if applicable SF Planning Code sec.155.1-2					if >10 stalls added			
PARKING	DESIGNATED PARKING	CALGreen 5.106.5.2	Mark 8% of total parking stalls for low-emitting, fuel efficient, and carpool/van pool vehicles.	n/r	n/r			n/r	n/r					if >10 stalls added			
	WIRING FOR EV CHARGERS	SFGBC 4.106.4 & 5.106.5.3	Permit application January 2018 or after: Construct all new off-street parking spaces for passenger vehicles and trucks with dimensions capable of installing EVSE. Install service capacity and panelboards sufficient to provide ≥40A 208 or 240V to EV chargers at 20% of spaces. Install ≥40A 208 or 240V branch circuits to ≥10% of spaces, terminating close to the proposed EV charger location. Installation of chargers is not required. Projects with zero off-street parking exempt. See SFGBC 4.106.4 or SFGBC 5.106.5.3 for details. Permit applications prior to January 2018 only: Install infrastructure to provide electricity for EV chargers at 6% of spaces for non-residential (CALGreen 5.106.5.3), 3% of spaces for multifamily with ≥17 units (CALGreen 4.106.4.2), and each space in 1-2 unit dwellings (CALGreen 4.106.4.1). Installation of chargers is not required.					applicable for permit application January 2018 or after	n/r	applicable for permit application January 2018 or after	n/r	n/r					
	RECYCLING BY OCCUPANTS	SF Building Code AB-088	Provide adequate space and equal access for storage, collection and loading of compostable, recyclable and landfill materials.														
WASTE DIVERSION	CONSTRUCTION & DEMOLITION (C&D) WASTE MANAGEMENT	SFGBC 4.103.2.3 & 5.103.1.3.1, Environment Code ch.14, SF Building Code ch.13B	For 100% of mixed C&D debris use registered transporters and registered processing facilities with a minimum of 65% diversion rate. Divert a minimum of 75% of total C&D debris if noted.		75% diversion	75% diversion						75% diversion					
	HVAC INSTALLER QUALS	CALGreen 4.702.1	Installers must be trained and certified in best practices.			n/r	n/r			n/r	n/r	n/r	n/r	n/r			
	HVAC DESIGN	CALGreen 4.507.2	HVAC shall be designed to ACCA Manual J, D, and S.			n/r	n/r			n/r	n/r	n/r	n/r	n/r			
GOOD NEIGHBOR	REFRIGERANT MANAGEMENT	CALGreen 5.508.1	Use no halons or CFCs in HVAC.	n/r	n/r			n/r	n/r								
	LIGHT POLLUTION REDUCTION	CA Energy Code, CALGreen 5.106.8	Comply with CA Energy Code for Lighting Zones 1-4. Comply with 5.106.8 for Backlight/Uplight/Glare.	n/r	n/r			n/r	n/r								
	BIRD-SAFE BUILDINGS	Planning Code sec.139	Glass facades and bird hazards facing and/or near Urban Bird Refuges may need to treat their glass for opacity.														
POLLUTION PREVENTION	TOBACCO SMOKE CONTROL	CALGreen 5.504.7, Health Code art.19F	For non-residential projects, prohibit smoking within 25 feet of building entries, air intakes, and operable windows. For residential projects, prohibit smoking within 10 feet of building entries, air intakes, and operable windows and enclosed common areas.														
	STORMWATER CONTROL PLAN	Public Works Code art.4.2 sec.147	Projects disturbing ≥5,000 sq.ft. in combined or separate sewer areas, or replacing ≥2,500 impervious sq.ft. in separate sewer area, must implement a Stormwater Control Plan meeting SFPUC Stormwater Management Requirements. See www.sfwater.org for details.					if project extends outside envelope	if project extends outside envelope	if project extends outside envelope	if project extends outside envelope	if project extends outside envelope	if project extends outside envelope				
INDOOR ENVIRONMENTAL QUALITY	CONSTRUCTION SITE RUNOFF CONTROLS	Public Works Code art.4.2 sec.146	Provide a construction site Stormwater Pollution Prevention Plan and implement SFPUC Best Management Practices. See www.sfwater.org for details.	if disturbing ≥5,000 sq.ft.		if disturbing ≥5,000 sq.ft.	if disturbing ≥5,000 sq.ft.	if project extends outside envelope	if project extends outside envelope	if project extends outside envelope	if project extends outside envelope	if project extends outside envelope	if project extends outside envelope				
	ACOUSTICAL CONTROL	CALGreen 5.507.4.1-3, SF Building Code sec.1207	Non-residential projects must comply with sound transmission limits (STC-50 exteriors near freeways/airports; STC-45 exteriors if 65db Leq at any time; STC-40 interior walls/floor-ceilings between tenants). New residential projects' interior noise due to exterior sources shall not exceed 45dB.					n/r	n/r								
	AIR FILTRATION (CONSTRUCTION)	CALGreen 4.504.1-3 & 5.504.1-3	Seal permanent HVAC ducts/equipment stored onsite before installation.														
	AIR FILTRATION (OPERATIONS)	CALGreen 5.504.5.3, SF Health Code art.38	Non-residential projects must provide MERV-8 filters on HVAC for regularly occupied, actively ventilated spaces. Residential new construction and major alteration & addition projects in Air Pollutant Exposure Zones per SF Health Code art.38 must provide MERV-13 filters on HVAC.	if applicable	if applicable			if applicable	n/r								
RESIDENTIAL	CONSTRUCTION IAQ MANAGEMENT PLAN	SFGBC 5.103.1.8	During construction, meet SMACNA IAQ guidelines; provide MERV-8 filters on all HVAC.	n/r	n/r	LEED EQc3	n/r	n/r	n/r	n/r	n/r	n/r	n/r	n/r			
	GRADING & PAVING	CALGreen 4.106.3	Show how surface drainage (grading, swales, drains, retention areas) will keep surface water from entering the building.			n/r	n/r	if applicable	if applicable	n/r	n/r	n/r	n/r	n/r			
	RODENT PROOFING	CALGreen 4.406.1	Seal around pipe, cable, conduit, and other openings in exterior walls with cement mortar or DBI-approved similar method.			n/r	n/r			n/r	n/r	n/r	n/r	n/r			
	FIREPLACES & WOODSTOVES	CALGreen 4.503.1	Install only direct-vent or sealed-combustion, EPA Phase II-compliant appliances.			n/r	n/r			n/r	n/r	n/r	n/r	n/r			
	CAPILLARY BREAK, SLAB ON GRADE	CALGreen 4.505.2	Slab on grade foundation requiring vapor retarder also requires a capillary break such as: 4 inches of base 1/2-inch aggregate under retarder; slab design specified by licensed professional.			n/r	n/r			n/r	n/r	n/r	n/r	n/r			
	MOISTURE CONTENT	CALGreen 4.505.3	Wall and floor wood framing must have <19% moisture content before enclosure.			n/r	n/r			n/r	n/r	n/r	n/r	n/r			
	BATHROOM EXHAUST	CALGreen 4.506.1	Must be ENERGY STAR compliant, ducted to building exterior, and its humidistat shall be capable of adjusting between <50% to >80% (humidistat may be separate component).			n/r	n/r			n/r	n/r	n/r	n/r	n/r			

REVISIONS	BY
PCL#2 9.03.2020	JH
PCL#3 03.03.21	JH
PCL#3 06.11.21	JH
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GREEN BUILDING SITE PERMIT SUBMITTAL FORM	
CLEMENT & 32ND AVE 3055 CLEMENT ST. SAN FRANCISCO, CA 94121 BLOCK: 1463; LOT: 043	
DATE	11.27.2019
SCALE	AS SHOWN
DRAWN	JH
JOB	
A1.3 OF SHEETS	

REVISIONS	BY
PLNG 9.03.2020	JH
PCL#2 03.03.21	JH
PCL#3 06.11.21	JH

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SITE PHOTOS

CLEMENT & 32ND AVE
 3055 CLEMENT ST.
 SAN FRANCISCO, CA94121
 BLOCK: 1463; LOT: 043

DATE	11.27.2019
SCALE	AS SHOWN
DRAWN	JH
JOB	

A1.4
OF SHEETS



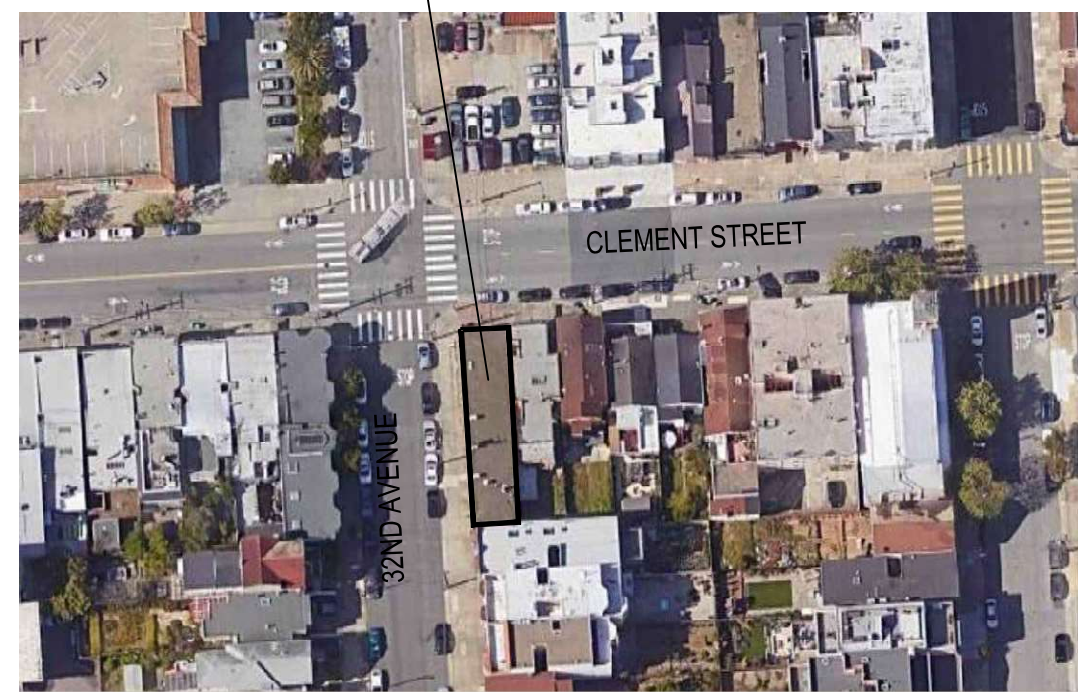
4 BUILDINGS ON THE FACING SIDE OF THE STREET (CLEMENT STREET) SUBJECT PROPERTY



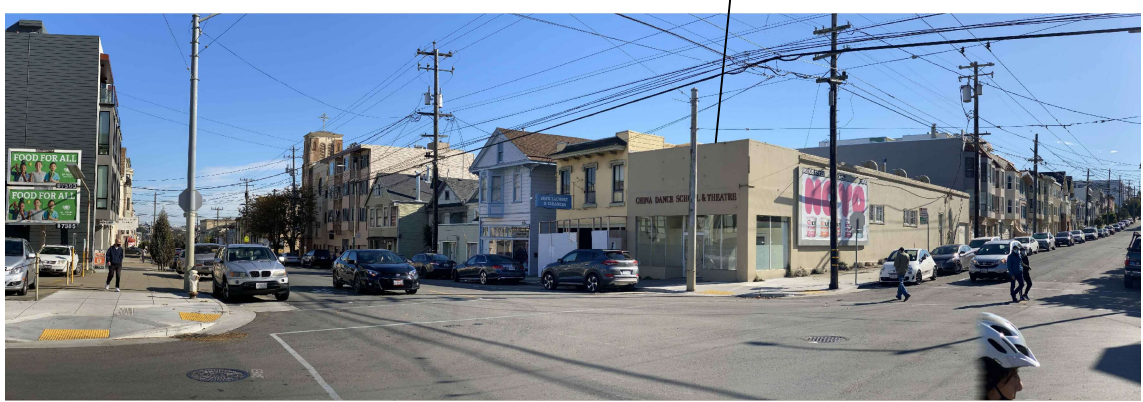
1 BUILDINGS ON THE FACING SIDE OF THE STREET (CLEMENT STREET)



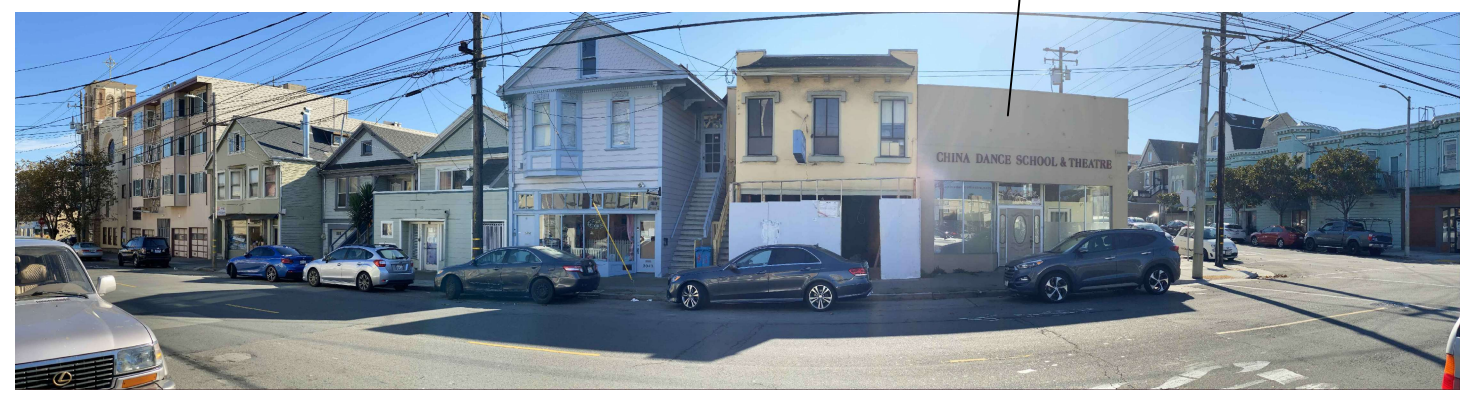
2 BUILDINGS ON THE FACING SIDE OF THE STREET (32ND AVENUE)



