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BOARD OF SUPERVISORS
SAN FRANCISCO

2017 JUN 29 PM 4:32

BY BS

Lower Polk Neighbors
PO BOX 642428
San Francisco, Ca 94164-2428

Clerk of the Board of Supervisors
1 Dr. Carlton B. Goodlett Place, Room 244
San Francisco, CA 94102

June 20, 2017

Dear Clerk of the Board and President Breed ,

In 2010 a fire destroyed a rent controlled housing building at 824 Hyde. In 2016, Lower Polk Neighbors (LPN) was pleased that housing was approved to replace this building. In May of 2017 LPN was disappointed to learn that a micro hotel was proposed at this location in lieu of housing. LPN finds that a hotel is neither necessary or desirable and petitioned the Planning Commission to disapprove this use. On June 1, 2017 the Planning Commission approved a Motion 4-3 to approve the micro hotel. LPN is appealing this decision to the Board of Supervisors.

While we recognize that rent controlled housing burned down with the fire in 2010, the previously approved project (2012.1445C) which proposed 14 residential units and a twenty percent in lieu affordable housing fee is a preferred alternative to the proposed hotel use. LPN finds that the hotel use is neither necessary or desirable and given the necessary and desirable need for housing, including the affordable housing component, we ask that you accept this appeal and reject the proposal before you, keeping the previously approved entitlements in effect. Setting a precedent for allowing a non-residential uses to replace rent controlled housing is not appropriate and can cause a dangerous trend. Soft sites and sites that previously did not have housing are more appropriate for hotel uses and we welcome proposals under these circumstances.

The previously approved project will dedicate nearly \$700,000 to affordable housing in lieu fees. This proposed project will pay approximately \$250,000 for transit fees, meaning that the developer saves \$450,000 on entitlement fees. While transit funds are needed, due again to the loss of rent controlled housing, LPN finds that the affordable housing fees are preferred.

Regarding the specific proposal for the micro hotel use, we find the hotel to be lacking an adequate parking and traffic study, the units are shockingly small and micro sized, and without any neighborhood outreach, we have seen no demonstrated necessary or desirable

benefit to the neighborhood. Conversely, housing, which is absolutely necessary and desirable has been previously approved and will be ready to construct without entitlement delays. The hotel units are extremely micro size (average 148 square feet.) This is approximately 20 percent smaller than even some of the smallest rooms of 170-180 square feet that have been recently proposed and or approved.

We recognize that hotel occupancies are at high levels, but at the same time there are dozens of larger hotel projects proposed, as well as thousands of Air BNB units on the market. This site has historically been used as housing, and there is no reason that this site, should not be used as housing as previously approved.

Regards,

A handwritten signature in black ink, appearing to read "Chris Schulman". The signature is fluid and cursive, with the first name "Chris" being more prominent than the last name "Schulman".

Chris Schulman
Executive Committee Member
Lower Polk Neighbors

**NOTICE TO BOARD OF SUPERVISORS OF APPEAL
FROM ACTION OF THE CITY PLANNING COMMISSION**

Notice is hereby given of an appeal to the Board of Supervisors from the following action of the City Planning Commission.

The property is located at 824 HYDE STREET.

6-1-17
Date of City Planning Commission Action
(Attach a Copy of Planning Commission's Decision)

6-29-17
Appeal Filing Date

The Planning Commission disapproved in whole or in part an application for reclassification of property, Case No. _____.

The Planning Commission disapproved in whole or in part an application for establishment, abolition or modification of a set-back line, Case No. _____.

The Planning Commission approved in whole or in part an application for conditional use authorization, Case No. 2016-010544CUA.

The Planning Commission disapproved in whole or in part an application for conditional use authorization, Case No. _____.

Statement of Appeal:

a) Set forth the part(s) of the decision the appeal is taken from:

THE ENTIRE DECISION

b) Set forth the reasons in support of your appeal:

SEE ATTACHED LETTER

Person to Whom
Notices Shall Be Mailed

Name and Address of Person Filing Appeal:

CHRIS SCHULMAN, BOARD MEMBER
LOWER FOLK NEIGHBORS
Name

CHRIS SCHULMAN, BOARD MEMBER
LOWER FOLK NEIGHBORS
Name

PO BOX 642429 SF CA 94164
Address

PO BOX 642429 SF CA 94164
Address

415-827-0650
Telephone Number

415-827-0650
Telephone Number

Chris Sme
Signature of Appellant or
Authorized Agent

City Planning Commission
Case No. _____

The undersigned declare that they are hereby subscribers to this Notice of Appeal and are owners of property affected by the proposed amendment or conditional use (that is, owners of property within the area that is the subject of the application for amendment or conditional use, or within a radius of 300 feet of the exterior boundaries of the property.

If ownership has changed and assessment roll has not been amended, we attach proof of ownership change. If signing for a firm or corporation, proof of authorization to sign on behalf of the organization is attached.

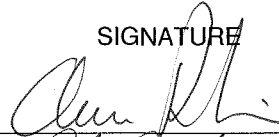
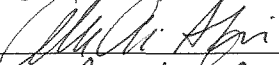
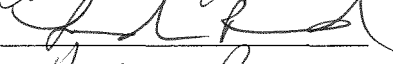
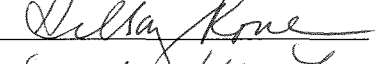
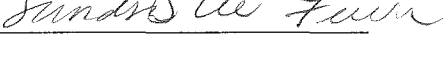
Street Address, property owned	Assessor's Block & Lot	Printed Name of Owner(s)	Original Signature of Owner(s)
1. _____	_____	_____	_____
2. _____	_____	_____	_____
3. _____	_____	_____	_____
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22. _____	_____	_____	_____

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Pursuant to Planning Code Section 308.1(b), the undersigned members of the Board of Supervisors believe that there is sufficient public interest and concern to warrant an appeal of the Planning Commission on Case No. BJ 2016-010544CHA conditional use authorization regarding (address) 824 HYDE STREET, District 3. The undersigned members respectfully request the Clerk of the Board to calendar this item at the soonest possible date.

