

# 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, 3<sup>rd</sup> 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 Reuben<sup>1</sup> | 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<sup>2,3</sup> | John McInerney III<sup>2</sup>

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](http://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: 44This 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: 5/6/16Signed: 

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

Signed: \_\_\_\_\_

**E. NEW CONSTRUCTION CONDOMINIUM APPLICATION CHECKLIST**

Check the following items enclosed where applicable:

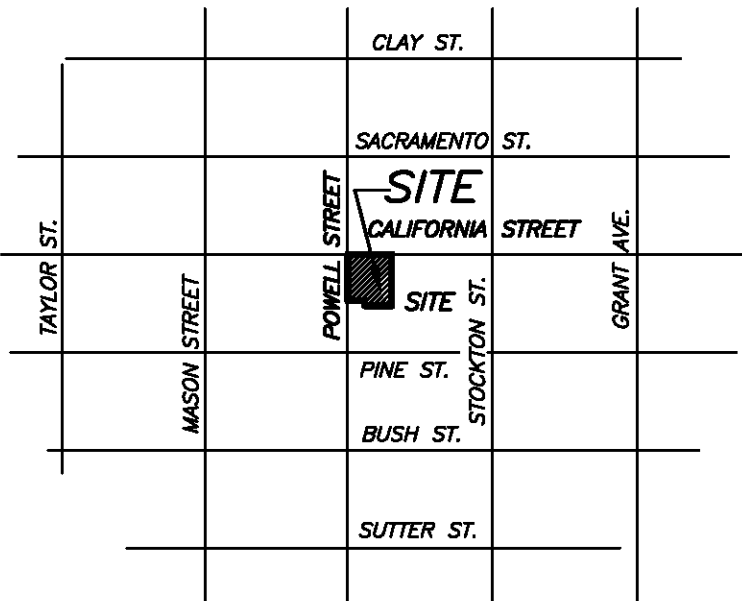
Submitted per guidelines and in this order?		Official Use Only	No.	Item Description and Order	Total of copies	Which and how many of total required items are needed for each agency?			Form No. (where applicable)
Yes	No					DPW	DCP	DBI	
<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input 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"/>		5.	Grant Deeds and any other recorded documents for: <input checked="" type="checkbox"/> Subject Site and <input checked="" type="checkbox"/> Adjainers	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. <input checked="" type="checkbox"/> 300-Foot Radius Map <input checked="" type="checkbox"/> Address List <input checked="" type="checkbox"/> Envelopes	1	1			
<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**

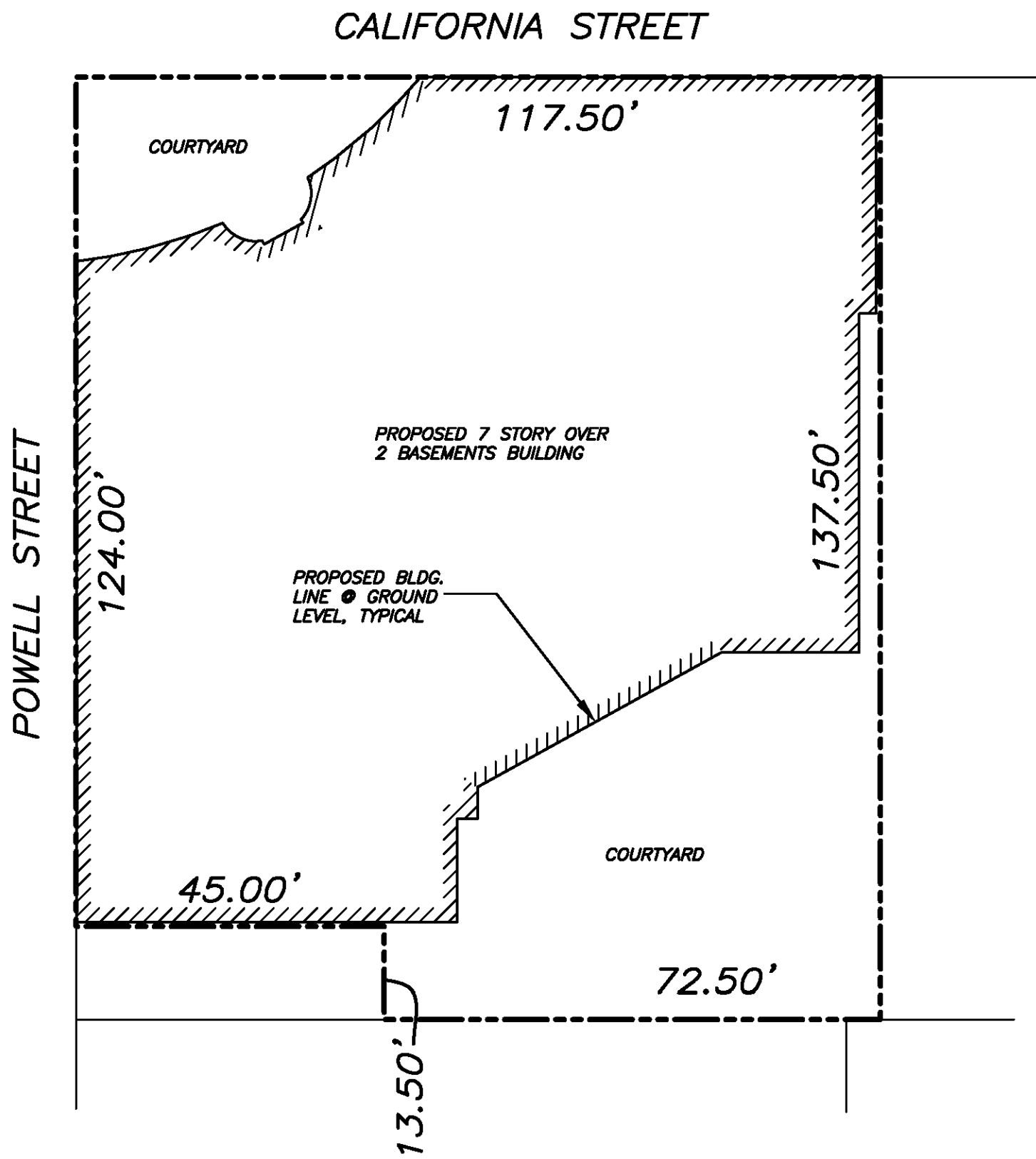
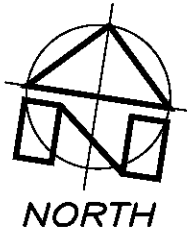


LEGEND

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			(-)	ABANDONED SIGN
CW	CONCRETE WALL			(SL)	STREET LIGHT PULLBOX
CS	CONCRETE STEP			(QGRD)	COVER MARKED "GROUND"
BRK.W	BRICK WALL			(E)	ELECTRIC LINE
HR	HANDICAP RAMP			(G)	GAS LINE
P.A.	PLANTED AREA			(HPG)	HIGH PRESSURE GAS LINE
R/W	RIGHT OF WAY			(S)	SEWER LINE
P.O.B.	POINT OF BEGINNING			(S(A))	ABANDONED SEWER LINE
(P)	PARCEL DIMENSION			(STM)	STEAM LINE (PER 1984 RECORDS)
TC	TOP OF CURB			(SL)	STREET LIGHT LINE
FL	FLOW LINE			(T)	TELEPHONE LINE
BW	BACK OF WALK			(TV)	TELEVISION LINE
INV.	INVERT			(TS)	TRAFFIC SIGNAL LINE
FF	FINISH FLOOR			(W)	WATER LINE
GB	GRADE BREAK			(HPW)	HIGH PRESSURE WATER LINE
TW	TOP OF WALL			(P)	PIPE
CLF	CHAIN LINK FENCE			(D)	DUCT
T.STEP	TOP OF STEP			(//)	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				
OGV	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) 677-0966  
CONTACT: BRENNIA WILLIAMS

SURVEYOR'S STATEMENT

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

BY: 