2 BUILDINGS ON THE SAME SIDE OF THE STREET (32ND AVENUE)



2 BUILDINGS ON THE INTERSECTION OF THE STREETS (CLEMENT ST & 32ND AVENUE)

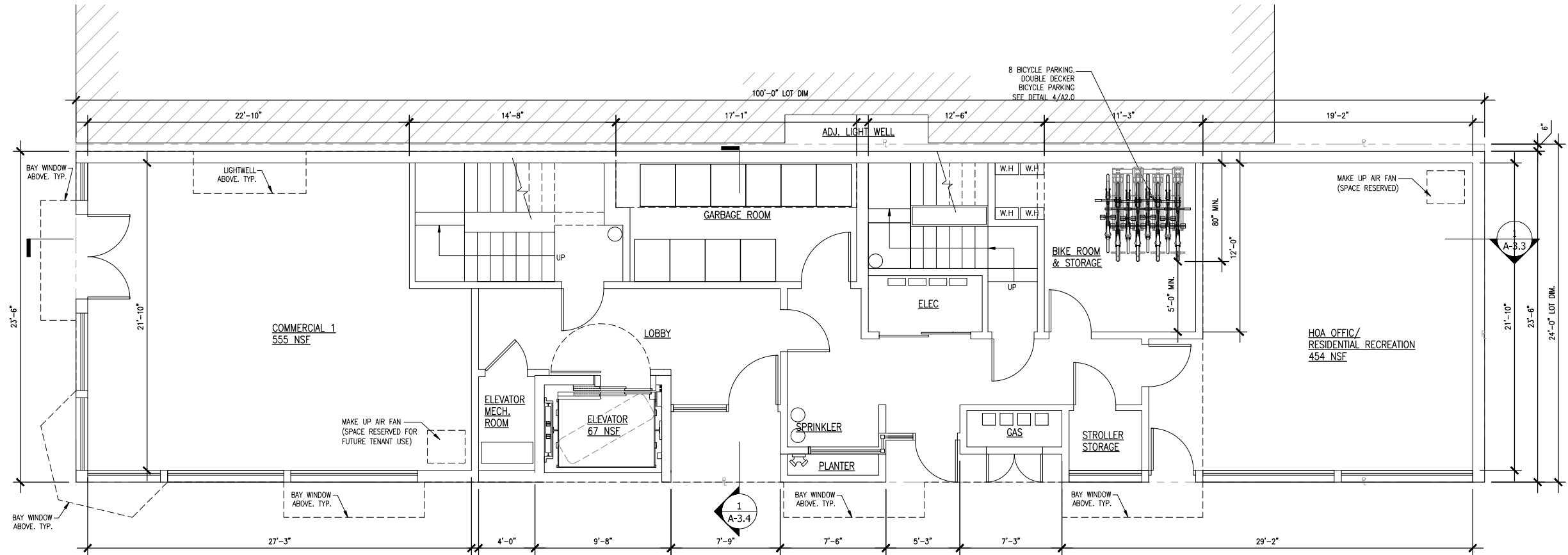
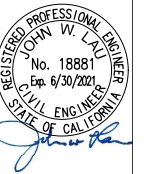


3 BUILDINGS ON THE SAME SIDE OF THE STREET (CLEMENT STREET)

SUBJECT PROPERTY
 (FRONT FACADE)

REVISIONS	BY
PLNG 9.03.2020	JH
PCL#2 03.03.21	JH
PCL#3 06.11.21	JH

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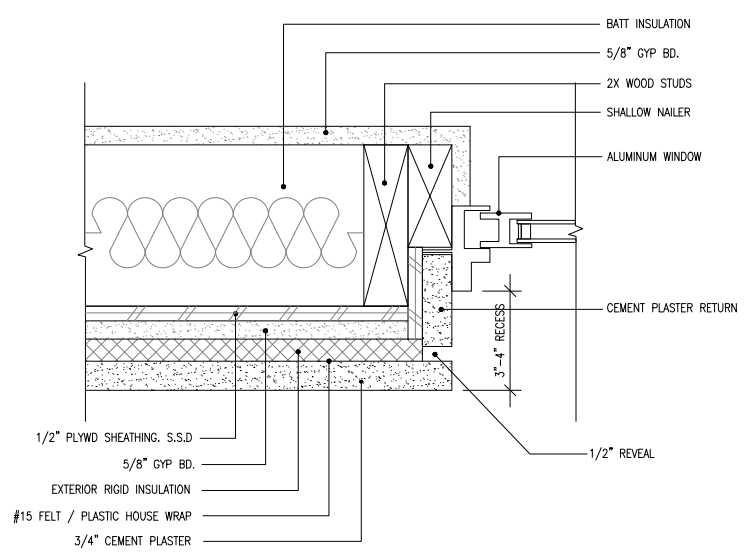


1 PROPOSED 1ST FLOOR PLAN
 Scale: 1/4" = 1'-0" N

MECHANICAL EQUIPMENT AND NOISE SOURCES							
EQUIPMENT LIST							
TAGI TYPE	CFM (MAX)	HP	SONES	DBA	LOCATION	INSTALLATION	
A UPBLAST EXHAUST FAN	2000	1	20	71.1	ROOF DECK @ 2ND FL	CURB	
B MAKE UP AIR UNIT	2000	1.675	20	63.3	COMMERCIAL #1&2	CEILING MOUNTED	
C BATHROOM FAN	80	N/A	0.3	N/A	BATHROOMS	CEILING MOUNTED	
D KITCHEN RANGE HOOD	300	N/A	5.5	N/A	RESIDENTIAL KITCHENS	UNDER CABINET	

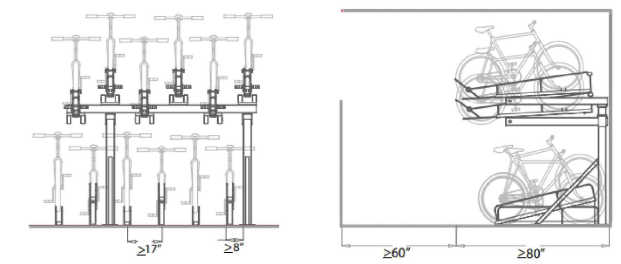
UNITS	TYPE A	TYPE B	TYPE C	TYPE D	REMARK
COMMERCIAL #1	1	1			
COMMERCIAL #2	1	1			
UNIT #1		1	1		
UNIT #2		1	1		
UNIT #3		1	1		
UNIT #4		1	1		
UNIT #5		3	1		
UNIT #6		3	1		
UNIT #7		3	1		

3 MECHANICAL EQUIPMENT SCHEDULE
 Scale: NTS



2 RECESS WINDOW DETAIL
 Scale: NTS
 NOTE: ALL WINDOWS VISIBLE FROM THE STREET SHALL BE RECESSED 3" MIN FROM EXTERIOR FINISHES.

Double-Decker Lift-Assist Racks
 These bicycle racks allow stacking of bicycles providing a lift-assist pull-out tray. Manual lifting of bicycles off the ground is not necessary to mount the bicycle on the top trays. These racks satisfy the Class One bicycle parking requirements when located in a caged or locked facility. The trays alternate in height off the ground which allows a smaller required clearance between bicycles (17"), measured from mid-point of one rack to mid-point of other rack. The required aisle space is 5 feet and is measured from the nearest edge of bicycles and racks as shown below.



4 BICYCLE RACK DETAIL
 Scale: NTS

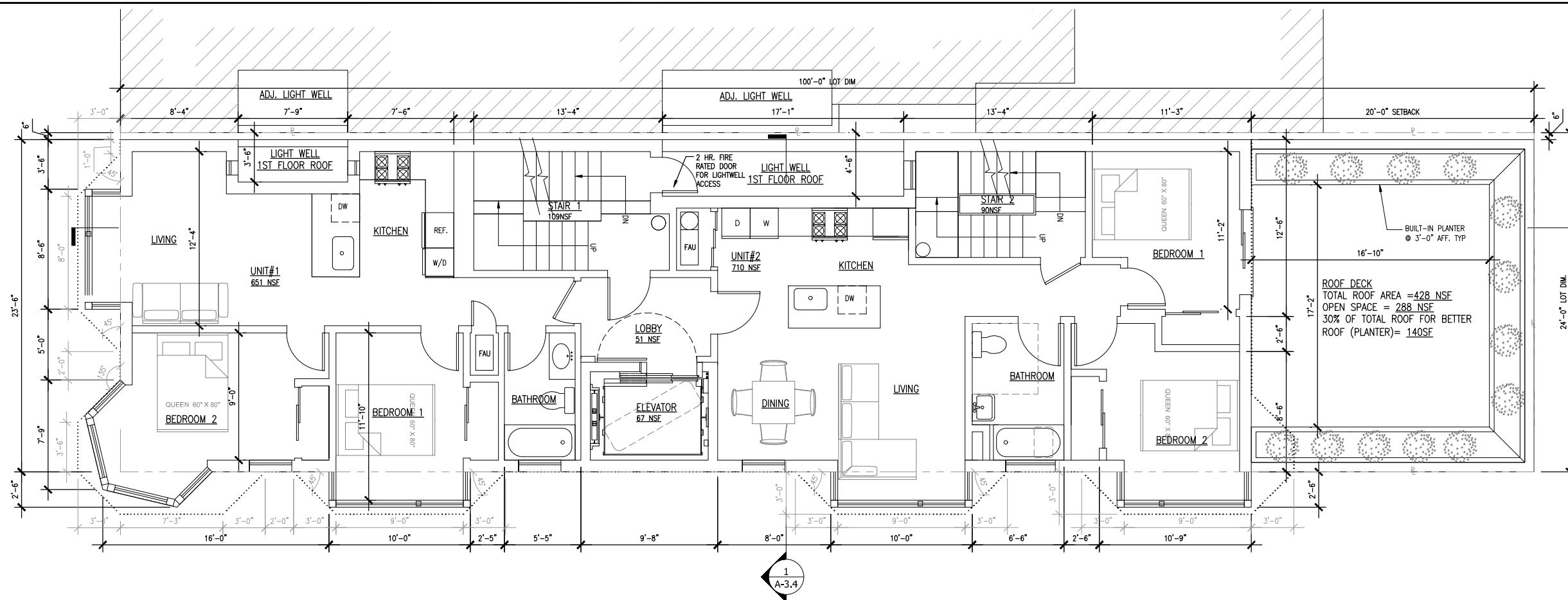


PROPOSED 1ST FLOOR PLAN

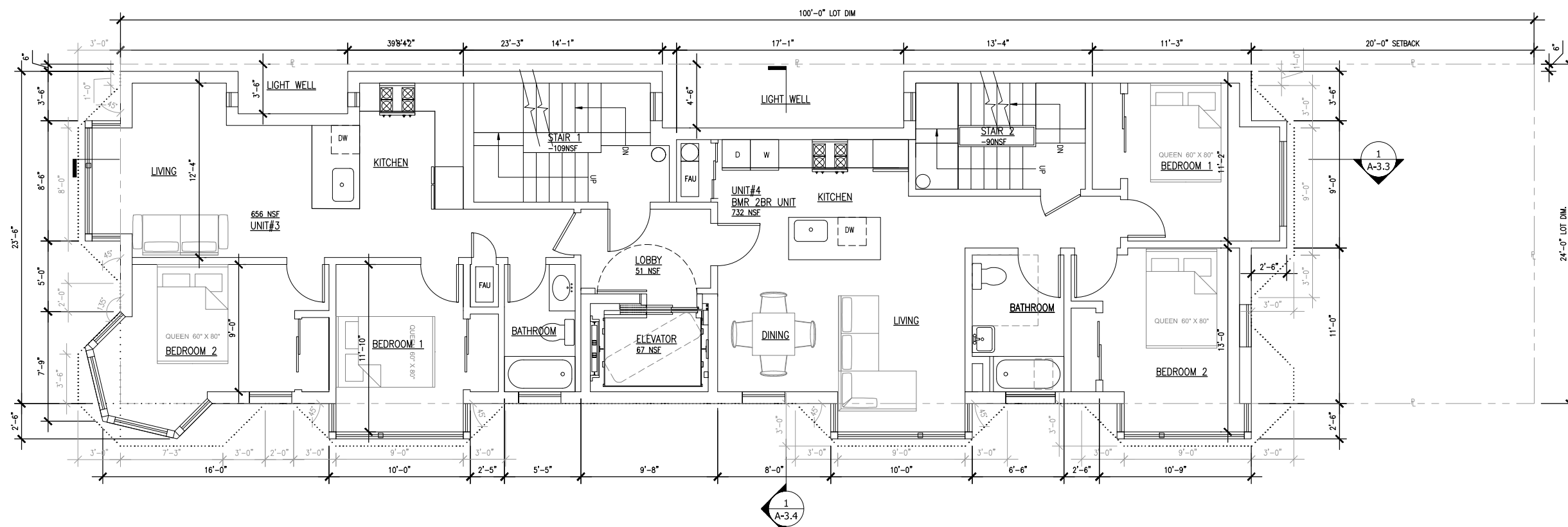
CLEMENT & 32ND AVE
 3055 CLEMENT ST.
 SAN FRANCISCO, CA 94121
 BLOCK: 1463; LOT: 043

DATE	11.27.2019
SCALE	AS SHOWN
DRAWN	JH
JOB	

A2.0
 OF SHEETS



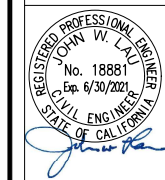
1 PROPOSED 2ND FLOOR PLAN
Scale: 1/4" = 1'-0" N