SIGNATURE

DATE

<u></u>	<u>6-20-17</u>
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(Attach copy of Planning Commission's Decision)



SAN FRANCISCO PLANNING DEPARTMENT

RECEIVED
BOARD OF SUPERVISORS
SAN FRANCISCO

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BY BJ

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
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415.558.6409

Planning
Information:
415.558.6377

Planning Commission Motion No. 19926

HEARING DATE: JUNE 1, 2017

Case No.: 2016-010544CUA
 Project Address: 824 Hyde Street
 Zoning: RC-4 (Residential-Commercial, High Density) District
 80-A Height and Bulk District
 Block/Lot: 0280/017
 Project Sponsor: Ilene Dick
 Farella Braun + Martel, LLP
 235 Montgomery Street
 San Francisco, CA 94104
 Staff Contact: Nicholas Foster – (415) 575-9167
nicholas.foster@sfgov.org

ADOPTING FINDINGS RELATING TO THE APPROVAL OF CONDITIONAL USE AUTHORIZATION PURSUANT TO SECTIONS 209.3, 253, 303, 303(g) OF THE PLANNING CODE TO ALLOW A HOTEL USE IN A NEW CONSTRUCTION BUILDING EXCEEDING THE USE SIZE LIMITATIONS AND EXCEEDING 50 FEET IN HEIGHT WITHIN THE RC-4 (RESIDENTIAL-COMMERCIAL, HIGH DENSITY) ZONING DISTRICT AND A 80-A HEIGHT AND BULK DISTRICT.

PREAMBLE

On November 17, 2012, Brett Gladstone from Hanson Bridgett, LLP, the agent on behalf of Owen D. Conley and Thomas J. Conley (“Previous Project Sponsor”), submitted an application with the Planning Department (hereinafter “Department”) for a Preliminary Project Assessment (“PPA”) with Case No. 2012.1445U. The PPA letter was issued on January 28, 2013.

On May 8, 2013, the Previous Project Sponsor filed an application with the Department for Conditional Use Authorization pursuant to Section 303 to construct a 5-story over basement, residential building with 14 dwelling units, located in an RC-4 Zoning District. The Previous Project Sponsor also filed a Variance application, pursuant to Planning Code Section 145.1 to allow relief from the Code regarding required active street frontages for residential developments.

On August 1, 2013, the Previous Project Sponsor submitted an Environmental Evaluation Application. The application packet was accepted on August 8, 2013 and assigned Case No. 2012.1445E.

On December 24, 2013, the Department issued a Notification of Project Receiving Environmental Review to owners and occupants of properties within a 300 foot radius of the project site, and other interested parties. The notification period was open through January 7, 2014; however, public comments were accepted throughout the environmental review process.

On April 30, 2015, the Project was issued a Categorical Exemption, Class 32 (California Environmental Quality Act (CEQA) Guidelines Section 15322). Approval of the Conditional Use Authorization by the Planning Commission is the Approval Action for the 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.

On September 2, 2015, Ilene Dick from Farella Braun + Martel, LLP, the agent on behalf of 824 Hyde Street Investments, LLC (hereinafter "Project Sponsor") filed an updated application with the Department for Conditional Use Authorization under Planning Code Section(s) 253 and 303 to permit a building exceeding 50 feet within a RC-4 (Residential-Commercial, High Density) Use District and 80-A Height and Bulk District. The Project Sponsor also filed an updated Variance application, pursuant to Planning Code Sections 136 and 145.1 to allow for permitted obstructions (bay windows) and relief from the Code regarding required active street frontages for residential developments.

On January 14, 2016, the San Francisco Planning Commission (hereinafter "Commission") conducted a duly noticed public hearing at a regularly scheduled meeting on Conditional Use Application No. 2012.1445CV.

On January 14, 2016, after closing public comment and holding a hearing on the item, the Commission voted (+6/-0) to continue the item to the March 3, 2016 Commission hearing date. The Commission instructed the Project Sponsor to refine the overall design of the primary building façade to allow the new building to better integrate within the existing, historic context of the subject site. In addition, the Commission asked the Project Sponsor to work with Planning Staff to determine the status of the property line windows and light wells on the abutting property to the north of the subject property (830 Hyde Street). Since the continuance, the Project Sponsor made modifications to the Project in response to the Commission's requests.

On March 3, 2016, the Commission conducted a duly noticed public hearing at a regularly scheduled meeting on Conditional Use Application No. 2012.1445CV. With a vote of (+6/-0; Wu absent) the Commission adopted findings relating to the approval of Conditional Use Authorization under Planning Code Section(s) 253 and 303 to permit a building with the chamfered bay alternative design exceeding 50 feet within a RC-4 (Residential-Commercial, High Density) Use District and 80-A Height and Bulk District and adopting findings under the California Environmental Quality Act (Motion #19582). The Zoning Administrator approved the request for Variance, pursuant to Planning Code Sections 136 and 145.1, to allow for permitted obstructions (bay windows) and relief from the Code regarding required active street frontages for residential developments.

On July 21, 2016, Ilene Dick from Farella Braun + Martel, LLP, the agent on behalf of the Project Sponsor, filed an updated application with the Department for Conditional Use Authorization under Planning Code Section(s) 253, 303, and 303(g) to permit a Hotel Use in a new construction building

exceeding 50 feet within a RC-4 (Residential-Commercial, High Density) Use District and 80-A Height and Bulk District.

On July 21, 2016, Ilene Dick from Farella Braun + Martel, LLP, the agent on behalf of the Project Sponsor, submitted an updated Environmental Evaluation Application. The application packet was accepted on September 15, 2016 and assigned Case No. 2016-010544ENV.

On February 15, 2017, the Department issued a Notification of Project Receiving Environmental Review to owners and occupants of properties within a 300 foot radius of the project site, and other interested parties. The notification period was open through March 1, 2017; however, public comments were accepted throughout the environmental review process.

On May 5, 2017, the Project was issued a Categorical Exemption, Class 32 (California Environmental Quality Act (CEQA) Guidelines Section 15322). Approval of the Conditional Use Authorization by the Planning Commission is the Approval Action for the 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.

On May 18, 2017, after closing public comment and holding a hearing on the item, the Commission voted (+7/-0) to continue the item to the June 1, 2017 Commission hearing date. The Commission instructed the Department Staff to consult with both the staff of the Rent Stabilization and Arbitrations Board ("Rent Board") and the City Attorney's Office to determine whether, if a new residential building were constructed on the Property, tenants of the residential building that once occupied the Property would have any "right to return" to a new residential building on the Property. As directed by the Commission, Department Staff consulted with the Rent Board and the San Francisco City Attorney's Office on the matter, and determined that because no structure remains to be rehabilitated, no "right to return" exists for former tenants of the now-demolished building.

On June 1, 2017, the Commission conducted a duly noticed public hearing at a regularly scheduled meeting on Conditional Use Application No. 2016-010544CUA.

The Commission voted (+3/-4) on a motion of intent to disapprove the Project; that motion failed.