DAVID B. RON  
PLS NO. 8954  
MARTIN M. RON ASSOCIATES, INC.  
(415) 543-4500

5/5/2016  
DATE



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

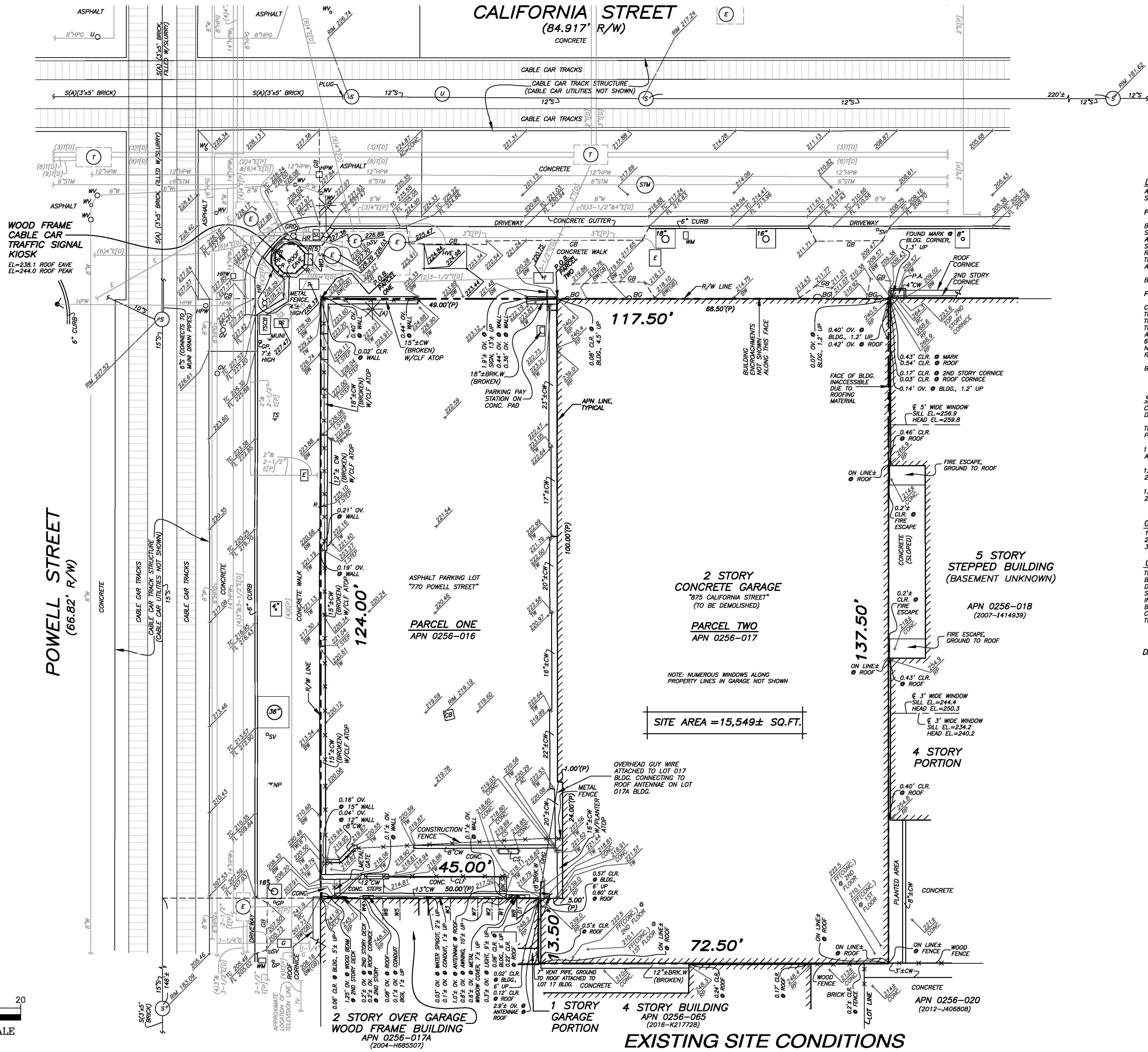
MAY 2016

APNs: 0256-016 TO 017

SHEET 1 OF 8

875 CALIFORNIA STREET





**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-T016000254-JM DATED FEBRUARY 9, 2016.

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

11. "NOTICE OF SPECIAL RESTRICTIONS UNDER THE PLANNING CODE" RECORDED AUGUST 11, 2004, DOCUMENT NO. 2004-H784781, OFFICIAL RECORDS.

12. "NOTICE OF SPECIAL RESTRICTIONS UNDER THE PLANNING CODE" RECORDED JUNE 25, 2014, DOCUMENT NO. 2014-J901089, OFFICIAL RECORDS.

13. "NOTICE OF SPECIAL RESTRICTIONS UNDER THE PLANNING CODE" RECORDED JUNE 25, 2014, DOCUMENT NO. 2014-J901088, OFFICIAL RECORDS.

**GENERAL NOTES**  
1. DETAILS NEAR PROPERTY LINES MAY NOT BE TO SCALE.  
2. ALL PROPERTY LINE ANGLES ARE 90 DEGREES UNLESS NOTED OTHERWISE.  
3. 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.

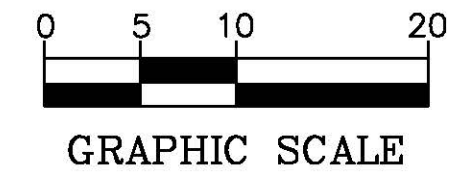
DATE OF SURVEY: MARCH 23, 2015

# VESTING TENTATIVE FINAL MAP FOR CONDOMINIUM PURPOSES

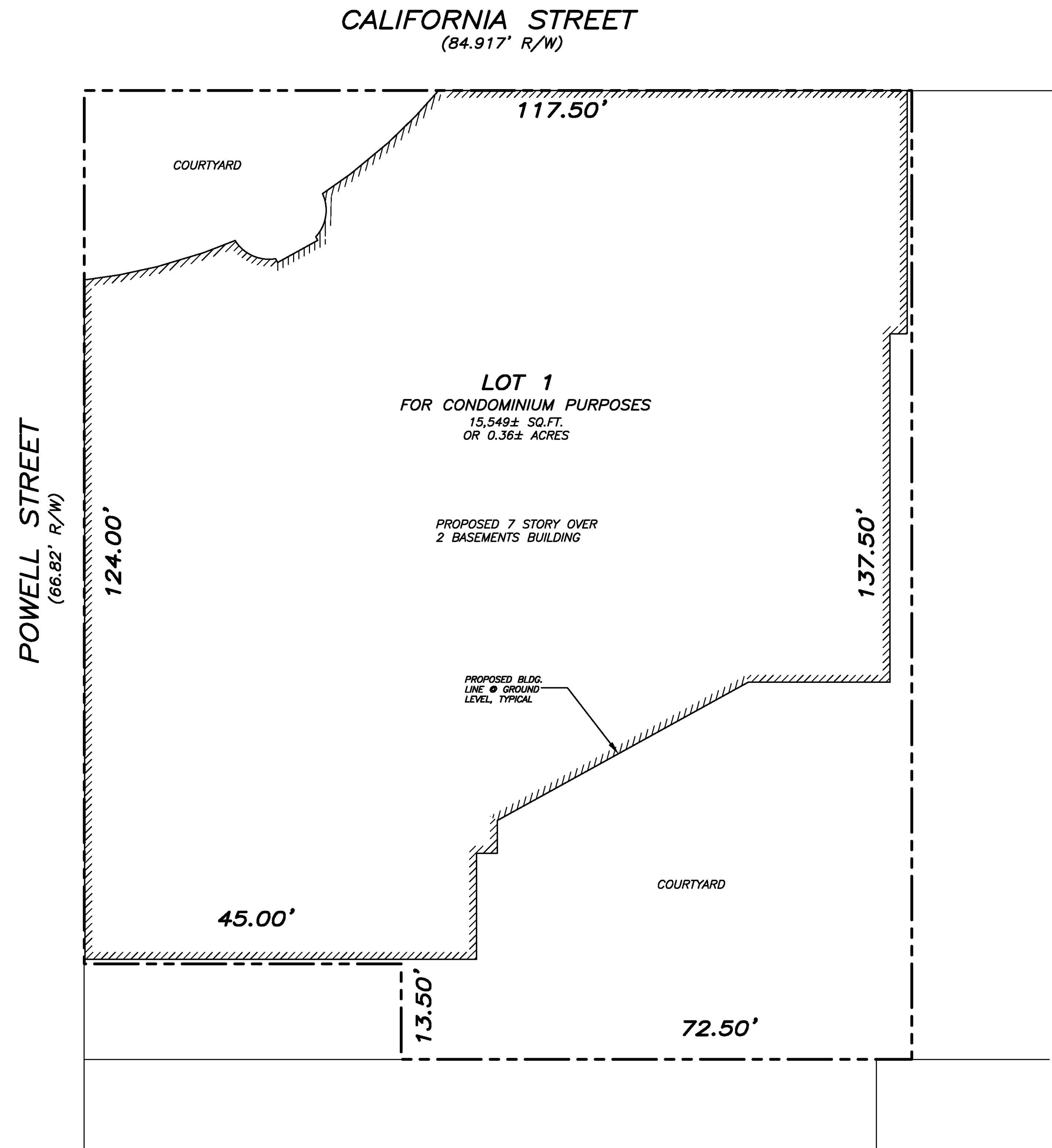
A 44 RESIDENTIAL UNIT CONDOMINIUM PROJECT, BEING A SUBDIVISION OF THE LANDS DESCRIBED IN THAT CERTAIN GRANT DEED RECORDED SEPTEMBER 9, 2014, DOCUMENT NO. 2014-J947407, OFFICIAL RECORDS.