2 PROPOSED 3RD FLOOR PLAN
Scale: 1/4" = 1'-0" N

REVISIONS	BY
PLNG 9.03.2020	JH
PCL#2 03.03.21	JH
PCL#3 06.11.21	JH

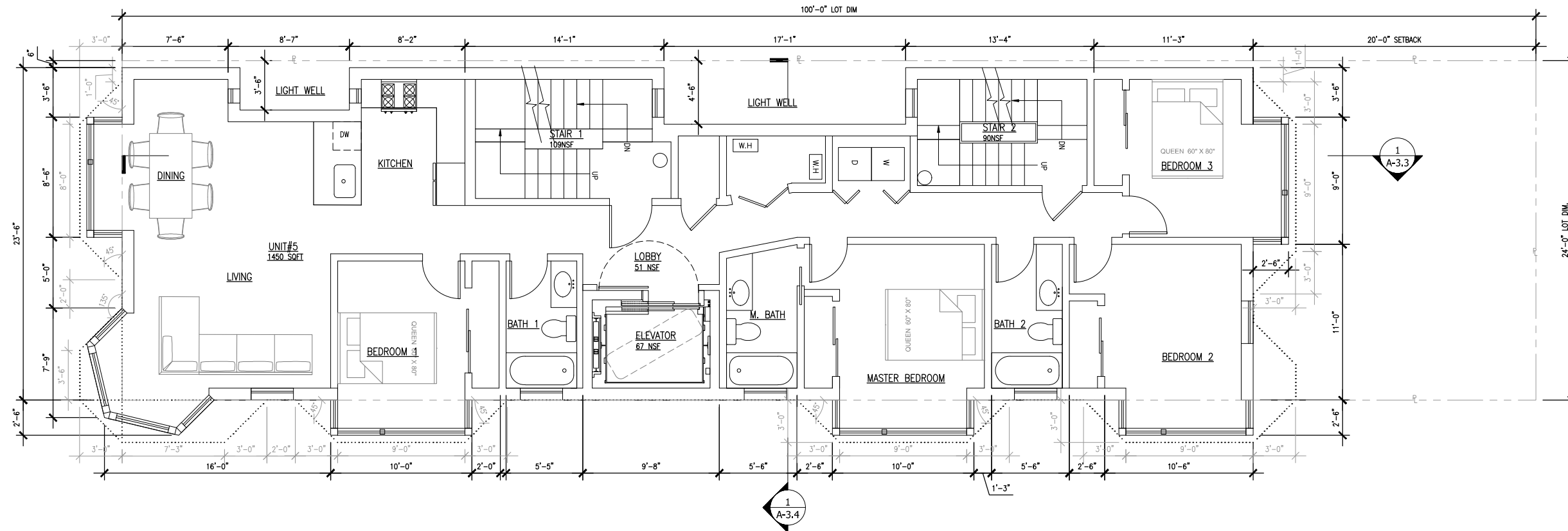
DESIGN CONSULTANTS GROUP
3900 Geary Blvd, Suite 201
San Francisco, Ca. 94118
Phone: (415) 831-7180
Fax: (415) 831-7181



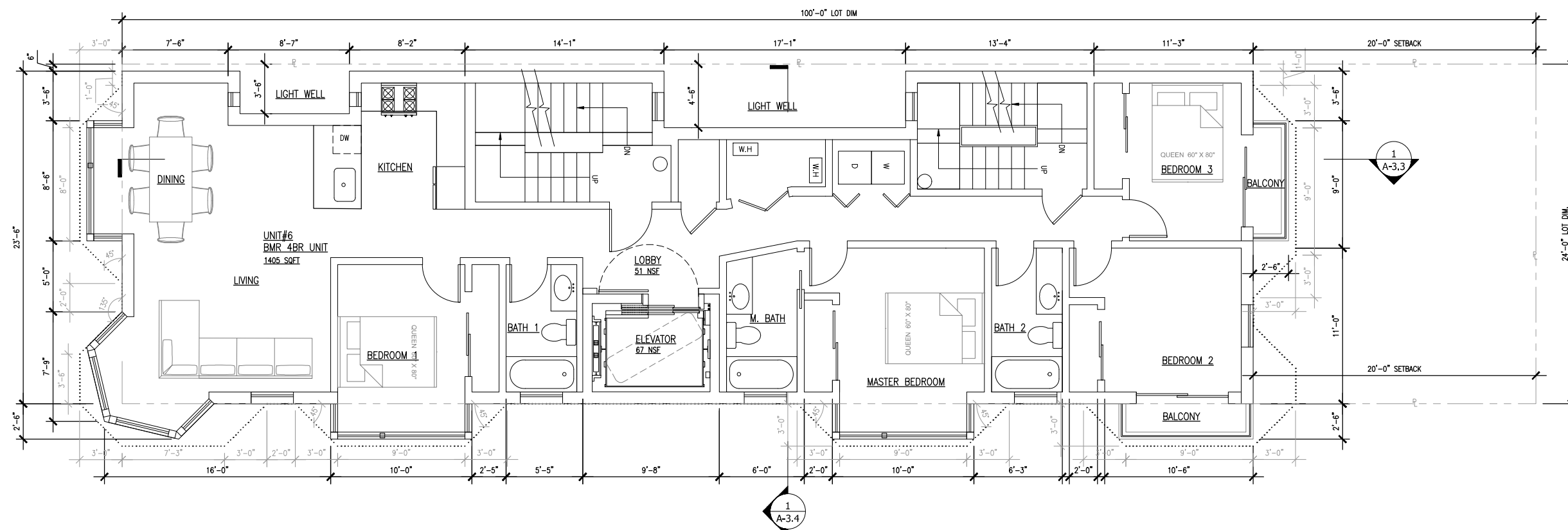
PROPOSED 2ND & 3RD FLOOR PLANS

CLEMENT & 32ND AVE
3055 CLEMENT ST.
SAN FRANCISCO, CA 94121
BLOCK: 1463; LOT: 043

DATE	11.27.2019
SCALE	AS SHOWN
DRAWN	JH
JOB	



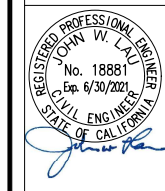
1 PROPOSED 4TH FLOOR PLAN
Scale: 1/4" = 1'-0" N



2 PROPOSED 5TH FLOOR PLAN
Scale: 1/4" = 1'-0" N

REVISIONS	BY
PLNG 9.03.2020	JH
PCL#2 03.03.21	JH
PCL#3 06.11.21	JH

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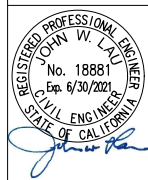
PROPOSED 4TH & 5TH FLOOR PLAN

CLEMENT & 32ND AVE
3055 CLEMENT ST.
SAN FRANCISCO, CA 94121
BLOCK: 1463; LOT: 043

DATE	11.27.2019
SCALE	AS SHOWN
DRAWN	JH
JOB	

REVISIONS	BY
PLNG 9.03.2020	JH
PCL#2 03.03.21	JH
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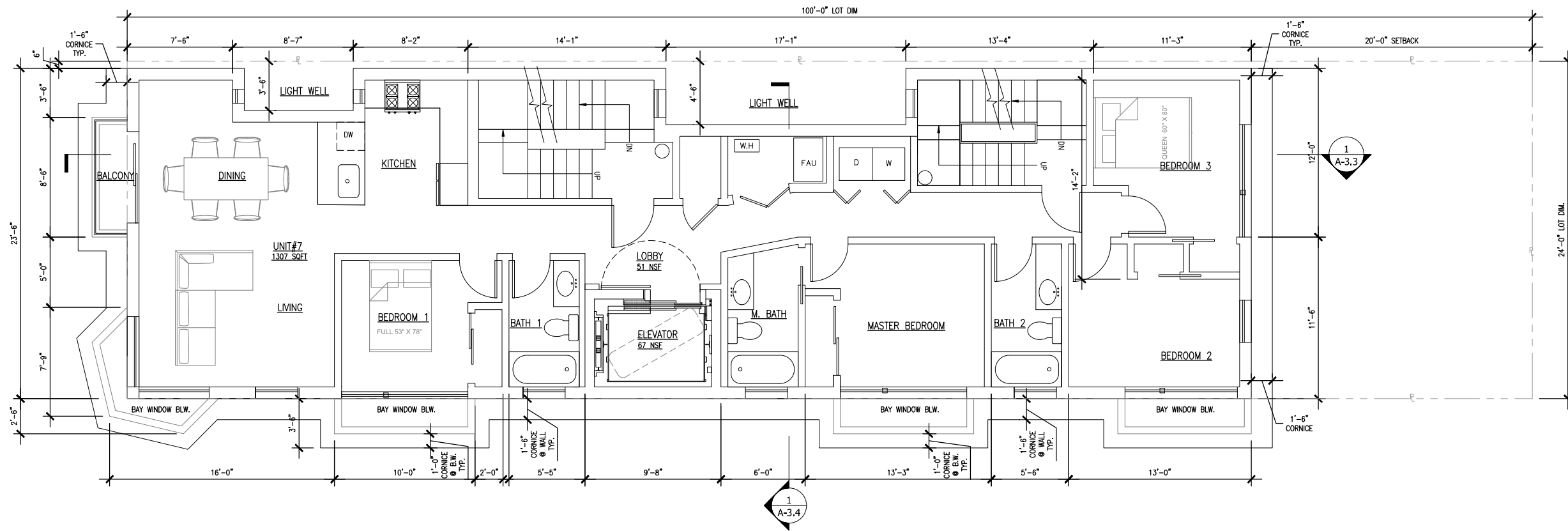


PROPOSED 6TH FLOOR PLAN
PROPOSED ROOF PLAN

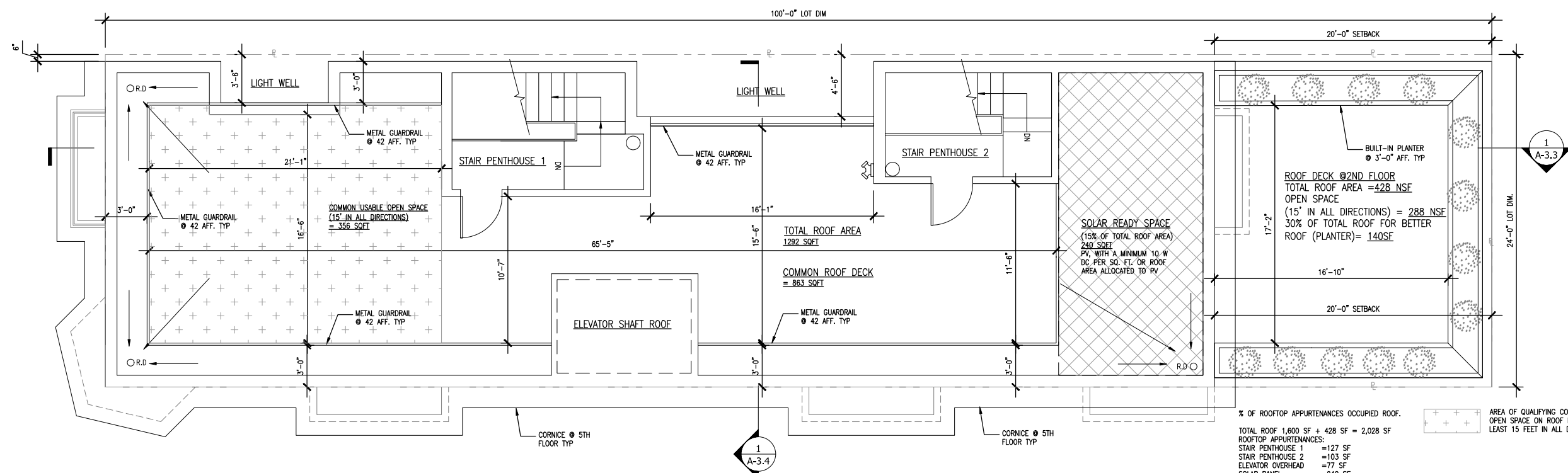
CLEMENT & 32ND AVE
3055 CLEMENT ST.
SAN FRANCISCO, CA 94121
BLOCK: 1463; LOT: 043

DATE	11.27.2019
SCALE	AS SHOWN
DRAWN	JH
JOB	

A2.3
OF SHEETS



1 PROPOSED 6TH FLOOR PLAN
 Scale: 1/4" = 1'-0"

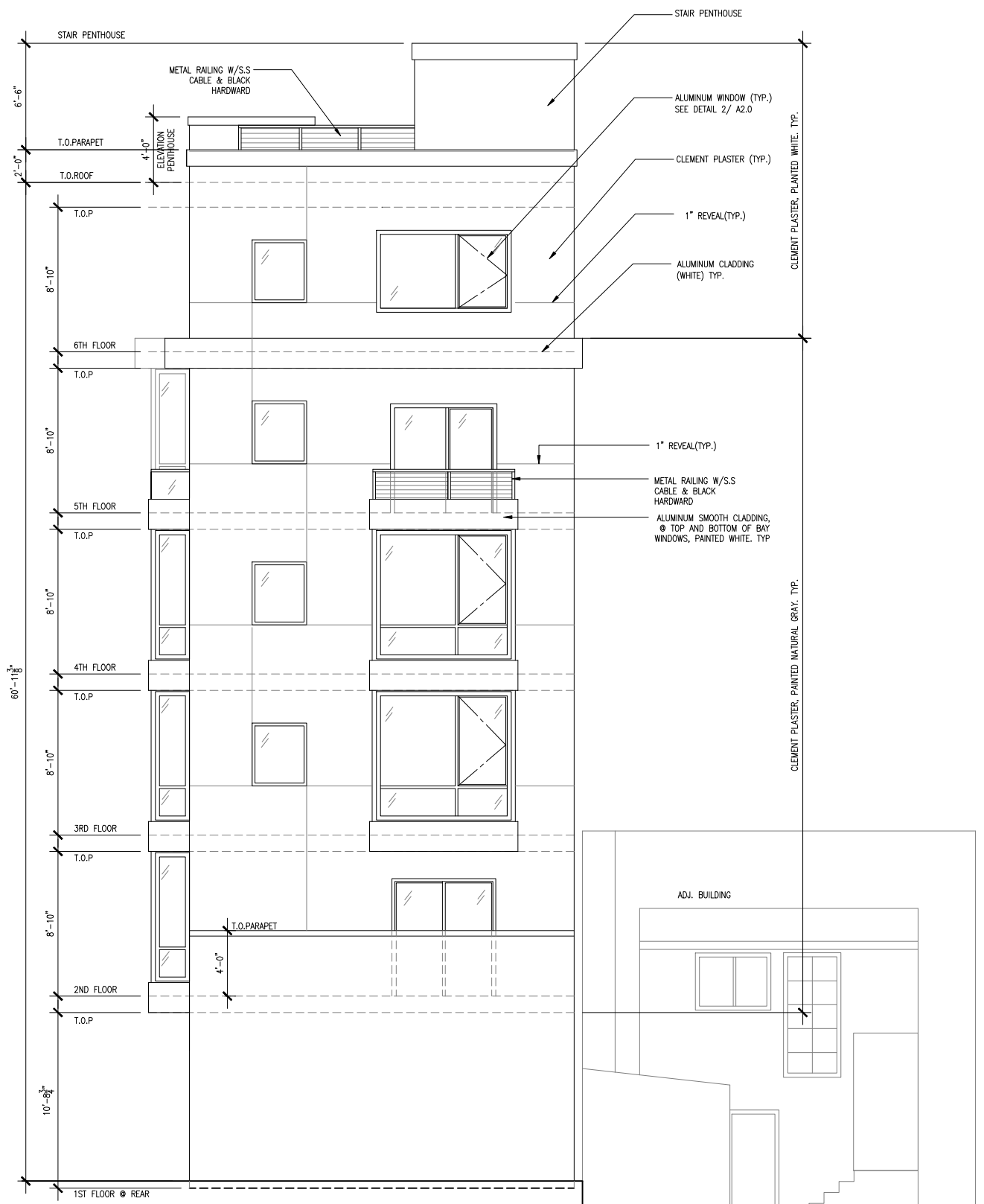


2 PROPOSED ROOF PLAN
 Scale: 1/4" = 1'-0"

¾ OF ROOFTOP APPURTENANCES OCCUPIED ROOF.