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. 2016-010544CUA, 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 approximately 2,815-square-foot project site (Assessors Block 0280, Lot 017) is located on the block bounded by Hyde Street to the west, Leavenworth Street to the east, Bush Street to the north, and Sutter Street to the south in the Downtown/Civic Center neighborhood and within the Lower Nob Hill Apartment Hotel Historic District. The subject lot has 25 feet of street frontage along Hyde Street and a depth of 112'-6". The project site was previously occupied by a four (4) story, eight (8) unit residential building that was designated a historic resource by the City and the CRHR, and in 1991 was listed in the National Register of Historic Places as a contributing resource to the Lower Nob Hill Apartment Hotel National Register Historic District (the "Lower Nob Hill Apartment Historic District" or "District"). The building, named "Chatom Apartments", was constructed in 1915. The building was destroyed by a fire in 2010 and the remnants of the damaged structure were removed in accordance with demolition Permit No. 201011084503 issued on November 8, 2010. The resulting vacant lot is considered a non-contributory property within the District. In March of 2016, the Planning Commission approved a Conditional Use Authorization (Case #2012.1445CV, Motion #19582) to permit an approximately 12,400 gross square foot residential building exceeding 50 feet within the RC-4 District, containing fourteen (14) dwelling units.
3. **Surrounding Properties and Neighborhood.** The Project Site is within the Downtown/Civic Center neighborhood, near the southern boundary of the Nob Hill neighborhood. The Project site is also located within the Lower Nob Hill Apartment Hotel Historic District. The District is comprised of 570 acres containing 295 contributing buildings and one contributing structure. The District consists of almost entirely of 3- to 8-story multi-unit residential buildings which fill their entire front lot lines and share a single stylistic orientation. The vast majority of the buildings were constructed between 1906 and 1925. Land uses in the surrounding area include a diverse mixture of residential, hotel, and ground-floor retail uses including shopping, grocery stores, bars and restaurants. St. Francis Medical Center is located one block to the north of the site at the corner of Hyde and Bush Streets.
4. **Project Description.** The proposed Project would involve the construction of an approximately 64-foot-tall (up to maximum height of 69 feet, inclusive of mechanical equipment and elevator over-run), six-story-over-basement, 13,367 gross square foot (gsf) building on a partially down-sloping vacant lot. The proposed building would contain a Hotel Use (A Retail Sales and Service Use), providing thirty (30) tourist guest rooms. The Project would provide six (6) Class I and two (2) Class II bicycle parking spaces; no off-street vehicular parking would be provided. Excavation, to a maximum depth of approximately ten (10) feet below grade, is proposed in order to accommodate the basement level containing storage and services necessary to the operation or maintenance of the building itself.
5. **Public Comment.** To date, the Department has received one (1) letter in opposition to the proposed Project; the letter calls into question the need for a Hotel Use at the subject property, in lieu of residential use.
6. **Planning Code Compliance.** The Commission finds that the Project is consistent with the relevant provisions of the Planning Code in the following manner:

- A. **Use (Sections 102, 209.3).** The Project Site is located in the RC-4 (Residential-Commercial, High Density) Zoning District wherein Hotel Use is permitted with Conditional Use Authorization. Within the RC-4 Zoning Districts, non-residential uses are principally permitted up to 6,000 square feet and a Conditional Use Authorization is required for uses between 6,000 and 120,000 square feet.

The proposed Hotel Use (a Retail Sales and Service Use) is permitted with Conditional Use Authorization in the RC-4 District. The proposed Project would include approximately 13,367 gross square foot (gsf) of non-residential use, which, triggers Conditional Use Authorization. Given that the proposed Project is within the Floor Area Ratio (FAR) limitations of the RC-4 District (4.8:1), the proposed use size is otherwise within the permitted use size limitations of the Code. Please see the specific 303(g) findings, which, are required for all proposed Hotel and Motel Uses, regardless of Zoning District.

- B. **Floor Area Ratio.** Planning Code Sections 124 and 209.3 limits the Floor Area Ratio (FAR) for non-residential uses within the RC-4 Zoning District to 4.8:1.

The proposed Project has a gross floor area, as defined by the Code, of approximately 13,367 gsf on a lot size of 2,812.5, resulting in an FAR of approximately 4.75, which is below the FAR limit of 4.8 to 1. While the total gsf for the proposed building is approximately 15,484 gsf, the floor area within the basement necessary to the operation or maintenance of the building itself, the Class I bicycle parking, and the floor area within Code-compliant bay windows are exempt from the calculation of gross floor area, as allowed under Code Section 102. Therefore, the Project is in compliance with Code Sections 124 and 209.3, with respect to FAR limits.

- C. **Rear Yard.** Planning Code Section 134 states that the minimum rear yard depth shall be equal to 25 percent of the total depth of the lot on which the building is situated, but in no case less than 15 feet. Rear yards shall be provided at the lowest story containing a dwelling unit, and at each succeeding level or story of the building.

The proposed Project contains a proposed Hotel Use (a non-residential use) and is therefore not subject to the rear yard requirements of the Code. Nevertheless, the Project provides a 15-foot rear yard to provide a physical buffer between the proposed new structure on the subject lot and the existing structures on the adjacent lots.

- D. **Permitted Obstructions.** Planning Code Section 136 allows permitted obstructions (including bay windows) to extend over streets and alleys by three (3) feet for the subject property, provided that such projections meet certain dimensional and separation requirements.

The proposed Project includes bay windows at the second thru fifth floors fronting Hyde Street, and at the second thru sixth floors facing the rear of the property. All of the bay windows meet the dimensional requirements of the Code and therefore, the Project is in compliance with Code Section 136.

- E. **Parking.** Planning Code Section 151.1 does not require off-street parking for projects located within RC Districts.

No off-street parking is proposed as part of the proposed Project.

- F. **Loading.** Planning Code Section 152 requires off-street loading for Hotel Uses exceeding 100,000 gsf.

The proposed Project contains approximately 13,367 gsf of Hotel Use, which is below the threshold for off-street loading requirements (100,000 gsf). Therefore, the Project is in compliance with Code Section 152. Nevertheless, the proposed Project would seek approval from the SFMTA for a 40-foot-long passenger loading zone on Hyde Street, directly in front of the subject property.

- G. **Bicycle Parking.** Planning Code Section 155.2 requires bicycle parking for Hotel Uses in the following amounts: one Class I space for every 30 rooms, and one Class II space for every 30 rooms (minimum of 2 spaces required).

The Project will provide six (6) Class I bicycle parking spaces within the new building, and two (2) Class II bicycle parking spaces along the Hyde Street frontage, exceeding the Code requirements, and meeting the intent of the City's Transit First Policies.

