



Executive Summary

Planning Code Text Amendment

HEARING DATE: May 13, 2021

90-Day Deadline: June 22, 2021

Project Name: Temporary Closure of Liquor Stores in Polk St NCD
Case Number: 2021-002990PCA [Board File No. 210287]
Initiated by: Supervisor Peskin / Introduced March 16, 2021
Staff Contact: Audrey Merlone, Legislative Affairs
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Reviewed by: Aaron Starr, Manager of Legislative Affairs
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Recommendation: Approval with Modifications

Planning Code Amendment

The proposed Ordinance would amend the Planning Code to provide that temporary closure of a liquor store in the Polk Street Neighborhood Commercial District (NCD) that is the result of a major capital improvement project is not an abandonment of such use. It also allows the temporary relocation of the liquor store to another location in the Polk Street NCD without requiring a new Conditional Use authorization.

The Way It Is Now:

In the Polk Street NCD, a Liquor Store requires Conditional Use Authorization (CUA).

The Way It Would Be:

The proposed Ordinance would allow existing Liquor Stores within the Polk Street NCD that are displaced due to major capital improvement projects to vacate their original location for up to three years without having to seek a CUA to reestablish at the original location. Additionally, the legislation would allow said Liquor Stores to temporarily locate to another location within the Polk Street NCD for a period of up to three years, without requiring a CUA.

Background

On December 3, 2020 the Planning Commission unanimously approved a CUA for the demolition of an existing commercial building located at 1590 Pacific Avenue that is currently occupied by The Jug Shop. In its place, the CUA also approved the construction of a 6-story, 65 ft tall mixed-use building with 53 dwelling units and ~7,264sqft of ground floor commercial space (*Exhibit C*). Included in the Conditions of Approval was the requirement that the developer create a new space within the project's ground floor for the Jug Shop to occupy upon completion of construction. The project is scheduled to break ground in July of 2021.

The Jug Shop is a Legacy Business. It is an independent, family-owned operation established in 1965. The Jug Shop has signed a lease with a vacant space previously used as an event rental space at 1648 Pacific Avenue, with the intention of operating out of this location until the project at 1590 Pacific Avenue is complete. It is considered an "A" Historic Resource. Their pending CUA application states no proposed exterior changes.

Issues and Considerations

Locational and Operational Conditions on Liquor Stores

The Planning Code treats conditionally authorized uses differently than principally permitted uses. While principally permitted uses are considered routine and appropriate for a neighborhood, conditional uses must be found necessary or desirable, and compatible with a neighborhood. Planning Department staff must notice adjacent property owners of the proposal and the Planning Commission must grant authorization via a public hearing.¹

Given the special treatment of conditionally authorized uses, their operation and continuity are often limited or conditioned. For example, conditionally authorized uses cannot be discontinued for more than three years without the City ceasing to recognize the right to operate at that location.² These limits are a way to incentivize principally permitted uses over potentially less desirable conditionally authorized ones. The Planning Code has standard conditions of approval outlining allowed operating practices for specific uses requiring Conditional Use authorization. Uses with these conditions of approval include massage establishments and nighttime entertainment uses.³

In this vein, the Planning Code also applies locational and operating conditions to certain uses, many of which often require Conditional Use authorization.⁴ Eating and Drinking uses, Cannabis uses, and Motel uses, among others, all have additional operating constraints or requirements. These are in place to assure that adjacent properties or residents are not inconvenienced or harmed by the use-of-concern.

The Polk Street Neighborhood Commercial District (NCD)

Sitting in the gulch between Nob and Russian Hills and Pacific Heights, the Polk Street Neighborhood Commercial District extends for a mile as a north-south linear strip and includes a portion of Larkin Street between Post and California Streets. Polk Street's dense mixed-use character consists of buildings with

¹ Planning Code Section 303

² Planning Code Section 178(d)

³ Planning Code Section 303

⁴ Planning Code Section 202.2

residential units above ground-story commercial uses. The district has an active, pedestrian-oriented, and continuous commercial frontage along Polk Street for almost all of its length. Larkin Street and side streets in the district have a greater proportion of residences than Polk Street itself. California Street and Hyde Street also have active, pedestrian-oriented, and commercial frontage that is small in scale. The district is well served by transit and includes the historic California Cable Car.

Many retail uses require a Conditional Use authorization to establish themselves in the Polk Street NCD, including Liquor Stores.

To preserve and maintain the district's small-scale, fine grain storefronts, the consolidation or merger of existing retail or commercial spaces or storefronts is prohibited and lot mergers are controlled. The district provides convenience goods and services to the residential communities in the Polk Gulch neighborhood and to the residents on the west slopes of Nob and Russian Hills. It has many apparel and specialty stores, as well as some automobile uses, which serve a broader trade area. Commercial uses also include offices, restaurants, and bars which keep the district active into the evening. Many of these retail uses require a Conditional Use authorization to establish themselves in the Polk Street NCD, including Liquor Stores.

Within the Polk Street NCD where an immediately prior use was a Legacy Business, (as defined under Administrative Code Section 2A.242), the controls require any new Non-Residential Use to obtain Conditional Use authorization; this requirement does not apply where: (A) the subject non-residential space had no occupant and had not been open to the public for three or more years from the date the application for the new use is filed, or (B) where the Legacy Business removed itself or has been otherwise removed from the Legacy Business Registry.

Legacy Businesses

A 2014 report by the City's Budget and Legislative Analyst's Office showed the closure of small businesses had reached record numbers in San Francisco. Commercial rents in most neighborhoods had risen significantly. The report drew connections between the city's high level of commercial evictions and skyrocketing rents. While rent control laws shield many residents from exorbitant rent hikes, no such laws exist for businesses. State law does not allow restrictions on commercial leases. An alternative effort to assist the city's longstanding businesses was needed.

A September 2014 report by San Francisco Architectural Heritage entitled "Sustaining San Francisco's Living History: Strategies for Conserving Cultural Heritage Assets,"⁵ found that long-operating businesses in San Francisco foster civic engagement and pride as neighborhood gathering spots and contribute to San Francisco's cultural identity. According to a 2014 study by the San Francisco Office of Economic Analysis (OEA) report "Expanding Formula Retail Controls: Economic Impact Report" the uniqueness of San Francisco's neighborhoods is based on a combination of unique visual characteristics and a sense of community fostered by small merchants and resident relationships.⁶

⁵ https://default.sfplanning.org/meetingarchive/planning_dept/sf-planning.org/ftp/files/Commission/cpcpackets/Cultural-Heritage-Assets.pdf

⁶ https://sfcontroller.org/sites/default/files/FileCenter/Documents/5119-130788_economic_impact_final.pdf

In San Francisco's current economic climate, many otherwise successful, long-operating businesses are at risk of displacement, despite continued value to the community and a record of success. In recent years, San Francisco has witnessed the loss of many long-operating businesses because of increased rents or lease terminations. To the extent that property owners have little incentive to retain longstanding tenants, a long-operating business that does not own its commercial space or have a long-term lease is particularly vulnerable to displacement.

The Board of Supervisors unanimously passed legislation in March of 2015 which created the San Francisco Legacy Business Registry. The registry is open to businesses that are 30 years or older, have been nominated by a member of the Board of Supervisors or Mayor and, in a hearing before the Small Business Commission, prove they have made a significant impact on the history or culture of their neighborhood. Only 300 business can be nominated annually, and all applicants must agree to maintain the historical name and essential business operations, physical features, craft, and traditions of their businesses.

As the City continues to evolve and its aging building stock require major renovations or replacement, it is important to ensure that our Legacy Businesses who may face the threat of displacement from said buildings are able to remain in their original neighborhoods whenever possible, or at the very least within the City.

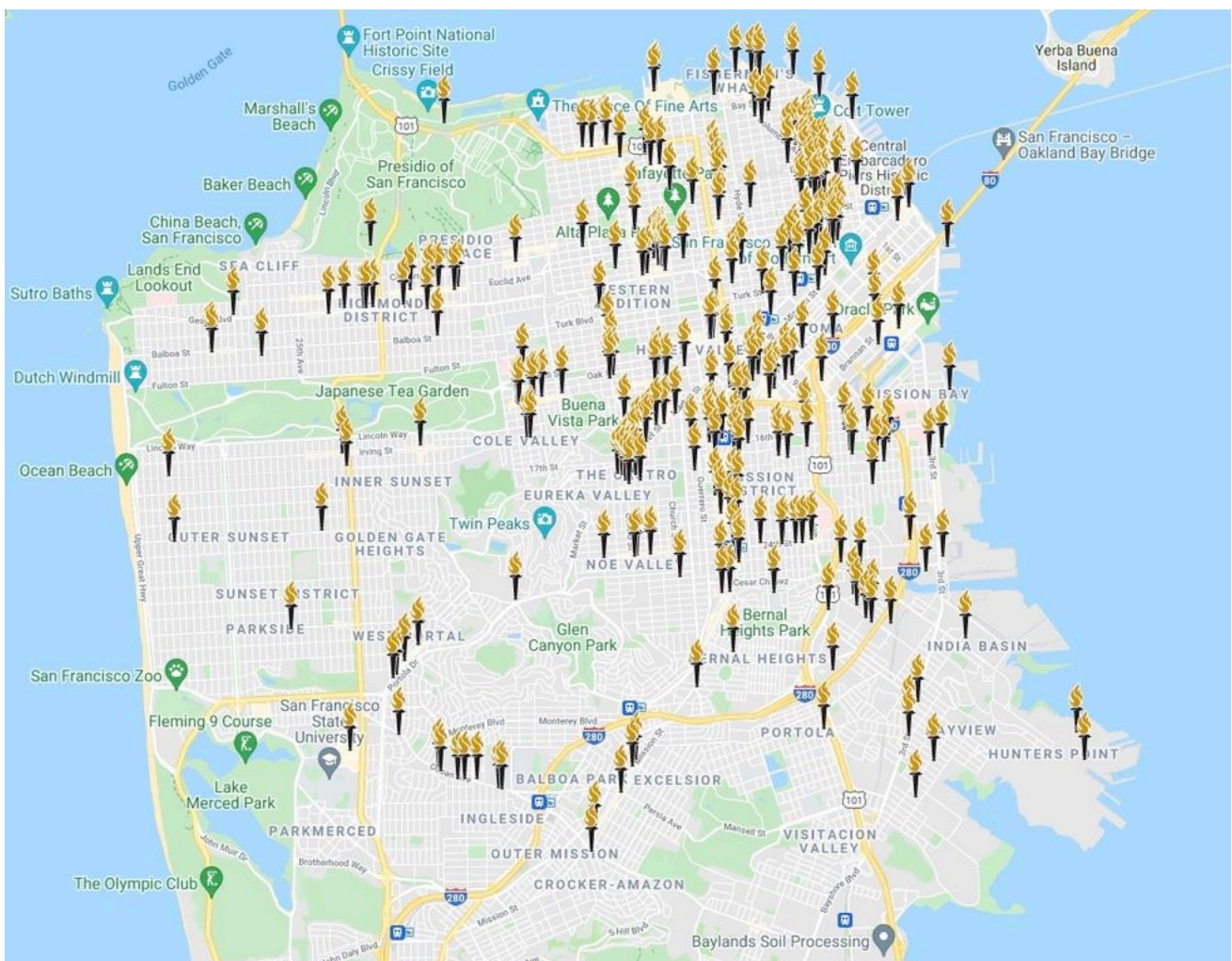


Figure 1 Map of Legacy Businesses via www.legacybusinesses.org

As of April 1, 2021, there were 268 registered Legacy Businesses in the City, ranging from Restaurants to Production, Distribution, and Repair (PDR) uses. These Legacy Businesses are spread across the entire City and nearly all zoning districts.

General Plan Compliance

Policy 1.1 of the Commerce and Industry Element is to encourage development which provides substantial net benefits and minimizes undesirable consequences and discourage development which has substantial undesirable consequences that cannot be mitigated. Policy 6.1 is to ensure and encourage the retention and provision of neighborhood-serving goods and services in the city's neighborhood commercial districts, while recognizing and encouraging diversity among the districts. The proposed Ordinance would conveniently allow a long-standing retail use to remain in the Polk Street NCD. This has net benefits to the neighborhood as the retail use is a source of fiscal and employment benefits.

The proposed Ordinance, *with* all staff recommended modifications, would take these policies a step further, by assisting businesses the City has previously determined provide substantial net benefits to the City. Legacy Businesses are especially important to the livelihood of San Francisco's economic success and identity and should be supported whenever possible. In addition, with all staff recommendations adopted, the Ordinance would serve the first priority policy of the General Plan "*that existing neighborhood-serving retail uses be preserved and enhanced and future opportunities for resident employment in and ownership of such businesses enhanced.*" The essential character of the City's various districts should be maintained by encouraging and protecting uses such as the Legacy Businesses, which have been determined to be compatible in scale or type with the district in which they are to be located. Often, a district's character is defined by certain established businesses which have been serving the neighborhood residents and businesses for an extensive period. Loss of such businesses could undermine that district's distinctive character.

Racial and Social Equity Analysis

Understanding the benefits, burdens and opportunities to advance racial and social equity that proposed Planning Code and Zoning Map amendments provide is part of the Department's Racial and Social Equity Initiative. This is also consistent with the Mayor's Citywide Strategic Initiatives for equity and accountability and with the forthcoming Office of Racial Equity, which will require all Departments to conduct this analysis.

The proposed amendments cannot be directly tied to a negative or positive impact in advancing the City's racial and social equity. There is not enough data to support the claim for the small number of businesses that it will affect. The proposed Ordinance will at least provide an easier permitting route for a small group of businesses in the Polk Street NCD (or a larger number of Legacy Businesses if staff's first recommended modification is adopted). Further, the Ordinance is helping to preserve businesses within the neighborhood commercial corridor. These types of businesses frequently hire from the adjacent neighborhood, serving a source of employment for the neighborhood's youth, entry level workers, and immigrants.

To further racial and social equity, the controls on retail uses in the Polk Street NCD should be reexamined. This examination should look at whether the multiple layers of controls and the high application costs are preventing marginalized communities from opening a business in the district.

Implementation

The Department has determined that this Ordinance will not significantly impact our current implementation procedures. The Ordinance is limited in scope. Although there are there are four other Liquor Stores in the Polk Street NCD, all four are in larger mixed-use buildings with residential units; making “major capital improvement” projects that require vacation of businesses and residents unlikely. One potential complication with implementation, however, will be with the building permit under the proposed Ordinance. A building permit will still need to be filed for the Liquor Store to operate at their temporary location, however building permits are usually permanent. A special condition will need to be placed on the permit that states the time limit for the use and the Department will need to coordinate with the Department of Building Inspection on how to craft a time-limited building permit.

If the Commission adopts all the proposed modifications, staff believes the TUA will in fact remove additional process and review time. Without the TUA, other Legacy Businesses that are not Liquor Stores in the Polk Street NCD would need to file multiple permits when attempting to relocate temporarily due to displacement from major construction.

Recommendation

The Department recommends that the Commission *approve with modifications* the proposed Ordinance and adopt the attached Draft Resolution to that effect. The Department’s proposed recommendations are as follows:

1. Create a new Temporary Use authorization for Legacy Businesses in Planning Code Sec. 205.
 - i. The new Temporary Use permit would allow any Legacy Business (as defined in Admin. Code Sec. 2A.242(b)) that is displaced due to a Demolition and New Construction permit issued by DBI, or due to a Force Majeure on the site, to temporarily relocate for a period of up to 4 years to:
 1. Any other location if within the same zoning district, or;
 2. Any other location outside the zoning district where the use is Principally or Conditionally permitted.
 - ii. The Temporary Use permit may be extended for additional one-year terms at the discretion of the Zoning Administrator for up to 2 additional years, for a total not to exceed 6 years.
 - iii. All other permits required by other agencies would still be required (i.e. Health, Fire, etc).
 - iv. If the original location is to be rebuilt, the Legacy Business would not abandon their Use at the original location through the filing of this Temporary Use permit and therefore have a right to return if within the time limit of the permit without needing to seek new zoning approvals or pay impact fees.
2. If the Supervisor does not elect to create a new TUA, staff recommends the following modifications to

the original Ordinance:

- i. Extend the time limit from 3 years to 4 years for both the abandonment provision and the temporary location use permit.
- ii. Clarify that the temporary Liquor Store location shall revert to its previous use upon termination of the temporary occupation of the Liquor Store.
- iii. Clarify the entitlement process to exempt Liquor Stores subject to this legislation from Neighborhood Notification and Development Impact Fees for both their temporary location and their original location so long as all movement between the two locations occurs within the 3 (or 4) year time limit.
- iv. Replace the term “during construction of a development project” for the following language: “due to the issuance of a demolition and new construction permit, or due to a force majeure”:

Temporary relocation of liquor stores in the Polk Street Neighborhood Commercial District to another location in the Polk Street Neighborhood Commercial District ~~during construction of a development project~~ due to the issuance of a demolition and new construction permit, or due to a force majeure on the site of said liquor stores shall not require a new Conditional Use Permit . . .

Basis for Recommendation

The Department supports the overall goals of the proposed Ordinance; however, we also believe our recommended modifications to create a TUA for Legacy Businesses would further the policy goals of the legislation. The Department also understands that there is an immediate need for legislation that will assist the Jug Shop in establishing at their temporary location, and that an amendment to create a TUA may need additional time for review and discussion. The Jug Shop is a beloved Legacy Business who’s continued operation should be supported. This neighborhood support was clearly displayed at the CUA hearing to approve the mixed-use development. The legislation as currently drafted will allow The Jug Shop to remain in operation without extraneous and unnecessary hurdles to temporarily establish itself at a nearby location during construction of the new building. The original legislation should move forward with the recommended modifications so that the Jug Shop is able to relocate to their temporary location as soon as possible. However, the Department also believes that as the City continues to evolve and its aging building stock needs major renovations or replacement, it is important to ensure that our Legacy Businesses who may face the threat of displacement from said buildings are able to remain in their original neighborhoods whenever possible, or at the very least within the City. As such, the Department recommends that the Commission additionally recommend the creation of a TUA that would allow Legacy Businesses to move to new locations temporarily when displaced by demolition or a force majeure.

1. The Commission recommends a new Temporary Use authorization for Legacy Businesses be created in

Planning Code Sec. 205.

- i. The new Temporary Use permit would allow any Legacy Business (as defined in Admin. Code Sec. 2A.242(b)) that is displaced due to a Demolition and New Construction permit issued by DBI, or due to a force majeure on the site, to temporarily relocate for a period of up to 4 years to:
 1. Any other location if within the same zoning district, or;
 2. Any other location outside the zoning district where the use is Principally or Conditionally permitted.
- ii. The Temporary Use permit may be extended for additional one-year terms at the discretion of the Zoning Administrator for up to 2 additional years, for a total not to exceed 6 years.
- iii. All other permits required by other agencies would still be required (i.e. Health, Fire, etc).
- iv. If the original location is to be rebuilt, the Legacy Business would not abandon their Use at the original location through the filing of this Temporary Use permit and therefore have a right to return if within the time limit of the permit without needing to seek new zoning approvals or pay impact fees.

Legacy Businesses are long-standing neighborhood institutions that have contributed to the history and identity of their communities. They ensure the traditions, practices, and art forms that make up San Francisco's identity are preserved and continue to flourish. They are an invaluable asset which strengthen the neighborhood commercial districts and beyond. Any legislative effort that will assist Legacy Businesses to remain in the City should be supported.

2. If the Supervisor does not elect to create a new TUA, staff recommends the following modifications to the original Ordinance:
 - i. Extend the time limit from 3 years to 4 years for both the abandonment provision and the temporary location use permit.

The developer for the project hopes to break ground in July 2021 and complete the project in 20 months, however construction timelines can often face unforeseen hurdles that can cause completion deadlines to become delayed by months or even years. If the project faces delays, it could require The Jug Shop to seek a CUA to reestablish at its original location, and a CUA to continue operating at its temporary location.

- ii. Clarify that the temporary Liquor Store location shall revert to its previous use upon

termination of the temporary occupation of the Liquor Store.

- iii. Clarify the entitlement process to exempt Liquor Stores subject to this legislation from Neighborhood Notification and Development Impact Fees for both their temporary location and their original location so long as all movement between the two locations occurs within the 3 (or 4) year time limit.

The Jug Shop previously filed a CUA to establish at 1648 Pacific Avenue. The current use of the building is vacant (previously a private event space). If the legislation passes, the Jug Shop will be able to establish the use with a building permit instead of a CUA. As currently written, the temporary location could retain its Liquor Store use without having to seek CU approval if the original Liquor Store vacates the location before the 3 (or 4) year time limit expires.

- iv. Replace the term “during construction of a development project” for the following language: “due to the issuance of a demolition and new construction permit, or due to a force majeure”.

“Major capital improvement” project is not defined in the Planning, Administrative, or Building Code. It is therefore open to interpretation and abuse. The Department recommends replacing the term with “Demolition and new construction permit issued by DBI or due to a force majeure on the site” to be more specific and prevent abuse.

Required Commission Action

The proposed Ordinance is before the Commission so that it may approve it, reject it, or approve it with modifications.

Environmental Review

The proposed amendments are not defined as a project under CEQA Guidelines Section 15060(c) and 15378 because they do not result in a physical change in the environment.

Public Comment

As of the date of this report, the Planning Department has not received any public comment regarding the proposed Ordinance.

Attachments:

- Exhibit A: Draft Planning Commission Resolution
- Exhibit B: Board of Supervisors File No. 210287
- Exhibit C: Conditional Use Authorization Commission Packet for Case No. 2018-008259CUA



EXHIBIT A

PLANNING COMMISSION DRAFT RESOLUTION

HEARING DATE: May 13, 2021

Project Name: Temporary Closure of Liquor Stores in Polk St NCD
Case Number: 2021-002990PCA [Board File No. 210287]
Initiated by: Supervisor Peskin / Introduced March 16, 2021
Staff Contact: Audrey Merlone, Legislative Affairs
 Audrey.merlone@sfgov.org, 628-652-7534
Reviewed by: Aaron Starr, Manager of Legislative Affairs
 aaron.starr@sfgov.org, 628-6527533

RESOLUTION APPROVING A PROPOSED ORDINANCE THAT WOULD AMEND THE PLANNING CODE TO PROVIDE THAT TEMPORARY CLOSURE OF LIQUOR STORES IN THE POLK STREET NEIGHBORHOOD COMMERCIAL DISTRICT (NCD) AS A RESULT OF A MAJOR CAPITAL IMPROVEMENT PROJECT IS NOT AN ABANDONMENT OF SUCH USE, AND THAT RELOCATION OF SUCH USE TO ANOTHER LOCATION IN THE POLK STREET NCD DOES NOT REQUIRE A NEW CONDITIONAL USE PERMIT; ADOPTING FINDINGS, INCLUDING ENVIRONMENTAL FINDINGS, PLANNING CODE SECTION 302 FINDINGS, AND FINDINGS OF CONSISTENCY WITH THE GENERAL PLAN AND PLANNING CODE SECTION 101.1.

WHEREAS, on March 16, 2021 Supervisor Peskin introduced a proposed Ordinance under Board of Supervisors (hereinafter “Board”) File Number 210287, which would amend the Planning Code to provide that temporary closure of liquor stores in the Polk Street Neighborhood Commercial District (NCD) as a result of a major capital improvement project is not an abandonment of such use, and that relocation of such use to another location in the Polk Street NCD does not require a new Conditional Use permit;

WHEREAS, The Planning Commission (hereinafter “Commission”) conducted a duly noticed public hearing at a regularly scheduled meeting to consider the proposed Ordinance on May 13, 2021; and,

WHEREAS, the proposed Ordinance has been determined to be categorically exempt from environmental review under the California Environmental Quality Act Sections 15060(c) and 15378; and

WHEREAS, the Planning 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 Department staff and other interested parties; and

WHEREAS, all pertinent documents may be found in the files of the Department, as the custodian of records, at 49 South Van Ness Avenue, Suite 1400, San Francisco; and

WHEREAS, the Planning Commission has reviewed the proposed Ordinance; and

WHEREAS, the Planning Commission finds from the facts presented that the public necessity, convenience, and general welfare require the proposed amendment; and

MOVED, that the Planning Commission hereby **approves with modifications** the proposed ordinance.

Those modifications include the following:

1. Create a new Temporary Use authorization for Legacy Businesses in Planning Code Sec. 205.
 - i. The new Temporary Use permit would allow any Legacy Business (as defined in Admin. Code Sec. 2A.242(b)) that is displaced due to a Demolition and New Construction permit issued by DBI, or due to a force majeure on the site, to temporarily relocate for a period of up to 4 years to:
 1. Any other location if within the same zoning district, or;
 2. Any other location outside the zoning district where the use is Principally or Conditionally permitted.
 - ii. The Temporary Use permit may be extended for additional one-year terms at the discretion of the Zoning Administrator for up to 2 additional years, for a total not to exceed 6 years.
 - iii. All other permits required by other agencies would still be required (i.e. Health, Fire, etc).
 - iv. If the original location is to be rebuilt, the Legacy Business would not abandon their Use at the original location through the filing of this Temporary Use permit and therefore have a right to return if within the time limit of the permit without needing to seek new zoning approvals or pay impact fees.
2. If the Supervisor does not elect to create a new TUA, the Commission recommends the following modifications to the original Ordinance:
 - i. Extend the time limit from 3 years to 4 years for both the abandonment provision and the temporary location use permit.
 - ii. Clarify that the temporary Liquor Store location shall revert to its previous use upon

termination of the temporary occupation of the Liquor Store.

