

File No. 161212

Committee Item No. _____

Board Item No. 38

COMMITTEE/BOARD OF SUPERVISORS

AGENDA PACKET CONTENTS LIST

Committee: _____

Date: _____

Board of Supervisors Meeting

Date: November 29, 2016

Cmte Board

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| <input type="checkbox"/> | <input type="checkbox"/> | Motion |
| <input type="checkbox"/> | <input type="checkbox"/> | Resolution |
| <input type="checkbox"/> | <input type="checkbox"/> | Ordinance |
| <input type="checkbox"/> | <input type="checkbox"/> | Legislative Digest |
| <input type="checkbox"/> | <input type="checkbox"/> | Budget and Legislative Analyst Report |
| <input type="checkbox"/> | <input type="checkbox"/> | Youth Commission Report |
| <input type="checkbox"/> | <input checked="" type="checkbox"/> | Introduction Form |
| <input type="checkbox"/> | <input type="checkbox"/> | Department/Agency Cover Letter and/or Report |
| <input type="checkbox"/> | <input type="checkbox"/> | MOU |
| <input type="checkbox"/> | <input type="checkbox"/> | Grant Information Form |
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| <input type="checkbox"/> | <input type="checkbox"/> | Contract/Agreement |
| <input type="checkbox"/> | <input type="checkbox"/> | Form 126 – Ethics Commission |
| <input type="checkbox"/> | <input type="checkbox"/> | Award Letter |
| <input type="checkbox"/> | <input type="checkbox"/> | Application |
| <input type="checkbox"/> | <input type="checkbox"/> | Public Correspondence |

OTHER

(Click the text below for a direct link to the document)

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| <input type="checkbox"/> | <input checked="" type="checkbox"/> | <u>Appeal Letter - November 2, 2016</u> |
| <input type="checkbox"/> | <input checked="" type="checkbox"/> | <u>Project Sponsor's Appeal Response - November 21, 2016</u> |
| <input type="checkbox"/> | <input checked="" type="checkbox"/> | <u>Planning Department's Appeal Response - November 21, 2016</u> |
| <input type="checkbox"/> | <input checked="" type="checkbox"/> | <u>Vesting Tentative Map Application Packets - May 6, 2016</u> |
| <input type="checkbox"/> | <input checked="" type="checkbox"/> | <u>Hearing Notice and Clerical Documents</u> |

Prepared by: John Carroll

Date: November 22, 2016

Prepared by: _____

Date: _____

SANDRA S. PERSHING
ONE SUTTON PLACE SOUTH, NEW YORK, NY 10022

Nov. 1, 2016

To Whom it May Concern:

This 44 Unit subdivision would further negatively impact our fragile neighborhood. The corner of California and Powell Streets is very busy, with two Trolley lines and hundreds of people day and night, trying to cross the streets.

I appeal this tentative approval for 875 California/770 Powell Street and have enclosed my check for \$315.00 to help pay the costs of an appeal.

Sincerely,

Sandra S. Pershing

RECEIVED
BOARD OF SUPERVISORS
SAN FRANCISCO

2016 NOV -2 AM 10:16

BY

A handwritten signature in black ink, appearing to be the initials 'PJ', is written over a horizontal line.



City and County of San Francisco
 San Francisco Public Works · Bureau of Street-Use and Mapping
 1155 Market Street, 3rd Floor · San Francisco, CA 94103
 sfpwpublicworks.org · tel 415-554-5810 · fax 415-554-6161



Date: October 24, 2016

THIS IS NOT A BILL

The City and County Surveyor has approved a tentative map for a proposed subdivision located at:

Address	Block	Lot
875 CALIFORNIA ST	0256	017
770 POWELL ST	0256	016

This subdivision will result in:

44 Units New Construction

This notification letter is to inform you of your right to appeal this tentative approval.

IF YOU WOULD LIKE TO FILE AN APPEAL OF THE TENTATIVE APPROVAL:

You must do so in writing with the Clerk of the Board of Supervisors within ten (10) days of the date of this letter along with a check in the amount of \$315.00, payable to the Department of Public Works.

The Clerk of the Board is located at: City Hall of San Francisco
 1 Dr. Carlton B. Goodlett Place, Room 244
 San Francisco, CA 94102
 (415) 554-5184

If you have any questions on this matter, please contact us at (415) 554-5827, or our email address: subdivision.mapping@sfpw.org

Sincerely,

Bruce R. Storms, P.L.S.
 City and County Surveyor
 City and County of San Francisco

ONE SUTTON PLACE SOUTH, 11A
NEW YORK, NY 10022

Re: 850 Powell St 403

1-1 210		6174
SANDRA S. PERSHING 1 SUTTON PLACE SOUTH, APT. 11-A NEW YORK, NY 10022		DATE Nov. 1, 2016
PAY TO THE ORDER OF	Department of Public Works	\$ 315.00
	Three hundred and Fifteen	100 DOLLARS
		PRIVATE BANKING
BNY MELLON BNY Mellon, N.A.		
MEMO	850 Powell St. 403	Sandra S. Pershing MP

From: [BOS Legislation, \(BOS\)](#)
To: [Sandy Pershing](#); [jknight@reubenlaw.com](#); [lauren.krause@grosvenor.com](#); [amelia.stavely@grosvenor.com](#)
Cc: [Givner, Jon \(CAT\)](#); [Stacy, Kate \(CAT\)](#); [Byrne, Marlena \(CAT\)](#); [Malamut, John \(CAT\)](#); [Nuru, Mohammed \(DPW\)](#); [Sanguinetti, Jerry \(DPW\)](#); [Thomas, John \(DPW\)](#); [Storrs, Bruce \(DPW\)](#); [Sanchez, Scott \(CPC\)](#); [Boudreaux, Marcelle \(CPC\)](#); [Rodgers, AnMarie \(CPC\)](#); [Starr, Aaron \(CPC\)](#); [Mapping, Subdivision \(DPW\)](#); [Chan, Connie \(BOS\)](#); [Ryan, James \(DPW\)](#); [BOS Legislation, \(BOS\)](#); [BOS-Supervisors](#); [BOS-Legislative Aides](#); [Calvillo, Angela \(BOS\)](#); [Somera, Alisa \(BOS\)](#); [Lew, Lisa \(BOS\)](#); [Cecilia De Leon](#)
Subject: APPEAL RESPONSES: Appeal of Tentative Map - 875 California Street/770 Powell Street - Appeal Hearing on November 29, 2016
Date: Monday, November 21, 2016 4:30:00 PM
Attachments: [image001.png](#)

Good afternoon,

Please find linked below the appeal responses received by the Office of the Clerk of the Board from the Planning Department and Reuben, Junius & Rose, representing the Project Sponsor, concerning the Tentative Map Appeal for the project at 875 California Street/770 Powell Street.

[Public Works Letter - November 21, 2016](#)

[Project Sponsor Letter - November 21, 2016](#)

The appeal hearing for this matter is scheduled for a 3:00 p.m. special order before the Board on November 29, 2016.

I invite you to review the entire matter on our [Legislative Research Center](#) by following the link below:

[Board of Supervisors File No. 161212](#)

Thank you,

Brent Jalipa

Legislative Clerk

Board of Supervisors - Clerk's Office

1 Dr. Carlton B. Goodlett Place, Room 244

San Francisco, CA 94102

(415) 554-7712 | Fax: (415) 554-5163

brent.jalipa@sfgov.org | www.sfbos.org



Click [here](#) to complete a Board of Supervisors Customer Service Satisfaction form

***Disclosures:** Personal information that is provided in communications to the Board of Supervisors is subject to disclosure under the California Public Records Act and the San Francisco Sunshine Ordinance. Personal information provided will not be redacted. Members of the public are not required to provide personal identifying information when they communicate with the Board of Supervisors and its committees. All written or oral communications that members of the public submit to the Clerk's Office regarding pending legislation or hearings will be made available to all members of the public for inspection and copying. The Clerk's Office does not redact any information from these submissions. This means that personal information—including names, phone numbers, addresses and similar information that a member of the public elects to submit to the Board and its committees—may appear on the Board of Supervisors' website or in other public documents that members of the public may inspect or copy.*

REUBEN, JUNIUS & ROSE, LLP

November 21, 2016

Delivered By Email and Messenger

President London Breed and Supervisors
San Francisco Board of Supervisors
1 Dr. Carlton B. Goodlett Place
City Hall, Room 244
San Francisco, CA 94102

**Re: Appeal of Tentative Map - 875 California Street/770 Powell Street
Board of Supervisors File: 161212
Hearing Date: November 29, 2016
Our File: 7849.03**

Dear President Breed and Supervisors:

This office represents Grosvenor Americas (“**Grosvenor**”), a developer with a 340 year history of delivering refined buildings in special urban locations. Grosvenor’s project at 875 California/770 Powell (the “**Site**”) will replace an unattractive parking garage and surface parking lot with a new, very high-quality 44-unit building designed by Robert A.M. Stern Architects, which designs prominent buildings throughout the world (the “**Project**”). The Project provides a beautiful landscaped entry courtyard with seating wall and a strong street front presence that echoes the surrounding historic buildings and will contribute to the vitality of the area.

Grosvenor began the approval process for this 44-unit building more than two years ago culminating in unanimous approval by the Planning Commission on April 7, 2016. No appeals were filed for either of the Project’s entitlements.¹ After the Project was unanimously approved, Grosvenor initiated the subdivision process. Before this Board is an appeal of the approval of the vesting tentative map for the Site. The map meets the City’s requirements, has been reviewed and approved by all relevant City departments, and was properly granted. Even Appellant Sandra Pershing does not assert any specific defects in the map. Therefore, we respectfully request that the appeal be denied.

¹ The Project received conditional use authorization to permit construction of a building exceeding 50 feet in height in an RM District pursuant to Planning Code Section 253, to exceed bulk limits under Section 270, and for approval of a garage entry on California Street as required by Section 155. It also received a variance for a non-code-compliant rear yard and for four garden level units that do not meet exposure requirements.

James A. Reuben | Andrew J. Junius | Kevin H. Rose | Daniel A. Frattin | John Kevlin
Tuija I. Catalano | Jay F. Drake | Lindsay M. Petrone | Sheryl Reuben¹ | Thomas Tunny
David Silverman | Melinda A. Sarjapur | Mark H. Loper | Jody Knight | Stephanie L. Haughey
Chloe V. Angelis | Louis J. Sarmiento | Jared Eigerman^{2,3} | John McInerney III²

1. Also admitted in New York 2. Of Counsel 3. ~~3380~~ admitted in Massachusetts

San Francisco Office
One Bush Street, Suite 600, San Francisco, CA 94104
tel: 415-567-9000 | fax: 415-399-9480

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827 Broadway, Suite 205, Oakland, CA 94607
tel: 510-257-5589

www.reubenlaw.com

A. Project Authorization and Tentative Map Approval

The Project was unanimously approved by the Planning Commission on April 7, 2016. Before the hearing, the Project was presented at numerous community and individual outreach meetings. It received considerable support from the neighborhood, including support letters from the Nob Hill Association (**Exhibit A**), the Fairmont Hotel (**Exhibit B**), the Masonic Auditorium (**Exhibit C**), the University Club (**Exhibit D**), the Housing Action Coalition (**Exhibit E**), and a support petition and letters from individual neighbors (**Exhibit F**).

The Appellant was provided notice of the Planning Commission hearing, but did not oppose the Project. After the Project was unanimously approved, Grosvenor initiated the subdivision process. The City and County Surveyor and the Planning Department's Zoning Administrator each determined that the Project's tentative map met all applicable legal standards, and the Department of Public Works approved the tentative map on October 24, 2016. The Department of Public Works' approval is appealed here.

B. Appellant Does Not Raise Any Issues Regarding Map Approval

The only issue here is the Department of Public Works' decision to approve a vesting tentative map that permits subdividing the Site. Appellant does not point to any defect in the map or issue with subdividing the Site. Instead, she asserts that the subdivision "would further negatively impact our fragile neighborhood." The Project was exhaustively vetted during the project-approval process, including both the design of the building and how pedestrian, bicycle, vehicle and trolley traffic could all coexist without negatively impacting the neighborhood. These issues were again thoroughly reviewed by the Planning Department as part of its consideration of the vesting tentative map. Subdividing the Site will allow Grosvenor to contribute 44 for-sale dwelling units, including 30 two-bedroom and 5 three-bedroom units, drawing families looking for new homes to this formerly underutilized corner.

C. Conclusion

Grosvenor began the approval process for this 44-unit building more than two years ago. Since that time, it has worked diligently with neighbors, the Planning Department, and the Department of Public Works to design a building that addresses the City's lack of family-sized housing and complies with all applicable laws – including the Subdivision Map Act. Therefore, we respectfully request that this Board uphold the Department of Public Works' decision.

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President London Breed and Supervisors
San Francisco Board of Supervisors
November 21, 2016
Page 3

I look forward to presenting this matter to you on November 29, 2016. Thank you for your consideration.

Very truly yours,

REUBEN, JUNIUS & ROSE, LLP



Jody Knight

cc: Supervisor John Avalos
Supervisor David Campos
Supervisor Malia Cohen
Supervisor Mark Farrell
Supervisor Jane Kim
Supervisor Eric Mar
Supervisor Aaron Peskin
Supervisor Katy Tang
Supervisor Scott Wiener
Supervisor Norman Yee
Angela Cavillo, Clerk of the Board
Bruce Storrs, Public Works
Marcelle Boudreaux, Planning Department
Sandra S. Pershing, Appellant
Grosvenor Americas, Project Sponsor

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One Bush Street, Suite 600, San Francisco, CA 94104
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tel: 510-257-5589

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REUBEN, JUNIUS & ROSE, LLP
3382

Exhibit List

Exhibit A – Nob Hill Association Letter of Support

Exhibit B – Fairmont Hotel Letter of Support

Exhibit C – California Masonic Auditorium Letter of Support

Exhibit D – Board of Directors of the University Club Letter of Support

Exhibit E – Housing Coalition Endorsement and Report Card

Exhibit F – Support Petition and Individual Letters of Support

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EXHIBIT A



OFFICERS

Barbara Mount
PRESIDENT
Michael Daier
VICE PRESIDENT
Judith Droz Keyes
TREASURER
Stan Landfair
SECRETARY

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Philip Alford
Sandra Assar
Hudson Bell
Mary Ray Brophy
Allan Casalou
Gregory Cheng
Anne Chognard
Christina Deeb
Michael Deeb
Maarten Drenth
John Doremus
Homer Dunn
Lorre Erlick
Stephen R. Farrand
Serena Fritz-Cope
Greg Galanos
Richard J. Guggenlime
Israel Hernandez
Frances L. Hildebrand
Phillip S. Hogan
Thomas E. Horn
Gail Isono
Thomas Klein
David L. Lefkowitz
Brandy Marts
Glen Nelson
Joseph Omran
Nicki Parisi
Torey Presti
Dillon Rogers
Harriet Ross
Rupert Scammell
Todd Stein
William Terrell
Yo Yoshida

DIRECTORS CIRCLE

Lorraine C. Baxter
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John Cope
Dan Finnane
Harriet Meyer Quarre
Christine Selle
Adrianna Pope Sullivan
Angela Waite

March 31, 2016

Ms. Marcelle Boudreaux
San Francisco Planning Commission
1650 Mission Street, Suite 400
San Francisco, CA 94103

Re: 875 California and 770 Powell Streets

Dear Ms. Boudreaux,

On behalf of the Nob Hill Association, I am writing to express support for the Grosvenor Americas project at 875 California and 770 Powell Streets (the southeast corner of California and Powell).

As you know, the Nob Hill Association is the oldest neighborhood association in the City. We seek to provide constructive input to the Commission for its evaluation of projects in the approval process. We are pleased to contribute to the Commission's deliberations here.

The developer and other sponsors of this project have made several presentations to our Board of Directors as it has progressed through the planning process. There is a consensus among our Board that the project will result in an improvement to our neighborhood. We are pleased that the project will make constructive use of a plot that has been vacant for many years and will add attractive housing units to the neighborhood without the additional strain on traffic, parking or other infrastructure or resources that commercial development would bring.

Thank you for your attention to our views.

Sincerely,

Barbara Mount
President, Nob Hill Association

cc: Rodney Fong, President
Dennis Richards
Cindy Wu
Christine Johnson
Michael Antonini
Kathryn Moore
Rich Hillis
Jonas Ionin

EXHIBIT B

Fairmont

HOTELS & RESORTS

March 9, 2016

THOMAS A. KLEIN
*Regional Vice President & General Manager
California Region*

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

Re: 875 California and 770 Powell Streets

Dear President Fong,

On behalf of The Fairmont San Francisco I am writing to express our support for Grosvenor Americas' proposed condominium project at 875 California and 770 Powell Streets in Nob Hill.

The planned location - at the southeast corner at the intersection of California and Powell Streets - is kitty corner to our establishment, which makes the project's success vital to the Fairmont. This crossroads is a special place in San Francisco and we are confident the building will enhance it, providing a better experience for neighbors, businesses and tourists alike. The proposed housing is clearly a higher and better use of the land than the existing under-utilized parking lot: an eyesore interrupting one of our most iconic vistas.

From the outset, Grosvenor has enthusiastically included the community in the planning process. The project sponsor has contacted me multiple times throughout the planning process as well as meeting me on two separate occasions to solicit feedback and to provide updates about the project. We have been impressed by their attitude and willingness to hear - and respond to - possible concerns from the neighborhood.

After multiple opportunities to hear from Grosvenor and review its proposal, I am confident the project will benefit the neighborhood and will be a positive contribution to our cityscape. We support this project and urge the Planning Commission to approve it.

Sincerely,



Tom Klein
Regional Vice President and General Manger

cc: Jonas Ionin
Marcelle Boudreaux
Dennis Richards
Cindy Wu
Christine Johnson
Michael Antonini
Kathryn Moore
Rich Hillis



ATOP NOB HILL, SAN FRANCISCO, CALIFORNIA, U.S.A. 94108
TELEPHONE 415 772 5161 FACSIMILE 415 772 3019
WWW.FAIRMONT.COM

EXHIBIT C

California Masonic Memorial Temple
A CALIFORNIA CORPORATION

March 23, 2016

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

Re: 875 California and 770 Powell Streets

Dear President Fong,

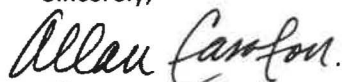
On behalf of the California Masonic Memorial Temple at 1111 California Street, please accept this letter of support for Grosvenor Americas' project at 875 California and 770 Powell Streets on Nob Hill.

The southeast corner at the intersection of California and Powell Streets – currently occupied by a parking garage and structure - has long been underutilized and does not add to the appeal of the neighborhood in its current state. The proposed housing is undoubtedly an improved use of the land compared with the existing mark on one of our most impressive corridors. The Grosvenor's project team has demonstrated a clear appreciation for the importance of this undertaking and we are confident their proposal will enhance Nob Hill by providing a better experience for neighbors, businesses and visitors.

Grosvenor has included the Masonic in every step of the process. I have met and spoken with the project sponsor on several occasions to offer input, suggest new neighborhood contacts, and provide feedback. I have been impressed by their attitude and willingness to hear – and respond to – possible concerns from the neighborhood.

I have reviewed Grosvenor's proposal and I am confident housing in this location will better the neighborhood and will be a positive contribution to our cityscape. I support this project and urge the Planning Commission to approve it.

Sincerely,



Allan L. Casalou
Executive Vice President
California Masonic Memorial Temple

Copy: Planning Commissioners: Jonas Ionin, Marcelle Boudreaux, Dennis Richards, Cindy Wu,
Christine Johnson, Michael Antonini, Kathryn Moore, Rich Hillis

EXHIBIT D



The University Club of San Francisco

March 25, 2016

President Rodney Fong, SF Planning Commission
1650 Mission Street, Suite 400
San Francisco, CA 94103

Re: 875 California and 770 Powell Streets

Dear President Fong:

On behalf of the Board of Directors of The University of Club San Francisco I am writing to express our support for Grosvenor Americas' proposed condominium project at 875 California and 770 Powell Streets in Nob Hill.

The University Club has a distinguished history in Nob Hill. Many of our members are residents, employees and business owners in our storied neighborhood. Our proximity to the proposed site – directly across California Street – means the University Club's future is intertwined with Grosvenor's, and we commend Grosvenor's recognition that their project will be part of what shapes Nob Hill for many years to come. Grosvenor made a commitment to robust public outreach, transparency, and a willingness to embrace ideas from the community and has honored that commitment throughout the planning process.

Grosvenor's proposal will be a marked improvement over the current parking lot and structure – both of which are underutilized. The planned 44 homes will bring new residents to our local clubs, restaurants and hotels and pedestrians to our sidewalks – activity and vibrancy that have been stymied by this disappointing corner. The proposal calls for town home entrances along both California and Powell Streets and a lush garden at the front corner that Grosvenor further enhanced after neighborhood discussions. The improvements to the streetscape will make Nob Hill more welcoming and appealing for all comers.

After three public meetings and many individual conversations, the University Club is confident the project will benefit not just our membership but the whole neighborhood. We support this project and urge the Planning Commission to approve it expeditiously.

Sincerely,

Jonas Svallin
President, Board of Directors, The University Club of San Francisco

cc: Jonas Ionin
Marcelle Boudreaux
Dennis Richards
Cindy Wu
Christine Johnson
Michael Antonini
Kathryn Moore
Rich Hillis

800 Powell Street, San Francisco, CA 94108
415.781.0900

EXHIBIT E



San Francisco Housing Action Coalition (SFHAC) Project Report Card

Address: 875 California Street

Project Sponsor: Grosvenor

Date of SFHAC Review: October 21, 2015

Grading Scale:

1 = Fails to meet project review guideline criteria

2 = Meets some project review guideline criteria

3 = Meets basic project review guideline criteria

4 = Exceeds basic project review guideline criteria

5 = Goes far beyond of what is required

Criteria for SFHAC Endorsement:

1. The project must have been presented to the SFHAC Project Review Committee;
2. The project must score a minimum of 3/5 on any given guideline.

<i>Guideline</i>	<i>Comments</i>	<i>Grade</i>
Land Use	The project will replace a surface parking lot and one-story parking garage with 44 homes and one level of subterranean parking for 48 cars.	5
Density	The site suffers from outdated zoning that does not favor density. However, this project does maximize density within the existing height limit.	5
Affordability	The project sponsor will pay an <i>in-lieu</i> fee of over three million dollars to the Mayor's Office of Housing that would finance their affordable housing.	3
Parking and Alternative Transportation	We would like the project to reduce its parking count from 48 to 44 spaces. We strongly support the high biking parking ratio and plan to dedicate on-street parking to car share.	4
Preservation	There are no structures of significant cultural or historic merit on or near the site that would be impacted by the proposed project.	N/A
Urban Design	We would prefer a more iconic building, but the zoning makes that a challenge. We'd like the site's corner to become more of a public amenity. We appreciate the thoughtful open space.	4
Environmental Features	The project sponsor will pursue LEED Gold for the building. We encourage them to pursue other measures that further green the building, especially water conservation.	4
Community Input	The project sponsor has met with the Nob Hill Neighborhood Association three times and held numerous one-one-meetings with local residents.	5
Additional Comments	Our members appreciate the thorough presentation from the project team.	N/A
Final Comments	The SF Housing Action Coalition endorses the proposed project at 875 California Street.	4-3/5

Please see attached letter for further explanation.



95 Brady Street
San Francisco, CA 94103
415 541 9001
info@sfhac.org
www.sfhac.org

Mr. Steve O'Connell
Grosvenor
1 California Street, Suite 2500
San Francisco, CA 94111

December 8 2015

Ref: 875 California Street – Residential Development

Dear Mr. O'Connell,

Thank you for bringing your proposed project for 875 California Street to the San Francisco Housing Action Coalition's (SFHAC) Project Review Committee on October 21, 2015. Upon thorough review and discussion, we have decided to endorse the project. We believe it has merit and will contribute to our mission of increasing the supply of well-designed, well-located housing at all levels of affordability in San Francisco. Please review our letter, which explains how your project meets our guidelines, as well as areas suggested for improvement. Please also see our report card, which grades your project according to each guideline. We have attached a copy of our guidelines for your reference.

Project Description: The project proposes the construction of 44 new for-sale homes with one level of below-grade parking for 48 cars.

Land Use: The site is currently occupied by a surface parking lot and one-story parking garage. Housing is a significantly better use. Our members agree that this a landmark location, considering it's at a very prominent intersection where Powell and California Streets meet.

Density: The site suffers from outdated zoning that does not favor density. Although your project maximizes density within the height limit, we believe this is an excellent opportunity to build a taller building that stands out more. Unfortunately, we understand that the City's planning code and political hurdles would make that very difficult or time-consuming to achieve.

Affordability: Your project would pay the *in-lieu* fee, which equates to about three million dollars that would go to the Mayor's Office of Housing (MOH) and be used to fund other affordable housing projects in the City.

Parking and Alternative Transportation: Because this area is still governed by outdated zoning codes, your project has minimum parking requirements of one space per unit. We still would prefer that you reduce your parking count from the current amount of 48 spaces to 44. We believe that many current developments overestimate the need for car parking and encourage your team emphasize other transportation modes.

We strongly support your decision to provide 110 bike parking spaces, a ratio of over two spaces per bedroom. You also stated you intend to allocate on-street parking to car share, which would

Mr. Steve O'Connell
December 8, 2015
Page Two

give residents alternative transportation options. We encourage you to work with SFMTA on developing a program.

Preservation: There are no objects of significant cultural or historic merit on or near the site that would be affected by the proposed project.

Urban Design: Because the location is so unique, our members thought it demands a more iconic building. Many of our members noted your plan blends in too well with the neighborhood. As mentioned, we believe more height would be appropriate.

We appreciate the rich details in your design, which reduce the boxy-ness of the building. Some of our members strongly supported your use of cement plaster. However, we recognize there may be other materials to consider.

Our members would prefer that the entrance at the corner be more publicly accessible, to encourage active uses for residents or tourists in the neighborhood. The project's open space is very well conceived and programmed. We especially appreciate the maisonette entrances.

Environmental Features: We commend you for pursuing LEED Gold for the building. We encourage you to continue pursuing options that further improve your project's sustainability, such as water conservation.

Community Input: Your team has held two community meetings with the Nob Hill Neighborhood Association and numerous individual meetings with folks in the neighborhood. At the time of your presentation to us, you stated you were going to make a third presentation to NHNA that night. We feel you have thoroughly engaged the nearby residents and thoughtfully responded to their feedback.

Thank you for presenting your plans for 875 California Street to our Project Review Committee. We are pleased to endorse the project. Please keep us abreast of any changes and let us know how we may be of assistance.

Sincerely,



Tim Colen
Executive Director

SFHAC Project Review Guidelines

Land Use: Housing should be an appropriate use of the site given the context of the adjacent properties and the surrounding neighborhood and should enhance neighborhood livability.

Density: The project should take full advantage of the maximum unit density and/or building envelope, allowable under the zoning rules.

Affordability: The need for affordable housing, including middle income (120-150 of Area Median Income) housing, is a critical problem and SFHAC gives special support to projects that propose creative ways to expand or improve unit affordability beyond the legally mandated requirements.

Parking and Alternative Transportation: SFHAC expects the projects it endorses to include creative strategies to reduce the need for parking, such as ample bicycle storage, provision of space for car-share vehicles on-site or nearby, un-bundling parking cost from residential unit cost, and measures to incentivize transit use. Proximity to transit should result in less need for parking.

In districts with an as-of-right maximum and discretionary approval up to an absolute maximum, SFHAC will support parking exceeding the as-of-right maximum only to the extent the Code criteria for doing so are clearly met. In districts where the minimum parking requirement is one parking space per residential unit (1:1), the SFHAC will not, except in extraordinary circumstances, support a project with parking in excess of that amount.

Preservation: If there are structures of significant historic or cultural merit on the site, their retention and/or incorporation into the project consistent with historic preservation standards is encouraged. If such structures are to be demolished, there should be compelling reasons for doing so.

Urban Design: The project should promote principles of good urban design: Where appropriate, contextual design that is compatible with the adjacent streetscape and existing neighborhood character while at the same time utilizing allowable unit density; pleasant and functional private and/or common open space; pedestrian, bicycle and transit friendly site planning; and design treatments that protect and enhance the pedestrian realm, with curb cuts minimized and active ground floor uses provided.

Projects with a substantial number of multiple bedroom units should consider including features that will make the project friendly to families with children.

Mr. Steve O'Connell
December 8, 2015
Page Four

Environmental Features: SFHAC is particularly supportive of projects that employ substantial and/or innovative measures that will enhance their sustainability and reduce their carbon footprint.

Community Input: Projects for which the developer has made a good faith effort to communicate to the community and to address legitimate neighborhood concerns, without sacrificing SFHAC's objectives, will receive more SFHAC support.

EXHIBIT F



GROSVENOR

875 California Planning Commission Supporter Petition

April 7, 2016

Dear President Fong and members of the San Francisco Planning Commission,

As residents of San Francisco and Nob Hill, the undersigned support Grosvenor Americas' proposed project at 875 California and 770 Powell Streets. The project will improve Nob Hill for residents, businesses, and tourists, and will complete one of San Francisco's most iconic corners.

Name	Signature	Address	Email
Michael Hodgkinson		1490 Clay St.	mike.hodgkinson2@gmail.com
Jack Ryder		1699 Van Ness Av	jack@ryderre.com
Elissa Buie		850 Powell #303	elissa@YeBu.com
DAVE YESKE		850 Powell, #303	DAVE@YEBU.COM
STEVE KENDRICK		580 CALIF. ST. STY 1200 SF 94104	shkendrick@MSA.com
Michael Gebman		707 Stockton, #605	mgebman@gmail.com
Anna Li		"	"



GROSVENOR

875 California Planning Commission Supporter Petition

April 7, 2016

Dear President Fong and members of the San Francisco Planning Commission,

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Name	Signature	Address	Email
FRANK R. KLINE		1170 SACRAMENTO 3-C	frank@KLINEINVEST.COM
Stolly L. KLINE		1170 SACRAMENTO 3-C	Stolly@KLINEINVEST.COM
Christine Hughes		1100 Sacramento St	christinehughes007@gmail.com
Abe Ostrinsky		1100 Sacramento St.	A917@aol.com
JOEL GORPICH		850 POWELL ST 707	
Serena FitzGerald		1000 Mason St. #102	Serena@fritzpropertygroup.com

April 6, 2016

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

Re: 875 California and 770 Powell Streets

Dear President Fong,


My husband, Dr. David Yeske, and I are Nob Hill residents. We live at 850 Powell and are members of the University Club at 800 Powell. We have done our research on the Grosvenor Americas' project at 875 California and 770 Powell Streets in Nob Hill. Please accept this letter stating our strong support for the project's approval.

Nob Hill has long awaited a replacement for the parking garage and structure currently occupying the southeast corner at the intersection of California and Powell Streets. This parcel has long been underutilized and remains an eyesore marring an otherwise picturesque corner. The proposed housing is a more appropriate land use compared with the existing blemish, and Grosvenor's design and commitment to quality will result in a building widely supported in the neighborhood. We appreciate the project team's understanding of the importance of this undertaking and we are confident Grosvenor's proposal will enhance Nob Hill and provide a better experience for all. We are particularly happy with the overall design, the setback from the street and the aesthetics.

Grosvenor has included the neighborhood in every step of the process. We received open house invitations and other correspondence, and have spoken with the project sponsor to offer input. We have been impressed by their attitude and willingness to hear – and respond to – possible concerns from neighbors.

We are confident housing in this location will better the neighborhood and will be a positive contribution to Nob Hill. We support this project and urge the Planning Commission to approve it.

Sincerely,



Elissa Buie

850 Powell Street, #303
San Francisco, CA 94108



March 28, 2016

**Planning Commission
San Francisco Planning Department
1650 Mission Street #400
San Francisco, CA 94103**

Dear Commissioner;

As a real estate professional, I know how difficult your role is, and also what a tremendous contribution you make to the City of San Francisco.

As a neighbor and former Nob Hill resident, I have been interested and actively involved in Nob Hill improvements for many years, including the Huntington Park improvement, and the new Trader Joe's. Projects such as these revitalize and strengthen our city's neighborhoods

I have been following Grosvenor Americas' project at 875 California since 2015 after working with them on another project in the neighborhood, and am writing to voice my unequivocal support for the project.

Grosvenor Americas is a conscientious developer with a commitment to quality. Robert A.M. Stern is undoubtedly one of the best architects in the country. Their project will enhance Nob Hill, while adding to the much needed housing supply in San Francisco. They continue to include the neighborhood in every step of the process.

**I respectfully urge you to support and approve the project at 875 California.
Sincerely,**

A handwritten signature in black ink, appearing to read "Jack D. Ryder". The signature is fluid and cursive, with a long horizontal stroke extending to the right.

Jack D. Ryder

**Cc: Rodney Fong
Jonas Ionin
Marcelle Boudreaux**

March 24th, 2016

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

Re: 875 California and 770 Powell Streets

Dear President Fong,

I am a member of the University Club (across the street from the project site) and have been following the Grosvenor Americas' project at 875 California and 770 Powell Streets in Nob Hill since it was introduced in early 2015. Please accept this letter stating my strong support for the project's approval.

Nob Hill has long awaited a replacement for the parking garage and structure currently occupying the southeast corner at the intersection of California and Powell Streets. This parcel has long been underutilized and remains an eyesore marring an otherwise picturesque corner. The proposed housing is a more appropriate land use compared with the existing blemish, and Grosvenor's design and commitment to quality will result in a building widely supported in the neighborhood. I appreciate the project team's understanding of the importance of this undertaking and we are confident Grosvenor's proposal will enhance Nob Hill and provide a better experience for all.

I am confident housing in this location will better the neighborhood and will be a positive contribution to Nob Hill. I support this project and urge the Planning Commission to approve it.

Sincerely,

A handwritten signature in black ink that reads "Justin Jones". The signature is written in a cursive, flowing style with a horizontal line underneath the name.

Justin Jones
1605 Castro St. #6
San Francisco, CA 94114

President
Robert F. Kennedy Democratic Club
(for identification purposes only)

cc: Jonas Ionin
Marcelle Boudreaux
Dennis Richards

Cindy Wu
Christine Johnson
Michael Antonini
Kathryn Moore
Rich Hillis

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

Re: 875 California and 770 Powell Streets

Dear Mr. Fong,

I am writing to express my complete support for the proposed Grosvenor proposed residences at 875 California. The handsome residences will improve both the look and the pedestrian flow, allowing our neighbors a brief resting spot at this very busy corner. (My husband and I live at 1170 Sacramento Street, just a half block away from the Fairmont Hotel and a block and a half away from the proposed Grosvenor.)

The present parking lot on that corner of Powell and California does not serve the neighborhood well. With the new proposed residences, 2 corners of the intersection are cable car stops; there is one cafe with outdoor seating; and now there can be a pleasant corner to rest temporarily or meet someone. It becomes more of a neighborhood.

We have lived on Nob Hill for 2 years. The Nob Hill Association is a neighborhood treasure, lighting the Huntington Park at Christmastime; having neighborhood meetings to talk over issues; taking the reins to beautify the neighborhood; trying to bring neighbors together. The Grosvenor residents could add to this group of neighbors working together. I truly think the newly proposed building would be a benefit to San Francisco.

Yours Sincerely,

Shelly Kline

Hello,

My name is Chris Adams. I am a prominent resident of Nob Hill, having lived at 899 Pine St for 3 years and been a member of the University Club of San Francisco for 2 years. I work in the Financial District, a short walk from home through the streets of Nob Hill. All of this means that the area around the planned development at 845 California St is my home, my daily commute, and my local community.

I would like to voice my approval of the planned development at 845 California St. I believe the building respects the neighborhood's character and is well designed, tasteful and thought out, and provides much-needed housing to the city of San Francisco. Further, I believe that the developer, having been in business 350 years, will create an excellent addition to the neighborhood.

I hope that my opinion is taken into consideration during the approval process, and thank you for your time.

Regards,

Chris.

Dear Mr. Fong, Mr. Ionin and Mr. Boudreaux,

I wish to state my support for the project to be built at 875 California Street.

I live at 850 Powell, which is one block away. I believe this project will add substantive improvement to my neighborhood with the lovely architecture replacing a parking lot and a garage.

I look forward to the building commencing. Please add my vote to support this development.

Joyce Reitman
850 Powell Street
San Francisco, CA

Dear President Fong,

My name is Mick Del Rosario, and I have lived in the Nob Hill neighborhood since 2006 and have been following the Grosvenor Americas' project at 875 California and 770 Powell Streets in Nob Hill since it was introduced in early 2015. I am writing to you in order to express my strong support for the project's approval.

My neighborhood has long awaited a replacement for the parking garage and structure currently occupying the southeast corner at the intersection of California and Powell Streets. I remember always walking down Powell Street and seeing just this plot of land. This parcel remains an eyesore marring an otherwise picturesque corner. The proposed housing is a more appropriate land use compared with the garage, and Grosvenor's design and quality will result in a building widely supported in the neighborhood. I appreciate the project team's understanding of the importance of this undertaking and we are confident Grosvenor's proposal will enhance Nob Hill and provide a better experience for all.

Grosvenor has included the neighborhood in every step of the process: I have received multiple letters on several occasions.

I am confident that the housing in this location will be a positive contribution to Nob Hill. I support this project and urge you and the rest of the Planning Commission to approve it.

Sincerely,

Mick Del Rosario
845 California Street

cc: Jonas Ionin
Marcelle Boudreaux
Dennis Richards
Cindy Wu
Christine Johnson
Michael Antonini
Kathryn Moore
Rich Hillis

Dear Concerned,

I live at 850 Powell Street, near the corner of the proposed new residential building at 875 California Street and am delighted with the positive energy that everyone is directing at the empty lot that has dogged this neighborhood for decades.

Robert A.M. Stern's reputation proceeds himself and he is a fine choice for architect in every sense of the word. I have been fortunate to have been in many of his buildings and am eager to see more!

The details provided on the project are exceptional, from every conceivable angle and I cannot wait to have new neighbors and a beautiful addition to my block.

Should you have any questions or concerns please contact me.

Yours Sincerely,

Keith E. Whiteman

From: [BOS Legislation, \(BOS\)](#)
To: [Sandy Pershing](#); [jknight@reubenlaw.com](#); [lauren.krause@grosvenor.com](#); [amelia.stavely@grosvenor.com](#)
Cc: [Givner, Jon \(CAT\)](#); [Stacy, Kate \(CAT\)](#); [Byrne, Marlena \(CAT\)](#); [Malamut, John \(CAT\)](#); [Nuru, Mohammed \(DPW\)](#); [Sanguinetti, Jerry \(DPW\)](#); [Thomas, John \(DPW\)](#); [Storrs, Bruce \(DPW\)](#); [Sanchez, Scott \(CPC\)](#); [Boudreaux, Marcelle \(CPC\)](#); [Rodgers, AnMarie \(CPC\)](#); [Starr, Aaron \(CPC\)](#); [Mapping, Subdivision \(DPW\)](#); [Chan, Connie \(BOS\)](#); [Ryan, James \(DPW\)](#); [BOS Legislation, \(BOS\)](#); [BOS-Supervisors](#); [BOS-Legislative Aides](#); [Calvillo, Angela \(BOS\)](#); [Somera, Alisa \(BOS\)](#); [Lew, Lisa \(BOS\)](#); [Cecilia De Leon](#)
Subject: APPEAL RESPONSES: Appeal of Tentative Map - 875 California Street/770 Powell Street - Appeal Hearing on November 29, 2016
Date: Monday, November 21, 2016 4:30:00 PM
Attachments: [image001.png](#)

Good afternoon,

Please find linked below the appeal responses received by the Office of the Clerk of the Board from the Planning Department and Reuben, Junius & Rose, representing the Project Sponsor, concerning the Tentative Map Appeal for the project at 875 California Street/770 Powell Street.

[Public Works Letter - November 21, 2016](#)

[Project Sponsor Letter - November 21, 2016](#)

The appeal hearing for this matter is scheduled for a 3:00 p.m. special order before the Board on November 29, 2016.

I invite you to review the entire matter on our [Legislative Research Center](#) by following the link below:

[Board of Supervisors File No. 161212](#)

Thank you,

Brent Jalipa

Legislative Clerk

Board of Supervisors - Clerk's Office

1 Dr. Carlton B. Goodlett Place, Room 244

San Francisco, CA 94102

(415) 554-7712 | Fax: (415) 554-5163

brent.jalipa@sfgov.org | www.sfbos.org



Click [here](#) to complete a Board of Supervisors Customer Service Satisfaction form

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SAN FRANCISCO PLANNING DEPARTMENT

MEMO

Appeal of Vesting Tentative Map 875 California Street/ 770 Powell Street

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

Reception:
415.558.6378

Fax:
415.558.6409

Planning
Information:
415.558.6377

DATE: November 21, 2016
TO: Angela Calvillo, Clerk of the Board of Supervisors
FROM: AnMarie Rodgers, Senior Policy Advisor – Planning (415) 558-6395
Marcelle Boudreaux, Case Planner – Planning Department (415) 575-9140
RE: Board File No. 161212, Planning Case No. 2014-000609CND –
Appeal of the Vesting Tentative Map for 875 California Street/ 770 Powell Street
HEARING DATE: November 29, 2016

ATTACHMENTS:

- A. *Certificate of Determination, Exemption from Environmental Review (Class 32 Categorical Exemption and General Rule Exclusion), March 11, 2016*
- B. *Planning Commission Motion No. 19612 (adopted April 7, 2016)*
- C. *Zoning Administrator Variance Decision Letter, May 10, 2016*

PROJECT SPONSOR: 875 California II, LLC [Grosvenor Americas]
c/o Jody Knight and Jay Drake
Reuben, Junius & Rose, LLP
One Bush Street, Suite 600
San Francisco, CA 94107

APPELLANT: Sandra S. Pershing
1 Sutton Place South, Apt. 11-A
New York, NY 10022

INTRODUCTION:

This memorandum and the attached documents are in response to the letter of appeal filed on November 2, 2016, by Sandra S. Pershing (“Appeal Letter”) to the Board of Supervisors (the “Board”) regarding the Department of Public Works (“Public Works”) October 24, 2016, approval of a Vesting Tentative Map for a two-lot merger and subdivision, and 44-unit residential new construction condominium project at 875 California Street and 770 Powell Street (Assessor’s Block 0256, Lots 016 and 017, “Project Site”).

The related project (“Project”) consists of two components: (1) the two lot merger and subdivision, and 44-unit new construction condominium, on the Project Site (Planning Case No. 2014-000609CND); and (2) the demolition of a two-story parking structure and a parking lot and construction of a seven-story, 65-foot-tall, 44-unit residential building that was approved by the Planning Commission on April 7, 2016 and which was granted exceptions to the Planning Code by the Zoning Administrator (Planning Case No. 2014-000609CUAVAR). On March 11, 2016, the Planning Department (“Department”) issued a Certificate of Determination concluding that the lot merger and subdivision, demolition, and new construction project is exempt from environmental review under California Environmental Quality Act (“CEQA”).

Guidelines Section 15332 (Class 32 Categorical Exemption for in-fill projects) and Section 15061(b)(3) ("Certificate of Determination, Exemption from Environmental Review dated March 11, 2016," attached as Attachment A).

The application for a vesting tentative map was filed with Public Works on May 9, 2016, and referred to the Department for review on June 28, 2016. The Department recommended approval of the lot merger and subdivision and the 44-unit new construction condominium project on July 25, 2016. Public Works granted a Vesting Tentative Map approval on October 24, 2016.

The decision before the Board is whether to uphold or overturn the Vesting Tentative Map approval. We write to explain the extensive process of Department review and approval. At this time the Department has completed review and approval of the Project and the proposed merger/subdivision. Any potentially aggrieved parties had rights to appeal the Conditional Use Authorization and the Variance Decision within the applicable time periods. Such appeal periods concluded without any appeals filed in a timely manner.

The issues presently raised by the Appellant would have been best addressed as part of the Department's development review process, the public hearing before the Planning Commission and Zoning Administrator, or the appeals periods following Planning Commission action or Zoning Administrator action, not as part of the lot merger and subdivision process.

We urge the Board of Supervisors to reject this appeal. To grant the appeal at this time could thwart the well-established, thoughtful, and extensive public review process that occurred at the time the Planning Commission and Zoning Administrator reviewed the Project and took action. Planning Staff provided specific direction relative to the applicable urban and street design guidelines, and the Planning Commission contributed to the discourse on massing and neighborhood context. Among the extensive findings the Planning Commission adopted in Planning Commission Motion No. 19612 (attached as Attachment B), the Planning Commission found the Project is consistent with the General Plan and the Planning Code.

SURROUNDING PROPERTIES AND NEIGHBORHOOD

The Project Site is located at the intersection of California and Powell Streets. The Project Site is located within the Chinatown neighborhood – adjacent to Nob Hill, and within the Nob Hill Special Use District. A mixture of hotels, residential uses in multi-family buildings and smaller flats, and private clubs define the immediate surroundings. In the adjacent block of California to the north and west, the California Club, the Fairmont, Intercontinental Mark Hopkins and Stanford Court Hotels are located. The surrounding properties are located within the RM-4 (Residential- Mixed, High Density) and RM-3 (Residential- Mixed, Medium Density) Districts. The C-3-G (Downtown General) Zoning District begins approximately one block east on California Street.

These Districts are devoted almost exclusively to apartment buildings of high density, usually with smaller units, close to downtown. Buildings over 40 feet in height are very common, and other tall buildings may be accommodated in some instances. Despite the intensity of development, distinct building styles and moderation of facades are still to be sought in new development, as are open areas for the residents. Group housing is especially common in these districts, as well as supporting nonresidential uses.

BACKGROUND:

2015: Applications for Development and Environmental Review Filed

On February 23, 2015, the Department accepted an Environmental Evaluation Application filed by Jody Knight of Reuben, Junius & Rose, LLP, on behalf of Grosvesnor Americas (“Project Sponsor”). On April 1, 2015, the Department accepted an application filed by the Project Sponsor for Conditional Use Authorization and Variance. These applications were filed for a development of 44 residential units in an approximately 65-foot-tall building on two parcels, within the RM-4 (Residential-Mixed, High Density) Zoning District and the 65-A Height and Bulk District.

During the Department’s review process, the proposal was reviewed for compliance with the General Plan and Planning Code, and analyzed by the Urban Design Advisory Team. At the Department’s request, modifications were made to bring the Project into greater conformance with the neighborhood context, including but not limited to building footprint, horizontal articulation and exterior materials.

2016: Planning Department/Commission Approves Project

On March 11, 2016, the Project was determined to be exempt from CEQA, satisfying the requirements for a Class 32 Categorical Exemption and the General Rule Exclusion, as described in the Certificate of Determination, Exemption from Environmental Review dated March 11, 2016 and contained in the Planning Department files for this Project (Case No. 2014-000609ENV). On April 7, 2016 the Planning Commission and the Zoning Administrator held a duly noticed joint public hearing.

Notification was required for the public hearing on the Conditional Use and Variance. Notices were posted on-site and mailed to property owners within 300 feet of the Project Site 20 days before the public hearing date. The proposed new construction also required a Section 311 neighborhood notification to property owners and occupants within 150 feet; this notification process was completed in conjunction with the Conditional Use Authorization notification process. Input was received from members of the public in writing before the hearing and made available for review by the Planning Commissioners and the Zoning Administrator. Thirteen letters of support were received from nearby residents and adjacent institutions. The letters of support focused on the benefits of the new building, the architecture and the streetscape elements to improving the neighborhood character at this underutilized corner. Of these support letters, two included additional comments about the neighborhood and proposal. One letter, in addition to support of the project, noted concerns about pedestrian safety due to the trolleys, asking the City to redesign the cable car and vehicular crossing. One letter, in addition to support of the project, asked the Project Sponsor to halve the proposed number of parking spaces, to add three car share spaces, and to provide below market rates units on-site or to pay higher in-lieu fees according to the then-pending Proposition C.

At the joint public hearing on April 7, 2016, the Planning Commission approved Conditional Use Authorization to allow height greater than 50 feet in an RM District, for exceedance of the prescriptive bulk limits, and for continuation of a 10-foot curb cut on California Street. The Commission amended the Conditions of Approval to require the Project Sponsor to reduce the amount of rooftop appurtenances, to incorporate three car-share spaces, and to ensure adequate bicycle parking access. In addition, the Zoning Administrator granted exceptions from the Planning Code for rear yard configuration and dwelling unit exposure to allow the Project to proceed. Members of the public attended the hearing and four speakers commented on the Project. Comments expressing support for the Project were similar to those expressed in the letters received by the Department regarding this Project. An additional commenter expressed a

preference for a taller building at the corner site and requested a greater amount of parking due to the lack of parking in the neighborhood.

On May 11, 2016, the Zoning Administrator issued a Variance Decision allowing rear yard and exposure variances as part of the Project, subject to certain conditions (attached as Attachment C).

2016: Application Filed for Vesting Tentative Map, Public Works Approves Vesting Tentative Map Application

On May 6, 2016, the Project Sponsor submitted the corresponding application to Public Works for the Vesting Tentative Map for the 44-unit new construction condominium project and the lot merger and subdivision. This application was referred to the Department for review on June 28, 2016. One parcel, approximately 9,448 square feet, contains a two-story parking structure and the other parcel, approximately 6,100 square feet, consists of a surface parking lot. These lots are proposed for merger as an approximately 15,548 square foot lot for the proposed new construction at the southeast corner of California and Powell Streets. On July 25, 2016, the Planning Department recommended approval of the proposed Vesting Tentative Map. Public Works granted a Vesting Tentative Map approval on October 24, 2016.

APPELLANT ISSUES AND PLANNING DEPARTMENT RESPONSES:

The substantive portion of the Appeal Letter states (in its entirety): "This 44 unit subdivision would further negatively impact our fragile neighborhood. The corner of California and Powell Streets is very busy with two trolley lines and hundreds of people day and night, trying to cross the streets." The Appeal Letter raises issues regarding neighborhood context and congestion and pedestrian safety without further elaboration or specificity, or citation of evidence.

ISSUE #1: The appellant claims, without elaborating, that the subdivision would "negatively impact" neighborhood character.

RESPONSE #1: The Planning Commission approved the Project and found that the Project is necessary and desirable for the community and consistent with the neighborhood. In addition to the Commission's extensive findings related to the Conditional Use Authorization (as fully set forth in Attachment B), the Commission found that the Project was consistent with the Objectives and Policies of the General Plan, including the Housing Element and the Urban Design Element. The Project is consistent with objectives to relate new construction to the height and character of existing development and to promote harmony in visual transition between new and old buildings.

Height and Density Findings. The Planning Commission considered the requirements of Planning Code Section 253 when it approved this Project of approximately 65 feet in height. Specifically, the Planning Commission found that the scale of the building and density is appropriate for the RM-4 Zoning High Density District, where the Project is located. Planning Code Section 209.2 describes the RM-4 Zoning District as follows: "RM-4 Districts: High Density. These Districts are devoted almost exclusively to apartment buildings of high density, usually with smaller units, close to downtown. Buildings over 40 feet in height are very common, and other tall buildings may be accommodated in some instances. Despite the intensity of development, distinct building styles and moderation of façades are still to be sought in new development, as are open areas for the residents." On this topic, the Planning Commission found that the Project is contextual with the surrounding building scale and building uses, especially

nearby corner buildings. Surrounding buildings exhibit heights taller than 40 feet and some taller than 65 feet. Vertical façade articulation in the Project includes bay windows, some metal balcony elements and metal planter boxes, with additional articulation by recessed windows, all typical of San Francisco neighborhoods. The stucco-clad exterior walls are supported by a strong granite base, also typical of San Francisco neighborhoods.

Bulk Findings. The Planning Commission considered the requirements of Planning Code Section 270 in reviewing the building's proposed bulk. The Planning Commission approved Conditional Use Authorization for this Project, which exceeded the maximum diagonal dimension, with findings that the Project incorporated design features that generally reduced the appearance of bulk and that the Project is compatible with the character and development of the surrounding area.

Some of the features included in the Project that reduce the appearance of bulk include: utilization of bay window and top level setbacks to create variation in the façade; a clipped corner at the northwest of the building site to allow for a landscaped courtyard at the corner of Powell and California Streets while enhancing the pedestrian experience of the block; and stepped terraces as setbacks along California and Powell Streets, further minimizing the bulk on the upper floors.

Contextual Appropriateness. The Project's scale and character reference the surrounding buildings, and the Project incorporates several measures intended to reduce the appearance of mass to ensure compatibility with the immediate vicinity. Significantly, the building is proposed to be set back from the corner of California Street and Powell Street, which limits the sense of the mass of the building from the street as well as preserving the site line and relationship with the historic cable car kiosk. Vertically, the building is broken up by use of bay windows and balconies, which divides the mass into distinct elements. Horizontally, the stucco-clad building is defined and supported by a strong granite base. Although the building does not provide a corresponding reduction of other portions below the maximum bulk permitted, the bulk of the building is more compatible with the architecture of the area than a project complying with the bulk limitations.

The silhouette is harmonious with existing building patterns in the area, which includes many buildings with extant bulk, notably large hotels and nearby apartment buildings constructed before bulk requirements. The height is similar to adjacent neighbors and compatible with the neighborhood context. In addition, as the height of the Project decreases down the hill on Powell Street, the proposed massing also steps to provide relief and a sense of human scale.

ISSUE #2: The appellant states that the corner of California and Powell Streets is "very busy with two trolley lines" and hundreds of pedestrians, without clarifying how a subdivision would exacerbate these issues.

RESPONSE #2: The Project enhances the pedestrian environment and creates no significant impacts on traffic, transit, pedestrians or bicyclists.

Pedestrian Environment Improved with a Corner Courtyard and Public Seating. The proposed building mass is carved away at the northwest corner of the building site for visual relief at the intersection of Powell Street and California Street, which is the intersection of two streets with

steep grade increases. This carving away of building mass also defers to the existing cable car kiosk at the corner. This corner of the site will incorporate a landscaped entry court. A pedestrian seating wall has been incorporated into the low property line wall. This publically available wall will overlook the landscaped court and provide a comfortable waiting space for those waiting for transit. The main pedestrian entry to the residential building is accessed from this landscaped court. The proposed project would also improve pedestrian conditions through the addition of streetscape elements along both Powell Street and California Street. The increase in daily pedestrian person-trips generated by the Project would not substantially overcrowd sidewalks in the project vicinity or otherwise interfere with pedestrian accessibility to the site and adjoining areas, as stated in the Certificate of Determination, Exemption from Environmental Review, dated March 11, 2016.

Traffic Hazards are Decreased for People Who are Walking. The Project will provide a superior pedestrian environment than the current situation. Currently, the site offers a substantial parking garage and parking lot which are unattractive and contain large curb cuts that create a risk of conflicts between cars and pedestrians. The project site is currently being used for parking within a commercial building and surface parking lot, with a total of 92 parking spaces. As stated in the Certificate of Determination, Exemption from Environmental Review, dated March 11, 2016, the Project would remove this parking and would result in fewer vehicle trips overall, compared to the existing condition. Garage access for the Project would be provided by a single 10-foot curb cut on California Street at the same location as a current larger curb cut, with a car elevator providing access to the below-grade parking garage. In addition, the 46-foot wide curb cut currently used to access the parking structure and parking lot on California would be eliminated and replaced with code-compliant sidewalks.

Transit Service is High. The Project site is located in an area well-served by transit. Fifteen Muni bus routes and three cable car routes are located within ½-mile of the project site, including two cable car lines immediately adjacent to the site on Powell and on California Streets. The existing surface parking lot at the corner of California and Powell Streets is fenced off, and the two-story parking structure exhibits two large curb cuts for vehicular access. Neither condition creates a welcoming pedestrian experience. The proposed project installs a seating wall accessible from the sidewalk at the corner where two very steep streets intersect. This publicly-accessible design feature offers pedestrians a chance to rest or to wait for transit.

New Accommodations for Bicycles. Neither California Street nor Powell Street are designated bicycle routes. Seven bicycle routes are located within ¼-mile of the project site. The Project will provide a total of 88 bicycle parking spaces – 86 spaces would be within the building for its residents and 2 new spaces would be publically available on the sidewalk. The minimal increase of bicycle trips generated by the proposed project would be accommodated by the existing bicycle network and the proposed project would not create potentially hazardous conditions for bicyclists.

Disapproving the Lot Merger and Subdivision Could Exacerbate Conflicts Between Pedestrians, Bicyclists, and Vehicles. If the lots were not merged, individual projects with residential units could still be proposed on these two lots. The underlying RM-4 Zoning District identifies Planning Code requirements for off-street parking, rear yard configuration, bulk and height, thus any newly proposed mass and design on each individual lot would be evaluated for

consistency with the surrounding neighborhood, with Code and with the General Plan. Separate projects may result in fewer residential units than the proposed project, due to the reduction in buildable area per Code requirements, steepness of lots and Building Code requirements. In addition, due to Planning Code requirements for off-street parking, conflicts between pedestrians, bicyclists and vehicles may increase if the lots were not merged, due to the Project's proposal to eliminate two existing large curb cuts on California Street and to replace these with a smaller curb cut at the location of one of the current curb cuts.

In regards to the Housing Element of the General Plan, the lot merger and subdivision is consistent with the following 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 1.8:

Promote mixed-use development, and include housing, particularly permanently affordable housing, in new commercial, institutional or other single use development projects.

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 11: Recognize the Diverse and Distinct Character of San Francisco's Neighborhoods.

Policy 11.1:

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

Policy 11.2:

Ensure implementation of accepted design standards in project approvals.

Policy 11.3:

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

Policy 11.5:

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

Policy 11.6:

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

OBJECTIVE 13: Prioritize sustainable development in planning for and constructing new housing.

Policy 13.1:

Support "smart" regional growth that locates new housing close to jobs and transit.

Policy 13.3:

Promote sustainable land use patterns that integrate housing with transportation in order to increase transit, pedestrian, and bicycle mode share.

In regards to the Urban Design Element of the General Plan, the lot merger and subdivision is consistent with the following objectives and policies:

OBJECTIVE 1: Emphasize the characteristic pattern which gives the city and its neighborhoods an image, sense of purpose, and a means of orientation.

Policy 1.2:

Protect and reinforce the existing street pattern, especially as it is related to topography.

Policy 1.3:

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

OBJECTIVE 3: Moderation of a 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 3.5:

Relate the height of buildings to important attributes of the City pattern and to the height and character of existing development.

Policy 3.6:

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

OBJECTIVE 4: Improvement of the neighborhood environment to increase personal safety, comfort, pride and opportunity.

Policy 4.12:

Install, promote and maintain landscaping in public and private areas.

Policy 4.13:

Improve pedestrian areas by providing human scale and interest.

CONCLUSION:

The proposed lot merger and subdivision reflect an appropriately-scaled residential building sited on a corner lot, which enables a massing and density that has been found consistent with the surrounding neighborhood, in conformance with the Planning Code and consistent with the General Plan. As noted above, the Project would result in no new significant impacts on pedestrians, transit, or other modes of travel. The proposed lot merger and subdivision was determined to be exempt from CEQA. The Planning Department recommends that the Board uphold the Department of Public Work's decision in approving the Vesting Tentative Map for 875 California Street/ 770 Powell Street and deny the Appellant's request for appeal.

Attachment A



SAN FRANCISCO PLANNING DEPARTMENT

Certificate of Determination Exemption from Environmental Review

Case No.: 2014-000609 ENV
 Project Address: 875 California Street/770 Powell Street
 Zoning: RM-4 (Residential, Mixed District, High Density)
 65-A Height and Bulk District
 Block/Lot: 0256/016 & 0256/017
 Lot Size: 15,548 square feet (0.36-acres)
 Project Sponsor: Jody Knight of Reuben, Junius & Rose for Grosvenor Americas
 415-567-9000
 Staff Contact: Lana Russell-Hurd (415) 575-9047,
Lana.Russell@sfgov.org

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

Reception:
415.558.6378

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415.558.6409

Planning
 Information:
415.558.6377

PROJECT DESCRIPTION:

The approximately 15,548 square-foot (sf) project site is located on the southeast corner of the intersection of California and Powell streets on the edge of the Chinatown neighborhood, near the Nob Hill neighborhood, on a block bounded by Joice Street to the east, Powell Street to the west, California Street to the north, and Pine Street to the south. The project site is currently occupied by a two-story building constructed in 1919 and adjacent 20-space surface parking lot. The 18,762 sf building is being utilized for commercial parking with approximately 72 parking spaces, for a total of 92 parking spaces on the project site.

(Continued on next page)

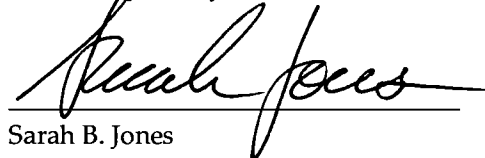
EXEMPT STATUS:

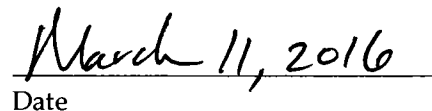
Categorical Exemption, Class 32 (California Environmental Quality Act (CEQA) Guidelines Section 15332) and General Rule Exclusion (State CEQA Guidelines, Section 15061(b)(3)).

(Continued on next page)

DETERMINATION:

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


 Sarah B. Jones
 Environmental Review Officer


 Date

cc: Jody Knight, Reuben, Junius & Rose
 Amelia Staveley, Grosvenor Americas
 Marcelle Boudreaux, Current Planner
 Lily Yegazu, Preservation Planner

Chinatown, Nob Hill and Citywide Distribution Lists
 Virna Byrd, M.D.F
 Supervisor Aaron Peskin, District 3 (via Clerk of the Board)

PROJECT DESCRIPTION (continued):

The proposed project would demolish the existing building and surface parking lot and construct a 7-story, approximately 99,820 gross square foot residential building, 65 feet in height. The proposed project would include 44 residential units. Maximum building height is 65 feet, with permitted exception such as elevator and stair penthouse extending no taller than 16 feet beyond the roof line. The project includes an approximately 15,300 square foot below-grade parking garage with 48 vehicle spaces accessed using a car elevator from a relocated ten-foot-wide curb cut on California Street. An additional existing curb cut on California Street would be removed. A total of 88 bicycle parking spaces would be provided; 86 Class I¹ bicycle spaces accessed via Powell Street at the Garden Two Level and two Class II² spaces along Powell Street.

The proposed project would include approximately 9,953 square feet of open space in the form of private decks and common open space. The project would also include an entry courtyard area on the corner of California and Powell Streets. New streetscape features along both California and Powell Streets are proposed within sidewalk areas, including the required Class II bicycle parking spaces located on Powell Street and the required street trees located on California and Powell Streets. Additional pedestrian amenities include a seating wall facing the sidewalk, which is incorporated into a retaining wall at the area of the entry courtyard.

Construction of the proposed project is expected to last 19 months. Construction of the proposed project would require excavation to a depth of 40 feet below ground surface at the deepest point of the sloped site and the removal of about 16,994 cubic yards of soil.

Project Setting. The project site is located within a Residential-Mixed High Density Zoning District, a mixed-use urban area with a mixture of neighboring land uses including, residential uses, hotels, retail, and restaurants

The California Street Cable Car and Powell Street Cable Cars run directly adjacent to the project site on California Street and Powell Streets. The California Street Cable Car stops at the intersection of Powell and California Streets directly west of the project site heading to Embarcadero and stops one block to the west of the project site at California and Mason Street heading to Van Ness Boulevard. The Powell/ Hyde Cable Car and Powell/Mason Cable Car stop at the intersection of California and Powell streets directly northwest of the project site heading to Powell and Market Streets and stop one block to the south of the project site at the intersection of Powell and Pine Streets heading toward Fisherman's Wharf. A Cable Car kiosk, which includes a signal, is located adjacent to the project site at the southeast corner of the California and Powell Street intersection.

¹ Class I Bicycle Parking Spaces are secure, weather-protected facilities intended for use as long-term, overnight, and work-day bicycle storage by dwelling unit residents, non-residential occupants, and Employees. San Francisco Planning Code Section 155.1.

² Class II Bicycle Parking Spaces are racks located in a publicly-accessible, highly visible location intended for transient or short-term use by visitors, guests, and patrons to the building or use. San Francisco Planning Code Section 155.1.

Project Approvals

The proposed project would require the following approvals:

- **Conditional Use Authorization** (*Planning Commission*)
- **Variance Authorization** (*Zoning Administrator*)
- **Lot Merger** (*San Francisco Public Works*)
- **Demolition Permit** (*Planning Department and Department of Building Inspection (DBI)*)
- **Site/Building Permit** (*Planning Department and Department of Building Inspection*)

The proposed project is subject to a Conditional Use Authorization for height greater than 50 (Planning Code Section 253(a)), and for exceedance of bulk limits (Planning Code Section 271(b)). The proposed project would also require a variance from the Zoning Administrator for a rear yard modification (Planning Code Section 134(a)(1)) and for dwelling unit exposure (Planning Code Section 140(a)).

Approval Action: The Conditional Use Authorization from the Planning Commission is the Approval Action for the proposed project. The Approval Action date establishes the start of the 30-day appeal period for this CEQA exemption determination pursuant to Section 31.04(h) of the San Francisco Administrative Code.

EXEMPT STATUS (continued):

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

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

The San Francisco General Plan establishes objectives and policies to guide land use decisions related to the physical development of San Francisco and is composed of ten elements, each of which addresses a particular topic that applies citywide: air quality; arts; commerce and industry; community facilities; community safety; environmental protection; housing; recreation and open space; transportation; and urban design. The Plan provides general policies to guide land use decisions, and contains some policies that relate to physical environmental issues. The project site is located in an RM-4 (Residential, Mixed District, High Density) District and a 65-A Height and Bulk District. Pursuant to Planning Code Section 209.2, the proposed residential use is principally permitted in an RM-4 District. The proposed building and rooftop mechanical equipment complies with the 65-foot height limit, and requires an exception to the Bulk Limits under Section 271. It also requires approval to permit construction of a building exceeding 50 feet in height in an RM District pursuant to Planning Code Sections 253. If these

and the Dwelling Unit Exposure and Rear Yard Exceptions are granted by the Zoning Administrator, the proposed project would be consistent with applicable zoning designations.

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

The project site, which is 15,548 square feet or 0.36 acres, is located on the southeast corner of California and Powell Streets in San Francisco's Chinatown/Nob Hill neighborhoods. Existing development on the project site consists of a commercial parking lot and parking garage. Surrounding properties include multi-unit residential buildings, some with ground floor retail including boutiques, cafes, restaurants, Powell Place, Stanford Court and Fairmont Hotels, and the historic University Club. San Francisco Municipal Transportation Agency (SFMTA) cable car lines run on both California and Powell Streets adjacent to the project site. The proposed project, therefore, would be properly characterized as infill development of less than five acres, completely surrounded by urban uses.

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

The project site is an existing commercial parking lot and parking garage, with no landscaping or groundcover. Thus, the project site has no value for rare, threatened, or endangered species.

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

Transportation.

On March 3, 2016, in anticipation of the future certification of revised CEQA Guidelines pursuant to Senate Bill 743, the San Francisco Planning Commission adopted State Office of Planning and Research's recommendation in the *Revised Proposal on Updates to the CEQA Guidelines on Evaluating Transportation Impacts in CEQA*³ to use the Vehicle Miles Traveled (VMT) metric instead of automobile delay to evaluate the transportation impacts of projects (Resolution 19579). (Note: the VMT metric does not apply to the analysis of impacts on non-automobile modes of travel such as riding transit, walking, and bicycling.)

Accordingly, this categorical exemption does not contain a separate discussion of automobile delay (i.e., traffic) impacts. The topic of automobile delay, nonetheless, may be considered by decision-makers, independent of the environmental review process, as part of their decision to approve, modify, or disapprove the proposed project. Instead, a VMT and induced automobile travel impact analysis is provided within.

The existing average daily household VMT per capita is 2.4 for the transportation analysis zone the project site is located in, 761. This is 86% below the existing regional average daily household VMT per capita of 17.2. Given the project site is located in an area where existing VMT is more than 15 percent below the existing regional average, the proposed project's residential uses would not result in substantial additional VMT and impacts would be less-than-significant. Furthermore, the project site

³ This document is available online at: https://www.opr.ca.gov/s_sb743.php.

meets the Proximity to Transit Stations screening criterion, which also indicates the proposed project's residential uses would not cause substantial additional VMT.⁴

The proposed project is not a transportation project. However, the proposed project would include features that would alter the transportation network. These features include removing an existing curb cut, relocating a curb cut and pedestrian and bicycle amenities, such as seating and Class II bicycle parking. These features fit within the general types of projects identified above that would not substantially induce automobile travel.⁵ Therefore, impacts would be less-than-significant

Traffic

Based on the residential trip generation rates in the Planning Department's *Transportation Impact Analysis Guidelines for Environmental Review* (October 2002) and Census Residential Mode Split data for Census Tract 119.02, the proposed new seven-story building would generate 418 daily person-trips, of which 72 would be expected to occur during the PM peak-hour. These 72 PM peak-hour person-trips would be distributed among various modes of transportation, including 15 auto trips (14 vehicle trips applying the Census Tract vehicle occupancy rate), 14 transit trips, 42 walking trips, and 1 other (including by bicycle, taxi and motorcycle) trip.

The project site is currently being utilized for parking within a commercial building and surface parking lot, with a total of 92 parking spaces. The proposed project would remove this parking and would overall result in fewer vehicle trips compared to the existing condition. Vehicle trips associated with the proposed project would travel through the intersections surrounding the project block. The 14 PM peak-hour vehicle trips represent a small portion of the overall number of PM peak-hour vehicle trips that pass through surrounding intersections. For context, the intersection of Powell and California Streets currently has an estimated total volume of 1,358 PM peak-hour vehicle trips, 448 vehicles in the north-south directions and 910 in the east-west directions.⁶ The 14 new PM peak-hour vehicle trips is a small incremental increase in traffic that would not result in a significant traffic impact at the project level, and would not result in a cumulatively considerable contribution to traffic effects resulting from present and reasonably foreseeable projects in the project vicinity. Therefore, there would be no significant impacts on traffic in the project area as a result of the proposed project.

Transit

The project site is located in an area well-served by transit. Fifteen Muni bus routes and three cable car routes, including the 1 California, 1AX/1BX California A/B Express, 2 Clement, 3 Jackson, 8 Bayshore, 8AX/BX Bayshore A/B Express, 30 Stockton, 31AX/31BX Balboa A/B Express, 38 Geary, 38AX/BX Geary A/B Express, 45 Union-Stockton, 91 Owl, and as mentioned above, adjacent California and Powell Street Cable Cars are located within ½ mile of the project site. The project site is located ½ mile from the Powell

⁴ San Francisco Planning Department. Eligibility Checklist: CEQA Section 21099 – Modernization of Transportation Analysis for 875 California/ 770 Powell Street, March 8, 2016. This document (and all other documents cited in this report, unless otherwise noted) is available for review at the San Francisco Planning Department 1650 Mission Street, Suite 400, San Francisco, CA as part of Case File 2014-000609.

⁵ San Francisco Planning Department. Trip Generation Calculations. December 9, 2015.

⁶ LCW Consulting. *Traffic Counts for California Street/Powell Street intersection, 950 Mason Street project TIS, March 2009.*

Street Muni and Bay Area Rapid Transit (BART) station on Market Street. The proposed project would generate 14 PM peak-hour transit trips. Existing transit facilities would be able to accommodate added ridership associated with the proposed project. Therefore, no significant impacts to transit would occur as a result of the proposed project.

Pedestrians

The project site is adjacent to a sidewalk on California Street and Powell Street. Both of these streets are part of the City's Vision Zero High Injury Network. The proposed project would generate 56 PM peak-hour walk trips (that is, 42 PM peak-hour walk-trips and 14 PM peak-hour transit trips, which include walk trips). The proposed project would provide vehicular access to the new garage through a relocated and smaller, ten foot curb cut on California Street. The project would also remove another curb cut on California Street. Although the proposed project would add traffic to this curb cut, it would be less than the existing use along California Street as commercial parking lots. Therefore, the project would not result in an increased amount of potentially hazardous conditions between pedestrians and vehicles entering and exiting the project site. The proposed project would also improve pedestrian conditions by providing open space and a seating wall in front of the proposed building at the ground level and through the addition of streetscape elements along both Powell Street and California Street. The increase in daily pedestrian person-trips generated by the proposed project would not substantially overcrowd sidewalks in the project vicinity or otherwise interfere with pedestrian accessibility to the site and adjoining areas. Therefore, no significant impacts related to pedestrians would occur.

Bicycles

Neither California Street nor Powell Street are designated bicycle routes. Seven bicycle routes (#11, #16, #17, #36, #75, #310, and #545) are located within a ¼ mile of the project site. The nearest route is along Stockton Street to the east of the project site. The proposed project would provide a total of 88 bicycle parking spaces. Eighty-six Class I bicycle parking spaces would be provided at Garden Two Level with access from Powell Street and two Class II bicycle parking spaces would be provided on Powell Street. The proposed project would generate 1 PM peak-hour other trips, including bicycle trips. The minimal increase of bicycle trips generated by the proposed project would be accommodated by the existing bicycle network and the proposed project would not create potentially hazardous conditions for bicyclists; therefore, no significant impacts related to bicyclists would occur.

Construction Traffic

Construction of the proposed project is expected to occur over the course of a 19-month period. Construction staging would occur primarily on the project site and is not expected to close any travel lanes on California or Powell Streets; any necessary closures would be temporary. During that time, it is anticipated that the majority of the construction-related truck traffic would use I-80, I-280, and U.S. 101 to access the project site from the East Bay, South Bay, and North Bay and from locations within the City. Due to the slower movement and larger turning radii of trucks, there would be a temporary reduction in the capacities of local streets. The addition of worker-related vehicle or transit trips would not substantially affect these roadways or local streets near the project site. Construction workers who drive to the site would cause a temporary increase in traffic volume and demand for on-street parking. Overall construction activities would result in a small incremental increase in traffic (worker vehicles and equipment) and only slightly reduce the availability of on-street parking during working hours. The

project would be required to coordinate with SFMTA Muni Operations due to the adjacent California Street and Powell Street Cable Car lines and kiosk. Construction related travel and parking lanes and sidewalk closures are subject to review and approval by the Transportation Advisory Staff Committee (TASC) an interdepartmental committee, including the Police, Public Works, Planning, and Fire Departments and SFMTA Muni Operations. TASC would review and address issues of circulation (traffic, pedestrians, and bicycle), safety, parking and other project construction activities in the area, including, but not limited to, any potential conflicts with the Cable Car lines prior to insurance of an encroachment permit. Therefore, there would be no significant construction-related traffic impacts.

Parking

Public Resources Code (PRC) Section 21099(d)(1), effective January 1, 2014, provides that, "parking...impacts of a residential, mixed-use residential, or employment center project on an infill site within a transit priority area shall not be considered significant impacts on the environment." The project satisfies the conditions provided in the applicable PRC section.⁸ Therefore, the proposed project would not have any significant impacts related to parking.

Noise

In San Francisco, noise is regulated by a number of state and local ordinances. Title 24 of the California Code of Regulations (Title 24) establishes uniform noise insulation standards for multi-unit residential projects. This state regulation requires meeting an interior standard of 45 dBA DNL in any habitable room.^{9, 10} Noise is also regulated by the San Francisco Noise Ordinance (Noise Ordinance), which is codified as Article 29 of the San Francisco Police Code.

Construction Noise

Although some increase in noise would be associated with the construction phase of the project, such occurrences would be limited to certain hours of day and would be temporary and intermittent in nature. Construction noise is regulated by the San Francisco Noise Ordinance (Article 29 of the City Police Code). Section 2907 of the Police Code requires that noise levels from individual pieces of construction equipment, other than impact tools, not exceed 80 decibels (dBA) at a distance of 100 feet from the source. Impact tools (such as jackhammers and impact wrenches) must have both intake and exhaust muffled to the satisfaction of the Director of Public Works. Construction equipment would generate noise that could be considered an annoyance by occupants of nearby properties, but construction noise would fluctuate depending on the construction phase, equipment type, duration of use, and distance between the source and the listener. Section 2908 of the Police Code prohibits construction work between 8:00 p.m. and 7:00 a.m. if noise would exceed the ambient noise level by 5 dBA at the project property line, unless a special permit is authorized by the Director of Public Works. Compliance with Sections 2907 and 2908 of the Noise Ordinance would minimize noise from construction activities.

⁹ The standard method used to quantify environmental noise involves evaluating the sound with an adjustment to reflect the fact that human hearing is less sensitive to low-frequency sound than to mid- and high-frequency sound. This measurement adjustment is called "A" weighting, and the data are reported in A-weighted decibels (dBA).

⁹ The standard method used to quantify environmental noise involves evaluating the sound with an adjustment to reflect the fact that human hearing is less sensitive to low-frequency sound than to mid- and high-frequency sound. This measurement adjustment is called "A" weighting, and the data are reported in A-weighted decibels (dBA).

¹⁰ DNL is the average equivalent sound level during a 24-hour day, obtained after the addition of 10 dB to sound levels during nighttime hours (from 10:00 p.m. until 7:00 a.m.).

For these reasons, construction of the proposed project would not result in significant noise impacts.

Operational Noise

Ambient noise levels in the vicinity of the project site are typical of neighborhoods in San Francisco, which are dominated by vehicular traffic, including Muni vehicles, trucks, cars, emergency vehicles, and land use activities, such as commercial businesses. Estimated traffic noise levels for the project site are estimated to be on average below 70 decibels (Ldn, or weighted day-night levels). Traffic along California Street may exceed this level, up to an estimated 70 decibels Ldn. Due to these levels, a noise analysis was not required for the project development. An approximate doubling in traffic volumes in the area would be necessary to produce an increase in ambient noise levels. As described above, the proposed project with an estimated 14 PM peak-hour vehicle trips would not double traffic volumes.

The project would be required to achieve interior noise levels of 45 dBA DNL to comply with Title 24 of the California Code of Regulations. The proposed project would be required to use window and exterior door assemblies with specific sound transmission class (STC) ratings, as determined the Department of Building Inspection (DBI). During review of the building permit, DBI would review project plans for compliance with applicable noise standards.

As discussed above, there are residential uses on the adjacent properties to the west, north, and east. The proposed project would include some rooftop mechanical equipment, such as heating and ventilation systems, that could produce operational noise and potentially disturb adjacent and nearby sensitive receptors. Compliance with Section 2909 of the Noise Ordinance would minimize noise from building operations. Section 2909 of the Noise Ordinance establishes a noise limit from mechanical sources, such as building equipment, specified as a certain noise level in excess of the ambient noise level at the property line: for noise generated by residential uses, the source must not cause a noise level more than 5 dBA in excess of ambient noise levels; for noise generated by commercial and industrial uses, the limit is 8 dBA in excess of ambient noise levels; for noise on public property, including streets, the limit is 10 dBA in excess of ambient noise levels. In addition, the Noise Ordinance provides for a separate fixed-source noise limit for residential interiors of 45 dBA at night (from 10:00 p.m. until 7:00 a.m.) and 55 dBA during the day and evening hours (from 7:00 a.m. until 10:00 p.m.). The operation of this mechanical equipment is subject to the provisions of Section 2909 of the Noise Ordinance. Compliance with Section 2909 of the Noise Ordinance would minimize noise from building operations.

Compliance with applicable standards and with the City's General Plan would ensure that the proposed project would result in no significant noise impacts.

Air Quality

In accordance with the state and federal Clean Air Acts, air pollutant standards are identified for the following six criteria air pollutants: ozone, carbon monoxide (CO), particulate matter (PM), nitrogen dioxide (NO₂), sulfur dioxide (SO₂) and lead. These air pollutants are termed criteria air pollutants because they are regulated by developing specific public health- and welfare-based criteria as the basis for setting permissible levels. The Bay Area Air Quality Management District (BAAQMD) in their *CEQA Air Quality Guidelines* (May 2011), has developed screening criteria to determine if projects would violate an air quality standard, contribute substantially to an air quality violation, or result in a cumulatively

considerable net increase in criteria air pollutants within the San Francisco Bay Area Air Basin. If a proposed project meets the screening criteria, then the project would result in less-than-significant criteria air pollutant impacts. A project that exceeds the screening criteria may require a detailed air quality assessment to determine whether criteria air pollutant emissions would exceed significance thresholds. The proposed project would not exceed criteria air pollutant screening levels for operation or construction due to the relatively limited scale of development.¹¹

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

The proposed project is not within an Air Pollutant Exposure Zone. Therefore, the proposed project would not result in a significant impact with respect to siting new sensitive receptors in areas with substantial levels of air pollution. The proposed project would not include a new operational source of air pollution. Specifically the proposed project would not include a backup emergency generator. The proposed project would require construction activities for the approximate 19-month construction phase. However, construction emissions would be temporary and variable in nature and would not be expected to expose sensitive receptors to substantial air pollutants. Furthermore, the proposed project would be subject to, and comply with, California regulations limiting idling to no more than five minutes,¹² which would further reduce nearby sensitive receptors' exposure to temporary and variable TAC emissions. Therefore, construction period TAC emissions would not result in a significant impact with respect to exposing sensitive receptors to substantial levels of air pollution.

Fugitive Dust

Project-related demolition, excavation, grading, and other construction activities can cause wind-blown dust that adds particulate matter to the local atmosphere. Depending on exposure, adverse health effects can occur due to this particulate matter in general and also due to specific contaminants such as lead or asbestos that may be constituents of soil. In addition, dust can be an irritant that causes watering eyes or irritation to the lungs, nose, and throat.

¹¹ Bay Area Air Quality Management District, *CEQA Air Quality Guidelines*, Updated May 2011. Table 3-1.

¹² California Code of Regulations, Title 13, Division 3, § 2485. This regulation applies to on-road heavy duty vehicles and not off-road equipment.

In response to this issue, the San Francisco Board of Supervisors approved a series of amendments to the San Francisco Building and Health Codes generally referred to as the Construction Dust Control Ordinance (Ordinance No. 176-08, effective August 29, 2008) with the intent of reducing the quantity of dust generated during site preparation, demolition, and construction work in order to protect the health of the general public and of on-site workers, minimize public nuisance complaints, and avoid orders to stop work by the Department of Building Inspection (DBI).

The Construction Dust Control Ordinance requires that all site preparation work, demolition, or other construction activities within San Francisco that have the potential to create dust or to expose or disturb more than 10 cubic yards or 500 square feet of soil comply with specified dust control measures whether or not the activity requires a permit from the DBI. The Director of the DBI may waive this requirement for activities on sites less than one-half-acre that are unlikely to result in any visible wind-blown dust.

In compliance with the Construction Dust Control Ordinance, the project sponsor and the contractor responsible for construction activities at the project site would be required to use practices to control construction dust on the site or other practices that result in equivalent dust control that are acceptable to the Director of the DBI. The proposed project site is less than one-half acre in size, so submittal of a Dust Control Plan is not required; however, implementation of dust control measures pursuant to the Construction Dust Control Ordinance is required. Compliance with the regulations and procedures set forth in the Construction Dust Control Ordinance would ensure that potential air quality impacts related to construction dust would be less than significant.

For all the above reasons, the proposed project would not result in significant air quality impacts.

Water Quality

Implementation of the proposed project would involve the disturbance of more than 5,000 square feet of ground surface. For this reason, the proposed project is subject to the requirements of the San Francisco Stormwater Management Ordinance. The project sponsor is required to develop and implement a Stormwater Control Plan that complies with the Stormwater Design Guidelines and would maintain or reduce the volume and rate of stormwater runoff discharged from the project site.

The proposed project would not generate wastewater or stormwater discharges that have the potential to degrade water quality or contaminate a public water supply. Project-related wastewater and stormwater would flow to the City's combined stormwater/sewer system and would be treated to standards contained in the City's National Pollutant Discharge Elimination System Permit for the Southeast Treatment Plant prior to discharge into San Francisco Bay. In addition, the project sponsor is required to prepare a Stormwater Pollution Prevention Plan (SWPPP) that would be reviewed, approved, and enforced by the San Francisco Public Utilities Commission. The SWPPP would specify best management practices and erosion and sedimentation control measures to prevent sediment from entering the City's combined stormwater/sewer system. Therefore, the proposed project would not result in significant water quality impacts.

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

The project site is located in a dense urban area where all public services and facilities are available. The proposed project would be connected with existing drinking water, electric, gas, waste, and wastewater services. The project would receive police and fire protection services. Prior to receiving a building permit, the project would be reviewed by the City to ensure compliance with City and State fire and building code regulations concerning building standards and fire protection. The proposed project would not result in a substantial increase in intensity of use or demand for utilities or public services that would necessitate any expansion of public utilities or public service facilities. Therefore, the proposed project would not result in significant utilities and public services impacts.

DISCUSSION OF ENVIRONMENTAL ISSUES:

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

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

CEQA Guidelines Section 15300.2, subdivision (e), provides that a categorical exemption shall not be used for a project located on a site which is included on any list compiled pursuant to Section 65962.5 of the Government Code. Although the project site is one of the sites included on such a list, for the reasons discussed below under "Hazardous Materials," there is no possibility that the proposed project would have a significant effect on the environment related to this circumstance.

CEQA Guidelines Section 15300.2, subdivision (f), provides that a categorical exemption shall not be used for a project that may cause a substantial adverse change in the significance of a historical resource. For the reasons discussed below under "Historic Architectural Resources," there is no possibility that the proposed project would have a significant effect on a historic resource.

Aesthetics.

Public Resources Code (PRC) Section 21099(d)(1), effective January 1, 2014, provides that, "aesthetics...impacts of a residential, mixed-use residential, or employment center project on an infill site within a transit priority area shall not be considered significant impacts on the environment." The project satisfies the conditions provided in the applicable PRC Section.¹³

¹³ San Francisco Planning Department. Eligibility Checklist: CEQA Section 21099 – Modernization of Transportation Analysis for 875 California/ 770 Powell Street, March 8, 2016.

Hazardous Materials.

The project site is located in a Maher Area, meaning that it is known or suspected to contain contaminated soil and/or groundwater.¹⁴ The project site is located in an area that may have received debris from the 1906 earthquake and fire as fill material. The project site is listed on the Cortese list, related to the removal of underground storage tank (UST) and leaking underground storage tank (LUST), specifically four USTs that were removed beneath the California Street sidewalk adjacent to the project site. Additionally, the proposed project would require excavation to a depth of 40 feet below ground surface at the deepest point of the sloped site and would change the use of the site by adding new sensitive receptors (residential uses) on the project site. For these reasons, the proposed project is subject to San Francisco Health Code Article 22A (also known as the Maher Ordinance), which is administered and overseen by the San Francisco Department of Public Health (DPH). The Maher Ordinance requires the project sponsor to retain the services of a qualified professional to prepare a Phase I Environmental Site Assessment (ESA) that meets the requirements of Health Code Section 22.A.6 and submit this information for review to DPH. The project sponsor prepared a Phase I Environmental Site Assessment (ESA) and submitted a Maher application to DPH for further review of the soil and groundwater conditions underlying the project site.¹⁵ The findings of the Phase I ESA are discussed below.

The project site is currently occupied by a surface parking lot on the west side and commercial building utilized for commercial parking (on the east side of the project site). Prior uses include residential buildings on both portions of the site, followed by the construction of the current parking garage building on the east side of the site in 1920, and the leveling of the residential building and conversion to a surface parking lot in the early 1970's.

Four underground storage tanks (USTs) below the California Street sidewalk adjacent to the site were removed in 1990. One year following the tank removals (1991), soil samples from borings were taken. The results indicated that in these samples most of the maximum concentration levels for both total petroleum hydrocarbons (TPH) and volatile organic compounds (VOCs) such as benzene were detected at a depth of 35 feet or deeper. Some maximum concentration levels of total petroleum hydrocarbons as gasoline (TPHg) were encountered at 15 feet near the sidewalk and deeper. DPH granted case closure related to the UST removal in 1997.

Twelve exploratory borings were taken at the project site (770 Powell Street) in 2008 at depths of 0.5 to 4.5 feet deep. Elevated lead and soluble lead concentrations were detected in several of the soil borings, some in excess of State disposal levels. Other metal concentrations were found to be within normal concentrations (for background soil levels). Based on this information, the Phase I report found that some of the underlying fill material on the project site may contain elevated concentrations of petroleum hydrocarbons (from the former USTs) and heavy metals (related to the potential for 1906 earthquake debris fill).

¹⁴ San Francisco Planning Department, *Expanded Maher Area Map*, March 2015. Available online at http://www.sf-planning.org/ftp/files/publications_reports/library_of_cartography/Maher%20Map.pdf, accessed July 2015.

¹⁵ Langan Treadwell Rollo, *Phase I Environmental Site Assessment, 770 Powell Street/875 California Street, San Francisco, California*, July 2015.

Therefore, the project would be required to develop a soil management and health and safety plan related to soil excavation, as required under local and state regulations. Although removal and related remediation has occurred related to this former UST, some residual petroleum hydrocarbons may remain, particularly in the immediate area of the former UST location. The project applicant is enrolled in the Maher program and would be required to remediate potential soil contamination in accordance with Article 22A of the Health Code. Therefore, the proposed project would not result in any significant impacts involving hazardous materials.

Historic Architectural Resources.

The proposed project includes the demolition of an existing structure constructed more than 45 years ago. A property may be considered a historic resource if it meets any of the criteria related to (1) events, (2) persons, (3) architecture, or (4) prehistory that make it eligible for listing in the California Register of Historical Resources, or if it is considered a contributor to a potential historic district.

Due to the age of the building a Historical Resource Evaluation (HRE) was prepared and reviewed by City Historic Preservation Staff.^{16,17} The building on the project site is not located within an established historic district. The property is located within close proximity of two National Register Historic Districts (Lower Nob Hill Apartment Hotel and Chinatown Historic District) and is located opposite of the Fairmont Hotel Landmark (Landmark #185) building located on the northwest corner of the California Street and Powell Street. The HRE and Planning Department Preservation Staff found that the building at 875 California Street is not individually eligible for the California Register related (1) events, (2) persons, or (3) architecture. Specifically, although the property has remained a garage since its original construction, it does not demonstrate important associations with significant themes of development in the area where it is located or the context of public auto garages of the early twentieth century in San Francisco. The building is not associated with any persons significant in local, state or national history. The property is designed by the O'Brien Brothers, but does not contain significant related architectural elements (found in other O'Brien structures such as 1641 Jackson or 840 Sutter).

Therefore, the building located on the project site was found to not be a historic resource for purposes of CEQA. Furthermore, the project site is not located within a historic district. Therefore, the proposed project would not have any significant impacts related to historic resources.

Shadow.

In 1984, San Francisco voters approved an initiative known as "Proposition K, The Sunlight Ordinance," which was codified as Planning Code Section 295 in 1985. Planning Code Section 295 generally prohibits new structures above 40 feet in height that would cast additional shadows on open space that is under the jurisdiction of the San Francisco Recreation and Park Commission between one hour after sunrise and one hour before sunset, at any time of the year, unless that shadow would not result in a significant adverse effect on the use of the open space. Public open spaces that are not under the jurisdiction of the Recreation and Park Commission as well as private open spaces are not subject to Planning Code Section 295.

¹⁶ JRP Historical Consulting, LLC. Historic Resource Evaluation Report for 875 California Street/770 Powell Street, May 2015.

¹⁷ Lily Yegazu, Preservation Team Review Form for 875 California Street/770 Powell Street, December 2015.

Planning Code Section 295 requires a shadow analysis for any building over 40 feet in height. The proposed project would result in construction of a building 65 feet in height. In addition to Section 295 properties (which include St. Mary's Square, Willie "Woo" Wong Playground, and Portsmouth Square Plaza), for CEQA purposes the shadow analysis also examined potential shadow resulting from the proposed project on privately-owned, public open space (POPOS); specifically those located at the 555, 600 and 650 California Street buildings.¹⁸

The shadow analysis determined that the proposed building would not result in any new shadows (at no time throughout the year) falling on the Section 295 properties, nor on the POPOS located at the 555, 600 and 650 California Street buildings.

While shadow on other private properties in the vicinity of the project site may be a concern to nearby neighbors, it is not considered a significant impact under CEQA. Similarly, the proposed project would shade portions of streets, sidewalks, and private properties in the project vicinity at various times of the day throughout the year. Shadows on streets and sidewalks would not exceed levels commonly expected in urban areas and would be considered a less-than-significant effect under CEQA. Therefore, the proposed project would not have any significant impacts related to shadow.

Public Notice and Comment. On June 8, 2015, the Planning Department mailed a "Notification of Project Receiving Environmental Review" to community organizations, tenants of the affected property and properties adjacent to the project site, and those persons who own property within 300 feet of the project site. No specific comments or concerns were received from the community. One member of the community requested to be sent the environmental document and all notices for this project, but did not have any specific comments.

Conclusion. The proposed project satisfies the criteria for exemption under the above-cited classification(s). In addition, none of the CEQA Guidelines Section 15300.2 exceptions to the use of a categorical exemption applies to the proposed project. For the above reasons, the proposed project is appropriately exempt from environmental review. Furthermore, CEQA State Guidelines Section 15061(b)(3) provides an exemption from environmental review where it can be seen with certainty that the proposed project would not have a significant effect on the environment. As noted above, there is no possibility that the proposed project would have significant environmental impacts. For this reason, the proposed project is appropriately exempt from environmental review under the General Rule Exclusion (CEQA Guidelines 15061(b)(3)).

¹⁸ Prevision Design, Shadow Analysis for the Proposed 875 California Street Development, November 2015.

Attachment B



SAN FRANCISCO PLANNING DEPARTMENT

Subject to: (Select only if applicable)

- Affordable Housing (Sec. 415)
- Jobs Housing Linkage Program (Sec. 413)
- Downtown Park Fee (Sec. 412)
- First Source Hiring (Admin. Code)
- Child Care Requirement (Sec. 414)
- Other

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Planning Commission Motion No. 19612

HEARING DATE: APRIL 7, 2016

Case No.: **2014-000609CUA VAR**
 Project Address: **875 CALIFORNIA STREET/ 770 POWELL STREET**
 Zoning: **RM-4 (Residential- Mixed, High Density)**
 65-A Height and Bulk District
 Nob Hill Special Use District
 Block/Lot: **0256/016, 017**
 Project Sponsor: **Grosvenor Americas**
 Attn: Amelia Stavely
 One California Street, Suite 2500
 San Francisco, CA 94111
 Staff Contact: **Marcelle Boudreaux – (415) 575-9140**
 Marcelle.boudreaux@sfgov.org

ADOPTING FINDINGS RELATING TO THE APPROVAL OF CONDITIONAL USE AUTHORIZATION PURSUANT TO SECTIONS 303, 155, 253 AND 271 OF THE PLANNING CODE TO ALLOW CONTINUATION OF A CURB CUT ON CALIFORNIA STREET, TO ALLOW HEIGHT EXCEEDING 50 FEET IN A RM DISTRICT, AND TO EXCEED BULK LIMITATIONS PER CODE SECTION 270, WITH RESPECT TO A PROPOSAL TO DEMOLISH A PARKING GARAGE AND SURFACE PARKING LOT AND TO CONSTRUCT A SEVEN-STORY BUILDING WITH 44 RESIDENTIAL UNITS, 48 PARKING SPACES, 86 CLASS 1 AND 2 CLASS 2 BICYCLE PARKING SPACES, LOCATED ON A SITE PROPOSING TO MERGE TWO LOTS WITHIN THE RM-4 (RESIDENTIAL- MIXED, HIGH DENSITY) DISTRICT AND A 65-A HEIGHT AND BULK DISTRICT.

PREAMBLE

On April 1, 2015, Jody Knight of Reuben, Junius, Rose, LLP, acting on behalf of Grosvenor Americas (hereinafter "Project Sponsor"), filed an application with the Planning Department (hereinafter "Department") for Conditional Use Authorization under Planning Code Section(s) 303, 155, 253 and 271 to allow continuation of one existing curb cut on California Street, reduced to Department guidelines, to allow height exceeding 50 feet in a 65 foot height district, and to allow exceptions for measuring bulk per Section 270, for a new seven-story, 65-foot tall, 44-unit residential project, proposing to merge two lots,

located at 875 California and 770 Powell Street, Block 0256 and Lots 016 and 017, within the RM-4 (Residential- Mixed, High Density) District and a 65-A Height and Bulk District.

On April 1, 2015, the Project Sponsor applied for a Variance from the requirements of Section 134, to allow a rear yard ranging from 0 lot depth to 53 feet 6 inch lot depth, and from Section 140, to allow four dwelling units with non-code compliant exposure.

On April 1, 2015, Department staff received a request for review of a development exceeding 40 feet in height (Case No. 2014.000609SHD), pursuant to Section 295, analyzing the potential impacts of the development to properties under the jurisdiction of the Department of Recreation and Parks. Department staff prepared a shadow fan depicting the potential shadow cast by the development and concluded that the Project could potentially cast shadow on St. Mary's Square, Willie "Woo Woo" Wong Playground and Portsmouth Square Plaza. After reviewing and analyzing a secondary analysis submitted by the Project Sponsor, dated November 13, 2015, the Planning Department concluded that no new, net potential shadow will be cast upon any of these parks or POPOS located at the 555, 600 and 650 California Street buildings, because the project would not result in any new shadows (at no time throughout the year). Therefore, the Project would have no impact to properties subject to Section 295 or per CEQA.

On March 11, 2016 the Project was determined to be exempt from the California Environmental Quality Act ("CEQA") as a Class 32 Categorical Exemption under CEQA as described in the determination contained in the Planning Department files for this Project.

On April 7, 2016, the San Francisco Planning Commission (hereinafter "Commission") conducted a duly noticed public hearing at a regularly scheduled meeting on Conditional Use Application No. 2014.000609CUAVAR.

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

MOVED, that the Commission hereby authorizes the Conditional Use requested in Application No. 2014.000609CUAVAR, subject to the conditions contained in "EXHIBIT A" of this motion, based on the following findings:

FINDINGS

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

1. The above recitals are accurate and constitute findings of this Commission.
2. **Site Description and Present Use.** The project is located on the southern side of California Street and the eastern side of Powell Street, Block 0256, Lots 016 and 017. The property is located within the RM-4 (Residential- Mixed, High Density) Zoning District with 65-A Height and Bulk district. The property includes two lots, at the corner of California and Powell Streets. The corner

lot, with approximately 49 feet of frontage on California Street and 124 feet of frontage on Powell Street, is a surface parking lot. The other lot, with 68.5 feet of frontage on California Street, is developed with a two-story parking garage structure. Of this frontage, two curb cuts exist measuring 60.5 feet.

3. **Surrounding Properties and Neighborhood.** The project site is located at the intersection of California and Powell Streets. The Project site is located within the Chinatown neighborhood – adjacent to Nob Hill, and within the Nob Hill Special Use District. A mixture of hotels, residential uses in multi-family buildings and smaller flats, and private clubs define the immediate surroundings. In the adjacent block of California to the north and west, the California Club, the Fairmont, Intercontinental Mark Hopkins and Stanford Court Hotels are located. The surrounding properties are located within the RM-4 (Residential- Mixed, High Density) and RM-3 (Residential- Mixed, Medium Density) Districts, and approximately one block east on California the C-3-G (Downtown General) Zoning District begins.
4. **Project Description.** The applicant proposes to demolish the surface parking lot at 770 Powell and parking structure at 875 California, to merge the two lots and to construct a new seven-story, 65-foot tall building with 44 residential units and 48 underground parking spaces. The main pedestrian entry is from the northwest corner of the site. On-site bicycle parking is provided for 86 Class 1 spaces in a secure room at the Garden Level 2, with direct access through a door and ramp from Powell Street. Garage access for the Project would be provided by a single 10-foot curb cut on California Street at the same location as a current larger curb cut, with a car elevator providing access to the below-grade parking garage. In addition, the 46-foot wide curb cut currently used to access the parking structure and parking lot on California would be eliminated and replaced with code-compliant sidewalks. It is also anticipated that two on-street parking spaces may be added, which may also be used for deliveries and/or passenger loading during business hours, depending on SFMTA approval.

The Project design proposes to activate the street. The building footprint is generally U-shaped. At the northwestern corner of the site, the building mass is carved back from the property line to create an open court at the street. This space provides access to the main building lobby and is defined at the street by low walls capped with custom-designed fencing. Gates, continuing the custom-designed grille work, penetrate the wall with access points from Powell and from California Streets. The low wall follows the up-sloping grade to incorporate pedestrian seating elements which overlook the landscaped open space court. This building setback at the corner maintains the site line at this steep intersection and preserves the relationship with the historic cable car kiosk. In addition, there are three points of direct access to four residential units from the sidewalk, separate from the main lobby entrance, which will provide a strong connection between the public street-front and the private building entrances. Open space is provided throughout the project in the front courtyard, at terraces as the building mass is reduced at higher levels, roof decks and at the rear yard. The U-shaped building form defines a consistent streetwall, resulting in a rear yard design located in the southeast corner of the proposed merged lots to take advantage of the steep topography and provide the most usable yard space.

A small palette of high-quality materials reflects the unique surroundings. As proposed, a granite base, with a custom faceted profile, supports a custom stucco cladding at the upper levels. Metal gates, balcony railings, and security features are designed with a design incorporated throughout the building façade. Bronze metal highlights planter boxes at lower levels, and defines the main lobby entry. Stone trim is applied at windows, canopies and some beltcourse levels.

5. **Public Comment/Community Outreach.** The Department has received five letters in support of the project including from the Fairmont Hotel, the Masonic Memorial Temple, from a member of the California Club, the Board of Directors of the University Club of San Francisco, and from a member of the public. Additionally the Housing Action Coalition has endorsed the project, with the scorecard is submitted in the sponsor submittal. Additional support from attendees at a community meeting hosted by the sponsor on March 23, 2016 is included in the project sponsor submittal.

The project team has conducted Department required outreach. In addition, another open house was held in October 2015, at which the Team presented the updated Project and took questions and community input. The Project has also been presented to the Nob Hill Association on multiple occasions. In October 2015, the Team presented to the San Francisco Housing Action Coalition Endorsement Committee, which voted to endorse the Project. There have also been a series of individual meetings with neighborhood groups and interested parties, including the following: The Fairmont Hotel; The Masonic Auditorium; The Stanford Court Hotel; The Powell Place Hotel; 851 Residence Club (ownership and management); The University Club; The Mark Hopkins Hotel; Representatives from 750 Powell Street. In February 2016, letters were sent to approximately 45 residents and building owners immediately adjacent to the Project site to inform them of the Planning Commission hearing date and offer to meet to answer any questions. Currently, the Project Team is in the process of providing updated project plans to the Nob Hill Association, project neighbors, and other interested stakeholders, and has hosted the neighborhood at an informal meet and greet with Project Team on March 23 at the University Club.

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. **Rear Yard.** Planning Code Section 134 states that the minimum rear yard depth shall be equal to 25% of the total depth of the lot on which the building is situated, but in no case less than 15 feet, at grade level and above.

The rear yard is provided at grade level and above. Due to the proposed irregular lot shape, in that two lots with varied lot depth are proposed for merger, the rear yard requirement ranges from 34 feet 4 inches to 31 feet of lot depth, as measured from the frontage of California Street. The proposed rear yard ranges in measurement from 0 lot depth to 53 feet 6 inch lot depth. Portions of the rear yard are compliant; however, the entire rear yard is not code compliant. The proposed rear yard is located in the southeastern corner of the lot, measuring approximately 2,538 square feet, with additional open space provided at the front courtyard, roof decks and terraces. The design of the rear yard reflects the building's U-shaped footprint and ensures that the rear yard receives adequate light in this block with

steep topography. A code compliant rear yard would have provided approximately 3,887 square feet of rear yard open area.

To create a code compliant yard, the building design would maintain a gap in the streetwall on Powell Street, which would not conform to the Department's urban design objectives, and create a shaded, canyon-like rear yard, which would not meet the intent of rear yard open space. The project proposes 5,900 square feet private open space at roof decks and terraces which satisfies the private open space needs for 13 dwelling units. In addition, the communal roof terrace provides 730 square feet of open space and the front courtyard provides 805 square feet common open space. Additional common open space which does not meet the technical dimensional requirements of the Planning Code includes the rear yard (approximately 2,538 square feet) and a common open space outside a sunroom off the garden (165 square feet). The sponsor has requested a Variance from the Planning Code. This will be heard concurrently by the Zoning Administrator at the Planning Commission hearing for the Conditional Use Authorization.

- B. **Open Space.** Planning Code Section 135 requires that the project provide a minimum of 36 square feet of open space per dwelling unit, if not publically accessible. Further, any private usable open space shall have a minimum horizontal dimension of six feet and a minimum area of 36 square feet if located on a deck, balcony, porch or roof, and shall have a minimum horizontal dimension of 10 feet and a minimum area of 100 square feet if located on open ground, a terrace or the surface of an inner or outer court. Alternatively, common useable open space, at a rate of 48 square feet per dwelling unit, shall be at least 15 feet in every horizontal dimension and shall be a minimum of 300 square feet.

The required private open space is 1,584 square feet and required common open space is 2,112 square feet for the project. Thirteen of the dwelling units are proposed with private balconies and decks, equaling 5,900 square feet, meeting the minimum dimensional requirements. Therefore, 1,488 square feet of common open space is required for the remaining dwelling units. This requirement is met through the communal roof terrace which provides 730 square feet of open space and the front courtyard which provides 805 square feet common open space. Therefore the project complies with the Code. Additional common open space which does not meet the technical dimensional requirements of the Planning Code includes the 2,538 square-foot common portion of the rear yard and a common open space outside a sunroom off the garden (165 square feet).

- C. **Bay Windows.** Per Section 136(c)(2), bay window projections over public right-of-way are permitted with a maximum projection of 3 feet over sidewalk with minimum 7½ feet headroom. A maximum length of each bay window or balcony shall be 15 feet at the line establishing the required open area, and shall be reduced in proportion to the distance from such line by means of 45 degree angles drawn inward from the ends of such 15-foot dimension, reaching a maximum of nine feet along a line parallel to and at a distance of three feet from the line establishing the required open area. The glass areas of each bay window, and the open portions of each balcony, shall be not less than 50 percent of the sum of the areas. The minimum horizontal separation between bay windows is 2 feet.

The bay windows project 3 feet over the public sidewalk with at least 7½ feet of vertical headroom. The maximum length of the bay establishing the open area measures approximately 11 feet 2 inches and reduces in proportion to approximately 6 feet 9 inches. More than 50% of each vertical face of the bay is expressed with clear glazed, steel sash windows. Horizontal separation between bay windows varies, but is at least greater than 10 feet in all cases. Therefore, the project complies with this Section of Code.

- D. **Dwelling Unit Exposure.** Section 140 requires that each dwelling unit shall face directly a public street, public alley at least 20 feet in width, side yard at least 25 feet in width, or rear code-compliant rear yard; or open area/court with minimum horizontal dimension of 25 feet in every horizontal dimension for the floor at which the Dwelling Unit in question is located and the floor immediately above it, with an increase of five feet at every subsequent floor.

A majority of the dwelling units are designed to face directly onto a public street or a code compliant open space. Due to the U-shape of the building and a central circulation core, each level exhibits units which face onto the rear yard. At the two Garden Levels (Garden Level 2 and Garden Level), the dimensional open space requirements are not met for dwelling unit exposure. At the two Garden Levels there are four dwelling units (two units per level) which face onto this non-compliant open space. The Project meets the intent of the code to provide adequate exposure for dwelling units facing the rear as these units will have more than sufficient light and air from the large rear yard. At levels Lobby through 7, the dimensional requirements for an open space are met, therefore those dwelling units which face only onto the rear yard are compliant. The sponsor has requested a Variance from the Planning Code for the non-compliant units. This Variance will be heard concurrently by the Zoning Administrator at the Planning Commission hearing for the Conditional Use Authorization.

- E. **Nob Hill Special Use District.** Planning Code Section 238 states that special uses must undergo additional review within this established area with a unique combination of uses and a special identity. These uses require Conditional Use authorization: hotel, incidental commercial, private community facility, eating and drinking uses. The SUD places additional limitations on signage for principally permitted uses or eating and drinking uses.

The project does not include any of the above components, therefore no additional analysis or findings are required. If signage is proposed, additional restrictions as noted in 238(e) shall be applied.

- F. **Residential Off-Street Parking.** Planning Section 151 of the Planning Code requires off-street parking for every dwelling unit. The maximum parking permitted as accessory is 1.5 spaces where one space is required.

The project proposes 48 off-street parking spaces. Forty-four spaces are required; four additional spaces are permitted. The 48 parking spaces are permitted and compliant. Vehicle stackers are being employed for reduction in square footage required for parking.

- G. **Curb Cuts.** Per Section 155(r), curb cuts along the entire length of California Street require Conditional Use Authorization.

The project proposes continuation of one of the two existing curb cuts on California Street. The curb cuts measure approximately 46 feet 8 inches and 13 feet 10 inches. For this project, the 13 feet 10 inch curb would be reduced to a 10 feet wide curb cut on California Street, and the larger curb cut would be removed with the curb improved to City standards. It is also anticipated that two on-street parking spaces will be added, which may also be used for deliveries and/or passenger loading during business hours, depending on San Francisco Municipal Transportation Agency approval. See #7 for findings and more analysis.

- H. **Bicycle Parking.** Planning Section 155.1-155.2 of the Planning Code requires bicycle parking spaces for residential and non-residential uses. One Class 1 bicycle parking space is required for each dwelling unit. Additionally, Class 2 bicycle parking spaces are required for every 20 dwelling units.

The project proposes 44 dwelling units, and 44 Class 1 bicycle parking spaces are required. Located in an on-site bicycle storage room at Garden Level 2 is space for up to 86 bicycles. Access to the secure room is from an entrance and ramp corridor from Powell Street. The bike parking room is located one level above the off-street parking garage, which is only accessible via elevator. Additionally, two Class 2 spaces are required and are proposed on the Powell Street right of way. Therefore, the project is compliant.

- I. **Car Share.** Section 166 of the Planning Code requires one car share space for 50 – 200 dwellings.

The project proposes 44 dwelling units, therefore no car share space is required nor are any on-site car share spaces proposed.

- J. **Density.** Per Section 209.2, up to one unit per 200 square feet of lot area is permitted.

Once the two lots are merged, the lot area would measure approximately 15,548 square feet. The permitted density would be 78 dwelling units. The project proposes 44 dwelling units, mostly family-sized units. Of the proposed units, two are studio units, seven are one-bedroom units, 30 are two-bedroom units and five are three-bedroom units.

- K. **Height.** The subject property is located within the RM-4 Zoning District. Pursuant to Section 253, height exceeding 50 feet within a RM district requires Conditional Use Authorization to proceed.

The project proposes a height of 65 feet as measured from California Street, with permitted exemptions extending above, such as elevator and stair penthouses per Section 260(b). Per Section 253, height exceeding 50 feet requires Conditional Use Authorization and analysis and findings are discussed further in #7 and #8.

- L. **Bulk.** The subject property is located within the 65-A Height and Bulk district. Pursuant to Section 270, projects within “-A” Bulk District have defined bulk dimensions starting at

height of 40 feet and greater, with requirements in plan as follows: the maximum length is 110 feet and the maximum diagonal dimension is 125 feet.

The project proposes a maximum plan length of 97 feet, and this maximum is measured along the Powell Street elevation. Maximum diagonal dimension exceeds 125 feet at levels 4 – 7. Per Section 271, bulk exceedance of plan dimensions in Section 270 requires Conditional Use Authorization and analysis and findings are discussed further in #7 and #9.

- M. **Street Frontage in RH, RTO, RTO-M and RM Districts.** Section 144 of the Planning Code requires that within RM districts. Except as otherwise provided herein, in the case of every dwelling in such districts no more than one-third of the width of the ground story along the front lot line, or along a street side lot line, or along a building wall that is set back from any such lot line, shall be devoted to entrances to off-street parking, except that in no event shall a lot be limited by this requirement to a single such entrance of less than ten feet in width. In addition, no entrance to off-street parking on any lot shall be wider than 20 feet, and where two or more separate entrances are provided there shall be a minimum separation between such entrances of six feet. In the case of every dwelling in such districts, no less than one-third of the width of the ground story along the front lot line, along a street side lot line, and along a building wall that is set back from any such lot line, shall be devoted to windows, entrances for dwelling units, landscaping, and other architectural features that provide visual relief and interest for the street frontage.

The project provides one entry for egress and ingress dedicated to off-street parking. The width of the access to off-street parking is approximately the same as the width of the curb cut, which is 10 feet. The multi-unit building offers several maisonette units with direct access from the street and a main lobby at the corner, therefore, the ground story is defined by several raised entrances, windows, metal grill-work, landscaping and granite cladding at the base. At the corner of California and Powell Streets, the building corner is carved away to create a defined and open main entry for the building. Due to the steep topography of the site, this offset offers an opportunity to incorporate a pedestrian seating wall into a functional retaining wall with a well-landscaped corner. Additionally, this building clipping/offset provides some line of site relief for drivers and pedestrians at a busy intersection of two streets both exhibiting vehicular traffic and cable car lines. Although California Street is at a gentle slope heading towards downtown, at this intersection Powell Street is quite steep.

- N. **Inclusionary Affordable Housing Program.** Planning Code Section 415 sets forth the requirements and procedures for the Inclusionary Affordable Housing Program. Under Planning Code Section 415.3, the current percentage requirements apply to projects that consist of ten or more units, where the first application (EE or BPA) was applied for on or after July 18, 2006. Pursuant to Planning Code Section 415.5, the Project must pay the Affordable Housing Fee ("Fee"). This Fee is made payable to the Department of Building Inspection ("DBI") for use by the Mayor's Office of Housing and Community Development for the purpose of increasing affordable housing citywide.

The Project Sponsor has submitted a 'Affidavit of Compliance with the Inclusionary Affordable Housing Program: Planning Code Section 415,' to satisfy the requirements of the Inclusionary

Affordable Housing Program through payment of the Fee, in an amount to be established by the Mayor's Office of Housing and Community Development at a rate equivalent to an off-site requirement of 20%. The project sponsor has not selected an alternative to payment of the Fee. The EE application was submitted on December 12, 2014.

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

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

The massing and height of the proposed building is compatible with the scale of the surrounding properties. The Stanford Court Hotel is on the Southwest corner of the intersection, the Fairmont Hotel is on the Northwest corner of the intersection and the University Club is on the Northeast corner of the intersection, all large buildings. Other surrounding buildings, of similar scale to the proposal, are primarily multi-family residential uses.

The curb cut for garage entry on California is necessary and desirable. Currently, there are two curb-cuts into the existing off-street parking facilities at the Site. The Project would use an existing curb cut for the garage entrance, reduced from 13 feet 10 inches to 10 feet. Assuming that the no left-turn restriction on California Street would continue with the Project, all vehicles entering and exiting the Project's garage would be via eastbound California Street (right-turn in/right-turn out). Given that the southbound left-turn movement at the adjacent California Street/Powell Street intersection is prohibited, all vehicles would access the Project site from eastbound California Street or northbound Powell Street. To minimize the potential for conflicts between entering and exiting vehicles, an access control system will be implemented. This traffic pattern is appropriate for the area, and is a continuation of the current general traffic pattern of the Site – although the number of parking spaces will be reduced and shifted from short-term parking to long-term resident parking. In contrast, relocating the driveway to Powell would result in circulation disruptions because eastbound traffic entering the building would need to shift from California Street to Bush Street two blocks to the south.

Adding a garage entrance to Powell Street, which is steep and narrow, would be difficult and potentially disruptive to traffic patterns. The cable car lanes on Powell have red paint and are separated by bollards to ensure that drivers do not use the lanes. As a result, the vehicular right-of-way on Powell is very narrow, at only about 10 feet wide. With this width, it would be difficult for vehicles to stay within the travel lane while turning into and out of the driveway, which could result in conflicts with cable cars. Even if the turn is possible, it would likely require a larger curb cut on Powell Street than the 10-foot curb cut proposed for California. Finally, the presence of the mature street trees could impair sight distances on Powell Street. While there are street trees on California, the street parking provides a buffer that allows cars to pull out beyond the trees to get a better sight line.

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

that could be detrimental to the health, safety or convenience of those residing or working the area, in that:

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

The existing asphalt parking lot, enclosed with fencing, and parking structure are proposed for demolition. This is an under-utilized use for two parcels zoned residential-mixed, high density, located approximately ¼ -mile from the downtown Financial District. The proposed massing is compatible with the neighborhood, fills in the streetwall with active use, and is designed with architectural details to provide visual relief and interest. The Project incorporates setbacks at the side property line at Powell Street, and the side property line at California at a lightwell, and at the rear yard, often introducing terraces for open space. The Project proposes additional open space including landscaping and an entry court on the corner of California and Powell Streets.

The garage entrance on California Street will not be detrimental to the neighborhood, as it would continue the existing traffic pattern of the Site, while significantly reducing the number of parking spaces and in and out car traffic. A garage entrance on California Street is less disruptive for the neighborhood than would be a garage entrance on Powell Street, which has only two 10-foot-wide lanes for car traffic and a dedicated cable car lane, thus not easily accommodating an entrance.

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

Currently, the site consists of over 80 parking spaces available in the structure and on the surface lot. The Project would remove this parking use and would overall result in fewer vehicle trips compared to the existing condition. Access to off-street parking is proposed through one ingress and egress lane from a curb cut on California Street. The parking is located underground, therefore screening is only required at the garage entry and is proposed as a gate with architectural features to match that of the gate and railing pattern at the building. The project reduces the amount and size of existing curb cuts on California Street. Specifically, the sponsor proposes to remove a curb cut measuring approximately 48 feet, and proposes to reduce the size of one existing curb cut from approximately 13 feet to 10 feet. Additionally, the site is less than ¼-mile from the Financial District, two cable car lines run adjacent to the site, and one block from several bus lines. The Site is within easy walking distance from the financial district and is well-served by public transportation. The cable car line runs next to the site, which is also one block from the 1, 31, and 38, 8, 30, 45 bus lines, and a half mile from the Powell Street Bart and MUNI station, giving residents access to jobs inside and outside of San Francisco. Locating new housing along transit-served areas supports the City's transit first policy and discourages car dependency.

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

The proposed use is residential that would not emit noxious or offensive emissions such as noise, glare, dust and odor. City regulations are in place for managing construction-related noise and dust.

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

Landscaping and open space are prominent features of the project. The Project provides a strong street-level presence which would activate the corner and create a transition between the public realm and private residential entry. At the northwestern corner of the site, the proposed building mass is carved back from the property line to create open space at the street. This space is defined at the street by low walls capped with ornamental fencing, with access points from Powell and from California Streets, to the private entry area leading to the main building lobby. Due to topography, the low wall follows the up-sloping grade to incorporate pedestrian seating walls overlooking the landscaped interior court. In addition, three points of direct access to six residential are provided from the sidewalk. The parking is located underground, therefore screening is only required at the garage entry and is proposed as a gate with architectural features to match that of the gate and railing pattern at the building.

- 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 RM Residential Use District.

Residential buildings within this District reflect a mixture of scale and of density and building form, suitable for a variety of households. As proposed, the 65-foot multi-family building is a compatible development within the RM-4 Zoning District, proposing a range of unit types.

- 8. **Planning Code Section 253** establishes criteria for the Planning Commission to consider when reviewing applications for projects within the RM or RC Districts when height exceeds 50 feet and street frontage is 50 feet or greater, through the Conditional Use process. On balance, the project complies with said criteria in that:

- a. In reviewing any such proposal for a building or structure exceeding 40 feet in height in a RH District, 50 feet in height in a RM or RC District, or 40 feet in a RM or RC District where the street frontage of the building is more than 50 feet the Planning Commission shall consider the expressed purposes of this Code, of the RH, RM, or RC Districts, and of the height and bulk districts, set forth in Sections 101, 209.1, 209.2, 209.3, and 251 hereof, as well as the criteria stated in Section 303(c) of this Code and the objectives, policies and principles of the General Plan, and may permit a height of such building or structure up to but not exceeding the height limit prescribed by the height and bulk district in which the property is located.

The Project is generally code-compliant and on balance, is consistent with the Objectives and Policies of the General Plan, including the Urban Design Element objectives to relate new construction to the height and character of existing development and to promote harmony in visual transition between new and old buildings. In addition, the Project adds open space at the northwest corner of the site to benefit the public, as well as adds open space for the dwelling units in exceedance of requirements. No new shadow will be cast by the Project on parks or open spaces. This underutilized site is zoned for higher density residential within the prescribed bulk and height limits, and is located within ¼-mile of the Financial District, at the intersection of two cable car lines, within a block of several Muni bus lines, and half mile from the Powell Street Bart and MUNI station.

The scale of the building and density is appropriate for the RM-4 zoning district and is contextual with the surrounding building scale and building uses. Although the Project is requesting Conditional Use Authorization for a height of 65 feet, surrounding buildings exhibit heights taller than 40 feet and some taller than 65 feet. Vertical façade articulation in the Project includes bay windows, some metal balcony elements and metal planter boxes, with additional articulation by recessed windows, all typical of San Francisco neighborhoods. The stucco clad exterior walls are supported by a strong granite base, also typical of San Francisco neighborhoods.

- b. That the permitted bulk and required setbacks of a building be arranged to maintain appropriate scale on and maximize sunlight to narrow streets (rights-of-way 40 feet in width or narrower) and alleys.

A narrow street, Joice Street, is located one parcel to the east along California Street. A shadow analysis prepared by PreVision, dated November 13, 2015, indicated that at no time throughout the year would the Project cast new shadow on Joice Street. Therefore, the proposed project massing is arranged in an appropriate scale such as to not reduce sunlight on this alley.

9. **Planning Code Section 271** establishes criteria for the Planning Commission to consider when reviewing applications for projects exceeding the maximum bulk plan dimensions as outlined in Section 270, through the Conditional Use process. On balance, the project complies with said criteria in that:

- a. Achievement of a distinctly better design, in both a public and a private sense, than would be possible with strict adherence to the bulk limits, avoiding unnecessary prescription of building form while carrying out the intent of the bulk limits and the principles and policies of the Master Plan.

The Project includes a number of features that reduce the appearance of bulk. Utilization of bay window and top level setbacks create variation in the façade. A clipped corner at the northwest of the building site allow for a landscaped courtyard at the corner of Powell and California for additional reduction of the sense of bulk while enhancing the pedestrian experience of the block. It will also include stepped terraces/balconies, as well as setbacks along California and Powell Streets which minimizes the bulk on the upper floors and contributes to the perception of a minimized and refined massing, particularly from street views.

By stepping the building's massing, the Project is compatible with the adjacent building's range of heights. Because the neighboring building on Powell Street is smaller in scale than on California Street, the massing on Powell Street steps and shifts more to reduce impact on light and privacy.

- b. Development of a building or structure with widespread public service benefits and significance to the community at large, where compelling functional requirements of the specific building or structure make necessary such a deviation.

Deviation from the bulk requirements permits the Project to offer as many dwelling units as possible in an area in which new construction is limited by lack of available lots. The Project as proposed also provides common and private open space to residents, as well as a streetscape improvements and connections between the public and private realms. The incorporation of pedestrian seating wall at the intersection of the property line wall at the California and Powell is a unique public benefit.

In acting on any application for Conditional Use to permit bulk limits to be exceeded under this Section, Planning Commission shall consider the following criteria:

- c. The appearance of bulk in the building, structure or development shall be reduced by means of at least one and preferably a combination of the following factors, so as to produce the impression of an aggregate of parts rather than a single building mass:
 - (A) Major variations in the planes of wall surfaces, in either depth or direction, that significantly alter the mass;
 - (B) Significant differences in the heights of various portions of the building, structure or development that divide the mass into distinct elements;
 - (C) Differences in materials, colors or scales of the facades that produce separate major elements;
 - (D) Compensation for those portions of the building, structure or development that may exceed the bulk limits by corresponding reduction of other portions below the maximum bulk permitted;

The Project's scale and character reference the surrounding buildings. The Project incorporates several measures intended to reduce the appearance of mass to ensure compatibility with the immediate vicinity. Significantly, the building is proposed to be set back from the corner of California Street and Powell Street, which limits the sense of the mass of the building from the street as well as preserving the site line and relationship with the historic cable car kiosk. Vertically, the building is broken up by use of bay windows and balconies, which divides the mass into distinct elements. Horizontally, the stucco-clad building is defined and supported by a strong granite base. Although the building does not provide a corresponding reduction of other portions below the maximum bulk permitted, the bulk of the building is more compatible with the architecture of the area than would be a project complying with bulk limitations.

- d. In every case the building, structure or development shall be made compatible with the character and development of the surrounding area by means of all of the following factors:

- (A) A silhouette harmonious with natural land-forms and building patterns, including the patterns produced by height limits;
- (B) Either maintenance of an overall height similar to that of surrounding development or a sensitive transition, where appropriate, to development of a dissimilar character;
- (C) Use of materials, colors and scales either similar to or harmonizing with those of nearby development; and
- (D) Preservation or enhancement of the pedestrian environment by maintenance of pleasant scale and visual interest.

The silhouette is harmonious with existing building patterns in the area, which includes many buildings with extant bulk notably large hotels and nearby apartment buildings constructed before bulk requirements. The height is similar to adjacent neighbors and compatible with the neighborhood context. In addition, as the height decreases down the hill on Powell Street, the proposed massing also steps to provide relief. The Project enhances the pedestrian environment with an active street frontage detailed with architectural features, carved away at the corner for visual relief at the intersection of Powell Street at the end of a steep grade increase with California Street. In addition, a pedestrian seating wall has been incorporated into the low property line wall, overlooking the proposed landscaped court. In addition, the six Maisonette units will provide a strong connection between the public street-front and the private building entrances. The Project will provide a far superior pedestrian environment than the current parking garage and parking lot which are unattractive and contain large curb cuts which create a risk of conflicts between cars and pedestrians.

A small palette of high-quality materials reflects the unique surroundings. As proposed, a granite base, with a custom faceted profile, supports a custom stucco cladding at the upper levels. Metal gates, balcony railings, and security features are designed with a design incorporated throughout the building façade. Bronze metal highlights planter boxes at lower levels, and defines the main lobby entry. Stone trim is applied at windows, canopies and some beltcourse levels.

- e. While the above factors must be present to a considerable degree for any bulk limit to be exceeded, these factors must be present to a greater degree where both the maximum length and the maximum diagonal dimension are to be exceeded than where only one maximum dimension is to be exceeded.

Only the maximum diagonal dimension is exceeded in the Project. The Project is designed in a manner compatible with character and development of the surrounding district.

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

HOUSING ELEMENT

OBJECTIVE 1

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

Policy 1.8:

Promote mixed-use development, and include housing, particularly permanently affordable housing, in new commercial, institutional or other single use development projects.

Policy 1.10:

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

The Project appropriately locates 44 dwelling units in an area near downtown that is highly accessible by public transportation, walking and bicycling, and zoned for high density residential uses. The Project will contribute to the City's affordable housing supply by payment of the affordable housing fee.

OBJECTIVE 11

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

Policy 11.1:

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

Policy 11.2:

Ensure implementation of accepted design standards in project approvals.

Policy 11.3:

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

Policy 11.5:

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

Policy 11.6:

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

The proposed project will add compatible housing, per Department design standards, to lots that are currently underutilized parking structure or surface parking areas. The proposed residential development is compatible with the existing neighborhood character, which is largely high density residential. The Project proposes a strong street-presence, with an inviting landscaped recessed corner at California and Powell Streets and six units to be accessed directly from the public right of way. The Project will also have prominent windows on the street-front, eliminating blank and blind walls and will add landscaping to contribute to the pedestrian experience of the block.

OBJECTIVE 13

PRIORITIZE SUSTAINABLE DEVELOPMENT IN PLANNING FOR AND CONSTRUCTING NEW HOUSING.

Policy 13.1:

Support "smart" regional growth that locates new housing close to jobs and transit.

Policy 13.3:

Promote sustainable land use patterns that integrate housing with transportation in order to increase transit, pedestrian, and bicycle mode share.

The Project is targeting LEED Gold certification. The site is ¼-mile from downtown, a major job center in the San Francisco Bay Area. This distance is a walkable distance for a daily commute. The site is also located at the corner of two MUNI cable car lines – California and Powell/Hyde –and one block from the 1, 31, and 38, 8, 30, 45 bus lines, and a half mile from the Powell Street Bart and MUNI station.

URBAN DESIGN ELEMENT

OBJECTIVE 1

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

Policy 1.2:

Protect and reinforce the existing street pattern, especially as it is related to topography.

Policy 1.3:

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

The Project will enhance the neighborhood by reinforcing the urban nature of the street pattern. The Project's design echoes the scale and design features of surrounding buildings. The Project will replace an existing surface parking lot and parking garage with a more desirable residential use that will provide a more unified street frontage.

OBJECTIVE 3

MODERATION OF A 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 3.5:

Relate the height of buildings to important attributes of the City pattern and to the height and character of existing development..

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's size, scale and design are compatible with the surrounding neighborhood and create a harmonious visual transition between the Project and older buildings. There are many tall buildings in the area, making a 65 foot high building entirely compatible. The bulk of the building is also compatible with the area. In addition the Project is pulled back from the street-front at the corner of California Street and Powell Street and will not overwhelm or dominate the corner, created a landscaped open space.

OBJECTIVE 4

IMPROVEMENT OF THE NEIGHBORHOOD ENVIRONMENT TO INCREASE PERSONAL SAFETY, COMFORT, PRIDE AND OPPORTUNITY.

Policy 4.12:

Install, promote and maintain landscaping in public and private areas.

Policy 4.13:

Improve pedestrian areas by providing human scale and interest.

The Project improves the safety of the neighborhood by designing active uses into the building at ground level, specifically through the connections between the private and public realms of direct residential entries, windows and the courtyard and landscaped corner. The Project will dramatically improve the pedestrian experience of the corner, offering courtyard plantings, window boxes on a largely transparent fence, and a seating wall adjacent to the cable car kiosk.

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

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

The Site does not currently contain retail. Therefore, neighborhood-serving retail uses will not be eliminated. Local businesses will be served by additional residents in the area.

- 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 promotes housing in the neighborhood by adding 44 housing units where there is currently only an underutilized parking structure and lot. It will also preserve neighborhood character by providing a design that is compatible with existing structures in the area and proposes streetscape improvements and landscaped open space at the corner of Powell and California.

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

No housing is removed for this Project. Forty-four new dwelling units are proposed for the site. The sponsor has selected to satisfy the Inclusionary Affordable Housing requirement through payment of the in-lieu fee.

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

The site is located approximately ¼-mile from downtown. Additionally, the site is located adjacent to the California and the Powell/Hyde MUNI cable car lines. The Project is expected to improve traffic in the area. The Project will replace the current 80 short-term parking spaces in the surface lot with 48 long-term parking spaces that will be accessed much less frequently than the current spaces uses by daily parkers. The Project will also eliminate a 40-foot curb cut on California Street and substitute the current curb cut for the parking garage with a 10-foot curb cut for garage access. Residents are expected to make the majority of daily commutes by foot, bicycle or public transportation. In contrast, the current users of the parking garage and lot are short-term or daily customers who create significantly more conflicts with other vehicles, the cable car, pedestrians and bicyclists.

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

The Project will not displace any service or industry establishment. Ownership of industrial or service sector businesses will not be affected by this project.

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

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

- G. That landmarks and historic buildings be preserved.

A landmark or historic building does not occupy the Project site. Through the CEQA process, the Planning Department determined the property was not an historic resource.

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

The Project does not impact parks and open space. A shadow Analysis confirmed that there would be no new shadow cast by the Project on parks or open spaces.

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

DECISION

That based upon the Record, the submissions by the Applicant, the staff of the Department and other interested parties, the oral testimony presented to this Commission at the public hearings, and all other written materials submitted by all parties, the Commission hereby **APPROVES Conditional Use Application No. 2014-000609CUAVAR** subject to the following conditions attached hereto as "EXHIBIT A" in general conformance with plans on file, dated March 28, 2016, and stamped "EXHIBIT B", which is incorporated herein by reference as though fully set forth.

APPEAL AND EFFECTIVE DATE OF MOTION: Any aggrieved person may appeal this Conditional Use Authorization to the Board of Supervisors within thirty (30) days after the date of this Motion No. 19612. The effective date of this Motion shall be the date of this Motion if not appealed (After the 30-day period has expired) OR the date of the decision of the Board of Supervisors if appealed to the Board of Supervisors. For further information, please contact the Board of Supervisors at (415) 554-5184, City Hall, Room 244, 1 Dr. Carlton B. Goodlett Place, San Francisco, CA 94102.

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

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

I hereby certify that the Planning Commission ADOPTED the foregoing Motion on April 7, 2016.

Jonas P. Ionin
Commission Secretary

AYES: Fong, Richards, Antonini, Hillis, Johnson, Moore, Wu

NAYS: None

ABSENT: None

ADOPTED: April 7, 2016

EXHIBIT A

AUTHORIZATION

This authorization is for a conditional use to allow continuation of one existing curb cut, reduced to Department guidelines, on California Street, to allow height exceeding 50 feet in a 65 foot height district, and to allow exceptions for measuring bulk per Section 270, located at 875 California & 770 Powell Street, Block 0256 and Lots 016, 017, pursuant to Planning Code Sections **303, 155, 253, and 271** within the **RM-4** District and a **65-A** Height and Bulk District; in general conformance with plans, dated **March 28, 2016**, and stamped "EXHIBIT B" included in the docket for Case No. **2014-000609CUAVAR** and subject to conditions of approval reviewed and approved by the Commission on **April 7, 2016**, under Motion No **19612**. This authorization and the conditions contained herein run with the property and not with a particular Project Sponsor, business, or operator.

RECORDATION OF CONDITIONS OF APPROVAL

Prior to the issuance of the building permit or commencement of use for the Project the Zoning Administrator shall approve and order the recordation of a Notice in the Official Records of the Recorder of the City and County of San Francisco for the subject property. This Notice shall state that the project is subject to the conditions of approval contained herein and reviewed and approved by the Planning Commission on **April 7, 2016** under Motion No **19612**.

PRINTING OF CONDITIONS OF APPROVAL ON PLANS

The conditions of approval under the 'Exhibit A' of this Planning Commission Motion No. **19612** shall be reproduced on the Index Sheet of construction plans submitted with the Site or Building permit application for the Project. The Index Sheet of the construction plans shall reference to the Conditional Use authorization and any subsequent amendments or modifications.

SEVERABILITY

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

CHANGES AND MODIFICATIONS

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

Conditions of Approval, Compliance, Monitoring, and Reporting

PERFORMANCE

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

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

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

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

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

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

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

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

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

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

6. **Additional Project Authorization.** The Project Sponsor must be granted a Variance under Section 305 for non-compliant rear yard and for units that do not meet exposure requirements per Section 134 and 140 of the Planning Code, 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 415-575-6863, www.sf-planning.org

DESIGN – COMPLIANCE AT PLAN STAGE

7. **Final Design.** The Project Sponsor shall work with Planning Department on these specific areas of design: to minimize rooftop appurtenances by consolidating the roof access penthouses or other means, and to improve bicycle parking.
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, including submittal of samples upon request, and approval. The architectural addenda shall be reviewed and approved by the Planning Department prior to issuance.
For information about compliance, contact the Case Planner, Planning Department at 415-558-6378, www.sf-planning.org
9. **Rooftop Mechanical Equipment.** Pursuant to Planning Code 141, the Project Sponsor shall submit a roof plan to the Planning Department prior to Planning approval of the building permit application. Rooftop mechanical equipment, if any is proposed as part of the Project, is required to be screened so as not to be visible from any point at or below the roof level of the subject building.
For information about compliance, contact the Case Planner, Planning Department at 415-558-6378, www.sf-planning.org
10. **Transformer Vault.** 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 recommends the following preference schedule in locating new transformer vaults, in order of most to least desirable:
 - a. On-site, in a basement area accessed via a garage or other access point without use of separate doors on a ground floor façade facing a public right-of-way;
 - b. On-site, in a driveway, underground;
 - c. On-site, above ground, screened from view, other than a ground floor façade facing a public right-of-way;
 - d. Public right-of-way, underground, under sidewalks with a minimum width of 12 feet, avoiding effects on streetscape elements, such as street trees; and based on Better Streets Plan guidelines;
 - e. Public right-of-way, underground; and based on Better Streets Plan guidelines;

- f. Public right-of-way, above ground, screened from view; and based on Better Streets Plan guidelines;
- g. On-site, in a ground floor façade (the least desirable location).

Unless otherwise specified by the Planning Department, Department of Public Work's Bureau of Street Use and Mapping (DPW BSM) should use this preference schedule for all new transformer vault installation requests.

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

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

For information about compliance, contact the Case Planner, Planning Department at 415-558-6378, www.sf-planning.org

PARKING AND TRAFFIC

12. **Car Share.** Although, no car share spaces are required pursuant to Section 166, the Project Sponsor shall make provision for three car share spaces.

13. **Parking Requirement.** Pursuant to Planning Code Section 151, the Project shall provide **44 (forty-four)** independently accessible off-street parking spaces.

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

14. **Bicycle Parking.** Pursuant to Planning Code Sections 155.1 and 155.2, the Project shall provide no fewer than **44** Class 1 bicycle parking spaces.

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

15. **Bicycle Parking.** The Project shall provide no fewer than **2** Class 2 bicycle parking spaces as required by Planning Code Sections 155.1 and 155.2.

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

AFFORDABLE UNITS

16. **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 currently twenty percent (20%), but is subject to change under a proposed Charter amendment and

pending legislation if the voters approve the Charter Amendment at the June 7, 2016 election. The Project Sponsor shall pay the applicable Affordable Housing Fee at the time such Fee is required to be paid.

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

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

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

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

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

PROVISIONS

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

For information about compliance, contact the Case Planner, Planning Department at 415-558-6378, www.sf-planning.org

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

For information about compliance, contact the Case Planner, Planning Department at 415-558-6378, www.sf-planning.org

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

For information about compliance, contact the Case Planner, Planning Department at 415-558-6378, www.sf-planning.org

21. **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.

For information about compliance, contact the First Source Hiring Manager at 415-581-2335, www.onestopSF.org

MONITORING – AFTER ENTITLEMENT

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

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

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

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

OPERATION

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

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

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

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

26. **Sidewalk Maintenance.** The Project Sponsor shall maintain the main entrance to the building and all sidewalks abutting the subject property in a clean and sanitary condition in compliance with the Department of Public Works Streets and Sidewalk Maintenance Standards. *For information about compliance, contact Bureau of Street Use and Mapping, Department of Public Works, 415-695-2017, <http://sfdpw.org/>*

ENTERTAINMENT COMMISSION-RECOMMENDED NOISE ATTENUATION CONDITIONS FOR CHAPTER 116 RESIDENTIAL PROJECTS.

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

- **Community Outreach:** Project Sponsor shall include in its community outreach process any businesses located within 300 feet of the proposed project that operate between the hours of 9PM-5AM. Notice shall be made in person, written or electronic form.
- **Sound Study:** Project sponsor shall conduct an acoustical sound study, which shall include sound readings taken when performances are taking place at the proximate Places of Entertainment, as well as when patrons arrive and leave these locations at closing time. Readings should be taken at locations that most accurately capture sound from the Place of Entertainment to best of their ability. Any recommendation(s) in the sound study regarding window glaze ratings and soundproofing materials including but not limited to walls, doors, roofing, etc. shall be given highest consideration by the project sponsor when designing and building the project.
- **Design Considerations:**
 - (1) During design phase, project sponsor shall consider the entrance and egress location and paths of travel at the Place(s) of Entertainment in designing the location of (a) any entrance/egress for the residential building and (b) any parking garage in the building.

(2) In designing doors, windows, and other openings for the residential building, project sponsor should consider the POE's operations and noise during all hours of the day and night.

- Construction Impacts: Project sponsor shall communicate with adjacent or nearby Place(s) of Entertainment as to the construction schedule, daytime and nighttime, and consider how this schedule and any storage of construction materials may impact the POE operations.
- Communication: Project Sponsor shall make a cell phone number available to Place(s) of Entertainment management during all phases of development through construction. In addition, a line of communication should be created to ongoing building management throughout the occupation phase and beyond.

Attachment C



SAN FRANCISCO PLANNING DEPARTMENT

Variance Decision

Date: May 10, 2016
Case No.: 2014-000609VAR
Project Address: 875 CALIFORNIA STREET/770 POWELL STREET
Zoning: RM-4 (Residential-Mixed, High Density)
65-A Height and Bulk District
Block /Lot: 0256/016, 017
Applicant: Grosvenor Americas
Attn: Amelia Staveley
One California Street, Suite 2500
San Francisco, California 94111
Staff Contact: Marcelle Boudreaux – (415) 575-9140
marcelle.boudreaux@sfgov.org

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

Reception:
415.558.6378

Fax:
415.558.6409

Planning
Information:
415.558.6377

DESCRIPTION OF VARIANCES – REAR YARD AND EXPOSURE VARIANCES SOUGHT:

The Project proposes to demolish the surface parking lot at 770 Powell Street and parking structure at 875 California Street, merge the two lots and construct a new seven-story, 65-foot tall building with 44 residential units and 48 underground parking spaces. The main pedestrian entry is from the northwest corner of the site. On-site bicycle parking is provided for up to 86 Class 1 spaces in a secure room at the Garden Level 2, with direct access through a door and ramp from Powell Street. Garage access for the Project would be provided by a single 10-foot curb cut on California Street at the same location as a current larger curb cut, with a car elevator providing access to the below-grade parking garage. In addition, the 46-foot wide curb cut currently used to access the parking structure and parking lot on California would be eliminated and replaced with code-compliant sidewalks. Open space would include a 2,538 square foot rear yard located in the southeastern corner of the lot, as well as a 805 square-foot front courtyard. Additional open space would be provided by roof decks and terraces.

Section 134 of the Planning Code requires the building to provide a rear yard equal to 25% of lot depth or 15 feet, whichever is greater, at the lowest story containing a dwelling unit, or at each succeeding story of the building. Due to the proposed irregular lot shape, in that two lots with varied lot depth are proposed for merger, the rear yard requirement ranges from 34 feet 4 inches to 31 feet of lot depth, as measured from the frontage of California Street. The rear yard is provided at the southeast portion of the proposed site, and ranges from 0 feet lot depth to 53 feet 6 inch lot depth, and, therefore, requires a variance from the rear yard requirement.

Section 140 of the Planning Code requires that one room per dwelling unit, meeting the requirements in Section 503 of the Housing Code, face onto a street, alley or code-complying open space. At the two Garden Levels (Garden Level 2 and Garden Level), the dimensional open space requirements are not met for dwelling unit exposure. At the two Garden Levels there are four dwelling units (two units per level) which face onto the non-code compliant rear yard and do not otherwise meet the exposure requirement. Therefore, a variance is required for four dwelling units, of the 44 total dwelling units.

PROCEDURAL BACKGROUND:

1. The Project is exempt from the California Environmental Quality Act ("CEQA") as a Class 32 categorical exemption.
2. The Zoning Administrator held a public hearing on **Variance Application No. 2014-000609VAR** on April 7, 2016.
3. On April 7, 2016, the Planning Commission held a public hearing on Case No. 2014-00609CUA and granted a Conditional Use Authorization for the subject project (Motion No. 19612).
4. Neighborhood notification pursuant to Planning Code Section 311 was performed as part of the notice for the hearing on the Conditional Use Authorization.

DECISION:

GRANTED, in general conformity with the plans on file with this application, shown as EXHIBIT A, to allow Rear Yard and Exposure Variances as part of the Project proposing to merge two lots and construct a new seven-story, 65-foot tall building with 44 residential units and 48 underground parking spaces, up to 88 (86 Class 1 and 2 Class 2) bicycle parking spaces, and 2,538 square foot rear yard located in the southeastern corner of the lot, with additional open space provided at the front courtyard, roof decks and terraces, subject to the following conditions:

1. Any future physical expansion, even in the buildable area, shall be reviewed by the Zoning Administrator to determine if the expansion is compatible with existing neighborhood character and scale. If the Zoning Administrator determines that there would be a significant or extraordinary impact, the Zoning Administrator shall require either notice to adjacent and/or affected property owners or a new Variance application be sought and justified.
2. The proposed project must meet these conditions and all applicable City Codes. In case of conflict, the more restrictive controls apply.
3. Minor modifications as determined by the Zoning Administrator may be permitted.
4. The owner of the subject property shall record on the land records of the City and County of San Francisco the conditions attached to this Variance decision as a Notice of Special Restrictions in a form approved by the Zoning Administrator.
5. This Variance Decision and the recorded Notice of Special Restrictions shall be reproduced on the Index Sheet of the construction plans submitted with the Site or Building Permit Application for the Project. This Index Sheet of the construction plans shall reference the Variance Case Number.

FINDINGS:

Section 305(c) of the Planning Code states that in order to grant a variance, the Zoning Administrator must determine that the facts of the case are sufficient to establish the following five findings:

FINDING 1.

That there are exceptional or extraordinary circumstances applying to the property involved or to the intended use of the property that do not apply generally to other properties or uses in the same class of district.

Requirement Met.

- A. **Rear Yard:** The Property is exceptional in that it contains frontages on both California and Powell Streets and is steeply sloped. Due to its configuration, a Code-compliant rear yard would result in open space facing directly onto Powell Street, which would not conform to the urban design objectives of the General Plan, and would create a shaded canyon-like rear yard, which would not meet the intent of rear yard open space. There is no clear pattern of mid-block open space that such a rear yard could contribute to, which is the intended purpose of rear yard requirement, if a code-compliant rear yard were provided.
- B. **Exposure:** Although the Project fronts on two streets, due to the lot shape and depth, the Project faces uniquely challenging design parameters for dwelling unit exposure purposes as some units cannot face directly onto California Street or Powell Street. Nevertheless, only four of the 44 dwelling units do not meet the requirements of Section 140. The four dwelling units all face onto the 2,538 square foot corner rear yard. In addition, three of the four units have private terraces.

FINDING 2.

That owing to such exceptional and extraordinary circumstances the literal enforcement of specified provisions of this Code would result in a practical difficulty or unnecessary hardship not created by or attributed to the applicant or the owner of the property.

Requirement Met.

- A. **Rear Yard:** The literal enforcement of the Planning Code requirements would result in a rear yard that is situated, in part, along either the California Street or Powell Street frontages of the Property. This configuration would disrupt the continuity of the street wall along one of the streets and would eliminate or make smaller dwelling units. Additionally, no clear pattern of mid-block open space exists on the block; accordingly, the rear yard would not disrupt any existing patterns.
- B. **Exposure:** The four dwelling units face onto a spacious open area, meeting the intent of Section 140. In addition, common open space is provided at the roof deck and front courtyard. Literal enforcement of the dwelling unit exposure requirement would require a Code-compliant rear yard, which would provide inferior open space for residents.

FINDING 3.

That such variance is necessary for preservation and enjoyment of a substantial property right of the subject property, possessed by other properties in the same class of district.

Requirement Met.

- A. **Rear Yard:** There is no cohesive mid-block open space pattern. The Project's neighbors generally enjoy the substantial property right of being constructed to the lot line with little or no rear yard. Siting the rear yard at the southeastern corner of the Project Site improves the mid-block open space pattern, provides useable open space for residents, and meets urban design objectives.
- B. **Exposure:** The Project site is located within a block setting which is a dense residential area with multi-family buildings often built to full lot coverage, with no rear yards. Given the configuration of the Property, a Code-complaint yard meeting exposure requirements would result in an inferior project. Therefore, a variance for exposure four dwelling units is necessary to preserve a substantial property right of the owner. These units face onto a spacious open space, which otherwise does not meet the dimensional requirements for open space in Section 140 of the Planning Code. Additional common open space is provided throughout the Project.

FINDING 4.

That the granting of such variance will not be materially detrimental to the public welfare or materially injurious to the property or improvements in the vicinity.

Requirement Met.

- A. Granting the variance would improve the livability of the subject property and would not be materially detrimental to the public welfare or materially injurious to the neighboring properties. The proposal is consistent with existing pattern of development at the street, and improves the pattern of midblock open space, where there currently is not a pattern.
- B. The Planning Department received five letters in support of the project from neighborhood groups and members of the public. In addition, a list of supporters from a community meeting held on March 23, 2016 was included in the Project Sponsor submittal.

FINDING 5.

The granting of such variance will be in harmony with the general purpose and intent of this Code and will not adversely affect the General Plan.

Requirement Met.

- A. This development is consistent with the generally stated intent and purpose of the Planning Code to promote orderly and beneficial development. Planning Code Section 101.1 establishes eight priority-planning policies and requires review of variance applications for consistency with said policies. The project meets all relevant policies, including conserving neighborhood character, and maintaining housing stock.
 - 1. Existing neighborhood retail uses will not be adversely affected by the proposed project. By creating an additional 44 dwelling units, many of which are family-sized units, the Project may increase the demand for retail services in the area, which could enhance existing retail uses and future opportunities for local employment and ownership of businesses.
 - 2. The proposed project will be in keeping with the existing housing and neighborhood character. The Project site currently contains a surface parking lot and parking garage. The

Project will increase existing housing, and is designed to respect the character of Nob Hill and beautify the area with streetscape improvements and landscaped open space at the corner of Powell Street and California Street.

3. The Project will contribute to the City's supply of affordable housing pursuant to Section 415 of the Planning Code by paying the affordable housing fee. There is currently no housing on the Site. Therefore, no affordable housing will be lost as part of the Project.
4. The project will not impede MUNI transit service or overburden streets or neighborhood parking. The Project will replace the current 64 spaces in the garage and 16 spaces in the surface lot with 48 parking spaces that will be accessed much less frequently than the current spaces used by daily parkers. The Project will also eliminate two large curb cuts on California Street and replace them with a smaller curb cut at the location of one of the current curb cuts. Residents are expected to make the majority of daily commutes by foot, bicycle or public transportation. In contrast, the current users of the parking garage and lot are short-term or daily customers who create significantly more conflicts with other vehicles, the cable car, pedestrians and bicyclists.
5. The project will have no effect on the City's industrial and service sectors.
6. The building will be constructed in compliance with all current Building Code requirements to ensure a high level of seismic safety.
7. The project will have no effect on the City's landmarks or historic buildings. The Project underwent a historic resource evaluation, which determined that the parking garage on the property is not a historic resource.
8. The project would not cast any new, net shadow upon any existing or planned public parks or open spaces.

The effective date of this decision shall be either the date of this decision letter if not appealed or the date of the Notice of Decision and Order if appealed to the Board of Appeals.

Once any portion of the granted variance is utilized, all specifications and conditions of the variance authorization became immediately operative.

The authorization and rights vested by virtue of this decision letter shall be deemed void and cancelled if (1) a Building Permit has not been issued within three years from the effective date of this decision; or (2) a Tentative Map has not been approved within three years from the effective date of this decision for Subdivision cases; or (3) neither a Building Permit or Tentative Map is involved but another required City action has not been approved within three years from the effective date of this decision. However, this authorization may be extended by the Zoning Administrator when the issuance of a necessary Building Permit or approval of a Tentative Map or other City action is delayed by a City agency or by appeal of the issuance of such a permit or map or other City action.

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.

APPEAL: Any aggrieved person may appeal this variance decision to the Board of Appeals within ten (10) days after the date of the issuance of this Variance Decision. For further information, please contact the Board of Appeals in person at 1650 Mission Street, 3rd Floor (Room 304) or call 575-6880.

Very truly yours,



Scott F. Sanchez
Zoning Administrator

THIS IS NOT A PERMIT TO COMMENCE ANY WORK OR CHANGE OCCUPANCY. PERMITS FROM APPROPRIATE DEPARTMENTS MUST BE SECURED BEFORE WORK IS STARTED OR OCCUPANCY IS CHANGED.

REUBEN, JUNIUS & ROSE, LLP

May 6, 2016

By Messenger

City and County Surveyor
Department of Public Works
Bureau of Street-Use and Mapping
1155 Market Street, 3rd Floor
San Francisco, CA 94103

**Re: Vesting Tentative Map Application
New Construction Condominium Application
770 Powell Street and 875 California Street
Block/Lot #s: 0256/016 and 017
Our File No.: 7849.03**

Dear Sir:

In compliance with Chapters 3 and 4.5 of the California Subdivision Map Act, Section 1333.2 of the San Francisco Subdivision Code, the San Francisco Subdivision Regulations, and all amendments thereto, the undersigned agent hereby submits to you for your review and processing an application for a Vesting Tentative Map for a new construction condominium project, together with the New Construction Condominium Application and Checklist and all applicable items, documents and data. This is an application for a development permit under Permit Streamlining Act, California Government Code Section 65920 et seq. Included in the submittal are two checks in the amounts of \$11,838.00 and \$250.00 made payable to the Department of Public Works in payment of the application and processing fees.

Please contact me should you have any questions.

Very truly yours,

REUBEN, JUNIUS & ROSE, LLP



Louis J. Sarmiento

Enclosures

James A. Reuben | Andrew J. Junius | Kevin H. Rose | Daniel A. Frattin | John Kevlin
Jay F. Drake | Lindsay M. Petrone | Sheryl Reuben¹ | Tuija I. Catalano | Thomas Tunny
David Silverman | Melinda A. Sarjapur | Mark H. Loper | Jody Knight | Stephanie L. Haughey
Chloe V. Angelis | Louis J. Sarmiento | Jared Eigerman^{2,3} | John McInerney III²

1. Also admitted in New York 2. Of Counsel 3. Also admitted in Massachusetts

One Bush Street, Suite 600
San Francisco, CA 94104

tel: 415-567-9000
fax: 415-399-9480

www.reubenlaw.com

(Required for all New Construction Condominium Applications)

D. APPLICATION

Property Address: 770 Powell Street and 875 California Street

For DPW-BSM use only ID No.: _____

Assessor's Block: 0256 Lot Number(s): 016 and 017

Owner: 875 California II, LLC, a Delaware limited liability company	
Name:	c/o Grosvenor Americas Attn: Amelia Staveley
Address:	One California Street, Suite 2500, San Francisco, CA 94111
Phone:	(415) 268-4068 E-mail: -----
Person to be contacted concerning this project (If different from owner)	
Name:	Reuben, Junius & Rose, LLP Attn: Jay F. Drake
Address:	One Bush Street, Suite 600, San Francisco, CA 94104
Phone:	(415) 567-9000 E-mail: jdrake@reubenlaw.com
Firm or agent preparing the subdivision map:	
Name:	Martin M. Ron Associates, Inc. Attn: David Ron
Address:	859 Harrison Street, Suite 200, San Francisco, CA 94107
Phone:	(415) 543-4500 E-mail: david@martinron.com
Subdivider: (If different from owner)	
Name:	
Address:	

Number of Units in Project: 44

This subdivision creates an airspace: No Yes (shown on Tentative Map)
 This subdivision creates an addition to an existing building No Yes (shown on Tentative Map)

Check only one of the following options:

	Indicate project type
Residential Only	<input checked="" type="checkbox"/>
Mixed-Use	<input type="checkbox"/> If checked, Number of residential unit(s): ___ Number of commercial unit(s): ___

**STATE OF CALIFORNIA
CITY AND COUNTY OF SAN FRANCISCO**

I (We) Louis J. Sarmiento, Attorney and Agent for Subdivider
 (Print Subdivider's Name in full)

declare, under penalty of perjury, that I am (we are) the owner(s) [authorized agent of the owner(s)] of the property that is the subject of this application, that the statements herein and in the attached exhibits present the information required for this application, and the information presented is true and correct to the best of my (our) knowledge and belief.

Date: 5/6/16 Signed: *Louis Sarmiento*

Date: _____ Signed: _____

E. NEW CONSTRUCTION CONDOMINIUM APPLICATION CHECKLIST

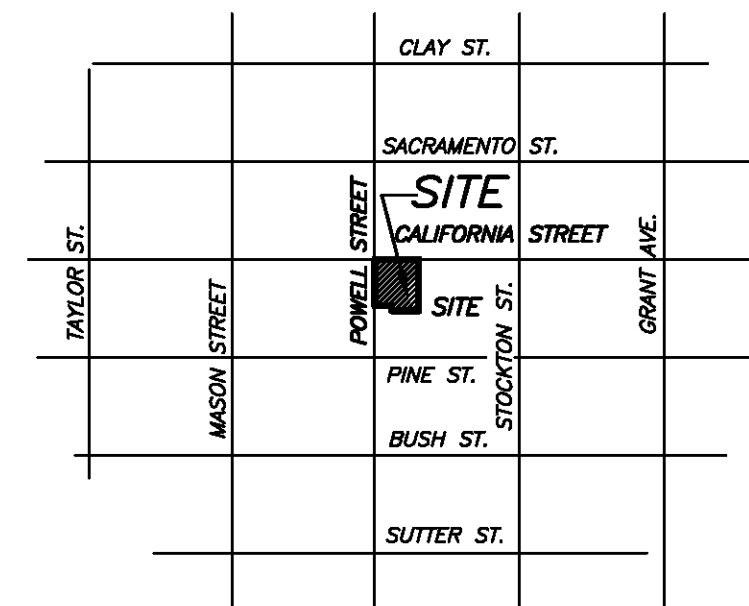
Check the following items enclosed where applicable:

Submitted per guidelines and in this order?		Official Use Only DPW	No.	Item Description and Order	Total of copies	Which and how many of total required items are needed for each agency?			Form No. (where applicable)
Yes	No					DPW	DCP	DBI	
<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	1.	Four (4) copies of Tentative Parcel Map [DPW copies: 3-BSM Mapping Section; 1-City Planning One additional copy will be required if project falls within the jurisdiction of SFRA (See Page 7).]	4	3	1	1*	
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	2.	Six (6) copies of Tentative Final Map [DPW copies: 5-BSM Mapping Section; 1-City Planning One additional copy will be required if project falls within the jurisdiction of SFRA (See Page 7).]	6	5	1	1*	
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	3.	Subdivision Fee (\$11,838.00) and \$250.00	1				
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	4.	Preliminary Title Report (dated within 3 months)	2	1	1		
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	5.	Grant Deeds and any other recorded documents for: <input checked="" type="checkbox"/> Subject Site and <input checked="" type="checkbox"/> Adjoiners	1	1			
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	6.	Previous Land Use.	2	1	1		Form No. 1
<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	6a.	Permit numbers for any approved building permits	2	1	1		Form No. 1
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	7.	Owner's Release of Interest in Common Areas [Sec. 1323 (6)]	2	1	1		Form No. 2
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	8.	Neighborhood notification packet for Tentative Map decision.	1	1			
				<input checked="" type="checkbox"/> 300-Foot Radius Map					
				<input checked="" type="checkbox"/> Address List					
				<input checked="" type="checkbox"/> Envelopes					
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	9.	Photographs of subject property, as follows: [Public Works Code Sec. 723.2 & Planning Code] <input checked="" type="checkbox"/> Front photo from the street looking at the property, including sidewalk without obstructions <input checked="" type="checkbox"/> Photo from left side showing property line and sidewalk fronting subject site <input checked="" type="checkbox"/> Photo from right side showing property line and sidewalk fronting subject site <input checked="" type="checkbox"/> Photo of rear of property	3	2	1		
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	10.	Proposition "M" Findings demonstrating consistency with Eight Priority General Plan Policies [Planning Code Sec. 101.1(b)]	2	1	1		Form No. 3
<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	11.	Review by Department of Building Inspection, if required, See Page 8.	1			1	Form No. 4
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	12.	Provide proposed sales prices for Below Market Rate (BMR) units (Form No. 1)	1	1			Form No. 1
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	13.	A copy of the signed Planning Dept. or Planning Commission motion approving the project	1	1			
<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	14.	Provide copies of any Notices of Special Restrictions associated with this site.	1	1			
<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	15.	3R report <u>required</u> for existing dwelling units-See Page 8 for details.	1	1			
<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	16.	Copy of Building Permits-See Page 8 for details.	1	1			

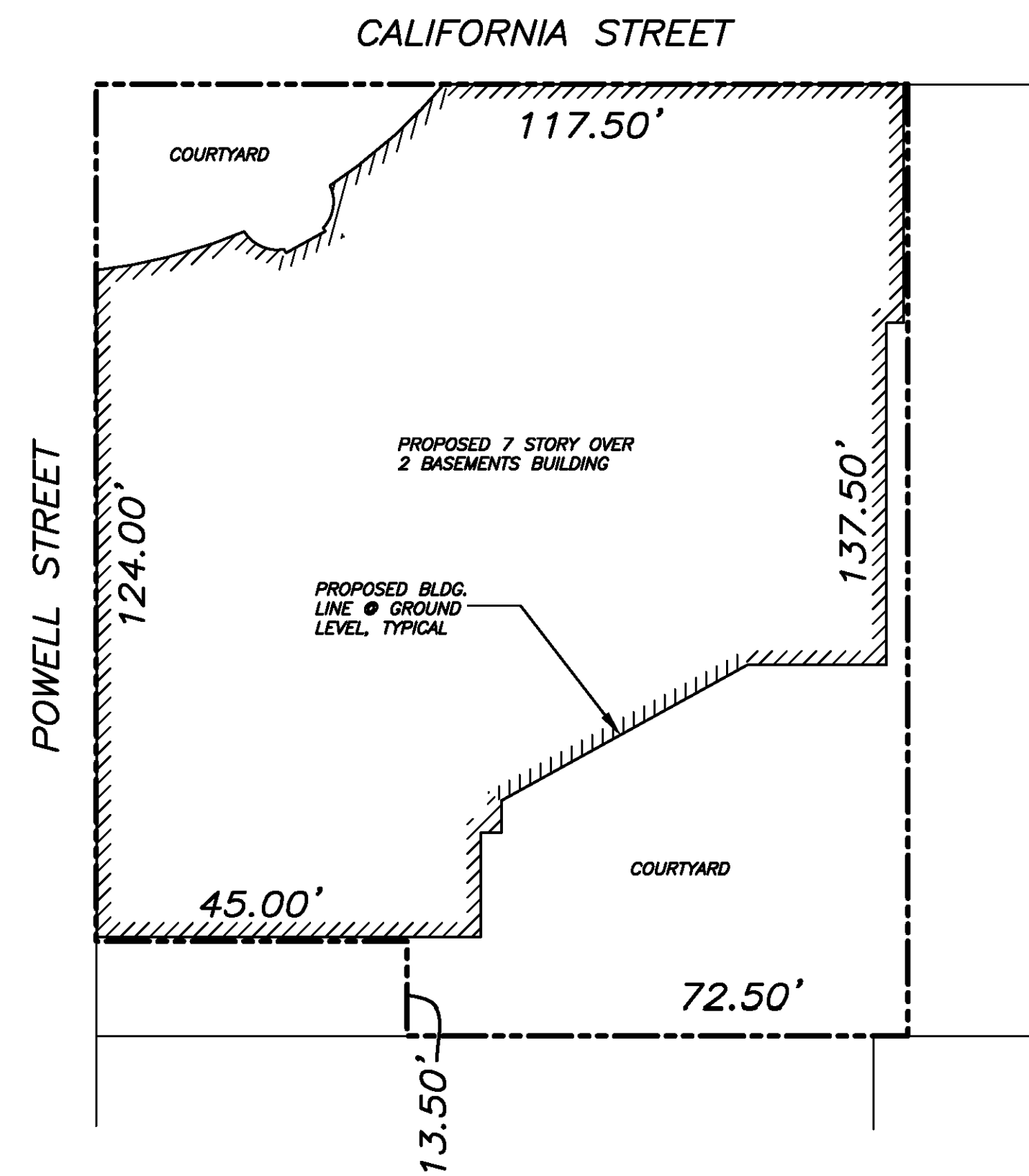
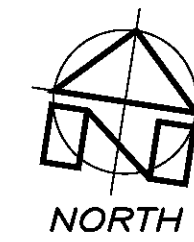
*** ADDITIONAL COPY TO DBI – SEE REQUIREMENTS PAGE 8, ITEM 11**

LEGEND

CLR. CLEAR OF PROPERTY LINE	(STM) STEAM MANHOLE	BG BUMPER GUARD
OV. OVER PROPERTY LINE	WV WATER VALVE	OHG OVERHEAD GUY WIRE
BLDG. BUILDING	(T) TELEPHONE MANHOLE	(U) UNKNOWN MANHOLE
CONC. CONCRETE	UO UNKNOWN COVER	(G) GAS METER
AC ASPHALT	LOW PRESSURE FIRE HYDRANT	ABANDONED SIGN
CW CONCRETE WALL	HIGH PRESSURE FIRE HYDRANT	STREET LIGHT PULLBOX
CS CONCRETE STEP	(E) ELECTRIC PULLBOX	COVER MARKED "GROUND"
BRK.W BRICK WALL	SEWER VENT	E ELECTRIC LINE
HR HANDICAP RAMP	GUARD POST	G GAS LINE
P.A. PLANTED AREA	WATER METER	HPG HIGH PRESSURE GAS LINE
R/W RIGHT OF WAY	(B) TREE PIT W/TREE	S SEWER LINE
F.O.B. POINT OF BEGINNING	(E) ELECTRIC MANHOLE	S(A) ABANDONED SEWER LINE
(P) PARCEL DIMENSION	HVE HIGH VOLTAGE ELECTRIC VAULT COVER	STM STEAM LINE (PER 1984 RECORDS)
TC TOP OF CURB	(E) ELECTRIC PULLBOX	SL STREET LIGHT LINE
FL FLOW LINE	(T) TELEPHONE PULLBOX	T TELEPHONE LINE
BW BACK OF WALK	NP NO PARKING SIGN	TV TELEVISION LINE
INV. INVERT	LP LIGHT POLE/W ABANDONED SIGN, 16"± HIGH	TS TRAFFIC SIGNAL LINE
FF FINISH FLOOR	(A) CATCH BASIN	W WATER LINE
GB GRADE BREAK	ELECTRODER & TRAFFIC SIGNAL	HPW HIGH PRESSURE WATER LINE
TW TOP OF WALL	(A) CATCH BASIN	[P] PIPE
CLF CHAIN LINK FENCE	(CB) CATCH BASIN	[D] DUCT
T.STEP TOP OF STEP @ WALL	TRAFFIC SIGNAL	////// BUILDING LINE
WD.S WOOD STEPS		----- PROPERTY LINE
BK.S BRICK STEPS		
RP ROOF PARAPET		
RC ROOF CORNICE		
EL ELEVATION		
T.BEAM TOP OF WOOD BEAM		
W1 WINDOW DESIGNATION		
D1 DOOR DESIGNATION		
(TS) TRAFFIC SIGNAL PULLBOX		
(TSCB) TRAFFIC SIGNAL CONTROL BOX		
R RISER		
GV GAS VALVE		
MUNI MUNI SIGN		
TS TRAFFIC SIGN		
HPW HIGH PRESSURE WATER VALVE		
S SEWER MANHOLE		



VICINITY MAP
NO SCALE



LOCATION MAP
SCALE: 1"=20'

SHEET INDEX	
SHEET NO.	SHEET TITLE
1	COVER SHEET
2	EXISTING SITE CONDITIONS
3	PROPOSED PARCELIZATION
4	PROPOSED PARKING PLAN
5	PROPOSED SITE PLAN
6	PROPOSED UTILITY PLAN
7	PROPOSED GRADING PLAN
8	CONSTRUCTION DETAILS

PROJECT DATA

STREET ADDRESS: 875 CALIFORNIA STREET
 ASSESSOR'S PARCEL NUMBERS: APN 0256-016 & 0256-017
 OWNER/SUBDIVIDER: 875 CALIFORNIA II, LLC, A DELAWARE LIMITED LIABILITY COMPANY
 ONE CALIFORNIA STREET, SUITE 2500
 SAN FRANCISCO, CA 94111
 (415) 434-0175
 CONTACT: AMELIA STAVELEY

EXISTING LAND USE: 2 STORY PARKING GARAGE AND SURFACE PARKING LOT WITHIN THE RM-4 (RESIDENTIAL MIXED HIGH DENSITY) DISTRICT AND NOB HILL SPECIAL USE DISTRICT.
 PROPOSED LAND USE: 7 STORY OVER 2 BASEMENT LEVEL RESIDENTIAL BUILDING WITHIN THE RM-4 (RESIDENTIAL MIXED HIGH DENSITY) DISTRICT AND NOB HILL SPECIAL USE DISTRICT.
 PROJECT AREA: 15,549± SQ.FT. OR 0.36± ACRES
 UTILITY PROVIDERS:
 SEWER/STORM: SFPUC
 525 GOLDEN GATE AVENUE
 SAN FRANCISCO, CA, 94102
 (415) 551-3000
 WATER: SFPUC
 525 GOLDEN GATE AVENUE
 SAN FRANCISCO, CA, 94102
 (415) 551-3000
 POWER AND GAS: PACIFIC GAS AND ELECTRIC
 863 CLAY STREET
 SAN FRANCISCO, CA, 94108
 (415) 695-3477
 TELEPHONE/CABLE: AT&T
 3475 "B" NORTH FIRST
 SAN JOSE, CA, 95134
 (408) 493-7104
 FIRE PROTECTION: CITY OF SAN FRANCISCO
 698 SECOND STREET
 SAN FRANCISCO, CA, 94107
 (415) 558-6361

BASIS OF SURVEY

CITY OF SAN FRANCISCO MONUMENT MAP NO. 7 ON FILE IN THE OFFICE OF THE CITY AND COUNTY SURVEYOR.

BENCHMARK

LETTER "D" IN OPEN AT TOP OF HIGH PRESSURE FIRE HYDRANT AT THE SOUTHWEST CORNER OF CALIFORNIA AND POWELL STREETS. ELEVATION = 231.11 FEET, HISTORIC SAN FRANCISCO CITY DATUM.

NOTE

THIS APPLICATION FOR A VESTING TENTATIVE MAP IS SUBMITTED PURSUANT TO SAN FRANCISCO SUBDIVISION CODE SECTION 1333.2, AND THE SUBDIVISION MAP ACT (GOVERNMENT CODE SECTIONS 66410-66499.38).

ENGINEER

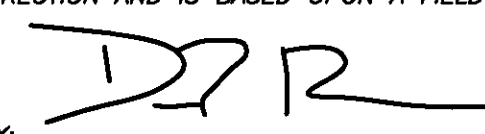
LANGAN TREADWELL ROLLO
 555 MONTGOMERY STREET, SUITE 1300
 SAN FRANCISCO, CA 94111
 (415) 955-5200
 CONTACT: KATIE REGINA

ARCHITECT

BDE ARCHITECTURE
 950 HOWARD STREET
 SAN FRANCISCO, CA 94103
 (415) 877-0966
 CONTACT: BRENNIA WILLIAMS

SURVEYOR'S STATEMENT

THIS MAP WAS PREPARED BY ME OR UNDER MY DIRECTION AND IS BASED UPON A FIELD SURVEY.

By:  DATE: 5/9/2016
 DAVID B. RON
 PLS NO. 8954
 MARTIN M. RON ASSOCIATES, INC.
 (415) 543-4500



**VESTING TENTATIVE
 FINAL MAP
 FOR CONDOMINIUM PURPOSES**

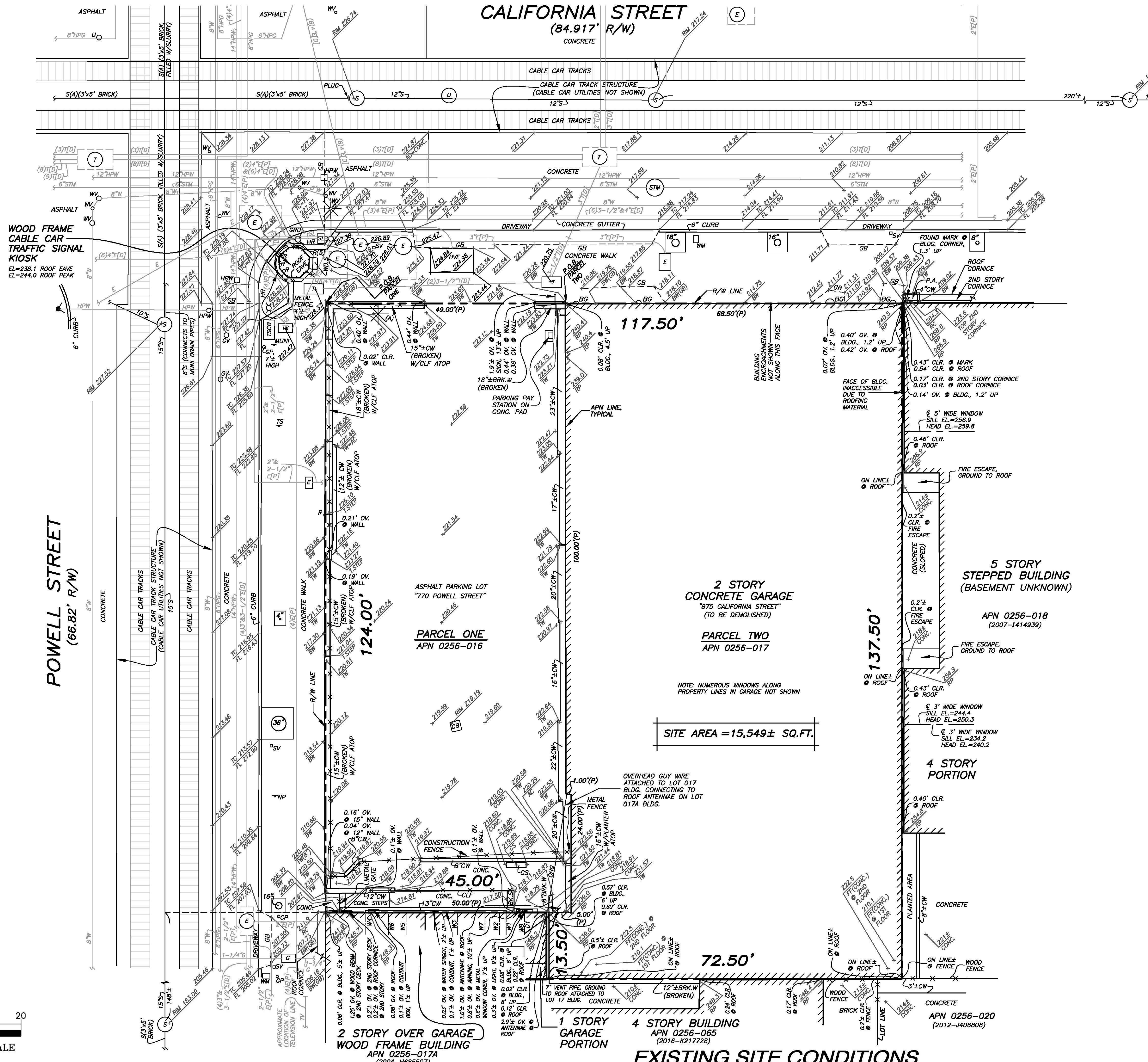
A 44 RESIDENTIAL UNIT CONDOMINIUM PROJECT, BEING A SUBDIVISION OF THE LANDS DESCRIBED IN THAT CERTAIN GRANT DEED RECORDED SEPTEMBER 9, 2014, DOCUMENT NO. 2014-J947407, OFFICIAL RECORDS.

BEING A PORTION OF 50 VARA BLOCK 139
 CITY AND COUNTY OF SAN FRANCISCO, STATE OF CALIFORNIA

MARTIN M. RON ASSOCIATES, INC.
 Land Surveyors
 859 Harrison Street, Suite 200
 San Francisco California



CALIFORNIA STREET (84.917' R/W)



LEGAL DESCRIPTION
ALL THAT REAL PROPERTY SITUATED IN THE CITY AND COUNTY OF SAN FRANCISCO, STATE OF CALIFORNIA, DESCRIBED AS FOLLOWS:

PARCEL ONE
BEGINNING AT A POINT OF INTERSECTION OF THE SOUTHERLY LINE OF CALIFORNIA STREET WITH THE EASTERLY LINE OF POWELL STREET, RUNNING THENCE EASTERLY ALONG SAID LINE OF CALIFORNIA STREET, 49 FEET; THENCE AT A RIGHT ANGLE SOUTHERLY 100 FEET; THENCE AT A RIGHT ANGLE EASTERLY 1 FOOT; THENCE AT A RIGHT ANGLE SOUTHERLY 24 FEET; THENCE AT A RIGHT ANGLE WESTERLY 50 FEET TO THE EASTERLY LINE OF POWELL STREET; THENCE AT A RIGHT ANGLE NORTHERLY, ALONG SAID LINE OF POWELL STREET, 124 FEET TO THE POINT OF BEGINNING.
BEING A PORTION OF 50 VARA BLOCK NO. 139.

PARCEL TWO
COMMENCING AT A POINT ON THE SOUTHERLY LINE OF CALIFORNIA STREET, DISTANT THEREON 49 FEET EASTERLY FROM THE EASTERLY LINE OF POWELL STREET, RUNNING THENCE EASTERLY ALONG SAID LINE OF CALIFORNIA STREET 88 FEET, 6 INCHES; THENCE AT A RIGHT ANGLE SOUTHERLY 137 FEET, 6 INCHES; THENCE AT A RIGHT ANGLE WESTERLY 72 FEET, 6 INCHES; THENCE AT A RIGHT ANGLE NORTHERLY 13 FEET, 6 INCHES; THENCE AT A RIGHT ANGLE EASTERLY 5 FEET; THENCE AT A RIGHT ANGLE NORTHERLY 24 FEET; THENCE AT A RIGHT ANGLE WESTERLY 1 FOOT; THENCE AT A RIGHT ANGLE NORTHERLY 100 FEET TO THE POINT OF COMMENCEMENT.
BEING A PART OF VARA BLOCK NO. 139.

SURVEY REFERENCE
CHICAGO TITLE INSURANCE COMPANY PRELIMINARY REPORT NO. FWPN-1016000254-JM DATED FEBRUARY 9, 2016.

THE FOLLOWING ARE PERTINENT EXCEPTIONS TO TITLE WITHIN THE ABOVE REFERENCED PRELIMINARY REPORT:

- "NOTICE OF SPECIAL RESTRICTIONS UNDER THE PLANNING CODE" RECORDED AUGUST 11, 2004, DOCUMENT NO. 2004-11784781, OFFICIAL RECORDS.
- "NOTICE OF SPECIAL RESTRICTIONS UNDER THE PLANNING CODE" RECORDED JUNE 25, 2014, DOCUMENT NO. 2014-1901089, OFFICIAL RECORDS.
- "NOTICE OF SPECIAL RESTRICTIONS UNDER THE PLANNING CODE" RECORDED JUNE 25, 2014, DOCUMENT NO. 2014-1901088, OFFICIAL RECORDS.

GENERAL NOTES

- DETAILS NEAR PROPERTY LINES MAY NOT BE TO SCALE.
- ALL PROPERTY LINE ANGLES ARE 90 DEGREES UNLESS NOTED OTHERWISE.
- DIMENSIONS ARE IN FEET AND DECIMALS THEREOF.

UTILITY NOTE
THE UTILITIES EXISTING ON THE SURFACE AND SHOWN ON THIS DRAWING HAVE BEEN LOCATED BY FIELD SURVEY. ALL UNDERGROUND UTILITIES SHOWN ON THIS DRAWING ARE FROM RECORDS OF THE VARIOUS UTILITY COMPANIES AND THE SURVEYOR DOES NOT ASSUME RESPONSIBILITY FOR THEIR COMPLETENESS, INDICATED LOCATION OR SIZE. RECORD UTILITY LOCATION SHOULD BE CONFIRMED BY EXPOSING THE UTILITY. DUE TO THE PROLIFERATION OF TELECOMMUNICATION COMPANIES, NOT ALL UNDERGROUND RECORDS ARE AVAILABLE. THEREFORE, THERE MAY BE TELECOMMUNICATION LINES NOT SHOWN HEREON.

DATE OF SURVEY: MARCH 23, 2015

SITE AREA = 15,549± SQ.FT.

VESTING TENTATIVE FINAL MAP FOR CONDOMINIUM PURPOSES

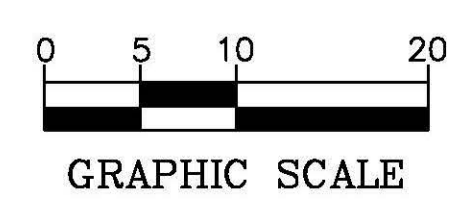
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BEING A PORTION OF 50 VARA BLOCK 139
CITY AND COUNTY OF SAN FRANCISCO, STATE OF CALIFORNIA

MARTIN M. RON ASSOCIATES, INC.
Land Surveyors
859 Harrison Street, Suite 200
San Francisco California

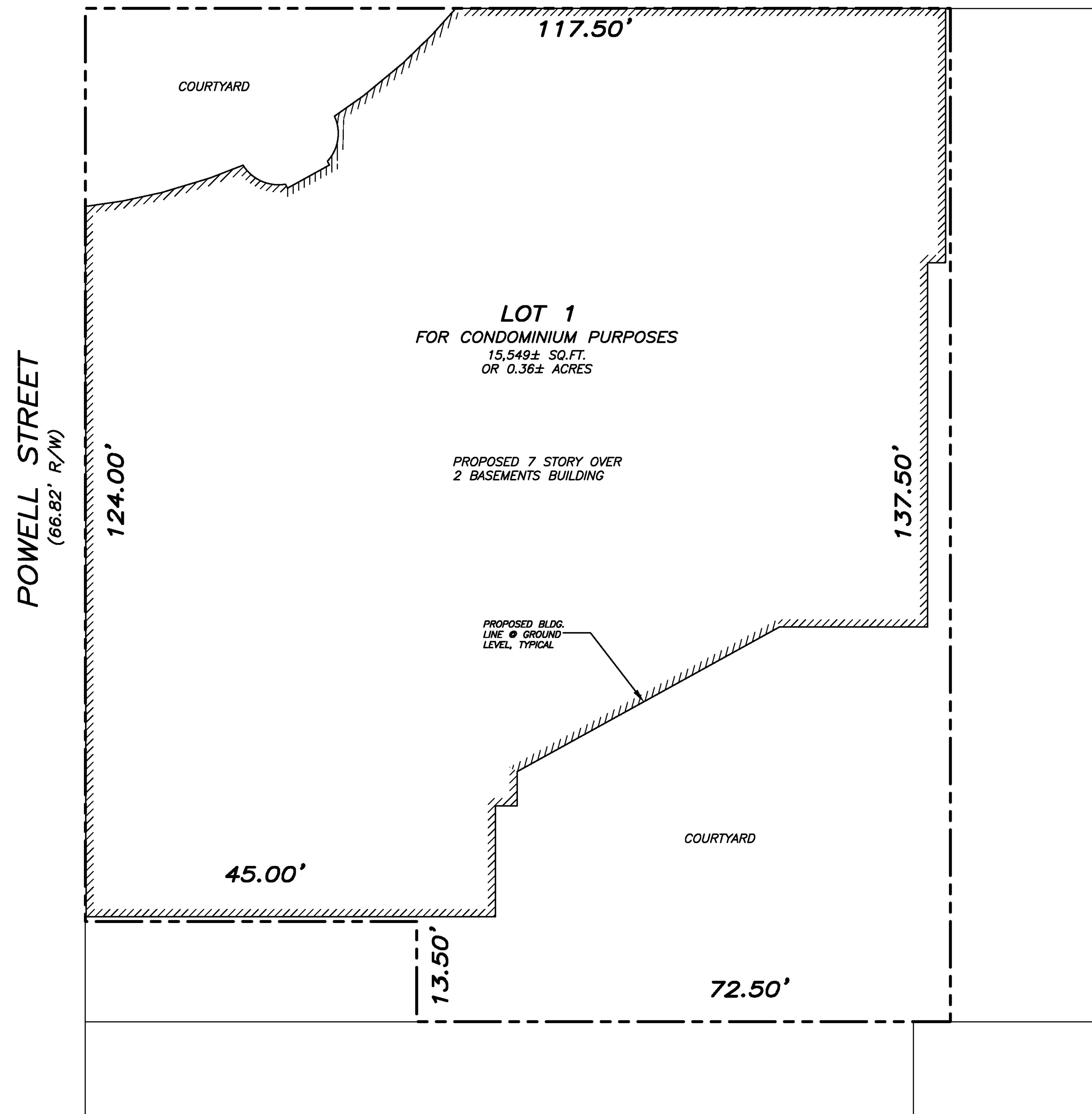
MAY 2016 SCALE: 1"=10' SHEET 2 OF 8

APNs: 0256-016 TO 017 875 CALIFORNIA STREET

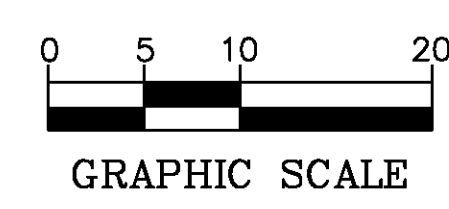




CALIFORNIA STREET
(84.917' R/W)



PROPOSED PARCELIZATION



**VESTING TENTATIVE
FINAL MAP
FOR CONDOMINIUM PURPOSES**

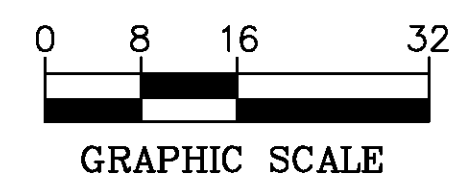
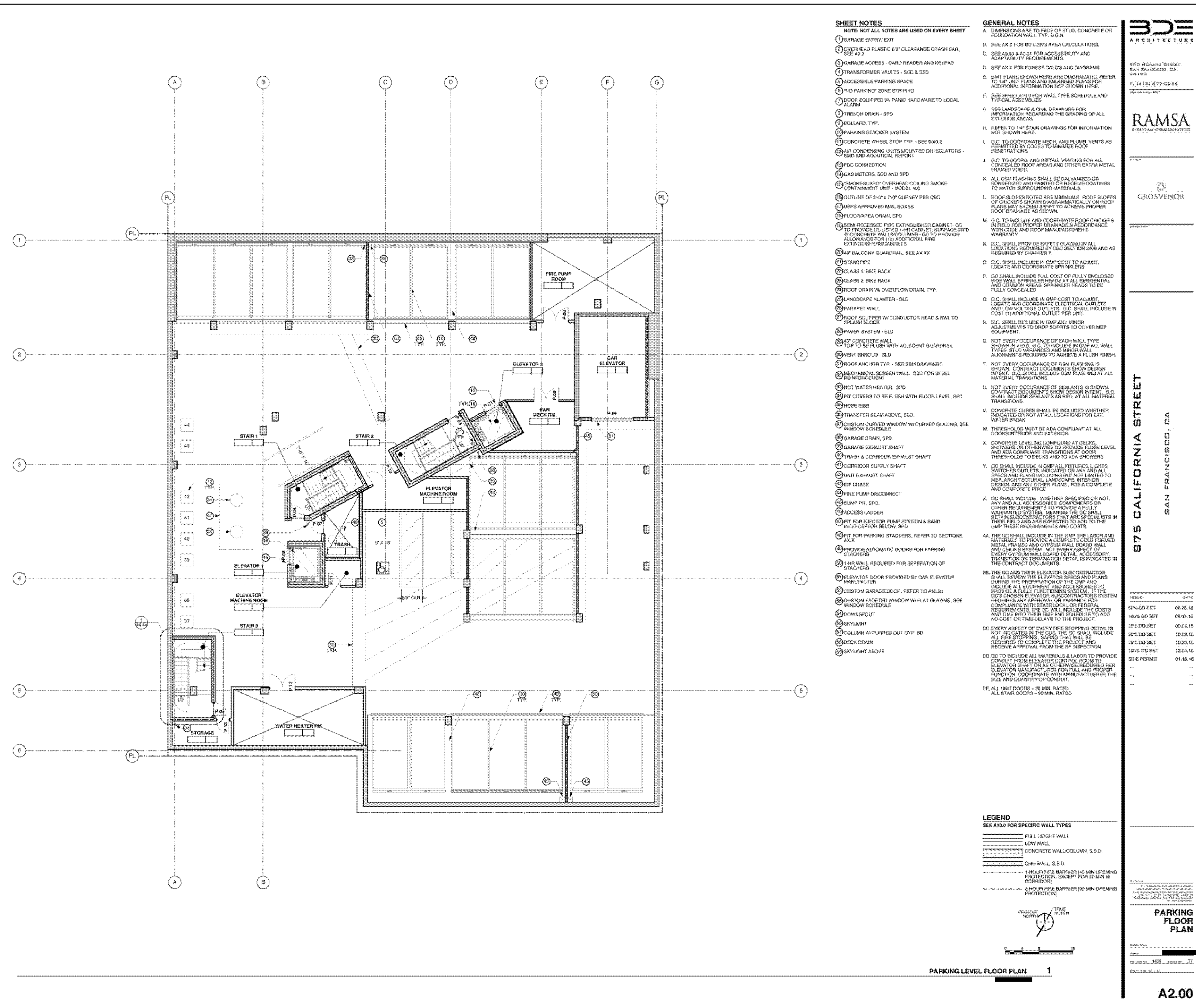
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NO. 2014-J947407, OFFICIAL RECORDS.

BEING A PORTION OF 50 VARA BLOCK 139
CITY AND COUNTY OF SAN FRANCISCO, STATE OF CALIFORNIA

MARTIN M. RON ASSOCIATES, INC.
Land Surveyors
859 Harrison Street, Suite 200
San Francisco California

MAY 2016 SCALE: 1"=10' SHEET 3 OF 8

APNs: 0256-016 TO 017 875 CALIFORNIA STREET



**PROPOSED PARKING PLAN
(UNBUNDLED PARKING)**

**VESTING TENTATIVE
FINAL MAP
FOR CONDOMINIUM PURPOSES**

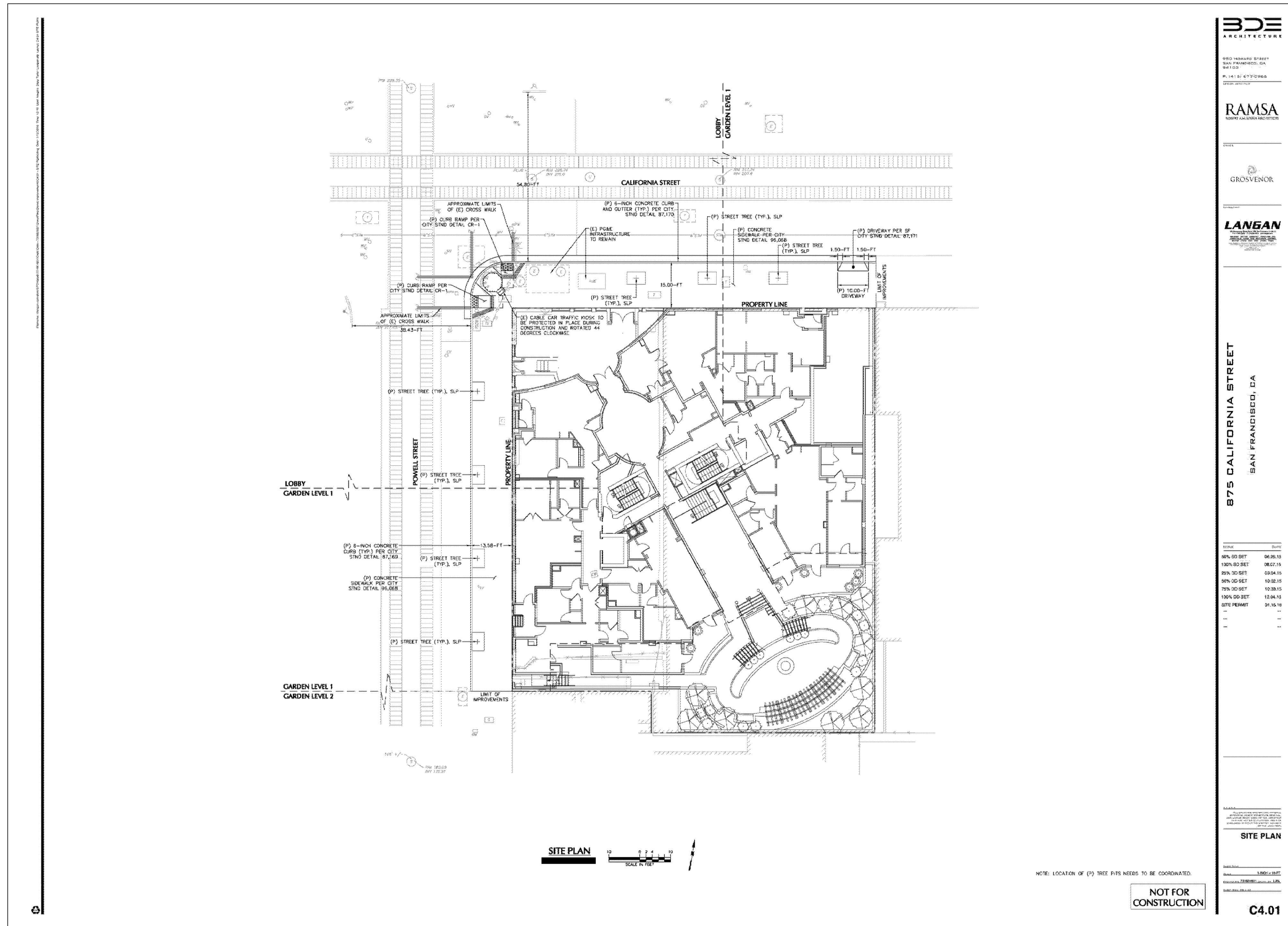
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SUBDIVISION OF THE LANDS DESCRIBED IN THAT CERTAIN
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NO. 2014-0947407, OFFICIAL RECORDS.

BEING A PORTION OF 50 VARA BLOCK 139
CITY AND COUNTY OF SAN FRANCISCO, STATE OF CALIFORNIA

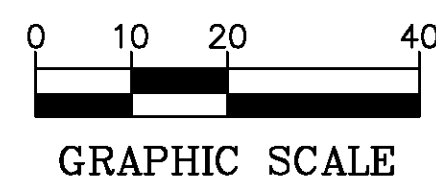
MARTIN M. RON ASSOCIATES, INC.
Land Surveyors
859 Harrison Street, Suite 200
San Francisco California

MAY 2016 SCALE: 1"=16' SHEET 4 OF 8

APNs: 0256-016 TO 017 875 CALIFORNIA STREET



PROPOSED SITE PLAN



**VESTING TENTATIVE
FINAL MAP
FOR CONDOMINIUM PURPOSES**

A 44 RESIDENTIAL UNIT CONDOMINIUM PROJECT, BEING A SUBDIVISION OF THE LANDS DESCRIBED IN THAT CERTAIN GRANT DEED RECORDED SEPTEMBER 9, 2014, DOCUMENT NO. 2014-J947407, OFFICIAL RECORDS.

BEING A PORTION OF 50 VARA BLOCK 139
CITY AND COUNTY OF SAN FRANCISCO, STATE OF CALIFORNIA

MARTIN M. RON ASSOCIATES, INC.
Land Surveyors
859 Harrison Street, Suite 200
San Francisco California

MAY 2016 SCALE: 1"=20' SHEET 5 OF 8

APNs: 0256-016 TO 017 875 CALIFORNIA STREET



BDE
ARCHITECTURE

850 HOWARD STREET
SAN FRANCISCO, CA
94102
P: 415 673 0266
WWW.BDEARCHITECT.COM

RAMSA
LAND SURVEYORS

GROSVENOR

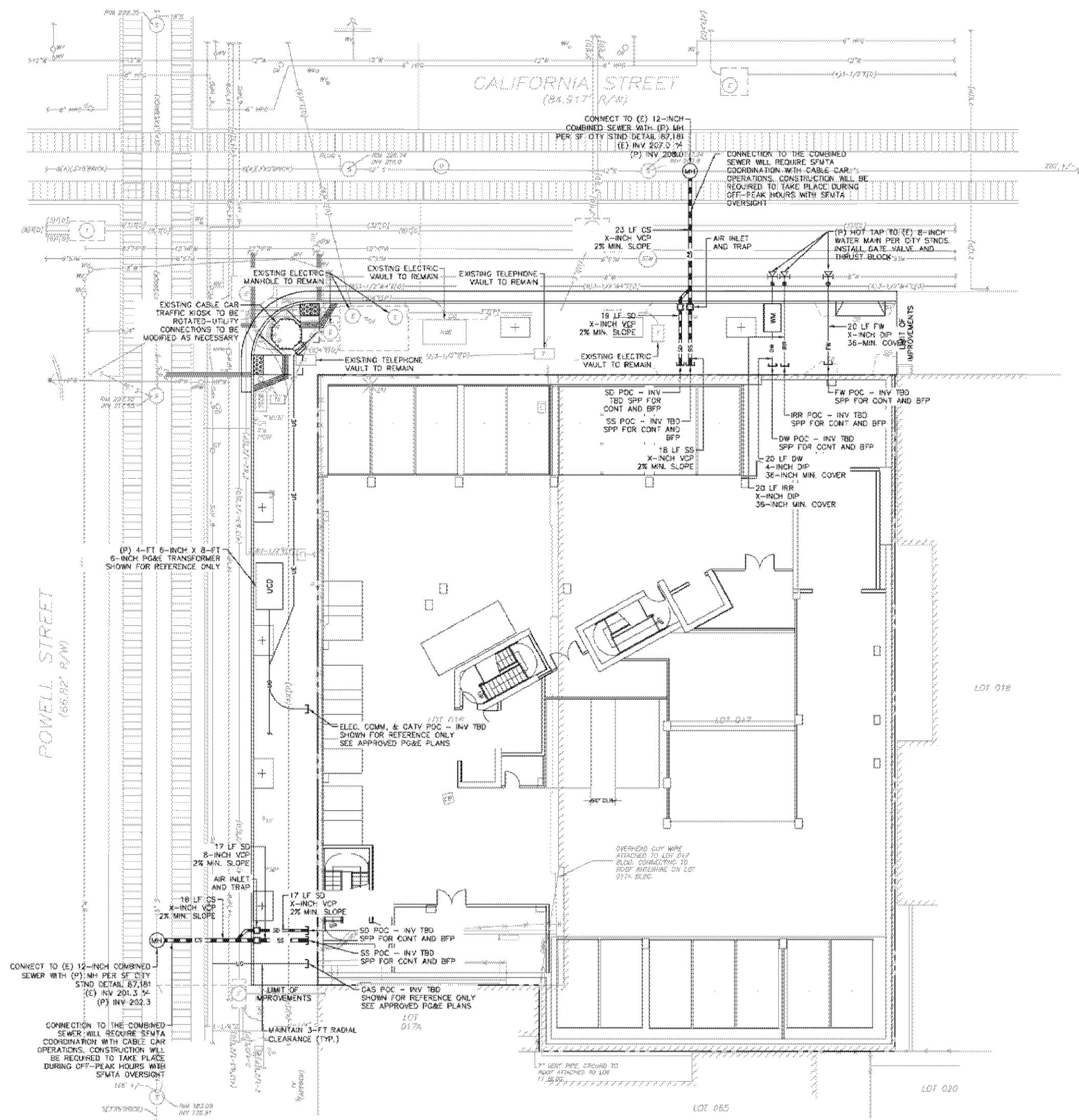
LANGAN
ENGINEERS

875 CALIFORNIA STREET
SAN FRANCISCO, CA

DATE	DESCRIPTION
06.26.16	44% SD SET
08.27.16	100% SD SET
09.04.16	20% CD SET
10.02.16	40% CD SET
10.20.16	70% CD SET
12.04.16	100% CD SET
01.14.16	SITE PERMIT

UTILITY PLAN

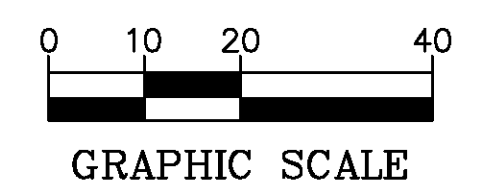
NOT FOR CONSTRUCTION
C6.01



UTILITY PLAN
SCALE: 1"=20'

NOTE: STREET LIGHTING TO BE DESIGNED BY OTHERS. STREET AND/OR PEDESTRIAN LIGHTING WILL BE REQUIRED TO MEET CURRENT CODE AND CONFORM WITH THE SFPLC STREET LIGHT CATALOG.

PROPOSED UTILITY PLAN



VESTING TENTATIVE FINAL MAP FOR CONDOMINIUM PURPOSES

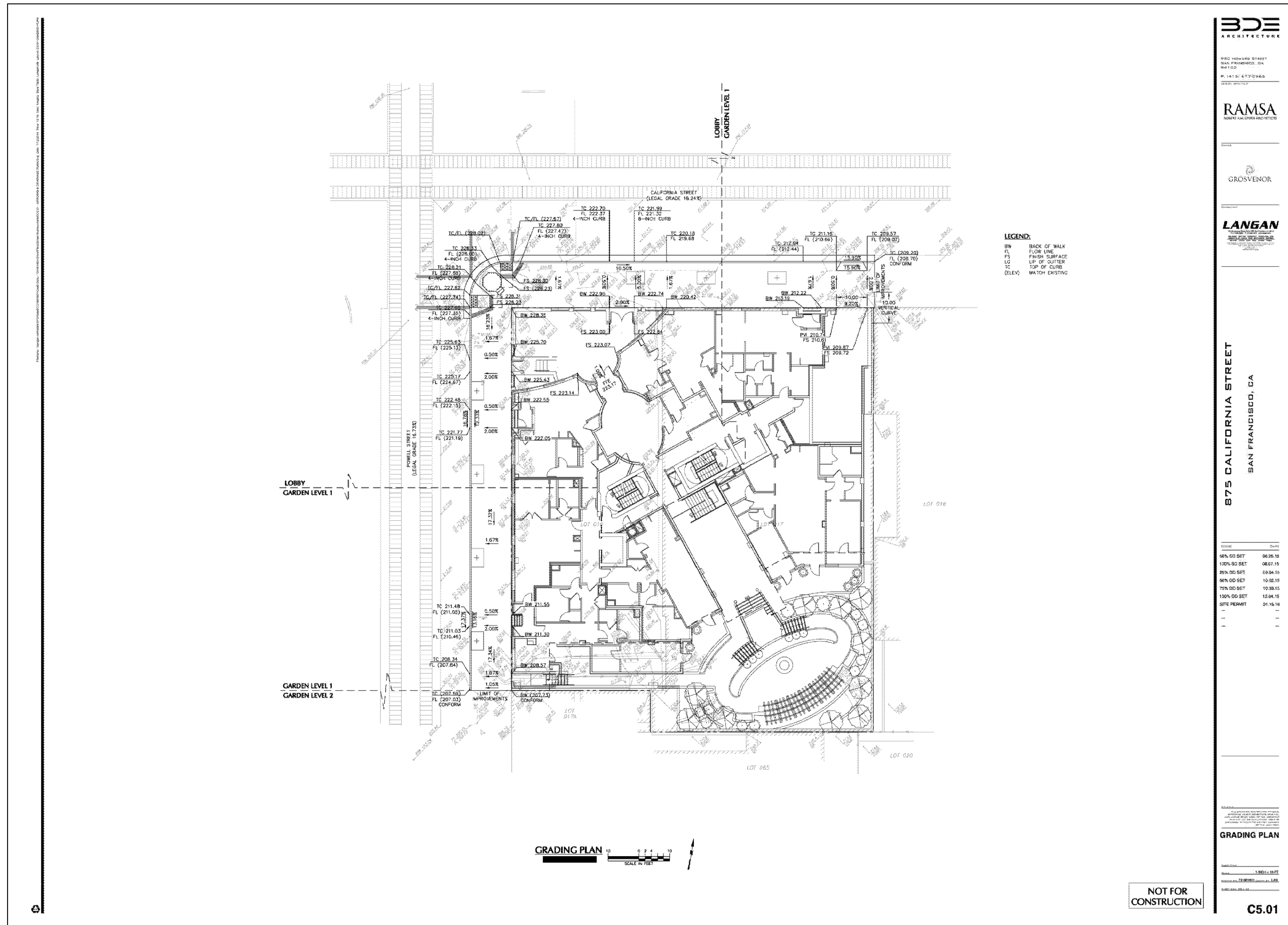
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BEING A PORTION OF 50 VARA BLOCK 139
CITY AND COUNTY OF SAN FRANCISCO, STATE OF CALIFORNIA

MARTIN M. RON ASSOCIATES, INC.
Land Surveyors
859 Harrison Street, Suite 200
San Francisco California

MAY 2016 SCALE: 1"=20' SHEET 6 OF 8

APNs: 0256-016 TO 017 875 CALIFORNIA STREET



BDE
ARCHITECTURE

850 HARRISON STREET
SAN FRANCISCO, CA
94103
P: 415 673 0666
WWW.BDEARCHITECTURE.COM

RAMSA
LAND SURVEYORS

1000 CALIFORNIA STREET
SAN FRANCISCO, CA 94109

GROSVENOR

LANGAN
ENGINEERS

1000 CALIFORNIA STREET
SAN FRANCISCO, CA 94109
P: 415 774 2200
WWW.LANGAN.COM

875 CALIFORNIA STREET
SAN FRANCISCO, CA

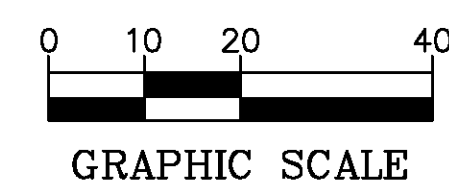
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09.04.16	20% DD SET
10.26.16	40% DD SET
10.26.16	70% DD SET
12.04.16	100% DD SET
01.14.16	SITE PERMIT

GRADING PLAN

Scale: 1"=20'

NOT FOR CONSTRUCTION

C5.01



PROPOSED GRADING PLAN

**VESTING TENTATIVE
FINAL MAP
FOR CONDOMINIUM PURPOSES**

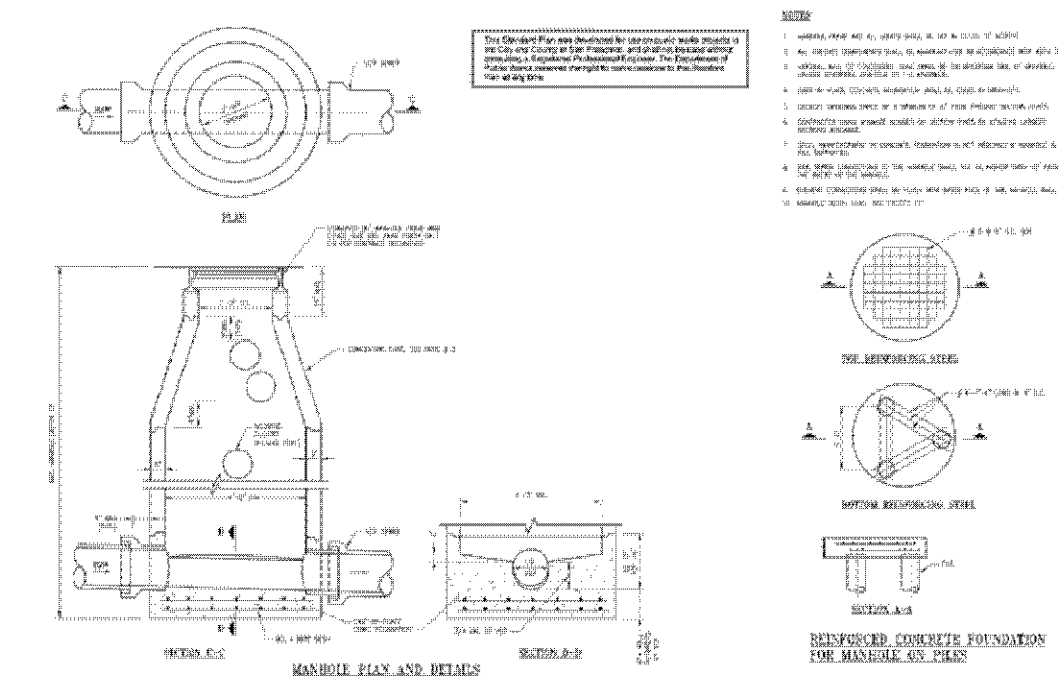
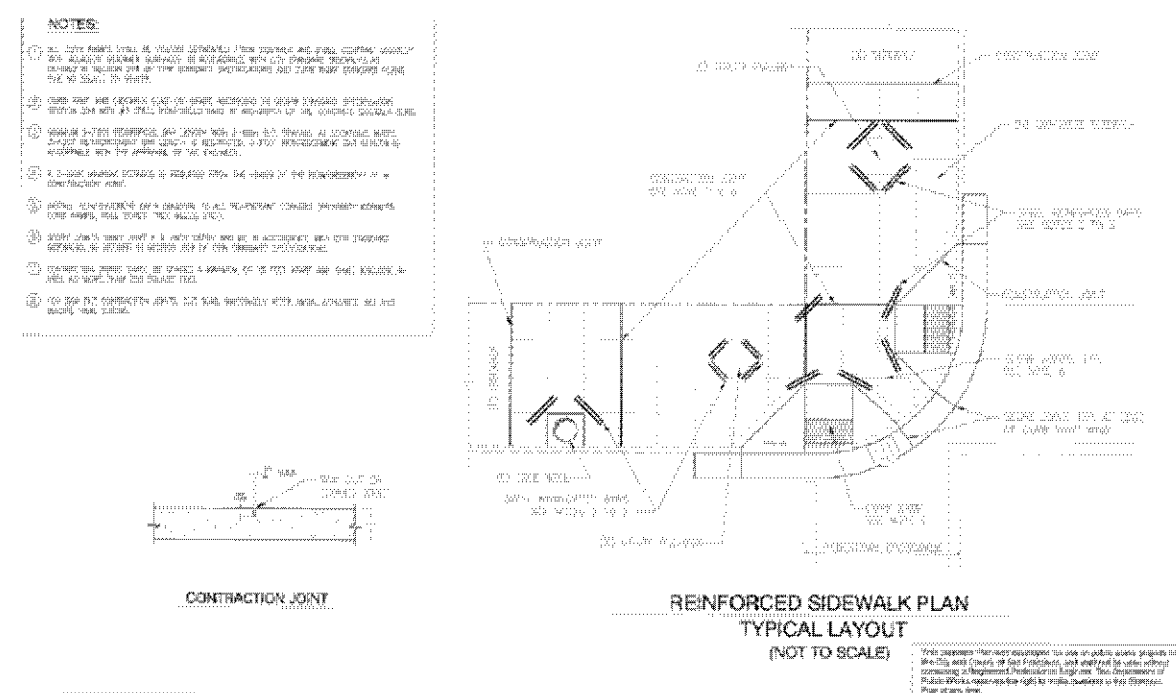
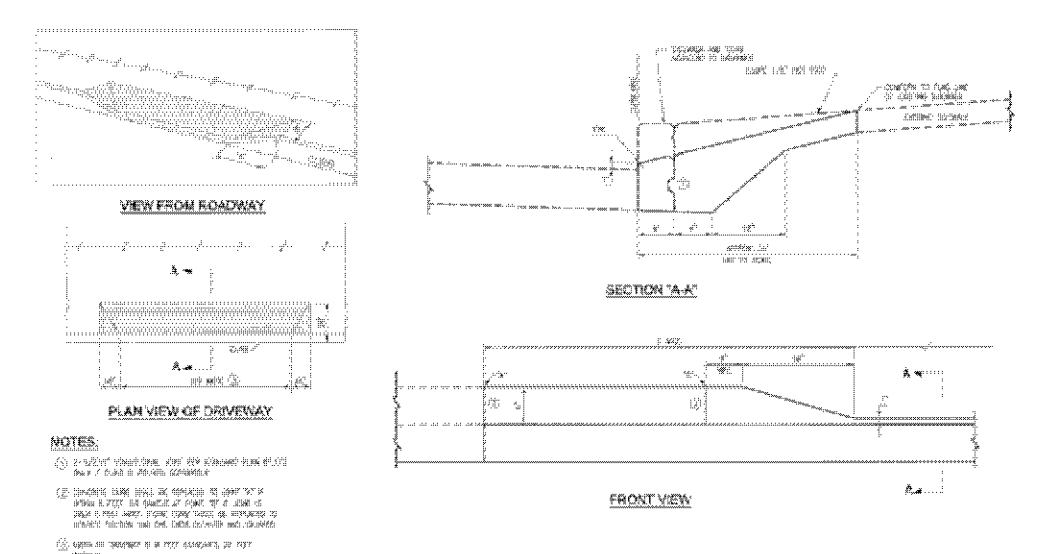
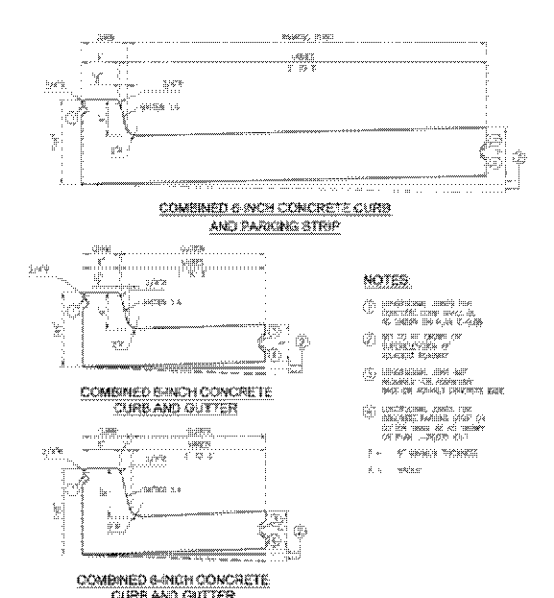
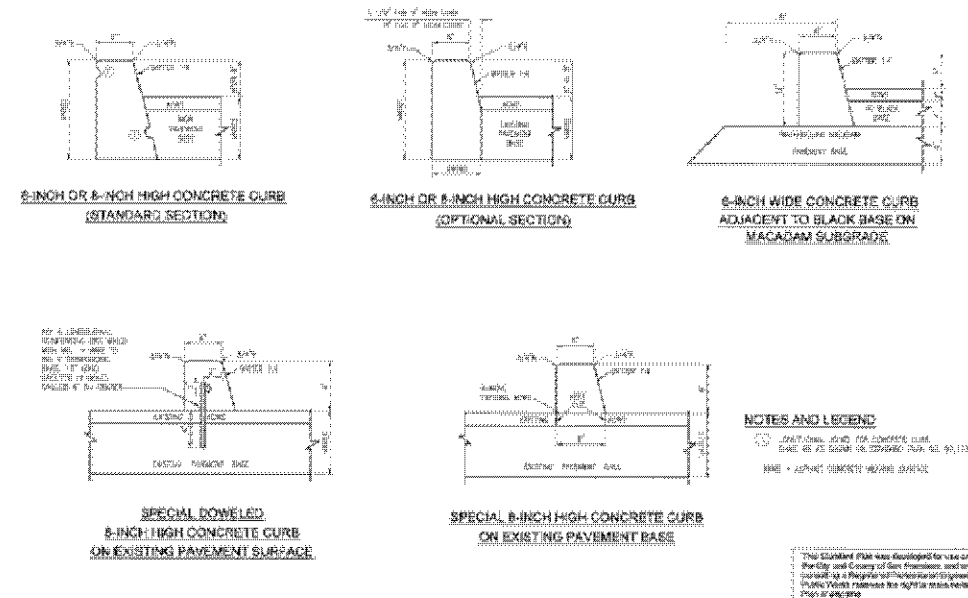
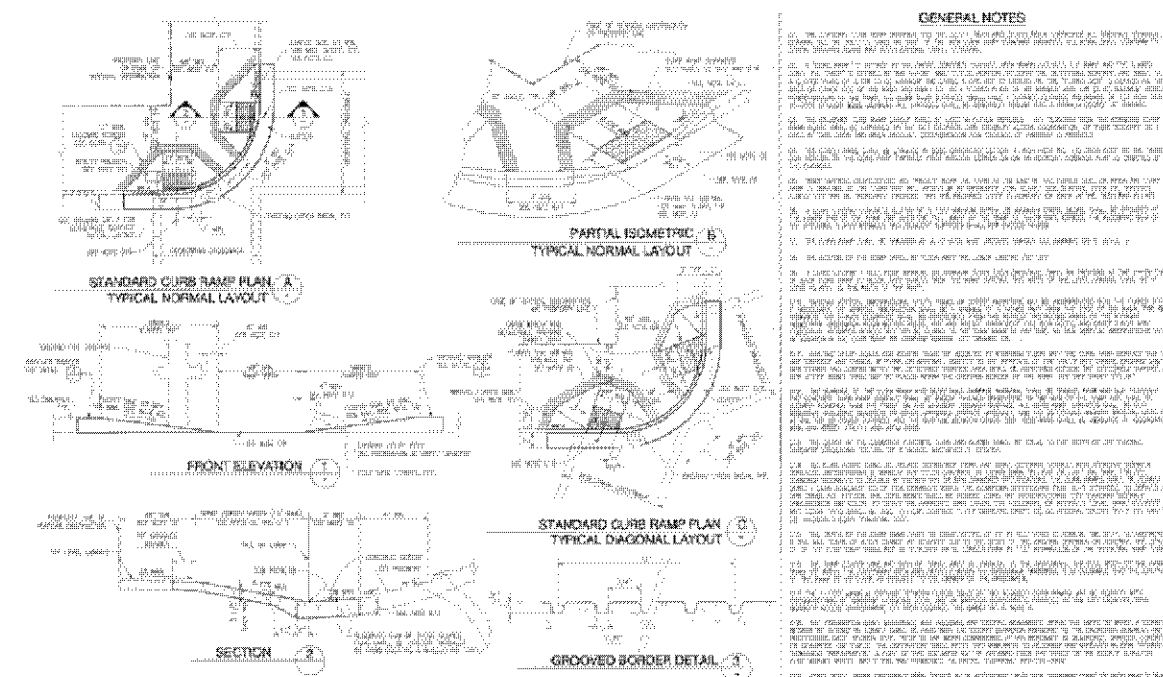
A 44 RESIDENTIAL UNIT CONDOMINIUM PROJECT, BEING A SUBDIVISION OF THE LANDS DESCRIBED IN THAT CERTAIN GRANT DEED RECORDED SEPTEMBER 9, 2014, DOCUMENT NO. 2014-J947407, OFFICIAL RECORDS.

BEING A PORTION OF 50 VARA BLOCK 139
CITY AND COUNTY OF SAN FRANCISCO, STATE OF CALIFORNIA

MARTIN M. RON ASSOCIATES, INC.
Land Surveyors
859 Harrison Street, Suite 200
San Francisco California

MAY 2016 SCALE: 1"=20' SHEET 7 OF 8

APNs: 0256-016 TO 017 875 CALIFORNIA STREET



BDE ARCHITECTURE
850 HARRISON STREET
SAN FRANCISCO, CA 94103
P: 415 673 0806
WWW.BDEARCHITECTURE.COM

RAMSA
LAND SURVEYORS

GROSVENOR

LANGAN
ENGINEERS ARCHITECTS

875 CALIFORNIA STREET
SAN FRANCISCO, CA

Date	Revised
90% DD SET	06.26.15
100% DD SET	08.27.15
80% DD SET	03.04.16
90% DD SET	10.20.15
75% DD SET	10.20.15
100% DD SET	13.04.15
SITE PERMIT	01.14.16
	..
	..

CONSTRUCTION DETAILS

NOT FOR CONSTRUCTION

C8.01

**VESTING TENTATIVE
FINAL MAP
FOR CONDOMINIUM PURPOSES**

A 44 RESIDENTIAL UNIT CONDOMINIUM PROJECT, BEING A SUBDIVISION OF THE LANDS DESCRIBED IN THAT CERTAIN GRANT DEED RECORDED SEPTEMBER 9, 2014, DOCUMENT NO. 2014-J947407, OFFICIAL RECORDS.

BEING A PORTION OF 50 VARA BLOCK 139
CITY AND COUNTY OF SAN FRANCISCO, STATE OF CALIFORNIA

MARTIN M. RON ASSOCIATES, INC.
Land Surveyors
859 Harrison Street, Suite 200
San Francisco California

CONSTRUCTION DETAILS

Ent	Name	Acct No	Invoice	Date	P.O. Num	Reference	Amount	Discount	Net
0128001	875 California II, LLC	1310-00010	04.28.16	5/3/2016	0000002505	Final Mapping Fee	11,838.00	0.00	11,838.00
Payor: Grosvenor USA Limited					Date	Check No.	Check Amount		
Payee: San Francisco DPW					5/3/2016	013115	11,838.00		

Retain this statement for your records

THE FACE OF THIS DOCUMENT HAS MICROPRINTING. DO NOT CASH IF MISSING. THE BACKGROUND WILL EXPOSE A HIDDEN VOID WHEN PHOTOCOPIED.

Grosvenor USA Limited
 One California Street
 Suite 2500
 San Francisco, CA 94111

Wells Fargo Bank
 The Crocker Branch
 San Francisco, CA 94104

11-248
 1210

Date
 5/3/2016

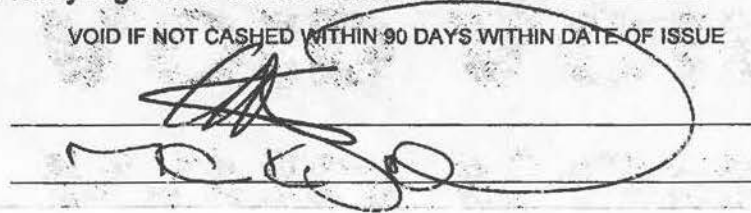
Check No.
 013115

Check Amount
 11,838.00

Eleven Thousand Eight Hundred Thirty Eight AND 00/100 Dollars

Pay to the order of
 San Francisco DPW

VOID IF NOT CASHED WITHIN 90 DAYS WITHIN DATE OF ISSUE



⑈013115⑈ ⑆121000248⑆ 4075 103853⑈

Ent	Name	Acct No	Invoice	Date	P.O. Num	Reference	Amount	Discount	Net
0128001	875 California II, LLC	1310-00010	04.28.16-	5/3/2016	0000002504	Final Mapping App Proce	250.00	0.00	250.00
Payor: Grosvenor USA Limited					Date	Check No.	Check Amount		
Payee: San Francisco DPW					5/3/2016	013116	250.00		

Retain this statement for your records

THE FACE OF THIS DOCUMENT HAS MICROPRINTING. DO NOT CASH IF MISSING. THE BACKGROUND WILL EXPOSE A HIDDEN VOID WHEN PHOTOCOPIED.

Grosvenor USA Limited
 One California Street
 Suite 2500
 San Francisco, CA 94111

Wells Fargo Bank
 The Crocker Branch
 San Francisco, CA 94104

11-24/8
 1210

Date
 5/3/2016

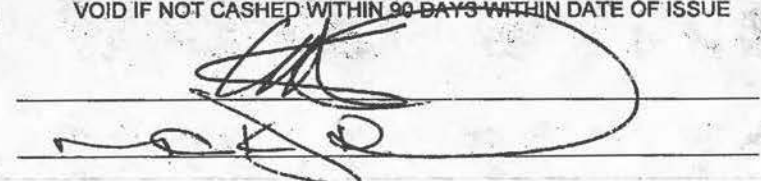
Check No.
 013116

Check Amount
 250.00

Two Hundred Fifty AND 00/100 Dollars

Pay to the order of
 San Francisco DPW

VOID IF NOT CASHED WITHIN 90 DAYS WITHIN DATE OF ISSUE



⑈013116⑈ ⑆121000248⑆ 4075 103853⑈



PRELIMINARY REPORT

*In response to the application for a policy of title insurance referenced herein, **Chicago Title Company** hereby reports that it is prepared to issue, or cause to be issued, as of the date hereof, a policy or policies of title insurance describing the land and the estate or interest therein hereinafter set forth, insuring against loss which may be sustained by reason of any defect, lien or encumbrance not shown or referred to as an exception herein or not excluded from coverage pursuant to the printed Schedules, Conditions and Stipulations or Conditions of said policy forms.*

The printed Exceptions and Exclusions from the coverage and Limitations on Covered Risks of said policy or policies are set forth in Attachment One. The policy to be issued may contain an arbitration clause. When the Amount of Insurance is less than that set forth in the arbitration clause, all arbitrable matters shall be arbitrated at the option of either the Company or the Insured as the exclusive remedy of the parties. Limitations on Covered Risks applicable to the CLTA and ALTA Homeowner's Policies of Title Insurance which establish a Deductible Amount and a Maximum Dollar Limit of Liability for certain coverages are also set forth in Attachment One. Copies of the policy forms should be read. They are available from the office which issued this report.

This report (and any supplements or amendments hereto) is issued solely for the purpose of facilitating the issuance of a policy of title insurance and no liability is assumed hereby. If it is desired that liability be assumed prior to the issuance of a policy of title insurance, a Binder or Commitment should be requested.

The policy(ies) of title insurance to be issued hereunder will be policy(ies) of Chicago Title Insurance Company, a Nebraska corporation.

Please read the exceptions shown or referred to herein and the exceptions and exclusions set forth in Attachment One of this report carefully. The exceptions and exclusions are meant to provide you with notice of matters which are not covered under the terms of the title insurance policy and should be carefully considered.

It is important to note that this preliminary report is not a written representation as to the condition of title and may not list all liens, defects and encumbrances affecting title to the land.

Chicago Title Insurance Company

By:

President

Attest:

Secretary

Countersigned By:

Authorized Officer or Agent



Visit Us on our Website: www.ctic.com



ISSUING OFFICE: 2150 John Glenn Drive, Suite 400, Concord, CA 94520

FOR SETTLEMENT INQUIRIES, CONTACT:

Chicago Title Company
455 Market Street, Suite 2100 • San Francisco, CA 94105
(415) 291-5113 • FAX (415)896-9427

***Another Prompt Delivery From Chicago Title Company Title Department
Where Local Experience And Expertise Make A Difference***

PRELIMINARY REPORT

Title Officer: Jeff Martin
Email: Jeff.Martin@fnf.com
Title No.: FWPN-TO16000254-JM

Escrow Officer: Terry Duwel
Email: terry.duwel@ctt.com
Escrow No.: 160360193

TO: Chicago Title Company
455 Market Street, Suite 2100
San Francisco, CA 94105
Attn: Terry Duwel

PROPERTY ADDRESS(ES): 770 Powell & 875 California, San Francisco, CA

EFFECTIVE DATE: February 9, 2016 at 07:30 AM

The form of policy or policies of title insurance contemplated by this report is:

CLTA Standard Coverage Policy 1990 (04-08-14)

1. THE ESTATE OR INTEREST IN THE LAND HEREINAFTER DESCRIBED OR REFERRED TO COVERED BY THIS REPORT IS:

A Fee

2. TITLE TO SAID ESTATE OR INTEREST AT THE DATE HEREOF IS VESTED IN:

875 California II, LLC, a Delaware limited liability company

3. THE LAND REFERRED TO IN THIS REPORT IS DESCRIBED AS FOLLOWS:

SEE EXHIBIT "A" ATTACHED HERETO AND MADE A PART HEREOF

EXHIBIT "A"
Legal Description

For APN/Parcel ID(s): Lot 016, Block 0256 and Lot 017, Block 0256

THE LAND REFERRED TO HEREIN BELOW IS SITUATED IN THE CITY OF SAN FRANCISCO, COUNTY OF SAN FRANCISCO, STATE OF CALIFORNIA AND IS DESCRIBED AS FOLLOWS:

PARCEL ONE:

BEGINNING AT A POINT OF INTERSECTION OF THE SOUTHERLY LINE OF CALIFORNIA STREET WITH THE EASTERLY LINE OF POWELL STREET, RUNNING THENCE EASTERLY ALONG SAID LINE OF CALIFORNIA STREET, 49 FEET; THENCE AT A RIGHT ANGLE SOUTHERLY 100 FEET; THENCE AT A RIGHT ANGLE EASTERLY 1 FOOT; THENCE AT A RIGHT ANGLE SOUTHERLY 24 FEET; THENCE AT A RIGHT ANGLE WESTERLY 50 FEET TO THE EASTERLY LINE OF POWELL STREET; THENCE AT A RIGHT ANGLE NORTHERLY, ALONG SAID LINE OF POWELL STREET, 124 FEET TO THE POINT OF BEGINNING.

BEING A PORTION OF 50 VARA BLOCK NO. 139.

PARCEL TWO:

COMMENCING AT A POINT ON THE SOUTHERLY LINE OF CALIFORNIA STREET, DISTANT THEREON 49 FEET EASTERLY FROM THE EASTERLY LINE OF POWELL STREET; RUNNING THENCE EASTERLY ALONG SAID LINE OF CALIFORNIA STREET 68 FEET, 6 INCHES; THENCE AT A RIGHT ANGLE SOUTHERLY 137 FEET, 6 INCHES; THENCE AT A RIGHT ANGLE WESTERLY 72 FEET, 6 INCHES; THENCE AT A RIGHT ANGLE EASTERLY 5 FEET; THENCE AT A RIGHT ANGLE NORTHERLY 24 FEET; THENCE AT A RIGHT ANGLE WESTERLY 1 FOOT; THENCE AT A RIGHT ANGLE NORTHERLY 100 FEET TO THE POINT OF COMMENCEMENT.

BEING A PART OF VARA BLOCK NO. 139.

AT THE DATE HEREOF, EXCEPTIONS TO COVERAGE IN ADDITION TO THE PRINTED EXCEPTIONS AND EXCLUSIONS IN SAID POLICY FORM WOULD BE AS FOLLOWS:

1. Property taxes, which are a lien not yet due and payable, including any assessments collected with taxes to be levied for the fiscal year 2016-2017.
2. Property taxes, including any personal property taxes and any assessments collected with taxes are as follows:

Code Area: 1000
Tax Identification No.: Lot 016, Block 0256
Fiscal Year: 2015-2016
1st Installment: \$23,408.37 Paid
2nd Installment: \$23,408.37 Open
Exemption: \$0.00
Land: \$3,919,135.00
Improvements: \$0.00
Personal Property: \$0.00
Bill No.: 012181

Affects: Parcel One

3. Supplemental assessment for 2014-2015:

1st Installment \$9,193.16, Paid
Must be Paid By: December 10, 2015
2nd Installment: \$9,193.16, Open
Must be Paid By: April 11, 2016
Bill No.: 407921

Affects: Parcel One

4. Supplemental assessment for 2015-2016:

1st Installment \$11,890.24, Paid
Must be Paid By: December 10, 2015
2nd Installment: \$11,890.24, Open
Must be Paid By: April 10, 2016
Bill No.: 152377

Affects: Parcel One

EXCEPTIONS
(continued)

5. Property taxes, including any personal property taxes and any assessments collected with taxes are as follows:

Code Area:	1000
Tax Identification No.:	Lot 017, Block 0256
Fiscal Year:	2015-2016
1st Installment:	\$24,891.39 Delinquent + Penalty \$2,489.14
2nd Installment:	\$24,891.39 Open
Exemption:	\$0.00
Land:	\$3,762,369.00
Improvements:	\$418,040.00
Bill No.:	012182

Affects: Parcel Two

6. Supplemental assessment for 2015-2016:

1st Installment	\$28,912.15, Delinquent, Penalty \$2,891.22
Must be Paid By:	December 10, 2015
2nd Installment:	\$28,912.15, Open
Must be Paid By:	April 10, 2016
Bill No.:	152378

Affects: Parcel Two

7. Supplemental assessment for 2014-2015:

1st Installment	\$21,892.52, Delinquent, Penalty \$2,189.25
Must be Paid By:	December 10, 2015
2nd Installment:	\$21,892.52, Open
Must be Paid By:	April 11, 2016
Bill No.:	407922

Affects: Parcel Two

EXCEPTIONS
(continued)

8. The herein described property lies within the boundaries of a Mello Roos Community Facilities District ("CFD"), as follows:

CFD No: 90 1
For: School Facility Repair and Maintenance

This property, along with all other parcels in the CFD, is liable for an annual special tax. This special tax is included with and payable with the general property taxes of the City and County of San Francisco. The tax may not be prepaid.

Further information may be obtained by contacting:

Chief Financial Officer
San Francisco Unified School District
135 Van Ness Ave. - Room 300
San Francisco, CA 94102
Phone (415) 241-6542

9. Prior to close of escrow, please contact the Tax Collector's Office to confirm all amounts owing, including current fiscal year taxes, supplemental taxes, escaped assessments and any delinquencies.
10. The lien of supplemental or escaped assessments of property taxes, if any, made pursuant to the provisions of Chapter 3.5 (commencing with Section 75) or Part 2, Chapter 3, Articles 3 and 4, respectively, of the Revenue and Taxation Code of the State of California as a result of the transfer of title to the vestee named in Schedule A or as a result of changes in ownership or new construction occurring prior to Date of Policy.
11. Notice of Special Restrictions under the City Planning Code of the City and County of San Francisco upon the terms and conditions contained therein

Recording Date: August 11, 2004
Recording No.: H784781, Reel I699, Image 307, of Official Records

Reference is made to said document for full particulars.

Affects: Parcel One

12. Notice of Special Restrictions under the City Planning Code of the City and County of San Francisco upon the terms and conditions contained therein

Recording Date: June 25, 2014
Recording No.: 2014-J901089-00, of Official Records

Reference is made to said document for full particulars.

Affects: Parcel Two and other property

EXCEPTIONS
(continued)

13. Notice of Special Restrictions under the City Planning Code of the City and County of San Francisco upon the terms and conditions contained therein

Recording Date: June 25, 2014
Recording No.: 2014-J901088-00, of Official Records

Reference is made to said document for full particulars.

Affects: Parcel Two

14. Any rights, interests, or claims which may exist or arise by reason of the following matters disclosed by survey,

Job No.: 20130047-50
Dated: July 30, 2014
Prepared by: BKF Engineers
Matters shown:

Encroachments of improvements into California Street

- a) conc @ doorway 0.6' over
- b) conc @ doorway 0.9' over
- c) conc @ doorway 0.6' over
- d) conc @ doorway 0.6' over
- e) cor wall 0.3' over
- f) cor wall 0.5' over
- g) cor wall 0.3' over
- h) cor wall 0.4'

Encroachments of improvements onto Lot 18

- i) building 0.7' over

Encroachments of improvements located on Lot 17A onto said land

- j) tv antenna 1.1' over

15. Please be advised that our search did not disclose any open Deeds of Trust of record. If you should have knowledge of any outstanding obligation, please contact the Title Department immediately for further review prior to closing.

16. Any rights of the parties in possession of a portion of, or all of, said Land, which rights are not disclosed by the public records.

The Company will require, for review, a full and complete copy of any unrecorded agreement, contract, license and/or lease, together with all supplements, assignments and amendments thereto, before issuing any policy of title insurance without excepting this item from coverage.

The Company reserves the right to except additional items and/or make additional requirements after reviewing said documents.

EXCEPTIONS
(continued)

17. The Company will require an ALTA/ACSM LAND TITLE SURVEY. If the owner of the Land the subject of this transaction is in possession of a current ALTA/ACSM LAND TITLE SURVEY, the Company will require that said survey be submitted for review and approval; otherwise, a new survey, satisfactory to the Company, must be prepared by a licensed land surveyor and supplied to the Company prior to the close of escrow.

The Company reserves the right to add additional items or make further requirements after review of the requested documentation.

18. The Company will require the following documents for review prior to the issuance of any title insurance predicated upon a conveyance or encumbrance from the entity named below.

Limited Liability Company: 875 California II, LLC, a Delaware limited liability company

- a. A copy of its operating agreement, if any, and any and all amendments, supplements and/or modifications thereto, certified by the appropriate manager or member.
- b. If a domestic Limited Liability Company, a copy of its Articles of Organization and all amendment thereto with the appropriate filing stamps.
- c. If the Limited Liability Company is member-managed a full and complete current list of members certified by the appropriate manager or member.
- d. If the Limited Liability Company was formed in a foreign jurisdiction, evidence, satisfactory to the Company that it was validly formed, is in good standing and authorized to do business in the state of origin.
- e. If less than all members, or managers, as appropriate, will be executing the closing documents, furnish evidence of the authority of those signing.

The Company reserves the right to add additional items or make further requirements after review of the requested documentation.

19. The Company will require that an Owner's Affidavit be completed by the party(s) named below before the issuance of any policy of title insurance.

Party(ies): 875 California II, LLC, a Delaware limited liability company

The Company reserves the right to add additional items or make further requirements after review of the requested Affidavit.

20. The transaction contemplated in connection with this Report is subject to the review and approval of the Company's Corporate Underwriting Department. The Company reserves the right to add additional items or make further requirements after such review.

END OF EXCEPTIONS

NOTES

Note 1. There is no recorded Certificate of Energy and/or Water Compliance for the property described herein.

Note 2. Note: The name(s) of the proposed insured(s) furnished with this application for title insurance is/are:

No names were furnished with the application. Please provide the name(s) of the buyers as soon as possible.

Note 3. Note: The Company is not aware of any matters which would cause it to decline to attach CLTA Endorsement Form 116 indicating that there is located on said Land Commercial Property, known as 770 Powell & 875 California, San Francisco, CA, to an Extended Coverage Loan Policy.

Note 4. Note: The only conveyance(s) affecting said Land, which recorded within 24 months of the date of this report, are as follows:

Grantor: Stanford 8 Parking, LLC, a Delaware limited liability company
Grantee: 875 California II, LLC, a Delaware limited liability company
Recording Date: September 9, 2014
Recording No.: 2014-J947407-00, of Official Records

Note 5. ***IMPORTANT RECORDING NOTE***

Please send all original documents for Chicago Title San Francisco County for recordings to the following office:

Pasion Recording Service
1390 Market Street #303
San Francisco, CA. 94102
Attn: Recording Desk/Sean Murphy
Phone: (415) 528-5768
Fax: (415) 552-2373

Please direct all other title communication and copies of documents, including recording release instructions, policy write-up instructions and settlement statements, to the Title Only Department at the issuing office.

Note 6. Effective December 17, 2010, as mandated through local ordinance, the transfer tax rates are as follows:

More than \$100 but Less than or Equal to \$250,000 at \$2.50 for each \$500 (\$5.00 per thousand)
More than \$250,000 but Less than \$1,000,000 at \$3.40 for each \$500 (\$6.80 per thousand)
\$1,000,000 or More but Less than \$5,000,000 at \$3.75 for each \$500 (\$7.50 per thousand)
\$5,000,000 or More but Less than \$10,000,000 at \$10.00 for each \$500 (\$20.00 per thousand)
\$10,000,000.00 or More at \$12.50 for each \$500 or portion thereof (\$25.00 per thousand)

NOTE: These rates are for documents recorded on or after December 17, 2010, regardless of when the instrument was executed.

NOTES
(continued)

- Note 7.** Your application for title insurance was placed by reference to only a street address or tax identification number. Based on our records, we believe that the legal description in this report covers the parcel(s) of Land that you requested. If the legal description is incorrect, the seller/borrower must notify the Company and/or the settlement company in order to prevent errors and to be certain that the correct parcel(s) of Land will appear on any documents to be recorded in connection with this transaction and on the policy of title insurance.
- Note 8.** Note: If a county recorder, title insurance company, escrow company, real estate broker, real estate agent or association provides a copy of a declaration, governing document or deed to any person, California law requires that the document provided shall include a statement regarding any unlawful restrictions. Said statement is to be in at least 14-point bold face type and may be stamped on the first page of any document provided or included as a cover page attached to the requested document. Should a party to this transaction request a copy of any document reported herein that fits this category, the statement is to be included in the manner described.
- Note 9.** Note: Any documents being executed in conjunction with this transaction must be signed in the presence of an authorized Company employee, an authorized employee of an agent, an authorized employee of the insured lender, or by using Bancserv or other approved third-party service. If the above requirement cannot be met, please call the Company at the number provided in this report.

END OF NOTES

**FIDELITY NATIONAL FINANCIAL
PRIVACY NOTICE
Effective: May 1, 2015**

Order No.: FWPN-TO1600254-

Fidelity National Financial, Inc. and its majority-owned subsidiary companies providing real estate- and loan-related services (collectively, "FNF", "our" or "we") respect and are committed to protecting your privacy. This Privacy Notice lets you know how and for what purposes your Personal Information (as defined herein) is being collected, processed and used by FNF. We pledge that we will take reasonable steps to ensure that your Personal Information will only be used in ways that are in compliance with this Privacy Notice. The provision of this Privacy Notice to you does not create any express or implied relationship, or create any express or implied duty or other obligation, between Fidelity National Financial, Inc. and you. See also **No Representations or Warranties** below.

This Privacy Notice is only in effect for any generic information and Personal Information collected and/or owned by FNF, including collection through any FNF website and any online features, services and/or programs offered by FNF (collectively, the "Website"). This Privacy Notice is not applicable to any other web pages, mobile applications, social media sites, email lists, generic information or Personal Information collected and/or owned by any entity other than FNF.

How Information is Collected

The types of personal information FNF collects may include, among other things (collectively, "Personal Information"): (1) contact information (e.g., name, address, phone number, email address); (2) demographic information (e.g., date of birth, gender marital status); (3) Internet protocol (or IP) address or device ID/UDID; (4) social security number (SSN), student ID (SIN), driver's license, passport, and other government ID numbers; (5) financial account information; and (6) information related to offenses or criminal convictions.

In the course of our business, we may collect Personal Information about you from the following sources:

- Applications or other forms we receive from you or your authorized representative;
- Information we receive from you through the Website;
- Information about your transactions with or services performed by us, our affiliates, or others; and
- From consumer or other reporting agencies and public records maintained by governmental entities that we either obtain directly from those entities, or from our affiliates or others.

Additional Ways Information is Collected Through the Website

Browser Log Files. Our servers automatically log each visitor to the Website and collect and record certain information about each visitor. This information may include IP address, browser language, browser type, operating system, domain names, browsing history (including time spent at a domain, time and date of your visit), referring/exit web pages and URLs, and number of clicks. The domain name and IP address reveal nothing personal about the user other than the IP address from which the user has accessed the Website.

Cookies. From time to time, FNF or other third parties may send a "cookie" to your computer. A cookie is a small piece of data that is sent to your Internet browser from a web server and stored on your computer's hard drive and that can be re-sent to the serving website on subsequent visits. A cookie, by itself, cannot read other data from your hard disk or read other cookie files already on your computer. A cookie, by itself, does not damage your system. We, our advertisers and other third parties may use cookies to identify and keep track of, among other things, those areas of the Website

and third party websites that you have visited in the past in order to enhance your next visit to the Website. You can choose whether or not to accept cookies by changing the settings of your Internet browser, but some functionality of the Website may be impaired or not function as intended. See the Third Party Opt Out section below.

Web Beacons. Some of our web pages and electronic communications may contain images, which may or may not be visible to you, known as Web Beacons (sometimes referred to as "clear gifs"). Web Beacons collect only limited information that includes a cookie number; time and date of a page view; and a description of the page on which the Web Beacon resides. We may also carry Web Beacons placed by third party advertisers. These Web Beacons do not carry any Personal Information and are only used to track usage of the Website and activities associated with the Website. See the Third Party Opt Out section below.

Unique Identifier. We may assign you a unique internal identifier to help keep track of your future visits. We may use this information to gather aggregate demographic information about our visitors, and we may use it to personalize the information you see on the Website and some of the electronic communications you receive from us. We keep this information for our internal use, and this information is not shared with others.

Third Party Opt Out. Although we do not presently, in the future we may allow third-party companies to serve advertisements and/or collect certain anonymous information when you visit the Website. These companies may use non-personally identifiable information (e.g., click stream information, browser type, time and date, subject of advertisements clicked or scrolled over) during your visits to the Website in order to provide advertisements about products and services likely to be of greater interest to you. These companies typically use a cookie or third party Web Beacon to collect this information, as further described above. Through these technologies, the third party may have access to and use non-personalized information about your online usage activity.

You can opt-out of certain online behavioral services through any one of the ways described below. After you opt-out, you may continue to receive advertisements, but those advertisements will no longer be as relevant to you.

- You can opt-out via the Network Advertising Initiative industry opt-out at <http://www.networkadvertising.org/>.
- You can opt-out via the Consumer Choice Page at www.aboutads.info.
- For those in the U.K., you can opt-out via the IAB UK's industry opt-out at www.youronlinechoices.com.
- You can configure your web browser (Chrome, Firefox, Internet Explorer, Safari, etc.) to delete and/or control the use of cookies.

More information can be found in the Help system of your browser. Note: If you opt-out as described above, you should not delete your cookies. If you delete your cookies, you will need to opt-out again.

Use of Personal Information

Information collected by FNF is used for three main purposes:

- To provide products and services to you or one or more third party service providers (collectively, "Third Parties") who are obtaining services on your behalf or in connection with a transaction involving you.
- To improve our products and services that we perform for you or for Third Parties.
- To communicate with you and to inform you about FNF's, FNF's affiliates and third parties' products and services.

When Information Is Disclosed By FNF

We may provide your Personal Information (excluding information we receive from consumer or other credit reporting agencies) to various individuals and companies, as permitted by law, without obtaining your prior authorization. Such laws do not allow consumers to restrict these disclosures. Disclosures may include, without limitation, the following:

- To agents, brokers, representatives, or others to provide you with services you have requested, and to enable us to detect or prevent criminal activity, fraud, material misrepresentation, or nondisclosure in connection with an insurance transaction;
- To third-party contractors or service providers who provide services or perform marketing services or other functions on our behalf;
- To law enforcement or other governmental authority in connection with an investigation, or civil or criminal subpoenas or court orders; and/or
- To lenders, lien holders, judgment creditors, or other parties claiming an encumbrance or an interest in title whose claim or interest must be determined, settled, paid or released prior to a title or escrow closing.

In addition to the other times when we might disclose information about you, we might also disclose information when required by law or in the good-faith belief that such disclosure is necessary to: (1) comply with a legal process or applicable laws; (2) enforce this Privacy Notice; (3) respond to claims that any materials, documents, images, graphics, logos, designs, audio, video and any other information provided by you violates the rights of third parties; or (4) protect the rights, property or personal safety of FNF, its users or the public.

We maintain reasonable safeguards to keep the Personal Information that is disclosed to us secure. We provide Personal Information and non-Personal Information to our subsidiaries, affiliated companies, and other businesses or persons for the purposes of processing such information on our behalf and promoting the services of our trusted business partners, some or all of which may store your information on servers outside of the United States. We require that these parties agree to process such information in compliance with our Privacy Notice or in a similar, industry-standard manner, and we use reasonable efforts to limit their use of such information and to use other appropriate confidentiality and security measures. The use of your information by one of our trusted business partners may be subject to that party's own Privacy Notice. We do not, however, disclose information we collect from consumer or credit reporting agencies with our affiliates or others without your consent, in conformity with applicable law, unless such disclosure is otherwise permitted by law.

We also reserve the right to disclose Personal Information and/or non-Personal Information to take precautions against liability, investigate and defend against any third-party claims or allegations, assist government enforcement agencies, protect the security or integrity of the Website, and protect the rights, property, or personal safety of FNF, our users or others.

We reserve the right to transfer your Personal Information, as well as any other information, in connection with the sale or other disposition of all or part of the FNF business and/or assets. We also cannot make any representations regarding the use or transfer of your Personal Information or other information that we may have in the event of our bankruptcy, reorganization, insolvency, receivership or an assignment for the benefit of creditors, and you expressly agree and consent to the use and/or transfer of your Personal Information or other information in connection with a sale or transfer of some or all of our assets in any of the above described proceedings. Furthermore, we cannot and will not be responsible for

any breach of security by any third parties or for any actions of any third parties that receive any of the information that is disclosed to us.

Information From Children

We do not collect Personal Information from any person that we know to be under the age of thirteen (13). Specifically, the Website is not intended or designed to attract children under the age of thirteen (13). You affirm that you are either more than 18 years of age, or an emancipated minor, or possess legal parental or guardian consent, and are fully able and competent to enter into the terms, conditions, obligations, affirmations, representations, and warranties set forth in this Privacy Notice, and to abide by and comply with this Privacy Notice. In any case, you affirm that you are over the age of 13, as **THE WEBSITE IS NOT INTENDED FOR CHILDREN UNDER 13 THAT ARE UNACCOMPANIED BY HIS OR HER PARENT OR LEGAL GUARDIAN.**

Parents should be aware that FNF's Privacy Notice will govern our use of Personal Information, but also that information that is voluntarily given by children – or others – in email exchanges, bulletin boards or the like may be used by other parties to generate unsolicited communications. FNF encourages all parents to instruct their children in the safe and responsible use of their Personal Information while using the Internet.

Privacy Outside the Website

The Website may contain various links to other websites, including links to various third party service providers. FNF is not and cannot be responsible for the privacy practices or the content of any of those other websites. Other than under agreements with certain reputable organizations and companies, and except for third party service providers whose services either we use or you voluntarily elect to utilize, we do not share any of the Personal Information that you provide to us with any of the websites to which the Website links, although we may share aggregate, non-Personal Information with those other third parties. Please check with those websites in order to determine their privacy policies and your rights under them.

European Union Users

If you are a citizen of the European Union, please note that we may transfer your Personal Information outside the European Union for use for any of the purposes described in this Privacy Notice. By providing FNF with your Personal Information, you consent to both our collection and such transfer of your Personal Information in accordance with this Privacy Notice.

Choices With Your Personal Information

Whether you submit Personal Information to FNF is entirely up to you. You may decide not to submit Personal Information, in which case FNF may not be able to provide certain services or products to you.

You may choose to prevent FNF from disclosing or using your Personal Information under certain circumstances ("opt out"). You may opt out of any disclosure or use of your Personal Information for purposes that are incompatible with the purpose(s) for which it was originally collected or for which you subsequently gave authorization by notifying us by one of the methods at the end of this Privacy Notice. Furthermore, even where your Personal Information is to be disclosed and used in accordance with the stated purposes in this Privacy Notice, you may elect to opt out of such disclosure to and use by a third party that is not acting as an agent of FNF. As described above, there are some uses from which you cannot opt-out.

Please note that opting out of the disclosure and use of your Personal Information as a prospective employee may prevent you from being hired as an employee by FNF to the extent that provision of your Personal Information is required to apply for an open position.

If FNF collects Personal Information from you, such information will not be disclosed or used by FNF for purposes that are incompatible with the purpose(s) for which it was originally collected or for which you subsequently gave authorization unless you affirmatively consent to such disclosure and use.

You may opt out of online behavioral advertising by following the instructions set forth above under the above section "Additional Ways That Information Is Collected Through the Website," subsection "Third Party Opt Out."

Access and Correction

To access your Personal Information in the possession of FNF and correct inaccuracies of that information in our records, please contact us in the manner specified at the end of this Privacy Notice. We ask individuals to identify themselves and the information requested to be accessed and amended before processing such requests, and we may decline to process requests in limited circumstances as permitted by applicable privacy legislation.

Your California Privacy Rights

Under California's "Shine the Light" law, California residents who provide certain personally identifiable information in connection with obtaining products or services for personal, family or household use are entitled to request and obtain from us once a calendar year information about the customer information we shared, if any, with other businesses for their own direct marketing uses. If applicable, this information would include the categories of customer information and the names and addresses of those businesses with which we shared customer information for the immediately prior calendar year (e.g., requests made in 2015 will receive information regarding 2014 sharing activities).

To obtain this information on behalf of FNF, please send an email message to privacy@fnf.com with "Request for California Privacy Information" in the subject line and in the body of your message. We will provide the requested information to you at your email address in response.

Please be aware that not all information sharing is covered by the "Shine the Light" requirements and only information on covered sharing will be included in our response.

Additionally, because we may collect your Personal Information from time to time, California's Online Privacy Protection Act requires us to disclose how we respond to "do not track" requests and other similar mechanisms. Currently, our policy is that we do not recognize "do not track" requests from Internet browsers and similar devices.

FNF Compliance with California Online Privacy Protection Act

For some websites which FNF or one of its companies owns, such as the Customer CareNet ("CCN"), FNF is acting as a third party service provider to a mortgage loan servicer. In those instances, we may collect certain information on behalf of that mortgage loan servicer for fulfilling a service to that mortgage loan servicer. For example, you may access CCN to complete a transaction with your mortgage loan servicer. During this transaction, the information which we may collect on behalf of the mortgage loan servicer is as follows:

- First and Last Name
- Property Address
- User Name
- Password
- Loan Number
- Social Security Number - masked upon entry
- Email Address
- Three Security Questions and Answers
- IP Address

The information you submit is then transferred to your mortgage loan servicer by way of CCN.

The mortgage loan servicer is responsible for taking action or making changes to any consumer information submitted through this website. For example, if you believe that your payment or user information is incorrect, you must contact your mortgage loan servicer.

CCN does not share consumer information with third parties, other than those with which the mortgage loan servicer has contracted to interface with the CCN application.

All sections of the FNF Privacy Notice apply to your interaction with CCN, except for the sections titled Choices with Your Personal Information and Access and Correction. If you have questions regarding the choices you have with regard to your personal information or how to access or correct your personal information, you should contact your mortgage loan servicer.

No Representations or Warranties

By providing this Privacy Notice, Fidelity National Financial, Inc. does not make any representations or warranties whatsoever concerning any products or services provided to you by its majority-owned subsidiaries. In addition, you also expressly agree that your use of the Website is at your own risk. Any services provided to you by Fidelity National Financial, Inc. and/or the Website are provided "as is" and "as available" for your use, without representations or warranties of any kind, either express or implied, unless such warranties are legally incapable of exclusion. Fidelity National Financial, Inc. makes no representations or warranties that any services provided to you by it or the Website, or any services offered in connection with the Website are or will remain uninterrupted or error-free, that defects will be corrected, or that the web pages on or accessed through the Website, or the servers used in connection with the Website, are or will remain free from any viruses, worms, time bombs, drop dead devices, Trojan horses or other harmful components. Any liability of Fidelity National Financial, Inc. and your exclusive remedy with respect to the use of any product or service provided by Fidelity National Financial, Inc. including on or accessed through the Website, will be the re-performance of such service found to be inadequate.

Your Consent To This Privacy Notice

By submitting Personal Information to FNF, you consent to the collection and use of information by us as specified above or as we otherwise see fit, in compliance with this Privacy Notice, unless you inform us otherwise by means of the procedure identified below. If we decide to change this Privacy Notice, we will make an effort to post those changes on the Website. Each time we collect information from you following any amendment of this Privacy Notice will signify your assent to and acceptance of its revised terms for all previously collected information and information collected from you in the future. We may use comments, information or feedback that you may submit in any manner that we may choose without notice or compensation to you.

If you have additional questions or comments, please let us know by sending your comments or requests to:

Fidelity National Financial, Inc.
601 Riverside Avenue
Jacksonville, Florida 32204
Attn: Chief Privacy Officer
(888) 934-3354
privacy@fnf.com

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EFFECTIVE AS OF: MAY 1, 2015

ATTACHMENT ONE

CALIFORNIA LAND TITLE ASSOCIATION STANDARD COVERAGE POLICY - 1990

EXCLUSIONS FROM COVERAGE

The following matters are expressly excluded from the coverage of this policy and the Company will not pay loss or damage, costs, attorneys' fees or expenses which arise by reason of:

1. (a) Any law, ordinance or governmental regulation (including but not limited to building and zoning laws, ordinances, or regulations) restricting, regulating, prohibiting or relating (i) the occupancy, use, or enjoyment of the land; (ii) the character, dimensions or location of any improvement now or hereafter erected on the land; (iii) a separation in ownership or a change in the dimensions or area of the land or any parcel of which the land is or was a part; or (iv) environmental protection, or the effect of any violation of these laws, ordinances or governmental regulations, except to the extent that a notice of the enforcement thereof or a notice of a defect, lien or encumbrance resulting from a violation or alleged violation affecting the land has been recorded in the public records at Date of Policy.
(b) Any governmental police power not excluded by (a) above, except to the extent that a notice of the exercise thereof or a notice of a defect, lien or encumbrance resulting from a violation or alleged violation affecting the land has been recorded in the public records at Date of Policy.
2. Rights of eminent domain unless notice of the exercise thereof has been recorded in the public records at Date of Policy, but not excluding from coverage any taking which has occurred prior to Date of Policy which would be binding on the rights of a purchaser for value without knowledge.
3. Defects, liens, encumbrances, adverse claims, or other matters:
 - (a) whether or not recorded in the public records at Date of Policy, but created, suffered, assumed or agreed to by the insured claimant;
 - (b) not known to the Company, not recorded in the public records at Date of Policy, but known to the insured claimant and not disclosed in writing to the Company by the insured claimant prior to the date the insured claimant became an insured under this policy;
 - (c) resulting in no loss or damage to the insured claimant;
 - (d) attaching or created subsequent to Date of Policy; or
 - (e) resulting in loss or damage which would not have been sustained if the insured claimant had paid value for the insured mortgage or for the estate or interest insured by this policy.
4. Unenforceability of the lien of the insured mortgage because of the inability or failure of the insured at Date of Policy, or the inability or failure of any subsequent owner of the indebtedness, to comply with the applicable doing business laws of the state in which the land is situated.
5. Invalidity or unenforceability of the lien of the insured mortgage, or claim thereof, which arises out of the transaction evidenced by the insured mortgage and is based upon usury or any consumer credit protection or truth in lending law.
6. Any claim, which arises out of the transaction vesting in the insured the estate or interest insured by this policy or the transaction creating the interest of the insured lender, by reason of the operation of federal bankruptcy, state insolvency or similar creditors' rights laws.

EXCEPTIONS FROM COVERAGE - SCHEDULE B, PART I

This policy does not insure against loss or damage (and the Company will not pay costs, attorneys' fees or expenses) which arise by reason of:

1. Taxes or assessments which are not shown as existing liens by the records of any taxing authority that levies taxes or assessments on real property or by the public records. Proceedings by a public agency which may result in taxes or assessments, or notices of such proceedings, whether or not shown by the records of such agency or by the public records.
2. Any facts, rights, interests or claims which are not shown by the public records but which could be ascertained by an inspection of the land or which may be asserted by persons in possession thereof.
3. Easements, liens or encumbrances, or claims thereof, not shown by the public records.
4. Discrepancies, conflicts in boundary lines, shortage in area, encroachments, or any other facts which a correct survey would disclose, and which are not shown by the public records.
5. (a) Unpatented mining claims; (b) reservations or exceptions in patents or in Acts authorizing the issuance thereof; (c) water rights, claims or title to water, whether or not the matters excepted under (a), (b), or (c) are shown by the public records.
6. Any lien or right to a lien for services, labor or material not shown by the public records.

**ATTACHMENT ONE
(CONTINUED)**

**CLTA HOMEOWNER'S POLICY OF TITLE INSURANCE (02-03-10)
ALTA HOMEOWNER'S POLICY OF TITLE INSURANCE (02-03-10)**

EXCLUSIONS

In addition to the Exceptions in Schedule B, You are not insured against loss, costs, attorneys' fees, and expenses resulting from:

1. Governmental police power, and the existence or violation of those portions of any law or government regulation concerning:
 - a. building;
 - b. zoning;
 - c. land use;
 - d. improvements on the Land;
 - e. land division; and
 - f. environmental protection.This Exclusion does not limit the coverage described in Covered Risk 8.a., 14, 15, 16, 18, 19, 20, 23 or 27.
2. The failure of Your existing structures, or any part of them, to be constructed in accordance with applicable building codes. This Exclusion does not limit the coverage described in Covered Risk 14 or 15.
3. The right to take the Land by condemning it. This Exclusion does not limit the coverage described in Covered Risk 17.
4. Risks:
 - a. that are created, allowed, or agreed to by You, whether or not they are recorded in the Public Records;
 - b. that are Known to You at the Policy Date, but not to Us, unless they are recorded in the Public Records at the Policy Date;
 - c. that result in no loss to You; or
 - d. that first occur after the Policy Date - this does not limit the coverage described in Covered Risk 7, 8.e., 25, 26, 27 or 28.
5. Failure to pay value for Your Title.
6. Lack of a right:
 - a. to any land outside the area specifically described and referred to in paragraph 3 of Schedule A; and
 - b. in streets, alleys, or waterways that touch the Land.This Exclusion does not limit the coverage described in Covered Risk 11 or 21.
7. The transfer of the Title to You is invalid as a preferential transfer or as a fraudulent transfer or conveyance under federal bankruptcy, state insolvency, or similar creditors' rights laws.

**ATTACHMENT ONE
(CONTINUED)**

LIMITATIONS ON COVERED RISKS

Your insurance for the following Covered Risks is limited on the Owner's Coverage Statement as follows:

- For Covered Risk 16, 18, 19 and 21, Your Deductible Amount and Our Maximum Dollar Limit of Liability shown in Schedule A.

The deductible amounts and maximum dollar limits shown on Schedule A are as follows:

	<u>Your Deductible Amount</u>	<u>Our Maximum Dollar Limit of Liability</u>
Covered Risk 16:	1.00% of Policy Amount Shown in Schedule A or \$2,500.00 (whichever is less)	\$10,000.00
Covered Risk 18:	1.00% of Policy Amount Shown in Schedule A or \$5,000.00 (whichever is less)	\$25,000.00
Covered Risk 19:	1.00% of Policy Amount Shown in Schedule A or \$5,000.00 (whichever is less)	\$25,000.00
Covered Risk 21:	1.00% of Policy Amount Shown in Schedule A or \$2,500.00 (whichever is less)	\$5,000.00

**ATTACHMENT ONE
(CONTINUED)**

**AMERICAN LAND TITLE ASSOCIATION
RESIDENTIAL TITLE INSURANCE POLICY (6-1-87)**

EXCLUSIONS

In addition to the Exceptions in Schedule B, you are not insured against loss, costs, attorneys' fees, and expenses resulting from:

1. Governmental police power, and the existence or violation of any law or government regulation. This includes building and zoning ordinances and also laws and regulations concerning:
 - land use
 - improvements on the land
 - land division
 - environmental protection

This exclusion does not apply to violations or the enforcement of these matters which appear in the public records at policy date.

This exclusion does not limit the zoning coverage described in Items 12 and 13 of Covered Title Risks.

2. The right to take the land by condemning it, unless:
 - a notice of exercising the right appears in the public records on the Policy Date
 - the taking happened prior to the Policy Date and is binding on you if you bought the land without knowledge of the taking
3. Title Risks:
 - that are created, allowed, or agreed to by you
 - that are known to you, but not to us, on the Policy Date-unless they appeared in the public records
 - that result in no loss to you
 - that first affect your title after the Policy Date - this does not limit the labor and material lien coverage in Item 8 of Covered Title Risks
4. Failure to pay value for your title.
5. Lack of a right:
 - to any land outside the area specifically described and referred to in Item 3 of Schedule Aor
 - in streets, alleys, or waterways that touch your land

This exclusion does not limit the access coverage in Item 5 of Covered Title Risks.

**ATTACHMENT ONE
(CONTINUED)**

2006 ALTA LOAN POLICY (06-17-06)

EXCLUSIONS FROM COVERAGE

The following matters are expressly excluded from the coverage of this policy, and the Company will not pay loss or damage, costs, attorneys' fees, or expenses that arise by reason of:

1. (a) Any law, ordinance, permit, or governmental regulation (including those relating to building and zoning) restricting, regulating, prohibiting, or relating to
 - (i) the occupancy, use, or enjoyment of the Land;
 - (ii) the character, dimensions, or location of any improvement erected on the Land;
 - (iii) the subdivision of land; or
 - (iv) environmental protection;or the effect of any violation of these laws, ordinances, or governmental regulations. This Exclusion 1(a) does not modify or limit the coverage provided under Covered Risk 5.
- (b) Any governmental police power. This Exclusion 1(b) does not modify or limit the coverage provided under Covered Risk 6.
2. Rights of eminent domain. This Exclusion does not modify or limit the coverage provided under Covered Risk 7 or 8.
3. Defects, liens, encumbrances, adverse claims, or other matters
 - (a) created, suffered, assumed, or agreed to by the Insured Claimant;
 - (b) not Known to the Company, not recorded in the Public Records at Date of Policy, but Known to the Insured Claimant and not disclosed in writing to the Company by the Insured Claimant prior to the date the Insured Claimant became an Insured under this policy;
 - (c) resulting in no loss or damage to the Insured Claimant;
 - (d) attaching or created subsequent to Date of Policy (however, this does not modify or limit the coverage provided under Covered Risk 11, 13, or 14); or
 - (e) resulting in loss or damage that would not have been sustained if the Insured Claimant had paid value for the Insured Mortgage.
4. Unenforceability of the lien of the Insured Mortgage because of the inability or failure of an Insured to comply with applicable doing-business laws of the state where the Land is situated.
5. Invalidity or unenforceability in whole or in part of the lien of the Insured Mortgage that arises out of the transaction evidenced by the Insured Mortgage and is based upon usury or any consumer credit protection or truth-in-lending law.
6. Any claim, by reason of the operation of federal bankruptcy, state insolvency, or similar creditors' rights laws, that the transaction creating the lien of the Insured Mortgage, is
 - (a) a fraudulent conveyance or fraudulent transfer, or
 - (b) a preferential transfer for any reason not stated in Covered Risk 13(b) of this policy.
7. Any lien on the Title for real estate taxes or assessments imposed by governmental authority and created or attaching between Date of Policy and the date of recording of the Insured Mortgage in the Public Records. This Exclusion does not modify or limit the coverage provided under Covered Risk 11(b).

The above policy form may be issued to afford either Standard Coverage or Extended Coverage. In addition to the above Exclusions from Coverage, the Exceptions from Coverage in a Standard Coverage policy will also include the following Exceptions from Coverage:

EXCEPTIONS FROM COVERAGE

This policy does not insure against loss or damage (and the Company will not pay costs, attorneys' fees or expenses) that arise by reason of:

1. (a) Taxes or assessments that are not shown as existing liens by the records of any taxing authority that levies taxes or assessments on real property or by the Public Records; (b) proceedings by a public agency that may result in taxes or assessments, or notices of such proceedings, whether or not shown by the records of such agency or by the Public Records.
2. Any facts, rights, interests, or claims that are not shown by the Public Records but that could be ascertained by an inspection of the Land or that may be asserted by persons in possession of the Land.
3. Easements, liens or encumbrances, or claims thereof, not shown by the Public Records.
4. Any encroachment, encumbrance, violation, variation, or adverse circumstance affecting the Title that would be disclosed by an accurate and complete land survey of the Land and not shown by the Public Records.
5. (a) Unpatented mining claims; (b) reservations or exceptions in patents or in Acts authorizing the issuance thereof; (c) water rights, claims or title to water, whether or not the matters excepted under (a), (b), or (c) are shown by the Public Records.
6. Any lien or right to a lien for services, labor or material not shown by the Public Records.

**ATTACHMENT ONE
(CONTINUED)**

2006 ALTA OWNER'S POLICY (06-17-06)

EXCLUSIONS FROM COVERAGE

The following matters are expressly excluded from the coverage of this policy, and the Company will not pay loss or damage, costs, attorneys' fees, or expenses that arise by reason of:

1. (a) Any law, ordinance, permit, or governmental regulation (including those relating to building and zoning) restricting, regulating, prohibiting, or relating to
 - (i) the occupancy, use, or enjoyment of the Land;
 - (ii) the character, dimensions, or location of any improvement erected on the Land;
 - (iii) the subdivision of land; or
 - (iv) environmental protection;or the effect of any violation of these laws, ordinances, or governmental regulations. This Exclusion 1(a) does not modify or limit the coverage provided under Covered Risk 5.
- (b) Any governmental police power. This Exclusion 1(b) does not modify or limit the coverage provided under Covered Risk 6.
2. Rights of eminent domain. This Exclusion does not modify or limit the coverage provided under Covered Risk 7 or 8.
3. Defects, liens, encumbrances, adverse claims, or other matters
 - (a) created, suffered, assumed, or agreed to by the Insured Claimant;
 - (b) not Known to the Company, not recorded in the Public Records at Date of Policy, but Known to the Insured Claimant and not disclosed in writing to the Company by the Insured Claimant prior to the date the Insured Claimant became an Insured under this policy;
 - (c) resulting in no loss or damage to the Insured Claimant;
 - (d) attaching or created subsequent to Date of Policy (however, this does not modify or limit the coverage provided under Covered Risk 9 and 10); or
 - (e) resulting in loss or damage that would not have been sustained if the Insured Claimant had paid value for the Title.
4. Any claim, by reason of the operation of federal bankruptcy, state insolvency, or similar creditors' rights laws, that the transaction vesting the Title as shown in Schedule A, is
 - (a) a fraudulent conveyance or fraudulent transfer; or
 - (b) a preferential transfer for any reason not stated in Covered Risk 9 of this policy.
5. Any lien on the Title for real estate taxes or assessments imposed by governmental authority and created or attaching between Date of Policy and the date of recording of the deed or other instrument of transfer in the Public Records that vests Title as shown in Schedule A.

The above policy form may be issued to afford either Standard Coverage or Extended Coverage. In addition to the above Exclusions from Coverage, the Exceptions from Coverage in a Standard Coverage policy will also include the following Exceptions from Coverage:

EXCEPTIONS FROM COVERAGE

This policy does not insure against loss or damage (and the Company will not pay costs, attorneys' fees or expenses) that arise by reason of:

1. (a) Taxes or assessments that are not shown as existing liens by the records of any taxing authority that levies taxes or assessments on real property or by the Public Records; (b) proceedings by a public agency that may result in taxes or assessments, or notices of such proceedings, whether or not shown by the records of such agency or by the Public Records.
2. Any facts, rights, interests, or claims that are not shown by the Public Records but that could be ascertained by an inspection of the Land or that may be asserted by persons in possession of the Land.
3. Easements, liens or encumbrances, or claims thereof, not shown by the Public Records.
4. Any encroachment, encumbrance, violation, variation, or adverse circumstance affecting the Title that would be disclosed by an accurate and complete land survey of the Land and not shown by the Public Records.
5. (a) Unpatented mining claims; (b) reservations or exceptions in patents or in Acts authorizing the issuance thereof; (c) water rights, claims or title to water, whether or not the matters excepted under (a), (b), or (c) are shown by the Public Records.
6. Any lien or right to a lien for services, labor or material not shown by the Public Records.

**ATTACHMENT ONE
(CONTINUED)**

ALTA EXPANDED COVERAGE RESIDENTIAL LOAN POLICY (07-26-10)

EXCLUSIONS FROM COVERAGE

The following matters are expressly excluded from the coverage of this policy and the Company will not pay loss or damage, costs, attorneys' fees or expenses which arise by reason of:

1. (a) Any law, ordinance, permit, or governmental regulation (including those relating to building and zoning) restricting, regulating, prohibiting, or relating to
 - (i) the occupancy, use, or enjoyment of the Land;
 - (ii) the character, dimensions, or location of any improvement erected on the Land;
 - (iii) the subdivision of land; or
 - (iv) environmental protection;or the effect of any violation of these laws, ordinances, or governmental regulations. This Exclusion 1(a) does not modify or limit the coverage provided under Covered Risk 5, 6, 13(c), 13(d), 14 or 16.
- (b) Any governmental police power. This Exclusion 1(b) does not modify or limit the coverage provided under Covered Risk 5, 6, 13(c), 13(d), 14 or 16.
2. Rights of eminent domain. This Exclusion does not modify or limit the coverage provided under Covered Risk 7 or 8.
3. Defects, liens, encumbrances, adverse claims, or other matters
 - (a) created, suffered, assumed, or agreed to by the Insured Claimant;
 - (b) not Known to the Company, not recorded in the Public Records at Date of Policy, but Known to the Insured Claimant and not disclosed in writing to the Company by the Insured Claimant prior to the date the Insured Claimant became an Insured under this policy;
 - (c) resulting in no loss or damage to the Insured Claimant;
 - (d) attaching or created subsequent to Date of Policy (however, this does not modify or limit the coverage provided under Covered Risk 11, 16, 17, 18, 19, 20, 21, 22, 23, 24, 27 or 28); or
 - (e) resulting in loss or damage that would not have been sustained if the Insured Claimant had paid value for the Insured Mortgage.
4. Unenforceability of the lien of the Insured Mortgage because of the inability or failure of an Insured to comply with applicable doing-business laws of the state where the Land is situated.
5. Invalidity or unenforceability in whole or in part of the lien of the Insured Mortgage that arises out of the transaction evidenced by the Insured Mortgage and is based upon usury, or any consumer credit protection or truth-in-lending law. This Exclusion does not modify or limit the coverage provided in Covered Risk 26.
6. Any claim of invalidity, unenforceability or lack of priority of the lien of the Insured Mortgage as to Advances or modifications made after the Insured has Knowledge that the vestee shown in Schedule A is no longer the owner of the estate or interest covered by this policy. This Exclusion does not modify or limit the coverage provided in Covered Risk 11.
7. Any lien on the Title for real estate taxes or assessments imposed by governmental authority and created or attaching subsequent to Date of Policy. This Exclusion does not modify or limit the coverage provided in Covered Risk 11(b) or 25.
8. The failure of the residential structure, or any portion of it, to have been constructed before, on or after Date of Policy in accordance with applicable building codes. This Exclusion does not modify or limit the coverage provided in Covered Risk 5 or 6.
9. Any claim, by reason of the operation of federal bankruptcy, state insolvency, or similar creditors' rights laws, that the transaction creating the lien of the Insured mortgage, is
 - (a) a fraudulent conveyance or fraudulent transfer, or
 - (b) a preferential transfer for any reason not stated in Covered Risk 27(b) of this policy.

Notice of Available Discounts

Pursuant to Section 2355.3 in Title 10 of the California Code of Regulations Fidelity National Financial, Inc. and its subsidiaries ("FNF") must deliver a notice of each discount available under our current rate filing along with the delivery of escrow instructions, a preliminary report or commitment. Please be aware that the provision of this notice does not constitute a waiver of the consumer's right to be charged the filed rate. As such, your transaction may not qualify for the below discounts.

You are encouraged to discuss the applicability of one or more of the below discounts with a Company representative. These discounts are generally described below; consult the rate manual for a full description of the terms, conditions and requirements for such discount. These discounts only apply to transactions involving services rendered by the FNF Family of Companies. This notice only applies to transactions involving property improved with a one-to-four family residential dwelling.

Not all discounts are offered by every FNF Company. The discount will only be applicable to the FNF Company as indicated by the named discount.

FNF Underwritten Title Companies

CTC – Chicago Title Company
CLTC – Commonwealth Land Title Company
FNTC – Fidelity National Title Company
FNTCCA – Fidelity National Title Company of California
TICOR – Ticor Title Company of California
LTC – Lawyer's Title Company

Underwritten by FNF Underwriters

CTIC – Chicago Title Insurance Company
CLTIC – Commonwealth Land Title Insurance Company
FNTIC – Fidelity National Title Insurance Company
FNTIC – Fidelity National Title Insurance Company
CTIC – Chicago Title Insurance Company
CLTIC – Commonwealth Land Title Insurance Company

Available Discounts

CREDIT FOR PRELIMINARY TITLE REPORTS AND/OR COMMITMENTS ON SUBSEQUENT POLICIES (CTIC, FNTIC)

Where no major change in the title has occurred since the issuance of the original report or commitment, the order may be reopened within twelve (12) to thirty-six (36) months and all or a portion of the charge previously paid for the report or commitment may be credited on a subsequent policy charge.

DISASTER LOANS (CTIC, CLTIC, FNTIC)

The charge for a Lender's Policy (Standard or Extended coverage) covering the financing or refinancing by an owner of record, within twenty-four (24) months of the date of a declaration of a disaster area by the government of the United States or the State of California on any land located in said area, which was partially or totally destroyed in the disaster, will be fifty percent (50%) of the appropriate title insurance rate.

CHURCHES OR CHARITABLE NON-PROFIT ORGANIZATIONS (CTIC, FNTIC)

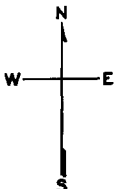
On properties used as a church or for charitable purposes within the scope of the normal activities of such entities, provided said charge is normally the church's obligation the charge for an owner's policy shall be fifty percent (50%) to seventy percent (70%) of the appropriate title insurance rate, depending on the type of coverage selected. The charge for a lender's policy shall be thirty-two percent (32%) to fifty percent (50%) of the appropriate title insurance rate, depending on the type of coverage selected.

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CITY & COUNTY ASSESSOR 1995

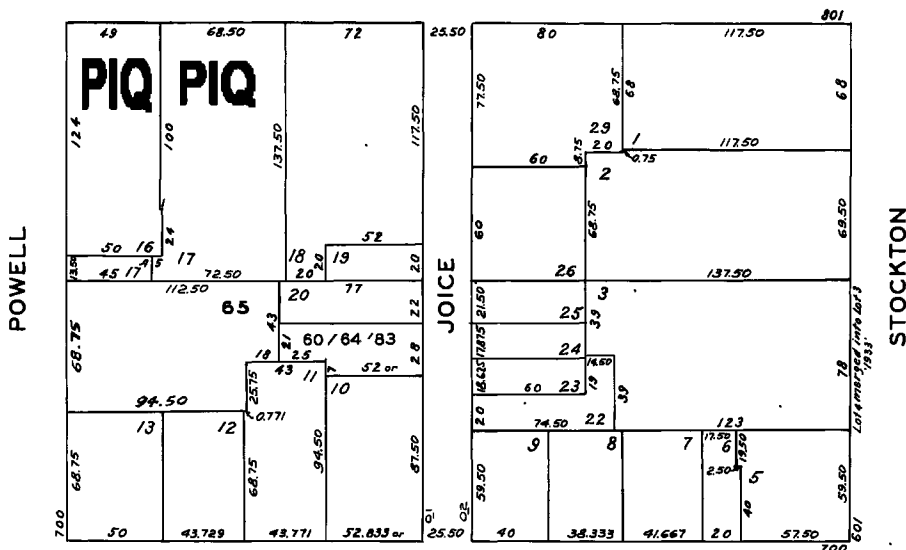
50 VARA BLOCK 139

REVISED '82
" '83

LOTS MERGED
Lot 4A merged into lot 5 43
" 28 " " " 27 "
" 27 " " " 26 49 "



CALIFORNIA



PINE

25-29 JOICE ST.
A CONDOMINIUM

LOT UNIT	%COMM AREA
60 1	13.275
61 2	19.470
62 3	17.689
63 4	19.470
64 25	30.096

Important: This plat is not a survey. It is furnished as a convenience to locate the land in relation to adjoining streets and other lands and not to guarantee any dimensions, distances, bearings or acreage.

ASSESSED 106,426
BLK. TOTAL 106,426 SQ. FT.

20149J94740700004
San Francisco Assessor-Recorder
Carmen Chu, Assessor-Recorder
DOC 2014-J947407-00
Acct 2001-Chicago Title Company Concord
Tuesday, SEP 09, 2014 12:09:33
Ttl Pd \$34.00 Nbr-0005014751
oma/RE/1-4

RECORDING REQUESTED BY AND
WHEN RECORDED RETURN IT TO:

Greene Radovsky Maloney Share & Hennigh LLP
Four Embarcadero Center
San Francisco, California 94111
Attention: Graham Maloney

MAIL ALL TAX STATEMENTS TO:

875 California II, LLC
One California Street, Suite 2500
San Francisco, California 94111
Attention: Rekha Patel

SPACE ABOVE THIS LINE FOR RECORDER'S USE

*

The undersigned Grantor declares:
Documentary Transfer Tax not shown
Pursuant to Section 11932 of the
Revenue and Taxation Code, as amended.

0256/016
& 0256/017
770 Powell St. & 875
California St.

GRANT DEED

FOR VALUABLE CONSIDERATION, receipt of which is hereby acknowledged, STANFORD 8 PARKING, LLC, a Delaware limited liability company ("Grantor"), hereby grants to 875 CALIFORNIA II, LLC, a Delaware limited liability company ("Grantee"), the real property and all improvements thereon and all rights appurtenant thereto owned by Grantor located in the County of San Francisco, State of California, described on Exhibit A attached hereto and made a part hereof.

[Grantor signature page follows]

Executed as of this 9th day of September, 2014.

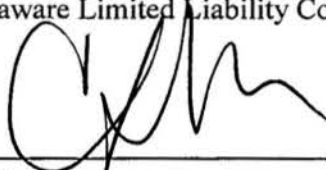
Grantor:

STANFORD 8 PARKING, LLC,
a Delaware Limited Liability Company

By: _____

Name:

Title:



Cindy Woon
Vice President

[SIGNATURE PAGE TO GRANT DEED]

STATE OF Florida

COUNTY OF Palm Beach

On September 5, 2014, before me, Christina Bitonti, a Notary Public, personally appeared Cindy Woon, who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

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

WITNESS my hand and official seal.

Christina Bitonti
Signature of the Notary Public



(Seal)

Exhibit A

Real Property Legal Description

PARCEL 1:

BEGINNING AT A POINT OF INTERSECTION OF THE SOUTHERLY LINE OF CALIFORNIA STREET WITH THE EASTERLY LINE OF POWELL STREET, RUNNING THENCE EASTERLY ALONG SAID LINE OF CALIFORNIA STREET, 49 FEET; THENCE AT A RIGHT ANGLE SOUTHERLY 100 FEET; THENCE AT A RIGHT ANGLE EASTERLY 1 FOOT; THENCE AT A RIGHT ANGLE SOUTHERLY 24 FEET; THENCE AT A RIGHT ANGLE WESTERLY 50 FEET TO THE EASTERLY LINE OF POWELL STREET; THENCE AT A RIGHT ANGLE NORTHERLY, ALONG SAID LINE OF POWELL STREET, 124 FEET TO THE POINT OF BEGINNING.

BEING A PORTION OF 50 VARA BLOCK NO. 139.

Assessors Lot 016, Block 0256, as to Parcel One

PARCEL 2:

COMMENCING AT A POINT ON THE SOUTHERLY LINE OF CALIFORNIA STREET, DISTANT THEREON 49 FEET EASTERLY FROM THE EASTERLY LINE OF POWELL STREET; RUNNING THENCE EASTERLY ALONG SAID LINE OF CALIFORNIA STREET 68 FEET, 6 INCHES; THENCE AT A RIGHT ANGLE SOUTHERLY 137 FEET, 6 INCHES; THENCE AT A RIGHT ANGLE WESTERLY 72 FEET, 6 INCHES; THENCE AT A RIGHT ANGLE NORTHERLY 13 FEET, 6 INCHES; THENCE AT A RIGHT ANGLE EASTERLY 5 FEET; THENCE AT A RIGHT ANGLE NORTHERLY 24 FEET; THENCE AT A RIGHT ANGLE WESTERLY 1 FOOT; THENCE AT A RIGHT ANGLE NORTHERLY 100 FEET TO THE POINT OF COMMENCEMENT.

BEING A PART OF 50 VARA BLOCK 139.

Assessors Lot 017, Block 0256, as to Parcel Two

OHSUSA:759012070.2

Recording Requested By:
Stewart Vacation Ownership
200 E. Sandpointe Ave., Suite #150
Santa Ana, CA 92707

Mall Tax Statement And
Recorded Deed To:
Bradley L. Handshy
1504 Rhodesia Way
San Jose, CA 95126

73642CA

20169K21772800005
San Francisco Assessor-Recorder
Carmen Chu, Assessor-Recorder
DOC 2016-K217728-00
Acct 2057-Stewart Vacation Ownership Title Agency,
Thursday, MAR 17, 2016 11:24:24
Ttl Pd \$49.50 Nbr-0005332071
ofa/RE/1-5

Space Above This Line For Recorder's Use

The undersigned grantor(s) declares:
Documentary transfer tax is \$12,50

- (X) Computed on full value of property conveyed, or
- () Computed on full value less value of liens and encumbrances remaining at time of sale.
- () Unincorporated area (X) City and County of San Francisco
Assessor's Parcel No.: 03-0256-065-02
Property Address: 730 Powell Street, San Francisco, CA 94108

Stewart Title has recorded this instrument as an accommodation only. It has not been examined as to its effect on title. No examination of such matters has been made.

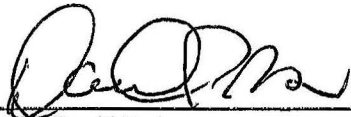
GRANT DEED

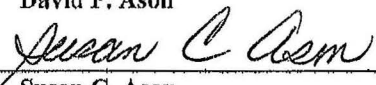
For a valuable consideration, receipt of which is hereby acknowledged,
David P. Ason and Susan C. Ason, Husband and Wife, as Joint Tenants

hereby GRANT(S) TO:
Bradley L. Handshy, a Single Man

the real property in the City and County of San Francisco, State of California described in "Exhibit A" attached hereto and made a part hereof.

Dated: March 4, 2016


By: 
David P. Ason

By: 
Susan C. Ason

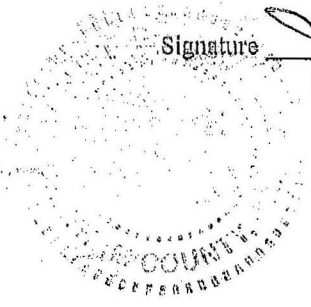
State of GEORGIA)
County of CHATHAM) ss.

On 3/4/16, before me, JANET LEVINER, Notary Public, personally appeared, David P. Ason and Susan C. Ason, personally known to me (or proved to me on the basis of satisfactory evidence) to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s) or the entity upon behalf of which the person(s) acted, executed the instrument.

WITNESS my hand and official seal.

Signature  Seal

JANET R. LEVINER
Notary Public, Chatham County GA
My Commission Expires Oct. 16, 2016



I certify under penalty of perjury under the laws of the State of California that the illegible portion of this document to which this statement is attached reads as follows:

Signature

SIGNATURE OF DECLARANT:


R. Mendoza

GOVERNMENT CODE 27361.7

I certify under penalty that the Notary Seal on the document in which this statement is attached reads as follows:

NAME OF NOTARY: JANET R. LEVINER
DATE COMMISSION EXPIRES: OCTOBER 16, 2016
COUNTY WHERE BOND IS FILED: CHATHAM COUNTY, GA
COMMISSION NUMBER: NONE
VENDOR NUMBER NONE

SIGNATURE: 
R. Mendoza

Exhibit "A"

LEGAL DESCRIPTION

POWELL PLACE

The land referred to herein is situated in the

State of **California**

County of **San Francisco, City of San Francisco**

and is described as follows:

An undivided **one-one thousand three hundred fiftieth (1/1350th)** interest in and to the following described real property:

PARCEL 1:

That certain real property situated in the State of California, City of San Francisco described as follows:

Commencing at a point on the easterly line of Powell Street, distant thereon 137 feet, 6 inches southerly from the southerly line of California Street; running thence southerly and along said line of Powell Street 44 feet; thence at a right angle easterly 94 feet, 6 inches, thence at a right angle northerly 1 foot; thence at a right angle easterly 18 feet; thence at a right angle northerly 43 feet; thence at a right angle westerly 112 feet, 6 inches to the point of commencement.

Being a portion of 50 Vara Lot No. 317 in Block No. 139.

PARCEL 2:

Beginning at a point on the easterly line of Powell Street, distant thereon 68 feet, 9 inches northerly from the northerly line of Pine Street; running thence northerly and along said line of Powell Street 24 feet, 9 inches; thence at a right angle easterly 94 feet, 6 inches; thence at a right angle southerly 24 feet, 9 inches; thence at a right angle westerly 94 feet, 6 inches to the point of beginning.

Being a portion of 50 Vara Lot No. 317 in Block No. 139.

Excepting from said Parcels One and Two, the exclusive right to use and occupy all of the "City Share Units" as defined in the Declaration of City Share (Powell Place) recorded May 14, 1981, under Serial No. D85810 of Official Records of said county.

PARCEL 3:

The exclusive right to use and occupy a “**Nob Hill** Unit Type”, as defined in the Declaration of City Share (Powell Place) recorded May 14, 1981, under Serial No. D85810 of Official Records of said county, during a “Use Period” within the “Use Year” (as quoted terms are defined in the Declaration); together with a nonexclusive right to use the “Common Area” as defined in the Declaration.

A Restated Declaration of City Share (Powell Place) dated December 2, 1986 and recorded December 18, 1986 in Book E237 Page 876 as Instrument No. D915773 of Official Records.

Subject to the effect, if any, of the amendment to Restated Declaration of City Share (Powell Place) dated January 1, 1993 and recorded April 2, 1993 in Book F849 Page 441 as Instrument No. F329247 of Official Records. Said document purports to change the undivided interest of each “City Share” from 1/1400 to 1/1350.

A-163



San Francisco Assessor-Recorder
Phil Ting, Assessor-Recorder
DOC- 2012-J406808-00

Check Number 1378
Friday, MAY 04, 2012 11:36:14
Ttl Pd \$23.00 Rcpt # 0004398655
REEL K640 IMAGE 0543
ofa/FT/1-3

**RECORDING REQUESTED BY
AND WHEN RECORDED MAIL TO:**

Derek T. Knudsen, Esq.
Knudsen & Weiss
425 California Street, Suite 1625
San Francisco, CA 94104

MAIL TAX STATEMENTS TO:

Patrice Racko
3001 Jackson Street
San Francisco, CA 94115

APN: Lot 20, Block 256
31 Joice St., San Francisco, CA

(Space Above For Recorder's Use)

3

Q.

TRUST TRANSFER DEED

The undersigned Grantor declares:

Documentary transfer tax is \$ 0.00 - REALTY NOT SOLD

(X) Grantee is a Trust for the benefit of Grantor, R & T Code 11930.

The undersigned, PATRICE RACKO, an unmarried woman, as tenant-in-common, hereby grants, conveys, transfers and assigns to PATRICE RACKO, as Trustee of the Patrice Racko Living Trust dated March 5, 2012, an undivided one-half (1/2) interest in and to that certain real property, and all improvements thereon and easements and appurtenances thereto, located in the City and County of San Francisco, State of California, described in Exhibit A attached hereto and incorporated herein by this reference.

IN WITNESS WHEREOF, Grantor has executed this Trust Transfer Deed on 3/26, 2012, at San Francisco, California.

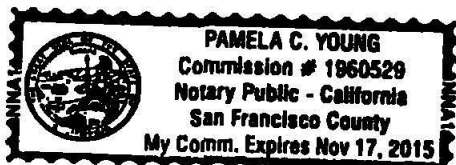
Patrice Racko
PATRICE RACKO

STATE OF CALIFORNIA)
) ss.
COUNTY OF SAN FRANCISCO)

On MARCH 26, 2012, before me, PAMELA C. YOUNG, a Notary Public, personally appeared PATRICE RACKO, who proved to me on the basis of satisfactory evidence to be the person whose name is subscribed to the within instrument and acknowledged to me that she executed the same in her authorized capacity, and that by her signature on the instrument the person, or the entity upon behalf of which the person acted, executed the instrument.

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

Witness my hand and official seal.



Pamela C. Young
Notary Public

EXHIBIT A

COMMENCING at a point on the westerly line of Joice Street, distant thereon 115 feet 6 inches northerly from the northerly line of Pine Street; running thence northerly along said westerly line of Joice Street 22 feet; thence at a right angle westerly 77 feet; thence at a right angle southerly 22 feet; thence at a right angle easterly 77 feet to the westerly line of Joice Street and the point of commencement.

BEING a portion of 50 Vara Lot No. 308.

Exhibit A

RECORDING REQUESTED BY
First American Title Company

AND WHEN RECORDED MAIL TO:
851 California, LLC
c/o Menlo Capital Group, LLC, 50 Frenont
Street, 22nd Floor
San Francisco, CA 94105



San Francisco Assessor-Recorder
Phil Ting, Assessor-Recorder
DOC- 2007-I414939-00
Acct 3-FIRST AMERICAN Title Company
Tuesday, JUL 10, 2007 08:00:00
Ttl Nbr-0003264517
REEL J429 IMAGE 0085
0J1/JL/1-2

Space Above This Line for Recorder's Use Only

20

22

A.P.N.: Lot: 018, Block: 0256

File No.: 3809-2821807 (PF)

Property Address: 851 California Street, San Francisco, CA 94108
Lot Number: 018
Block Number: 0256

GRANT DEED

The Undersigned Grantor(s) Declare(s): DOCUMENTARY TRANSFER TAX \$0.00; CITY TRANSFER TAX \$non-disclosed;
SURVEY MONUMENT FEE \$10.00

- computed on the consideration or full value of property conveyed, OR
- computed on the consideration or full value less value of liens and/or encumbrances remaining at time of sale,
- unincorporated area; City of San Francisco, and

FOR A VALUABLE CONSIDERATION, receipt of which is hereby acknowledged, **San Francisco Residence Club, Inc., a California Corporation**

hereby GRANTS to **851 California, LLC, a California limited liability company**

the following described property in the City of **San Francisco**, County of **San Francisco**, State of **California**:

BEGINNING AT A POINT ON THE SOUTHERLY LINE OF CALIFORNIA STREET, DISTANT THEREON 117 FEET AND 6 INCHES EASTERLY FROM THE EASTERLY LINE OF POWELL STREET; RUNNING THENCE EASTERLY ALONG SAID LINE OF CALIFORNIA STREET 72 FEET TO THE WESTERLY LINE OF JOICE STREET; THENCE AT A RIGHT ANGLE SOUTHERLY ALONG THE WESTERLY LINE OF JOICE STREET 117 FEET AND 6 INCHES; THENCE AT A RIGHT ANGLE WESTERLY 52 FEET; THENCE AT A RIGHT ANGLE SOUTHERLY 20 FEET; THENCE AT A RIGHT ANGLE WESTERLY 20 FEET; THENCE AT A RIGHT ANGLE NORTHERLY 137 FEET AND 6 INCHES TO THE POINT OF BEGINNING.

BEING A PORTION OF 50 VARA BLOCK NO. 139.

Dated: 07/03/2007

Mail Tax Statements To: SAME AS ABOVE

3516

San Francisco Residence Club, Inc., a California Corporation

[Handwritten Signature]
By: Kevin Donahue, President

[Handwritten Signature]
By: Kate L. Donahue, Secretary

STATE OF California)SS
COUNTY OF San Francisco)

On 7-3-07, before me, Mark Ryan Carmody

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

WITNESS my hand and official seal.

Signature

[Handwritten Signature]



My Commission Expires: 2-21-08

This area for official notarial seal

Notary Name: _____

Notary Phone: _____

Notary Registration Number: _____

County of Principal Place of Business: _____

RECORDING REQUESTED BY
CHICAGO TITLE COMPANY
AND WHEN RECORDED MAIL TO

Valentino Fazzari
750 Powell Street
San Francisco, California

San Francisco Assessor-Recorder
Mabel S. Teng, Assessor-Recorder
DOC- 2004-H685507-00
Reot 1-CHICAGO Title Company
Friday, MAR 26, 2004 08:00:00
Ttl Pd \$12.00 Hbr-8882440293
REEL I603 IMAGE 0289
081/GG/1-2

Escrow No. 189951-047
Order No. 185253-304377

SPACE ABOVE THIS LINE FOR RECORDER'S USE

Barbara - Washington Mutual
APN 254/17A 750 POWELL ST QUITCLAIM DEED

The undersigned declares that the documentary transfer tax is ϕ -parent to child-Love and Affection and is

- computed on the full value of the interest or property conveyed, or is
- computed on the full value less the value of liens or encumbrances remaining thereon at the time of sale.

The undersigned declares that the city/county transfer tax is \$~

The land, tenements or realty is located in unincorporated area City of San Francisco

FOR A VALUABLE CONSIDERATION, receipt of which is hereby acknowledged,
Clarita Fazzari, An Unmarried Woman

do(es), hereby REMISE, RELEASE, and forever QUITCLAIM to
Valentino Fazzari, An Unmarried Man

the following described real property in the
County of San Francisco, State of California:

LEGAL DESCRIPTION ATTACHED HERETO AND MADE A PART HEREOF BY REFERENCE

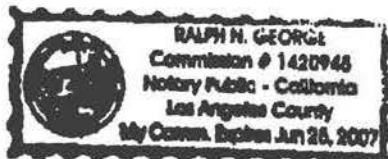
Dated March 16, 2004

[Handwritten Signature]
Clarita Fazzari

STATE OF CALIFORNIA
COUNTY OF LOS ANGELES ss.

On March 17, 2004 before me,
RALPH N. GEORGE

a Notary Public in and for said County and State, personally appeared
Clarita Fazzari



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

[Handwritten Signature]
Signature of Notary

FOR NOTARY SEAL OR STAMP

MAIL TAX STATEMENTS TO PARTY SHOWN ON FOLLOWING LINE: IF NO PARTY SO SHOWN, MAIL AS DIRECTED ABOVE

Name Street Address City, State & Zip

H685507

Escrow No. 185951 -MT

LEGAL DESCRIPTION EXHIBIT

CITY OF SAN FRANCISCO

BEGINNING AT A POINT ON THE EASTERLY LINE OF POWELL STREET, DISTANT THEREON 124 FEET SOUTHERLY FROM THE SOUTHERLY LINE OF CALIFORNIA STREET; RUNNING THENCE SOUTHERLY AND ALONG SAID LINE OF POWELL STREET 13 FEET 6 INCHES; THENCE AT A RIGHT ANGLE EASTERLY 45 FEET; THENCE AT A RIGHT ANGLE NORTHERLY 13 FEET 6 INCHES; THENCE AT A RIGHT ANGLE WESTERLY 45 FEET TO THE POINT OF BEGINNING.

BEING PART OF 50 VARA LOT NO. 150 IS BLOCK NO. 139.

LOT 017A, BLOCK 0256

G. FORMS

Form No. 1

Previous Land Use, Permits and Below Market Rate Units

Assessor's Block 0256 Lot 016 and 017

Address 770 Powell Street and 875 California Street

Item No. 6. – Previous Land Use:

Parking garage and surface parking lot.

Item No. 6a. - Permit numbers for any approved building permits - No approved building permit has been issued yet.

_____ # _____ # _____
 # _____ # _____ # _____

Item No. 12 - Provide proposed sales prices for Below Market Rate (BMR)


Apartment No.	Proposed Sales Price	Apartment No.	Proposed Sales Price
	No BMR units on site (in-lieu fee paid).		

Form No. 2

Owner's Release of Interest in Common Areas

In accordance with section 1323(a)(6) of the San Francisco Subdivision Code, this is my statement that neither I nor any of my agents shall retain any right, title, or interest in any common area or areas or facilities except those common areas in which I might retain any individual interest by virtue of ownership of one or more of the individual units.

Dated: 5/6/16

Signed: 
Louis J. Sarmiento, Attorney and Authorized Agent for Subdivider

Dated: _____

Signed: _____

Dated: _____

Signed: _____

Dated: _____

Signed: _____



1221 Harrison Street Suite 18
San Francisco CA 94103-4449

(415) 391-4775

**BLOCK 256
LOT 16, 17**

San Francisco, CA

N

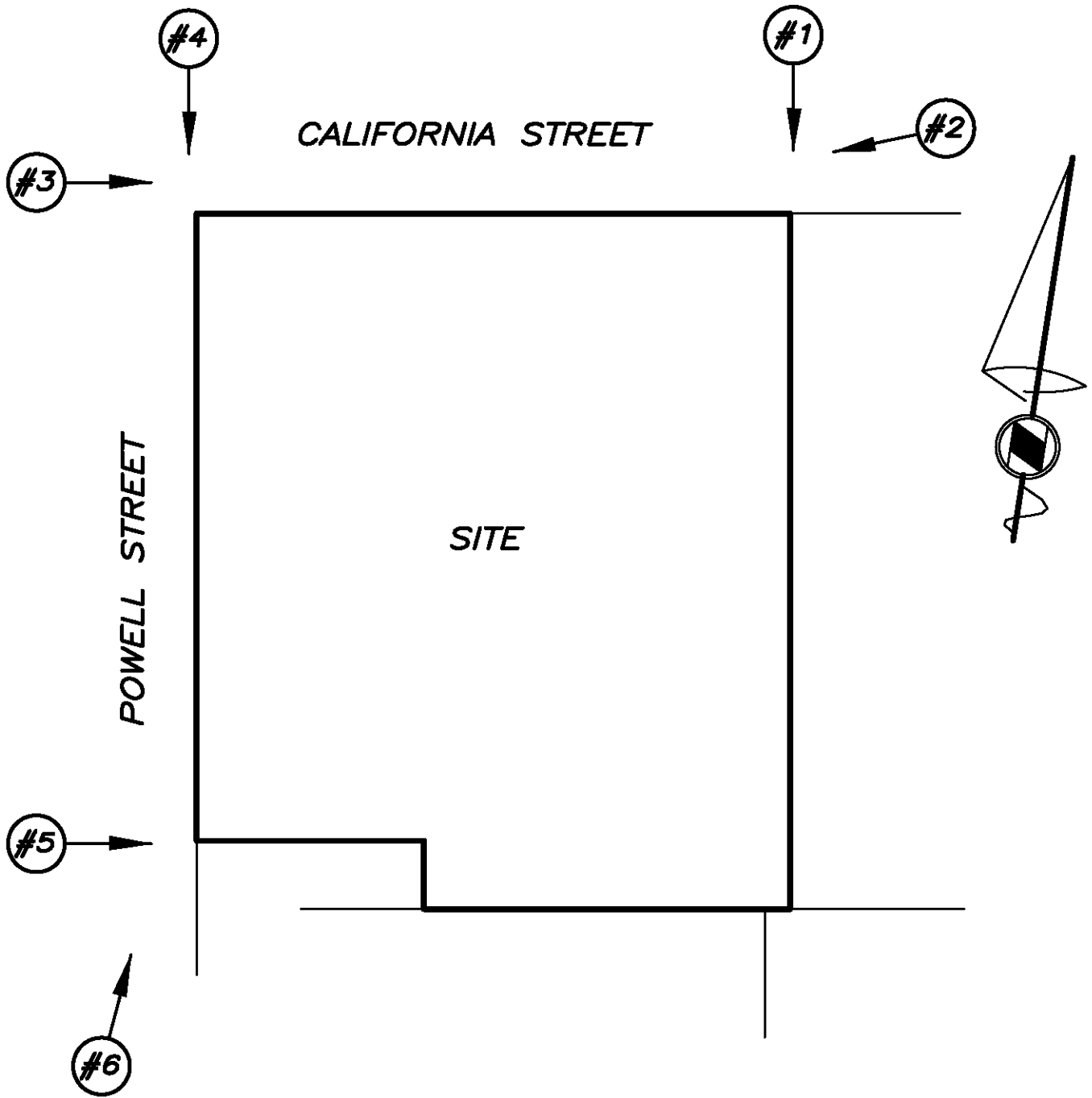
SCALE: 1"=50'-0"



JOB NO:	DATE: 160315
02560016	DRAWN: DC
	CHECKED: DC

300 FOOT
RADIUS MAP





SUBJECT: **PHOTOS**

ASSESSOR'S BLOCK NO. 0256
SAN FRANCISCO, CA.

BY DR CHKD. BR DATE 4/29/16 NOT TO SCALE SHEET 1 OF 4 JOB NO. S-9174

MARTIN M. RON ASSOCIATES, INC.
LAND SURVEYORS

859 HARRISON STREET
SAN FRANCISCO, CA. 94107
(415) 543-4500

#1



#2



SUBJECT: **PHOTOS**

ASSESSOR'S BLOCK NO. 0256
SAN FRANCISCO, CA.

BY DR CHKD. BR DATE 4/29/16 NOT TO SCALE SHEET 2 OF 4 JOB NO. S-9174

MARTIN M. RON ASSOCIATES, INC.
LAND SURVEYORS

S-8887/S-9174 Photos.dwg

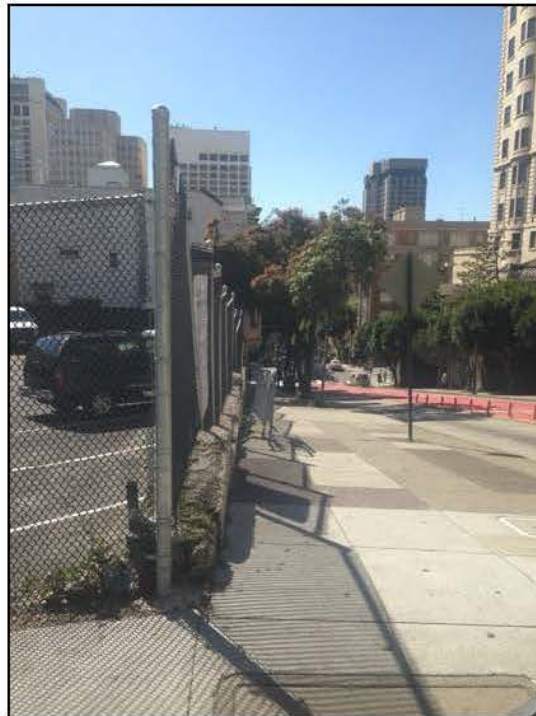
3525

859 HARRISON STREET
SAN FRANCISCO, CA. 94107
(415) 543-4500

#3



#4



SUBJECT: **PHOTOS**

ASSESSOR'S BLOCK NO. 0256
SAN FRANCISCO, CA.

BY DR CHKD. BR DATE 4/29/16 NOT TO SCALE SHEET 3 OF 4 JOB NO. S-9174

MARTIN M. RON ASSOCIATES, INC.
LAND SURVEYORS

S-8887/S-9174 Photos.dwg

3526

859 HARRISON STREET
SAN FRANCISCO, CA. 94107
(415) 543-4500

#5



#6



SUBJECT: **PHOTOS**

**ASSESSOR'S BLOCK NO. 0256
SAN FRANCISCO, CA.**

BY DR CHKD. BR DATE 4/29/16 NOT TO SCALE SHEET 4 OF 4 JOB NO. S-9174

**MARTIN M. RON ASSOCIATES, INC.
LAND SURVEYORS**

S-8887/S-9174 Photos.dwg

3527

**859 HARRISON STREET
SAN FRANCISCO, CA. 94107
(415) 543-4500**

Form No. 3

Proposition "M" Findings Form The Eight Priority Policies of Section 101.1 of the San Francisco Planning Code

Date: _____

City Planning Case No. _____ (if available)

Address 770 Powell Street and 875 California Street

Assessor's Block 0256 Lot(s) 016 and 017

Proposal: Vesting tentative map for condominium purposes, for new construction project containing 44 residential condominium units.

EIGHT PRIORITY GENERAL PLAN POLICIES

As a result of the passage of Proposition M (Section 101.1 of the San Francisco Planning Code), findings that demonstrate consistency with the eight priority policies of Section 101.1 must be presented to the Department of City Planning as part of your project application review for general conformity with San Francisco's General Plan.

Photographs of the subject property are required for priority policy review and must be submitted as part of the application.

INSTRUCTIONS TO APPLICANTS: Please present information in detail about how your application relates to each of the eight priority policies listed below. The application will be found to be incomplete if the responses are not thorough. Use a separate document and attach if more space is needed.

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 project would not affect neighborhood-serving retail uses, as there is no neighborhood-serving retail use at the site.

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

The project will not diminish existing housing stock, as there is no housing on the site. The project will provide new housing opportunities through the development of 44 residential units. The project has been carefully designed so that its architecture compliments the surrounding structures and neighborhood character.

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

The project site contained no housing and therefore will not displace any existing affordable housing.
The project will comply with the City's inclusionary housing regulations by paying an in-lieu fee.

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

The project will not alter or impede Muni transit service or overburden our streets or neighborhood parking. The project provides all parking required by the Planning Code. Moreover, as the project is a residential development, the project will not generate commuter traffic within the meaning of this policy.

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 project would not harm the City's industrial and service sectors by displacing them with commercial office development. The site contains no industrial or service sectors within the meaning of this policy.

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

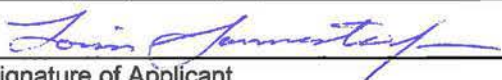
The project will meet all structural and seismic safety requirements under applicable building codes and will meet or exceed all Code requirements regarding seismic and life safety standards.

7. That landmarks and historic buildings be preserved; and

The project will not affect the preservation of any landmarks or historic buildings. No such structures exist at the site.

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

The project will have no significant effect on our parks or open spaces and their access to sunlight or vistas.


Signature of Applicant

5/6/16
Date

By: Louis J. Sarmiento, Attorney and Authorized Agent for Subdivider



SAN FRANCISCO PLANNING DEPARTMENT

Subject to: (Select only if applicable)

- Affordable Housing (Sec. 415)
- Jobs Housing Linkage Program (Sec. 413)
- Downtown Park Fee (Sec. 412)
- First Source Hiring (Admin. Code)
- Child Care Requirement (Sec. 414)
- Other

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

Reception:
415.558.6378

Fax:
415.558.6409

Planning
Information:
415.558.6377

Planning Commission Motion No. 19612

HEARING DATE: APRIL 7, 2016

Case No.: 2014-000609CUA VAR
 Project Address: 875 CALIFORNIA STREET/ 770 POWELL STREET
 Zoning: RM-4 (Residential- Mixed, High Density)
 65-A Height and Bulk District
 Nob Hill Special Use District
 Block/Lot: 0256/016, 017
 Project Sponsor: Grosvenor Americas
 Attn: Amelia Stavely
 One California Street, Suite 2500
 San Francisco, CA 94111
 Staff Contact: Marcelle Boudreaux – (415) 575-9140
Marcelle.boudreaux@sfgov.org

ADOPTING FINDINGS RELATING TO THE APPROVAL OF CONDITIONAL USE AUTHORIZATION PURSUANT TO SECTIONS 303, 155, 253 AND 271 OF THE PLANNING CODE TO ALLOW CONTINUATION OF A CURB CUT ON CALIFORNIA STREET, TO ALLOW HEIGHT EXCEEDING 50 FEET IN A RM DISTRICT, AND TO EXCEED BULK LIMITATIONS PER CODE SECTION 270, WITH RESPECT TO A PROPOSAL TO DEMOLISH A PARKING GARAGE AND SURFACE PARKING LOT AND TO CONSTRUCT A SEVEN-STORY BUILDING WITH 44 RESIDENTIAL UNITS, 48 PARKING SPACES, 86 CLASS 1 AND 2 CLASS 2 BICYCLE PARKING SPACES, LOCATED ON A SITE PROPOSING TO MERGE TWO LOTS WITHIN THE RM-4 (RESIDENTIAL- MIXED, HIGH DENSITY) DISTRICT AND A 65-A HEIGHT AND BULK DISTRICT.

PREAMBLE

On April 1, 2015, Jody Knight of Reuben, Junius, Rose, LLP, acting on behalf of Grosvenor Americas (hereinafter "Project Sponsor"), filed an application with the Planning Department (hereinafter "Department") for Conditional Use Authorization under Planning Code Section(s) 303, 155, 253 and 271 to allow continuation of one existing curb cut on California Street, reduced to Department guidelines, to allow height exceeding 50 feet in a 65 foot height district, and to allow exceptions for measuring bulk per Section 270, for a new seven-story, 65-foot tall, 44-unit residential project, proposing to merge two lots,

located at 875 California and 770 Powell Street, Block 0256 and Lots 016 and 017, within the RM-4 (Residential- Mixed, High Density) District and a 65-A Height and Bulk District.

On April 1, 2015, the Project Sponsor applied for a Variance from the requirements of Section 134, to allow a rear yard ranging from 0 lot depth to 53 feet 6 inch lot depth, and from Section 140, to allow four dwelling units with non-code compliant exposure.

On April 1, 2015, Department staff received a request for review of a development exceeding 40 feet in height (Case No. 2014.000609SHD), pursuant to Section 295, analyzing the potential impacts of the development to properties under the jurisdiction of the Department of Recreation and Parks. Department staff prepared a shadow fan depicting the potential shadow cast by the development and concluded that the Project could potentially cast shadow on St. Mary's Square, Willie "Woo Woo" Wong Playground and Portsmouth Square Plaza. After reviewing and analyzing a secondary analysis submitted by the Project Sponsor, dated November 13, 2015, the Planning Department concluded that no new, net potential shadow will be cast upon any of these parks or POPOS located at the 555, 600 and 650 California Street buildings, because the project would not result in any new shadows (at no time throughout the year). Therefore, the Project would have no impact to properties subject to Section 295 or per CEQA.

On March 11, 2016 the Project was determined to be exempt from the California Environmental Quality Act ("CEQA") as a Class 32 Categorical Exemption under CEQA as described in the determination contained in the Planning Department files for this Project.

On April 7, 2016, the San Francisco Planning Commission (hereinafter "Commission") conducted a duly noticed public hearing at a regularly scheduled meeting on Conditional Use Application No. 2014.000609CUAVAR.

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

MOVED, that the Commission hereby authorizes the Conditional Use requested in Application No. 2014.000609CUAVAR, subject to the conditions contained in "EXHIBIT A" of this motion, based on the following findings:

FINDINGS

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

1. The above recitals are accurate and constitute findings of this Commission.
2. **Site Description and Present Use.** The project is located on the southern side of California Street and the eastern side of Powell Street, Block 0256, Lots 016 and 017. The property is located within the RM-4 (Residential- Mixed, High Density) Zoning District with 65-A Height and Bulk district. The property includes two lots, at the corner of California and Powell Streets. The corner

lot, with approximately 49 feet of frontage on California Street and 124 feet of frontage on Powell Street, is a surface parking lot. The other lot, with 68.5 feet of frontage on California Street, is developed with a two-story parking garage structure. Of this frontage, two curb cuts exist measuring 60.5 feet.

3. **Surrounding Properties and Neighborhood.** The project site is located at the intersection of California and Powell Streets. The Project site is located within the Chinatown neighborhood – adjacent to Nob Hill, and within the Nob Hill Special Use District. A mixture of hotels, residential uses in multi-family buildings and smaller flats, and private clubs define the immediate surroundings. In the adjacent block of California to the north and west, the California Club, the Fairmont, Intercontinental Mark Hopkins and Stanford Court Hotels are located. The surrounding properties are located within the RM-4 (Residential- Mixed, High Density) and RM-3 (Residential- Mixed, Medium Density) Districts, and approximately one block east on California the C-3-G (Downtown General) Zoning District begins.
4. **Project Description.** The applicant proposes to demolish the surface parking lot at 770 Powell and parking structure at 875 California, to merge the two lots and to construct a new seven-story, 65-foot tall building with 44 residential units and 48 underground parking spaces. The main pedestrian entry is from the northwest corner of the site. On-site bicycle parking is provided for 86 Class 1 spaces in a secure room at the Garden Level 2, with direct access through a door and ramp from Powell Street. Garage access for the Project would be provided by a single 10-foot curb cut on California Street at the same location as a current larger curb cut, with a car elevator providing access to the below-grade parking garage. In addition, the 46-foot wide curb cut currently used to access the parking structure and parking lot on California would be eliminated and replaced with code-compliant sidewalks. It is also anticipated that two on-street parking spaces may be added, which may also be used for deliveries and/or passenger loading during business hours, depending on SFMTA approval.

The Project design proposes to activate the street. The building footprint is generally U-shaped. At the northwestern corner of the site, the building mass is carved back from the property line to create an open court at the street. This space provides access to the main building lobby and is defined at the street by low walls capped with custom-designed fencing. Gates, continuing the custom-designed grille work, penetrate the wall with access points from Powell and from California Streets. The low wall follows the up-sloping grade to incorporate pedestrian seating elements which overlook the landscaped open space court. This building setback at the corner maintains the site line at this steep intersection and preserves the relationship with the historic cable car kiosk. In addition, there are three points of direct access to four residential units from the sidewalk, separate from the main lobby entrance, which will provide a strong connection between the public street-front and the private building entrances. Open space is provided throughout the project in the front courtyard, at terraces as the building mass is reduced at higher levels, roof decks and at the rear yard. The U-shaped building form defines a consistent streetwall, resulting in a rear yard design located in the southeast corner of the proposed merged lots to take advantage of the steep topography and provide the most usable yard space.

A small palette of high-quality materials reflects the unique surroundings. As proposed, a granite base, with a custom faceted profile, supports a custom stucco cladding at the upper levels. Metal gates, balcony railings, and security features are designed with a design incorporated throughout the building façade. Bronze metal highlights planter boxes at lower levels, and defines the main lobby entry. Stone trim is applied at windows, canopies and some beltcourse levels.

5. **Public Comment/Community Outreach.** The Department has received five letters in support of the project including from the Fairmont Hotel, the Masonic Memorial Temple, from a member of the California Club, the Board of Directors of the University Club of San Francisco, and from a member of the public. Additionally the Housing Action Coalition has endorsed the project, with the scorecard is submitted in the sponsor submittal. Additional support from attendees at a community meeting hosted by the sponsor on March 23, 2016 is included in the project sponsor submittal.

The project team has conducted Department required outreach. In addition, another open house was held in October 2015, at which the Team presented the updated Project and took questions and community input. The Project has also been presented to the Nob Hill Association on multiple occasions. In October 2015, the Team presented to the San Francisco Housing Action Coalition Endorsement Committee, which voted to endorse the Project. There have also been a series of individual meetings with neighborhood groups and interested parties, including the following: The Fairmont Hotel; The Masonic Auditorium; The Stanford Court Hotel; The Powell Place Hotel; 851 Residence Club (ownership and management); The University Club; The Mark Hopkins Hotel; Representatives from 750 Powell Street. In February 2016, letters were sent to approximately 45 residents and building owners immediately adjacent to the Project site to inform them of the Planning Commission hearing date and offer to meet to answer any questions. Currently, the Project Team is in the process of providing updated project plans to the Nob Hill Association, project neighbors, and other interested stakeholders, and has hosted the neighborhood at an informal meet and greet with Project Team on March 23 at the University Club.

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. **Rear Yard.** Planning Code Section 134 states that the minimum rear yard depth shall be equal to 25% of the total depth of the lot on which the building is situated, but in no case less than 15 feet, at grade level and above.

The rear yard is provided at grade level and above. Due to the proposed irregular lot shape, in that two lots with varied lot depth are proposed for merger, the rear yard requirement ranges from 34 feet 4 inches to 31 feet of lot depth, as measured from the frontage of California Street. The proposed rear yard ranges in measurement from 0 lot depth to 53 feet 6 inch lot depth. Portions of the rear yard are compliant; however, the entire rear yard is not code compliant. The proposed rear yard is located in the southeastern corner of the lot, measuring approximately 2,538 square feet, with additional open space provided at the front courtyard, roof decks and terraces. The design of the rear yard reflects the building's U-shaped footprint and ensures that the rear yard receives adequate light in this block with

steep topography. A code compliant rear yard would have provided approximately 3,887 square feet of rear yard open area.

To create a code compliant yard, the building design would maintain a gap in the streetwall on Powell Street, which would not conform to the Department's urban design objectives, and create a shaded, canyon-like rear yard, which would not meet the intent of rear yard open space. The project proposes 5,900 square feet private open space at roof decks and terraces which satisfies the private open space needs for 13 dwelling units. In addition, the communal roof terrace provides 730 square feet of open space and the front courtyard provides 805 square feet common open space. Additional common open space which does not meet the technical dimensional requirements of the Planning Code includes the rear yard (approximately 2,538 square feet) and a common open space outside a sunroom off the garden (165 square feet). The sponsor has requested a Variance from the Planning Code. This will be heard concurrently by the Zoning Administrator at the Planning Commission hearing for the Conditional Use Authorization.

- B. Open Space.** Planning Code Section 135 requires that the project provide a minimum of 36 square feet of open space per dwelling unit, if not publically accessible. Further, any private usable open space shall have a minimum horizontal dimension of six feet and a minimum area of 36 square feet if located on a deck, balcony, porch or roof, and shall have a minimum horizontal dimension of 10 feet and a minimum area of 100 square feet if located on open ground, a terrace or the surface of an inner or outer court. Alternatively, common useable open space, at a rate of 48 square feet per dwelling unit, shall be at least 15 feet in every horizontal dimension and shall be a minimum of 300 square feet.

The required private open space is 1,584 square feet and required common open space is 2,112 square feet for the project. Thirteen of the dwelling units are proposed with private balconies and decks, equaling 5,900 square feet, meeting the minimum dimensional requirements. Therefore, 1,488 square feet of common open space is required for the remaining dwelling units. This requirement is met through the communal roof terrace which provides 730 square feet of open space and the front courtyard which provides 805 square feet common open space. Therefore the project complies with the Code. Additional common open space which does not meet the technical dimensional requirements of the Planning Code includes the 2,538 square-foot common portion of the rear yard and a common open space outside a sunroom off the garden (165 square feet).

- C. Bay Windows.** Per Section 136(c)(2), bay window projections over public right-of-way are permitted with a maximum projection of 3 feet over sidewalk with minimum 7½ feet headroom. A maximum length of each bay window or balcony shall be 15 feet at the line establishing the required open area, and shall be reduced in proportion to the distance from such line by means of 45 degree angles drawn inward from the ends of such 15-foot dimension, reaching a maximum of nine feet along a line parallel to and at a distance of three feet from the line establishing the required open area. The glass areas of each bay window, and the open portions of each balcony, shall be not less than 50 percent of the sum of the areas. The minimum horizontal separation between bay windows is 2 feet.

The bay windows project 3 feet over the public sidewalk with at least 7½ feet of vertical headroom. The maximum length of the bay establishing the open area measures approximately 11 feet 2 inches and reduces in proportion to approximately 6 feet 9 inches. More than 50% of each vertical face of the bay is expressed with clear glazed, steel sash windows. Horizontal separation between bay windows varies, but is at least greater than 10 feet in all cases. Therefore, the project complies with this Section of Code.

- D. **Dwelling Unit Exposure.** Section 140 requires that each dwelling unit shall face directly a public street, public alley at least 20 feet in width, side yard at least 25 feet in width, or rear code-compliant rear yard; or open area/court with minimum horizontal dimension of 25 feet in every horizontal dimension for the floor at which the Dwelling Unit in question is located and the floor immediately above it, with an increase of five feet at every subsequent floor.

A majority of the dwelling units are designed to face directly onto a public street or a code compliant open space. Due to the U-shape of the building and a central circulation core, each level exhibits units which face onto the rear yard. At the two Garden Levels (Garden Level 2 and Garden Level), the dimensional open space requirements are not met for dwelling unit exposure. At the two Garden Levels there are four dwelling units (two units per level) which face onto this non-compliant open space. The Project meets the intent of the code to provide adequate exposure for dwelling units facing the rear as these units will have more than sufficient light and air from the large rear yard. At levels Lobby through 7, the dimensional requirements for an open space are met, therefore those dwelling units which face only onto the rear yard are compliant. The sponsor has requested a Variance from the Planning Code for the non-compliant units. This Variance will be heard concurrently by the Zoning Administrator at the Planning Commission hearing for the Conditional Use Authorization.

- E. **Nob Hill Special Use District.** Planning Code Section 238 states that special uses must undergo additional review within this established area with a unique combination of uses and a special identity. These uses require Conditional Use authorization: hotel, incidental commercial, private community facility, eating and drinking uses. The SUD places additional limitations on signage for principally permitted uses or eating and drinking uses.

The project does not include any of the above components, therefore no additional analysis or findings are required. If signage is proposed, additional restrictions as noted in 238(e) shall be applied.

- F. **Residential Off-Street Parking.** Planning Section 151 of the Planning Code requires off-street parking for every dwelling unit. The maximum parking permitted as accessory is 1.5 spaces where one space is required.

The project proposes 48 off-street parking spaces. Forty-four spaces are required; four additional spaces are permitted. The 48 parking spaces are permitted and compliant. Vehicle stackers are being employed for reduction in square footage required for parking.

- G. **Curb Cuts.** Per Section 155(r), curb cuts along the entire length of California Street require Conditional Use Authorization.

The project proposes continuation of one of the two existing curb cuts on California Street. The curb cuts measure approximately 46 feet 8 inches and 13 feet 10 inches. For this project, the 13 feet 10 inch curb would be reduced to a 10 feet wide curb cut on California Street, and the larger curb cut would be removed with the curb improved to City standards. It is also anticipated that two on-street parking spaces will be added, which may also be used for deliveries and/or passenger loading during business hours, depending on San Francisco Municipal Transportation Agency approval. See #7 for findings and more analysis.

- H. **Bicycle Parking.** Planning Section 155.1-155.2 of the Planning Code requires bicycle parking spaces for residential and non-residential uses. One Class 1 bicycle parking space is required for each dwelling unit. Additionally, Class 2 bicycle parking spaces are required for every 20 dwelling units.

The project proposes 44 dwelling units, and 44 Class 1 bicycle parking spaces are required. Located in an on-site bicycle storage room at Garden Level 2 is space for up to 86 bicycles. Access to the secure room is from an entrance and ramp corridor from Powell Street. The bike parking room is located one level above the off-street parking garage, which is only accessible via elevator. Additionally, two Class 2 spaces are required and are proposed on the Powell Street right of way. Therefore, the project is compliant.

- I. **Car Share.** Section 166 of the Planning Code requires one car share space for 50 – 200 dwellings.

The project proposes 44 dwelling units, therefore no car share space is required nor are any on-site car share spaces proposed.

- J. **Density.** Per Section 209.2, up to one unit per 200 square feet of lot area is permitted.

Once the two lots are merged, the lot area would measure approximately 15,548 square feet. The permitted density would be 78 dwelling units. The project proposes 44 dwelling units, mostly family-sized units. Of the proposed units, two are studio units, seven are one-bedroom units, 30 are two-bedroom units and five are three-bedroom units.

- K. **Height.** The subject property is located within the RM-4 Zoning District. Pursuant to Section 253, height exceeding 50 feet within a RM district requires Conditional Use Authorization to proceed.

The project proposes a height of 65 feet as measured from California Street, with permitted exemptions extending above, such as elevator and stair penthouses per Section 260(b). Per Section 253, height exceeding 50 feet requires Conditional Use Authorization and analysis and findings are discussed further in #7 and #8.

- L. **Bulk.** The subject property is located within the 65-A Height and Bulk district. Pursuant to Section 270, projects within “-A” Bulk District have defined bulk dimensions starting at

height of 40 feet and greater, with requirements in plan as follows: the maximum length is 110 feet and the maximum diagonal dimension is 125 feet.

The project proposes a maximum plan length of 97 feet, and this maximum is measured along the Powell Street elevation. Maximum diagonal dimension exceeds 125 feet at levels 4 – 7. Per Section 271, bulk exceedance of plan dimensions in Section 270 requires Conditional Use Authorization and analysis and findings are discussed further in #7 and #9.

- M. Street Frontage in RH, RTO, RTO-M and RM Districts.** Section 144 of the Planning Code requires that within RM districts. Except as otherwise provided herein, in the case of every dwelling in such districts no more than one-third of the width of the ground story along the front lot line, or along a street side lot line, or along a building wall that is set back from any such lot line, shall be devoted to entrances to off-street parking, except that in no event shall a lot be limited by this requirement to a single such entrance of less than ten feet in width. In addition, no entrance to off-street parking on any lot shall be wider than 20 feet, and where two or more separate entrances are provided there shall be a minimum separation between such entrances of six feet. In the case of every dwelling in such districts, no less than one-third of the width of the ground story along the front lot line, along a street side lot line, and along a building wall that is set back from any such lot line, shall be devoted to windows, entrances for dwelling units, landscaping, and other architectural features that provide visual relief and interest for the street frontage.

The project provides one entry for egress and ingress dedicated to off-street parking. The width of the access to off-street parking is approximately the same as the width of the curb cut, which is 10 feet. The multi-unit building offers several maisonette units with direct access from the street and a main lobby at the corner, therefore, the ground story is defined by several raised entrances, windows, metal grill-work, landscaping and granite cladding at the base. At the corner of California and Powell Streets, the building corner is carved away to create a defined and open main entry for the building. Due to the steep topography of the site, this offset offers an opportunity to incorporate a pedestrian seating wall into a functional retaining wall with a well-landscaped corner. Additionally, this building clipping/offset provides some line of site relief for drivers and pedestrians at a busy intersection of two streets both exhibiting vehicular traffic and cable car lines. Although California Street is at a gentle slope heading towards downtown, at this intersection Powell Street is quite steep.

- N. Inclusionary Affordable Housing Program.** Planning Code Section 415 sets forth the requirements and procedures for the Inclusionary Affordable Housing Program. Under Planning Code Section 415.3, the current percentage requirements apply to projects that consist of ten or more units, where the first application (EE or BPA) was applied for on or after July 18, 2006. Pursuant to Planning Code Section 415.5, the Project must pay the Affordable Housing Fee ("Fee"). This Fee is made payable to the Department of Building Inspection ("DBI") for use by the Mayor's Office of Housing and Community Development for the purpose of increasing affordable housing citywide.

The Project Sponsor has submitted a 'Affidavit of Compliance with the Inclusionary Affordable Housing Program: Planning Code Section 415,' to satisfy the requirements of the Inclusionary

Affordable Housing Program through payment of the Fee, in an amount to be established by the Mayor's Office of Housing and Community Development at a rate equivalent to an off-site requirement of 20%. The project sponsor has not selected an alternative to payment of the Fee. The EE application was submitted on December 12, 2014.

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

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

The massing and height of the proposed building is compatible with the scale of the surrounding properties. The Stanford Court Hotel is on the Southwest corner of the intersection, the Fairmont Hotel is on the Northwest corner of the intersection and the University Club is on the Northeast corner of the intersection, all large buildings. Other surrounding buildings, of similar scale to the proposal, are primarily multi-family residential uses.

The curb cut for garage entry on California is necessary and desirable. Currently, there are two curb-cuts into the existing off-street parking facilities at the Site. The Project would use an existing curb cut for the garage entrance, reduced from 13 feet 10 inches to 10 feet. Assuming that the no left-turn restriction on California Street would continue with the Project, all vehicles entering and exiting the Project's garage would be via eastbound California Street (right-turn in/right-turn out). Given that the southbound left-turn movement at the adjacent California Street/Powell Street intersection is prohibited, all vehicles would access the Project site from eastbound California Street or northbound Powell Street. To minimize the potential for conflicts between entering and exiting vehicles, an access control system will be implemented. This traffic pattern is appropriate for the area, and is a continuation of the current general traffic pattern of the Site – although the number of parking spaces will be reduced and shifted from short-term parking to long-term resident parking. In contrast, relocating the driveway to Powell would result in circulation disruptions because eastbound traffic entering the building would need to shift from California Street to Bush Street two blocks to the south.

Adding a garage entrance to Powell Street, which is steep and narrow, would be difficult and potentially disruptive to traffic patterns. The cable car lanes on Powell have red paint and are separated by bollards to ensure that drivers do not use the lanes. As a result, the vehicular right-of-way on Powell is very narrow, at only about 10 feet wide. With this width, it would be difficult for vehicles to stay within the travel lane while turning into and out of the driveway, which could result in conflicts with cable cars. Even if the turn is possible, it would likely require a larger curb cut on Powell Street than the 10-foot curb cut proposed for California. Finally, the presence of the mature street trees could impair sight distances on Powell Street. While there are street trees on California, the street parking provides a buffer that allows cars to pull out beyond the trees to get a better sight line.

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

that could be detrimental to the health, safety or convenience of those residing or working the area, in that:

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

The existing asphalt parking lot, enclosed with fencing, and parking structure are proposed for demolition. This is an under-utilized use for two parcels zoned residential-mixed, high density, located approximately ¼ -mile from the downtown Financial District. The proposed massing is compatible with the neighborhood, fills in the streetwall with active use, and is designed with architectural details to provide visual relief and interest. The Project incorporates setbacks at the side property line at Powell Street, and the side property line at California at a lightwell, and at the rear yard, often introducing terraces for open space. The Project proposes additional open space including landscaping and an entry court on the corner of California and Powell Streets.

The garage entrance on California Street will not be detrimental to the neighborhood, as it would continue the existing traffic pattern of the Site, while significantly reducing the number of parking spaces and in and out car traffic. A garage entrance on California Street is less disruptive for the neighborhood than would be a garage entrance on Powell Street, which has only two 10-foot-wide lanes for car traffic and a dedicated cable car lane, thus not easily accommodating an entrance.

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

Currently, the site consists of over 80 parking spaces available in the structure and on the surface lot. The Project would remove this parking use and would overall result in fewer vehicle trips compared to the existing condition. Access to off-street parking is proposed through one ingress and egress lane from a curb cut on California Street. The parking is located underground, therefore screening is only required at the garage entry and is proposed as a gate with architectural features to match that of the gate and railing pattern at the building. The project reduces the amount and size of existing curb cuts on California Street. Specifically, the sponsor proposes to remove a curb cut measuring approximately 48 feet, and proposes to reduce the size of one existing curb cut from approximately 13 feet to 10 feet. Additionally, the site is less than ¼-mile from the Financial District, two cable car lines run adjacent to the site, and one block from several bus lines. The Site is within easy walking distance from the financial district and is well-served by public transportation. The cable car line runs next to the site, which is also one block from the 1, 31, and 38, 8, 30, 45 bus lines, and a half mile from the Powell Street Bart and MUNI station, giving residents access to jobs inside and outside of San Francisco. Locating new housing along transit-served areas supports the City's transit first policy and discourages car dependency.

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

The proposed use is residential that would not emit noxious or offensive emissions such as noise, glare, dust and odor. City regulations are in place for managing construction-related noise and dust.

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

Landscaping and open space are prominent features of the project. The Project provides a strong street-level presence which would activate the corner and create a transition between the public realm and private residential entry. At the northwestern corner of the site, the proposed building mass is carved back from the property line to create open space at the street. This space is defined at the street by low walls capped with ornamental fencing, with access points from Powell and from California Streets, to the private entry area leading to the main building lobby. Due to topography, the low wall follows the up-sloping grade to incorporate pedestrian seating walls overlooking the landscaped interior court. In addition, three points of direct access to six residential are provided from the sidewalk. The parking is located underground, therefore screening is only required at the garage entry and is proposed as a gate with architectural features to match that of the gate and railing pattern at the building.

- 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 RM Residential Use District.

Residential buildings within this District reflect a mixture of scale and of density and building form, suitable for a variety of households. As proposed, the 65-foot multi-family building is a compatible development within the RM-4 Zoning District, proposing a range of unit types.

8. **Planning Code Section 253** establishes criteria for the Planning Commission to consider when reviewing applications for projects within the RM or RC Districts when height exceeds 50 feet and street frontage is 50 feet or greater, through the Conditional Use process. On balance, the project complies with said criteria in that:
- a. In reviewing any such proposal for a building or structure exceeding 40 feet in height in a RH District, 50 feet in height in a RM or RC District, or 40 feet in a RM or RC District where the street frontage of the building is more than 50 feet the Planning Commission shall consider the expressed purposes of this Code, of the RH, RM, or RC Districts, and of the height and bulk districts, set forth in Sections 101, 209.1, 209.2, 209.3, and 251 hereof, as well as the criteria stated in Section 303(c) of this Code and the objectives, policies and principles of the General Plan, and may permit a height of such building or structure up to but not exceeding the height limit prescribed by the height and bulk district in which the property is located.

The Project is generally code-compliant and on balance, is consistent with the Objectives and Policies of the General Plan, including the Urban Design Element objectives to relate new construction to the height and character of existing development and to promote harmony in visual transition between new and old buildings. In addition, the Project adds open space at the northwest corner of the site to benefit the public, as well as adds open space for the dwelling units in exceedance of requirements. No new shadow will be cast by the Project on parks or open spaces. This underutilized site is zoned for higher density residential within the prescribed bulk and height limits, and is located within ¼-mile of the Financial District, at the intersection of two cable car lines, within a block of several Muni bus lines, and half mile from the Powell Street Bart and MUNI station.

The scale of the building and density is appropriate for the RM-4 zoning district and is contextual with the surrounding building scale and building uses. Although the Project is requesting Conditional Use Authorization for a height of 65 feet, surrounding buildings exhibit heights taller than 40 feet and some taller than 65 feet. Vertical façade articulation in the Project includes bay windows, some metal balcony elements and metal planter boxes, with additional articulation by recessed windows, all typical of San Francisco neighborhoods. The stucco clad exterior walls are supported by a strong granite base, also typical of San Francisco neighborhoods.

- b. That the permitted bulk and required setbacks of a building be arranged to maintain appropriate scale on and maximize sunlight to narrow streets (rights-of-way 40 feet in width or narrower) and alleys.

A narrow street, Joice Street, is located one parcel to the east along California Street. A shadow analysis prepared by PreVision, dated November 13, 2015, indicated that at no time throughout the year would the Project cast new shadow on Joice Street. Therefore, the proposed project massing is arranged in an appropriate scale such as to not reduce sunlight on this alley.

9. **Planning Code Section 271** establishes criteria for the Planning Commission to consider when reviewing applications for projects exceeding the maximum bulk plan dimensions as outlined in Section 270, through the Conditional Use process. On balance, the project complies with said criteria in that:

- a. Achievement of a distinctly better design, in both a public and a private sense, than would be possible with strict adherence to the bulk limits, avoiding unnecessary prescription of building form while carrying out the intent of the bulk limits and the principles and policies of the Master Plan.

The Project includes a number of features that reduce the appearance of bulk. Utilization of bay window and top level setbacks create variation in the façade. A clipped corner at the northwest of the building site allow for a landscaped courtyard at the corner of Powell and California for additional reduction of the sense of bulk while enhancing the pedestrian experience of the block. It will also include stepped terraces/balconies, as well as setbacks along California and Powell Streets which minimizes the bulk on the upper floors and contributes to the perception of a minimized and refined massing, particularly from street views.

By stepping the building's massing, the Project is compatible with the adjacent building's range of heights. Because the neighboring building on Powell Street is smaller in scale than on California Street, the massing on Powell Street steps and shifts more to reduce impact on light and privacy.

- b. Development of a building or structure with widespread public service benefits and significance to the community at large, where compelling functional requirements of the specific building or structure make necessary such a deviation.

Deviation from the bulk requirements permits the Project to offer as many dwelling units as possible in an area in which new construction is limited by lack of available lots. The Project as proposed also provides common and private open space to residents, as well as a streetscape improvements and connections between the public and private realms. The incorporation of pedestrian seating wall at the intersection of the property line wall at the California and Powell is a unique public benefit.

In acting on any application for Conditional Use to permit bulk limits to be exceeded under this Section, Planning Commission shall consider the following criteria:

- c. The appearance of bulk in the building, structure or development shall be reduced by means of at least one and preferably a combination of the following factors, so as to produce the impression of an aggregate of parts rather than a single building mass:
 - (A) Major variations in the planes of wall surfaces, in either depth or direction, that significantly alter the mass;
 - (B) Significant differences in the heights of various portions of the building, structure or development that divide the mass into distinct elements;
 - (C) Differences in materials, colors or scales of the facades that produce separate major elements;
 - (D) Compensation for those portions of the building, structure or development that may exceed the bulk limits by corresponding reduction of other portions below the maximum bulk permitted;

The Project's scale and character reference the surrounding buildings. The Project incorporates several measures intended to reduce the appearance of mass to ensure compatibility with the immediate vicinity. Significantly, the building is proposed to be set back from the corner of California Street and Powell Street, which limits the sense of the mass of the building from the street as well as preserving the site line and relationship with the historic cable car kiosk. Vertically, the building is broken up by use of bay windows and balconies, which divides the mass into distinct elements. Horizontally, the stucco-clad building is defined and supported by a strong granite base. Although the building does not provide a corresponding reduction of other portions below the maximum bulk permitted, the bulk of the building is more compatible with the architecture of the area than would be a project complying with bulk limitations.

- d. In every case the building, structure or development shall be made compatible with the character and development of the surrounding area by means of all of the following factors:

- (A) A silhouette harmonious with natural land-forms and building patterns, including the patterns produced by height limits;
- (B) Either maintenance of an overall height similar to that of surrounding development or a sensitive transition, where appropriate, to development of a dissimilar character;
- (C) Use of materials, colors and scales either similar to or harmonizing with those of nearby development; and
- (D) Preservation or enhancement of the pedestrian environment by maintenance of pleasant scale and visual interest.

The silhouette is harmonious with existing building patterns in the area, which includes many buildings with extant bulk notably large hotels and nearby apartment buildings constructed before bulk requirements. The height is similar to adjacent neighbors and compatible with the neighborhood context. In addition, as the height decreases down the hill on Powell Street, the proposed massing also steps to provide relief. The Project enhances the pedestrian environment with an active street frontage detailed with architectural features, carved away at the corner for visual relief at the intersection of Powell Street at the end of a steep grade increase with California Street. In addition, a pedestrian seating wall has been incorporated into the low property line wall, overlooking the proposed landscaped court. In addition, the six Maisonette units will provide a strong connection between the public street-front and the private building entrances. The Project will provide a far superior pedestrian environment than the current parking garage and parking lot which are unattractive and contain large curb cuts which create a risk of conflicts between cars and pedestrians.

A small palette of high-quality materials reflects the unique surroundings. As proposed, a granite base, with a custom faceted profile, supports a custom stucco cladding at the upper levels. Metal gates, balcony railings, and security features are designed with a design incorporated throughout the building façade. Bronze metal highlights planter boxes at lower levels, and defines the main lobby entry. Stone trim is applied at windows, canopies and some beltcourse levels.

- e. While the above factors must be present to a considerable degree for any bulk limit to be exceeded, these factors must be present to a greater degree where both the maximum length and the maximum diagonal dimension are to be exceeded than where only one maximum dimension is to be exceeded.

Only the maximum diagonal dimension is exceeded in the Project. The Project is designed in a manner compatible with character and development of the surrounding district.

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

HOUSING ELEMENT

OBJECTIVE 1

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

Policy 1.8:

Promote mixed-use development, and include housing, particularly permanently affordable housing, in new commercial, institutional or other single use development projects.

Policy 1.10:

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

The Project appropriately locates 44 dwelling units in an area near downtown that is highly accessible by public transportation, walking and bicycling, and zoned for high density residential uses. The Project will contribute to the City's affordable housing supply by payment of the affordable housing fee.

OBJECTIVE 11

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

Policy 11.1:

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

Policy 11.2:

Ensure implementation of accepted design standards in project approvals.

Policy 11.3:

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

Policy 11.5:

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

Policy 11.6:

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

The proposed project will add compatible housing, per Department design standards, to lots that are currently underutilized parking structure or surface parking areas. The proposed residential development is compatible with the existing neighborhood character, which is largely high density residential. The Project proposes a strong street-presence, with an inviting landscaped recessed corner at California and Powell Streets and six units to be accessed directly from the public right of way. The Project will also have prominent windows on the street-front, eliminating blank and blind walls and will add landscaping to contribute to the pedestrian experience of the block.

OBJECTIVE 13

PRIORITIZE SUSTAINABLE DEVELOPMENT IN PLANNING FOR AND CONSTRUCTING NEW HOUSING.

Policy 13.1:

Support "smart" regional growth that locates new housing close to jobs and transit.

Policy 13.3:

Promote sustainable land use patterns that integrate housing with transportation in order to increase transit, pedestrian, and bicycle mode share.

The Project is targeting LEED Gold certification. The site is ¼-mile from downtown, a major job center in the San Francisco Bay Area. This distance is a walkable distance for a daily commute. The site is also located at the corner of two MUNI cable car lines – California and Powell/Hyde –and one block from the 1, 31, and 38, 8, 30, 45 bus lines, and a half mile from the Powell Street Bart and MUNI station.

URBAN DESIGN ELEMENT

OBJECTIVE 1

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

Policy 1.2:

Protect and reinforce the existing street pattern, especially as it is related to topography.

Policy 1.3:

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

The Project will enhance the neighborhood by reinforcing the urban nature of the street pattern. The Project's design echoes the scale and design features of surrounding buildings. The Project will replace an existing surface parking lot and parking garage with a more desirable residential use that will provide a more unified street frontage.

OBJECTIVE 3

MODERATION OF A 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 3.5:

Relate the height of buildings to important attributes of the City pattern and to the height and character of existing development..

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's size, scale and design are compatible with the surrounding neighborhood and create a harmonious visual transition between the Project and older buildings. There are many tall buildings in the area, making a 65 foot high building entirely compatible. The bulk of the building is also compatible with the area. In addition the Project is pulled back from the street-front at the corner of California Street and Powell Street and will not overwhelm or dominate the corner, created a landscaped open space.

OBJECTIVE 4

IMPROVEMENT OF THE NEIGHBORHOOD ENVIRONMENT TO INCREASE PERSONAL SAFETY, COMFORT, PRIDE AND OPPORTUNITY.

Policy 4.12:

Install, promote and maintain landscaping in public and private areas.

Policy 4.13:

Improve pedestrian areas by providing human scale and interest.

The Project improves the safety of the neighborhood by designing active uses into the building at ground level, specifically through the connections between the private and public realms of direct residential entries, windows and the courtyard and landscaped corner. The Project will dramatically improve the pedestrian experience of the corner, offering courtyard plantings, window boxes on a largely transparent fence, and a seating wall adjacent to the cable car kiosk.

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

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

The Site does not currently contain retail. Therefore, neighborhood-serving retail uses will not be eliminated. Local businesses will be served by additional residents in the area.

- 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 promotes housing in the neighborhood by adding 44 housing units where there is currently only an underutilized parking structure and lot. It will also preserve neighborhood character by providing a design that is compatible with existing structures in the area and proposes streetscape improvements and landscaped open space at the corner of Powell and California.

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

No housing is removed for this Project. Forty-four new dwelling units are proposed for the site. The sponsor has selected to satisfy the Inclusionary Affordable Housing requirement through payment of the in-lieu fee.

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

The site is located approximately ¼-mile from downtown. Additionally, the site is located adjacent to the California and the Powell/Hyde MUNI cable car lines. The Project is expected to improve traffic in the area. The Project will replace the current 80 short-term parking spaces in the surface lot with 48 long-term parking spaces that will be accessed much less frequently than the current spaces uses by daily parkers. The Project will also eliminate a 40-foot curb cut on California Street and substitute the current curb cut for the parking garage with a 10-foot curb cut for garage access. Residents are expected to make the majority of daily commutes by foot, bicycle or public transportation. In contrast, the current users of the parking garage and lot are short-term or daily customers who create significantly more conflicts with other vehicles, the cable car, pedestrians and bicyclists.

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

The Project will not displace any service or industry establishment. Ownership of industrial or service sector businesses will not be affected by this project.

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

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

- G. That landmarks and historic buildings be preserved.

A landmark or historic building does not occupy the Project site. Through the CEQA process, the Planning Department determined the property was not an historic resource.

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

The Project does not impact parks and open space. A shadow Analysis confirmed that there would be no new shadow cast by the Project on parks or open spaces.

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

DECISION

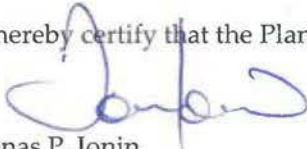
That based upon the Record, the submissions by the Applicant, the staff of the Department and other interested parties, the oral testimony presented to this Commission at the public hearings, and all other written materials submitted by all parties, the Commission hereby **APPROVES Conditional Use Application No. 2014-000609CUAVAR** subject to the following conditions attached hereto as "EXHIBIT A" in general conformance with plans on file, dated March 28, 2016, and stamped "EXHIBIT B", which is incorporated herein by reference as though fully set forth.

APPEAL AND EFFECTIVE DATE OF MOTION: Any aggrieved person may appeal this Conditional Use Authorization to the Board of Supervisors within thirty (30) days after the date of this Motion No. 19612. The effective date of this Motion shall be the date of this Motion if not appealed (After the 30-day period has expired) OR the date of the decision of the Board of Supervisors if appealed to the Board of Supervisors. For further information, please contact the Board of Supervisors at (415) 554-5184, City Hall, Room 244, 1 Dr. Carlton B. Goodlett Place, San Francisco, CA 94102.

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

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

I hereby certify that the Planning Commission **ADOPTED** the foregoing Motion on April 7, 2016.


Jonas P. Ionin
Commission Secretary

AYES: Fong, Richards, Antonini, Hillis, Johnson, Moore, Wu

NAYS: None

ABSENT: None

ADOPTED: April 7, 2016

EXHIBIT A

AUTHORIZATION

This authorization is for a conditional use to allow continuation of one existing curb cut, reduced to Department guidelines, on California Street, to allow height exceeding 50 feet in a 65 foot height district, and to allow exceptions for measuring bulk per Section 270, located at 875 California & 770 Powell Street, Block 0256 and Lots 016, 017, pursuant to Planning Code Sections 303, 155, 253, and 271 within the RM-4 District and a 65-A Height and Bulk District; in general conformance with plans, dated March 28, 2016, and stamped "EXHIBIT B" included in the docket for Case No. 2014-000609CUAVAR and subject to conditions of approval reviewed and approved by the Commission on April 7, 2016, under Motion No 19612. This authorization and the conditions contained herein run with the property and not with a particular Project Sponsor, business, or operator.

RECORDATION OF CONDITIONS OF APPROVAL

Prior to the issuance of the building permit or commencement of use for the Project the Zoning Administrator shall approve and order the recordation of a Notice in the Official Records of the Recorder of the City and County of San Francisco for the subject property. This Notice shall state that the project is subject to the conditions of approval contained herein and reviewed and approved by the Planning Commission on April 7, 2016 under Motion No 19612.

PRINTING OF CONDITIONS OF APPROVAL ON PLANS

The conditions of approval under the 'Exhibit A' of this Planning Commission Motion No. 19612 shall be reproduced on the Index Sheet of construction plans submitted with the Site or Building permit application for the Project. The Index Sheet of the construction plans shall reference to the Conditional Use authorization and any subsequent amendments or modifications.

SEVERABILITY

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

CHANGES AND MODIFICATIONS

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

Conditions of Approval, Compliance, Monitoring, and Reporting

PERFORMANCE

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

6. **Additional Project Authorization.** The Project Sponsor must be granted a Variance under Section 305 for non-compliant rear yard and for units that do not meet exposure requirements per Section 134 and 140 of the Planning Code, 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 415-575-6863, www.sf-planning.org

DESIGN – COMPLIANCE AT PLAN STAGE

7. **Final Design.** The Project Sponsor shall work with Planning Department on these specific areas of design: to minimize rooftop appurtenances by consolidating the roof access penthouses or other means, and to improve bicycle parking.
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, including submittal of samples upon request, and approval. The architectural addenda shall be reviewed and approved by the Planning Department prior to issuance.
For information about compliance, contact the Case Planner, Planning Department at 415-558-6378, www.sf-planning.org
9. **Rooftop Mechanical Equipment.** Pursuant to Planning Code 141, the Project Sponsor shall submit a roof plan to the Planning Department prior to Planning approval of the building permit application. Rooftop mechanical equipment, if any is proposed as part of the Project, is required to be screened so as not to be visible from any point at or below the roof level of the subject building.
For information about compliance, contact the Case Planner, Planning Department at 415-558-6378, www.sf-planning.org
10. **Transformer Vault.** 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 recommends the following preference schedule in locating new transformer vaults, in order of most to least desirable:
 - a. On-site, in a basement area accessed via a garage or other access point without use of separate doors on a ground floor façade facing a public right-of-way;
 - b. On-site, in a driveway, underground;
 - c. On-site, above ground, screened from view, other than a ground floor façade facing a public right-of-way;
 - d. Public right-of-way, underground, under sidewalks with a minimum width of 12 feet, avoiding effects on streetscape elements, such as street trees; and based on Better Streets Plan guidelines;
 - e. Public right-of-way, underground; and based on Better Streets Plan guidelines;

- f. Public right-of-way, above ground, screened from view; and based on Better Streets Plan guidelines;
- g. On-site, in a ground floor façade (the least desirable location).

Unless otherwise specified by the Planning Department, Department of Public Work's Bureau of Street Use and Mapping (DPW BSM) should use this preference schedule for all new transformer vault installation requests.

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

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

For information about compliance, contact the Case Planner, Planning Department at 415-558-6378, www.sf-planning.org

PARKING AND TRAFFIC

12. **Car Share.** Although, no car share spaces are required pursuant to Section 166, the Project Sponsor shall make provision for three car share spaces.

13. **Parking Requirement.** Pursuant to Planning Code Section 151, the Project shall provide **44 (forty-four)** independently accessible off-street parking spaces.

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

14. **Bicycle Parking.** Pursuant to Planning Code Sections 155.1 and 155.2, the Project shall provide no fewer than **44** Class 1 bicycle parking spaces.

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

15. **Bicycle Parking.** The Project shall provide no fewer than **2** Class 2 bicycle parking spaces as required by Planning Code Sections 155.1 and 155.2.

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

AFFORDABLE UNITS

16. **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 currently twenty percent (20%), but is subject to change under a proposed Charter amendment and

pending legislation if the voters approve the Charter Amendment at the June 7, 2016 election. The Project Sponsor shall pay the applicable Affordable Housing Fee at the time such Fee is required to be paid.

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

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

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

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

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

PROVISIONS

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

For information about compliance, contact the Case Planner, Planning Department at 415-558-6378, www.sf-planning.org

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

For information about compliance, contact the Case Planner, Planning Department at 415-558-6378, www.sf-planning.org

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

For information about compliance, contact the Case Planner, Planning Department at 415-558-6378, www.sf-planning.org

21. **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.

For information about compliance, contact the First Source Hiring Manager at 415-581-2335, www.onestopSF.org

MONITORING – AFTER ENTITLEMENT

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

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

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

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

OPERATION

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

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

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

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

26. **Sidewalk Maintenance.** The Project Sponsor shall maintain the main entrance to the building and all sidewalks abutting the subject property in a clean and sanitary condition in compliance with the Department of Public Works Streets and Sidewalk Maintenance Standards. *For information about compliance, contact Bureau of Street Use and Mapping, Department of Public Works, 415-695-2017, <http://sfdpw.org/>*

ENTERTAINMENT COMMISSION-RECOMMENDED NOISE ATTENUATION CONDITIONS FOR CHAPTER 116 RESIDENTIAL PROJECTS.

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

- **Community Outreach:** Project Sponsor shall include in its community outreach process any businesses located within 300 feet of the proposed project that operate between the hours of 9PM-5AM. Notice shall be made in person, written or electronic form.
- **Sound Study:** Project sponsor shall conduct an acoustical sound study, which shall include sound readings taken when performances are taking place at the proximate Places of Entertainment, as well as when patrons arrive and leave these locations at closing time. Readings should be taken at locations that most accurately capture sound from the Place of Entertainment to best of their ability. Any recommendation(s) in the sound study regarding window glaze ratings and soundproofing materials including but not limited to walls, doors, roofing, etc. shall be given highest consideration by the project sponsor when designing and building the project.
- **Design Considerations:**
 - (1) During design phase, project sponsor shall consider the entrance and egress location and paths of travel at the Place(s) of Entertainment in designing the location of (a) any entrance/egress for the residential building and (b) any parking garage in the building.

- (2) In designing doors, windows, and other openings for the residential building, project sponsor should consider the POE's operations and noise during all hours of the day and night.
- Construction Impacts: Project sponsor shall communicate with adjacent or nearby Place(s) of Entertainment as to the construction schedule, daytime and nighttime, and consider how this schedule and any storage of construction materials may impact the POE operations.
 - Communication: Project Sponsor shall make a cell phone number available to Place(s) of Entertainment management during all phases of development through construction. In addition, a line of communication should be created to ongoing building management throughout the occupation phase and beyond.



SAN FRANCISCO PLANNING DEPARTMENT

Variance Decision

Date: May 10, 2016
Case No.: 2014-000609VAR
Project Address: 875 CALIFORNIA STREET/770 POWELL STREET
Zoning: RM-4 (Residential-Mixed, High Density)
65-A Height and Bulk District
Block /Lot: 0256/016, 017
Applicant: Grosvenor Americas
Attn: Amelia Staveley
One California Street, Suite 2500
San Francisco, California 94111
Staff Contact: Marcelle Boudreaux – (415) 575-9140
marcelle.boudreaux@sfgov.org

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

Reception:
415.558.6378

Fax:
415.558.6409

Planning
Information:
415.558.6377

DESCRIPTION OF VARIANCES – REAR YARD AND EXPOSURE VARIANCES SOUGHT:

The Project proposes to demolish the surface parking lot at 770 Powell Street and parking structure at 875 California Street, merge the two lots and construct a new seven-story, 65-foot tall building with 44 residential units and 48 underground parking spaces. The main pedestrian entry is from the northwest corner of the site. On-site bicycle parking is provided for up to 86 Class 1 spaces in a secure room at the Garden Level 2, with direct access through a door and ramp from Powell Street. Garage access for the Project would be provided by a single 10-foot curb cut on California Street at the same location as a current larger curb cut, with a car elevator providing access to the below-grade parking garage. In addition, the 46-foot wide curb cut currently used to access the parking structure and parking lot on California would be eliminated and replaced with code-compliant sidewalks. Open space would include a 2,538 square foot rear yard located in the southeastern corner of the lot, as well as a 805 square-foot front courtyard. Additional open space would be provided by roof decks and terraces.

Section 134 of the Planning Code requires the building to provide a rear yard equal to 25% of lot depth or 15 feet, whichever is greater, at the lowest story containing a dwelling unit, or at each succeeding story of the building. Due to the proposed irregular lot shape, in that two lots with varied lot depth are proposed for merger, the rear yard requirement ranges from 34 feet 4 inches to 31 feet of lot depth, as measured from the frontage of California Street. The rear yard is provided at the southeast portion of the proposed site, and ranges from 0 feet lot depth to 53 feet 6 inch lot depth, and, therefore, requires a variance from the rear yard requirement.

Section 140 of the Planning Code requires that one room per dwelling unit, meeting the requirements in Section 503 of the Housing Code, face onto a street, alley or code-complying open space. At the two Garden Levels (Garden Level 2 and Garden Level), the dimensional open space requirements are not met for dwelling unit exposure. At the two Garden Levels there are four dwelling units (two units per level) which face onto the non-code compliant rear yard and do not otherwise meet the exposure requirement. Therefore, a variance is required for four dwelling units, of the 44 total dwelling units.

PROCEDURAL BACKGROUND:

1. The Project is exempt from the California Environmental Quality Act ("CEQA") as a Class 32 categorical exemption.
2. The Zoning Administrator held a public hearing on **Variance Application No. 2014-000609VAR** on April 7, 2016.
3. On April 7, 2016, the Planning Commission held a public hearing on Case No. 2014-00609CUA and granted a Conditional Use Authorization for the subject project (Motion No. 19612).
4. Neighborhood notification pursuant to Planning Code Section 311 was performed as part of the notice for the hearing on the Conditional Use Authorization.

DECISION:

GRANTED, in general conformity with the plans on file with this application, shown as EXHIBIT A, to allow Rear Yard and Exposure Variances as part of the Project proposing to merge two lots and construct a new seven-story, 65-foot tall building with 44 residential units and 48 underground parking spaces, up to 88 (86 Class 1 and 2 Class 2) bicycle parking spaces, and 2,538 square foot rear yard located in the southeastern corner of the lot, with additional open space provided at the front courtyard, roof decks and terraces, subject to the following conditions:

1. Any future physical expansion, even in the buildable area, shall be reviewed by the Zoning Administrator to determine if the expansion is compatible with existing neighborhood character and scale. If the Zoning Administrator determines that there would be a significant or extraordinary impact, the Zoning Administrator shall require either notice to adjacent and/or affected property owners or a new Variance application be sought and justified.
2. The proposed project must meet these conditions and all applicable City Codes. In case of conflict, the more restrictive controls apply.
3. Minor modifications as determined by the Zoning Administrator may be permitted.
4. The owner of the subject property shall record on the land records of the City and County of San Francisco the conditions attached to this Variance decision as a Notice of Special Restrictions in a form approved by the Zoning Administrator.
5. This Variance Decision and the recorded Notice of Special Restrictions shall be reproduced on the Index Sheet of the construction plans submitted with the Site or Building Permit Application for the Project. This Index Sheet of the construction plans shall reference the Variance Case Number.

FINDINGS:

Section 305(c) of the Planning Code states that in order to grant a variance, the Zoning Administrator must determine that the facts of the case are sufficient to establish the following five findings:

FINDING 1.

That there are exceptional or extraordinary circumstances applying to the property involved or to the intended use of the property that do not apply generally to other properties or uses in the same class of district.

Requirement Met.

- A. **Rear Yard:** The Property is exceptional in that it contains frontages on both California and Powell Streets and is steeply sloped. Due to its configuration, a Code-compliant rear yard would result in open space facing directly onto Powell Street, which would not conform to the urban design objectives of the General Plan, and would create a shaded canyon-like rear yard, which would not meet the intent of rear yard open space. There is no clear pattern of mid-block open space that such a rear yard could contribute to, which is the intended purpose of rear yard requirement, if a code-compliant rear yard were provided.
- B. **Exposure:** Although the Project fronts on two streets, due to the lot shape and depth, the Project faces uniquely challenging design parameters for dwelling unit exposure purposes as some units cannot face directly onto California Street or Powell Street. Nevertheless, only four of the 44 dwelling units do not meet the requirements of Section 140. The four dwelling units all face onto the 2,538 square foot corner rear yard. In addition, three of the four units have private terraces.

FINDING 2.

That owing to such exceptional and extraordinary circumstances the literal enforcement of specified provisions of this Code would result in a practical difficulty or unnecessary hardship not created by or attributed to the applicant or the owner of the property.

Requirement Met.

- A. **Rear Yard:** The literal enforcement of the Planning Code requirements would result in a rear yard that is situated, in part, along either the California Street or Powell Street frontages of the Property. This configuration would disrupt the continuity of the street wall along one of the streets and would eliminate or make smaller dwelling units. Additionally, no clear pattern of mid-block open space exists on the block; accordingly, the rear yard would not disrupt any existing patterns.
- B. **Exposure:** The four dwelling units face onto a spacious open area, meeting the intent of Section 140. In addition, common open space is provided at the roof deck and front courtyard. Literal enforcement of the dwelling unit exposure requirement would require a Code-compliant rear yard, which would provide inferior open space for residents.

FINDING 3.

That such variance is necessary for preservation and enjoyment of a substantial property right of the subject property, possessed by other properties in the same class of district.

Requirement Met.

- A. **Rear Yard:** There is no cohesive mid-block open space pattern. The Project's neighbors generally enjoy the substantial property right of being constructed to the lot line with little or no rear yard. Siting the rear yard at the southeastern corner of the Project Site improves the mid-block open space pattern, provides useable open space for residents, and meets urban design objectives.
- B. **Exposure:** The Project site is located within a block setting which is a dense residential area with multi-family buildings often built to full lot coverage, with no rear yards. Given the configuration of the Property, a Code-complaint yard meeting exposure requirements would result in an inferior project. Therefore, a variance for exposure four dwelling units is necessary to preserve a substantial property right of the owner. These units face onto a spacious open space, which otherwise does not meet the dimensional requirements for open space in Section 140 of the Planning Code. Additional common open space is provided throughout the Project.

FINDING 4.

That the granting of such variance will not be materially detrimental to the public welfare or materially injurious to the property or improvements in the vicinity.

Requirement Met.

- A. Granting the variance would improve the livability of the subject property and would not be materially detrimental to the public welfare or materially injurious to the neighboring properties. The proposal is consistent with existing pattern of development at the street, and improves the pattern of midblock open space, where there currently is not a pattern.
- B. The Planning Department received five letters in support of the project from neighborhood groups and members of the public. In addition, a list of supporters from a community meeting held on March 23, 2016 was included in the Project Sponsor submittal.

FINDING 5.

The granting of such variance will be in harmony with the general purpose and intent of this Code and will not adversely affect the General Plan.

Requirement Met.

- A. This development is consistent with the generally stated intent and purpose of the Planning Code to promote orderly and beneficial development. Planning Code Section 101.1 establishes eight priority-planning policies and requires review of variance applications for consistency with said policies. The project meets all relevant policies, including conserving neighborhood character, and maintaining housing stock.
 - 1. Existing neighborhood retail uses will not be adversely affected by the proposed project. By creating an additional 44 dwelling units, many of which are family-sized units, the Project may increase the demand for retail services in the area, which could enhance existing retail uses and future opportunities for local employment and ownership of businesses.
 - 2. The proposed project will be in keeping with the existing housing and neighborhood character. The Project site currently contains a surface parking lot and parking garage. The

Project will increase existing housing, and is designed to respect the character of Nob Hill and beautify the area with streetscape improvements and landscaped open space at the corner of Powell Street and California Street.

3. The Project will contribute to the City's supply of affordable housing pursuant to Section 415 of the Planning Code by paying the affordable housing fee. There is currently no housing on the Site. Therefore, no affordable housing will be lost as part of the Project.
4. The project will not impede MUNI transit service or overburden streets or neighborhood parking. The Project will replace the current 64 spaces in the garage and 16 spaces in the surface lot with 48 parking spaces that will be accessed much less frequently than the current spaces used by daily parkers. The Project will also eliminate two large curb cuts on California Street and replace them with a smaller curb cut at the location of one of the current curb cuts. Residents are expected to make the majority of daily commutes by foot, bicycle or public transportation. In contrast, the current users of the parking garage and lot are short-term or daily customers who create significantly more conflicts with other vehicles, the cable car, pedestrians and bicyclists.
5. The project will have no effect on the City's industrial and service sectors.
6. The building will be constructed in compliance with all current Building Code requirements to ensure a high level of seismic safety.
7. The project will have no effect on the City's landmarks or historic buildings. The Project underwent a historic resource evaluation, which determined that the parking garage on the property is not a historic resource.
8. The project would not cast any new, net shadow upon any existing or planned public parks or open spaces.

The effective date of this decision shall be either the date of this decision letter if not appealed or the date of the Notice of Decision and Order if appealed to the Board of Appeals.

Once any portion of the granted variance is utilized, all specifications and conditions of the variance authorization became immediately operative.

The authorization and rights vested by virtue of this decision letter shall be deemed void and cancelled if (1) a Building Permit has not been issued within three years from the effective date of this decision; or (2) a Tentative Map has not been approved within three years from the effective date of this decision for Subdivision cases; or (3) neither a Building Permit or Tentative Map is involved but another required City action has not been approved within three years from the effective date of this decision. However, this authorization may be extended by the Zoning Administrator when the issuance of a necessary Building Permit or approval of a Tentative Map or other City action is delayed by a City agency or by appeal of the issuance of such a permit or map or other City action.

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.

APPEAL: Any aggrieved person may appeal this variance decision to the Board of Appeals within ten (10) days after the date of the issuance of this Variance Decision. For further information, please contact the Board of Appeals in person at 1650 Mission Street, 3rd Floor (Room 304) or call 575-6880.

Very truly yours,



Scott F. Sanchez
Zoning Administrator

THIS IS NOT A PERMIT TO COMMENCE ANY WORK OR CHANGE OCCUPANCY. PERMITS FROM APPROPRIATE DEPARTMENTS MUST BE SECURED BEFORE WORK IS STARTED OR OCCUPANCY IS CHANGED.

REUBEN, JUNIUS & ROSE, LLP

May 6, 2016

By Messenger

City and County Surveyor
Department of Public Works
Bureau of Street-Use and Mapping
1155 Market Street, 3rd Floor
San Francisco, CA 94103

**Re: Vesting Tentative Map Application
New Construction Condominium Application
770 Powell Street and 875 California Street
Block/Lot #s: 0256/016 and 017
Our File No.: 7849.03**

Dear Sir:

In compliance with Chapters 3 and 4.5 of the California Subdivision Map Act, Section 1333.2 of the San Francisco Subdivision Code, the San Francisco Subdivision Regulations, and all amendments thereto, the undersigned agent hereby submits to you for your review and processing an application for a Vesting Tentative Map for a new construction condominium project, together with the New Construction Condominium Application and Checklist and all applicable items, documents and data. This is an application for a development permit under Permit Streamlining Act, California Government Code Section 65920 et seq. Included in the submittal are two checks in the amounts of \$11,838.00 and \$250.00 made payable to the Department of Public Works in payment of the application and processing fees.

Please contact me should you have any questions.

Very truly yours,

REUBEN, JUNIUS & ROSE, LLP



Louis J. Sarmiento

Enclosures

James A. Reuben | Andrew J. Junius | Kevin H. Rose | Daniel A. Frattin | John Kevlin
Jay F. Drake | Lindsay M. Petrone | Sheryl Reuben¹ | Tuija I. Catalano | Thomas Tunny
David Silverman | Melinda A. Sarjapur | Mark H. Loper | Jody Knight | Stephanie L. Haughey
Chloe V. Angelis | Louis J. Sarmiento | Jared Eigerman^{2,3} | John McInerney III²

1. Also admitted in New York. 2. Of Counsel. 3. Also admitted in Massachusetts

One Bush Street, Suite 600
San Francisco, CA 94104

tel: 415-567-9000
fax: 415-399-9480

www.reubenlaw.com

(Required for all New Construction Condominium Applications)

D. APPLICATION

Property Address: 770 Powell Street and 875 California Street

For DPW-BSM use only ID No.: _____

Assessor's Block: 0256 Lot Number(s): 016 and 017

Owner: 875 California II, LLC, a Delaware limited liability company	
Name:	c/o Grosvenor Americas Attn: Amelia Staveley
Address:	One California Street, Suite 2500, San Francisco, CA 94111
Phone:	(415) 268-4068 E-mail: -----
Person to be contacted concerning this project (If different from owner)	
Name:	Reuben, Junius & Rose, LLP Attn: Jay F. Drake
Address:	One Bush Street, Suite 600, San Francisco, CA 94104
Phone:	(415) 567-9000 E-mail: jdrake@reubenlaw.com
Firm or agent preparing the subdivision map:	
Name:	Martin M. Ron Associates, Inc. Attn: David Ron
Address:	859 Harrison Street, Suite 200, San Francisco, CA 94107
Phone:	(415) 543-4500 E-mail: david@martinron.com
Subdivider: (If different from owner)	
Name:	
Address:	

Number of Units in Project: 44

This subdivision creates an airspace: No Yes (shown on Tentative Map)
 This subdivision creates an addition to an existing building No Yes (shown on Tentative Map)

Check only one of the following options:

	Indicate project type
Residential Only	<input checked="" type="checkbox"/>
Mixed-Use	<input type="checkbox"/> If checked, Number of residential unit(s): ___ Number of commercial unit(s): ___

**STATE OF CALIFORNIA
CITY AND COUNTY OF SAN FRANCISCO**

I (We) Louis J. Sarmiento, Attorney and Agent for Subdivider
 (Print Subdivider's Name in full)

declare, under penalty of perjury, that I am (we are) the owner(s) [authorized agent of the owner(s)] of the property that is the subject of this application, that the statements herein and in the attached exhibits present the information required for this application, and the information presented is true and correct to the best of my (our) knowledge and belief.

Date: 5/6/16 Signed: *Louis Sarmiento*

Date: _____ Signed: _____

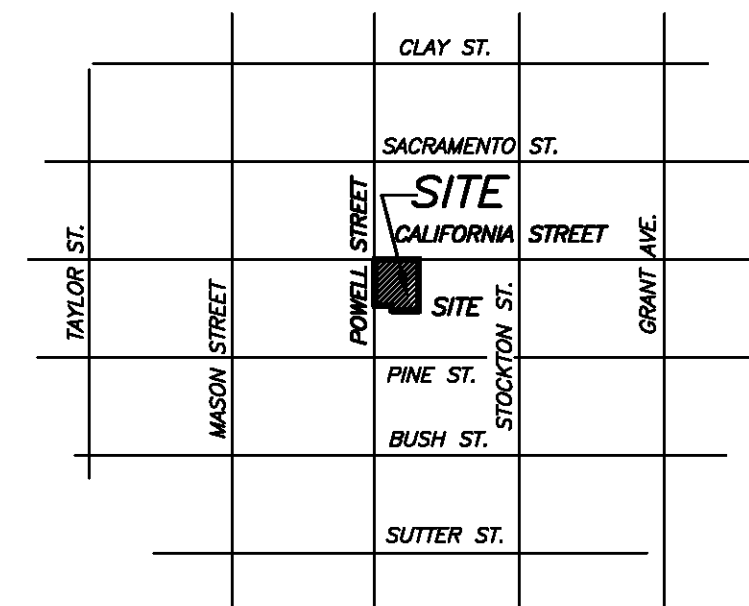
E. NEW CONSTRUCTION CONDOMINIUM APPLICATION CHECKLIST

Check the following items enclosed where applicable:

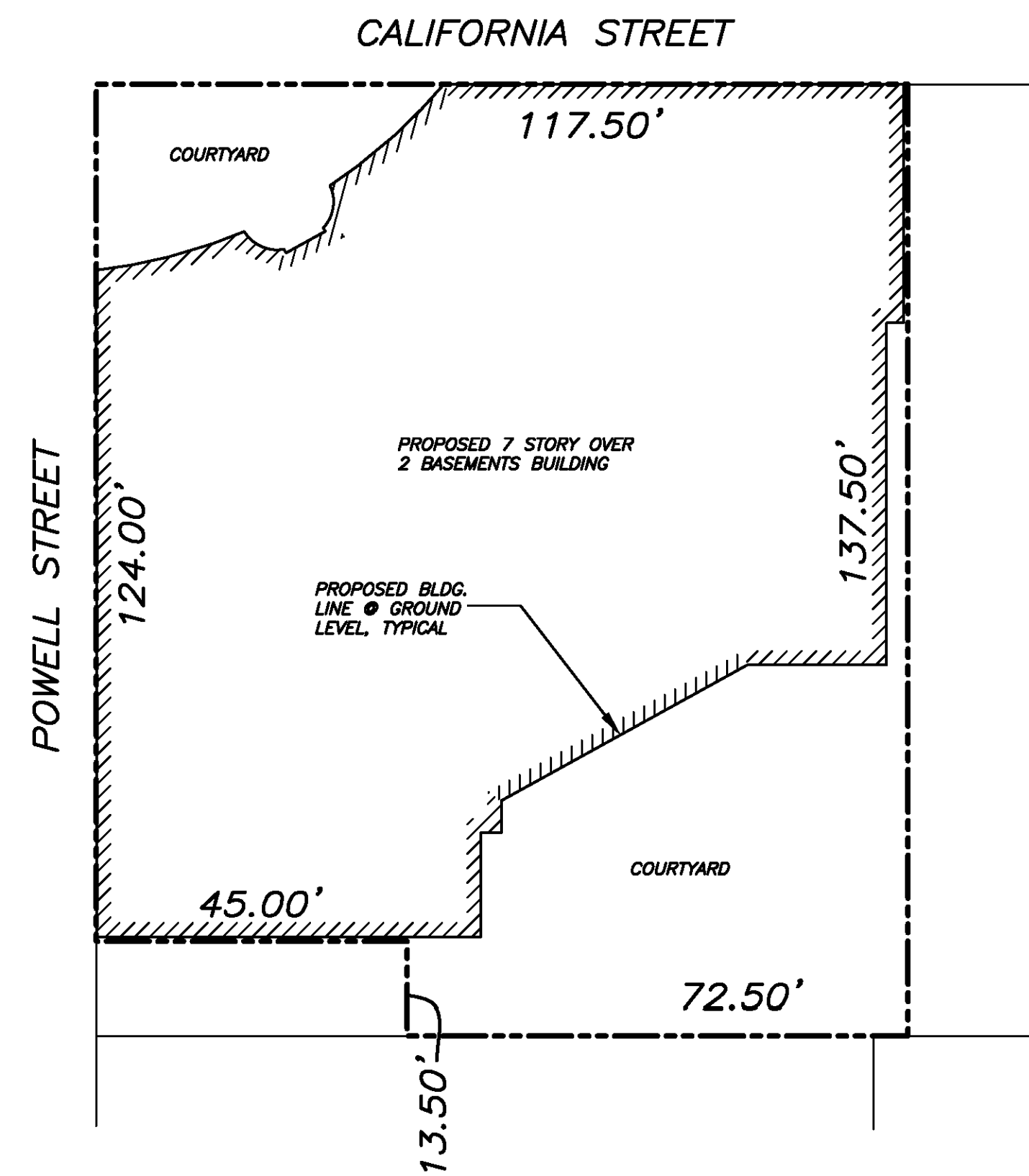
Submitted per guidelines and in this order?		Official Use Only <i>DPW</i>	No.	Item Description and Order	Total of copies	Which and how many of total required items are needed for each agency?			Form No. (where applicable)
Yes	No					DPW	DCP	DBI	
<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	1.	Four (4) copies of Tentative Parcel Map [DPW copies: 3-BSM Mapping Section; 1-City Planning One additional copy will be required if project falls within the jurisdiction of SFRA (See Page 7).]	4	3	1	1*	
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	2.	Six (6) copies of Tentative Final Map [DPW copies: 5-BSM Mapping Section; 1-City Planning One additional copy will be required if project falls within the jurisdiction of SFRA (See Page 7).]	6	5	1	1*	
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	3.	Subdivision Fee (\$11,838.00) and \$250.00	1				
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	4.	Preliminary Title Report (dated within 3 months)	2	1	1		
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	5.	Grant Deeds and any other recorded documents for: <input checked="" type="checkbox"/> Subject Site and <input checked="" type="checkbox"/> Adjoiners	1	1			
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	6.	Previous Land Use.	2	1	1		Form No. 1
<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	6a.	Permit numbers for any approved building permits	2	1	1		Form No. 1
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	7.	Owner's Release of Interest in Common Areas [Sec. 1323 (6)]	2	1	1		Form No. 2
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	8.	Neighborhood notification packet for Tentative Map decision.	1	1			
				<input checked="" type="checkbox"/> 300-Foot Radius Map					
				<input checked="" type="checkbox"/> Address List					
				<input checked="" type="checkbox"/> Envelopes					
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	9.	Photographs of subject property, as follows: [Public Works Code Sec. 723.2 & Planning Code] <input checked="" type="checkbox"/> Front photo from the street looking at the property, including sidewalk without obstructions <input checked="" type="checkbox"/> Photo from left side showing property line and sidewalk fronting subject site <input checked="" type="checkbox"/> Photo from right side showing property line and sidewalk fronting subject site <input checked="" type="checkbox"/> Photo of rear of property	3	2	1		
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	10.	Proposition "M" Findings demonstrating consistency with Eight Priority General Plan Policies [Planning Code Sec. 101.1(b)]	2	1	1		Form No. 3
<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	11.	Review by Department of Building Inspection, if required, See Page 8.	1			1	Form No. 4
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	12.	Provide proposed sales prices for Below Market Rate (BMR) units (Form No. 1)	1	1			Form No. 1
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	13.	A copy of the signed Planning Dept. or Planning Commission motion approving the project	1	1			
<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	14.	Provide copies of any Notices of Special Restrictions associated with this site.	1	1			
<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	15.	3R report <u>required</u> for existing dwelling units-See Page 8 for details.	1	1			
<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	16.	Copy of Building Permits-See Page 8 for details.	1	1			

*** ADDITIONAL COPY TO DBI – SEE REQUIREMENTS PAGE 8, ITEM 11**

LEGEND					
CLR.	CLEAR OF PROPERTY LINE	(STM)	STEAM MANHOLE	(BG)	BUMPER GUARD
OV.	OVER PROPERTY LINE	(WV)	WATER VALVE	(OHG)	OVERHEAD GUY WIRE
BLDG.	BUILDING	(T)	TELEPHONE MANHOLE	(U)	UNKNOWN MANHOLE
CONC.	CONCRETE	(UO)	UNKNOWN COVER	(G)	GAS METER
AC	ASPHALT	(L)	LOW PRESSURE FIRE HYDRANT	(-)	ABANDONED SIGN
CW	CONCRETE WALL	(H)	HIGH PRESSURE FIRE HYDRANT	(SL)	STREET LIGHT PULLBOX
CS	CONCRETE STEP	(E)	ELECTRIC PULLBOX	(QGRD)	COVER MARKED "GROUND"
BRK.W	BRICK WALL	(SV)	SEWER VENT	(E)	ELECTRIC LINE
HR	HANDICAP RAMP	(GP)	GUARD POST	(G)	GAS LINE
P.A.	PLANTED AREA	(WM)	WATER METER	(HPG)	HIGH PRESSURE GAS LINE
R/W	RIGHT OF WAY	(B)	TREE PIT W/TREE	(S)	SEWER LINE
F.O.B.	POINT OF BEGINNING	(E)	ELECTRIC MANHOLE	(S(A))	ABANDONED SEWER LINE
(P)	PARCEL DIMENSION	(HVE)	HIGH VOLTAGE ELECTRIC VAULT COVER	(STM)	STEAM LINE (PER 1984 RECORDS)
TC	TOP OF CURB	(E)	ELECTRIC PULLBOX	(SL)	STREET LIGHT LINE
FL	FLOW LINE	(T)	TELEPHONE PULLBOX	(T)	TELEPHONE LINE
BW	BACK OF WALK	(NP)	NO PARKING SIGN	(TV)	TELEVISION LINE
INV.	INVERT	(A)	LIGHT POLE/W ABANDONED SIGN, 16"± HIGH	(TS)	TRAFFIC SIGNAL LINE
FF	FINISH FLOOR	(CB)	CATCH BASIN	(W)	WATER LINE
GB	GRADE BREAK	(*)	ELECTROLIER & TRAFFIC SIGNAL	(HPW)	HIGH PRESSURE WATER LINE
TW	TOP OF WALL	(R)	RISER	(P)	PIPE
CLF	CHAIN LINK FENCE	(G)	GAS VALVE	(D)	DUCT
T.STEP	TOP OF STEP @ WALL	(*)	ELECTROLIER & TRAFFIC SIGNAL	(//)	BUILDING LINE
W.D.S	WOOD STEPS	(- - -)	PROPERTY LINE		
BK.S	BRICK STEPS				
RP	ROOF PARAPET				
RC	ROOF CORNICE				
EL	ELEVATION				
T.BEAM	TOP OF WOOD BEAM				
W1	WINDOW DESIGNATION				
D1	DOOR DESIGNATION				
(TS)	TRAFFIC SIGNAL PULLBOX				
(TSCB)	TRAFFIC SIGNAL CONTROL BOX				
(R)	RISER				
(G)	GAS VALVE				
(MUNI)	MUNI SIGN				
(TS)	TRAFFIC SIGN				
(HPW)	HIGH PRESSURE WATER VALVE				
(S)	SEWER MANHOLE				



VICINITY MAP
NO SCALE



LOCATION MAP
SCALE: 1"=20'

SHEET INDEX	
SHEET NO.	SHEET TITLE
1	COVER SHEET
2	EXISTING SITE CONDITIONS
3	PROPOSED PARCELIZATION
4	PROPOSED PARKING PLAN
5	PROPOSED SITE PLAN
6	PROPOSED UTILITY PLAN
7	PROPOSED GRADING PLAN
8	CONSTRUCTION DETAILS

PROJECT DATA

STREET ADDRESS: 875 CALIFORNIA STREET

ASSESSOR'S PARCEL NUMBERS: APN 0256-016 & 0256-017

OWNER/SUBDIVIDER: 875 CALIFORNIA II, LLC, A DELAWARE LIMITED LIABILITY COMPANY
ONE CALIFORNIA STREET, SUITE 2500
SAN FRANCISCO, CA. 94111
(415) 434-0175
CONTACT: AMELIA STAVELEY

EXISTING LAND USE: 2 STORY PARKING GARAGE AND SURFACE PARKING LOT WITHIN THE RM-4 (RESIDENTIAL MIXED HIGH DENSITY) DISTRICT AND NOB HILL SPECIAL USE DISTRICT.

PROPOSED LAND USE: 7 STORY OVER 2 BASEMENT LEVEL RESIDENTIAL BUILDING WITHIN THE RM-4 (RESIDENTIAL MIXED HIGH DENSITY) DISTRICT AND NOB HILL SPECIAL USE DISTRICT.

PROJECT AREA: 15,549± SQ.FT. OR 0.36± ACRES

UTILITY PROVIDERS:

SEWER/STORM: SFPUC
525 GOLDEN GATE AVENUE
SAN FRANCISCO, CA, 94102
(415) 551-3000

WATER: SFPUC
525 GOLDEN GATE AVENUE
SAN FRANCISCO, CA, 94102
(415) 551-3000

POWER AND GAS: PACIFIC GAS AND ELECTRIC
863 CLAY STREET
SAN FRANCISCO, CA, 94108
(415) 695-3477

TELEPHONE/CABLE: AT&T
3475 "B" NORTH FIRST
SAN JOSE, CA, 95134
(408) 493-7104

FIRE PROTECTION: CITY OF SAN FRANCISCO
698 SECOND STREET
SAN FRANCISCO, CA, 94107
(415) 558-6361

BASIS OF SURVEY
CITY OF SAN FRANCISCO MONUMENT MAP NO. 7 ON FILE IN THE OFFICE OF THE CITY AND COUNTY SURVEYOR.

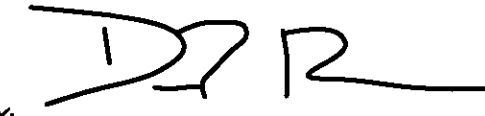
BENCHMARK
LETTER "D" IN OPEN AT TOP OF HIGH PRESSURE FIRE HYDRANT AT THE SOUTHWEST CORNER OF CALIFORNIA AND POWELL STREETS. ELEVATION = 231.11 FEET, HISTORIC SAN FRANCISCO CITY DATUM.

NOTE
THIS APPLICATION FOR A VESTING TENTATIVE MAP IS SUBMITTED PURSUANT TO SAN FRANCISCO SUBDIVISION CODE SECTION 1333.2, AND THE SUBDIVISION MAP ACT (GOVERNMENT CODE SECTIONS 66410-66499.38).

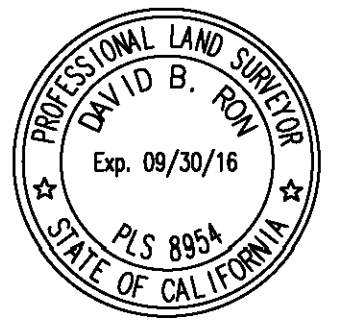
ENGINEER
LANGAN TREADWELL ROLLO
555 MONTGOMERY STREET, SUITE 1300
SAN FRANCISCO, CA 94111
(415) 955-5200
CONTACT: KATIE REGINA

ARCHITECT
BDE ARCHITECTURE
950 HOWARD STREET
SAN FRANCISCO, CA 94103
(415) 877-0966
CONTACT: BRENNIA WILLIAMS

SURVEYOR'S STATEMENT
THIS MAP WAS PREPARED BY ME OR UNDER MY DIRECTION AND IS BASED UPON A FIELD SURVEY.

By:  DATE: 5/9/2016

DAVID B. RON
P.L.S. NO. 8954
MARTIN M. RON ASSOCIATES, INC.
(415) 543-4500



**VESTING TENTATIVE
FINAL MAP
FOR CONDOMINIUM PURPOSES**

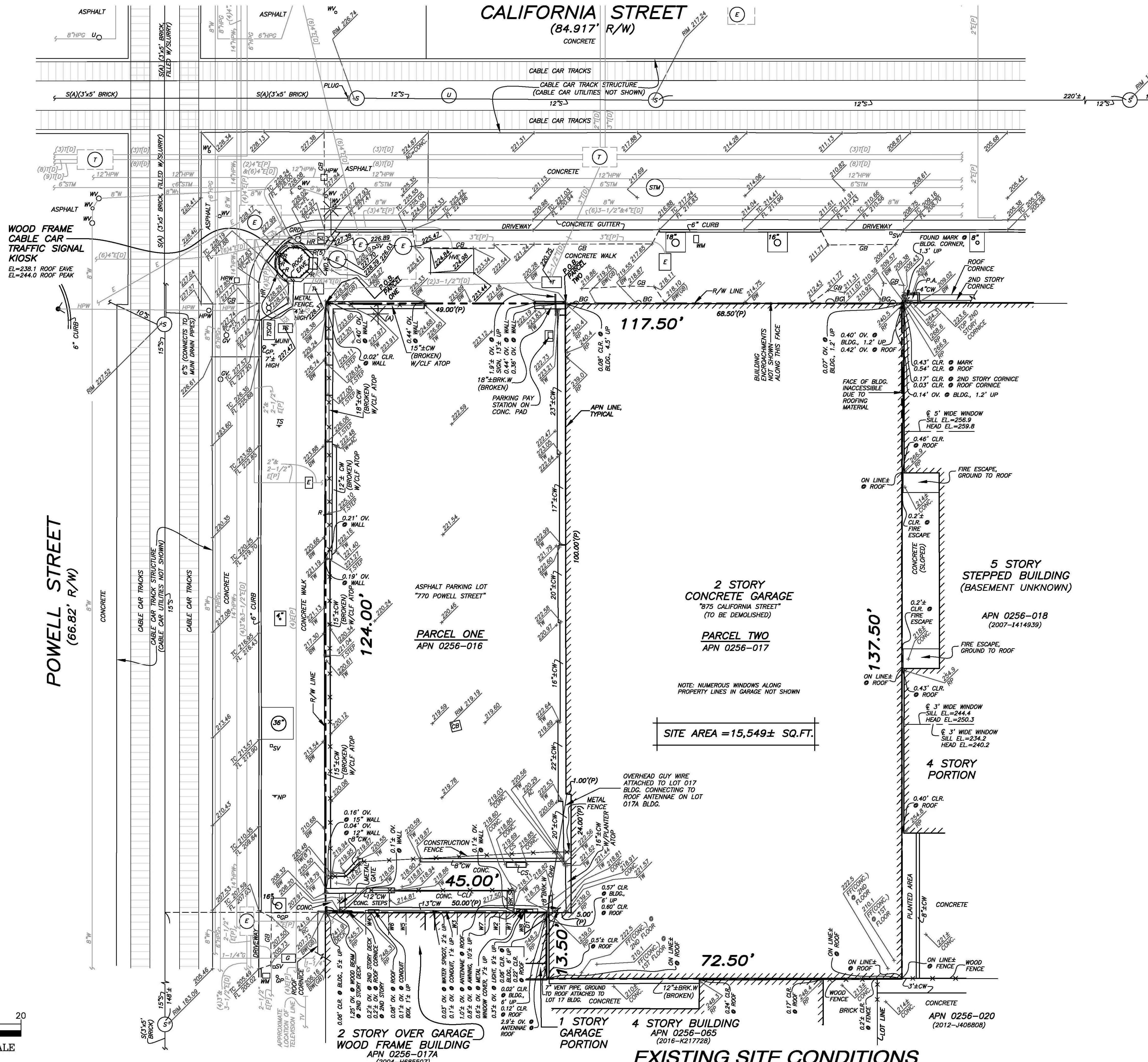
A 44 RESIDENTIAL UNIT CONDOMINIUM PROJECT, BEING A SUBDIVISION OF THE LANDS DESCRIBED IN THAT CERTAIN GRANT DEED RECORDED SEPTEMBER 9, 2014, DOCUMENT NO. 2014-J947407, OFFICIAL RECORDS.

BEING A PORTION OF 50 VARA BLOCK 139
CITY AND COUNTY OF SAN FRANCISCO, STATE OF CALIFORNIA

MARTIN M. RON ASSOCIATES, INC.
Land Surveyors
859 Harrison Street, Suite 200
San Francisco California



CALIFORNIA STREET (84.917' R/W)



LEGAL DESCRIPTION
ALL THAT REAL PROPERTY SITUATED IN THE CITY AND COUNTY OF SAN FRANCISCO, STATE OF CALIFORNIA, DESCRIBED AS FOLLOWS:

PARCEL ONE
BEGINNING AT A POINT OF INTERSECTION OF THE SOUTHERLY LINE OF CALIFORNIA STREET WITH THE EASTERLY LINE OF POWELL STREET, RUNNING THENCE EASTERLY ALONG SAID LINE OF CALIFORNIA STREET, 49 FEET; THENCE AT A RIGHT ANGLE SOUTHERLY 100 FEET; THENCE AT A RIGHT ANGLE EASTERLY 1 FOOT; THENCE AT A RIGHT ANGLE SOUTHERLY 24 FEET; THENCE AT A RIGHT ANGLE WESTERLY 50 FEET TO THE EASTERLY LINE OF POWELL STREET; THENCE AT A RIGHT ANGLE NORTHERLY, ALONG SAID LINE OF POWELL STREET, 124 FEET TO THE POINT OF BEGINNING.
BEING A PORTION OF 50 VARA BLOCK NO. 139.

PARCEL TWO
COMMENCING AT A POINT ON THE SOUTHERLY LINE OF CALIFORNIA STREET, DISTANT THEREON 49 FEET EASTERLY FROM THE EASTERLY LINE OF POWELL STREET, RUNNING THENCE EASTERLY ALONG SAID LINE OF CALIFORNIA STREET 88 FEET, 6 INCHES; THENCE AT A RIGHT ANGLE SOUTHERLY 137 FEET, 6 INCHES; THENCE AT A RIGHT ANGLE WESTERLY 72 FEET, 6 INCHES; THENCE AT A RIGHT ANGLE NORTHERLY 13 FEET, 6 INCHES; THENCE AT A RIGHT ANGLE EASTERLY 5 FEET; THENCE AT A RIGHT ANGLE NORTHERLY 24 FEET; THENCE AT A RIGHT ANGLE WESTERLY 1 FOOT; THENCE AT A RIGHT ANGLE NORTHERLY 100 FEET TO THE POINT OF COMMENCEMENT.
BEING A PART OF VARA BLOCK NO. 139.

SURVEY REFERENCE
CHICAGO TITLE INSURANCE COMPANY PRELIMINARY REPORT NO. FWPN-TO16000254-JM DATED FEBRUARY 9, 2016.

THE FOLLOWING ARE PERTINENT EXCEPTIONS TO TITLE WITHIN THE ABOVE REFERENCED PRELIMINARY REPORT:

- "NOTICE OF SPECIAL RESTRICTIONS UNDER THE PLANNING CODE" RECORDED AUGUST 11, 2004, DOCUMENT NO. 2004-11784781, OFFICIAL RECORDS.
- "NOTICE OF SPECIAL RESTRICTIONS UNDER THE PLANNING CODE" RECORDED JUNE 25, 2014, DOCUMENT NO. 2014-1901089, OFFICIAL RECORDS.
- "NOTICE OF SPECIAL RESTRICTIONS UNDER THE PLANNING CODE" RECORDED JUNE 25, 2014, DOCUMENT NO. 2014-1901088, OFFICIAL RECORDS.

GENERAL NOTES

- DETAILS NEAR PROPERTY LINES MAY NOT BE TO SCALE.
- ALL PROPERTY LINE ANGLES ARE 90 DEGREES UNLESS NOTED OTHERWISE.
- DIMENSIONS ARE IN FEET AND DECIMALS THEREOF.

UTILITY NOTE
THE UTILITIES EXISTING ON THE SURFACE AND SHOWN ON THIS DRAWING HAVE BEEN LOCATED BY FIELD SURVEY. ALL UNDERGROUND UTILITIES SHOWN ON THIS DRAWING ARE FROM RECORDS OF THE VARIOUS UTILITY COMPANIES AND THE SURVEYOR DOES NOT ASSUME RESPONSIBILITY FOR THEIR COMPLETENESS, INDICATED LOCATION OR SIZE. RECORD UTILITY LOCATION SHOULD BE CONFIRMED BY EXPOSING THE UTILITY. DUE TO THE PROLIFERATION OF TELECOMMUNICATION COMPANIES, NOT ALL UNDERGROUND RECORDS ARE AVAILABLE. THEREFORE, THERE MAY BE TELECOMMUNICATION LINES NOT SHOWN HEREON.

DATE OF SURVEY: MARCH 23, 2015

SITE AREA = 15,549± SQ.FT.

VESTING TENTATIVE FINAL MAP FOR CONDOMINIUM PURPOSES

A 44 RESIDENTIAL UNIT CONDOMINIUM PROJECT, BEING A SUBDIVISION OF THE LANDS DESCRIBED IN THAT CERTAIN GRANT DEED RECORDED SEPTEMBER 9, 2014, DOCUMENT NO. 2014-1947407, OFFICIAL RECORDS.

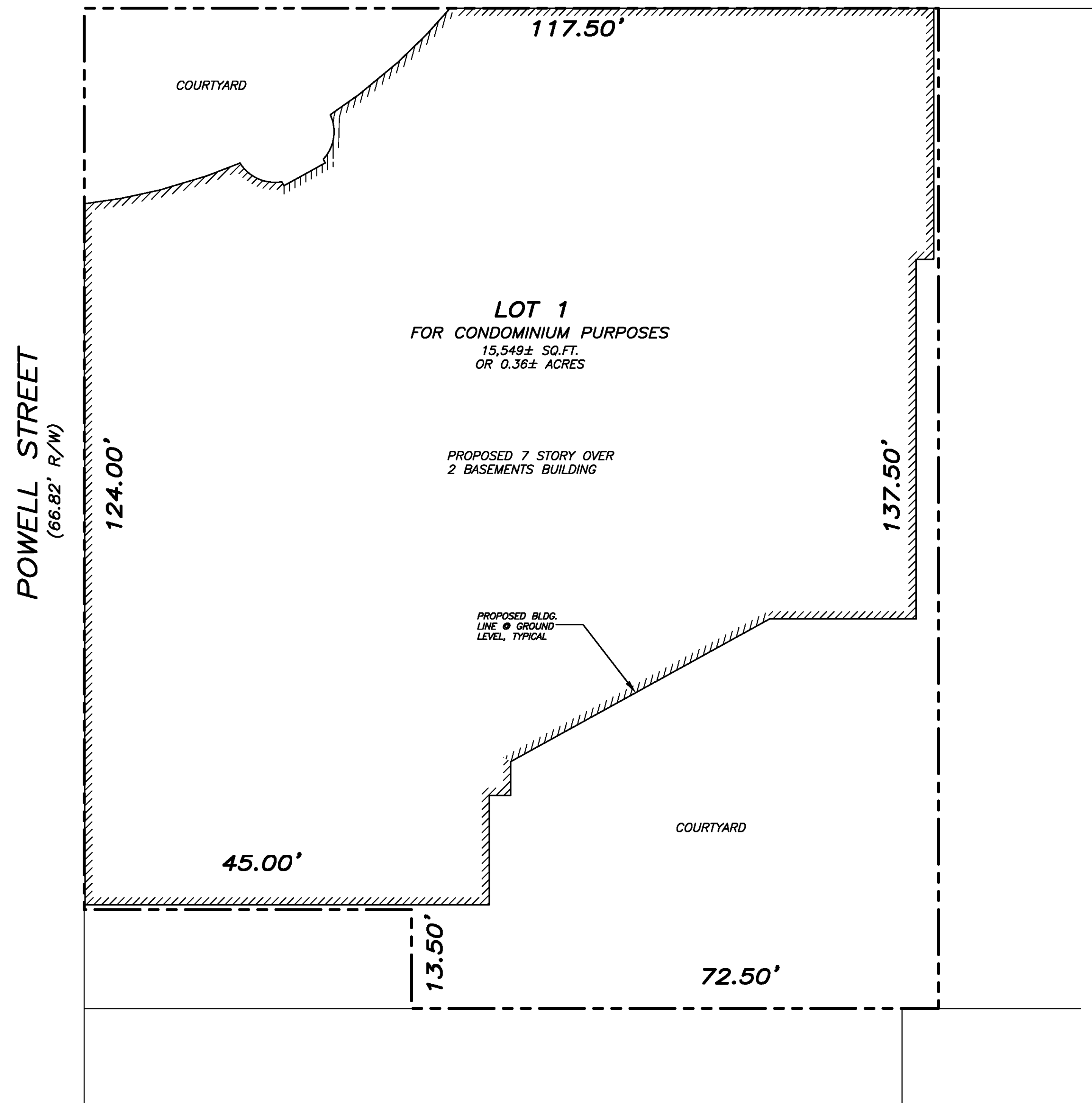
BEING A PORTION OF 50 VARA BLOCK 139
CITY AND COUNTY OF SAN FRANCISCO, STATE OF CALIFORNIA

MARTIN M. RON ASSOCIATES, INC.
Land Surveyors
859 Harrison Street, Suite 200
San Francisco California

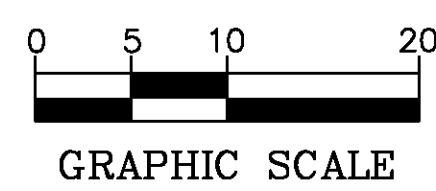
MAY 2016 SCALE: 1"=10' SHEET 2 OF 8
APNs: 0256-016 TO 017 875 CALIFORNIA STREET



CALIFORNIA STREET
(84.917' R/W)



PROPOSED PARCELIZATION



**VESTING TENTATIVE
FINAL MAP
FOR CONDOMINIUM PURPOSES**

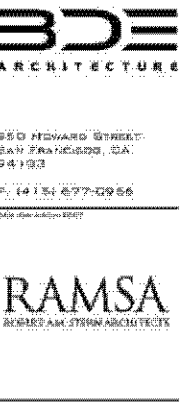
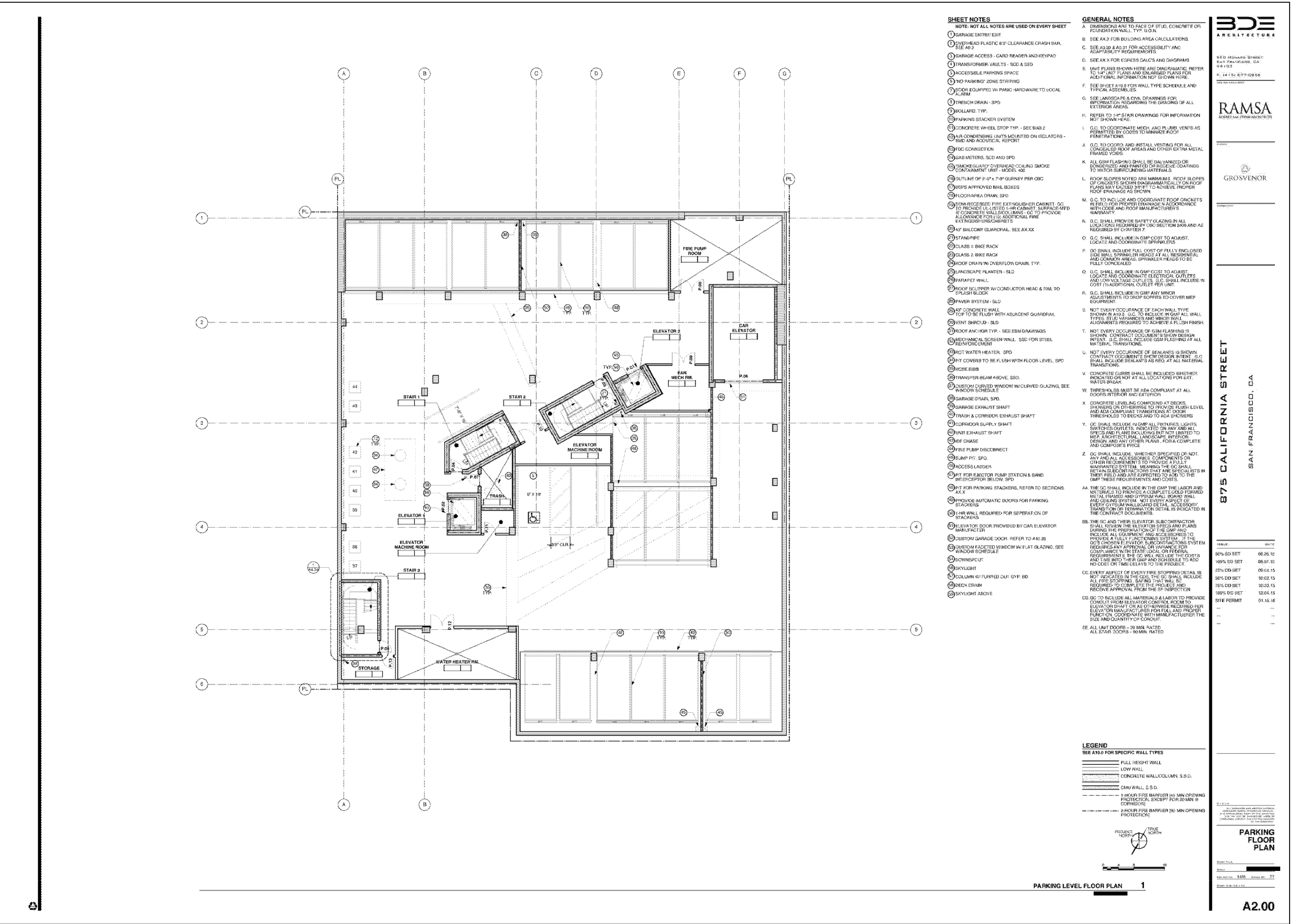
A 44 RESIDENTIAL UNIT CONDOMINIUM PROJECT, BEING A
SUBDIVISION OF THE LANDS DESCRIBED IN THAT CERTAIN
GRANT DEED RECORDED SEPTEMBER 9, 2014, DOCUMENT
NO. 2014-J947407, OFFICIAL RECORDS.

BEING A PORTION OF 50 VARA BLOCK 139
CITY AND COUNTY OF SAN FRANCISCO, STATE OF CALIFORNIA

MARTIN M. RON ASSOCIATES, INC.
Land Surveyors
859 Harrison Street, Suite 200
San Francisco California

MAY 2016 SCALE: 1"=10' SHEET 3 OF 8

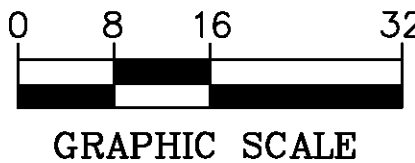
APNs: 0256-016 TO 017 875 CALIFORNIA STREET



875 CALIFORNIA STREET
SAN FRANCISCO, CA

A2.00

PROPOSED PARKING PLAN (UNBUNDLED PARKING)



VESTING TENTATIVE FINAL MAP FOR CONDOMINIUM PURPOSES

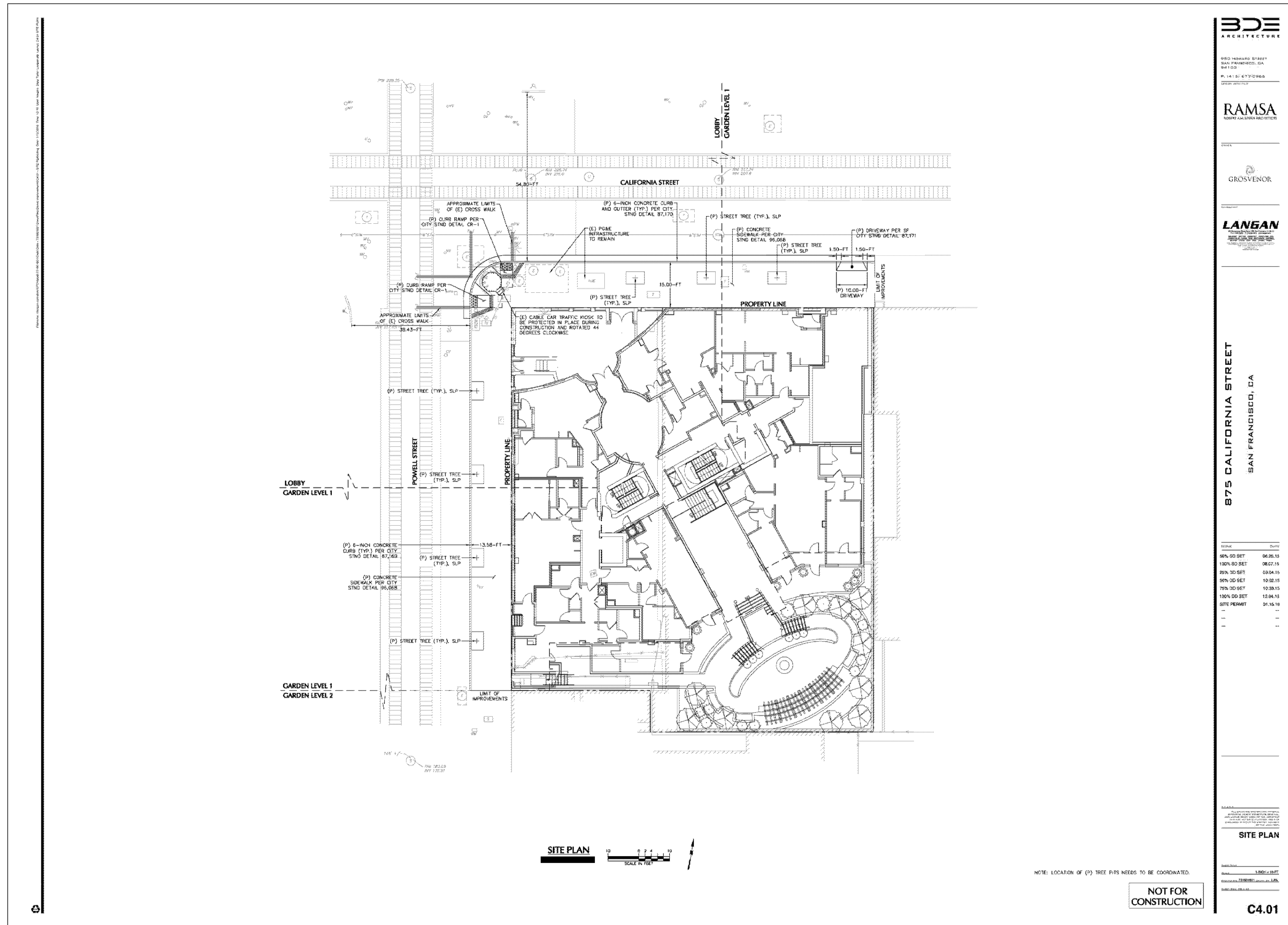
A 44 RESIDENTIAL UNIT CONDOMINIUM PROJECT, BEING A SUBDIVISION OF THE LANDS DESCRIBED IN THAT CERTAIN GRANT DEED RECORDED SEPTEMBER 9, 2014, DOCUMENT NO. 2014-0947407, OFFICIAL RECORDS.

BEING A PORTION OF 50 VARA BLOCK 139
CITY AND COUNTY OF SAN FRANCISCO, STATE OF CALIFORNIA

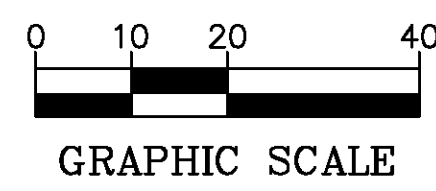
MARTIN M. RON ASSOCIATES, INC.
Land Surveyors
859 Harrison Street, Suite 200
San Francisco, California

MAY 2016 SCALE: 1"=16' SHEET 4 OF 8

APNs: 0256-016 TO 017 875 CALIFORNIA STREET



PROPOSED SITE PLAN



**VESTING TENTATIVE
FINAL MAP
FOR CONDOMINIUM PURPOSES**

A 44 RESIDENTIAL UNIT CONDOMINIUM PROJECT, BEING A SUBDIVISION OF THE LANDS DESCRIBED IN THAT CERTAIN GRANT DEED RECORDED SEPTEMBER 9, 2014, DOCUMENT NO. 2014-J947407, OFFICIAL RECORDS.

BEING A PORTION OF 50 VARA BLOCK 139
CITY AND COUNTY OF SAN FRANCISCO, STATE OF CALIFORNIA

MARTIN M. RON ASSOCIATES, INC.
Land Surveyors
859 Harrison Street, Suite 200
San Francisco California

MAY 2016 SCALE: 1"=20' SHEET 5 OF 8

APNs: 0256-016 TO 017 875 CALIFORNIA STREET



BDE
ARCHITECTURE

850 HOWARD STREET
SAN FRANCISCO, CA
94102
P: 415 673 0266
WWW.BDEARCHITECT.COM

RAMSA
LAND SURVEYORS

GROSVENOR

LANGAN
ENGINEERS

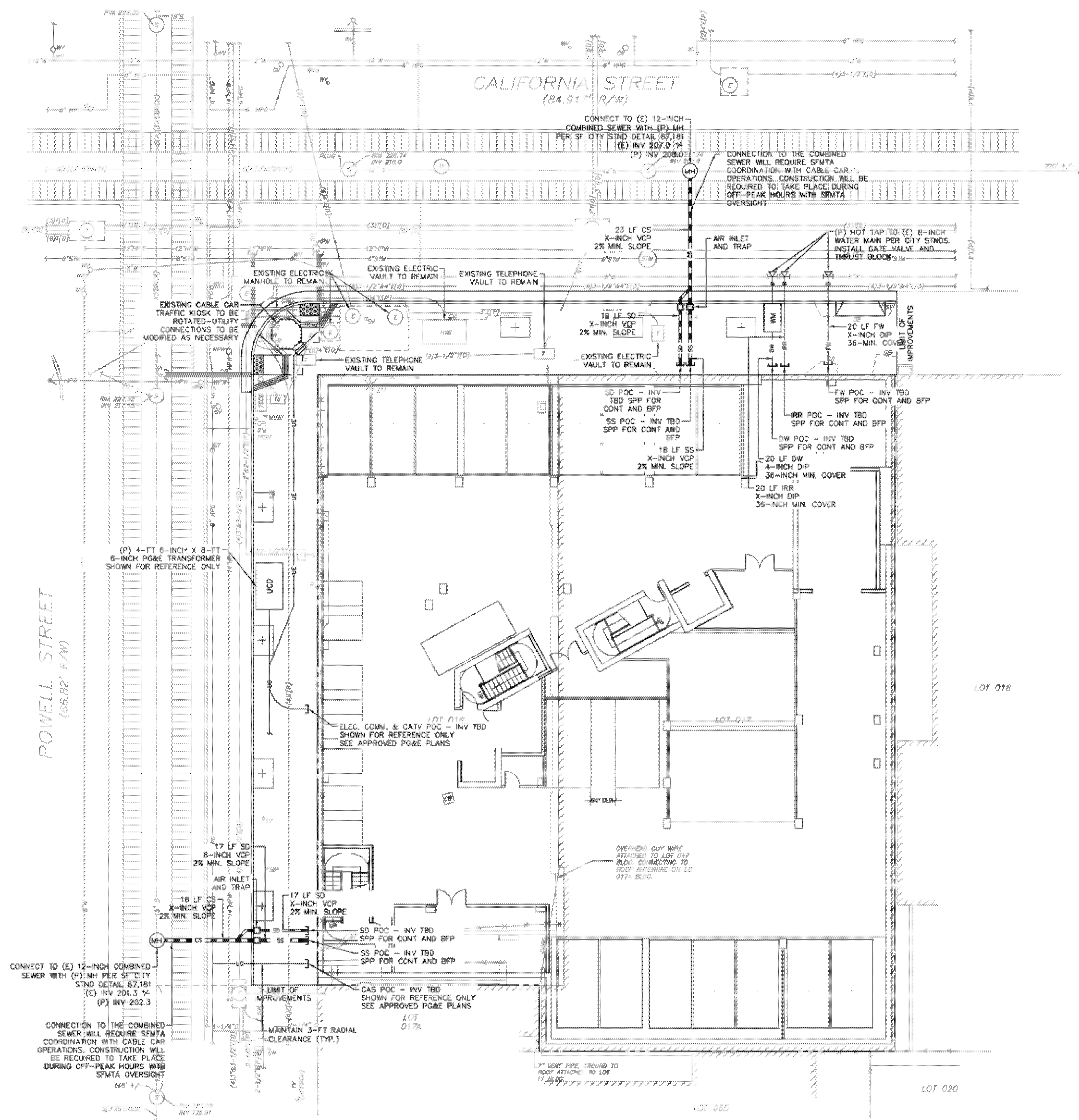
875 CALIFORNIA STREET
SAN FRANCISCO, CA

Date	Revised
10/14/16	100% DD SET
08/27/15	100% DD SET
09/04/15	80% DD SET
10/02/15	60% DD SET
10/02/15	30% DD SET
12/04/15	100% DD SET
01/14/16	SITE PERMIT

UTILITY PLAN

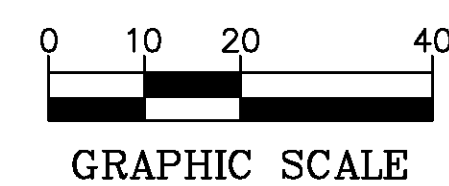
NOT FOR CONSTRUCTION

C6.01



NOTE: STREET LIGHTING TO BE DESIGNED BY OTHERS. STREET AND/OR PEDESTRIAN LIGHTING WILL BE REQUIRED TO MEET CURRENT CODE AND CONFORM WITH THE SFPLC STREET LIGHT CATALOG.

PROPOSED UTILITY PLAN



VESTING TENTATIVE FINAL MAP FOR CONDOMINIUM PURPOSES

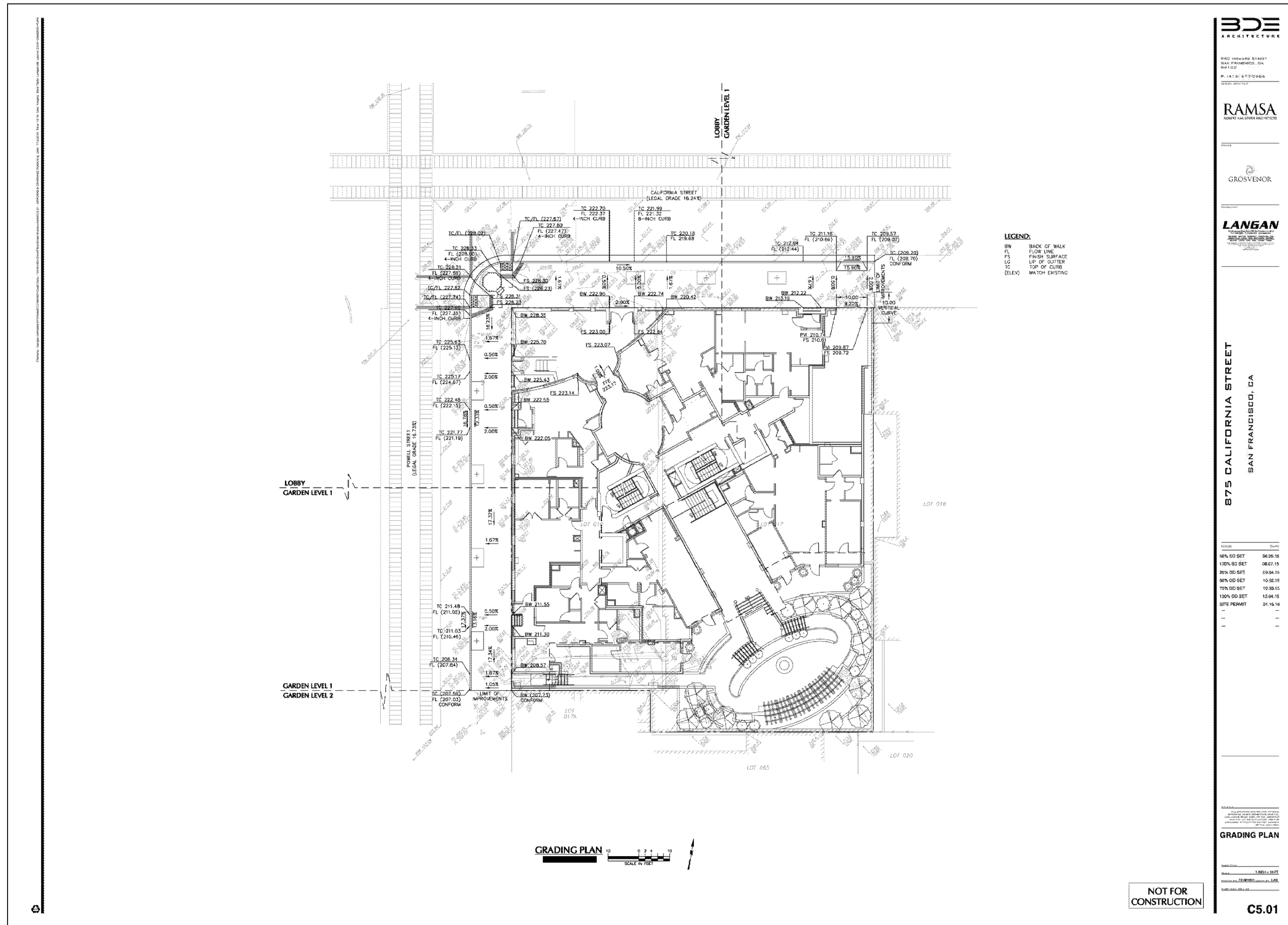
A 44 RESIDENTIAL UNIT CONDOMINIUM PROJECT, BEING A
SUBDIVISION OF THE LANDS DESCRIBED IN THAT CERTAIN
GRANT DEED RECORDED SEPTEMBER 9, 2014, DOCUMENT
NO. 2014-J947407, OFFICIAL RECORDS.

BEING A PORTION OF 50 VARA BLOCK 139
CITY AND COUNTY OF SAN FRANCISCO, STATE OF CALIFORNIA

MARTIN M. RON ASSOCIATES, INC.
Land Surveyors
859 Harrison Street, Suite 200
San Francisco California

MAY 2016 SCALE: 1"=20' SHEET 6 OF 8

APNs: 0256-016 TO 017 875 CALIFORNIA STREET



PROPOSED GRADING PLAN

**VESTING TENTATIVE
 FINAL MAP
 FOR CONDOMINIUM PURPOSES**

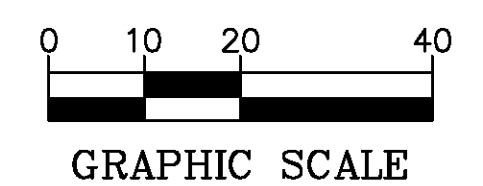
A 44 RESIDENTIAL UNIT CONDOMINIUM PROJECT, BEING A SUBDIVISION OF THE LANDS DESCRIBED IN THAT CERTAIN GRANT DEED RECORDED SEPTEMBER 9, 2014, DOCUMENT NO. 2014-J947407, OFFICIAL RECORDS.

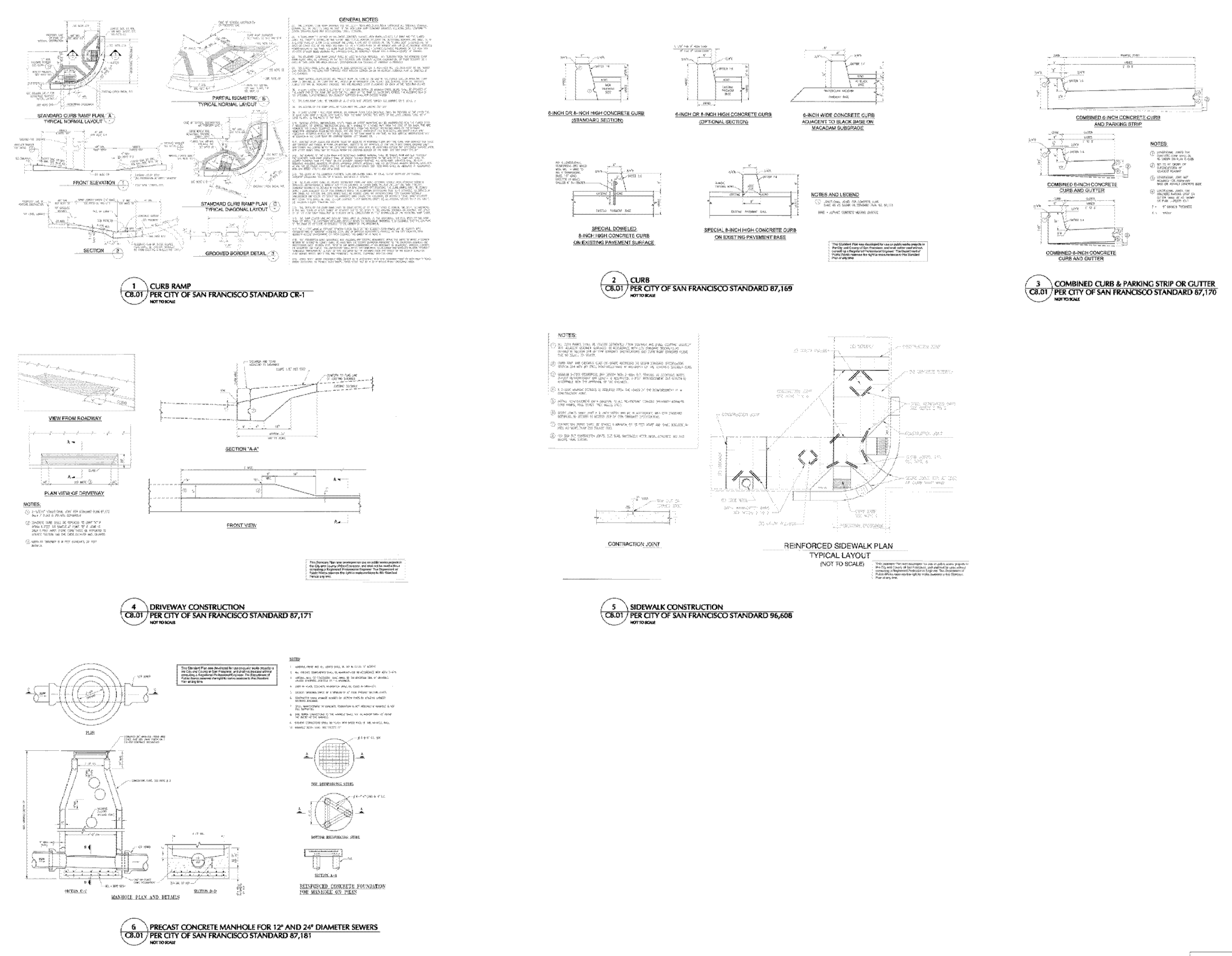
BEING A PORTION OF 50 VARA BLOCK 139
 CITY AND COUNTY OF SAN FRANCISCO, STATE OF CALIFORNIA

MARTIN M. RON ASSOCIATES, INC.
 Land Surveyors
 859 Harrison Street, Suite 200
 San Francisco, California

MAY 2016 SCALE: 1"=20' SHEET 7 OF 8

APNs: 0256-016 TO 017 875 CALIFORNIA STREET





BDE ARCHITECTURE
850 HARRISON STREET
SAN FRANCISCO, CA 94103
P: 415 673 0000
WWW.BDEARCHITECTURE.COM

RAMSA
LAND SURVEYORS

GROSVENOR

LANGAN
ENGINEERS ARCHITECTS

875 CALIFORNIA STREET
SAN FRANCISCO, CA

Date	Revised
90% DD SET	06.26.15
100% DD SET	08.27.15
80% DD SET	03.04.16
90% DD SET	10.20.15
75% DD SET	10.20.15
100% DD SET	13.04.15
SITE PERMIT	01.14.16

CONSTRUCTION DETAILS

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

NOT FOR CONSTRUCTION

C8.01

VESTING TENTATIVE FINAL MAP FOR CONDOMINIUM PURPOSES

A 44 RESIDENTIAL UNIT CONDOMINIUM PROJECT, BEING A SUBDIVISION OF THE LANDS DESCRIBED IN THAT CERTAIN GRANT DEED RECORDED SEPTEMBER 9, 2014, DOCUMENT NO. 2014-J947407, OFFICIAL RECORDS.

BEING A PORTION OF 50 VARA BLOCK 139 CITY AND COUNTY OF SAN FRANCISCO, STATE OF CALIFORNIA

MARTIN M. RON ASSOCIATES, INC.
Land Surveyors
859 Harrison Street, Suite 200
San Francisco California

CONSTRUCTION DETAILS

Ent	Name	Acct No	Invoice	Date	P.O. Num	Reference	Amount	Discount	Net
0128001	875 California II, LLC	1310-00010	04.28.16	5/3/2016	0000002505	Final Mapping Fee	11,838.00	0.00	11,838.00
Payor: Grosvenor USA Limited					Date	Check No.	Check Amount		
Payee: San Francisco DPW					5/3/2016	013115	11,838.00		

Retain this statement for your records

THE FACE OF THIS DOCUMENT HAS MICROPRINTING. DO NOT CASH IF MISSING. THE BACKGROUND WILL EXPOSE A HIDDEN VOID WHEN PHOTOCOPIED.

Grosvenor USA Limited
 One California Street
 Suite 2500
 San Francisco, CA 94111

Wells Fargo Bank
 The Crocker Branch
 San Francisco, CA 94104

11-248
 1210

Date
 5/3/2016

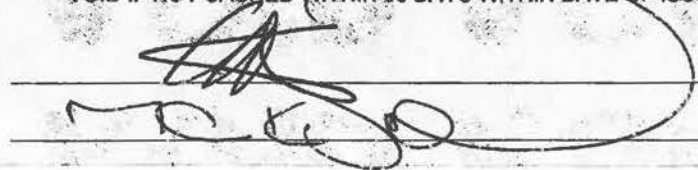
Check No.
 013115

Check Amount
 11,838.00

Eleven Thousand Eight Hundred Thirty Eight AND 00/100 Dollars

Pay to the order of
 San Francisco DPW

VOID IF NOT CASHED WITHIN 90 DAYS WITHIN DATE OF ISSUE



⑈013115⑈ ⑆121000248⑆ 4075 103853⑈

Ent	Name	Acct No	Invoice	Date	P.O. Num	Reference	Amount	Discount	Net
0128001	875 California II, LLC	1310-00010	04.28.16-	5/3/2016	0000002504	Final Mapping App Proce	250.00	0.00	250.00
Payor: Grosvenor USA Limited					Date	Check No.	Check Amount		
Payee: San Francisco DPW					5/3/2016	013116	250.00		

Retain this statement for your records

THE FACE OF THIS DOCUMENT HAS MICROPRINTING. DO NOT CASH IF MISSING. THE BACKGROUND WILL EXPOSE A HIDDEN VOID WHEN PHOTOCOPIED.

Grosvenor USA Limited
 One California Street
 Suite 2500
 San Francisco, CA 94111

Wells Fargo Bank
 The Crocker Branch
 San Francisco, CA 94104

11-24/8
 1210

Date
 5/3/2016

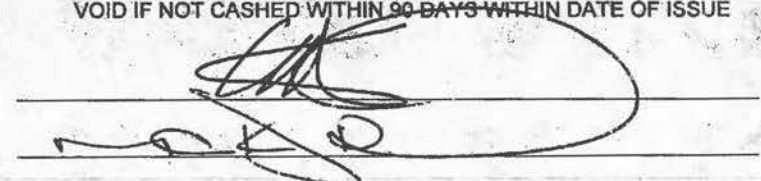
Check No.
 013116

Check Amount
 250.00

Two Hundred Fifty AND 00/100 Dollars

Pay to the order of
 San Francisco DPW

VOID IF NOT CASHED WITHIN 90 DAYS WITHIN DATE OF ISSUE



⑈013116⑈ ⑆121000248⑆ 4075 103853⑈



PRELIMINARY REPORT

*In response to the application for a policy of title insurance referenced herein, **Chicago Title Company** hereby reports that it is prepared to issue, or cause to be issued, as of the date hereof, a policy or policies of title insurance describing the land and the estate or interest therein hereinafter set forth, insuring against loss which may be sustained by reason of any defect, lien or encumbrance not shown or referred to as an exception herein or not excluded from coverage pursuant to the printed Schedules, Conditions and Stipulations or Conditions of said policy forms.*

The printed Exceptions and Exclusions from the coverage and Limitations on Covered Risks of said policy or policies are set forth in Attachment One. The policy to be issued may contain an arbitration clause. When the Amount of Insurance is less than that set forth in the arbitration clause, all arbitrable matters shall be arbitrated at the option of either the Company or the Insured as the exclusive remedy of the parties. Limitations on Covered Risks applicable to the CLTA and ALTA Homeowner's Policies of Title Insurance which establish a Deductible Amount and a Maximum Dollar Limit of Liability for certain coverages are also set forth in Attachment One. Copies of the policy forms should be read. They are available from the office which issued this report.

This report (and any supplements or amendments hereto) is issued solely for the purpose of facilitating the issuance of a policy of title insurance and no liability is assumed hereby. If it is desired that liability be assumed prior to the issuance of a policy of title insurance, a Binder or Commitment should be requested.

The policy(ies) of title insurance to be issued hereunder will be policy(ies) of Chicago Title Insurance Company, a Nebraska corporation.

Please read the exceptions shown or referred to herein and the exceptions and exclusions set forth in Attachment One of this report carefully. The exceptions and exclusions are meant to provide you with notice of matters which are not covered under the terms of the title insurance policy and should be carefully considered.

It is important to note that this preliminary report is not a written representation as to the condition of title and may not list all liens, defects and encumbrances affecting title to the land.

Chicago Title Insurance Company

By:

President

Attest:

Secretary

Countersigned By:

Authorized Officer or Agent



Visit Us on our Website: www.ctic.com



ISSUING OFFICE: 2150 John Glenn Drive, Suite 400, Concord, CA 94520

FOR SETTLEMENT INQUIRIES, CONTACT:

Chicago Title Company
455 Market Street, Suite 2100 • San Francisco, CA 94105
(415) 291-5113 • FAX (415)896-9427

**Another Prompt Delivery From Chicago Title Company Title Department
Where Local Experience And Expertise Make A Difference**

PRELIMINARY REPORT

Title Officer: Jeff Martin
Email: Jeff.Martin@fnf.com
Title No.: FWPN-TO16000254-JM

Escrow Officer: Terry Duwel
Email: terry.duwel@ctt.com
Escrow No.: 160360193

TO: Chicago Title Company
455 Market Street, Suite 2100
San Francisco, CA 94105
Attn: Terry Duwel

PROPERTY ADDRESS(ES): 770 Powell & 875 California, San Francisco, CA

EFFECTIVE DATE: February 9, 2016 at 07:30 AM

The form of policy or policies of title insurance contemplated by this report is:

CLTA Standard Coverage Policy 1990 (04-08-14)

1. THE ESTATE OR INTEREST IN THE LAND HEREINAFTER DESCRIBED OR REFERRED TO COVERED BY THIS REPORT IS:

A Fee

2. TITLE TO SAID ESTATE OR INTEREST AT THE DATE HEREOF IS VESTED IN:

875 California II, LLC, a Delaware limited liability company

3. THE LAND REFERRED TO IN THIS REPORT IS DESCRIBED AS FOLLOWS:

SEE EXHIBIT "A" ATTACHED HERETO AND MADE A PART HEREOF

EXHIBIT "A"
Legal Description

For APN/Parcel ID(s): Lot 016, Block 0256 and Lot 017, Block 0256

THE LAND REFERRED TO HEREIN BELOW IS SITUATED IN THE CITY OF SAN FRANCISCO, COUNTY OF SAN FRANCISCO, STATE OF CALIFORNIA AND IS DESCRIBED AS FOLLOWS:

PARCEL ONE:

BEGINNING AT A POINT OF INTERSECTION OF THE SOUTHERLY LINE OF CALIFORNIA STREET WITH THE EASTERLY LINE OF POWELL STREET, RUNNING THENCE EASTERLY ALONG SAID LINE OF CALIFORNIA STREET, 49 FEET; THENCE AT A RIGHT ANGLE SOUTHERLY 100 FEET; THENCE AT A RIGHT ANGLE EASTERLY 1 FOOT; THENCE AT A RIGHT ANGLE SOUTHERLY 24 FEET; THENCE AT A RIGHT ANGLE WESTERLY 50 FEET TO THE EASTERLY LINE OF POWELL STREET; THENCE AT A RIGHT ANGLE NORTHERLY, ALONG SAID LINE OF POWELL STREET, 124 FEET TO THE POINT OF BEGINNING.

BEING A PORTION OF 50 VARA BLOCK NO. 139.

PARCEL TWO:

COMMENCING AT A POINT ON THE SOUTHERLY LINE OF CALIFORNIA STREET, DISTANT THEREON 49 FEET EASTERLY FROM THE EASTERLY LINE OF POWELL STREET; RUNNING THENCE EASTERLY ALONG SAID LINE OF CALIFORNIA STREET 68 FEET, 6 INCHES; THENCE AT A RIGHT ANGLE SOUTHERLY 137 FEET, 6 INCHES; THENCE AT A RIGHT ANGLE WESTERLY 72 FEET, 6 INCHES; THENCE AT A RIGHT ANGLE EASTERLY 5 FEET; THENCE AT A RIGHT ANGLE NORTHERLY 24 FEET; THENCE AT A RIGHT ANGLE WESTERLY 1 FOOT; THENCE AT A RIGHT ANGLE NORTHERLY 100 FEET TO THE POINT OF COMMENCEMENT.

BEING A PART OF VARA BLOCK NO. 139.

AT THE DATE HEREOF, EXCEPTIONS TO COVERAGE IN ADDITION TO THE PRINTED EXCEPTIONS AND EXCLUSIONS IN SAID POLICY FORM WOULD BE AS FOLLOWS:

1. Property taxes, which are a lien not yet due and payable, including any assessments collected with taxes to be levied for the fiscal year 2016-2017.
2. Property taxes, including any personal property taxes and any assessments collected with taxes are as follows:

Code Area: 1000
Tax Identification No.: Lot 016, Block 0256
Fiscal Year: 2015-2016
1st Installment: \$23,408.37 Paid
2nd Installment: \$23,408.37 Open
Exemption: \$0.00
Land: \$3,919,135.00
Improvements: \$0.00
Personal Property: \$0.00
Bill No.: 012181

Affects: Parcel One

3. Supplemental assessment for 2014-2015:

1st Installment \$9,193.16, Paid
Must be Paid By: December 10, 2015
2nd Installment: \$9,193.16, Open
Must be Paid By: April 11, 2016
Bill No.: 407921

Affects: Parcel One

4. Supplemental assessment for 2015-2016:

1st Installment \$11,890.24, Paid
Must be Paid By: December 10, 2015
2nd Installment: \$11,890.24, Open
Must be Paid By: April 10, 2016
Bill No.: 152377

Affects: Parcel One

EXCEPTIONS
(continued)

5. Property taxes, including any personal property taxes and any assessments collected with taxes are as follows:

Code Area: 1000
 Tax Identification No.: Lot 017, Block 0256
 Fiscal Year: 2015-2016
 1st Installment: \$24,891.39 Delinquent + Penalty \$2,489.14
 2nd Installment: \$24,891.39 Open
 Exemption: \$0.00
 Land: \$3,762,369.00
 Improvements: \$418,040.00
 Bill No.: 012182

Affects: Parcel Two

6. Supplemental assessment for 2015-2016:

1st Installment \$28,912.15, Delinquent, Penalty \$2,891.22
 Must be Paid By: December 10, 2015
 2nd Installment: \$28,912.15, Open
 Must be Paid By: April 10, 2016
 Bill No.: 152378

Affects: Parcel Two

7. Supplemental assessment for 2014-2015:

1st Installment \$21,892.52, Delinquent, Penalty \$2,189.25
 Must be Paid By: December 10, 2015
 2nd Installment: \$21,892.52, Open
 Must be Paid By: April 11, 2016
 Bill No.: 407922

Affects: Parcel Two

EXCEPTIONS
(continued)

8. The herein described property lies within the boundaries of a Mello Roos Community Facilities District ("CFD"), as follows:

CFD No: 90 1
For: School Facility Repair and Maintenance

This property, along with all other parcels in the CFD, is liable for an annual special tax. This special tax is included with and payable with the general property taxes of the City and County of San Francisco. The tax may not be prepaid.

Further information may be obtained by contacting:

Chief Financial Officer
San Francisco Unified School District
135 Van Ness Ave. - Room 300
San Francisco, CA 94102
Phone (415) 241-6542

9. Prior to close of escrow, please contact the Tax Collector's Office to confirm all amounts owing, including current fiscal year taxes, supplemental taxes, escaped assessments and any delinquencies.
10. The lien of supplemental or escaped assessments of property taxes, if any, made pursuant to the provisions of Chapter 3.5 (commencing with Section 75) or Part 2, Chapter 3, Articles 3 and 4, respectively, of the Revenue and Taxation Code of the State of California as a result of the transfer of title to the vestee named in Schedule A or as a result of changes in ownership or new construction occurring prior to Date of Policy.
11. Notice of Special Restrictions under the City Planning Code of the City and County of San Francisco upon the terms and conditions contained therein

Recording Date: August 11, 2004
Recording No.: H784781, Reel I699, Image 307, of Official Records

Reference is made to said document for full particulars.

Affects: Parcel One

12. Notice of Special Restrictions under the City Planning Code of the City and County of San Francisco upon the terms and conditions contained therein

Recording Date: June 25, 2014
Recording No.: 2014-J901089-00, of Official Records

Reference is made to said document for full particulars.

Affects: Parcel Two and other property

EXCEPTIONS
(continued)

13. Notice of Special Restrictions under the City Planning Code of the City and County of San Francisco upon the terms and conditions contained therein

Recording Date: June 25, 2014
Recording No.: 2014-J901088-00, of Official Records

Reference is made to said document for full particulars.

Affects: Parcel Two

14. Any rights, interests, or claims which may exist or arise by reason of the following matters disclosed by survey,

Job No.: 20130047-50
Dated: July 30, 2014
Prepared by: BKF Engineers
Matters shown:

Encroachments of improvements into California Street

- a) conc @ doorway 0.6' over
- b) conc @ doorway 0.9' over
- c) conc @ doorway 0.6' over
- d) conc @ doorway 0.6' over
- e) cor wall 0.3' over
- f) cor wall 0.5' over
- g) cor wall 0.3' over
- h) cor wall 0.4'

Encroachments of improvements onto Lot 18

- i) building 0.7' over

Encroachments of improvements located on Lot 17A onto said land

- j) tv antenna 1.1' over

15. Please be advised that our search did not disclose any open Deeds of Trust of record. If you should have knowledge of any outstanding obligation, please contact the Title Department immediately for further review prior to closing.

16. Any rights of the parties in possession of a portion of, or all of, said Land, which rights are not disclosed by the public records.

The Company will require, for review, a full and complete copy of any unrecorded agreement, contract, license and/or lease, together with all supplements, assignments and amendments thereto, before issuing any policy of title insurance without excepting this item from coverage.

The Company reserves the right to except additional items and/or make additional requirements after reviewing said documents.

EXCEPTIONS
(continued)

17. The Company will require an ALTA/ACSM LAND TITLE SURVEY. If the owner of the Land the subject of this transaction is in possession of a current ALTA/ACSM LAND TITLE SURVEY, the Company will require that said survey be submitted for review and approval; otherwise, a new survey, satisfactory to the Company, must be prepared by a licensed land surveyor and supplied to the Company prior to the close of escrow.

The Company reserves the right to add additional items or make further requirements after review of the requested documentation.

18. The Company will require the following documents for review prior to the issuance of any title insurance predicated upon a conveyance or encumbrance from the entity named below.

Limited Liability Company: 875 California II, LLC, a Delaware limited liability company

- a. A copy of its operating agreement, if any, and any and all amendments, supplements and/or modifications thereto, certified by the appropriate manager or member.
- b. If a domestic Limited Liability Company, a copy of its Articles of Organization and all amendment thereto with the appropriate filing stamps.
- c. If the Limited Liability Company is member-managed a full and complete current list of members certified by the appropriate manager or member.
- d. If the Limited Liability Company was formed in a foreign jurisdiction, evidence, satisfactory to the Company that it was validly formed, is in good standing and authorized to do business in the state of origin.
- e. If less than all members, or managers, as appropriate, will be executing the closing documents, furnish evidence of the authority of those signing.

The Company reserves the right to add additional items or make further requirements after review of the requested documentation.

19. The Company will require that an Owner's Affidavit be completed by the party(s) named below before the issuance of any policy of title insurance.

Party(ies): 875 California II, LLC, a Delaware limited liability company

The Company reserves the right to add additional items or make further requirements after review of the requested Affidavit.

20. The transaction contemplated in connection with this Report is subject to the review and approval of the Company's Corporate Underwriting Department. The Company reserves the right to add additional items or make further requirements after such review.

END OF EXCEPTIONS

NOTES

Note 1. There is no recorded Certificate of Energy and/or Water Compliance for the property described herein.

Note 2. Note: The name(s) of the proposed insured(s) furnished with this application for title insurance is/are:

No names were furnished with the application. Please provide the name(s) of the buyers as soon as possible.

Note 3. Note: The Company is not aware of any matters which would cause it to decline to attach CLTA Endorsement Form 116 indicating that there is located on said Land Commercial Property, known as 770 Powell & 875 California, San Francisco, CA, to an Extended Coverage Loan Policy.

Note 4. Note: The only conveyance(s) affecting said Land, which recorded within 24 months of the date of this report, are as follows:

Grantor: Stanford 8 Parking, LLC, a Delaware limited liability company
Grantee: 875 California II, LLC, a Delaware limited liability company
Recording Date: September 9, 2014
Recording No.: 2014-J947407-00, of Official Records

Note 5. ***IMPORTANT RECORDING NOTE***

Please send all original documents for Chicago Title San Francisco County for recordings to the following office:

Pasion Recording Service
1390 Market Street #303
San Francisco, CA. 94102
Attn: Recording Desk/Sean Murphy
Phone: (415) 528-5768
Fax: (415) 552-2373

Please direct all other title communication and copies of documents, including recording release instructions, policy write-up instructions and settlement statements, to the Title Only Department at the issuing office.

Note 6. Effective December 17, 2010, as mandated through local ordinance, the transfer tax rates are as follows:

More than \$100 but Less than or Equal to \$250,000 at \$2.50 for each \$500 (\$5.00 per thousand)
More than \$250,000 but Less than \$1,000,000 at \$3.40 for each \$500 (\$6.80 per thousand)
\$1,000,000 or More but Less than \$5,000,000 at \$3.75 for each \$500 (\$7.50 per thousand)
\$5,000,000 or More but Less than \$10,000,000 at \$10.00 for each \$500 (\$20.00 per thousand)
\$10,000,000.00 or More at \$12.50 for each \$500 or portion thereof (\$25.00 per thousand)

NOTE: These rates are for documents recorded on or after December 17, 2010, regardless of when the instrument was executed.

NOTES
(continued)

- Note 7.** Your application for title insurance was placed by reference to only a street address or tax identification number. Based on our records, we believe that the legal description in this report covers the parcel(s) of Land that you requested. If the legal description is incorrect, the seller/borrower must notify the Company and/or the settlement company in order to prevent errors and to be certain that the correct parcel(s) of Land will appear on any documents to be recorded in connection with this transaction and on the policy of title insurance.
- Note 8.** Note: If a county recorder, title insurance company, escrow company, real estate broker, real estate agent or association provides a copy of a declaration, governing document or deed to any person, California law requires that the document provided shall include a statement regarding any unlawful restrictions. Said statement is to be in at least 14-point bold face type and may be stamped on the first page of any document provided or included as a cover page attached to the requested document. Should a party to this transaction request a copy of any document reported herein that fits this category, the statement is to be included in the manner described.
- Note 9.** Note: Any documents being executed in conjunction with this transaction must be signed in the presence of an authorized Company employee, an authorized employee of an agent, an authorized employee of the insured lender, or by using Bancserv or other approved third-party service. If the above requirement cannot be met, please call the Company at the number provided in this report.

END OF NOTES

**FIDELITY NATIONAL FINANCIAL
PRIVACY NOTICE
Effective: May 1, 2015**

Order No.: FWPN-TO1600254-

Fidelity National Financial, Inc. and its majority-owned subsidiary companies providing real estate- and loan-related services (collectively, "FNF", "our" or "we") respect and are committed to protecting your privacy. This Privacy Notice lets you know how and for what purposes your Personal Information (as defined herein) is being collected, processed and used by FNF. We pledge that we will take reasonable steps to ensure that your Personal Information will only be used in ways that are in compliance with this Privacy Notice. The provision of this Privacy Notice to you does not create any express or implied relationship, or create any express or implied duty or other obligation, between Fidelity National Financial, Inc. and you. See also **No Representations or Warranties** below.

This Privacy Notice is only in effect for any generic information and Personal Information collected and/or owned by FNF, including collection through any FNF website and any online features, services and/or programs offered by FNF (collectively, the "Website"). This Privacy Notice is not applicable to any other web pages, mobile applications, social media sites, email lists, generic information or Personal Information collected and/or owned by any entity other than FNF.

How Information is Collected

The types of personal information FNF collects may include, among other things (collectively, "Personal Information"): (1) contact information (e.g., name, address, phone number, email address); (2) demographic information (e.g., date of birth, gender marital status); (3) Internet protocol (or IP) address or device ID/UDID; (4) social security number (SSN), student ID (SIN), driver's license, passport, and other government ID numbers; (5) financial account information; and (6) information related to offenses or criminal convictions.

In the course of our business, we may collect Personal Information about you from the following sources:

- Applications or other forms we receive from you or your authorized representative;
- Information we receive from you through the Website;
- Information about your transactions with or services performed by us, our affiliates, or others; and
- From consumer or other reporting agencies and public records maintained by governmental entities that we either obtain directly from those entities, or from our affiliates or others.

Additional Ways Information is Collected Through the Website

Browser Log Files. Our servers automatically log each visitor to the Website and collect and record certain information about each visitor. This information may include IP address, browser language, browser type, operating system, domain names, browsing history (including time spent at a domain, time and date of your visit), referring/exit web pages and URLs, and number of clicks. The domain name and IP address reveal nothing personal about the user other than the IP address from which the user has accessed the Website.

Cookies. From time to time, FNF or other third parties may send a "cookie" to your computer. A cookie is a small piece of data that is sent to your Internet browser from a web server and stored on your computer's hard drive and that can be re-sent to the serving website on subsequent visits. A cookie, by itself, cannot read other data from your hard disk or read other cookie files already on your computer. A cookie, by itself, does not damage your system. We, our advertisers and other third parties may use cookies to identify and keep track of, among other things, those areas of the Website

and third party websites that you have visited in the past in order to enhance your next visit to the Website. You can choose whether or not to accept cookies by changing the settings of your Internet browser, but some functionality of the Website may be impaired or not function as intended. See the Third Party Opt Out section below.

Web Beacons. Some of our web pages and electronic communications may contain images, which may or may not be visible to you, known as Web Beacons (sometimes referred to as "clear gifs"). Web Beacons collect only limited information that includes a cookie number; time and date of a page view; and a description of the page on which the Web Beacon resides. We may also carry Web Beacons placed by third party advertisers. These Web Beacons do not carry any Personal Information and are only used to track usage of the Website and activities associated with the Website. See the Third Party Opt Out section below.

Unique Identifier. We may assign you a unique internal identifier to help keep track of your future visits. We may use this information to gather aggregate demographic information about our visitors, and we may use it to personalize the information you see on the Website and some of the electronic communications you receive from us. We keep this information for our internal use, and this information is not shared with others.

Third Party Opt Out. Although we do not presently, in the future we may allow third-party companies to serve advertisements and/or collect certain anonymous information when you visit the Website. These companies may use non-personally identifiable information (e.g., click stream information, browser type, time and date, subject of advertisements clicked or scrolled over) during your visits to the Website in order to provide advertisements about products and services likely to be of greater interest to you. These companies typically use a cookie or third party Web Beacon to collect this information, as further described above. Through these technologies, the third party may have access to and use non-personalized information about your online usage activity.

You can opt-out of certain online behavioral services through any one of the ways described below. After you opt-out, you may continue to receive advertisements, but those advertisements will no longer be as relevant to you.

- You can opt-out via the Network Advertising Initiative industry opt-out at <http://www.networkadvertising.org/>.
- You can opt-out via the Consumer Choice Page at www.aboutads.info.
- For those in the U.K., you can opt-out via the IAB UK's industry opt-out at www.youronlinechoices.com.
- You can configure your web browser (Chrome, Firefox, Internet Explorer, Safari, etc.) to delete and/or control the use of cookies.

More information can be found in the Help system of your browser. Note: If you opt-out as described above, you should not delete your cookies. If you delete your cookies, you will need to opt-out again.

Use of Personal Information

Information collected by FNF is used for three main purposes:

- To provide products and services to you or one or more third party service providers (collectively, "Third Parties") who are obtaining services on your behalf or in connection with a transaction involving you.
- To improve our products and services that we perform for you or for Third Parties.
- To communicate with you and to inform you about FNF's, FNF's affiliates and third parties' products and services.

When Information Is Disclosed By FNF

We may provide your Personal Information (excluding information we receive from consumer or other credit reporting agencies) to various individuals and companies, as permitted by law, without obtaining your prior authorization. Such laws do not allow consumers to restrict these disclosures. Disclosures may include, without limitation, the following:

- To agents, brokers, representatives, or others to provide you with services you have requested, and to enable us to detect or prevent criminal activity, fraud, material misrepresentation, or nondisclosure in connection with an insurance transaction;
- To third-party contractors or service providers who provide services or perform marketing services or other functions on our behalf;
- To law enforcement or other governmental authority in connection with an investigation, or civil or criminal subpoenas or court orders; and/or
- To lenders, lien holders, judgment creditors, or other parties claiming an encumbrance or an interest in title whose claim or interest must be determined, settled, paid or released prior to a title or escrow closing.

In addition to the other times when we might disclose information about you, we might also disclose information when required by law or in the good-faith belief that such disclosure is necessary to: (1) comply with a legal process or applicable laws; (2) enforce this Privacy Notice; (3) respond to claims that any materials, documents, images, graphics, logos, designs, audio, video and any other information provided by you violates the rights of third parties; or (4) protect the rights, property or personal safety of FNF, its users or the public.

We maintain reasonable safeguards to keep the Personal Information that is disclosed to us secure. We provide Personal Information and non-Personal Information to our subsidiaries, affiliated companies, and other businesses or persons for the purposes of processing such information on our behalf and promoting the services of our trusted business partners, some or all of which may store your information on servers outside of the United States. We require that these parties agree to process such information in compliance with our Privacy Notice or in a similar, industry-standard manner, and we use reasonable efforts to limit their use of such information and to use other appropriate confidentiality and security measures. The use of your information by one of our trusted business partners may be subject to that party's own Privacy Notice. We do not, however, disclose information we collect from consumer or credit reporting agencies with our affiliates or others without your consent, in conformity with applicable law, unless such disclosure is otherwise permitted by law.

We also reserve the right to disclose Personal Information and/or non-Personal Information to take precautions against liability, investigate and defend against any third-party claims or allegations, assist government enforcement agencies, protect the security or integrity of the Website, and protect the rights, property, or personal safety of FNF, our users or others.

We reserve the right to transfer your Personal Information, as well as any other information, in connection with the sale or other disposition of all or part of the FNF business and/or assets. We also cannot make any representations regarding the use or transfer of your Personal Information or other information that we may have in the event of our bankruptcy, reorganization, insolvency, receivership or an assignment for the benefit of creditors, and you expressly agree and consent to the use and/or transfer of your Personal Information or other information in connection with a sale or transfer of some or all of our assets in any of the above described proceedings. Furthermore, we cannot and will not be responsible for

any breach of security by any third parties or for any actions of any third parties that receive any of the information that is disclosed to us.

Information From Children

We do not collect Personal Information from any person that we know to be under the age of thirteen (13). Specifically, the Website is not intended or designed to attract children under the age of thirteen (13). You affirm that you are either more than 18 years of age, or an emancipated minor, or possess legal parental or guardian consent, and are fully able and competent to enter into the terms, conditions, obligations, affirmations, representations, and warranties set forth in this Privacy Notice, and to abide by and comply with this Privacy Notice. In any case, you affirm that you are over the age of 13, as **THE WEBSITE IS NOT INTENDED FOR CHILDREN UNDER 13 THAT ARE UNACCOMPANIED BY HIS OR HER PARENT OR LEGAL GUARDIAN.**

Parents should be aware that FNF's Privacy Notice will govern our use of Personal Information, but also that information that is voluntarily given by children – or others – in email exchanges, bulletin boards or the like may be used by other parties to generate unsolicited communications. FNF encourages all parents to instruct their children in the safe and responsible use of their Personal Information while using the Internet.

Privacy Outside the Website

The Website may contain various links to other websites, including links to various third party service providers. FNF is not and cannot be responsible for the privacy practices or the content of any of those other websites. Other than under agreements with certain reputable organizations and companies, and except for third party service providers whose services either we use or you voluntarily elect to utilize, we do not share any of the Personal Information that you provide to us with any of the websites to which the Website links, although we may share aggregate, non-Personal Information with those other third parties. Please check with those websites in order to determine their privacy policies and your rights under them.

European Union Users

If you are a citizen of the European Union, please note that we may transfer your Personal Information outside the European Union for use for any of the purposes described in this Privacy Notice. By providing FNF with your Personal Information, you consent to both our collection and such transfer of your Personal Information in accordance with this Privacy Notice.

Choices With Your Personal Information

Whether you submit Personal Information to FNF is entirely up to you. You may decide not to submit Personal Information, in which case FNF may not be able to provide certain services or products to you.

You may choose to prevent FNF from disclosing or using your Personal Information under certain circumstances ("opt out"). You may opt out of any disclosure or use of your Personal Information for purposes that are incompatible with the purpose(s) for which it was originally collected or for which you subsequently gave authorization by notifying us by one of the methods at the end of this Privacy Notice. Furthermore, even where your Personal Information is to be disclosed and used in accordance with the stated purposes in this Privacy Notice, you may elect to opt out of such disclosure to and use by a third party that is not acting as an agent of FNF. As described above, there are some uses from which you cannot opt-out.

Please note that opting out of the disclosure and use of your Personal Information as a prospective employee may prevent you from being hired as an employee by FNF to the extent that provision of your Personal Information is required to apply for an open position.

If FNF collects Personal Information from you, such information will not be disclosed or used by FNF for purposes that are incompatible with the purpose(s) for which it was originally collected or for which you subsequently gave authorization unless you affirmatively consent to such disclosure and use.

You may opt out of online behavioral advertising by following the instructions set forth above under the above section "Additional Ways That Information Is Collected Through the Website," subsection "Third Party Opt Out."

Access and Correction

To access your Personal Information in the possession of FNF and correct inaccuracies of that information in our records, please contact us in the manner specified at the end of this Privacy Notice. We ask individuals to identify themselves and the information requested to be accessed and amended before processing such requests, and we may decline to process requests in limited circumstances as permitted by applicable privacy legislation.

Your California Privacy Rights

Under California's "Shine the Light" law, California residents who provide certain personally identifiable information in connection with obtaining products or services for personal, family or household use are entitled to request and obtain from us once a calendar year information about the customer information we shared, if any, with other businesses for their own direct marketing uses. If applicable, this information would include the categories of customer information and the names and addresses of those businesses with which we shared customer information for the immediately prior calendar year (e.g., requests made in 2015 will receive information regarding 2014 sharing activities).

To obtain this information on behalf of FNF, please send an email message to privacy@fnf.com with "Request for California Privacy Information" in the subject line and in the body of your message. We will provide the requested information to you at your email address in response.

Please be aware that not all information sharing is covered by the "Shine the Light" requirements and only information on covered sharing will be included in our response.

Additionally, because we may collect your Personal Information from time to time, California's Online Privacy Protection Act requires us to disclose how we respond to "do not track" requests and other similar mechanisms. Currently, our policy is that we do not recognize "do not track" requests from Internet browsers and similar devices.

FNF Compliance with California Online Privacy Protection Act

For some websites which FNF or one of its companies owns, such as the Customer CareNet ("CCN"), FNF is acting as a third party service provider to a mortgage loan servicer. In those instances, we may collect certain information on behalf of that mortgage loan servicer for fulfilling a service to that mortgage loan servicer. For example, you may access CCN to complete a transaction with your mortgage loan servicer. During this transaction, the information which we may collect on behalf of the mortgage loan servicer is as follows:

- First and Last Name
- Property Address
- User Name
- Password
- Loan Number
- Social Security Number - masked upon entry
- Email Address
- Three Security Questions and Answers
- IP Address

The information you submit is then transferred to your mortgage loan servicer by way of CCN.

The mortgage loan servicer is responsible for taking action or making changes to any consumer information submitted through this website. For example, if you believe that your payment or user information is incorrect, you must contact your mortgage loan servicer.

CCN does not share consumer information with third parties, other than those with which the mortgage loan servicer has contracted to interface with the CCN application.

All sections of the FNF Privacy Notice apply to your interaction with CCN, except for the sections titled Choices with Your Personal Information and Access and Correction. If you have questions regarding the choices you have with regard to your personal information or how to access or correct your personal information, you should contact your mortgage loan servicer.

No Representations or Warranties

By providing this Privacy Notice, Fidelity National Financial, Inc. does not make any representations or warranties whatsoever concerning any products or services provided to you by its majority-owned subsidiaries. In addition, you also expressly agree that your use of the Website is at your own risk. Any services provided to you by Fidelity National Financial, Inc. and/or the Website are provided "as is" and "as available" for your use, without representations or warranties of any kind, either express or implied, unless such warranties are legally incapable of exclusion. Fidelity National Financial, Inc. makes no representations or warranties that any services provided to you by it or the Website, or any services offered in connection with the Website are or will remain uninterrupted or error-free, that defects will be corrected, or that the web pages on or accessed through the Website, or the servers used in connection with the Website, are or will remain free from any viruses, worms, time bombs, drop dead devices, Trojan horses or other harmful components. Any liability of Fidelity National Financial, Inc. and your exclusive remedy with respect to the use of any product or service provided by Fidelity National Financial, Inc. including on or accessed through the Website, will be the re-performance of such service found to be inadequate.

Your Consent To This Privacy Notice

By submitting Personal Information to FNF, you consent to the collection and use of information by us as specified above or as we otherwise see fit, in compliance with this Privacy Notice, unless you inform us otherwise by means of the procedure identified below. If we decide to change this Privacy Notice, we will make an effort to post those changes on the Website. Each time we collect information from you following any amendment of this Privacy Notice will signify your assent to and acceptance of its revised terms for all previously collected information and information collected from you in the future. We may use comments, information or feedback that you may submit in any manner that we may choose without notice or compensation to you.

If you have additional questions or comments, please let us know by sending your comments or requests to:

Fidelity National Financial, Inc.
601 Riverside Avenue
Jacksonville, Florida 32204
Attn: Chief Privacy Officer
(888) 934-3354
privacy@fnf.com

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EFFECTIVE AS OF: MAY 1, 2015

ATTACHMENT ONE

CALIFORNIA LAND TITLE ASSOCIATION STANDARD COVERAGE POLICY - 1990

EXCLUSIONS FROM COVERAGE

The following matters are expressly excluded from the coverage of this policy and the Company will not pay loss or damage, costs, attorneys' fees or expenses which arise by reason of:

1. (a) Any law, ordinance or governmental regulation (including but not limited to building and zoning laws, ordinances, or regulations) restricting, regulating, prohibiting or relating (i) the occupancy, use, or enjoyment of the land; (ii) the character, dimensions or location of any improvement now or hereafter erected on the land; (iii) a separation in ownership or a change in the dimensions or area of the land or any parcel of which the land is or was a part; or (iv) environmental protection, or the effect of any violation of these laws, ordinances or governmental regulations, except to the extent that a notice of the enforcement thereof or a notice of a defect, lien or encumbrance resulting from a violation or alleged violation affecting the land has been recorded in the public records at Date of Policy.
(b) Any governmental police power not excluded by (a) above, except to the extent that a notice of the exercise thereof or a notice of a defect, lien or encumbrance resulting from a violation or alleged violation affecting the land has been recorded in the public records at Date of Policy.
2. Rights of eminent domain unless notice of the exercise thereof has been recorded in the public records at Date of Policy, but not excluding from coverage any taking which has occurred prior to Date of Policy which would be binding on the rights of a purchaser for value without knowledge.
3. Defects, liens, encumbrances, adverse claims, or other matters:
 - (a) whether or not recorded in the public records at Date of Policy, but created, suffered, assumed or agreed to by the insured claimant;
 - (b) not known to the Company, not recorded in the public records at Date of Policy, but known to the insured claimant and not disclosed in writing to the Company by the insured claimant prior to the date the insured claimant became an insured under this policy;
 - (c) resulting in no loss or damage to the insured claimant;
 - (d) attaching or created subsequent to Date of Policy; or
 - (e) resulting in loss or damage which would not have been sustained if the insured claimant had paid value for the insured mortgage or for the estate or interest insured by this policy.
4. Unenforceability of the lien of the insured mortgage because of the inability or failure of the insured at Date of Policy, or the inability or failure of any subsequent owner of the indebtedness, to comply with the applicable doing business laws of the state in which the land is situated.
5. Invalidity or unenforceability of the lien of the insured mortgage, or claim thereof, which arises out of the transaction evidenced by the insured mortgage and is based upon usury or any consumer credit protection or truth in lending law.
6. Any claim, which arises out of the transaction vesting in the insured the estate or interest insured by this policy or the transaction creating the interest of the insured lender, by reason of the operation of federal bankruptcy, state insolvency or similar creditors' rights laws.

EXCEPTIONS FROM COVERAGE - SCHEDULE B, PART I

This policy does not insure against loss or damage (and the Company will not pay costs, attorneys' fees or expenses) which arise by reason of:

1. Taxes or assessments which are not shown as existing liens by the records of any taxing authority that levies taxes or assessments on real property or by the public records. Proceedings by a public agency which may result in taxes or assessments, or notices of such proceedings, whether or not shown by the records of such agency or by the public records.
2. Any facts, rights, interests or claims which are not shown by the public records but which could be ascertained by an inspection of the land or which may be asserted by persons in possession thereof.
3. Easements, liens or encumbrances, or claims thereof, not shown by the public records.
4. Discrepancies, conflicts in boundary lines, shortage in area, encroachments, or any other facts which a correct survey would disclose, and which are not shown by the public records.
5. (a) Unpatented mining claims; (b) reservations or exceptions in patents or in Acts authorizing the issuance thereof; (c) water rights, claims or title to water, whether or not the matters excepted under (a), (b), or (c) are shown by the public records.
6. Any lien or right to a lien for services, labor or material not shown by the public records.

**ATTACHMENT ONE
(CONTINUED)**

**CLTA HOMEOWNER'S POLICY OF TITLE INSURANCE (02-03-10)
ALTA HOMEOWNER'S POLICY OF TITLE INSURANCE (02-03-10)**

EXCLUSIONS

In addition to the Exceptions in Schedule B, You are not insured against loss, costs, attorneys' fees, and expenses resulting from:

1. Governmental police power, and the existence or violation of those portions of any law or government regulation concerning:
 - a. building;
 - b. zoning;
 - c. land use;
 - d. improvements on the Land;
 - e. land division; and
 - f. environmental protection.

This Exclusion does not limit the coverage described in Covered Risk 8.a., 14, 15, 16, 18, 19, 20, 23 or 27.
2. The failure of Your existing structures, or any part of them, to be constructed in accordance with applicable building codes. This Exclusion does not limit the coverage described in Covered Risk 14 or 15.
3. The right to take the Land by condemning it. This Exclusion does not limit the coverage described in Covered Risk 17.
4. Risks:
 - a. that are created, allowed, or agreed to by You, whether or not they are recorded in the Public Records;
 - b. that are Known to You at the Policy Date, but not to Us, unless they are recorded in the Public Records at the Policy Date;
 - c. that result in no loss to You; or
 - d. that first occur after the Policy Date - this does not limit the coverage described in Covered Risk 7, 8.e., 25, 26, 27 or 28.
5. Failure to pay value for Your Title.
6. Lack of a right:
 - a. to any land outside the area specifically described and referred to in paragraph 3 of Schedule A; and
 - b. in streets, alleys, or waterways that touch the Land.

This Exclusion does not limit the coverage described in Covered Risk 11 or 21.
7. The transfer of the Title to You is invalid as a preferential transfer or as a fraudulent transfer or conveyance under federal bankruptcy, state insolvency, or similar creditors' rights laws.

**ATTACHMENT ONE
(CONTINUED)**

LIMITATIONS ON COVERED RISKS

Your insurance for the following Covered Risks is limited on the Owner's Coverage Statement as follows:

- For Covered Risk 16, 18, 19 and 21, Your Deductible Amount and Our Maximum Dollar Limit of Liability shown in Schedule A.

The deductible amounts and maximum dollar limits shown on Schedule A are as follows:

	<u>Your Deductible Amount</u>	<u>Our Maximum Dollar Limit of Liability</u>
Covered Risk 16:	1.00% of Policy Amount Shown in Schedule A or \$2,500.00 (whichever is less)	\$10,000.00
Covered Risk 18:	1.00% of Policy Amount Shown in Schedule A or \$5,000.00 (whichever is less)	\$25,000.00
Covered Risk 19:	1.00% of Policy Amount Shown in Schedule A or \$5,000.00 (whichever is less)	\$25,000.00
Covered Risk 21:	1.00% of Policy Amount Shown in Schedule A or \$2,500.00 (whichever is less)	\$5,000.00

**ATTACHMENT ONE
(CONTINUED)**

**AMERICAN LAND TITLE ASSOCIATION
RESIDENTIAL TITLE INSURANCE POLICY (6-1-87)**

EXCLUSIONS

In addition to the Exceptions in Schedule B, you are not insured against loss, costs, attorneys' fees, and expenses resulting from:

1. Governmental police power, and the existence or violation of any law or government regulation. This includes building and zoning ordinances and also laws and regulations concerning:

- land use
- improvements on the land
- land division
- environmental protection

This exclusion does not apply to violations or the enforcement of these matters which appear in the public records at policy date.

This exclusion does not limit the zoning coverage described in Items 12 and 13 of Covered Title Risks.

2. The right to take the land by condemning it, unless:

- a notice of exercising the right appears in the public records on the Policy Date
- the taking happened prior to the Policy Date and is binding on you if you bought the land without knowledge of the taking

3. Title Risks:

- that are created, allowed, or agreed to by you
- that are known to you, but not to us, on the Policy Date-unless they appeared in the public records
- that result in no loss to you
- that first affect your title after the Policy Date - this does not limit the labor and material lien coverage in Item 8 of Covered Title Risks

4. Failure to pay value for your title.

5. Lack of a right:

- to any land outside the area specifically described and referred to in Item 3 of Schedule A

or

- in streets, alleys, or waterways that touch your land

This exclusion does not limit the access coverage in Item 5 of Covered Title Risks.

**ATTACHMENT ONE
(CONTINUED)**

2006 ALTA LOAN POLICY (06-17-06)

EXCLUSIONS FROM COVERAGE

The following matters are expressly excluded from the coverage of this policy, and the Company will not pay loss or damage, costs, attorneys' fees, or expenses that arise by reason of:

1. (a) Any law, ordinance, permit, or governmental regulation (including those relating to building and zoning) restricting, regulating, prohibiting, or relating to
 - (i) the occupancy, use, or enjoyment of the Land;
 - (ii) the character, dimensions, or location of any improvement erected on the Land;
 - (iii) the subdivision of land; or
 - (iv) environmental protection;or the effect of any violation of these laws, ordinances, or governmental regulations. This Exclusion 1(a) does not modify or limit the coverage provided under Covered Risk 5.
- (b) Any governmental police power. This Exclusion 1(b) does not modify or limit the coverage provided under Covered Risk 6.
2. Rights of eminent domain. This Exclusion does not modify or limit the coverage provided under Covered Risk 7 or 8.
3. Defects, liens, encumbrances, adverse claims, or other matters
 - (a) created, suffered, assumed, or agreed to by the Insured Claimant;
 - (b) not Known to the Company, not recorded in the Public Records at Date of Policy, but Known to the Insured Claimant and not disclosed in writing to the Company by the Insured Claimant prior to the date the Insured Claimant became an Insured under this policy;
 - (c) resulting in no loss or damage to the Insured Claimant;
 - (d) attaching or created subsequent to Date of Policy (however, this does not modify or limit the coverage provided under Covered Risk 11, 13, or 14); or
 - (e) resulting in loss or damage that would not have been sustained if the Insured Claimant had paid value for the Insured Mortgage.
4. Unenforceability of the lien of the Insured Mortgage because of the inability or failure of an Insured to comply with applicable doing-business laws of the state where the Land is situated.
5. Invalidity or unenforceability in whole or in part of the lien of the Insured Mortgage that arises out of the transaction evidenced by the Insured Mortgage and is based upon usury or any consumer credit protection or truth-in-lending law.
6. Any claim, by reason of the operation of federal bankruptcy, state insolvency, or similar creditors' rights laws, that the transaction creating the lien of the Insured Mortgage, is
 - (a) a fraudulent conveyance or fraudulent transfer, or
 - (b) a preferential transfer for any reason not stated in Covered Risk 13(b) of this policy.
7. Any lien on the Title for real estate taxes or assessments imposed by governmental authority and created or attaching between Date of Policy and the date of recording of the Insured Mortgage in the Public Records. This Exclusion does not modify or limit the coverage provided under Covered Risk 11(b).

The above policy form may be issued to afford either Standard Coverage or Extended Coverage. In addition to the above Exclusions from Coverage, the Exceptions from Coverage in a Standard Coverage policy will also include the following Exceptions from Coverage:

EXCEPTIONS FROM COVERAGE

This policy does not insure against loss or damage (and the Company will not pay costs, attorneys' fees or expenses) that arise by reason of:

1. (a) Taxes or assessments that are not shown as existing liens by the records of any taxing authority that levies taxes or assessments on real property or by the Public Records; (b) proceedings by a public agency that may result in taxes or assessments, or notices of such proceedings, whether or not shown by the records of such agency or by the Public Records.
2. Any facts, rights, interests, or claims that are not shown by the Public Records but that could be ascertained by an inspection of the Land or that may be asserted by persons in possession of the Land.
3. Easements, liens or encumbrances, or claims thereof, not shown by the Public Records.
4. Any encroachment, encumbrance, violation, variation, or adverse circumstance affecting the Title that would be disclosed by an accurate and complete land survey of the Land and not shown by the Public Records.
5. (a) Unpatented mining claims; (b) reservations or exceptions in patents or in Acts authorizing the issuance thereof; (c) water rights, claims or title to water, whether or not the matters excepted under (a), (b), or (c) are shown by the Public Records.
6. Any lien or right to a lien for services, labor or material not shown by the Public Records.

**ATTACHMENT ONE
(CONTINUED)**

2006 ALTA OWNER'S POLICY (06-17-06)

EXCLUSIONS FROM COVERAGE

The following matters are expressly excluded from the coverage of this policy, and the Company will not pay loss or damage, costs, attorneys' fees, or expenses that arise by reason of:

1. (a) Any law, ordinance, permit, or governmental regulation (including those relating to building and zoning) restricting, regulating, prohibiting, or relating to
 - (i) the occupancy, use, or enjoyment of the Land;
 - (ii) the character, dimensions, or location of any improvement erected on the Land;
 - (iii) the subdivision of land; or
 - (iv) environmental protection;or the effect of any violation of these laws, ordinances, or governmental regulations. This Exclusion 1(a) does not modify or limit the coverage provided under Covered Risk 5.
- (b) Any governmental police power. This Exclusion 1(b) does not modify or limit the coverage provided under Covered Risk 6.
2. Rights of eminent domain. This Exclusion does not modify or limit the coverage provided under Covered Risk 7 or 8.
3. Defects, liens, encumbrances, adverse claims, or other matters
 - (a) created, suffered, assumed, or agreed to by the Insured Claimant;
 - (b) not Known to the Company, not recorded in the Public Records at Date of Policy, but Known to the Insured Claimant and not disclosed in writing to the Company by the Insured Claimant prior to the date the Insured Claimant became an Insured under this policy;
 - (c) resulting in no loss or damage to the Insured Claimant;
 - (d) attaching or created subsequent to Date of Policy (however, this does not modify or limit the coverage provided under Covered Risk 9 and 10); or
 - (e) resulting in loss or damage that would not have been sustained if the Insured Claimant had paid value for the Title.
4. Any claim, by reason of the operation of federal bankruptcy, state insolvency, or similar creditors' rights laws, that the transaction vesting the Title as shown in Schedule A, is
 - (a) a fraudulent conveyance or fraudulent transfer; or
 - (b) a preferential transfer for any reason not stated in Covered Risk 9 of this policy.
5. Any lien on the Title for real estate taxes or assessments imposed by governmental authority and created or attaching between Date of Policy and the date of recording of the deed or other instrument of transfer in the Public Records that vests Title as shown in Schedule A.

The above policy form may be issued to afford either Standard Coverage or Extended Coverage. In addition to the above Exclusions from Coverage, the Exceptions from Coverage in a Standard Coverage policy will also include the following Exceptions from Coverage:

EXCEPTIONS FROM COVERAGE

This policy does not insure against loss or damage (and the Company will not pay costs, attorneys' fees or expenses) that arise by reason of:

1. (a) Taxes or assessments that are not shown as existing liens by the records of any taxing authority that levies taxes or assessments on real property or by the Public Records; (b) proceedings by a public agency that may result in taxes or assessments, or notices of such proceedings, whether or not shown by the records of such agency or by the Public Records.
2. Any facts, rights, interests, or claims that are not shown by the Public Records but that could be ascertained by an inspection of the Land or that may be asserted by persons in possession of the Land.
3. Easements, liens or encumbrances, or claims thereof, not shown by the Public Records.
4. Any encroachment, encumbrance, violation, variation, or adverse circumstance affecting the Title that would be disclosed by an accurate and complete land survey of the Land and not shown by the Public Records.
5. (a) Unpatented mining claims; (b) reservations or exceptions in patents or in Acts authorizing the issuance thereof; (c) water rights, claims or title to water, whether or not the matters excepted under (a), (b), or (c) are shown by the Public Records.
6. Any lien or right to a lien for services, labor or material not shown by the Public Records.

**ATTACHMENT ONE
(CONTINUED)**

ALTA EXPANDED COVERAGE RESIDENTIAL LOAN POLICY (07-26-10)

EXCLUSIONS FROM COVERAGE

The following matters are expressly excluded from the coverage of this policy and the Company will not pay loss or damage, costs, attorneys' fees or expenses which arise by reason of:

1. (a) Any law, ordinance, permit, or governmental regulation (including those relating to building and zoning) restricting, regulating, prohibiting, or relating to
 - (i) the occupancy, use, or enjoyment of the Land;
 - (ii) the character, dimensions, or location of any improvement erected on the Land;
 - (iii) the subdivision of land; or
 - (iv) environmental protection;or the effect of any violation of these laws, ordinances, or governmental regulations. This Exclusion 1(a) does not modify or limit the coverage provided under Covered Risk 5, 6, 13(c), 13(d), 14 or 16.
- (b) Any governmental police power. This Exclusion 1(b) does not modify or limit the coverage provided under Covered Risk 5, 6, 13(c), 13(d), 14 or 16.
2. Rights of eminent domain. This Exclusion does not modify or limit the coverage provided under Covered Risk 7 or 8.
3. Defects, liens, encumbrances, adverse claims, or other matters
 - (a) created, suffered, assumed, or agreed to by the Insured Claimant;
 - (b) not Known to the Company, not recorded in the Public Records at Date of Policy, but Known to the Insured Claimant and not disclosed in writing to the Company by the Insured Claimant prior to the date the Insured Claimant became an Insured under this policy;
 - (c) resulting in no loss or damage to the Insured Claimant;
 - (d) attaching or created subsequent to Date of Policy (however, this does not modify or limit the coverage provided under Covered Risk 11, 16, 17, 18, 19, 20, 21, 22, 23, 24, 27 or 28); or
 - (e) resulting in loss or damage that would not have been sustained if the Insured Claimant had paid value for the Insured Mortgage.
4. Unenforceability of the lien of the Insured Mortgage because of the inability or failure of an Insured to comply with applicable doing-business laws of the state where the Land is situated.
5. Invalidity or unenforceability in whole or in part of the lien of the Insured Mortgage that arises out of the transaction evidenced by the Insured Mortgage and is based upon usury, or any consumer credit protection or truth-in-lending law. This Exclusion does not modify or limit the coverage provided in Covered Risk 26.
6. Any claim of invalidity, unenforceability or lack of priority of the lien of the Insured Mortgage as to Advances or modifications made after the Insured has Knowledge that the vestee shown in Schedule A is no longer the owner of the estate or interest covered by this policy. This Exclusion does not modify or limit the coverage provided in Covered Risk 11.
7. Any lien on the Title for real estate taxes or assessments imposed by governmental authority and created or attaching subsequent to Date of Policy. This Exclusion does not modify or limit the coverage provided in Covered Risk 11(b) or 25.
8. The failure of the residential structure, or any portion of it, to have been constructed before, on or after Date of Policy in accordance with applicable building codes. This Exclusion does not modify or limit the coverage provided in Covered Risk 5 or 6.
9. Any claim, by reason of the operation of federal bankruptcy, state insolvency, or similar creditors' rights laws, that the transaction creating the lien of the Insured mortgage, is
 - (a) a fraudulent conveyance or fraudulent transfer, or
 - (b) a preferential transfer for any reason not stated in Covered Risk 27(b) of this policy.

Notice of Available Discounts

Pursuant to Section 2355.3 in Title 10 of the California Code of Regulations Fidelity National Financial, Inc. and its subsidiaries ("FNF") must deliver a notice of each discount available under our current rate filing along with the delivery of escrow instructions, a preliminary report or commitment. Please be aware that the provision of this notice does not constitute a waiver of the consumer's right to be charged the filed rate. As such, your transaction may not qualify for the below discounts.

You are encouraged to discuss the applicability of one or more of the below discounts with a Company representative. These discounts are generally described below; consult the rate manual for a full description of the terms, conditions and requirements for such discount. These discounts only apply to transactions involving services rendered by the FNF Family of Companies. This notice only applies to transactions involving property improved with a one-to-four family residential dwelling.

Not all discounts are offered by every FNF Company. The discount will only be applicable to the FNF Company as indicated by the named discount.

FNF Underwritten Title Companies

CTC – Chicago Title Company
CLTC – Commonwealth Land Title Company
FNTC – Fidelity National Title Company
FNTCCA – Fidelity National Title Company of California
TICOR – Ticor Title Company of California
LTC – Lawyer's Title Company

Underwritten by FNF Underwriters

CTIC – Chicago Title Insurance Company
CLTIC – Commonwealth Land Title Insurance Company
FNTIC – Fidelity National Title Insurance Company
FNTIC – Fidelity National Title Insurance Company
CTIC – Chicago Title Insurance Company
CLTIC – Commonwealth Land Title Insurance Company

Available Discounts

CREDIT FOR PRELIMINARY TITLE REPORTS AND/OR COMMITMENTS ON SUBSEQUENT POLICIES (CTIC, FNTIC)

Where no major change in the title has occurred since the issuance of the original report or commitment, the order may be reopened within twelve (12) to thirty-six (36) months and all or a portion of the charge previously paid for the report or commitment may be credited on a subsequent policy charge.

DISASTER LOANS (CTIC, CLTIC, FNTIC)

The charge for a Lender's Policy (Standard or Extended coverage) covering the financing or refinancing by an owner of record, within twenty-four (24) months of the date of a declaration of a disaster area by the government of the United States or the State of California on any land located in said area, which was partially or totally destroyed in the disaster, will be fifty percent (50%) of the appropriate title insurance rate.

CHURCHES OR CHARITABLE NON-PROFIT ORGANIZATIONS (CTIC, FNTIC)

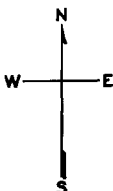
On properties used as a church or for charitable purposes within the scope of the normal activities of such entities, provided said charge is normally the church's obligation the charge for an owner's policy shall be fifty percent (50%) to seventy percent (70%) of the appropriate title insurance rate, depending on the type of coverage selected. The charge for a lender's policy shall be thirty-two percent (32%) to fifty percent (50%) of the appropriate title insurance rate, depending on the type of coverage selected.

© COPYRIGHT SAN FRANCISCO
CITY & COUNTY ASSESSOR 1995

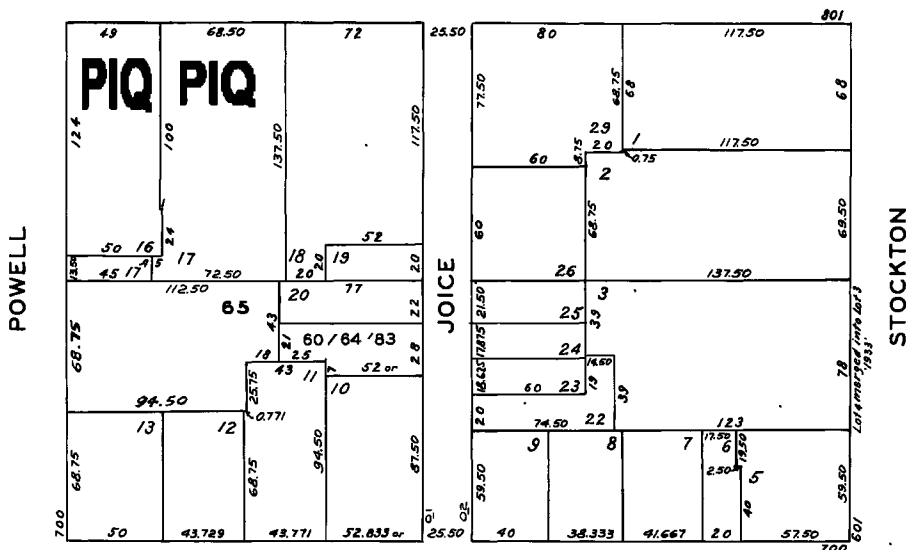
50 VARA BLOCK 139

REVISED '82
" '83

LOTS MERGED
Lot 4A merged into lot 5 43
" 28 " " " 27 "
" 27 " " " 26 49 "



CALIFORNIA



PINE

25-29 JOICE ST.
A CONDOMINIUM

LOT UNIT	%COMM AREA
60 1	13.275
61 2	19.470
62 3	17.689
63 4	19.470
64 25	30.096

Important: This plat is not a survey. It is furnished as a convenience to locate the land in relation to adjoining streets and other lands and not to guarantee any dimensions, distances, bearings or acreage.

ASSESSED 106,426
BLK. TOTAL 106,426 SQ. FT.

20149J94740700004
San Francisco Assessor-Recorder
Carmen Chu, Assessor-Recorder
DOC 2014-J947407-00
Acct 2001-Chicago Title Company Concord
Tuesday, SEP 09, 2014 12:09:33
Ttl Pd \$34.00 Nbr-0005014751
oma/RE/1-4

RECORDING REQUESTED BY AND
WHEN RECORDED RETURN IT TO:

Greene Radovsky Maloney Share & Hennigh LLP
Four Embarcadero Center
San Francisco, California 94111
Attention: Graham Maloney

MAIL ALL TAX STATEMENTS TO:

875 California II, LLC
One California Street, Suite 2500
San Francisco, California 94111
Attention: Rekha Patel

SPACE ABOVE THIS LINE FOR RECORDER'S USE

*

The undersigned Grantor declares:
Documentary Transfer Tax not shown
Pursuant to Section 11932 of the
Revenue and Taxation Code, as amended.

0256/016
& 0256/017
770 Powell St. & 875
California St.

GRANT DEED

FOR VALUABLE CONSIDERATION, receipt of which is hereby acknowledged, STANFORD 8 PARKING, LLC, a Delaware limited liability company ("Grantor"), hereby grants to 875 CALIFORNIA II, LLC, a Delaware limited liability company ("Grantee"), the real property and all improvements thereon and all rights appurtenant thereto owned by Grantor located in the County of San Francisco, State of California, described on Exhibit A attached hereto and made a part hereof.

[Grantor signature page follows]

Executed as of this 9th day of September, 2014.

Grantor:

STANFORD 8 PARKING, LLC,
a Delaware Limited Liability Company

By: 

Name: _____

Title:

Cindy Woon
Vice President

[SIGNATURE PAGE TO GRANT DEED]

STATE OF Florida

COUNTY OF Palm Beach

On September 5, 2014, before me, Christina Bitonti, a Notary Public, personally appeared Cindy Woon, who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

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

WITNESS my hand and official seal.

Christina Bitonti
Signature of the Notary Public



(Seal)

Exhibit A

Real Property Legal Description

PARCEL 1:

BEGINNING AT A POINT OF INTERSECTION OF THE SOUTHERLY LINE OF CALIFORNIA STREET WITH THE EASTERLY LINE OF POWELL STREET, RUNNING THENCE EASTERLY ALONG SAID LINE OF CALIFORNIA STREET, 49 FEET; THENCE AT A RIGHT ANGLE SOUTHERLY 100 FEET; THENCE AT A RIGHT ANGLE EASTERLY 1 FOOT; THENCE AT A RIGHT ANGLE SOUTHERLY 24 FEET; THENCE AT A RIGHT ANGLE WESTERLY 50 FEET TO THE EASTERLY LINE OF POWELL STREET; THENCE AT A RIGHT ANGLE NORTHERLY, ALONG SAID LINE OF POWELL STREET, 124 FEET TO THE POINT OF BEGINNING.

BEING A PORTION OF 50 VARA BLOCK NO. 139.

Assessors Lot 016, Block 0256, as to Parcel One

PARCEL 2:

COMMENCING AT A POINT ON THE SOUTHERLY LINE OF CALIFORNIA STREET, DISTANT THEREON 49 FEET EASTERLY FROM THE EASTERLY LINE OF POWELL STREET; RUNNING THENCE EASTERLY ALONG SAID LINE OF CALIFORNIA STREET 68 FEET, 6 INCHES; THENCE AT A RIGHT ANGLE SOUTHERLY 137 FEET, 6 INCHES; THENCE AT A RIGHT ANGLE WESTERLY 72 FEET, 6 INCHES; THENCE AT A RIGHT ANGLE NORTHERLY 13 FEET, 6 INCHES; THENCE AT A RIGHT ANGLE EASTERLY 5 FEET; THENCE AT A RIGHT ANGLE NORTHERLY 24 FEET; THENCE AT A RIGHT ANGLE WESTERLY 1 FOOT; THENCE AT A RIGHT ANGLE NORTHERLY 100 FEET TO THE POINT OF COMMENCEMENT.

BEING A PART OF 50 VARA BLOCK 139.

Assessors Lot 017, Block 0256, as to Parcel Two

OHSUSA:759012070.2

Recording Requested By:
Stewart Vacation Ownership
200 E. Sandpointe Ave., Suite #150
Santa Ana, CA 92707

Mall Tax Statement And
Recorded Deed To:
Bradley L. Handshy
1504 Rhodesia Way
San Jose, CA 95126

73642CA

20169K21772800005
San Francisco Assessor-Recorder
Carmen Chu, Assessor-Recorder
DOC 2016-K217728-00
Acct 2057-Stewart Vacation Ownership Title Agency,
Thursday, MAR 17, 2016 11:24:24
Ttl Pd \$49.50 Nbr-0005332071
ofa/RE/1-5

Space Above This Line For Recorder's Use

The undersigned grantor(s) declares:
Documentary transfer tax is \$12,50

- (X) Computed on full value of property conveyed, or
- () Computed on full value less value of liens and encumbrances remaining at time of sale.
- () Unincorporated area (X) City and County of San Francisco
Assessor's Parcel No.: 03-0256-065-02
Property Address: 730 Powell Street, San Francisco, CA 94108

Stewart Title has recorded this instrument as an accommodation only. It has not been examined as to its effect on title. No examination of such matters has been made.


GRANT DEED

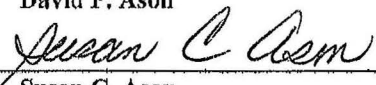
For a valuable consideration, receipt of which is hereby acknowledged,
David P. Ason and Susan C. Ason, Husband and Wife, as Joint Tenants

hereby GRANT(S) TO:
Bradley L. Handshy, a Single Man

the real property in the City and County of San Francisco, State of California described in "Exhibit A" attached hereto and made a part hereof.

Dated: March 4, 2016


By: 
David P. Ason

By: 
Susan C. Ason

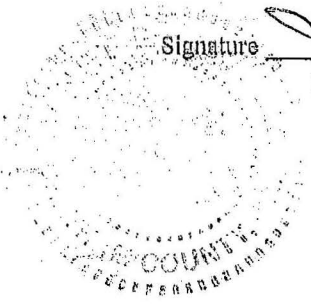
State of GEORGIA)
County of CHATHAM) ss.

On 3/4/16, before me, JANET LEVINER, Notary Public, personally appeared, David P. Ason and Susan C. Ason, personally known to me (or proved to me on the basis of satisfactory evidence) to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s) or the entity upon behalf of which the person(s) acted, executed the instrument.

WITNESS my hand and official seal.

Signature  Seal

JANET R. LEVINER
Notary Public, Chatham County GA
My Commission Expires Oct. 16, 2016



I certify under penalty of perjury under the laws of the State of California that the illegible portion of this document to which this statement is attached reads as follows:

Signature

SIGNATURE OF DECLARANT:


R. Mendoza

GOVERNMENT CODE 27361.7

I certify under penalty that the Notary Seal on the document in which this statement is attached reads as follows:

NAME OF NOTARY:	JANET R. LEVINER
DATE COMMISSION EXPIRES:	OCTOBER 16, 2016
COUNTY WHERE BOND IS FILED:	CHATHAM COUNTY, GA
COMMISSION NUMBER:	NONE
VENDOR NUMBER	NONE

SIGNATURE: 
R. Mendoza

Exhibit "A"

LEGAL DESCRIPTION

POWELL PLACE

The land referred to herein is situated in the

State of **California**

County of **San Francisco, City of San Francisco**

and is described as follows:

An undivided **one-one thousand three hundred fiftieth (1/1350th)** interest in and to the following described real property:

PARCEL 1:

That certain real property situated in the State of California, City of San Francisco described as follows:

Commencing at a point on the easterly line of Powell Street, distant thereon 137 feet, 6 inches southerly from the southerly line of California Street; running thence southerly and along said line of Powell Street 44 feet; thence at a right angle easterly 94 feet, 6 inches, thence at a right angle northerly 1 foot; thence at a right angle easterly 18 feet; thence at a right angle northerly 43 feet; thence at a right angle westerly 112 feet, 6 inches to the point of commencement.

Being a portion of 50 Vara Lot No. 317 in Block No. 139.

PARCEL 2:

Beginning at a point on the easterly line of Powell Street, distant thereon 68 feet, 9 inches northerly from the northerly line of Pine Street; running thence northerly and along said line of Powell Street 24 feet, 9 inches; thence at a right angle easterly 94 feet, 6 inches; thence at a right angle southerly 24 feet, 9 inches; thence at a right angle westerly 94 feet, 6 inches to the point of beginning.

Being a portion of 50 Vara Lot No. 317 in Block No. 139.

Excepting from said Parcels One and Two, the exclusive right to use and occupy all of the "City Share Units" as defined in the Declaration of City Share (Powell Place) recorded May 14, 1981, under Serial No. D85810 of Official Records of said county.

PARCEL 3:

The exclusive right to use and occupy a “**Nob Hill** Unit Type”, as defined in the Declaration of City Share (Powell Place) recorded May 14, 1981, under Serial No. D85810 of Official Records of said county, during a “Use Period” within the “Use Year” (as quoted terms are defined in the Declaration); together with a nonexclusive right to use the “Common Area” as defined in the Declaration.

A Restated Declaration of City Share (Powell Place) dated December 2, 1986 and recorded December 18, 1986 in Book E237 Page 876 as Instrument No. D915773 of Official Records.

Subject to the effect, if any, of the amendment to Restated Declaration of City Share (Powell Place) dated January 1, 1993 and recorded April 2, 1993 in Book F849 Page 441 as Instrument No. F329247 of Official Records. Said document purports to change the undivided interest of each “City Share” from 1/1400 to 1/1350.

A-163



San Francisco Assessor-Recorder
 Phil Ting, Assessor-Recorder
DOC- 2012-J406808-00

Check Number 1378
 Friday, MAY 04, 2012 11:36:14
 Ttl Pd \$23.00 Rcpt # 0004398655
REEL K640 IMAGE 0543
 ofa/FT/1-3

3

Q.

**RECORDING REQUESTED BY
 AND WHEN RECORDED MAIL TO:**

Derek T. Knudsen, Esq.
 Knudsen & Weiss
 425 California Street, Suite 1625
 San Francisco, CA 94104

MAIL TAX STATEMENTS TO:

Patrice Racko
 3001 Jackson Street
 San Francisco, CA 94115

APN: Lot 20, Block 256
 31 Joice St., San Francisco, CA

(Space Above For Recorder's Use)

TRUST TRANSFER DEED

The undersigned Grantor declares:

Documentary transfer tax is \$ 0.00 - REALTY NOT SOLD

(X) Grantee is a Trust for the benefit of Grantor, R & T Code 11930.

The undersigned, PATRICE RACKO, an unmarried woman, as tenant-in-common, hereby grants, conveys, transfers and assigns to PATRICE RACKO, as Trustee of the Patrice Racko Living Trust dated March 5, 2012, an undivided one-half (1/2) interest in and to that certain real property, and all improvements thereon and easements and appurtenances thereto, located in the City and County of San Francisco, State of California, described in Exhibit A attached hereto and incorporated herein by this reference.

IN WITNESS WHEREOF, Grantor has executed this Trust Transfer Deed on 3/26, 2012, at San Francisco, California.

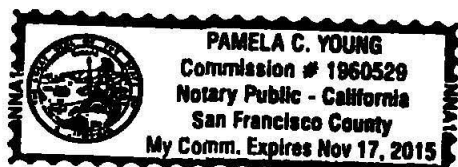
Patrice Racko
 PATRICE RACKO

STATE OF CALIFORNIA)
) ss.
COUNTY OF SAN FRANCISCO)

On MARCH 26, 2012, before me, PAMELA C. YOUNG, a Notary Public, personally appeared PATRICE RACKO, who proved to me on the basis of satisfactory evidence to be the person whose name is subscribed to the within instrument and acknowledged to me that she executed the same in her authorized capacity, and that by her signature on the instrument the person, or the entity upon behalf of which the person acted, executed the instrument.

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

Witness my hand and official seal.



Pamela C. Young
Notary Public

EXHIBIT A

COMMENCING at a point on the westerly line of Joice Street, distant thereon 115 feet 6 inches northerly from the northerly line of Pine Street; running thence northerly along said westerly line of Joice Street 22 feet; thence at a right angle westerly 77 feet; thence at a right angle southerly 22 feet; thence at a right angle easterly 77 feet to the westerly line of Joice Street and the point of commencement.

BEING a portion of 50 Vara Lot No. 308.

Exhibit A

RECORDING REQUESTED BY
First American Title Company

AND WHEN RECORDED MAIL TO:
851 California, LLC
c/o Menlo Capital Group, LLC, 50 Frenont
Street, 22nd Floor
San Francisco, CA 94105



San Francisco Assessor-Recorder
Phil Ting, Assessor-Recorder
DOC- 2007-I414939-00
Acct 3-FIRST AMERICAN Title Company
Tuesday, JUL 10, 2007 08:00:00
Ttl Nbr-0003264517
REEL J429 IMAGE 0085
0J1/JL/1-2

Space Above This Line for Recorder's Use Only

20

22

A.P.N.: Lot: 018, Block: 0256

File No.: 3809-2821807 (PF)

Property Address: 851 California Street, San Francisco, CA 94108
Lot Number: 018
Block Number: 0256

GRANT DEED

The Undersigned Grantor(s) Declare(s): DOCUMENTARY TRANSFER TAX \$0.00; CITY TRANSFER TAX \$non-disclosed;
SURVEY MONUMENT FEE \$10.00

- computed on the consideration or full value of property conveyed, OR
- computed on the consideration or full value less value of liens and/or encumbrances remaining at time of sale,
- unincorporated area; City of San Francisco, and

FOR A VALUABLE CONSIDERATION, receipt of which is hereby acknowledged, **San Francisco Residence Club, Inc., a California Corporation**

hereby GRANTS to **851 California, LLC, a California limited liability company**

the following described property in the City of **San Francisco**, County of **San Francisco**, State of **California**:

BEGINNING AT A POINT ON THE SOUTHERLY LINE OF CALIFORNIA STREET, DISTANT THEREON 117 FEET AND 6 INCHES EASTERLY FROM THE EASTERLY LINE OF POWELL STREET; RUNNING THENCE EASTERLY ALONG SAID LINE OF CALIFORNIA STREET 72 FEET TO THE WESTERLY LINE OF JOICE STREET; THENCE AT A RIGHT ANGLE SOUTHERLY ALONG THE WESTERLY LINE OF JOICE STREET 117 FEET AND 6 INCHES; THENCE AT A RIGHT ANGLE WESTERLY 52 FEET; THENCE AT A RIGHT ANGLE SOUTHERLY 20 FEET; THENCE AT A RIGHT ANGLE WESTERLY 20 FEET; THENCE AT A RIGHT ANGLE NORTHERLY 137 FEET AND 6 INCHES TO THE POINT OF BEGINNING.

BEING A PORTION OF 50 VARA BLOCK NO. 139.

Dated: 07/03/2007

Mail Tax Statements To: SAME AS ABOVE

3610

San Francisco Residence Club, Inc., a California Corporation

[Handwritten Signature]
By: Kevin Donahue, President

[Handwritten Signature]
By: Kate L. Donahue, Secretary

STATE OF California)SS
COUNTY OF San Francisco)

On 7-3-07, before me, Mark Ryan Carmody

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

WITNESS my hand and official seal.

Signature

[Handwritten Signature]



My Commission Expires: 2-21-08

This area for official notarial seal

Notary Name: _____

Notary Phone: _____

Notary Registration Number: _____

County of Principal Place of Business: _____

RECORDING REQUESTED BY
CHICAGO TITLE COMPANY
AND WHEN RECORDED MAIL TO

Valentino Pazzari
750 Powell Street
San Francisco, California

San Francisco Assessor-Recorder
Mabel S. Teng, Assessor-Recorder
DOC- 2004-H685507-00
Reel 1-CHICAGO Title Company
Friday, MAR 26, 2004 08:00:00
Ttl Pd \$12.00 Hbr-8882440293
REEL 1603 IMAGE 0289
081/GG/1-2

Escrow No. 189951-017
Order No. 185253-304377

Barbara - Washington Mutual

SPACE ABOVE THIS LINE FOR RECORDER'S USE

APN 254/17A 750 POWELL ST QUITCLAIM DEED

The undersigned declares that the documentary transfer tax is ϕ -parent to child-Love and Affection and is

- computed on the full value of the interest or property conveyed, or is
- computed on the full value less the value of liens or encumbrances remaining thereon at the time of sale.

The undersigned declares that the city/county transfer tax is \$~

The land, tenements or realty is located in unincorporated area City of San Francisco

FOR A VALUABLE CONSIDERATION, receipt of which is hereby acknowledged,

Clarita Fazzari, An Unmarried Woman

do(es), hereby REMISE, RELEASE, and forever QUITCLAIM to
Valentino Pazzari, An Unmarried Man

the following described real property in the
County of San Francisco, State of California:

LEGAL DESCRIPTION ATTACHED HERETO AND MADE A PART HEREOF BY REFERENCE

Dated March 16, 2004

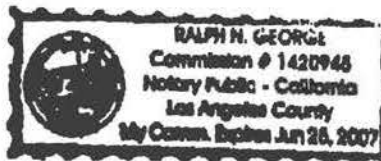
STATE OF CALIFORNIA
COUNTY OF LOS ANGELES, SS.

[Handwritten Signature]
Clarita Fazzari

On March 17, 2004 before me,

Ralph N. George

a Notary Public in and for said County and State, personally appeared
Clarita Fazzari



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

[Handwritten Signature]
Signature of Notary

FOR NOTARY SEAL OR STAMP

MAIL TAX STATEMENTS TO PARTY SHOWN ON FOLLOWING LINE: IF NO PARTY SO SHOWN, MAIL AS DIRECTED ABOVE

Name

Street Address

City, State & Zip

H685507

Escrow No. 185951 -MT

LEGAL DESCRIPTION EXHIBIT

CITY OF SAN FRANCISCO

BEGINNING AT A POINT ON THE EASTERLY LINE OF POWELL STREET, DISTANT THEREON 124 FEET SOUTHERLY FROM THE SOUTHERLY LINE OF CALIFORNIA STREET; RUNNING THENCE SOUTHERLY AND ALONG SAID LINE OF POWELL STREET 13 FEET 6 INCHES; THENCE AT A RIGHT ANGLE EASTERLY 45 FEET; THENCE AT A RIGHT ANGLE NORTHERLY 13 FEET 6 INCHES; THENCE AT A RIGHT ANGLE WESTERLY 45 FEET TO THE POINT OF BEGINNING.

BEING PART OF 50 VARA LOT NO. 150 IS BLOCK NO. 139.

LOT 017A, BLOCK 0256

G. FORMS

Form No. 1

Previous Land Use, Permits and Below Market Rate Units

Assessor's Block 0256 Lot 016 and 017 Address 770 Powell Street and 875 California Street

Item No. 6. – Previous Land Use:

Parking garage and surface parking lot.

Item No. 6a. - Permit numbers for any approved building permits - No approved building permit has been issued yet.

_____ # _____ # _____
 # _____ # _____ # _____

Item No. 12 - Provide proposed sales prices for Below Market Rate (BMR)


Apartment No.	Proposed Sales Price	Apartment No.	Proposed Sales Price
	No BMR units on site (in-lieu fee paid).		

Form No. 2

Owner's Release of Interest in Common Areas

In accordance with section 1323(a)(6) of the San Francisco Subdivision Code, this is my statement that neither I nor any of my agents shall retain any right, title, or interest in any common area or areas or facilities except those common areas in which I might retain any individual interest by virtue of ownership of one or more of the individual units.

Dated: 5/6/16

Signed: 
Louis J. Sarmiento, Attorney and Authorized Agent for Subdivider

Dated: _____

Signed: _____

Dated: _____

Signed: _____

Dated: _____

Signed: _____



1221 Harrison Street Suite 18
San Francisco CA 94103-4449

(415) 391-4775

**BLOCK 256
LOT 16, 17**

San Francisco, CA

N

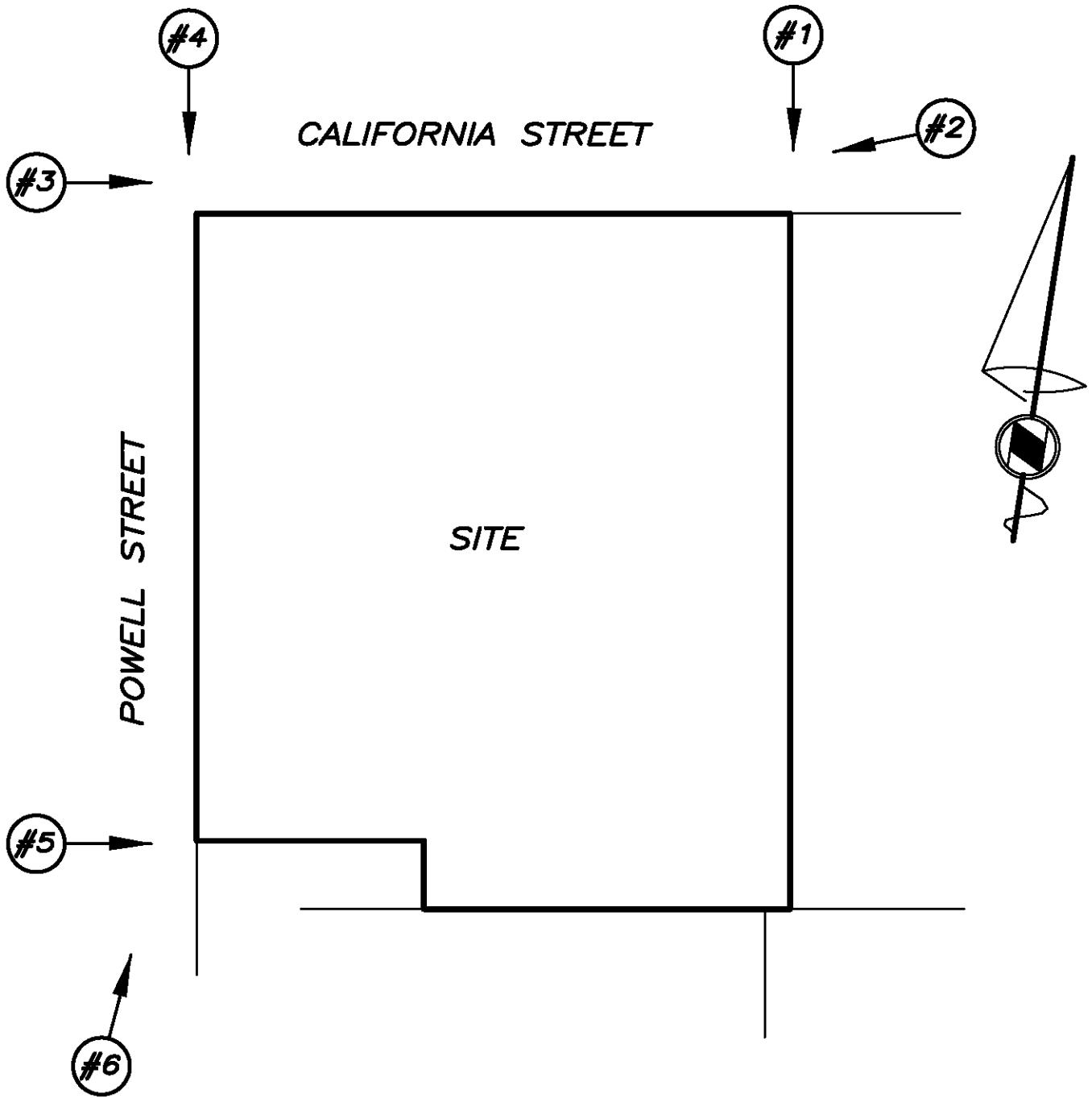
SCALE: 1"=50'-0"



JOB NO:	DATE: 160315
02560016	DRAWN: DC
	CHECKED: DC

300 FOOT
RADIUS MAP





SUBJECT: **PHOTOS**

ASSESSOR'S BLOCK NO. 0256
SAN FRANCISCO, CA.

BY DR CHKD. BR DATE 4/29/16 NOT TO SCALE SHEET 1 OF 4 JOB NO. S-9174

MARTIN M. RON ASSOCIATES, INC.
LAND SURVEYORS

859 HARRISON STREET
SAN FRANCISCO, CA. 94107
(415) 543-4500

#1



#2



SUBJECT: **PHOTOS**

ASSESSOR'S BLOCK NO. 0256
SAN FRANCISCO, CA.

BY DR CHKD. BR DATE 4/29/16 NOT TO SCALE SHEET 2 OF 4 JOB NO. S-9174

MARTIN M. RON ASSOCIATES, INC.
LAND SURVEYORS

S-8887/S-9174 Photos.dwg

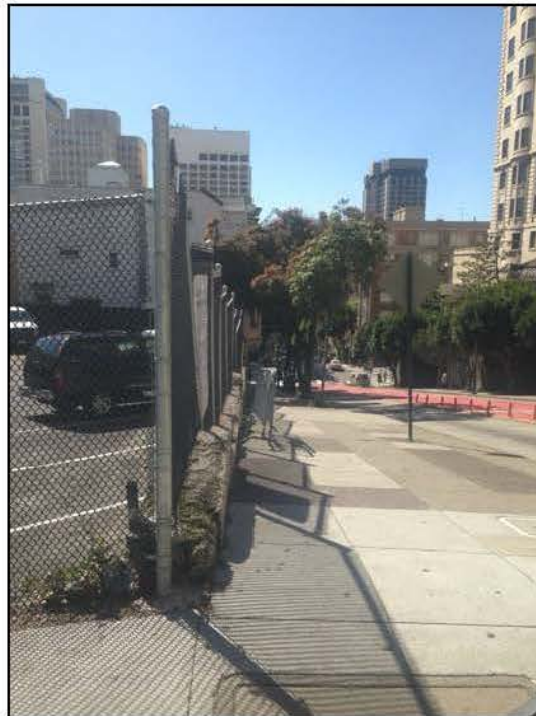
3619

859 HARRISON STREET
SAN FRANCISCO, CA. 94107
(415) 543-4500

#3



#4



SUBJECT: **PHOTOS**

ASSESSOR'S BLOCK NO. 0256
SAN FRANCISCO, CA.

BY DR CHKD. BR DATE 4/29/16 NOT TO SCALE SHEET 3 OF 4 JOB NO. S-9174

MARTIN M. RON ASSOCIATES, INC.
LAND SURVEYORS

S-8887/S-9174 Photos.dwg

3620

859 HARRISON STREET
SAN FRANCISCO, CA. 94107
(415) 543-4500

#5



#6



SUBJECT: **PHOTOS**

**ASSESSOR'S BLOCK NO. 0256
SAN FRANCISCO, CA.**

BY DR CHKD. BR DATE 4/29/16 NOT TO SCALE SHEET 4 OF 4 JOB NO. S-9174

**MARTIN M. RON ASSOCIATES, INC.
LAND SURVEYORS**

S-8887/S-9174 Photos.dwg

3621

**859 HARRISON STREET
SAN FRANCISCO, CA. 94107
(415) 543-4500**

Form No. 3

Proposition "M" Findings Form The Eight Priority Policies of Section 101.1 of the San Francisco Planning Code

Date: _____

City Planning Case No. _____ (if available)

Address 770 Powell Street and 875 California Street

Assessor's Block 0256 Lot(s) 016 and 017

Proposal: Vesting tentative map for condominium purposes, for new construction project containing 44 residential condominium units.

EIGHT PRIORITY GENERAL PLAN POLICIES

As a result of the passage of Proposition M (Section 101.1 of the San Francisco Planning Code), findings that demonstrate consistency with the eight priority policies of Section 101.1 must be presented to the Department of City Planning as part of your project application review for general conformity with San Francisco's General Plan.

Photographs of the subject property are required for priority policy review and must be submitted as part of the application.

INSTRUCTIONS TO APPLICANTS: Please present information in detail about how your application relates to each of the eight priority policies listed below. The application will be found to be incomplete if the responses are not thorough. Use a separate document and attach if more space is needed.

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 project would not affect neighborhood-serving retail uses, as there is no neighborhood-serving retail use at the site.

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

The project will not diminish existing housing stock, as there is no housing on the site. The project will provide new housing opportunities through the development of 44 residential units. The project has been carefully designed so that its architecture compliments the surrounding structures and neighborhood character.

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

The project site contained no housing and therefore will not displace any existing affordable housing.

The project will comply with the City's inclusionary housing regulations by paying an in-lieu fee.

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

The project will not alter or impede Muni transit service or overburden our streets or neighborhood

parking. The project provides all parking required by the Planning Code. Moreover, as the project is a residential development, the project will not generate commuter traffic within the meaning of this policy.

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 project would not harm the City's industrial and service sectors by displacing them with commercial office development. The site contains no industrial or service sectors within the meaning of this policy.

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

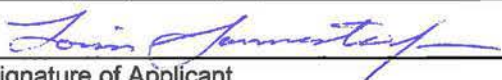
The project will meet all structural and seismic safety requirements under applicable building codes and will meet or exceed all Code requirements regarding seismic and life safety standards.

7. That landmarks and historic buildings be preserved; and

The project will not affect the preservation of any landmarks or historic buildings. No such structures exist at the site.

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

The project will have no significant effect on our parks or open spaces and their access to sunlight or vistas.


Signature of Applicant

5/6/16
Date

By: Louis J. Sarmiento, Attorney and Authorized Agent for Subdivider

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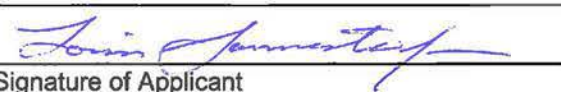
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The project will have no significant effect on our parks or open spaces and their access to sunlight or vistas.


Signature of Applicant

5/6/16
Date

By: Louis J. Sarmiento, Attorney and Authorized Agent for Subdivider



SAN FRANCISCO PLANNING DEPARTMENT

Subject to: (Select only if applicable)

- Affordable Housing (Sec. 415)
- Jobs Housing Linkage Program (Sec. 413)
- Downtown Park Fee (Sec. 412)
- First Source Hiring (Admin. Code)
- Child Care Requirement (Sec. 414)
- Other

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

Reception:
415.558.6378

Fax:
415.558.6409

Planning
Information:
415.558.6377

Planning Commission Motion No. 19612 HEARING DATE: APRIL 7, 2016

Case No.: 2014-000609CUA VAR
 Project Address: 875 CALIFORNIA STREET/ 770 POWELL STREET
 Zoning: RM-4 (Residential- Mixed, High Density)
 65-A Height and Bulk District
 Nob Hill Special Use District
 Block/Lot: 0256/016, 017
 Project Sponsor: Grosvenor Americas
 Attn: Amelia Stavely
 One California Street, Suite 2500
 San Francisco, CA 94111
 Staff Contact: Marcelle Boudreaux – (415) 575-9140
Marcelle.boudreaux@sfgov.org

ADOPTING FINDINGS RELATING TO THE APPROVAL OF CONDITIONAL USE AUTHORIZATION PURSUANT TO SECTIONS 303, 155, 253 AND 271 OF THE PLANNING CODE TO ALLOW CONTINUATION OF A CURB CUT ON CALIFORNIA STREET, TO ALLOW HEIGHT EXCEEDING 50 FEET IN A RM DISTRICT, AND TO EXCEED BULK LIMITATIONS PER CODE SECTION 270, WITH RESPECT TO A PROPOSAL TO DEMOLISH A PARKING GARAGE AND SURFACE PARKING LOT AND TO CONSTRUCT A SEVEN-STORY BUILDING WITH 44 RESIDENTIAL UNITS, 48 PARKING SPACES, 86 CLASS 1 AND 2 CLASS 2 BICYCLE PARKING SPACES, LOCATED ON A SITE PROPOSING TO MERGE TWO LOTS WITHIN THE RM-4 (RESIDENTIAL- MIXED, HIGH DENSITY) DISTRICT AND A 65-A HEIGHT AND BULK DISTRICT.

PREAMBLE

On April 1, 2015, Jody Knight of Reuben, Junius, Rose, LLP, acting on behalf of Grosvenor Americas (hereinafter "Project Sponsor"), filed an application with the Planning Department (hereinafter "Department") for Conditional Use Authorization under Planning Code Section(s) 303, 155, 253 and 271 to allow continuation of one existing curb cut on California Street, reduced to Department guidelines, to allow height exceeding 50 feet in a 65 foot height district, and to allow exceptions for measuring bulk per Section 270, for a new seven-story, 65-foot tall, 44-unit residential project, proposing to merge two lots,

located at 875 California and 770 Powell Street, Block 0256 and Lots 016 and 017, within the RM-4 (Residential- Mixed, High Density) District and a 65-A Height and Bulk District.

On April 1, 2015, the Project Sponsor applied for a Variance from the requirements of Section 134, to allow a rear yard ranging from 0 lot depth to 53 feet 6 inch lot depth, and from Section 140, to allow four dwelling units with non-code compliant exposure.

On April 1, 2015, Department staff received a request for review of a development exceeding 40 feet in height (Case No. 2014.000609SHD), pursuant to Section 295, analyzing the potential impacts of the development to properties under the jurisdiction of the Department of Recreation and Parks. Department staff prepared a shadow fan depicting the potential shadow cast by the development and concluded that the Project could potentially cast shadow on St. Mary's Square, Willie "Woo Woo" Wong Playground and Portsmouth Square Plaza. After reviewing and analyzing a secondary analysis submitted by the Project Sponsor, dated November 13, 2015, the Planning Department concluded that no new, net potential shadow will be cast upon any of these parks or POPOS located at the 555, 600 and 650 California Street buildings, because the project would not result in any new shadows (at no time throughout the year). Therefore, the Project would have no impact to properties subject to Section 295 or per CEQA.

On March 11, 2016 the Project was determined to be exempt from the California Environmental Quality Act ("CEQA") as a Class 32 Categorical Exemption under CEQA as described in the determination contained in the Planning Department files for this Project.

On April 7, 2016, the San Francisco Planning Commission (hereinafter "Commission") conducted a duly noticed public hearing at a regularly scheduled meeting on Conditional Use Application No. 2014.000609CUAVAR.

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

MOVED, that the Commission hereby authorizes the Conditional Use requested in Application No. 2014.000609CUAVAR, subject to the conditions contained in "EXHIBIT A" of this motion, based on the following findings:

FINDINGS

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

1. The above recitals are accurate and constitute findings of this Commission.
2. **Site Description and Present Use.** The project is located on the southern side of California Street and the eastern side of Powell Street, Block 0256, Lots 016 and 017. The property is located within the RM-4 (Residential- Mixed, High Density) Zoning District with 65-A Height and Bulk district. The property includes two lots, at the corner of California and Powell Streets. The corner

lot, with approximately 49 feet of frontage on California Street and 124 feet of frontage on Powell Street, is a surface parking lot. The other lot, with 68.5 feet of frontage on California Street, is developed with a two-story parking garage structure. Of this frontage, two curb cuts exist measuring 60.5 feet.

3. **Surrounding Properties and Neighborhood.** The project site is located at the intersection of California and Powell Streets. The Project site is located within the Chinatown neighborhood – adjacent to Nob Hill, and within the Nob Hill Special Use District. A mixture of hotels, residential uses in multi-family buildings and smaller flats, and private clubs define the immediate surroundings. In the adjacent block of California to the north and west, the California Club, the Fairmont, Intercontinental Mark Hopkins and Stanford Court Hotels are located. The surrounding properties are located within the RM-4 (Residential- Mixed, High Density) and RM-3 (Residential- Mixed, Medium Density) Districts, and approximately one block east on California the C-3-G (Downtown General) Zoning District begins.
4. **Project Description.** The applicant proposes to demolish the surface parking lot at 770 Powell and parking structure at 875 California, to merge the two lots and to construct a new seven-story, 65-foot tall building with 44 residential units and 48 underground parking spaces. The main pedestrian entry is from the northwest corner of the site. On-site bicycle parking is provided for 86 Class 1 spaces in a secure room at the Garden Level 2, with direct access through a door and ramp from Powell Street. Garage access for the Project would be provided by a single 10-foot curb cut on California Street at the same location as a current larger curb cut, with a car elevator providing access to the below-grade parking garage. In addition, the 46-foot wide curb cut currently used to access the parking structure and parking lot on California would be eliminated and replaced with code-compliant sidewalks. It is also anticipated that two on-street parking spaces may be added, which may also be used for deliveries and/or passenger loading during business hours, depending on SFMTA approval.

The Project design proposes to activate the street. The building footprint is generally U-shaped. At the northwestern corner of the site, the building mass is carved back from the property line to create an open court at the street. This space provides access to the main building lobby and is defined at the street by low walls capped with custom-designed fencing. Gates, continuing the custom-designed grille work, penetrate the wall with access points from Powell and from California Streets. The low wall follows the up-sloping grade to incorporate pedestrian seating elements which overlook the landscaped open space court. This building setback at the corner maintains the site line at this steep intersection and preserves the relationship with the historic cable car kiosk. In addition, there are three points of direct access to four residential units from the sidewalk, separate from the main lobby entrance, which will provide a strong connection between the public street-front and the private building entrances. Open space is provided throughout the project in the front courtyard, at terraces as the building mass is reduced at higher levels, roof decks and at the rear yard. The U-shaped building form defines a consistent streetwall, resulting in a rear yard design located in the southeast corner of the proposed merged lots to take advantage of the steep topography and provide the most usable yard space.

A small palette of high-quality materials reflects the unique surroundings. As proposed, a granite base, with a custom faceted profile, supports a custom stucco cladding at the upper levels. Metal gates, balcony railings, and security features are designed with a design incorporated throughout the building façade. Bronze metal highlights planter boxes at lower levels, and defines the main lobby entry. Stone trim is applied at windows, canopies and some beltcourse levels.

5. **Public Comment/Community Outreach.** The Department has received five letters in support of the project including from the Fairmont Hotel, the Masonic Memorial Temple, from a member of the California Club, the Board of Directors of the University Club of San Francisco, and from a member of the public. Additionally the Housing Action Coalition has endorsed the project, with the scorecard is submitted in the sponsor submittal. Additional support from attendees at a community meeting hosted by the sponsor on March 23, 2016 is included in the project sponsor submittal.

The project team has conducted Department required outreach. In addition, another open house was held in October 2015, at which the Team presented the updated Project and took questions and community input. The Project has also been presented to the Nob Hill Association on multiple occasions. In October 2015, the Team presented to the San Francisco Housing Action Coalition Endorsement Committee, which voted to endorse the Project. There have also been a series of individual meetings with neighborhood groups and interested parties, including the following: The Fairmont Hotel; The Masonic Auditorium; The Stanford Court Hotel; The Powell Place Hotel; 851 Residence Club (ownership and management); The University Club; The Mark Hopkins Hotel; Representatives from 750 Powell Street. In February 2016, letters were sent to approximately 45 residents and building owners immediately adjacent to the Project site to inform them of the Planning Commission hearing date and offer to meet to answer any questions. Currently, the Project Team is in the process of providing updated project plans to the Nob Hill Association, project neighbors, and other interested stakeholders, and has hosted the neighborhood at an informal meet and greet with Project Team on March 23 at the University Club.

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. **Rear Yard.** Planning Code Section 134 states that the minimum rear yard depth shall be equal to 25% of the total depth of the lot on which the building is situated, but in no case less than 15 feet, at grade level and above.

The rear yard is provided at grade level and above. Due to the proposed irregular lot shape, in that two lots with varied lot depth are proposed for merger, the rear yard requirement ranges from 34 feet 4 inches to 31 feet of lot depth, as measured from the frontage of California Street. The proposed rear yard ranges in measurement from 0 lot depth to 53 feet 6 inch lot depth. Portions of the rear yard are compliant; however, the entire rear yard is not code compliant. The proposed rear yard is located in the southeastern corner of the lot, measuring approximately 2,538 square feet, with additional open space provided at the front courtyard, roof decks and terraces. The design of the rear yard reflects the building's U-shaped footprint and ensures that the rear yard receives adequate light in this block with

steep topography. A code compliant rear yard would have provided approximately 3,887 square feet of rear yard open area.

To create a code compliant yard, the building design would maintain a gap in the streetwall on Powell Street, which would not conform to the Department's urban design objectives, and create a shaded, canyon-like rear yard, which would not meet the intent of rear yard open space. The project proposes 5,900 square feet private open space at roof decks and terraces which satisfies the private open space needs for 13 dwelling units. In addition, the communal roof terrace provides 730 square feet of open space and the front courtyard provides 805 square feet common open space. Additional common open space which does not meet the technical dimensional requirements of the Planning Code includes the rear yard (approximately 2,538 square feet) and a common open space outside a sunroom off the garden (165 square feet). The sponsor has requested a Variance from the Planning Code. This will be heard concurrently by the Zoning Administrator at the Planning Commission hearing for the Conditional Use Authorization.

- B. Open Space.** Planning Code Section 135 requires that the project provide a minimum of 36 square feet of open space per dwelling unit, if not publically accessible. Further, any private usable open space shall have a minimum horizontal dimension of six feet and a minimum area of 36 square feet if located on a deck, balcony, porch or roof, and shall have a minimum horizontal dimension of 10 feet and a minimum area of 100 square feet if located on open ground, a terrace or the surface of an inner or outer court. Alternatively, common useable open space, at a rate of 48 square feet per dwelling unit, shall be at least 15 feet in every horizontal dimension and shall be a minimum of 300 square feet.

The required private open space is 1,584 square feet and required common open space is 2,112 square feet for the project. Thirteen of the dwelling units are proposed with private balconies and decks, equaling 5,900 square feet, meeting the minimum dimensional requirements. Therefore, 1,488 square feet of common open space is required for the remaining dwelling units. This requirement is met through the communal roof terrace which provides 730 square feet of open space and the front courtyard which provides 805 square feet common open space. Therefore the project complies with the Code. Additional common open space which does not meet the technical dimensional requirements of the Planning Code includes the 2,538 square-foot common portion of the rear yard and a common open space outside a sunroom off the garden (165 square feet).

- C. Bay Windows.** Per Section 136(c)(2), bay window projections over public right-of-way are permitted with a maximum projection of 3 feet over sidewalk with minimum 7½ feet headroom. A maximum length of each bay window or balcony shall be 15 feet at the line establishing the required open area, and shall be reduced in proportion to the distance from such line by means of 45 degree angles drawn inward from the ends of such 15-foot dimension, reaching a maximum of nine feet along a line parallel to and at a distance of three feet from the line establishing the required open area. The glass areas of each bay window, and the open portions of each balcony, shall be not less than 50 percent of the sum of the areas. The minimum horizontal separation between bay windows is 2 feet.

The bay windows project 3 feet over the public sidewalk with at least 7½ feet of vertical headroom. The maximum length of the bay establishing the open area measures approximately 11 feet 2 inches and reduces in proportion to approximately 6 feet 9 inches. More than 50% of each vertical face of the bay is expressed with clear glazed, steel sash windows. Horizontal separation between bay windows varies, but is at least greater than 10 feet in all cases. Therefore, the project complies with this Section of Code.

- D. **Dwelling Unit Exposure.** Section 140 requires that each dwelling unit shall face directly a public street, public alley at least 20 feet in width, side yard at least 25 feet in width, or rear code-compliant rear yard; or open area/court with minimum horizontal dimension of 25 feet in every horizontal dimension for the floor at which the Dwelling Unit in question is located and the floor immediately above it, with an increase of five feet at every subsequent floor.

A majority of the dwelling units are designed to face directly onto a public street or a code compliant open space. Due to the U-shape of the building and a central circulation core, each level exhibits units which face onto the rear yard. At the two Garden Levels (Garden Level 2 and Garden Level), the dimensional open space requirements are not met for dwelling unit exposure. At the two Garden Levels there are four dwelling units (two units per level) which face onto this non-compliant open space. The Project meets the intent of the code to provide adequate exposure for dwelling units facing the rear as these units will have more than sufficient light and air from the large rear yard. At levels Lobby through 7, the dimensional requirements for an open space are met, therefore those dwelling units which face only onto the rear yard are compliant. The sponsor has requested a Variance from the Planning Code for the non-compliant units. This Variance will be heard concurrently by the Zoning Administrator at the Planning Commission hearing for the Conditional Use Authorization.

- E. **Nob Hill Special Use District.** Planning Code Section 238 states that special uses must undergo additional review within this established area with a unique combination of uses and a special identity. These uses require Conditional Use authorization: hotel, incidental commercial, private community facility, eating and drinking uses. The SUD places additional limitations on signage for principally permitted uses or eating and drinking uses.

The project does not include any of the above components, therefore no additional analysis or findings are required. If signage is proposed, additional restrictions as noted in 238(e) shall be applied.

- F. **Residential Off-Street Parking.** Planning Section 151 of the Planning Code requires off-street parking for every dwelling unit. The maximum parking permitted as accessory is 1.5 spaces where one space is required.

The project proposes 48 off-street parking spaces. Forty-four spaces are required; four additional spaces are permitted. The 48 parking spaces are permitted and compliant. Vehicle stackers are being employed for reduction in square footage required for parking.

- G. **Curb Cuts.** Per Section 155(r), curb cuts along the entire length of California Street require Conditional Use Authorization.

The project proposes continuation of one of the two existing curb cuts on California Street. The curb cuts measure approximately 46 feet 8 inches and 13 feet 10 inches. For this project, the 13 feet 10 inch curb would be reduced to a 10 feet wide curb cut on California Street, and the larger curb cut would be removed with the curb improved to City standards. It is also anticipated that two on-street parking spaces will be added, which may also be used for deliveries and/or passenger loading during business hours, depending on San Francisco Municipal Transportation Agency approval. See #7 for findings and more analysis.

- H. **Bicycle Parking.** Planning Section 155.1-155.2 of the Planning Code requires bicycle parking spaces for residential and non-residential uses. One Class 1 bicycle parking space is required for each dwelling unit. Additionally, Class 2 bicycle parking spaces are required for every 20 dwelling units.

The project proposes 44 dwelling units, and 44 Class 1 bicycle parking spaces are required. Located in an on-site bicycle storage room at Garden Level 2 is space for up to 86 bicycles. Access to the secure room is from an entrance and ramp corridor from Powell Street. The bike parking room is located one level above the off-street parking garage, which is only accessible via elevator. Additionally, two Class 2 spaces are required and are proposed on the Powell Street right of way. Therefore, the project is compliant.

- I. **Car Share.** Section 166 of the Planning Code requires one car share space for 50 – 200 dwellings.

The project proposes 44 dwelling units, therefore no car share space is required nor are any on-site car share spaces proposed.

- J. **Density.** Per Section 209.2, up to one unit per 200 square feet of lot area is permitted.

Once the two lots are merged, the lot area would measure approximately 15,548 square feet. The permitted density would be 78 dwelling units. The project proposes 44 dwelling units, mostly family-sized units. Of the proposed units, two are studio units, seven are one-bedroom units, 30 are two-bedroom units and five are three-bedroom units.

- K. **Height.** The subject property is located within the RM-4 Zoning District. Pursuant to Section 253, height exceeding 50 feet within a RM district requires Conditional Use Authorization to proceed.

The project proposes a height of 65 feet as measured from California Street, with permitted exemptions extending above, such as elevator and stair penthouses per Section 260(b). Per Section 253, height exceeding 50 feet requires Conditional Use Authorization and analysis and findings are discussed further in #7 and #8.

- L. **Bulk.** The subject property is located within the 65-A Height and Bulk district. Pursuant to Section 270, projects within “-A” Bulk District have defined bulk dimensions starting at

height of 40 feet and greater, with requirements in plan as follows: the maximum length is 110 feet and the maximum diagonal dimension is 125 feet.

The project proposes a maximum plan length of 97 feet, and this maximum is measured along the Powell Street elevation. Maximum diagonal dimension exceeds 125 feet at levels 4 – 7. Per Section 271, bulk exceedance of plan dimensions in Section 270 requires Conditional Use Authorization and analysis and findings are discussed further in #7 and #9.

- M. Street Frontage in RH, RTO, RTO-M and RM Districts.** Section 144 of the Planning Code requires that within RM districts. Except as otherwise provided herein, in the case of every dwelling in such districts no more than one-third of the width of the ground story along the front lot line, or along a street side lot line, or along a building wall that is set back from any such lot line, shall be devoted to entrances to off-street parking, except that in no event shall a lot be limited by this requirement to a single such entrance of less than ten feet in width. In addition, no entrance to off-street parking on any lot shall be wider than 20 feet, and where two or more separate entrances are provided there shall be a minimum separation between such entrances of six feet. In the case of every dwelling in such districts, no less than one-third of the width of the ground story along the front lot line, along a street side lot line, and along a building wall that is set back from any such lot line, shall be devoted to windows, entrances for dwelling units, landscaping, and other architectural features that provide visual relief and interest for the street frontage.

The project provides one entry for egress and ingress dedicated to off-street parking. The width of the access to off-street parking is approximately the same as the width of the curb cut, which is 10 feet. The multi-unit building offers several maisonette units with direct access from the street and a main lobby at the corner, therefore, the ground story is defined by several raised entrances, windows, metal grill-work, landscaping and granite cladding at the base. At the corner of California and Powell Streets, the building corner is carved away to create a defined and open main entry for the building. Due to the steep topography of the site, this offset offers an opportunity to incorporate a pedestrian seating wall into a functional retaining wall with a well-landscaped corner. Additionally, this building clipping/offset provides some line of site relief for drivers and pedestrians at a busy intersection of two streets both exhibiting vehicular traffic and cable car lines. Although California Street is at a gentle slope heading towards downtown, at this intersection Powell Street is quite steep.

- N. Inclusionary Affordable Housing Program.** Planning Code Section 415 sets forth the requirements and procedures for the Inclusionary Affordable Housing Program. Under Planning Code Section 415.3, the current percentage requirements apply to projects that consist of ten or more units, where the first application (EE or BPA) was applied for on or after July 18, 2006. Pursuant to Planning Code Section 415.5, the Project must pay the Affordable Housing Fee ("Fee"). This Fee is made payable to the Department of Building Inspection ("DBI") for use by the Mayor's Office of Housing and Community Development for the purpose of increasing affordable housing citywide.

The Project Sponsor has submitted a 'Affidavit of Compliance with the Inclusionary Affordable Housing Program: Planning Code Section 415,' to satisfy the requirements of the Inclusionary

Affordable Housing Program through payment of the Fee, in an amount to be established by the Mayor's Office of Housing and Community Development at a rate equivalent to an off-site requirement of 20%. The project sponsor has not selected an alternative to payment of the Fee. The EE application was submitted on December 12, 2014.

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

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

The massing and height of the proposed building is compatible with the scale of the surrounding properties. The Stanford Court Hotel is on the Southwest corner of the intersection, the Fairmont Hotel is on the Northwest corner of the intersection and the University Club is on the Northeast corner of the intersection, all large buildings. Other surrounding buildings, of similar scale to the proposal, are primarily multi-family residential uses.

The curb cut for garage entry on California is necessary and desirable. Currently, there are two curb-cuts into the existing off-street parking facilities at the Site. The Project would use an existing curb cut for the garage entrance, reduced from 13 feet 10 inches to 10 feet. Assuming that the no left-turn restriction on California Street would continue with the Project, all vehicles entering and exiting the Project's garage would be via eastbound California Street (right-turn in/right-turn out). Given that the southbound left-turn movement at the adjacent California Street/Powell Street intersection is prohibited, all vehicles would access the Project site from eastbound California Street or northbound Powell Street. To minimize the potential for conflicts between entering and exiting vehicles, an access control system will be implemented. This traffic pattern is appropriate for the area, and is a continuation of the current general traffic pattern of the Site – although the number of parking spaces will be reduced and shifted from short-term parking to long-term resident parking. In contrast, relocating the driveway to Powell would result in circulation disruptions because eastbound traffic entering the building would need to shift from California Street to Bush Street two blocks to the south.

Adding a garage entrance to Powell Street, which is steep and narrow, would be difficult and potentially disruptive to traffic patterns. The cable car lanes on Powell have red paint and are separated by bollards to ensure that drivers do not use the lanes. As a result, the vehicular right-of-way on Powell is very narrow, at only about 10 feet wide. With this width, it would be difficult for vehicles to stay within the travel lane while turning into and out of the driveway, which could result in conflicts with cable cars. Even if the turn is possible, it would likely require a larger curb cut on Powell Street than the 10-foot curb cut proposed for California. Finally, the presence of the mature street trees could impair sight distances on Powell Street. While there are street trees on California, the street parking provides a buffer that allows cars to pull out beyond the trees to get a better sight line.

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

that could be detrimental to the health, safety or convenience of those residing or working the area, in that:

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

The existing asphalt parking lot, enclosed with fencing, and parking structure are proposed for demolition. This is an under-utilized use for two parcels zoned residential-mixed, high density, located approximately ¼ -mile from the downtown Financial District. The proposed massing is compatible with the neighborhood, fills in the streetwall with active use, and is designed with architectural details to provide visual relief and interest. The Project incorporates setbacks at the side property line at Powell Street, and the side property line at California at a lightwell, and at the rear yard, often introducing terraces for open space. The Project proposes additional open space including landscaping and an entry court on the corner of California and Powell Streets.

The garage entrance on California Street will not be detrimental to the neighborhood, as it would continue the existing traffic pattern of the Site, while significantly reducing the number of parking spaces and in and out car traffic. A garage entrance on California Street is less disruptive for the neighborhood than would be a garage entrance on Powell Street, which has only two 10-foot-wide lanes for car traffic and a dedicated cable car lane, thus not easily accommodating an entrance.

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

Currently, the site consists of over 80 parking spaces available in the structure and on the surface lot. The Project would remove this parking use and would overall result in fewer vehicle trips compared to the existing condition. Access to off-street parking is proposed through one ingress and egress lane from a curb cut on California Street. The parking is located underground, therefore screening is only required at the garage entry and is proposed as a gate with architectural features to match that of the gate and railing pattern at the building. The project reduces the amount and size of existing curb cuts on California Street. Specifically, the sponsor proposes to remove a curb cut measuring approximately 48 feet, and proposes to reduce the size of one existing curb cut from approximately 13 feet to 10 feet. Additionally, the site is less than ¼-mile from the Financial District, two cable car lines run adjacent to the site, and one block from several bus lines. The Site is within easy walking distance from the financial district and is well-served by public transportation. The cable car line runs next to the site, which is also one block from the 1, 31, and 38, 8, 30, 45 bus lines, and a half mile from the Powell Street Bart and MUNI station, giving residents access to jobs inside and outside of San Francisco. Locating new housing along transit-served areas supports the City's transit first policy and discourages car dependency.

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

The proposed use is residential that would not emit noxious or offensive emissions such as noise, glare, dust and odor. City regulations are in place for managing construction-related noise and dust.

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

Landscaping and open space are prominent features of the project. The Project provides a strong street-level presence which would activate the corner and create a transition between the public realm and private residential entry. At the northwestern corner of the site, the proposed building mass is carved back from the property line to create open space at the street. This space is defined at the street by low walls capped with ornamental fencing, with access points from Powell and from California Streets, to the private entry area leading to the main building lobby. Due to topography, the low wall follows the up-sloping grade to incorporate pedestrian seating walls overlooking the landscaped interior court. In addition, three points of direct access to six residential are provided from the sidewalk. The parking is located underground, therefore screening is only required at the garage entry and is proposed as a gate with architectural features to match that of the gate and railing pattern at the building.

- 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 RM Residential Use District.

Residential buildings within this District reflect a mixture of scale and of density and building form, suitable for a variety of households. As proposed, the 65-foot multi-family building is a compatible development within the RM-4 Zoning District, proposing a range of unit types.

8. **Planning Code Section 253** establishes criteria for the Planning Commission to consider when reviewing applications for projects within the RM or RC Districts when height exceeds 50 feet and street frontage is 50 feet or greater, through the Conditional Use process. On balance, the project complies with said criteria in that:
- a. In reviewing any such proposal for a building or structure exceeding 40 feet in height in a RH District, 50 feet in height in a RM or RC District, or 40 feet in a RM or RC District where the street frontage of the building is more than 50 feet the Planning Commission shall consider the expressed purposes of this Code, of the RH, RM, or RC Districts, and of the height and bulk districts, set forth in Sections 101, 209.1, 209.2, 209.3, and 251 hereof, as well as the criteria stated in Section 303(c) of this Code and the objectives, policies and principles of the General Plan, and may permit a height of such building or structure up to but not exceeding the height limit prescribed by the height and bulk district in which the property is located.

The Project is generally code-compliant and on balance, is consistent with the Objectives and Policies of the General Plan, including the Urban Design Element objectives to relate new construction to the height and character of existing development and to promote harmony in visual transition between new and old buildings. In addition, the Project adds open space at the northwest corner of the site to benefit the public, as well as adds open space for the dwelling units in exceedance of requirements. No new shadow will be cast by the Project on parks or open spaces. This underutilized site is zoned for higher density residential within the prescribed bulk and height limits, and is located within ¼-mile of the Financial District, at the intersection of two cable car lines, within a block of several Muni bus lines, and half mile from the Powell Street Bart and MUNI station.

The scale of the building and density is appropriate for the RM-4 zoning district and is contextual with the surrounding building scale and building uses. Although the Project is requesting Conditional Use Authorization for a height of 65 feet, surrounding buildings exhibit heights taller than 40 feet and some taller than 65 feet. Vertical façade articulation in the Project includes bay windows, some metal balcony elements and metal planter boxes, with additional articulation by recessed windows, all typical of San Francisco neighborhoods. The stucco clad exterior walls are supported by a strong granite base, also typical of San Francisco neighborhoods.

- b. That the permitted bulk and required setbacks of a building be arranged to maintain appropriate scale on and maximize sunlight to narrow streets (rights-of-way 40 feet in width or narrower) and alleys.

A narrow street, Joice Street, is located one parcel to the east along California Street. A shadow analysis prepared by PreVision, dated November 13, 2015, indicated that at no time throughout the year would the Project cast new shadow on Joice Street. Therefore, the proposed project massing is arranged in an appropriate scale such as to not reduce sunlight on this alley.

9. **Planning Code Section 271** establishes criteria for the Planning Commission to consider when reviewing applications for projects exceeding the maximum bulk plan dimensions as outlined in Section 270, through the Conditional Use process. On balance, the project complies with said criteria in that:

- a. Achievement of a distinctly better design, in both a public and a private sense, than would be possible with strict adherence to the bulk limits, avoiding unnecessary prescription of building form while carrying out the intent of the bulk limits and the principles and policies of the Master Plan.

The Project includes a number of features that reduce the appearance of bulk. Utilization of bay window and top level setbacks create variation in the façade. A clipped corner at the northwest of the building site allow for a landscaped courtyard at the corner of Powell and California for additional reduction of the sense of bulk while enhancing the pedestrian experience of the block. It will also include stepped terraces/balconies, as well as setbacks along California and Powell Streets which minimizes the bulk on the upper floors and contributes to the perception of a minimized and refined massing, particularly from street views.

By stepping the building's massing, the Project is compatible with the adjacent building's range of heights. Because the neighboring building on Powell Street is smaller in scale than on California Street, the massing on Powell Street steps and shifts more to reduce impact on light and privacy.

- b. Development of a building or structure with widespread public service benefits and significance to the community at large, where compelling functional requirements of the specific building or structure make necessary such a deviation.

Deviation from the bulk requirements permits the Project to offer as many dwelling units as possible in an area in which new construction is limited by lack of available lots. The Project as proposed also provides common and private open space to residents, as well as a streetscape improvements and connections between the public and private realms. The incorporation of pedestrian seating wall at the intersection of the property line wall at the California and Powell is a unique public benefit.

In acting on any application for Conditional Use to permit bulk limits to be exceeded under this Section, Planning Commission shall consider the following criteria:

- c. The appearance of bulk in the building, structure or development shall be reduced by means of at least one and preferably a combination of the following factors, so as to produce the impression of an aggregate of parts rather than a single building mass:
 - (A) Major variations in the planes of wall surfaces, in either depth or direction, that significantly alter the mass;
 - (B) Significant differences in the heights of various portions of the building, structure or development that divide the mass into distinct elements;
 - (C) Differences in materials, colors or scales of the facades that produce separate major elements;
 - (D) Compensation for those portions of the building, structure or development that may exceed the bulk limits by corresponding reduction of other portions below the maximum bulk permitted;

The Project's scale and character reference the surrounding buildings. The Project incorporates several measures intended to reduce the appearance of mass to ensure compatibility with the immediate vicinity. Significantly, the building is proposed to be set back from the corner of California Street and Powell Street, which limits the sense of the mass of the building from the street as well as preserving the site line and relationship with the historic cable car kiosk. Vertically, the building is broken up by use of bay windows and balconies, which divides the mass into distinct elements. Horizontally, the stucco-clad building is defined and supported by a strong granite base. Although the building does not provide a corresponding reduction of other portions below the maximum bulk permitted, the bulk of the building is more compatible with the architecture of the area than would be a project complying with bulk limitations.

- d. In every case the building, structure or development shall be made compatible with the character and development of the surrounding area by means of all of the following factors:

- (A) A silhouette harmonious with natural land-forms and building patterns, including the patterns produced by height limits;
- (B) Either maintenance of an overall height similar to that of surrounding development or a sensitive transition, where appropriate, to development of a dissimilar character;
- (C) Use of materials, colors and scales either similar to or harmonizing with those of nearby development; and
- (D) Preservation or enhancement of the pedestrian environment by maintenance of pleasant scale and visual interest.

The silhouette is harmonious with existing building patterns in the area, which includes many buildings with extant bulk notably large hotels and nearby apartment buildings constructed before bulk requirements. The height is similar to adjacent neighbors and compatible with the neighborhood context. In addition, as the height decreases down the hill on Powell Street, the proposed massing also steps to provide relief. The Project enhances the pedestrian environment with an active street frontage detailed with architectural features, carved away at the corner for visual relief at the intersection of Powell Street at the end of a steep grade increase with California Street. In addition, a pedestrian seating wall has been incorporated into the low property line wall, overlooking the proposed landscaped court. In addition, the six Maisonette units will provide a strong connection between the public street-front and the private building entrances. The Project will provide a far superior pedestrian environment than the current parking garage and parking lot which are unattractive and contain large curb cuts which create a risk of conflicts between cars and pedestrians.

A small palette of high-quality materials reflects the unique surroundings. As proposed, a granite base, with a custom faceted profile, supports a custom stucco cladding at the upper levels. Metal gates, balcony railings, and security features are designed with a design incorporated throughout the building façade. Bronze metal highlights planter boxes at lower levels, and defines the main lobby entry. Stone trim is applied at windows, canopies and some beltcourse levels.

- e. While the above factors must be present to a considerable degree for any bulk limit to be exceeded, these factors must be present to a greater degree where both the maximum length and the maximum diagonal dimension are to be exceeded than where only one maximum dimension is to be exceeded.

Only the maximum diagonal dimension is exceeded in the Project. The Project is designed in a manner compatible with character and development of the surrounding district.

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

HOUSING ELEMENT

OBJECTIVE 1

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

Policy 1.8:

Promote mixed-use development, and include housing, particularly permanently affordable housing, in new commercial, institutional or other single use development projects.

Policy 1.10:

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

The Project appropriately locates 44 dwelling units in an area near downtown that is highly accessible by public transportation, walking and bicycling, and zoned for high density residential uses. The Project will contribute to the City's affordable housing supply by payment of the affordable housing fee.

OBJECTIVE 11

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

Policy 11.1:

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

Policy 11.2:

Ensure implementation of accepted design standards in project approvals.

Policy 11.3:

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

Policy 11.5:

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

Policy 11.6:

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

The proposed project will add compatible housing, per Department design standards, to lots that are currently underutilized parking structure or surface parking areas. The proposed residential development is compatible with the existing neighborhood character, which is largely high density residential. The Project proposes a strong street-presence, with an inviting landscaped recessed corner at California and Powell Streets and six units to be accessed directly from the public right of way. The Project will also have prominent windows on the street-front, eliminating blank and blind walls and will add landscaping to contribute to the pedestrian experience of the block.

OBJECTIVE 13

PRIORITIZE SUSTAINABLE DEVELOPMENT IN PLANNING FOR AND CONSTRUCTING NEW HOUSING.

Policy 13.1:

Support "smart" regional growth that locates new housing close to jobs and transit.

Policy 13.3:

Promote sustainable land use patterns that integrate housing with transportation in order to increase transit, pedestrian, and bicycle mode share.

The Project is targeting LEED Gold certification. The site is ¼-mile from downtown, a major job center in the San Francisco Bay Area. This distance is a walkable distance for a daily commute. The site is also located at the corner of two MUNI cable car lines – California and Powell/Hyde –and one block from the 1, 31, and 38, 8, 30, 45 bus lines, and a half mile from the Powell Street Bart and MUNI station.

URBAN DESIGN ELEMENT

OBJECTIVE 1

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

Policy 1.2:

Protect and reinforce the existing street pattern, especially as it is related to topography.

Policy 1.3:

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

The Project will enhance the neighborhood by reinforcing the urban nature of the street pattern. The Project's design echoes the scale and design features of surrounding buildings. The Project will replace an existing surface parking lot and parking garage with a more desirable residential use that will provide a more unified street frontage.

OBJECTIVE 3

MODERATION OF A 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 3.5:

Relate the height of buildings to important attributes of the City pattern and to the height and character of existing development..

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's size, scale and design are compatible with the surrounding neighborhood and create a harmonious visual transition between the Project and older buildings. There are many tall buildings in the area, making a 65 foot high building entirely compatible. The bulk of the building is also compatible with the area. In addition the Project is pulled back from the street-front at the corner of California Street and Powell Street and will not overwhelm or dominate the corner, created a landscaped open space.

OBJECTIVE 4

IMPROVEMENT OF THE NEIGHBORHOOD ENVIRONMENT TO INCREASE PERSONAL SAFETY, COMFORT, PRIDE AND OPPORTUNITY.

Policy 4.12:

Install, promote and maintain landscaping in public and private areas.

Policy 4.13:

Improve pedestrian areas by providing human scale and interest.

The Project improves the safety of the neighborhood by designing active uses into the building at ground level, specifically through the connections between the private and public realms of direct residential entries, windows and the courtyard and landscaped corner. The Project will dramatically improve the pedestrian experience of the corner, offering courtyard plantings, window boxes on a largely transparent fence, and a seating wall adjacent to the cable car kiosk.

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

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

The Site does not currently contain retail. Therefore, neighborhood-serving retail uses will not be eliminated. Local businesses will be served by additional residents in the area.

- 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 promotes housing in the neighborhood by adding 44 housing units where there is currently only an underutilized parking structure and lot. It will also preserve neighborhood character by providing a design that is compatible with existing structures in the area and proposes streetscape improvements and landscaped open space at the corner of Powell and California.

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

No housing is removed for this Project. Forty-four new dwelling units are proposed for the site. The sponsor has selected to satisfy the Inclusionary Affordable Housing requirement through payment of the in-lieu fee.

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

The site is located approximately ¼-mile from downtown. Additionally, the site is located adjacent to the California and the Powell/Hyde MUNI cable car lines. The Project is expected to improve traffic in the area. The Project will replace the current 80 short-term parking spaces in the surface lot with 48 long-term parking spaces that will be accessed much less frequently than the current spaces uses by daily parkers. The Project will also eliminate a 40-foot curb cut on California Street and substitute the current curb cut for the parking garage with a 10-foot curb cut for garage access. Residents are expected to make the majority of daily commutes by foot, bicycle or public transportation. In contrast, the current users of the parking garage and lot are short-term or daily customers who create significantly more conflicts with other vehicles, the cable car, pedestrians and bicyclists.

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

The Project will not displace any service or industry establishment. Ownership of industrial or service sector businesses will not be affected by this project.

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

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

- G. That landmarks and historic buildings be preserved.

A landmark or historic building does not occupy the Project site. Through the CEQA process, the Planning Department determined the property was not an historic resource.

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

The Project does not impact parks and open space. A shadow Analysis confirmed that there would be no new shadow cast by the Project on parks or open spaces.

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

DECISION

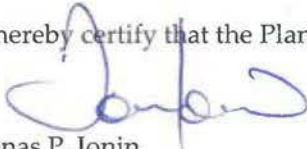
That based upon the Record, the submissions by the Applicant, the staff of the Department and other interested parties, the oral testimony presented to this Commission at the public hearings, and all other written materials submitted by all parties, the Commission hereby **APPROVES Conditional Use Application No. 2014-000609CUAVAR** subject to the following conditions attached hereto as "EXHIBIT A" in general conformance with plans on file, dated March 28, 2016, and stamped "EXHIBIT B", which is incorporated herein by reference as though fully set forth.

APPEAL AND EFFECTIVE DATE OF MOTION: Any aggrieved person may appeal this Conditional Use Authorization to the Board of Supervisors within thirty (30) days after the date of this Motion No. 19612. The effective date of this Motion shall be the date of this Motion if not appealed (After the 30-day period has expired) OR the date of the decision of the Board of Supervisors if appealed to the Board of Supervisors. For further information, please contact the Board of Supervisors at (415) 554-5184, City Hall, Room 244, 1 Dr. Carlton B. Goodlett Place, San Francisco, CA 94102.

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

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

I hereby certify that the Planning Commission **ADOPTED** the foregoing Motion on April 7, 2016.


Jonas P. Ionin
Commission Secretary

AYES: Fong, Richards, Antonini, Hillis, Johnson, Moore, Wu

NAYS: None

ABSENT: None

ADOPTED: April 7, 2016

EXHIBIT A

AUTHORIZATION

This authorization is for a conditional use to allow continuation of one existing curb cut, reduced to Department guidelines, on California Street, to allow height exceeding 50 feet in a 65 foot height district, and to allow exceptions for measuring bulk per Section 270, located at 875 California & 770 Powell Street, Block 0256 and Lots 016, 017, pursuant to Planning Code Sections 303, 155, 253, and 271 within the RM-4 District and a 65-A Height and Bulk District; in general conformance with plans, dated March 28, 2016, and stamped "EXHIBIT B" included in the docket for Case No. 2014-000609CUAVAR and subject to conditions of approval reviewed and approved by the Commission on April 7, 2016, under Motion No 19612. This authorization and the conditions contained herein run with the property and not with a particular Project Sponsor, business, or operator.

RECORDATION OF CONDITIONS OF APPROVAL

Prior to the issuance of the building permit or commencement of use for the Project the Zoning Administrator shall approve and order the recordation of a Notice in the Official Records of the Recorder of the City and County of San Francisco for the subject property. This Notice shall state that the project is subject to the conditions of approval contained herein and reviewed and approved by the Planning Commission on April 7, 2016 under Motion No 19612.

PRINTING OF CONDITIONS OF APPROVAL ON PLANS

The conditions of approval under the 'Exhibit A' of this Planning Commission Motion No. 19612 shall be reproduced on the Index Sheet of construction plans submitted with the Site or Building permit application for the Project. The Index Sheet of the construction plans shall reference to the Conditional Use authorization and any subsequent amendments or modifications.

SEVERABILITY

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

CHANGES AND MODIFICATIONS

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

Conditions of Approval, Compliance, Monitoring, and Reporting

PERFORMANCE

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

6. **Additional Project Authorization.** The Project Sponsor must be granted a Variance under Section 305 for non-compliant rear yard and for units that do not meet exposure requirements per Section 134 and 140 of the Planning Code, 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 415-575-6863, www.sf-planning.org

DESIGN – COMPLIANCE AT PLAN STAGE

7. **Final Design.** The Project Sponsor shall work with Planning Department on these specific areas of design: to minimize rooftop appurtenances by consolidating the roof access penthouses or other means, and to improve bicycle parking.
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, including submittal of samples upon request, and approval. The architectural addenda shall be reviewed and approved by the Planning Department prior to issuance.
For information about compliance, contact the Case Planner, Planning Department at 415-558-6378, www.sf-planning.org
9. **Rooftop Mechanical Equipment.** Pursuant to Planning Code 141, the Project Sponsor shall submit a roof plan to the Planning Department prior to Planning approval of the building permit application. Rooftop mechanical equipment, if any is proposed as part of the Project, is required to be screened so as not to be visible from any point at or below the roof level of the subject building.
For information about compliance, contact the Case Planner, Planning Department at 415-558-6378, www.sf-planning.org
10. **Transformer Vault.** 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 recommends the following preference schedule in locating new transformer vaults, in order of most to least desirable:
 - a. On-site, in a basement area accessed via a garage or other access point without use of separate doors on a ground floor façade facing a public right-of-way;
 - b. On-site, in a driveway, underground;
 - c. On-site, above ground, screened from view, other than a ground floor façade facing a public right-of-way;
 - d. Public right-of-way, underground, under sidewalks with a minimum width of 12 feet, avoiding effects on streetscape elements, such as street trees; and based on Better Streets Plan guidelines;
 - e. Public right-of-way, underground; and based on Better Streets Plan guidelines;

- f. Public right-of-way, above ground, screened from view; and based on Better Streets Plan guidelines;
- g. On-site, in a ground floor façade (the least desirable location).

Unless otherwise specified by the Planning Department, Department of Public Work's Bureau of Street Use and Mapping (DPW BSM) should use this preference schedule for all new transformer vault installation requests.

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

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

For information about compliance, contact the Case Planner, Planning Department at 415-558-6378, www.sf-planning.org

PARKING AND TRAFFIC

12. **Car Share.** Although, no car share spaces are required pursuant to Section 166, the Project Sponsor shall make provision for three car share spaces.

13. **Parking Requirement.** Pursuant to Planning Code Section 151, the Project shall provide **44 (forty-four)** independently accessible off-street parking spaces.

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

14. **Bicycle Parking.** Pursuant to Planning Code Sections 155.1 and 155.2, the Project shall provide no fewer than **44** Class 1 bicycle parking spaces.

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

15. **Bicycle Parking.** The Project shall provide no fewer than **2** Class 2 bicycle parking spaces as required by Planning Code Sections 155.1 and 155.2.

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

AFFORDABLE UNITS

16. **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 currently twenty percent (20%), but is subject to change under a proposed Charter amendment and

pending legislation if the voters approve the Charter Amendment at the June 7, 2016 election. The Project Sponsor shall pay the applicable Affordable Housing Fee at the time such Fee is required to be paid.

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

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

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

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

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

PROVISIONS

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

For information about compliance, contact the Case Planner, Planning Department at 415-558-6378, www.sf-planning.org

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

For information about compliance, contact the Case Planner, Planning Department at 415-558-6378, www.sf-planning.org

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

For information about compliance, contact the Case Planner, Planning Department at 415-558-6378, www.sf-planning.org

21. **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.

For information about compliance, contact the First Source Hiring Manager at 415-581-2335, www.onestopSF.org

MONITORING – AFTER ENTITLEMENT

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

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

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

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

OPERATION

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

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

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

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

26. **Sidewalk Maintenance.** The Project Sponsor shall maintain the main entrance to the building and all sidewalks abutting the subject property in a clean and sanitary condition in compliance with the Department of Public Works Streets and Sidewalk Maintenance Standards. *For information about compliance, contact Bureau of Street Use and Mapping, Department of Public Works, 415-695-2017, <http://sfdpw.org/>*

ENTERTAINMENT COMMISSION-RECOMMENDED NOISE ATTENUATION CONDITIONS FOR CHAPTER 116 RESIDENTIAL PROJECTS.

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

- **Community Outreach:** Project Sponsor shall include in its community outreach process any businesses located within 300 feet of the proposed project that operate between the hours of 9PM-5AM. Notice shall be made in person, written or electronic form.
- **Sound Study:** Project sponsor shall conduct an acoustical sound study, which shall include sound readings taken when performances are taking place at the proximate Places of Entertainment, as well as when patrons arrive and leave these locations at closing time. Readings should be taken at locations that most accurately capture sound from the Place of Entertainment to best of their ability. Any recommendation(s) in the sound study regarding window glaze ratings and soundproofing materials including but not limited to walls, doors, roofing, etc. shall be given highest consideration by the project sponsor when designing and building the project.
- **Design Considerations:**
 - (1) During design phase, project sponsor shall consider the entrance and egress location and paths of travel at the Place(s) of Entertainment in designing the location of (a) any entrance/egress for the residential building and (b) any parking garage in the building.

(2) In designing doors, windows, and other openings for the residential building, project sponsor should consider the POE's operations and noise during all hours of the day and night.

- Construction Impacts: Project sponsor shall communicate with adjacent or nearby Place(s) of Entertainment as to the construction schedule, daytime and nighttime, and consider how this schedule and any storage of construction materials may impact the POE operations.
- Communication: Project Sponsor shall make a cell phone number available to Place(s) of Entertainment management during all phases of development through construction. In addition, a line of communication should be created to ongoing building management throughout the occupation phase and beyond.



SAN FRANCISCO PLANNING DEPARTMENT

Variance Decision

Date: May 10, 2016
Case No.: 2014-000609VAR
Project Address: 875 CALIFORNIA STREET/770 POWELL STREET
Zoning: RM-4 (Residential-Mixed, High Density)
65-A Height and Bulk District
Block /Lot: 0256/016, 017
Applicant: Grosvenor Americas
Attn: Amelia Staveley
One California Street, Suite 2500
San Francisco, California 94111
Staff Contact: Marcelle Boudreaux – (415) 575-9140
marcelle.boudreaux@sfgov.org

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

Reception:
415.558.6378

Fax:
415.558.6409

Planning
Information:
415.558.6377

DESCRIPTION OF VARIANCES – REAR YARD AND EXPOSURE VARIANCES SOUGHT:

The Project proposes to demolish the surface parking lot at 770 Powell Street and parking structure at 875 California Street, merge the two lots and construct a new seven-story, 65-foot tall building with 44 residential units and 48 underground parking spaces. The main pedestrian entry is from the northwest corner of the site. On-site bicycle parking is provided for up to 86 Class 1 spaces in a secure room at the Garden Level 2, with direct access through a door and ramp from Powell Street. Garage access for the Project would be provided by a single 10-foot curb cut on California Street at the same location as a current larger curb cut, with a car elevator providing access to the below-grade parking garage. In addition, the 46-foot wide curb cut currently used to access the parking structure and parking lot on California would be eliminated and replaced with code-compliant sidewalks. Open space would include a 2,538 square foot rear yard located in the southeastern corner of the lot, as well as a 805 square-foot front courtyard. Additional open space would be provided by roof decks and terraces.

Section 134 of the Planning Code requires the building to provide a rear yard equal to 25% of lot depth or 15 feet, whichever is greater, at the lowest story containing a dwelling unit, or at each succeeding story of the building. Due to the proposed irregular lot shape, in that two lots with varied lot depth are proposed for merger, the rear yard requirement ranges from 34 feet 4 inches to 31 feet of lot depth, as measured from the frontage of California Street. The rear yard is provided at the southeast portion of the proposed site, and ranges from 0 feet lot depth to 53 feet 6 inch lot depth, and, therefore, requires a variance from the rear yard requirement.

Section 140 of the Planning Code requires that one room per dwelling unit, meeting the requirements in Section 503 of the Housing Code, face onto a street, alley or code-complying open space. At the two Garden Levels (Garden Level 2 and Garden Level), the dimensional open space requirements are not met for dwelling unit exposure. At the two Garden Levels there are four dwelling units (two units per level) which face onto the non-code compliant rear yard and do not otherwise meet the exposure requirement. Therefore, a variance is required for four dwelling units, of the 44 total dwelling units.

PROCEDURAL BACKGROUND:

1. The Project is exempt from the California Environmental Quality Act ("CEQA") as a Class 32 categorical exemption.
2. The Zoning Administrator held a public hearing on **Variance Application No. 2014-000609VAR** on April 7, 2016.
3. On April 7, 2016, the Planning Commission held a public hearing on Case No. 2014-00609CUA and granted a Conditional Use Authorization for the subject project (Motion No. 19612).
4. Neighborhood notification pursuant to Planning Code Section 311 was performed as part of the notice for the hearing on the Conditional Use Authorization.

DECISION:

GRANTED, in general conformity with the plans on file with this application, shown as EXHIBIT A, to allow Rear Yard and Exposure Variances as part of the Project proposing to merge two lots and construct a new seven-story, 65-foot tall building with 44 residential units and 48 underground parking spaces, up to 88 (86 Class 1 and 2 Class 2) bicycle parking spaces, and 2,538 square foot rear yard located in the southeastern corner of the lot, with additional open space provided at the front courtyard, roof decks and terraces, subject to the following conditions:

1. Any future physical expansion, even in the buildable area, shall be reviewed by the Zoning Administrator to determine if the expansion is compatible with existing neighborhood character and scale. If the Zoning Administrator determines that there would be a significant or extraordinary impact, the Zoning Administrator shall require either notice to adjacent and/or affected property owners or a new Variance application be sought and justified.
2. The proposed project must meet these conditions and all applicable City Codes. In case of conflict, the more restrictive controls apply.
3. Minor modifications as determined by the Zoning Administrator may be permitted.
4. The owner of the subject property shall record on the land records of the City and County of San Francisco the conditions attached to this Variance decision as a Notice of Special Restrictions in a form approved by the Zoning Administrator.
5. This Variance Decision and the recorded Notice of Special Restrictions shall be reproduced on the Index Sheet of the construction plans submitted with the Site or Building Permit Application for the Project. This Index Sheet of the construction plans shall reference the Variance Case Number.

FINDINGS:

Section 305(c) of the Planning Code states that in order to grant a variance, the Zoning Administrator must determine that the facts of the case are sufficient to establish the following five findings:

FINDING 1.

That there are exceptional or extraordinary circumstances applying to the property involved or to the intended use of the property that do not apply generally to other properties or uses in the same class of district.

Requirement Met.

- A. **Rear Yard:** The Property is exceptional in that it contains frontages on both California and Powell Streets and is steeply sloped. Due to its configuration, a Code-compliant rear yard would result in open space facing directly onto Powell Street, which would not conform to the urban design objectives of the General Plan, and would create a shaded canyon-like rear yard, which would not meet the intent of rear yard open space. There is no clear pattern of mid-block open space that such a rear yard could contribute to, which is the intended purpose of rear yard requirement, if a code-compliant rear yard were provided.
- B. **Exposure:** Although the Project fronts on two streets, due to the lot shape and depth, the Project faces uniquely challenging design parameters for dwelling unit exposure purposes as some units cannot face directly onto California Street or Powell Street. Nevertheless, only four of the 44 dwelling units do not meet the requirements of Section 140. The four dwelling units all face onto the 2,538 square foot corner rear yard. In addition, three of the four units have private terraces.

FINDING 2.

That owing to such exceptional and extraordinary circumstances the literal enforcement of specified provisions of this Code would result in a practical difficulty or unnecessary hardship not created by or attributed to the applicant or the owner of the property.

Requirement Met.

- A. **Rear Yard:** The literal enforcement of the Planning Code requirements would result in a rear yard that is situated, in part, along either the California Street or Powell Street frontages of the Property. This configuration would disrupt the continuity of the street wall along one of the streets and would eliminate or make smaller dwelling units. Additionally, no clear pattern of mid-block open space exists on the block; accordingly, the rear yard would not disrupt any existing patterns.
- B. **Exposure:** The four dwelling units face onto a spacious open area, meeting the intent of Section 140. In addition, common open space is provided at the roof deck and front courtyard. Literal enforcement of the dwelling unit exposure requirement would require a Code-compliant rear yard, which would provide inferior open space for residents.

FINDING 3.

That such variance is necessary for preservation and enjoyment of a substantial property right of the subject property, possessed by other properties in the same class of district.

Requirement Met.

- A. **Rear Yard:** There is no cohesive mid-block open space pattern. The Project's neighbors generally enjoy the substantial property right of being constructed to the lot line with little or no rear yard. Siting the rear yard at the southeastern corner of the Project Site improves the mid-block open space pattern, provides useable open space for residents, and meets urban design objectives.
- B. **Exposure:** The Project site is located within a block setting which is a dense residential area with multi-family buildings often built to full lot coverage, with no rear yards. Given the configuration of the Property, a Code-complaint yard meeting exposure requirements would result in an inferior project. Therefore, a variance for exposure four dwelling units is necessary to preserve a substantial property right of the owner. These units face onto a spacious open space, which otherwise does not meet the dimensional requirements for open space in Section 140 of the Planning Code. Additional common open space is provided throughout the Project.

FINDING 4.

That the granting of such variance will not be materially detrimental to the public welfare or materially injurious to the property or improvements in the vicinity.

Requirement Met.

- A. Granting the variance would improve the livability of the subject property and would not be materially detrimental to the public welfare or materially injurious to the neighboring properties. The proposal is consistent with existing pattern of development at the street, and improves the pattern of midblock open space, where there currently is not a pattern.
- B. The Planning Department received five letters in support of the project from neighborhood groups and members of the public. In addition, a list of supporters from a community meeting held on March 23, 2016 was included in the Project Sponsor submittal.

FINDING 5.

The granting of such variance will be in harmony with the general purpose and intent of this Code and will not adversely affect the General Plan.

Requirement Met.

- A. This development is consistent with the generally stated intent and purpose of the Planning Code to promote orderly and beneficial development. Planning Code Section 101.1 establishes eight priority-planning policies and requires review of variance applications for consistency with said policies. The project meets all relevant policies, including conserving neighborhood character, and maintaining housing stock.
 - 1. Existing neighborhood retail uses will not be adversely affected by the proposed project. By creating an additional 44 dwelling units, many of which are family-sized units, the Project may increase the demand for retail services in the area, which could enhance existing retail uses and future opportunities for local employment and ownership of businesses.
 - 2. The proposed project will be in keeping with the existing housing and neighborhood character. The Project site currently contains a surface parking lot and parking garage. The

Project will increase existing housing, and is designed to respect the character of Nob Hill and beautify the area with streetscape improvements and landscaped open space at the corner of Powell Street and California Street.

3. The Project will contribute to the City's supply of affordable housing pursuant to Section 415 of the Planning Code by paying the affordable housing fee. There is currently no housing on the Site. Therefore, no affordable housing will be lost as part of the Project.
4. The project will not impede MUNI transit service or overburden streets or neighborhood parking. The Project will replace the current 64 spaces in the garage and 16 spaces in the surface lot with 48 parking spaces that will be accessed much less frequently than the current spaces used by daily parkers. The Project will also eliminate two large curb cuts on California Street and replace them with a smaller curb cut at the location of one of the current curb cuts. Residents are expected to make the majority of daily commutes by foot, bicycle or public transportation. In contrast, the current users of the parking garage and lot are short-term or daily customers who create significantly more conflicts with other vehicles, the cable car, pedestrians and bicyclists.
5. The project will have no effect on the City's industrial and service sectors.
6. The building will be constructed in compliance with all current Building Code requirements to ensure a high level of seismic safety.
7. The project will have no effect on the City's landmarks or historic buildings. The Project underwent a historic resource evaluation, which determined that the parking garage on the property is not a historic resource.
8. The project would not cast any new, net shadow upon any existing or planned public parks or open spaces.

The effective date of this decision shall be either the date of this decision letter if not appealed or the date of the Notice of Decision and Order if appealed to the Board of Appeals.

Once any portion of the granted variance is utilized, all specifications and conditions of the variance authorization became immediately operative.

The authorization and rights vested by virtue of this decision letter shall be deemed void and cancelled if (1) a Building Permit has not been issued within three years from the effective date of this decision; or (2) a Tentative Map has not been approved within three years from the effective date of this decision for Subdivision cases; or (3) neither a Building Permit or Tentative Map is involved but another required City action has not been approved within three years from the effective date of this decision. However, this authorization may be extended by the Zoning Administrator when the issuance of a necessary Building Permit or approval of a Tentative Map or other City action is delayed by a City agency or by appeal of the issuance of such a permit or map or other City action.

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.

APPEAL: Any aggrieved person may appeal this variance decision to the Board of Appeals within ten (10) days after the date of the issuance of this Variance Decision. For further information, please contact the Board of Appeals in person at 1650 Mission Street, 3rd Floor (Room 304) or call 575-6880.

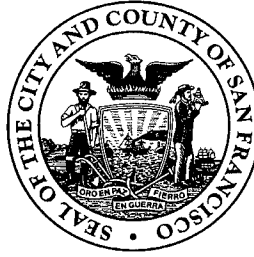
Very truly yours,



Scott F. Sanchez
Zoning Administrator

THIS IS NOT A PERMIT TO COMMENCE ANY WORK OR CHANGE OCCUPANCY. PERMITS FROM APPROPRIATE DEPARTMENTS MUST BE SECURED BEFORE WORK IS STARTED OR OCCUPANCY IS CHANGED.

BOARD of SUPERVISORS



City Hall
1 Dr. Carlton B. Goodlett Place, Room 244
San Francisco 94102-4689
Tel. No. 554-5184
Fax No. 554-5163
TDD/TTY No. 554-5227


NOTICE OF PUBLIC HEARING

BOARD OF SUPERVISORS OF THE CITY AND COUNTY OF SAN FRANCISCO

NOTICE IS HEREBY GIVEN THAT the Board of Supervisors of the City and County of San Francisco will hold a public hearing to consider the following appeal and said public hearing will be held as follows, at which time all interested parties may attend and be heard:

- Date:** Tuesday, November 29, 2016
- Time:** 3:00 p.m.
- Location:** Legislative Chamber, City Hall, Room 250
1 Dr. Carlton B. Goodlett, Place, San Francisco, CA
- Subject:** File No. 161212. Hearing of persons interested in or objecting to the decision of Public Works dated October 24, 2016, approving a Tentative Map for a 44-unit new construction project at 875 California Street/770 Powell Street, Assessor's Parcel Block No. 0256, Lot Nos. 016 and 017. (District 3) (Appellant: Sandra S. Pershing) (Filed November 2, 2016).

In accordance with Administrative Code, Section 67.7-1, persons who are unable to attend the hearing on this matter may submit written comments prior to the time the hearing begins. These comments will be made as part of the official public record in this matter and shall be brought to the attention of the Board of Supervisors. Written comments should be addressed to Angela Calvillo, Clerk of the Board, City Hall, 1 Dr. Carlton B. Goodlett Place, Room 244, San Francisco, CA, 94102. Information relating to this matter is available in the Office of the Clerk of the Board. Agenda information relating to this matter will be available for public review on Wednesday, November 23, 2016.


Angela Calvillo
Clerk of the Board



PUBLIC NOTICES

SAN MATEO COUNTY: 656-556-1556
E-mail: smlegals@smmediaco.com

SAN FRANCISCO: 416-314-1035
E-mail: sflegals@sfmediaco.com

SAN FRANCISCO EXAMINER • DAILY CITY INDEPENDENT • SAN MATEO WEEKLY • REDWOOD CITY TRIBUNE • ENQUIRER-BULLETIN • FOSTER CITY PROGRESS • MILLBRAE - SAN BRUNO SUN • BOUTIQUE & VILLAGER

GOVERNMENT

NOTICE OF PUBLIC HEARING BOARD OF SUPERVISORS OF THE CITY AND COUNTY OF SAN FRANCISCO LAND USE AND TRANSPORTATION COMMITTEE

MONDAY, NOVEMBER 28, 2016 - 1:30 PM
LEGISLATIVE CHAMBER, ROOM 250, CITY HALL
1 DR. CARLTON B. GOODLETT PLACE, SAN FRANCISCO, CA
NOTICE IS HEREBY GIVEN THAT the Land Use and Transportation Committee will hold a public hearing to consider the following proposal and said public hearing will be held as follows, at which time all interested parties may attend and be heard: File No. 161184. Ordinance amending the General Plan by revising the height designation for Assessor's Parcel Block No. 3701, Lot Nos. 20 and 21, on Map 5 of the Downtown Area Plan from 120'X to 200'X; adopting and making findings regarding the Mitigated Negative Declaration prepared in compliance with the California Environmental Quality Act; and making findings of consistency with the General Plan, and the eight priority policies of Planning Code, Section 101.1, in accordance with Administrative Code, Section 67-7.1, persons who are unable to attend the hearing on this matter may submit written comments to the City prior to the time the hearing begins. These comments will be made part of the official public record in this matter, and shall be brought to the attention of the members of the Committee. Written comments should be addressed to Angela Calvillo, Clerk of the Board, City Hall, 1 Dr. Carlton B. Goodlett Place, Room 244, San Francisco, CA 94102. Information relating to this matter is available in the Office of the Clerk of the Board. Agenda information relating to this matter will be available for public review on Wednesday, November 23, 2016. - Angela Calvillo, Clerk of the Board

NOTICE OF PUBLIC HEARING BOARD OF SUPERVISORS OF THE CITY AND COUNTY OF SAN FRANCISCO LAND USE AND TRANSPORTATION COMMITTEE

MONDAY, NOVEMBER 28, 2016 - 1:30 PM
LEGISLATIVE CHAMBER, ROOM 250, CITY HALL
1 DR. CARLTON B. GOODLETT PLACE, SAN FRANCISCO, CA
NOTICE IS HEREBY GIVEN THAT the Land Use and Transportation Committee will hold a public hearing to consider the following proposal and said public hearing will be held as follows, at which time all interested parties may attend and be heard: File No. 160925. Ordinance amending the Planning Code to establish a citywide Transportation Demand Management (TDM) program, to require development projects to incorporate design features, incentives, and tools that

support sustainable forms of transportation; create a new administrative fee to process TDM Plan applications and compliance reports; make conforming amendments to various sections of the Planning Code, affirming the Planning Department's determination under the California Environmental Quality Act; and making findings of public necessity, convenience, and welfare under Planning Code, Section 302, and findings of consistency with the General Plan, and the eight priority policies of Planning Code, Section 101.1. If the legislation passes, new fees would be established to cover the administrative costs for the Transportation Demand Management (TDM) Program that would apply to residential development projects in San Francisco, including projects with less than ten residential units or less than 10,000 square feet of commercial space, 100% affordable housing projects, and parking garages. The initial fee for review of a TDM Plan shall be \$6,000, plus time and materials in excess of this one-time fee. The fee for required periodic compliance review shall be \$1,000, and the fee for voluntary update review shall be \$1,300. In accordance with Administrative Code, Section 67-7.1, persons who are unable to attend the hearing on this matter may submit written comments to the City prior to the time the hearing begins. These comments will be made part of the official public record in this matter, and shall be brought to the attention of the members of the Committee. Written comments should be addressed to Angela Calvillo, Clerk of the Board, City Hall, 1 Dr. Carlton B. Goodlett Place, Room 244, San Francisco, CA 94102. Information relating to this matter is available in the Office of the Clerk of the Board. Agenda information relating to this matter will be available for public review on Wednesday, November 23, 2016. - Angela Calvillo, Clerk of the Board

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MONDAY, NOVEMBER 28, 2016 - 1:30 PM
CITY HALL, LEGISLATIVE CHAMBER, ROOM 250
1 DR. CARLTON B. GOODLETT PLACE, SAN FRANCISCO, CA
NOTICE IS HEREBY GIVEN THAT the Land Use and Transportation Committee will hold a public hearing to consider the following proposal and said public hearing will be held as follows, at which time all interested parties may attend and be heard: File No. 161005. Ordinance amending the Planning Code to revise Sectional Map HT08 of the Zoning Map to rezone the height and map designation for 1493-1497 Potrero Avenue, Assessor's Parcel Block No. 4277, Lot No. 016, from Open Space (OS) to 40-X; affirming the Planning Department's determination under the California Environmental Quality Act; making findings of consistency with the General Plan, and the eight priority policies of Planning Code, Section 101.1; and adopting findings of public convenience, necessity, and welfare under Planning Code, Section 302, in accordance with Administrative Code, Section 67-7.1, persons who are unable to attend the hearing on this matter may submit written comments to the City prior to the time the hearing begins. These comments will be made part of the official public record in this matter, and shall be brought to the attention of the members of the Committee. Written comments should be addressed to Angela Calvillo, Clerk of the Board, City Hall, 1 Dr. Carlton B. Goodlett Place, Room 244, San Francisco, CA 94102. Information relating to this matter is available in the Office of the Clerk of the Board. Agenda information relating to this matter will be available for public review on Wednesday, November 23, 2016. - Angela Calvillo, Clerk of the Board

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MONDAY, NOVEMBER 28, 2016 - 1:30 PM
LEGISLATIVE CHAMBER, ROOM 250, CITY HALL
1 DR. CARLTON B. GOODLETT PLACE, SAN FRANCISCO, CA
NOTICE IS HEREBY GIVEN THAT the Board of Supervisors of the City and County of San Francisco will hold a public hearing to consider the following appeal and said public hearing will be held as follows, at which time all interested parties may attend and be heard: File No. 161212. Hearing of persons interested in or objecting to the decision of Public Works dated October 24, 2016, approving a Tentative Map for a 44-unit new construction project at 875 California Street/770 Powell Street, Assessor's Parcel Block No. 0256, Lot Nos. 016 and 017. (District 9) (Appellant: Sandra S. Penning) (Filed November 2, 2016). In accordance with Administrative Code, Section

67-7.1, persons who are unable to attend the hearing on this matter may submit written comments prior to the time the hearing begins. These comments will be made as part of the official public record in this matter and shall be brought to the attention of the Board of Supervisors. Written comments should be addressed to Angela Calvillo, Clerk of the Board, City Hall, 1 Dr. Carlton B. Goodlett Place, Room 244, San Francisco, CA, 94102. Information relating to this matter is available in the Office of the Clerk of the Board. Agenda information relating to this matter will be available for public review on Wednesday, November 23, 2016. Angela Calvillo, Clerk of the Board

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of the 2016 Treasure Island and Yerba Buena Island Subdivision Regulations, which shall provide updated procedures and requirements for subdivisions occurring in the Treasure Island and Yerba Buena Island redevelopment area in the City and County of San Francisco pursuant to the San Francisco Subdivision Code, Sec. 177.11. Any interested person may attend the Department of Public Works hearing on this matter at City Hall, 1 Dr. Carlton B. Goodlett Place, Room 400 at 9:00 AM, Wednesday, November 30, 2016. Any person objecting to the name changes described above must file a written objection that includes the reasons for the objection at least two court days before the matter is scheduled to be heard and must appear at the hearing to show cause why the petition should not be granted. If no written objection is timely filed, the court may grant the petition without a hearing. Notice of Hearing: Date: Tue 12/9/16, Time: 9:00 AM, Dept: P.U., Room: 2D
The address of the court is Market Center, Redwood City, CA 94063-1655
A copy of this Order to Show Cause shall be published at least once each week for four successive weeks prior to the date set for hearing on the petition in the following newspaper of general circulation, printed in this county: The Examiner
Date: 10/27/16
J. L. Grandsaert
Notice of the Superior Court
11/18, 11/25, 12/2, 12/9/16
NPEN-29443597
EXAMINER - BOUTIQUE & VILLAGER

NOTICE OF HEARING TO AMEND THE SCHEDULE OF FINES IN DIVISION II, ARTICLE 300, SECTION 310 OF THE TRANSPORTATION CODE RELATED TO PERSONS WHO COMPLY WITH CONTINUOUS OPERATION REQUIREMENT AND THE SCHEDULE OF FINES IN DIVISION II, ARTICLE 300, SECTION 320 REGARDING THE CONTINUOUS OPERATION OF A MEDALLION IN THE EVENT OF DEATH OF THE MEDALLION HOLDER OR SUSPENSION OF THE MEDALLION. The San Francisco Municipal Transportation Agency will hold a public hearing on Tuesday, December 6, 2016, to consider the following changes to the Transportation Code:

1. Amendment of Section 310 of the Transportation Code to increase the fine for failing to comply with the continuous operation requirement from \$59.00 per day to \$524.00 per day.
2. Amendment of Section 320 of the Transportation Code to add a \$750 fee for the continued operation of a medallion in the event of death of the medallion holder or suspension of the medallion. The hearing will be held in Room 400 at City Hall, 1 Dr. Carlton B. Goodlett Place, San Francisco, at 1:00 p.m.

CIVIL

ORDER TO SHOW CAUSE FOR CHANGE OF NAME
Case No. 16CV02102
Superior Court of California, County of San Mateo
Petitioner of Martha Enriquez for Change of Name TO ALL INTERESTED PERSONS: Petitioner Martha Enriquez filed a petition with this court for a decree changing names as follows: Katherine Guadalupe Navarrete to Katherine Guadalupe Enriquez

CA 84611
The business is conducted by: A Corporation
The registrant commenced to transact business under the fictitious business name or names listed above on 10/24/16
I declare that all information in this statement is true and correct. (A registrant who declares as true any material matter pursuant to Section 17913 of the Business and Professions Code that the registrant knows to be false is guilty of a misdemeanor punishable by a fine not to exceed one thousand dollars (\$1,000).)
S/ Chris Carnazza, Director of Property Management
Avin E. Chan Inc
This statement was filed with the San Francisco County Clerk on October 24, 2016
NOTICE-In accordance with Subdivision (a) of Section 17920, a Fictitious Name Statement must be filed before the expiration of the term of the fictitious business name or names listed above on the date on which it was filed in the office of the County Clerk, except as provided in Subdivision (b) of Section 17920, where it expires 40 days after any change in the facts set forth in the statement pursuant to Section 17913 other than a change in the residence address of a registered owner. A new Fictitious Business Name Statement must be filed before the expiration. The filing of this statement does not of itself authorize the use in this state of a Fictitious Business Name in violation of the rights of another under federal, state, or common law (See Section 17913 of the Business and Professions Code).
11/18, 11/25, 12/2, 12/9/16
SAN FRANCISCO EXAMINER

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11/18, 11/25, 12/2, 12/9/16
SAN FRANCISCO EXAMINER

FICTITIOUS BUSINESS NAMES

The following person(s) is (are) doing business as:
BAY AREA BABY ZONE, 3181 Fasman Drive, San Bruno, CA 94066, County of San Mateo
Valerie Joy Reyes, 3181 Fasman Drive, San Bruno, CA 94066
This business is conducted by General Partnership
The registrant(s) commenced to transact business under the fictitious business name or names listed above on N/A
I declare that all information in this statement is true and correct. (A registrant who declares as true information which he or she knows to be false is guilty of a crime.)
S/ Valerie Joy Reyes
This statement was filed with the County Clerk of San Mateo County on October 21, 2016
Mark Church, County Clerk
Sheila Aronoff, Deputy Clerk
11/18, 11/25, 12/2, 12/9/16
NPEN-2948335F
EXAMINER - BOUTIQUE & VILLAGER

The following person(s) is (are) doing business as:
XIAO & XU ENTERPRISE, 312 41st Ave, San Mateo CA 94403, County of San Mateo
Reny Xu, 312 41st Ave, San Mateo CA 94403
This business is conducted by married couple
The registrant(s) commenced to transact business under the fictitious business name or names listed above on 11/03/16
I declare that all information in this statement is true and correct. (A registrant who declares as true information which he or she knows to be false is guilty of a crime.)
S/ Reny Xu / Jun Xiao

The following person(s) is (are) doing business as:
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This statement was filed with the County Clerk of San Mateo County on November 3, 2016
Mark Church, County Clerk
DIANA SIFRON, Deputy Clerk
Original
11/17, 11/18, 11/25, 12/2/16
NPEN-2944315F
EXAMINER - BOUTIQUE & VILLAGER

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BOARD of SUPERVISORS



City Hall
1 Dr. Carlton B. Goodlett Place, Room 244
San Francisco 94102-4689
Tel. No. 554-5184
Fax No. 554-5163
TDD/TTY No. 544-5227

PROOF OF MAILING

Legislative File No. 161212

Description of Items: Public Hearing Notices - File No. 161212 - 875 California Street/770 Powell Street Tentative Map Appeal.

I, Brent Jalipa, an employee of the City and County of San Francisco, mailed the above described document(s) by depositing the sealed items with the United States Postal Service (USPS) with the postage fully prepaid as follows:

Date: November 18, 2016

Time: 8:00 a.m.

USPS Location: Repro Pick-up Box in the Clerk of the Board's Office (Rm 244)

Mailbox/Mailslot Pick-Up Times (if applicable): N/A

Signature: 

Instructions: Upon completion, original must be filed in the above referenced file.

Carroll, John (BOS)

From: SF Docs (LIB)
Sent: Friday, November 18, 2016 11:52 AM
To: BOS Legislation, (BOS)
Subject: RE: HEARING NOTICE: Appeal of Tentative Map - 875 California Street/770 Powell Street - Appeal Hearing on November 29, 2016

Categories: 161212

Hi Brent,

I have posted the hearing notice.

Thank you,

Michael

From: BOS Legislation, (BOS)
Sent: Friday, November 18, 2016 10:40 AM
To: SF Docs (LIB) <sfdocs@sfpl.org>
Subject: FW: HEARING NOTICE: Appeal of Tentative Map - 875 California Street/770 Powell Street - Appeal Hearing on November 29, 2016

Good morning,

Please kindly post the linked hearing notice below for public viewing.

Thanks in advance,

Brent Jalipa

Legislative Clerk

Board of Supervisors - Clerk's Office
1 Dr. Carlton B. Goodlett Place, Room 244
San Francisco, CA 94102
(415) 554-7712 | Fax: (415) 554-5163
brent.jalipa@sfgov.org | www.sfbos.org

From: BOS Legislation, (BOS)
Sent: Friday, November 18, 2016 10:37 AM
To: Sandy Pershing <sandy@sandypershing.com>; jknight@reubenlaw.com; lauren.krause@grosvenor.com; amelia.stavelly@grosvenor.com
Cc: Givner, Jon (CAT) <jon.givner@sfgov.org>; Stacy, Kate (CAT) <kate.stacy@sfgov.org>; Byrne, Marlina (CAT) <marlena.byrne@sfgov.org>; Malamut, John (CAT) <john.malamut@sfgov.org>; Nuru, Mohammed (DPW) <Mohammed.Nuru@sfdpw.org>; Sanguinetti, Jerry (DPW) <Jerry.Sanguinetti@sfdpw.org>; Thomas, John (DPW) <John.Thomas@sfdpw.org>; Storrs, Bruce (DPW) <Bruce.Storrs@sfdpw.org>; Sanchez, Scott (CPC) <scott.sanchez@sfgov.org>; Boudreaux, Marcelle (CPC) <marcelle.boudreaux@sfgov.org>; Rodgers, AnMarie (CPC) <anmarie.rodgers@sfgov.org>; Starr, Aaron (CPC) <aaron.starr@sfgov.org>; Mapping, Subdivision (DPW) <Subdivision.Mapping@sfdpw.org>; Chan, Connie (BOS) <connie.chan@sfgov.org>; Ryan, James (DPW) <James.Ryan@sfdpw.org>; BOS Legislation, (BOS) <bos.legislation@sfgov.org>; BOS-Supervisors <bos-supervisors@sfgov.org>; BOS-Legislative Aides <bos-legislative_aides@sfgov.org>; Calvillo, Angela (BOS)

<angela.calvillo@sfgov.org>; Somera, Alisa (BOS) <alisa.somera@sfgov.org>; Lew, Lisa (BOS) <lisa.lew@sfgov.org>

Subject: HEARING NOTICE: Appeal of Tentative Map - 875 California Street/770 Powell Street - Appeal Hearing on November 29, 2016

Good afternoon,

The Office of the Clerk of the Board has scheduled a hearing for Special Order before the Board of Supervisors on **November 29, 2016, at 3:00 p.m.** to hear an appeal regarding the Tentative Map of a property at 875 California Street/770 Powell Street.

Please find the following link to the hearing notice for the matter.

[November 29, 2016 - Board of Supervisors - 875 California Street/770 Powell Street Appeal](#)

I invite you to review the entire matter on our [Legislative Research Center](#) by following the link below:

[Board of Supervisors File No. 161212](#)

Thank you,

Brent Jalipa

Legislative Clerk

Board of Supervisors - Clerk's Office

1 Dr. Carlton B. Goodlett Place, Room 244

San Francisco, CA 94102

(415) 554-7712 | Fax: (415) 554-5163

brent.jalipa@sfgov.org | www.sfbos.org



Click [here](#) to complete a Board of Supervisors Customer Service Satisfaction form

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Carroll, John (BOS)

From: Carroll, John (BOS)
Sent: Monday, November 07, 2016 9:54 AM
To: Sandy Pershing
Cc: BOS Legislation, (BOS)
Subject: FW: Appeal of Tentative Map - 875 California Street/770 Powell Street - Appeal Hearing on November 29, 2016

Categories: 161212


Thank you for the response email. I'm forwarding the below message to you, which informs the Board of Supervisors and interested parties of the hearing date for the appeal.

We have scheduled an appeal hearing for November 29, 2016, at 3:00 p.m.

I have sent a hard copy of our letter scheduling this appeal to your addresses in NYC and San Francisco. We will be formally publishing the hearing notice for this appeal on November 18, 2016.

Regards,

John Carroll
Legislative Clerk
Board of Supervisors
San Francisco City Hall, Room 244
San Francisco, CA 94102
(415)554-4445 - Direct | (415)554-5163 - Fax
john.carroll@sfgov.org | bos.legislation@sfgov.org

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From: Carroll, John (BOS)
Sent: Friday, November 04, 2016 4:16 PM
To: 'jknight@reubenlaw.com' <jknight@reubenlaw.com>; 'lauren.krause@grosvenor.com' <lauren.krause@grosvenor.com>; 'amelia.stavelly@grosvenor.com' <amelia.stavelly@grosvenor.com>
Cc: Givner, Jon <jon.givner@sfgov.org>; Stacy, Kate <kate.stacy@sfgov.org>; 'Marlena.Byrne@sfgov.org' <Marlena.Byrne@sfgov.org>; 'John Malamut' <John.Malamut@sfgov.org>; Nuru, Mohammed (DPW) <mohammed.nuru@sfdpw.org>; Sanguinetti, Jerry (DPW) <jerry.sanguinetti@sfdpw.org>; Thomas, John (DPW) <John.Thomas@sfdpw.org>; Storrs, Bruce (DPW) <bruce.storrs@sfdpw.org>; Sanchez, Scott (CPC) <scott.sanchez@sfgov.org>; Boudreaux, Marcelle (CPC) <marcelle.boudreaux@sfgov.org>; Rodgers, AnMarie <anmarie.rodgers@sfgov.org>; Starr, Aaron (CPC) <aaron.starr@sfgov.org>; Mapping, Subdivision (DPW) <subdivision.mapping@sfdpw.org>; Chan, Connie (BOS) <connie.chan@sfgov.org>; Ryan, James (DPW)

<James.Ryan@sfdpw.org>; BOS Legislation, (BOS) <bos.legislation@sfgov.org>; BOS-Supervisors <bos-supervisors@sfgov.org>; BOS-Legislative Aides <bos-legislative_aides@sfgov.org>; 'Calvillo, Angela (angela.calvillo@sfgov.org)' <angela.calvillo@sfgov.org>; Somera, Alisa (BOS) <alisa.somera@sfgov.org>; Lew, Lisa (BOS) <lisa.lew@sfgov.org>; Jalipa, Brent (BOS) <brent.jalipa@sfgov.org>; Carroll, John (BOS) <john.carroll@sfgov.org>
Subject: Appeal of Tentative Map - 875 California Street/770 Powell Street - Appeal Hearing on November 29, 2016

Good afternoon,

The Office of the Clerk of the Board has scheduled a hearing for Special Order before the Board of Supervisors on **November 29, 2016, at 3:00 p.m.**

Please find linked below a letter of appeal regarding the Tentative Map of a property at 875 California Street/770 Powell Street, and an informational letter from the Clerk of the Board.

[Tentative Map Appeal Letter - November 2, 2016](#)

[Clerk of the Board Letter - November 4, 2016](#)

You are invited to review the entire matter on our [Legislative Research Center](#) by following the link below.

[Board of Supervisors File No. 161212](#)

Regards,

John Carroll

Legislative Clerk

Board of Supervisors

San Francisco City Hall, Room 244

San Francisco, CA 94102

(415)554-4445 - Direct | (415)554-5163 - Fax

john.carroll@sfgov.org | bos.legislation@sfgov.org



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Carroll, John (BOS)

From: BOS Legislation, (BOS)
Sent: Friday, November 04, 2016 4:26 PM
To: Mapping, Subdivision (DPW); Ryan, James (DPW); Chan, Cheryl (DPW)
Cc: Storrs, Bruce (DPW); BOS Legislation, (BOS); Lew, Lisa (BOS); Jalipa, Brent (BOS); Carroll, John (BOS)
Subject: APPLICATION MATERIALS/NOTICE LIST - Appeal of Tentative Map - 875 California Street/770 Powell Street - Appeal Hearing on November 29, 2016

Categories: 161212

Good afternoon.

The subject appeal is now scheduled.

875 California Street/770 Powell Street - Assessor's Parcel Block No. 0256, Lot Nos. 016 and 017

I'm writing to you to request the following:

- Electronic copies of the subdivision application materials on file with PW regarding the Tentative Map; and
- Electronic copies of the notice list for interested parties and neighbors of the project retained by PW.

Additionally, I'm writing to inform you that the appeal check is here in the Clerk's office, and ready for pickup anytime weekdays from 8 a.m. to 5 p.m.

Please provide the necessary materials for the appeal file at your soonest convenience.

Regards,

John Carroll

Legislative Clerk

Board of Supervisors

San Francisco City Hall, Room 244

San Francisco, CA 94102

(415)554-4445 - Direct | (415)554-5163 - Fax

john.carroll@sfgov.org | bos.legislation@sfgov.org



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From: Carroll, John (BOS)

Sent: Friday, November 04, 2016 4:16 PM

To: jknight@reubenlaw.com; lauren.krause@grosvenor.com; amelia.stavelly@grosvenor.com

Cc: Givner, Jon (CAT) <jon.givner@sfgov.org>; Stacy, Kate (CAT) <kate.stacy@sfgov.org>; Byrne, Marlina (CAT) <marlena.byrne@sfgov.org>; Malamut, John (CAT) <john.malamut@sfgov.org>; Nuru, Mohammed (DPW) <Mohammed.Nuru@sfdpw.org>; Sanguinetti, Jerry (DPW) <Jerry.Sanguinetti@sfdpw.org>; Thomas, John (DPW) <John.Thomas@sfdpw.org>; Storrs, Bruce (DPW) <Bruce.Storrs@sfdpw.org>; Sanchez, Scott (CPC) <scott.sanchez@sfgov.org>; Boudreaux, Marcelle (CPC) <marcelle.boudreaux@sfgov.org>; Rodgers, AnMarie (CPC) <anmarie.rodgers@sfgov.org>; Starr, Aaron (CPC) <aaron.starr@sfgov.org>; Mapping, Subdivision (DPW) <Subdivision.Mapping@sfdpw.org>; Chan, Connie (BOS) <connie.chan@sfgov.org>; Ryan, James (DPW) <James.Ryan@sfdpw.org>; BOS Legislation, (BOS) <bos.legislation@sfgov.org>; BOS-Supervisors <bos-supervisors@sfgov.org>; BOS-Legislative Aides <bos-legislative_aides@sfgov.org>; Calvillo, Angela (BOS) <angela.calvillo@sfgov.org>; Somera, Alisa (BOS) <alisa.somera@sfgov.org>; Lew, Lisa (BOS) <lisa.lew@sfgov.org>; Jalipa, Brent (BOS) <brent.jalipa@sfgov.org>; Carroll, John (BOS) <john.carroll@sfgov.org>

Subject: Appeal of Tentative Map - 875 California Street/770 Powell Street - Appeal Hearing on November 29, 2016

Good afternoon,

The Office of the Clerk of the Board has scheduled a hearing for Special Order before the Board of Supervisors on **November 29, 2016, at 3:00 p.m.**

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[Tentative Map Appeal Letter - November 2, 2016](#)

[Clerk of the Board Letter - November 4, 2016](#)

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[Board of Supervisors File No. 161212](#)

Regards,

John Carroll

Legislative Clerk

Board of Supervisors

San Francisco City Hall, Room 244

San Francisco, CA 94102

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Carroll, John (BOS)

From: Carroll, John (BOS)
Sent: Friday, November 04, 2016 4:16 PM
To: jknight@reubenlaw.com; lauren.krause@grosvenor.com; amelia.stavelly@grosvenor.com
Cc: Givner, Jon (CAT); Stacy, Kate (CAT); Byrne, Marlena (CAT); Malamut, John (CAT); Nuru, Mohammed (DPW); Sanguinetti, Jerry (DPW); Thomas, John (DPW); Storrs, Bruce (DPW); Sanchez, Scott (CPC); Boudreaux, Marcelle (CPC); Rodgers, AnMarie (CPC); Starr, Aaron (CPC); Mapping, Subdivision (DPW); Chan, Connie (BOS); Ryan, James (DPW); BOS Legislation, (BOS); BOS-Supervisors; BOS-Legislative Aides; Calvillo, Angela (BOS); Somera, Alisa (BOS); Lew, Lisa (BOS); Jalipa, Brent (BOS); Carroll, John (BOS)
Subject: Appeal of Tentative Map - 875 California Street/770 Powell Street - Appeal Hearing on November 29, 2016
Categories: 161212

Good afternoon,

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[Tentative Map Appeal Letter - November 2, 2016](#)

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Regards,

John Carroll
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BOARD of SUPERVISORS



City Hall
1 Dr. Carlton B. Goodlett Place, Room 244
San Francisco 94102-4689
Tel. No. 554-5184
Fax No. 554-5163
TDD/TTY No. 544-5227

November 4, 2016

Sandra S. Pershing
1 Sutton Place South, Apt. 11-A
New York, NY 10022

850 Powell Street
San Francisco, CA 94108

Subject: Tentative Map Appeal - 875 California Street/770 Powell Street

Dear Ms. Pershing:

Pursuant to Subdivision Code, Section 1314, the Office of the Clerk of the Board has scheduled an appeal hearing on **Tuesday, November 29, 2016, at 3:00 p.m.**, at the Board of Supervisors meeting to be held in City Hall, 1 Dr. Carlton B. Goodlett Place, Legislative Chamber, Room 250, San Francisco, CA 94102, concerning approval of the subject Tentative Map for properties located at:

875 California Street, Assessor's Parcel Block No. 0256, Lot No. 017 /
770 Powell Street, Assessor's Parcel Block No. 0256, Lot No. 016

Please provide to the Clerk's Office by 12:00 noon:

11 days prior to the hearing: names and addresses of interested parties to be notified of the hearing, in spreadsheet format; and

8 days prior to the hearing: any documentation which you may want available to the Board members prior to the hearing.

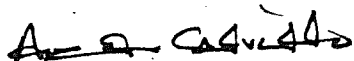
For the above, the Clerk's office requests one electronic file (sent to bos.legislation@sfgov.org) and one hard copy of the documentation for distribution.

NOTE: If electronic versions of the documentation are not available, please submit 18 hard copies of the materials to the Clerk's Office for distribution. If you are unable to make the deadlines prescribed above, it is your responsibility to ensure that all parties receive copies of the materials.

Continues on next page

If you have any questions, please feel free to contact Legislative Clerks John Carroll at (415) 554-4445, or Brent Jalipa at (415) 554-7712.

Sincerely,



Angela Calvillo
Clerk of the Board

c:
Amelia Stavely, Grosvenor Americas
Jon Givner, Deputy City Attorney
Kate Stacy, Deputy City Attorney
Marlena Byrne, Deputy City Attorney
John Malamut, Deputy City Attorney
Mohammed Nuru, Director, Public Works
Jerry Sanguinetti, Public Works-Bureau of Street Use and Mapping
John Thomas, City Engineer, Public Works
Bruce Storrs, Public Works
Scott Sanchez, Zoning Administrator, Planning Department
Marcelle Boudreaux, Planning Department
AnMarie Rodgers, Planning Department
Aaron Starr, Planning Department

Print Form

Introduction Form

By a Member of the Board of Supervisors or the Mayor

Time stamp
or meeting date _____

I hereby submit the following item for introduction (select only one):

- 1. For reference to Committee. (An Ordinance, Resolution, Motion, or Charter Amendment)
- 2. Request for next printed agenda Without Reference to Committee.
- 3. Request for hearing on a subject matter at Committee.
- 4. Request for letter beginning "Supervisor [] inquires"
- 5. City Attorney request.
- 6. Call File No. [] from Committee.
- 7. Budget Analyst request (attach written motion).
- 8. Substitute Legislation File No. []
- 9. Reactivate File No. []
- 10. Question(s) submitted for Mayoral Appearance before the BOS on []

Please check the appropriate boxes. The proposed legislation should be forwarded to the following:

- Small Business Commission Youth Commission Ethics Commission
- Planning Commission Building Inspection Commission

Note: For the Imperative Agenda (a resolution not on the printed agenda), use a Imperative Form.

Sponsor(s):

Clerk of the Board

Subject:

Hearing - Appeal of Tentative Map Approval - 875 California Street/770 Powell Street

The text is listed below or attached:

Hearing of persons interested in or objecting to the decision of Public Works dated October 24, 2016, approving a Tentative Map for a 44-unit new construction project at 875 California Street/770 Powell Street, Assessor's Parcel Block No. 0256, Lot Nos. 016 and 017. (District 3) (Appellant: Sandra S. Pershing) (Filed November 2, 2016)

Signature of Sponsoring Supervisor: *Alia Smeria*

For Clerk's Use Only: