

COMMISSION ON COMMUNITY INVESTMENT AND INFRASTRUCTURE

RESOLUTION NO. 04 – 2020

*Adopted April 7, 2020*

**REVOKING THE PROJECT APPROVAL AUTHORIZED UNDER RESOLUTION NO. 42-2016 AND CONDITIONALLY APPROVING THE SCHEMATIC DESIGN OF A SIX-STORY, MIXED-USE BUILDING COMPRISED OF EIGHT UNITS, INCLUDING ONE AFFORDABLE UNIT, AND GROUND FLOOR COMMERCIAL AT 4128 THIRD STREET AND MAKING ENVIRONMENTAL FINDINGS PURSUANT TO THE CALIFORNIA ENVIRONMENTAL QUALITY ACT; BAYVIEW INDUSTRIAL TRIANGLE REDEVELOPMENT PROJECT AREA**

BASIS FOR RESOLUTION

WHEREAS, The Successor Agency to the Redevelopment Agency of the City and County of San Francisco, commonly known as the Office of Community Investment and Infrastructure (the “Successor Agency” or “OCII”), is implementing the land use authority of the Redevelopment Agency of the City and County of San Francisco (the “Former Agency”) in the Bayview Industrial Triangle Redevelopment Project Area (the “Project Area”) under the authority of the California Community Redevelopment Law, Cal. Health & Safety Code §§ 33000 *et seq.*, as amended by the Redevelopment Dissolution Law, Cal. Health & Safety Code §§ 34170 *et seq.*, and under San Francisco Ordinance No. 215-12 (Oct. 4, 2012) (establishing the Successor Agency Commission and delegating to it state authority under the Redevelopment Dissolution Law); and,

WHEREAS, On June 23, 1980, the Board of Supervisors of the City and County of San Francisco (“Board of Supervisors”) approved and adopted the Bayview Industrial Triangle Redevelopment Plan (the “Redevelopment Plan”) for the Project Area. On May 6, 1980, the Former Agency and the San Francisco Planning Commission implemented the Redevelopment Plan and adopted the Design for Development for the Project Area, which was subsequently amended by the Former Agency (Resolution No. 130-2004, November 9, 2004) and by the Planning Commission (Resolution No. 16898, December 2, 2004) (as amended, the “Design for Development”). Together, the Redevelopment Plan and the Design for Development set forth development standards that apply to development within the Project Area; and,

WHEREAS, The Redevelopment Plan will expire on June 30, 2020, after which the Redevelopment Plan and its corresponding Design for Development will no longer be in effect. After the expiration of the Redevelopment Plan, the San Francisco Planning Code (“Planning Code”) and its Zoning Use Districts and Height and Bulk Districts will apply in the Project Area; and,

WHEREAS, In preparation for the expiration of the Redevelopment Plan, San Francisco Planning Department staff is conducting a community planning process about the underlying zoning of the Project Area. The Planning Department has drafted Planning Code amendments that align with the Bayview Hunters Point Area Plan of the San Francisco General Plan, which allows mixed-use residential and commercial uses on parcels fronting the western side of Third Street between Fairfax Avenue and Kirkwood Avenue. The recommended amendments also align with the development requirements of the Design for Development and they would allow structures on these parcels to reach a maximum height of 65 feet. Planning Department staff anticipates legislation enacting these Planning Code amendments will be in effect before the date of the expiration of the Redevelopment Plan; and,

WHEREAS, Bay View Heights, LLC (the "Owner") is the owner of an approximately 2,387-square-foot parcel located at 4128 Third Street in the Project Area and more particularly described as Assessor's Block 5260, Lot 036 (the "Site"). Per the Redevelopment Plan, the Site is designated as Light Industrial or Commercial. Currently, the Site is improved with a two-story structure that is severely fire-damaged and has been identified by the Department of Building as unsafe for occupancy; and,

WHEREAS, The Owner proposes to construct on the Site a six-story, 65-foot, mixed-use building of approximately 13,175 square feet. The building will be a mixed-use commercial and residential condominium development, containing eight for-sale residential units, including one below market residential unit, over commercial uses on the ground floor, mezzanine, and basement level. There are bicycle parking spaces and building utility uses in the basement level, and no vehicular parking (the "Development"); and,