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

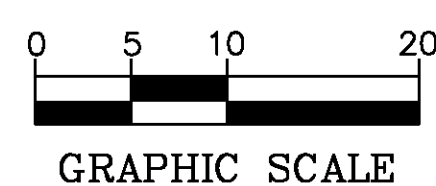
MARTIN M. RON ASSOCIATES, INC.  
Land Surveyors  
859 Harrison Street, Suite 200  
San Francisco California







**PROPOSED PARCELIZATION**



**VESTING TENTATIVE  
FINAL MAP  
FOR CONDOMINIUM PURPOSES**

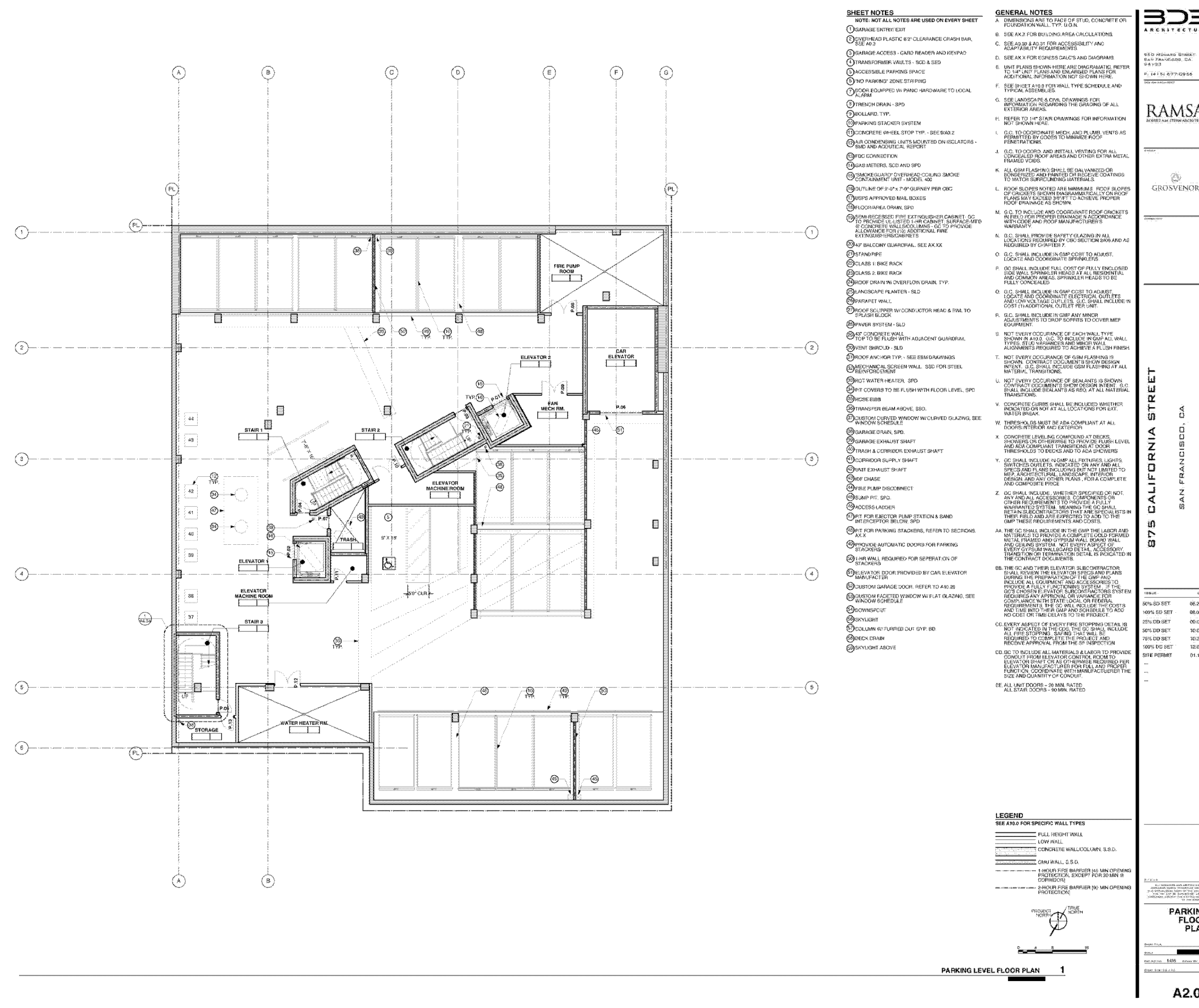
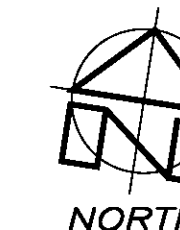
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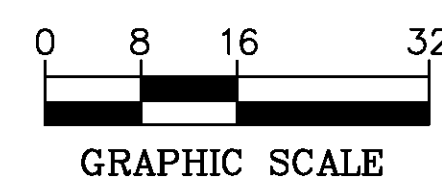
MARTIN M. RON ASSOCIATES, INC.  
Land Surveyors  
859 Harrison Street, Suite 200  
San Francisco, California

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

APNs: 0256-016 TO 017 875 CALIFORNIA STREET



## PROPOSED PARKING PLAN (UNBUNDLED PARKING)



S-8887/S-9174 VTM.DWG

**VESTING TENTATIVE  
FINAL MAP  
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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

875 CALIFORNIA STREET





**BDE**  
ARCHITECTURE

880 HARRISON STREET  
SAN FRANCISCO, CA  
94103  
P: 415.397.0965  
WWW.BDEARCHITECT.COM

**RAMSA**  
LAND SURVEYORS

**GROSVENOR**

**LANGAN**  
ENGINEERS

875 CALIFORNIA STREET  
SAN FRANCISCO, CA

Item	Value
40% SD SET	06.30.15
100% SD SET	08.07.15
20% SD SET	03.04.15
50% SD SET	10.02.15
75% SD SET	10.09.15
100% SD SET	12.04.15
SD PERMIT	01.10.16

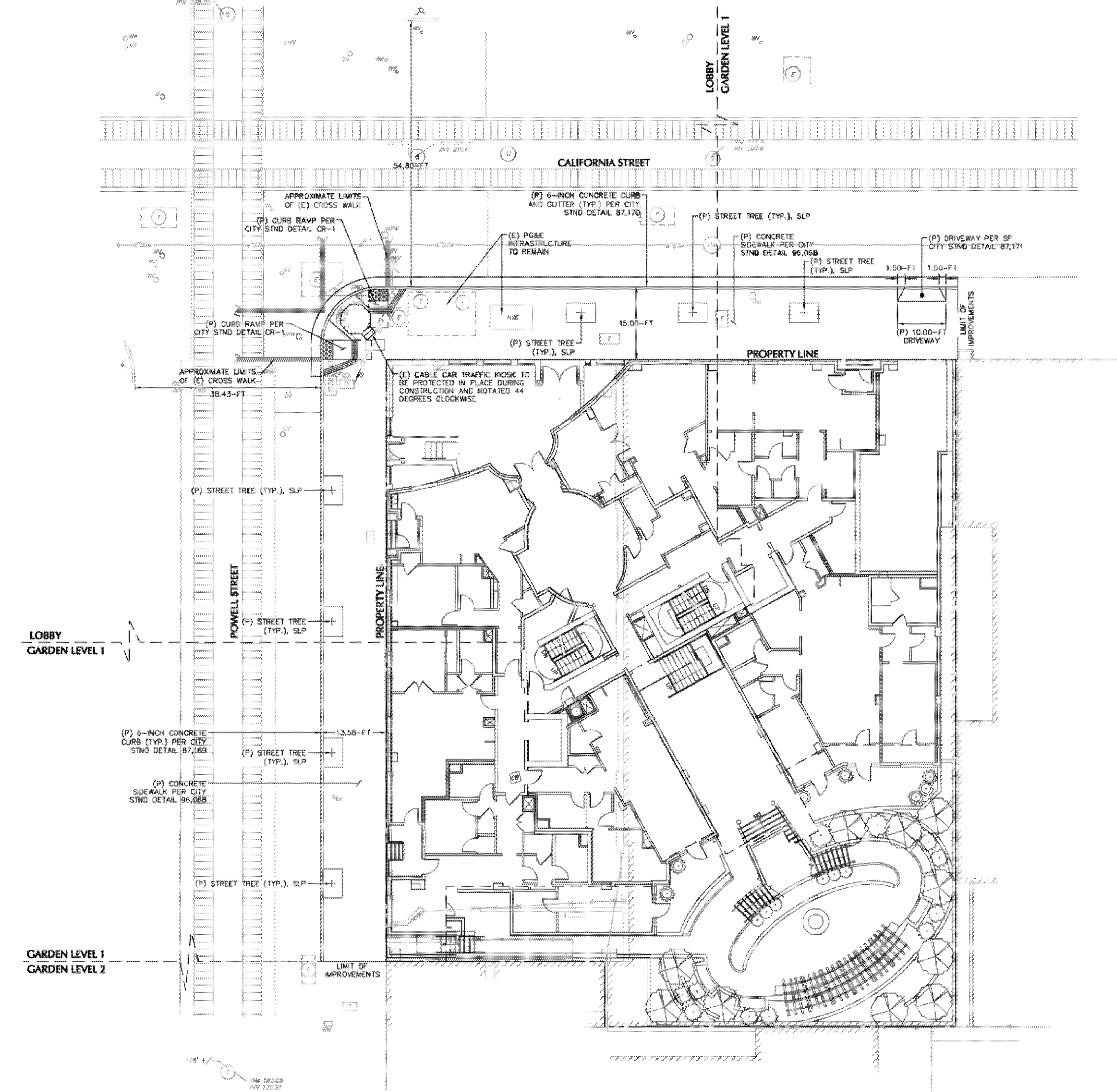
**SITE PLAN**

Scale: 1"=20'

**C4.01**

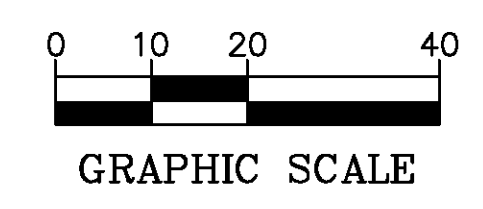
NOTE: LOCATION OF (P) TREE EYS NEEDS TO BE COORDINATED.