- H. **Street Frontages in Residential-Commercial Districts.** Planning Code Section 145.1 exists to preserve, enhance, and promote attractive, clearly defined street frontages that are pedestrian-oriented, fine-grained, and which are appropriate and compatible with the buildings and uses in certain commercial districts. Active uses, as defined by the Code, are required within the first 25 feet of the building depth at ground floor, and the ground floor ceiling height shall be at least 14 feet in height, as measure from grade.

The Project proposes a Hotel Use (a non-residential, Retail Sales and Service Use) on the subject property, with a ground floor height of 14 feet, as required by Code. Therefore the Project is in compliance with Code Section 145.1.

- I. **Transportation Demand Management (TDM) Plan.** Pursuant to Planning Code Section 169 and the TDM Program Standards, the Project shall finalize a TDM Plan prior Planning Department approval of the first Building Permit or Site Permit. As currently proposed, the Project must achieve a target of 7 points.

The Project Sponsor submitted a completed Development Application or Environmental Evaluation Application prior to September 4, 2016. Therefore, the Project must only achieve 50% of the point target established in the TDM Program Standards, resulting in a required target of seven (7) points. As currently proposed, the Project will achieve its required seven (7) points through the following TDM measures:

- *Bicycle Parking (Option A)*
- *Real Time Transportation Displays*
- *Parking Supply (Option K)*

With no off-street parking provided, the Project's baseline actually exceeds the TDM requirements for the proposed project. By voluntarily providing two of the above-referenced TDM measures (additional Class I bicycle parking beyond the Code requirement; Real Time Transportation Displays), the Project would provide thirteen points (13), exceeding the required number of points (7). Therefore the Project is in compliance with Code Section 169.

- J. **Height.** Planning Code Section 253 requires that wherever a height limit of more than 40 feet in a RH District, or more than 50 feet in a RM or RC District, is prescribed by the height and bulk district in which the property is located, any building or structure exceeding 40 feet in height in a RH District, or 50 feet in height in a RM or RC District, shall be permitted only upon approval by the Planning Commission according to the procedures for conditional use approval in Section 303 of the Code.

The proposed Project would reach a height of approximately 64 feet (up to maximum height of 69 feet, inclusive of mechanical equipment and elevator over-run). The proposed Project includes several rooftop features (elevator overrun, and mechanical equipment) that are all exempt from Section 260 since the total proposed height of the exempt features is 16'-0", as allowed by the Code. Given that the Project would exceed a height of 50 feet in the RC Zoning District, Conditional Use Authorization is required. Even though the underlying Bulk and Height District (80-A) would allow for a taller structure, the Code requires approval by the Planning Commission according to the procedures for conditional use approval in Section 303 of this Code.

- K. **Bulk.** Planning Code establishes bulk controls by district. The Project Site is located within the 80-A Height and Bulk District. For buildings in the "A" Bulk District, bulk controls apply beginning at 40 feet, and the maximum length dimension is 110 feet, while the maximum diagonal dimension is 125 feet.

The proposed Project would reach a height of approximately 64 feet (up to maximum height of 69 feet, inclusive of mechanical equipment and elevator over-run). Beginning at the height of the bulk controls (40 feet) for the Project Site, the proposed Project would have a maximum length dimension of 102'-11" and a maximum diagonal dimension of 102'-6." Given that both dimensions are below the bulk limit thresholds, the Project is in compliance with Code Section 270.

- L. **Shadows.** Planning Code Section 295 requires a shadow analysis for projects over 40 feet in height to ensure that new buildings do not cast new shadows on properties that are under the jurisdiction of the San Francisco Recreation and Park Department.

A shadow analysis was completed that examined the project as it is currently proposed. The analysis revealed that no net shadow would be added to any Recreation and Park Department properties and thus the project complies with Planning Code Section 295.

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 Project will construct a new building on a vacant lot containing 30 tourist hotel guest rooms. The Project will be consistent with the surrounding neighborhood, which is primarily comprised of multi-story, high-density, residential and commercial buildings (several of which contain Hotel Uses). There are numerous 6- to 8-story buildings on the blocks surrounding the Project on Bush, Sutter and Leavenworth. The Project preserves the streetscape and the existing neighborhood character and is compatible with the Lower Nob Hill Apartment Hotel Historic District. At six-stories, the Project is compatible with the immediately-adjacent residential buildings, which, are 5- and 6-stories, respectively. An eight-story residential building is located across the street on the corner of Hyde and Sutter Streets. The tourist guest rooms are designed for efficiency. All of the units will have access to light; those units fronting onto Hyde Street (or the rear yard) will benefit from large, Code-compliant bay windows, while those interior units will face an interior lightwell.

The Project site is within walking distance of Union Square and numerous MUNI bus stops. The Project site is located three buildings to the south of Saint Francis Memorial Hospital, and is within walking distance of the new CPMC Van Ness/Geary campus. The presence of these Institutional Uses combined with the proximity to Union Square will benefit future hotel patrons. The Project will provide community benefits in the form of affordable hotel rooms near the hospital and medical facilities for use by family and friends of patients as well as visiting medical professionals. It will also convert an underutilized site into a small and vibrant boutique hotel, within walking distance of public transit, commerce and services. It is anticipated that the new users (hotel patrons) will support the nearby neighborhood-serving retail uses, adding pedestrian-oriented activity to the immediate neighborhood.

- 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 Project is consistent with the surrounding neighborhood, which is primarily multi-story, high-density residential buildings. The Project will develop a vacant lot, thereby creating a more unified street wall. The Project's six-story height is consistent with the surrounding buildings, which range in height from four to eight stories. The Project has been designed to fit in with the character of the surrounding buildings by incorporating double bay windows, deep ground floor openings, and a projecting cornice. The Project provides an approximately seven-foot front setback at the top floor (6th floor) to allow for the perception of a stepping pattern along the subject frontage, as viewed from street level. While not required to provide a rear yard, the Project nevertheless provides a 15-foot rear yard to provide a physical buffer from adjacent structures.

- 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;

The Project will not provide any off-street parking. The high-density development and neighborhood-serving commercial uses that characterize the neighborhood will encourage hotel guests (users) to find alternatives to the use of private automobile, such as bicycles, public transportation, and taxis or ridesharing. The Project will generate less demand for private automobile use because the property is situated within a transit-rich area and does not provide parking. The property is located within a two-block radius of eight MUNI bus lines, within three blocks of the Van Ness Avenue line and eight blocks of the Market Street lines.