- iii. Clarify the entitlement process to exempt Liquor Stores subject to this legislation from Neighborhood Notification and Development Impact Fees for both their temporary location and their original location so long as all movement between the two locations occurs within the 3 (or 4) year time limit.
- iv. Replace the term “during construction of a development project” for the following language: “due to the issuance of a demolition and new construction permit, or due to a force majeure”:

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:

Policy 1.1 of the Commerce and Industry Element is to encourage development which provides substantial net benefits and minimizes undesirable consequences and discourage development which has substantial undesirable consequences that cannot be mitigated. Policy 6.1 is to ensure and encourage the retention and provision of neighborhood-serving goods and services in the city's neighborhood commercial districts, while recognizing and encouraging diversity among the districts. The proposed Ordinance would conveniently allow a long-standing retail use to remain in the Polk Street NCD. This has net benefits to the neighborhood as the retail use is a source of fiscal and employment benefits.

The proposed Ordinance, *with* the Commission's first option for recommended modifications, would take these policies a step further by assisting businesses the City has previously determined provide substantial net benefits to the City. Legacy Businesses are especially important to the livelihood of San Francisco's economic success and identity and should be supported whenever possible. In addition, with these recommendations adopted, the Ordinance would serve the first priority policy of the General Plan “*that existing neighborhood-serving retail uses be preserved and enhanced and future opportunities for resident employment in and ownership of such businesses enhanced.*”. The essential character of the City's various districts should be maintained by encouraging and protecting uses such as the Legacy Businesses, which have been determined to be compatible in scale or type with the district in which they are to be located. Often, a district's character is defined by certain established businesses which have been serving the neighborhood residents and businesses for an extensive period. Loss of such businesses could undermine that district's distinctive character.

In the City's FY 12-13 budget, responsibility for providing strategic direction, planning and oversight of early care and education programs was consolidated in the new agency, OECE

The proposed Ordinance will correct the Planning Code so that it is in line with the City's current practices and adopted budget.

General Plan Compliance

The proposed Ordinance and the Commission's recommended modifications are consistent with the following Objectives and Policies of the General Plan:

COMMERCE AND INDUSTRY ELEMENT

OBJECTIVE 1

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

Policy 1.1

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

The proposed Ordinance would conveniently allow a long-standing retail use to remain in the Polk Street neighborhood. This has net benefits to the neighborhood as the retail use is a source of fiscal and employment benefits.

OBJECTIVE 2

MAINTAIN AND ENHANCE A SOUND AND DIVERSE ECONOMIC BASE AND FISCAL STRUCTURE FOR THE CITY.

Policy 2.1

Seek to retain existing commercial and industrial activity and to attract new such activity to the city.

Policy 2.3

Maintain a favorable social and cultural climate in the city in order to enhance its attractiveness as a firm location.

The proposed amendments to the Planning Code help retain a long-standing retail use in the City's Polk Street neighborhood by easing regulations on relocation in the Polk Street NCD.

OBJECTIVE 3

PROVIDE EXPANDED EMPLOYMENT OPPORTUNITIES FOR CITY RESIDENTS, PARTICULARLY THE UNEMPLOYED AND ECONOMICALLY DISADVANTAGED.

Policy 3.1

Promote the attraction, retention, and expansion of commercial and industrial firms which provide employment improvement opportunities for unskilled and semi-skilled workers

The proposed Ordinance would conveniently allow a long-standing retail use to remain in the Polk Street NCD. This has net benefits to the neighborhood as the retail use is a source of fiscal and employment benefits.

OBJECTIVE 6

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

Policy 6.1

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

The Planning Code amendments in the proposed Ordinance help to retain a retail use that provides neighborhood-serving goods to the Polk Street community.

Planning Code Section 101 Findings

The proposed amendments to the Planning Code are consistent with the eight Priority Policies set forth in Section 101.1(b) of the Planning Code in that:

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

The proposed Ordinance would not have a negative effect on neighborhood serving retail uses and will not have a negative effect on opportunities for resident employment in and ownership of neighborhood-serving retail.

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

The proposed Ordinance would not have a negative effect on housing or neighborhood character.

3. That the City's supply of affordable housing be preserved and enhanced;

The proposed Ordinance would not have an adverse effect on the City's supply of affordable housing.

4. That commuter traffic not impede MUNI transit service or overburden our streets or neighborhood parking;

The proposed Ordinance would not result in commuter traffic impeding MUNI transit service or overburdening the streets or neighborhood parking.

5. 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 proposed Ordinance would not cause displacement of the industrial or service sectors due to office development, and future opportunities for resident employment or ownership in these sectors would

not be impaired.

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

The proposed Ordinance would not have an adverse effect on City's preparedness against injury and loss of life in an earthquake.

7. That the landmarks and historic buildings be preserved;

The proposed Ordinance would not have an adverse effect on the City's Landmarks and historic buildings.

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

The proposed Ordinance would not have an adverse effect on the City's parks and open space and their access to sunlight and vistas.

Planning Code Section 302 Findings.

The Planning Commission finds from the facts presented that the public necessity, convenience and general welfare require the proposed amendments to the Planning Code as set forth in Section 302.

NOW THEREFORE BE IT RESOLVED that the Commission hereby APPROVES WITH MODIFICATIONS the proposed Ordinance as described in this Resolution.

I hereby certify that the foregoing Resolution was adopted by the Commission at its meeting on May 13, 2021.

Jonas P. Ionin
Commission Secretary

AYES:

NOES:

ABSENT:

ADOPTED: May 13, 2021

EXHIBIT B

1 [Planning Code - Temporary Closure of Liquor Stores in Polk Street Neighborhood
2 Commercial District]

3 **Ordinance amending the Planning Code to provide that temporary closure of liquor**
4 **stores in the Polk Street Neighborhood Commercial District (NCD) as a result of a**
5 **major capital improvement project is not an abandonment of such use, and that**
6 **relocation of such use to another location in the Polk Street NCD does not require a**
7 **new Conditional Use permit; affirming the Planning Department’s determination under**
8 **the California Environmental Quality Act; and making findings of consistency with the**
9 **General Plan, and the eight priority policies of Planning Code, Section 101.1, and**
10 **findings of public convenience, necessity, and welfare under Planning Code, Section**
11 **302.**

12 NOTE: **Unchanged Code text and uncodified text** are in plain Arial font.
13 **Additions to Codes** are in *single-underline italics Times New Roman font*.
14 **Deletions to Codes** are in *strikethrough italics Times New Roman font*.
15 **Board amendment additions** are in double-underlined Arial font.
16 **Board amendment deletions** are in ~~strikethrough Arial font~~.
17 **Asterisks (* * * *)** indicate the omission of unchanged Code
18 subsections or parts of tables.

19 Be it ordained by the People of the City and County of San Francisco:

20 Section 1. Environmental and Land Use Findings.

21 (a) The Planning Department has determined that the actions contemplated in this
22 ordinance comply with the California Environmental Quality Act (California Public Resources
23 Code Sections 21000 et seq.). Said determination is on file with the Clerk of the Board of
24 Supervisors in File No. 210287 and is incorporated herein by reference. The Board affirms
25 this determination.

(b) On _____, the Planning Commission, in Resolution No. _____, adopted findings that the actions contemplated in this ordinance are consistent, on balance, with the City's General Plan and eight priority policies of Planning Code Section 101.1. The Board adopts these findings as its own. A copy of said Resolution is on file with the Clerk of the Board of Supervisors in File No. _____, and is incorporated herein by reference.

(c) On _____, the Planning Commission, in Resolution No. _____, approved this ordinance, recommended it for adoption by the Board of Supervisors, and adopted findings that it will serve the public necessity, convenience, and welfare. Pursuant to Planning Code Section 302, the Board adopts these findings as its own. A copy of said Resolution is on file with the Clerk of the Board of Supervisors in File No. _____, and is incorporated herein by reference.

Section 2. The Planning Code is hereby amended by revising Section 723, to read as follows:

SEC. 723. POLK STREET NEIGHBORHOOD COMMERCIAL DISTRICT.

* * * *

**Table 723. POLK STREET NEIGHBORHOOD COMMERCIAL DISTRICT
ZONING CONTROL TABLE**

* * * *

Zoning Category	§ References	Controls
* * * *		
NON-RESIDENTIAL STANDARDS AND USES (7)		
* * * *		

Sales and Service Use Category				
Retail Sales and Service Uses*	§§ 102, 202.2(a), 202.3	P	P	NP
* * * *				
Liquor Store	§102	C(9)	NP	NP
* * * *				

* Not listed below

* * * *

(9) Temporary closures of up to three years, measured from the effective date of the ordinance in Board of Supervisors File No. _____ enacting this note, of existing liquor stores located in the Polk Street Neighborhood Commercial District, during construction of a development project on the site of the existing liquor store, shall not be considered an abandonment of such use pursuant to Section 178 of this Code, unless the original liquor store elects to relocate somewhere else permanently. Temporary relocation of liquor stores in the Polk Street Neighborhood Commercial District to another location in the Polk Street Neighborhood Commercial District during construction of a development project on the site of said liquor stores shall not require a new Conditional Use Permit for the duration of up to three years, measured from the effective date of the ordinance in Board of Supervisors File No. _____ enacting this note, of interim relocation.

Section 3. Effective Date. This ordinance shall become effective 30 days after enactment. Enactment occurs when the Mayor signs the ordinance, the Mayor returns the ordinance unsigned or does not sign the ordinance within ten days of receiving it, or the Board of Supervisors overrides the Mayor's veto of the ordinance.

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Section 4. Scope of Ordinance. In enacting this ordinance, the Board of Supervisors intends to amend only those words, phrases, paragraphs, subsections, sections, articles, numbers, punctuation marks, charts, diagrams, or any other constituent parts of the Municipal Code that are explicitly shown in this ordinance as additions, deletions, Board amendment additions, and Board amendment deletions in accordance with the “Note” that appears under the official title of the ordinance.

APPROVED AS TO FORM:
DENNIS J. HERRERA, City Attorney

By: Peter R. Miljanich /s/
PETER R. MILJANICH
Deputy City Attorney

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PLANNING COMMISSION MOTION NO. 20818

HEARING DATE: DECEMBER 3, 2020

Record No.: 2018-008259CUA
Project Address: 2030 POLK STREET (aka 1580 PACIFIC AVENUE)
Zoning: Polk Street Neighborhood Commercial (NCD) Zoning District
65-A Height and Bulk District
Block/Lot: 0573 / 011
Project Sponsor: Jon Heimdahl, JS Sullivan Development
2044 Fillmore Street, 3rd Floor
San Francisco, CA 94115
Property Owner: JS Pacific Street Partners LLC
2044 Fillmore Street, 3rd Floor
San Francisco, CA 94115
Staff Contact: Andrew Perry – (628) 652-7430
Andrew.Perry@sfgov.org

ADOPTING FINDINGS TO APPROVE A CONDITIONAL USE AUTHORIZATION PURSUANT TO PLANNING CODE SECTIONS 121.1, 121.2 AND 303, TO ALLOW DEVELOPMENT OF A LOT GREATER THAN 2,500 SQUARE FEET, AND TO ALLOW FOR THE CONSTRUCTION OF INDIVIDUAL NON-RESIDENTIAL USE SIZES GREATER THAN 2,000 SQUARE FEET, TO APPROVE AN INDIVIDUALLY-REQUESTED STATE DENSITY BONUS PROJECT PURSUANT TO PLANNING CODE SECTION 206.6, AND TO ADOPT A MITIGATED NEGATIVE DECLARATION AND MITIGATION MONITORING AND REPORTING PROGRAM UNDER THE CALIFORNIA ENVIRONMENTAL QUALITY ACT. THE PROJECT WOULD USE THE STATE DENSITY BONUS LAW (CALIFORNIA GOVERNMENT CODE SECTIONS 65915-65918) TO INVOKE WAIVERS FROM THE DEVELOPMENT STANDARDS FOR REAR YARD (SECTION 134) AND BULK (SECTION 270). THE PROJECT WOULD DEMOLISH THE EXISTING COMMERCIAL BUILDING AND PARKING LOT AND CONSTRUCT A SIX-STORY, 65-FOOT-TALL MIXED-USE BUILDING WITH 53 DWELLING UNITS (1 STUDIO UNIT, 27 ONE-BEDROOM UNITS, 21 TWO-BEDROOM UNITS, AND 4 THREE-BEDROOM UNITS), APPROXIMATELY 7,264 SQUARE FEET OF GROUND FLOOR RETAIL, APPROXIMATELY 5,500 SQUARE FEET OF USABLE OPEN SPACE FOR THE RESIDENTIAL USE, 32 OFF-STREET VEHICLE PARKING SPACES (27 FOR RESIDENTIAL USE, 4 FOR COMMERCIAL USE, AND 1 CAR SHARE SPACE), AND 54 CLASS 1 AND 6 CLASS 2 BICYCLE PARKING SPACES. THE PROJECT IS LOCATED AT 2030 POLK STREET (AKA 1580 PACIFIC AVENUE), LOT 011 IN ASSESSOR'S BLOCK 0573, WITHIN THE POLK STREET NEIGHBORHOOD COMMERCIAL DISTRICT AND THE 65-A HEIGHT AND BULK DISTRICT.

PREAMBLE

On November 30, 2018, Jessica Jauw of JS Sullivan Development filed Application No. 2018-008259PRJ (hereinafter “Application”) with the Planning Department (hereinafter “Department”) for a Conditional Use Authorization and Individually-Requested State Density Bonus Project to construct a new six-story, 65-foot-tall, mixed-use building with 50 dwelling units and approximately 6,500 square feet of ground floor commercial space at 2030 Polk Street (aka 1580 Pacific Avenue), Block 0573 Lot 011 (hereinafter “Project Site”). On January 25, 2019, the submitted Application were deemed complete by the Department. On July 23, 2019, Jon Heimdahl of JS Sullivan (hereinafter “Project Sponsor”) filed a revised Application for a Conditional Use Authorization and Individually-Requested State Density Bonus Project to construct a new six-story, 65-foot-tall, mixed-use building with 53 dwelling units and approximately 7,264 square feet of ground floor commercial space (hereinafter “Project”).

The Project Sponsor seeks to proceed under the State Density Bonus Law, Government Code Section 65915 et seq (the “State Law”). Under the State Law, a housing development that includes affordable housing is entitled to additional density, concessions and incentives, and waivers from development standards that might otherwise preclude the construction of the project. In accordance with the Planning Department’s policies regarding projects seeking to proceed under the State Law, the Project Sponsor has provided the Department with a 43-unit “Base Project” that would include housing that is affordable to very-low-, low-, and moderate-income households. Because the Project Sponsor is providing 9 units of housing affordable to very-low-, low-, and moderate-income households, the Project is eligible for a density bonus of 23%, seeking two waivers from the following development standards: 1) Rear Yard (Section 134) and 2) Bulk (Section 270).

On October 21, 2020, a Preliminary Initial Study/Mitigated Negative Declaration (IS/MND) for the Project was prepared and published for public review. The Preliminary IS/MND was available for public comment until November 10, 2020. No comments were received on the Preliminary IS/MND.

On November 18, 2020 the Department reviewed and considered the Final Mitigated Negative Declaration (FMND) and found that the contents of said report and the procedures through which the FMND was prepared, publicized, and reviewed complied with the California Environmental Quality Act (California Public Resources Code Sections 21000 et seq.) (CEQA), Title 14 California Code of Regulations Sections 15000 et seq. (the “CEQA Guidelines”) and Chapter 31 of the San Francisco Administrative Code (“Chapter 31”).

The Department found the FMND was adequate, accurate and objective, reflected the independent analysis and judgment of the Department and the Planning Commission (hereinafter “Commission”), and approved the FMND for the Project in compliance with CEQA, the CEQA Guidelines and Chapter 31. The Department prepared a Mitigation Monitoring and Reporting program (MMRP), which was made available to the public and the Commission for review, consideration and action.

On November 19, 2020 the full Recreation and Park Commission conducted a duly noticed public hearing at a regularly scheduled meetings and recommended that the Planning Commission find that the shadows cast by the Project would not be adverse to the use of Helen Wills Park.

On December 3, 2020, the Commission conducted a duly noticed public hearing at a regularly scheduled meeting on Conditional Use Authorization and Shadow Analysis Application Nos. 2018-008259CUASHD.

The Planning Department Commission Secretary is the Custodian of Records; the File for Record No. 2018-008259CUA is located at 49 South Van Ness Avenue, Suite 1400, San Francisco, California.

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

MOVED, that the Commission hereby authorizes the Conditional Use Authorization as requested in Application No. 2018-008259CUA, 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 commercial building and associated surface parking lot and construction of a six-story, 65-foot-tall mixed-use building with 53 dwelling units totaling approximately 60,000 square feet of residential use and approximately 7,264 square feet of ground floor retail space. The Project includes a dwelling unit mix consisting of 1 studio unit, 27 one-bedroom units, 21 two-bedroom units, and 4 three-bedroom units. The project would provide approximately 5,500 square feet of total residential usable open space through the second-floor modified rear yard setback, a rooftop deck, and a few private balconies at the sixth floor. A garage accessed from Pacific Avenue would contain 32 off-street vehicle parking spaces – 27 accessory to the residential use, 4 to the commercial use, and 1 car share space. The project also provides 54 Class 1 bicycle parking spaces in a bike room accessed from the residential lobby and 6 Class 2 bicycle parking spaces along the project’s frontage.
- 3. Site Description and Present Use.** The Project is located on one lot at the northeastern corner of the intersection of Polk Street and Pacific Avenue, Lot 011 in Assessor’s Block 0573. The Project Site contains approximately 128 feet of frontage along Polk Street, 136 feet of frontage along Pacific Avenue, and is rectangular in shape with a lot area of approximately 17,376 square feet. The Project Site is currently occupied by a one-story commercial building and associated parking lot. The building has three commercial storefronts, two facing the parking lot and Pacific Avenue as well as a basement-level space fronting Polk Street. One of the commercial spaces is currently occupied by a Legacy Business, d.b.a. “The Jug Shop”, a family-owned, independent shop specializing in wine, beer, and spirits.
- 4. Surrounding Properties and Neighborhood.** The Project Site is located within the Polk Street Neighborhood Commercial Zoning District (NCD) and is within a block of the Van Ness Avenue Area Plan. The surrounding vicinity is mixed-use in nature with residential uses often located above ground-floor commercial. Ground-floor commercial spaces in the surrounding blocks are generally occupied by personal service, eating and drinking establishments, as well as a range of neighborhood-serving uses such as an optometrist and frame store. Additionally, some ground floor spaces are occupied by design professional offices. Lastly, the adjacent property along Pacific Avenue is an auto repair garage. In general,

Polk Street is more oriented to commercial uses, while Pacific Avenue is more oriented toward residential uses, though both are decidedly mixed-use.

The development pattern in the immediate area of the Project Site is varied with buildings ranging from one- and two-story commercial structures on both Polk Street and Pacific Avenue, to 5- and 6-story buildings, including two 5-story buildings on the southeastern and southwestern corners of the intersection where the Project is located.

- 5. Public Outreach and Comments.** The Project Sponsor held a pre-application meeting in November 2018 prior to formal submittal of the Project to the Department. As the Project design became finalized, the Project Sponsor also met with several community organizations including: Lower Polk Neighbors, Russian Hill Neighbors, the Van Ness Corridor Neighborhoods Coalition, and Discover Polk CBD. All four organizations listed above have submitted letters of support for the Project. Additionally, the Department has received four communications with concerns about the project. These concerns include: impacts from noise, dust and street access during construction; impacts to traffic, parking and livability from the additional residential density; the overall height of the proposed structure; and the resulting loss of views from a newly purchased residential unit across the street. One commenter expressed a desire to see the Project Site be used as a public park instead.
- 6. Planning Code Compliance.** The Commission finds that the Project is consistent with the relevant provisions of the Planning Code in the following manner:

 - A. Use and Density.** Planning Code Section 723 permits residential uses within the Polk Street Neighborhood Commercial District (NCD) at a density of one dwelling unit per 400 square feet of lot area, or the density permitted in the nearest residential district. Planning Code Section 723 principally permits general retail sales and service uses at the ground floor.

The Project may achieve a density up to one dwelling per 400 square feet of lot area, or 43 units for the subject property with approximately 17,376 square feet of lot area. The Project Site is not close enough to either an RM-4 or RC-4 District to be able to use the one per 200 square feet of lot area density provisions of those Districts. The Project proposes a total of 53 dwelling units. The additional density would be achieved through the State Density Bonus Program, an increase of 23 percent over the otherwise permitted density. The Project also proposes three ground-floor storefronts to be occupied by Retail Sales and Service uses.
 - B. Development of Large Lots in NC Districts.** Planning Code Section 121.1 requires Conditional Use Authorization for the development of a lot larger than 2,500 square feet within the Polk Street NCD.

The Project requests Conditional Use Authorization for the development of the approximately 17,376-square foot lot; see additional findings in Section 8, below.
 - C. Non-Residential Use Size.** Planning Code Section 121.2 states that non-residential uses within the Polk Street Neighborhood Commercial District require Conditional Use Authorization if they are between 2,000 and 4,000 square feet in size.

The Project proposes three non-residential spaces, each of which exceed 2,000 square feet and are proposed at approximately 2,145 sf, 2,232 sf, and 2,887 sf. Two of these spaces have proposed mezzanines in the double-height area of the ground floor at the northern end of the project's Polk Street frontage, which help account for the additional space. The other is created through combining two potential storefronts at the building's corner, where the Project Sponsor intends to have "The Jug Shop" return as a tenant and continue operation as a Legacy Business. The Project requests Conditional Use Authorization for all three spaces; see additional findings in Section 9, below.

- D. **Basic Floor Area Ratio.** Planning Code Section 124 allows a Floor Area Ratio (FAR) of up to 2.5 to 1 within the Polk Street NCD. The Project Site has an area of approximately 17,376 square feet; therefore, the allowable FAR would permit a building of up to 43,440 square feet of Gross Floor Area.

Pursuant to Planning Code Section 124(b), FAR limits do not apply to residential uses. The commercial uses within the Project have an FAR of approximately 0.42, within the limit allowed by Code.

- E. **Rear Yard.** Planning Code Section 134 requires a rear yard equal to 25 percent of the lot depth, to be provided starting at the lowest floor level containing a dwelling unit. The Project Site has a lot depth of approximately 128' measured north to south, or approximately 136' measured east to west; therefore, a rear yard of approximately 32 feet, or 34 feet is required depending where the rear yard would be located.

The Project does not propose a standard rear yard setback that would extend across the full length of an internal rear property line. Instead, the Project proposes a modified setback and courtyard, located at the interior northeast corner of the property. A Code-compliant rear yard would contain approximately 4,352 square feet; the proposed modified setback and rear court contains approximately 4,224 square feet. Additionally, the project provides the modified rear yard setback at the second-floor level, which is generally the level where residential uses begin in the project; however, two units along Pacific Avenue are designed to have connection to the street at the ground floor.

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

- F. **Usable Open Space.** Planning Code Section 723 requires 60 square feet of private open space per unit, or 80 square feet of common open space per dwelling unit.

The Project includes a few areas of private usable open space at the second floor in the form of private patios for four units. Additionally, two units at the sixth floor will have two private balconies each that meet minimum size requirements for private usable open space, and in total will provide the units with 88 square feet of private open space. For the remaining 47 units, common usable open space would be required in the amount of 3,760 square feet. The remaining open space requirement is met through a common patio and surrounding planted area on the second floor, as well as a rooftop deck measuring approximately 3,000 square feet. Two additional units at the sixth floor will also have private balconies; however, with only a single balcony, these are not of sufficient size to meet the requirement.

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

The Project shall comply with this requirement and will include improvements such as new street trees and Class 2 bicycle racks, as well as curblin and intersection modifications with a bulbout into the Polk Street right-of-way. The precise location, spacing and type of street trees and other streetscape improvements will be further refined throughout the building permit review process.

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

The Project Site is a corner lot with frontages along Polk Street and Pacific Avenue; all units facing directly onto these streets meet exposure requirements, accounting for 30 of the 53 total units. The other area that units face onto is at the rear of the building, where the Project is providing a modified rear yard setback that measures approximately 70 feet by 62 feet. Given its size, this area is able to qualify for exposure for the remaining 23 units. Pursuant to Planning Code Section 140(a)(2), units at the second floor, which would be the least exposed, would need to face onto an area measuring at least 40 feet by 40 feet at the sixth floor above; the modified rear yard exceeds this requirement. Therefore, all units in the proposed project comply with dwelling unit exposure requirements.

- I. **Street Frontage in Neighborhood Commercial Districts.** Planning Code Section 145.1 requires that within Neighborhood Commercial Districts, space for active uses shall be provided within the first 25 feet of building depth on the ground floor and 15 feet on floors above from any facade facing a street at least 30 feet in width. Spaces such as lobbies are considered active uses only if they do not exceed 25% of the building's frontage at the ground level, or 40 feet, whichever is greater. Section 145.1(c)(2) of the Planning Code requires that no more than one-third of the width or 20 feet, whichever is less, of any given street frontage of a new or altered structure parallel to and facing a street shall be devoted to parking and loading ingress or egress. Section 145.1(c)(4) of the Planning Code requires that ground floor non-residential uses in NC Districts shall have a minimum floor-to-floor height of 14 feet, as measured from grade. Section 145.1(c)(5) requires the floors of street-fronting interior spaces housing non-residential active uses and lobbies shall be as close as possible to the level of the adjacent sidewalk at the principal entrance to these spaces. Section 145.1(c)(6) of the Planning Code requires that within Downtown Commercial Districts, frontages with active uses must be fenestrated with transparent windows and doorways for no less than 60 percent of the street frontage at the ground level and allow visibility to the inside of the building. The use of dark or mirrored glass shall not count towards the required transparent area. Any decorative railings or grillwork, other than wire mesh, which is placed in front of or behind ground floor windows, shall be at least 75 percent open to perpendicular view. Rolling or sliding security gates shall consist of open grillwork rather than solid material, so as to provide visual interest to pedestrians when the gates are closed, and to permit light to pass through mostly unobstructed. Gates, when both open and folded or rolled as well as the gate mechanism, shall be recessed within, or laid flush with, the building facade.