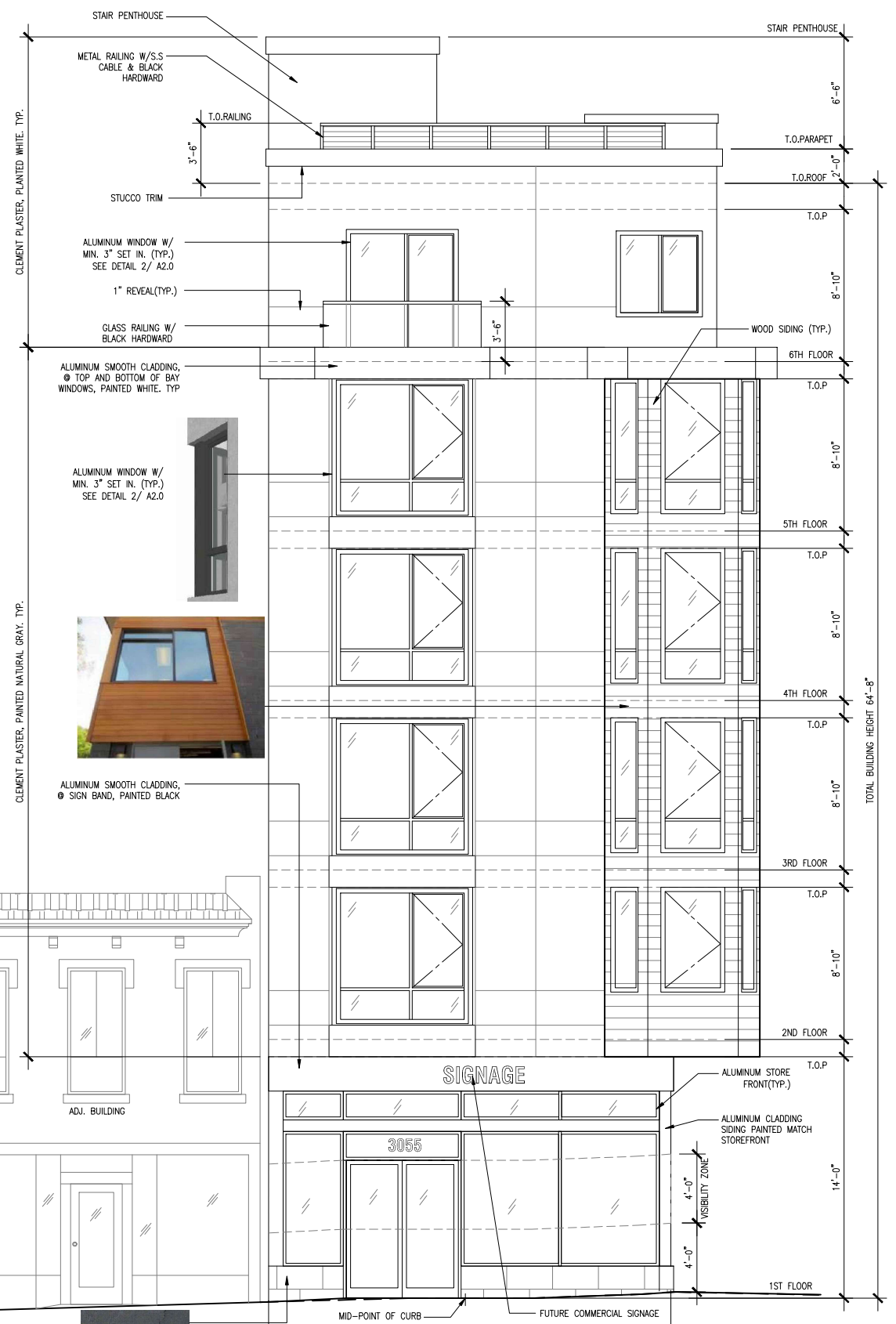
TOTAL ROOF	1,600 SF + 428 SF = 2,028 SF
ROOFTOP APPURTENANCES:	
STAIR PENTHOUSE 1	= 127 SF
STAIR PENTHOUSE 2	= 103 SF
ELEVATOR OVERHEAD	= 77 SF
SOLAR PANEL	= 240 SF
PLANTER	= 140 SF
ROOFTOP MECH.	= 9 SF
TOTAL	= 696 SF

456 SF / 2,028 SF = 34.3%



2 PROPOSED REAR (SOUTH) ELEVATION

Scale: 1/4" = 1'-0"

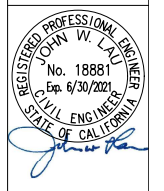


1 PROPOSED FRONT (NORTH) ELEVATION

Scale: 1/4" = 1'-0"

REVISIONS	BY
PLNG 9.03.2020	JH
PCL#2 03.03.21	JH
PCL#3 06.11.21	JH

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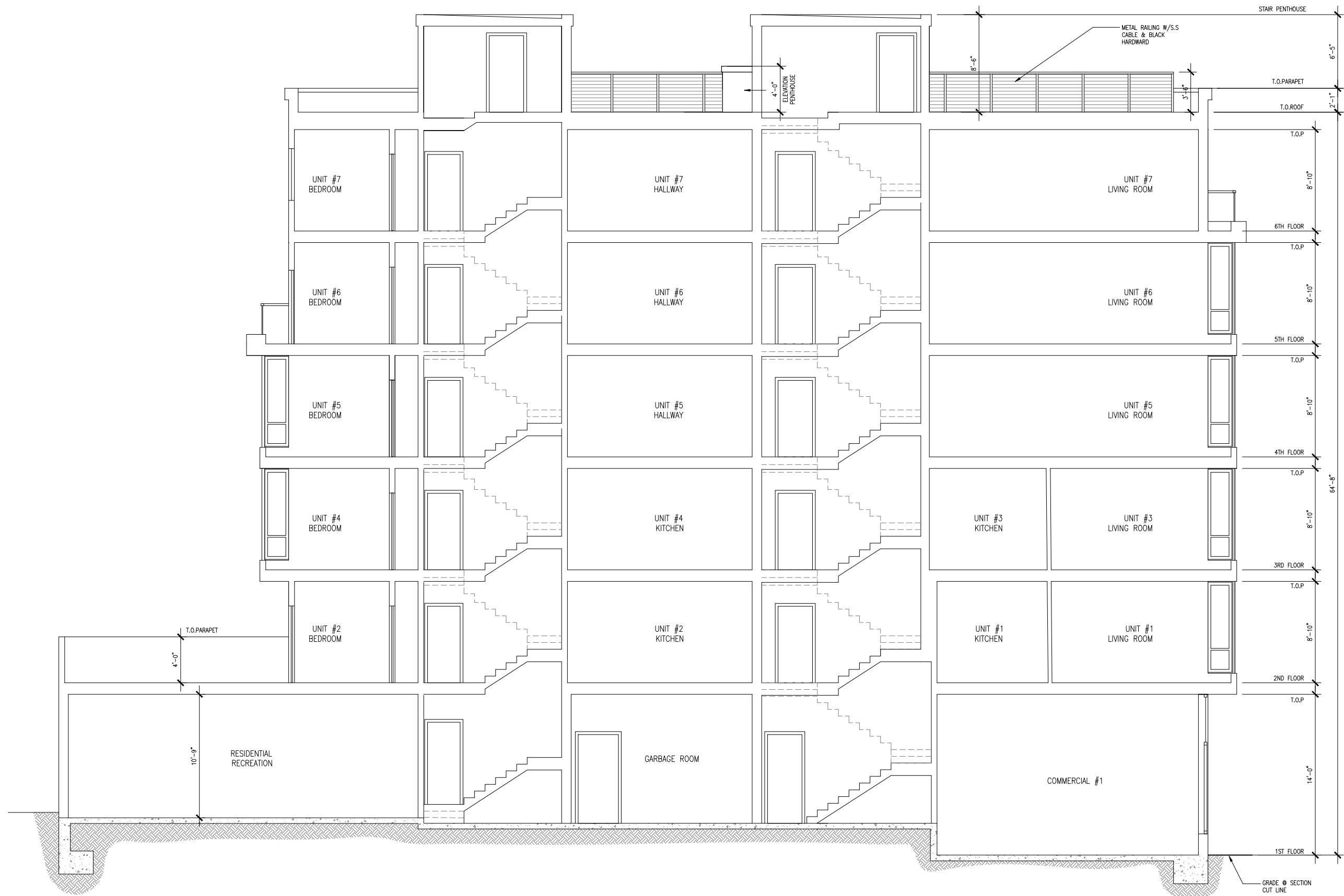


PROPOSED FRONT (NORTH) ELEVATION
PROPOSED REAR (SOUTH) ELEVATION

CLEMENT & 32ND AVE
 3055 CLEMENT ST.
 SAN FRANCISCO, CA 94121
 BLOCK: 1463; LOT: 043

DATE	11.27.2019
SCALE	AS SHOWN
DRAWN	JH
JOB	

A3.0
 OF SHEETS

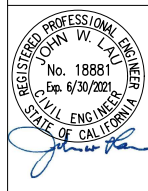


1 SECTION

Scale: 1/4" = 1'-0"

REVISIONS	BY
PLNG 9.03.2020	JH
PCL#2 03.03.21	JH
PCL#3 06.11.21	JH

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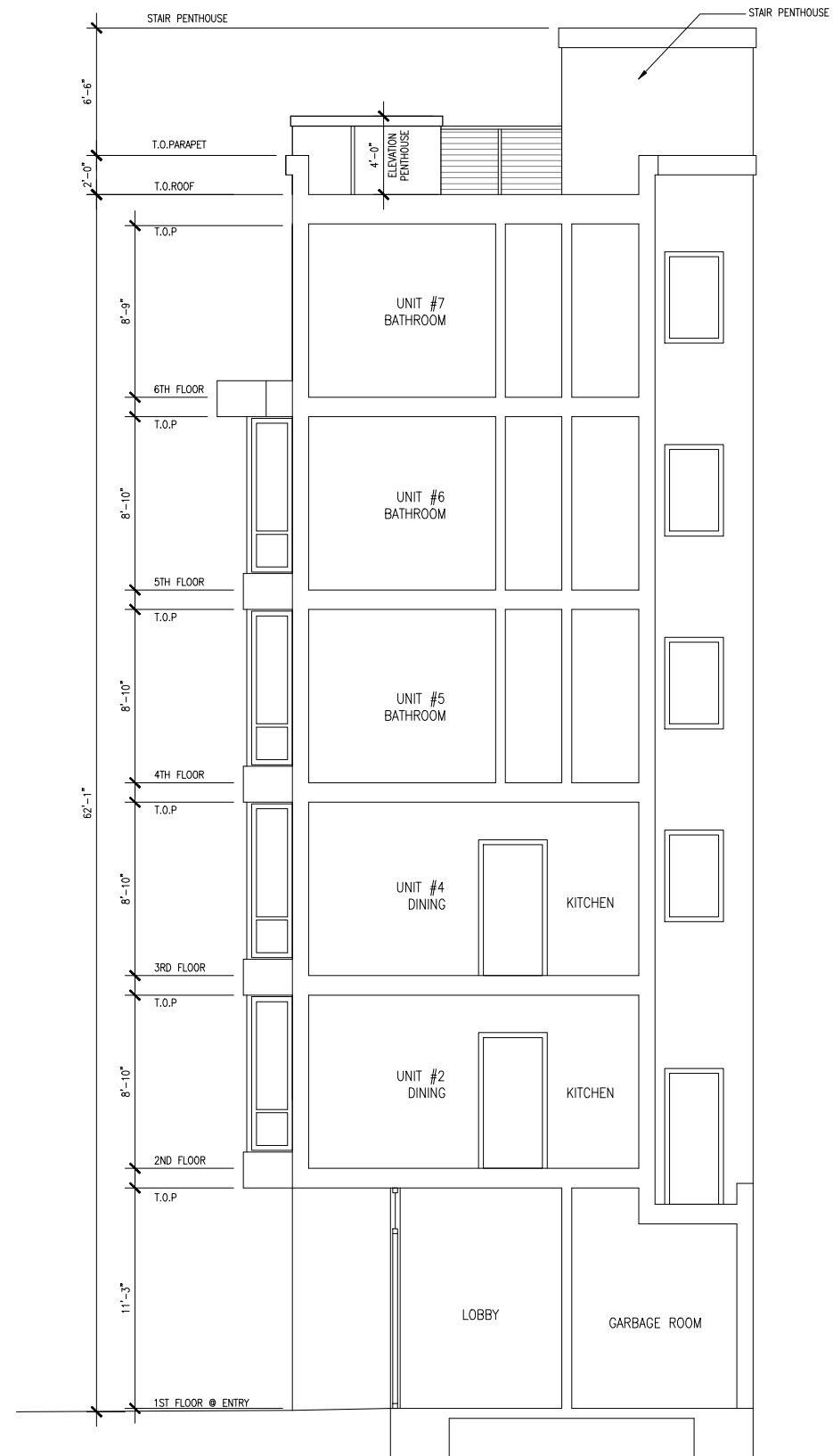


LONGITUDINAL SECTION

CLEMENT & 32ND AVE
 3055 CLEMENT ST.
 SAN FRANCISCO, CA 94121
 BLOCK: 1463; LOT: 043

DATE	11.27.2019
SCALE	AS SHOWN
DRAWN	JH
JOB	

A3.3
 OF SHEETS

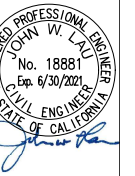


1 SECTION

Scale: 1/4" = 1'-0"

