



# SAN FRANCISCO PLANNING DEPARTMENT

## Executive Summary Conditional Use

HEARING DATE: NOVEMBER 17, 2011

*Date:* November 10, 2011  
*Case No.:* 2005.0233C  
*Project Address:* 49 JULIAN AVENUE  
*Zoning:* UMU (Urban Mixed Use) District  
45-X Height and Bulk District.  
*Former Zoning:* C-M (Heavy Commercial) Zoning District  
50-X Height and Bulk District  
*Block/Lots:* 3547/032  
*Project Sponsor:* Tom McInerney  
49 Julian Avenue  
San Francisco, CA 94103  
*Staff Contact:* Ben Fu – (415) 558-6613  
[ben.fu@sfgov.org](mailto:ben.fu@sfgov.org)  
*Recommendation:* **Approval with Conditions**

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

Reception:  
**415.558.6378**

Fax:  
**415.558.6409**

Planning  
Information:  
**415.558.6377**

### PROJECT DESCRIPTION

The project proposes to demolish the existing one-story, industrial building and construct an approximately 10,500-square foot, 50-foot tall, five-story residential building containing eight dwelling units and eight ground floor parking spaces utilizing its Eastern Neighborhoods Pipeline status. The ground floor would include 2,155 square feet of space for a parking garage, residential lobby, and utilities. The parking garage would accommodate up to eight off-street parking spaces and at least four Class 1 bicycle parking spaces. The second through the fifth floors would accommodate eight, two-bedroom dwelling units.

The project utilizes its Eastern Neighborhoods Pipeline status per Planning Code Section 175.6(e) to elect to conform to the controls under the former C-M (Heavy Commercial) Zoning District and the 50-X Height and Bulk District, while conforming to Articles 1, 1.2, 1.5 and 2.5, as amended by the Eastern Neighborhoods Controls, or requesting Conditional Use authorization to seek relief from those amended Articles. The project site is currently in the UMU (Urban Mixed Use) District and a 45-X Height and Bulk District.

### SITE DESCRIPTION AND PRESENT USE

The project site is located on the east side of Julian Avenue between 14<sup>th</sup> and 15<sup>th</sup> Streets in the Mission District. The project site is located within the UMU (Urban Mixed Use) zoning district and a 45-X Height and Bulk District pursuant to the Eastern Neighborhoods rezoning which became effective on January 10, 2009. Prior to the rezoning, and at the time the project's environmental and entitlement applications were filed, the project site was zoned C-M (Heavy Commercial Use) and was located within a 50-X Height and

Bulk District. The property is improved with a vacant, single-story warehouse of approximately 2,910 square feet and constructed in 1962.

## **SURROUNDING PROPERTIES AND NEIGHBORHOOD**

The project site is located on the east side of Julian Avenue on the block bounded by 14th Street to the north, Mission Street to the east, 15th Street to the south, and Julian Avenue to the west. Properties located starting from the north side of 14th Street between Julian Avenue and Mission Street and to 15th Street, including the subject property, are in a pocket zoned UMU. Other properties on adjacent lots to the west are zoned Valencia NCT, and the adjacent properties to the east are zoned Mission Street NCT.

Land uses in the immediate vicinity of the site vary. They include retail, service, office, light industrial and residential uses along Mission Street, multi-family residential uses along 15th Street and social services and residential care facilities along Julian Avenue. Immediately south of the project site at 1850 Mission Street is a two-story, office building occupied by Arriba Juntos Social Services. Adjacent and north of the site at the corner of 14th Street and Julian Avenue is 1800 Mission Street, also known as the Mission Armory or State Armory and Arsenal. The Armory is listed as an individual resource in the National Register of Historic Places (National Register), California Register of Historical Resources (California Register), and also listed in Article 10 of the San Francisco Planning Code as City Landmark No. 108 – State Armory and Arsenal (designated in February 1980). Two properties to the south is 1880 Mission Street, a seven-story mixed-use project consisting of up to 194 dwelling units, up to 9,000 square feet of ground floor commercial space fronting mostly on Mission Street, and up to 181 independently accessible off-street parking spaces and up to 40 valet spaces that would be accessed by 15th Street, which has been approved and moving forward with construction.

## **ENVIRONMENTAL REVIEW**

On December 16, 2010, 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;

## **HEARING NOTIFICATION**

<b>TYPE</b>	<b>REQUIRED PERIOD</b>	<b>REQUIRED NOTICE DATE</b>	<b>ACTUAL NOTICE DATE</b>	<b>ACTUAL PERIOD</b>
Classified News Ad	20 days	October 28, 2011	August 17, 2011	92 days
Posted Notice	20 days	October 28, 2011	August 17, 2011	92 days
Mailed Notice	20 days	October 28, 2011	August 17, 2011	92 days

The proposal requires a Section 312-neighborhood notification, which was conducted in conjunction with the Conditional Use authorization process.

## **PUBLIC COMMENT**

- The Department has received opposition from the owner and operator at the Mission Armory and phone calls and letters inquiring about the project. The project was reviewed by and

received support from the Historic Preservation Commission (see attached memo), subject to review and comment from the Architecture Review Committee.

## **ISSUES AND OTHER CONSIDERATIONS**

- Prior to January 19, 2009, the project site was located in the C-M (Heavy Commercial Use) and was located within a 50-X Height and Bulk District. The first development application for the project was filed with the Planning Department on March 09, 2005, and pursuant to Planning Code Section 175.6(e) the project is eligible, and has elected, to be reviewed and processed in accordance with the prior C-M zoning regulations. Per Section 175.6(e), residential projects for which a code compliant application was filed prior to April 1, 2006, shall be subject to controls in effect prior to the adoption of the Eastern Neighborhoods rezoning, except for the amended Articles 1,1.2, 1.5, and 2.5. The project site is currently in the UMU (Urban Mixed Use) zoning district and a 45-X Height and Bulk District.
- On October 19, 2011, The Historic Preservation Commission (HPC) reviewed the project and provided general support with options to refine and sculpt the portion of the building that will block light to the Mission Armory's Drill Court windows. Options included the reduction of roof projections and the introduction of additional setbacks along the side elevation of the development that is adjacent to the Drill Court. The hearing closed with the Sponsor agreeing to work with staff and the Architectural Review Committee of the HPC to make these refinements. Project sponsor subsequently minimized the rooftop projections and provided an 18-foot long by 2-foot rear side setback at the northeast corner.

## **REQUIRED COMMISSION ACTION**

In order for the project to proceed, the Commission must grant Conditional Use authorization under Planning Code Sections 215(a), 175.6(e)(1)(c), 151.1 and 303 to allow the demolition of an existing one-story, industrial building and the construction of a new approximately 10,500-square foot, 50-foot tall, five-story residential building containing eight dwelling units and eight ground floor parking spaces utilizing its Eastern Neighborhoods Pipeline status per Planning Code Section 175.6(e) to elect to conform to the controls under the former C-M (Heavy Commercial) Zoning District and the 50-X Height and Bulk District

## **BASIS FOR RECOMMENDATION**

- The project complies with the applicable requirements of the Planning Code, under pipelines controls per Planning Code Section 175.6(e).
- The project is consistent with the objectives and policies of the General Plan.
- The project will provide eight two-bedroom dwelling units to the City's family housing stock.
- The project will convert an underused site into a productive residential development.
- The project design is consistent with and respects the existing neighborhood character, and is an appropriate in-fill development that compliments the existing development pattern.

**RECOMMENDATION: Approval with Conditions**

**Attachments:**

- Draft Conditional Use Motion
- Parcel Maps
- Sanborn Map
- Aerial Photographs
- Zoning Map
- HPC Memo
- Environmental Determination
- Project Sponsor Submittal:
  - Cover letter
  - Project Renderings
  - Reduced Plans
  - Context Photographs

Attachment Checklist

- |   |  |
|---|--|
| <input checked="" type="checkbox"/> Executive Summary           | <input checked="" type="checkbox"/> Project sponsor submittal  |
| <input checked="" type="checkbox"/> Draft Motion                | Drawings: <u>Existing Conditions</u>   |
| <input checked="" type="checkbox"/> Environmental Determination | <input checked="" type="checkbox"/> Check for legibility   |
| <input checked="" type="checkbox"/> Zoning District Map         | Drawings: <u>Proposed Project</u>  |
| <input checked="" type="checkbox"/> Height & Bulk Map           | <input checked="" type="checkbox"/> Check for legibility   |
| <input checked="" type="checkbox"/> Parcel Map                  | <input checked="" type="checkbox"/> Inclusionary Affordable Housing Program:<br>Affidavit for Compliance |
| <input checked="" type="checkbox"/> Sanborn Map                 |  |
| <input checked="" type="checkbox"/> Aerial Photo                |  |
| <input checked="" type="checkbox"/> Context Photos              |  |
| <input checked="" type="checkbox"/> Site Photos                 |  |

Exhibits above marked with an "X" are included in this packet

BF  
Planner's Initials



# SAN FRANCISCO PLANNING DEPARTMENT

Subject to: (Select only if applicable)

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

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

Reception:  
**415.558.6378**

Fax:  
**415.558.6409**

Planning  
Information:  
**415.558.6377**

## Planning Commission Motion No. XXXX HEARING DATE: NOVEMBER 17, 2011

*Date:* November 10, 2011  
*Case No.:* **2005.0233C**  
*Project Address:* **49 JULIAN AVENUE**  
*Zoning:* UMU (Urban Mixed Use) District  
 45-X Height and Bulk District.  
*Former Zoning:* C-M (Heavy Commercial) Zoning District  
 50-X Height and Bulk District  
*Block/Lots:* 3547/032  
*Project Sponsor:* Tom McInerney  
 49 Julian Avenue  
 San Francisco, CA 94103  
*Staff Contact:* Ben Fu – (415) 558-6613  
[ben.fu@sfgov.org](mailto:ben.fu@sfgov.org)

**ADOPTING FINDINGS RELATING TO CONDITIONAL USE AUTHORIZATION PURSUANT TO PLANNING CODE SECTIONS 215(A), 175.6(E)(1)(C), 151.1 AND 303 TO ALLOW THE DEMOLITION OF AN EXISTING ONE-STORY, INDUSTRIAL BUILDING AND THE CONSTRUCTION OF A NEW APPROXIMATELY 10,500-SQUARE FOOT, 50-FOOT TALL, FIVE-STORY RESIDENTIAL BUILDING CONTAINING EIGHT DWELLING UNITS AND EIGHT GROUND FLOOR PARKING SPACES UTILIZING ITS EASTERN NEIGHBORHOODS PIPELINE STATUS PER PLANNING CODE SECTION 175.6(E) TO ELECT TO CONFORM TO THE CONTROLS UNDER THE FORMER C-M (HEAVY COMMERCIAL) ZONING DISTRICT AND THE 50-X HEIGHT AND BULK DISTRICT, WHILE CONFORMING TO ARTICLES 1, 1.2, 1.5 AND 2.5, AS AMENDED BY THE EASTERN NEIGHBORHOODS CONTROLS, OR REQUESTING CONDITIONAL USE AUTHORIZATION TO SEEK RELIEF FROM THOSE AMENDED ARTICLES. THE PROJECT SITE IS CURRENTLY IN THE UMU (URBAN MIXED USE) DISTRICT AND A 45-X HEIGHT AND BULK DISTRICT.**

### PREAMBLE

On May 26, 2005, Tom McInerney (Project Sponsor) filed an application with the Planning Department (hereinafter “Department”) for Conditional Use Authorization under Planning Code Sections 215(a), 175.6(e)(1)(c), 151.1 and 303 to allow the demolition of an existing one-story, industrial building and the construction of a new approximately 10,500-square foot, 50-foot tall, five-story residential building

containing eight dwelling units and eight ground floor parking spaces under the former C-M (Heavy Commercial) Zoning District and the 50-X Height and Bulk District.

On December 16, 2010, 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 September 8, 2011, the Commission conducted a duly noticed public hearing at a regularly scheduled meeting on Conditional Use Application No. 2005.0233C.

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. 2005.0233C, 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 site is located on the east side of Julian Avenue between 14<sup>th</sup> and 15<sup>th</sup> Streets in the Mission District. The project site is located within the UMU (Urban Mixed Use) zoning district and a 45-X Height and Bulk District pursuant to the Eastern Neighborhoods rezoning which became effective on January 10, 2009. Prior to the rezoning, and at the time the project's environmental and entitlement applications were filed, the project site was zoned C-M (Heavy Commercial Use) and was located within a 50-X Height and Bulk District. The property is improved with a vacant, single-story warehouse of approximately 2,910 square feet and constructed in 1962.
3. **Surrounding Properties and Neighborhood.** The project site is located on the east side of Julian Avenue on the block bounded by 14<sup>th</sup> Street to the north, Mission Street to the east, 15<sup>th</sup> Street to the south, and Julian Avenue to the west. Properties located starting from the north side of 14<sup>th</sup> Street between Julian Avenue and Mission Street and to 15<sup>th</sup> Street, including the subject property, are in a pocket zoned UMU. Other properties on adjacent lots to the west are zoned Valencia NCT, and the adjacent properties to the east are zoned Mission Street NCT.

Land uses in the immediate vicinity of the site vary. They include retail, service, office, light industrial and residential uses along Mission Street, multi-family residential uses along 15<sup>th</sup> Street and social services and residential care facilities along Julian Avenue. Immediately south of the project site at 1850 Mission Street is a two-story, office building occupied by Arriba Juntos

Social Services. Adjacent and north of the site at the corner of 14th Street and Julian Avenue is 1800 Mission Street, also known as the Mission Armory or State Armory and Arsenal. The Armory is listed as an individual resource in the National Register of Historic Places (National Register), California Register of Historical Resources (California Register), and also listed in Article 10 of the San Francisco Planning Code as City Landmark No. 108 – State Armory and Arsenal (designated in February 1980). Two properties to the south is 1880 Mission Street, a seven-story mixed-use project consisting of up to 194 dwelling units, up to 9,000 square feet of ground floor commercial space fronting mostly on Mission Street, and up to 181 independently accessible off-street parking spaces and up to 40 valet spaces that would be accessed by 15th Street, which has been approved and moving forward with construction.

4. **Project Description.** The project proposes to demolish the existing one-story, industrial building and construct an approximately 10,500-square foot, 50-foot tall, five-story residential building containing eight dwelling units and eight ground floor parking spaces utilizing its Eastern Neighborhoods Pipeline status. The ground floor would include 2,155 square feet of space for a parking garage, residential lobby, and utilities. The parking garage would accommodate up to eight off-street parking spaces and at least four Class 1 bicycle parking spaces. The second through the fifth floors would accommodate eight, two-bedroom dwelling units.

The project utilizes its Eastern Neighborhoods Pipeline status per Planning Code Section 175.6(e) to elect to conform to the controls under the former C-M (Heavy Commercial) Zoning District and the 50-X Height and Bulk District, while conforming to Articles 1, 1.2, 1.5 and 2.5, as amended by the Eastern Neighborhoods Controls, or requesting Conditional Use authorization to seek relief from those amended Articles. The project site is currently in the UMU (Urban Mixed Use) District and a 45-X Height and Bulk District.

5. **Public Comment.** The Department has received opposition from the owner and operator at the Mission Armory and phone calls and letters inquiring about the project. The project was reviewed by and received support from the Historic Preservation Commission.
6. **Past Actions.** Prior to January 19, 2009, the project site was located in the C-M (Heavy Commercial Use) and was located within a 50-X Height and Bulk District. The first development application for the project at the property was filed with the Planning Department on March 09, 2005, and pursuant to Planning Code Section 175.6(e) the project is eligible, and has elected, to be reviewed and processed in accordance with the prior C-M zoning regulations. Per Section 175.6(e) residential projects for which a code compliant application was filed prior to April 1, 2006, shall be subject to controls in effect prior to the adoption of the Eastern Neighborhoods rezoning, except for the amended Articles 1,1.2, 1.5, and 2.5. The project site is currently in the UMU (Urban Mixed Use) zoning district and a 45-X Height and Bulk District.

On October 19, 2011, The Historic Preservation Commission (HPC) reviewed the project and provided general support with options to refine and sculpt the portion of the building that will block light to the Mission Armory's Drill Court windows. Options included the reduction of roof projections and the introduction of additional setbacks along the side elevation of the

development that is adjacent to the Drill Court. The hearing closed with the Sponsor agreeing to work with staff and the Architectural Review Committee of the HPC to make these refinements. Project sponsor subsequently minimized the rooftop projections and provided an 18-foot long by 2-foot rear side setback at the northeast corner.

7. **Eastern Neighborhood Pipeline.** Planning Code Section 175.6 applies Articles 1, 1.2, 1.5 and 2.5, as amended by the Eastern Neighborhoods Controls, and allows complete or partial relief from those requirements through the Conditional Use authorization process to Residential Code Conforming Projects that filed a first development application with the Planning Department prior to April 1, 2006.

*The Project Sponsor filed a first development application with the Planning Department on March 9, 2005. The Project Sponsor has elected the Project be subject to the controls under the former C-M zoning district and is seeking relief from the parking requirement under Article 1.2 through the Conditional Use authorization process.*

8. **Planning Code Compliance:** The Commission finds that the Project is consistent with the relevant provisions of the Planning Code in the following manner:

- A. **Zoning Districts.** On the date of the first development application, the project site was zoned as a C-M District. As part of the Eastern Neighborhoods rezoning, the Project site was rezoned to UMU District. The UMU District is intended to promote a vibrant mix of uses while maintaining the characteristics of this formerly industrially-zoned area. Within the UMU, allowed uses include production, distribution, and repair uses such as light manufacturing, home and business services, arts activities, warehouse, and wholesaling. Additional permitted uses include retail, educational facilities, and nighttime entertainment. Housing is also permitted, but is subject to higher affordability requirements. Family-sized dwelling units are encouraged. The project proposes eight two-bedroom units, or family-sized units in the UMU Zoning District.

- B. **Use.** This project falls within the Eastern Neighborhoods Plan Area and filed its first development application in March 2005. As such, it is subject to the land use controls that applied at that filing date, per Planning Code Section 175.6. At that time the subject property was zoned C-M, which required Conditional Use authorization for the construction of dwelling units per Planning Code Section 215(a).

*The Project proposes eight two-bedroom residential units. The residential uses are now permitted as of right and are encouraged.*

- B. **Rear Yard.** Planning Code Section 134 requires a 25 percent minimum rear yard depth of the total depth of the lot on which the building is situated, but in no case less than 15 feet.

*The project meets the requirement by providing the required 23'-6" rear yard, or 25% of the total lot depth.*

- D. **Exposure.** Planning Code Section 140 requires each dwelling unit to have at least one window facing a public street, code-complying rear yard, or an appropriately sized open area.

*All of the proposed dwelling units have at least one room facing either Julian Avenue, or the code complying rear yard, which meets the minimum dimensional requirements per Section 140(a)(2).*

- E. **Street Trees.** Planning Code Section 143 requires the owner or developer of a new building in this District to install street trees. Each street tree must be a minimum of 24-inch box for every 20 feet of frontage of the property along each street or public alley.

*The Project is required to install two street trees along Julian Avenue. The Project includes two street trees along Julian Avenue.*

- F. **Street Frontages.** Planning Code Section 145.1 requires the following for street frontages in Mixed Use Districts: (1) not more than 1/3 the width of the building facing the street may be devoted to ingress/egress to parking; (2) off-street parking at street grade must be set back at least 25 feet; (3) "active" use shall be provided within the first 25 feet of building depth at the ground floor; (4) ground floor non-residential uses shall have a floor-to-floor height of 17-feet; (5) frontages with active uses shall be fenestrated with transparent windows; and, (6) decorative railings or grillwork placed in front of or behind ground floor windows, shall be at least 75 percent open to perpendicular views.

*The project meets the requirements of Section 145.1 as follows: (1) providing an approximately 10-foot wide garage opening, which is less than 1/3 the width of the building; (2) street level off-street parking is set back approximately 30 feet; (3) incorporating a lobby as an "active use" at the ground floor; (4) no non-residential ground floor use; and, (5) providing transparent windows at the ground floor active use.*

- G. **Height.** Per Planning Code Section 175.6 and the pipeline guidelines, in cases where height limits have been reduced by the Eastern Neighborhoods Plan, the height limit in affect at the time of the first development application shall apply.

*The project complies with the 50-foot height limit in affect at the time of the first development application in 2005.*

- H. **Parking.** Planning Code Section 151.1 principally allows 0.75 parking space per dwelling unit, and up to 1 space per unit for projects with at least 2 bedrooms and at least 1,000 square feet of occupied floor area. Planning Code Section 175.6(e)(1)(c) allows complete or partial relief from that requirement through the Conditional Use authorization process.

*Although all eight proposed dwelling units are two-bedroom units, they do not meet the minimum 1,000 square-foot occupied floor area requirement. Eight parking spaces were required at the time of*

*project submittal. Under current controls, six spaces are permitted as accessory parking. Therefore, the project seeks relief through the Conditional Use process to allow one parking space per unit, resulting in a total of eight spaces proposed. The residential units all feature two bedrooms averaging approximately 700 square feet, and are ideal for occupancy by families.*

- I. **Bicycle parking.** Planning Code Section 155.5 requires projects with up to 50 dwelling units to provide at least one bicycle parking for every two dwelling units.

*The project requires four bicycle parking spaces, and four bicycle parking spaces are proposed.*

- J. **Dwelling Unit Density.** Planning Code Sections 215 and 209.1(l), allows dwelling units within the C-M District at a density not to exceed one unit per 200 square feet of lot area.

*As an Eastern Neighborhoods pipeline project, the project is subject to the use controls under Article 2 of the former zoning district, the C-M District. The C-M District allowed dwellings at a density not to exceed one unit per 200 square feet of lot area. The property has a lot area of 2,914 square feet, wherein a maximum of 14 dwelling units would be permitted. The project proposes a total of eight units, as permitted by the prior zoning. Current UMU District has removed the density limit.*

- L. **Open Space Requirement in the C-M District.** Planning Code Section 135 states that residential uses in the C-M District must provide either 36 square feet of useable private open space, 48 square feet of common useable open space, or some combination of both.

*For the proposed eight units, a total of 384 square feet of common space is required. Common open space is provided in the rear yard on the second level in the amount of approximately 409 square feet, in compliance with the open space requirements.*

- M. **Shadow.** Pursuant to Planning Code Section 295, no building permit authorizing the construction of any structure exceeding 40 feet in height that will cast any shade or shadow upon any property under the jurisdiction of the Recreation and Park Commission during the times of one hour after sunrise and one hour before sunset, all year round, may be issued except on prior action of the Commission pursuant to the provisions of this Section.

*The Shadow Analysis conducted for the Project indicates that the Project will not cast shadow upon Public, Publicly Accessible or Publicly Financed or Subsidized Open Space.*

- 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 would apply to projects that consist of ten or more units, where the first application (EE or BPA) was applied for before 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 for the purpose of increasing affordable housing citywide.

*The Project is a pipeline project submitted prior to 2006. The inclusionary housing requirement at the time of the project submittal was triggered if ten or more dwelling units are proposed. The project proposes a total of eight units; therefore, the project is not subject to the affordable housing requirements.*

9. **First Source Hiring.** The First Source Hiring Program applies to permits for residential development (Section 83.4(m) of the Administrative Code) over ten new units or more than 25,000 square feet of new or additional gross floor area.

*The proposed eight-unit, 11,000- square-foot project will not require the execution of a First Source Hiring Memorandum of Understanding or a First Source Hiring Agreement with the City's First Source Hiring Administration.*

10. **Conditional Use Authorization.** Planning Code Section 303 establishes criteria for the 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 proposed project is in keeping with the intended character of the UMU District and the Mission neighborhood, where high-density housing is encouraged. The project is necessary and desirable in that eight dwelling units will be added to the City's housing stock in location where larger development is encouraged and is under construction.*

- 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 height and bulk of the project proposes a building scale that is compatible with the scale and width of Julian Avenue and other existing and approved developments. The location of the residential entry and parking entrance are appropriate and eliminates any interference with the pedestrian experience on the street. The proposed project will complement the nature of approved developments in the area, and it is an appropriate infill residential project.*

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

*The project proposes eight parking spaces. The project creates a new curb cut on a street with other curb cuts for much larger residential developments.*

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

*Noxious or offensive emissions are not typically associated with the residential uses proposed.*

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

*Two street trees are proposed and as required by the Planning Code.*

- 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.*

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

## **HOUSING**

### **Objectives and Policies – 2009 Housing Element**

#### **OBJECTIVE 1**

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

##### **Policy 1.1**

Plan for the full range of housing needs in the city and county of San Francisco, especially 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.

*The Project is a high density residential-use development in an underutilized, transitioning industrial area. The Project site is a standard site that is currently only used as an empty warehouse, which significantly degrades the built and pedestrian environment that surrounds it. The area around the Project site was recently rezoned to UMU as part of a long range planning goal to create a cohesive, high density residential and mixed-use neighborhood.*

#### **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 11.4**

Continue to utilize zoning districts which conform to a generalized residential land use and density plan and the General Plan.

**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.

**Policy 11.8**

Consider a neighborhood's character when integrating new uses, and minimize disruption caused by expansion of institutions into residential areas.

*The architecture of this Project responds to the site's location as a transitional industrial and residential Mission neighborhood. The Project main facade presents fenestration patterns and scale similar to the expressed frame of residential and industrial uses common in the area. The exterior building is designed with modern materials including aluminum, cement plaster, and wood. Additionally, the metal punched window openings with cement plaster pop-outs and bay projections provide a stimulating and visually interesting element from the public right of way.*

**OBJECTIVE 12**

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

**Policy 12.2**

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

*The project provides adequate open space, all on-site. The open spaces are provided in the form of accessible rear yard.*

## URBAN DESIGN ELEMENT

### City Pattern

**OBJECTIVE 1.** EMPHASIS OF THE CHARACTERISTIC PATTERN, WHICH GIVES TO THE CITY AND ITS NEIGHBORHOODS AN IMAGE, A SENSE OF PURPOSE AND A MEANS OF ORIENTATION.

**Policy 1.2.** 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 District by reinforcing the urban nature of the street pattern, and by providing a unified street wall along Julian Avenue. The Project's design is compatible with the design features of surrounding buildings, and will result in a better utilization of the Project Site than the current vacant warehouse.*

### Visual Harmony

**OBJECTIVE 3.** MODERATION OF MAJOR NEW DEVELOPMENT TO COMPLEMENT THE CITY PATTERN, THE RESOURCES TO BE CONSERVED, AND THE NEIGHBORHOOD ENVIRONMENT.

**Policy 3.1.** Promote harmony in the visual relationships and transitions between new and older buildings.

**Policy 3.3.** Promote efforts to achieve high quality of design for buildings to be constructed at prominent locations.

### Neighborhood Environment

**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.

*The Project will improve the neighborhood environment by providing pedestrian-oriented active uses. The new building will be compatible in use and design with other buildings in the neighborhood. Street trees will also be installed Julian Avenue, beautifying a property that was formerly used as a warehouse.*

## MISSION AREA PLAN

### Land Use

**OBJECTIVE 1.2.** IN AREAS OF THE MISSION WHERE HOUSING AND MIXED-USE IS ENCOURAGED, MAXIMIZE DEVELOPMENT POTENTIAL IN KEEPING WITH NEIGHBORHOOD CHARACTER.

**Policy 1.2.1:** Ensure that in-fill housing development is compatible with its surroundings.

*The Proposed Project is designed to fit within the existing context of residential and commercial/industrial buildings. The Project proposes to meet the height limit and provides a fair amount of residential density while not compromising amenities that contribute to the quality of life for the dwelling units, including usable open space. The Proposed Project features a contemporary architectural style that respects its surroundings while providing some distinction and is an appropriate infill development.*

### Housing

**OBJECTIVE 2.5.** PROMOTE HEALTH THROUGH RESIDENTIAL DEVELOPMENT DESIGN AND LOCATION

**Policy 2.5.3:** Require new development to meet minimum levels of “green” construction.

*The Proposed Project will be required to meet the standards for new construction as required by the Green Building Ordinance, the mechanism which the City of San Francisco uses to ensure “green” construction.*

### Built Form

**OBJECTIVE 3.1.** PROMOTE AN URBAN FORM THAT REINFORCES THE MISSION'S DISTINCTIVE PLACE IN THE CITY'S LARGER FORM AND STRENGTHENS ITS PHYSICAL FABRIC AND CHARACTER

**Policy 3.1.6:** New buildings should epitomize the best in contemporary architecture, but should do so with full awareness of, and respect for, the height, mass, articulation and materials of the best of the older buildings that surrounds them.

**Policy 3.1.8:** New development should respect existing patterns of rear yard open space. Where an existing pattern of rear yard open space does not exist, new development on mixed-use-zoned parcels should have greater flexibility as to where open space can be located.

*The Proposed Project features a contemporary architectural style that respects its surroundings while providing some distinction. The proposed height and massing of the Project blend well with the surrounding context of multistoried buildings. The exterior finish materials are of good quality. There is*

*no strong mid block open space pattern on the block. The Project proposes an open area at the rear of the lot and beginning on the lowest residential level.*

**OBJECTIVE 3.2.** PROMOTE AN URBAN FORM AND ARCHITECTURAL CHARACTER THAT SUPPORTS WALKING AND SUSTAINS A DIVERSE, ACTIVE AND SAFE PUBLIC REALM.

**POLICY 3.2.3:** Minimize the visual impact of parking.

**POLICY 3.2.4:** Strengthen the relationship between a building and its fronting sidewalk.

*The automobile entry is minimized at ten feet wide, de-emphasizing the presence of automobiles at the site. The ground floor is free of blank walls and the entry is clearly identified. Streets are provided and offer an adequate buffer between public and private spaces.*

### **Streets and Open Space**

**OBJECTIVE 5.2:** ENSURE THAT NEW DEVELOPMENT INCLUDES HIGH QUALITY, PRIVATE OPEN SPACE

**Policy 5.2.1:** Require new residential and mixed-use residential development to provide on-site, private open space designed to meet the needs of residents.

**Policy 5.2.3:** Encourage private open space to be provided as common spaces for residents and workers of the building wherever possible

*The Proposed Project satisfies its usable open space requirement through a common rear yard that meets the minimum size required by Code.*

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

*There are no existing neighborhood-serving retail uses on the site. The residential project proposes no retail uses.*

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 will have no negative impact on this policy, as there is no existing housing at the project site.*

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

*The pipeline project does not trigger the inclusionary housing requirement.*

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

*Traffic generated by the residential uses would be intermittent and not significant to overburden local streets. Eight off-street parking spaces are proposed. BART and Muni are located within two blocks of the site.*

- 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 as the existing warehouse has been vacant.*

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

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

- G. That landmarks and historic buildings be preserved.

*A landmark or historic building does not occupy the Project site. The project has been revised to minimize rooftop structures and provide an 18-foot long by 2-foot rear side setback at the northeast corner to preserve light and visibility to the adjacent Mission Armory, a City Landmark.*

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

*The project will have no negative impact on existing parks and open spaces. The Project does not have an impact on open spaces.*

13. 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.

14. 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. 2005.0233C** subject to the following conditions attached hereto as "EXHIBIT A" in general conformance with plans on file, dated November 02, 2011, 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. XXXXX. 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.**

I hereby certify that the Planning Commission **ADOPTED** the foregoing Motion on November 17, 2011.

Linda D. Avery  
Commission Secretary

AYES:

NAYS:

ABSENT:

ADOPTED: November 17, 2011

## **EXHIBIT A**

### **AUTHORIZATION**

This authorization is for a conditional use to allow Conditional Use authorization under Planning Code Sections 215(a), 175.6(e)(1)(c), 151.1 and 303 to allow the demolition of an existing one-story, industrial building and the construction of a new approximately 10,500-square foot, 50-foot tall, five-story residential building containing eight dwelling units and eight ground floor parking spaces utilizing its Eastern Neighborhoods Pipeline status per Planning Code Section 175.6(e) to elect to conform to the controls under the former C-M (Heavy Commercial) Zoning District and the 50-X Height and Bulk District; in general conformance with plans, dated November 2, 2011, and stamped "EXHIBIT B" included in the docket for Case No. 2005.0233C and subject to conditions of approval reviewed and approved by the Commission on November 17, 2011, under Motion No. XXXXX. 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 November 17, 2011, under Motion No. XXXXX.

### **PRINTING OF CONDITIONS OF APPROVAL ON PLANS**

The conditions of approval under the 'Exhibit A' of this Planning Commission Motion No. XXXXX 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 and Expiration.** The authorization and right vested by virtue of this action is valid for three years from the effective date of the Motion. A building permit from the Department of Building Inspection to construct the project and/or commence the approved use must be issued as this Conditional Use authorization is only an approval of the proposed project and conveys no independent right to construct the project or to commence the approved use. The Planning Commission may, in a public hearing, consider the revocation of the approvals granted if a site or building permit has not been obtained within three (3) years of the date of the Motion approving the Project. 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. The Commission may also consider revoking the approvals if a permit for the Project has been issued but is allowed to expire and more than three (3) years have passed since the Motion was approved. *For information about compliance, contact Code Enforcement, Planning Department at 415-575-6863, [www.sf-planning.org](http://www.sf-planning.org).*
2. **Extension.** This authorization may be extended at the discretion of the Zoning Administrator only where failure to issue a permit by the Department of Building Inspection to perform said tenant improvements is caused by a delay by a local, State or Federal agency or by any appeal of the issuance of such permit(s). *For information about compliance, contact Code Enforcement, Planning Department at 415-575-6863, [www.sf-planning.org](http://www.sf-planning.org).*

### DESIGN

3. **Final Materials.** The Project Sponsor shall continue to work with Planning Department on the building design. Final materials, glazing, color, texture, landscaping, and detailing shall be subject to Department staff review and approval. The architectural addenda shall be reviewed and approved by the Planning Department prior to issuance. *For information about compliance, contact the Case Planner, Planning Department at 415-558-6613, [www.sf-planning.org](http://www.sf-planning.org).*
4. **Street Trees.** Pursuant to Planning Code Section 428 (formerly 143), the Project Sponsor shall submit a site plan to the Planning Department prior to Planning approval of the building permit application indicating that street trees, at a ratio of one street tree of an approved species for every 20 feet of street frontage along public or private streets bounding the Project, with any remaining fraction of 10 feet or more of frontage requiring an extra tree, shall be provided. The street trees shall be evenly spaced along the street frontage except where proposed driveways or other street obstructions do not permit. The exact location, size and species of tree shall be as approved by the Department of Public Works (DPW). In any case in which DPW cannot grant approval for installation of a tree in the public right-of-way, on the basis of inadequate sidewalk width, interference with utilities or other reasons regarding the public welfare, and where installation of such tree on the lot itself is also impractical, the requirements of this Section 428 may be modified or waived by the Zoning Administrator to the extent necessary. *For information about compliance, contact the Case Planner, Planning Department at 415-558-6378, [www.sf-planning.org](http://www.sf-planning.org).*

5. **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 415-558-6613, [www.sf-planning.org](http://www.sf-planning.org)*
  
6. **Transformer Vault.** The location of individual project PG&E Transformer Vault installations has significant impacts to San Francisco streetscapes when improperly located. However, they may not have any impact if they are installed in preferred locations. Therefore, the Planning Department recommends the following preference schedule in locating new transformer vaults, in order of most to least desirable:
  - A. On-site, in a basement area accessed via a garage or other access point without use of separate doors on a ground floor façade facing a public right-of-way;
  - B. On-site, in a driveway, underground;
  - C. On-site, above ground, screened from view, other than a ground floor façade facing a public right-of-way;
  - D. Public right-of-way, underground, under sidewalks with a minimum width of 12 feet, avoiding impacts on streetscape elements, such as street trees; and based on Better Streets Plan guidelines;
  - E. Public right-of-way, underground; and based on Better Streets Plan guidelines;
  - F. Public right-of-way, above ground, screened from view; and based on Better Streets Plan guidelines;
  - G. On-site, in a ground floor façade (the least desirable location).

Unless otherwise specified by the Planning Department, Department of Public Work's Bureau of Street Use and Mapping (DPW BSM) should use this preference schedule for all new transformer vault installation requests. *For information about compliance, contact Bureau of Street Use and Mapping, Department of Public Works at 415-554-5810, <http://sfdpw.org>*

## PARKING AND TRAFFIC

7. **Bicycle Parking.** The Project shall provide no fewer than four Class 1 bicycle parking spaces as required by Planning Code Sections 155.1 and 155.5. *For information about compliance, contact Code Enforcement, Planning Department at 415-575-6863, [www.sf-planning.org](http://www.sf-planning.org)*

## MONITORING

8. **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)*

## **OPERATION**

9. **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/>*
  
10. **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)*

# Parcel Map

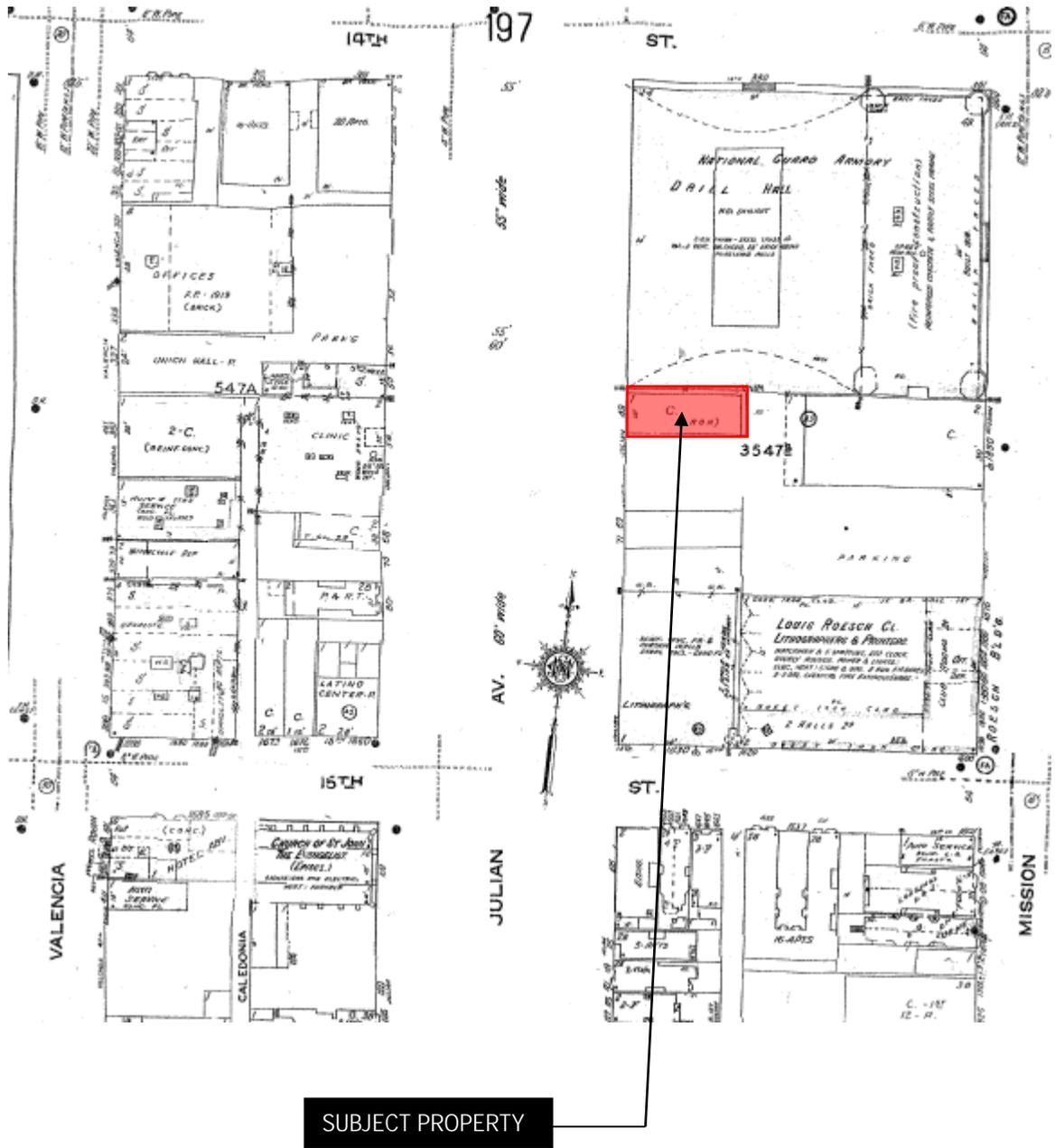


**SUBJECT PROPERTY**



Planning Commission Hearing  
 Case Number 2005.0233C  
 49 Julian Avenue

# Sanborn Map\*

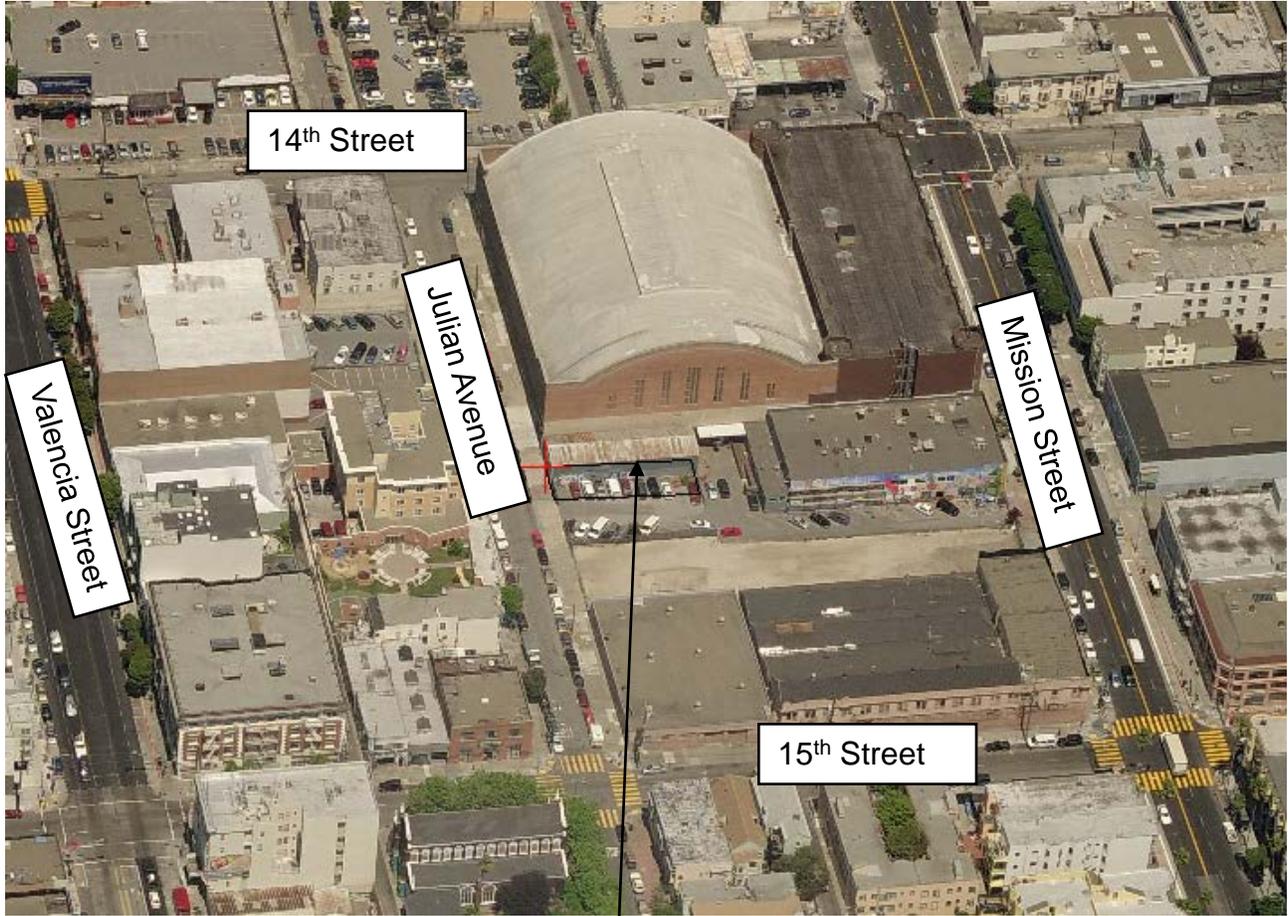


\*The Sanborn Maps in San Francisco have not been updated since 1998, and this map may not accurately reflect existing conditions.

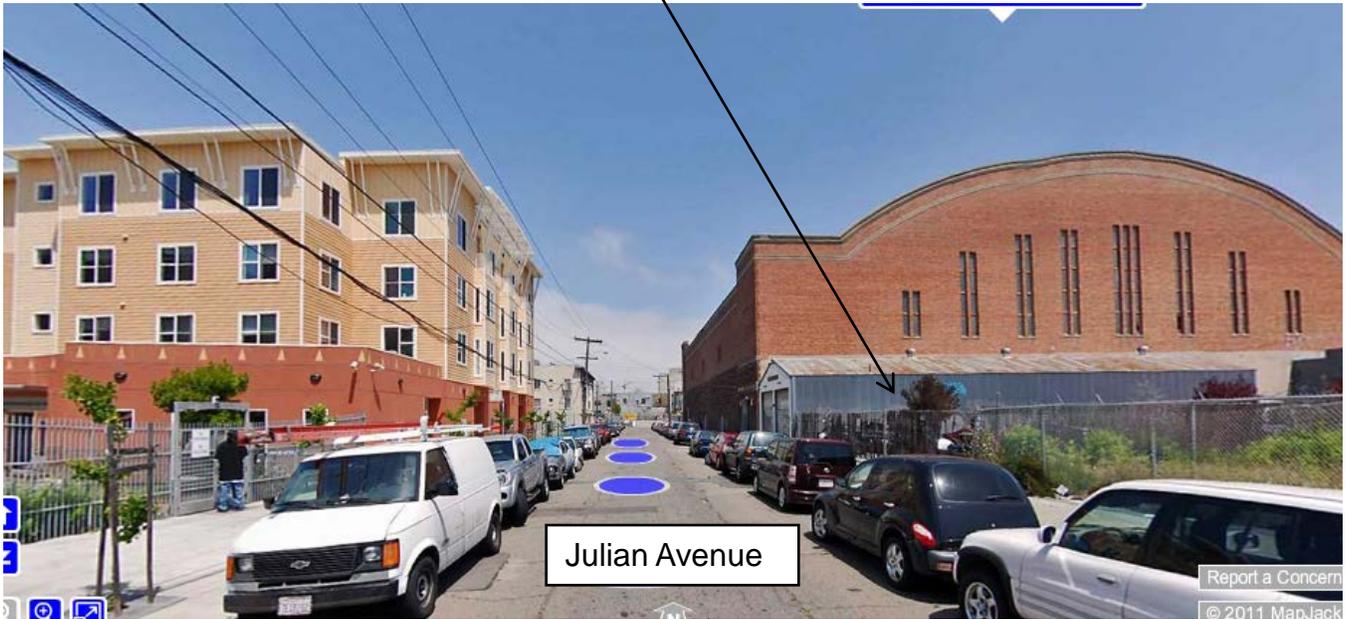


Planning Commission Hearing  
 Case Number 2005.0233C  
 49 Julian Avenue

# Aerial Photo



**SUBJECT PROPERTY**



Planning Commission Hearing  
Case Number 2005.0233C  
49 Julian Avenue

# Zoning Map



Planning Commission Hearing  
Case Number 2005.0233C  
49 Julian Avenue



# SAN FRANCISCO PLANNING DEPARTMENT

---

**DATE:** October 19, 2011  
**TO:** President Olague and Members of the Planning Commission  
**FROM:** President Chase and Member of the Historic Preservation Commission  
**STAFF CONTACT:** Tim Frye, Preservation Coordinator, (415) 575-6822  
**RE:** Case No. 2005.0233C, 49 Julian Avenue

---

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

Reception:  
**415.558.6378**

Fax:  
**415.558.6409**

Planning  
Information:  
**415.558.6377**

The Historic Preservation Commission (HPC) appreciates the opportunity to provide advice to the Planning Commission for the entitlements associated with Case No. 2005.0233C at 49 Julian Avenue. The subject property is located adjacent to the Mission Armory, Landmark No. 108. Planning staff presented information regarding the project at the HPC's October 19, 2011 hearing along with both the Project Sponsor (Sponsor) and the owner of the Mission Armory, Peter Acworth.

It is not within the HPC's purview to limit the use of the property and it defers to the Planning Commission's expertise on the use issue; however, the HPC is in support of the project and believes that it represents a positive contribution to the neighborhood and the City and will help further the City's policy to encourage housing.

While measures will have to be taken to address noise associated with the assembly space, it should be acknowledged that future residents of the proposed development also share responsibility through agreement to live next door to the Drill Court, which is an essential component of the sustained viability of the Landmark. The HPC recommends that the Sponsor disclose to any prospective buyer prior to purchase that the development is directly adjacent to the Drill Court's assembly space.

In reviewing the plans and listening to the issues raised by the Sponsor and Mr. Acworth, the HPC does not believe that the development will obscure the roofline of the south elevation of the Drill Court. The Landmark is a prominent building and can be enjoyed by the public from many vantage points. The development, however, will result in a loss of some light to the interior of the Drill court that should be addressed.

At the hearing the HPC discussed with the Sponsor a few options to refine and sculpt the portion of the building that will block light to the Drill Court windows. Options included the reduction of roof projections and the introduction of additional setbacks along the side elevation of the development that is adjacent to the Drill Court. The hearing closed with the Sponsor agreeing to work with staff and the Architectural Review Committee of the HPC to make these refinements.



# SAN FRANCISCO PLANNING DEPARTMENT

## Certificate of Determination EXEMPTION FROM ENVIRONMENTAL REVIEW

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

Reception:  
**415.558.6378**

Fax:  
**415.558.6409**

Planning  
Information:  
**415.558.6377**

*Case No.:* 2005.0233E  
*Project Title:* 49 Julian Avenue  
*Zoning:* UMU (Urban Mixed Use) Zoning District  
45-X Height and Bulk District  
*Block/Lot:* 3547/032  
*Lot Size:* 2,914 square feet  
*Project Sponsor:* Tony Kim  
(415) 246-8855  
*Staff Contact:* Andrea Contreras – (415) 575-9044  
Andrea.Contreras@sfgov.org

### PROJECT DESCRIPTION:

The proposed project is the demolition of a vacant, single-story warehouse and the construction of a five-story, 50-foot-tall building with eight residential units and an at-grade parking garage for eight vehicles accessible from Julian Avenue. The proposed residential use, including all common and circulation spaces, would include approximately 8,482 square feet (sf) of area. The ground-floor parking garage would encompass about 2,155 sf for a building total of about 10,500 gross sf.

### EXEMPT STATUS:

Categorical Exemption, Class 32 [State CEQA Guidelines Section 15332]

### REMARKS:

Please see the next page.

### DETERMINATION:

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

  
Bill Wycko  
Environmental Review Officer

  
Date

cc: Tony Kim, Project Contact  
Supervisor Daly, District 6  
Virna Byrd, M.D.F. / Bulletin Board

Distribution List

**REMARKS (continued):**

The project site is located on the east side of Julian Avenue between 14<sup>th</sup> and 15<sup>th</sup> Streets in the Mission District of San Francisco, on the block bounded by 14<sup>th</sup> Street to the north, Mission Street to the east, 15<sup>th</sup> Street to the south, and Julian Avenue to the west. The project site is located within the UMU (Urban Mixed Use) zoning district and a 45-X Height and Bulk district. The proposed project qualifies as an Eastern Neighborhoods Pipeline project and is therefore subject to pre-Eastern Neighborhoods Plan zoning, which are the C-M (Heavy Commercial Use) zoning district and a 50-X Height and Bulk district.

The ground floor would include 2,155 sf of space for a parking garage, residential lobby, and utilities. The parking garage would accommodate up to eight off-street parking spaces and at least four Class 1 bicycle parking spaces<sup>1</sup>. The second through the fifth floors would accommodate eight, two-bedroom dwelling units.

California Environmental Quality Act (CEQA) State Guidelines Section 15332, or Class 32, provides an exemption from environmental review for in-fill development projects that meet the following conditions:

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

Zoning: The project site is located within the Urban Mixed-Use (UMU) zoning district, which was recently rezoned from the C-M (heavy commercial) zoning district. The proposed residential use is allowed within the UMU zoning district and would have been allowed with Conditional Use Authorization under the previous C-M zoning district. The proposed building would be 50 feet tall, which is permitted under its pipeline status under the Eastern Neighborhoods Area Plan amendments, where the project site has been rezoned from an allowable height of 50 feet to 45 feet. The rear yard requirement defined in *Planning Code* Section 134(a)(1) would be satisfied with a 615 sf courtyard spanning 25% of the lot and provided on the first residential floor. The proposed project would provide between 36 sf of privately-accessible open space for seven units and 615 sf of privately-accessible open space for one unit. The seven units for which 36 sf of privately-accessible open space would be provided does not meet the 80 sf *Planning Code* requirement. Therefore, the project sponsor is requesting a variance for usable open space. No off-street loading is proposed or required.