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

The Project proposes a Hotel Use without on-site vehicular parking and therefore will not produce noxious or offensive emissions, noise, glare, dust or odors associated with vehicles parking on-site. There is no commercial retail space, which, could generate the same. In order to ensure any significant noxious or offensive odors are prevented from escaping the premises once the Project is operational, the building permit application to implement the Project shall include air cleaning or odor control equipment details and manufacturer specifications on the plans. The Project will include lighting at the hotel entrance that focuses on the entrance area and does not create glare for neighbors. Any signage for the hotel would be on Hyde Street and would comply with applicable Planning Code requirements. Garbage and recycling facilities will remain inside the building and be contained within the ground level with a single access point.

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

The Project will provide one (1) street tree, two (2) Class II bicycle parking spaces, and will comply with all streetscape requirements. Parking is not proposed and therefore, the ground floor will consist of a hotel lobby that will contribute to the neighborhood character. The Project is not required to provide a rear yard given that no dwelling units are proposed; nevertheless, the Project provides a rear yard of fifteen feet in depth. The Project also will provide appropriate lighting for safety on the street side of the façade. The Project contains signage for identification purposes that is Code-compliant.

- 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.

- D. **Hotels and Motels.** Planning Code Section 303(g) requires that, with respect to applications for development of tourist hotels and motels, the Planning Commission shall consider:

- i. The impact of the employees of the hotel or motel on the demand in the City for housing, public transit, child-care, and other social services. To the extent relevant, the Commission shall also consider the seasonal and part-time nature of employment in the hotel or motel;

The proposed Project would construct a new six-story, 30-room hotel, resulting in the creation of approximately 13 jobs. According to the Hotel Feasibility Study ("Study") produced by Hausrath Economics Group, the new Hotel Use would necessitate 8 full-time (FTE) positions (manager, front desk clerks, housekeeping, and maintenance) and 5 part-time (PTE) positions (desk clerks, and housekeeping). Generally, most San Francisco hotel employees live in San Francisco. According to the Economic Impact of San Francisco Hotels (2013), 57 percent of the people employed at San Francisco hotels also live in San Francisco, higher than the average of 54 percent for all business sectors in San Francisco. (The 2013 report prepared for the Hotel Council of San Francisco by the Bay Area Council Economic Institute is the most current available at the time of the preparation of the Study prepared for the proposed Project).

It is assumed that new employees would likely have relocated from other jobs already in San Francisco. Therefore, the potential increase in employment would be minimal compared to the total employment expected in San Francisco and the greater San Francisco Bay Area. This minor increase in employment is not expected to generate a significant increase in demand for housing, transit, child care and other social services. Furthermore, the location is well-served by transit and the secure bicycle parking spaces will help to minimize additional auto trips.

Overall, the increase in employment would be less than significant in the context of the expected increases in the employment and population of San Francisco. The proposed Project would not directly or indirectly induce substantial population growth in San Francisco and would result in a less-than-significant population impact.

- ii. The measures that will be taken by the project sponsor to employ residents of San Francisco in order to minimize increased demand for regional transportation;

The Project Sponsor plans to fill the job openings by hiring locally. The Project Sponsor will use the recruitment services offered by community-based agencies such as the Mission Hiring Hall and Chinese for Affirmative Action. This will supplement posting the job openings at HireSF.org, (an initiative of the Office of Economic and Workforce Development), advertising in local newspapers, and on Craigslist. Although the Project does not meet the minimum size threshold of 25,000 square feet of commercial development to take advantage of San Francisco's First Source Hiring Program, the Project Sponsor will nevertheless complete a First Source hiring agreement.

- iii. The market demand for a hotel or motel of the type proposed.

Based on data within the Study, San Francisco's visitor industry is thriving and the number of visitors to the City is at an all-time high. As a result, hotel occupancies also at record levels. San Francisco Travel (the private, not-for-profit organization that markets the city as a leisure, convention, and business destination) reports 24.6 million visitors to San Francisco in 2015 (18.9 million leisure travelers and 5.8 million business travelers). Counts for both visitor categories

were up 2.7 percent from the prior year. According to *San Francisco Travel*, just over 60 percent of all overnight visitors to San Francisco stayed in San Francisco hotels in 2015 (about 6.3 million visitors). Consistent occupancy rates between 80 and 90 percent since 2010 have led to significant increases in average daily room rates (average rental income paid per occupied room in one year). Citywide, the average daily room rate was \$268 in 2015, up almost 20 percent from an average of \$229 in 2013. San Francisco's climate and variety of local and regional destinations means that seasonality is not a big factor in the lodging market. This distinguishes San Francisco from many other visitor destinations. Occupancy rates are generally high year-round with peaks in the months of June through October.

According to the Study, there is evidence to suggest a near-term softening of occupancy rates and room rates as increased lodging supply responds to demand growth. While short-term home rental services such as Airbnb capture an increasing share of the overnight visitor market, for the first time since 2008 significant new hotel development is proposed in downtown San Francisco. The pipeline of more than 20 hotels and 4,000 rooms in projects under development or proposed is a direct response to sustained high occupancy rates and strong demand from tourism, business travel, and conventions. This new construction will be developed and absorbed over a period of years, but will moderate the upward trend of occupancy rates and likely reduce the rate of increase in room rates.

The Study suggests that the longer-term lodging market remains strong, assuming the supply of lodging types is diverse. The longer-term outlook for the tourist hotel market in San Francisco is strong. Tourism is one of the key sectors in the City's economy, supported by the strength of other economic activity in the City, growth in international travel, and the City's broad appeal to both convention and leisure travelers.

Overall, the Study concludes that: 1) numerous factors support a new Hotel Use at 824 Hyde Street, and 2) the positioning as a boutique hotel at the subject location is in-step with development trends in this part of the City. Specifically, the Study finds that:

- The site is centrally-located in San Francisco near major transportation corridors (the location is well-served by transit servicing Union Square, the Financial District, North Beach, and the Embarcadero);
- State and Federal government activity in nearby Civic Center provides a year-round source of demand for lodging in the Civic Center/Van Ness Corridor;
- The development of the 274-bed hospital at Van Ness and Geary represents an important near-future source of year-round demand for nearby lodging (the hospital project is stimulating a boom in real estate investment for housing, office, and hotel use near Van Ness and Geary);
- While projected room rates in the range of \$189 to \$379 per night are higher than the average for this location, they are consistent with rates at other boutique and small contemporary hotels in the vicinity; and
- As new construction, the Project will offer a distinctive product in San Francisco's boutique hotel market, where almost all such lodging is in renovated older buildings.