REVISIONS	BY
PLNG 9.03.2020	JH
PCL#2 03.03.21	JH
PCL#3 06.11.21	JH

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 San Francisco, Ca. 94118
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TRANSVERSE SECTION

CLEMENT & 32ND AVE
 3055 CLEMENT ST.
 SAN FRANCISCO, CA 94121
 BLOCK: 1463; LOT: 043

DATE	11.27.2019
SCALE	AS SHOWN
DRAWN	JH
JOB	

A3.4

OF SHEETS

1 PERSPECTIVE - (CLEMENT AND 32ND AVE INTERSECTION)



PERSPECTIVE - (VIEW FROM EAST ON CLEMENT STREET) 2

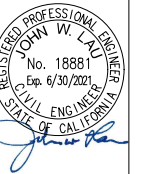


3 PERSPECTIVE - (VIEW FROM SOUTH ON 32ND AVENUE)



REVISIONS	BY
PLNG 9.03.2020	JH
PCL#2 03.03.21	JH
PCL#3 06.11.21	JH

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 San Francisco, Ca. 94118
 Phone: (415) 831-7180
 Fax: (415) 831-7181



PERSPECTIVE RENDERINGS

CLEMENT & 32ND AVE
 3055 CLEMENT ST.
 SAN FRANCISCO, CA 94121
 BLOCK: 1463; LOT: 043

DATE	11.27.2019
SCALE	AS SHOWN
DRAWN	JH
JOB	

A3.5
 OF SHEETS

Exhibit C:

Environmental Determination



CEQA Categorical Exemption Determination

PROPERTY INFORMATION/PROJECT DESCRIPTION

Project Address		Block/Lot(s)
3055 CLEMENT ST		1463043
Case No.		Permit No.
2019-022830ENV		
<input type="checkbox"/> Addition/ Alteration	<input type="checkbox"/> Demolition (requires HRE for Category B Building)	<input checked="" type="checkbox"/> New Construction
<p>Project description for Planning Department approval.</p> <p>The approximately 2,395-square foot project site (Assessor's block 1463, lot 043), is located on Clement Street, bounded by 32nd Avenue to the west, 31st Avenue to the east, Clement Street to the north, and Geary Boulevard to the south in the Richmond neighborhood. The existing corner lot building at the project site contains an approximate 2,395-square foot, 20-foot tall, one-story commercial building constructed in 1919 with full lot coverage. The existing commercial building was used as a dance studio (dba China Dance School & Theatre) with a 1-car parking garage accessed on the 32nd Avenue frontage. The proposal is to demolish the existing building and construct a new, six-story, mixed-use building with two ground floor commercial units and seven residential units utilizing the Planning Department's HOME-SF program. The project proposes four 2-bedroom units and three 4-bedroom units ranging in size from 636 to 1,402 square feet. The proposed building will have zero off-street parking and the existing curb cut on 32nd Avenue will be infilled. Common open space for the residential units totaling approximately 1,340 square feet is proposed as roof decks at the rear of the second floor and above the 6th floor. The project requires approximately 350 cubic yards of excavation at a depth of 3-feet for foundation slab footing and</p> <p>FULL PROJECT DESCRIPTION ATTACHED</p>		

STEP 1: EXEMPTION CLASS

The project has been determined to be categorically exempt under the California Environmental Quality Act (CEQA).	
<input type="checkbox"/>	Class 1 - Existing Facilities. Interior and exterior alterations; additions under 10,000 sq. ft.
<input type="checkbox"/>	Class 3 - New Construction. 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"/>	<p>Class 32 - In-Fill Development. New Construction of seven or more units or additions greater than 10,000 sq. ft. and meets the conditions described below:</p> <p>(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.</p> <p>(b) The proposed development occurs within city limits on a project site of no more than 5 acres substantially surrounded by urban uses.</p> <p>(c) The project site has no value as habitat for endangered rare or threatened species.</p> <p>(d) Approval of the project would not result in any significant effects relating to traffic, noise, air quality, or water quality.</p> <p>(e) The site can be adequately served by all required utilities and public services.</p> <p>FOR ENVIRONMENTAL PLANNING USE ONLY</p>
<input type="checkbox"/>	Class _____

STEP 2: CEQA IMPACTS

TO BE COMPLETED BY PROJECT PLANNER

<input type="checkbox"/>	<p>Air Quality: 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)</p>
<input type="checkbox"/>	<p>Hazardous Materials: 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?</p> <p>Note that a categorical exemption shall not be issued for a project located on the Cortese List 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 > Maher layer).</p>
<input type="checkbox"/>	<p>Transportation: 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?</p>
<input type="checkbox"/>	<p>Archeological Resources: 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)</p>
<input type="checkbox"/>	<p>Subdivision/Lot Line Adjustment: 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.</p>
<input type="checkbox"/>	<p>Slope = or > 25%: 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) If box is checked, a geotechnical report is required and Environmental Planning must issue the exemption.</p>
<input type="checkbox"/>	<p>Seismic: Landslide Zone: 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) If box is checked, a geotechnical report is required and Environmental Planning must issue the exemption.</p>
<input type="checkbox"/>	<p>Seismic: Liquefaction Zone: 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) If box is checked, a geotechnical report will likely be required and Environmental Planning must issue the exemption.</p>
<p>Comments and Planner Signature (optional): Kristina Phung</p> <p>PLEASE SEE ATTACHED</p>	

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

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

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

Check all that apply to the project.	
<input checked="" type="checkbox"/>	1. Change of use and new construction. Tenant improvements not included.
<input type="checkbox"/>	2. Regular maintenance or repair to correct or repair deterioration, decay, or damage to building.
<input type="checkbox"/>	3. Window replacement that meets the Department's <i>Window Replacement Standards</i> . Does not include storefront window alterations.
<input type="checkbox"/>	4. Garage work. 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. Deck, terrace construction, or fences not visible from any immediately adjacent public right-of-way.
<input type="checkbox"/>	6. Mechanical equipment installation that is not visible from any immediately adjacent public right-of-way.
<input type="checkbox"/>	7. Dormer installation that meets the requirements for exemption from public notification under <i>Zoning Administrator Bulletin No. 3: Dormer Windows</i> .
<input type="checkbox"/>	8. Addition(s) 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.
Note: Project Planner must check box below before proceeding.	
<input type="checkbox"/>	Project is not listed. GO TO STEP 5.
<input type="checkbox"/>	Project does not conform to the scopes of work. GO TO STEP 5.
<input type="checkbox"/>	Project involves four or more work descriptions. GO TO STEP 5.
<input checked="" type="checkbox"/>	Project involves less than four work descriptions. GO TO STEP 6.

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

Check all that apply to the project.	
<input type="checkbox"/>	1. Project involves a known historical resource (CEQA Category A) as determined by Step 3 and conforms entirely to proposed work checklist in Step 4.
<input type="checkbox"/>	2. Interior alterations to publicly accessible spaces.
<input type="checkbox"/>	3. Window replacement of original/historic windows that are not "in-kind" but are consistent with existing historic character.
<input type="checkbox"/>	4. Façade/storefront alterations that do not remove, alter, or obscure character-defining features.
<input type="checkbox"/>	5. Raising the building in a manner that does not remove, alter, or obscure character-defining features.
<input type="checkbox"/>	6. Restoration based upon documented evidence of a building's historic condition, such as historic photographs, plans, physical evidence, or similar buildings.
<input type="checkbox"/>	7. Addition(s) , 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. Other work consistent with the <i>Secretary of the Interior Standards for the Treatment of Historic Properties</i> (specify or add comments):									
<input type="checkbox"/>	9. Other work that would not materially impair a historic district (specify or add comments): <i>(Requires approval by Senior Preservation Planner/Preservation Coordinator)</i>									
<input type="checkbox"/>	10. Reclassification of property status. <i>(Requires approval by Senior Preservation Planner/Preservation</i> <table style="width: 100%; border: none;"> <tr> <td style="width: 33%; border: none;"><input type="checkbox"/> Reclassify to Category A</td> <td style="width: 33%; border: none;"><input type="checkbox"/> Reclassify to Category C</td> <td style="width: 33%; border: none;"></td> </tr> <tr> <td style="border: none;">a. Per HRER or PTR dated</td> <td style="border: none;"></td> <td style="border: none;"><i>(attach HRER or PTR)</i></td> </tr> <tr> <td style="border: none;">b. Other <i>(specify)</i>:</td> <td style="border: none;"></td> <td style="border: none;"></td> </tr> </table>	<input type="checkbox"/> Reclassify to Category A	<input type="checkbox"/> Reclassify to Category C		a. Per HRER or PTR dated		<i>(attach HRER or PTR)</i>	b. Other <i>(specify)</i> :		
<input type="checkbox"/> Reclassify to Category A	<input type="checkbox"/> Reclassify to Category C									
a. Per HRER or PTR dated		<i>(attach HRER or PTR)</i>								
b. Other <i>(specify)</i> :										
Note: If ANY box in STEP 5 above is checked, a Preservation Planner MUST sign below.										
<input type="checkbox"/>	Project can proceed with categorical exemption review. The project has been reviewed by the Preservation Planner and can proceed with categorical exemption review. GO TO STEP 6.									
Comments (optional):										
Preservation Planner Signature:										

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

<input checked="" type="checkbox"/>	No further environmental review is required. The project is categorically exempt under CEQA. There are no unusual circumstances that would result in a reasonable possibility of a significant effect.	
	Project Approval Action: Building Permit	Signature: Kristina Phung
	If Discretionary Review before the Planning Commission is requested, the Discretionary Review hearing is the Approval Action for the project.	12/14/2020
	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 approximately 2,395-square foot project site (Assessor's block 1463, lot 043), is located on Clement Street, bounded by 32nd Avenue to the west, 31st Avenue to the east, Clement Street to the north, and Geary Boulevard to the south in the Richmond neighborhood. The existing corner lot building at the project site contains an approximate 2,395-square foot, 20-foot tall, one-story commercial building constructed in 1919 with full lot coverage. The existing commercial building was used as a dance studio (dba China Dance School & Theatre) with a 1-car parking garage accessed on the 32nd Avenue frontage.

The proposal is to demolish the existing building and construct a new, six-story, mixed-use building with two ground floor commercial units and seven residential units utilizing the Planning Department's HOME-SF program. The project proposes four 2-bedroom units and three 4-bedroom units ranging in size from 636 to 1,402 square feet. The proposed building will have zero off-street parking and the existing curb cut on 32nd Avenue will be infilled. Common open space for the residential units totaling approximately 1,340 square feet is proposed as roof decks at the rear of the second floor and above the 6th floor. The project requires approximately 350 cubic yards of excavation at a depth of 3-feet for foundation slab footing and 5-feet for the elevator pit. The building after construction of the proposed project will be approximately 72'-10" tall measured from the top of the elevator penthouse (64'-4" building height measured from surface of roof) and will have eight bicycle parking spaces, 10,657-square feet of residential habitable space, and 1,024 square feet of commercial space.

CEQA Impacts

Geology and Soils: A preliminary geotechnical report was prepared by Herzog Geotechnical Consulting Engineers, confirming that the proposed project is not on a site subject to liquefaction or landslide. 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: The department's staff archeologist conducted preliminary archeological review on October 22, 2020 and determined that no CEQA-significant archeological resources are expected within project-affected soils.

Traffic: The department's transportation staff reviewed the proposed project on 08/05/2020 and determined that additional transportation review is not required.

Noise: The project would use typical construction equipment that would be regulated by Article 29 of the Police Code (section 2907, Construction Equipment). No impact pile driving or nighttime construction is required. Construction vibration would not be anticipated to affect adjacent buildings. The proposed project would not generate sufficient vehicle trips to noticeably increase ambient noise levels, and 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 of the 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). 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.

Public Notice: A "Notification of Project Receiving Environmental Review" was mailed on October 8, 2020 to adjacent occupants and owners of buildings within 300 feet of the project site and to the Citywide and Outer Richmond neighborhood group list.

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:

Exhibit D:

Land Use Data



LAND USE INFORMATION

PROJECT ADDRESS: 3055 CLEMENT ST
RECORD NO.: 2019-022830AHB

	EXISTING	PROPOSED	NET NEW
GROSS SQUARE FOOTAGE (GSF)			
Parking GSF	363	0	+363
Residential GSF	0	11,201	+11,201
Retail/Commercial GSF	2,032	614	-1,477
Office GSF	N/A	N/A	N/A
Industrial/PDR GSF <i>Production, Distribution, & Repair</i>	N/A	N/A	N/A
Medical GSF	N/A	N/A	N/A
Visitor GSF	N/A	N/A	N/A
CIE GSF	N/A	N/A	N/A
Usable Open Space	0	644	644
Public Open Space	0	0	0
Other ()			
TOTAL GSF	2,395	12,459	10,368
	EXISTING	NET NEW	TOTALS
PROJECT FEATURES (Units or Amounts)			
Dwelling Units - Affordable	0	2	2
Dwelling Units - Market Rate	0	5	5
Dwelling Units - Total	0	0	0
Hotel Rooms	N/A	N/A	N/A
Number of Buildings	1	1	1
Number of Stories	1	5	6
Parking Spaces	1	0	0
Loading Spaces	0	0	0
Bicycle Spaces	0	8	8
Car Share Spaces	N/A	N/A	N/A
Other ()			

	EXISTING	PROPOSED	NET NEW
LAND USE - RESIDENTIAL			
Studio Units	0	0	0
One Bedroom Units	0	0	0
Two Bedroom Units	0	4	+4
Three Bedroom (or +) Units	0	3	+3
Group Housing - Rooms	N/A	N/A	N/A
Group Housing - Beds	N/A	N/A	N/A
SRO Units	N/A	N/A	N/A
Micro Units	N/A	N/A	N/A
Accessory Dwelling Units	0	0	0