Based on the grandfathering provisions of the Eastern Neighborhoods Area Plans, the proposed project is not required to comply with the new affordability requirements, but would have to comply with those requirements in place at the time of submittal of the proposed project's environmental evaluation application. Section 315 of the *Planning Code* sets forth the requirements and procedures for the Residential Inclusionary Affordable Housing Program. Under Section 315.4, Onsite Housing Requirement and Benefits, a project would be required to provide onsite, offsite, or in-lieu fees for Below Market Rate

---

<sup>1</sup> Per Section 155.5(a), projects of up to 50 dwelling units require one Class 1 space for every 2 dwelling units. A Class 1 Bicycle Parking Space is defined as a facility which protects the entire bicycle, its components and accessories against theft and against inclement weather, including wind-driven rain. Examples of this type of facility include lockers, check-in facilities, monitored parking, restricted access parking, and personal storage.

(BMR) units if 10 or more dwelling units is proposed. Since the proposed project would construct eight dwelling units, it is not subject to the affordable housing requirements.

Parking: As a pipeline project, the proposed project would be required to meet the parking and loading requirements of the new Eastern Neighborhoods zoning controls. The new zoning controls allow for up to 0.75 parking spaces for each one-bedroom unit and one space for each two-bedroom unit greater than 1,000 sf. The proposed project includes a total of eight parking spaces. All eight two-bedroom units would be greater than 1,000 sf, thus the project is allowed one parking space per unit.

Rear Yard/Open Space: The Eastern Neighborhoods pipeline policy requires the proposed project to meet the rear yard and open space requirements of the Eastern Neighborhoods zoning controls for the UMU zoning district, which requires 25 percent of the rear lot area (located on the lowest story containing a dwelling unit) to be used for a rear yard. The proposed project would provide a 25 percent rear yard but at the first residential story. The project sponsor would seek a variance for usable open space.

Given the above, the proposed project would, in general, meet the *Planning Code* requirements for projects within the Eastern Neighborhoods, under the Eastern Neighborhoods pipeline policy.

Land Use/Production, Distribution, and Repair (PDR): The California Environmental Quality Act (CEQA) findings for the Eastern Neighborhoods approval action found that implementation of the Eastern Neighborhoods Rezoning and Area Plan could potentially result in significant and unavoidable land use impacts from the loss of land and building space available for PDR uses. Transitions between PDR zones and residential zones would be achieved by UMU zoning (Mixed-Use Urban) or MUR zoning (Mixed-use Residential). The project site is zoned Urban Mixed-Use (UMU), consistent with the Eastern Neighborhoods zoning Option B. UMU zoning districts are intended to encourage transitional development patterns between businesses and employment districts and predominately residential neighborhoods, and serve as a buffer between potentially incompatible land uses. UMU districts are intended to combine new housing with smaller scale retail and commercial use with those types of PDR activities that can coexist with housing. The proposed project is consistent with the intent of UMU zoning because it provides new residential use in an area between the General Production, Distribution, and Repair district (PDR-1-G) to the northeast, the Neighborhood Commercial Transit district (NCT) to the east, the Residential Transit-Oriented district (RTO-M) to the south, and the Residential, House Character district (RH-1) to the southwest.

The total existing PDR building space on the project lot is 2,900 sf, all of which is vacant. The proposed project is not required to replace PDR space, resulting in a loss of 2,900 square feet. The Eastern Neighborhoods EIR found that under Option B, with the loss of 2.1 million square feet of PDR, the Eastern Neighborhoods Rezoning and Area Plans would not result in a significant land use impact. Given that the proposed project would account for about 0.1 percent of the overall PDR land and building space assumed to be converted to other uses, the proposed project's contribution to PDR loss citywide is not considerable in relation to existing and future industrial land supply.

The proposed project would meet the intent of the UMU zoning district to intermix PDR, commercial and residential uses, and would serve as a buffer between PDR districts to the east and northeast and

residential districts to the south. Therefore, the proposed project would not result in a cumulatively considerable loss of PDR space within the Eastern Neighborhoods and the proposed project's loss of 2,900 square feet of PDR space would be less than significant.

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

The 2,914 sf (approximately 0.07 acre) project site is located within a fully developed area of San Francisco. The surrounding area is densely developed with residential, commercial, light industrial, and retail uses. The proposed project, therefore, would be properly characterized as in-fill development completely surrounded by urban uses.

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

The subject property is a vacant warehouse located within a densely developed urban area. The project site does not currently support any vegetation or habitat for sensitive species.

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

**Traffic:** The project site is located on the east side of Julian Avenue, on the block bounded by 14th Street to the north, Mission Street to the east, 15th Street to the south, and Julian Avenue to the west. Street parking is available on all adjacent streets, including metered, two-hour, and residential permit parking with weekly parking restrictions for street cleaning.

Using the Planning Department's 2002 *Transportation Impact Analysis Guidelines for Environmental Review* (October 2002), the proposed project is estimated to generate approximately 80 daily person-trips for the proposed residential uses. Of these, about 14 daily person-trips would be during the p.m. peak-hour. These trips would be distributed among various modes of transportation, including single occupancy vehicles, carpools, public transit, walking, and bicycling. Of the 14 p.m. peak-hour person-trips for the proposed uses, five would be vehicle trips, seven would be transit trips, one would be walking, and one trip would be through some other mode of transportation such as bicycle. Based on the mode split and average automobile occupancy of 1.17 persons per vehicle<sup>2</sup> for the project area, there would be 23 daily vehicular trips of which four would be during the p.m. peak-hour. The proposed project would therefore not interfere with existing traffic circulation in the area or cause a substantial increase in traffic that could not be accommodated by the existing capacity. The potential increase in traffic associated with the proposed project would not have a significant or noticeable impact upon transportation in the project area.

San Francisco does not consider parking supply as part of the permanent physical environment. Parking conditions are not static, as parking supply and demand varies from day to day, from day to night, from month to month, etc. Hence, the availability of parking spaces (or lack thereof) is not

---

<sup>2</sup> 2000 Census – Journey to Work, Census Tract 202.

a permanent physical condition, but changes over time as people change their modes and patterns of travel.

The proposed project would generate the demand for 12 parking spaces, and would provide eight spaces for a deficit of four parking spaces. Parking deficits are considered to be social effects, rather than impacts on the physical environment as defined by CEQA. Under CEQA, a project's social impacts need not be treated as significant impacts on the environment. Environmental documents should, however, address the secondary physical impacts that could be triggered by a social impact. (CEQA Guidelines § 15131(a).) The social inconvenience of parking deficits, such as having to hunt for scarce parking spaces, is not an environmental impact, but there may be secondary physical environmental impacts, such as increased traffic congestion at intersections, air quality impacts, safety impacts, or noise impacts caused by congestion. In the experience of San Francisco transportation planners, however, the absence of a ready supply of parking spaces, combined with available alternatives to auto travel (e.g., transit service, taxis, bicycles or travel by foot) and a relatively dense pattern of urban development, induces many drivers to seek and find alternative parking facilities, shift to other modes of travel, or change their overall travel habits. Any such resulting shifts to transit service in particular, would be in keeping with the City's "Transit First" policy. The City's Transit First Policy, established in the City's Charter Section 16.102 provides that "parking policies for areas well served by public transit shall be designed to encourage travel by public transportation and alternative transportation." The project site is within two blocks of the 16<sup>th</sup> Street BART station, within one block of the 14-Mission and 49-Mission/Van Ness Muni lines, and within a block of Bicycle Routes #30 and #45.

The transportation analysis accounts for potential secondary effects, such as cars circling and looking for a parking space in areas of limited parking supply, by assuming that all drivers would attempt to find parking at or near the project site and then seek parking farther away if convenient parking is unavailable. Moreover, the secondary effects of drivers searching for parking is typically offset by a reduction in vehicle trips due to others who are aware of constrained parking conditions in a given area. Hence, any secondary environmental impacts which may result from a shortfall in parking in the vicinity of the proposed project would be minor, and the traffic assignments used in the transportation analysis, as well as in the associated air quality, noise and pedestrian safety analyses, reasonably addresses potential secondary effects.

Noise: Ambient noise levels in the vicinity of the project site are typical of noise levels in neighborhoods in San Francisco, which are dominated by vehicular traffic, including trucks, cars, Muni buses, emergency vehicles, as well as activities such as commercial businesses and periodic temporary construction-related noise. Noises generated by residential and commercial uses are common and generally accepted in urban areas. An approximate doubling of traffic volumes in the area would be necessary to produce an increase in ambient noise levels noticeable to most people. The proposed project would not cause a doubling in traffic volumes and therefore would not cause a noticeable increase in the ambient noise level in the project vicinity.

The *San Francisco General Plan* noise guidelines indicate that any new residential development in areas with noise levels above 60 dBA<sup>3</sup> should be undertaken only after a detailed analysis of noise reduction requirements is made and needed noise insulation features are included in the design. In areas where noise levels exceed 65 dBA, a detailed analysis of noise reduction requirements must be done and needed noise insulation features included in the design. According to the Eastern Neighborhoods Final EIR, noise levels are between 60.1 and 65.0 dBA on Julian Avenue. Title 24 of the California Code of Regulations establishes uniform noise insulation standards for multi-unit residential projects. This state regulation requires meeting an interior standard of 45 dBA in any habitable room. DBI would review the final building plans to ensure that the building wall and floor/ceiling assemblies for the residential development meet State standards regarding sound transmission for residents.

The Eastern Neighborhoods Final EIR identified a significant impact related to potential conflicts between existing noise-generating uses and new sensitive receptors, for new development including noise-sensitive uses. Since the proposed project includes sensitive receptors, *Mitigation Measure F-4: Siting of Noise-Sensitive Uses* applies to the proposed project. Pursuant to this measure, Environmental Science Associates (ESA) conducted a noise study that included a 24-hour noise measurement and site survey of noise-generating uses within two blocks of the project site.<sup>4</sup>

The 24-hour noise measurement recorded a day-night noise average of 62.2 dBA (Ldn). This is within the range forecast by noise modeling undertaken by the Department of Public Health, which predicts a traffic noise level of between 60.1 dBA and 65 dBA (Ldn) for the project block of South Van Ness Avenue (and surrounding blocks). ESA's site survey did not identify any land uses that generate unusual noise within two blocks of the project site. Among the more prominent noise-generating uses within the project vicinity are several auto repair shops. However, most nearby properties are composed of residential uses above ground-floor retail shops and restaurants. Although the project site is within about one-and-one-half blocks of the elevated U.S. 101 freeway, ESA's field observation indicated that the freeway was not a major noise source at the project site.<sup>5</sup>

Given the noise environment at the project site, ESA concluded that it would appear that conventional residential construction, which would include double-paned windows (which typically offer 25 to 30 dBA noise reduction), would be sufficient to ensure an interior noise environment in habitable rooms of 45 dBA (Ldn) as required by the San Francisco Building Code. Therefore, ESA's noise study demonstrates that acceptable interior noise levels consistent with those in the Title 24 standards can be attained by the proposed project and no further acoustical analysis or engineering is required to comply with this requirement.

---

<sup>3</sup> The dBA, or A weighted decibel, refers to a scale of noise measurement that approximates the range of sensitivity of the human ear to sounds of different frequencies. On this scale, the normal range of human hearing extends from about 0 dBA to about 140 dBA. A 10-dBA increase in the level of a continuous noise represents a perceived doubling of loudness.

<sup>4</sup> Karl Heisler, Environmental Science Associates, Email, RE: 49 Julian Noise Measurements, February 15th, 2010. This document is on file and is available for review as part of Case File No. 2005.0233E at the San Francisco Planning Department, 1650 Mission Street, Suite 400, San Francisco, CA.

<sup>5</sup> *Ibid.*

Air Quality: The California Air Resources Board (ARB) established its statewide comprehensive air toxics program in the early 1980s. The ARB created California's program in response to the Toxic Air Contaminant Identification and Control Act (AB 1807, Tanner 1983) to reduce exposure to air toxics. The ARB identifies 244 substances as toxic air contaminants (TACs) that are known or suspected to be emitted in California and have potential adverse health effects. Public health research consistently demonstrates that pollutant levels are significantly higher near freeways and busy roadways. Human health studies demonstrate that children living within 100 to 200 meters of freeways or busy roadways have poor lung function and more respiratory disease; both chronic and acute health effects may result from exposure to TACs. In 2005, The ARB issued guidance on preventing roadway related air quality conflicts, suggesting localities "avoid siting new sensitive land uses within 500 feet of a freeway [or other] urban roads with volumes of more than 100,000 vehicles/day."<sup>6</sup> However, there are no existing federal or state regulations to protect sensitive land uses from roadway air pollutants.

The San Francisco Department of Public Health (DPH) has issued guidance for the identification and assessment of potential air quality hazards and methods for assessing the associated health risks.<sup>7</sup> Consistent with ARB guidance, DPH has identified that a potential public health hazard for sensitive land uses exists when such uses are located within a 150-meter (approximately 500-foot) radius of any boundary of a project site that experiences 100,000 vehicles per day. To this end, San Francisco added Article 38 of the San Francisco Health Code, approved November 25, 2008, which requires that, for new residential projects of 10 or more units located in proximity to high-traffic roadways, as mapped by DPH, an Air Quality Assessment be prepared to determine whether residents would be exposed to potentially unhealthful levels of PM<sub>2.5</sub>. Through air quality modeling, an assessment is conducted to determine if the annual average concentration of PM<sub>2.5</sub> from the roadway sources would exceed a concentration of 0.2 micrograms per cubic meter (annual average).<sup>8</sup> If this standard is exceeded, the project sponsor must install a filtered air supply system, with high-efficiency filters, designed to remove at least 80 percent of ambient PM<sub>2.5</sub> from habitable areas of residential units.

The project site at 49 Julian Avenue is not located within the Potential Roadway Exposure Zone, as mapped by DPH. Thus, the proposed project would not be expected to result in a significant impact from exposure of sensitive receptors to high concentrations of roadway-related pollutants.

---

<sup>6</sup>California Air Resources Board, *2005 Air Quality and Land Use Handbook: A Community Health Perspective*, <http://www.arb.ca.gov/ch/landuse.htm>, accessed September 8, 2008.

<sup>7</sup> San Francisco Department of Public Health, *Assessment and Mitigation of Air Pollutant Health Effects from Intra-urban Roadways: Guidance for Land Use Planning and Environmental Review*, May 6, 2008, [http://dphwww.sfdph.org/phes/publications/Mitigating\\_Roadway\\_AOLU\\_Conflicts.pdf](http://dphwww.sfdph.org/phes/publications/Mitigating_Roadway_AOLU_Conflicts.pdf), accessed September 8, 2009.

<sup>8</sup> According to DPH, this threshold, or action level, of 0.2 micrograms per cubic meter represents about 8 – 10 percent of the range of ambient PM<sub>2.5</sub> concentrations in San Francisco based on monitoring data, and is based on epidemiological research that indicates that such a concentration can result in an approximately 0.28 percent increase in non-injury mortality, or an increased mortality at a rate of approximately 20 "excess deaths" per year per one million population in San Francisco. "Excess deaths" (also referred to as premature mortality) refer to deaths that occur sooner than otherwise expected, absent the specific condition under evaluation; in this case, exposure to PM<sub>2.5</sub>. (San Francisco Department of Public Health, Occupational and Environmental Health Section, Program on Health, Equity, and Sustainability, "Assessment and Mitigation of Air Pollutant Health Effects from Intra-urban Roadways: Guidance for Land Use Planning and Environmental Review, May 6, 2008. Twenty excess deaths per million based on San Francisco's non-injury, non-homicide, non-suicide mortality rate of approximately 714 per 100,000. Although San Francisco's population is less than one million, the presentation of excess deaths is commonly given as a rate per million population.)

Water Quality: The proposed project would not generate wastewater or result in discharges that would have the potential to degrade water quality or contaminate a public water supply. Project-related wastewater and storm water would flow to the City's combined sewer system and would be treated to standards contained in the City's National Pollutant Discharge Elimination System (NPDES) Permit for the Southeast Water Pollution Control Plant prior to discharge. Therefore, the proposed project would not result in significant water quality impacts.

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

The project site is located in a dense urban area where all public services and facilities are available; no expansion of public services or utilities would be required.

Archeological Resources: The project site is currently occupied by a one-story vacant warehouse. The proposed five-story building would be supported by spread footings or mat foundation requiring a maximum excavation of two feet below ground surface. The Department reviewed the proposed project for impacts to archeological resources and determined that no CEQA-significant archeological resources would be affected, specifically prehistoric and known archeological resources.<sup>9</sup> Thus, the proposed project would not result in a significant effect on archeological resources.

Historic Architectural Resources: The building on the project site was constructed in 1962. According to Preservation Bulletin 16, City and County of San Francisco Planning Department CEQA Review Procedures for Historic Resources, the building on the subject property is considered a "Category C" building. Category C buildings are properties that are less than 50 years old, and are not included in any survey or inventory and as such will not be treated as "historic resources." Such buildings lack sufficient evidence to indicate eligibility for inclusion in the California Register. As such, the proposed project would not adversely affect historic architectural resources.

Shadow: *Planning Code* Section 295 restricts new shadow upon public spaces under the jurisdiction of the Recreation and Park Department and requires that proposed structures exceeding 40 feet in height perform a shadow fan analysis to determine whether a proposed project would result in additional shading of public parks between the first hour after sunrise and/or the last hour before sunset. The proposed project, at a height of 50 feet, is subject to Section 295, and a shadow fan analysis was completed for the proposed project.

The City parks nearest the proposed project site are Duboce Park and Mission Dolores Park. Duboce Park is eight blocks east of the project site. Mission Dolores Park is six blocks to the southwest of the project site. The shadow fan analysis determined that the proposed development would not cast new shade on any public areas subject to Section 295, including Duboce Park and Mission Dolores Park.<sup>10</sup> Any new shading that would result from the proposed development would be limited in scope and would not

---

<sup>9</sup> Preliminary Archeological Evaluation, Memorandum from Randall Dean, Major Environmental Analysis, April 18, 2006.

<sup>10</sup> Shadow Fan Analysis findings by the San Francisco Planning Department, May 15, 2008.

increase the total amount of shading above levels which are common and generally accepted in urban areas. Therefore, the proposed development would have no significant shadow impacts.

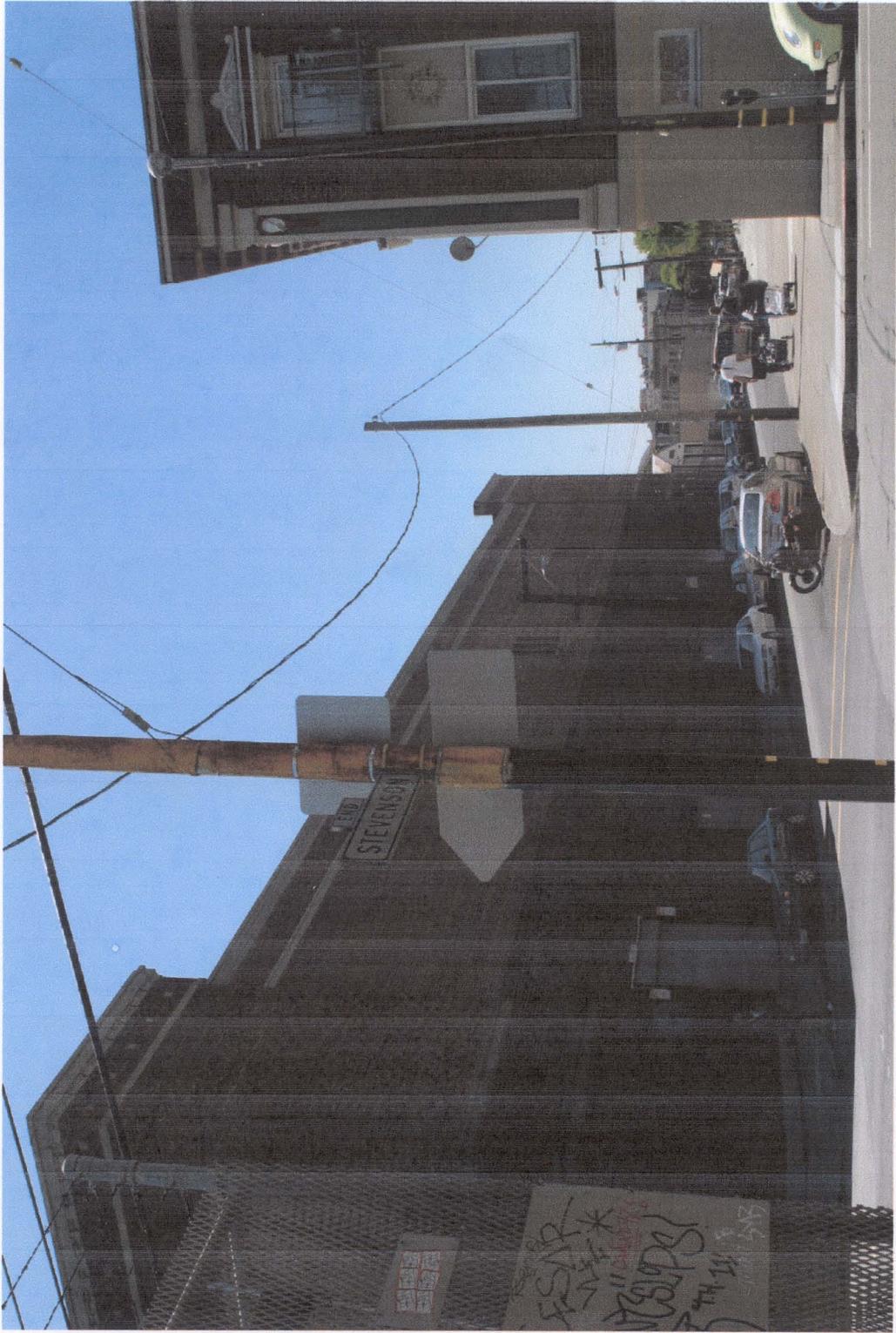
**Neighborhood Concerns**

A "Notification of Project Receiving Environmental Review" was mailed on June 14, 2010 to owners and occupants of properties within 300 feet of the project site. The Department did not receive any comments during this period.

**Conclusion**

CEQA State Guidelines Section 15332, or Class 32, allows for an exemption of an in-fill development meeting various conditions. As described above, the proposed project is an in-fill development that would have no significant adverse environmental effects and would meet all the various conditions prescribed by Class 32. Accordingly, the proposed project is appropriately exempt from CEQA under Section 15332. In addition, the proposed project was found to comply with Section 295 of the San Francisco Planning Code.

CEQA State Guidelines Section 15300.2 states that a categorical exemption shall not be used for an activity where there is a reasonable possibility that the activity will have a significant effect on the environment due to unusual circumstances. There are no unusual circumstances surrounding the current proposal that would suggest a reasonable possibility of a significant effect. The proposed project would have no significant environmental effects and therefore, is appropriately exempt under Class 32 of the *CEQA Guidelines*.



JULIAN AVE. FROM 14TH ST. LOOKING SOUTH

EAST BLOCK FACE



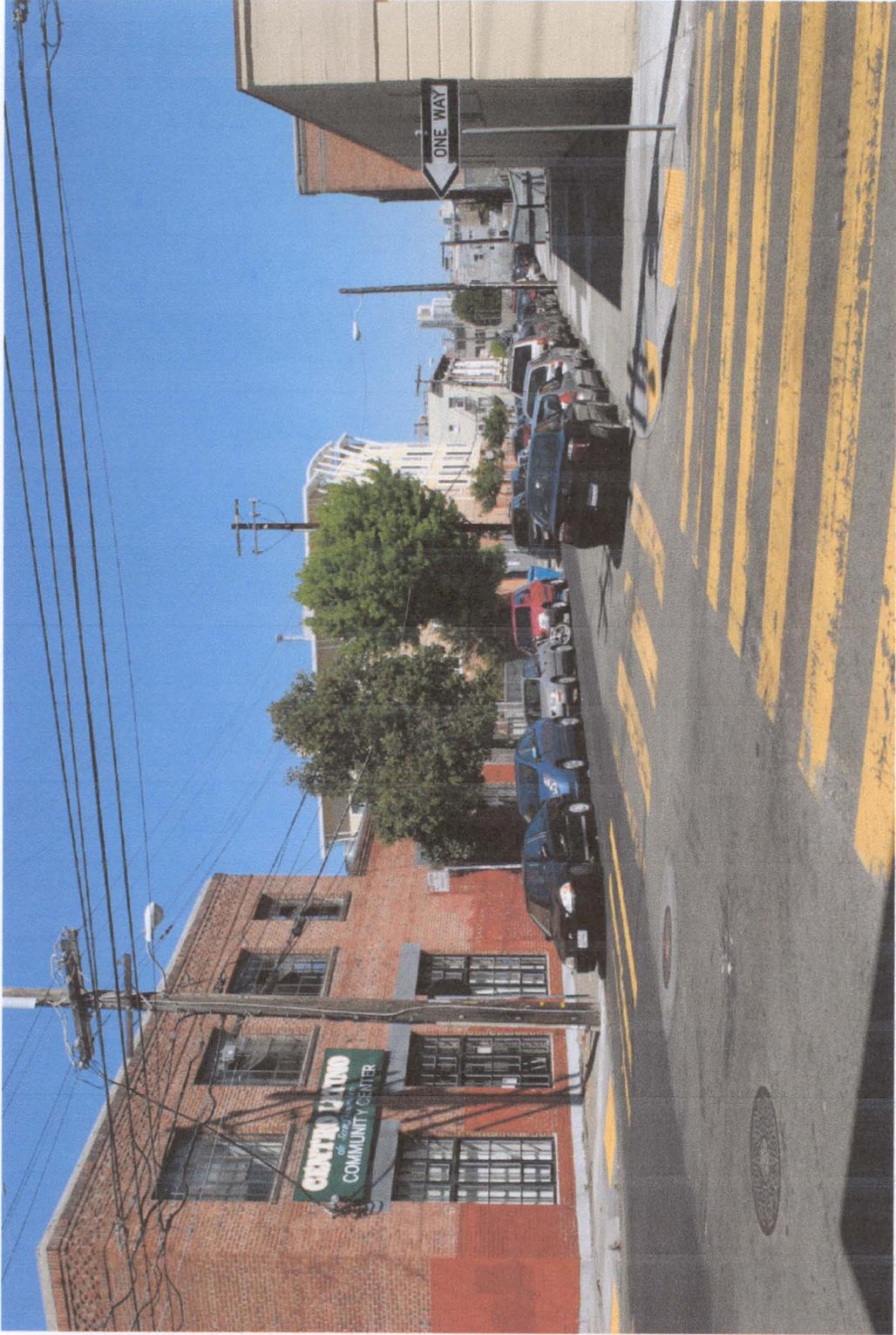
JULIAN AVE. FROM 14TH ST. LOOKING SOUTH

WEST BLOCK FACE



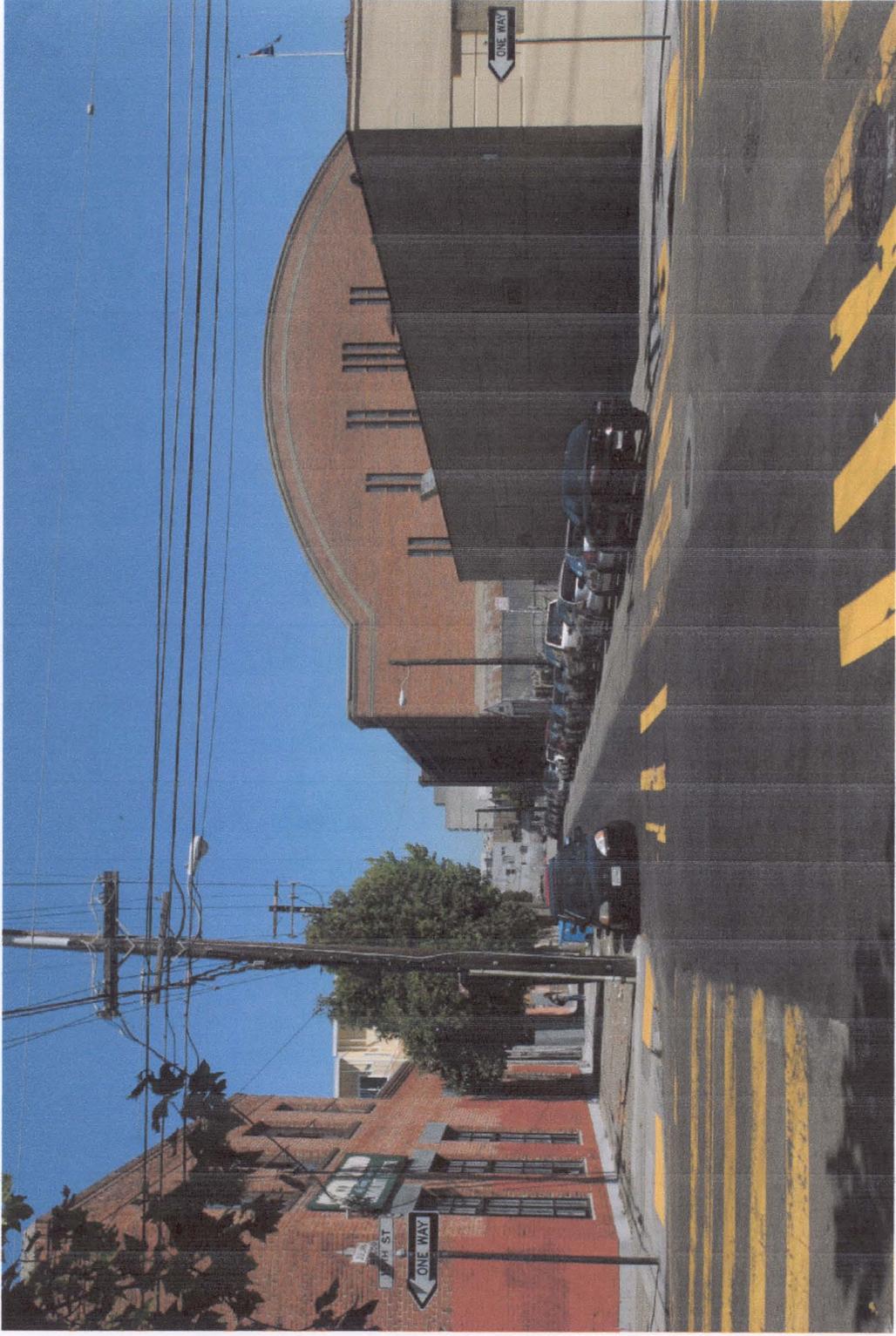
JULIAN AVE. BETWEEN 14TH ST. & 15TH ST.