NOT FOR  
CONSTRUCTION



**SITE PLAN**  
SCALE: 1"=20'

## PROPOSED SITE PLAN



## VESTING TENTATIVE FINAL MAP FOR CONDOMINIUM PURPOSES

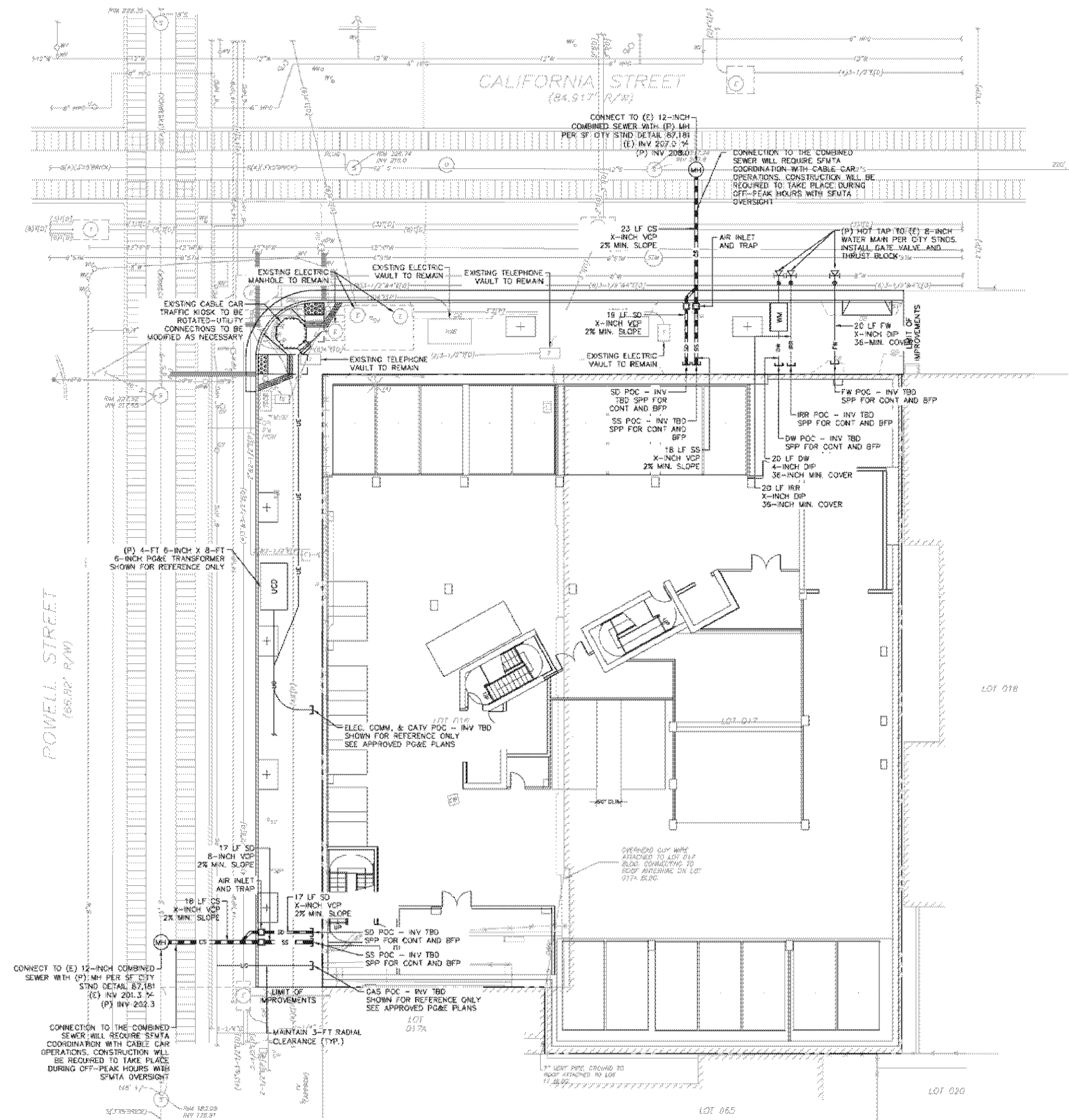
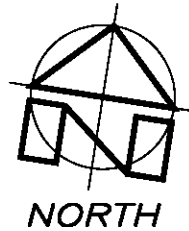
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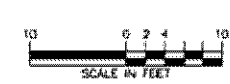
MARTIN M. RON ASSOCIATES, INC.  
Land Surveyors  
859 Harrison Street, Suite 200  
San Francisco, California

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

APNs: 0256-016 TO 017 875 CALIFORNIA STREET



UTILITY PLAN



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.

NOT FOR CONSTRUCTION

BDE ARCHITECTURE

880 HOWARD STREET  
SAN FRANCISCO, CA 94103  
P: 415.577.0045  
WWW.BDEARCHITECT.COM

RAMSA

GROSVENOR

LANGAN

875 CALIFORNIA STREET  
SAN FRANCISCO, CA

DATE	DESCRIPTION
06.16.18	100% SD SET
08.07.18	100% SD SET
09.04.18	90% SD SET
10.02.18	80% SD SET
10.02.18	70% SD SET
12.04.18	100% SD SET
01.10.19	80% PERMIT
11.19.19	100% PERMIT

UTILITY PLAN

C6.01

## VESTING TENTATIVE FINAL MAP FOR CONDOMINIUM PURPOSES

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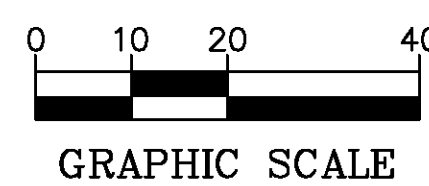
MARTIN M. RON ASSOCIATES, INC.  
Land Surveyors  
859 Harrison Street, Suite 200  
San Francisco, California

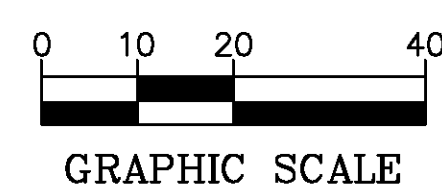
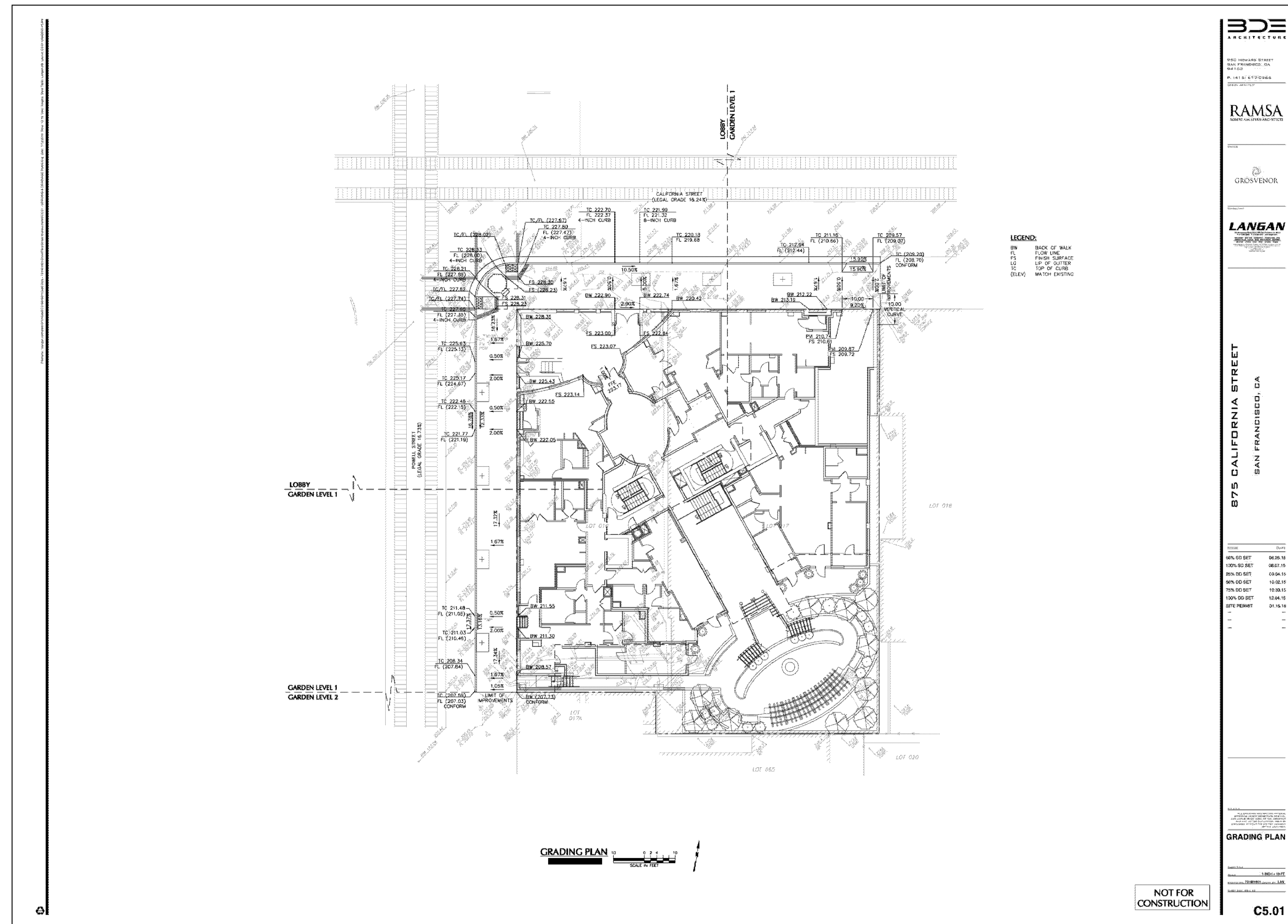
MAY 2016 SCALE: 1"=20' SHEET 6 OF 8