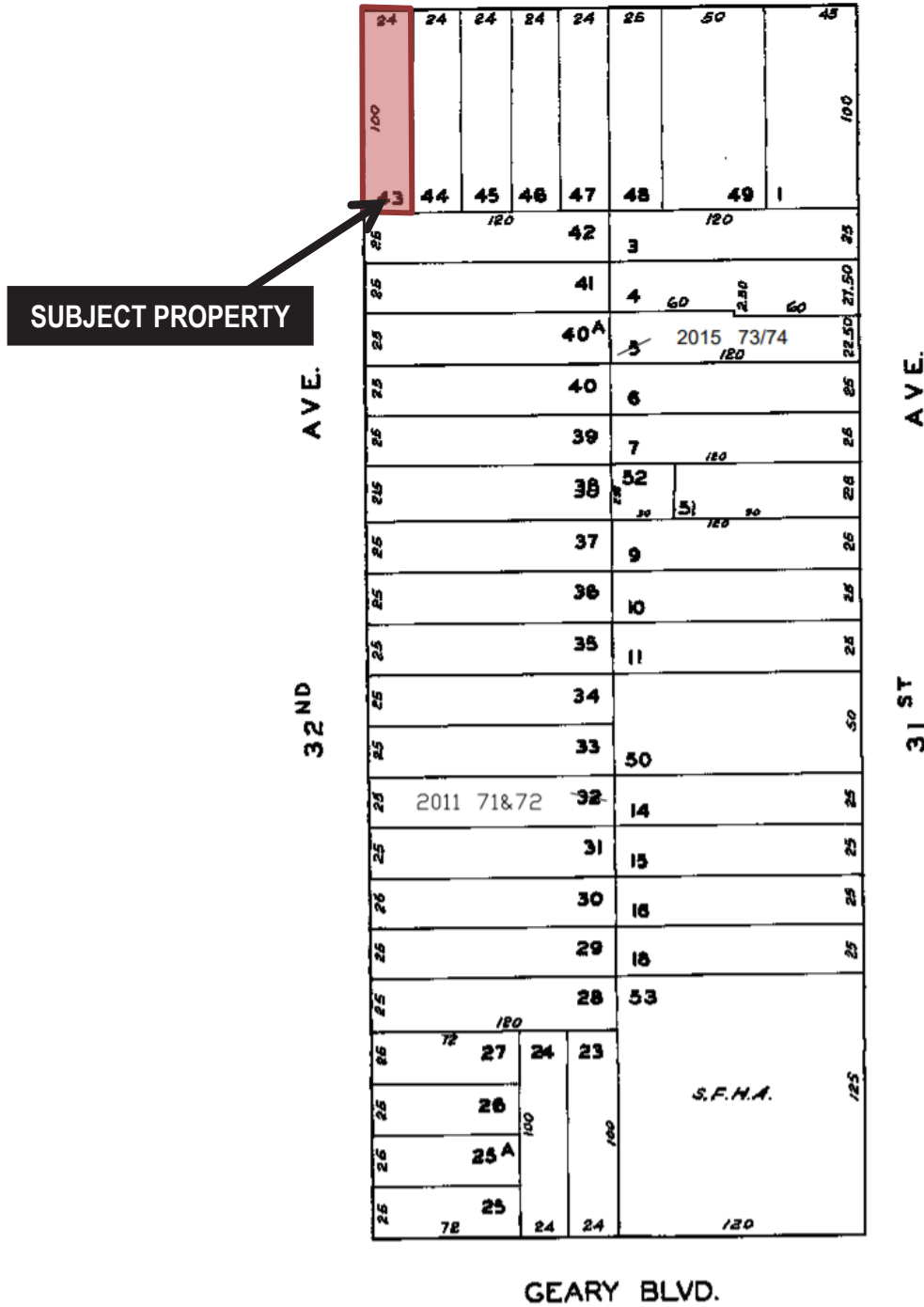
Exhibit E:

Maps and Context Photos

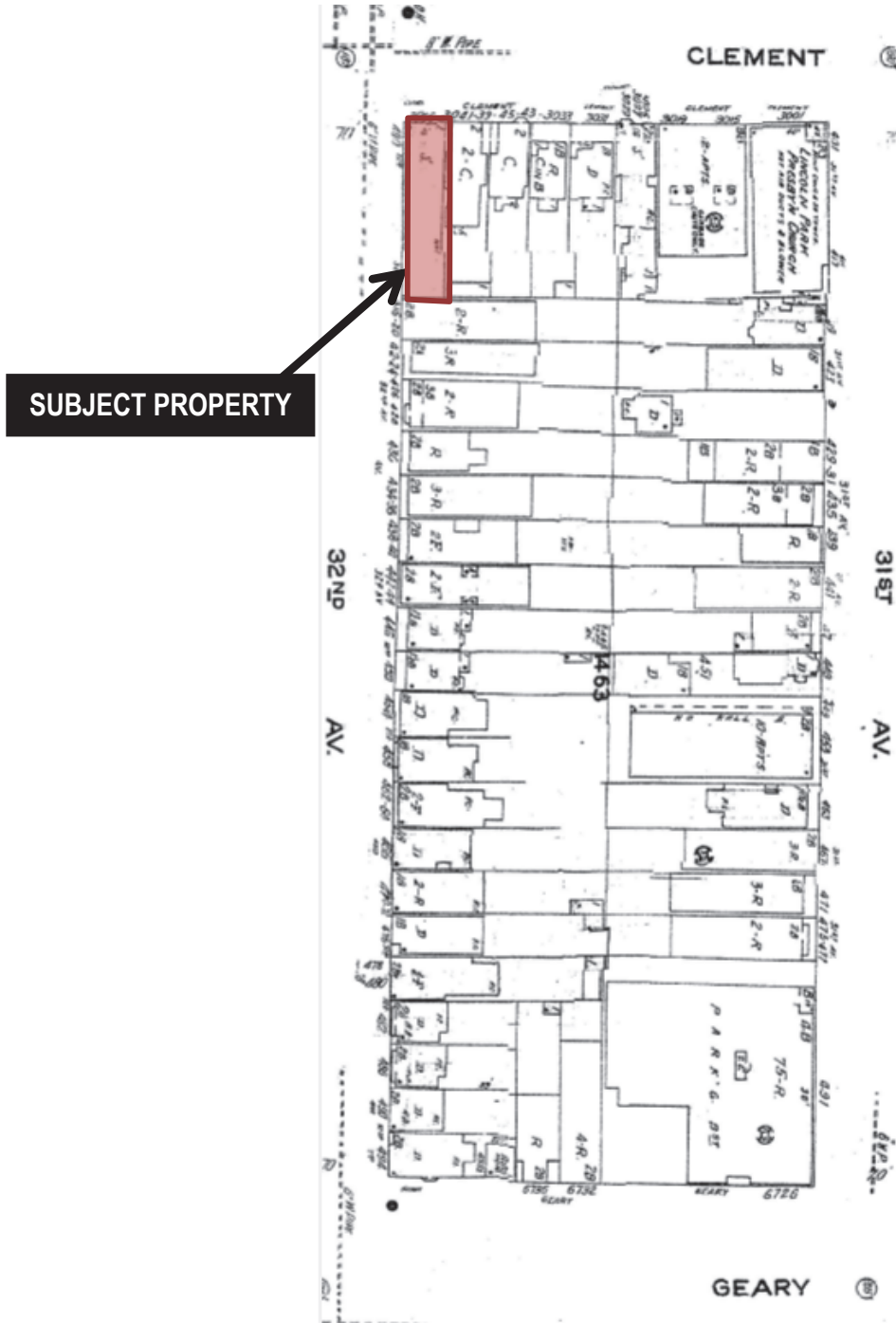
Block Book Map

s71&72 for 2011 roll
& 74 for 2015 roll

CLEMENT



Sanborn Map*



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



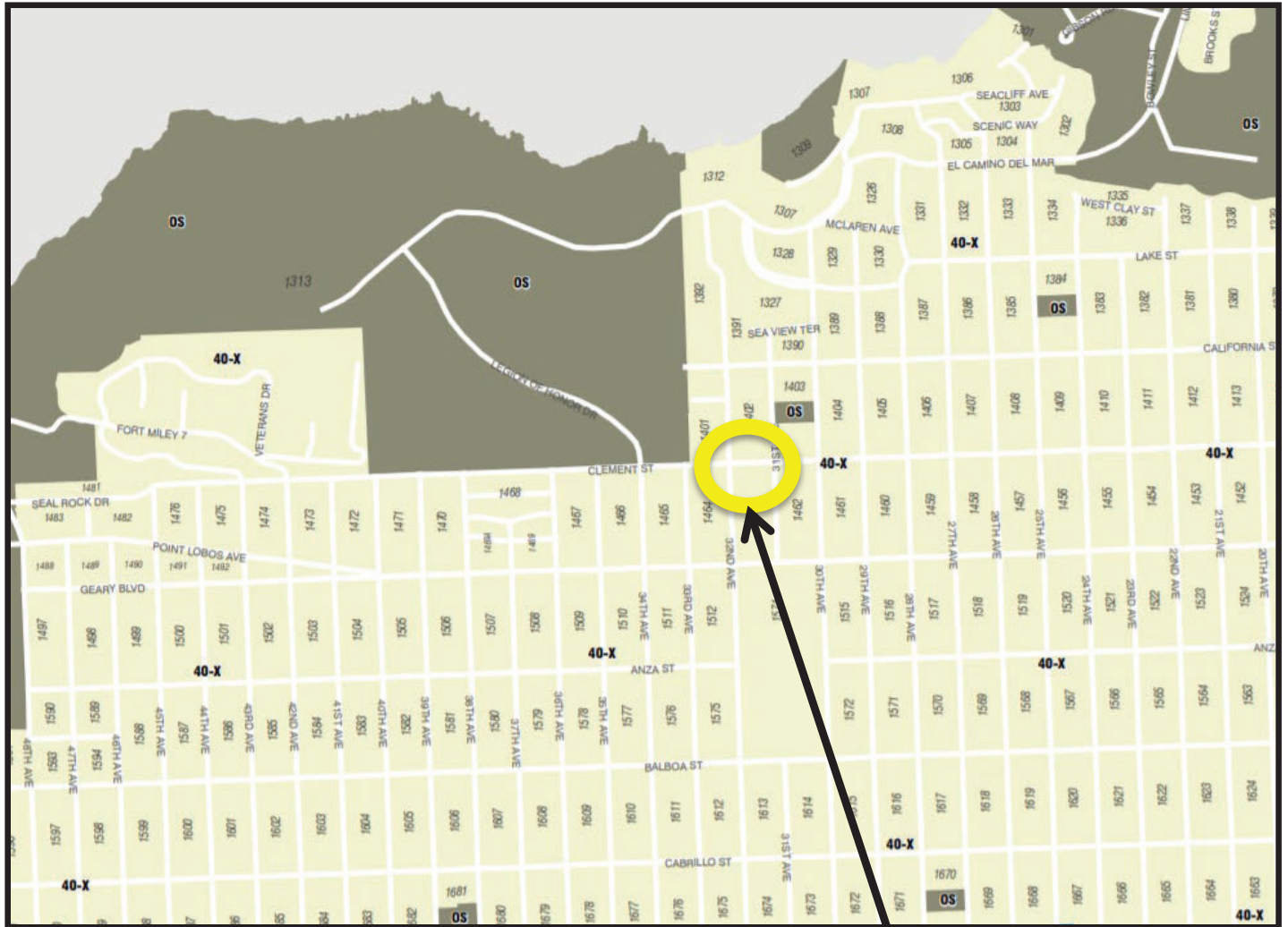
Zoning Map



SUBJECT PROPERTY



Height & Bulk Map

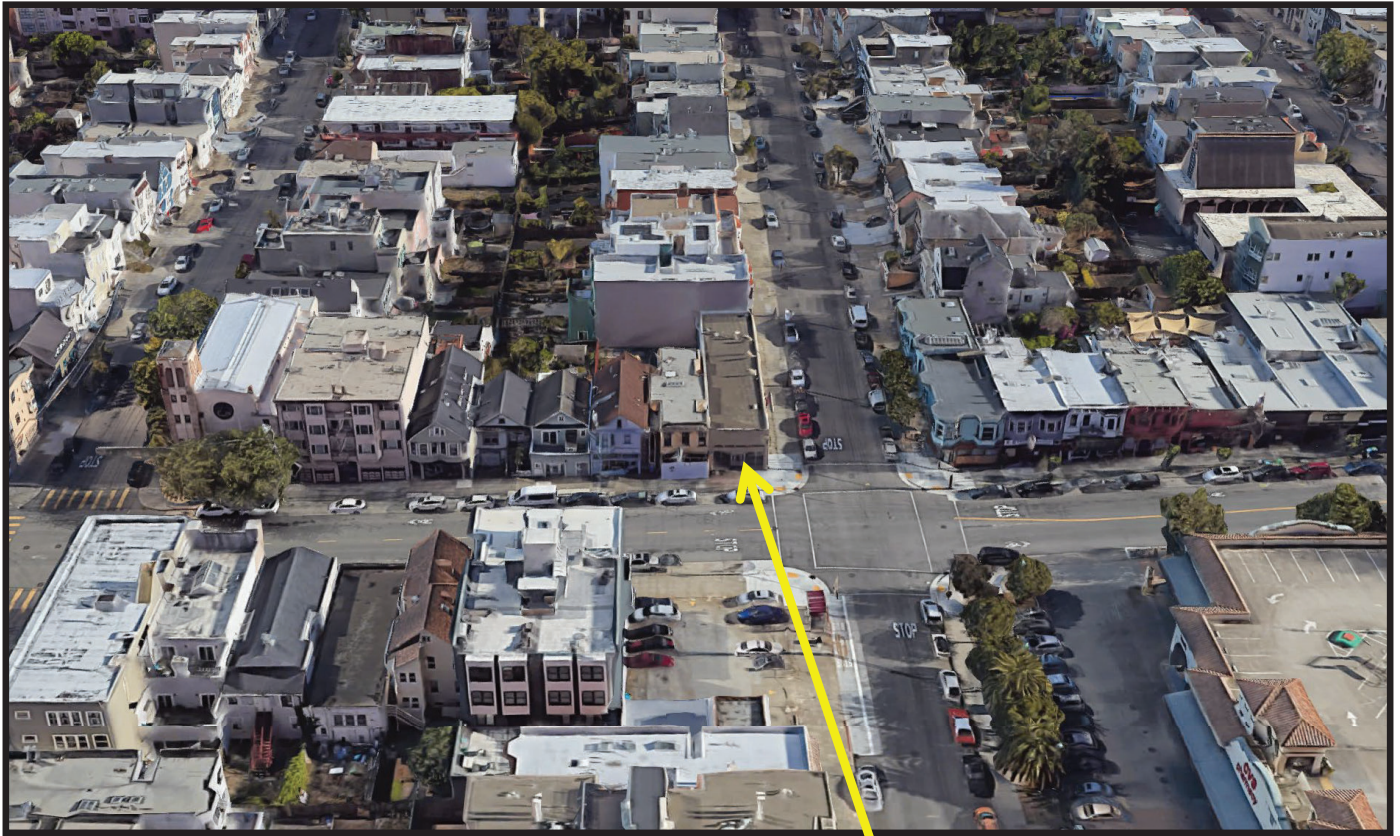


SUBJECT PROPERTY



Aerial Photo

(looking south)