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

COMMERCE AND INDUSTRY ELEMENT

Objectives and Policies

OBJECTIVE 1:

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

Policy 1.1:

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

Policy 1.2:

Assure that all commercial and industrial uses meet minimum, reasonable performance standards.

Policy 1.3:

Locate commercial and industrial activities according to a generalized commercial and industrial land use plan.

The proposed project would add thirty (30) tourist hotel guest rooms intended to serve visitors and business travelers of San Francisco, and as a result would create new jobs in a location that is easily accessible via transit. The project would result in increased tax revenue for the City—including Hotel Room Tax (transient occupancy tax or TOT) revenue for San Francisco's General Fund—and an increase in retail activity in the immediate neighborhood. A tourist hotel is permitted with a Conditional Use Authorization, and is thus consistent with activities in the commercial land use plan.

OBJECTIVE 2:

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

Policy 2.1:

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

Due to the Project Site's proximity to Union Square and Civic Center, the Project is anticipated to easily attract hotel patrons. The Project Site is also centrally located, close to many jobs and services, as well as public transit.

OBJECTIVE 8:

ENHANCE SAN FRANCISCO'S POSITION AS A NATIONAL CENTER FOR CONVENTIONS AND VISITOR TRADE.

Policy 8.1:

Guide the location of additional tourist related activities to minimize their adverse impacts on existing residential, commercial, and industrial activities.

Policy 8.3:

Assure that areas of particular visitor attraction are provided with adequate public services for both residents and visitors.

The Project locates a new 30-room tourist hotel in a location that is geographically in close proximity to the attractions, conventions, entertainment, public transit, retail and food services frequented by tourists and business travelers.

TRANSPORTATION ELEMENT

Objectives and Policies

OBJECTIVE 1:

MEET THE NEEDS OF ALL RESIDENTS AND VISITORS FOR SAFE, CONVENIENT AND INEXPENSIVE TRAVEL WITHIN SAN FRANCISCO AND BETWEEN THE CITY AND OTHER PARTS OF THE REGION WHILE MAINTAINING THE HIGH QUALITY LIVING ENVIRONMENT OF THE BAY AREA.

Policy 1.3:

Give priority to public transit and other alternatives to the private automobile as the means of meeting San Francisco's transportation needs, particularly those of commuters.

The Project creates a new hotel use within a transit-rich area and within close proximity to the downtown where jobs are concentrated. By not including parking, the Project encourages the use of public transit as an alternative to automobiles.

URBAN DESIGN ELEMENT

Objectives and Policies

OBJECTIVE 3:

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

Policy 3.2:

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

Policy 3.5:

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 site is located within the Lower Nob Hill Apartment Hotel Historic District (District). The surrounding area has a defined architectural character with the vast majority of the buildings having been constructed between 1906 and 1925. The District consists of almost entirely of 3- to 8-story multi-unit residential buildings which fill their entire front lot lines and share a single stylistic orientation. The Project site is located in an 80-A Height and Bulk District. The proposed new building is designed in a contemporary architectural style, including generous, modern glazing treatments, an organized fenestration pattern, and high-quality exterior finishes. The building would be approximately 64-foot-tall (up to maximum height of 69 feet, inclusive of mechanical equipment and elevator over-run); these features are exempt per Planning Code Section 260(b). Therefore, the Project's proposed height is consistent with the requirements of the 80' Height District and with similar sized buildings in the area, and meets the "A" Bulk Limits.

OBJECTIVE 4:

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

Policy 4.11:

Make use of street space and other unused public areas for recreation, particularly in dense neighborhoods, such as those close to downtown, where land for traditional open spaces is more difficult to assemble.

The Project will include streetscape improvements along its Hyde Street frontages, including the installation of one (1) new street tree, and a new, publically-accessible Class II bicycle rack along Hyde Street. The building's base has been detailed to provide an appropriate scale for pedestrians, and the Project would add an important aspect of activity by virtue of infilling a vacant lot. These improvements will provide much needed streetscape improvements thorough the well-designed ground-floor treatments that will help to improve pedestrian safety without the need for a curb cut for off-street parking.

Policy 4.13:

Improve pedestrian areas by providing human scale and interest.

The Project is designed to fit within the neighborhood characterized by high-density, residential buildings and hotels within the Lower Nob Hill National Register District. The Project contains thirty (30) tourist guest rooms that are efficiently designed with adequate storage and have large windows for light. The building will reflect the design of the surrounding buildings because it contains double bay windows, deep ground floor openings, and a projecting cornice. The building's base has been detailed to provide an appropriate scale for pedestrians, and the Project would add an important aspect of activity (hotel lobby), providing a much-needed human scale and interest on a lot that is currently vacant. The project sponsor modified the façade to respond to comments made by the Department's historic preservation technical specialist. These changes ensure the Project will be consistent with the façade element patterns of other buildings in the Lower Nob Hill National Register District.

9. **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 existing, neighborhood-serving retail will be preserved and enhanced through the construction of a new Hotel Use (Retail Sales and Service Use) on a vacant lot. While no ground floor, neighborhood-serving retail is proposed, the hotel provides opportunities for resident employment in the hotel.

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

The property is a vacant lot. The property contained an eight-unit residential building that was destroyed by a fire in October 2010. Consistent with the height and density of residential and mixed-use buildings near the Project Site, the Project will provide 30 hotel rooms in a 6-story-over-basement building. The prevailing development pattern in the neighborhood includes mid-rise buildings like that of the proposed Project which house hotels and residential uses with ground floor retail. The neighborhood is close to Union Square and reflects that area's mixture of restaurants, bars, housing and ground floor commercial uses, including hotels. The Project retains the prevailing neighborhood character by relating the height and bulk to be at or below that of the adjacent buildings and including design elements such as double bay windows, deep ground floor openings, and a projecting cornice.

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

The Project does not affect affordable housing as there is no housing currently on the subject lot (the Project Site is currently vacant).

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

The Project will not cause an undue burden on the surrounding street parking, nor will it impede MUNI service. The Project will not provide parking because the Project is well-served by public transportation and is located within close proximity San Francisco's most popular tourist destinations. Many of the available MUNI lines: 38-Geary; 19-Polk; 47-and 49-Van Ness; 1-California; and 2-Clement; 30-Stockton; and 45-Union bus lines are within walking distance. These bus lines include stops and/or connections to the MUNI Metro, BART and F-lines on Market Street and connections to popular tourist attractions. The Van Ness BRT line will soon be operational and will expedite travel by tourists to many City destinations as well as connections with City and regional transit lines. Tourists do not necessarily travel during peak hours so MUNI service should not be negatively impacted by the Project.

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

The Project does not eliminate any industrial or service sectors. The proposed Hotel Use is a commercial development that will replace a long-vacant and blighted lot with 30 tourist hotel guest rooms in a well-designed building compatible with the neighborhood and the Lower Nob Hill Apartment Hotel Historic District. By doing so, the Project provides the opportunity for resident employment at the hotel, and as a result of the increased demand generated by the tourists for neighborhood goods and services, at nearby retail businesses including bars and restaurants.

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

The new building will comply with present day seismic and life-safety codes for achievement of the greatest possible preparedness to protect against injury and loss of life in the event of an earthquake.

- G. That landmarks and historic buildings be preserved.

The property is located within the Lower Nob Hill Apartment Hotel Historic District (District). The new building is designed to fit within the District's context, including elements such as double bay windows, deep ground floor openings and a projecting cornice

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

The Project will have no negative impact on existing parks and open space. No existing park is observed within 300' radius of the property. The Project's height of 64'-0" (up to maximum height of 69 feet, inclusive of mechanical equipment and elevator over-run), will not have an impact on the surrounding parks and open space's access to sunlight and vistas. The height of the proposed structure is compatible with the established neighborhood development.

10. 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.
11. The Commission hereby finds that approval of the Conditional Use authorization would promote the health, safety and welfare of the City.

DECISION

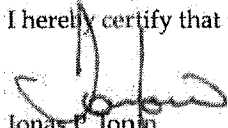
That based upon the Record, the submissions by the Applicant, the staff of the Department and other interested parties, the oral testimony presented to this Commission at the public hearings, and all other written materials submitted by all parties, the Commission hereby **APPROVES Conditional Use Application No. 2016-010544CUA** subject to the following conditions attached hereto as "EXHIBIT A" in general conformance with plans on file, dated March 22, 2017, 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. 19926. 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 June 1, 2017.



Jonas P. Ianni
Commission Secretary

AYES: Fong, Hillis, Johnson, Koppel

NAYS: Melgar, Moore, Richards

ABSENT: None

ADOPTED: June 1, 2017

EXHIBIT A

AUTHORIZATION

This authorization is for a conditional use to allow a Hotel Use within a new construction building located at 824 Hyde Street, Lot 017 in Assessor's Block 0280, to exceed the use size limitations and to exceed 50 feet in a RC Zoning District, pursuant to Planning Code Sections 209.3, 253, 303, 303(g) within the RC-4 Zoning District and a 80-A Height and Bulk District; in general conformance with plans, dated March 22, 2017, and stamped "EXHIBIT B" included in the docket for Case No. 2016-010544CUA and subject to conditions of approval reviewed and approved by the Commission on June 1 2017 under Motion No. 19926. 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 June 1, 2017 under Motion No. 19926.

PRINTING OF CONDITIONS OF APPROVAL ON PLANS

The conditions of approval under the 'Exhibit A' of this Planning Commission Motion No. 19926 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

DESIGN – COMPLIANCE AT PLAN STAGE

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

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

7. **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

8. **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

9. **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>

10. **Noise.** Plans submitted with the building permit application for the approved project shall incorporate acoustical insulation and other sound proofing measures to control noise.

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

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

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

PARKING AND TRAFFIC

12. **Bicycle Parking.** Pursuant to Planning Code Sections 155.1 and 155.4, the Project shall provide no fewer than 1 (one) Class I or 2 (two) Class II bicycle parking spaces. SFMTA has final authority on the type, placement and number of Class 2 bicycle racks within the public ROW. Prior to issuance of first architectural addenda, the project sponsor shall contact the SFMTA Bike Parking Program at bikeparking@sfmta.com to coordinate the installation of on-street bicycle racks and ensure that the proposed bicycle racks meet the SFMTA's bicycle parking guidelines. Depending on local site conditions and anticipated demand, SFMTA may request the project sponsor pay an in-lieu fee for Class II bike racks required by the Planning Code.

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

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

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

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

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

PROVISIONS

15. **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

MONITORING - AFTER ENTITLEMENT

16. **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

17. **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

18. **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>

19. **Noise Control.** The premises shall be adequately soundproofed or insulated for noise and operated so that incidental noise shall not be audible beyond the premises or in other sections of the building and fixed-source equipment noise shall not exceed the decibel levels specified in the San Francisco Noise Control Ordinance.

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

For information about compliance with the construction noise, contact the Department of Building Inspection, 415-558-6570, www.sfdbi.org

For information about compliance with the amplified sound including music and television contact the Police Department at 415-553-0123, www.sf-police.org

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

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

21. **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

OPERATION

22. **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>

RECEIVED
BOARD OF SUPERVISORS
SAN FRANCISCO

2017 JUN 29 PM 4:32

BY BS

1447

Lower Polk Neighbors, Inc.
P.O. Box 642428
San Francisco, CA 94164-2428

DATE 6-22-17


90-7162/3222

PAY
TO THE
ORDER OF

SAN FRANCISCO PLANNING DEPARTMENT

\$ 562.00

FIVE HUNDRED SIXTY TWO & ⁰⁰/₁₀₀

DOLLARS  Security Features Included. Drafts on Back.

JPMorgan Chase Bank, N.A.

FOR APPEAL TO BOS / 824 HYDE STR.



MP

APPLICATION FOR Board of Supervisors Appeal Fee Waiver

1. Applicant and Project Information

APPLICANT NAME: Chris Schulman		
APPLICANT ADDRESS: 1156 Sutter Street #304 San Francisco, Ca 94109		TELEPHONE: (415) 827-0650
		EMAIL: chris.schulman@gmail.com
NEIGHBORHOOD ORGANIZATION NAME: Lower Polk Neighbors		
NEIGHBORHOOD ORGANIZATION ADDRESS: P.O. Box 642428 San Francisco, Ca 94164		TELEPHONE: ()
		EMAIL: lowerpolkneighbors@gmail.com
PROJECT ADDRESS: 824 Hyde Street		
PLANNING CASE NO.: 2016-010544CUA	BUILDING PERMIT APPLICATION NO.: N/A	DATE OF DECISION (IF ANY): 6/1/17

2. Required Criteria for Granting Waiver

(All must be satisfied; please attach supporting materials)

- The appellant is a member of the stated neighborhood organization and is authorized to file the appeal on behalf of the organization. Authorization may take the form of a letter signed by the President or other officer of the organization.
- The appellant is appealing on behalf of an organization that is registered with the Planning Department and that appears on the Department's current list of neighborhood organizations.
- The appellant is appealing on behalf of an organization that has been in existence at least 24 months prior to the submittal of the fee waiver request. Existence may be established by evidence including that relating to the organization's activities at that time such as meeting minutes, resolutions, publications and rosters.
- The appellant is appealing on behalf of a neighborhood organization that is affected by the project and that is the subject of the appeal.

For Department Use Only

Application received by Planning Department:

By: _____ Date: _____

Submission Checklist:

- APPELLANT AUTHORIZATION
- CURRENT ORGANIZATION REGISTRATION
- MINIMUM ORGANIZATION AGE
- PROJECT IMPACT ON ORGANIZATION

- WAIVER APPROVED WAIVER DENIED



**SAN FRANCISCO
PLANNING
DEPARTMENT**

**FOR MORE INFORMATION:
Call or visit the San Francisco Planning Department**

Central Reception
1650 Mission Street, Suite 400
San Francisco CA 94103-2479

TEL: **415.558.6378**
FAX: **415.558.6409**
WEB: **<http://www.sfplanning.org>**

Planning Information Center (PIC)
1660 Mission Street, First Floor
San Francisco CA 94103-2479

TEL: **415.558.6377**
*Planning staff are available by phone and at the PIC counter.
No appointment is necessary.*

LOWER POLK NEIGHBORS

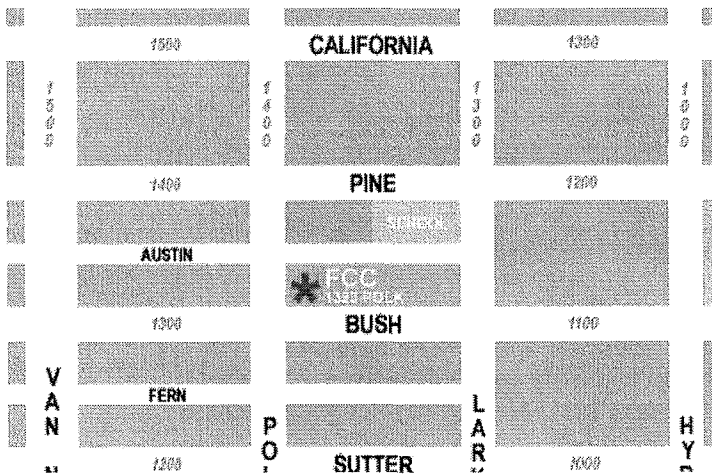
Dedicated to building a cleaner, safer, more beautiful Lower Polk community

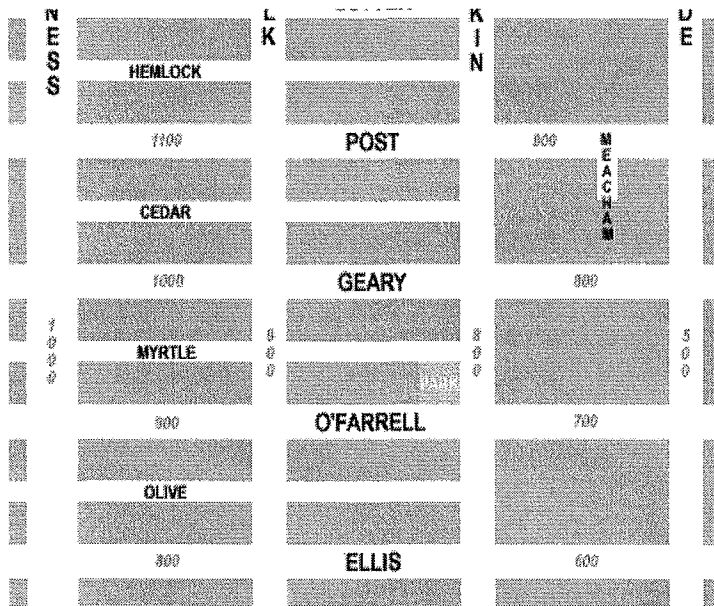
About LPN

Lower Polk Neighbors (LPN) is a neighborhood association, made up of both residents and merchants, located in the lower part of the Polk Gulch district in San Francisco, California.

We meet to discuss neighborhood issues and then follow up on those discussions with action. Our principal issues are crime, cleanliness, beautification, and strengthening of our community. Since we began meeting in late 2001, we have begun a Lower Polk tree planting program; we have worked with the Department of Public Works and others to address the grime, graffiti and garbage on our streets; and we have worked with the San Francisco Police Department on remaining quality-of-life issues. We have also met with business owners to address crime and cleanliness issues related to their businesses; we have met with nonprofit low-income housing developers to help plan their projects in the neighborhood; we have put together a community court whereby those who commit quality-of-life offenses are sentenced by a jury of their peers to pay a fine to or to do community service in the neighborhood; and we have organized neighborhood crime walks.

Map delineating borders of the LPN area:





(<https://lowerpolkneighbors.files.wordpress.com/2014/09/screen-shot-2015-06-10-at-11-04-43-am.png>)

We also invite elected and other high-ranking officials to speak at our general meetings. Guests have included:

- District 3 Supervisor Aaron Peskin (2016-present)
- District 3 Supervisor Julie Christensen (2015-2016)
- Mayor Gavin Newsom (2004-2011)
- District 3 Supervisor Aaron Peskin (2005-2009)
- District 3 Supervisor David Chiu (2009-2014)
- District 6 Supervisor Chris Daly (2001-2011)
- District 9 Supervisor Tom Ammiano (1994-2008)
- District 11 Supervisor Sophie Maxwell (2000-2011)
- District Attorney Kamala Harris (2004-2011)
- Chief of Police Heather Fong (1997-2009)
- Fire Chief Joanne Hayes-White (2004-current)

If you have questions about the group, please [get in touch](https://lowerpolkneighbors.wordpress.com/contact/) (<https://lowerpolkneighbors.wordpress.com/contact/>).

One comment

1. **A. Moy** says:

OCTOBER 11, 2015 AT 3:10 PM

I attended the LPN a meeting on Saturday, October 10 regarding the changes going on in our alleys. Supervisor Julie Christensen was there as well as the architect firm INTERSTICE. Zoe Astrachan presented a slide show detailing what some of the plans are. She showed examples of other things that have been done in alleys that the neighborhood might consider. This meeting was very organized: numerous colorful diagrams were set up showing all the alleys; stick ups and markers were provided for comments onto the diagrams; notes were taken regarding our comments, and architects were very accommodating and open to what people were saying. The architects assured us that they would present our issues to the city agencies involved. The LPN was GREAT in organizing this meeting! I am a supporter of the LPN. They have done a lot for our area.