The Project includes approximately 7,264 gross square feet of ground floor retail sales and service uses located primarily along the Polk Street frontage, with one space wrapping the corner around Pacific Avenue. While the depth of each retail space varies in depth, all spaces are at least 25 feet deep along their respective frontages. Residential uses are provided above the ground floor and are considered active, as well as two walk-up dwelling units along Pacific Avenue, which meet active use requirements. The primary residential entry is accessed from Polk Street. The project proposes a single garage entry off Pacific Avenue, of 10 feet in width. As such, the proposed ground floor meets the Code's active use requirements. The various retail entries along Polk Street have been designed to be approximately level with the adjacent sidewalk, such that each space has a slightly different floor-to-ceiling height due to the lateral sloping topography of the site along both frontages. As a result, the retail spaces along the northern end of Polk Street are almost double-height, well in excess of the 14' floor-to-floor requirement at ground level, while even the spaces closer to Pacific Avenue have been designed with a height of 15'-10". Along both frontages, the ground floor active uses are fenestrated with transparent storefronts and entries for more than 60% of that portion of the façade.

- J. **Off-Street Parking.** Planning Code Section 151.1 establishes off-street parking requirements for uses within the Polk Street NCD. Pursuant to this Section, accessory parking is not required for any use; however, may be provided up to a ratio of 0.5 spaces per dwelling unit, and up to 1.5 spaces for every 500 square feet of occupied floor area of retail uses.

The Project proposes to provide accessory residential parking at the maximum, 0.5 ratio permitted under Code for a total of 27 accessory residential parking spaces. Additionally, the Project will provide four spaces for use with the retail sales and service businesses; in part, provision of these spaces was done to assist The Jug Shop legacy business, as some large orders may not be feasible to transport via walking, biking, or transit.

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

The Project contains less than 100,000 square feet of residential use and less than 10,000 square feet of occupied retail floor area. No off-street freight loading spaces are required, and none are proposed.

- L. **Bicycle Parking.** Planning Code Section 155.2 establishes bicycle parking requirements for new developments, based on uses. For buildings with up to 100 dwelling units, one Class 1 space is required per unit. Additionally, one Class 1 space is required for every 7,500 square feet of occupied retail floor area. Class 2 bicycle parking spaces are required at a rate of one space for every 20 dwelling units, and also one space for every 2,500 square feet of occupied retail floor area.

The Project includes 53 dwelling units and approximately 7,264 square feet of retail floor area; therefore 54 Class 1 spaces (53 for the residential use and 1 for the retail uses) and 6 Class 2 spaces (3 for the residential use and 3 for the retail uses) are required. The Project proposes to comply, providing a bicycle room adjacent to the residential lobby with capacity for 54 bicycles and by installing at least 3 Class 2 bicycle racks (equivalent to 6 spaces) on the adjacent sidewalks.

- M. **Car Share.** Planning Code Section 166 requires one car share parking space for residential projects with between 50 and 200 dwelling units. The required car share parking space may be provided on the building site or on another off-street site within 800 feet of the building site.

The Project proposes 53 dwelling units with a garage for off-street vehicle parking and therefore requires one car share parking space. One car share space will be provided in the garage accessed from Pacific Avenue.

- N. **Transportation Demand Management (TDM) Plan.** Pursuant to Planning Code Section 169 and the TDM Program Standards, the Project shall finalize a TDM Plan prior Planning Department approval of the first Building Permit or Site Permit. As currently proposed, the Project must achieve a target of 14 points.

The Project submitted a complete Development Application after January 1, 2018. Therefore, the Project is subject to 100% of the point target established in the TDM Program Standards, resulting in a required target of 14 points. As currently proposed, the Project will achieve its required 14 points through the following TDM measures:

- Unbundled Parking
- Parking Supply
- Bicycle Parking
- Bicycle Repair Station
- Car-share Parking
- Delivery Supportive Amenities
- Tailored Transportation Marketing Services
- On-Site Affordable Housing

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

The Project proposes a dwelling unit mix consisting of 1 studio unit, 27 one-bedroom units, 21 two-bedroom units, and 4 three-bedroom units. The Project therefore complies with the dwelling unit mix requirement by providing 47% of the units with at least two bedrooms, exceeding the 40% requirement.

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

elevator shaft may exceed the maximum height by 16 feet.

The finished roof of the Project would reach a maximum height of approximately 65 feet, as measured from the lowest point of the project's Pacific Avenue frontage. Rooftop stair and mechanical penthouses would add an additional 10 feet of height in those areas, while the elevator shaft will rise approximately 13'-5" above the roof; however, these features are exempt from height limits per Planning Code Section 260(b). As proposed, the Project is compliant with the 65-foot height limit on the subject property.

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

Portions of the building above the fourth floor exceed 40 feet in height; therefore, the Project is subject to the controls of the "A" Bulk District at the fourth floor and above. The Project's design, including at the fourth floor and above, is intended to continue the streetwall given its prominent corner location and large amount of frontage. The Project incorporates setbacks and bay windows, and varies the proposed exterior materials in order to create visual interest and assist the project in appearing contextual within the surrounding neighborhood. However, both the proposed maximum project length (approximately 127 feet along Polk Street and 136 feet along Pacific Avenue) and maximum project diagonal (approximately 186 feet) exceed the limits of the "A" Bulk District. This additional massing allows the project to achieve the additional density bonus permitted under the State Density Bonus Program.

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

- R. Shadows on Parks.** Section 295 requires any project proposing a structure exceeding a height of 40 feet to undergo a shadow analysis in order to determine if the project would result in the net addition of shadow to properties under the jurisdiction of the Recreation and Park Department or designated for acquisition by the Recreation and Park Commission.

A technical memorandum was prepared by "PREVISION DESIGN", dated July 13, 2020 ("Shadow Study"), which analyzed the potential shadow impacts of the proposed Project to parks subject to Section 295 (in addition to other open spaces under public jurisdiction and privately owned, publicly accessible open spaces).

As detailed in the Shadow Study, the proposed Project would cast new shadow on one existing park under the jurisdiction of the Recreation and Park Department and subject to Planning Code Section 295 – Helen Wills Park.

Helen Wills Park is an approximately 35,034 sf (0.80 acre) highly developed urban park between the Russian Hill and Nob Hill neighborhoods, bounded by Broadway to the north and Larkin Street to the east, sitting in the northeast corner of Block 0573. The park is divided into three main areas: the western portion contains a full-size tennis court enclosed by high fencing, the eastern portion contains a full

basketball court and a multi-use court, and the central portion contains two separate children's play areas: one for toddlers and the other for kids 5 to 12. The park has approximately 130,374,016 square foot hours (sfh) of Theoretically Available Annual Sunlight (TAAS), of which, existing shadow coverage accounts for 53,885,260 sfh, or 41.33 percent of TAAS.

The Shadow Study found that the proposed Project would add 797,100 sfh of net new shadow resulting in a 0.61 percent increase in annual shadow as a percentage of TAAS. Under existing plus project conditions, the total annual shadow coverage on Helen Wills Park would be 54,682,360 sfh, or 41.94 percent of TAAS. Shadow from the proposed Project on Helen Wills Park would occur between August 3rd and May 9th. Most of this new shadow would occur during the fall in late afternoon (after 4:00 pm). During the periods of shadow, the largest net new shadow by area would occur on November 15th and January 25th at 3:45 pm., covering an area of approximately 4,149 sf at a time where the majority of the park is already cast in shadow. The average duration of new shadow resulting from the Project would be approximately 121 minutes. The longest new shadow duration resulting from the Project would occur on December 20th and 21st for approximately 4.25 hours (starting at 11:45 am until the end of the daily analysis period at 3:54 pm).

On November 19, 2020 the full Recreation and Park Commission conducted a duly noticed public hearing at a regularly scheduled meeting and recommended that the Planning Commission find that the shadows cast by the Project would not be adverse to the use of Helen Wills Park. However, the Recreation and Park Commission did still recommend that the Planning Commission and Project Sponsor explore whether it was feasible to alter the design to reduce net new shadow on the park. Based on analysis conducted by the shadow consultant, the Project would need to be limited to a single story in order not to have any net new shadow impact.

- S. Inclusionary Affordable Housing Program.** Planning Code Section 415 sets forth the requirements and procedures for the Inclusionary Affordable Housing Program. Under Planning Code Section 415.3, these requirements apply to projects that consist of 10 or more units. The applicable percentage is dependent on the number of units in the project, the zoning of the property, and the date that the project submitted a complete Project Application. A complete Project Application was submitted on January 25, 2019; therefore, pursuant to Planning Code Section 415.3 the Inclusionary Affordable Housing Program requirement for the On-site Affordable Housing Alternative is to provide 22% of the proposed dwelling units as affordable.

The Project Sponsor has demonstrated that it is eligible for the On-Site Affordable Housing Alternative under Planning Code Section 415.5 and 415.6 and has submitted an 'Affidavit of Compliance with the Inclusionary Affordable Housing Program: Planning Code Section 415,' to satisfy the requirements of the Inclusionary Affordable Housing Program by providing the affordable housing through a combination of on-site units and through payment of the Affordable Housing Fee. In order for the Project Sponsor to be eligible for the On-Site Affordable Housing Alternative, the Project Sponsor must submit an 'Affidavit of Compliance with the Inclusionary Affordable Housing Program: Planning Code Section 415,' to the Planning Department stating that any affordable units designated as on-site units shall be sold as ownership units and will remain as ownership units for the life of the project. The Project Sponsor submitted such Affidavit on July 23, 2019. The applicable percentage is dependent on the total number of units in the project, the zoning of the property, and the date that the project submitted a complete

Project Application. A complete Project Application was submitted on January 25, 2019; therefore, pursuant to Planning Code Section 415.3 the Inclusionary Affordable Housing Program requirement for the On-site Affordable Housing Alternative is to provide 22% of the total proposed dwelling units as affordable, with a minimum of 12% of the units affordable to low-income households, 5% of the units affordable to moderate-income households, and the remaining 5% of the units affordable to middle-income households, as defined by the Planning Code and Procedures Manual. Nine units (5 one-bedroom, 3 two-bedroom, and 1 three-bedroom) of the total 53 units provided will be affordable units. As this only satisfies approximately 75% of the required 22% On-Site Affordable Housing obligation, the remainder of the requirement shall be paid as the Inclusionary Housing Fee at the applicable rate of 33%. Based on current fee rates, it is estimated that the project will pay approximately \$1,039,986 as the balance of the Inclusionary Affordable Housing requirement, in addition to the 9 proposed on-site units.

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

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

The proposed Project is necessary and desirable in that it will provide 53 new dwelling units, including 25 that contain at least two bedrooms and are appropriate for larger households. The Project will add housing opportunities within the Polk Street NCD at a density suitable for an urban area well served by public transit and nearby retail opportunities. The commercial spaces proposed primarily along the Project's Polk Street frontage will contribute to the overall commercial activity of the district, and will generally improve the pedestrian character of the site, particularly along Pacific Avenue where the public right-of-way currently abuts a surface parking lot. One of the commercial storefronts is intended as a replacement location for the legacy business, The Jug Shop that currently operates at the project site.

The existing development in the area surrounding the Project Site is varied in scale and intensity with buildings ranging from single-story commercial buildings to mixed-use buildings up to six stories in height, including two five-story buildings on other corners of this same intersection. West of the project site towards the Van Ness corridor, building heights range from two to seven stories. While the Project is taller than some adjacent buildings, the design incorporates upper level setbacks, bay windows and varied facade treatments to divide the elevation into discrete sections that complement the surrounding built environment and enhance the pedestrian realm.

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

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

The Project site is adequately sized to accommodate the development. Existing development in

the vicinity varies in size and intensity, and the Project is generally compatible with the character of the area, while bringing greater emphasis and height to the intersection.

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

The Project provides ample off-street parking with 27 accessory residential spaces at a ratio of 0.5 spaces per unit, in addition to a car-share vehicle space. The parking is accessed through a single garage entry on Pacific Avenue, which should have minimal effect on pedestrian and bicycle traffic, which is more oriented to Polk Street. The Project Site is well served by public transit located within a quarter-mile of many MUNI lines including the 1, 12, 19, 27, 30X, 41, 45, 47, 49, 76X, and the Powell-Hyde historic cable car. The Project additionally provides a bicycle storage room for 54 bicycles, encouraging residents and employees to use alternative means of transportation, particularly given the location on the Polk Street bikeway.

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

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

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

The Project proposes open spaces in the form of private patios and a common rear courtyard patio at the second floor as well as a large rooftop deck. Plans for the project show landscaping in the form of street trees and other plantings along Polk Street and Pacific Avenue, as well as a large planted area at the second-floor open space. Along Pacific Avenue, the project includes walk-up dwelling units, which have additional recessed and planted areas. Conditions of approval required that, as the Project proceeds through building permit review, the Project Sponsor will continue to work with Planning staff to refine details of lighting, signage, materials, and other aspects of the project.

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

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

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

The Polk Street Neighborhood Commercial District is a linear, dense mixed-use corridor that consists of residential units above ground-story commercial uses. The Project conforms to the purposes of the Polk Street NCD in that it would add ground-level retail uses along Polk Street, which will wrap the corner around to Pacific Avenue. This will enhance pedestrian and commercial activity in the area, while maintaining an existing sense of identity through the replacement storefront for The Jug Shop. Housing development is specifically encouraged on upper stories within the District and the Project succeeds in providing both a dense number of dwelling units overall while also having close to half of the units in the Project containing at least two bedrooms.

- 8. Development of Large Lots in NC Districts Findings.** In addition to the criteria of Section 303(c) of this Code, the Commission shall consider the extent to which the following criteria are met for the development of large lots in NC Districts, as per Planning Code Section 121.1(b):

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

The existing development in the area surrounding the Project Site is varied in scale and intensity with buildings ranging from single-story commercial buildings to mixed-use buildings up to six stories in height, including two five-story buildings on other corners of this same intersection. West of the project site towards the Van Ness corridor, building heights range from two to seven stories. While the Project is taller than some adjacent buildings, the design incorporates upper level setbacks, bay windows and varied facade treatments to divide the elevation into discrete sections that complement the surrounding built environment and enhance the pedestrian realm. Overall, the mass of the proposed structure is generally consistent with the neighborhood zoning and height limits and compatible with other structures in the vicinity, while also designed in a manner to create visual rhythm and a ground floor consistent with the neighborhood pattern.

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

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

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

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

permit non-residential use sizes in excess of 2,000 square feet within the Polk NCD, as per Planning Code Section 121.2(a):

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

The Polk Street Neighborhood Commercial District is an active commercial corridor that extends from Filbert Street to the north, far to the south until it reaches Civic Center and the Downtown area. On the southern half of the corridor, the location of commercial activity generally broadens east-west, away from the primary Polk corridor as well. Given the numerous other commercial activities in the area, some of which are likely in excess of 2,000 square feet as well, it is unlikely that the proposed commercial spaces will be detrimental to or foreclose other needed neighborhood-serving uses in the vicinity.

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

One of the proposed storefront spaces is intended to be a replacement location for the legacy business, The Jug Shop, which currently operates at the Project Site. The replacement commercial space will already be smaller than the business' current store, which is around 4,000 square feet. This additional space will be necessary for the business' operation, which deals with large volumes of a product that generally needs to be stored on site for sale to customers. The other proposed storefronts will exceed 2,000 square foot due to the inclusion of mezzanine spaces. While it is not clear at this time what business will operate in these locations, such additional space could be useful to a variety of businesses, whether needed for additional seating spaced farther apart, or needed for additional storage of materials for deliveries. This additional floor space does not have much corresponding visual impact on the street, since these storefronts will be no wider than if the mezzanines did not exist; however, the additional mezzanine in this location is a more efficient use of space given the almost double-height ground floor space due to site topography.

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

The proposed building is designed in a manner consistent with the pattern of development in the vicinity and respects the scale of development in the district. As discussed above, the individual storefronts have been designed in discreet elements with similar architectural features as seen on nearby buildings, while the additional square footage is primarily being added through incorporation of mezzanines in a double-height space. For the commercial space closest to the corner, proposed for occupation by the Jug Shop, this space could at some point in the future still be converted into two separate commercial spaces based on the overall architectural design of the building.

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

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

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

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

The Project is not requesting any concessions or incentives under the Individually Requested Density Bonus Program; and is therefore not applicable.

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

The Project includes the demolition of the existing one-story commercial building and construction of a new six-story mixed-use residential building with ground floor commercial. The Project proposes a dwelling unit mix consisting of 1 studio unit, 27 one-bedroom units, 21 two-bedroom units, and 4 three-bedroom units totaling 53 dwelling units, with 9 dwelling units provided as affordable.

In order to achieve the proposed residential density, the Project is requesting two waivers from development standards: 1) Rear Yard (Section 134) and 2) Bulk (Section 270). Without the waivers, the Project will be physically precluded from constructing the additional units as permitted under the Individually Requested Density Bonus Program, thus preventing the Project from achieving a 23% density bonus.

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

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

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

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

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

The Project is not seeking any concessions or incentives under the Individually Requested Density Bonus Program; and is therefore not applicable.

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

HOUSING ELEMENT

Objectives and Policies

OBJECTIVE 1

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

Policy 1.1

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

Policy 1.10

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

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.

OBJECTIVE 12

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

Policy 12.2

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

COMMERCE AND INDUSTRY ELEMENT

Objectives and Policies

OBJECTIVE 1

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

Policy 1.1

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

OBJECTIVE 6

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

Policy 6.1

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

Policy 6.3

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

Policy 6.8

Preserve historically and/or architecturally important buildings or groups of buildings in neighborhood commercial districts.

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 3.2

Avoid extreme contrasts in color, shape and other characteristics which will cause new buildings to stand out in excess of their public importance.

Policy 3.6

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

The Project is a high-density residential infill development that will provide 53 new dwelling units in a mixed-use area. The Project proposes a mix of dwelling unit types, with almost half (47%) of the units containing at least two bedrooms. The Project proposes to meet the requirements of the Inclusionary Affordable Housing Program through a combination of nine (9) on-site Below Market Rate (BMR) units and payment of approximately \$1,039,986 as the balance of the Inclusionary Affordable Housing Fee. The Project Site is located in proximity to a variety of public transportation options, including numerous MUNI lines within a quarter-mile, as well as being located along a primary north-south bikeway on Polk Street. The Project proposes accessory parking at a ratio of 0.5 spaces per unit, consistent with the maximum amount permitted within the zoning district, which will allow families and other future building residents the flexibility to use personal vehicles. The garage's single entry off Pacific Avenue should minimize conflict between vehicles and pedestrians, cyclists and transit, particularly along the more active Polk Street frontage. The Project Site is located within a developed urban context with much existing access to neighborhood-serving retail, services, amenities and entertainment opportunities. The Project will create new ground floor commercial spaces along Polk Street, including a replacement storefront space for The Jug Shop, a legacy business that currently operates at the Project Site. The Project will also create a better pedestrian environment along

Pacific Avenue, which currently abuts the surface parking lot at the project site. The building's design includes two walk-up residential units along Pacific Avenue, reflecting the block's slightly more residential character than what exists on Polk Street. The subject property is appropriate for infill development and will complement and contribute to the vitality, activity and walkable urban character of the area.

The Project is consistent with the mixed-use character of Polk Street with high-density residential housing located over ground floor commercial spaces. Although the Project will use the State Density Bonus Program to achieve additional density, the Project's height will be consistent with the existing zoning height limit of 65 feet. The Project Site is a large lot at the intersection of Polk Street and Pacific Avenue and the building has been designed to hold the streetwall; as a result, the Project requires a waiver from bulk under the State Density Bonus Program. However, the building has also been designed to avoid a dominating or overbearing appearance in terms of mass and scale. The building has incorporated an upper floor setback along both the Polk Street and Pacific Avenue frontages to step the building mass back from the corner, and uses different exterior materials and bay windows to visually break up the building façade into multiple discreet components. At the ground floor level, the Project activates the Polk Street frontage with multiple storefronts including a corner location that wraps around to Pacific Avenue and is intended to be a replacement location for the legacy business, The Jug Shop. Along Pacific Avenue, to reinforce a more residential character, the project has included two walk-up dwelling units, with small planted areas to add visual interest. Overall, these design decisions are complementary to the context of the district, while still being contemporary in its design. For all these reasons, the Project is on balance, consistent with the Objectives and Policies of the General Plan.

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

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

The Project would require the removal and demolition of the existing retail businesses; however, new commercial spaces will be included in the new building that will provide local business ownership and employment opportunities. Importantly, one of these spaces is intended as a replacement location for the legacy business, The Jug Shop, which currently operates on the Project Site. In addition, the new residents in the Project will patronize area businesses, bolstering the viability of surrounding commercial districts.

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

The Project Site does not contain any existing housing that would be removed for the Project. The Project will add 53 dwelling units in a manner that is compatible with the surrounding neighborhood context and that will enhance the vitality of the surrounding commercial corridor. The Project is expressive in design and relates well to the scale and form of the surrounding neighborhood. For these reasons, the Project would protect and preserve the cultural and economic diversity of the neighborhood.

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

The Project does not remove any housing and will add 53 dwelling units to the City's stock. The Project will comply with the City's Affordable Housing Program through a combination of nine (9) on-site affordable units and payment of the Affordable Housing Fee, approximately \$1,040,000, as the remainder of the Inclusionary obligation.

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

The Project Site is located within the Polk Street NCD where a wide variety of goods and services are available within walking distance of the subject property. The Project Site is located in an area well served by public transit and is located on a primary north-south bikeway. The Project provides a reasonable amount of off-street parking, which can be particularly useful to families that may occupy the building; however, the garage's single access point from Pacific Avenue should help to minimize conflicts with transit, bicyclists or pedestrians, particularly when compared with the more pedestrian- and bicycle-active Polk Street frontage.

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

The Project does not propose any commercial office development. The Project will include commercial establishments that will provide employment and/or business ownership opportunities for area residents.

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

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

- G. That landmarks and historic buildings be preserved.

The Project Site does not contain any City Landmarks or historic buildings. A legacy business currently operates at the Project Site; however, the Project intends to create a replacement storefront for this business, so that they may continue to operate after construction of the Project.

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

The Project will create new shadow on one proposed park under jurisdiction of the Recreation and Park Department – Helen Wills Park. The amount of additional shadow that would occur as a result of the Project has not been found to be significant or adverse to the use of the park.

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

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

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

DECISION

That based upon the Record, the submissions by the Applicant, the staff of the Department and other interested parties, the oral testimony presented to this Commission at the public hearings, and all other written materials submitted by all parties, the Commission hereby **APPROVES Conditional Use Authorization Application No. 2018-008259CUA** subject to the following conditions attached hereto as “EXHIBIT A” in general conformance with plans on file, dated November 24, 2020, and stamped “EXHIBIT B”, which is incorporated herein by reference as though fully set forth.

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

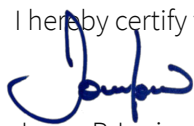
The Planning Commission hereby adopts the MND and the MMRP attached hereto as Exhibit C and incorporated herein as part of this Motion by this reference thereto. All required mitigation measures identified in the IS/MND and contained in the MMRP are included as conditions of approval.

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

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

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

I hereby certify that the Planning Commission ADOPTED the foregoing Motion on December 3, 2020.



Jonas P. Ionin
Commission Secretary

AYES: Tanner, Chan, Diamond, Fung, Imperial, Moore, Koppel

NAYS: None

ABSENT: None

ADOPTED: December 3, 2020

EXHIBIT A

Authorization

This authorization is for a conditional use to allow demolition of an existing commercial building and associated surface parking lot, and new construction of a six-story, approximately 65-foot-tall, 60,000 gross square foot mixed-use building containing approximately 7,264 gross square feet of ground floor commercial space and 53 dwelling units, 54 Class 1 bicycle parking spaces and 6 Class 2 spaces, with 27 proposed off-street accessory residential vehicle parking spaces, 4 off-street accessory commercial vehicle parking spaces, and 1 car-share space, located at 2030 Polk Street (a.k.a. 1580 Pacific Avenue), Block 0573, Lot 011, pursuant to Planning Code Section(s) 121.1, 121.2, and 303, and pursuant to Planning Code Section 206.6 as an Individually-Requested State Density Bonus Project, within the Polk Street Neighborhood Commercial District and a 65-A Height and Bulk District; in general conformance with plans, dated November 24, 2020, and stamped “EXHIBIT B” included in the docket for Record No. 2018-008259CUA and subject to conditions of approval reviewed and approved by the Commission on December 3, 2020 under Motion No. 20818. 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 December 3, 2020 under Motion No. 20818.

Printing of Conditions of Approval on Plans

The conditions of approval under the 'Exhibit A' of this Planning Commission Motion No. 20818 shall be reproduced on the Index Sheet of construction plans submitted with the site or building permit application for the Project. The Index Sheet of the construction plans shall reference to the Conditional Use authorization and any subsequent amendments or modifications.

Severability

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

Changes and Modifications

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

CONDITIONS OF APPROVAL, COMPLIANCE, MONITORING, AND REPORTING

Performance

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

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

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

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

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

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

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

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

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

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

- 6. Additional Project Authorization.** The Project Sponsor must obtain a Shadow Determination under Section 295 that the net new shadow cast by the Project on Helen Wills Park will be insignificant to the use of said park under the jurisdiction of the Recreation and Park Department and satisfy all the conditions thereof. The conditions set forth below are additional conditions required in connection with the Project. If these conditions overlap with any other requirement imposed on the Project, the more restrictive or protective condition or requirement, as determined by the Zoning Administrator, shall apply.

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

- 7. Mitigation Measures.** Mitigation measures described in the MMRP attached as Exhibit C are necessary to avoid potential significant effects of the proposed project and have been agreed to by the project sponsor. Their implementation is a condition of project approval.

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

Design – Compliance at Plan Stage

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

For information about compliance, contact the Case Planner, Planning Department at 628.652.7430, www.sfplanning.org

- 9. 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 628.652.7430, www.sfplanning.org

- 10. 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 628.652.7430, www.sfplanning.org

- 11. Streetscape Plan.** Pursuant to Planning Code Section 138.1, the Project Sponsor shall continue to work with Planning Department staff, in consultation with other City agencies, to refine the design and programming of

the Streetscape Plan so that the plan generally meets the standards of the Better Streets Plan and all applicable City standards. The Project Sponsor shall complete final design of all required street improvements, including procurement of relevant City permits, prior to issuance of first architectural addenda, and shall complete construction of all required street improvements prior to issuance of first temporary certificate of occupancy.

For information about compliance, contact the Case Planner, Planning Department at 628.652.7430, www.sfplanning.org

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

For information about compliance, contact the Case Planner, Planning Department at 628.652.7430, www.sfplanning.org

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

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

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

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

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

For information about compliance, contact the Case Planner, Planning Department at 628.652.7430, www.sfplanning.org

Parking and Traffic

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

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

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

- 17. Parking for Affordable Units.** All off-street parking spaces shall be made available to Project residents only as a separate “add-on” option for purchase or rent and shall not be bundled with any Project dwelling unit for the life of the dwelling units. The required parking spaces may be made available to residents within a quarter mile of the project. All affordable dwelling units pursuant to Planning Code Section 415 shall have equal access to use of the parking as the market rate units, with parking spaces priced commensurate with the affordability of the dwelling unit. Each unit within the Project shall have the first right of refusal to rent or purchase a parking space until the number of residential parking spaces are no longer available. No conditions may be placed on the purchase or rental of dwelling units, nor may homeowner’s rules be established, which prevent or preclude the separation of parking spaces from dwelling units.

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

- 18. Car Share.** Pursuant to Planning Code Section 166, no fewer than one (1) car share space shall be made available, at no cost, to a certified car share organization for the purposes of providing car share services for its service subscribers.

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

- 19. Bicycle Parking.** Pursuant to Planning Code Sections 155, 155.1, and 155.2, the Project shall provide no fewer than 60 bicycle parking spaces (53 Class 1 spaces for the residential portion of the Project, 1 Class 1 space for the commercial portion of the project and 6 Class 2 spaces for the residential and commercial portion of the Project). SFMTA has final authority on the type, placement and number of Class 2 bicycle racks within the public ROW. Prior to issuance of first architectural addenda, the project sponsor shall contact the SFMTA Bike

Parking Program at bikeparking@sfmta.com 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

- 20. Parking Maximum.** Pursuant to Planning Code Section 151.1, the Project shall provide no more than twenty-seven (27) off-street parking spaces accessory to the residential use, and no more than fifteen (15) spaces accessory to the Retail Sales and Service uses.

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

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

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

Provisions

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

For information about compliance, contact the Case Planner, Planning Department at 628.652.7430, www.sfplanning.org

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

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

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

For information about compliance, contact the Case Planner, Planning Department at 628.652.7430, www.sfplanning.org

- 25. 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 628.652.7430, www.sfplanning.org

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

A. Number of Required Units. Pursuant to Planning Code Section 415.3, the Project is required to provide 22% of the proposed dwelling units as affordable to qualifying households. The Project contains 53 units; therefore, 12 affordable units are currently required. The Project Sponsor will fulfill this requirement by providing 9 affordable units on-site and payment of the Affordable Housing Fee for the remaining 25% balance of the requirement. If the number of market-rate units change, the number of required affordable units shall be modified accordingly with written approval from Planning Department staff in consultation with the Mayor's Office of Housing and Community Development ("MOHCD").

For information about compliance, contact the Case Planner, Planning Department at (628) 652-7430, www.sfplanning.org or the Mayor's Office of Housing and Community Development at (415) 701-5500, www.sfmohcd.org.

B. Unit Mix. The Project contains 1 studio, 27 one-bedroom, 21 two-bedroom, and 4 three-bedroom units; therefore, the required affordable unit mix is zero (0) studios, 6 one-bedroom, 5 two-bedroom, and 1 three-bedroom units. The Project Sponsor has elected to provide 75% of their Inclusionary requirement by providing on-site units, consistent with the "Combination" alternative included in Section 415.5(g)(1)(D). Therefore, the Project is providing zero (0) studios, 5 one-bedroom, 3 two-bedroom, and 1 three-bedroom units on-site. If the market-rate unit mix changes, the affordable unit mix will be modified accordingly with written approval from Planning Department staff in consultation with MOHCD.

For information about compliance, contact the Case Planner, Planning Department at (628) 652-7430, www.sfplanning.org or the Mayor's Office of Housing and Community Development at (415) 701-5500, www.sfmohcd.org.

C. Mixed Income Levels for Affordable Units. Pursuant to Planning Code Section 415.3, the Project is required to provide 22% of the proposed dwelling units as affordable to qualifying households. At least 12% must be affordable to low-income households, at least 5% must be affordable to moderate income households, and at least 5% must be affordable to middle income households. Ownership Units for low-income households shall have an affordable sales price set at 80% of Area Median Income or less, with households earning up to 100% of Area Median Income eligible to apply for low-income units. Ownership Units for moderate-income households shall have an affordable sales price set at 105% of Area Median Income or less, with households earning from 95% to 120% of Area Median Income eligible to apply for moderate-income units. Ownership Units for middle-income households shall have an affordable sales price set at 130% of Area Median Income or less, with households earning from 120% to 150% of Area Median Income eligible to apply for middle-income units. For any affordable units with sales prices set at 130% of Area Median Income, the units shall have a minimum

occupancy of two persons. The Project Sponsor has elected to provide 75% of their Inclusionary requirement by providing on-site units, consistent with the “Combination” alternative included in Section 415.5(g)(1)(D). Therefore, the Project is providing 5 units to very low-income households at an affordable rent set at 80% Area Median Income, 2 units to moderate-income households at an affordable rent set at 105% Area Median Income, and 2 units to middle-income households at an affordable rent set at 130% Area Median Income. If the number of market-rate units change, the number of required affordable units shall be modified accordingly with written approval from Planning Department staff in consultation with the Mayor’s Office of Housing and Community Development (“MOHCD”).

For information about compliance, contact the Case Planner, Planning Department at (628) 652-7430, www.sfplanning.org or the Mayor’s Office of Housing and Community Development at (415) 701-5500, www.sfmohcd.org.

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

For information about compliance, contact the Case Planner, Planning Department at (628) 652-7430, www.sfplanning.org or the Mayor’s Office of Housing and Community Development at (415) 701-5500, www.sfmohcd.org.

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

For information about compliance, contact the Case Planner, Planning Department at (628) 652-7430, www.sfplanning.org or the Mayor’s Office of Housing and Community Development at (415) 701-5500, www.sfmohcd.org.

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

For information about compliance, contact the Case Planner, Planning Department at (628) 652-7430, www.sfplanning.org or the Mayor’s Office of Housing and Community Development at (415) 701-5500, www.sfmohcd.org.

- G. Phasing.** If any building permit is issued for partial phasing of the Project, the Project Sponsor shall have designated not less than twenty-two percent (22%), or the applicable percentage as discussed above, of each phase’s total number of dwelling units as on-site affordable units.

For information about compliance, contact the Case Planner, Planning Department at (628) 652-7430, www.sfplanning.org or the Mayor's Office of Housing and Community Development at (415) 701-5500, www.sfmohcd.org.

- H. **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) 652-7430, www.sfplanning.org or the Mayor's Office of Housing and Community Development at (415) 701-5500, www.sfmohcd.org.

- I. **Expiration of the Inclusionary Rate.** Pursuant to Planning Code Section 415.6(a)(10), if the Project has not obtained a site or building permit within 30 months of Planning Commission Approval of this Motion No. 20818, then it is subject to the Inclusionary Affordable Housing Requirements in effect at the time of site or building permit issuance.

For information about compliance, contact the Case Planner, Planning Department at (628) 652-7430, www.sfplanning.org or the Mayor's Office of Housing and Community Development at (415) 701-5500, www.sfmohcd.org.

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

For information about compliance, contact the Case Planner, Planning Department at (628) 652-7430, www.sfplanning.org or the Mayor's Office of Housing and Community Development at (415) 701-5500, www.sfmohcd.org.

- K. **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) 652-7430, www.sfplanning.org or the Mayor's Office of Housing and Community Development at (415) 701-5500, www.sfmohcd.org.

- i. The affordable unit(s) shall be designated on the building plans prior to the issuance of the first construction permit by the Department of Building Inspection ("DBI"). The affordable

unit(s) shall (1) be constructed, completed, ready for occupancy and marketed no later than the market rate units, and (2) be evenly distributed throughout the building; and (3) be of comparable overall quality, construction and exterior appearance as the market rate units in the principal project. The interior features in affordable units should be generally the same as those of the market units in the principal project, but need not be the same make, model or type of such item as long they are of good and new quality and are consistent with then-current standards for new housing. Other specific standards for on-site units are outlined in the Procedures Manual.

- ii. If the units in the building are offered for sale, the affordable unit(s) shall be sold to first time home buyer households with a minimum of 12% of the units affordable to low-income households, 5% to moderate-income households, and the remaining 5% of the units affordable to middle-income households. 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.
 - iii. The Project Sponsor is responsible for following the marketing, reporting, and monitoring requirements and procedures as set forth in the Procedures Manual. MOHCD shall be responsible for overseeing and monitoring the marketing of affordable units. The Project Sponsor must contact MOHCD at least six months prior to the beginning of marketing for any unit in the building.
 - iv. Required parking spaces shall be made available to initial buyers or renters of affordable units according to the Procedures Manual.
 - v. Prior to the issuance of the first construction permit by DBI for the Project, the Project Sponsor shall record a Notice of Special Restriction on the property that contains these conditions of approval and a reduced set of plans that identify the affordable units satisfying the requirements of this approval. The Project Sponsor shall promptly provide a copy of the recorded Notice of Special Restriction to the Department and to MOHCD or its successor.
 - vi. If the Project Sponsor fails to comply with the Inclusionary Affordable Housing Program requirement, the Director of DBI shall deny any and all site or building permits or certificates of occupancy for the development project until the Planning Department notifies the Director of compliance. A Project Sponsor's failure to comply with the requirements of Planning Code Section 415 et seq. shall constitute cause for the City to record a lien against the development project and to pursue any and all available remedies at law, including interest and penalties, if applicable.
- L. **Fee Requirement.** Pursuant to Planning Code Section 415.5, the Project Sponsor must pay an Affordable Housing Fee at a rate equivalent to the applicable percentage of the number of units in an off-site project needed to satisfy the Inclusionary Affordable Housing Program Requirement for the

principal project. The applicable percentage for this project is thirty percent (33%) because it is an ownership project. The Project Sponsor shall pay the applicable Affordable Housing Fee at the issuance of the first construction document. The Project Sponsor has elected to provide 75% of their Inclusionary requirement by providing on-site units, consistent with the "Combination" alternative included in Section 415.5(g)(1)(D). Therefore, the Project Sponsor is required to satisfy the remaining 25% of the Inclusionary requirement through payment of the Inclusionary Affordable Housing Fee.

For information about compliance, contact the Case Planner, Planning Department at (628) 652-7430, www.sfplanning.org or the Mayor's Office of Housing and Community Development at (415) 701-5500, www.sfmohcd.org.

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

For information about compliance, contact the Case Planner, Planning Department at (628) 652-7430, www.sfplanning.org or the Mayor's Office of Housing and Community Development at (415) 701-5500, www.sfmohcd.org.

- i. The Project Sponsor must pay the Fee in full sum to the Development Fee Collection Unit at the DBI for use by MOHCD prior to the issuance of the first construction document.
- ii. Prior to the issuance of the first construction permit by the DBI for the Project, the Project Sponsor shall record a Notice of Special Restriction on the property that records a copy of this approval. The Project Sponsor shall promptly provide a copy of the recorded Notice of Special Restriction to the Department and to MOHCD or its successor.
- iii. If project applicant fails to comply with the Inclusionary Affordable Housing Program requirement, the Director of DBI shall deny any and all site or building permits or certificates of occupancy for the development project until the Planning Department notifies the Director of compliance. A Project Sponsor's failure to comply with the requirements of Planning Code Sections 415 et seq. shall constitute cause for the City to record a lien against the development project and to pursue any and all other remedies at law, including interest and penalties, if applicable.

27. Legacy Business. There is an existing Legacy Business (d.b.a. The Jug Shop) operating at the Project Site. While the Project will demolish the existing building and the current Legacy Business storefront, the Project will create a new commercial space closest to the corner of Polk Street and Pacific Avenue, intended to be occupied by The Jug Shop upon completion of the Project. Pursuant to Planning Code Section 723(b)(2), any Non-Residential use other than the subject Legacy Business proposed for occupancy of this commercial space shall require a Conditional Use Authorization from the Planning Commission for the replacement of a Legacy Business.

For information about compliance, contact the Case Planner, Planning Department at 628.652.7430, www.sfplanning.org

Monitoring - After Entitlement

28. 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

29. 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

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

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

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

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

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

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

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

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

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

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

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

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

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

- 32. Community Liaison.** Prior to issuance of a building permit to construct the project and implement the approved use, the Project Sponsor shall appoint a community liaison officer to deal with the issues of concern to owners and occupants of nearby properties. The Project Sponsor shall provide the Zoning Administrator and all registered neighborhood groups for the area with written notice of the name, business address, and telephone number of the community liaison. Should the contact information change, the Zoning Administrator and registered neighborhood groups shall be made aware of such change. The community liaison shall report to the Zoning Administrator what issues, if any, are of concern to the community and what

issues have not been resolved by the Project Sponsor.

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

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

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

1580 PACIFIC AVENUE COMMISSION HEARING



PROJECT INFORMATION

■ UNITS	TOTAL UNITS = 53 UNITS
- RESIDENTIAL	27 X 1 BEDROOMS FROM 690 SF TO 1,183 SF 21 X 2 BEDROOMS FROM 1,155 SF TO 1,644 SF 4 X 3 BEDROOM FROM 1,642 SF TO 1,852 SF 1 X STUDIO 488 SF
- COMMERCIAL	3 RETAIL/COMMERCIAL (2,887 SF, 2,232 SF, 2,145 SF)
■ LOT AREA	17,376 SF
■ HEIGHT	6 STORIES, 65'-0" TALL (65'-0" HEIGHT LIMIT)
■ PARKING	
- AUTOMOBILE	32
- BICYCLE	54 CLASS 1, 5 CLASS 2
■ REAR YARD	70'-0" X 62'-1/2" = 4344 SF (25%)
■ OPEN SPACE	
- COMMON	3,760 SF (ON ROOF DECK AND COMMON REAR YARD)
■ ACCESSIBILITY	FULLY ADAPTABLE
■ INCLUSIONARY HOUSING	9 INCLUSIONARY HOUSING UNITS
■ CONSTRUCTION TYPE	IIIA OVER IA

1580 PACIFIC AVENUE (2030 POLK STREET) ZONING INFORMATION

ZONING INFORMATION

BLOCK/LOT	ZONING	HEIGHT/BULK	AREA
0573/011	Polk Street NCD (Neighborhood Commercial District)	65-A	17,371 SF

PLANNING CODE REQUIREMENTS	REQUIRED	PROVIDED (MODIFIED BY DENSITY BONUS*)
LOT COVERAGE	25% REAR YARD REQUIRED AT RESIDENTIAL LEVELS (15'MIN.)	4,344 SF = 25% OF LOT
STREET FRONTAGE	GROUND FLOOR COMMERCIAL NOT REQUIRED	3 COMM. SPACES
BULK LIMITS (A)	ABOVE 40' = MAX LENGTH OF 110', MAX DIAGONAL OF 125'	LENGTH = 135'-1", DIAGONAL = 185'-5" *
UNIT DENSITY	400 (ONE UNIT PER 400 SF LOT AREA) = 43 MAX UNITS	53 UNITS PROVIDED *
DWELLING UNIT MIX	AT LEAST 40% 2-BEDROOM UNITS OR 30% 3-BEDROOM UNITS	40% 2 BD. PROVIDED
RESIDENTIAL OPEN SPACE	60SF/UNIT IF PRIVATE OPEN SPACE	PROVIDED, SEE SHEET 26
	80SF/UNIT IF COMMON OPEN SPACE	PROVIDED, SEE SHEET 26
VEHICULAR PARKING	RESIDENTIAL : NOT REQUIRED / 0.5 PER UNIT PERMITTED	27 RES. PKG. PROVIDED
	COMMERCIAL : NOT REQUIRED UP TO 5,000 SF / ONE PER EACH 500 SF OVER 5,000 SF	4 COMM. PKG. PROVIDED & 1 CAR SHARE
BICYCLE PARKING (CLASS I)	RESIDENTIAL : < 100 UNITS = 1.0/UNIT	53 PROVIDED
	COMMERCIAL : 1/7,500 SF	1 PROVIDED
BICYCLE PARKING (CLASS II)	ONE PER 20 UNITS + TWO PER RETAIL 2,500 SF	5 PROVIDED
FAR	NON-RESIDENTIAL: 2.5 TO 1	7,264 SF OF COMMERCIAL SPACE PROVIDED
PROP K	Section 295 of the city planning code requires the planning commission, prior to the issuance of a permit for a project that exceeds 40 feet in height, to make a finding that any shadow on property under the jurisdiction of Recreation and Park department cast by the project is insignificant.	

STATE DENSITY BONUS

The proposed project seeks to apply the State Density Bonus Law to this project, which allows up to a maximum 35% density bonus above the base density of 43 units. The proposed project has an on-site inclusionary requirement of 22% (12% at 80% AMI, 5% at 105% AMI, and 5% at 130% AMI). At this rate, the project is eligible for 23% density bonus on 43 base units, for a total of 10 additional units. The proposed project includes 53 residential units and will request a waiver for a bulk modification.

AREA CALCULATIONS

Area Calculations: Interior Total (Net)			
Story	Zone	Type	Area
BASEMENT			
	BICYCLE PARKING & REPAIR	54 CLASS 1 PKG.	1.023
	COMMERCIAL 2		1.680
	COMMERCIAL 3		2.012
	ELEV		72
	LOBBY		550
	MAIL PKG.		84
STORY 1			
	BFP		83
	COMMERCIAL 1		2.145
	COMMERCIAL 2	MEZZ.	552
	COMMERCIAL 3	MEZZ.	875
	COMMERCIAL GARAGE		1.920
	CORRIDOR		398
	ELECTRICAL		276
	ELEV		72
	EXIT PASG		217
	GAS		9
	RES. RECYCLE		417
	RESIDENTIAL GARAGE		6.303
	STAIR 1		103
	STAIR 2		192
	UNIT 203	2BD	522
	UNIT 204	2BD	607
STORY 2			
	CORRIDOR		1.009
	ELEV		72
	RECYCLE		59
	STAIR 1		133
	STAIR 2		125
	UNIT 201	2 BD	1.242
	UNIT 202	1 BD	693
	UNIT 203	2 BD	1.079
	UNIT 204	2 BD	1.037
	UNIT 205	1 BD	757
	UNIT 206	2 BD	1.264
	UNIT 207	1 BD	744
	UNIT 208	2 BD	1.155
	UNIT 209	2 BD	1.189
	UNIT 210	1 BD	748
	UNIT 211	1 BD	690
STORY 3			
	CORRIDOR		862
	ELEV		76
	RECYCLE		59
	STAIR 1		133
	STAIR 2		125
	UNIT 301	2 BD	1.242
	UNIT 302	1 BD	693
	UNIT 303	1 BD	715
	UNIT 304	1 BD	743
	UNIT 305	1 BD	758
	UNIT 306	1 BD	759
	UNIT 307	1 BD	714
	UNIT 308	1 BD	723
	UNIT 309	1 BD	766
	UNIT 310	2 BD	1.183
	UNIT 311	2 BD	1.189
	UNIT 312	1 BD	748
	UNIT 313	1 BD	690
STORY 4			
	CORRIDOR		862
	ELEV		72
	RECYCLE		59
	STAIR 1		133

Area Calculations: Interior Total (Net)			
Story	Zone	Type	Area
	STAIR 2		125
	UNIT 401	2 BD	1.242
	UNIT 402	1 BD	693
	UNIT 403	1 BD	686
	UNIT 404	2 BD	1.522
	UNIT 405	1 BD	759
	UNIT 406	1 BD	714
	UNIT 407	1 BD	723
	UNIT 408	1 BD	765
	UNIT 409	2 BD	1.183
	UNIT 410	2 BD	1.189
	UNIT 411	2 BD	1.457
STORY 5			
	CORRIDOR		862
	ELEV		96
	RECYCLE		59
	STAIR 1		133
	STAIR 2		125
	UNIT 501	2 BD	1.242
	UNIT 502	2 BD	1.397
	UNIT 503	2 BD	1.521
	UNIT 504	1 BD	759
	UNIT 505	1 BD	714
	UNIT 506	1 BD	723
	UNIT 507	1 BD	765
	UNIT 508	2 BD	1.183
	UNIT 509	2 BD	1.189
	UNIT 510	2 BD	1.457
STORY 6			
	CORRIDOR		720
	ELEV		72
	RECYCLE		59
	STAIR 1		133
	STAIR 2		125
	UNIT 601	3 BD	1.852
	UNIT 602	2 BD	1.105
	UNIT 603	3 BD	1.730
	UNIT 604	3 BD	1.642
	UNIT 605	STUDIO	488
	UNIT 606	1 BD	765
	UNIT 607	1 BD	1.183
	UNIT 608	3 BD	1.721
TOTAL			80.290 sq ft

Area Calculations: Interior Total (Net) Townhomes		
Unit	Type	Area
203	2BD	1550
204	2BD	1643

Area Calculations	
Floor (Story)	Exterior Gross Total
BASEMENT	8.077
STORY 1	16.963
STORY 2	13.008
STORY 3	13.196
STORY 4	13.196
STORY 5	13.196
STORY 6	12.491
TOTAL	90.127 sq ft

Unit Inventory		
Unit Type	Quantity	Unit Mix %
1 BD	27	50%
2 BD	21	40%
3 BD	4	8%
STUDIO	1	2%
TOTAL	53	100%

BEDROOM COUNT:

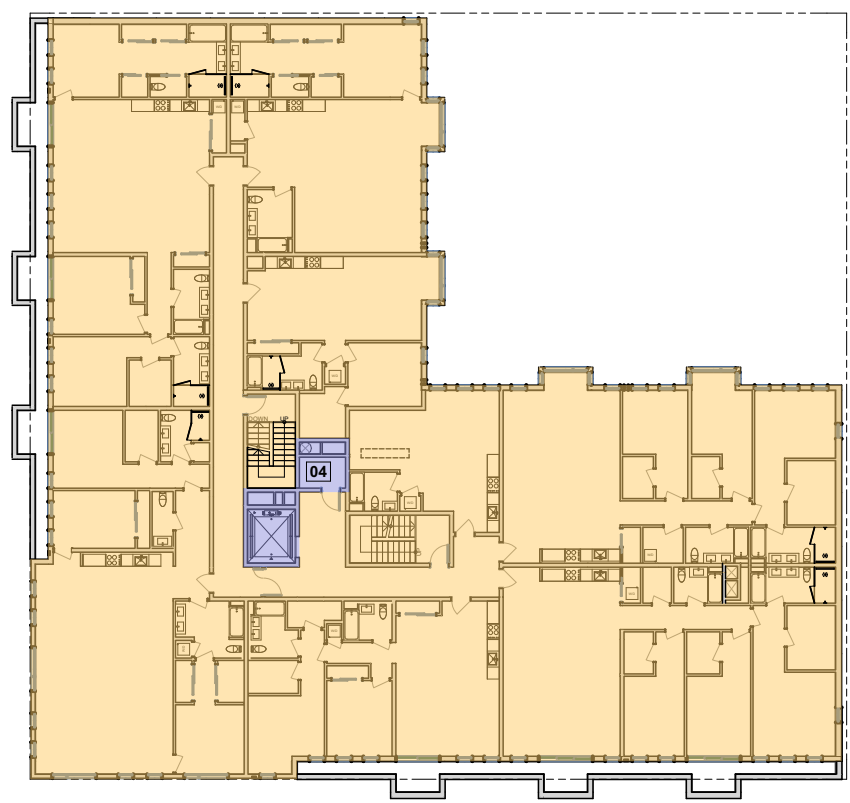
- 82 TOTAL BEDROOMS
- 54 BEDROOMS IN 2 & 3 BEDROOM UNITS
- THEREFORE 66% OF BEDROOMS IN 2 BEDROOM OR GREATER SIZED UNITS

Area Calculations: Residential Gross Total	
Floor (Story)	Calculated Area
STORY 1	1.512
STORY 2	11.523
STORY 3	11.857
STORY 4	11.856
STORY 5	11.856
STORY 6	11.290
TOTAL	59.894 sq ft

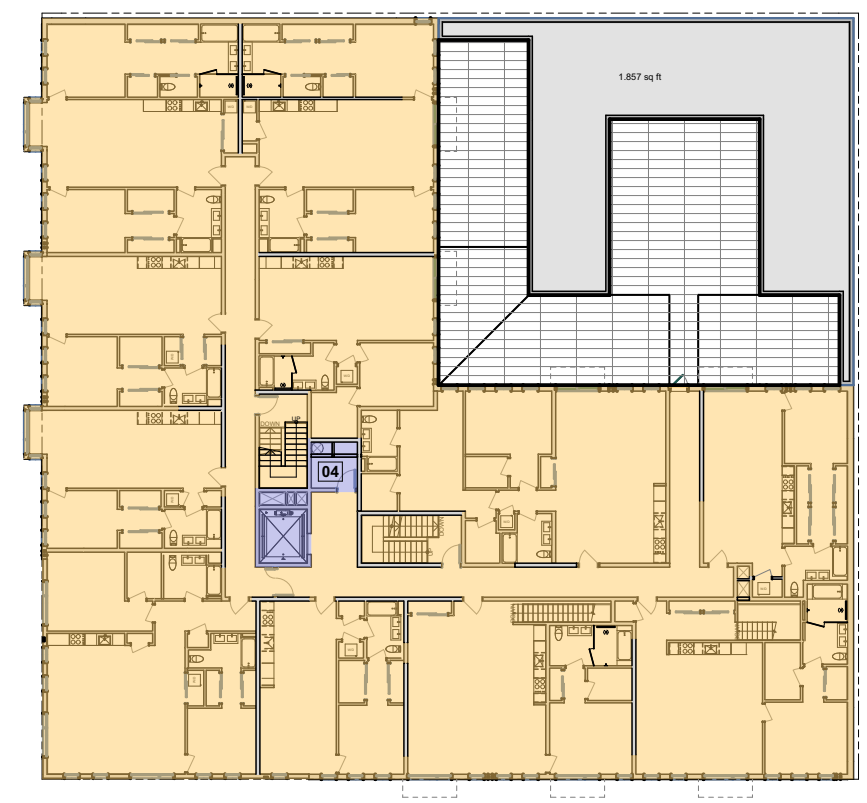
Area Calculations: Commercial Net Total	
Zone Name	Calculated Area
COMMERCIAL 1	2.145
COMMERCIAL 2	2.232
COMMERCIAL 3	2.887
TOTAL	7.264 sq ft

KEY

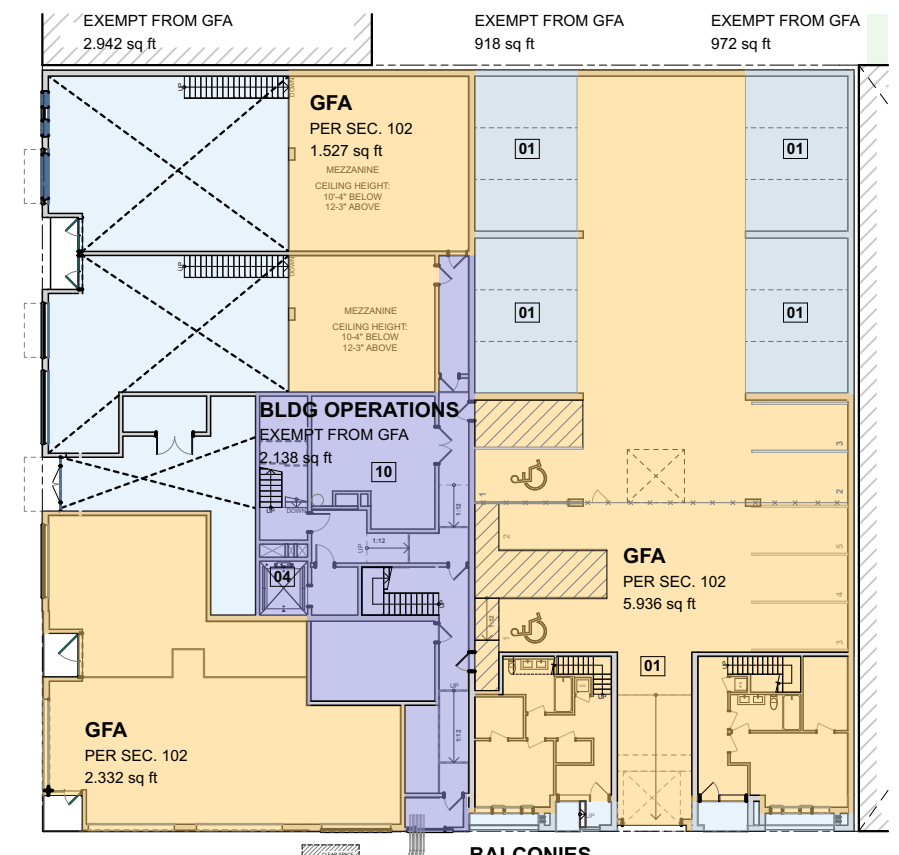
- GROSS FLOOR AREA (GFA) *
- PARKING & BALCONIES EXEMPT FROM GFA
- NECESSARY BUILDING OPERATIONS EXEMPT FROM GFA
- BICYCLE STORAGE EXEMPT FROM GFA



GFA PER SEC. 102 12.288 sq ft
BLDG OPERATIONS EXEMPT FROM GFA 203 sq ft
STORY 6
 SCALE: 1/32" = 1'-0"



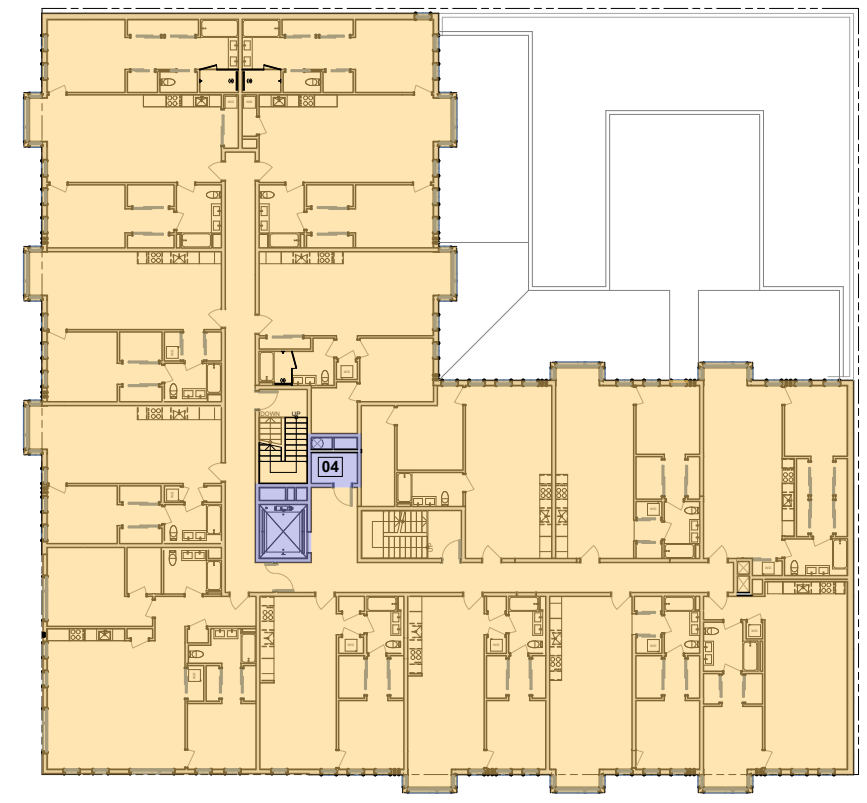
GFA PER SEC. 102 12.805 sq ft
BLDG OPERATIONS EXEMPT FROM GFA 203 sq ft
STORY 2
 SCALE: 1/32" = 1'-0"



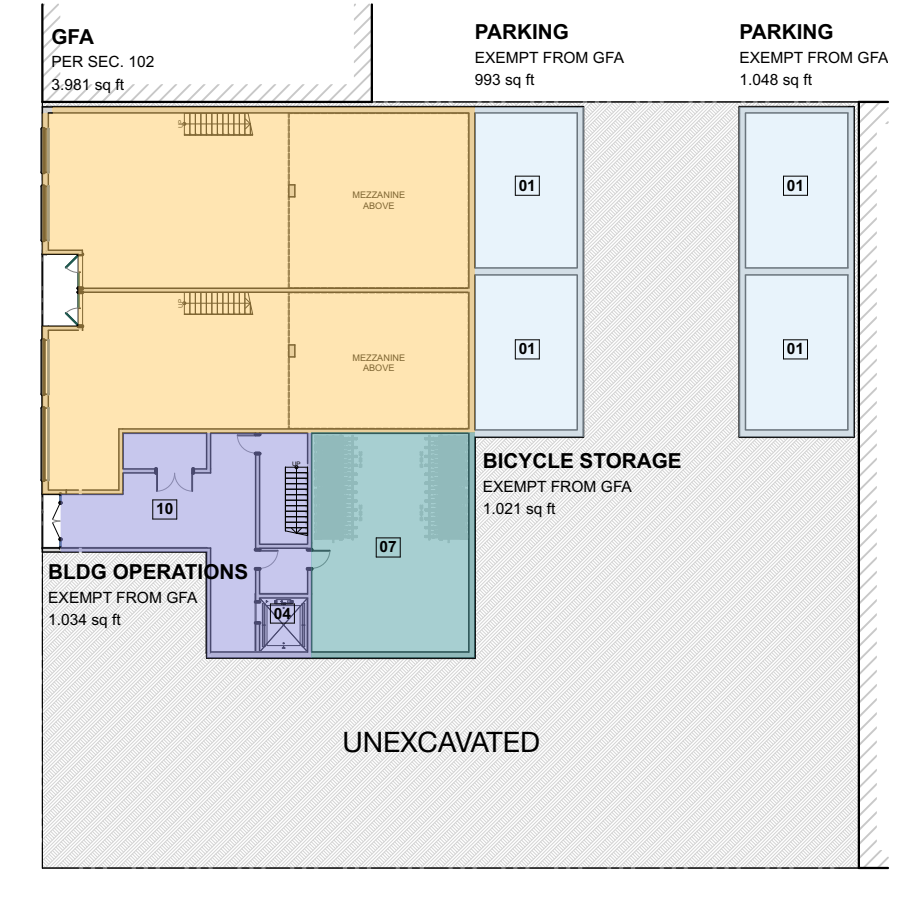
GFA PER SEC. 102 2.332 sq ft
BLDG OPERATIONS EXEMPT FROM GFA 2.138 sq ft
BALCONIES EXEMPT FROM GFA 198 sq ft
STORY 1
 SCALE: 1/32" = 1'-0"

* EXCLUSIONS FROM FLOOR AREA, GROSS PER SFPC DEFINITIONS SEC. 102.9(8)(b)

- 01** (1) Basement and cellar space used only for storage or services necessary to the operation or maintenance of the building itself;
- 03** (3) Elevator or stair penthouses, accessory water tanks or cooling towers, and other mechanical equipment, appurtenances and areas necessary to the operation or maintenance of the building itself, if located at the top of the building or separated therefrom only by other space not included in the gross floor area
- 04** (4) Mechanical equipment, appurtenances and areas, necessary to the operation or maintenance of the building itself (i) if located at an intermediate story of the building and forming a complete floor level; or (ii) in C-3 Districts, if located on a number of intermediate stories occupying less than a full floor level, provided that the mechanical equipment, appurtenances and areas are permanently separated from occupied floor areas and in aggregate area do not exceed the area of an average floor as determined by the Zoning Administrator;
- 07** (7) Bicycle parking which meets the standards of Sections 155.1 through 155.5 of this Code.
- 09** (9) Balconies, porches, roof decks, terraces, courts and similar features, except those used for primary access as described in Paragraph (a)(6) above, provided that:
 (A) If more than 70 percent of the perimeter of such an area is enclosed, either by building walls (exclusive of a railing or parapet not more than three feet eight inches high) or by such walls
- 10** (10) On lower, nonresidential floors, elevator shafts and other life-support systems serving exclusively the residential uses on the upper floors of a building;
- 11** (11) One-third of that portion of a window bay conforming to the requirements of Section 136(d)(2) which extends beyond the plane formed by the face of the facade on either side of the bay but not to exceed seven square feet per bay window as measured at each floor;




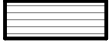

GFA PER SEC. 102 12.993 sq ft
BLDG OPERATIONS EXEMPT FROM GFA 203 sq ft
STORIES 3-5
 SCALE: 1/32" = 1'-0"



GFA PER SEC. 102 3.981 sq ft
PARKING EXEMPT FROM GFA 993 sq ft
PARKING EXEMPT FROM GFA 1,048 sq ft
BICYCLE STORAGE EXEMPT FROM GFA 1,021 sq ft
BASEMENT
 SCALE: 1/32" = 1'-0"

Area Calculations			
Floor (Story)	Exterior Gross Total	* GFA	* Exempt from GFA
BASEMENT	8.077	3.981	4.096
STORY 1	16.963	9.795	7.168
STORY 2	13.008	12.805	203
STORY 3	13.196	12.993	203
STORY 4	13.196	12.993	203
STORY 5	13.196	12.993	203
STORY 6	12.491	12.288	203
	90.127 sq ft	77.848 sq ft	12.279 sq ft

KEY

-  QUALIFYING COMMON OPEN SPACE
-  QUALIFYING PRIVATE OPEN SPACE
-  OPEN SPACE

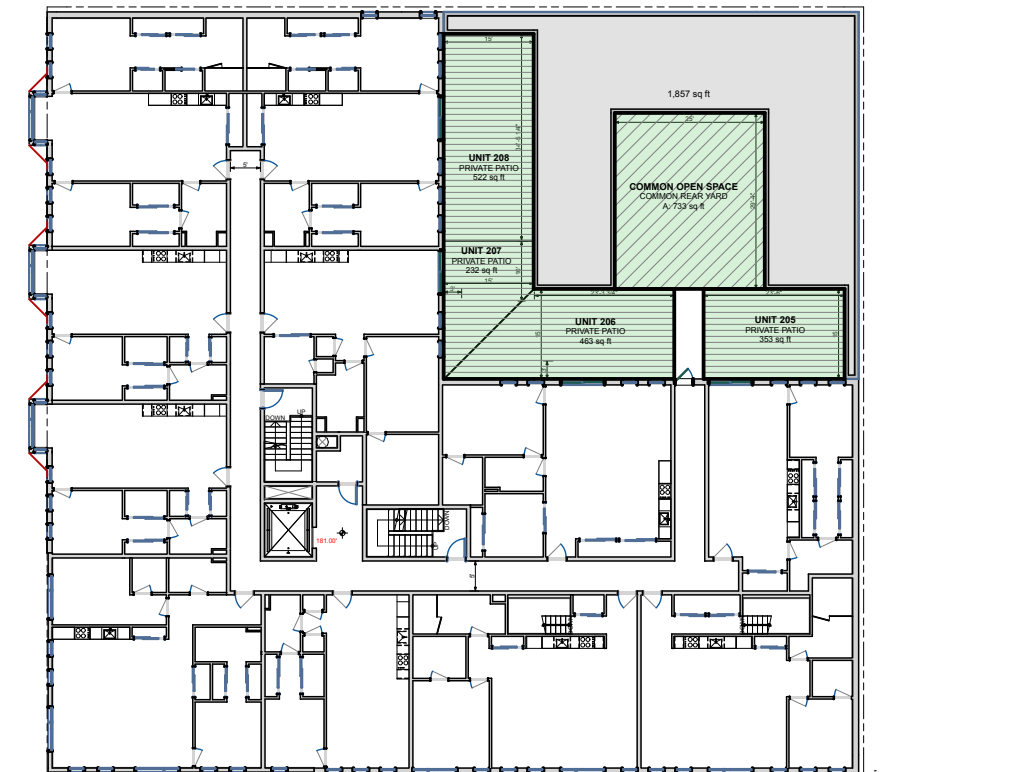
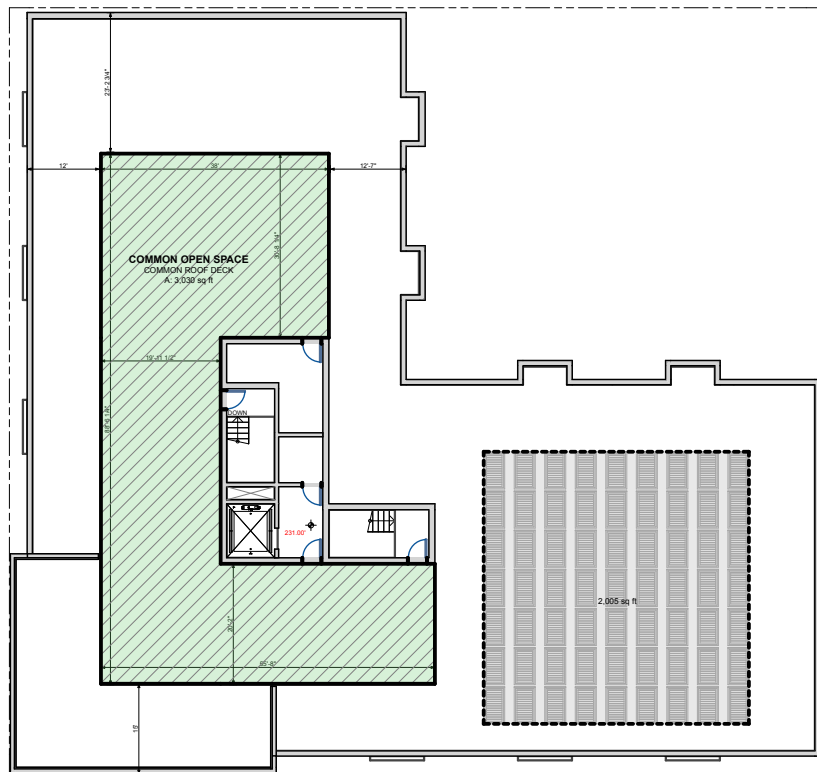
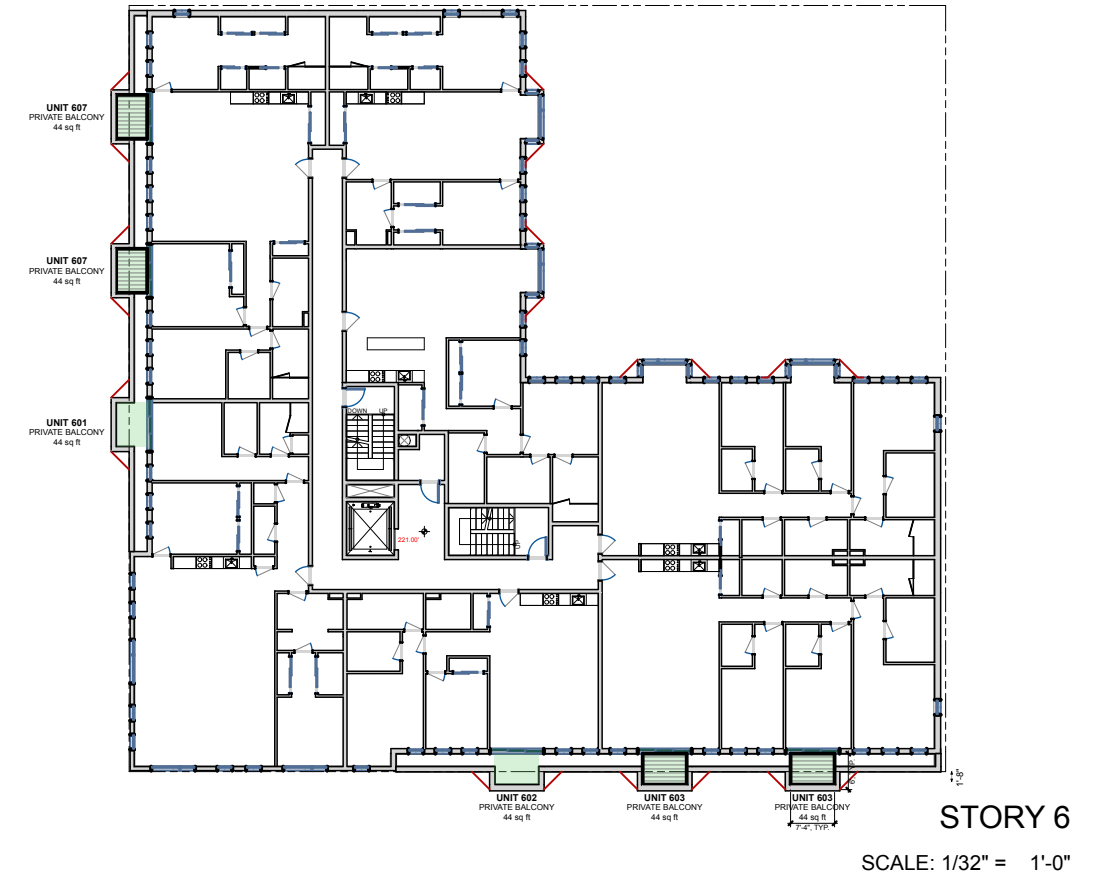
Total Qualifying Open Space - Common & Private			
Story	Zone	Type	Area
STORY 2			
	COMMON OPEN SPACE	COMMON REAR YARD	733
	UNIT 205	PRIVATE PATIO	353
	UNIT 206	PRIVATE PATIO	463
	UNIT 207	PRIVATE PATIO	232
	UNIT 208	PRIVATE PATIO	522
STORY 6			
	UNIT 603	PRIVATE BALCONY	88
	UNIT 607	PRIVATE BALCONY	88
ROOF			
	COMMON OPEN SPACE	COMMON ROOF DECK	3,030
			5,509 sq ft

Area Calculation - Common Open Space			
Story	Zone	Type	Area
STORY 2			
	COMMON OPEN SPACE	COMMON REAR YARD	733
ROOF			
	COMMON OPEN SPACE	COMMON ROOF DECK	3,030
			3,763 sq ft

COMMON OPEN SPACE REQUIRED: TABLE 723

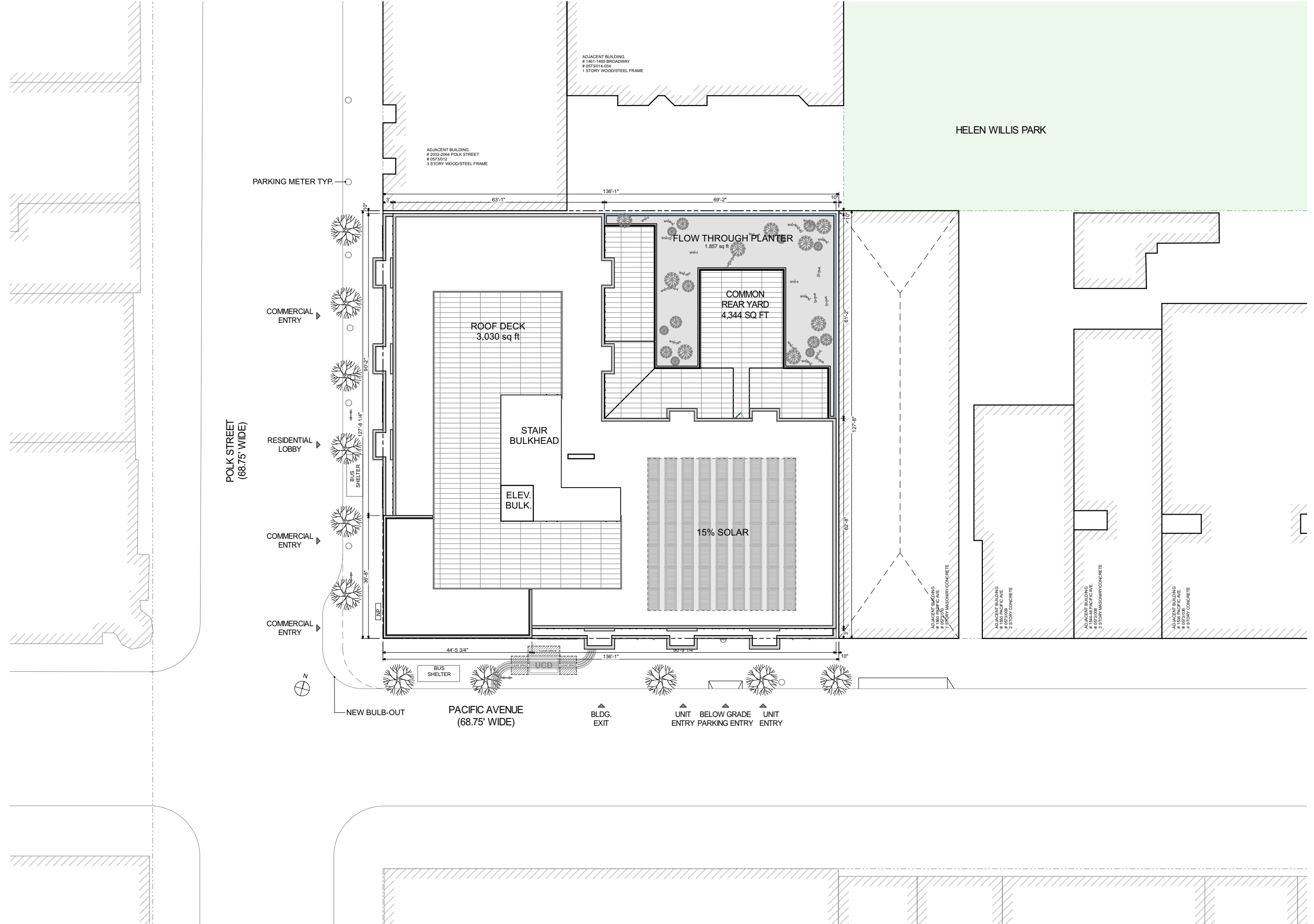
53 TOTAL UNITS - 6 W/ PRIVATE OPEN SPACE = 47 units x 80 sq ft = 3,760 sq ft COMMON OPEN SPACE REQUIRED

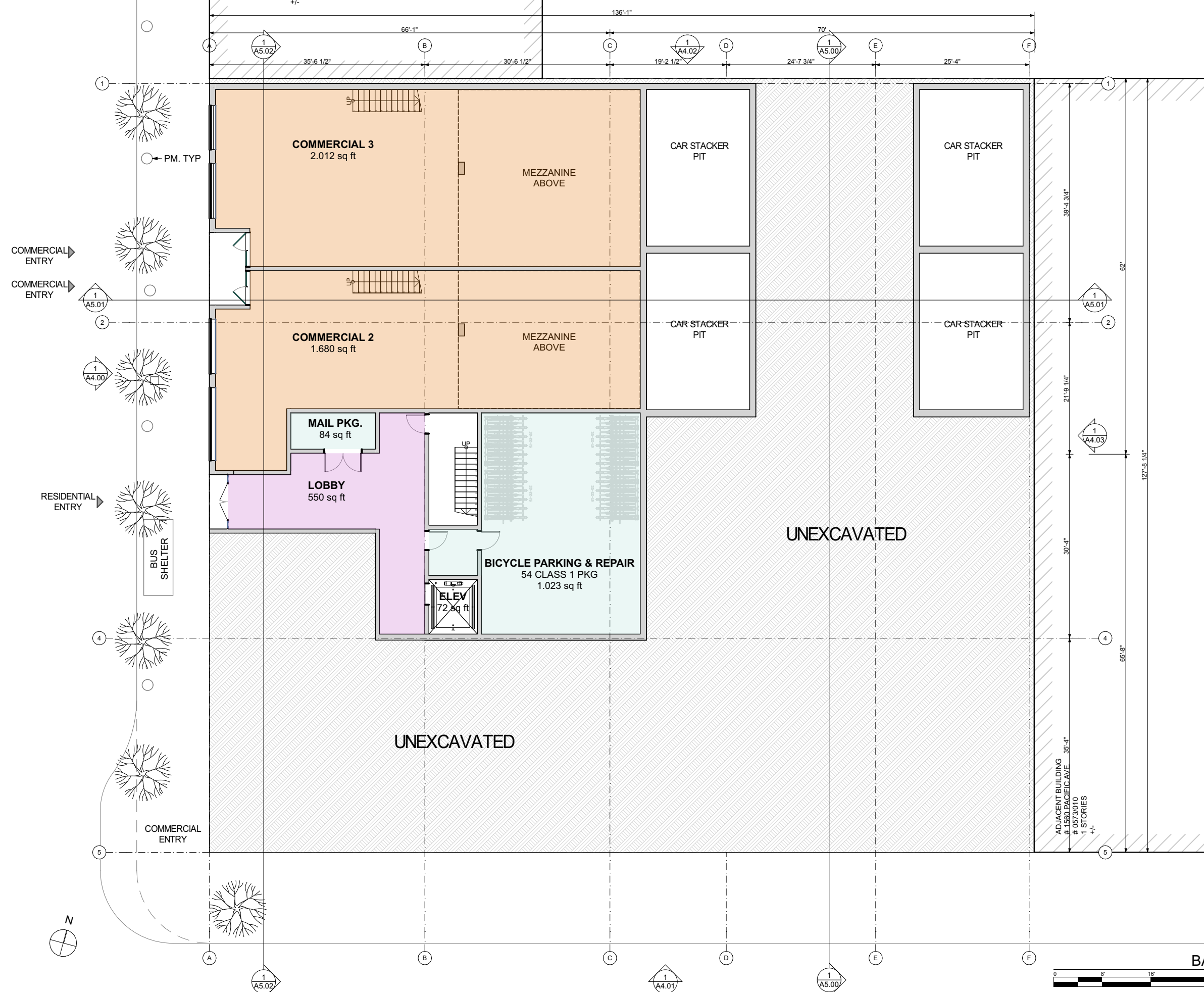
3,763 sq ft PROVIDED > 3,760 sq ft REQUIRED ∴ COMPLIES



ROOF
SCALE: 1/32" = 1'-0"

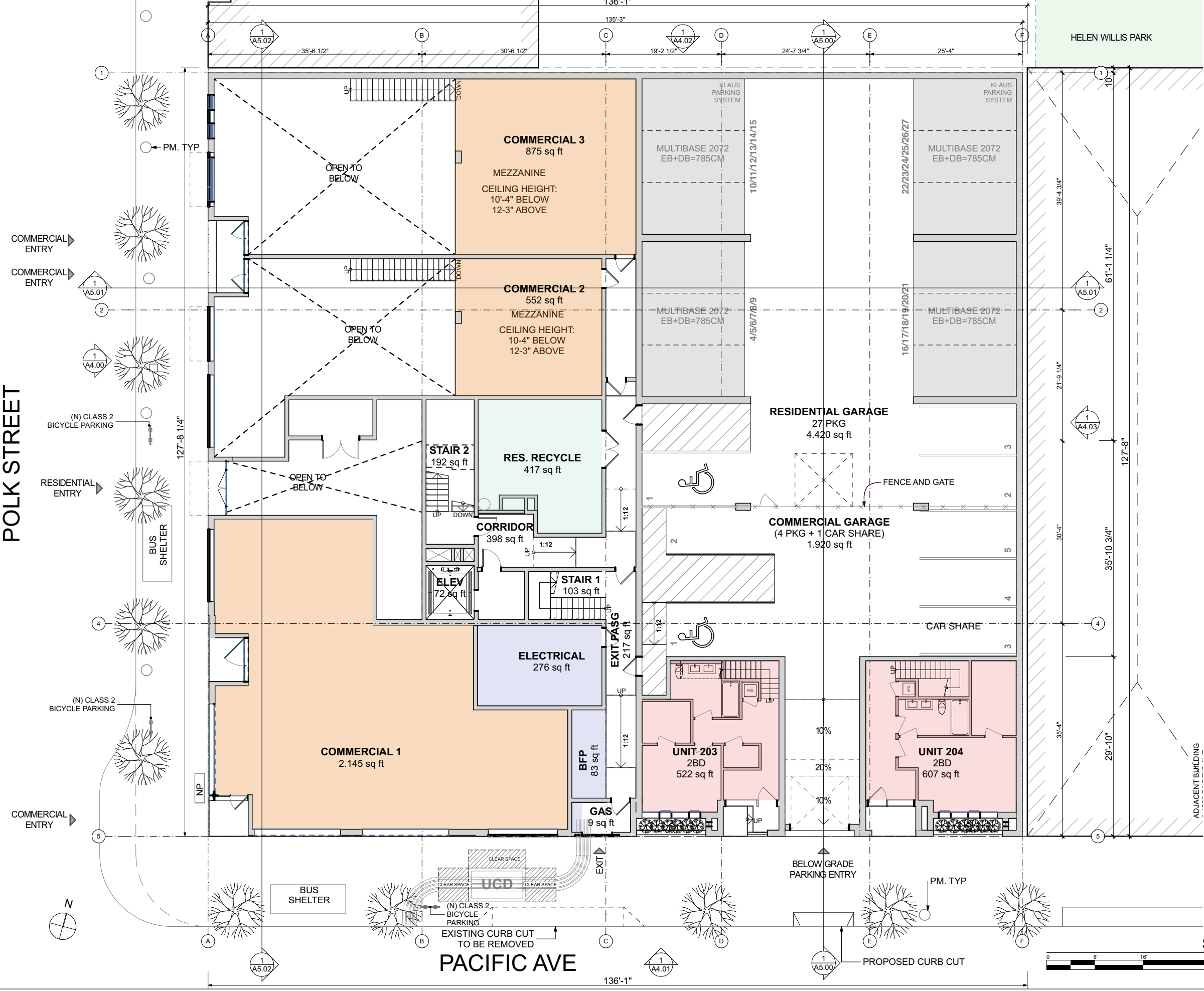
STORY 2
SCALE: 1/32" = 1'-0"





- LOBBY
- COMMERCIAL
- STORAGE

POLK STREET



- 2 BEDROOM
- COMMERCIAL
- UTILITY

COMMERCIAL ENTRY

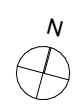
COMMERCIAL ENTRY

(N) CLASS 2 BICYCLE PARKING

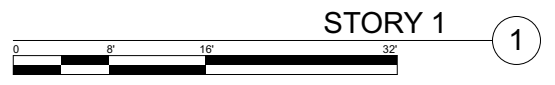
RESIDENTIAL ENTRY

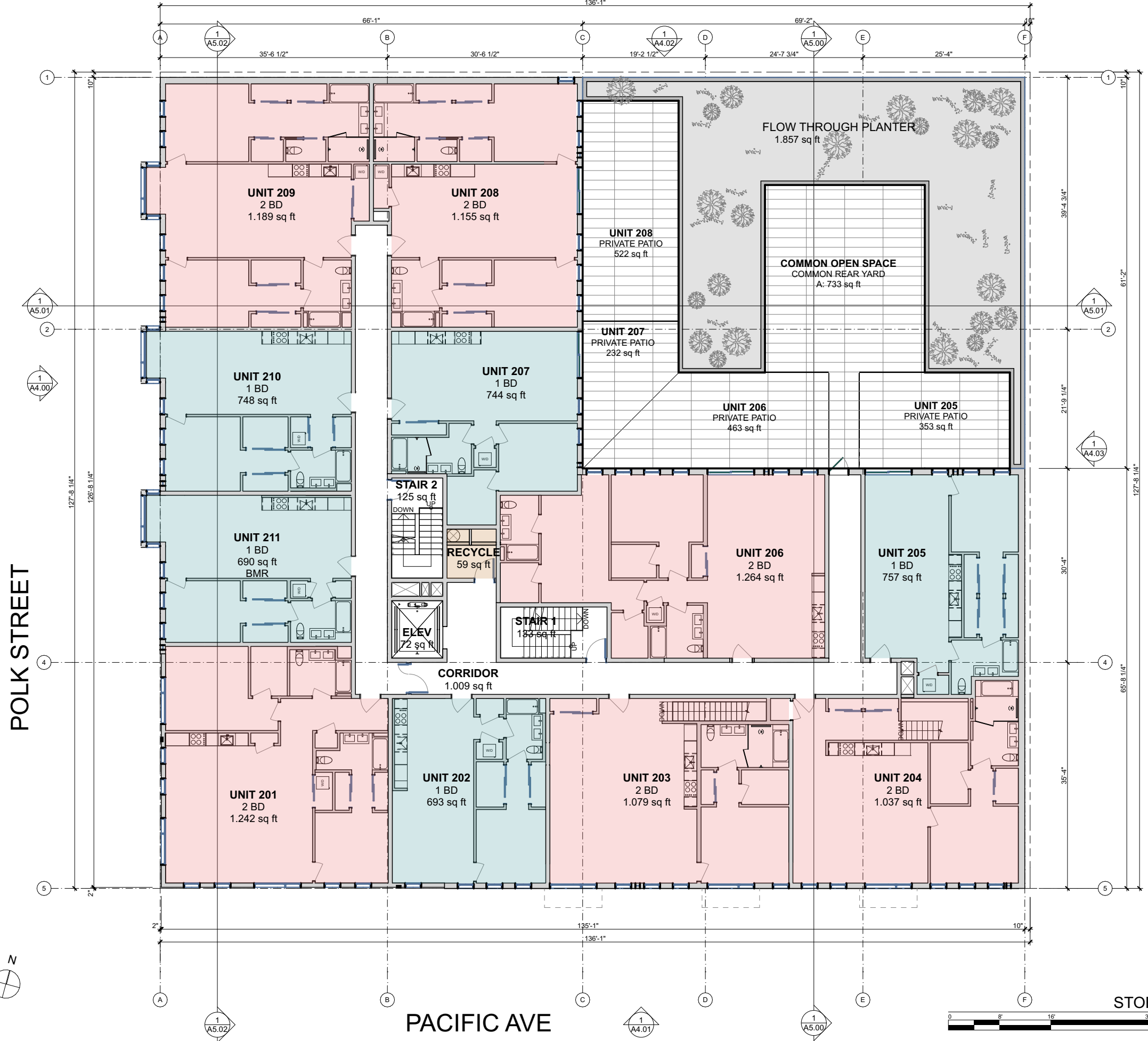
(N) CLASS 2 BICYCLE PARKING

COMMERCIAL ENTRY



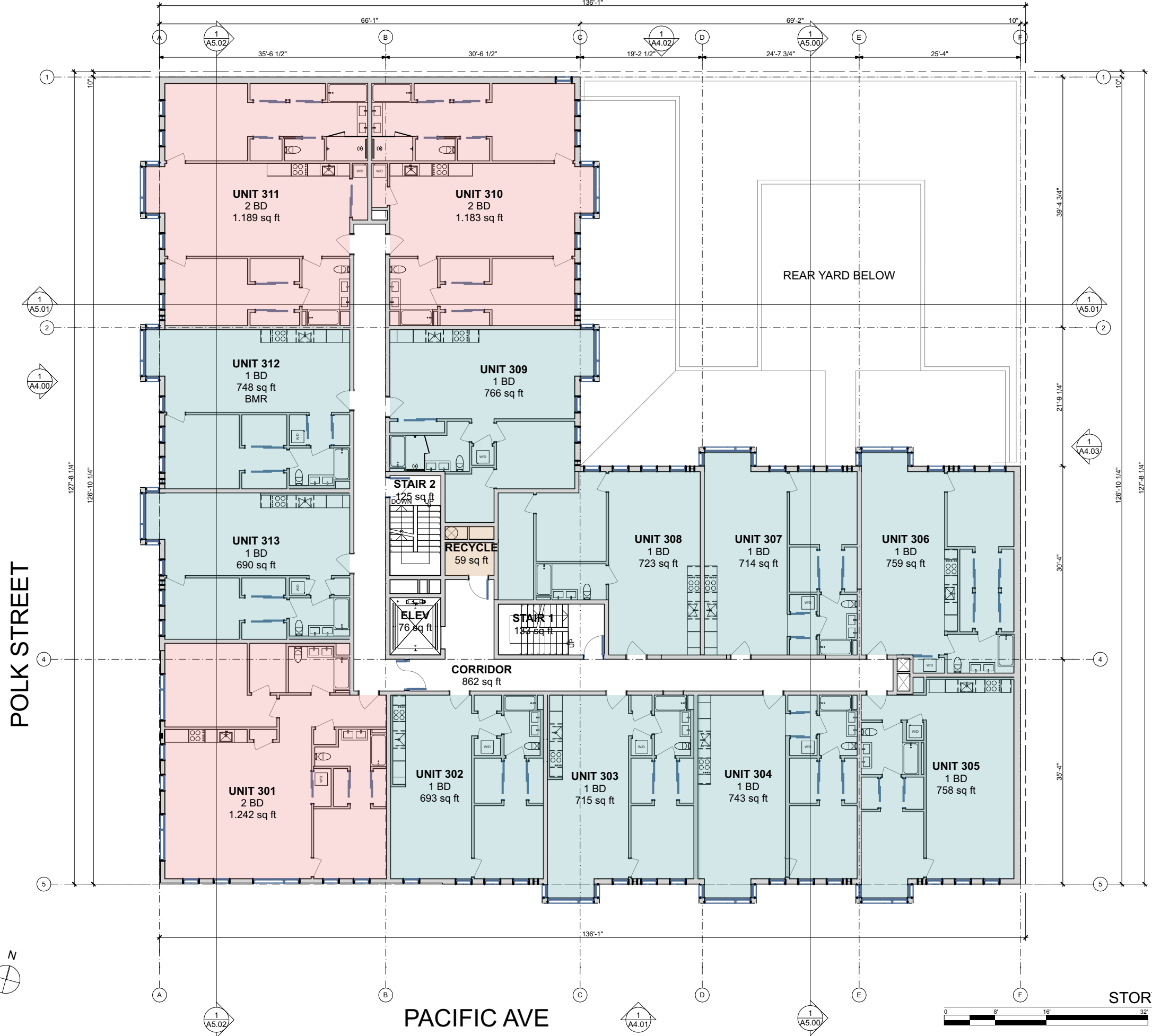
PACIFIC AVE





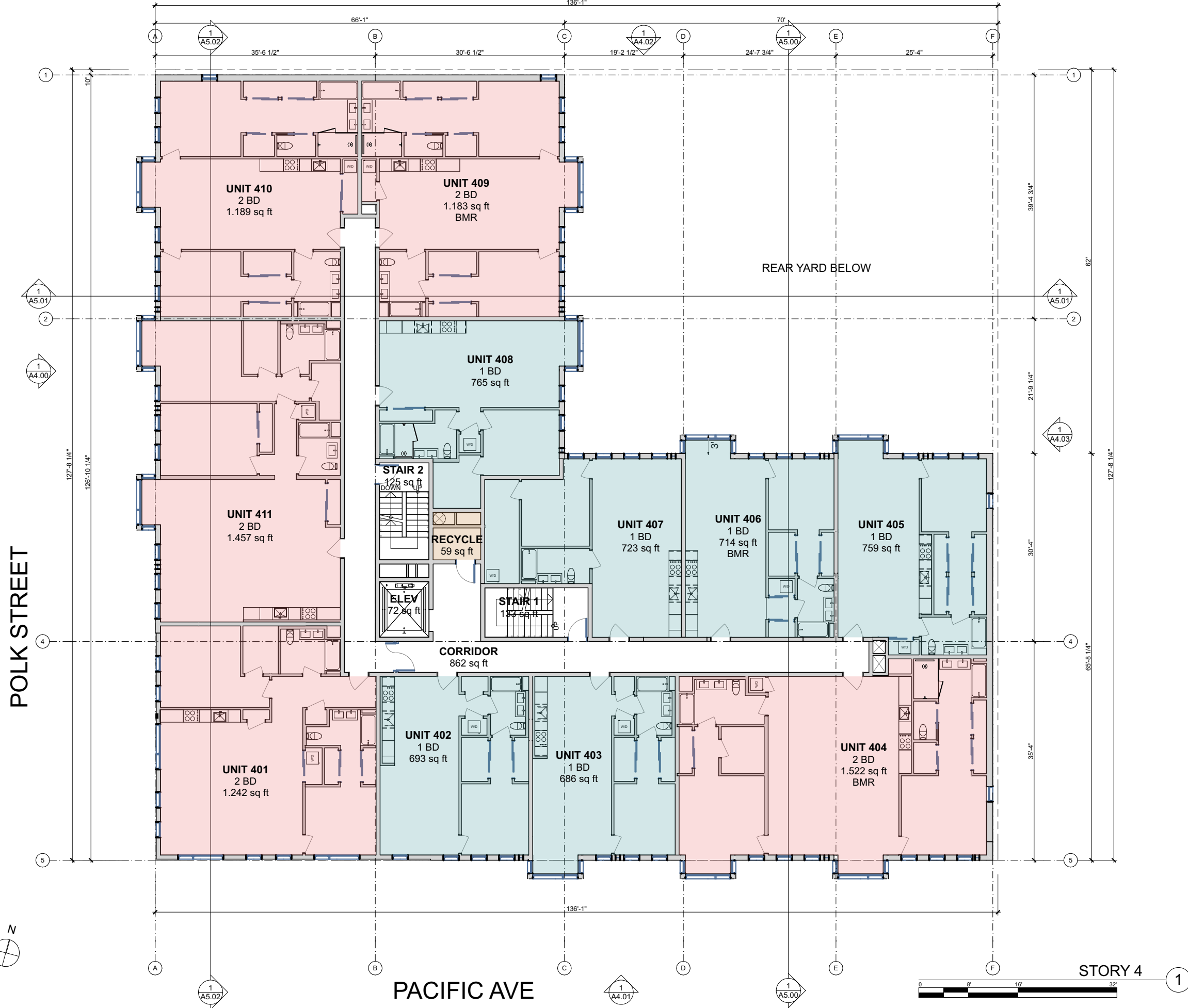
2 BEDROOM

1 BEDROOM

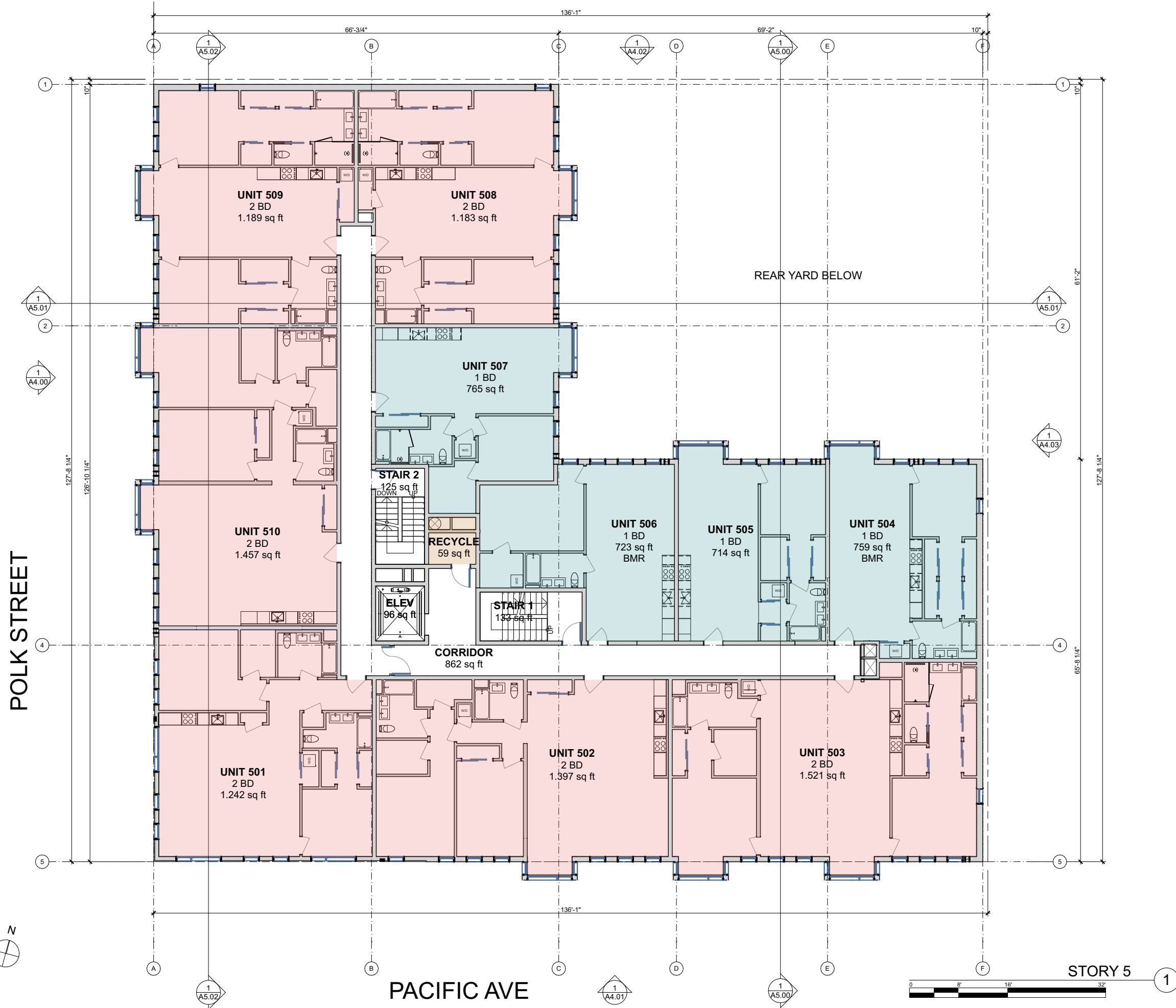


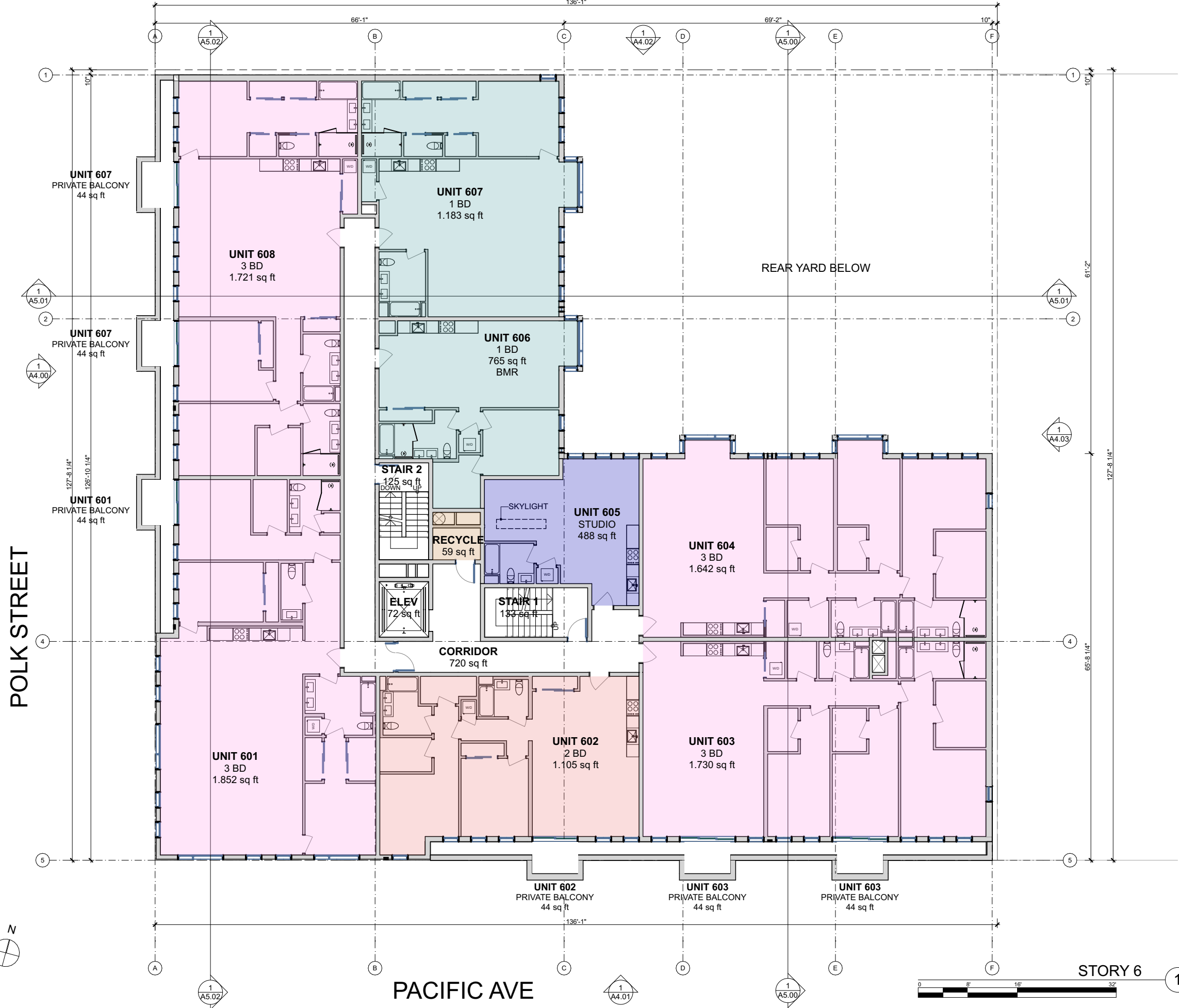
2 BEDROOM

1 BEDROOM



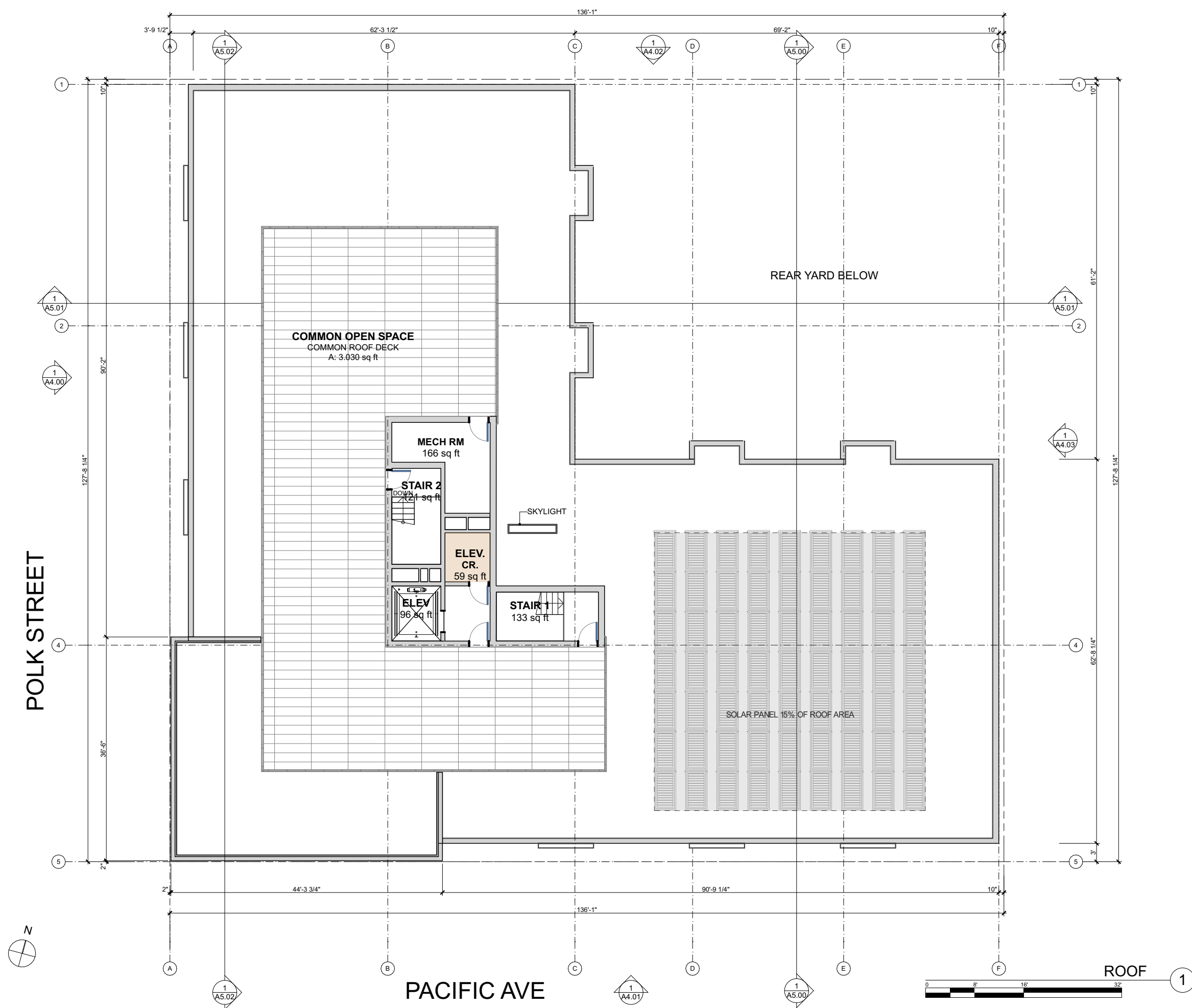
2 BEDROOM
1 BEDROOM

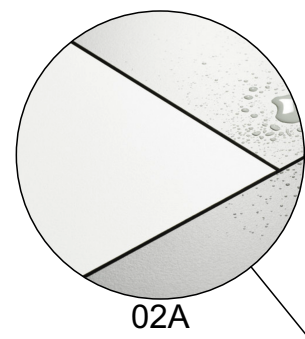
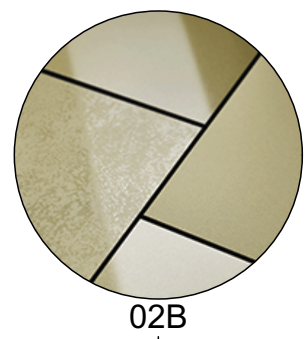
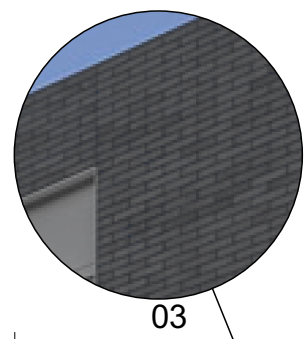
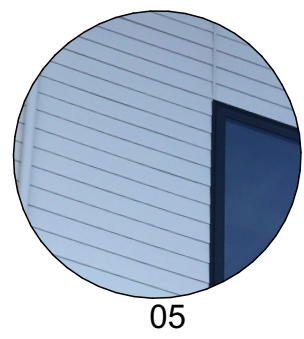




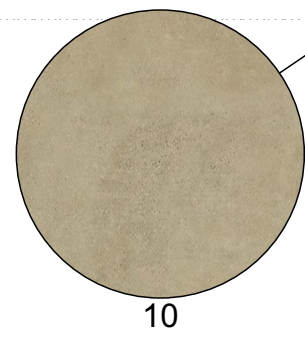
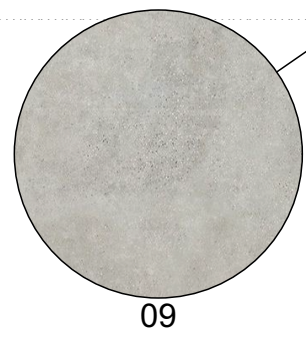
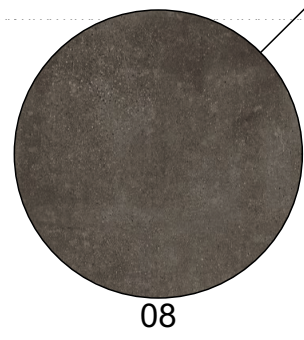
- STUDIO
- 1 BEDROOM
- 2 BEDROOM
- 3 BEDROOM







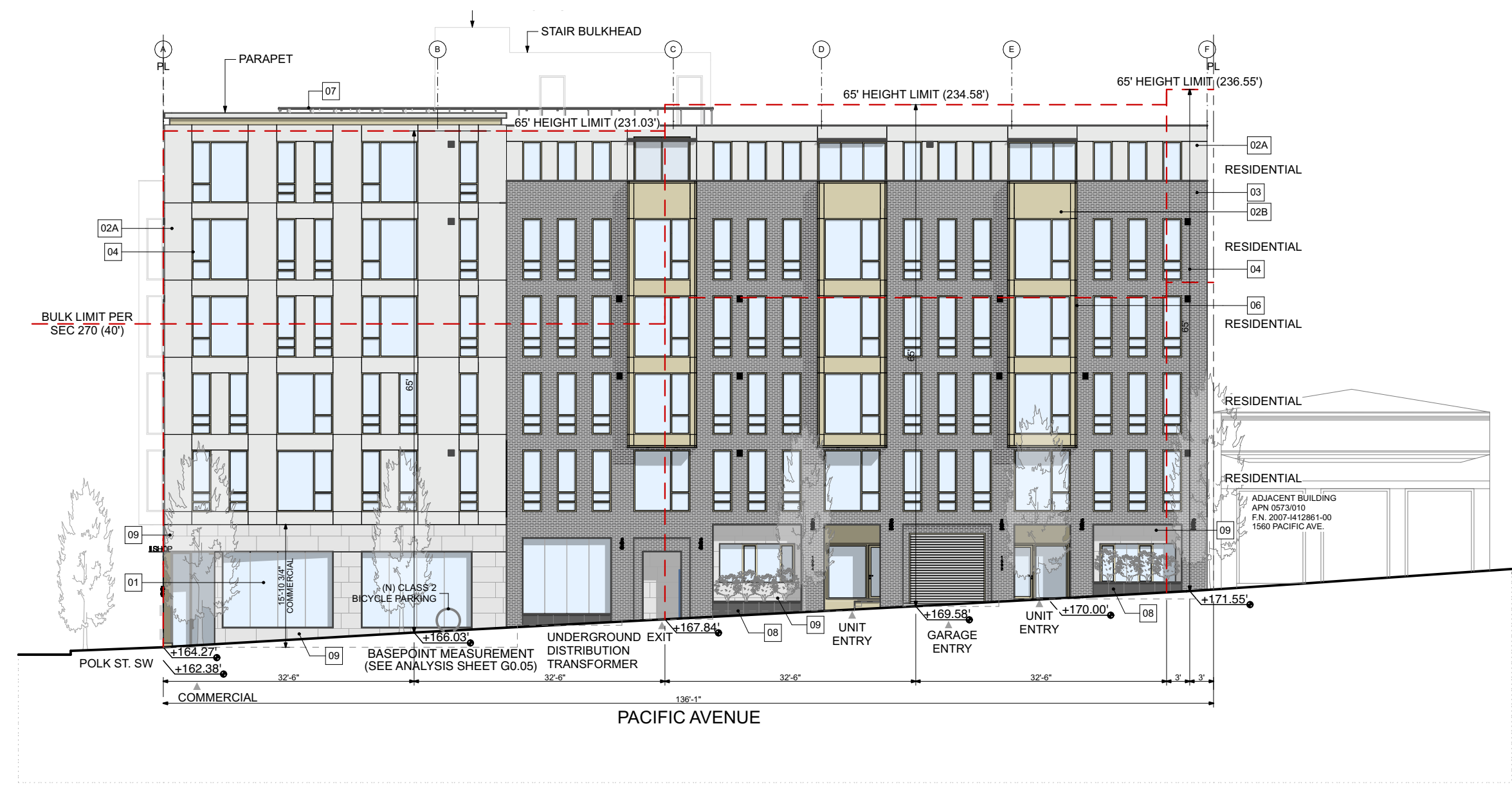
ID	DESCRIPTION
01	GLASS & PAINTED STEEL STOREFRONT SYSTEM
02	PHENOLIC RAINSCREEN PANEL, (02A)WHITE (02B)BRONZE
03	THIN BRICK VENEER
04	ANODIZED ALUM. FRAME WINDOWS & DOORS
05	FIBER CEMENT LAP SIDING, PAINTED
06	PAINTED METAL TRIM TO MATCH ADJACENT PANEL
07	42"H GUARDRAIL
08	LARGE FORMAT THROUGH-BODY TILE, CHARCOAL
09	LARGE FORMAT THROUGH-BODY TILE, WHITE
10	LARGE FORMAT THROUGH-BODY TILE, BRONZE
11	PAINTED STEEL CASING



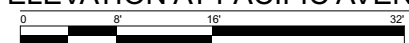
(WEST) ELEVATION AT POLK STREET 1

ID	DESCRIPTION
01	GLASS & PAINTED STEEL STOREFRONT SYSTEM
02	PHENOLIC RAINSCREEN PANEL, (02A)WHITE (02B)BRONZE
03	THIN BRICK VENEER
04	ANODIZED ALUM. FRAME WINDOWS & DOORS
05	FIBER CEMENT LAP SIDING, PAINTED
06	PAINTED METAL TRIM TO MATCH ADJACENT PANEL
07	42"H GUARDRAIL
08	LARGE FORMAT THROUGH-BODY TILE, CHARCOAL
09	LARGE FORMAT THROUGH-BODY TILE, WHITE
10	LARGE FORMAT THROUGH-BODY TILE, BRONZE
11	PAINTED STEEL CASING

HEIGHT LIMIT ———

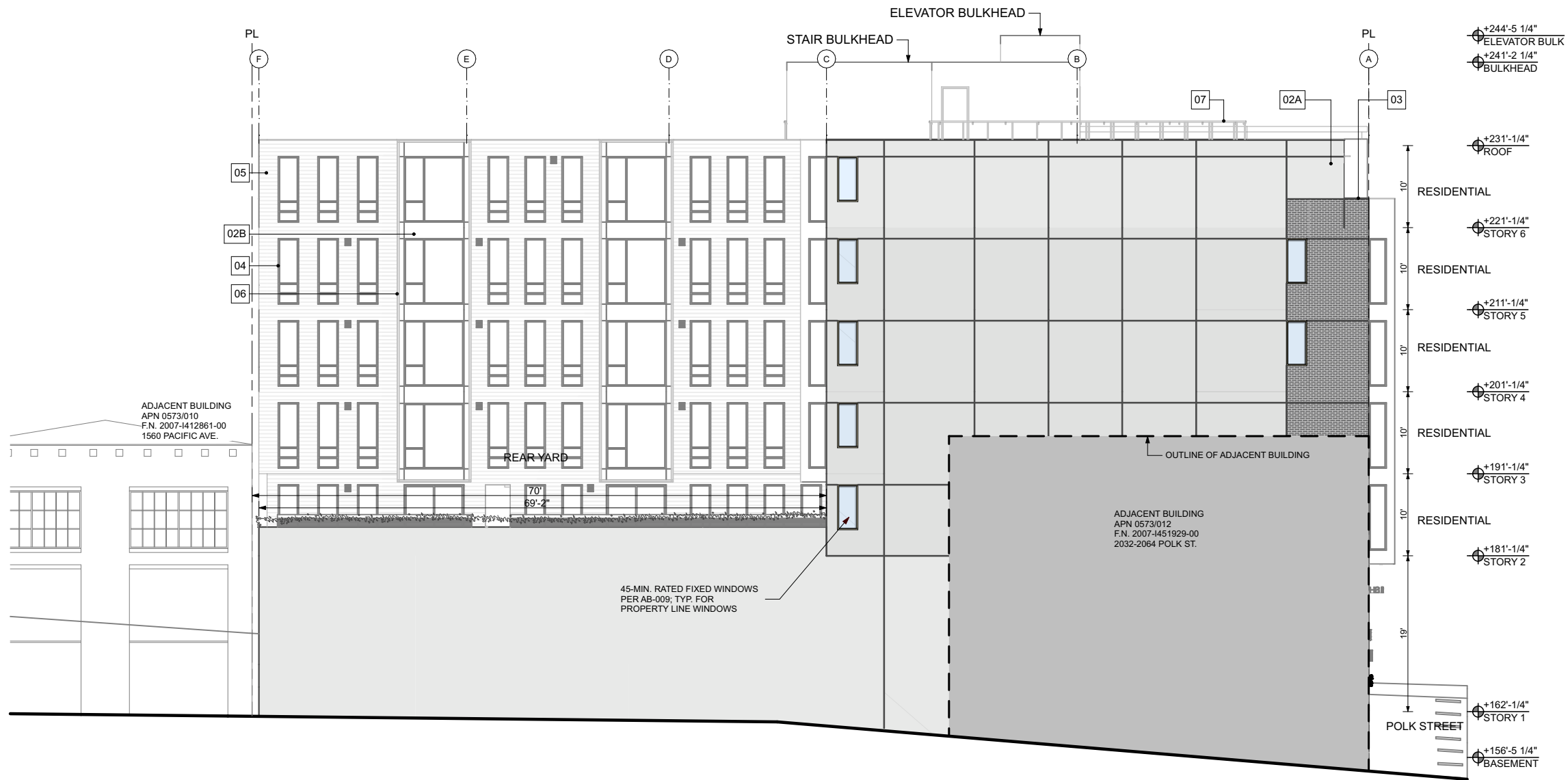


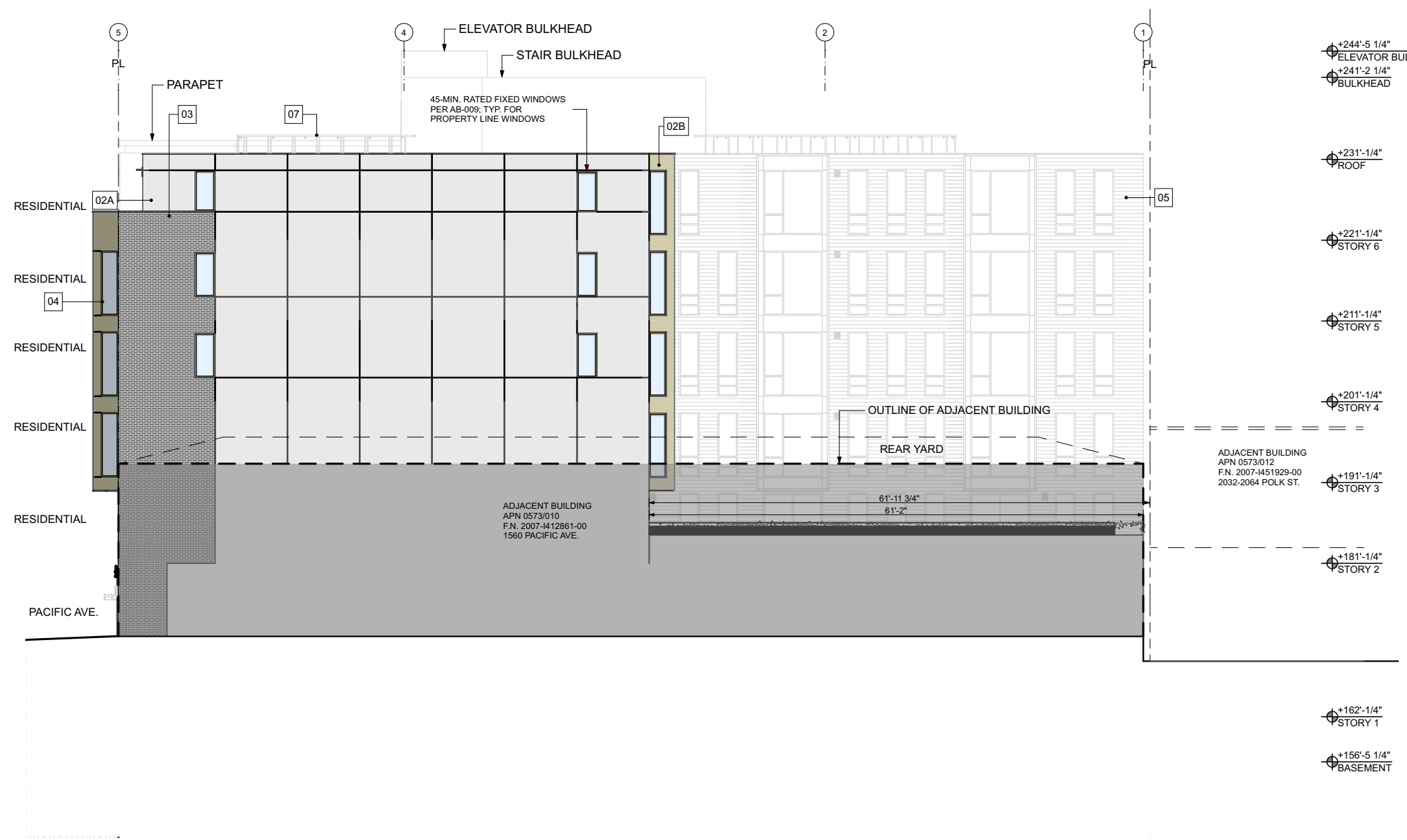
(SOUTH) ELEVATION AT PACIFIC AVENUE ①



ID	DESCRIPTION
01	GLASS & PAINTED STEEL STOREFRONT SYSTEM
02	PHENOLIC RAINSCREEN PANEL, (02A)WHITE (02B)BRONZE
03	THIN BRICK VENEER
04	ANODIZED ALUM. FRAME WINDOWS & DOORS
05	FIBER CEMENT LAP SIDING, PAINTED
06	PAINTED METAL TRIM TO MATCH ADJACENT PANEL
07	42"H GUARDRAIL
08	LARGE FORMAT THROUGH-BODY TILE, CHARCOAL
09	LARGE FORMAT THROUGH-BODY TILE, WHITE
10	LARGE FORMAT THROUGH-BODY TILE, BRONZE
11	PAINTED STEEL CASING

HEIGHT LIMIT ———

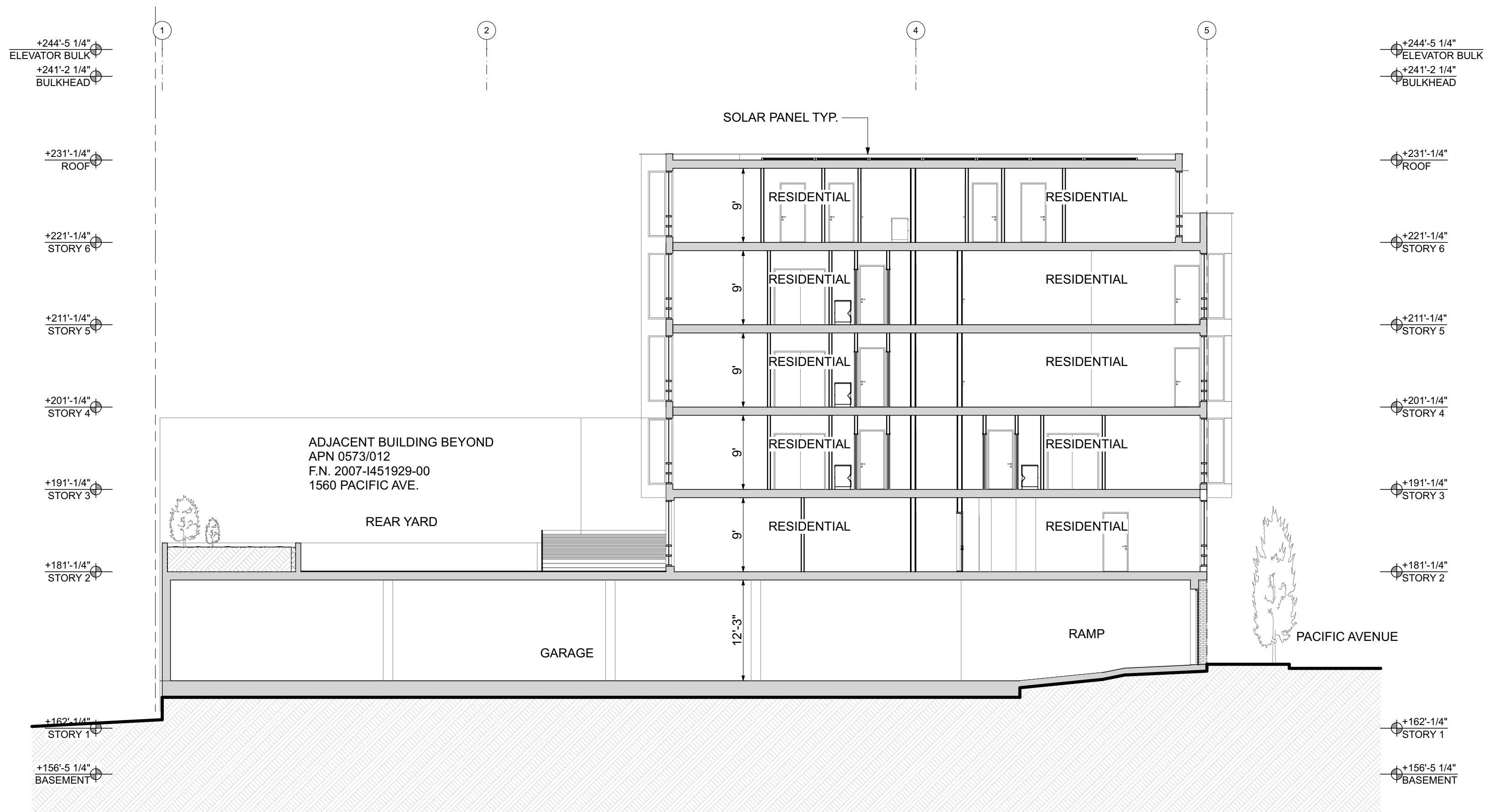


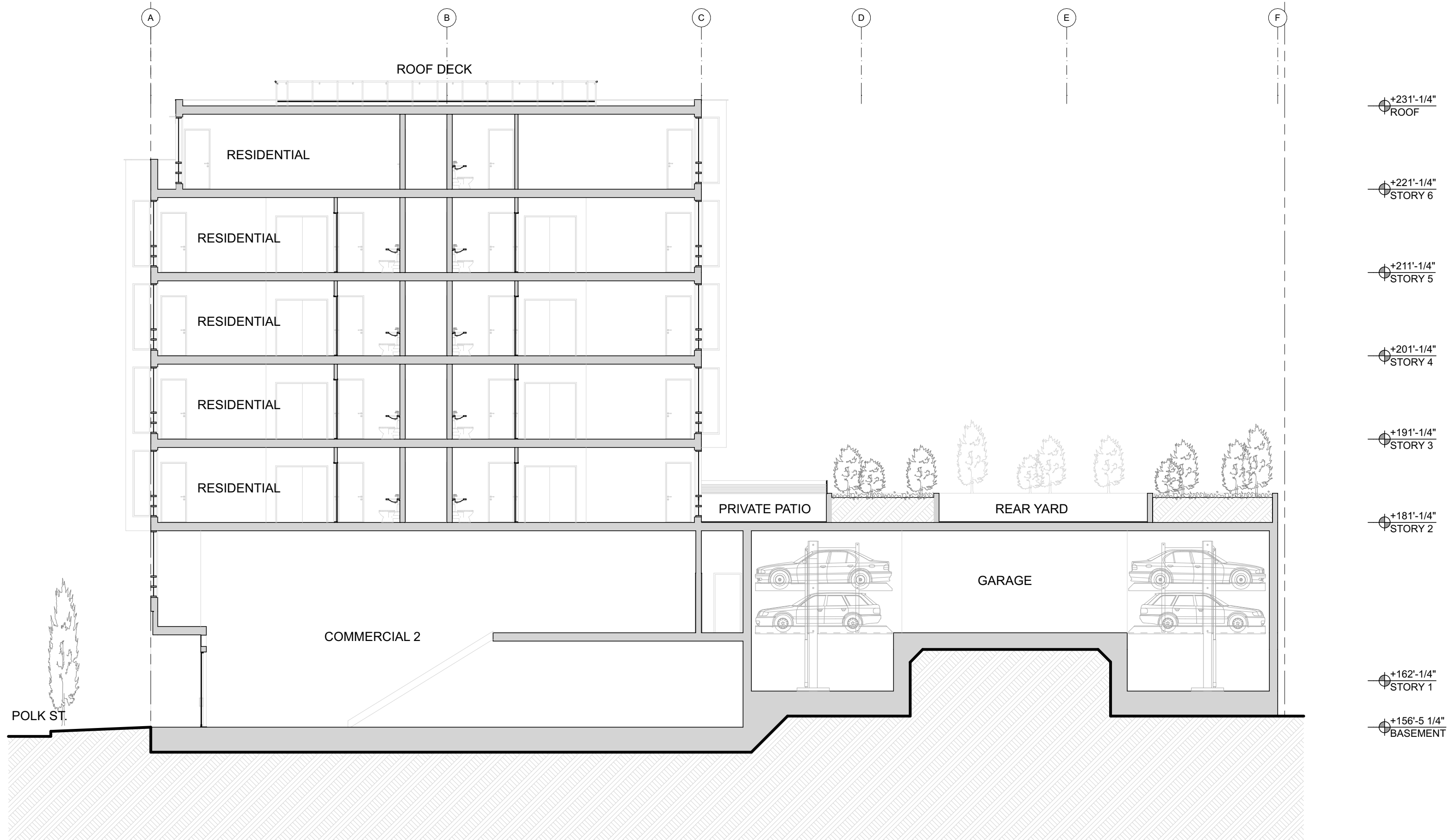


ID	DESCRIPTION
01	GLASS & PAINTED STEEL STOREFRONT SYSTEM
02	PHENOLIC RAINSCREEN PANEL, (02A)WHITE (02B)BRONZE
03	THIN BRICK VENEER
04	ANODIZED ALUM. FRAME WINDOWS & DOORS
05	FIBER CEMENT LAP SIDING, PAINTED
06	PAINTED METAL TRIM TO MATCH ADJACENT PANEL
07	42"H GUARDRAIL
08	LARGE FORMAT THROUGH-BODY TILE, CHARCOAL
09	LARGE FORMAT THROUGH-BODY TILE, WHITE
10	LARGE FORMAT THROUGH-BODY TILE, BRONZE
11	PAINTED STEEL CASING

HEIGHT LIMIT ———





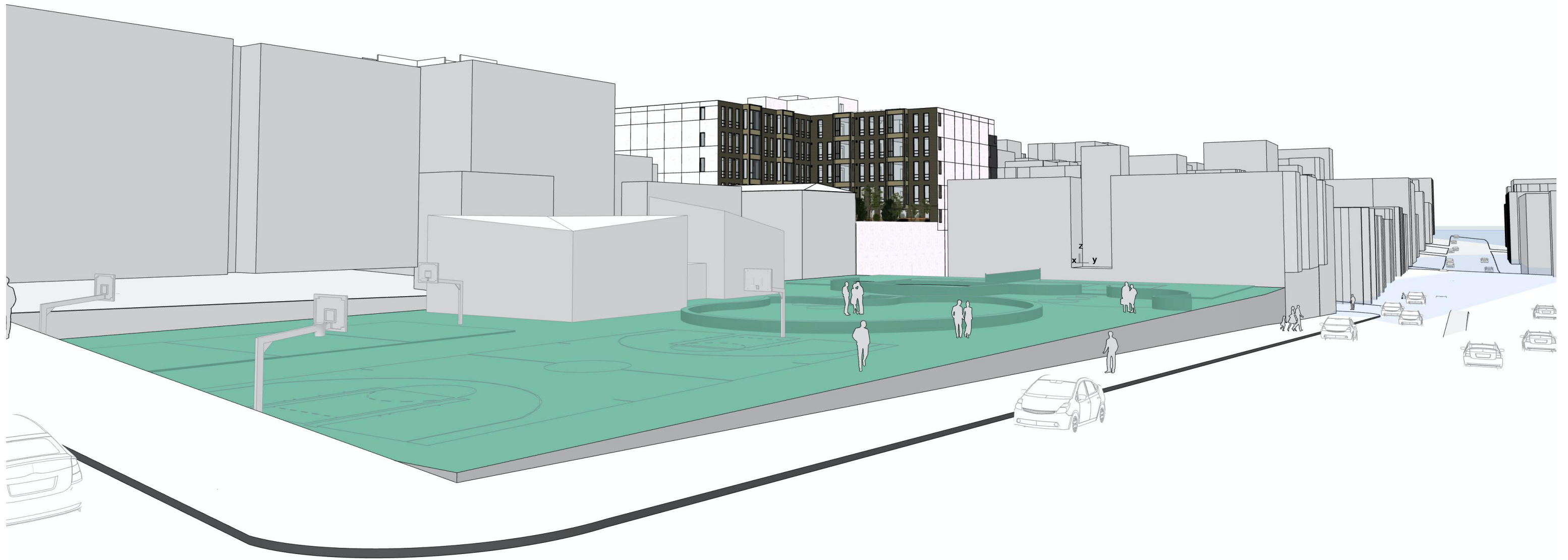




SECTION NORTH TO SOUTH 1







COVER SHEET: MITIGATION MONITORING AND REPORTING PROGRAM

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

Period of Compliance

Adopted Mitigation Measure	Prior to the start of Construction*	During Construction**	Post-Construction or Operational	Compliance with MM completed?
Mitigation Measure M-CR-2: Accidental Discovery	X	X		
Mitigation Measure M-NO-1: Construction Noise Control	X	X		
Mitigation Measure M-NO-2: Construction Vibration Control	X	X	X	
Mitigation Measure M-AQ-2: Clean Off-road Construction Equipment	X	X		

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

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

MITIGATION MONITORING AND REPORTING PROGRAM

MONITORING AND REPORTING PROGRAM

Adopted Mitigation Measures	Implementation Responsibility	Mitigation Schedule	Monitoring / Reporting Responsibility	Monitoring Schedule
MITIGATION MEASURES AGREED TO BY PROJECT SPONSOR				
CULTURAL RESOURCES				
Mitigation Measure M-CR-2: Accidental Discovery				
<p>The following mitigation measure is required to avoid any potential adverse effect from the proposed project on accidentally discovered buried or submerged historical resources as defined in CEQA Guidelines Section 15064.5(a) and on human remains and associated or unassociated funerary objects. The project sponsor shall distribute the Planning Department archeological resource “ALERT” sheet to the project prime contractor; to any project subcontractor (including demolition, excavation, grading, foundation, pile driving, etc. firms); or utilities firm involved in soils disturbing activities within the project site. Prior to any soils disturbing activities being undertaken each contractor is responsible for ensuring that the “ALERT” sheet is circulated to all field personnel including, machine operators, field crew, pile drivers, supervisory personnel, etc.</p> <p>The project sponsor shall provide the Environmental Review Officer (ERO) with a signed affidavit from the responsible parties (prime contractor, subcontractor(s), and utilities firm) to the ERO confirming that all field personnel have received copies of the Alert Sheet.</p> <p>Should any indication of an archeological resource be encountered during any soils disturbing activity of the project, the project Head Foreman and/or project sponsor shall immediately notify the ERO and shall immediately suspend any soils disturbing activities in the vicinity of the discovery until the ERO has determined what additional measures should be undertaken.</p> <p>If the ERO determines that an archeological resource may be present within the project site, the project sponsor shall retain the services of an archaeological consultant from the pool of qualified archaeological consultants maintained by the Planning Department archaeologist. The archeological consultant shall</p>	<p>Project sponsor at the direction of the ERO.</p>	<p>Prior to and during soils disturbance.</p>	<p>Project sponsor shall distribute ALERT sheet and shall submit a signed affidavit confirming the distribution to the ERO.</p>	<p>Considered complete when ERO receives signed affidavit.</p>
<p>If the ERO determines that an archeological resource may be present within the project site, the project sponsor shall retain the services of an archaeological consultant from the pool of qualified archaeological consultants maintained by the Planning Department archaeologist. The archeological consultant shall</p>	<p>Project sponsor/ Head Foreman and archeological consultant at the</p>	<p>Accidental discovery.</p>	<p>In the event of accidental discovery, the project sponsor shall suspend soils-disturbing activities, notify</p>	<p>Considered complete when archeological consultant completes additional measures as</p>

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<p>advise the ERO as to whether the discovery is an archeological resource, retains sufficient integrity, and is of potential scientific/historical/cultural significance. If an archeological resource is present, the archeological consultant shall identify and evaluate the archeological resource. The archeological consultant shall make a recommendation as to what action, if any, is warranted. Based on this information, the ERO may require, if warranted, specific additional measures to be implemented by the project sponsor. The ERO may also determine that the archeological resource is a tribal cultural resource and will consult with affiliated Native Americans tribal representatives, if warranted.</p> <p>Measures may include: preservation in situ of the archeological resource; an archaeological monitoring program; an archeological testing program; archeological data recovery excavations, and/or an interpretative program. If an archeological monitoring program, archeological testing program, archeological data recovery program or an interpretative program is required, it shall be consistent with the Environmental Planning (EP) division guidelines for such programs and reviewed and approved by the ERO. The ERO may also require that the project sponsor immediately implement a site security program if the archeological resource may be at risk from vandalism, looting, or other damaging actions.</p> <p>The treatment of human remains and of associated or unassociated funerary objects discovered during any soils disturbing activity shall comply with applicable State and federal laws. This shall include immediate notification of the Medical Examiner of the City and County of San Francisco and, in the event of the Medical Examiner’s determination that the human remains are Native American remains, notification of the California State Native American Heritage Commission, which will appoint a Most Likely Descendant (MLD). The MLD will complete his or her inspection of the remains and make recommendations or preferences for treatment within 48 hours of being granted access to the site (Public Resources Code section 5097.98). The ERO also shall be notified immediately upon the discovery of human remains.</p> <p>The project sponsor and ERO shall make all reasonable efforts to develop a Burial Agreement (“Agreement”) with the MLD, as expeditiously as possible, for the treatment and disposition, with appropriate dignity, of human remains and associated or unassociated funerary objects (as detailed in CEQA Guidelines section 15064.5(d)). The Agreement shall take into consideration the appropriate excavation, removal, recordation, scientific analysis, custodianship, curation, and final disposition of the human remains and associated or unassociated funerary objects. If the MLD agrees to scientific analyses of the</p>	<p>direction of the ERO.</p>		<p>the ERO, and retain a qualified archeological consultant at the direction of the ERO. The archeological consultant shall identify and evaluate the archeological resources and recommend actions for review and approval by the ERO. The archeological consultant shall undertake additional measures at the direction of the ERO.</p>	<p>directed by the ERO as warranted.</p>

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<p>remains and/or associated or unassociated funerary objects, the archaeological consultant shall retain possession of the remains and associated or unassociated funerary objects until completion of any such analyses, after which the remains and associated or unassociated funerary objects shall be reinterred or curated as specified in the Agreement.</p> <p>Nothing in existing State regulations or in this mitigation measure compels the project sponsor and the ERO to accept treatment recommendations of the MLD. However, if the ERO, project sponsor and MLD are unable to reach an Agreement on scientific treatment of the remains and associated or unassociated funerary objects, the ERO, with cooperation of the project sponsor, shall ensure that the remains and/or mortuary materials are stored securely and respectfully until they can be reinterred on the property, with appropriate dignity, in a location not subject to further or future subsurface disturbance (Public Resources Code section 5097.98).</p> <p>Treatment of historic-period human remains and of associated or unassociated funerary objects discovered during any soil-disturbing activity, additionally, shall follow protocols laid out in the project’s archaeological treatment documents, and in any related agreement established between the project sponsor, Medical Examiner and the ERO.</p>				
<p>The archeological consultant shall submit a Draft Final Archeological Resources Report (FARR) to the ERO that evaluates the historical significance of any discovered archeological resource and describes the archeological and historical research methods employed in the archeological testing/monitoring/data recovery program(s) undertaken. The Draft FARR shall include a curation and deaccession plan for all recovered cultural materials. The Draft FARR shall also include an Interpretation Plan for public interpretation of all significant archeological features.</p> <p>Copies of the Draft FARR shall be sent to the ERO for review and approval. Copies of the FARR shall be distributed as follows: California Archaeological Site Survey Northwest Information Center (NWIC) shall receive one (1) copy and the ERO shall receive a copy of the transmittal of the FARR to the NWIC. The Environmental Planning division of the Planning Department shall receive one bound and one unlocked, searchable PDF copy on CD of the FARR along with GIS shapefiles of the site and feature locations and copies of any formal site recordation forms (CA DPR 523 series) and/or documentation for nomination to the National Register of Historic Places/California Register of Historical Resources. In instances of public interest in or the high interpretive value of the</p>	<p>Project archeological consultant at the direction of the ERO.</p>	<p>Following completion of additional measures by archeological consultant as determined by the ERO.</p>	<p>Submission of draft FARR to ERO for review and approval. Distribution of the FARR by the archeological consultant.</p>	<p>Considered complete upon distribution of approved FARR.</p>

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resource, the ERO may require a different or additional final report content, format, and distribution than that presented above.

NOISE

Mitigation Measure M-NO-1: Construction Noise Control

Prior to issuance of any demolition or building permit, the project sponsor shall submit a project-specific construction noise control plan to the ERO or the officer’s designee for approval. The construction noise control plan shall be prepared by a qualified acoustical engineer, with input from the construction contractor, and include feasible measures to reduce construction noise.

Project sponsor’s qualified acoustical consultant and construction contractor.

Submit construction noise control plan prior to issuance of building permit and comply with measures during construction.

Project sponsor’s qualified acoustical consultant and construction contractor.

Considered complete upon completion of construction.

The project sponsor shall ensure that requirements of the construction noise control plan are included in contract specifications. The plan shall also include measures for notifying the public of construction activities, complaint procedures, and a plan for monitoring construction noise levels in the event complaints are received. The construction noise control plan shall include the following measures to the degree feasible and required to reduce construction noise levels:

- Use construction equipment that is in good working order, and inspect mufflers for proper functionality;
- Select “quiet” construction methods and equipment (e.g., improved mufflers, use of intake silencers, engine enclosures);
- Use construction equipment with lower noise emission ratings whenever possible, particularly for air compressors;
- Prohibit the idling of inactive construction equipment for more than five minutes;
- Locate stationary noise sources (such as compressors) as far from nearby sensitive receptors as possible, muffle such noise sources, and construct barriers around such sources and/or the construction site. Avoid placing stationary noise-generating equipment (e.g., generators, compressors) within noise-sensitive buffer areas (as determined by the acoustical engineer) from immediately adjacent neighbors. Enclose or shield stationary noise sources from neighboring noise-sensitive properties with noise barriers to the extent feasible. To further reduce noise, locate stationary equipment in pit areas or excavated areas, if feasible; and
- Install temporary barriers, barrier-backed sound curtains and/or acoustical panels around working powered impact equipment and, if necessary, around the project site perimeter. When temporary barrier

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<p>units are joined together, the mating surfaces shall be flush with each other. Gaps between barrier units, and between the bottom edge of the barrier panels and the ground, shall be closed with material that completely closes the gaps, and dense enough to attenuate noise.</p> <p>The construction noise control plan shall include the following measures for notifying the public of construction activities, complaint procedures and monitoring of construction noise levels:</p> <ul style="list-style-type: none"> • Designation of an on-site construction noise manager for the project; • Notification of neighboring residents and non-residential building managers within 300 feet of the project construction area at least 30 days in advance of high-intensity noise-generating activities (activities that generate noise levels greater than 90 dBA) about the estimated duration of the activity; • A sign posted on-site describing noise complaint procedures and a complaint hotline number that shall always be answered during construction; • A procedure for notifying the planning department of any noise complaints within one week of receiving a complaint; • A list of measures for responding to and tracking complaints pertaining to construction noise. Such measures may include the evaluation and implementation of additional noise controls at sensitive receptors (residents, hospitals, convalescent homes, schools, churches hotels and motels, and sensitive wildlife habitat); and • Conduct noise monitoring (measurements) to determine the effectiveness of noise attenuation measures and, if necessary, implement additional feasible noise control measures. The duration and number of locations required for monitoring will be defined and coordinated in the construction noise control plan. <p>Mitigation Measure M-NO-2: Construction Vibration Control</p> <p><i>Construction Specifications.</i> The property owner shall incorporate into construction specifications for the project a requirement that the construction contractor(s) use all feasible means to avoid damage to potentially affected buildings at 2032 Polk Street and 1560 Pacific Avenue. Such methods may include:</p> <ul style="list-style-type: none"> • <i>Maintaining Buffer Distances.</i> Maintain a safe distance between the operation of vibration-generating construction equipment and 2032 Polk 	<p>Project sponsor’s qualified acoustical consultant and construction contractor.</p>	<p>Prior to issuance of building and construction permits.</p>	<p>Project acoustical engineer and planning department.</p>	<p>Considered complete after construction activities are completed and after buildings and/or structures are remediated to their pre-construction condition at the conclusion of vibration-generating activity on the</p>

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<p>Street and 1560 Pacific Avenue to avoid damage to the extent possible, based on site constraints.</p> <ul style="list-style-type: none"> <i>Alternative Construction Equipment.</i> The construction contractor shall use saw-cut methods as an alternative method to the hoe ram when within set-back zone to 2032 Polk Street and 1560 Pacific Avenue. <p><i>Monitoring Plan.</i> The property owner shall undertake a monitoring program to avoid or reduce project-related construction vibration damage to adjacent buildings and/or structures and to ensure that any such damage is documented and repaired. The monitoring program shall apply to all potentially affected buildings and/or structures at 1560 Pacific Avenue and 2032 Polk Street. Prior to issuance of any demolition or building permit, the property owner shall submit the construction vibration monitoring plan to the Environmental Review Officer (ERO) or the officer's designee for approval. The monitoring plan shall include, at a minimum, the following components, as applicable:</p> <ul style="list-style-type: none"> <i>Pre-construction Survey.</i> Prior to the start of any ground-disturbing activity, the property owner shall engage a historic architect or qualified historic preservation professional to undertake a pre-construction survey of potentially affected historic buildings and/or structures on adjacent properties identified by the San Francisco Planning Department. If the nearby affected buildings are potentially historic, the historic architect or qualified historic preservation professional shall document and photograph the existing conditions of the building(s) and/or structure(s). If nearby affected buildings and/or structures are not potentially historic, a structural engineer or other professional with similar qualifications shall document and photograph the existing conditions of potentially affected buildings and/or structures. The property owner shall submit the pre-construction survey to the ERO prior to the start of vibration-generating construction activity. <i>Maximum Vibration Level.</i> Based on the anticipated construction and condition of the affected buildings and/or structures on adjacent properties, a qualified acoustical consultant in coordination with a structural engineer (or professional with similar qualifications) and, in the case of potentially affected historic buildings/structures, a historic architect or qualified historic preservation professional, shall establish a maximum vibration level that shall not be exceeded at each building/structure on adjacent properties, based on existing conditions, character-defining features, soil conditions, and anticipated construction practices (common standards are a peak particle velocity 				<p>site, should any damage occur.</p>

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<p>[PPV] of 0.25 inch per second for historic and some old buildings, a peak particle velocity [PPV] of 0.3 inch per second for older residential structures, and a peak particle velocity [PPV] of 0.5 inch per second for new residential structures and modern industrial/commercial building).</p> <ul style="list-style-type: none"> • <i>Vibration Monitoring.</i> To ensure that construction vibration levels do not exceed the established standard, the acoustical consultant shall monitor vibration levels at each affected building and/or structure on adjacent properties and prohibit vibratory construction activities that generate vibration levels in excess of the standard. The duration, number of monitors, and other specifics of the monitoring should be defined and coordinated in a construction vibration monitoring plan. • <i>Alternative Construction Techniques.</i> Should construction vibration levels be observed in excess of the established standard, the contractor(s) shall halt construction and put alternative construction techniques into practice, to the extent feasible. Following incorporation of the alternative construction techniques, vibration monitoring shall recommence to ensure that vibration levels at each affected building and/or structure on adjacent properties are not exceeded. • <i>Periodic Inspections.</i> The historic architect or qualified historic preservation professional (for effects on historic buildings and/or structures) and/or structural engineer (for effects on non-historic buildings and/or structures) shall conduct regular periodic inspections as specified in the vibration monitoring plan of each affected building and/or structure on adjacent properties during vibration-generating construction activity on the project site. Should damage to any building and/or structure occur, the building(s) and/or structure(s) shall be remediated to their pre-construction condition at the conclusion of vibration-generating activity on the site. 				

AIR QUALITY

Mitigation Measure M-AQ-2: Clean Off-road Construction Equipment

The project sponsor or the project sponsor’s Contractor shall comply with the following:

A. *Engine Requirements.*

Project sponsor and construction contractor.

Prior to construction activities requiring the use of off-road equipment.

Project sponsor or contractor to submit certification statement to the ERO.

Considered complete upon submittal of certification statement.

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<ol style="list-style-type: none"> 1. All off-road equipment greater than 25 hp and operating for more than 20 total hours over the entire duration of construction activities shall have engines that meet or exceed either U.S. Environmental Protection Agency (USEPA) or California Air Resources Board (ARB) Tier 2 off-road emission standards, and have been retrofitted with an ARB Level 3 Verified Diesel Emissions Control Strategy. Equipment with engines meeting Tier 4 Interim or Tier 4 Final off-road emission standards automatically meet this requirement. 2. Where access to alternative sources of power are available, portable diesel engines shall be prohibited. 3. Diesel engines, whether for off-road or on-road equipment, shall not be left idling for more than two minutes, at any location, except as provided in exceptions to the applicable state regulations regarding idling for off-road and on-road equipment (e.g., traffic conditions, safe operating conditions). The Contractor shall post legible and visible signs in English, Spanish, and Chinese, in designated queuing areas and at the construction site to remind operators of the two-minute idling limit. 4. The Contractor shall instruct construction workers and equipment operators on the maintenance and tuning of construction equipment, and require that such workers and operators properly maintain and tune equipment in accordance with manufacturer specifications. 				

B. Waivers.

1. The Planning Department’s Environmental Review Officer or designee (ERO) may waive the alternative source of power requirement of Subsection (A)(2) if an alternative source of power is limited or infeasible at the project site. If the ERO grants the waiver, the Contractor must submit documentation that the equipment used for onsite power generation meets the requirements of Subsection (A)(1).
2. The ERO may waive the equipment requirements of Subsection (A)(1) if: a particular piece of off-road equipment with an ARB Level 3 VDECS is technically not feasible; the equipment would not produce desired emissions reduction due to expected operating modes; installation of the equipment would create a

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safety hazard or impaired visibility for the operator; or, there is a compelling emergency need to use off-road equipment that is not retrofitted with an ARB Level 3 VDECS. If the ERO grants the waiver, the Contractor must use the next cleanest piece of off-road equipment, according to Table A below.

Table A – Off-Road Equipment Compliance Step-down Schedule

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

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

** Alternative fuels are not a VDECS.

C. Construction Emissions Minimization Plan. Before starting on-site construction activities, the Contractor shall submit a Construction Emissions Minimization Plan (Plan) to the ERO for review and approval. The Plan shall state, in reasonable detail, how the Contractor will meet the requirements of section A.

1. The Plan shall include estimates of the construction timeline by phase, with a description of each piece of off-road equipment required for every construction phase. The description may include, but is not limited to: equipment type, equipment manufacturer, equipment identification number, engine model year, engine certification (Tier rating), horsepower, engine serial number, and expected fuel usage and hours of operation. For VDECS installed, the description may include: technology type, serial number, make, model, manufacturer, ARB verification number level, and installation date and hour meter reading on installation date. For off-road equipment using alternative fuels, the description shall also specify the type of alternative fuel being used.
2. The project sponsor shall ensure that all applicable requirements of the Plan have been incorporated into the contract specifications. The Plan shall include a certification

Project sponsor or contractor.

Prior to issuance of a permit specified in Section 106A.3.2.6 of the San Francisco Building Code.

Project sponsor or contractor to prepare and submit the plan to the ERO.

Considered complete on findings by ERO that the plan is complete.

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statement that the Contractor agrees to comply fully with the Plan.				
3. The Contractor shall make the Plan available to the public for review on-site during working hours. The Contractor shall post at the construction site a legible and visible sign summarizing the Plan. The sign shall also state that the public may ask to inspect the Plan for the project at any time during working hours and shall explain how to request to inspect the Plan. The Contractor shall post at least one copy of the sign in a visible location on each side of the construction site facing a public right of way.				
D. <i>Monitoring.</i> After start of Construction Activities, the Contractor shall submit quarterly reports to the ERO documenting compliance with the Plan. After completion of construction activities and prior to receiving a final certificate of occupancy, the project sponsor shall submit to the ERO a final report summarizing construction activities, including the start and end dates and duration of each construction phase, and the specific information required in the Plan.	Project sponsor or contractor.	Quarterly.	Project sponsor or contractor to submit quarterly reports to the ERO.	Considered complete upon findings by the ERO that the Construction Emissions Minimization Plan is being/has been implemented.