APNs: 0256-016 TO 017

875 CALIFORNIA STREET

## PROPOSED UTILITY PLAN





## 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.

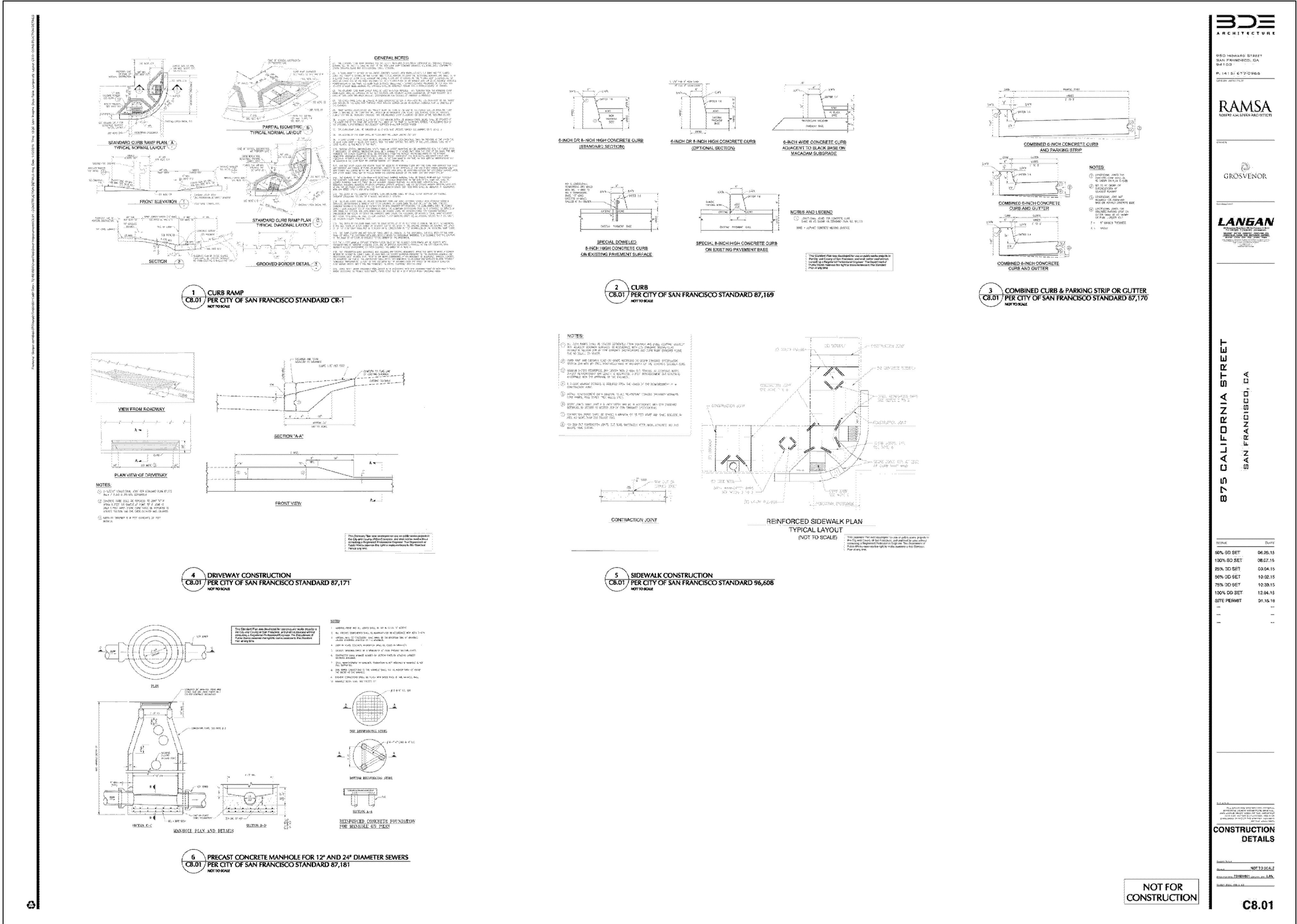
BEING A PORTION OF 50 VARA BLOCK 139  
CITY AND COUNTY OF SAN FRANCISCO, STATE OF CALIFORNIA

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





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

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

11-24/8  
1210

Date  
5/3/2016

Check No.  
013115

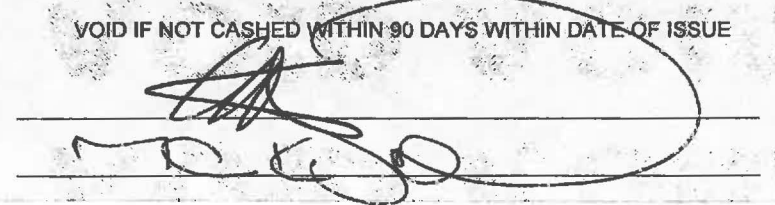
Check Amount  
11,838.00

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

*[Signature]*

⑈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](http://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](mailto:Jeff.Martin@fnf.com)  
Title No.: FWPN-TO16000254-JM

Escrow Officer: Terry Duwel  
Email: [terry.duwel@ctt.com](mailto: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**

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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-TO16000254-

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](http://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](http://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](mailto: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](mailto: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.

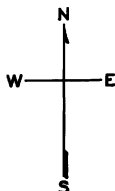
#### **DISASTER LOANS (CTIC, CLTIC, FNTIC)**

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.

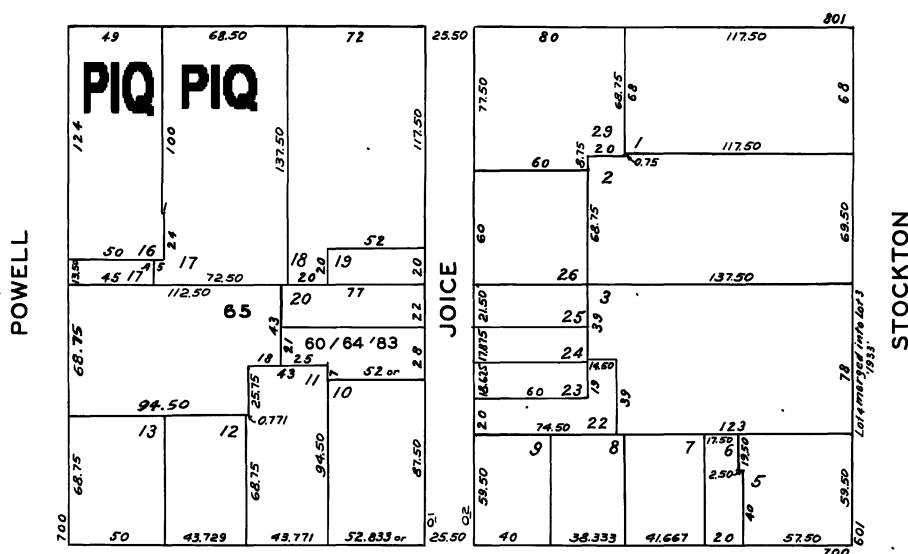
#### **CHURCHES OR CHARITABLE NON-PROFIT ORGANIZATIONS (CTIC, FNTIC)**

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.

**LOTS MERGED**  
*Lot 4<sup>A</sup> merged into lot 5<sup>43</sup>*  
*" 28 " " 27 "*  
*" 27 " " 26<sup>49</sup> "*



# 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 9<sup>th</sup> 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]

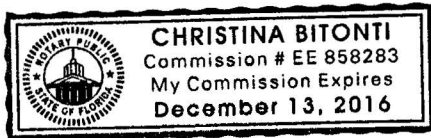
STATE OF Florida

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 Florida ~~California~~ 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

A handwritten signature in cursive script, appearing to read 'R. Mendoza', is written over a horizontal line. The signature is fluid and stylized, with a large initial 'R'.

## 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 (1/1350<sup>th</sup>)** 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**


**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

  
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

(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

STATE OF CALIFORNIA

)

) ss.

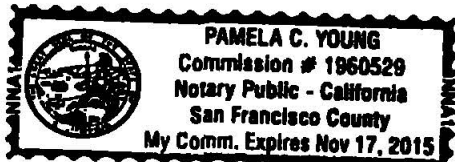
COUNTY OF SAN FRANCISCO

)

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.



  
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

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**



Date: 07/02/2007

San Francisco Residence Club, Inc., a  
California Corporation

[Signature]  
By: Kevin Donahue, President

[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

Mark Ryan Carmody



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  
Nabel S. Teng, Assessor-Recorder  
DOC- 2004-H685507-00

Recd 1-CHICAGO Title Company  
Friday, MAR 26, 2004 08:00:00  
Ttl Pd \$12.00 Nbr-0002440293  
REEL 1603 IMAGE 0289  
081/GG/1-2

Escrip No. 185931-MY  
Order No. 185931-304377

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  $\phi$  -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

STATE OF CALIFORNIA

COUNTY OF LOS ANGELES, SS.

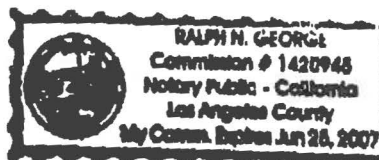
On March 17, 2004 before me,

RALPH N. GEORGE

a Notary Public in and for said County and State, personally appeared  
Clarita Fazzari

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.



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 017Address 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

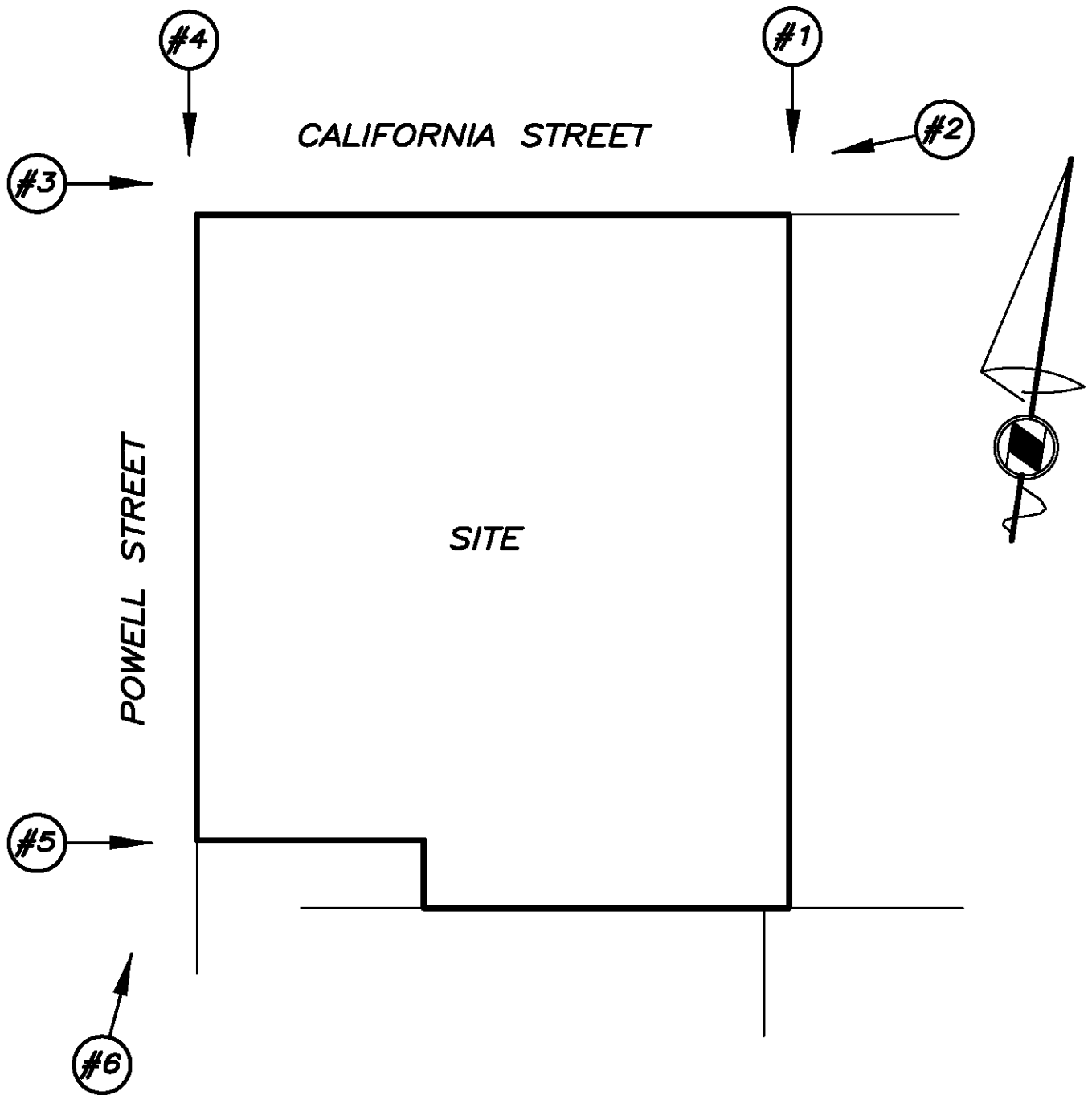


155

BLOCK	LOT	OWNER	OADDR	CITY	STATE	ZIP
0001	001	RADIUS SERVICES NO. 02560016	875 CALIFORNIA/770 POWELL ST	MARTINRON	16	0315
0001	002	.....	.....	.....	.....	.....
0001	003	RADIUS SERVICES	1221 HARRISON ST #18	SAN FRANCISCO	CA	94103
0001	004	MARTIN RON ASSOC	859 HARRISON ST #200	SAN FRANCISCO	CA	94107
0001	005	.....	.....	.....	.....	.....
0243	007A	ECHJ HOLDINGS LLC TRS	1543 LARKIN ST	SAN FRANCISCO	CA	94109-3713
0243	008	SF 814 CALIFORNIA ST LLC	500 WASHINGTON ST #488	SAN FRANCISCO	CA	94111-2948
0243	017	ULN SF LLC	611 WASHINGTON ST #2204	SAN FRANCISCO	CA	94111-2105
0243	024	MEI YUEN	1388 SUTTER ST #11TH	SAN FRANCISCO	CA	94109-5427
0243	026	Z & C CRAWFORD	PO BOX 1524	SAN MATEO	CA	94401-0876
0243	027	BLAINE BAESLER TRS	860 CALIFORNIA ST	SAN FRANCISCO	CA	94108-2315
0243	038	J & T DAY	840 POWELL ST #101	SAN FRANCISCO	CA	94108-2006
0243	039	DELORES BERGER	840 POWELL ST #102	SAN FRANCISCO	CA	94108-2006
0243	040	BAKER TRS	940 HAMILTON AV	PALO ALTO	CA	94301-2212
0243	041	MEMORIAL BUCKWHEAT TRS	840 POWELL ST #201	SAN FRANCISCO	CA	94108-2006
0243	042	B & J FRANKEL TRS	840 POWELL ST #202	SAN FRANCISCO	CA	94108-2006
0243	043	A & B FOGGIO	840 POWELL ST #301	SAN FRANCISCO	CA	94108-2006
0243	044	B & C LUBARSKY TRS	840 POWELL ST #302	SAN FRANCISCO	CA	94108-2006
0243	045	R & L DELAGNES	840 POWELL ST #401	SAN FRANCISCO	CA	94108-2006
0243	046	VINCENZO VISIONE	840 POWELL ST #402	SAN FRANCISCO	CA	94108
0243	047	MURRAY BODINE TRS	840 POWELL ST #501	SAN FRANCISCO	CA	94108-2006
0243	048	BOREBANK TRS	840 POWELL ST #502	SAN FRANCISCO	CA	94108-2006
0243	049	ADRIENNE PROVO TRS	840 POWELL ST #601	SAN FRANCISCO	CA	94108-2006
0243	050	SUSAN ATHERTON TRS	840 POWELL ST #602	SAN FRANCISCO	CA	94108-2006
0243	051	PATRICIA MOFFAT TRS	10462 RD 21	MADERA	CA	93637-9311
0243	052	D & L TEECE	2200 POWELL ST #1200	EMERYVILLE	CA	94608-1833
0243	054	ULN SF LLC	611 WASHINGTON ST #2204	SAN FRANCISCO	CA	94111-2105
0243	055	830 POWELL LLC	830 POWELL ST	SAN FRANCISCO	CA	94108
0243	056	840 CALIFORNIA ST LLC	500 WASHINGTON ST #488	SAN FRANCISCO	CA	94111-2948
0243	058	MEI YUEN	1388 SUTTER ST #11TH	SAN FRANCISCO	CA	94109-5427
0243	059	SHEPARD TRS	66 COLLEGE PARK	DAVIS	CA	95616-3644
0243	060	JUSTIN FISHNER-WOLFSON	850 POWELL ST #102	SAN FRANCISCO	CA	94108-2034
0243	061	REA CAMPBELL	850 POWELL ST #103	SAN FRANCISCO	CA	94108-2034
0243	062	GOLOMB TRS	850 POWELL ST #104	SAN FRANCISCO	CA	94108-2051
0243	063	THE COLLIN TRS	850 POWELL ST #105	SAN FRANCISCO	CA	94108-2036
0243	064	J & M DILLON	850 POWELL ST #106	SAN FRANCISCO	CA	94108-2051
0243	065	LYNN HILBERG	850 POWELL ST #107	SAN FRANCISCO	CA	94108-2036
0243	066	MICHAEL MENIKTAS TRS	850 POWELL ST #200	SAN FRANCISCO	CA	94108-2036
0243	067	WENREN YUEYUE	1644 VIREO AV	SUNNYVALE	CA	94087-5149
0243	068	L & A NAN	624 BROOKVIEW DR	CHAPEL HILL	NC	27514-1406
0243	069	E & K TAGGART	850 POWELL ST #203	SAN FRANCISCO	CA	94108-2038
0243	070	JOHN GRANT	850 POWELL ST #205	SAN FRANCISCO	CA	94108-2038
0243	071	JAY WIENER	850 POWELL ST #300	SAN FRANCISCO	CA	94108-2038
0243	072	EUGENE PON TRS	850 POWELL ST #301	SAN FRANCISCO	CA	94108-2038
0243	073	SCOTT COOK	850 POWELL ST #302	SAN FRANCISCO	CA	94108-2038
0243	074	ELISSA BUIE	850 POWELL ST #303	SAN FRANCISCO	CA	94108-2051
0243	075	PEGGY NATHAN	850 POWELL ST #400	SAN FRANCISCO	CA	94108-2040
0243	076	CYNTHIA MOLSTAD TRS	850 POWELL ST #401	SAN FRANCISCO	CA	94108-2051
0243	077	T & C ECONOMIDIS	730 RAYMUNDO AV	LOS ALTOS HILLS	CA	94024-3138
0243	078	SANDRA PERSHING	1 SUTTON PL S #11A	NEW YORK	NY	10022
0243	079	JULIE MCLAUGHLIN	850 POWELL ST #404	SAN FRANCISCO	CA	94108
0243	080	SUSAN JAQUES	850 POWELL ST #500	SAN FRANCISCO	CA	94108
0243	081	SONNEMAN KOSTADIMAS TRS	850 POWELL ST #501	SAN FRANCISCO	CA	94108-2051
0243	082	BENNETT & MITCHELL	21001 SAN RAMON VALLEY BL	SAN RAMON	CA	94583-3469
0243	083	KAM TRS	850 POWELL ST #503	SAN FRANCISCO	CA	94108-2042
0243	084	LIN NAN TRS	624 BROOKVIEW DR	CHAPEL HILL	NC	27514
0243	085	FABIAN SPOUSES	850 POWELL ST #601	SAN FRANCISCO	CA	94108-2043
0243	086	ANDY RODRIGUEZ TRS	850 POWELL ST #602	SAN FRANCISCO	CA	94108-2051
0243	087	EWALD & SCHALL	850 POWELL ST #603	SAN FRANCISCO	CA	94108-2043
0243	088	MARVIN BRENNER	700 QUAIL RUN RD	APTOS	CA	95003-3450
0243	089	KEITH WHITEMAN	850 POWELL ST #701	SAN FRANCISCO	CA	94108-2043
0243	090	MARY COLLIER TRS	850 POWELL ST #702	SAN FRANCISCO	CA	94108-2043
0243	091	REF VSF TRS	PO BOX 219	SAN BRUNO	CA	94066-0219
0243	092	J & I CHAN	850 POWELL ST #801	SAN FRANCISCO	CA	94108-2044
0243	093	RYAN DENTREMONT TRS	850 POWELL ST #802	SAN FRANCISCO	CA	94108-2044

0243	094	JOYCE & DRUMMOND	850 POWELL ST #803	SAN FRANCISCO	CA	94108-2044
0243	095	MARDIN LLC	850 POWELL ST #901	SAN FRANCISCO	CA	94108-2044
0243	096	DAVID MANDEL TRS	850 POWELL ST #902	SAN FRANCISCO	CA	94108-2051
0243	097	SCOTT BETH TRS	1918 EMERSON ST	PALO ALTO	CA	94301-3719
0243	098	JOEL GOODRICH	850 POWELL ST #904	SAN FRANCISCO	CA	94108-2045
0243	101	T & M CHU TRS	2201 38TH AV	SAN FRANCISCO	CA	94116-1649
0243	102	SCHIRRMACHER TRS	120 JOICE ST #201	SAN FRANCISCO	CA	94108-2039
0243	103	C & F NI	120 JOICE ST #202	SAN FRANCISCO	CA	94108-2039
0243	104	AARON LIM	120 JOICE ST #301	SAN FRANCISCO	CA	94108-2039
0243	105	RONIKA YIP	120 JOICE ST #302	SAN FRANCISCO	CA	94108-2039
0243	106	WALTER LEE TRS	120 JOICE ST #401	SAN FRANCISCO	CA	94108-2039
0243	107	LIN HO	120 JOICE ST #402	SAN FRANCISCO	CA	94108-2039
0244	001	MASON ST ASSOC LLC	1999 AV OF THE STARS #2	LOS ANGELES	CA	90067-6022
0255	001	STANFORD OWNER LLC	901 CALIFORNIA ST	SAN FRANCISCO	CA	94108-2255
0255	002	ONE NOB HILL ASSOC LLC	1999 AVE OF THE STARS #2	LOS ANGELES	CA	90067
0256	001	655 STOCKTON ST LLC	500 WASHINGTON ST #488	SAN FRANCISCO	CA	94111-2948
0256	002	LSL PRPTY B14 DE LLC	500 WASHINGTON ST #488	SAN FRANCISCO	CA	94111-2948
0256	003	621 STOCKTON LLC	500 WASHINGTON ST #488	SAN FRANCISCO	CA	94111-2948
0256	005	LEE TRS	80 IRIS AV	SAN FRANCISCO	CA	94118-2727
0256	006	T & D FITZPATRICK	718 PINE ST	SAN FRANCISCO	CA	94108-3110
0256	007	JOHN SLOAN	461 E BLITHEDALE AV	MILL VALLEY	CA	94941-2147
0256	008	W & K GERHARDT	734 PINE ST	SAN FRANCISCO	CA	94108-3179
0256	009	E & E MORRIS TRS	740 PINE ST	SAN FRANCISCO	CA	94108-3110
0256	010	KUNG WO CO	710 GRANT AV	SAN FRANCISCO	CA	94108-2148
0256	011	NAZARETH LLC	800 S B ST #100	SAN MATEO	CA	94401-4272
0256	012	LEE TRS	1550 CLEMENT ST	SAN FRANCISCO	CA	94118-1075
0256	016	875 CALIFORNIA LLC	1 CALIFORNIA ST #2500	SAN FRANCISCO	CA	94111-5401
0256	017	875 CALIFORNIA LLC	1 CALIFORNIA ST #2500	SAN FRANCISCO	CA	94111-5401
0256	017A	VALENTINO FAZZARI	750 POWELL ST	SAN FRANCISCO	CA	94108-2207
0256	018	851 CALIFORNIA LLC	101 CALIFORNIA ST #3180	SAN FRANCISCO	CA	94111-5879
0256	019	SF RESIDENCE CLUB	103 STETSON AV	CORTE MADERA	CA	94925-1530
0256	020	PATRICE RACKO TRS	3001 JACKSON ST	SAN FRANCISCO	CA	94115-1022
0256	022	NGOR WAI TRS	18 JOICE ST	SAN FRANCISCO	CA	94108-2308
0256	023	SOO LEE TRS	2531 EUCALYPTUS WAY	SAN BRUNO	CA	94066-2638
0256	024	WANG & ZHANG	26 JOICE ST	SAN FRANCISCO	CA	94108-2308
0256	025	RUEY-RONG & WOAN	15 CINNAMON CT	HILLSBOROUGH	CA	94010-6212
0256	026	50 JOICE ST LLC	500 WASHINGTON ST #488	SAN FRANCISCO	CA	94111-2948
0256	029	845 CALIFORNIA ST LLC	500 WASHINGTON ST #488	SAN FRANCISCO	CA	94111-2948
0256	060	MARY SCHEIDT TRS	8130 SW 159TH PL	BEAVERTON	OR	97007-6927
0256	061	JAMES DUVAL	1508 PRESTO WY NW	ALBUQUERQUE	NM	87104-2399
0256	062	ANNE CONNELL	485 MONTECITO AVE	CORTE MADERA	CA	94925
0256	063	DERRICK DUNLAP	29 JOICE ST #4	SAN FRANCISCO	CA	94108-2321
0256	064	DUSTIN MARZALEK	25 JOICE ST	SAN FRANCISCO	CA	94108-2307
0256	035	PETERSON TRS	400 HILLSBOROUGH BLVD	HILLSBOROUGH	CA	94010
0256T	001M	PROPERTY MANAGER	710 POWELL ST	SAN FRANCISCO	CA	94108
0272	001B	737 PINE I1 LLC	737 PINE ST	SAN FRANCISCO	CA	94108-3164
0272	012	TONG TRS	846 CLAY ST	SAN FRANCISCO	CA	94108-1612
0272	014	795 PINE I1 LLC	795 PINE ST	SAN FRANCISCO	CA	94108-3101
0272	016	LEE & YOUSUN	PO BOX 411473	SAN FRANCISCO	CA	94141-1473
0272	017	PATRICIA WONG	1901 HALFORD AVE #50	SANTA CLARA	CA	95051
0272	018	N & E JANG TRS	3831 MARKET ST	SAN FRANCISCO	CA	94131-1343
0272	019	N & Y SUI TRS	35 ROSEWOOD DR	SAN FRANCISCO	CA	94127-2011
0272	020	DENNIS PINE LLC	275 MARINA BL	SAN FRANCISCO	CA	94123-1212
0272	028	H & F HEJAZI TRS	PO BOX 1571	BURLINGAME	CA	94011-1571
0272	029	TED JONES	5 FELLA PL #101	SAN FRANCISCO	CA	94108-3057
0272	030	MARC LAMBOY	PO BOX 31957	SAN FRANCISCO	CA	94131-0957
0272	031	D & J TUGAW	5 FELLA PL #3201	SAN FRANCISCO	CA	94108-3056
0272	032	TANIA REINA	5 FELLA PL #202	SAN FRANCISCO	CA	94108-3057
0272	033	KYUNG HWANG	5 FELLA PL #301	SAN FRANCISCO	CA	94108-3058
0272	034	K & C ORATOVSKAYA TRS	102 JANES ST	MILL VALLEY	CA	94941-3342
0272	035	HENNING TRS	1348 MILANO DR #6	WEST SACRAMENTO	CA	95691
0272	036	DALE SHIMASAKI TRS	39 DASHIELL HAMMETT ST #102	SAN FRANCISCO	CA	94108-3174
0272	037	CARLTON LEE TRS	257 NENUE ST	HONOLULU	HI	96821-1811
0272	038	LINDA CARNEVALE TRS	39 DASHIELL HAMMETT ST #202	SAN FRANCISCO	CA	94108-3174
0272	039	SHEFTEL & PETIT	39 DASHIELL HAMMETT ST #301	SAN FRANCISCO	CA	94108-3175
0272	040	SWEENEY-WONG TRS	343 LOS PALMOS DR	SAN FRANCISCO	CA	94127-2315

0272	041	MANAY MONGA	625 POWELL ST #23	SAN FRANCISCO	CA	94108-3009
0272	042	G & R LILLIE	PO BOX 700	MEAD	WA	99021-0700
0272	043	P & Z YU	1393 BACON ST	SAN FRANCISCO	CA	94134-1639
0272	044	WILLIAM OCONNELL	725 PINE ST #101	SAN FRANCISCO	CA	94108-3190
0272	045	S & M SHADFAR	18 CHARLES HILL RD	ORINDA	CA	94563-1941
0272	046	AGBAYANI TRS	725 PINE ST #103	SAN FRANCISCO	CA	94108-3191
0272	047	MIYOKO OSHIMA	725 PINE ST #104	SAN FRANCISCO	CA	94108-3191
0272	048	M & C BOYER	24675 HEATHER HEIGHTS RD	SARATOGA	CA	95070
0272	049	CLAIRE GUIDO	725 PINE ST #106	SAN FRANCISCO	CA	94108-3191
0272	050	NICOLE GOLDSTEIN	5204 SCENIC VIEW DR	AUSTIN	TX	78746-2241
0272	051	RAMESH NAIR TRS	728 W JACKSON BL #401	CHICAGO	IL	60661-5304
0272	052	M & P RINI TRS	356 BLUE OAK LN	LOS ALTOS	CA	94022-2104
0272	053	REBECCA DANKNER	725 PINE ST #204	SAN FRANCISCO	CA	94108-3193
0272	054	MEGAN HERRICK	725 PINE ST #205	SAN FRANCISCO	CA	94108-3193
0272	055	DIANE IRELAND	725 PINE ST #206	SAN FRANCISCO	CA	94108-3193
0272	056	MEIMBAN & MARIA	4409 IRVING ST	SAN FRANCISCO	CA	94122-1118
0272	057	S & S HESH	725 PINE ST #208	SAN FRANCISCO	CA	94108-3192
0272	058	E & H WEE	17328 GROSVENOR CT	MONTE SERENO	CA	95030-2208
0272	059	KIRTI SARKAR	725 PINE ST #302	SAN FRANCISCO	CA	94108-3190
0272	060	ANGELL RUBEY	725 PINE ST #303	SAN FRANCISCO	CA	94108-3192
0272	061	SANDRA COUDRIGHT	725 PINE ST #304	SAN FRANCISCO	CA	94108-3192
0272	062	DAVID GOODWIN	725 PINE ST #305	SAN FRANCISCO	CA	94108
0272	063	ANNAMARIE PABST	725 PINE ST #306	SAN FRANCISCO	CA	94108-3194
0272	064	CHRISTIE CHIANG	234 VAN NESS AV	ASHLAND	OR	97520-1736
0272	065	FANGZHE YANG	725 PINE ST #308	SAN FRANCISCO	CA	94108-3190
0273	001	POWELL INVSTMNT CORP	333 MARKET ST #27TH	SAN FRANCISCO	CA	94105-2101
0273	001B	J & N GOODRICH TRS	205 CHEROKEE WAY	PORTOLA VALLEY	CA	94028-7665
0273	001C	825-835 PINE LLC	268 BUSH ST #1688	SAN FRANCISCO	CA	94104-3503
0273	001D	825-835 PINE LLC	268 BUSH ST #1688	SAN FRANCISCO	CA	94104-3503
9999	999					



SUBJECT: **PHOTOS**

ASSESSOR'S BLOCK NO. 0256  
SAN FRANCISCO, CA.

BY <u>DR</u>	CHKD. <u>BR</u>	DATE <u>4/29/16</u>	<u>NOT TO SCALE</u>	SHEET <u>1 OF 4</u>	JOB NO. <u>S-9174</u>
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**MARTIN M. RON ASSOCIATES, INC.**  
**LAND SURVEYORS**

S-8887/S-9174 Photos.dwg

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

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

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

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)*

- |   |   |
|---|---|
| <input checked="" type="checkbox"/> Affordable Housing (Sec. 415) | <input checked="" type="checkbox"/> First Source Hiring (Admin. Code) |
| <input type="checkbox"/> Jobs Housing Linkage Program (Sec. 413)  | <input checked="" type="checkbox"/> Child Care Requirement (Sec. 414) |
| <input type="checkbox"/> Downtown Park Fee (Sec. 412)             | <input checked="" type="checkbox"/> 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 Stavelly  
One California Street, Suite 2500  
San Francisco, CA 94111  
*Staff Contact:* Marcelle Boudreaux – (415) 575-9140  
[Marcelle.boudreaux@sfgov.org](mailto: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 used 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

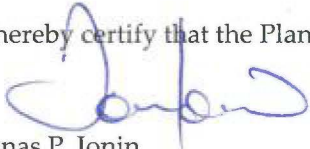
That based upon the Record, the submissions by the Applicant, the staff of the Department and other interested parties, the oral testimony presented to this Commission at the public hearings, and all other written materials submitted by all parties, the Commission hereby **APPROVES Conditional Use Application 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](http://www.sf-planning.org)*

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

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

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

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

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

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

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

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

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](http://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](http://www.sf-planning.org)*
9. **Rooftop Mechanical Equipment.** Pursuant to Planning Code 141, the Project Sponsor shall submit a roof plan to the Planning Department prior to Planning approval of the building permit application. Rooftop mechanical equipment, if any is proposed as part of the Project, is required to be screened so as not to be visible from any point at or below the roof level of the subject building. *For information about compliance, contact the Case Planner, Planning Department at 415-558-6378, [www.sf-planning.org](http://www.sf-planning.org)*
10. **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:
- 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;
  - On-site, in a driveway, underground;
  - On-site, above ground, screened from view, other than a ground floor façade facing a public right-of-way;
  - 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;
  - 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](http://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](http://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](http://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](http://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](http://www.sf-planning.org) or the Mayor's Office of Housing and Community Development at 415-701-5500, [www.sf-moh.org](http://www.sf-moh.org).*

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

- 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](http://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](http://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](http://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](http://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](http://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](http://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](http://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](mailto: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, 3<sup>rd</sup> Floor (Room 304) or call 575-6880.

Very truly yours,



Scott F. Sanchez  
Zoning Administrator

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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.