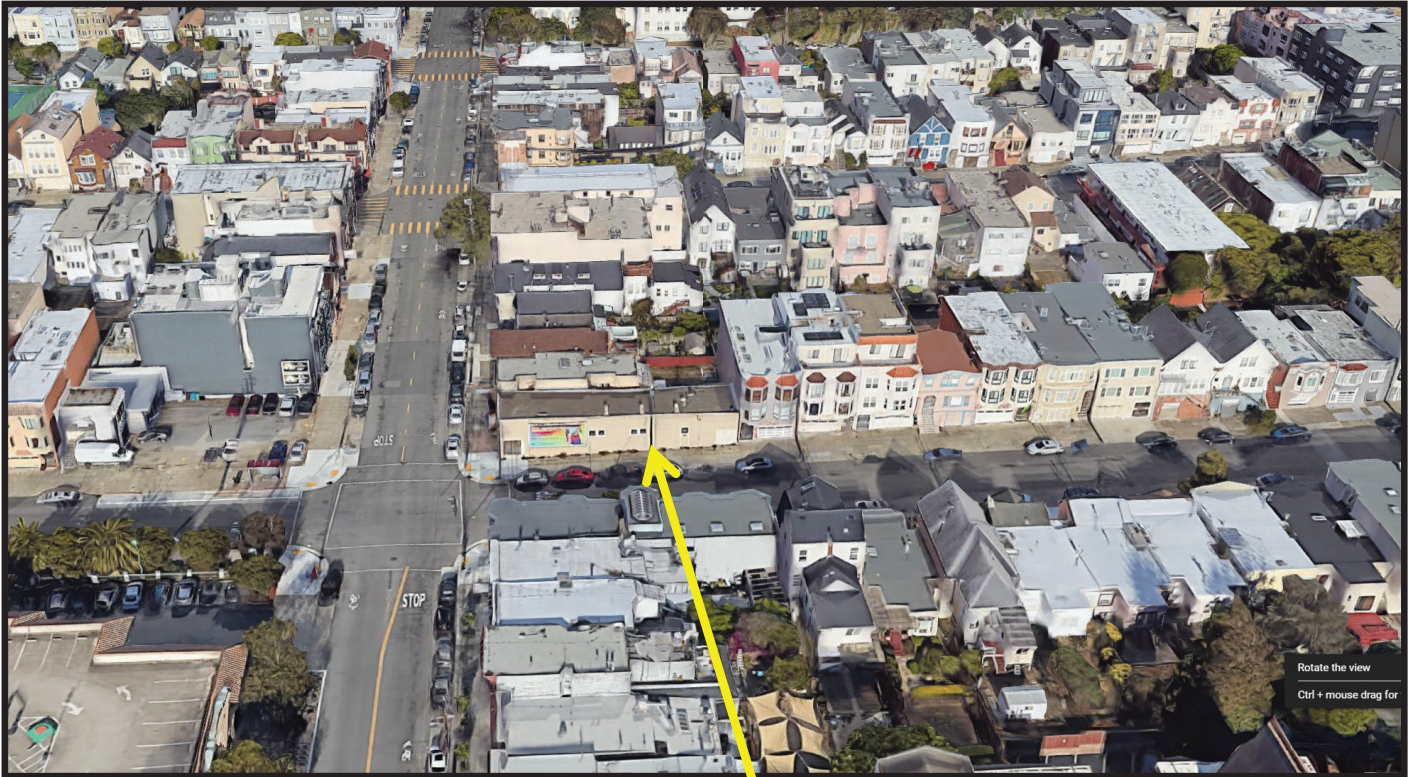


SUBJECT PROPERTY



Aerial Photo

(looking east)



SUBJECT PROPERTY



Site Photo

(looking south)



Site Photo

(looking east)



SAN FRANCISCO
PLANNING DEPARTMENT



HOME-SF Hearing
Case Number 2019-022830AHB
3055 Clement St

Exhibit F:

Inclusionary Affordable Housing Affidavit

COMPLIANCE WITH THE INCLUSIONARY AFFORDABLE HOUSING PROGRAM



Date: October 24, 2018
To: Applicants subject to Planning Code Section 415 and 419: *Inclusionary Affordable Housing Program*
From: San Francisco Planning Department
Re: **Compliance with the Inclusionary Affordable Housing Program**

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

At least 30 days before the Planning Department and/or Planning Commission can act on the project, this Affidavit for Compliance with the Inclusionary Affordable Housing Program must be completed. Please note that this affidavit is required to be included in Planning Commission packets and therefore, must comply with packet submittal guidelines.

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

For projects with complete EEA's/PRJ's accepted on or after January 12, 2016, the Inclusionary Affordable Housing Program requires the provision of on-site and off-site affordable units at a mix of income levels. The number of units provided at each income level depends on the project tenure, EEA/PRJ accepted date, and the applicable schedule of on-site rate increases. Income levels are defined as a percentage of the Area Median Income (AMI), for low-income, moderate-income, and middle-income units, as shown in Chart 5. Projects with a complete EEA accepted prior to January 12, 2016 must provide the all of the inclusionary units at the low income AMI. **Any project with 25 units or more and with a complete EEA accepted between January 1, 2013 and January 12, 2016 must obtain a site or building permit by December 7, 2018, or will be subject to higher Inclusionary Housing rates and requirements. Generally, rental projects with 25 units or more be subject to an 18% on-site rate and ownership projects with 25 units or more will be subject to a 20% on-site rate.**

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

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

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

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

*except buildings up to 130 feet in height located both within a special use district and within a height and bulk district that allows a maximum building height of 130 feet, which are subject to the requirements of 25+ unit projects at or below 120 feet.

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

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

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

CHART 2-A: Inclusionary Requirements for Rental projects with Complete EEA/PRJ accepted on or after 1/12/16

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

CHART 2-B: Requirements for Rental Projects in UMU Districts with Complete EEA/PRJ accepted on or after 1/12/16

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

<i>Complete EEA/PRJ Accepted BEFORE: →</i>	1/1/18	1/1/19	1/1/20	1/1/21	1/1/22	1/1/23	1/1/24	1/1/25	1/1/26	1/1/27	1/1/28
On-site UMU											
Tier A 10-24 unit projects	14.4%	14.4%	14.4%	14.4%	14.4%	14.5%	15.0%	15.0%	15.0%	15.0%	15.0%
Tier A 25+ unit projects	18.0%	19.0%	20.0%	20.5%	21.0%	21.5%	22.0%	22.5%	23.0%	23.5%	24.0%
Tier B 10-24 unit projects	16.0%	16.0%	16.0%	16.0%	16.0%	16.0%	16.0%	16.0%	16.0%	16.0%	16.0%
Tier B 25+ unit projects	18.0%	19.0%	20.0%	20.5%	21.0%	21.5%	22.0%	22.5%	23.0%	23.5%	24.0%
Tier C 10-24 unit projects	17.6%	17.6%	17.6%	17.6%	17.6%	17.6%	17.6%	17.6%	17.6%	17.6%	17.6%
Tier C 25+ unit projects	19.6%	19.6%	20.0%	20.5%	21.0%	21.5%	22.0%	22.5%	23.0%	23.5%	24.0%
Fee or Off-site UMU											
Tier A 10-24 unit projects	23.0%	23.0%	23.0%	23.0%	23.0%	23.0%	23.0%	23.0%	23.0%	23.0%	23.0%
Tier A 25+ unit projects	30.0%	30.0%	30.0%	30.0%	30.0%	30.0%	30.0%	30.0%	30.0%	30.0%	30.0%
Tier B 10-24 unit projects	25.0%	25.0%	25.0%	25.0%	25.0%	25.0%	25.0%	25.0%	25.0%	25.0%	25.0%
Tier B 25+ unit projects	30.0%	30.0%	30.0%	30.0%	30.0%	30.0%	30.0%	30.0%	30.0%	30.0%	30.0%
Tier C 10-24 unit projects	27.0%	27.0%	27.0%	27.0%	27.0%	27.0%	27.0%	27.0%	27.0%	27.0%	27.0%
Tier C 25+ unit projects	30.0%	30.0%	30.0%	30.0%	30.0%	30.0%	30.0%	30.0%	30.0%	30.0%	30.0%
Land Dedication in UMU or Mission NCT											
Tier A 10-24 unit < 30K	35.0%	35.0%	35.0%	35.0%	35.0%	35.0%	35.0%	35.0%	35.0%	35.0%	35.0%
Tier A 10-24 unit > 30K	30.0%	30.0%	30.0%	30.0%	30.0%	30.0%	30.0%	30.0%	30.0%	30.0%	30.0%
Tier A 25+ unit < 30K	35.0%	35.0%	35.0%	35.0%	35.0%	35.0%	35.0%	35.0%	35.0%	35.0%	35.0%
Tier A 25+ unit > 30K	30.0%	30.0%	30.0%	30.0%	30.0%	30.0%	30.0%	30.0%	30.0%	30.0%	30.0%
Tier B 10-24 unit < 30K	40.0%	40.0%	40.0%	40.0%	40.0%	40.0%	40.0%	40.0%	40.0%	40.0%	40.0%
Tier B 10-24 unit > 30K	35.0%	35.0%	35.0%	35.0%	35.0%	35.0%	35.0%	35.0%	35.0%	35.0%	35.0%
Tier B 25+ unit < 30K	40.0%	40.0%	40.0%	40.0%	40.0%	40.0%	40.0%	40.0%	40.0%	40.0%	40.0%
Tier B 25+ unit > 30K	35.0%	35.0%	35.0%	35.0%	35.0%	35.0%	35.0%	35.0%	35.0%	35.0%	35.0%
Tier C 10-24 unit < 30K	45.0%	45.0%	45.0%	45.0%	45.0%	45.0%	45.0%	45.0%	45.0%	45.0%	45.0%
Tier C 10-24 unit > 30K	40.0%	40.0%	40.0%	40.0%	40.0%	40.0%	40.0%	40.0%	40.0%	40.0%	40.0%
Tier C 25+ unit < 30K	45.0%	45.0%	45.0%	45.0%	45.0%	45.0%	45.0%	45.0%	45.0%	45.0%	45.0%
Tier C 25+ unit > 30K	40.0%	40.0%	40.0%	40.0%	40.0%	40.0%	40.0%	40.0%	40.0%	40.0%	40.0%

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

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

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

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

<i>Complete EEA/PRJ Accepted BEFORE: →</i>	1/1/18	1/1/19	1/1/20	1/1/21	1/1/22	1/1/23	1/1/24	1/1/25	1/1/26	1/1/27	1/1/28
On-site UMU											
Tier A 10-24 unit projects	14.4%	14.4%	14.4%	14.4%	14.4%	14.4%	15.0%	15.0%	15.0%	15.0%	15.0%
Tier A 25+ unit projects	20.0%	21.0%	22.0%	22.5%	23.0%	23.5%	24.0%	24.5%	25.0%	25.5%	26.0%
Tier B 10-24 unit projects	16.0%	16.0%	16.0%	16.0%	16.0%	16.0%	16.0%	16.0%	16.0%	16.0%	16.0%
Tier B 25+ unit projects	20.0%	21.0%	22.0%	22.5%	23.0%	23.5%	24.0%	24.5%	25.0%	25.5%	26.0%
Tier C 10-24 unit projects	17.6%	17.6%	17.6%	17.6%	17.6%	17.6%	17.6%	17.6%	17.6%	17.6%	17.6%
Tier C 25+ unit projects	20.0%	21.0%	22.0%	22.5%	23.0%	23.5%	24.0%	24.5%	25.0%	25.5%	26.0%
Fee or Off-site UMU											
Tier A 10-24 unit projects	23.0%	23.0%	23.0%	23.0%	23.0%	23.0%	23.0%	23.0%	23.0%	23.0%	23.0%
Tier A 25+ unit projects	33.0%	33.0%	33.0%	33.0%	33.0%	33.0%	33.0%	33.0%	33.0%	33.0%	33.0%
Tier B 10-24 unit projects	25.0%	25.0%	25.0%	25.0%	25.0%	25.0%	25.0%	25.0%	25.0%	25.0%	25.0%
Tier B 25+ unit projects	33.0%	33.0%	33.0%	33.0%	33.0%	33.0%	33.0%	33.0%	33.0%	33.0%	33.0%
Tier C 10-24 unit projects	27.0%	27.0%	27.0%	27.0%	27.0%	27.0%	27.0%	27.0%	27.0%	27.0%	27.0%
Tier C 25+ unit projects	33.0%	33.0%	33.0%	33.0%	33.0%	33.0%	33.0%	33.0%	33.0%	33.0%	33.0%
Land Dedication in UMU or Mission NCT											
Tier A 10-24 unit < 30K	35.0%	35.0%	35.0%	35.0%	35.0%	35.0%	35.0%	35.0%	35.0%	35.0%	35.0%
Tier A 10-24 unit > 30K	30.0%	30.0%	30.0%	30.0%	30.0%	30.0%	30.0%	30.0%	30.0%	30.0%	30.0%
Tier A 25+ unit < 30K	35.0%	35.0%	35.0%	35.0%	35.0%	35.0%	35.0%	35.0%	35.0%	35.0%	35.0%
Tier A 25+ unit > 30K	30.0%	30.0%	30.0%	30.0%	30.0%	30.0%	30.0%	30.0%	30.0%	30.0%	30.0%
Tier B 10-24 unit < 30K	40.0%	40.0%	40.0%	40.0%	40.0%	40.0%	40.0%	40.0%	40.0%	40.0%	40.0%
Tier B 10-24 unit > 30K	35.0%	35.0%	35.0%	35.0%	35.0%	35.0%	35.0%	35.0%	35.0%	35.0%	35.0%
Tier B 25+ unit < 30K	40.0%	40.0%	40.0%	40.0%	40.0%	40.0%	40.0%	40.0%	40.0%	40.0%	40.0%
Tier B 25+ unit > 30K	35.0%	35.0%	35.0%	35.0%	35.0%	35.0%	35.0%	35.0%	35.0%	35.0%	35.0%
Tier C 10-24 unit < 30K	45.0%	45.0%	45.0%	45.0%	45.0%	45.0%	45.0%	45.0%	45.0%	45.0%	45.0%
Tier C 10-24 unit > 30K	40.0%	40.0%	40.0%	40.0%	40.0%	40.0%	40.0%	40.0%	40.0%	40.0%	40.0%
Tier C 25+ unit < 30K	45.0%	45.0%	45.0%	45.0%	45.0%	45.0%	45.0%	45.0%	45.0%	45.0%	45.0%
Tier C 25+ unit > 30K	40.0%	40.0%	40.0%	40.0%	40.0%	40.0%	40.0%	40.0%	40.0%	40.0%	40.0%