WHEREAS, On August 16, 2016, the Successor Agency Commission, commonly known as the Commission on Community Investment and Infrastructure, (the "Commission") approved, by Resolution No. 42-2016 a schematic design from the previous owner on the same property. The approved schematic design included the demolition of the existing, fire-damaged, two-story mixed-use building of approximately 9,619 gross square feet and construct a 65-foot-high, six-story, mixed-use condominium development with seven residential units, including one inclusionary unit, over ground floor retail use, and four residential parking spaces. Parking was accessed by a new driveway and curb-cut off Third Street, a vehicle elevator at ground level driveway and a vehicle turntable in the basement to prevent vehicles from backing out onto Third Street. The design included 12 Class-1 bicycle parking spaces in the basement and two bicycle parking on street sidewalk; and,

WHEREAS, Under Resolution No. 42-2016 and its conditions of approval, the Commission may revoke the project approvals authorized by the Resolution if no site or building permit has been obtained within three (3) years of the date of Resolution, which was August 16, 2016. The expiration of approval was not

automatic, but requires revocation by the Commission, in a public hearing; and,

WHEREAS, The previous owner of the Site failed to obtain a site or building permit within three years of the approval date for Resolution No. 42-2016; and,

WHEREAS, OCII has prepared a Design Review and Document Approval Procedure document (the “DRDAP”), included as Exhibit B hereto, which sets forth the procedure for submittal of the plans and specifications for the Development and their review by OCII staff. Pursuant to the DRDAP, approval of the Development shall consist of three components or stages: Schematic Design, Design Development Documents, and Final Construction Documents; and,

WHEREAS, The Owner’s architect has submitted a schematic design application of the proposed Development that are in compliance with all requirements of the Redevelopment Plan, the Design for Development, and the DRDAP; and,

WHEREAS, The Planning Department staff have reviewed and confirmed that the Development’s height, bulk and uses comply with their proposed NCT-3 rezoning for this parcel. The Owners have applied for a Site Permit and are seeking the Commission’s approval to secure the Site Permit approval before the Plan expiration and avoid delay of the Development; and,

WHEREAS, The Development will include one inclusionary unit (the “Affordable Housing Unit”) out of the total of eight units. The Affordable Housing Unit, identified on Exhibit A hereto, as a for-sale unit will be sold and occupied by households earning no more than 100% of the Area Median Income, as determined by the Mayor’s Office of Housing and Community Development (“MOHCD”) and will comply with all MOHCD requirements for affordable housing units, including its marketing procedures; and,

WHEREAS, The Owner has agreed to comply with OCII’s Small Business Enterprise Policy and Construction Workforce Program in designing and constructing the Development; and,

WHEREAS, Staff analyzed the Development under the criteria for a categorically-exempt in-fill development project in California Environmental Quality Act (“CEQA”) Guidelines § 15332 and found that:

- 1) The Site has no value as habitat for endangered, rare or threatened species;
- 2) The Development is an in-fill, transit-oriented project surrounded by urban uses and adjacent to a light-rail station with frequent public transit service;
- 3) The Site is adequately served by all necessary and required utilities and public services;
- 4) The Development is consistent with applicable San Francisco General Plan policies, including the Bayview Hunters Point Area Plan, and complies with all applicable zoning regulations, such as the Plan and the Design for

Development;

- 5) Approval of the Development will not result in any significant effects relating to traffic, noise, air quality, or water quality and is not located in an Air Pollution Exposure Zone; and
- 6) The Development does not propose any new excavations or disturbance of soils. Any soil disturbance of an amount greater than 50 cubic yards would require the Owner to submit its Phase I report to the Department of Public Health in proper compliance with the Maher Ordinance, prior to approval of any excavation, grading or site permits; and,

WHEREAS, The Owner has provided a previously commissioned Historic Resource Evaluation Report prepared by Verplanck Historic Preservation Consulting, which concluded that the existing fire-damaged, two-story, mixed-use structure on the Site, proposed to be demolished, is not a known historical resource, has a low degree of historic value and architectural integrity, and appears to be ineligible for listing as a historical or cultural resource; and,

WHEREAS, Accordingly, the Development is categorically exempt from environmental review pursuant to CEQA Guidelines Section 15332, as an infill development, which includes the demolition of an existing two-story building; now, therefore, be it

RESOLVED, That the Commission revokes approval under Resolution 42-2016 because more than three years have passed since the Resolution was approved and no permits were issued; and,

RESOLVED, That the Development would not result in new significant environmental impacts and therefore requires no further environmental review, as it is exempt from the provisions of CEQA pursuant to CEQA Guidelines Sections 15332; and,

RESOLVED, That the Commission conditionally approves the Schematic Design for the proposed Development located at 4128 Third Street (Assessor's Block 5260, Lot 036) in the Bayview Industrial Triangle Redevelopment Project Area subject to the conditions below (which are incorporated herein as though fully set forth), to be resolved to the satisfaction of the Executive Director:

1. **Validity and Expiration.** This authorization is valid until the expiration date of the Redevelopment Plan, or June 30, 2020.
2. **Notice of Special Restrictions.** Prior to issuance of a building permit for the Development, OCII 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 Site. This Notice shall state that the Project is subject to the Conditions of Approval contained herein.

3. **Printing of Conditions of Approval on Plans.** The Conditions of Approval contained herein shall be reproduced on the Index Sheet of construction plans submitted with any site or building permit application for the Development. The Index Sheet of the constructions plans shall reference Resolution No. 04-2020 and any subsequent amendments or modifications.
4. **Severability.** If any provision of these Conditions of Approval is held invalid, such invalidity shall not affect or impair the remainder of these Conditions of Approval.
5. **Incorporation of Redevelopment Plan by Reference.** The Redevelopment Plan was filed as Document No. D-072785 on April 2, 1981 in the Official Records of City and County of San Francisco. Each and every term, condition, and provision set forth in said Redevelopment Plan is hereby incorporated by reference in and made a part of these Conditions of Approval with the same force and effect as though set forth in full herein.
6. **Land Use Restrictions.** Owner shall devote the Site and the Development only to the uses permitted by (i) the Redevelopment Plan, (ii) in the event the Redevelopment Plan expires or is rescinded, the San Francisco Planning Code, and (iii) this Resolution No. 04-2020.
7. **Changes and Modifications.** The Executive Director, or his/her designee, may approve minor changes to the plans authorized by this Resolution No. 04-2020, but shall not approve significant changes and modifications of the conditions, as determined by the Executive Director or his/her designee.
8. **Review of Plans.** All preliminary architectural and site plans and the final plans and specifications for the construction of the Development shall be submitted to OCII for review and approval in accordance with the DRDAP, attached as Exhibit B to Resolution No. 04-2020. Those plans and specifications shall be in sufficient detail to enable OCII to determine compliance of the plans and specifications with the DRDAP, Redevelopment Plan and Design for Development.
9. **Design Development Submittals.** In accordance with the DRDAP, the Owner shall provide for the OCII Executive Director's review and approval, the following:
  - a. Detailed drawings of the Third Street façade design fronting the light rail station, including means to maintain the plants in boxes via an irrigation system that is integrated with the overall irrigation system, to be submitted as part of Design Development Documents;
  - b. Detailed landscape drawings for all private and common open space areas, to be submitted as part of Design Development Documents;

- c. Detailed design drawings for all design elements, including without limitation, proposed exterior lighting in front of the building and in open space areas and articulation of proposed materials, to be submitted as part of Design Development Documents;
- d. Samples of all proposed new materials and colors, to be submitted prior to the OCII Executive Director's, or designee's, approval of Design Development Documents; and
- e. Signage Plan for all exterior commercial signs, to be submitted prior to filing for a sign permit with the Department of Building Inspection.

10. **Restrictions on the Affordable Housing Unit.** The Owner shall comply with the following restrictions associated with the Affordable Housing Unit:

- a. Number of Required Units. The Development shall include one Affordable Housing Unit, as specified on Exhibit A to Resolution No. 04-2020.
- b. Level of Affordability. The Affordable Housing Unit, as a for-sale unit, shall be affordable to households earning no more than one hundred percent (100%) of the Area Median Income, as determined by MOHCD.
- c. Duration of Affordability Restrictions. The Affordable Housing Unit must remain affordable for the life of the Development, meaning the time during which the Development, including any future modification thereto, remains in existence.
- d. Sale of Affordable Housing Units. The Affordable Housing Unit shall be sold pursuant to OCII's Limited Equity Program ("LEP") or comparable program of MOHCD to ensure the Affordable Housing Unit will be affordable for the longest feasible time. Upon completion of the Affordable Housing Unit, the MOHCD shall assume the rights and obligations to ensure permanent affordability under the LEP or comparable program.
- e. Comparability and Quality of Units. As part of OCII's review and approval of the Design Development and Construction Document plans for the Development, OCII or its designee shall approve all material finishes and appliances according to these specifications. The interior appliances and finishes of the Affordable Housing Unit need not be the same as or equivalent to those included in the market rate units, as long as they are of good quality and consistent with the then-current standards for new housing. The categories of appliances installed in the units in the Affordable Housing Unit shall match the categories of the appliances installed in the market rate units. For example, if the market rate units

have washer/dryer hook-ups, dishwashers, and refrigerators, then the Affordable Housing Unit shall have washer/dryer hook-ups, dishwashers, and refrigerators.

- f. Occupancy Preferences. The initial sale and subsequent resale of the Affordable Housing Unit shall be subject to occupancy preferences as provided under Resolution No. 09-2019 (April 16, 2019).
- g. Early Outreach Actions. No later than thirty (30) days after the start of construction, Owner must deliver to OCII or its designee for OCII's review and approval an outreach plan for initial marketing of the Affordable Housing Unit. Early outreach pursuant to the Early Outreach Plan must start within 3 months of construction start. The Owner may not start the outreach process until OCII provides its approval, which will occur no later than 10 business days after OCII receives the final draft Early Outreach Plan.
- h. Marketing Plan. The Owner is responsible for following the marketing, reporting, and monitoring requirements and procedures as set forth in the LEP Program. MOHCD shall be responsible for overseeing and monitoring the marketing of affordable units. The Owner must contact MOHCD at least six months prior to the beginning of marketing for any unit in the building.

11. **Homeowners' Association Assessments**. The Owner shall seek to limit the assessments for the Affordable Housing Unit and provide protection to the resident(s) of the Affordable Housing Unit against excessive homeowners' association ("HOA") dues increases and special assessments. Owner shall submit the draft HOA structure for the Development to OCII, for approval in consultation with MOHCD, prior to seeking approval of the structure by the California Bureau of Real Estate.

12. **Equal Opportunity Program**. The Owner shall make a good faith effort to comply with an Equal Opportunity Program consisting of OCII's Small Business Enterprise Program, Construction Workforce Policy, and Prevailing Wage Policy, and shall submit all documents required pursuant to the Equal Opportunity Program.

13. **Nondiscrimination**. There shall be no discrimination against or segregation of any person or group of persons on account of age, race, color, creed, sex, sexual orientation, gender identity, marital or domestic partner status, disabilities (including AIDS or HIV status), religion, national origin or ancestry by Owner or any occupant or user of the Site in the sale, lease, rental, sublease, transfer, use, occupancy, tenure, or enjoyment of the Site subject to this Declaration, or any part thereof, nor shall the Owner itself (or any person or entity claiming under or through it) establish or permit any such practice or

practices of discrimination or segregation with reference to the selection, location, number, use, or occupancy of the Site or any part thereof, nor shall Owner or any occupant or user of the Site or any transferee, successor, assign or holder of any interest in the Site or any person or entity claiming under or through such transferee, successor, assign or holder, establish or permit any such practice or practices of discrimination or segregation, including, without limitation, with reference to the selection, location, number, use or occupancy of tenants, lessees, subtenants, sublessees, vendees or others of the Site. In addition, there shall be no discrimination against or segregation of, any person or group of persons on account of any basis listed in subdivision (a) or (d) of Section 12955 of the Government Code, as those bases are defined in Sections 12926, 12926.1, subdivision (m) and paragraph (1) of subdivision (p) of Section 12955, and Section 12955.2 of the Government Code, in the sale, lease, sublease, transfer, use, occupancy, tenure, or enjoyment of the Site, nor shall the Owner or any person claiming under or through him or her, establish or permit any practice or practices of discrimination or segregation with reference to the selection, location, number, use, or occupancy of tenants, lessees, subtenants, sublessees, or vendees at the Site. The foregoing covenants shall run with the land. Unless an instrument, describing property in the Project Area has been recorded agreeing to change said covenants, the covenants contained hereof shall run in perpetuity.

14. **Maintenance.** The Development shall be maintained in compliance with the laws of the State of California and the Ordinances and Regulations of the City and County of San Francisco.
15. **Enforcement.** In the event of violation or breach of any of the Conditions of Approval contained herein, it shall be the duty of OCII, up until the approval of final occupancy permits for the Development, to endeavor immediately to remedy such breach by conference, conciliation, and persuasion. In the case of failure to remedy such violation or breach, or in advance thereof, if in the judgment of OCII circumstances so warrant, said violation or breach shall be enjoined or abated by appropriate proceedings brought by OCII. OCII, on its own behalf or on behalf of any owner or owners, singularly or collectively, of any real property in the Project Area, or any such owner or owners may, at any time, prosecute any proceedings in law or in equity in case of any violation or attempt to violate any of the conditions contained herein.
16. **Revocation due to Violation of Conditions.** Prior to issuance of a Certificate of Final Completion and Occupancy (“CFCO”), should implementation of this Development result in complaints from interested property owners, residents, or commercial lessees which are not resolved by the Owner and found to be in violation of the specific Conditions of Approval for the Development, the Executive Director shall refer such complaints to the Commission, after which it may hold a public hearing on the matter to consider revocation of this authorization.



17. **Certificates of Occupancy.** Consistent with the DRDAP, the Executive Director shall authorize any approval of the Temporary Certificate of Occupancy and the CFCO. Owner shall have met all Conditions of Approval, including the sale of the Affordable Housing Unit pursuant to the LEP, prior to issuance of the CFCO.
18. **Agency Costs.** Owner has agreed to reimburse OCII for its staff costs associated with the review and approval of this Development. Final approvals are conditioned upon a timely payment.

I hereby certify that the foregoing resolution was adopted by the Commission at its meeting of April 7, 2020.



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Commission Secretary

Exhibit A            Unit Mix and Identification of Affordable Housing Unit  
Exhibit B            Design Review and Document Approval Procedure (DRDAP)

**EXHIBIT A**

**UNIT MIX AND IDENTIFICATION OF AFFORDABLE HOUSING UNIT**

4128 THIRD STREET FOR SALE UNITS

DISTRIBUTION OF RESIDENTIAL UNITS

<b>FLOOR</b>	<b>TYPE</b>	<b>COUNT</b>	<b>AFFORDABILITY</b>
SECOND	2-BEDROOM TOWNHOUSE UNIT #1 (LEVEL #1)	1	MR
	2-BEDROOM FLAT UNIT #2	1	MR
<b>THIRD</b>	2-BEDROOM TOWN HOUSE UNIT #1 (LEVEL #2) <b>2-BEDROOM FLAT UNIT #3</b>	1	<b>BMR</b>
FOURTH	1-BEDROOM FLAT UNIT #4	1	MR
	2-BEDROOM FLAT UNIT #5	1	MR
FIFTH	2-BEDROOM TOWNHOUSE UNIT #6 (LEVEL #1)	1	MR
	2-BEDROOM FLAT UNIT #7	1	MR
SIXTH	2-BEDROOM TOWNHOUSE UNIT #6 (LEVEL #2)	1	MR
	1-BEDROOM FLAT UNIT #8		MR
<b>TOTAL</b>		<b>8</b>	

**MR = MARKET RATE UNIT**

**BMR = BELOW MARKET RATE UNIT (100% AMI)**

## EXHIBIT B

# **DESIGN REVIEW AND DOCUMENT APPROVAL PROCEDURE (DRDAP) FOR THE 4128 THIRD STREET DEVELOPMENT PROJECT IN THE BAYVIEW INDUSTRIAL TRIANGLE REDEVELOPMENT PROJECT AREA**

## **I INTRODUCTION**

This document sets forth the procedure for design submittals of the plans and specifications for the 4128 Third Street project in the Bayview Industrial Triangle Redevelopment Project Area and its review. The vertical developments will include residential, streetscape, private open spaces, and other permanent and interim uses. The Office of Community Investment and Infrastructure ("OCII") shall review plans and specifications. City Agencies will review plans and specifications for compliance with applicable City Regulations.

## **II PROJECT APPROVALS**

Project Approval submissions shall consist of three components or stages:

1. Schematic Design,
2. Design Development Documents, and
3. Final Construction Documents.

### **A - SCOPE OF REVIEW**

OCII shall review and approve Basic Concept Design plans, Schematic Design plans, Design Development Documents and Final Construction Documents, each as defined below, for conformity with any prior approvals, the Bayview Industrial Triangle Redevelopment Project Area and Plan Documents, including but not limited to the Design for Development. OCII's review shall include consideration of such items as the architectural design, site planning and landscape design as applicable and appropriate to each submittal. OCII shall not disapprove, require changes from or impose conditions inconsistent with the Bayview Industrial Triangle Redevelopment Plan (the "Plan"), Plan Documents or matters it has previously approved, provided that the project submittals are consistent with any matter OCII has previously approved.

### **B - OCII PROCESS**

1. Review by OCII.

The redevelopment of the Bayview Industrial Triangle contemplated by the Plan and Plan Documents is under the land use authority of OCII, until the expiration of the Plan. OCII shall keep the applicant informed of OCII's review and comments, as well as comments by other City agencies, other government agencies, or community organizations consulted by OCII, and shall provide applicant opportunities to meet and confer with OCII staff prior to the OCII Commission hearing, if any, to review the specific application for project approval.

2. Cooperation by Applicant.

In addition to the required information set forth in Exhibit 1 attached hereto, the applicant shall submit materials and information as the OCII staff may reasonably request which are consistent with the type of documents listed in Exhibit 1 and which are required to clarify a submittal provided pursuant to this DRDAP. If requested by OCII, the applicant shall cooperate with, and participate in, presentations to the

OCII Commission, if any, and to the public, including but not limited to the Bayview Hunters Point Citizens Advisory Committee.

## **C - REVIEW OF SCHEMATIC DESIGN**

Except as provided below, Schematic Design documents shall be submitted to the OCII Commission for review and consideration. Schematic Design documents shall relate to schematic design level of detail for a specific project.

### **1. Timing of OCII's Review.**

OCII shall review the application for Schematic Design for completeness and advise the applicant in writing of any deficiencies within fifteen (15) working days after the receipt of the applicant's Schematic Design documents. In the event OCII does not so advise the applicant, the application for Schematic Design shall be deemed complete. The time limit for OCII review shall be forty-nine (49) days from the date the application for Schematic Design was determined to be complete. OCII shall take such reasonable measures necessary to comply with the time periods set forth herein.

### **2. Planning Department Review:**

Once deemed complete and in the review phase, OCII shall forward the application for Schematic Design to the Planning Department for review within three (3) working days. The forty-nine (49) day review period will include such Planning Department review. The Planning Department shall review the application for conformity with the proposed rezoning districts, which will come into force after the expiration of the Redevelopment Plan on June 30, 2020. The department shall provide comments, if any, to OCII which shall be consolidated into a singular comment set and transmitted to the applicant within the review period.

### **3. Document Submittals.**

The applicant shall submit Schematic Design Documents, in which plans shall include the documents and information listed in Exhibit 1 attached hereto. OCII may waive certain document submittal requirements if OCII determines such documents are not necessary for the specific application.

## **D - REVIEW OF DESIGN DEVELOPMENT DOCUMENTS**

Design Development Documents shall be submitted for review and either approval, conditional approval, or disapproval by OCII Executive Director or designee, following approval of the Schematic Design.

### **1. Scope of Review.**

OCII shall review the Design Development Documents for consistency with earlier approved documents, the Bayview Industrial Triangle Redevelopment Plan and Plan Documents, including the Scope of Development and the Design for Development. Design Development Documents will relate to design development level of detail for a specific project. The purpose of this submittal is to expand and develop the Schematic Design incorporating changes resulting from resolution of comments and concerns during the Schematic Design phase and to prepare drawings and other documents as to architectural, structural, mechanical, and electrical systems.

### **2. Timing of OCII's Review.**

OCII shall review the Design Development Documents for completeness and advise the applicant in writing of any deficiencies within ten (10) working days after the receipt of the Design Development Documents. In the event OCII does not so advise the applicant, the Design Development Documents shall be deemed complete. The time limit for OCII review shall be forty-nine (49) days from the date the Design Development Documents were determined to be complete. OCII shall take such reasonable measures necessary to comply with the time periods set forth herein.

The applicant and OCII may agree to any extension of time necessary to allow revisions of submittals prior to a decision by OCII. OCII shall review all such revisions as expeditiously as possible, within the time frame of the extension agreed to by OCII and the applicant.

### 3. Planning Department Review:

Once deemed complete and in the review phase, OCII shall forward the Design Development Documents to the Planning Department for review within three (3) working days. The forty-nine (49) day review period will include such Planning Department review. The Planning Department shall review the application for conformity with the proposed rezoning districts, which will come into force after the expiration of the Redevelopment Plan on June 30, 2020. The department shall provide comments, if any, to OCII which shall be consolidated into a singular comment set and transmitted to the applicant within the review period.

### 4. Document Submittals.

The applicant shall submit Design Development Documents, which submittal shall include the documents and information listed in Exhibit 1 attached hereto. OCII may waive certain document submittal requirements if OCII determines such documents are not necessary for the specific application.

## **E - REVIEW OF FINAL CONSTRUCTION DOCUMENTS**

### 1. OCII Review

Final Construction Documents will relate to the construction documents' level of detail for a specific project. The purpose of this submittal is to expand and develop the Design Development Documents to their final form, prepare drawings and specifications in sufficient detail to set forth the requirements of construction of the project and to provide for permitting. Final Construction Documents may be divided and submitted in accordance with an addenda schedule for the project approved in writing in advance by the City's Department of Building Inspection and the OCII Executive Director or designee. Provided the Owner's Final Construction Documents are delivered to OCII concurrently with submittal to the Department of Building Inspection. Final Construction Documents shall be reviewed by OCII within twenty-one (21) days following OCII's receipt of such documents from and approved by the Department of Building Inspection and any other appropriate City Agencies with jurisdiction. In the event that the Owner's Final Construction Documents are not delivered concurrently to OCII, OCII shall review the Final Construction Documents as expeditiously as possible.

### 2. Planning Department Review:

Once deemed complete and in the review phase, OCII shall forward the Design Development Documents to the Planning Department for review within three (3) working days. The twenty-one (21) day review period will include such Planning Department review. The Planning Department shall review the application for conformity with the proposed rezoning districts, which will come into force after the expiration of the Redevelopment Plan on June 30, 2020. The department shall provide comments, if any, to OCII which shall be consolidated into a singular comment set and transmitted to the applicant within the review period.

### 3. Document Submittals

Documents submitted at this stage in the design review will relate to the construction documents level of detail for a specific project. The purpose of this submittal is to expand and develop the Design Development Documents to their final form, prepare drawings and specifications in sufficient detail to set forth the requirements of construction of the project and to provide for permitting. The Final Construction Documents submittal shall include the information specified for the Design Development Documents in Exhibit 1 attached hereto.

### **III OTHER CITY PERMITS**

#### **A - COMPLIANCE WITH OTHER LAWS**

No OCII review will be made or approval given as to the compliance of the Design Development Documents or Final Construction Documents with any building codes and standards, including building engineering and structural design, or compliance with building codes or regulations, or any other applicable state or federal law or regulation relating to construction standards or requirements, including, without limitation, compliance with any local, state or federal law or regulation related to the suitability of the improvements for use by persons with physical disabilities.

#### **B - OCII REVIEW OF CITY PERMITS**

No building permit, or any other City permit, including but not limited to any permits required by the Department of Public Works, or any certificates of occupancy required by the Department of Building Inspection, such as Temporary Certificates of Occupancy and Certificates of Final Completion and Occupancy, shall be issued unless OCII's Executive Director or designee has reviewed and approved the permit application.

#### **C - SITE PERMITS**

The applicant may apply for and obtain a Site Permit and addenda from the Department of Building Inspection upon OCII's approval of the Design Development documents. This application can be submitted before the Final Construction Documents of the project have been completed and submitted for approval to OCII and the Department of Building Inspection. Notwithstanding the foregoing, the applicant may apply for City permits related to grading and excavation activities prior to OCII's approval of the Design Development Documents, provided that OCII approves such activities prior to issuance of any City permits. Grading and excavation are often the first two addenda to site permits.

Pursuant to such site permit process, the Final Construction Documents may be divided and submitted to the Department of Building Inspection in accordance with an addenda schedule for the project approved in writing in advance by OCII and Department of Building Inspection. Construction may proceed after the appropriate Site Permit addenda have been issued, including, for example, and without limitation, addenda for foundations, superstructure, and final building build-out. In no case shall construction deviate from, or exceed the scope of, the issued addenda.

### **IV MODIFICATIONS AND AMENDMENTS TO PROJECT APPROVAL**

The Executive Director or designee may, by written decision, approve project applications which amend or modify the previously approved project, provided that OCII makes the following determinations:

1. The project approval requested involves a deviation that does not constitute a material change;
2. The requested project approval will not be detrimental to the public welfare or injurious to the property or improvements in the vicinity of the project; and
3. The grant of the project approval will be consistent with the general purposes and intent of the Bayview Industrial Triangle Redevelopment Plan and Plan Documents.

In the event that OCII determines that the project application deviates materially from the project already approved by OCII, OCII may require submittal of an amended project application, as appropriate, for review by OCII in accordance with the provisions herein.

Amendments and modifications will be processed in accordance with this DRDAP.

### **V GOVERNMENT REQUIRED PROVISIONS, CHANGES**

OCII and the Owner acknowledge and agree that neither one will delay or withhold its review or approval of those elements of or changes in the Schematic Design, Design Development Documents or Final

Construction Documents which are required by any City agency, including the City's Department of Building Inspection, the Fire Marshall, or any other government agency having jurisdiction; provided, however, that:

- i. The party whose review or approval is sought shall have been afforded a reasonable opportunity to discuss such element of, or change in, documents with the governmental authority requiring such element or change and with either the Owner or OCII, as the case may be, and
- ii. The Owner or OCII in seeking such reasonable modifications of such required element or change as the other shall deem necessary or desirable. The Owner and OCII each agrees to use its diligent, good faith efforts to obtain the other's approval of such elements or changes, and its request for reasonable modifications to such required elements or changes, as soon as reasonably possible.

Exhibit 1 - Documents to be Submitted for Project Approvals

# EXHIBIT 1

## DOCUMENTS TO BE SUBMITTED FOR PROJECT APPROVALS

During each stage of the project design review process, OCII and the Owner shall agree upon the scale of the drawings for project submissions. OCII and the Owner shall also discuss and agree upon the scope of the subsequent project submissions recognizing that each project is unique and that all documents outlined herein may not be required for each project.

Design Development Documents and other Construction Documents to be submitted shall be prepared by an architect licensed to practice in and by the State of California.

### A SCHEMATIC DESIGN

Three (3) sets of Schematic Concept Design documents shall be submitted to OCII in 11" x 17" size format. Documents submitted at this stage in the design review will relate to schematic design level of detail for a specific project. A Schematic Design submittal will include the following documents:

#### 1. Written Statement

A written statement of proposal shall include all data charts including number of parking and loading spaces, size and use of the facilities provided, with the addition of the structural system, principal building materials and area calculations.

#### 2. Schematic Design Drawings

The Schematic Drawings shall generally include, but not be limited to:

- a. Isometric or perspective drawings sufficient to illustrate overall project.
- b. Site plan at appropriate scale showing relationships of buildings with their respective uses designating open spaces, terraces, landscaped areas, walkways, loading areas, streets, water elements, and adjacent uses. Adjacent existing and proposed street and structures should also be shown. Scale: minimum 1/16" = 1' -0"
- c. Site sections showing height relationships of those areas noted above. Scale: minimum 1/16" = 1' -0"
- d. Building plans, elevations and sections sufficient to describe the development proposal, the general architectural character, and materials proposed at appropriate scale to fully explain the concept. Scale: minimum 1/8" = 1' -0"
- e. Written Statement of program, including: size and use of the facilities proposed, structural system and principal building materials.

#### 3. Model

A model shall be submitted to the OCII which shall be prepared at an appropriate scale indicating the exterior building design.

#### 4. Perspectives, Sketches and Renderings

Perspectives, sketches, and renderings, as necessary to indicate the architectural character of the project and its relationship to the pedestrian level shall be submitted to OCII.

#### 5. Samples

Samples of proposed materials and exterior colors shall be submitted to OCII.



## **6. Perspective Drawings**

Perspective renderings sufficient to depict the design characteristics of the project.

### **B DESIGN DEVELOPMENT DOCUMENTS**

Two (2) sets of Design Development documents shall be submitted to OCII in half scale or a size determined by staff. Documents submitted at the design development stage in design review will relate to design development level of detail for a specific project. The purpose of this submittal is to expand and develop the Schematic Design incorporating changes resulting from resolution of comments and concerns during the Schematic Design phase and to prepare drawings and other documents as to architectural, structural, mechanical and electrical systems.

The Design Development Document submission for a specific project should generally be consistent with the Schematic Design approval.

#### **1. Site plans showing where applicable:**

- a. Building relationships to landscaped areas, parking facilities, loading facilities, roads, sidewalks, mid-block connections, any transit facilities, and both public and private open space areas. All land uses within the subject parcel shall be designated. Streets and points of vehicular and pedestrian access shall be shown, indicating proposed new paving, planting and lighting if applicable.
- b. All utilities or service facilities which are a part of or link this project to the public infrastructure shall be shown.
- c. Grading plans depicting proposed finish site elevations.
- d. Site drainage and roof drainage.
- e. Required connections to existing and proposed utilities.
- f. All existing structures adjacent the site.

#### **2. Building floor plans and elevations including structural system, at an appropriate scale (1/8" = 1'-0" minimum).**

#### **3. Building sections showing typical cross sections at an appropriate scale (1/8" = 1'-0" minimum), and in particular indicating street walls and adjacent open spaces, relationship of ground floor uses to pedestrian outdoor areas, and including mechanical equipment.**

#### **4. Landscape design plans showing details of landscape elements including walls, fences, planting, outdoor lighting, ground surface materials. Appropriate reference to improvements in the City's right of way shall be shown.**

#### **5. Drawings showing structural, mechanical and electrical systems.**

#### **6. Materials and colors samples as they may vary from those submitted for Schematic Design approval.**

#### **7. Sign locations and design.**

#### **8. Outline specifications for materials and methods of construction.**

#### **9. Roof plan showing location of and screen design for all rooftop equipment; and roof drainage.**

## **C FINAL CONSTRUCTION DOCUMENTS**

Documents submitted at this stage in the design review will relate to the construction documents level of detail for a specific project. The purpose of this submittal is to expand and develop the Design Development Documents, prepare drawings and specifications in sufficient detail to set forth the requirements of construction of the project and to provide for permitting.

The Final Construction Documents shall generally be consistent with the approved Design Development Documents. The Final Construction Documents shall comply with the requirements of the City's Department of Building Inspection, including Site Plans and Construction Drawings and Specifications ready for bidding. In addition, the applicant shall submit a presentation of all exterior color schedules including samples, if appropriate, and design drawings for all exterior signs and graphics prior to completed construction. OCII and Owner shall continue to work to resolve any outstanding design issues, as necessary.