LOOKING NORTH EAST



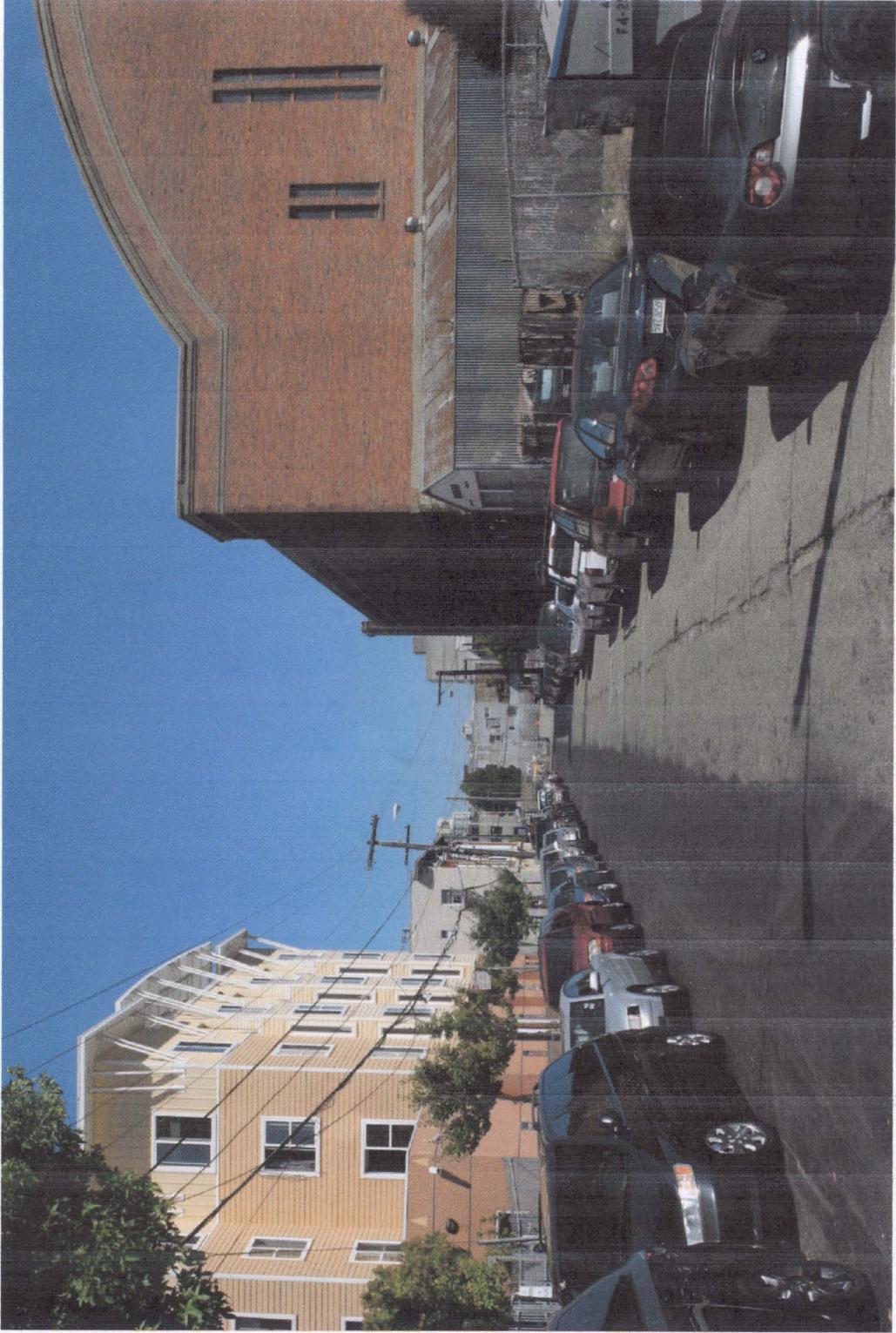
JULIAN AVE. FROM 15TH ST. LOOKING NORTH

WEST BLOCK FACE



JULIAN AVE. FROM 15TH ST. LOOKING NORTH

EAST BLOCK FACE



JULIAN AVE. BETWEEN 14TH ST. & 15TH ST.

LOOKING NORTH



49 Julian

April 6, 2011

# 49

## Julian Avenue

A Condominium Project  
San Francisco • California

**GARY GEE A I A**

GARY GEE ARCHITECTS, INC.  
96 Brady Street, #8  
San Francisco, CA 94103  
Tel: 415.863.5494  
Fax: 415.863.4879

Project No. 04-033 Date 06.25.04

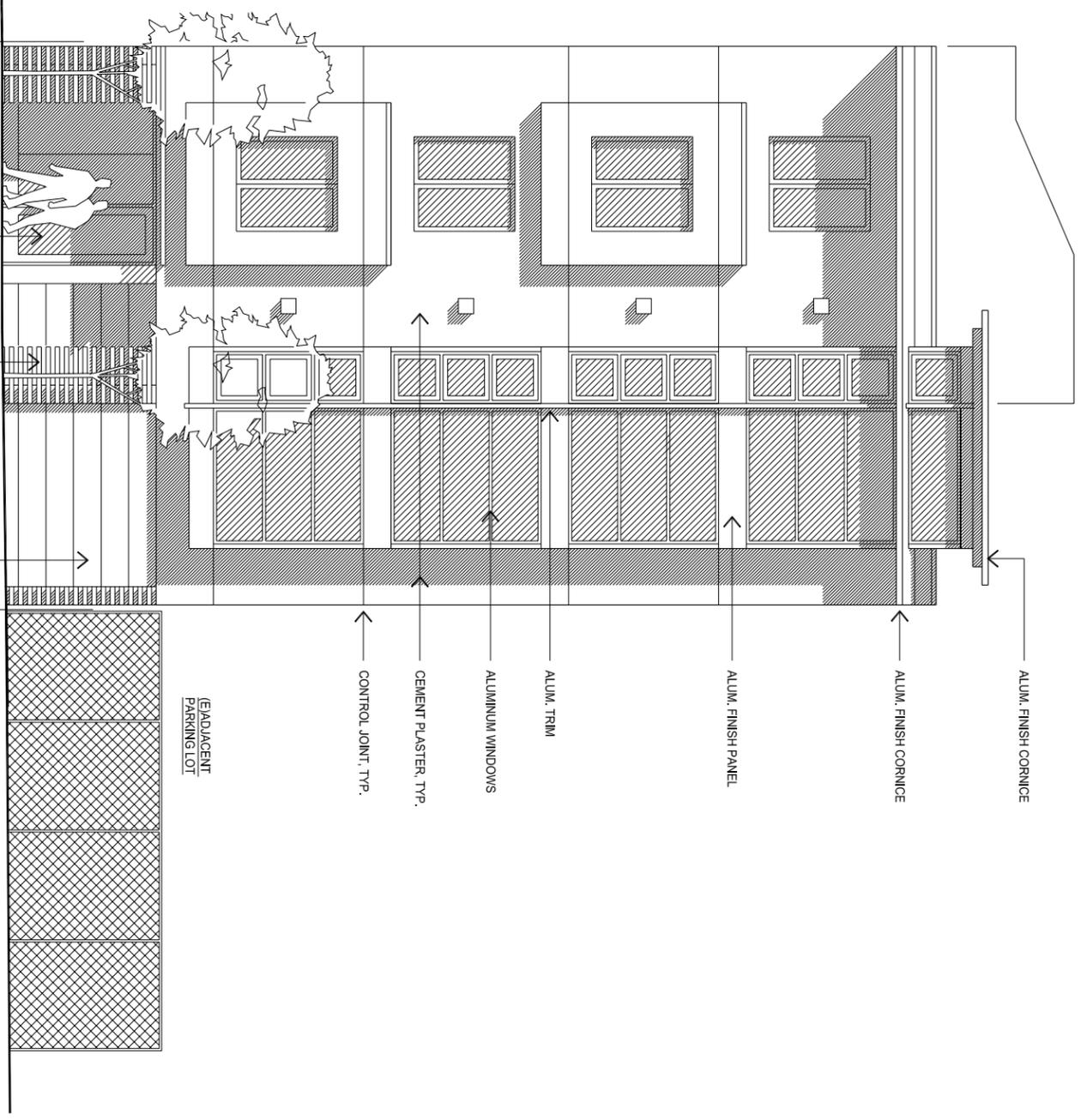
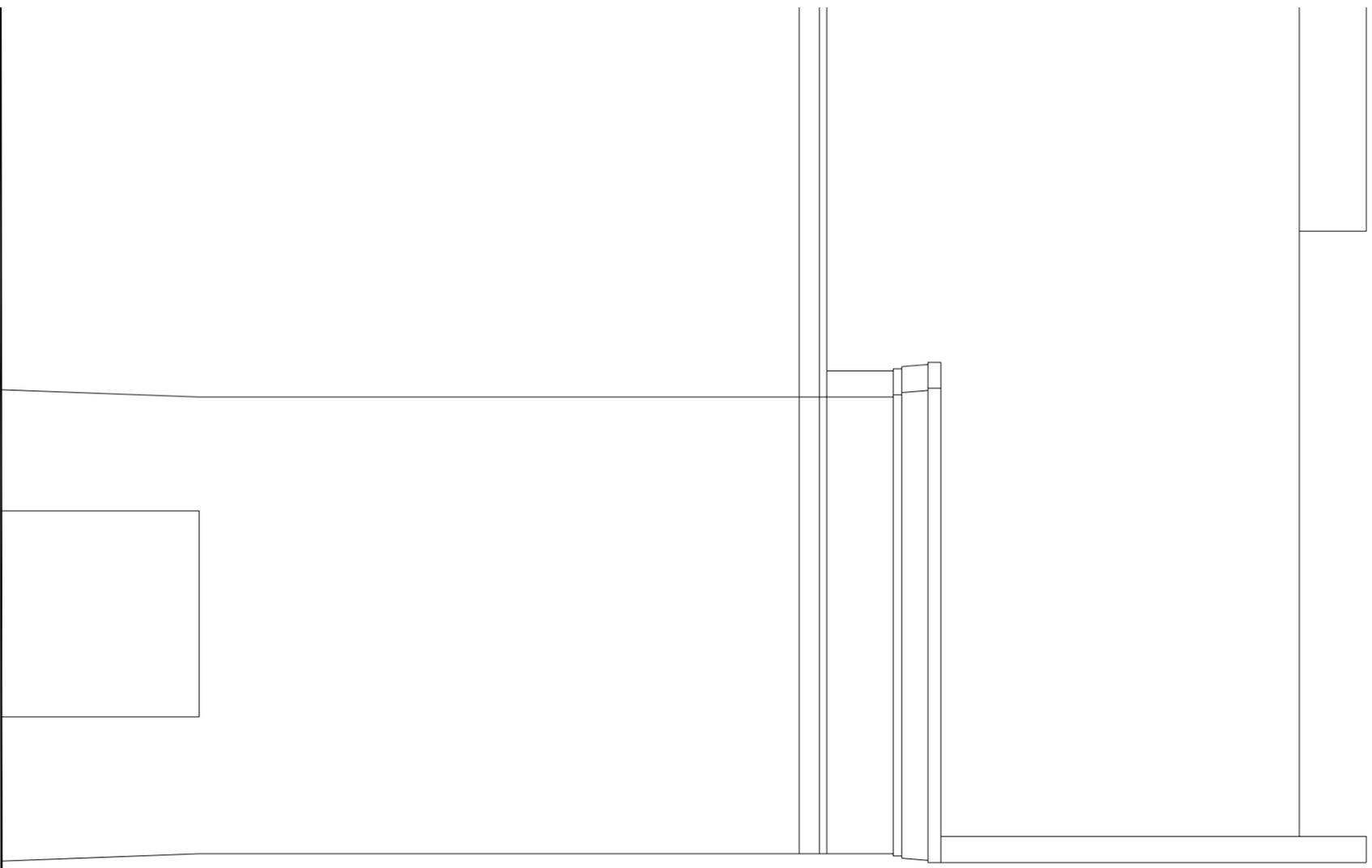
### Revisions

No.	Issue / Date
	ISSUED FOR REVIEW 11.22.04
	EEP/PLANNING 03.04.05
	PLANNING 11.23.05
	ISSUED FOR REVIEW 10.30.08
	CLIP/PLANNING 06.05.10
	CJ REVISION 11.02.11

Street Facade

Scale: As Noted

# A3.10



WEST ELEVATION

CJ REVISION  
11.02.11

SCALE: 1/4"=1'-0"



GARY GEE ARCHITECTS, INC.

96 Brady Street, #8  
San Francisco, CA 94103  
Tel: 415.862-5493  
Fax: 415.862-5497

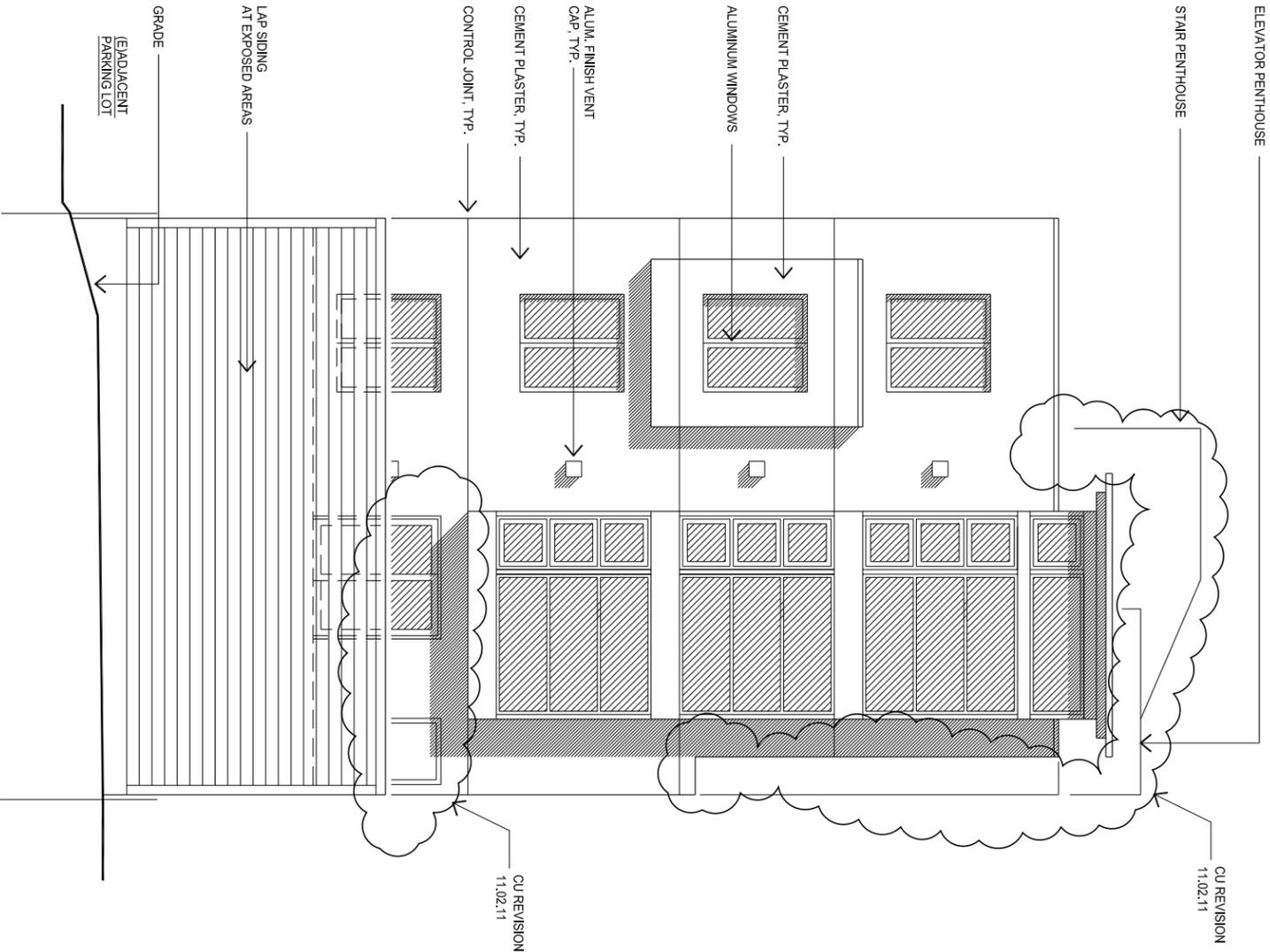
Project No. 04-033 Date 06.25.04

Revisions

No.	Issue / Date
1	ISSUED FOR REVIEW 11.22.04
2	EEP/PLANNING 03.04.05
3	PLANNING 11.23.05
4	ISSUED FOR REVIEW 10.30.08
5	CLIP/PLANNING 06.05.10
6	CU REVISION 11.02.11

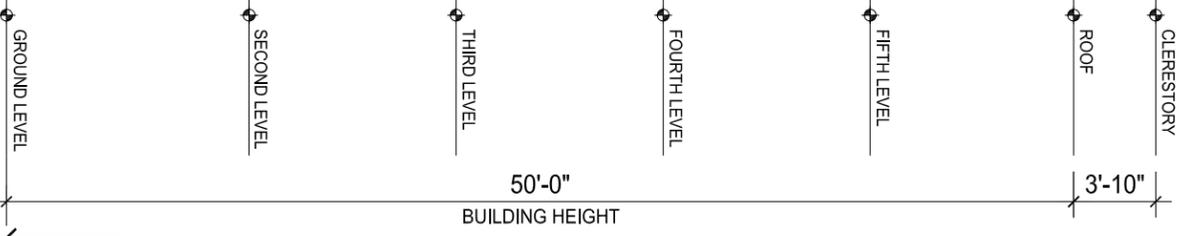
Elevations

Scale: As Noted

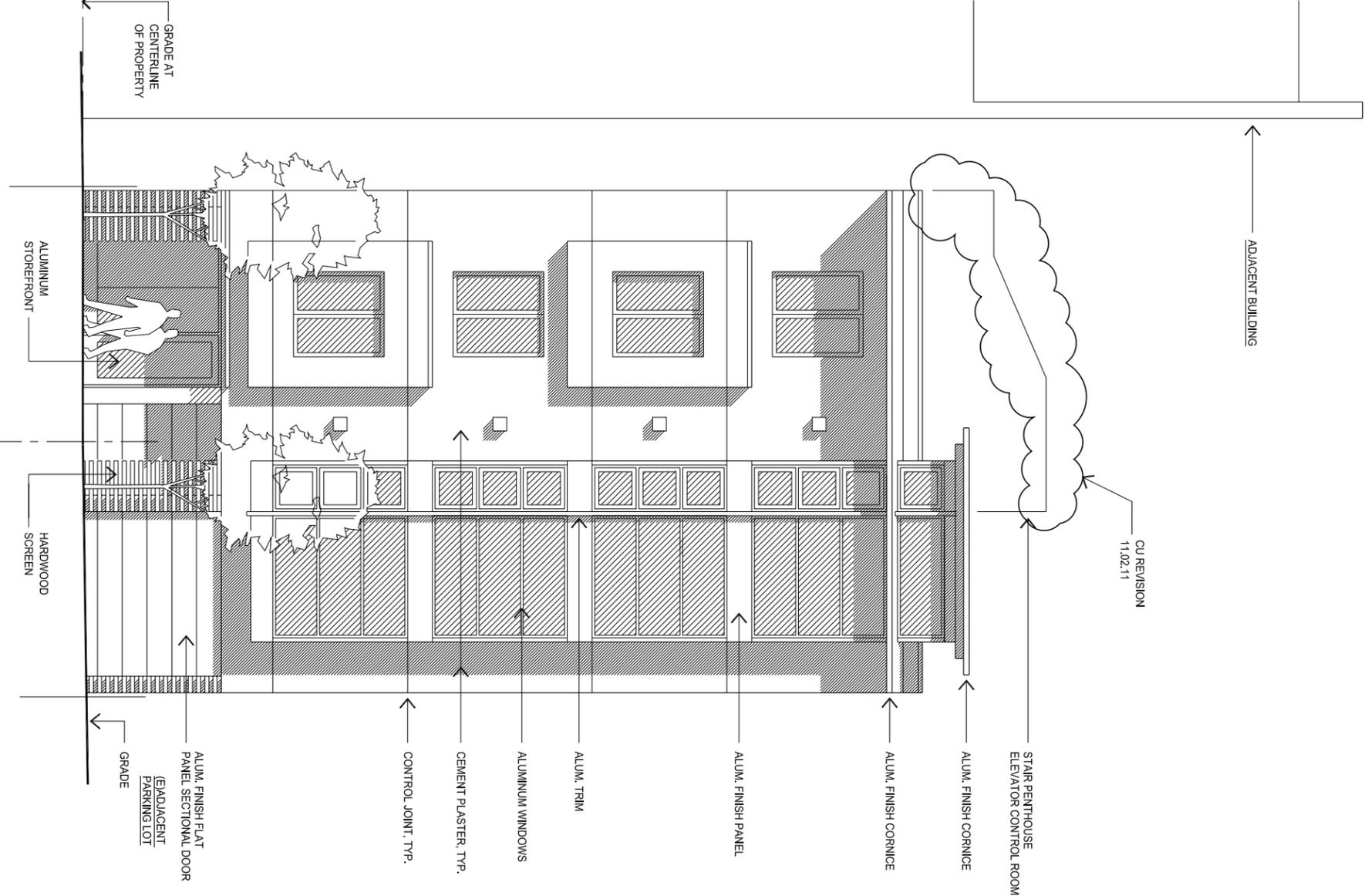


EAST ELEVATION

SCALE: 1/4"=1'-0"



50'-0"  
BUILDING HEIGHT



WEST ELEVATION

SCALE: 1/4"=1'-0"



# 49

## Julian Avenue

A Condominium Project  
San Francisco • California

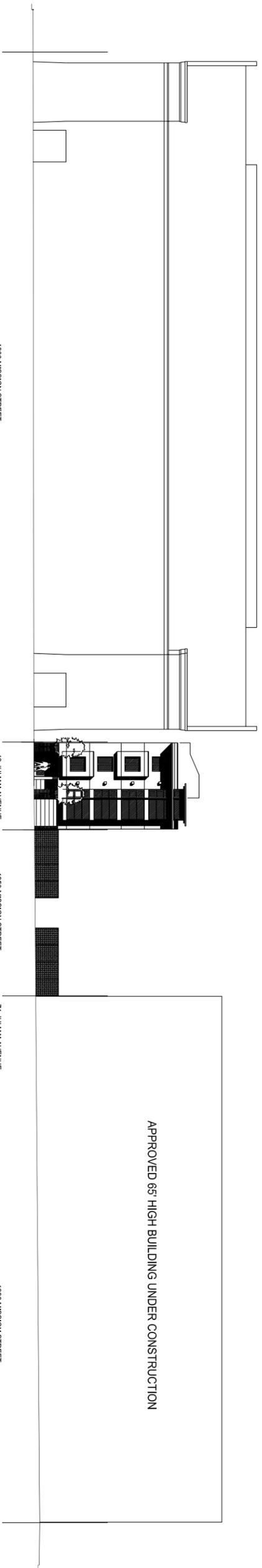


GARY GEE ARCHITECTS, INC.  
96 Brady Street, #8  
San Francisco, CA 94103  
Tel: 415.863.5890  
Fax: 415.863.4879

Project No. 04-033 Date 06.25.04

### Revisions

No.	Issue / Date
	ISSUED FOR REVIEW 11.22.04
	ENGINEERING 03.04.05
	PLANNING 11.23.05
	ISSUED FOR REVIEW 10.30.08
	CIVIL PLANNING 06.05.10
	CU REVISION 11.02.11



### STREET ELEVATIONS - JULIAN AVENUE

CU REVISION  
11.02.11

SCALE: 1/16"=1'-0"

### Street Facade

Scale: As Noted

# A3.12

# 49

## Julian Avenue

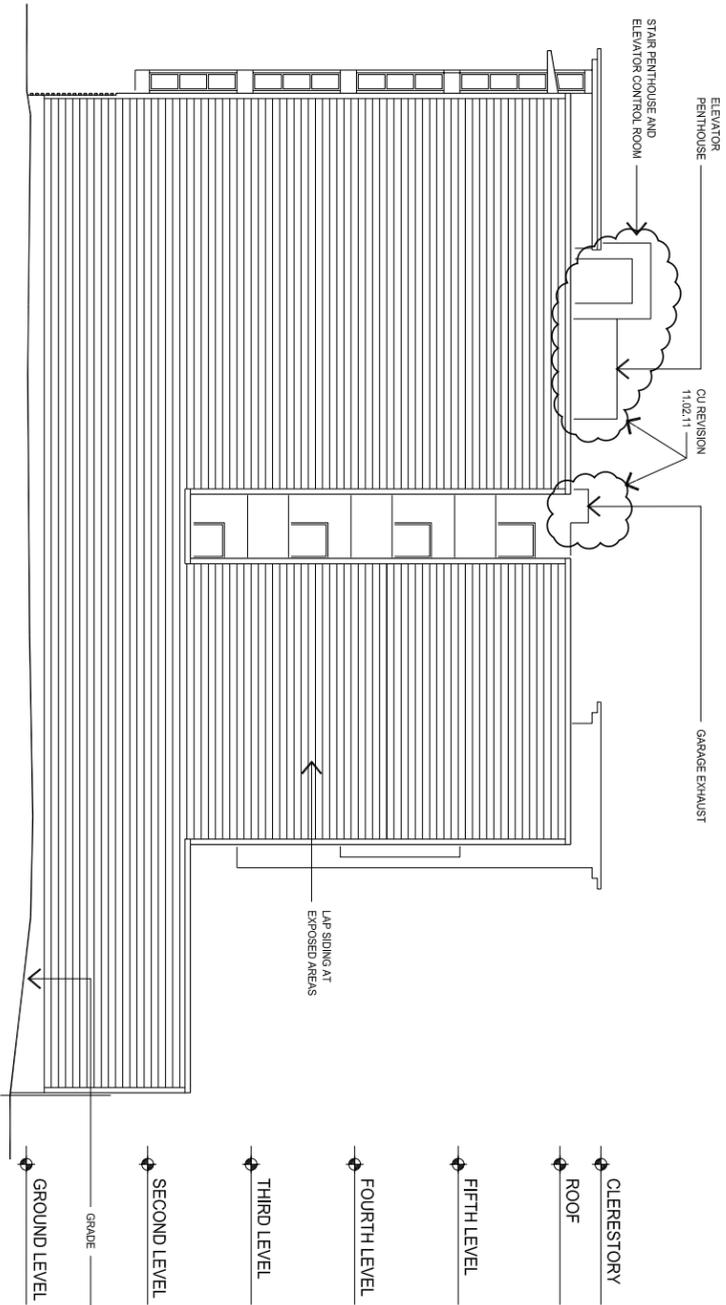
A Condominium Project  
San Francisco • California



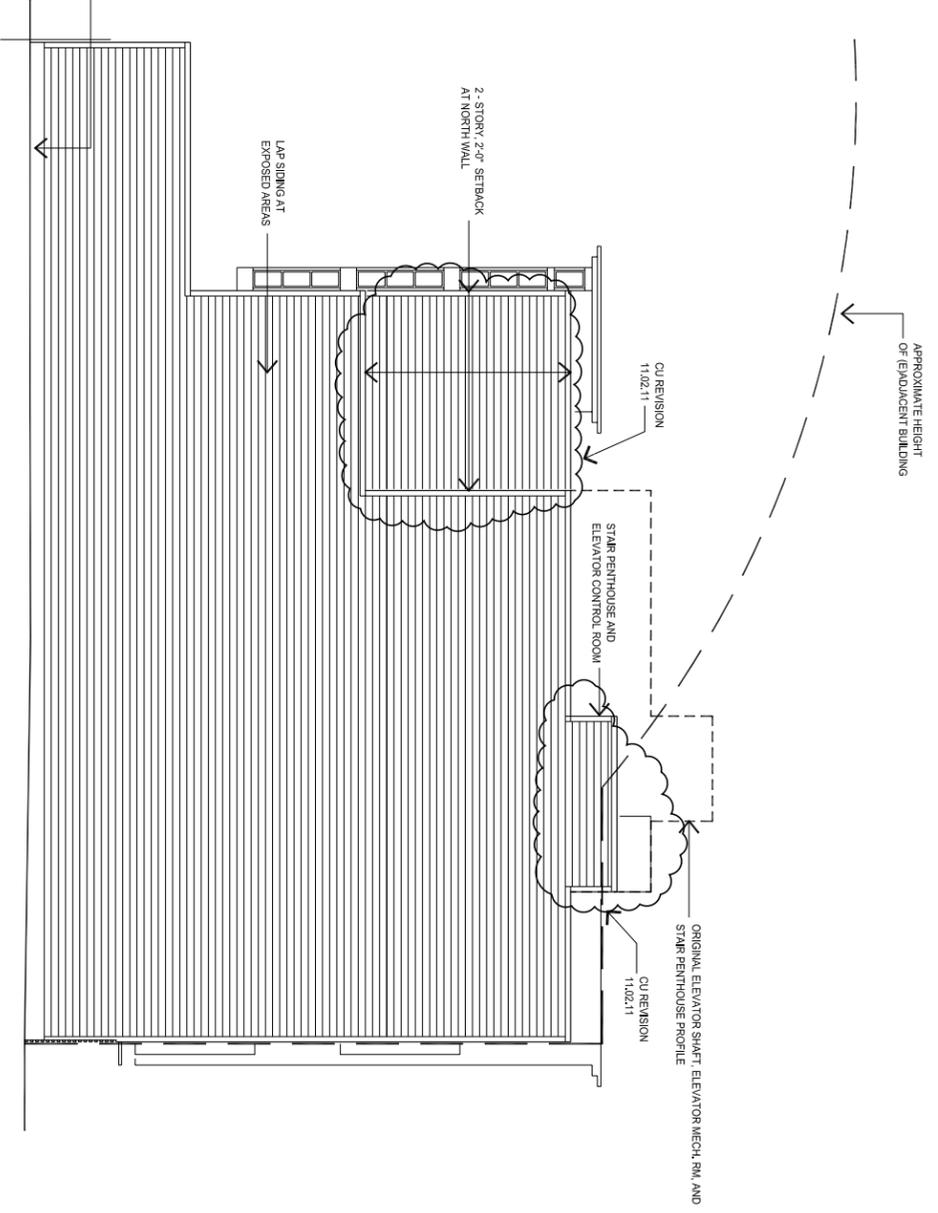
GARY GEE ARCHITECTS, INC.  
96 Brady Street, #8  
San Francisco, CA 94103  
Tel: 415.862-5490  
Fax: 415.862-5879

Project No.	04-033	Date	06.25.04
-------------	--------	------	----------

No.	Issue / Date
	ISSUED FOR REVIEW 11.22.04
	EEP/PLANNING 03.04.05
	PLANNING 11.23.05
	ISSUED FOR REVIEW 10.30.08
	CUR/PLANNING 06.05.10
	CJ REVISION 11.02.11



**SOUTH ELEVATION**  
SCALE: 1/8"=1'-0"



**NORTH ELEVATION**  
SCALE: 1/8"=1'-0"

### Elevations

Scale: As Noted

# A3.2

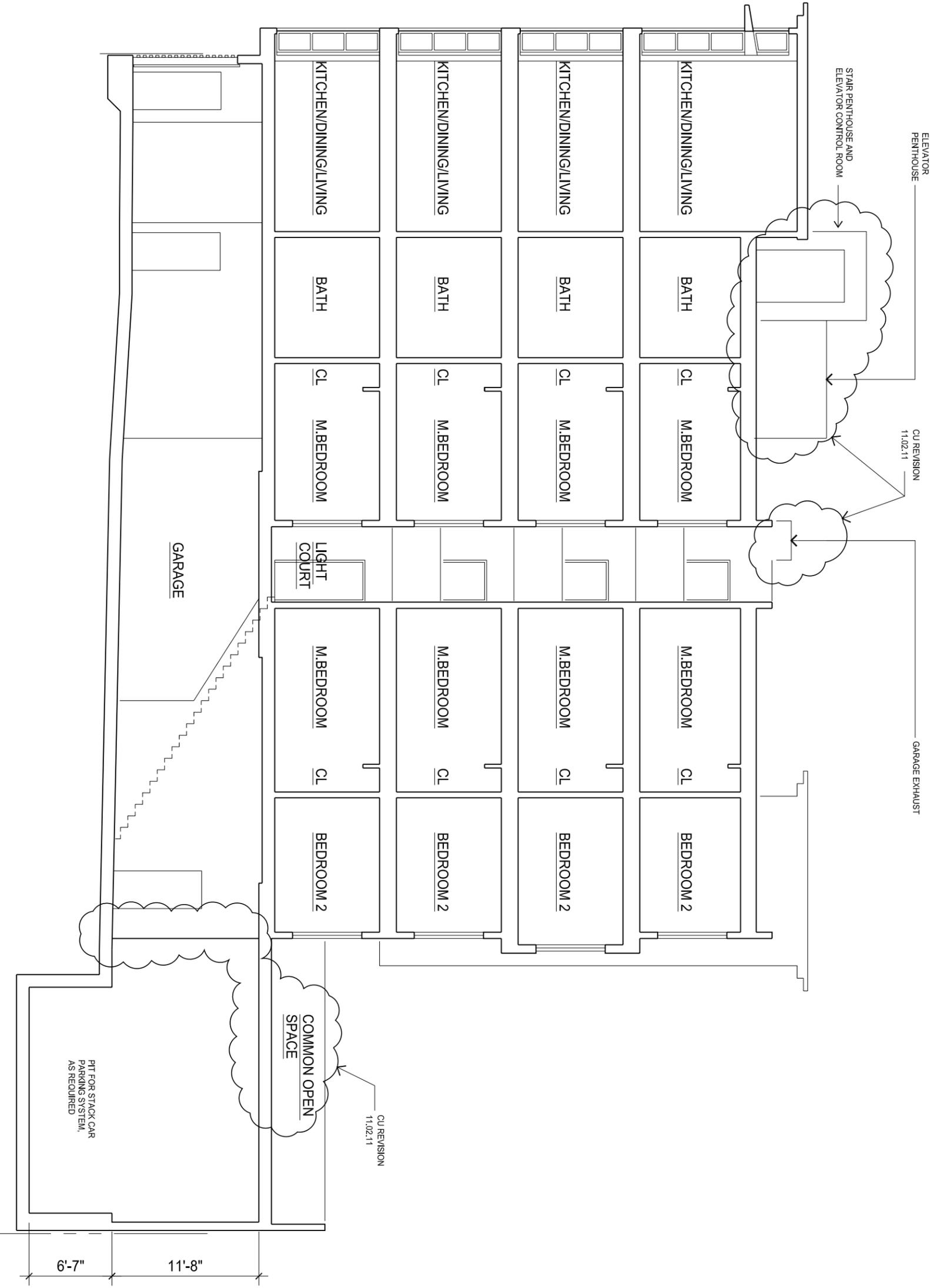


GARY GEE ARCHITECTS, INC.  
96 Brady Street, #8  
San Francisco, CA 94103  
Tel: 415 863-5879  
Fax: 415 863-4879

Project No. 04-033 Date 06.25.04

Revisions

No.	Issue / Date
1	ISSUED FOR REVIEW 11.22.04
2	REPLANNING 03.04.05
3	PLANNING 11.23.05
4	ISSUED FOR REVIEW 10.30.08
5	REPLANNING 06.05.10
6	CU REVISION 11.02.11



SECTION A-A

SCALE: 1/4"=1'-0"

Building Section

Scale: As Noted

# 49

## Julian Avenue

A Condominium Project  
San Francisco • California



GARY GEE ARCHITECTS, INC.  
96 Brady Street, #8  
San Francisco, CA 94103  
Tel: 415 863-5879  
Fax: 415 863-5879

Project No. 04-033 Date 06.25.04

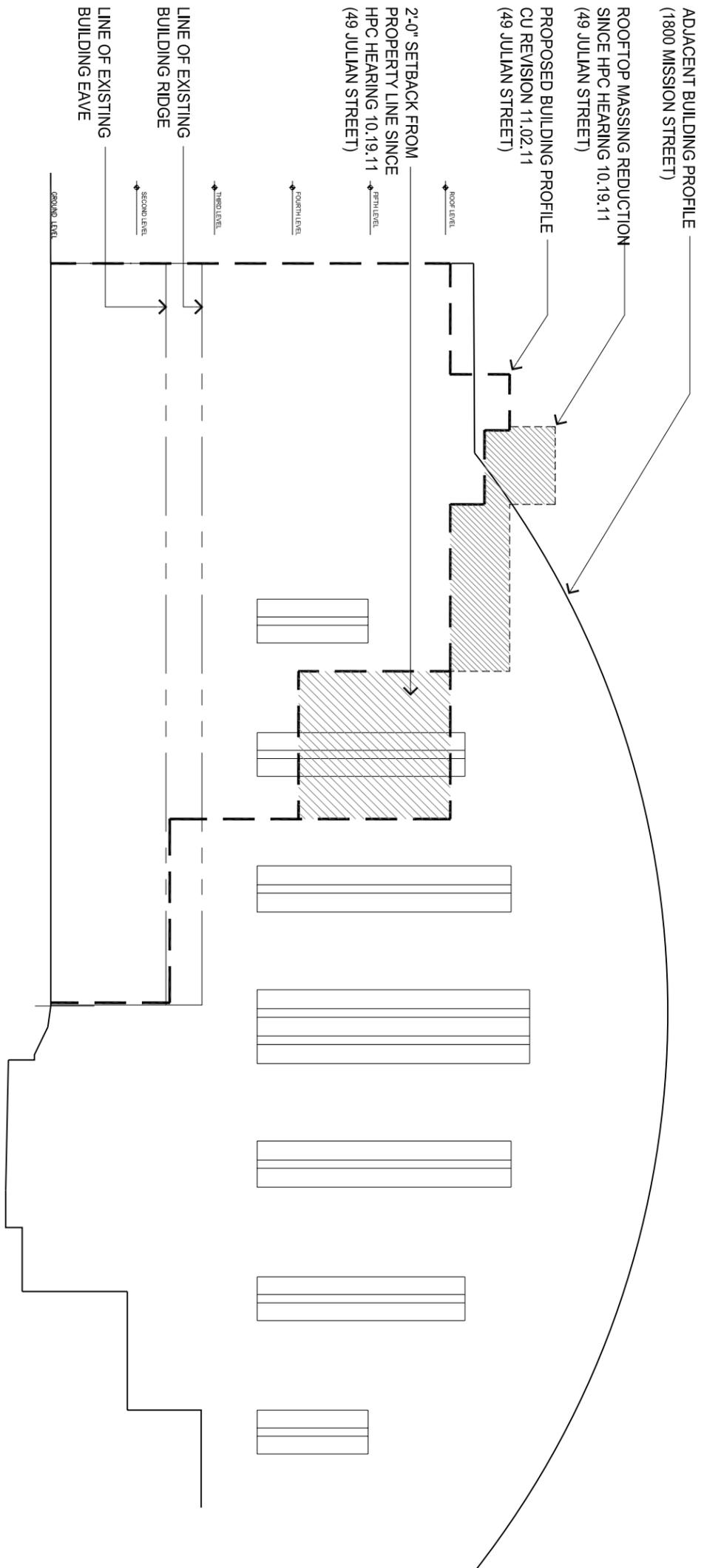
### Revisions

No.	Issue / Date
1	ISSUED FOR REVIEW 11.22.04
2	EXPLANING 03.04.05
3	PLANNING 11.23.05
4	ISSUED FOR REVIEW 10.30.08
5	CLIPPING 06.05.10
6	CU REVISION 11.02.11


### Adjacent Building

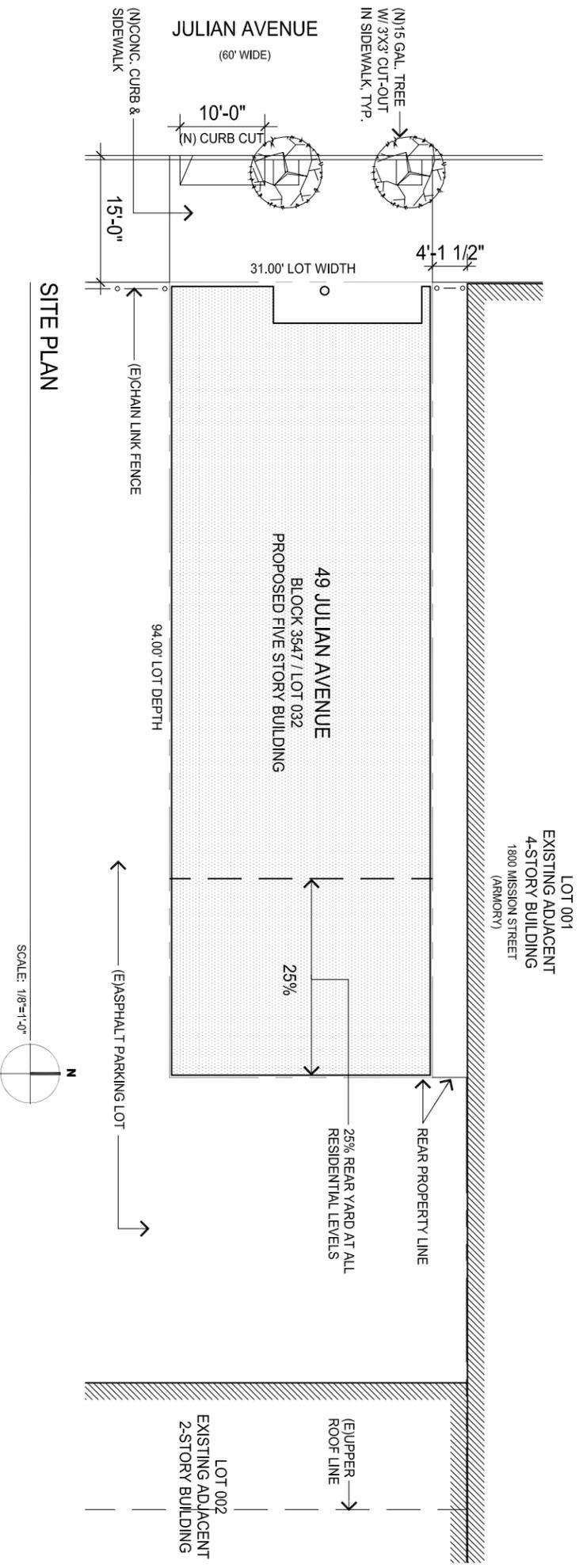
Scale: As Noted

# A5.1



### SECTION

SCALE: 1/8"=1'-0"



### SITE PLAN

SCALE: 1/8"=1'-0"

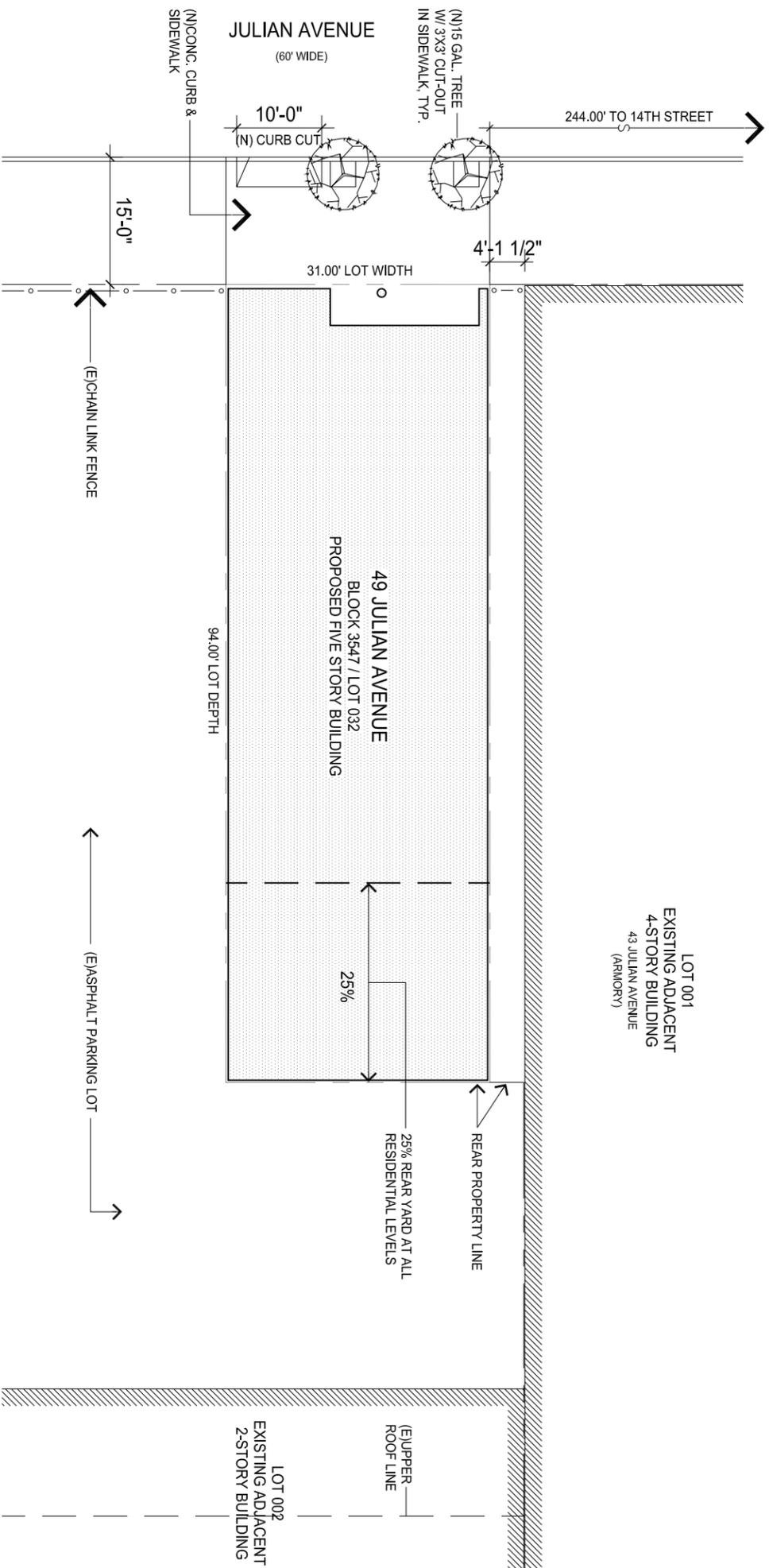


GARY GEE ARCHITECTS, INC.  
96 Brady Street, #8  
San Francisco, CA 94103  
Tel: 415 863-5487  
Fax: 415 863-5487

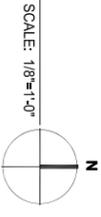
Project No.	04-033	Date	06.25.04
-------------	--------	------	----------

**Revisions**

No.	Issue / Date
	ISSUED FOR REVIEW 11.22.04
	ENGINEERING 03.04.05
	PLANNING 11.23.05
	ISSUED FOR REVIEW 10.30.08
	CIVIL PLANNING 06.05.10
	CU REVISIONS 11.02.11



SITE PLAN



**PLANNING DEPARTMENT NOTES**

**PROJECT LOCATION:** 49 JULIAN AVENUE, SAN FRANCISCO, CALIFORNIA 94103  
BLOCK 3547, LOT 032

**PROPOSED USE:** 8 RESIDENTIAL CONDOMINIUMS OVER PARKING GARAGE

**ZONING DISTRICT:** C-M

**BUILDING HEIGHT / BULK:** 50-X  
PROPOSED: 50'-0"

**SETBACKS:**  
FRONT: NONE  
REAR: 25% LOT DEPTH AT RESIDENTIAL LEVELS

**USABLE OPEN SPACE:**  
REQUIRED: COMMON: 1.33 X 36 S.F./ DWELLING UNIT  
1.33 X 36 S.F. X 8 UNITS = 383.04 S.F.  
PROVIDED: COMMON: 409.5 S.F. FOR 8 UNITS AT SECOND LEVEL REAR YARD

**PARKING:**  
REQUIRED: 1 PER DWELLING UNIT  
PROVIDED: 8 SPACES (7 STANDARD BY MECHANICAL LIFT SYSTEM, 1 ACCESSIBLE)

**AREA CALCULATIONS:**

8 RESIDENTIAL CONDOMINIUMS:	5,893 S.F.
PARKING:	2,102 S.F.
COMMON LOBBY, STAIRS, HALLS, TRASH, WALLS, ETC.:	2,138 S.F.
<b>BUILDING AREA TOTAL:</b>	<b>10,133 S.F.</b>
ALLOWABLE F.A.R.: 9:1	2,914 S.F.
SITE AREA:	26,226 S.F.
ALLOWABLE BUILDING AREA AT F.A.R. 9:1:	10,133 S.F.
ALLOWABLE DENSITY: 1 UNIT / 200 S.F. LOT AREA	2,914 S.F.
SITE AREA:	2,914 S.F. / 200 = 15 UNITS
ALLOWABLE NUMBER OF UNITS:	2,914 S.F. / 200 = 15 UNITS
PROPOSED NUMBER OF UNITS:	8 UNITS

**DRAWING INDEX**

A1.1	SITE PLAN, DRAWING INDEX, PROJECT DESCRIPTION
A2.1	GROUND LEVEL FLOOR PLAN
A2.2	SECOND LEVEL FLOOR PLAN
A2.3	THIRD LEVEL FLOOR PLAN
A3.1	FOURTH LEVEL FLOOR PLAN
A3.2	FIFTH LEVEL FLOOR PLAN
A3.3	ROOF PLAN
A4.1	EXTERIOR ELEVATIONS
A4.2	EXTERIOR ELEVATIONS
A5.1	BUILDING SECTION
A5.2	BUILDING SECTION
A5.3	ADJACENT BUILDING

**Site Plan**

Scale: As Noted

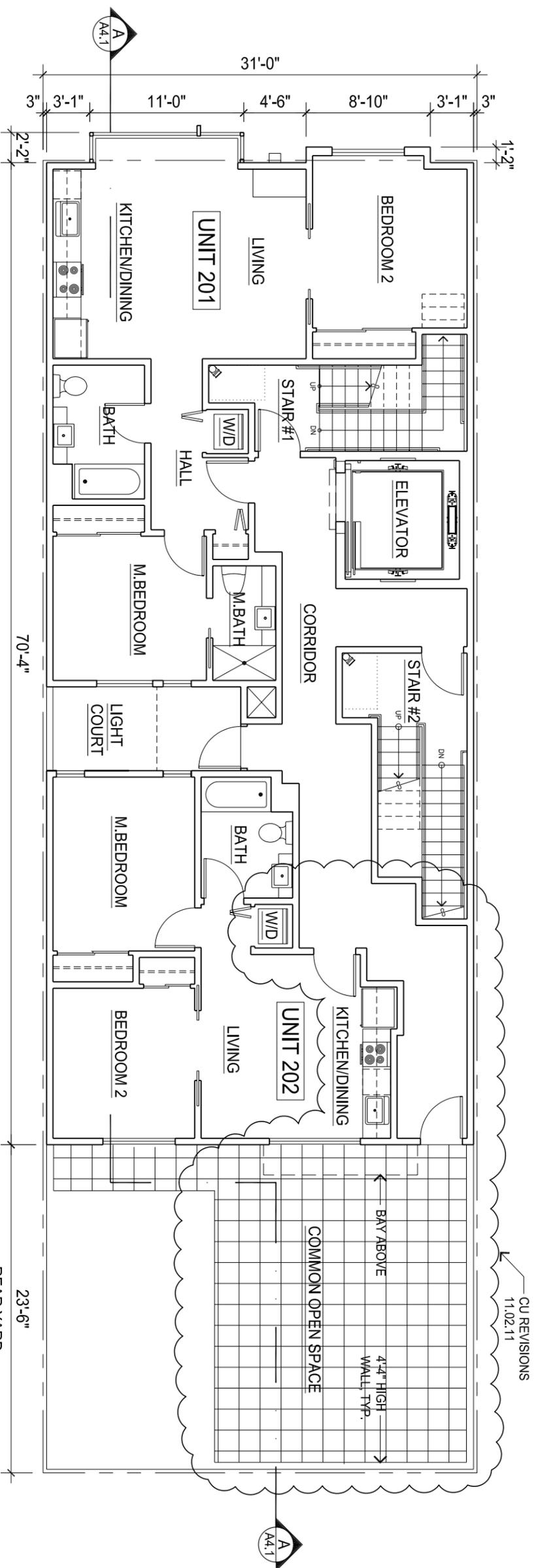
**A1.1**

Revisions	
No.	Issue / Date
	ISSUED FOR REVIEW 11.22.04
	ENGINEERING 03.04.05
	PLANNING 11.23.05
	ISSUED FOR REVIEW 10.30.08
	CIVIL PLANNING 06.05.10
	CU REVISIONS 11.02.11

**Floor Plans**

Scale: As Noted

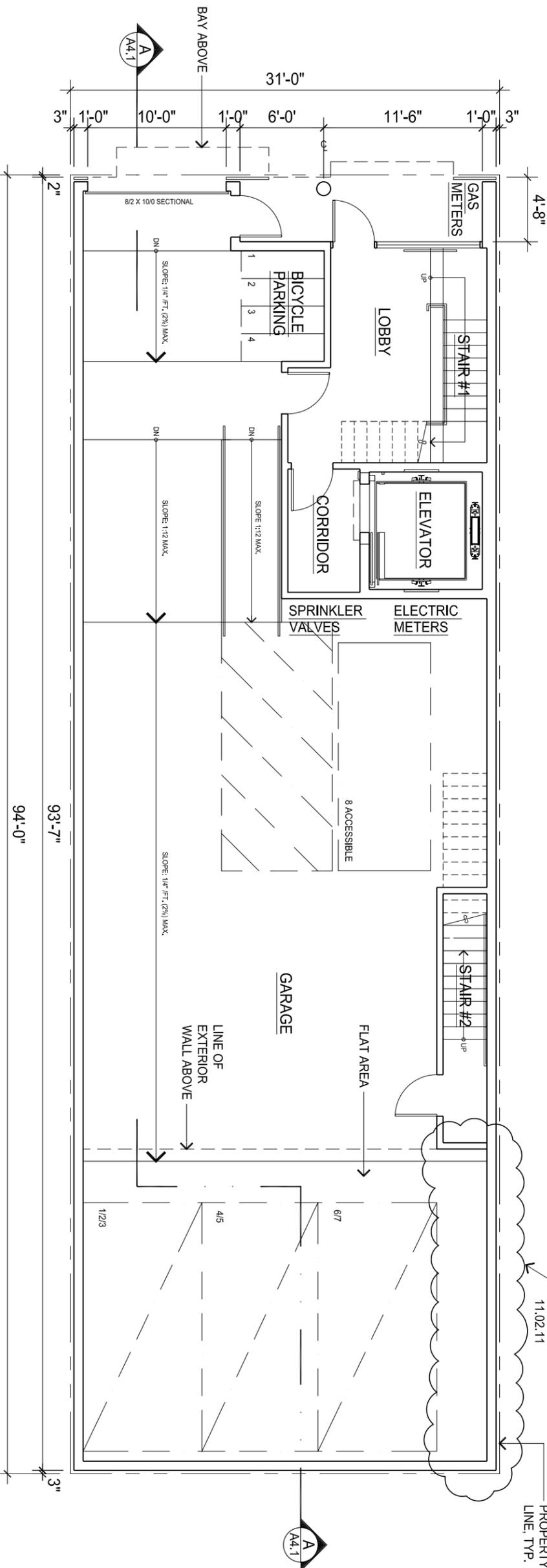
**A2.1**



**SECOND LEVEL PLAN**

SCALE: 1/4"=1'-0"

REAR YARD  
 25% OF LOT DEPTH



**GROUND LEVEL PLAN**

SCALE: 1/4"=1'-0"



GARY GEE ARCHITECTS, INC.  
98 Brady Street, #8  
San Francisco, CA 94103  
Tel: 415 863-5879  
Fax: 415 863-5879

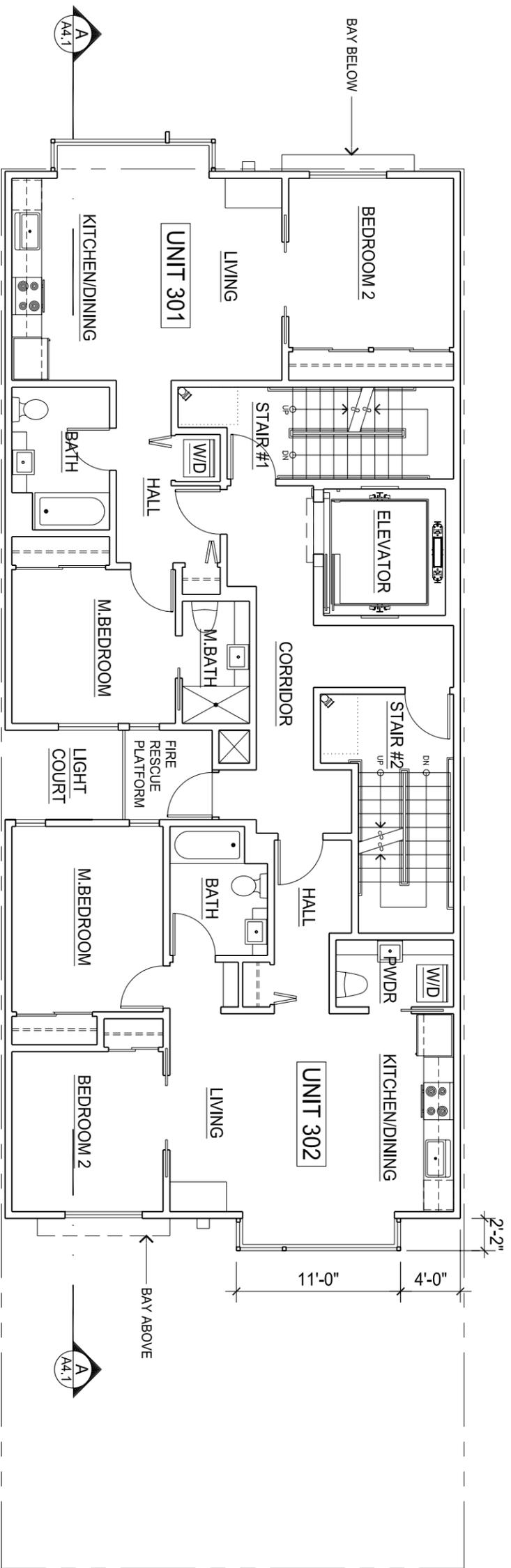
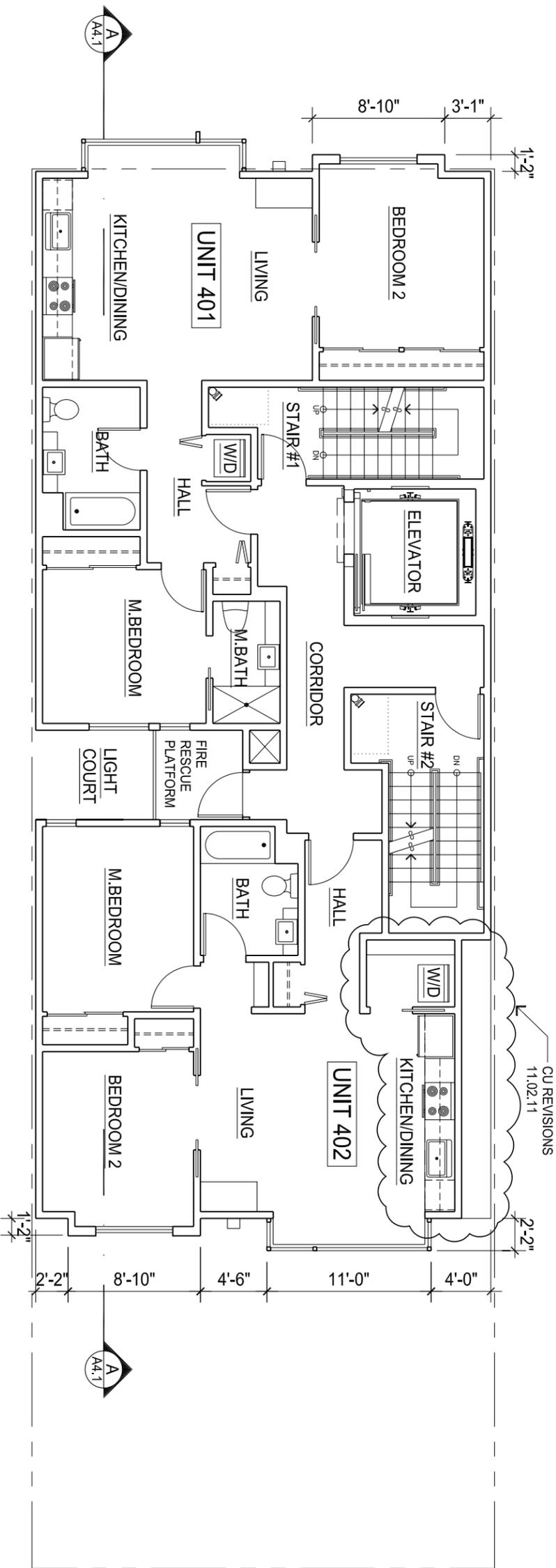
Project No. 04-033 Date 06.25.04

### Revisions

No.	Issue / Date
	ISSUED FOR REVIEW 11.22.04
	ENGINEERING 03.04.05
	PLANNING 11.23.05
	ISSUED FOR REVIEW 10.30.08
	CONSTRUCTION PLANNING 06.05.10
	CONSTRUCTION REVISIONS 11.02.11

### Floor Plans

Scale: As Noted







Architecture/Planning/Interiors

98 Brady Street, #8 San Francisco, CA 94103-1239

Tel: 415/863-8881 Fax: 415/863-8879

---

November 4, 2011

Mr. Ben Fu, Planner  
Planning Department  
1650 Mission Street, Suite 400  
San Francisco, CA 94103

**RE: 49 Julian Street      CONDITIONAL USE DESIGN FLOOR PLAN CHANGES  
San Francisco, CA**

Dear Mr. Fu:

Please find attached revised conditional use architectural drawings dated November 2, 2011:

<u>Sheet</u>	<u>Title</u>
A1.1	Site Plan, Planning Notes
A2.1	Ground & Second Level Plans
A2.2	Third & Fourth Level Plans
A2.3	Fifth Level and Roof Plans
A3.1	West and East Building Elevations
A3.2	North (Julian Street) and South Elevations
A3.10	North (Julian Street) Composite Elevation with adjacent 1800 Mission Armory Building
A3.11	Three (3) Julian Street elevation showing the design changes since March 4, 2005
A3.12	Julian Street blockface elevation with Armory Building, 49 Julian building and 194 Unit Proposed 15 <sup>th</sup> & Mission Street project.
A4.1	Building Section
A5.1	Armory Building South Elevation with 49 Julian overlay building profile Architectural Computer Rendering of the Julian Street Facade

**In response to the design meeting with the Planning Staff on November 2, 2011 and the Historic Preservation Commission October 19, 2011 letter supporting this project with suggested recommendations, the project sponsor has requested the following plan changes:**

- 1. Minimize rooftop projections by relocating the rooftop open space to the Second Floor rear terrace to reduce shadow patterns or any visual vistas to the curve roofline on the adjacent Armory Building (See Sheet A2.3 and A3.2).**
  - This lowered the 14'-6" high elevator penthouse to 5'-0" in height (adjacent to roof stair penthouse).
  - Removed one (1) nine foot (9') high stair enclosure to the roof.
  - Removed all 3'-6" high open space perimeter wall on the roof.
  - Sculpture the roof line of the required one (1) stair to the roof.
  - Minimized shadows to the adjacent Armory Building.
  - Limit visual impairment of the vista to the curved Armory Building roofline.

**2. Setback the east wall of Units 402 and 502 two feet (2') from the east property line to allow more light and create a wider space between buildings (See Sheet A2.2, A2.3, A3.1 and A3.2).**

- This setback is an 18'-9"x 19'-0" two (2) story high wall area two feet (2') further away from the southwestern second column window on the Armory Building.
- This portion of the wall is now 6'-1 1/2" away from the adjacent southwestern second column window on the Armory building and allows more light between these buildings.
- Reduced the 49 Julian Street building massing at the rear against the Armory Building.

There is an existing 4'-1 1/4" offset between the Armory Building and the south property line. **These building design changes reduces the rooftop height and bulk projections, and creates more space between the buildings at the southwestern second column window on the Armory Building.** The smaller first row southwestern window on the Armory Building was located against the required second means of egress stair for the proposed building, and there was no flexibility to modify the design of this stair.

Please contact me if you have any questions or need any additional information.

Very truly yours,

Gary Gee, AIA

cc: Tom McInerney  
John Ward  
Tony Kim



Architecture/Planning/Interiors

98 Brady Street, #8 San Francisco, CA 94103-1239

Tel: 415/863-8881 Fax: 415/863-8879

---

November 8, 2011

Mr. Ben Fu, Planner  
Planning Department  
1650 Mission Street, Suite 400  
San Francisco, CA 94103

**RE: 49 Julian Street      CONDITIONAL USE APPLICATION  
San Francisco, CA**

Dear Mr. Fu:

During the Historic Preservation Commission (HPC) hearing on Wednesday, October 19, 2011, the architect who was retained by Peter Acworth presented a Goggle Sketchup shadow diagram of our proposed building against the backdrop of the 1800 Mission Armory Building. We wish to point out the following:

**1. The massing shown in this Goggle Sketchup model is inaccurate.**

- The rooftop shows a continuous one (1) story structure in the middle of the roof approximately nine feet (9') in height. This rooftop bulk image is incorrect. Our drawings show a roof top deck open to the sky in this location.
- The south elevation of the model does not show the visible lightwell. Our drawings show this lightwell to break up the massing along the south property line wall on the proposed building.

The inaccuracies of this Goggle Sketchup model thus show more height and bulk, along with excessive shadow that does not reflect the real image or shadow patterns from our building onto the 1800 Mission Street Armory Building.

Please inform the Planning Commission of this condition because if this shadow model is used in a presentation, it will inaccuracy mislead the real shadow patterns of the proposed building.

Very truly yours,

Gary Gee, AIA

cc: Tim Frye, Planning Department  
Tom McInerney, John Ward, Tony Kim



November 9, 2011

Christina Olague, President  
and Planning Commissioners  
San Francisco Planning Commission  
1650 Mission Street, 4<sup>th</sup> floor  
San Francisco, CA 94103

**RE: 49 Julian Avenue**  
(Block 3547, Lot 032)  
**Case No. 2005.0233CEK**

Dear Commissioners:

## **PROPOSAL**

The project sponsors, Lisa Mertens, John Ward and Tom McInerney, propose to demolish the existing single-story light industrial warehouse and construct a five-story, 50-foot-tall wholly residential building containing eight two-bedroom units with eight off-street parking spaces.

The project sponsors submitted their first application to the Planning Department on **March 9, 2005**. The project qualifies as an Eastern Neighborhoods Pipeline project and is therefore subject to pre-Eastern Neighborhoods Plan and zoning controls which are the C-M (Heavy Commercial Use) zoning district and 50-X Height and Bulk district.

## **HISTORIC PRESERVATION COMMISSION**

At the request of the Planning Commission, the Historic Preservation Commission (HPC) reviewed the proposed project on October 13, 2011.

At the public hearing, the HPC made the following findings and suggestions (see Exhibit XX):

- A. The HPC is in support of the project and believes that it represents a positive contribution to the neighborhood and the City and will help further the City's policy to encourage housing.
- B. The project sponsors should disclose to any prospective buyer prior to purchase that the development is directly adjacent to the (Armory) Drill Court's Assembly space.
- C. The project sponsors agreed to work with staff to look into refining and sculpting the proposed rooftop projections and introducing additional side setbacks along the side elevation adjacent to the Drill Court windows to preserve some light.

## **SURROUNDING AREA CONDITIONS AND USES**

The surrounding area includes commercial retail, social services, office, light industrial and multi-residential uses along Mission Street, Valencia Street and both 14<sup>th</sup> & 15<sup>th</sup> Streets (see Exhibit D, vicinity map).

Since 2003, the Planning Commission has approved over 360 residential units on the subject block and directly across the street from the Armory Building and property owned by Arriba Juntos. Of the 360 approved residential units, 230 are currently under construction. The proposed residential use is consistent and compatible with that of the 194 units at 1880 Mission Street that also is in close proximity to Arriba Juntos, The Amory Building and the subject property. The only difference is that the proposed 49 Julian Avenue project is drastically smaller.

### **1880 MISSION STREET A.K.A MISSION GARDENS**

A 65-foot-tall planned unit development consisting of 194 residential dwelling units, 9,000 square feet of commercial space and 181 independently accessible off-street parking spaces is under construction only 58 feet south of the subject property (see Exhibit F, plans & elevations of 1880 Mission Street a.k.a Mission Gardens).

## **NEIGHBORHOOD OUTREACH**

The project sponsors initiated neighborhood outreach by walking door-to-door to the immediate neighbors and informing the neighbors of the proposal. Invitations to an informational neighborhood meeting were mailed out to immediate neighbors and neighborhood groups. The meeting was held on Saturday, August 20, 2011. No neighbors attended the meeting.

### **1800 Mission Street: Armory Building (Peter Acworth):**

The project team met with Mr. Peter Acworth of the Armory on five different occasions. The project has been modified according to the suggestions of the HPC. Peter Acworth has informed us in writing (see Exhibit G) that he does not intend to dispute this project any further in hopes that we can work together amicably as neighbors moving forward.

### **1850 Mission Street: Arriba Juntos:**

We received a letter from Arriba Juntos dated August 17, 2011 (see Exhibit H). The project team met with Arriba Juntos representative, Richard Devine, to present the project details. We have made three efforts to meet with the executive director and their representatives. Unfortunately, they have declined to meet with us.

## **CONCLUSION**

The project sponsors submitted their first application over six years ago, were instructed by the Planning Staff that their Environmental Evaluation Application could not be processed until the Eastern Neighborhood Zoning study and controls were adopted, and have been waiting patiently

for your consideration. We have conducted our neighborhood outreach and met with several neighbors and offered numerous mitigation measures.

Although not required, the project effectively responds to the HPC suggestions and we worked with staff by incorporating the following:

- 1) Removed and reduced rooftop projections to minimize the impact of the visual vista of the Armory curved roof form.
- 2) As a “good neighbor” gesture, a side setback adjacent to the (Armory Building) Drill Court was incorporated to create a light corridor in an effort preserve light into the Drill Court.
- 3) In keeping with the suggestions of the HPC, we have developed the attached Supplemental Disclosure document (see Exhibit E) to ensure that if approved, any future residents will be notified and fully aware of the activities at Arriba Juntos and at Kink.com and any future large crowd events that may be permitted at the Drill Court of the Armory.

It should be noted that we have been asked to mitigate and notify the potential residents of the subject property about a large public assembly use at the Drill Court for up to 4,000 occupants that has not yet been permitted by the City for unlimited permanent use and will certainly be subject to environmental review.

This Eastern Neighborhoods Pipeline project meets the intent and spirit of the current UMU zoning controls. All eight residential units are family-sized, two bedroom units and the proposed use is consistent and compatible with the existing mixed-use character of the immediate area.

The in-fill project proposes an appropriate residential building and a use that is necessary, desirable and compatible on an underutilized parcel. The project promotes the public welfare, convenience and necessity and meets all the required findings of the General Plan and Planning Code. The Project Sponsor respectfully request that the Planning Commission grant conditional use authorization for the construction of the project pursuant to Planning Code Sections 215(a), 175.6, 151 and 303.

We respectfully request that you approve the project as proposed.

Thank you for your consideration.



Tony B. Kim  
(415) 246-8855



# SAN FRANCISCO PLANNING DEPARTMENT

---

DATE: October 19, 2011  
TO: President Olague and Members of the Planning Commission  
FROM: President Chase and Member of the Historic Preservation Commission  
STAFF CONTACT: Tim Frye, Preservation Coordinator, (415) 575-6822  
RE: Case No. 2005.0233C, 49 Julian Avenue

---

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

Reception:  
**415.558.6378**

Fax:  
**415.558.6409**

Planning  
Information:  
**415.558.6377**

The Historic Preservation Commission (HPC) appreciates the opportunity to provide advice to the Planning Commission for the entitlements associated with Case No. 2005.0233C at 49 Julian Avenue. The subject property is located adjacent to the Mission Armory, Landmark No. 108. Planning staff presented information regarding the project at the HPC's October 19, 2011 hearing along with both the Project Sponsor (Sponsor) and the owner of the Mission Armory, Peter Acworth.

It is not within the HPC's purview to limit the use of the property and it defers to the Planning Commission's expertise on the use issue; however, the HPC is in support of the project and believes that it represents a positive contribution to the neighborhood and the City and will help further the City's policy to encourage housing.

While measures will have to be taken to address noise associated with the assembly space, it should be acknowledged that future residents of the proposed development also share responsibility through agreement to live next door to the Drill Court, which is an essential component of the sustained viability of the Landmark. The HPC recommends that the Sponsor disclose to any prospective buyer prior to purchase that the development is directly adjacent to the Drill Court's assembly space.

In reviewing the plans and listening to the issues raised by the Sponsor and Mr. Acworth, the HPC does not believe that the development will obscure the roofline of the south elevation of the Drill Court. The Landmark is a prominent building and can be enjoyed by the public from many vantage points. The development, however, will result in a loss of some light to the interior of the Drill court that should be addressed.

At the hearing the HPC discussed with the Sponsor a few options to refine and sculpt the portion of the building that will block light to the Drill Court windows. Options included the reduction of roof projections and the introduction of additional setbacks along the side elevation of the development that is adjacent to the Drill Court. The hearing closed with the Sponsor agreeing to work with staff and the Architectural Review Committee of the HPC to make these refinements.



# SAN FRANCISCO PLANNING DEPARTMENT

**MEMO**

**DATE:** October 13, 2011  
**TO:** Historic Preservation Commission  
**FROM:** Tim Frye, Preservation Coordinator  
**RE:** 49 Julian Avenue  
Case No. 2005.0233C

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

Reception:  
**415.558.6378**

Fax:  
**415.558.6409**

Planning  
Information:  
**415.558.6377**

At the request of the President of the Planning Commission, the Historic Preservation Commission (HPC) is requested to review and comment on the proposed project at 49 Julian Avenue. The project is adjacent to Landmark No. 108, the Mission Armory.

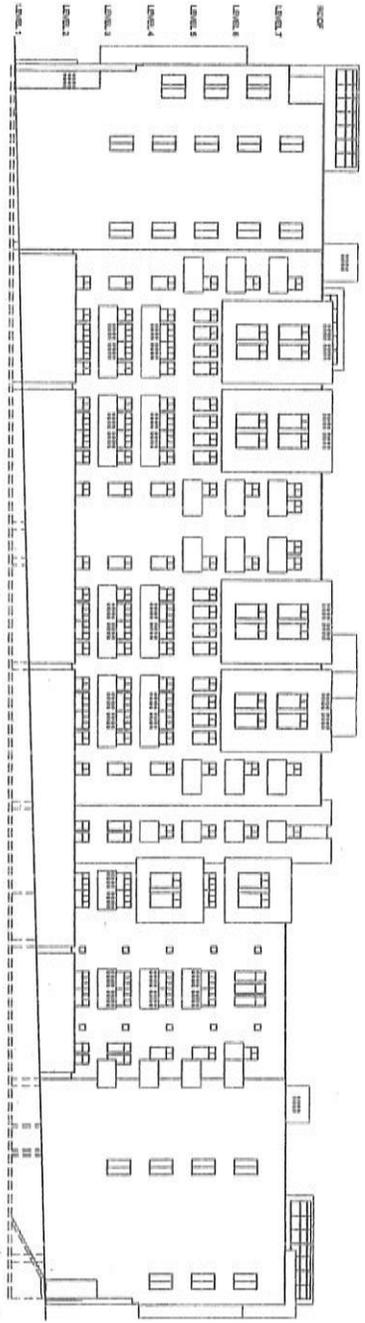
The project requires Conditional Use authorization under Planning Code Sections 215(a), 175.6(e)(1)(c), 151.1 and 303 to allow the demolition of an existing one-story, industrial building and the construction of a new approximately 10,500-square foot, 50-foot tall, five-story residential building containing eight dwelling units and eight ground floor parking spaces utilizing its Eastern Neighborhoods Pipeline status per Planning Code Section 175.6(e) to elect to conform to the controls under the former C-M (Heavy Commercial) Zoning District and the 50-X Height and Bulk District, while conforming to Articles 1, 1.2, 1.5 and 2.5, as amended by the Eastern Neighborhoods Controls, or requesting Conditional Use authorization to seek relief from those amended Articles.

The HPC may direct staff to provide written comments to the Planning Commission in anticipation of its November 10, 2011 hearing regarding the project. The owner of Amory Studios, LLC, adjacent to the site of the proposed project, has also provided a bound copy of materials for the HPC. This material is attached to this memo.

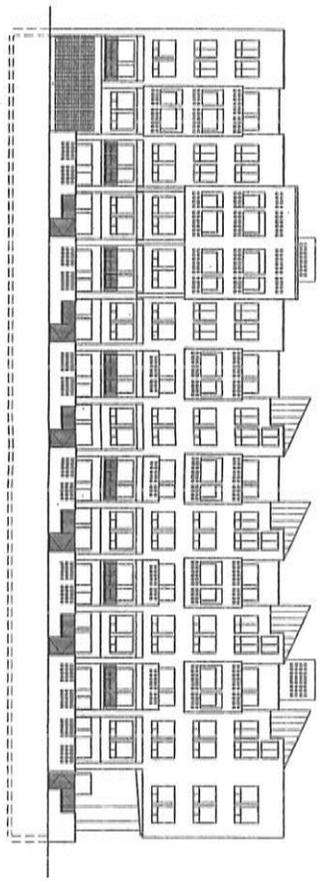
Attachments: Plans, revised August 10, 2010  
Aerial Photographs  
Categorical Exemptions, signed December 16, 2010  
Submission from Armory Studios, LLC, dated October 11, 2010

Memo





INTERIOR LOT LINE ELEVATION



JULIAN STREET ELEVATION

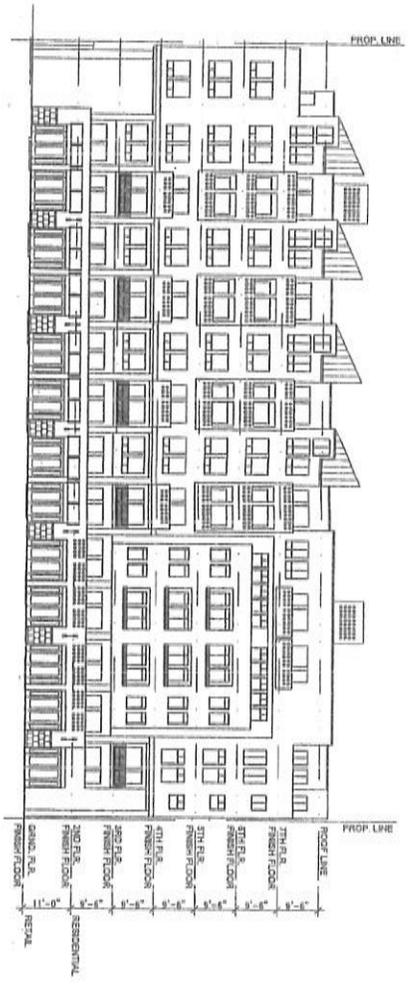
MISSION GARDENS

SAN FRANCISCO, CALIFORNIA

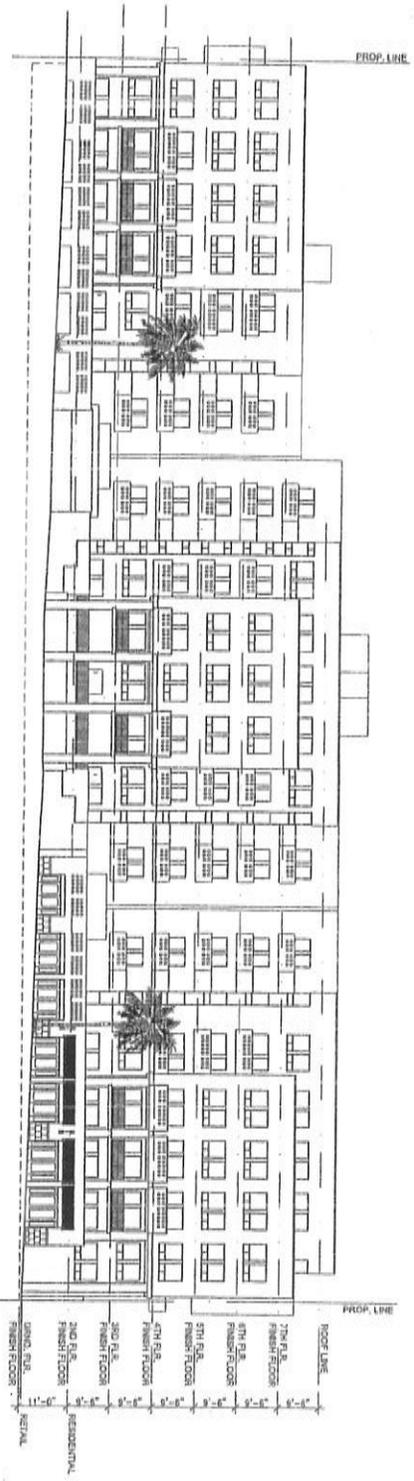


FORUMDESIGN

DEC. 8, 2004  
REVISED  
JAN. 25, 2005



MISSION STREET ELEVATION



15TH STREET ELEVATION

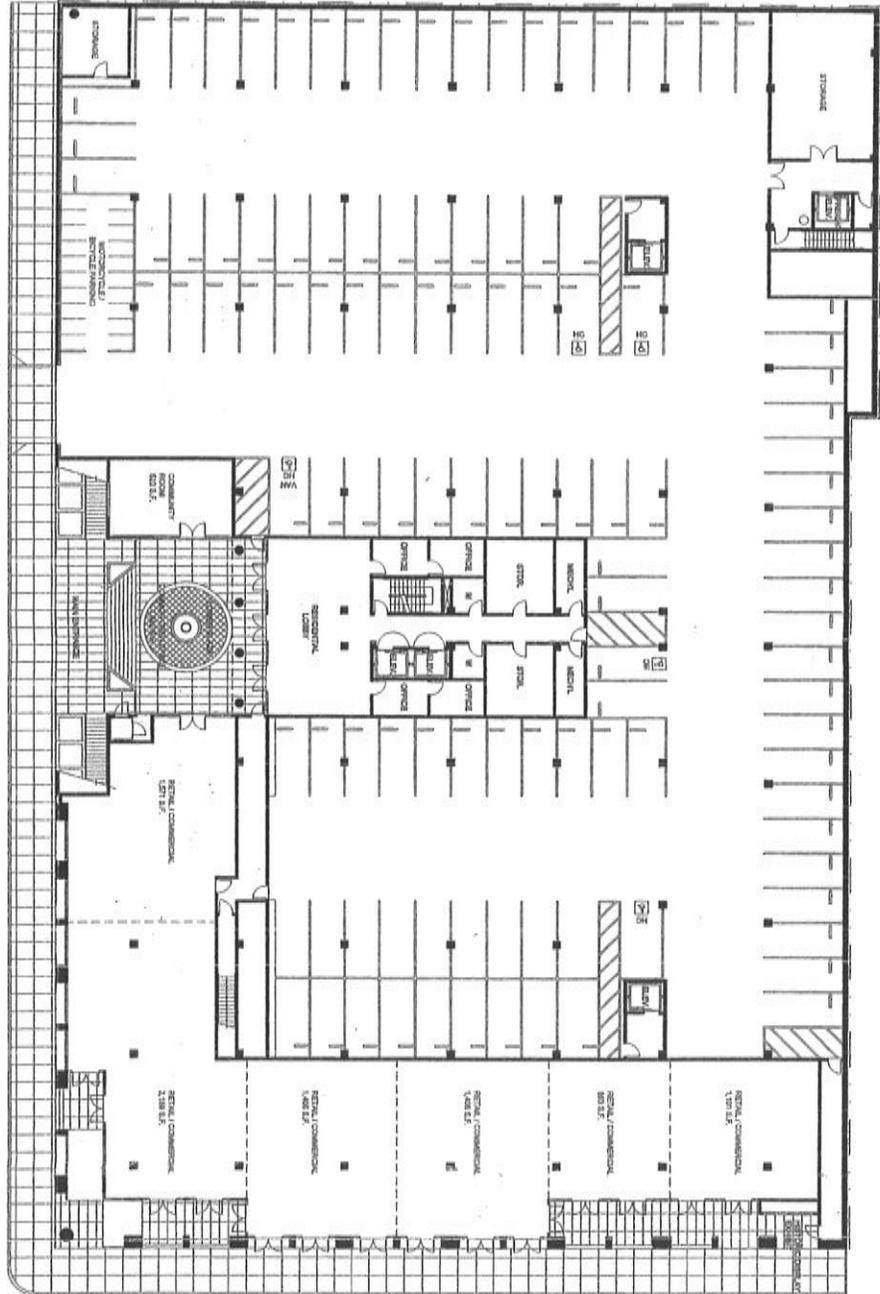
MISSION GARDENS

SAN FRANCISCO, CALIFORNIA

FORUM DESIGN

DEC 8, 2004  
 REVISED  
 JAN 20, 2005





CONCRETE CURB CUT FOR PARKING

15TH STREET

MISSION STREET

# GROUND FLOOR PLAN

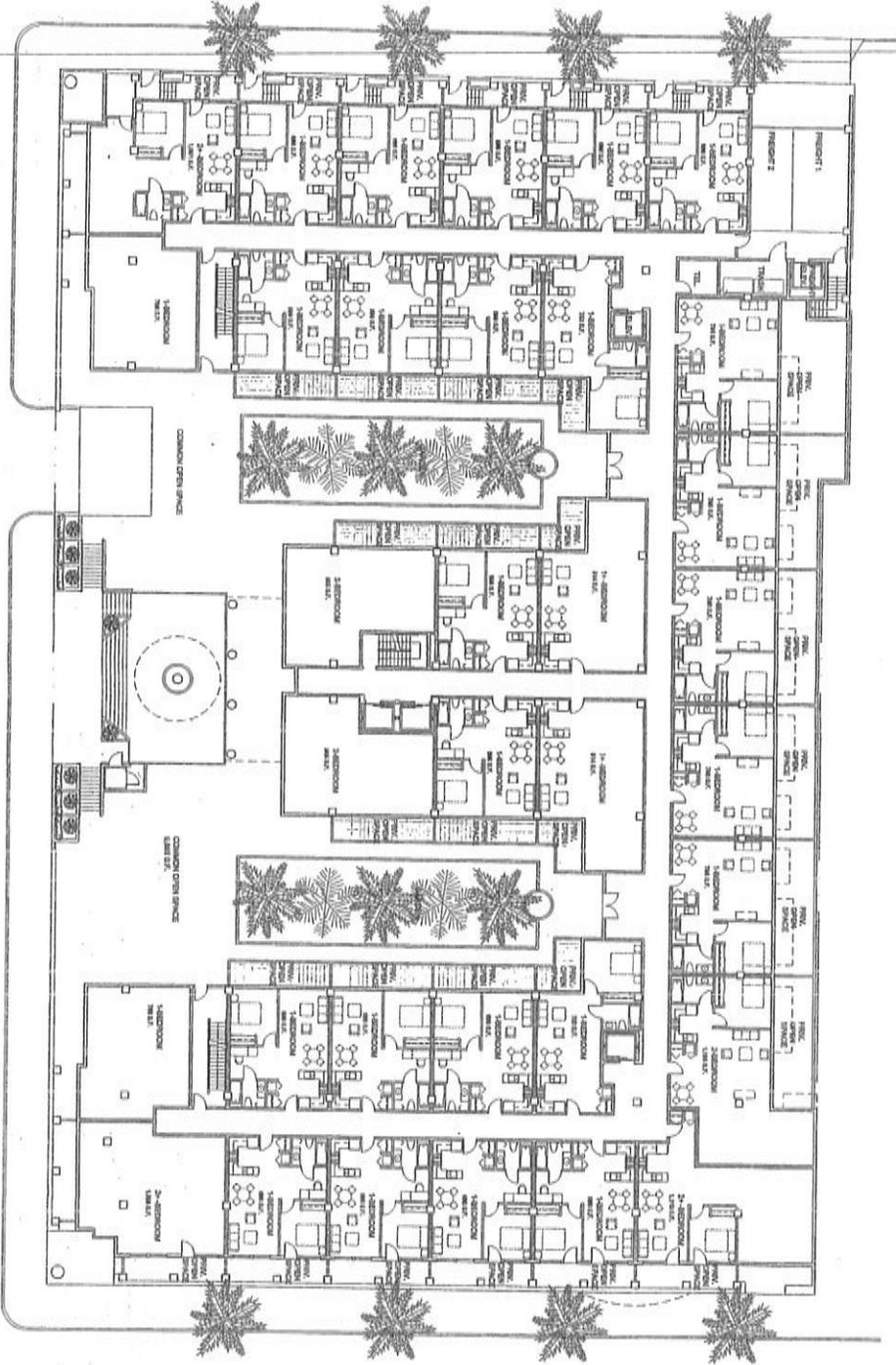
## MISSION GARDENS

SAN FRANCISCO, CALIFORNIA

**FORUMDESIGN**

DEC 8, 2004  
 REVISED  
 JAN 26, 2005



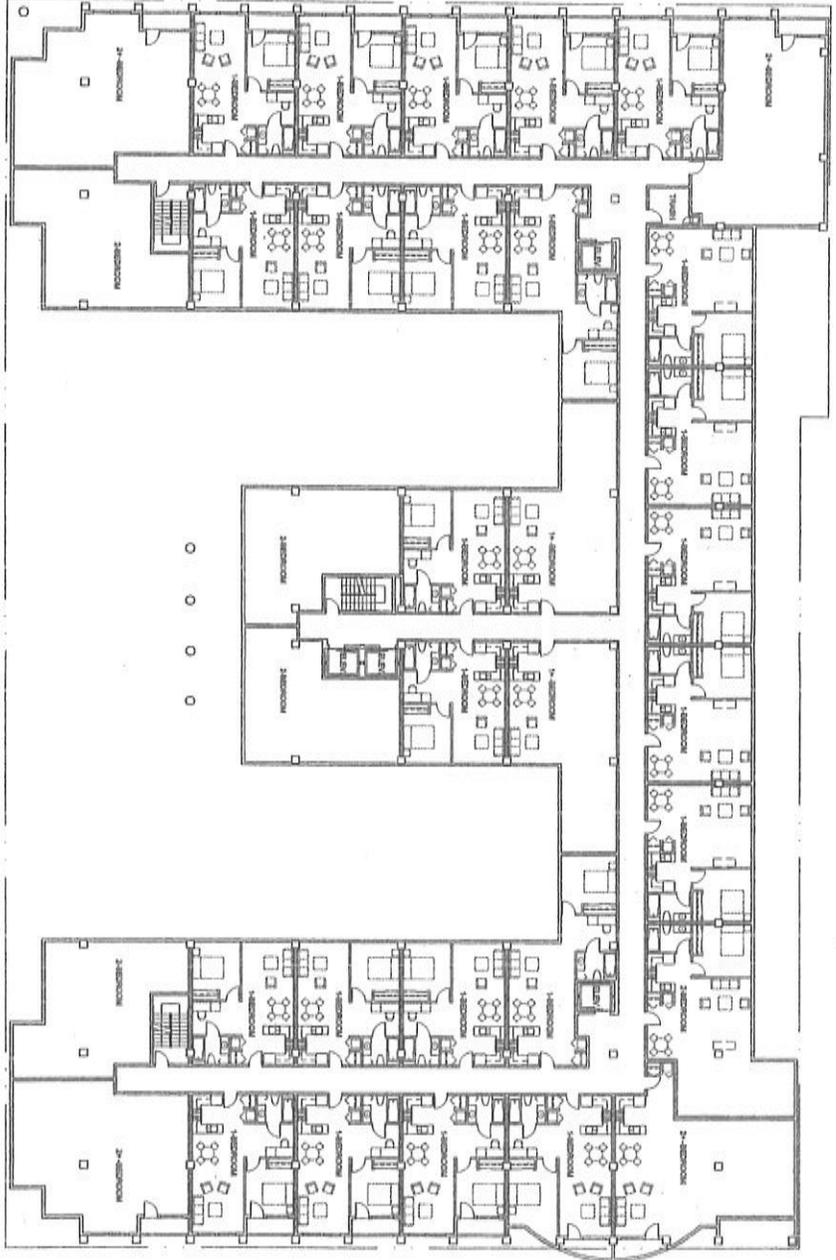


SECOND FLOOR PLAN  
MISSION GARDENS  
SAN FRANCISCO, CALIFORNIA

30 LINES  
1/8" = 1'-0"  
1/16" = 1'-0"  
1/32" = 1'-0"  
1/64" = 1'-0"

DEC. 8, 2004  
REVISED  
JAN. 25, 2005

FORUMDESIGN

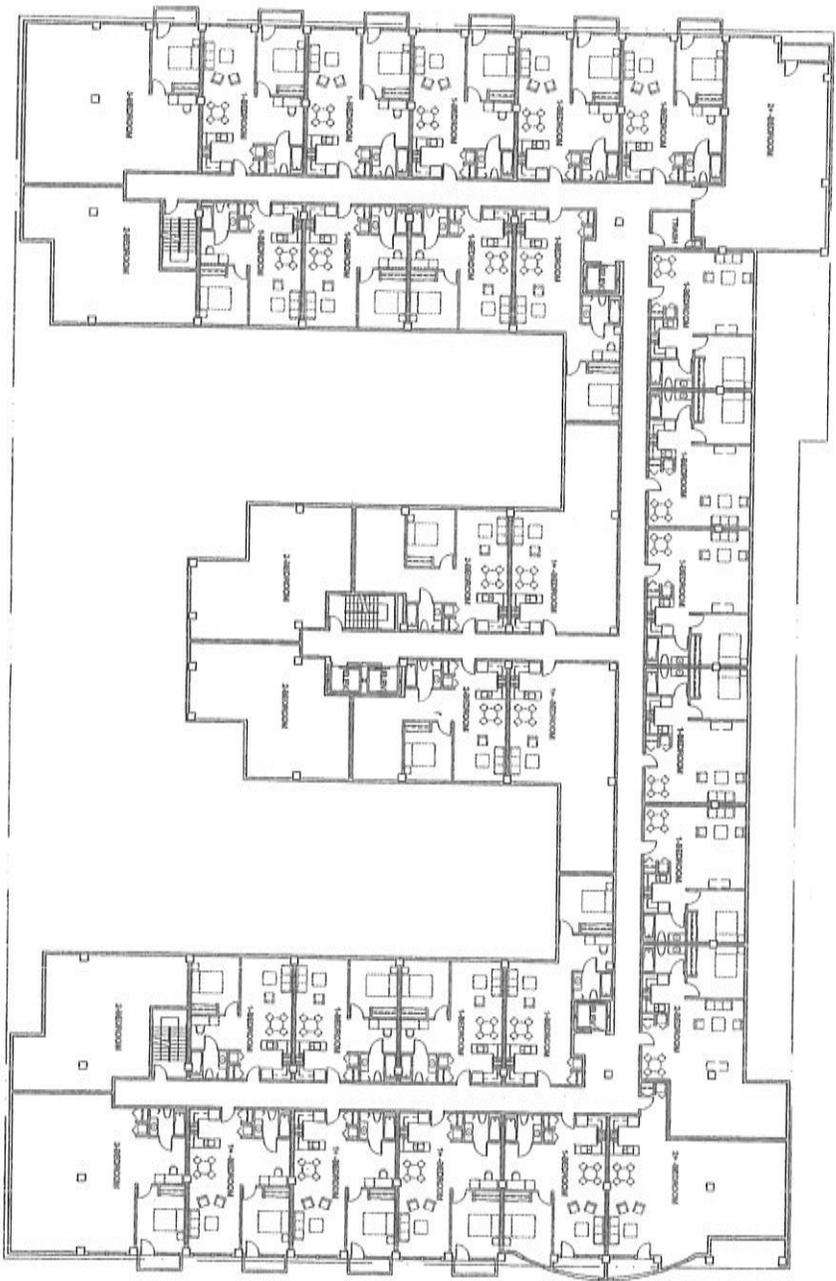


ROOM 301  
 ROOM 302  
 ROOM 303  
 ROOM 304  
 ROOM 305  
 ROOM 306  
 ROOM 307  
 ROOM 308  
 ROOM 309  
 ROOM 310  
 ROOM 311  
 ROOM 312  
 ROOM 313  
 ROOM 314  
 ROOM 315  
 ROOM 316  
 ROOM 317  
 ROOM 318

THIRD FLOOR PLAN  
**MISSION GARDENS**  
 SAN FRANCISCO, CALIFORNIA

**FORUMDESIGN**

DEC 8, 2004  
 REVISED  
 JAN 25, 2005

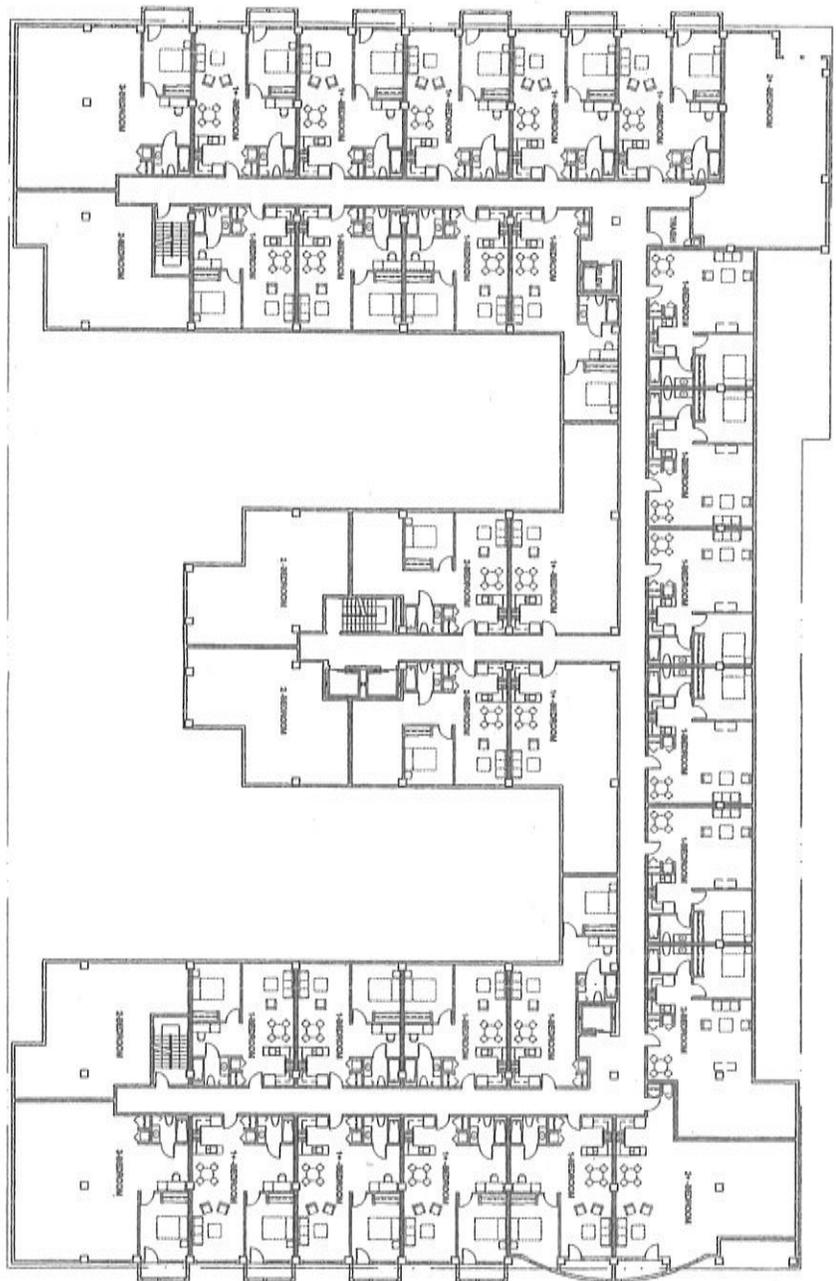


2400  
 2401  
 2402  
 2403  
 2404  
 2405  
 2406  
 2407  
 2408  
 2409  
 2410  
 2411  
 2412  
 2413  
 2414  
 2415  
 2416  
 2417  
 2418  
 2419  
 2420  
 2421  
 2422  
 2423  
 2424  
 2425  
 2426  
 2427  
 2428  
 2429  
 2430  
 2431  
 2432  
 2433  
 2434  
 2435  
 2436  
 2437  
 2438  
 2439  
 2440  
 2441  
 2442  
 2443  
 2444  
 2445  
 2446  
 2447  
 2448  
 2449  
 2450  
 2451  
 2452  
 2453  
 2454  
 2455  
 2456  
 2457  
 2458  
 2459  
 2460  
 2461  
 2462  
 2463  
 2464  
 2465  
 2466  
 2467  
 2468  
 2469  
 2470  
 2471  
 2472  
 2473  
 2474  
 2475  
 2476  
 2477  
 2478  
 2479  
 2480  
 2481  
 2482  
 2483  
 2484  
 2485  
 2486  
 2487  
 2488  
 2489  
 2490  
 2491  
 2492  
 2493  
 2494  
 2495  
 2496  
 2497  
 2498  
 2499  
 2500



FOURTH FLOOR PLAN  
**MISSION GARDENS**  
 SAN FRANCISCO, CALIFORNIA

DEC. 8, 2004  
 REVISED 2005  
 JAN. 26, 2005  
**FORUMDESIGN**

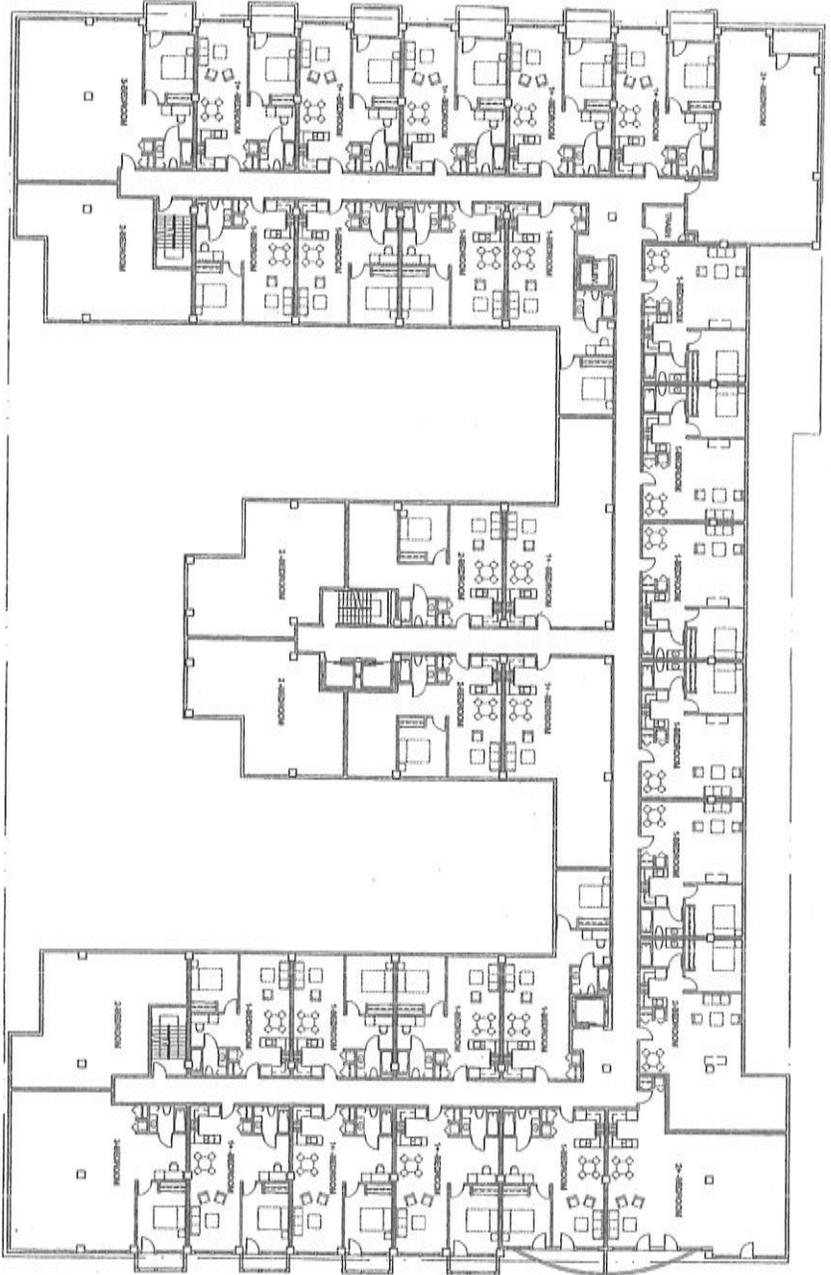


FIFTH FLOOR PLAN  
**MISSION GARDENS**  
SAN FRANCISCO, CALIFORNIA

**FORUM DESIGN**

DEC. 8, 2004  
REVISED  
JAN. 25, 2005

5000-1  
5000-2  
5000-3  
5000-4  
5000-5  
5000-6  
5000-7  
5000-8  
5000-9  
5000-10  
5000-11  
5000-12  
5000-13  
5000-14  
5000-15  
5000-16  
5000-17  
5000-18  
5000-19  
5000-20  
5000-21  
5000-22  
5000-23  
5000-24

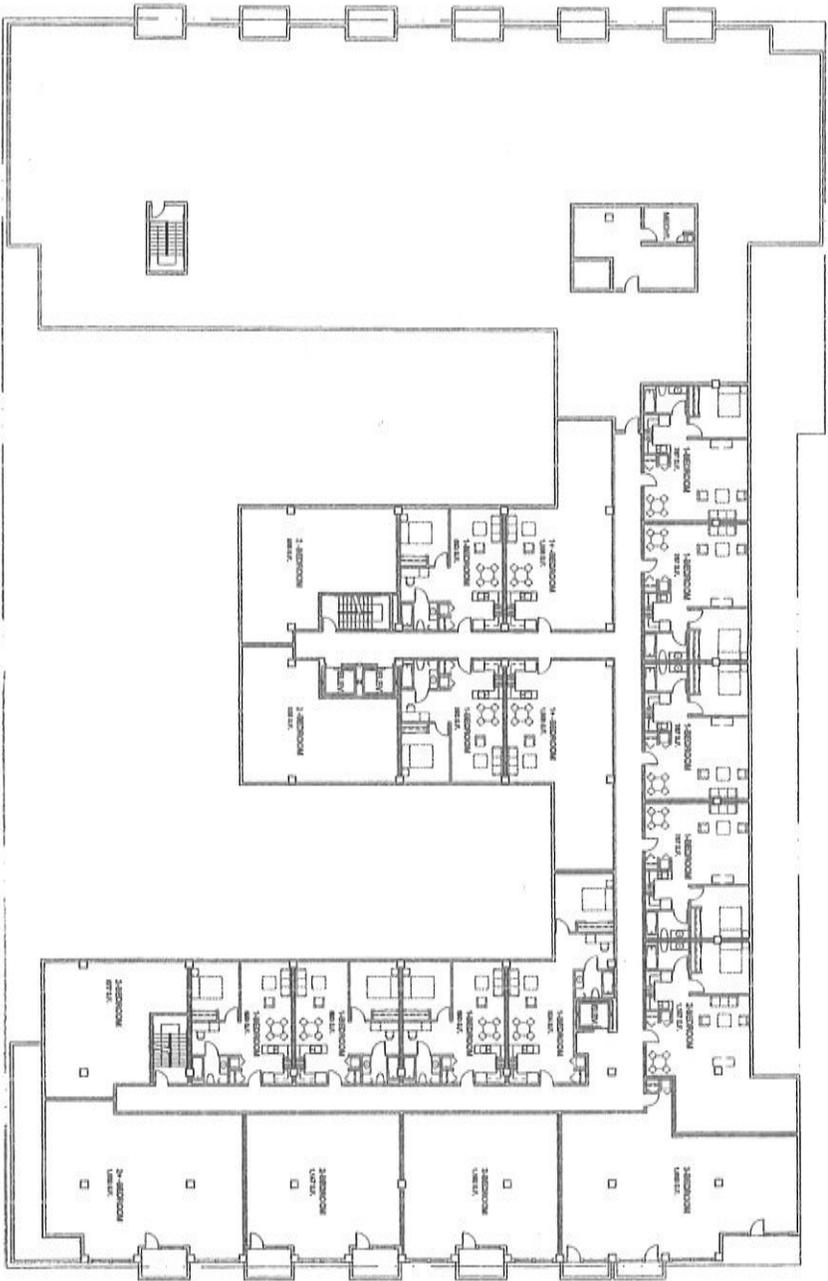


6000-1  
 6000-2  
 6000-3  
 6000-4  
 6000-5  
 6000-6  
 6000-7  
 6000-8  
 6000-9  
 6000-10  
 6000-11  
 6000-12  
 6000-13  
 6000-14



SIXTH FLOOR PLAN  
**MISSION GARDENS**  
 SAN FRANCISCO, CALIFORNIA

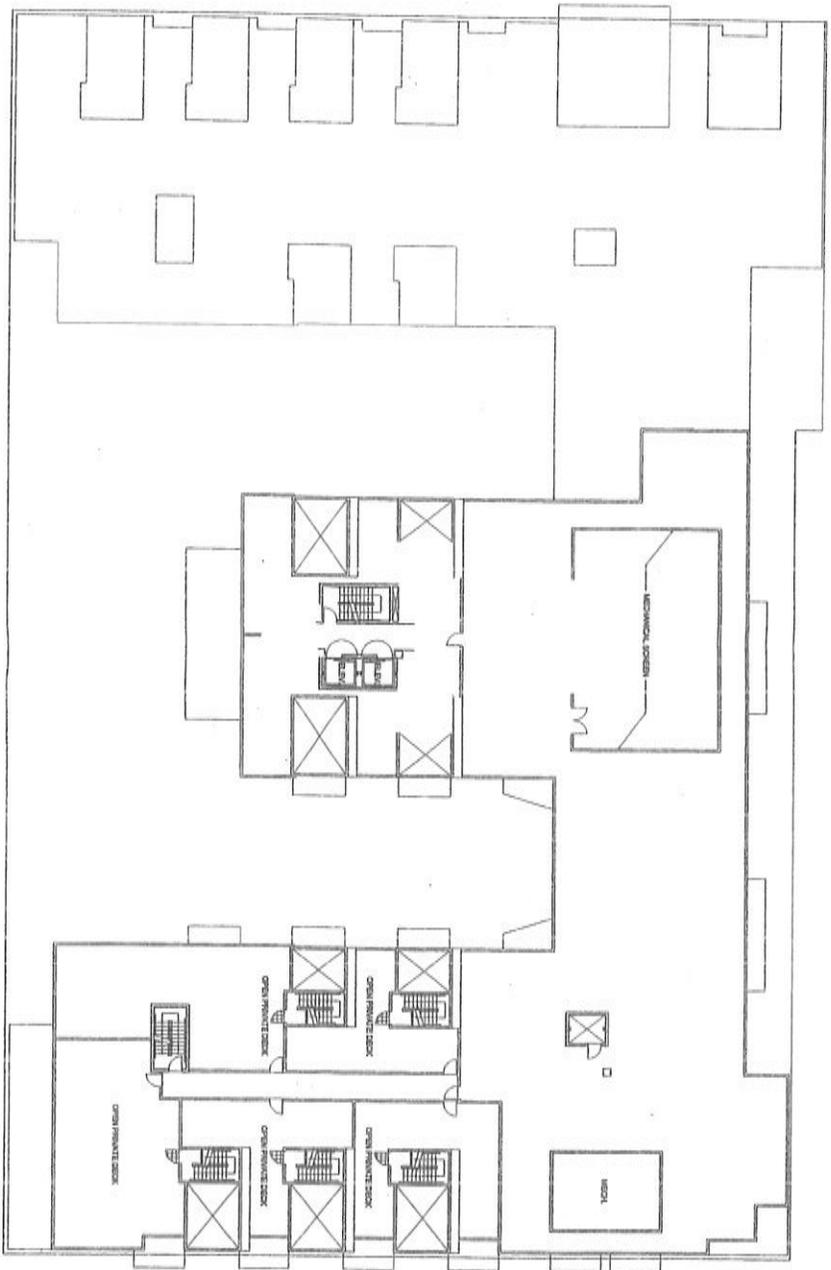
DEC 8, 2004  
 REVISED  
 JAN 26, 2005  
**FORUM DESIGN**



SEVENTH FLOOR PLAN  
**MISSION GARDENS**  
 SAN FRANCISCO, CALIFORNIA

02D 9. 2004  
 REVISED  
 JAN 28. 2005  
**FORUMDESIGN**

1-BEDROOM  
 2-BEDROOM  
 3-BEDROOM  
 4-BEDROOM  
 5-BEDROOM  
 6-BEDROOM  
 7-BEDROOM  
 8-BEDROOM  
 9-BEDROOM  
 10-BEDROOM  
 11-BEDROOM  
 12-BEDROOM  
 13-BEDROOM  
 14-BEDROOM  
 15-BEDROOM  
 16-BEDROOM  
 17-BEDROOM  
 18-BEDROOM  
 19-BEDROOM  
 20-BEDROOM  
 21-BEDROOM  
 22-BEDROOM  
 23-BEDROOM  
 24-BEDROOM  
 25-BEDROOM  
 26-BEDROOM  
 27-BEDROOM  
 28-BEDROOM  
 29-BEDROOM  
 30-BEDROOM  
 31-BEDROOM  
 32-BEDROOM  
 33-BEDROOM  
 34-BEDROOM  
 35-BEDROOM  
 36-BEDROOM  
 37-BEDROOM  
 38-BEDROOM  
 39-BEDROOM  
 40-BEDROOM  
 41-BEDROOM  
 42-BEDROOM  
 43-BEDROOM  
 44-BEDROOM  
 45-BEDROOM  
 46-BEDROOM  
 47-BEDROOM  
 48-BEDROOM  
 49-BEDROOM  
 50-BEDROOM  
 51-BEDROOM  
 52-BEDROOM  
 53-BEDROOM  
 54-BEDROOM  
 55-BEDROOM  
 56-BEDROOM  
 57-BEDROOM  
 58-BEDROOM  
 59-BEDROOM  
 60-BEDROOM  
 61-BEDROOM  
 62-BEDROOM  
 63-BEDROOM  
 64-BEDROOM  
 65-BEDROOM  
 66-BEDROOM  
 67-BEDROOM  
 68-BEDROOM  
 69-BEDROOM  
 70-BEDROOM  
 71-BEDROOM  
 72-BEDROOM  
 73-BEDROOM  
 74-BEDROOM  
 75-BEDROOM  
 76-BEDROOM  
 77-BEDROOM  
 78-BEDROOM  
 79-BEDROOM  
 80-BEDROOM  
 81-BEDROOM  
 82-BEDROOM  
 83-BEDROOM  
 84-BEDROOM  
 85-BEDROOM  
 86-BEDROOM  
 87-BEDROOM  
 88-BEDROOM  
 89-BEDROOM  
 90-BEDROOM  
 91-BEDROOM  
 92-BEDROOM  
 93-BEDROOM  
 94-BEDROOM  
 95-BEDROOM  
 96-BEDROOM  
 97-BEDROOM  
 98-BEDROOM  
 99-BEDROOM  
 100-BEDROOM



ROOF PLAN  
**MISSION GARDENS**  
 SAN FRANCISCO, CALIFORNIA

DEC 8, 2004  
 REVISED  
 JAN 25, 2005  
**FORUMDESIGN**

**From:** Peter Acworth <p\_acworth@kink.com>  
**Subject:** 49 Julian.  
**Date:** October 18, 2011 8:50:32 PM PDT  
**To:** Tony Kim <tony@townconsulting.com>  
**Cc:** Tom McInerney <tbmcinerney@gmail.com>, John Ward <jwardpainting@yahoo.com>

---

Hi Tony,

I promised you an update at the middle of this week so here it is.

As you may be aware, I have submitted my opinion and arguments to the Historic Preservation Commission and it is at their discretion as to how they will advise the Planning Commission. I will make myself available to answer questions at the HPC hearing. At this point I believe I have made my concerns clear. That said, I don't intend to dispute your project further. If and when you move forward, I hope that we can work together amicably as neighbors.

Regarding the possible purchase of 49 Julian, I am not interested in pursuing it at this time as I believe this money would be better spent positively on my own projects. Thank you very much for your patience with as I have come to terms with the proposed development and associated impacts.

Yours truly,

Peter Acworth

**From:** Peter Acworth <p\_acworth@kink.com>  
**Subject:** 49 Julian  
**Date:** October 8, 2011 11:50:15 AM PDT  
**To:** Tom McInerney <tbmcinerney@gmail.com>, John Ward <jwardpainting@yahoo.com>  
**Cc:** Tony Kim <tony@townconsulting.com>

---

Hi Tom, John,

Thank you for your continued patience as I work with my consultant and real estate agent on this issue. While debating this, various other options have come to mind.

Shortly after leaving a voicemail for Tony yesterday, I got a phone call from a board member of Arriba Juntos. They are very interested in a direct acquisition and have a genuine community-centric use which surpasses my own (parking and storage). So rather than rush into an offer with title under my name, I think it makes sense for me to coordinate further with them first.

Another option which came to my mind was this: if you do indeed get your entitlements under either C-M or UMU, I could offer to pre-purchase units on the top two floors, this would partially alleviate one of my core concerns (that of complaints from neighboring residents due to noise from an event in the Drill Court), as I would use the units for temporary accommodations for those working in my event space only. This would presumably assist you in your financing and remove a certain amount of risk of house price fluctuations from your plate.

So due to the above thoughts and potential avenues for amicable negotiation going forward, I think it makes sense for me to hold off on writing an outright offer at this time.

I will let you know as my talks with Arriba Juntos develop.

Thanks again  
Peter

**From:** Peter Acworth <p\_acworth@kink.com>  
**Date:** October 3, 2011 3:44:27 PM PDT  
**To:** Tony Kim <tony@townconsulting.com>  
**Cc:** "tbmcinerney@gmail.com" <tbmcinerney@gmail.com>, Andrew Gregg <andrewgregg@mac.com>, "ggee@garygee.com" <ggee@garygee.com>, "jwardpainting@yahoo.com" <jwardpainting@yahoo.com>  
**Subject:** RE: 49 Julian

Hi Tony,

Thanks for the mail.

I believe we have settled on a price of \$XX via e-mail this past weekend. If so, I would like to move forward ASAP with escrow, in order to avoid any additional work having to be done for the HPC and Planning Commission hearings.

It's a cash offer, without the need for any appraisal or inspections, so we should be able to move through a title company very easily. (I have CC'd John Ward as I think Tom may be out of town.)

Thanks again  
Peter



1850 Mission Street • San Francisco, California 94103-3599 • www.arribajuntos.org  
 Telephone (415) 487-3240 • Fax (415) 863-9314 • E-Mail info@arribajuntos.org

## MEMORANDUM

August 17, 2011

**TO:** Tony Kim, Owner's Representative  
**FR:** Dalila Ahumada *DA*  
**RE:** Disclosure to Prospective Condo Buyers

Thank you for providing the geotechnical report and architectural plans for the proposed development of eight condo units at 49 Julian St.

Arriba Juntos is a multi-purpose social service agency that serves a diverse population of San Franciscans seven days a week. Our building and parking area that abuts 49 Julian are used during the day, evenings and weekends throughout the year. We are concerned that these activities <sup>may</sup> cause future condo owners to object to their operation and thereby interrupt or curtail the provision of services to our clients. Therefore, we are requesting your sale documents disclose that Arriba Juntos will conduct the following activities on the property immediately adjacent to their homes. Full and complete knowledge, we hope, will preclude future complaints.

1. Food Distribution – Every Thursday throughout the year Arriba Juntos operates a food distribution program in the parking area. Trucks that deliver commodities arrive on site at 5:00 AM and distribution to individuals and households commences at 6:00 AM and continues until mid-afternoon or later.
2. Job Fairs – From three to five times a year job fairs are conducted in the parking area. These events attract many employers and job seekers and the activities generate significant noise.
3. Flea Markets – Every Saturday and Sunday, weather permitting, a flea market is conducted in the parking area. Sellers begin setting up as early as 5:00 AM and the market closes around 6:00 PM. Live and recorded music is heard throughout the day.
4. Yoga and Tai Bo – Every Friday from 4-6:00 PM yoga and tai bo classes are conducted in the open area at the rear of our building. Music is played during these activities.
5. Valet Parking – From 5:00 PM until 2:00 AM our parking area is used by three local restaurants for valet parking.
6. After School Activities – Throughout the year the area at the rear of our building is used for recreational activities for school-aged children. These continue until darkness falls. Active youngsters produce a lot of noise.

7. Special Events – Arriba Juntos uses the parking area for special events such as the Christmas Toy Giveaway and Refugee Recognition Day. These events are well attended by the public and sound amplification is frequently used.

As you can see, we make maximum use of our outdoor space to serve the needs of our clients and we do not want your proposed development to restrict our current or future operations.

Thank you for your willingness to hear and understand our concerns.



# FRIENDSHIP HOUSE

FRIENDSHIP HOUSE ASSOCIATION OF AMERICAN INDIANS, INC. OF SAN FRANCISCO

Substance Abuse Treatment, Prevention, Recovery Services and Youth Program for the American Indian Community

**BOARD OF DIRECTORS**

**RON ROWELL, MPH**

*President*  
Choctaw / Kaskaskia

**EMILY CHAVEZ, ED.D.**

*Apache*

**ABBY ABINANTI**

*Chief Judge, Yurok Tribal Court*  
*Commissioner, San Francisco*  
*Superior Court-Juvenile Division*  
Yurok

**PHILIP DUARTE**

*Mexican*

**EDUARDO MADRIL**

*Pascua/Yaqui*

**LUCIA TALLCHIEF MELE**

*Seneca*

**ROBERT BAILEY**

*Choctaw*

**KURT SCHWEIGMAN, MPH**

*Lakota*

**EMERITUS**

**PETERSON ZAH**

*Former President, Navajo Nation*  
Navajo

**ADMINISTRATION**

**HELEN DEVORE WAUKAZOO**

*Chief Executive Officer*  
Navajo

**ORLANDO NAKAI**

*Assistant Director*  
Navajo

**WAYNE GRIGSBY, CADCA**

*Clinical Director*  
Chuckchansi/Yokut

October 24, 2011

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

RE: 49 Julian Avenue

Dear President Olague and Commissioners:

I am writing on behalf of Friendship House Association of American Indians, Inc. of San Francisco (Friendship House), in regards to the development project at 49 Julian Avenue. On August 22, 2011 I submitted to the Commission a letter of support for this project. Upon further consideration and review of the 'pipeline' project, I have decided to retract my previous letter.

Please disregard the previous statements and refrain from using my previous letter in future hearings or meetings regarding this project. I thank you in advance for your attention to this matter.

Respectfully,

Helen Waukazoo  
Chief Executive Officer

# FRIENDSHIP HOUSE

FRIENDSHIP HOUSE ASSOCIATION OF AMERICAN INDIANS, INC. OF SAN FRANCISCO

Substance Abuse Treatment, Prevention, Recovery Services and Youth Program for the American Indian Community

## BOARD OF DIRECTORS

RON ROWELL, MPH

*President*

Choctaw / Kaskaskia

EMILY CHAVEZ, ED.D.

*Apache*

ABBY ABINANTI

*Chief Judge, Yurok Tribal Court*

*Commissioner, San Francisco*

*Superior Court-Juvenile Division*

*Yurok*

PHILIP DUARTE

*Mexican*

EDUARDO MADRIL

*Pascua/Yaqui*

LUCIA TALLCHIEF MELE

*Seneca*

ROBERT BAILEY

*Choctaw*

KURT SCHWEIGMAN, MPH

*Lakota*

EMERITUS

PETERSON ZAH

*Former President, Navajo Nation*

*Navajo*

ADMINISTRATION

HELEN DEVORE WAUKAZOO

*Chief Executive Officer*

*Navajo*

ORLANDO NAKAI

*Assistant Director*

*Navajo*

WAYNE GRIGSBY, CADCA

*Clinical Director*

*Chuckchansi/Yokut*

August 22, 2011

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

**RE: 49 Julian Avenue – Case No. 2005.0233ECK**

Dear President Olague and Commissioners:

I am happy to inform you that the project sponsor and their representative met with us to inform us of their “pipeline” project at 49 Julian Avenue.

I understand that the project sponsor has been patiently waiting for over five years and seek your consideration on September 8, 2011. The project sponsor provided drawings and a color rendering of the proposed eight-unit residential building with eight off-street parking spaces that would be constructed directly across the street from our facility.

I plan to send a Friendship House representative to attending the Planning Commission hearing on September 8, 2011 to support the project and please accept this letter for the public record.

Respectfully Submitted,



Helen Waukazoo, CEO  
The Friendship House Association of American Indians, Inc  
56 Julian Ave  
San Francisco, CA 94103  
415-865-0964  
[www.friendshiphousesf.org](http://www.friendshiphousesf.org)



**SELLER'S SUPPLEMENTAL DISCLOSURES**  
(California Civil Code §1102, et seq)

Seller makes the following supplemental disclosures:

1. Arriba Juntos, a Mission District non-profit, operates a multi-purpose social service agency at 1850 Mission St., San Francisco, CA. Its building and parking area, which abut the Property, are used for community activities throughout the year. Arriba Juntos has informed Seller that Arriba Juntos currently conducts and/or plans to conduct the following activities on the property immediately adjacent to the proposed development:
  - a. **Food Distribution** – Every Thursday throughout the year, Arriba Juntos operates a food distribution program in the parking area. Trucks that deliver commodities arrive on site at 5:00 AM. Distribution to individuals and households commences at 6:00 AM and continues until mid-afternoon or later.
  - b. **Job Fairs** – Three to five times per year, job fairs are conducted in the parking area. These fairs attract many employers and job seekers and generate significant noise.
  - c. **Flea Markets** – Every Saturday and Sunday, weather permitting, a flea market is conducted in the parking area. Merchants begin setting up as early as 5:00 AM and the market closes around 6:00PM. Live and recorded music are played throughout the day.
  - d. **Yoga and Tae Bo** – Every Friday from 4-6:00 PM, yoga and Tae Bo classes are conducted in the open area at the rear of the building. Music is played during these activities.
  - e. **Valet Parking** – Every day from 5:00 PM – 2:00 AM, the parking area is used by three local restaurants for valet parking.
  - f. **After School Activities** – Throughout the year, the area at the rear of the building is used for recreational activities for school-aged children. These activities go from the end of the school day until nightfall. The children produce a lot of noise.
  - g. **Special Events** – Arriba Juntos uses the parking area for various other special events such as the Christmas Toy Giveaway and Refugee Recognition Day. These events are well attended by the public and sound amplification is frequently used.

It is possible that the frequency or nature of Arriba Juntos' activities and uses change in the future.

2. An adult film studio and large event center are operated at The Armory on the corner of 14<sup>th</sup> and Mission Street. Seller is informed that The Armory is owned by Armory Studios, LLC, which leases space in the Armory to (i) Cybernet Entertainment, LLC, a company that makes adult films, and (ii) The Armory Community Center, LLC, an events company. Seller is informed that the

following activities are currently conducted and/or planned to be conducted at The Armory:

- a. **Adult Film Production** – Cybernet Entertainment produces adult films in The Armory for Kink.com. There are plans to rent out studio space to other companies for film production of all kinds.
- b. **Large Events** – There are plans to remodel the Drill Court, a large enclosed space at the back of the Armory on 14<sup>th</sup> and Julian Avenue, to host large events such as concerts, sporting events, corporate events, and the like. These events would happen in the evening and could attract hundreds or thousands of people.
- c. **Community Center Activities** – The Armory Community Center plans to operate a community center for a wide range of purposes in the Drill Court. Community Center activities could attract hundreds or thousands of people.
- d. **Tours** – Cybernet Entertainment gives tours of The Armory Wednesday through Sunday to the public. The tours focus on the architectural history of The Armory as well as the adult film studio activities.

It is possible that the frequency or nature of the activities and uses at The Armory change in the future.

Peter Acworth  
San Francisco Armory  
CA 94103

415 856 0773

Nov 9th 2011

**Re: San Francisco Armory and 49 Julian Avenue.**

Dear Planning Commission,

Thank you for you referring this case to the Historic Preservation Commission for comment. I am writing to ask that you seriously consider the two requests of the HPC:

*1) That the sponsor disclose to any prospective buyer prior to purchase that the development is directly adjacent to the Drill Court's assembly space.*

*2) That the sponsor work with the Architectural Review Committee of the HPC to make refinements that would mitigate the loss of light to the Armory Drill Court.*

It is my understanding that the sponsors are amenable to both the above HPC requests.

I have asked my architect to show a shadow-model video during public comment at the hearing. This should help demonstrate why HPC feels that the loss of light to the Armory Drill Court's southern windows is an issue of concern.

Thank you again for your time.

Yours sincerely,

A handwritten signature in black ink, appearing to read "Peter Acworth". The signature is fluid and cursive, with a large initial "P" and a long horizontal stroke at the end.

Peter Acworth  
Owner, Armory Studios