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

<i>Complete EEA/PRJ Accepted BEFORE: →</i>	1/1/18	1/1/19	1/1/20	1/1/21	1/1/22	1/1/23	1/1/24	1/1/25	1/1/26	1/1/27	1/1/28
On-site											
10-24 unit projects	12.0%	12.5%	13.0%	13.5%	14.0%	14.5%	15.0%	15.0%	15.0%	15.0%	15.0%
25+ unit projects*	25.0%	25.0%	25.0%	25.0%	25.0%	25.0%	25.0%	25.0%	25.0%	25.0%	25.0%
Fee or Off-site											
10-24 unit projects	20.0%	20.0%	20.0%	20.0%	20.0%	20.0%	20.0%	20.0%	20.0%	20.0%	20.0%
25+ unit projects	30.0%	30.0%	30.0%	30.0%	30.0%	30.0%	30.0%	30.0%	30.0%	30.0%	30.0%

<i>Complete EEA/PRJ Accepted BEFORE: →</i>	1/1/18	1/1/19	1/1/20	1/1/21	1/1/22	1/1/23	1/1/24	1/1/25	1/1/26	1/1/27	1/1/28
On-Site: Rental Projects - North of Market Residential SUD; Mission Plan Area; SOMA NCT with 25+ units											
INCLUSIONARY RATE	25.0%	25.0%	25.0%	25.0%	25.0%	25.0%	25.0%	25.0%	25.0%	25.0%	25.0%
Low Income (55% AMI)	15.0%	15.0%	15.0%	15.0%	15.0%	15.0%	15.0%	15.0%	15.0%	15.0%	15.0%
Moderate Income (80% AMI)	5.0%	5.0%	5.0%	5.0%	5.0%	5.0%	5.0%	5.0%	5.0%	5.0%	5.0%
Middle Income (110% AMI)	5.0%	5.0%	5.0%	5.0%	5.0%	5.0%	5.0%	5.0%	5.0%	5.0%	5.0%

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

<i>Complete EEA/PRJ Accepted BEFORE: →</i>	1/1/18	1/1/19	1/1/20	1/1/21	1/1/22	1/1/23	1/1/24	1/1/25	1/1/26	1/1/27	1/1/28
On-site											
10-24 unit projects	12.0%	12.5%	13.0%	13.5%	14.0%	14.5%	15.0%	15.0%	15.0%	15.0%	15.0%
25+ unit projects*	27.0%	27.0%	27.0%	27.0%	27.0%	27.0%	27.0%	27.0%	27.0%	27.0%	27.0%
Fee or Off-site											
10-24 unit projects	20.0%	20.0%	20.0%	20.0%	20.0%	20.0%	20.0%	20.0%	20.0%	20.0%	20.0%
25+ unit projects	33.0%	33.0%	33.0%	33.0%	33.0%	33.0%	33.0%	33.0%	33.0%	33.0%	33.0%

<i>Complete EEA/PRJ Accepted BEFORE: →</i>	1/1/18	1/1/19	1/1/20	1/1/21	1/1/22	1/1/23	1/1/24	1/1/25	1/1/26	1/1/27	1/1/28
On-Site: Ownership Projects - North of Market Residential SUD; Mission Plan Area; SOMA NCT with 25+ units											
INCLUSIONARY RATE	27.0%	27.0%	27.0%	27.0%	27.0%	27.0%	27.0%	27.0%	27.0%	27.0%	27.0%
Low Income (80% AMI)	15.0%	15.0%	15.0%	15.0%	15.0%	15.0%	15.0%	15.0%	15.0%	15.0%	15.0%
Moderate Income (105% AMI)	6.0%	6.0%	6.0%	6.0%	6.0%	6.0%	6.0%	6.0%	6.0%	6.0%	6.0%
Middle Income (130% AMI)	6.0%	6.0%	6.0%	6.0%	6.0%	6.0%	6.0%	6.0%	6.0%	6.0%	6.0%

CHART 5: Income Levels for Projects with a complete EEA/PRJ on or after January 12, 2016

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

Complete EEA/PRJ Accepted BEFORE: →

	1/1/18	1/1/19	1/1/20	1/1/21	1/1/22	1/1/23	1/1/24	1/1/25	1/1/26	1/1/27	1/1/28
On-Site: Rental Projects with 25+ units											
INCLUSIONARY RATE	18.0%	19.0%	20.0%	20.5%	21.0%	21.5%	22.0%	22.5%	23.0%	23.5%	24.0%
Low Income (55% AMI)	10.0%	11.0%	12.0%	12.0%	12.0%	12.0%	12.0%	12.0%	12.0%	12.0%	12.0%
Moderate Income (80% AMI)	4.0%	4.0%	4.0%	4.25%	4.5%	4.75%	5.0%	5.25%	5.5%	5.75%	6.0%
Middle Income (110% AMI)	4.0%	4.0%	4.0%	4.25%	4.5%	4.75%	5.0%	5.25%	5.5%	5.75%	6.0%

Complete EEA/PRJ Accepted BEFORE: →

	1/1/18	1/1/19	1/1/20	1/1/21	1/1/22	1/1/23	1/1/24	1/1/25	1/1/26	1/1/27	1/1/28
On-Site: Ownership Projects with 25+ units											
INCLUSIONARY RATE	20.0%	21.0%	22.0%	22.5%	23.0%	23.5%	24.0%	24.5%	25.0%	25.5%	26.0%
Low Income (80% AMI)	10.0%	11.0%	12.0%	12.0%	12.0%	12.0%	12.0%	12.0%	12.0%	12.0%	12.0%
Moderate Income (105% AMI)	5.0%	5.0%	5.0%	5.25%	5.5%	5.75%	6.0%	6.25%	6.5%	6.75%	7.0%
Middle Income (130% AMI)	5.0%	5.0%	5.0%	5.25%	5.5%	5.75%	6.0%	6.25%	6.5%	6.75%	7.0%

Complete EEA/PRJ Accepted BEFORE: →

	1/1/18	1/1/19	1/1/20	1/1/21	1/1/22	1/1/23	1/1/24	1/1/25	1/1/26	1/1/27	1/1/28
Off-Site: Rental Projects with 25+ units											
INCLUSIONARY RATE	30.0%	30.0%	30.0%	30.0%	30.0%	30.0%	30.0%	30.0%	30.0%	30.0%	30.0%
Low Income (55% AMI)	18.0%	18.0%	18.0%	18.0%	18.0%	18.0%	18.0%	18.0%	18.0%	18.0%	18.0%
Moderate Income (80% AMI)	6.0%	6.0%	6.0%	6.0%	6.0%	6.0%	6.0%	6.0%	6.0%	6.0%	6.0%
Middle Income (110% AMI)	6.0%	6.0%	6.0%	6.0%	6.0%	6.0%	6.0%	6.0%	6.0%	6.0%	6.0%

Complete EEA/PRJ Accepted BEFORE: →

	1/1/18	1/1/19	1/1/20	1/1/21	1/1/22	1/1/23	1/1/24	1/1/25	1/1/26	1/1/27	1/1/28
Off-Site: Ownership Projects with 25+ units											
INCLUSIONARY RATE	33.0%	33.0%	33.0%	33.0%	33.0%	33.0%	33.0%	33.0%	33.0%	33.0%	33.0%
Low Income (80% AMI)	18.0%	18.0%	18.0%	18.0%	18.0%	18.0%	18.0%	18.0%	18.0%	18.0%	18.0%
Moderate Income (105% AMI)	8.0%	8.0%	8.0%	8.0%	8.0%	8.0%	8.0%	8.0%	8.0%	8.0%	8.0%
Middle Income (130% AMI)	7.0%	7.0%	7.0%	7.0%	7.0%	7.0%	7.0%	7.0%	7.0%	7.0%	7.0%

AFFIDAVIT

COMPLIANCE WITH THE INCLUSIONARY AFFORDABLE HOUSING PROGRAM

PLANNING CODE SECTION 415, 417 & 419



San Francisco Planning

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

10/8/2020

Date

I, John W. Lau,
do hereby declare as follows:

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

3055 Clement Street

Address

1463/043

Block / Lot

The subject property is located within the following Zoning District:

NC-1

Zoning District

40x

Height and Bulk District

Special Use District, if applicable

Is the subject property located in the SOMA NCT, North of Market Residential SUD, or Mission Area Plan?

Yes No

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

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

2019-022830AHB

Planning Case Number

Building Permit Number

This project requires the following approval:

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

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

Christopher May

Planner Name

A complete Environmental Evaluation Application or Project Application was accepted on:

1/14/2020

Date

The project contains 7 total dwelling units and/or group housing rooms.

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

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

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

Yes No

(If yes, please indicate Affordable Housing Tier)

Is this project a HOME-SF Project?

Yes Tier 3 No

(If yes, please indicate HOME-SF Tier)

Is this project an Analyzed or Individually Requested State Density Bonus Project?

Yes No

C Please indicate the tenure of the project.

- Ownership.** If affordable housing units are provided on-site or off-site, all affordable units will be sold as ownership units and will remain as ownership units for the life of the project. The applicable fee rate is the ownership fee rate.
- Rental.** If affordable housing units are provided on-site or off-site, all affordable units will be rental units and will remain rental units for the life of the project. The applicable fee rate is the rental fee rate.

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

- Payment of the Affordable Housing Fee prior to the first construction document issuance (Planning Code Section 415.5)
- On-site Affordable Housing Alternative (Planning Code Sections 415.6)
- Off-site Affordable Housing Alternative (Planning Code Sections 415.7)
- Combination of payment of the Affordable Housing Fee and the construction of on-site or off-site units (Planning Code Section 415.5 - required for Individually Requested State Density Bonus Projects)
- Eastern Neighborhoods Alternate Affordable Housing Fee (Planning Code Section 417)
- Land Dedication (Planning Code Section 419)

The applicable inclusionary rate is:

On-site - 30%

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

If the method of compliance is the payment of the Affordable Housing Fee pursuant to Planning Code Section 415.5, please indicate the total residential gross floor area in the project.

12,438 GSF

Residential Gross Floor Area

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

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

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

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

I For projects with over 25 units and with EEA's accepted between January 1, 2013 and January 12 2016, in the event that the Project Sponsor does not procure a building or site permit for construction of the principal project before December 7, 2018, rental projects will be subject to the on-site rate in effect for the Zoning District in 2017, generally 18% or 20%.

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

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

UNIT MIX TABLES

Number of All Units in PRINCIPAL PROJECT:

TOTAL UNITS:	SRO / Group Housing:	Studios:	One-Bedroom Units:	Two-Bedroom Units:	Three (or more) Bedroom Units:
7	0	0	0	4	3

If you selected the On-site, Off-Site, or Combination Alternative, please fill out the applicable section below. The On-Site Affordable Housing Alternative is required for HOME-SF Projects pursuant to Planning Code Section 206.4. State Density Bonus Projects that have submitted an Environmental Evaluation Application prior to January 12, 2016 must select the On-Site Affordable Housing Alternative. State Density Bonus Projects that have submitted an Environmental Evaluation Application on or after to January 12, 2016 must select the Combination Affordable Housing Alternative to record the required fee on the density bonus pursuant to Planning Code Section 415.3. If the Project includes the demolition, conversion, or removal of any qualifying affordable units, please complete the Affordable Unit Replacement Section.

On-site Affordable Housing Alternative (Planning Code Section 415.6, 419.3, or 206.4): % of the unit total.

Number of Affordable Units to be Located ON-SITE:

TOTAL UNITS:	SRO / Group Housing:	Studios:	One-Bedroom Units:	Two-Bedroom Units:	Three (or more) Bedroom Units:
7	0	0	0	4	3

LOW-INCOME	Number of Affordable Units	% of Total Units	AMI Level
	1	14.2%	80%
MODERATE-INCOME	Number of Affordable Units	% of Total Units	AMI Level
MIDDLE-INCOME	Number of Affordable Units	% of Total Units	AMI Level
	1	14.2%	130%

Off-site Affordable Housing Alternative (Planning Code Section 415.7 or 419.3): % of the unit total.

Number of Affordable Units to be Located OFF-SITE:

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

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

UNIT MIX TABLES: CONTINUED

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

1. On-Site % of affordable housing requirement.

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

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

2. Off-Site % of affordable housing requirement.

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

Income Levels for On-Site or Off-Site Units in Combination Projects:			
AMI LEVELS:	Number of Affordable Units	% of Total Units	AMI Level
AMI LEVELS:	Number of Affordable Units	% of Total Units	AMI Level
AMI LEVELS:	Number of Affordable Units	% of Total Units	AMI Level

3. Fee % of affordable housing requirement.

Is this Project a State Density Bonus Project? Yes No

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

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

Affordable Unit Replacement: Existing Number of Affordable Units to be Demolished, Converted, or Removed for the Project					
TOTAL UNITS:	SRO / Group Housing:	Studios:	One-Bedroom Units:	Two-Bedroom Units:	Three (or more) Bedroom Units:

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

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

Contact Information and Declaration of Sponsor of PRINCIPAL PROJECT

Design Consultants Group. Inc

Company Name

John W. Lau

Name (Print) of Contact Person

3900 Geary Blvd. Suite#201

Address

San Francisco, CA94118

City, State, Zip

Phone: (415)831-7180/ Fax:(415)831-7181

Phone / Fax

designconsultants18881@gmail.com

Email

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

Sign Here

Signature:

Name (Print), Title:

John W. Lau

Executed on this day in:

Location:

Date:

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

Company Name

Name (Print) of Contact Person

Address

City, State, Zip

Phone / Fax

Email

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

Sign Here

Signature:

Name (Print), Title: